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<sup>(1)</sup> Text with EEA relevance

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## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2015/2312

of 30 November 2015

**on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia and the Implementation Protocol thereto**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union and the Republic of Liberia have negotiated a Sustainable Fisheries Partnership Agreement (hereinafter referred to as 'the Agreement') and an Implementation Protocol thereto (hereinafter referred to as 'the Protocol'), granting Union vessels fishing opportunities in the waters over which the Republic of Liberia has sovereignty or jurisdiction.
- (2) Negotiations were successfully finalised and the Agreement and the Protocol were initialled on 5 June 2015.
- (3) Article 15 of the Agreement and Article 12 of the Protocol provide for the provisional application of the Agreement and the Protocol from the date of their signature.
- (4) The Agreement and the Protocol should be signed, and applied on a provisional basis, pending the completion of the procedures necessary for their conclusion,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing, on behalf of the Union, of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia and of the Implementation Protocol thereto is hereby authorised, subject to the conclusion of the said Agreement and Protocol.

The texts of the Agreement and the Protocol are attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement and the Protocol on behalf of the Union.

*Article 3*

The Agreement and the Protocol shall be applied on a provisional basis as from the date of their signature, pending the completion of the procedures necessary for their conclusion.

*Article 4*

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

Done at Brussels, 30 November 2015.

*For the Council*

*The President*

É. SCHNEIDER

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**SUSTAINABLE FISHERIES PARTNERSHIP AGREEMENT**  
**between the European Union and the Republic of Liberia**

THE EUROPEAN UNION, hereinafter referred to as 'the Union', and

THE REPUBLIC OF LIBERIA, hereinafter referred to as 'Liberia',

both hereinafter referred to as 'the Parties',

CONSIDERING the close working relationship between the Union and Liberia, particularly in the context of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 <sup>(1)</sup>, as revised in Luxembourg on 25 June 2005 <sup>(2)</sup> and in Ouagadougou, on 22 June 2010 <sup>(3)</sup> (hereinafter referred to as 'the Cotonou Agreement'), and their mutual desire to intensify that relationship,

HAVING REGARD TO the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and the Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 1995,

DETERMINED to apply the decisions and recommendations taken by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and other relevant regional fisheries management organisations (RFMOs) of which the Parties are members,

AWARE of the importance of the principles established by the Code of Conduct for Responsible Fisheries adopted at the Food and Agriculture Organisation (FAO) Conference in 1995,

DETERMINED to cooperate, in their mutual interest, in promoting the introduction of responsible fisheries to ensure the long-term conservation and sustainable exploitation of marine biological resources,

CONVINCED that such cooperation must take the form of initiatives and measures which, whether taken jointly or separately, are complementary and ensure consistent policies and synergy of effort,

INTENDING, to those ends, to commence a dialogue on the sectoral fisheries policy of the Government of Liberia and to identify the appropriate means of ensuring that this policy is effectively implemented and that economic operators and civil society are involved in the process,

DESIROUS of establishing terms and conditions governing the fishing activities of Union vessels in the Liberian fishing zone and Union support for developing sustainable fishing in that zone,

DESIROUS of establishing an agreement of mutual benefit to the Union and Liberia, including the development of Liberia's local content,

RESOLVED to promote closer economic cooperation in the fishing industry and related activities between both Parties,

HAVE AGREED AS FOLLOWS:

*Article 1*

**Definitions**

For the purposes of this Agreement:

- (a) 'Liberian authorities' means the Ministry of Agriculture of Liberia;
- (b) 'Union authorities' means the European Commission;

<sup>(1)</sup> OJ L 317, 15.12.2000, p. 3.

<sup>(2)</sup> Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 209, 11.8.2005, p. 27).

<sup>(3)</sup> Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005 (OJ L 287, 4.11.2010, p. 3).

- (c) 'fishing activity' means searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, processing on board, transferring, caging, fattening and landing of fish and fishery products;
- (d) 'fishing vessel' means any vessel equipped for commercial exploitation of marine biological resources;
- (e) 'support vessel' means any Union vessel providing assistance to fishing vessels;
- (f) 'Union vessel' means a fishing vessel flying the flag of a Member State of the Union and registered in the Union;
- (g) 'Liberian fishing zone' means the part of the waters under the sovereignty or jurisdiction of Liberia where Liberia authorises Union vessels to engage in fishing activities;
- (h) 'force majeure' means any sudden, unforeseeable and inevitable event which endangers or prevents the exercise of normal fishing activities in the Liberian fishing zone.

## Article 2

### Scope

This Agreement establishes the principles, rules and procedures governing:

- (a) the conditions under which Union vessels may engage in fishing activities in the Liberian fishing zone;
- (b) economic, financial, technical and scientific cooperation in the fisheries sector with a view to promoting sustainable fishing in the Liberian fishing zones and the development of the Liberian fisheries sector;
- (c) cooperation on the management, control and surveillance measures in the Liberian fishing zone with a view to ensuring that the above rules and conditions are complied with and that the measures for the conservation of fish stocks and management of fishing activities are effective, in particular the fight against illegal, unreported and unregulated fishing;
- (d) partnerships between operators aimed at developing economic activities in the fisheries sector and related activities, in the common interest.

## Article 3

### Principles

1. The Parties hereby undertake to promote responsible fishing in the Liberian fishing zone as provided for in FAO's Code of Conduct for Responsible Fishing, on the basis of the principle of non-discrimination.
2. The Liberian authorities undertake not to give more favourable conditions than those accorded under this Agreement to other foreign fleets operating in the Liberian fishing zone which have the same characteristics and target the same species as those covered by this Agreement and the Implementing Protocol thereto (hereinafter referred to as 'the Protocol'). Those conditions relate to the conservation, development and management of resources, financial arrangements, fees and rights relating to the issuing of fishing authorisations.
3. In the interest of mutual transparency, Liberia undertakes to render public any agreement authorising foreign fleets to fish in the waters under its jurisdiction.
4. The parties hereby undertake to implement this Agreement in accordance with Article 9 of the Cotonou Agreement concerning essential elements regarding human rights, democratic principles and the rule of law, and essential elements regarding good governance, following the procedure set out in Articles 8 and 96 thereof.
5. The Parties shall cooperate with a view to implementing a sectoral fisheries policy adopted by the Government of Liberia and to that end shall initiate a policy dialogue on the necessary reforms. They shall consult with a view to potentially adopting measures in this area.
6. The Parties hereby undertake to ensure that this Agreement is implemented in accordance with the principles of good economic and social governance, respecting the state of fish stocks.



7. The Declaration of the International Labour Organisation (ILO) on fundamental principles and rights at work shall be fully applicable to African, Caribbean and Pacific (hereinafter referred to as 'ACP') seamen signed on to Union vessels, in particular as regards the freedom of association and collective bargaining of workers and the elimination of discrimination in respect of employment and occupation.

8. The Parties shall consult one another prior to adopting any decision that may affect the activities of Union vessels under this Agreement.

#### *Article 4*

##### **Access to the Liberian fishing zone**

1. Union vessels may fish in the Liberian fishing zone only if they are in possession of a fishing authorisation issued under this Agreement. Any commercial fishing activity outside the framework of this Agreement shall be prohibited.

2. The Liberian authorities shall not deliver authorisations to fish to Union vessels other than under this Agreement. The issuing of any fishing authorisations to Union vessels outside the framework of this Agreement, in particular in the form of private licences, shall be prohibited.

#### *Article 5*

##### **Applicable law and implementation**

1. The activities of Union vessels operating in the Liberian fishing zone shall be subject to the applicable laws and regulations of Liberia, unless otherwise provided in the Agreement, the Protocol or the Annex. Liberia shall provide the Union authorities with its applicable laws and regulations.

2. Liberia undertakes to take all the appropriate steps required for the effective application of the fisheries monitoring, control and surveillance provisions in this Agreement. Union vessels shall cooperate with the Liberian authorities responsible for carrying out such monitoring, control and surveillance.

3. The Liberian authorities shall notify to the Union authorities any changes to existing legislation or new legislation with a potential impact on the activities of Union vessels. Such legislation shall be enforceable with respect to Union vessels from the sixtieth day following that on which the notification is received by the Union authorities.

4. The Union undertakes to take all the appropriate steps required to ensure that its vessels comply with this Agreement and the legislation governing fisheries in the waters under the sovereignty or jurisdiction of Liberia.

5. The Union authorities shall notify to the Liberian authorities any changes to Union legislation with a potential impact on the activities of Union vessels under this Agreement.

#### *Article 6*

##### **Financial contribution**

1. The Union shall grant Liberia a financial contribution under this Agreement in order to:

- (a) support part of the access costs of Union vessels to the Liberian fishing zone and fisheries resources, without prejudice to the access costs borne by the shipowners;
- (b) reinforce Liberia's capacity to develop a sustainable fisheries policy through sectoral support.

2. The financial contribution for sectoral support shall be dissociated from the payments regarding access costs and shall be determined and conditioned by the achievements of the objectives of Liberia's sectoral support in accordance with the Protocol and the annual and multiannual programmes for its implementation.

3. The financial contribution granted by the Union shall be paid each year in accordance with the Protocol.

- (a) The amount of the contribution referred to in point (a) of paragraph 1 of this Article may be revised by the application of Article 8 of this Agreement in respect of:
  - (i) a reduction in the fishing opportunities granted to Union vessels for the purposes of managing the stocks concerned, where this is considered necessary for the conservation and sustainable exploitation of resources on the basis of the best available scientific advice;

- (ii) an increase in the fishing opportunities granted to Union vessels, where the best available scientific advice concurs that the state of resources so permits;
- (b) The amount of the contribution referred to in point (b) of paragraph 1 may be revised as a result of a reassessment of the terms of the financial contribution for implementing a sectoral fisheries policy in Liberia, where this is warranted by the specific results of the annual and multiannual programmes observed by both Parties;
- (c) The contribution may be suspended as a result of:
  - (i) the application of Article 13 of this Agreement;
  - (ii) the application of Article 14 of this Agreement.

#### *Article 7*

### **Promoting cooperation among economic operators and civil society**

1. The Parties shall encourage economic, scientific and technical cooperation in the fisheries sector and related sectors. They shall consult one another with a view to coordinating the different measures that might be taken to this end.
2. The Parties undertake to promote the exchange of information on fishing techniques, gear, preservation methods and the industrial processing of fisheries products.
3. The Parties shall endeavour, when appropriate, to create conditions favourable to the promotion of relations between their enterprises in the technical, economic and commercial spheres, by encouraging the establishment of an environment favourable to the development of business and investment.
4. The parties may undertake to implement a plan of actions between Liberia and Union vessels operators aimed at promoting fish landing from Union vessels operating in Liberia.
5. The Parties shall encourage, when appropriate, the setting-up of joint enterprises in their mutual interest which shall systematically comply with Liberian and the Union legislation.

#### *Article 8*

### **Joint Committee**

1. A Joint Committee composed of representatives of the Union and the Liberian authorities shall be set up to monitor the application of this Agreement. The Joint Committee may adopt modifications to the Protocol, as well as the Annex thereto and its Appendices.
2. The Joint Committee's functions shall consist in particular of:
  - (a) monitoring the performance, interpretation and application of this Agreement and, in particular, the definition of the annual and multiannual programmes referred to in Article 6(2) and evaluation of their implementation;
  - (b) providing the necessary liaison for matters of mutual interest relating to fisheries, in particular statistical analysis of data on catches;
  - (c) acting as a forum for the amicable settlement of any disputes regarding the interpretation or application of this Agreement.
3. The decision-making function of the Joint Committee shall consist of approving modifications of the Protocol as well as the Annex thereto and its Appendices regarding:
  - (a) the review of fishing opportunities and, consequently, of the relevant financial contribution;
  - (b) the sectoral support procedures;
  - (c) the technical conditions and modalities under which Union vessels carry out their fishing activities.
4. The Joint Committee shall exercise its functions in accordance with the objectives of this Agreement and with the relevant rules adopted by ICCAT and other RFMOs, where relevant.

5. The Joint Committee shall meet at least once a year, alternately in Liberia and in the Union, or as otherwise agreed by common accord, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either Party. Decisions shall be taken by consensus and shall be attached to the agreed minutes of the meeting. They shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for their adoption.

6. The Joint Committee may adopt its own rules of procedure.

#### *Article 9*

### **Cooperation in the area of surveillance and combating illegal, unreported and unregulated fishing**

The Parties undertake to fight in close collaboration against illegal, unreported and unregulated (IUU) fishing with a view to the implementation of responsible and sustainable fishing.

#### *Article 10*

### **Scientific cooperation**

1. The Parties shall encourage scientific cooperation to regularly assess the status of fish stocks in Liberia's waters.
2. The Parties undertake to consult one another, if necessary, in a joint scientific meeting and in ICCAT and other relevant RFMOs to reinforce the management and conservation of marine biological resources in the Liberian fishing zone and to cooperate in the relevant scientific research.

#### *Article 11*

### **Geographical area to which this Agreement applies**

This Agreement shall apply, on the one hand, to the territories in which the Treaty on the Functioning of the European Union is applied and under the conditions laid down in that Treaty, and, on the other, to the territory of Liberia and to the waters under the jurisdiction of Liberia.

#### *Article 12*

### **Duration and tacit renewal**

This Agreement shall apply for five years from the date of the start of its provisional application. It shall be tacitly renewed, unless notice of termination is given in accordance with Article 14.

The Protocol, the Annex thereto and its Appendices shall form an integral part of this Agreement.

#### *Article 13*

### **Suspension**

1. The application of this Agreement may be suspended on the initiative of either of the Parties in the event of:
  - (a) force majeure;
  - (b) a dispute between the Parties over the interpretation of this Agreement or its implementation arises; or
  - (c) failure by either of the Parties to comply with the provisions of this Agreement, in particular Article 3(4) on the respect of human rights.

2. Suspension of the application of this Agreement shall be notified in writing by the interested Party to the other Party and shall take effect three months after receipt of the notification. The Parties shall consult each other from the moment of notification of suspension with a view to finding an amicable settlement to their dispute within three months. Where such settlement is reached, implementation of this Agreement shall resume and the amount of the financial contribution referred to in Article 6 shall be reduced proportionately and *pro rata temporis* according to the duration of the suspension.

#### Article 14

##### **Termination**

1. This Agreement may be terminated by either of the Parties notably in the event of:
  - (a) force majeure;
  - (b) a degradation of the stocks concerned on the basis of best available independent and reliable scientific advice;
  - (c) a reduced level of exploitation of the fishing opportunities granted to Union vessels;
  - (d) failure to comply with undertakings made by the Parties with regard to combating IUU fishing.
2. Termination of this Agreement shall be notified in writing by the interested Party to the other Party and shall take effect six months after receipt of notification, except if the Parties decide by common accord to extend this period. The Parties shall consult each other from the moment of notification of termination with a view to finding an amicable settlement to their dispute within the six month period.
3. In the event of termination, payment of the amount of the financial contribution referred to in Article 6 for the year in which the termination takes effect shall be reduced proportionately and *pro rata temporis*.

#### Article 15

##### **Provisional application**

Signature of this Agreement by the Parties entails its provisional application prior to its entry into force.

#### Article 16

##### **Language and entry into force**

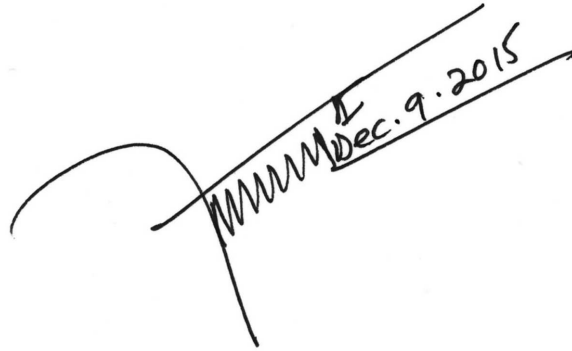
This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

It shall enter into force when the Parties have notified each other of the completion of the necessary procedures.

Съставено в Брюксел на девети декември две хиляди и петнадесета година.  
 Hecho en Bruselas, el nueve de diciembre de dos mil quince.  
 V Bruselu dne devátého prosince dva tisíce patnáct.  
 Udfærdiget i Bruxelles den niende december to tusind og femten.  
 Geschehen zu Brüssel am neunten Dezember zweitausendfünfzehn.  
 Kahe tuhande viieteistkümnenda aasta detsembrikuu üheksandal päeval Brüsselis.  
 Έγινε στις Βρυξέλλες, στις εννέα Δεκεμβρίου δύο χιλιάδες δεκαπέντε.  
 Done at Brussels on the ninth day of December in the year two thousand and fifteen.  
 Fait à Bruxelles, le neuf décembre deux mille quinze.  
 Sastavljeno u Bruxellesu devetog prosinca dvije tisuće petnaeste.  
 Fatto a Bruxelles, addì nove dicembre duemilaquindici.  
 Briselē, divi tūkstoši piecpadsmitā gada devītajā decembrī.  
 Priimta du tūkstančiai penkioliktą metų gruodžio devintą dieną Briuselyje.  
 Kelt Brüsszelben, a kétézer-tizenötödik év december havának kilencedik napján.  
 Magħmul fi Brussell, fid-disa' jum ta' Diċembru fis-sena elfejn u ħmistax.  
 Gedaan te Brussel, de negende december tweeduizend vijftien.  
 Sporządzono w Brukseli dnia dziewiątego grudnia roku dwa tysiące piętnastego.  
 Feito em Bruxelas, em nove de dezembro de dois mil e quinze.  
 Întocmit la Bruxelles la nouă decembrie două mii cincisprezece.  
 V Bruseli deviateho decembra dvetisícpatnásť.  
 V Bruslju, dne devetega decembra leta dva tisoč petnajst.  
 Tehty Brysselissä yhdeksäntenä päivänä joulukuuta vuonna kaksituhattaviisitoista.  
 Som skedde i Bryssel den nionde december år tjugohundrafemton.

Za Европейския съюз  
 Por la Unión Europea  
 Za Evropskou unii  
 For Den Europæiske Union  
 Für die Europäische Union  
 Euroopa Liidu nimel  
 Για την Ευρωπαϊκή Ένωση  
 For the European Union  
 Pour l'Union européenne  
 Za Europejską uniję  
 Per l'Unione europea  
 Eiropas Savienības vārdā –  
 Europos Sąjungos vardu  
 Az Európai Unió részéről  
 Ghall-Unjoni Ewropea  
 Voor de Europese Unie  
 W imieniu Unii Europejskiej  
 Pela União Europeia  
 Pentru Uniunea Europeană  
 Za Európsku úniu  
 Za Evropsko unijo  
 Euroopan unionin puolesta  
 För Europeiska unionen

За Република Либерия  
Por la República de Liberia  
Za Liberijskou republiku  
For Republikken Liberia  
Für die Republik Liberia  
Libeeria Vabariigi nimel  
Για τη Δημοκρατία της Λιβερίας  
For the Republic of Liberia  
Pour la République du Libéria  
Za Republiku Liberiju  
Per la Repubblica di Liberia  
Libērijas Republikas vārdā –  
Liberijos Respublikos vardu  
A Libériai Köztársaság részéről  
Għar-Repubblika tal-Liberja  
Voor de Republiek Liberia  
W imieniu Republiki Liberii  
Pela República da Libéria  
Pentru Republica Liberia  
Za Libérijskú republiku  
Za Republiko Liberijo  
Liberian tasavallan puolesta  
För Republiken Liberia



A handwritten signature, consisting of a large, stylized 'Z' or 'J' shape, is written over a diagonal line. To the right of the signature, the date 'Dec. 9. 2015' is written in a cursive script.

**PROTOCOL**  
**on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia**

*Article 1*

**Scope**

1. The fishing opportunities granted to Union vessels under Article 4 of the Agreement shall be as follows:  
Highly migratory species (species listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea).
2. The types of Union vessels covered under this Protocol are:
  - (a) 28 tuna purse seine vessels and
  - (b) 6 surface long-liners
3. Paragraph 1 of this Article shall apply subject to Articles 6 and 7 of this Protocol.
4. In accordance with Article 4 of the Agreement, Union vessels may engage in fishing activities in the Liberian fishing zone only if they are in possession of a fishing authorisation issued under this Protocol in accordance with the Annex thereto.

*Article 2*

**Duration**

This Protocol and the Annex thereto shall apply for a period of five years from the date of provisional application.

*Article 3*

**Financial contribution**

1. For the period referred to in Article 2, the financial contribution referred to in Article 6 of the Agreement shall be EUR 3 250 000.
2. This financial contribution shall comprise:
  - (a) an annual amount for access to the fisheries resources in the Liberian fishing zone of EUR 357 500 for the first year, of EUR 325 000 for the second, third and fourth years and of EUR 292 500 for the fifth year, equivalent to a reference tonnage 6 500 tonnes per year; and
  - (b) a specific annual amount for the support of the implementation of Liberia's sectoral fisheries policy of EUR 357 500 for the first year, of EUR 325 000 in the second, third and fourth years, and of EUR 292 500 for the fifth year.
3. Paragraph 1 shall apply subject to Articles 4, 5, 6, 7 and 8 of this Protocol and Articles 13 and 14 of the Agreement.
4. If the annual level of catches from Union vessels in the Liberian fishing zone exceeds the annual reference tonnage referred to in point (a) of paragraph 2, the total amount of the financial contribution shall be increased by EUR 55 for the first year, by EUR 50 for the second, third and fourth years and by EUR 45 for the fifth year for each additional tonne caught.
5. However, the total annual amount paid by the Union shall not be more than twice the amount indicated in point (a) of paragraph 2. Where the quantities caught by Union vessels exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid in the following year.
6. Payment of the financial contribution laid down in point (a) of paragraph 2 on access by Union vessels to Liberian fishery resources shall be made by the Union no later than three months after the start of the provisional application for the first year and, for the following years, no later than the anniversary date of the provisional application of this Protocol.

7. The Liberian authorities shall have full discretion regarding the use to which the financial contribution referred to in point (a) of paragraph 2 is put.

8. The financial contribution referred to in paragraph 2 shall be paid into a Public Treasury account opened with the Central Bank of Liberia. The financial contribution referred to in point (b) of paragraph 2 shall be made available to the Ministry of Agriculture of Liberia. The bank account details shall be provided annually by the Liberian authorities to the Union authorities.

#### *Article 4*

#### **Sectoral support**

1. No later than three months after the date of entry into force or the provisional application of this Protocol, the Joint Committee established under Article 8 of the Agreement shall agree on a multiannual sectoral programme and detailed implementing rules covering, in particular:

- (a) annual and multiannual guidelines for using the specific amount of the financial contribution referred to in point (b) of Article 3(2);
- (b) the objectives, both annual and multiannual, to be achieved, over time, with a view to developing responsible and sustainable fishing activities taking into account the priorities expressed by Liberia in its national policies relating to or having an impact on the promotion of responsible and sustainable fishing, in particular regarding support to artisanal fishing, monitoring, control and surveillance and the fight against IUU fishing as well as regarding priorities for the strengthening of the scientific capacities of Liberia in the fisheries sector;
- (c) criteria and procedures including, where appropriate, budgetary and financial indicators for evaluating the results obtained each year.

2. The use of the specific amount of the financial contribution referred to in point (b) of Article 3(2) shall be based on the identification by the Joint Committee of the objectives to be achieved and the annual and multiannual programmes to attain them.

3. Any proposed amendments to the multiannual sectoral programme shall be agreed on by the Joint Committee. Urgent changes to the annual sectoral programme required by Liberian authorities may be done through the Joint Committee, including through exchange of letters.

4. Each year, Liberia shall present a progress report on the actions implemented and the results achieved with sectoral support, which shall be examined by the Joint Committee. Liberia shall also produce a final report before expiry of the present Protocol.

5. The specific amount of the financial contribution referred to in point (b) of Article 3(2) shall be paid in instalments. For the first year of this Protocol, the instalment shall be paid on the basis of the needs identified as part of the agreed programmes. For the subsequent years of application, the instalments shall be paid on the basis of the needs identified as part of the agreed programmes and on the basis of an analysis of the results achieved in the implementation of the sectoral support.

6. The Union reserves the right to revise and/or suspend, in part or in full, payment of the specific financial contribution provided for in point (b) of Article 3(2):

- (a) If the results obtained are inconsistent with the programmes, following an evaluation by the Joint Committee;
- (b) In the event of failure to implement this financial contribution as determined by the Joint Committee.

7. Payment of the financial contribution shall resume after consultation between the parties and agreement by the Joint Committee when it is justified on the basis of the results of the implementation of the agreed programmes referred to in paragraph 1. Nevertheless, the specific financial contribution provided for in point (b) of Article 3(2) may not be paid out beyond a period of six months after this Protocol expires.

8. Each year, Liberia may allocate an amount over and above the financial contribution referred to in point (b) of Article 3(2) with a view to implementing the multiannual programme. This allocation shall be notified to the Union no later than two months after the anniversary date of this Protocol.

9. The Parties undertake to ensure the visibility of the measures implemented with sectoral support.



*Article 5***Scientific cooperation on responsible fishing**

1. The Parties hereby undertake to promote responsible fishing in the Liberian fishing zone based on the principle of non-discrimination between the different fleets which have the same characteristics and target the same species as those covered by this Protocol.
2. Over the period covered by this Protocol, the Parties undertake to cooperate in monitoring the state of fisheries resources in the Liberian fishing zone in order to inform sustainable fishery management.
3. The Parties shall comply with the recommendations and resolutions of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and take into account the scientific advice of other relevant regional organisations.
4. The Parties undertake to hold, as needed, joint scientific meetings with a view to examine any scientific matter regarding the implementation of this Protocol. The terms of reference of such joint scientific meetings may be established by the Joint Committee.
5. Based on the recommendations and resolutions taken within ICCAT and the best available scientific advice and, where appropriate, the conclusions of the joint scientific meeting, the Joint Committee may adopt a decision on measures to ensure sustainable management of the fisheries resources covered by this Protocol as far as the activities of Union vessels are concerned.

*Article 6***Review of fishing opportunities and technical measures by mutual agreement**

1. The Joint Committee may reassess and decide to review the fishing opportunities referred to in Article 1 insofar as the recommendations and resolutions adopted within the ICCAT confirm that such a review will secure the sustainable management of the fisheries resources covered by this Protocol. In this case, the financial contribution referred to in point (a) of Article 3(2) shall be adjusted proportionately and *pro rata temporis* by decision of the Joint Committee. However, the total annual amount paid by the Union shall not be more than twice the figure indicated in point (a) of Article 3(2).
2. The Joint Committee may also, as necessary, examine and decide to adopt by mutual agreement technical provisions of this Protocol and the Annex thereto.

*Article 7***Experimental fisheries and new fishing opportunities**

1. At the request of one of the Parties, the Joint Committee may consider the possibility of experimental fishing campaigns in the Liberian fishing zone with a view to test the technical feasibility and economic viability of new fisheries not provided for in Article 1. To this end, the Joint Committee shall determine on a case by case basis the species, the conditions and any other relevant parameters.
2. Taking into account the best available scientific advice and on the basis of the results of the experimental campaigns, if the Union becomes interested in new fishing opportunities, the Joint Committee shall convene to discuss and prescribe the conditions applicable to such new fishing activities.
3. Following authorisation by Liberia for those new fishing activities, the Joint Committee shall make corresponding amendments to this Protocol and the Annex thereto.

*Article 8***Suspension**

1. The implementation of this Protocol, including payment of the financial contribution as referred to in points (a) and (b) of Article 3(2) of this Protocol, may be suspended on the initiative of either of the Parties in the cases and under the conditions referred to in Article 13 of the Agreement.

2. Without prejudice to Article 4 of this Protocol, payment of the financial contributions shall resume as soon as the situation existing prior to the events mentioned in Article 13 of the Agreement has been re-established.

#### *Article 9*

### **Termination**

This Protocol may be terminated on the initiative of either of the Parties in the cases and under the conditions referred to in Article 14 of the Agreement.

#### *Article 10*

### **Electronic exchanges of data**

1. Liberia and the Union undertake to implement the necessary systems for the electronic exchange of all information and documents related to the implementation of the Agreement and this Protocol.
2. The electronic form of a document at any point shall be considered equivalent to the paper version.
3. In the event of any disruption to a computer system that impedes such exchanges, the Party affected shall immediately notify the other Party. In those circumstances, the information and documents related to the implementation of the Agreement and this Protocol shall be replaced automatically by their paper version in the manner defined in the Annex.

#### *Article 11*

### **Confidentiality**

1. Liberia and the Union undertake to ensure that all commercially sensitive data related to the Union vessels and their fishing activities obtained in the framework of the Agreement and this Protocol shall be treated at all times in conformity with their respective confidentiality and data protection principles.
2. The Parties shall ensure that only aggregated data for fishing activities of the EU fleet in the Liberian fishing zone shall be made public, in conformity with the corresponding provisions of the ICCAT and other regional fisheries management organisations (RFMOs). Data which may be considered as otherwise confidential shall be used exclusively for the implementation of the Agreement and for the purposes of fisheries management, monitoring, control and surveillance.

#### *Article 12*

### **Provisional application**

Signature of this Protocol by the Parties entails its provisional application prior to its entry into force.

#### *Article 13*

### **Entry into force**

This Protocol shall enter into force when the Parties have notified each other of the completion of the necessary procedures.

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## ANNEX

**CONDITIONS GOVERNING FISHING ACTIVITIES BY UNION VESSELS IN THE LIBERIAN FISHING ZONE**

## CHAPTER I

**GENERAL PROVISIONS**

## Designation of competent authority

1. For the purposes of this Annex and unless otherwise specified, any reference to the European Union (hereinafter referred to as 'the Union') or to Liberia as a competent authority shall mean:
  - for the Union: the European Commission, where applicable via the Delegation of the European Union to Liberia (hereinafter referred to as 'EU Delegation');
  - for Liberia: the Ministry of Agriculture (hereinafter referred to as 'MOA').

## Liberian fishing zone

2. The geographic coordinates of the Liberian fishing zone as defined in point (g) of Article 1 of the Agreement and the baselines are described in Appendix 5 to this Annex.
3. Zones closed to fishing, in line with the national legislation in force, such as national parks, marine protected areas and fish breeding grounds, as well as areas closed to shipping are described in Appendix 5 to this Annex.
4. Liberia shall notify the vessel-owners of the coordinates of those zones when the fishing authorisation is issued.
5. Liberia shall notify the Union, at least two months before enforcement, of any changes to the zones closed to shipping and fishing.

## Payments by vessel owners

6. Before the provisional application of the Protocol, Liberia shall notify the Union of the details of the Government bank account(s) into which the financial sums payable by Union vessels under the Agreement must be paid. The associated bank transfer costs shall be borne by the vessel owners.

## Contacts

7. The contact details of the Liberian authorities are included in Appendix 7 to this Annex.

## CHAPTER II

**FISHING AUTHORISATIONS**

## SECTION 1

***Application and issuing of fishing authorisations***

## Conditions for obtaining a fishing authorisation

1. Only eligible vessels may obtain an authorisation to fish in the Liberian fishing zone.
2. For a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in Liberia. They must be in order vis-à-vis the Liberian authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in Liberia under fisheries agreements concluded with the Union. Vessels must also be included in the EU register of fishing vessels, in the ICCAT record of vessels, and not on the IUU listing of ICCAT or any other RFMOs.

#### Application for a fishing authorisation

3. The Union shall submit, by electronic means, to Liberia, with a copy to the EU Delegation to Liberia, an application for any vessel wishing to fish under the Agreement at least 15 calendar days before the date of commencement of the period of validity requested. The originals are to be sent directly by the Union to Liberia with a copy to the EU Delegation to Liberia.
4. Applications shall be submitted on a form drawn up in accordance with the specimen in Appendix 1 to this Annex and shall be accompanied by the following documents:
  - (i) proof of payment of the advance fee for the period of validity of the requested fishing authorisation, which is non-refundable;
  - (ii) for each initial application under the Protocol, or following a technical change of the vessel concerned, a recent (12 months or less) digital colour photograph of the vessel of adequate resolution (at least 15 × 10 cm in size), showing a detailed lateral view of the vessel including the vessel's name and identification number visible on the hull;
  - (iii) seaworthiness certificate of the vessel;
  - (iv) vessel registration certificate;
  - (v) certificate of tonnage;
  - (vi) certificate of insurance;
  - (vii) an illustration and detailed description of the fishing gears used.
5. The information provided in the application form referred to in point 4 will be used by the competent Liberian authorities to process and issue the Liberia Maritime Authority certificate of number within the period referred to in point 3. The Liberia Maritime Authority certificate of number should be issued before the issuing of the fishing authorisation by the Liberian competent authorities.
6. As part of their first application for a fishing authorisation under the Protocol, all Union vessels shall undergo a pre-authorisation inspection. The issuing of the first fishing authorisation shall be conditional on the successful completion of this inspection, which shall be carried out in designated ports in the sub-region agreed between the Union and Liberia, subject to authorisation by the Port State concerned. Any inspections taking place outside of the Port of Monrovia shall be done with all associated costs to be borne by the vessel-owner.
7. For the renewal of a fishing authorisation under the Protocol in force for a vessel whose technical specifications have not been modified, the renewal application shall be accompanied only by proof of payment of the fees which are non-refundable. In the event where the technical specifications have been modified, the application shall be re-submitted with all relevant documents as specified in point 4 and the issuing of the fishing authorisation shall be subject to the successful completion of a new pre-authorisation inspection.
8. In the event that Liberia has not obtained authorisation from the Port State concerned to carry out the inspection, the vessel-owner shall be automatically absolved of the obligation to undergo the pre-authorisation inspections referred to in points 6 and 7.

#### Issuing of the fishing authorisation

9. Liberia shall issue the fishing authorisations to vessel owners or inform the Union of its refusal within 15 calendar days of receipt of all the documents referred to in point 4. The original of the fishing authorisation shall be sent to the vessel owners or their agents via the Union. If the Union offices are closed, Liberia may send the fishing authorisation directly to the vessel owner or his agent with a copy to the Union.
10. At the same time, in order not to delay the possibility of fishing, a copy of the fishing authorisation shall be transmitted electronically to the Union, for forwarding to the vessel owner, and to the EU Delegation for information. This copy may be used for a maximum period of 60 calendar days after the issuing date of the fishing authorisation. During this period, the copy shall be considered equivalent to the original.
11. The original of the fishing authorisation shall be held on board at all times, without prejudice to the provisions of point 10.

#### List of vessels authorised to fish

12. After the fishing authorisation is issued, Liberia shall include immediately the Union vessel in the list of vessels which are authorised to fish in the Liberian fishing zone. This list shall be sent immediately to the Monitoring Control and Surveillance Unit (MCSU), the National Fisheries Monitoring Center (NFMC) and MOA of Liberia and to the Union. Liberia shall update regularly the list of vessels authorised to fish. The new list shall be sent without delay to the MCSU, NFMC and MOA of Liberia, and to the Union.
13. In the event the fishing authorisation is not issued within the timeframe specified in point 9, the vessel shall be included in the list on a provisional basis, unless there is clear evidence that it does not comply with the requirements of point 2. During this time, the vessel shall be authorised to fish.

#### Transfer of fishing authorisation

14. Fishing authorisations shall be issued for a specific vessel and shall not be transferable.
15. However, at the request of the Union and where force majeure is proven, in particular in the event of the loss or prolonged immobilisation of a vessel due to a serious technical failure, a fishing authorisation shall be replaced by a new authorisation for another vessel of the same fishing category as the vessel being replaced, subject to the submission of a new fishing authorisation application as required under point 4 and the successful completion of a pre-authorisation inspection as required under point 6 but with no further fee due. In this case, the calculation of the catch levels to determine whether an additional payment should be made shall take account of the sum of the total catches of the two vessels.
16. The vessel owner or his agent shall return the cancelled fishing authorisation to Liberia via the EU Delegation to Liberia. The new fishing authorisation shall take effect on the day on which the cancelled authorisation is returned. The EU Delegation to Liberia shall be informed of the transfer of the fishing authorisation.
17. Liberia shall update the list of vessels authorised to fish and shall send it without delay to the MCSU, NFMC and MOA of Liberia, and to the Union.

#### Period of validity of the fishing authorisation

18. Fishing authorisations shall be valid for an annual period and be renewable.
19. In order to establish the start of the period of validity, 'annual period' shall mean:
  - (i) for the first year of application of the Protocol, the period between the date of its provisional application and 31 December of the same year;
  - (ii) then, each complete calendar year;
  - (iii) for the last year of application of the Protocol, the period between 1 January and the date of expiry of the Protocol.

For the first and last years of application of the Protocol, the advance fee referred to in Section 2 shall be calculated *pro rata temporis*.

#### Documents to be carried onboard

20. While the fishing vessel is in the Liberian fishing zone or in an agreed designated port in the sub-region, the following documents must be carried on board the vessel at all times:
  - (i) the fishing authorization;
  - (ii) the vessel certificate of registry;
  - (iii) Liberia Maritime Authority certificate of number;
  - (iv) up-to-date certified drawings or descriptions of the layout of the fishing vessels and in particular, the number of fish holds of the fishing vessels, with the storage capacity expressed in cubic meters;

- (v) if any modification was made to the characteristics of the fishing vessel with respect to its length overall, its gross registered tonnage, the horsepower of its main engine or engines or its hold capacity, a certificate, certified by a competent authority of the flag state of the fishing vessel, describing the nature of such modification;
- (vi) if the fishing vessel is equipped with chilled or refrigerated sea-water tanks, a document certified by a competent authority of the flag state of the vessel indicating the calibration of the tanks in cubic meters;
- (vii) a copy of the applicable Liberia fisheries legislation, to be provided by Liberia; and
- (viii) the documents referred to in point 4.

## SECTION 2

### ***Fishing authorisation conditions — fees and advance payments***

1. The fees to be paid by the shipowners shall be calculated on the basis of the following rate per tonne of fish caught in the Liberian fishing zone:
  - EUR 55 per tonne for the first year of application;
  - EUR 60 per tonne for the second and third years of application;
  - EUR 65 per tonne for the fourth year of application;
  - EUR 70 per tonne for the fifth year of application.
2. Fishing authorisations shall be issued once the following advance fees have been paid by the shipowners to the competent authorities of Liberia:
  - (a) for tuna seiners:
    - EUR 7 150 per vessel, equivalent to the fees due for 130 tonnes per year for the first year of application of the Protocol;
    - EUR 7 150 per vessel, equivalent to the fees due for 119,17 tonnes per year for the second and third years of application of the Protocol;
    - EUR 7 150 per vessel, equivalent to the fees due for 110 tonnes per year for the fourth year of application of the Protocol;
    - EUR 7 150 per vessel, equivalent to the fees due for 102,14 tonnes per year for the fifth year of application of the Protocol;
  - (b) for surface longliners:
    - EUR 2 200 per vessel, equivalent to the fees due for 40 tonnes per year for the first year of application of the Protocol;
    - EUR 2 200 per vessel, equivalent to the fees due for 36,67 tonnes per year for the second and third years of application of the Protocol;
    - EUR 2 200 per vessel, equivalent to the fees due for 33,85 tonnes per year for the fourth year of application of the Protocol;
    - EUR 2 200 per vessel, equivalent to the fees due for 31,43 tonnes per year for the fifth year of application of the Protocol.
3. The advance fee shall include all national and local charges except for port taxes and service charges.
4. Where the period of validity of the fishing authorisation is less than one year, the amount of the advance fee shall be adapted pro-rata temporis to the duration of the period of validity requested.

5. If the final statement of fees is higher than the advance fee paid by the vessel-owner for obtaining the fishing authorisation, the vessel-owner shall pay the balance to Liberia no later than 30 September of the year following which the catches were made. Where the final statement is less than the advance fee referred to in point 2, the balance shall not be recoverable by the shipowner.

#### SECTION 3

##### ***Support vessels***

1. Liberia shall authorise Union vessels which are holders of a fishing authorisation to be assisted by support vessels. The support vessels shall fly the flag of a Member State of the Union, and shall not be equipped for catching fish or be used for transshipments.
2. Liberia shall define its support activities and the conditions for obtaining authorisations and shall draw up a list of authorised support vessels and send it without delay to the national body for controlling fishing and to the Union.
3. The annual authorisation fee applicable to the support vessel is EUR 3 000 per vessel.

#### CHAPTER III

##### **CONSERVATION TECHNICAL MEASURES**

1. Conservation technical measures applicable to the vessels holding a fishing authorisation, relating to the fishing zone, fishing gear and additional catch, shall be defined for each fishing category in the technical sheets contained in Appendix 2 to this Annex.
2. The vessels shall comply with all the recommendations adopted by ICCAT and the provisions under the relevant Liberian legislation.
3. The use of drifting fish aggregating devices (FADs) in the Liberian fishing zone shall be limited to artificial supports with non-entangling underwater hanging structures. The deployment and use of such artificial drifting FADs shall be subject to the adoption by the Union of a management plan in line with the provisions adopted by ICCAT.
4. Union vessels shall conduct all fishing activities in a manner which will not disrupt traditional, local-based fisheries, and shall release all turtles, marine mammals, seabirds and reef fish in a manner which will provide this miscellaneous catch with the greatest chance of survival.
5. Union vessels, their masters and operators shall conduct all fishing operations in a manner, which will not disrupt the fishing activities of other fishing vessels and shall not interfere with the fishing gear of other fishing vessels.

#### CHAPTER IV

##### **CONTROL, MONITORING AND SURVEILLANCE**

#### SECTION 1

##### ***Catch reporting***

###### **Fishing logbook**

1. The master of an Union vessel fishing under the Agreement shall keep a fishing logbook, for which the model for each category of fishing is included in Appendix 3 to this Annex.
2. The fishing logbook shall be completed by the master for each day the vessel is present in the Liberian fishing zone.
3. Each day the master shall record in the fishing logbook the quantity of each species, identified by its FAO alpha 3 code, caught and kept on board, expressed in kilograms of live weight or, where necessary, the number of individual fish. For each main species, the master shall also include the bycatch.

4. Where applicable, the master shall also record each day in the fishing logbook:
  - (i) the quantities of each species discarded, expressed in kilograms of live weight or, where necessary, the number of individual fish;
  - (ii) the gear type used;
  - (iii) the noon position of the vessel and, where applicable, the set position of the fishing gear and soak time or the number of hooks and the sea surface temperature;
  - (iv) the total number of hauls per day, aggregate time for each haul and total number of days fished per fishing trip; and
  - (v) such other information as may be decided by the Joint Committee.
5. If no sets were made by a vessel for a particular day, or if a set is made and no fish are caught, the vessel master shall be required to record this information on the daily log sheet form. On days when no fishing operations are conducted, by midnight local time of that day, the vessel must record on the logbook the fact that no operations were conducted.
6. Time and date of entries in and departures from the Liberia fishing zone shall be recorded in the logbook immediately after entry in and departure from the Liberia fishing zone.
7. The fishing logbook shall be filled in legibly, in block capitals, and signed by the master.
8. The master shall be responsible for the accuracy of the data recorded in the fishing logbook.

#### Catch reporting

9. The master shall notify the vessel's catch by submitting its fishing logbooks for the period of its presence in the Liberian fishing zone to the Bureau of National Fisheries (BNF).
10. The fishing logbooks shall be transmitted in one of the following ways:
  - (i) when calling into a Liberian port, the original of each fishing logbook shall be submitted to the local representative of Liberia, who shall confirm receipt thereof in writing;
  - (ii) when leaving the Liberian fishing zone without first passing through a Liberian port, each fishing logbook shall be sent within a period of 14 calendar days after arrival in any other port, and in any case within a period of 30 calendar days after leaving the Liberian fishing zone.
    - (a) preferably by e-mail in the form of a scanned copy; or
    - (b) by fax; or
    - (c) the original by letter.
11. The Parties shall make every effort to establish a system for the electronic exchange of all the data, in view of accelerating its transmission.
12. As soon as it is possible for catch declarations to be sent by e-mail, the master shall send the fishing logbooks to Liberia at the e-mail address given by Liberia. Liberia shall confirm receipt thereof immediately by return e-mail.
13. The master shall send a copy of all the fishing logbooks to the EU Delegation to Liberia. For each vessel, the master shall also send a copy of all the fishing logbooks to the BNF and one of the following scientific institutes:
  - (i) IRD (Institut de recherche pour le développement);
  - (ii) IEO (Instituto Español de Oceanografía);
  - (iii) IPMA (Instituto Português do Mar e da Atmosfera).



14. The return of the vessel into the Liberian fishing zone within the period of validity of its fishing authorisation shall give rise to further catch reporting.
15. Where the provisions concerning catch reporting are not complied with, Liberia may suspend the fishing authorisation of the vessel concerned until the missing catch report is obtained and penalise the vessel owner in accordance with the relevant provisions under the national legislation in force. If the offence is repeated, Liberia may refuse to renew the fishing authorisation. Liberia shall inform the Union immediately of any penalty applied in this context.

#### Transition to an electronic system

16. The Parties indicate their shared willingness to ensure a transition to an electronic system for declaring catches based on the technical characteristics laid down in Appendix 6 to this Annex. The parties agree to determine together the transmission arrangements with the aim of the system becoming operational as soon as possible. Liberia shall inform the Union as soon as the conditions for this transition have been met. From the date this information is sent, the Parties shall agree to have the system fully operational within two months.

#### Quarterly catch declarations

17. Until the electronic system for declaring catches referred to under point 16 is in place, Member States of the Union shall inform the European Commission, not later than 15 calendar days from the end of each quarter, of the tonnages caught during the past quarter, as validated by their national administrations and confirmed by the scientific institutes referred to in point 13. The scientific institutes shall conduct an analysis of the catch data by cross-checking the available data in the fishing logbooks, landing declarations, sales declarations and, where applicable, scientific observation reports. On this basis, the Union shall draw up, for each vessel authorised to fish in the Liberian fishing zone, a quarterly catch declaration broken down per species and per month, in accordance with the template provided in Appendix 8 to this Annex.
18. The aggregated data originating from the fishing logbooks shall be considered provisional until notification by the Union of the final statement of fees referred to in point 23.

#### Final statement of fees

19. Until the electronic system for declaring catches referred to under point 16 is in place, Member States of the Union shall inform the European Commission, not later than 15 May each year, of the tonnages caught during the past year, as validated by their national administrations and confirmed by the scientific institutes referred to in point 13.
20. The scientific institutes shall conduct an analysis of the catch data by cross-checking the available data in the fishing logbooks, landing declarations, sales declarations and, where applicable, scientific observation reports.
21. The methodology used by the Union's scientific institutes to analyse the level and composition of the catches in the Liberian fishing zone shall be shared with the BNF.
22. On the basis of the catch declarations referred to in point 19, the Union shall draw up for each vessel authorised to fish in the Liberian fishing zone in the previous year a final statement of the fees due for the vessel in respect of its annual fishing campaign for the previous calendar year.
23. The Union shall send this final statement of fees simultaneously to Liberia and to the vessel owners via the Member States of the Union before 30 June of the year in progress.
24. Liberia shall notify the Union of receipt of the statement and may request from the Union any clarifications it deems necessary. In this case, the Union shall consult the national administrations of the flag-States and the Union's scientific institutes and shall make every effort to provide to Liberia any additional information needed. Where applicable, a dedicated joint scientific meeting may be organised in order to examine the catch data and the methodologies used for cross-checking information.
25. Liberia may contest the final annual catch declaration and the final statement of fees within 30 calendar days after the notification given under point 24, on the basis of documentary proof. In the case of disagreement, the Parties shall consult each other in the Joint Committee. If Liberia does not object within the aforementioned period, the final statement of fees shall be considered to be adopted.

## SECTION 2

***Landing and transhipment*****Landing procedure**

1. The master of a Union vessel wishing to land catches from the Liberian fishing zone in a Liberian port shall notify Liberia, at least 48 hours before landing until the Mesurado pier becomes operational and thereafter at least 24 hours before landing, of the following:
  - (a) the name and IRCS of the fishing vessel which is to land;
  - (b) the port of landing;
  - (c) the planned date and time of the landing;
  - (d) the quantity (expressed in kilograms of live weight or, if necessary, the number of individual fish) of each species to be landed (identified by its FAO alpha 3 code);
  - (e) the product presentation.
2. The landing operation must be carried out in the fishing zone of a Liberian port authorised for this purpose.
3. Non-compliance with the provisions regarding the landing procedure shall lead to the application of the relevant penalties provided for under Liberian legislation.

**Landing incentives**

4. Union vessels shall endeavour to supply tuna to the local industry at the international market price. Until such time as the Mesurado pier in Liberia becomes operational, a Union vessel which holds a fishing authorisation in accordance with the terms set out in this Protocol and which lands its tuna catches in a Liberian designated port, shall benefit from a financial incentive in the form of a reduction in the fee of EUR 10 per tonne of bycatch landed in the case of sale of the catch to a Liberian fishing enterprise for supply to the Liberian market. This mechanism shall be limited to maximum 50 % of the final catches reported.
5. When the Mesurado fisheries terminal becomes operational, Union vessels shall benefit from the financial incentive in the form of partial reduction in the fee of EUR 10 per tonne landed. An additional reduction in the fee of EUR 10 per tonne landed shall be given in the case of sale to the local industry. With regards to bycatch a special reduction in the fee of EUR 25 per tonne of bycatch landed will be given when the catch is sold to the local market. This mechanism shall be limited to the maximum of 50 % of the final tuna catches reported.

**Transhipment**

6. The master of a Union vessel wishing to tranship catches from the Liberian fishing zone in a Liberian port shall notify Liberia, at least 48 hours before transhipment until the Mesurado pier becomes operational and thereafter at least 24 hours before transhipment, of the following:
  - (a) the name and IRCS of the donor fishing vessel;
  - (b) the name and IRCS of the receiving fishing vessel;
  - (c) the transhipment port;
  - (d) the planned date and time of transhipment;
  - (e) the quantity (expressed in kilograms of live weight or, if necessary, the number of individual fish) of each species to be transhipped (identified by its FAO alpha 3 code);
  - (f) the product presentation.

7. The transhipment operation shall be carried out in a Liberian port authorised for this purpose in the presence of Liberian inspectors. In order to avoid delays, in exceptional cases where the presence of a Liberian inspector is not possible, the master shall be authorised to commence transhipment after expiration of the notice period given in accordance with point 6. Transhipment at sea is prohibited.
8. Transhipment shall be considered an exit from the Liberian fishing zone as defined in Section 3. Vessels must therefore submit their catch declarations to the competent authorities no later than 24 hours after completion of the transhipment or in any event at least 6 hours before the donor vessel leaves port whichever occurs first and the vessel owner shall state whether he intends to continue fishing or leave the Liberian fishing zone. For the receiving vessel, the reporting requirements of the applicable Liberian legislation shall apply.

### SECTION 3

#### ***Control and inspection***

##### Entering and leaving the zone

1. Liberia must be notified of any Union vessel holding a fishing authorisation which enters or exits the Liberian fishing zone at least six hours before the entry or exit.
2. When notifying its entry or exit, the Union vessel shall notify in particular:
  - (i) the date, time and point of passage scheduled;
  - (ii) the quantity of all species held on board, identified by its FAO alpha 3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
  - (iii) the product presentation.
3. Notification shall be given preferably by e-mail or, failing that, by fax or radio, to an e-mail address, a telephone number or a frequency communicated by Liberia as specified in Appendix 7 to this Annex. Liberia shall confirm receipt thereof immediately by return e-mail. Liberia shall immediately inform the vessels concerned and the Union of any change to the e-mail address, telephone number or transmission frequency.
4. Any Union vessel found to be fishing in the Liberian fishing zone without having previously notified its presence shall be considered to be a vessel fishing illegally.

##### Inspection at sea

5. Inspection at sea in the Liberian fishing zone of Union vessels holding a fishing authorisation shall be carried out by vessels and inspectors from Liberia who are clearly identified as being assigned to carry out fishing checks.
6. Before going on board, the Liberian inspectors shall inform the Union vessel of their decision to carry out an inspection. The master of the Union vessel shall allow and facilitate the Liberian inspectors to come on board and carry out their work. The inspection shall be carried out by a maximum of five inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection.
7. The master shall immediately comply with all reasonable instructions given by the authorized officers, and shall facilitate safe boarding, and facilitate the inspection of the vessel, gear, equipment, records, fish, fish products and documentation related to the crew.
8. The vessel's master or crew shall not assault, obstruct, resist, delay, refuse boarding, intimidate, interfere with an authorized officer in the performance of duties.
9. The Liberian inspectors shall only stay on board the Union vessel for the time necessary to carry out tasks linked to the inspection. They shall carry out the inspection in a way which minimises the impact on the vessel, its fishing activity and cargo.
10. Liberia may authorise the Union to participate in the inspections as an observer.

11. At the end of each inspection, the Liberian inspectors shall draw up an inspection report. The master of the Union vessel shall have the right to include his comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the Union vessel.
12. The signature of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of an infringement. If the master refuses to sign this document, he or she shall specify the reasons for doing so in writing and the inspector shall write 'refusal to sign' on it. The Liberian inspectors shall give a copy of the inspection report to the master of the Union vessel before leaving the vessel. Liberia shall send a copy of the inspection report to the Union within eight calendar days of the inspection.

#### Inspection in port

13. Inspection in or off port of Union vessels holding a fishing authorisation which land catch from the Liberian fishing zone in a port in the sub-region designated by common agreement between the Union and Liberia shall be carried out by vessels and inspectors from Liberia who are clearly identified as being assigned to carry out fishing checks, subject to authorisation of the Port State concerned.
14. Before going on board, the Liberian inspectors shall inform the Union vessel of their decision to carry out an inspection. The master of the Union vessel shall allow and facilitate the Liberian inspectors to come on board and carry out their work. The inspection shall be carried out by a maximum of five inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection.
15. The master shall immediately comply with all reasonable instructions given by the authorized officers, and shall facilitate safe boarding, and facilitate the inspection of the vessel, gear, equipment, records, fish, fish products and documentation related to the crew.
16. The vessel's master or crew shall not assault, obstruct, resist, delay, refuse boarding, intimidate, interfere with an authorized officer in the performance of duties.
17. The Liberian inspectors shall only stay on board the Union vessel for the time necessary to carry out tasks linked to the inspection. They shall carry out the inspection in a way which minimises the impact on the vessel, its fishing activity and cargo.
18. Liberia may authorise the Union to participate in the inspections as an observer.
19. At the end of each inspection, the Liberian inspectors shall draw up an inspection report. The master of the Union vessel shall have the right to include his comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the Union vessel.
20. The signature of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of an infringement. If the master refuses to sign this document, he or she shall specify the reasons for doing so in writing and the inspector shall write 'refusal to sign' on it. The Liberian inspectors shall give a copy of the inspection report to the master of the Union vessel before leaving the vessel. Liberia shall send a copy of the inspection report to the Union within eight calendar days of the inspection.

#### Participatory monitoring in the fight against IUU fishing

21. In order to strengthen the fight against IUU fishing, masters of Union vessels shall report the presence of any vessels in the Liberian fishing zone engaged in activities which may constitute IUU fishing, seeking for as much information as possible about what has been sighted. Sighting reports shall be sent without delay to the MCSU, NFMC and MOA of Liberia and the competent authority of the Union Member State of the sighting vessel, which shall immediately transmit them to the Union or to the body designated by it.
22. Liberia shall send the Union any sighting reports it has on fishing vessels engaged in activities which may constitute IUU fishing in the Liberian fishing zone.

## SECTION 4

***Sattelite-based Vessel Monitoring System (VMS)***

## Vessel position messages — VMS system

1. Whilst they are in the Liberian fishing zone, Union vessels holding a fishing authorisation must be equipped at all times with a satellite monitoring system (Vessel Monitoring System — VMS) to enable automatic and continuous communication of their position, every two hours, to the fishing control centre (Fisheries Monitoring Centre — FMC) of their flag State.
2. Each position message must contain:
  - (a) the vessel identification;
  - (b) the most recent geographical position of the vessel (longitude, latitude), with a position error of less than 100 metres, and with a confidence interval of 99 %;
  - (c) the date and time the position is recorded;
  - (d) the speed and the course of the vessel.
3. Each position message must be configured in accordance with the format included in Appendix 4 to this Annex.
4. The first position recorded after entry into the Liberian fishing zone shall be identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after exit from the Liberian fishing zone, which shall be identified by the code 'EXI'.
5. The FMC of the flag State shall ensure the automatic processing and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.

## Transmission by the vessel in the event of breakdown of the VMS

6. The master shall ensure at all times that the VMS of his vessel is fully operational and that the position messages are correctly transmitted to the FMC of the flag State.
7. In the event of breakdown, the VMS of the vessel shall be repaired or replaced within ten days. After that period, the vessel shall no longer be authorised to fish in the Liberian fishing zone.
8. Vessels fishing in the Liberian fishing zone with a defective VMS must communicate their position messages by e-mail, radio or fax to the FMC of the flag State, at least every four hours, and must provide all the compulsory information.

## Secure communication of the position messages to Liberia

9. The FMC of the flag State shall automatically send the position messages of the vessels concerned to the FMC of Liberia. The FMCs of the flag State and Liberia shall exchange their contact e-mail addresses and inform each other without delay of any change to those addresses.
10. The transmission of position messages between the FMCs of the flag State and Liberia shall be carried out electronically using a secure communication system.
11. The FMC of Liberia shall inform the FMC of the flag State and the Union of any interruption in the reception of consecutive position messages from a vessel holding a fishing authorisation, where the vessel concerned has not notified its exit from the zone.

#### Malfunction of the communication system

12. Liberia shall ensure the compatibility of its electronic equipment with that of the FMC of the flag State and inform the Union immediately of any malfunction as regards the communication and reception of position messages with a view to finding a technical solution as soon as possible. The Joint Committee shall deal with any possible dispute arising.
13. The master shall be considered responsible for any proven tampering with a vessel's VMS aimed at disturbing its operation or falsifying its position messages. Any infringements shall be subject to the penalties provided for by the Liberian legislation in force.

#### Revision of the frequency of position messages

14. On the basis of documentary evidence proving an infringement, Liberia may ask the FMC of the flag State, copying in the Union, to reduce the interval for sending position messages from a vessel to every thirty minutes for a set period of investigation. This documentary evidence must be sent without delay by Liberia to the FMC of the flag State and to the Union. The FMC of the flag State shall immediately send the position messages to Liberia at the new frequency.
15. At the end of the set investigation period, Liberia shall immediately inform the FMC of the flag State and the Union and subsequently inform them of any follow-up.

### SECTION 5

#### **Observers**

#### Observation of fishing activities

1. Vessels holding a fishing authorisation shall be subject to a scheme for observing their fishing activities carried out within the framework of the Agreement.
2. This observation scheme shall conform to the recommendations adopted by ICCAT.
3. Until such time as the new ICCAT Regional Observer Programme becomes operational, the following provisions on observers shall apply.

#### Designated vessels and observers

4. The BNF shall designate the Union vessels which must allow an observer to embark and the observer assigned to them at the latest 15 calendar days before the date provided for the embarkation of the observer. Union vessels shall, at the request of the Liberian authorities, take on board one observer in order to reach the cover rate of 15 % of authorised vessels.
5. The BNF shall draw up a list of vessels designated to take an observer on board and a list of the appointed observers. Those lists shall be kept up to date. They shall be forwarded to the Union as soon as they have been drawn up and every three months thereafter when they have been updated.
6. When the fishing authorisation is issued, the BNF shall inform the Union and the vessel owner, or his agent, of the designated vessels and the observers which will be present on board each vessel. The time and port of embarkation, which may be a non-Liberian port, shall be chosen by the vessel-owner. The BNF shall immediately inform the Union and the vessel owner or his agent of any change in the designated vessels and observers.
7. The BNF shall endeavour not to designate observers for vessels which already have an observer on board, or which are already formally obliged to allow an observer to embark during the fishing season in question as part of their activities in fishing zones other than the Liberian fishing zone.

8. The time spent on board by observers shall be one fishing trip or, at the express request of the vessel-owner, more than one fishing trip for a particular vessel.
9. The observers shall not spend more time on board the vessel than is necessary to carry out their duties.

#### Flat-rate financial contribution

10. At the time the annual advance fee is paid, the vessel owner shall also pay Liberia a flat-rate sum of EUR 400 per year for each vessel.

#### Observer's salary

11. The salary and social contributions of the observer shall be borne by Liberia.

#### Embarkation conditions

12. The embarkation conditions for the observer, in particular the duration of presence on board, shall be defined by mutual agreement between the vessel owner or his agent and the BNF.
13. Observers shall be treated on board as officers. However, receiving the observer on board shall take into account the technical structure of the vessel.
14. The vessel owner shall bear the costs of providing accommodation and food for the observer on board, including access to washing and toilet facilities, of a quality at least as good as that supplied to officers on the fishing vessel.
15. The master shall take all the measures for which he is responsible to guarantee the physical safety and general wellbeing of the observer.
16. The master shall ensure that the observer has access to the facilities, gear and equipment on board the vessel which the observer needs to carry out his duties, including:
  - (i) the bridge and the communications and navigation equipment of the vessel;
  - (ii) the documents and records, including all logbooks of the vessel, whether required to be carried and maintained under Liberia Fisheries Regulation or otherwise for purposes of record inspection and copying;
17. The master shall permit the observer at all times to:
  - (i) receive and transmit messages and communicate with the shore and other vessels by means of the vessel's communications equipment;
  - (ii) take, measure, remove from the vessel and retain samples or whole specimens of any fish;
  - (iii) store samples and whole specimens on the vessel, including samples and whole specimens held in the vessel's freezing facilities;
  - (iv) take photographs of the fishing activities, including fish, gear, equipment, documents, charts and records, and remove from the vessel such photographs or film as the observer may have taken or used on board the vessel.

#### Observer's obligations

18. Whilst they are on board observers shall:
  - (a) take all appropriate measures so as not to interrupt or hinder fishing operations;
  - (b) respect on-board property and equipment;
  - (c) respect the confidential nature of any document belonging to the vessel.

#### Embarkation and landing of observers

19. The vessel owner or his agent shall notify Liberia, with a notice period of ten calendar days before the embarkation, of the date, time and port of embarkation of the observer. If the observer is embarked in a foreign country, their travel costs to the port of embarkation shall be borne by the vessel owner.
20. If the observer does not arrive to embark within 12 hours of the date and time set, the vessel owner shall be automatically discharged from his obligation to allow the observer to embark. The vessel shall be free to leave the port and start fishing operations.
21. Where the observer is not disembarked in a Liberian port, the vessel owner shall bear the costs of repatriation of the observer to Liberia as soon as possible.
22. If the vessel does not arrive at the agreed time at the previously agreed port to receive an observer, the ship-owner shall pay the costs at a daily subsistence rate of EUR 80 for the number of days relating to the observer's inability to board while waiting at the port (accommodation, food, etc.).
23. If the vessel fails to appear, without having provided the BNF and NFMC with prior notification, Liberia may take appropriate action in accordance with the applicable Liberian legislation.

#### Observer's duties

24. The observer shall carry out the following duties:
  - (a) observe the fishing activities of the vessel;
  - (b) the species, quantity, size and condition of fish taken;
  - (c) the methods by which, the areas in which, and the depths at which, fish are taken;
  - (d) the effects of fishing methods on fish, and the environment;
  - (e) processing, transportation, transshipment, storage, or disposal of any fish;
  - (f) verify the position of the vessel during fisheries operations;
  - (g) perform biological sampling in the context of a scientific programme;
  - (h) note the fishing gear used;
  - (i) verify the catch data for the Liberian fishing zone recorded in the logbook;
  - (j) verify the percentages of by-catch and estimate the discarded catch;
  - (k) communicate observations by radio, fax or e-mail at least once a week while the vessel is fishing in the Liberian fishing zone, including the quantity of catch and by-catch on board.

#### Observer's report

25. Before leaving the vessel, the observer shall submit a summary report of his observations to the master of the vessel, the content of which shall be agreed on by the Joint Committee. The master of the vessel shall have the right to make comments in the observer's report. The report shall be signed by the observer and the master. The master shall receive a copy of the observer's report.
26. The observer shall send his report to the BNF, which shall send a copy of it to the Union within 15 calendar days of the observer's disembarkation.
27. The information contained in the observer report may be used for both science and compliance analysis by the competent Liberian and Union authorities.



## SECTION 6

***Infringements***

## Handling of infringements

1. Any infringement committed by a Union vessel holding a fishing authorisation in accordance with the provisions of this Annex must be referred to in an infringement or inspection report produced by the competent Liberian authority. The notification of the infringement and the relevant applicable sanctions served on the master or the fishing company shall be sent directly to the vessel-owner following the procedure set in the applicable Liberian legislation. A copy of the notification shall be sent to the flag state of the vessel and to the Union within 24 hours.
2. The signature of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of an infringement. The master of the vessel shall cooperate while the inspection procedure is being carried out.

## Detention of a vessel — Information meeting

3. Where permitted under the Liberian legislation in force regarding the infringement, any Union vessel having committed an infringement may be forced to cease its fishing activity and, where the vessel is at sea, to return to a Liberian port.
4. Liberia shall notify the Union within 24 hours of any detention of a Union vessel holding a fishing authorisation. That notification shall include documentary evidence supporting the detention of the vessel.
5. Before taking any measure against the vessel, the master, the crew or the cargo, with the exception of measures aimed at protecting evidence, Liberia shall organise, at the request of the Union, within one working day of notification of the detention of the vessel, an information meeting to clarify the facts which have led to the vessel being detained and to explain what further action may be taken. A representative of the flag State of the vessel may attend that information meeting.

## Penalties for infringements — Compromise procedure

6. The penalty for the infringement shall be set by Liberia according to the provisions of the national legislation in force.
7. In the event that the ship owner does not accept the fines, and provided that the infringement does not involve a criminal act, a compromise procedure shall be undertaken between the Liberian authorities and the EU vessel to settle the issue amicably prior to launching the legal proceedings. A representative of the flag State of the vessel and of the Union may participate in that compromise procedure. The compromise procedure shall finish at the latest three calendar days after the notification of the detention of the vessel.

## Legal proceedings — Bank security

8. If the compromise procedure fails and the infringement is brought before the competent court, the owner of the vessel which committed the infringement shall deposit a bank security at a bank designated by Liberia, the amount of which, as shall be set by Liberia, shall cover the costs linked to the detention of the vessel, the estimated fine and any compensation. The bank security may not be recovered until the legal proceedings have been concluded.
9. The bank security shall be released and returned to the vessel owner without delay after the judgment has been delivered:
  - (a) in full, if no penalty has been imposed;
  - (b) for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security.
10. Liberia shall inform the Union of the outcome of the legal proceedings within eight calendar days of the judgment being delivered.

Release of the vessel and the crew

11. The vessel and its crew shall be authorised to leave the port once the penalty has been paid in a compromise procedure, or once the bank security has been deposited.

#### CHAPTER V

##### **SIGNING-ON OF SEAMEN**

1. Owners of tuna seiners and longliners vessels shall employ African, Caribbean and Pacific (hereinafter referred to as 'ACP') nationals, subject to the following conditions and limits:
    - for the fleet of tuna seiners, at least 20 % of the seamen signed on during the tuna-fishing season in the fishing zone of third countries shall be of ACP origin;
    - for the fleet of longliners, at least 20 % of the seamen signed on during the tuna-fishing season in the fishing zone of third countries shall be of ACP origin.
  2. The vessel owners shall endeavour to sign on three qualified Liberian seamen per vessel. The vessel-owners shall be free to select the seamen they take on board their vessels from the names on the list submitted by the BNF to the Union.
  3. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by Union vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.
  4. The employment contracts of seamen from the ACP countries shall be drawn up between the vessel owners' representative(s) and the seamen and/or their trade unions or representatives. A copy shall be given to the signatories, the BNF, the Liberia Maritime Authority (LiMA) and to the Ministry of Labour of Liberia. Those contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.
  5. The wages of the seamen from the ACP countries shall be paid by the vessel owners. They shall be fixed, before fishing authorisations are issued, by mutual agreement among the vessel owners or their representatives and the seamen or their trade unions or representatives. However, the wage conditions granted to the seamen shall not be lower than those applied to their respective countries and shall under no circumstances be below ILO standards.
  6. All seamen employed aboard Union vessels shall report to the master of the vessel designated on the day before their proposed embarkation date. Where a seaman fails to report at the date and time agreed for embarkation, vessel owners shall be automatically absolved of their obligation to take the seaman on board.
  7. Where the Liberian seaman is not disembarked in a Liberia port, the vessel owner shall bear the costs of repatriation of the seamen to Liberia as soon as possible.
  8. If the vessel does not arrive at the agreed time at a previously agreed port to receive Liberian seaman, the ship-owner shall pay the costs at a daily subsistence rate of EUR 80 for the number of days relating to the Liberian seaman's inability to board while waiting at the port (accommodation, food, etc.).
  9. Vessels owners shall transmit on an annual basis information on seamen signed on. This information shall include the number of seamen who are nationals:
    - (a) of the Union;
    - (b) of an ACP country, distinguishing Liberians from other ACP-nationals; and
    - (c) of non-ACP and non-Union countries.
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*Appendices to this Annex*

Appendix 1 — Fishing authorisation application form

Appendix 2 — Technical sheet

Appendix 3 — Fishing logbook

Appendix 4 — Communication of VMS messages to Liberia

Appendix 5 — Limits of the Liberian fishing zone

Appendix 6 — Guidelines for managing and implementing the electronic reporting system for fishing activities (ERS)

Appendix 7 — Contact details of the Liberian authorities

Appendix 8 — Catch declaration form

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## Appendix 1

## LIBERIA — EUROPEAN UNION FISHING AGREEMENT

## FISHING AUTHORISATION APPLICATION FORM

## I — APPLICANT

1. Name of vessel owner: .....
2. Address of vessel owner: .....
3. Name of the vessel owner's association or agent (if applicable): .....
4. Address of the vessel owner's association or agent (if applicable): .....
5. Telephone: ..... Fax: ..... E-mail: .....
6. Name of master: ..... Nationality: ..... E-mail: .....
7. Name and address of agent resident in Liberia: .....

## II — VESSEL AND IDENTIFICATION

1. Vessel name: .....
2. Flag State: .....
3. External registration number: .....
4. Port of registry: ..... MMSI: .....  
IMO No (if applicable) .....
5. Date on which current flag was acquired: .. / .. / .....  
Previous flag, if any: .....
6. Year and place of construction: .. / .. / ..... in .....  
Radio call sign: .....
7. Call frequency: .....  
Satellite telephone number: .....
8. Hull construction material: Steel ☐ Wood ☐ Polyester ☐ Other ☐

## III — TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: ..... Width: .....
2. Tonnage (expressed in GT): ..... Net tonnage: .....
3. Power of main engine in kW: ..... Make: .....  
Type: .....
4. Vessel Type: ☐ Tuna seiner ☐ Longliner ☐ Pole and line
5. Fishing gear types: .....
6. Fishing zones: ..... Target species .....
7. Designated port for landing operations: .....
8. Crew complement: .....

9. Method of preservation on board:  
☐ Cooling                      ☐ Refrigeration                      ☐ Mixed                      ☐ Freezing
10. Freezing capacity in tonnes/24 hours: ..... Hold capacity: .....  
 Number: .....
11. VMS transponder:  
 Manufacturer: ..... Model: ..... Serial No.: .....  
 Software version: ..... Satellite operator: .....
12. Navigation and position fixing aids:  
 .....

## IV. —OTHER INFORMATION

1. Full name and address of insurer:  
 .....
2. Registration number and make of helicopter, if any, to be carried on the vessel:  
 .....
3. Registration number, make and name and address of any operator of any aircraft to be used in association with fishing activities:  
 .....
4. State whether the owner or charterer is insolvent or in any bankruptcy proceeding under the laws of any State:  
 .....
5. State whether the owner, operator or vessel has been involved in a violation of any law of the Republic of Liberia:  
 .....
6. Has the vessel identified above, under its current name/flag, or any previous names/flags, had any permit or license suspended or revoked within the past three years?  
 YES \_\_\_\_ NO \_\_\_\_  
 If yes, list and attach on a separate sheet of paper the circumstances surrounding each such instance and include an explanation of the current status of the suspension or revocation.
7. Is the vessel included in the applicable vessel health register?  
 YES \_\_\_\_ NO \_\_\_\_

I, the undersigned, certify that the information provided in this application is true and given in good faith.

Done at ....., ..... / ..... / .....

Name of applicant .....

\_\_\_\_\_

## Appendix 2

## TECHNICAL SHEET

(1) Fishing zone:	
Beyond 12 nautical miles from the baseline, excluding zones closed to shipping and fishing provided for under Appendix 5.	
(2) Authorised categories:	
Tuna purse seine vessels Surface long-liners	
(3) By-catch:	
Compliance with ICCAT and FAO recommendations.	
(4) Fees and tonnage:	
Fee per tonne caught	Tuna seiners and surface long-liners: — 1 <sup>st</sup> year: EUR 55 per tonne — 2 <sup>nd</sup> and 3 <sup>rd</sup> years: EUR 60 per tonne — 4 <sup>th</sup> year: EUR 65 per tonne — 5 <sup>th</sup> year: EUR 70 per tonne
Annual advance fee (including all national and local charges except port taxes and service charges):	— Tuna seiners: EUR 7 150 per year, for the duration of the Protocol — Surface long-liners: EUR 2 200 per year, for the duration of the Protocol
Number of vessels authorised to fish	28 tuna seiners 6 surface long-liners
(5) Other:	
Support vessel authorisation fee: EUR 3 000 per vessel per year; Observers on 15 % of vessels authorised to fish; Observer flat-rate financial contribution: EUR 400 per vessel per year; Seamen: 20 % of seamen signed on are ACP nationals.	

	Longline
	Live bait
	Purse seine
	Trawl
	Outros (Others)

Vessel name: .....	Gross tonnage: .....	Vessel DEPARTED:	Month	Day	Year	Port	<div> <div>Purse seine</div> <div>Trawl</div> <div>Outros (Others)</div> </div>
Flag country: .....	Capacity (TM): .....						
Registration No: .....	Master: .....	Vessel RETURNED:					
Vessel owner: .....	No of crew: .....						
Address: .....	Reporting date: .....						
	(Reported by):	No of days at sea:		No of fishing days:		Trip number:	
				No of sets made:			

Date		Sector				Capturas (Catches)																		Isco usado na pesca (Bait used)								
Month	Day	Latitude N/S	Longitude E/W	Surface water temp  (°C)	Fishing effort  No of hooks used	Bluefin tuna  <i>Thunnus thynnus or maccoyii</i>		Yellowfin tuna  <i>Thunnus albacares</i>		Bigeye tuna  <i>Thunnus obesus</i>		Albacore  <i>Thunnus alalunga</i>		Swordfish  <i>Xiphias gladius</i>		Strip marlin  White marlin  <i>Tetraptunus audax or albidus</i>		Black marlin  <i>Makaira indica</i>		Sailfish  <i>Istiophorus albicans or platypterus</i>		Skipjack  <i>Katsuwonus pelamis</i>		Miscellaneous fish		Daily total  (weight in kg only)		Saury	Squid	Live bait	(Other)	
						No	Weight kg	No	kg	No	kg	No	Kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg							
LANDING WEIGHT (IN KG)																																

- Notes
- 1 — Use one sheet per month and one line per day

2 — At the end of each trip, forward a copy of the log to your correspondent or to the ICCAT, Calle Corazón de María, 8, 28002 Madrid, Spain
- 3 — 'Day' refers to the day you set the line.

4 — Fishing area refers to the position of the vessel. Round off minutes and record degree of latitude and longitude. Be sure to record N/S and E/W.
- 5 — The last line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.

6 — All information reported herein will be kept strictly confidential.



## Appendix 4

## COMMUNICATION OF VMS MESSAGES TO LIBERIA

## POSITION REPORT

Data Element	Code	Mandatory or optional	Remarks
Start record	SR	M	System detail indicating start of record
Addressee	AD	M	Message detail — Addressee Alpha-3 country code (ISO-3166)
From	FR	M	Message detail — Sender Alpha-3 country code (ISO-3166)
Flag State	FS	M	Message detail — Flag State Alpha-3 code (ISO-3166)
Type of message	TM	M	Message detail — Message type (ENT, POS, EXI)
Radio call sign (IRCS)	RC	M	Vessel detail — Vessel international radio call sign (IRCS)
Contracting Party internal reference number	IR	O	Vessel detail — Unique contracting party number Alpha-3 code (ISO-3166) followed by number
External registration number	XR	M	Vessel detail — Number on side of vessel (ISO 8859.1)
Latitude	LT	M	Vessel position detail — Position in degrees and decimal degrees N/S DD.ddd (WGS84)
Longitude	LG	M	Vessel position detail — Position in degrees and decimal degrees E/W DD.ddd (WGS84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Date	DA	M	Vessel position detail — Date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail — Time of record of UTC position (HHMM)
End record	ER	M	System detail indicating end of record

M= Mandatory data element

O= Optional data element

Each data transmission is structured as follows:

- (1) Characters used must comply with the ISO 8859.1 standard.
- (2) A double slash (//) and the characters 'SR' indicate the start of a message.
- (3) Each data element is identified by its code and separated from the other data elements by a double slash (//).
- (4) A single slash (/) separates the field code and the data.
- (5) The 'ER' code followed by a double slash (//) indicates the end of the message.
- (6) The optional data elements must be inserted between the start and the end of the message.

*Appendix 5***LIMITS OF THE LIBERIAN FISHING ZONE****COORDINATES OF THE FISHING ZONE**

The competent Liberian authorities shall notify the competent Union services, before the provisional application of the Protocol, of the geographical coordinates of the Liberian baseline, Liberian fishing zone and zones closed to shipping and fishing. The Liberian authorities shall also undertake to communicate any changes to those coordinates at least one month in advance.

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## Appendix 6

**GUIDELINES FOR MANAGING AND IMPLEMENTING THE ELECTRONIC REPORTING SYSTEM FOR FISHING ACTIVITIES (ERS)**

## General provisions

- (1) All Union vessels must be equipped with an electronic system (hereinafter referred to as 'ERS'), capable of recording and transmitting data concerning the vessel's fishing activities (hereinafter referred to as 'ERS data'), when the vessel is operating in the Liberian fishing zone.
- (2) A Union vessel that is not equipped with an ERS, or whose ERS is not working, is not authorised to enter the Liberian fishing zone in order to engage in fishing activities.
- (3) ERS data shall be transmitted in accordance with the procedures of the vessel's flag State, i.e. they shall firstly be sent to the Fisheries Monitoring Centre (FMC) of the flag State which will make them automatically available to the Liberian FMC.
- (4) The flag State and Liberia shall ensure that their FMCs have the necessary IT equipment and software to automatically transmit ERS data in XML format and shall have a backup procedure in place capable of saving and storing ERS data in a format which will be computer-readable for at least three years.
- (5) Any change or update to this format shall be identified and dated and must be operational six months after its introduction.
- (6) ERS data must be transmitted using the electronic means of communication operated by the European Commission on behalf of the Union, referred to as the DEH (Data Exchange Highway).
- (7) The flag State and Liberia shall each designate an ERS correspondent who will act as the point of contact.
  - (a) ERS correspondents shall be designated for a minimum period of six months.
  - (b) The FMCs of the flag State and Liberia shall notify one another of the contact details (name, address, telephone number, fax, e-mail address) of their ERS correspondent, before the supplier starts production of the ERS.
  - (c) Any changes to the contact details of the ERS correspondent must be notified immediately.

## Producing and communicating ERS data

- (8) Union vessels must:
  - (a) communicate on a daily basis ERS data for each day spent in the Liberian fishing zone;
  - (b) record the quantity of each species caught and kept on board as target species or by-catch, or discarded, for each fishing operation;
  - (c) declare the bad catch of each species specified in the fishing authorisation issued by Liberia;
  - (d) identify each species by its FAO 3-alpha code;
  - (e) express quantities in kilograms of live weight or, where necessary, the number of individual fish;
  - (f) record, in the ERS data, the transhipped and/or unloaded quantity of each species;
  - (g) record in the ERS data, every time the Liberian fishing zone is entered (COE message) or exited (COX message), a specific message containing the quantities held on board at the time of passing for each species specified in the fishing authorisation issued by Liberia;
  - (h) transmit ERS data on a daily basis to the FMC of the flag State, according to the format referred to in point 3, by 23:59 UTC at the latest.
- (9) The master is responsible for the accuracy of the ERS data recorded and sent.

- (10) The FMC of the flag State shall send the ERS data automatically and without delay to the Liberian FMC.
- (11) The Liberian FMC shall confirm that it has received the ERS data by means of a return message and shall handle all ERS data confidentially.

Failure of the on-board ERS or transmission of ERS data between the vessel and the FMC of the flag State

- (12) The flag State shall immediately inform the master or owner of a vessel flying its flag, or their agent, of any technical failure of the ERS installed on board or breakdown in transmission of ERS data between the vessel and the FMC of the flag State.
- (13) The flag State shall inform Liberia of the failure detected and the corrective measures taken.
- (14) In the event of a breakdown in the on-board ERS, the master and/or owner shall ensure the ERS is repaired or replaced within ten calendar days. If the vessel makes a call at a port within those ten days, it may only resume fishing activity in the Liberian fishing zone once its ERS is in perfect working order, unless Liberia authorises otherwise.
- (15) Following a technical failure in its ERS, a fishing vessel may not leave port until:
  - (a) its ERS is in working order once again, to the satisfaction of the flag State and Liberia; or
  - (b) it receives authorisation from the flag State. In the latter case, the flag State shall inform Liberia of its decision before the vessel leaves.
- (16) Any Union vessels operating in the Liberian fishing zone with a faulty ERS must transmit all ERS data on a daily basis and by 23:59 UTC at the latest to the FMC of the flag State by any other available means of electronic communication accessible by the Liberian FMC.
- (17) ERS data which could not be made available to Liberia via the ERS owing to the failure referred to in point 12 shall be transmitted by the FMC of the flag State to the Liberian FMC by another mutually agreed form of electronic communication. This alternative transmission shall be considered priority as it will not be possible to comply with the transmission deadlines usually applicable.
- (18) If the Liberian FMC does not receive ERS data from a vessel for three consecutive days, Liberia may instruct a vessel to immediately call at a port of Liberia's choosing in order to investigate.

FMC failure — ERS data not received by the Liberian FMC

- (19) In the event that ERS data is not received by an FMC, its ERS correspondent shall immediately inform the ERS correspondent for the other FMC and, if necessary, work together in order to resolve the problem.
- (20) Before the ERS becomes operational, the FMC of the flag State and the Liberian FMC shall mutually agree on the alternative means of electronic communication to be used in order to transmit ERS data in the event of an FMC failure, and shall immediately inform one another of any changes.
- (21) If the Liberian FMC reports that ERS data has not been received, the FMC of the flag State shall identify the causes of the problem and take appropriate measures in order to resolve the problem. The FMC of the flag State shall inform the Liberian FMC and the Union of the outcome of the measures taken within 24 hours after recognising the failure.
- (22) If more than 24 hours is required in order to resolve the problem, the FMC of the flag State shall immediately transmit the missing ERS data to the Liberian FMC via one of the alternative means of electronic communication referred to in point 20.
- (23) Liberia shall inform its competent monitoring services (MCS) so that Union vessels are not considered by the Liberian FMC as being in violation of their obligations for not transmitting ERS data, owing to a failure in one of the FMCs.

## FMC maintenance

- (24) Planned maintenance of an FMC (maintenance programme) which may affect the exchange of ERS data must be notified at least 72 hours in advance to the other FMC, indicating, where possible, the date and duration of the maintenance work. Information about unplanned maintenance work shall be sent to the other FMC as soon as possible.
  - (25) During the maintenance work, the provision of ERS data may be put on hold until the system is operational again. The relevant ERS data shall be made available immediately after the maintenance work has been completed.
  - (26) If the maintenance work takes more than 24 hours, ERS data shall be sent to the other FMC using one of the alternative means of electronic communication referred to in point 20.
  - (27) Liberia shall inform its competent monitoring services (MCS) so that Union vessels are not considered by the Liberian FMC as being in violation of their obligations for not transmitting ERS data, owing to the maintenance of an FMC.
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*Appendix 7***CONTACT DETAILS OF THE LIBERIAN AUTHORITIES**

## 1. Ministry of Agriculture:

Address: LIBSUCO Compound, LPRC Road, off Somalia Drive, Gardnersville, Liberia

Postal address: P.O. Box 10-9010, 1000 Monrovia 10, Liberia

## 2. Fishing authorisation authority: Bureau of National Fisheries

Address: UN Drive, opposite LBDI, Freepoint Branch, Bushrod Island, Monrovia, Liberia

Postal address: c/o Ministry of Agriculture, P.O. Box 10-9010, 1000 Monrovia, Liberia

E-mail: [bnf@liberiafisheries.net](mailto:bnf@liberiafisheries.net); [williamyboeh@gmail.com](mailto:williamyboeh@gmail.com)

Telephone: +231-770-251-983; +231-888-198-006

## 3. Fishing Monitoring Centre:

Address: Liberia Coast Guard Base, Bong Mines Bridge, Bushrod Island

E-mail: [fmc@liberiafisheries.net](mailto:fmc@liberiafisheries.net)

Telephone: +231-880-431-581

## 4. Notification of entry and exit:

E-mail: [fmc@liberiafisheries.net](mailto:fmc@liberiafisheries.net)

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## CATCH DECLARATION FORM

SFPA EU-Liberia

Declaration of provisional catches (tonnes) and  
fishing effort (days at sea)

Year

Quarter

Name of vessel

CFR nr

Flag State

Category <sup>(1)</sup>

	Common English Name	Albacore	Bigeye tuna	Skipjack tuna	Yellowfin tuna	Bluefin tuna	Sword- fish	Black marlin	White marlin	Strip marlin	Sailfish	Blue shark	Mako shark	Other tuna	Other sharks	Other species	Total catches	Number of days at sea
Month	FAO Code	ALB	BET	SKJ	YFT	BFT	SWO	BLM	WHM	MLS	SFA	BSH	SMA	THX	SHX	OTH		
January																		
February																		
March																		
April																		
May																		
June																		
July																		
August																		
September																		
October																		
November																		
December																		
Total																		

<sup>(1)</sup> Seiners, or

Surface longliners &gt; 100 GT, or

Surface longliners ≤ 100 GT

# REGULATIONS

## COUNCIL REGULATION (EU) 2015/2313

of 30 November 2015

**concerning the allocation of fishing opportunities under the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 5 June 2015 the European Union and the Republic of Liberia initialled a Sustainable Fisheries Partnership Agreement (hereinafter referred to as 'the Agreement') and an Implementation Protocol thereto (hereinafter referred to as 'the Protocol'), granting Union vessels fishing opportunities in the waters over which the Republic of Liberia has sovereignty or jurisdiction in respect of fisheries.
- (2) On 30 November 2015 the Council adopted Decision (EU) 2015/2312 <sup>(1)</sup> on the signing and provisional application of the Agreement and the Protocol.
- (3) The method for allocating the fishing opportunities among the Member States should be defined, both for the period of provisional application and for the duration of the Protocol.
- (4) Pursuant to Article 10(1) of Council Regulation (EC) No 1006/2008 <sup>(2)</sup>, the Commission is to inform the Member States concerned if it appears that the fishing opportunities allocated to the Union under the Protocol are not fully utilised. The absence of a reply within a deadline to be set by the Council should be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities in the given period.
- (5) Article 12 of the Protocol provides for the provisional application of the Protocol from the date of its signature. This Regulation should therefore apply from the date of signature of the Protocol,

HAS ADOPTED THIS REGULATION:

### *Article 1*

1. The fishing opportunities set out in the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia shall be allocated among the Member States as follows:

(a) tuna seiners:

Spain:	16 vessels
France:	12 vessels

(b) surface long-liners:

Spain:	6 vessels
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<sup>(1)</sup> Council Decision (EU) 2015/2312 of 30 November 2015 on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia and the Implementation Protocol thereto (see page 1 of this Official Journal).

<sup>(2)</sup> Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).



2. Regulation (EC) No 1006/2008 applies without prejudice to the Agreement.
3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not exhaust the fishing opportunities set out in the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.
4. The deadline within which the Member States are to confirm that they are not fully utilising the fishing opportunities granted to them under the Protocol, as provided by Article 10(1) of Regulation (EC) No 1006/2008, shall be set at 10 working days as from the date on which the Commission requests such confirmation.

#### *Article 2*

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

It shall apply from the date of signature of the Protocol.

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

Done at Brussels, 30 November 2015.

*For the Council*  
*The President*  
É. SCHNEIDER

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**COMMISSION REGULATION (EU) 2015/2314****of 7 December 2015****authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No 432/2012****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods <sup>(1)</sup>, and in particular Article 18(4) thereof,

Whereas:

- (1) Regulation (EC) No 1924/2006 provides that health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Pursuant to Article 13(3) of Regulation (EC) No 1924/2006, Commission Regulation (EU) No 432/2012 <sup>(2)</sup> was adopted, which establishes a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children's development and health.
- (3) Regulation (EC) No 1924/2006 provides that applications for authorisations of health claims are to be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as 'the Authority', for a scientific assessment, as well as to the Commission and the Member States for information.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) In order to stimulate innovation, health claims which are based on newly developed scientific evidence and/or which include a request for the protection of proprietary data shall undergo an accelerated type of authorisation.
- (6) Following an application from BENEIO-Orafti S.A., submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006 and including a request for protection of proprietary data, the Authority was required to deliver an opinion on the scientific substantiation of a health claim related to native chicory inulin and maintenance of normal defecation by increasing stool frequency (Question No EFSA-Q-2014-00403 <sup>(3)</sup>). The claim proposed by the applicant was worded, inter alia, as follows: 'Orafti®Inulin improves bowel function'.
- (7) On 9 January 2015, the Commission and the Member States received the scientific opinion from the Authority which concluded that on the basis of the data presented a cause and effect relationship had been established between the consumption of native chicory inulin, a non-fractionated mixture of monosaccharides (< 10 %), disaccharides, inulin-type fructans and inulin extracted from chicory with a mean degree of polymerisation ≥ 9, and maintenance of normal defecation by increasing stool frequency. Accordingly, a health claim reflecting this conclusion should be considered as complying with the requirements of Regulation (EC) No 1924/2006 and should be included in the Union list of permitted claims, established by Regulation (EU) No 432/2012.
- (8) The Authority indicated in its opinion that the one study claimed as proprietary <sup>(4)</sup> by the applicant was required to establish conditions of use for this specific claim.

<sup>(1)</sup> OJ L 404, 30.12.2006, p. 9.

<sup>(2)</sup> Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health (OJ L 136, 25.5.2012, p. 1).

<sup>(3)</sup> EFSA Journal 2015;13(1):3951.

<sup>(4)</sup> Schulz A and Schön C, 2012. Effect of consumption of inulin on bowel motor function in subjects with constipation (unpublished study report).

- (9) All the justifiable information provided by the applicant has been assessed by the Commission and it is considered that the requirements laid down in Article 21(1) of Regulation (EC) No 1924/2006 are fulfilled for the study claimed as proprietary. Accordingly, the scientific data and other information included in that study may not be used for the benefit of a subsequent applicant for a period of five years from the date of entry into force of this Regulation, under the conditions laid down in Article 21(1) of Regulation (EC) No 1924/2006.
- (10) One of the objectives of Regulation (EC) No 1924/2006 is to ensure that health claims are truthful, clear and reliable and useful to the consumer, and that the wording and the presentation are taken into account in that respect. Therefore, where the wording of claims used by the applicant has the same meaning for consumers as that of an authorised health claim, because they demonstrate the same relationship that exists between a food category, a food or one of its constituents and health, these claims should be subject to the same conditions of use as those listed in the Annex to this Regulation.
- (11) In accordance with Article 20 of Regulation (EC) No 1924/2006, the Register of nutrition and health claims containing all authorised health claims should be updated in order to take into account this Regulation.
- (12) Since the applicant claims protection of proprietary data, it is considered appropriate to restrict the use of this claim in favour of the applicant for a period of five years. However, the authorisation of this claim restricted for the use of an individual operator should not prevent other applicants from applying for authorisation to use the same claim in case the application is based on data and studies other than those protected under Article 21 of Regulation (EC) No 1924/2006.
- (13) The comments from the applicant received by the Commission pursuant to Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.
- (14) Regulation (EU) No 432/2012 should therefore be amended accordingly.
- (15) The Member States have been consulted,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

- 1. The health claim set out in the Annex to this Regulation shall be included in the Union list of permitted claims as provided for in Article 13(3) of Regulation (EC) No 1924/2006.
- 2. The use of the health claim referred to in the first paragraph shall be restricted to the applicant for a period of five years from the date of entry into force of this Regulation. After the expiry of that period, that health claim may be used, in conformity with the conditions applying to it, by any food business operator.

#### *Article 2*

The scientific data and other information included in the application, which are claimed by the applicant as proprietary and without the submission of which the health claim could not have been authorised are restricted for use for the benefit of the applicant for a period of five years from the date of entry into force of this Regulation under the conditions laid down in Article 21(1) of Regulation (EC) No 1924/2006.

#### *Article 3*

The Annex to Regulation (EU) No 432/2012 is amended in accordance with the Annex to this Regulation.

#### *Article 4*

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, 7 December 2015.

*For the Commission*

*The President*

Jean-Claude JUNKER

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ANNEX

In the Annex to Regulation (EU) No 432/2012, the following entry is inserted in an alphabetical order:

Nutrient, substance, food or food category	Claim	Conditions of use of the claim	Conditions and/or restrictions of use of the food and/or additional statement or warning	EFSA Journal number	Relevant entry number in the Consolidated List submitted to EFSA for its assessment
Native chicory inulin	Chicory inulin contributes to normal bowel function by increasing stool frequency (*)	Information shall be provided to the consumer that the beneficial effect is obtained with a daily intake of 12 g chicory inulin.  The claim can be used only for food which provides at least a daily intake of 12 g of native chicory inulin, a non-fractionated mixture of monosaccharides (< 10 %), disaccharides, inulin-type fructans and inulin extracted from chicory, with a mean degree of polymerisation $\geq 9$ .		2015;13(1):3951	

(\*) Authorised on 1 January 2016 restricted to the use of BENE0-Orafti S.A., Rue L. Maréchal 1, B-4360 Oreye, Belgium, for a period of five years.'

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2315**  
**of 8 December 2015**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 <sup>(2)</sup>. That period should be set at 3 months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of 3 months from the date of entry into force of this Regulation.

*Article 3*

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

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

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

Done at Brussels, 8 December 2015.

*For the Commission,*  
*On behalf of the President,*  
 Heinz ZOUREK  
*Director-General for Taxation and Customs Union*

#### ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>An article consisting of a plastic housing containing 4 metal terminals, diodes and cables with connectors (so-called 'Photovoltaic (PV) junction box').</p> <p>The PV junction box is a device for transmitting (by cable) electricity, not exceeding 1 000 V and generated by a solar panel, to another PV module or PV inverter. The function of the diodes is only to protect the article against overvoltage (so-called 'hot spots').</p> <p>See image (*).</p>	8544 42 90	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to Section XVI and by the wording of CN codes 8544, 8544 42 and 8544 42 90.</p> <p>Classification under heading 8541 as diodes is excluded as the diodes do not significantly change the characteristics and properties of the article as a PV junction box. The principal function of the article is considered to be that of making connections to or in electrical circuits.</p> <p>As the article is provided with cables, classification under heading 8536 as an apparatus for making connections to or in electrical circuits is also excluded (see also the Harmonised System Explanatory Notes to heading 8536, group (III) (A)).</p> <p>The article is therefore to be classified under CN code 8544 42 90 as other electric conductors fitted with connectors.</p>

(\*) The image is purely for information.



**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2316**  
**of 8 December 2015**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 <sup>(2)</sup>. That period should be set at 3 months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of 3 months from the date of entry into force of this Regulation.

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).



*Article 3*

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, 8 December 2015.

*For the Commission,  
On behalf of the President,  
Heinz ZOUREK  
Director-General for Taxation and Customs Union*

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ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>A cylindrical-shaped, battery-operated article made of plastics with a lid (so-called 'electronic money box'), of a height of 17 cm and a diameter of 12 cm.</p> <p>The lid includes a small LCD display and a slot to put coins (for example, euros) in. When a coin is manually inserted into the slot, a mechanism in the lid (the calculating device) recognises the diameter of the coin, and its value is displayed.</p> <p>When more coins are inserted one by one, the recognised values are added to the existing amount and the total sum is shown on the LCD display.</p> <p>No subtraction takes place when coins are removed from the money box.</p> <p>See image (*).</p>	8470 90 00	<p>Classification is determined by general rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8470, 8470 90 and 8470 90 00.</p> <p>The article is composite goods consisting of a plastic container and a calculating device. Compared to ordinary money boxes, the calculating device gives this article its essential character. Classification according to its constituent material (Chapter 39) is therefore excluded.</p> <p>As the article does not comprise any manual arrangements for data input (coins are not data) it is not considered a calculating machine (see also the Harmonised System Explanatory Notes (HSEN) to heading 8470 (A)(1)). As the calculating device makes it possible to add at least two figures, each comprising several digits (e.g. EUR 0,02 + EUR 2,00 = EUR 2,02), it fulfils the requirements for classification as a calculating device (see also the HSEN to heading 8470, first paragraph).</p> <p>The whole article is therefore to be classified under CN code 8470 90 00 as other machines with a calculating device.</p>

(\*) The image is purely for information.



**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2317**  
**of 8 December 2015**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 <sup>(2)</sup>. That period should be set at 3 months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of 3 months from the date of entry into force of this Regulation.

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

*Article 3*

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, 8 December 2015.

*For the Commission*  
*On behalf of the President,*  
Heinz ZOUREK  
*Director-General for Taxation and Customs Union*

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*ANNEX*

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A free arm sewing machine of the household type with a built-in electric motor of an output of 70 watts, equipped essentially with a needle plate, a presser foot, a bobbin case, controls, a built-in light, a cabled foot pedal and various accessories (e.g. bobbins, guide rails, a set of needles, double needles, etc.). It weighs approximately 7 kg (including the motor) and offers over 24 sewing programmes. It has a value of more than EUR 65.</p> <p>The sewing machine works with an upper and a lower thread. One thread is inserted on the needle and the other is carried underneath by a shuttle (lock-stitch technique). The sewing machine can produce various types of stitches, however all these stitches are based on the principle described above. The machine can only imitate the over-lock stitch and is unable to cut off protruding material in the same operation.</p>	8452 10 11	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8452, 8452 10 and 8452 10 11.</p> <p>Given its function, construction, physical characteristics and way of operation, the sewing machine is to be considered a sewing machine of a lock-stitch only type of subheading 8452 10, as it can perform only stitches based on the lock-stitch principle (see also the Explanatory notes to the Combined Nomenclature to subheadings 8452 10 11 and 8452 10 19, item 1(a)).</p> <p>The product is therefore to be classified under CN code 8452 10 11 as sewing machines of the household type, lock-stitch only, having a value of more than EUR 65 each.</p>

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2318**  
**of 8 December 2015**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 <sup>(2)</sup>. That period should be set at 3 months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of 3 months from the date of entry into force of this Regulation.

*Article 3*

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

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

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

Done at Brussels, 8 December 2015.

*For the Commission,  
On behalf of the President,  
Heinz ZOUREK  
Director-General for Taxation and Customs Union*

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## ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>An article (so-called 'arm sleeve for smartphone') made predominantly of textile material. It consists of a case for a mobile phone with an elasticated band, which serves to attach it to the upper arm.</p> <p>The back of the case has a slit-type opening into which a mobile phone can be inserted. There is a rectangular transparent panel made of plastic sheeting on the front side of the article. The transparent panel is framed by cellular film of plastic, which also covers the front of the short end of the band. The back of the article and the fixed band consist of rubberised textile fabric (outer layers of textile material with a layer of cellular rubber between them). A Velcro-type strip is attached to the band, which is fed through two holes at the short end, and can thus be adjusted to fit the upper arm of the wearer.</p> <p>(See images A and B) (*)</p>	4202 92 98	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 1(l) to Section XI, Additional note 1 to Chapter 42 and by the wording of CN codes 4202, 4202 92 and 4202 92 98.</p> <p>The article is designed to hold a specific item (mobile phone, smartphone). Therefore it has the objective characteristics of a container similar to containers specified in the wording of heading 4202 (see also the Harmonised System Explanatory Notes to heading 4202).</p> <p>Consequently, classification as other made-up textile articles under heading 6307 is excluded.</p> <p>The article is therefore to be classified under CN code 4202 92 98 as cases with outer surface of textile materials.</p>

(\*) The images are purely for information.



Image A



Image B

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2319**  
**of 8 December 2015**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 <sup>(2)</sup>. That period should be set at 3 months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of 3 months from the date of entry into force of this Regulation.

*Article 3*

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

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).



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

Done at Brussels, 8 December 2015.

*For the Commission,*  
*On behalf of the President,*  
Heinz ZOUREK  
*Director-General for Taxation and Customs Union*

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ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An article (so-called 'adapter' or 'rectifier') designed to convert AC current (100 — 220 V) into DC current (12 V, 3,7 A); in a plastic housing with dimensions of approximately 14 × 6 × 5 cm.</p> <p>The article can be connected via a cable with a connector to the AC socket and via another cable with a specific connector to a specific game console of heading 9504.</p>	8504 40 82	<p>Classification is determined by general rules 1, 3(a) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8504, 8504 40 and 8504 40 82.</p> <p>As heading 8504 covers static converters (for example, rectifiers), that heading provides the most specific description. Consequently, classification under heading 9504 as an accessory to a video game machine is excluded.</p> <p>The article is therefore to be classified under CN code 8504 40 82 as rectifiers.</p>

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2320**  
**of 8 December 2015**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 <sup>(2)</sup>. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

*Article 3*

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

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

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

Done at Brussels, 8 December 2015.

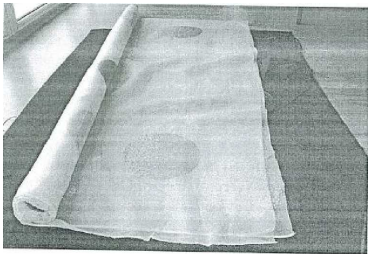
*For the Commission,  
On behalf of the President,  
Heinz ZOUREK  
Director-General for Taxation and Customs Union*

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ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An article consisting of shiny woven transparent fabric (100 % polyester), with a machine embroidered decoration on it, presented on 300 cm long support rolls.</p> <p>One of the two long edges of the article is trimmed with an interlock stitch having a fabric covered lead cord inserted in the stitching tunnel. The opposite edge has a densely woven selvedge to prevent the fabric from unravelling and the weft ends exceed the fabric in the form of fringes.</p> <p>The length of the fabric that is cut off the roll corresponds to the width of a future curtain. This fabric is converted into a curtain by simply cutting it at the edge of the densely woven selvedge to the required length of the curtain and by hemming this side and the two sides that had been cut off the roll. The edge trimmed with the interlock stitch constitutes the bottom of the curtain and remains as it was on the roll.</p> <p>(See images) (*)</p>	6303 92 90	<p>Classification is determined by general rules 1, 2(a) and 6 for the interpretation of the Combined Nomenclature, by note 7(d) to Section XI and by the wording of CN codes 6303, 6303 92 and 6303 92 90.</p> <p>The article has the essential character of a finished curtain of heading 6303, because it is clearly suitable for conversion into a curtain by minor operations. Once the fabric is cut off the roll, only the minor operation of simply cutting to the required length of the curtain and hemming is needed (see also the Harmonized System Explanatory Notes to heading 6303, second paragraph).</p> <p>The unfinished article is considered made up, because it has already one hemmed edge (edge trimmed with interlock stitch).</p> <p>The article is therefore to be classified under CN code 6303 92 90 as curtains of synthetic fibres.</p>

(\*) The images are purely for information.



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2



3

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2321**  
**of 8 December 2015**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 <sup>(2)</sup>. That period should be set at 3 months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of 3 months from the date of entry into force of this Regulation.

*Article 3*

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

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

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

Done at Brussels, 8 December 2015.

For the Commission,  
On behalf of the President,  
Heinz ZOUREK  
Director-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A cassette of base metal sprocket wheels (so-called 'free hub cassette') without a free-wheel mechanism. The free hub cassette consists of seven sprocket-wheels fixed together, two separate sprocket-wheels and a washer. The smallest sprocket-wheel has 11 teeth and the largest 32 teeth.</p> <p>The free hub cassette is designed to be placed over the free-wheel mechanism (integrated in the hub body). Thereafter, the drive shaft of the rear wheel can be disconnected from the hub body (free-wheel). This enables the cyclists to keep the pedals still or to pedal backwards while the bicycle is in forward motion.</p> <p>The free-wheel mechanism is not present upon presentation.</p> <p>See image (*).</p>	8714 93 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8714, 8714 93 00.</p> <p>As the article can only be mounted on a free-wheel mechanism integrated in the hub to obtain its free-wheel function, it is considered a free-wheel sprocket-wheel.</p> <p>Therefore the article is to be classified under CN code 8714 93 00 as free-wheel sprocket-wheels.</p>

(\*) The image is purely for information.



**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2322****of 10 December 2015****amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community****(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 2111/2005 of the European Parliament and the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air passengers of the identity of the operating carrier, and repealing Article 9 of Directive 2004/36/CE <sup>(1)</sup>, and in particular Article 4(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 474/2006 <sup>(2)</sup> established the Community list of air carriers which are subject to an operating ban within the Union, referred to in Chapter II of Regulation (EC) No 2111/2005.
- (2) In accordance with Article 4(3) of Regulation (EC) No 2111/2005, some Member States and the European Aviation Safety Agency ('EASA') communicated to the Commission information that is relevant in the context of updating that list. Relevant information was also communicated by certain third countries. On the basis of that information, the Community list should be updated.
- (3) The Commission informed all air carriers concerned, either directly or through the authorities responsible for their regulatory oversight, about the essential facts and considerations which would form the basis for a decision to impose on them an operating ban within the Union or to modify the conditions of an operating ban imposed on an air carrier which is included in the Community list.
- (4) The Commission gave the air carriers concerned the opportunity to consult the documents provided by the Member States, to submit written comments and to make an oral presentation to the Commission and to the Committee established by Council Regulation (EEC) No 3922/1991 <sup>(3)</sup> (the 'Air Safety Committee').
- (5) The Commission has updated the Air Safety Committee on the on-going joint consultations, in the framework of Regulation (EC) No 2111/2005 and Regulation (EC) No 473/2006 <sup>(4)</sup>, with the competent authorities and air carriers of Botswana, the Republic of Guinea, India, Indonesia, Iran, Iraq, Kazakhstan, Lebanon, Madagascar, Mozambique, Nepal, the Philippines, Sudan, Taiwan, Thailand and Zambia. The Commission also provided information to the Air Safety Committee on the aviation safety situation in Georgia, Libya, São Tomé and Príncipe, Tajikistan and Yemen and on the technical consultations with the Russian Federation.
- (6) EASA presented to the Commission and the Air Safety Committee the results of the analysis of audit reports carried out by the International Civil Aviation Organisation ('ICAO') in the framework of ICAO's Universal Safety Oversight Audit Programme ('USOAP'). In this context, Member States were invited to prioritize ramp inspections

<sup>(1)</sup> OJ L 344, 27.12.2005, p. 15.

<sup>(2)</sup> Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 14).

<sup>(3)</sup> Council Regulation (EEC) No 3922/1991 of 16 December 1991 on the harmonization of the technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4).

<sup>(4)</sup> Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 8).

on air carriers licensed by states in respect of which Significant Safety Concerns ('SSC') have been identified by ICAO or in respect of which EASA concluded that there are significant deficiencies in the safety oversight system. In addition to the consultations undertaken by the Commission under Regulation (EC) No 2111/2005, the prioritization of ramp inspections will allow the acquisition of further information regarding the safety performance of the air carriers licensed in those states.

- (7) EASA also informed the Commission and the Air Safety Committee of the results of the analysis of ramp inspections carried out under the Safety Assessment of Foreign Aircraft programme ('SAFA') in accordance with Commission Regulation (EU) No 965/2012 <sup>(1)</sup>.
- (8) In addition, EASA informed the Commission and the Air Safety Committee about the technical assistance projects carried out in states affected by measures or monitoring under Regulation (EC) No 2111/2005. It provided information on the plans and requests for further technical assistance and cooperation to improve the administrative and technical capability of civil aviation authorities, with a view to helping resolve any non-compliance with applicable international civil aviation standards. In this context, Member States were invited to respond to such requests on a bilateral basis, in coordination with the Commission and EASA. In this regard, the Commission underlined the usefulness of providing information to the international aviation community, particularly through ICAO's Safety Collaborative Assistance Network ('SCAN') database, on technical assistance provided by the Union and its Member States to improve aviation safety around the world.
- (9) Eurocontrol provided the Commission and the Air Safety Committee with an update on the status of the SAFA alarming function and on the current statistics for alert messages for banned air carriers.

#### **Union air carriers**

- (10) Following the analysis by EASA of information resulting from ramp inspections carried out on aircraft of Union air carriers or from standardisation inspections carried out by EASA, as well as specific inspections and audits carried out by national aviation authorities, several Member States have taken certain enforcement measures and informed the Commission and the Air Safety Committee about those measures. Malta informed the Commission and the Air Safety Committee about certain actions it had taken with regard to a number of Maltese air carriers and Estonia reported on the situation of the air carrier AS Avies. Prior to the meeting of the Air Safety Committee, Greece provided information about certain actions it had taken with regard to a number of Greek air carriers.
- (11) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance by Union air carriers with the appropriate safety standards, Member States reiterated their readiness to act as necessary.

#### **Air carriers from Botswana**

- (12) The Civil Aviation Authority of Botswana ('CAAB') provided information on the progress of the resolution of the SSCs and other ICAO findings in a letter of 27 August 2015. The CAAB demonstrated that it has made further progress with respect to the implementation of international safety standards. The CAAB is engaged with the ICAO Regional Office to receive further assistance in the resolution of the SSCs and other findings. The CAAB has invited ICAO to perform an ICAO Coordinated Validation Mission ('ICVM') before the end of 2015 in order to verify the resolution of the SSCs.
- (13) The improved implementation of international safety standards and the available safety information do not support a decision to impose a ban or operational restrictions on air carriers certified in Botswana. However, the Commission considers that the situation should continue to be closely monitored.
- (14) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that there are at this stage no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union by including air carriers from Botswana.

<sup>(1)</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down the technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, OJ L 296, 25.10.2012, p. 1).



**Air carriers from the Republic of Guinea**

- (15) As agreed in the technical meeting with the Commission, held in Brussels in January 2013, the competent authorities of the Republic of Guinea, the Direction nationale de l'aviation civile ('DNAC'), have regularly provided the Commission with information on the on-going implementation of the Corrective Action Plan, which was approved by ICAO in December 2012, as well as on all the activities linked to it.
- (16) The latest progress report submitted by the DNAC, received by the Commission on 10 August 2015, sets out the most recent activities and developments regarding the implementation of the Corrective Action Plan, which currently concentrate on the status of the certification process of the air carriers and the registration of aircraft. All previously existing Air Operator Certificates ('AOCs') were suspended at the end of March 2013. The full ICAO-compliant (5-phase) certification of the air carriers *Eagle Air* and *PROBIZ Guinée* has been concluded and those air carriers obtained their AOCs respectively on 10 April 2015 (AOC no. 1/DNAC/2015) and 4 August 2015 (AOC no. 2/DNAC/2015). Four other air carriers, namely *Konair*, *Sahel Aviation Guinée*, *Fly Nimba Airlines* and *Ijet Aviation*, also initiated the certification process.
- (17) The registration of aircraft has progressed and DNAC reported that five new aircraft have been added to the aircraft registry.
- (18) The gradual implementation of the Corrective Action Plan, in accordance with what was approved by ICAO in December 2012, and the available safety information do not justify, at present, a decision to impose a ban or operational restrictions on air carriers certified in the Republic of Guinea. However, the situation should continue to be closely monitored.
- (19) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that there are at this stage no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union by including air carriers from the Republic of Guinea.
- (20) Should any relevant safety information indicate that there are imminent safety risks as a consequence of lack of compliance with international safety standards, the Commission may be forced to take action in accordance with Regulation (EC) No 2111/2005.

**Air carriers from India**

- (21) On 20 October 2015, technical consultations were held between the Commission, EASA, Member States and representatives from the Directorate General of Civil Aviation of India ('Indian DGCA') and the air carrier *Air India*. The Indian DGCA provided details with respect to ongoing sustainability measures that it has implemented with respect to its safety oversight capability. The technical consultations were also used as an opportunity to discuss with the Indian DGCA the interaction of Indian air carriers with the SAFA programme.
- (22) These consultations made clear that, even though certain measures have been implemented by the Indian DGCA to ascertain the sustainability of the improvements in aviation safety taken so far, a need for further action in various areas has been identified. On the other hand, the Indian DGCA is making use of the SAFA database to monitor the performance of Indian air carriers under the SAFA programme. That is evident *inter alia* from the fact that the Indian DGCA reported that in June 2015 it had met with *Air India* to discuss the processes in place within *Air India* pertaining to how *Air India* manages its performance under the SAFA programme.
- (23) *Air India* provided an overview of its safety management system, a summary of SAFA statistical information by fleet, examples of its safety management programme communication strategy and details of the SAFA process it has deployed for continuous improvement.
- (24) In letters dated 29 October 2015, as a follow-up to the technical consultations, the Commission reiterated to the Indian DGCA a number of messages, including that the SAFA performance of Indian air carriers should be monitored more carefully. The Commission also indicated to *Air India* that progress as regards SAFA process management must be demonstrated through its performance under the SAFA programme. Both the Indian

DGCA and *Air India* were made aware of the responsibility EASA has pursuant to Commission Regulation (EU) No 452/2014 <sup>(1)</sup> (Part TCO) to conduct safety assessments of third country operators and that performance under the SAFA programme is one of the key elements which EASA takes into account when conducting those assessments.

- (25) The Commission took note of the information provided by the Indian DGCA and *Air India*. It was assessed that, on this occasion, no ban or operational restrictions on air carriers certified in India are necessary, but that further technical consultations remain necessary in order to ensure that safety-related matters can be discussed on an ongoing basis.
- (26) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that there are at this stage no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union by including air carriers from India.
- (27) The Commission intends to continue its official consultations with the Indian DGCA, pursuant to the provisions laid down in Article 3(2) of Regulation (EC) No 473/2006.
- (28) Member States are to continue to verify the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on Indian air carriers pursuant to Regulation (EU) No 965/2012.

#### **Air carriers from Indonesia**

- (29) Consultations with the competent authorities of Indonesia, the Directorate General of Civil Aviation of Indonesia ('Indonesian DGCA'), continue with the aim of monitoring the progress of the Indonesian DGCA in ensuring that the safety oversight of all air carriers certified in Indonesia is brought in compliance with international safety standards. Following the ICAO audit of May 2014, the Indonesian DGCA has finalised the Corrective Action Plan and is in the process of completing the corrective actions set out therein. At the request of the Indonesian DGCA, a technical meeting was organised on 29 October between the Commission, EASA, certain Member States and the Indonesian DGCA, as well as the air carriers *Citilink*, *Lion Air* and *Batik Air*. This meeting made clear that the necessary corrective actions to rectify the findings from previous audits are being prepared, but those actions are still only in varying stages of implementation. The main weakness that was identified is the conduct of inspections on air carriers and aircraft. The procedures to perform this work are in place, but they are not always followed in practice. The number of findings during inspections remains low and the reporting of findings to the companies that are inspected does not always take place in accordance with the applicable procedures. Adequate procedures for the follow-up of findings are missing and the actual follow-up of findings remains weak and deadlines are not respected, nor are they always enforced. The Indonesian DGCA has to deal with around 59 AOCs and a number of these air carriers are growing at a very high pace. It is essential that the Indonesian DGCA keeps up with these developments.
- (30) The air carrier *Citilink* provided a presentation on the development of the company and management of safety within the company. The growth of the company continues with around eight new aircraft per year while the systems and procedures seem to gradually stabilize. The flight data analysis has improved and the company is aware of operational hazards. The safety management system has been established but needs to mature further, including with regard to the low reporting rate of incidents and occurrences.
- (31) *Lion Air* and *Batik Air* presented together, as both are members of the same *Lion Air Group*. The growth of these two airlines remains considerable, each are scheduled to receive around 10 new aircraft in 2016 and comparable numbers of aircraft in the following years. The main challenges for those air carriers are the recruitment and training of enough personnel in all areas. Both air carriers presented plans for the training of flight crews and for the recruitment and training of other personnel. The minimum qualification requirements for newly recruited pilots and the requirements to be promoted to captain with *Lion Air* are comparatively low, in relation to the often challenging operating environment. As a consequence, and due to the fast growth of the air carrier, there are a high number of relatively inexperienced pilots in *Lion Air*. This might be related to high numbers of unstabilized approaches and a high risk of landing incidents (hard landings, runway excursions). An example of this is the runway excursion the air carrier *Batik Air* experienced on 6 November 2015. With respect to this specific incident, the Indonesian DGCA and the air carrier *Batik Air* have taken immediate actions to adequately

<sup>(1)</sup> Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, OJ L 133, 6.5.2014, p. 12).

investigate the incident and to take mitigating measures. Furthermore, the flight data monitoring system has improved and is leading to meaningful results and improvements in safety. The safety management system seems to be well developed and, recently, the reporting of incidents and occurrences has started to improve as well, although the actual implementation and identification of hazards needs to mature further. From the meeting it became clear that threats for *Lion Air* and *Batik Air* are the rapid growth and the relative inexperience of flight crews.

- (32) The Indonesian DGCA was invited for a hearing before the Air Safety Committee on 25 November 2015. The Indonesian DGCA reiterated the points that were presented during the technical meeting of 29 October 2015. These included the continuous surveillance programme and the findings management system. The results were shown of the surveillance activities on the four Indonesian air carriers which are currently exempted from the general ban on Indonesian air carriers, as well as on the three air carriers present at the hearing. The Indonesian DGCA also presented on the development of the safety risk management system. The Indonesian DGCA invited the Commission for an on-site verification visit. Such a mission will bring the opportunity to review the progress and to determine the level of actual implementation of international safety standards at the authority and the air carriers.
- (33) The air carriers *Citilink*, *Lion Air* and *Batik Air* made presentations on their development and their implementation of safety management, largely in line with their presentation during the technical meeting of 29 October.
- (34) In a letter of 22 October 2015, the Indonesian DGCA informed the Commission that two new air carriers had been certified since the last update, namely AOC No 135-054 had been issued to *Alda Trans Papua* and AOC No 135-059 had been issued to *Weststar Aviation Indonesia*. However, the Indonesian DGCA did not provide evidence that the safety oversight of those air carriers is ensured in compliance with international safety standards. In that same letter, the Indonesian DGCA informed the Commission that the AOC of the air carriers *Pacific Royale Airways* (AOC 121-045), *Air Maleo* (AOC 121-041, domestic cargo operations only), *Manunggal Air Service* (AOC 121-020), *Nusantara Buana Air* (AOC 135-041), *Survai Udara Penas* (Persero, AOC 135-006) and *Asconusa Air Transport* (AOC 135-022) had been revoked.
- (35) Although progress can be noted since the ICAO audit of May 2014 and even since the technical meeting in October, the verification of the improvements is a prerequisite to obtain the necessary safety confidence to consider a further relaxation of the operating ban towards Indonesian air carriers. Therefore, an EU on-site assessment visit is to be organised in 2016 in order to collect necessary information. At this moment, however, there is not enough evidence to support a decision with respect to further alleviations of the operating ban to air carriers from Indonesia, including with regard to *Citilink*, *Lion Air* and *Batik Air*.
- (36) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that the Community list of air carriers which are subject to an operating ban within the Union should be amended to include *Alda Trans Papua* and *Weststar Aviation* in Annex A to Regulation (EC) No 474/2006. *Pacific Royale Airways*, *Manunggal Air Service*, *Nusantara Buana Air*, *Survai Udara Penas* and *Asconusa Air Transport* should be removed from Annex A to Regulation (EC) No 474/2006.

#### **Air carriers from Iran**

- (37) The air carrier *Iran Air*, certified by the Civil Aviation Organisation of the Islamic Republic of Iran ('CAOIRI'), was included in Annex B to Regulation (EC) No 474/2006 on 30 March 2010. After an on-site assessment visit, the operational restrictions to the fleet of *Iran Air* were further specified on 5 July 2010.
- (38) *Iran Air* has approached the Commission with information on its current fleet, supported by relevant documentation. It requested to exclude all aircraft of type A320 from the operating restrictions, in order for *Iran Air* to operate also its newer aircraft of type A320 within the Union. According to the information provided by *Iran Air*, the average age of the A320 fleet of *Iran Air* is lower than the average age of the aircraft that are allowed to operate within the Union. *Iran Air* also claims that the aircraft can be operated reliably. However, as it has not been possible to verify the evidence provided, it is on the basis of the current information available to the Commission not possible to add new aircraft to the list of aircraft which *Iran Air* can operate into the Union.

- (39) According to the AOC of *Iran Air*, the number of aircraft of the types that are allowed to operate within the Union has decreased. The list of exempted aircraft included in Annex B to Regulation (EC) No 474/2006 should therefore be amended accordingly.
- (40) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that the Community list of air carriers which are subject to an operating ban within the Union should be amended to reflect the current fleet of aircraft of *Iran Air* in Annex B to Regulation (EC) No 474/2006.

#### **Air carriers from Iraq**

- (41) EASA wrote to the Iraqi Civil Aviation Authority ('ICAA') on four separate occasions from 13 June 2014 to 16 March 2015, with respect to safety concerns relating to the performance of *Iraqi Airways* under the SAFA programme. With respect to those concerns, SAFA data reflects evidence of a lack of sufficient root cause analysis by *Iraqi Airways*.
- (42) *Iraqi Airways* applied to EASA for a Third Country Operator ('TCO') authorisation on 20 August 2014. EASA assessed *Iraqi Airways'* TCO application in accordance with the requirements of Part TCO.
- (43) EASA, in conducting its TCO authorisation safety assessment of *Iraqi Airways*, raised fundamental concerns regarding the lack of ability by *Iraqi Airways* to respond to safety concerns that had been raised and to submit safety related documentation in a timely manner. EASA therefore concluded that further assessment would not result in the issue of an authorisation to *Iraqi Airways* and that therefore it did not meet the applicable requirements of Commission Regulation (EU) No 452/2014. Consequently, on 16 July 2015, EASA rejected on the clear safety grounds as described above the TCO application of *Iraqi Airways*.
- (44) On 28 September 2015, the Commission wrote to the ICAA. The letter constituted the opening of official consultations with the authorities that have regulatory oversight over the air carriers certified in Iraq, pursuant to the provisions laid down in Article 3(2) of Regulation (EC) No 473/2006. In this letter, the Commission explained that the basis for the opening of these official consultations related to the safety performance of *Iraqi Airways* under the SAFA programme as well as to the negative decision made by EASA in respect to *Iraqi Airways'* application for a TCO Authorisation.
- (45) On 27 October 2015 the Commission wrote to the ICAA and *Iraqi Airways*, to inform both parties that the case of *Iraqi Airways* had been placed on the agenda of the 24 to 26 November 2015 meeting of the Air Safety Committee and that both the ICAA and *Iraqi Airways* would be given the opportunity of being heard before the Air Safety Committee in accordance with Regulation (EC) No 2111/2005.
- (46) On 3 November 2015 a video conference call took place between the Commission, EASA, Member States and representatives from both the ICAA and *Iraqi Airways*. During that video conference call, the ICAA presented an overview of its functions, including the basic principles of its conduct of safety oversight. Other information provided by the ICAA included an overview of the oversight it applies to *Iraqi Airways* as well as how the ICAA follows up on information relating to the SAFA programme. *Iraqi Airways* presentation during that call provided amongst other elements included an only very general overview of information relating to its safety and quality management system and other safety related processes.
- (47) The ICAA and *Iraqi Airways* were heard by the Air Safety Committee on 25 November 2015. Amongst other elements, the ICAA reported that it has oversight responsibility for seven AOC holders, including *Iraqi Airways*. The ICAA also provided a summary of planned actions in order to strengthen its capabilities. EASA provided information on the safety concerns which underpinned its negative TCO decision.
- (48) *Iraqi Airways* presented various elements, including information pertaining to its SAFA analysis and follow up. The presentation did not provide sufficient evidence of the detailed functioning of *Iraqi Airways* safety and quality management system. The information provided by *Iraqi Airways* was not sufficient in nature to fully address the safety concerns from which the negative decision by EASA to refuse the TCO authorisation of *Iraqi Airways* emanated.
- (49) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that the Community list of air carriers which are subject to an operating ban within the Union should be amended to include the air carrier *Iraqi Airways* in Annex A to Regulation (EC) No 474/2006

- (50) As this inclusion is a direct consequence of the TCO authorisation negative decision by EASA, the Commission intends to reconsider that inclusion, if and when EASA informs the Commission that it deems that the conditions have been fulfilled for EASA to make a positive decision under Part-TCO with regard to *Iraqi Airways*.

#### **Air carriers from Kazakhstan**

- (51) Since July 2009, all air carriers certified in Kazakhstan, except one, are subject to a full operating ban, mainly due to the inability of the authority responsible for the safety oversight of air carriers certified in Kazakhstan (the Civil Aviation Committee of Kazakhstan; ('CAC') to implement and enforce applicable international safety standards. A partial exception was made for the air carrier *Air Astana*. *Air Astana* was included in Annex B to Regulation (EC) No 474/2006 and was allowed to operate into the Union with part of its fleet, and limited to its level of operations at that time.
- (52) In 2014, following improved SAFA records, *Air Astana* was allowed to increase the level of operations into the Union, but only with the type of aircraft that it had been permitted to operate into the Union since 2009.
- (53) *Air Astana* was recertified by the CAC in April 2015 and under the Operational Safety Audit ('IOSA') of the International Air Transport Association ('IATA') in May 2015. The air carrier provides regular updates on its flight operations, training and maintenance activities to the Commission. The audit of *Air Astana* performed by EASA in October 2015 in the framework of Part TCO, revealed no evidence of non-compliances with international standards. *Air Astana* was found to be well-staffed and effectively managed by a competent international management team, paired with local personnel. The organisation developed a strong and credible safety culture. The EASA audit team therefore recommended *Air Astana* for a TCO authorisation without findings.
- (54) For the purpose of providing updated information on the safety oversight activities in Kazakhstan, the CAC was invited to be heard at the meeting of the Air Safety Committee on 24 November 2015. It indicated that a number of actions are under way to address the deficiencies raised by ICAO in 2014 under the ICVM, including the SSC in the field of air operations. Those actions include the establishment of a training programme for aviation safety inspectors and improvement of the procedures relating to the certification of air operators and of the issuance of specific approvals. With regard to the SSC, the CAC indicated that its resolution is not expected before the end of 2015, at the very earliest. Furthermore, in November 2015 the competent authorities of Kazakhstan signed a Memorandum of Understanding with a consulting service provider, with a view to raising the level of effective implementation of the relevant safety standards in Kazakhstan. The CAC also indicated that, in 2015, a total of 12 operators under their oversight were recertified and that 5 AOCs were revoked. While these are positive developments, important uncertainty remains in relation to the level of compliance of air operator certification and approvals processes, as well as to the effectiveness of the regulatory measures implemented to respond to the SSC.
- (55) *Air Astana* was also invited to be heard at the meeting of the Air Safety Committee on 24 November 2015. *Air Astana* provided evidence that it has established a stable and effective safety management process to address safety hazards, perform root cause analysis and promote a safety culture within its organisation. The air carrier has demonstrated ability to manage changes in the scope and the volume of its activities in a safe and efficient manner. Moreover, *Air Astana* has ensured that the oversight of its fleet is performed in accordance with the applicable international safety standards.
- (56) The air carrier SCAT JSC, certified in Kazakhstan, requested to be heard by the Air Safety Committee, which took place on 24 November 2015. The air carrier has successfully completed an IOSA certification. According to the information provided by SCAT JSC, several of its aircraft of type Boeing B-737 and B-757 are registered in Lithuania. While the Commission acknowledges the progress achieved by SCAT JSC, the air carrier failed to provide evidence that its flight operations, as well as the continuing airworthiness and maintenance of its aircraft, are being performed in compliance with the applicable safety standards.
- (57) On the basis of the information available to the Commission, including as provided during the hearing of 24 November 2015, it is concluded that the project for regulatory reform in Kazakhstan in the field of civil aviation is slowly progressing. However, as proof of more in-depth progress, the outstanding SSC in the field of air operations should be resolved before a substantial relaxation of the restrictions as they currently apply to air carriers under the CAC's oversight, other than *Air Astana*, could be considered.

- (58) On the basis of the information available to the Commission, the positive results of the TCO audit of *Air Astana* and its explanations given during the hearing before the Air Safety Committee, it is considered that the conditions for maintaining a partial ban on *Air Astana* are no longer present.
- (59) With regard to *SCAT JSC*, the Commission intends to examine this case further, in order to ensure that any future potential relaxation of the operating ban on *SCAT JSC* will not pose safety risks for operations into the Union.
- (60) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that the Community list of air carriers which are subject to an operating ban within the Union should be amended to remove *Air Astana* from Annex B to Regulation (EC) No 474/2006.
- (61) Member States are to continue to verify the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on aircraft of *Air Astana* pursuant to Regulation (EU) No 965/2012.

#### **Air carriers from Lebanon**

- (62) Consultations with the competent authorities of Lebanon, the Lebanese Civil Aviation Authority ('Lebanese CAA'), continue with the aim of confirming that Lebanon is implementing the corrective action plan that was developed in response to the findings and the SSC based on the ICVM of December 2012.
- (63) On 4 November 2015, representatives from the Lebanese CAA and the air carriers *Middle East Airlines* and *Wings of Lebanon* attended a technical meeting in Brussels with the Commission and EASA, to provide an update on the progress that is being made by the Lebanese CAA, mainly on the resolution of the SSC, on the establishment of a Civil Aviation Authority Board and on the separation of safety oversight functions from service provision functions that are currently both within the Lebanese CAA.
- (64) The Lebanese CAA had provided additional information to ICAO with respect to the SSC and presented this information during the technical meeting. The Lebanese CAA recently invited ICAO to verify the corrective actions, but this has yet to take place. It was mentioned that its Flight Safety Directorate, the directorate responsible for certification and oversight of air carriers, has a more independent position within the Lebanese CAA, although this was not supported by clear evidence during the technical meeting.
- (65) The air carrier *Middle East Airlines* gave a presentation on its operations and safety management and the air carrier appeared to be in control of its processes in the safety-critical domains of flight operations, crew training, airworthiness management and quality and safety management. EASA provided information on the fact that a recent meeting with *Middle East Airlines* in the framework of its application for a TCO authorisation had yielded positive results. The air carrier regularly organises audits by third parties in order to mitigate the lack of safety oversight by its own authority and to improve the implementation of international safety standards further.
- (66) The air carrier *Wings of Lebanon* presented its operation with only one aircraft and the safety processes it has in place. Recently, the main post holders of this air carrier were replaced, which led to an improvement in the operational procedures within the air carrier and gave a good start to the development of a safety management system.
- (67) The improvements to the safety oversight system, incremental as they are, combined with the mitigating measures taken by *Middle East Airlines* and the available safety information, do not justify, at this stage, a decision to impose a ban or operational restrictions on air carriers certified in Lebanon. However, in order to monitor the situation closely, consultations with the Lebanese authorities are to continue in accordance with Article 3(2) of Regulation (EC) No 473/2006.
- (68) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is assessed that at this stage there are no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union by including air carriers from Lebanon.

- (69) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission may be obliged to take further action in accordance with Regulation (EC) No 2111/2005.

#### **Air carriers from Madagascar**

- (70) The Commission has continued consultations with the Civil Aviation Authority of Madagascar, Aviation Civile de Madagascar ('ACM'). Upon request of ACM a meeting took place in Brussels on 2 October 2015 between on the one hand the Commission, EASA and a Member State and on the other hand the ACM and the air carrier *Air Madagascar*.
- (71) During that meeting ACM and *Air Madagascar* provided information on the progress made by both organisations with regard to their respective corrective and preventive action plans they implemented to address the safety deficiencies mentioned in recitals 66 to 74 of Implementing Regulation (EU) No 390/2011. Both ACM and *Air Madagascar* consider that those safety deficiencies have been adequately addressed; ACM requested a re-assessment of the operational restrictions imposed on *Air Madagascar*.
- (72) The progress reported by ACM in the rectification of the deficiencies identified by ICAO as well as the information provided by ACM and the air carrier *Air Madagascar* concerning their respective corrective and preventive actions plans were noted by the Commission. While recognising the progress achieved by ACM and the air carrier *Air Madagascar*, and even considering the expected further progress, the conditions for a relaxation of the current partial ban on *Air Madagascar* have not been met, however. Verification of the actual implementation of international safety standards remains necessary. The ACM needs to consolidate its experience with regard to the new processes it has implemented. In this respect, a Union on-site assessment visit to Madagascar can be contemplated for the first quarter of 2016. In addition, currently, there is not enough supporting evidence to warrant any relaxation of the operational restrictions on air carriers from Madagascar.
- (73) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that at this stage there are no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Madagascar.

#### **Air carriers from Mozambique**

- (74) The Union assessment mission, which took place in April 2015, allowed the Commission to conclude that, while the competent civil aviation authorities in Mozambique, the Instituto de Aviação Civil de Moçambique ('IACM') demonstrated significant progress in the implementation of international safety standards, important deficiencies in the safety oversight system in Mozambique remained. It was therefore decided that the Commission, supported by EASA, would provide technical assistance to IACM, with a view to helping resolve the remaining deficiencies and conclude the internal capacity building process necessary to reach the required sustainability.
- (75) A long-duration technical assistance project was initiated on 12 October 2015 and will run until early June 2016. The first phase of the project has produced some initial results. A thorough review of the legal framework and the applicable aviation regulations has led to the identification of corrections and improvements for later adoption. The principles and structure of a number of acts of Union law on civil aviation are being considered for adaptation to the specificities of the Mozambique aviation system. A focused effort is being deployed to systematically address all the open ICAO USOAP protocol findings, with a view to significantly improve the effective implementation ratio. A round of contacts with all the existing air carriers took place and a review of their certification status was conducted. A number of cooperation protocols are being considered in order to reinforce some of the most vulnerable areas of IACM. The identification of all IACM internal procedures and processes that require a significant overhaul has been launched.
- (76) A short-duration technical assistance project was initiated on 14 September 2015 and ended on 13 November 2015. It provided on-the-job training and guidance on aerodrome certification and surveillance focusing, in particular, on the new Nacala international airport and the existing Beira international airport.
- (77) Nevertheless, the ability of IACM to oversee the civil aviation activities in Mozambique is at this stage not yet at a sufficient level according to international safety standards. There is therefore insufficient evidence to justify a decision on a relaxation of the operating ban of all air carriers certified in Mozambique.

- (78) According to a list provided by IACM on 5 November 2015, three new air carriers have been certified in Mozambique, namely *Ambassador Lda* (AOC MOZ-21), *Everett Aviation Lda* (AOC MOZ-18) and *Inaer Aviation Mozambique Lda* (AOC MOZ-19). However, IACM was not able to provide evidence that the safety oversight of those air carriers is ensured in compliance with international safety standards. Through that same list, IACM informed the Commission that the AOCs of the air carriers *Aero-Serviços Sarl* (AOC MOZ-08), *Emílio Air Charter Lda* (AOC MOZ-05) and *Unique Air Charter Lda* (AOC MOZ-13), previously suspended during the recertification process had now been revoked, due to their failure in completing that process.
- (79) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that the Community list of air carriers which are subject to an operating ban within the Union should be amended to include the air carriers *Ambassador Lda*, *Everett Aviation Lda* and *Inaer Aviation Mozambique Lda*. in Annex A to Regulation (EC) No 474/2006 and to remove the air carriers *Aero-Serviços Sarl*, *Emílio Air Charter Lda* and *Unique Air Charter Lda* from Annex A to Regulation (EC) No 474/2006.

### **Air carriers from Nepal**

- (80) The Commission has continued consultations with the Civil Aviation Authority of Nepal ('CAAN'), to establish the CAAN's capabilities to sufficiently implement and enforce the relevant international safety standards.
- (81) The Commission and EASA visited the CAAN from 5 to 9 October 2015. The purpose of the on-site visit was for EASA to provide technical assistance in the form of an assessment of the progress made by the CAAN in relation to the ICAO audit findings and to revise the roadmap to include and provide recommendations for the closure of the remaining issues. The Commission participated in this on-site visit to review the progress made by the CAAN relating to the deficiencies leading to the ban on Nepalese air carriers imposed in December 2013.
- (82) The on-site visit confirmed that the CAAN has made progress with the implementation of international safety standards. According to ICAO, the corrective action plan drafted by the CAAN fully addresses the findings, including the findings that led to the ICAO SSC. However, the implementation of the actions could not be verified during the on-site visit. The SSC relating to air operations is still in place. The CAAN foresees an ICAO Regional Office Safety Team mission in December 2015 to have an initial assessment of the implementation of the corrective actions, with a view to a possible ICVM in the first quarter of 2016. During this ICVM, the effective implementation of the corrective actions is to be verified by ICAO. The CAAN applies a regular audit programme on all air carriers and other service providers under its oversight. However, the inspection programme needs to be developed further.
- (83) During a meeting with the Nepalese Minister of Tourism, Culture and Civil Aviation, it was emphasized that full empowerment of the CAAN to function independently from the political level in its safety-related functions, and to be sufficiently staffed with qualified personnel are necessary elements in the improvement of the aviation oversight system in Nepal. The Minister informed that further amendments to the Nepalese Civil Aviation Act are under preparation in order to address the institutional issues and the independence of the safety oversight function from the service providers and that the CAAN is fully supported with respect to the resolution of all findings.
- (84) On 7 and 8 October 2015, the air carriers *Buddha Air*, *Yeti Airlines*, *Tara Air* and *Nepal Airlines Corporation*, registered in Nepal, were visited by the Commission and EASA in order to perform a review of the developments since the previous visit in February 2014. All four air carriers have been recertified in accordance with the five-phase approach and regular oversight is being performed by the CAAN. The development of the safety management systems and safety culture within those air carriers is various stages of maturity and although some of them are clearly further advanced than others, none of the air carriers are currently fulfilling the applicable international safety standards.
- (85) The CAAN also provided information that two new air carriers had been certified. *Saurya Airlines* had been issued an AOC with number 083/2014 on 13 November 2014 and *Himalaya Airlines* had been issued an AOC with number 084/2015 on 09 March 2015. However, the CAAN was not able to provide evidence that the safety oversight of those air carriers is ensured in compliance with international safety standards.



- (86) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that the Community list of air carriers which are subject to an operating ban within the Union should be amended to include *Saurya Airlines* and *Himalaya Airlines* in Annex A to Regulation (EC) No 474/2006.

#### **Air carriers from the Philippines**

- (87) The Commission, EASA and the Member States have closely monitored the safety performance of air carriers certified in the Philippines and operating within the Union, including through prioritisation of the ramp inspections to be carried out on Philippine air carriers in accordance with Regulation (EU) No 965/2012.
- (88) Prior to the Air Safety Committee meeting the Civil Aviation Authority of the Philippines ('CAAP') provided the Commission with certain technical information pertaining to its safety oversight of air carriers certified in the Philippines. The information provided included that there are currently 38 active AOC holders in the Philippines. The CAAP management team that had until now contributed to the positive improvements within Philippines Civil Aviation remains in place and committed to its programme of continuous improvement. Additionally, the information provided by CAAP and analysis of available accident and incident information does not indicate that there are worrying trends relating to Philippine certified air carriers.
- (89) *Philippine Airlines*, *Air Philippines' Corporation* and *Cebu Pacific Air* have all been the subject of SAFA ramp inspections in the recent past. The reports indicate that there are no adverse trends related to these SAFA ramp inspections.
- (90) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that there are at this stage no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union by including air carriers from the Philippines.
- (91) Member States are to continue to verify effective compliance with the international safety standards by the air carriers from the Philippines, through the prioritisation of ramp inspections in accordance with Regulation (EU) No 965/2012.

#### **Air carriers from the Russian Federation**

- (92) The Commission, EASA and the Member States have continued to closely monitor the safety performance of air carriers certified in the Russian Federation and operating within the Union, including through prioritisation of the ramp inspections to be carried out on certain Russian air carriers in accordance with Regulation (EU) No 965/2012.
- (93) On 23 October 2015, the Commission, assisted by EASA and a Member State, met with representatives of the Russian Federal Air Transport Agency ('FATA'). The purpose of this meeting was to review the safety performance of Russian air carriers on the basis of SAFA ramp inspections reports for the period between 20 September 2014 and 19 October 2015 and to identify cases which deserve special attention.
- (94) During the meeting, the Commission pointed to the lack of a proper root cause analysis by some operators with a SAFA ratio of 2 or higher. FATA stated that findings raised during SAFA checks are being regularly analysed and that the effectiveness of operators' corrective action is continuously monitored. FATA committed to follow up on those cases where non-compliances had not yet been properly rectified and to provide the Commission with updates on the status of those cases. In addition, FATA provided an update on the latest cases of suspension and revocation of AOCs of air carriers subject to its oversight.
- (95) Based on the available information, it was concluded that a hearing before the Air Safety Committee of the Russian aviation authorities or of air carriers certified in the Russian Federation was not necessary. However, it was agreed that the regular safety expert meetings between the Commission and the Russian authorities, at least once before each meeting of the Air Safety Committee, is to be continued.

- (96) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that there are at this stage no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union by including air carriers from the Russian Federation.
- (97) Member States are to continue to verify effective compliance with the international safety standards by the air carriers from the Russian Federation, through the prioritisation of ramp inspections in accordance with Regulation (EU) No 965/2012.
- (98) Should those inspections point to an imminent safety risk as a consequence of non-compliance with the relevant safety standards, the Commission may be obliged to take action against air carriers from the Russian Federation in accordance with Regulation (EC) No 2111/2005.

#### **Air carriers from Sudan**

- (99) The Sudan Civil Aviation Authority ('SCAA') has maintained regular contacts with the Commission, in particular with regard to the assessment of air carriers registered in Sudan. The oversight activities of the SCAA have improved with respect to a number of air carriers. Although the SCAA had confirmed its readiness to receive an on-site assessment visit in October 2015, it subsequently requested the visit to be postponed to 2016, in order for the SCAA and the air carriers to have more time to implement international safety standards.
- (100) A Union safety assessment mission is to be carried out in order to identify whether the international safety standards are met by the SCAA and the air carriers certified in Sudan.
- (101) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that there are at this stage no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Sudan.

#### **Air carriers from Taiwan**

- (102) Having regard to the two fatal accidents experienced by the air carrier *TransAsia Airways* ('TNA') in the last 18 months, the Commission entered into formal consultations with the Civil Aviation Authority of Taiwan ('CAA') pursuant to the provisions laid out in Article 3(2) of Commission Regulation (EC) No 473/2006. CAA and the air carrier TNA were, in this context, invited to a technical meeting in Brussels on 19 October 2015 with the Commission and EASA in order to discuss the safety oversight system put in place by CAA, as well as the safety performance of TNA.
- (103) During that meeting, CAA notified that its safety oversight system is built on ICAO standards and recommended practices and explained, by making reference to the 8 ICAO critical elements, how it discharges its safety oversight responsibilities. The CAA provided in more detail the actions launched after the incidents and accidents involving the air carrier TNA during the last two years. In accordance with the Taiwan regulations CAA also froze the level of the air operations conducted by the air carrier TNA for a period of one year from the date of the second accident. Finally, CAA underlined its commitment to implement ICAO Annex 19 and announced that it will conduct a Safety Management System (SMS) assessment on all air carriers certified in Taiwan by the end of 2017.
- (104) During that same meeting, the air carrier TNA informed the Commission that after the fatal accidents of 2014 and 2015 it developed and implemented a Flight Safety Enhancement Action Plan covering the following areas: corporate culture enhancement, organisation engineering, SMS implementation, training and measurement. It reported that significant changes were made during 2015 in the organisation of the air carrier, including the arrival of new people in the top management of the air carrier, the set-up of a quality assurance department, the establishment of a flight safety committee for safety policy-making and promotion and the renewal of the fleet, so that the average age of the fleet would be four years in 2016. Specific actions were also undertaken to improve the training of the flight crews. In addition to the oversight activities conducted by CAA, assessment visits were carried out in 2015 by ATR and the Flight Safety Foundation with the assistance of Airbus and Bureau Veritas. Both on-site assessment visits led to a series of recommendations which were addressed by a corrective action plan subsequently developed by the air carrier TNA.

- (105) At the end of the meeting CAA concluded by reiterating that all aspects of the aviation sector in Taiwan are in line with the international standards laid down by ICAO and committed to continue to closely monitor the safety performance of the air carrier TNA and the implementation of the corrective and preventive actions plans.
- (106) On the basis of the information available to the Commission, it was assessed that it was not necessary that CAA and the air carrier TNA appear before the Air Safety Committee and that no operating ban on air carriers from Taiwan is necessary. However, CAA and the air carrier TNA agreed to further technical consultations in order to allow the Commission to follow the implementation of the respective corrective and preventive action plans and to allow that safety-related matters can be discussed on an ongoing basis.
- (107) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that there are at this stage no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Taiwan.
- (108) Member States are to continue to verify the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Taiwan pursuant to Regulation (EU) No 965/2012.

#### **Air carriers from Thailand**

- (109) By letter of 14 October 2015, the Civil Aviation Authority of Thailand ('CAA of Thailand') provided information to the Commission on the progress of the implementation of the corrective actions addressing the ICAO SSC and other findings made by ICAO and the Federal Aviation Administration. It was noted that the government in Thailand managed to reorganise the former Directorate of Civil Aviation into an autonomous CAA of Thailand in a matter of months. The CAA of Thailand has recruited new technical specialists and additional inspection personnel and is in the process of further strengthening its workforce.
- (110) From 9 to 12 November 2015, EASA performed a visit to Thailand, including to the CAA of Thailand, to review the non-compliances identified by ICAO, in the light of the TCO applications by two Thai air carriers. The observations made by EASA are consistent with the ICAO findings. EASA encountered a relatively weak and overloaded CAA of Thailand, but also noticed encouraging developments. Further developments need political backing and sufficient and realistic time in order to implement corrective actions in a sustainable manner.
- (111) At the request of the government of Thailand, a technical meeting was organised on 23 November 2015, attended by the Commission, EASA, high-ranking officials from the Thai government, officials from the CAA of Thailand and representatives from the air carrier *Thai Airways International*. The information provided during that meeting on the improvements to the Thai civil aviation system was also deemed significant for the Air Safety Committee.
- (112) Therefore, the Thai delegation was invited to a hearing before the Air Safety Committee on 25 November. The CAA of Thailand presented the organisational improvements and the short, medium and long-term action plans that should rectify the ICAO findings and resolve the SSC. With regard to timelines, the CAA of Thailand explained that it is deemed more important to deliver a high quality aviation safety system than to set deadlines that would be unrealistic to meet. The CAA of Thailand intends to implement European aviation safety regulations and is entering into contracts with EASA and other European partners for support of this implementation. *Thai Airways* presented on the development of the air carrier and the implementation of international safety standards and safety management in its operations.
- (113) Although the effective implementation of international safety standards is at a low level, as shown by the results from the February 2015 ICAO audit, the government and the CAA of Thailand show a clear commitment to improve the safety oversight system in Thailand and have provided evidence that in a short timeframe already

relevant progress was achieved. Moreover, the available safety information on air carriers from Thailand does not support a decision to impose a ban or operational restrictions. In order to monitor the situation closely, consultations with the authorities from Thailand are to continue in accordance with Article 3(2) of Regulation (EC) No 473/2006.

- (114) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that there are at this stage no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Thailand.
- (115) Member States are to continue to verify the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Thailand pursuant to Regulation (EU) No 965/2012.
- (116) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission may be obliged to take further action in accordance with Regulation (EC) No 2111/2005.

#### **Air carriers from Zambia**

- (117) On 4 September 2015 the Zambia Civil Aviation Authority ('ZCAA') provided the Commission with an update on the work relating to the Zambian safety action plan. This update shows that good progress has been made. However, certain actions are still in their final stages and have not been fully completed. In mutual agreement between the Commission and the ZCAA, it was decided to postpone an EU assessment visit to early 2016.
- (118) The ZCAA is expected to continue to work on the implementation of international safety standards. The Commission intends to make further preparations for an on-site assessment visit in early 2016 to verify the implementation of those standards in Zambia.
- (119) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that there are at this stage no grounds for amending the Community list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Zambia.
- (120) Regulation (EC) No 474/2006 should therefore be amended accordingly,
- (121) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 474/2006 is amended as follows:

- (1) Annex A is replaced by the text set out in Annex A to this Regulation;
- (2) Annex B is replaced by the text set out in Annex B to this Regulation.

#### *Article 2*

This Regulation shall enter into force on the 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, 10 December 2015.

*For the Commission,  
On behalf of the President,  
Violeta BULC  
Member of the Commission*

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## ANNEX A

LIST OF AIR CARRIERS WHICH ARE BANNED FROM OPERATING WITHIN THE UNION, WITH EXCEPTIONS <sup>(1)</sup>

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
BLUE WING AIRLINES	SRBWA-01/2002	BWI	Suriname
IRAQI AIRWAYS	001	IAW	Iraq
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Afghanistan, including</b>			<b>Islamic Republic of Afghanistan</b>
ARIANA AFGHAN AIRLINES	AOC 009	AFG	Islamic Republic of Afghanistan
KAM AIR	AOC 001	KMF	Islamic Republic of Afghanistan
PAMIR AIRLINES	Unknown	PIR	Islamic Republic of Afghanistan
SAFI AIRWAYS	AOC 181	SFW	Islamic Republic of Afghanistan
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Angola, with the exception of TAAG Angola Airlines put in Annex B, including</b>			<b>Republic of Angola</b>
AEROJET	AO 008-01/11	TEJ	Republic of Angola
AIR GICANGO	009	Unknown	Republic of Angola
AIR JET	AO 006-01/11-MBC	MBC	Republic of Angola
AIR NAVE	017	Unknown	Republic of Angola
AIR26	AO 003-01/11-DCD	DCD	Republic of Angola
ANGOLA AIR SERVICES	006	Unknown	Republic of Angola
DIEXIM	007	Unknown	Republic of Angola
FLY540	AO 004-01 FLYA	Unknown	Republic of Angola
GIRA GLOBO	008	GGL	Republic of Angola

<sup>(1)</sup> Air carriers listed in Annex A could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
HELIANG	010	Unknown	Republic of Angola
HELIMALONGO	AO 005-01/11	Unknown	Republic of Angola
MAVEWA	016	Unknown	Republic of Angola
SONAIR	AO 002-01/10-SOR	SOR	Republic of Angola
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Benin, including</b>			<b>Republic of Benin</b>
AERO BENIN	PEA No 014/ MDCTTTATP-PR/ ANAC/DEA/SCS	AEB	Republic of Benin
AFRICA AIRWAYS	Unknown	AFF	Republic of Benin
ALAFIA JET	PEA No 014/ANAC/ MDCTTTATP-PR/ DEA/SCS	Unknown	Republic of Benin
BENIN GOLF AIR	PEA No 012/ MDCTTP-PR/ANAC/ DEA/SCS.	BGL	Republic of Benin
BENIN LITTORAL AIRWAYS	PEA No 013/ MDCTTTATP-PR/ ANAC/DEA/SCS.	LTL	Republic of Benin
COTAIR	PEA No 015/ MDCTTTATP-PR/ ANAC/DEA/SCS.	COB	Republic of Benin
ROYAL AIR	PEA No 11/ANAC/ MDCTTP-PR/DEA/SCS	BNR	Republic of Benin
TRANS AIR BENIN	PEA No 016/ MDCTTTATP-PR/ ANAC/DEA/SCS	TNB	Republic of Benin
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Congo, including</b>			<b>Republic of Congo</b>
AERO SERVICE	RAC06-002	RSR	Republic of Congo
CANADIAN AIRWAYS CONGO	RAC06-012	Unknown	Republic of Congo
EMERAUDE	RAC06-008	Unknown	Republic of Congo
EQUAFLIGHT SERVICES	RAC 06-003	EKA	Republic of Congo
EQUAJET	RAC06-007	EKJ	Republic of Congo
EQUATORIAL CONGO AIRLINES S.A.	RAC 06-014	Unknown	Republic of Congo

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
MISTRAL AVIATION	RAC06-011	Unknown	Republic of Congo
TRANS AIR CONGO	RAC 06-001	TSG	Republic of Congo
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (DRC), including</b>			<b>Democratic Republic of Congo (DRC)</b>
AIR FAST CONGO	409/CAB/MIN/ TVC/0112/2011	Unknown	Democratic Republic of Congo (DRC)
AIR KASAI	409/CAB/MIN/ TVC/0053/2012	Unknown	Democratic Republic of Congo (DRC)
AIR KATANGA	409/CAB/MIN/ TVC/0056/2012	Unknown	Democratic Republic of Congo (DRC)
AIR TROPIQUES	409/CAB/MIN/ TVC/00625/2011	Unknown	Democratic Republic of Congo (DRC)
BLUE AIRLINES	106/CAB/MIN/TVC/ 2012	BUL	Democratic Republic of Congo (DRC)
BLUE SKY	409/CAB/MIN/ TVC/0028/2012	Unknown	Democratic Republic of Congo (DRC)
BUSY BEE CONGO	409/CAB/MIN/ TVC/0064/2010	Unknown	Democratic Republic of Congo (DRC)
COMPAGNIE AFRICAINE D'AVIATION (CAA)	409/CAB/MIN/ TVC/0050/2012	Unknown	Democratic Republic of Congo (DRC)
CONGO AIRWAYS	019/CAB/MIN/TVC/ 2015	Unknown	Democratic Republic of Congo (DRC)
DAKOTA SPRL	409/CAB/MIN/ TVC/071/2011	Unknown	Democratic Republic of Congo (DRC)
DOREN AIR CONGO	102/CAB/MIN/TVC/ 2012	Unknown	Democratic Republic of Congo (DRC)
GOMAIR	409/CAB/MIN/ TVC/011/2010	Unknown	Democratic Republic of Congo (DRC)
KIN AVIA	409/CAB/MIN/ TVC/0059/2010	Unknown	Democratic Republic of Congo (DRC)
KORONGO AIRLINES	409/CAB/MIN/ TVC/001/2011	KGO	Democratic Republic of Congo (DRC)
MALU AVIATION	098/CAB/MIN/TVC/ 2012	Unknown	Democratic Republic of Congo (DRC)
MANGO AIRLINES	409/CAB/MIN/ TVC/009/2011	Unknown	Democratic Republic of Congo (DRC)



Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
SERVE AIR	004/CAB/MIN/TVC/2015	Unknown	Democratic Republic of Congo (DRC)
SERVICES AIR	103/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)
SWALA AVIATION	409/CAB/MIN/TVC/0084/2010	Unknown	Democratic Republic of Congo (DRC)
TRANSAIR CARGO SERVICES	409/CAB/MIN/TVC/073/2011	Unknown	Democratic Republic of Congo (DRC)
WILL AIRLIFT	409/CAB/MIN/TVC/0247/2011	Unknown	Democratic Republic of Congo (DRC)
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Djibouti, including</b>			<b>Djibouti</b>
DAALLO AIRLINES	Unknown	DAO	Djibouti
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including</b>			<b>Equatorial Guinea</b>
CEIBA INTERCONTINENTAL	2011/0001/MTTCT/DGAC/SOPS	CEL	Equatorial Guinea
CRONOS AIRLINES	2011/0004/MTTCT/DGAC/SOPS	Unknown	Equatorial Guinea
PUNTO AZUL	2012/0006/MTTCT/DGAC/SOPS	Unknown	Equatorial Guinea
TANGO AIRWAYS	Unknown	Unknown	Equatorial Guinea
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Eritrea, including</b>			<b>Eritrea</b>
ERITREAN AIRLINES	AOC No 004	ERT	Eritrea
NASAIR ERITREA	AOC No 005	NAS	Eritrea
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Gabon, with the exception of Afrijet and SN2AG put in Annex B, including</b>			<b>Republic of Gabon</b>
AFRIC AVIATION	010/MTAC/ANAC-G/DSA	EKG	Republic of Gabon
ALLEGIANCE AIR TOURIST	007/MTAC/ANAC-G/DSA	LGE	Republic of Gabon

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
NATIONALE REGIONALE TRANSPORT (N.R.T)	008/MTAC/ANAC-G/DSA	NRG	Republic of Gabon
SKY GABON	009/MTAC/ANAC-G/DSA	SKG	Republic of Gabon
SOLENTA AVIATION GABON	006/MTAC/ANAC-G/DSA	SVG	Republic of Gabon
TROPICAL AIR-GABON	011/MTAC/ANAC-G/DSA	Unknown	Republic of Gabon
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Indonesia, with the exception of Garuda Indonesia, Airfast Indonesia, Ekspres Transportasi Antarbenua and Indonesia Air Asia, including</b>			<b>Republic of Indonesia</b>
AIR BORN INDONESIA	135-055	Unknown	Republic of Indonesia
AIR PACIFIC UTAMA	135-020	Unknown	Republic of Indonesia
ALDA TRANS PAPUA	135-056	Unknown	Republic of Indonesia
ALFA TRANS DIRGANTATA	135-012	Unknown	Republic of Indonesia
ANGKASA SUPER SERVICES	135-050	LBZ	Republic of Indonesia
ASI PUDJIASTUTI	135-028	SQS	Republic of Indonesia
AVIASTAR MANDIRI	121-043	Unknown	Republic of Indonesia
AVIASTAR MANDIRI	135-029	VIT	Republic of Indonesia
BATIK AIR	121-050	BTK	Republic of Indonesia
CITILINK INDONESIA	121-046	CTV	Republic of Indonesia
DABI AIR NUSANTARA	135-030	Unknown	Republic of Indonesia
DERAYA AIR TAXI	135-013	DRY	Republic of Indonesia
DERAZONA AIR SERVICE	135-010	DRZ	Republic of Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
DIRGANTARA AIR SERVICE	135-014	DIR	Republic of Indonesia
EASTINDO	135-038	ESD	Republic of Indonesia
ELANG LINTAS INDONESIA	135-052	Unknown	Republic of Indonesia
ELANG NUSANTARA AIR	135-053	Unknown	Republic of Indonesia
ENGGANG AIR SERVICE	135-045	Unknown	Republic of Indonesia
ERSA EASTERN AVIATION	135-047	Unknown	Republic of Indonesia
GATARI AIR SERVICE	135-018	GHS	Republic of Indonesia
HEAVY LIFT	135-042	Unknown	Republic of Indonesia
INDONESIA AIR ASIA EXTRA	121-054	Unknown	Republic of Indonesia
INDONESIA AIR TRANSPORT	121-034	IDA	Republic of Indonesia
INTAN ANGKASA AIR SERVICE	135-019	Unknown	Republic of Indonesia
JAYAWIJAYA DIRGANTARA	121-044	JWD	Republic of Indonesia
JOHNLIN AIR TRANSPORT	135-043	JLB	Republic of Indonesia
KAL STAR	121-037	KLS	Republic of Indonesia
KARTIKA AIRLINES	121-003	KAE	Republic of Indonesia
KOMALA INDONESIA	135-051	Unknown	Republic of Indonesia
KURA-KURA AVIATION	135-016	KUR	Republic of Indonesia
LION MENTARI AIRLINES	121-010	LNI	Republic of Indonesia
MARTABUANA ABADION	135-049	Unknown	Republic of Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
MATTHEW AIR NUSANTARA	135-048	Unknown	Republic of Indonesia
MIMIKA AIR	135-007	Unknown	Republic of Indonesia
MY INDO AIRLINES	121-042	Unknown	Republic of Indonesia
NAM AIR	121-058	Unknown	Republic of Indonesia
NATIONAL UTILITY HELICOPTER	135-011	Unknown	Republic of Indonesia
NUSANTARA AIR CHARTER	121-022	SJK	Republic of Indonesia
PEGASUS AIR SERVICES	135-036	Unknown	Republic of Indonesia
PELITA AIR SERVICE	121-008	PAS	Republic of Indonesia
PENERBANGAN ANGKASA SEMESTA	135-026	Unknown	Republic of Indonesia
PURA WISATA BARUNA	135-025	Unknown	Republic of Indonesia
RIAU AIRLINES	121-016	RIU	Republic of Indonesia
SAYAP GARUDA INDAH	135-004	Unknown	Republic of Indonesia
SMAC	135-015	SMC	Republic of Indonesia
SRIWIJAYA AIR	121-035	SJY	Republic of Indonesia
SURYA AIR	135-046	Unknown	Republic of Indonesia
TRANSNUSA AVIATION MANDIRI	121-048	TNU	Republic of Indonesia
TRANSWISATA PRIMA AVIATION	135-021	TWT	Republic of Indonesia
TRAVEL EXPRESS AVIATION SERVICE	121-038	XAR	Republic of Indonesia
TRAVIRA UTAMA	135-009	TVV	Republic of Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
TRI MG INTRA ASIA AIRLINES	121-018	TMG	Republic of Indonesia
TRIGANA AIR SERVICE	121-006	TGN	Republic of Indonesia
UNINDO	135-040	Unknown	Republic of Indonesia
WESTSTAR AVIATION INDONESIA	135-059	Unknown	Republic of Indonesia
WING ABADI AIRLINES	121-012	WON	Republic of Indonesia
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Kazakhstan, with the exception of Air Astana, including</b>			<b>Republic of Kazakhstan</b>
AIR ALMATY	AK-0483-13	LMY	Republic of Kazakhstan
ATMA AIRLINES	AK-0469-12	AMA	Republic of Kazakhstan
AVIA-JAYNAR / AVIA-ZHAYNAR	AK-0467-12	SAP	Republic of Kazakhstan
BEK AIR	AK-0463-12	BEK	Republic of Kazakhstan
BEYBARS AIRCOMPANY	AK-0473-13	BBS	Republic of Kazakhstan
BURUNDAYAVIA AIRLINES	KZ-01/001	BRY	Republic of Kazakhstan
COMLUX-KZ	KZ-01/002	KAZ	Republic of Kazakhstan
EAST WING	KZ-01/007	EWZ	Republic of Kazakhstan
EURO-ASIA AIR	AK-0472-13	EAK	Republic of Kazakhstan
FLY JET KZ	AK-0477-13	FJK	Republic of Kazakhstan
INVESTAVIA	AK-0479-13	TLG	Republic of Kazakhstan
IRTYSH AIR	AK-0468-13	MZA	Republic of Kazakhstan

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
JET AIRLINES	KZ-01/003	SOZ	Republic of Kazakhstan
KAZAIR JET	AK-0474-13	KEJ	Republic of Kazakhstan
KAZAIRTRANS AIRLINE	AK-0466-12	KUY	Republic of Kazakhstan
KAZAVIASPAS	AK-0484-13	KZS	Republic of Kazakhstan
PRIME AVIATION	AK-0478-13	PKZ	Republic of Kazakhstan
SCAT	KZ-01/004	VSV	Republic of Kazakhstan
ZHETYSU AIRCOMPANY	AK-0470-12	JTU	Republic of Kazakhstan
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of the Kyrgyz Republic, including</b>			<b>Kyrgyz Republic</b>
AIR BISHKEK (formerly EASTOK AVIA)	15	EAA	Kyrgyz Republic
AIR MANAS	17	MBB	Kyrgyz Republic
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyz Republic
CENTRAL ASIAN AVIATION SERVICES (CAAS)	13	CBK	Kyrgyz Republic
HELI SKY	47	HAC	Kyrgyz Republic
AIR KYRGYZSTAN	03	LYN	Kyrgyz Republic
MANAS AIRWAYS	42	BAM	Kyrgyz Republic
S GROUP INTERNATIONAL (formerly S GROUP AVIATION)	45	IND	Kyrgyz Republic
SKY BISHKEK	43	BIS	Kyrgyz Republic
SKY KG AIRLINES	41	KGK	Kyrgyz Republic
SKY WAY AIR	39	SAB	Kyrgyz Republic
TEZ JET	46	TEZ	Kyrgyz Republic
VALOR AIR	07	VAC	Kyrgyz Republic

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia.</b>			<b>Liberia</b>
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Libya, including</b>			<b>Libya</b>
AFRIQIYAH AIRWAYS	007/01	AAW	Libya
AIR LIBYA	004/01	TLR	Libya
BURAQ AIR	002/01	BRQ	Libya
GHADAMES AIR TRANSPORT	012/05	GHT	Libya
GLOBAL AVIATION AND SERVICES	008/05	GAK	Libya
LIBYAN AIRLINES	001/01	LAA	Libya
PETRO AIR	025/08	PEO	Libya
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Mozambique, including</b>			<b>Republic of Mozambique</b>
AMBASSADOR LDA	MOZ-21	Unknown	Republic of Mozambique
CFM — TRABALHOS E TRANSPORTES AÉREOS LDA	MOZ-07	Unknown	Republic of Mozambique
COA — COASTAL AVIATION	MOZ-15	Unknown	Republic of Mozambique
CPY — CROPSPRAYERS	MOZ-06	Unknown	Republic of Mozambique
CRA — CR AVIATION LDA	MOZ-14	Unknown	Republic of Mozambique
ETA — EMPRESA DE TRANSPORTES AÉREOS LDA	MOZ-04	Unknown	Republic of Mozambique
EVERETT AVIATION LDA	MOZ-18	Unknown	Republic of Mozambique
HCP — HELICÓPTEROS CAPITAL LDA	MOZ-11	Unknown	Republic of Mozambique
INAER AVIATION MOZAMBIQUE LDA	MOZ-19	Unknown	Republic of Mozambique
KAY — KAYA AIRLINES, LDA	MOZ-09	KYY	Republic of Mozambique

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
LAM — LINHAS AÉREAS DE MOÇAMBIQUE S.A.	MOZ-01	LAM	Republic of Mozambique
MAKOND, LDA	MOZ-20	Unknown	Republic of Mozambique
MEX — MOÇAMBIQUE EXPRESSO, SARL MEX	MOZ-02	MXE	Republic of Mozambique
OHI — OMNI HELICÓPTEROS INTERNATIONAL LDA	MOZ-17	Unknown	Republic of Mozambique
SAF — SAFARI AIR LDA	MOZ-12	Unknown	Republic of Mozambique
SAM — SOLENTA AVIATION MOZAMBIQUE, SA	MOZ-10	Unknown	Republic of Mozambique
TTA — TRABALHOS E TRANSPORTES AÉREOS LDA	MOZ-16	TTA	Republic of Mozambique
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Nepal, including</b>			<b>Republic of Nepal</b>
AIR DYNASTY HELI. S.	035/2001	Unknown	Republic of Nepal
AIR KASTHAMANDAP	051/2009	Unknown	Republic of Nepal
BUDDHA AIR	014/1996	BHA	Republic of Nepal
FISHTAIL AIR	017/2001	Unknown	Republic of Nepal
GOMA AIR	064/2010	Unknown	Republic of Nepal
HIMALAYA AIRLINES	084/2015	Unknown	Republic of Nepal
MAKALU AIR	057A/2009	Unknown	Republic of Nepal
MANANG AIR PVT LTD	082/2014	Unknown	Republic of Nepal
MOUNTAIN HELICOPTERS	055/2009	Unknown	Republic of Nepal
MUKTINATH AIRLINES	081/2013	Unknown	Republic of Nepal
NEPAL AIRLINES CORPORATION	003/2000	RNA	Republic of Nepal
SAURYA AIRLINES	083/2014	Unknown	Republic of Nepal
SHREE AIRLINES	030/2002	SHA	Republic of Nepal
SIMRIK AIR	034/2000	Unknown	Republic of Nepal



Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
SIMRIK AIRLINES	052/2009	RMK	Republic of Nepal
SITA AIR	033/2000	Unknown	Republic of Nepal
TARA AIR	053/2009	Unknown	Republic of Nepal
YETI AIRLINES DOMESTIC	037/2004	NYT	Republic of Nepal
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sao Tome and Principe, including</b>			<b>Sao Tome and Principe</b>
AFRICA'S CONNECTION	10/AOC/2008	ACH	Sao Tome and Principe
STP AIRWAYS	03/AOC/2006	STP	Sao Tome and Principe
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including</b>			<b>Sierra Leone</b>
AIR RUM, LTD	UNKNOWN	RUM	Sierra Leone
DESTINY AIR SERVICES, LTD	UNKNOWN	DTY	Sierra Leone
HEAVYLIFT CARGO	UNKNOWN	Unknown	Sierra Leone
ORANGE AIR SIERRA LEONE LTD	UNKNOWN	ORJ	Sierra Leone
PARAMOUNT AIRLINES, LTD	UNKNOWN	PRR	Sierra Leone
SEVEN FOUR EIGHT AIR SERVICES LTD	UNKNOWN	SVT	Sierra Leone
TEEBAH AIRWAYS	UNKNOWN	Unknown	Sierra Leone
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sudan, including</b>			<b>Republic of Sudan</b>
ALFA AIRLINES	54	AAJ	Republic of the Sudan
ALMAJAL AVIATION SERVICE	15	MGG	Republic of the Sudan
BADR AIRLINES	35	BDR	Republic of the Sudan
BENTIU AIR TRANSPORT	29	BNT	Republic of the Sudan
BLUE BIRD AVIATION	11	BLB	Republic of the Sudan
DOVE AIRLINES	52	DOV	Republic of the Sudan
ELIDINER AVIATION	8	DND	Republic of the Sudan

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO airline designation number	State of the Operator
FOURTY EIGHT AVIATION	53	WHB	Republic of the Sudan
GREEN FLAG AVIATION	17	Unknown	Republic of the Sudan
HELEJETIC AIR	57	HJT	Republic of the Sudan
KATA AIR TRANSPORT	9	KTV	Republic of the Sudan
KUSH AVIATION	60	KUH	Republic of the Sudan
MARSLAND COMPANY	40	MSL	Republic of the Sudan
MID AIRLINES	25	NYL	Republic of the Sudan
NOVA AIRLINES	46	NOV	Republic of the Sudan
SUDAN AIRWAYS	1	SUD	Republic of the Sudan
SUN AIR COMPANY	51	SNR	Republic of the Sudan
TARCO AIRLINES	56	TRQ	Republic of the Sudan
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Zambia, including</b>			<b>Zambia</b>
ZAMBEZI AIRLINES	Z/AOC/001/2009	ZMA	Zambia

## ANNEX B

LIST OF AIR CARRIERS WHICH ARE SUBJECT TO OPERATIONAL RESTRICTIONS WITHIN THE UNION <sup>(1)</sup>

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number	ICAO airline designation number	State of the Operator	Aircraft type restricted	Registration mark(s) and, when available, construction serial number(s) of restricted aircraft	State of registry
TAAG ANGOLA AIRLINES	001	DTA	Republic of Angola	All fleet with the exception of: 6 aircraft of type Boeing B777 and 4 aircraft of type Boeing B737-700.	All fleet with the exception of: D2-TED, D2-TEE, D2-TEF, D2-TEG, D2-TEH, D2-TEI, D2-TBF, D2-TBG, D2-TBH, D2-TBJ.	Republic of Angola
AIR SERVICE COMORES	06-819/TA-15/DGACM	KMD	Comoros	All fleet with the exception of: LET 410 UVP.	All fleet with the exception of: D6-CAM (851336).	Comoros
AFRIJET BUSINESS SERVICE <sup>(1)</sup>	002/MTAC/ANAC-G/DSA	ABS	Republic of Gabon	All fleet with the exception of: 2 aircraft of type Falcon 50, 2 aircraft of type Falcon 900.	All fleet with the exception of: TR-LGV; TR-LGY; TR-AFJ; TR-AFR.	Republic of Gabon
NOUVELLE AIR AFFAIRES GABON (SN2AG)	003/MTAC/ANAC-G/DSA	NVS	Republic of Gabon	All fleet with the exception of: 1 aircraft of type Challenger CL-601, 1 aircraft of type HS-125-800.	All fleet with the exception of: TR-AAG, ZS-AFG.	Republic of Gabon; Republic of South Africa
IRAN AIR <sup>(2)</sup>	FS100	IRA	Islamic Republic of Iran	All fleet with the exception of: 10 aircraft of type Airbus A300 and 2 aircraft of type Airbus A310.	All fleet with the exception of: EP-IBA, EP-IBB, EP-IBC, EP-IBD, EP-IBG, EP-IBI, EP-IBJ, EP-IBS, EP-ICE, EP-ICF, EP-IBK, EP-IBL.	Islamic Republic of Iran
AIR KORYO	GAC-AOC/KOR-01	KOR	Democratic People's Republic of Korea	All fleet with the exception of: 2 aircraft of type TU-204.	All fleet with the exception of: P-632, P-633.	Democratic People's Republic of Korea

<sup>(1)</sup> Air carriers listed in Annex B could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number	ICAO airline designation number	State of the Operator	Aircraft type restricted	Registration mark(s) and, when available, construction serial number(s) of restricted aircraft	State of registry
AIR MADAGASCAR	5R-M01/2009	MDG	Madagascar	All fleet with the exception of: aircraft of type Boeing B737, aircraft of type ATR 72/42 and 3 aircraft of type DHC 6-300.	All fleet with the exception of: aircraft within the Boeing B737 fleet, as mentioned on the AOC, aircraft within the ATR 72/42 fleet, as mentioned on the AOC; 5R-MGC, 5R-MGD, 5R-MGF.	Republic of Madagascar

(<sup>1</sup>) Afrijet is only allowed to use the specific aircraft mentioned for its current level of operations within the Union.

(<sup>2</sup>) Iran Air is allowed to operate to the Union using the specific aircraft under the conditions set out in Recital (69) of Regulation (EU) No 590/2010, OJ L 170, 6.7.2010, p. 15.

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2323****of 11 December 2015****amending Implementing Regulation (EU) 2015/220 laying down rules for the application of  
Council Regulation (EC) No 1217/2009**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union <sup>(1)</sup>, and in particular Article 5a(2) and (4), the third subparagraph of Article 8(3) and Article 19(3) thereof,

Whereas:

- (1) Annex II to Commission Implementing Regulation (EU) 2015/220 <sup>(2)</sup> sets out the number of returning holdings per Member State and per Farm Accountancy Data Network (FADN) division. Due to a structural change of agriculture in Finland which has led to a decrease in the number of holdings, it is appropriate to decrease accordingly the number of returning holdings for Finland laid down in that Annex.
- (2) In accordance with Annex I to Regulation (EC) No 1217/2009, Croatia constitutes a single FADN division for the 3 years following its accession to the Union. As that period is due to expire, it is necessary to fix in Annex II to Implementing Regulation (EU) 2015/220 the number of returning holdings per FADN division for that Member State.
- (3) In view of the changes provided for in this Regulation Finland and Croatia should be allowed to revise their respective selection plans for the accounting year 2016.
- (4) Annex VIII to Implementing Regulation (EU) 2015/220 sets out the form and layout of the farm return. For the sake of clarity, that Annex should provide for additional information relating to certain instructions and definitions.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

*Article 1*

Implementing Regulation (EU) 2015/220 is amended as follows:

- (1) in Article 3(2), the following subparagraph is added:

‘Finland and Croatia may revise the respective selection plans they notified for the accounting year 2016. They shall notify their respective revised selection plans for that accounting year to the Commission by 31 March 2016.’;

- (2) Annexes II and VIII are amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from the accounting year 2016.

<sup>(1)</sup> OJ L 328, 15.12.2009, p. 27.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2015/220 of 3 February 2015 laying down rules for the application of Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union (OJ L 46, 19.2.2015, p. 1).

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

Done at Brussels, 11 December 2015.

*For the Commission*

*The President*

Jean-Claude JUNKER

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## ANNEX

Annexes II and VIII to Implementing Regulation (EU) 2015/220 are amended as follows:

(1) Annex II is amended as follows:

(a) the row concerning Croatia is replaced by the following:

	'CROATIA	
861	Jadranska Hrvatska	329
862	Kontinentalna Hrvatska	922
Total Croatia		1 251'

(b) the rows concerning Finland are replaced by the following:

	'FINLAND	
670	Etelä-Suomi	403
680	Sisä-Suomi	229
690	Pohjanmaa	208
700	Pohjois-Suomi	110
Total Finland		950'

(2) Annex VIII is amended as follows:

(a) in the seventh paragraph, the third indent relating to the degrees of accuracy of the farm return data is replaced by the following:

‘— areas: in ares (1 a = 100 m<sup>2</sup>), except in the case of mushrooms which will be expressed in square metres of total cropped area and except in Table M “Subsidies”, where basic units are to be registered in ha.’;

(b) under Table A, in Section ‘A.CL. Classes’, the first sentence relating to the category A.CL.180.C. is replaced by the following:

‘A.CL.180.C. *Structural Funds area*: it shall be indicated in which one of the regions referred to in points (a), (b) or (c) of Article 90(2) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council (\*) the majority of the utilised agricultural area of the holding is situated.

(\*) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).’;

(c) under Table B, in Section ‘B.UT. UAA for tenant farming’, the first paragraph of the category B.UT.20.A is replaced by the following:

‘B.UT.20.A UAA (arable land, permanent grassland, permanent crops and kitchen gardens) worked by a person other than the owner, tenant for life or leaseholder, holding a tenancy on the said area (the rent is payable in cash and/or in kind; being generally fixed in advance, it does not normally vary with the farming results) and/or UAA farmed on similar terms of tenure.’;

- (d) in Table H, the row of category 5062 is replaced by the following:

'5062	<b>FO</b>	Taxes and other charges on land and buildings		—
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- (e) under Table H, the first sentence of the first paragraph is replaced by the following:

'Provision of the data referred to in codes 3031-3033 is optional for the accounting years 2014-2016 for those Member States which used in the past the possibility under Article 3 of Commission Implementing Regulation (EU) No 385/2012 (\*).

(\*) Commission Implementing Regulation (EU) No 385/2012 of 30 April 2012 on the farm return to be used for determining the incomes of agricultural holdings and analysing the business operation of such holdings (OJ L 127, 15.5.2012, p. 1).';

- (f) under the title 'GROUPS OF INFORMATION IN TABLE K', after the third paragraph, under the term 'Quantity (column Q)', the second sentence is replaced by the following:

'In the case of products of bee-keeping other than honey (code 700), the quantity is expressed in quintals of "honey equivalents".';

- (g) under the title 'GROUPS OF INFORMATION IN TABLE L', in Section 'LSA Sales', the last paragraph is replaced by the following:

'Grants and subsidies received for products during the accounting year are not included in the total for sales; they are entered in Table M "Subsidies" in the appropriate category (codes between 2110 and 2900). When marketing costs, if any, are known, they are not deducted from the sales total, but are given in Table H "Inputs" in the appropriate category of specific OGA costs (codes 4010 to 4090).'



**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2324****of 11 December 2015****amending Annex I to Council Regulation (EC) No 1342/2008 as regards the definition of gear groupings in certain geographical areas**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 <sup>(1)</sup>, and in particular Article 31 thereof,

Whereas:

- (1) One of the main objectives of the common fisheries policy is to eliminate the wasteful practice of discarding. The landing obligation will gradually enter into force for certain demersal fisheries, currently covered by the fishing effort regime under the Regulation (EC) No 1342/2008, as of 2016 and by 2019 at the latest.
- (2) Regulation (EC) No 1342/2008 provides that fishing effort limits are assigned to effort groups defined by gear groupings and geographical areas as set out in Annex I to that Regulation.
- (3) In light of the implementation of the landing obligation, there is a need for more flexibility in the current fishing effort regime, in order to enable fishermen to use more selective gears with bigger mesh size. In this context, it seemed necessary to review whether the current structure of effort groupings is still cost-efficient in terms of management burden relative to conservation needs.
- (4) As a consequence, the Scientific, Technical and Economic Committee for Fisheries (STECF) was requested to advise on the possibility to merge the TR1 and TR2 gear groupings used to define effort groups. STECF concludes <sup>(2)</sup> that there is a risk of increased fishing mortality for cod when merging the gear groupings TR1 and TR2 and that such a merger, if only applied in the North Sea, Skagerrak and Eastern Channel, would lead to inconsistencies with other management areas. It also concludes that the newly merged grouping would be more heterogeneous in terms of biological stocks captured than the separate groupings of TR1 and TR2 and that it is unlikely that cost-efficiency would increase due to additional measures that would have to be taken in order to counter a possible increase in fishing mortality of cod. However, STECF also concludes that such a merger would allow fishermen to fish more selectively.
- (5) Furthermore, in an evaluation of Regulation (EC) No 1342/2008 conducted in 2011 <sup>(3)</sup>, STECF observed that the fishing mortality of North Sea cod was only three per cent lower in 2010 compared to 2008. STECF concluded that for the North Sea cod stock effort management has failed to constrain removals.
- (6) Effort allocated to TR1 and TR2 gear groupings has been reduced significantly since the introduction of the current fishing effort regime in 2008. The magnitude of any potential negative impact of the merger on the fishing mortality of cod is therefore much lower than what it would have been in the past.
- (7) A merger would significantly reduce management costs. A reduction of gear groupings would lead to reduced administrative costs for national authorities and fishermen, as in particular many fishermen use several gears, thus belong to several effort groupings, resulting in a need for complex calculations when allocating fishing effort to them. Furthermore, the implementation of the newly introduced obligation to land all catches will bind a considerable amount of human resources in Member State administrations. Furthermore, the Commission considers that in case of an increase of the fishing mortality of cod, additional protective measures will not necessarily cause substantial administrative costs.

<sup>(1)</sup> OJ L 348, 24.12.2008, p. 20.

<sup>(2)</sup> Scientific, Technical, and Economic Committee for Fisheries — 49th Plenary Meeting Report (PLEN-15-02).

<sup>(3)</sup> Evaluation of multi-annual plans for cod in Irish Sea, Kattegat, North Sea, and West of Scotland (STECF-11-07).

- (8) According to ICES advice <sup>(1)</sup> the conservation status of the North Sea cod stock in ICES Subarea IV, ICES Divisions VIIId and the Western part of ICES Division IIIa (Skagerrak) has improved significantly.
- (9) In the light of the above considerations it can be concluded that faster introduction of the landing obligation for cod would provide more added value for reducing the fishing mortality of cod caused by unwanted catches than keeping the currently binding effort management system.
- (10) It is therefore not appropriate to maintain separate TR1 and TR2 gear groupings in the following areas: Skagerrak, that part of ICES zone IIIa not covered by the Skagerrak and the Kattegat, ICES zone IV and EC waters of ICES zone IIa, and ICES zone VIIId. Given the bad state of the cod stocks in the areas Kattegat, ICES zone VIIa, ICES zone VIa and EC waters of ICES zone Vb, the merger of gear groupings should not apply to those areas.
- (11) The Commission will closely monitor the effect on fishing mortality of cod created by the merger of gear groupings TR1 and TR2 in order to adapt the structure of gear groupings accordingly if fishing mortality of cod increases due to discarding.
- (12) To allow Commission and Member States to monitor the evolution of the situation without additional administrative costs it is appropriate not to modify the current reporting system.
- (13) Regulation (EC) No 1342/2008 should therefore be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

#### Article 1

In Annex I to Regulation (EC) No 1342/2008, the following point 3 is added:

- ‘3. By way of derogation from point 1, for the fishing effort management in the area referred to in point 2(b), gear groupings TR2 and TR1 shall be considered as a single gear grouping with a mesh size equal to or larger than 70 mm. Member States shall continue to report effort usage separately for TR1 and TR2 gear groupings as required by Articles 33 and 34 of Council Regulation (EC) No 1224/2009 (\*).

(\*) 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 (OJ L 343, 22.12.2009, p. 1).’

#### 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 1 January 2016.

<sup>(1)</sup> ICES Advice on fishing opportunities, catch, and effort Greater North Sea and Celtic Seas Ecoregions: 6.3.4 Cod (*Gadus morhua*) in Subarea IV and Divisions VIIId and IIIa West (North Sea, Eastern English Channel, Skagerrak).

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

Done at Brussels, 11 December 2015.

*For the Commission*

*The President*

Jean-Claude JUNKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2325****of 11 December 2015****making imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation subject to registration**

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 <sup>(1)</sup> ('the basic Regulation'), and in particular Article 14(5) thereof,

After informing the Member States,

Whereas:

- (1) On 14 May 2015, the European Commission ('the Commission') announced by a notice published in the *Official Journal of the European Union* <sup>(2)</sup>, the initiation of an anti-dumping proceeding concerning imports of certain cold-rolled flat steel products originating in the People's Republic of China ('China') and the Russian Federation ('Russia') following a complaint lodged on 1 April 2015 by Eurofer ('the complainant') on behalf of producers representing more than 25 % of the total Union production of certain cold-rolled flat steel products.

**1. PRODUCT CONCERNED**

- (2) The product subject to registration ('the product concerned') is flat-rolled products of iron or non-alloy steel, or other alloy steel but excluding of stainless steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated and not further worked than cold-rolled (cold-reduced), but not including:

- flat-rolled products of iron or non-alloy steel, of all width, cold-rolled (cold-reduced), not clad, plated or coated, not further worked than cold-rolled, whether or not in coils, of all thickness, electrical,
- flat-rolled products of iron or non-alloy steel, of all width, cold-rolled (cold-reduced), not clad, plated or coated, in coils, of a thickness of less than 0,35 mm, annealed (known as 'black plates'),
- flat-rolled products of other alloy steel, of all width, of silicon-electrical steel, and
- flat-rolled products of alloy steel, not further worked than cold-rolled (cold-reduced), of high-speed steel,

originating in China and Russia ('the countries concerned'), currently falling within CN code(s) ex 7209 15 00, 7209 16 90, 7209 17 90, 7209 18 91, ex 7209 18 99, ex 7209 25 00, 7209 26 90, 7209 27 90, 7209 28 90, 7211 23 30, ex 7211 23 80, ex 7211 29 00, 7225 50 80, 7226 92 00. These CN codes are given for information only.

**2. REQUEST**

- (3) The registration request pursuant to Article 14(5) of the basic Regulation was made by the complainant on 12 November 2015. The complainant requested that imports of the product concerned are made subject to registration so that measures may subsequently be applied against those imports from the date of such registration.

**3. GROUNDS FOR THE REGISTRATION**

- (4) According to Article 14(5) of the basic Regulation, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> OJ C 161, 14.5.2015, p. 9.

- (5) The complainant claims that registration is justified as the product concerned continues to be dumped and that importers were well aware of dumping practices which stretched over an extended period of time and were causing injury to the Union industry. The complainant further claims that Russian and Chinese imports are causing injury to the Union industry and that there was a substantial increase in the level of these imports, even following the investigation period, which would seriously undermine the remedial effect of the anti-dumping duty, if such a duty is to be applied.
- (6) The Commission considers that the importers were aware, or should have been aware of the exporters' dumping practices. Sufficient prima facie evidence in this regard was contained in the complaint and this was spelled out in the notice of initiation for this proceeding<sup>(1)</sup>. The non-confidential version of the complaint estimated dumping margins of 28 % for Chinese imports and up to 20 %-25 % for Russian imports. Given the extent of the dumping that may be occurring, it is reasonable to assume that the importers would be aware, or should have been aware, of the situation.
- (7) For China, the complainant provided in the complaint evidence on the normal value based on the pricing information of a Canadian producer, having chosen Canada as analogue country. For Russia, the complainant provided evidence on a constructed normal value (estimated manufacturing costs, SG&A and profit). The evidence of dumping is based on a comparison of the normal values thus established with the export price (at ex-works level) of the product concerned when sold for export to the Union. The Chinese export price was determined on the basis of nine invoices of Chinese export sales to the Union, while the Russian export price was established using Eurostat data.
- (8) In addition, the complainant provided in both the complaint and the request for registration sufficient evidence in form of press releases in which the dumping practices by Chinese and Russian exporters are described and which prima facie could and should not have been ignored by importers.
- (9) Since the initiation of the proceeding in May 2015, a further increase of approx. 33 % for China and 45 % for Russia is observed when comparing the import volumes of the countries concerned during the period May 2014 to September 2014 with the same period in 2015 (i.e. the period following the initiation). In the request for registration, the complainant also compared the combined volumes of Chinese and Russian imports of the product concerned in the period January 2014-September 2014 with the period January 2015-September 2015. This comparison showed an increase of 24 % in import volume from the two countries concerned. This shows that there was a substantial rise in Russian and Chinese imports of the product concerned in the first half of 2015 and all the more so following the initiation of the present investigation.
- (10) The complainant also included prima facie evidence in the complaint and in the request for registration on the decreasing trend of the import sales prices for the countries concerned. In the complaint, the average Chinese sales price to the Union decreased by 16 %, while the average Russian sales price to the Union decreased by 7 % between 2010 and September 2014. In the request for registration, import prices for the period 2011 to the first half of 2015 were compared, showing a decrease of 21 % in the average Chinese import price and a drop of 26 % for the average Russian import price. As a whole, and given the extent of the dumping margins alleged, this evidence provides sufficient support at this stage that the exporters in both China and Russia practise dumping. As for the evolution of import prices after the initiation of the case in May 2015, a further drop of 5 % was observed for each of the countries concerned using September 2015 figures in Eurostat.
- (11) Furthermore, in the complaint there is sufficient prima facie evidence that injury is being caused and in the submissions made in the framework of the investigation, including the registration request, there is evidence that additional injury would be caused by a continued rise in these imports at further decreasing prices. In light of the timing, the increase in volume of the dumped imports and other circumstances (such as the excess capacity in China and pricing behaviour of the Chinese and Russian exporters) would likely seriously undermine the remedial effect of any definitive duties, unless such duties would be applied retroactively. In addition, in view of the initiation of the current proceeding and taking into account the developments of Russian and Chinese imports in terms of prices and volumes hitherto, it is reasonable to assume that the level of imports of the product concerned may further increase prior to the adoption of provisional measures, if any, and inventories may be rapidly built up by the importers.

#### 4. PROCEDURE

- (12) In view of the above, the Commission has concluded that the complainant provided sufficient prima facie evidence to justify making imports of the product concerned subject to registration in accordance with Article 14(5) of the basic Regulation.

<sup>(1)</sup> OJ C 161, 14.5.2015, p. 9 (section 3 of the notice of initiation).

- (13) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

## 5. REGISTRATION

- (14) Pursuant to Article 14(5) of the basic Regulation imports of the product concerned should be made subject to registration for the purpose of ensuring that, should the investigation result in findings leading to the imposition of anti-dumping duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively on the registered imports in accordance with Article 10(4) of the basic Regulation.
- (15) The complainant estimates in the complaint an average dumping margin of 28 % and an average underselling margin of 19 %-22 % for China for the product concerned. For Russia, the complainant estimates the average dumping margins to be in the range of 15 %-20 % for the product concerned. The average underselling margin for Russia ranges from 23 % to 27 % for the product concerned. The estimated amount of possible future liability is set for China at the level of underselling estimated on the basis of the complaint, i.e. 19 %-22 % ad valorem on the CIF import value of the product concerned. For Russia, the estimated amount of possible future liability is set at the level of the average dumping margin estimated on the basis of the complaint, i.e. 15 %-20 % ad valorem on the CIF import value of the product concerned.

## 6. PROCESSING OF PERSONAL DATA

- (16) Any personal data collected in the context of this registration will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council <sup>(1)</sup>,

HAS ADOPTED THIS REGULATION:

### Article 1

1. The Customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 1225/2009 to take the appropriate steps to register the imports into the Union of flat-rolled products of iron or non-alloy steel, or other alloy steel but excluding of stainless steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated and not further worked than cold-rolled (cold-reduced), but not including:

- flat-rolled products of iron or non-alloy steel, of all width, cold-rolled (cold-reduced), not clad, plated or coated, not further worked than cold-rolled, whether or not in coils, of all thickness, electrical,
- flat-rolled products of iron or non-alloy steel, of all width, cold-rolled (cold-reduced), not clad, plated or coated, in coils, of a thickness of less than 0,35 mm, annealed (known as 'black plates'),
- flat-rolled products of other alloy steel, of all width, of silicon-electrical steel, and
- flat-rolled products of alloy steel, not further worked than cold-rolled (cold-reduced), of high-speed steel,

originating in the People's Republic of China and the Russian Federation ('the countries concerned'), currently falling within CN code(s) ex 7209 15 00 (TARIC code 7209 15 00 90), 7209 16 90, 7209 17 90, 7209 18 91, ex 7209 18 99 (TARIC code 7209 18 99 90), ex 7209 25 00 (TARIC code 7209 25 00 90), 7209 26 90, 7209 27 90, 7209 28 90, 7211 23 30, ex 7211 23 80 (TARIC codes 7211 23 80 19, 7211 23 80 95 and 7211 23 80 99), ex 7211 29 00 (TARIC codes 7211 29 00 19 and 7211 29 00 99), 7225 50 80 and 7226 92 00.

Registration shall expire nine months following the date of entry into force of this Regulation.

<sup>(1)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

2. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 20 days from the date of publication of this Regulation.

*Article 2*

This Regulation shall enter into force on the 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, 11 December 2015.

*For the Commission*

*The President*

Jean-Claude JUNKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2326****of 11 December 2015****on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulation (EU) No 575/2013 and Regulation (EU) No 648/2012 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 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 <sup>(1)</sup>, and in particular Article 497(3) thereof,

Whereas:

- (1) In order to avoid disruption to international financial markets and to prevent penalising institutions by subjecting them to higher own funds requirements during the processes of authorisation and recognition of existing central counterparties (CCPs), Article 497(1) and (2) of Regulation (EU) No 575/2013 established a transitional period during which all CCPs with which institutions established in the Union clear transactions are considered qualifying CCPs.
- (2) Regulation (EU) No 575/2013 amended Regulation (EU) No 648/2012 of the European Parliament and of the Council <sup>(2)</sup> in respect of certain inputs to the calculation of institutions' own funds requirements for exposures to CCPs. Accordingly, Article 89(5a) of Regulation (EU) No 648/2012 requires certain CCPs to report, for a limited period of time, the total amount of initial margin they have received from their clearing members. That transitional period mirrors the one laid down in Article 497 of Regulation (EU) No 575/2013.
- (3) Both the transitional period for own funds requirements set out in Article 497(1) and (2) of Regulation (EU) No 575/2013 and the transitional period for reporting the initial margin set out in the first and second subparagraphs of Article 89(5a) of Regulation (EU) No 648/2012 were set to expire on 15 June 2014.
- (4) Article 497(3) of Regulation (EU) No 575/2013 empowers the Commission to adopt an implementing act in order to extend the transitional period by six months in exceptional circumstances. That extension should also apply in respect of the time limits laid down in Article 89(5a) of Regulation (EU) No 648/2012. Those transitional periods have been extended until 15 December 2015 by Commission Implementing Regulations (EU) No 591/2014 <sup>(3)</sup>, (EU) No 1317/2014 <sup>(4)</sup> and (EU) 2015/880 <sup>(5)</sup>.
- (5) The authorisation process for existing CCPs established in the Union is ongoing but will not be completed by 15 December 2015. With regard to existing CCPs established in third countries that have already applied for recognition, several CCPs established in third countries have already been recognised by ESMA and some others may be recognised on the basis of the equivalence decisions under Article 25 of Regulation (EU) No 648/2012 that the Commission adopted on 13 November 2015. The recognition process will not, however, be completed by 15 December 2015. The need to avoid disruption to the international financial markets that led previously to the extension of the transitional period laid down in Article 497(2) of Regulation (EU) No 575/2013 regarding CCPs established in third countries would therefore remain after the expiry of the extension of the transitional period set out in Implementing Regulation (EU) 2015/880. A further extension of the transitional period should enable institutions established in the Union (or their subsidiaries established outside the Union) to avoid

<sup>(1)</sup> OJ L 176, 27.6.2013, p. 1.

<sup>(2)</sup> Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

<sup>(3)</sup> Commission Implementing Regulation (EU) No 591/2014 of 3 June 2014 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties in Regulation (EU) No 575/2013 and Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 165, 4.6.2014, p. 31).

<sup>(4)</sup> Commission Implementing Regulation (EU) No 1317/2014 of 11 December 2014 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 355, 12.12.2014, p. 6).

<sup>(5)</sup> Commission Implementing Regulation (EU) 2015/880 of 4 June 2015 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 143, 9.6.2015, p. 7).



significant increase in the own funds requirements due to the lack of recognised CCPs established in each relevant third country which provide, in a viable and accessible way, the specific type of clearing services that institutions established in the Union require. While such an increase may only be temporary, it could potentially lead to the withdrawal of those institutions as direct participants in those CCPs and cause disruption in the markets in which those CCPs operate. An additional six-month extension of the transitional periods is therefore appropriate.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the European Banking Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The 15-month periods referred to in Article 497(1) and (2) of Regulation (EU) No 575/2013 and in the first and second subparagraphs of Article 89(5a) of Regulation (EU) No 648/2012, respectively, as extended pursuant to Article 1 of Implementing Regulations (EU) No 591/2014, (EU) No 1317/2014 and (EU) 2015/880, are extended by an additional six months until 15 June 2016.

*Article 2*

This Regulation shall enter into force on the third 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, 11 December 2015.

*For the Commission*

*The President*

Jean-Claude JUNKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2015/2327****of 11 December 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 <sup>(1)</sup>,

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 <sup>(2)</sup>, 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, 11 December 2015.

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

Jerzy PLEWA  
*Director-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	MA	90,2
	TR	91,2
	ZZ	90,7
0707 00 05	MA	90,5
	TR	155,3
	ZZ	122,9
0709 93 10	MA	64,5
	TR	134,6
	ZZ	99,6
0805 10 20	MA	71,7
	TR	62,0
	ZA	34,0
	ZW	32,0
	ZZ	49,9
	MA	70,6
0805 20 10	ZZ	70,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	113,8
	TR	85,4
	ZZ	99,6
0805 50 10	TR	96,2
	ZZ	96,2
0808 10 80	CL	81,9
	US	110,2
	ZA	187,8
	ZZ	126,6
0808 30 90	CN	58,1
	TR	130,9
	ZZ	94,5

<sup>(1)</sup> 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) 2015/2328****of 11 December 2015**

**fixing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 20 November 2015 to 30 November 2015 and determining the quantities to be added to the quantity fixed for the subperiod from 1 July 2016 to 31 December 2016 under the tariff quotas opened by Regulation (EC) No 2535/2001 in the milk and milk products sector**

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 <sup>(1)</sup>, and in particular Article 188 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2535/2001 <sup>(2)</sup> opened annual tariff quotas for imports of products of the milk and milk products sector.
- (2) For some quotas, the quantities covered by the applications for import licences lodged from 20 November 2015 to 30 November 2015 for the subperiod from 1 January 2016 to 30 June 2016 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 <sup>(3)</sup>.
- (3) The quantities covered by the applications for import licences lodged from 20 November 2015 to 30 November 2015 for the subperiod from 1 January 2016 to 30 June 2016 are, for some quotas, less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (4) 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*

1. The quantities covered by the applications for import licences lodged under Regulation (EC) No 2535/2001 for the subperiod from 1 January 2016 to 30 June 2016 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 2535/2001, to be added to the subperiod from 1 July 2016 to 31 December 2016, are 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*.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas (OJ L 341, 22.12.2001, p. 29).

<sup>(3)</sup> 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).

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

Done at Brussels, 11 December 2015.

*For the Commission,*

*On behalf of the President,*

Jerzy PLEWA

*Director-General for Agriculture and Rural Development*

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## ANNEX

## I.A

Order No	Allocation coefficient — applications lodged for the subperiod from 1.1.2016 to 30.6.2016 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1.7.2016 to 31.12.2016 (kg)
09.4590	—	—
09.4599	—	—
09.4591	—	—
09.4592	—	—
09.4593	—	—
09.4594	—	—
09.4595	—	—
09.4596	—	—

## I.F

*Products originating in Switzerland*

Order No	Allocation coefficient — applications lodged for the subperiod from 1.1.2016 to 30.6.2016 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1.7.2016 to 31.12.2016 (kg)
09.4155	9,899845	—

## I.H

*Products originating in Norway*

Order No	Allocation coefficient — applications lodged for the subperiod from 1.1.2016 to 30.6.2016 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1.7.2016 to 31.12.2016 (kg)
09.4179	—	2 575 203

## I.I

*Products originating in Iceland*

Order No	Allocation coefficient — applications lodged for the subperiod from 1.1.2016 to 30.6.2016 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1.7.2016 to 31.12.2016 (kg)
09.4205	—	—
09.4206	—	—

**I.K***Products originating in New Zealand*

Order No	Allocation coefficient — applications lodged for the subperiod from 1.1.2016 to 30.6.2016 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1.7.2016 to 31.12.2016 (kg)
09.4514	—	7 000 000
09.4515	—	4 000 000
09.4182	—	16 806 000
09.4195	—	20 540 500

**I.L***Products originating in Ukraine*

Order No	Allocation coefficient — applications lodged for the subperiod from 1.1.2016 to 30.6.2016 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1.7.2016 to 31.12.2016 (kg)
09.4600	—	4 000 000
09.4601	—	750 000
09.4602	—	750 000

# DECISIONS

## COMMISSION IMPLEMENTING DECISION (EU) 2015/2329

of 11 December 2015

**determining that the temporary suspension of the preferential customs duty established under the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, and under the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, is not appropriate for imports of bananas originating respectively in Peru and Guatemala for the year 2015**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 19/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part <sup>(1)</sup>, and in particular Article 15 thereof,

Having regard to Regulation (EU) No 20/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other <sup>(2)</sup>, and in particular Article 15 thereof,

Whereas:

- (1) A stabilisation mechanism for bananas has been introduced by the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, which provisionally entered into force as regards to Colombia and Peru respectively on 1 August 2013 and on 1 March 2013.
- (2) A similar mechanism for bananas has been introduced by the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, which provisionally entered into force in the Central American countries during 2013, the latest being Guatemala on 1 December 2013.
- (3) According to these mechanisms, and pursuant to Articles 15(2) of Regulation (EU) No 19/2013 and of Regulation (EU) No 20/2013, once a defined trigger volume is exceeded for imports of fresh bananas (heading 0803 90 10 of the European Union Combined Nomenclature of 1 January 2012) from one of the countries concerned, the Commission shall adopt an implementing act by which it may either temporarily suspend the preferential customs duty applied to imports of fresh bananas for that country or determine that such suspension is not appropriate.
- (4) The decision of the Commission shall be taken in accordance with Article 8 of Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(3)</sup>, in conjunction with Article 4 thereof.
- (5) Imports into the European Union of fresh bananas originating in Guatemala exceeded the threshold of 62 500 metric tonnes defined by the above Trade Agreement in October 2015. In November 2015, the imports into the European Union of fresh bananas originating in Peru also exceeded their defined threshold of 86 250 metric tonnes.

<sup>(1)</sup> OJ L 17, 19.1.2013, p. 1.

<sup>(2)</sup> OJ L 17, 19.1.2013, p. 13.

<sup>(3)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).



- (6) In this context, pursuant to Articles 15(3) of Regulation (EU) No 19/2013 and of Regulation (EU) No 20/2013, the Commission took into consideration the impact of the imports concerned on the situation of the Union market for bananas in order to decide whether or not the preferential customs duty should be suspended. For this purpose the Commission has examined the effect of the imports concerned on the Union price level, the development of imports from other sources and the overall stability of the Union market for fresh bananas.
- (7) Imports of fresh bananas from Peru represented slightly less than 2 % of the total imports of fresh bananas into the European Union when they exceeded their defined threshold for 2015. Based on a projection of imports until the end of 2015, taking into consideration the monthly imports in 2015 and the fact that imports from Peru in 2014 remained below 2 % in the total imports for the whole calendar year, there is no indication that would suggest that the level of imports from Peru as compared to total imports would be materially different for the whole year 2015.
- (8) Imports of fresh bananas from Guatemala represented slightly less than 1,5 % of the total imports of fresh bananas into the European Union when they exceeded their threshold for 2015. Even if, in absolute terms, this represents double the 2014 import volume, based on a projection of imports until the end of 2015 taking into consideration the monthly imports in 2015, imports of bananas from Guatemala are unlikely to exceed 1,5 % of the total imports for the whole year 2015.
- (9) While the Peruvian import price was on average 670 EUR /tonne in the first 9 months of 2015, i.e. 4 % higher than the average price from other imports, the import price from Guatemala was on average 621 EUR /tonne for the same period, which is 3,5 % lower than the average prices of other imports of fresh bananas into the EU.
- (10) The combined imports of Peru and Guatemala are expected to remain below 3,5 % of the total imports for the whole year 2015, and their combined average price is comparable to the price level of the other imports.
- (11) Imports of fresh bananas from other traditional large exporting countries with whom the EU also has a Free Trade Agreement, notably Colombia, Costa Rica and Panama, remained largely below the thresholds defined for them in comparable stabilisation mechanisms, and they have been following the same trends and unit values in the past three years. For example the level of imports from Colombia and Costa Rica were respectively 627 thousand tonnes and 516 thousand tonnes below their defined thresholds in October 2015, which is significantly higher than the total imports from both Peru and Guatemala for a whole year.
- (12) The average wholesale banana price on the Union market in October 2015 (960 EUR/tonne) did not register notable changes compared to the average banana price for the previous months.
- (13) There is thus neither an indication that the stability of the Union market has been disturbed by the imports of fresh bananas from Peru and Guatemala in excess of the defined annual trigger import volume, nor that this had any significant impact on the situation of EU producers. It is also not expected that this situation would change for the remainder of 2015.
- (14) Finally, as also required by Regulation (EU) No 19/2013 and Regulation (EU) No 20/2013, there is no indication of threat of serious deterioration or a serious deterioration for producers in the outermost regions of the EU for the year 2015.
- (15) On the basis of the examination above, the Commission has concluded that the suspension of preferential customs duty on imports of bananas originating in Peru is not appropriate. The Commission has also concluded that the suspension of preferential customs duty on imports of bananas originating in Guatemala is not appropriate. The Commission will continue to closely monitor banana imports from these two countries,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The temporary suspension of preferential customs duty on imports of fresh bananas classified under heading 0803 90 10 of the European Union Combined Nomenclature and originating in Peru and Guatemala is not appropriate during the year 2015.

*Article 2*

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

Done at Brussels, 11 December 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**DECISION (EU) 2015/2330 OF THE EUROPEAN CENTRAL BANK**  
**of 4 December 2015**  
**amending Decision ECB/2014/53 on the approval of the volume of coin issuance in 2015**  
**(ECB/2015/41)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right from 1 January 1999 to approve the volume of coins issued by the Member States whose currency is the euro.
- (2) Based on the estimates of demand for euro coins in 2015 that the Member States whose currency is the euro submitted to the ECB, the ECB approved the total volume of euro coins intended for circulation and euro collector coins not intended for circulation in 2015 in Decision ECB/2014/53 <sup>(1)</sup>.
- (3) On 1 October 2015, the Greek Ministry of Finance requested that the volume of euro coins that Greece may issue in 2015 be increased from EUR 13,3 million to EUR 52,7 million to be able to respond to an unexpected rise in the demand for coins.
- (4) The ECB approves the abovementioned request for an increase in the volume of euro coins intended for circulation that Greece may issue in 2015.
- (5) On 2 October 2015, the Belgian Ministry of Finance requested that the volume of euro coins that Belgium may issue in 2015 be increased from EUR 0,8 million to EUR 65,8 million to be able to respond to an unexpected rise in the demand for coins.
- (6) The ECB approves the abovementioned request for an increase in the volume of euro coins intended for circulation that Belgium may issue in 2015.
- (7) Therefore, Decision ECB/2014/53 should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

**Amendment**

The table in Article 1 of Decision ECB/2014/53 is replaced by the following:

	(EUR million)
	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2015
Belgium	65,8
Germany	529,0
Estonia	10,3
Ireland	39,0
Greece	52,7
Spain	301,4
France	230,0

<sup>(1)</sup> Decision ECB/2014/53 of 11 December 2014 on the approval of the volume of coin issuance in 2015 (OJ L 365, 19.12.2014, p. 163).

(EUR million)

	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2015
Italy	41,5
Cyprus	10,0
Lithuania	120,7
Luxembourg	45,0
Malta	8,7
Netherlands	52,5
Latvia	30,6
Austria	248,0
Portugal	30,0
Slovenia	13,0
Slovakia	13,4
Finland	60,0'

*Article 2***Taking effect**

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

*Article 3***Addressees**

This Decision is addressed to the Member States whose currency is the euro.

Done at Frankfurt am Main, 4 December 2015.

*The President of the ECB*  
Mario DRAGHI

**DECISION (EU) 2015/2331 OF THE EUROPEAN CENTRAL BANK**  
**of 4 December 2015**  
**on the approval of the volume of coin issuance in 2016 (ECB/2015/42)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right since 1 January 1999 to approve the volume of coins issued by the Member States whose currency is the euro.
- (2) The 19 Member States whose currency is the euro have submitted to the ECB for approval their estimates of the volume of euro coins to be issued in 2016, supplemented by explanatory notes on the forecasting methodology.
- (3) As the right of Member States to issue euro coins is subject to approval by the ECB of the volume of the issue, the volumes approved by the ECB may not be surpassed by the Member States without prior approval by the ECB,

HAS ADOPTED THIS DECISION:

*Article 1*

**Approval of the volume of euro coins to be issued in 2016**

The ECB hereby approves the volume of euro coins to be issued by the Member States whose currency is the euro in 2016 as set out in the following table:

	<i>(EUR million)</i>
	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2016
Belgium	80,6
Germany	667,5
Estonia	10,3
Ireland	38,8
Greece	79,5
Spain	276,4
France	266,0
Italy	35,0
Cyprus	12,1
Latvia	20,0

	(EUR million)
	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2016
Lithuania	32,3
Luxembourg	19,1
Malta	9,9
Netherlands	52,5
Austria	260,0
Portugal	53,4
Slovenia	30,0
Slovakia	17,0
Finland	45,0

*Article 2***Taking effect**

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

*Article 3***Addressees**

This Decision is addressed to the Member States whose currency is the euro.

Done at Frankfurt am Main, 4 December 2015.

*The President of the ECB*

Mario DRAGHI

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**DECISION (EU) 2015/2332 OF THE EUROPEAN CENTRAL BANK**  
**of 4 December 2015**  
**on the procedural framework for the approval of the volume of euro coin issuance (ECB/2015/43)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first sentence of Article 128(2) thereof,

Whereas:

- (1) The Member States whose currency is the euro (hereinafter the 'euro area Member States') have the right to issue euro coins subject to approval by the European Central Bank (ECB) of the volume of the issue.
- (2) Where a derogation in favour of a Member State is abrogated, that Member State should be entitled to participate in the approval procedure in the year prior to the cash changeover so that it may exercise its right to issue euro coins from the day it becomes a euro area Member State.
- (3) As required by Article 5(4) of Regulation (EU) No 651/2012 of the European Parliament and the Council <sup>(1)</sup>, issuances of collector coins should be accounted for on an aggregate basis in the volume of coin issuance to be approved by the ECB.
- (4) Rules related to the procedural framework for the approval of the volume of coin issuance should be established.
- (5) In order to obtain the approval of the ECB, the euro area Member States should submit approval requests to the ECB.
- (6) While methodologies to estimate coin demand may vary to a certain extent across the euro area Member States, the ECB needs to be provided with a certain minimum level of information to verify the demand for the volume of coin issuance requested for approval.
- (7) The volumes of coin issuance approved should not be surpassed without the ECB's prior approval.
- (8) To allow the euro area Member States enough time to compile the requested data, this Decision should only take effect on 1 January 2016,

HAS ADOPTED THIS DECISION:

*Article 1*

**Definitions**

For the purposes of this Decision, the following definitions apply:

- (1) 'circulation coins' and 'commemorative coins' have the same meaning as in Article 2 of Council Regulation (EU) No 729/2014 <sup>(2)</sup>;
- (2) 'collector coins' has the same meaning as in Article 1 of Regulation (EU) No 651/2012;
- (3) 'volume of coin issuance' refers to the net difference, in terms of face value, between the cumulative volume of euro coins issued by a euro area Member State and the cumulative volume of euro coins returned to that euro area Member State during the respective calendar year.

<sup>(1)</sup> Regulation (EU) No 651/2012 of the European Parliament and of the Council of 4 July 2012 on the issuance of euro coins (OJ L 201, 27.7.2012, p. 135).

<sup>(2)</sup> Council Regulation (EU) No 729/2014 of 24 June 2014 on denominations and technical specifications of euro coins intended for circulation (OJ L 194, 2.7.2014, p. 1).

*Article 2***Annual approval request**

1. Each euro area Member State shall, on an annual basis, submit a request to the ECB for the approval of the volume of coin issuance attributable to that Member State in the following year. The request shall be submitted no later than 30 September of the year preceding the year for which the request is made.
2. The request shall be based on the estimated coin demand in the requesting euro area Member State and shall distinguish between circulation coins and collector coins. Each request shall include a general explanation of the methodology used to estimate demand.
3. For circulation coins, the volume requested may include an additional amount in excess of estimated demand to provide a reasonable safety margin.
4. For circulation coins, the request shall include the following information:
  - (a) the circulation figure as at 30 June or an alternative date of the year preceding the year for which the request is made and which is used to estimate coin demand for the year for which the request is made in accordance with the methodology selected by the requesting euro area Member State;
  - (b) any other relevant data required to assess the request made by the euro area Member State in accordance with the methodology selected by the requesting euro area Member State;
  - (c) whether and to what extent the volume requested includes an additional amount in accordance with paragraph 3; and
  - (d) the volume of coin issuance for which approval is requested.
5. Additional information to be supplied in relation to circulation coins may include, where available and considered important by the requesting euro area Member State to substantiate the approval request:
  - (a) key factors impacting on coin demand at national level;
  - (b) more detailed information on the coin demand broken down by denomination; and
  - (c) whether and to what extent coin demand at national level is influenced by coin demand from other euro area Member States.
6. For collector coins, the request shall contain the following information:
  - (a) the overall volume, measured by aggregate face value, of coin issuance of collector coins, including a list of the denominations of the collector coins; and
  - (b) whether a safety margin has been included in the request to cater for as yet unknown events to be commemorated by euro collector coins.
7. Where an agreement has been concluded between the European Union and a state or territory which is not a Member State of the European Union regarding the entitlement of the state or territory to use the euro as its official currency (hereinafter a 'monetary agreement') and that monetary agreement grants the state or territory the right to issue euro coins, the volume of coin issuance by that state or territory shall be added to the annual request of the euro area Member State specified in the monetary agreement.
8. Where a derogation in favour of a Member State is abrogated, the ECB shall process, in the year prior to the cash changeover, a request voluntarily made by such a Member State in line with the requirements of this Article for the approval of the volume of coin issuance attributable to that Member State following the cash changeover.
9. The Governing Council shall adopt a decision on the approval of the annual volume of coin issuance for the euro area before the end of the calendar year preceding the year for which the requests for approval are made.

*Article 3***Notification and ad hoc approval request**

1. The volume of coin issuance approved by the ECB for each euro area Member State in a calendar year shall not be exceeded at any time during that calendar year without prior approval by the ECB.



2. Euro area Member States shall continuously monitor coin demand. If the actual demand for euro coins in a euro area Member State is likely to exceed the approved volume of coin issuance for that calendar year, that Member State shall immediately notify the ECB.
3. The notification shall include the following information:
  - (a) the coin denomination or denominations for which the demand is higher than expected; and
  - (b) a detailed description of the key factors causing the unexpected increase in coin demand.
4. Within ten ECB business days of receipt of the notification, the ECB, at an operational level not requiring the involvement of the ECB's decision-making bodies, may pre-assess the notification and provide non-binding guidance to the notifying euro area Member State. In particular, the ECB may recommend increasing the additional volume of coin issuance where the notified higher coin demand appears to be insufficient to meet the actual demand, leading to a possible breach of the obligation under paragraph 1.
5. Where the increased coin demand continues to exist following the expiry of the period referred to in paragraph 4, the euro area Member State shall make an ad hoc approval request for an additional volume of coin issuance to the ECB without undue delay.
6. The ad hoc approval request shall specify the proposed increase in the volume of coin issuance and provide detailed information on the key factors causing the unexpected increase in coin demand not anticipated in the annual approval request.
7. The Governing Council shall adopt an individual decision on the ad hoc approval request.

#### *Article 4*

#### **Taking effect**

This Decision shall take effect on 1 January 2016.

#### *Article 5*

#### **Addressees**

This Decision is addressed to the euro area Member States.

Done at Frankfurt am Main, 4 December 2015.

*The President of the ECB*  
Mario DRAGHI

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**CORRIGENDA**

**Corrigendum to Commission Delegated Decision (EU) 2015/2290 of 12 June 2015 on the provisional equivalence of the solvency regimes in force in Australia, Bermuda, Brazil, Canada, Mexico and the United States and applicable to insurance and reinsurance undertakings with head offices in those countries**

*(Official Journal of the European Union L 323 of 9 December 2015)*

On the cover page and on pages 22 and 26, the adoption date (title and signature) of the Delegated Decision:

*for:* '12 June 2015',

*read:* '5 June 2015'.

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