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



## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2019/1745

of 13 August 2019

**supplementing and amending Directive 2014/94/EU of the European Parliament and of the Council as regards recharging points for L-category motor vehicles, shore-side electricity supply for inland waterway vessels, hydrogen supply for road transport and natural gas supply for road and waterborne transport and repealing Commission Delegated Regulation (EU) 2018/674**

*(Text with EEA relevance)*

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure <sup>(1)</sup>, and in particular Article 4(14), Article 5(3) and Article 6(11) thereof,

Whereas:

- (1) Commission standardisation work aims to ensure that technical specifications for the interoperability of recharging and refuelling points are specified in European or international standards by identifying the required technical specifications taking into account existing European standards and related international standardisation activities.
- (2) Pursuant to Article 10(1) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council <sup>(2)</sup>, the Commission requested <sup>(3)</sup> the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (Cenelec) to develop and adopt appropriate European standards, or to amend existing European standards, for electricity supply for road, maritime transport and inland navigation; hydrogen supply for road transport; natural gas, including biomethane supply for road, maritime transport and inland navigation.
- (3) The standards developed by CEN and Cenelec have been accepted by the European industry, in order to ensure Union-wide mobility with vehicles and vessels running on different fuels. CEN and Cenelec recommended to the Commission to include those standards into the Union legal framework. Technical specifications referred to in Annex II to Directive 2014/94/EU should be supplemented or amended accordingly.
- (4) Provisions for ‘interoperability’ in the context of this Delegated Regulation strictly refer to the capacity of recharging and refuelling stations to supply energy that is compatible with all vehicle technologies in order to allow seamless EU-wide use of alternative fuels vehicles.

<sup>(1)</sup> OJ L 307, 28.10.2014, p. 1.

<sup>(2)</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

<sup>(3)</sup> M/533 Commission Implementing Decision C(2015) 1330 final of 12 March 2015 on a standardisation request addressed to the European standardisation organisations, in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council, to draft European standards for alternative fuels infrastructure.

- (5) CEN and Cenelec informed the Commission of the standards recommended to be applied to recharging points for L-category motor vehicles. The standards EN 62196-2 'Plugs, socket-outlets, vehicle connectors and vehicle inlets. Conductive charging of electric vehicles. Dimensional compatibility and interchangeability requirements for a.c. pin and contact-tube accessories' and IEC 60884-1 'Plugs and socket-outlets for household and similar purposes – Part 1: General requirements' should apply to those recharging points. Therefore, point 1.5 of Annex II to Directive 2014/94/EU should be supplemented accordingly.
- (6) CEN and Cenelec informed the Commission of the standards recommended to be applied to shore-side electricity supply for inland waterway vessels. The standards EN 15869-2 'Inland navigation vessels — Electrical shore connection, three phase current 400 V, up to 63 A, 50 Hz — Part 2: Onshore unit, safety requirements (in process of being amended to increase amperage from 63 to 125)' and EN 16840 'Inland navigation vessels – Electrical shore connection, three phase current 400 V, at least 250 A, 50 Hz' should apply to that electricity supply. Therefore, point 1.8 of Annex II to Directive 2014/94/EU should be supplemented accordingly.
- (7) CEN and Cenelec informed the Commission of the standards recommended to be applied to compressed natural gas (CNG) fuelling stations. The European standard EN ISO 16923 'Natural gas fuelling stations – CNG stations for fuelling vehicles', covers the design, construction, operation, inspection and maintenance of stations for fuelling CNG to vehicles, including equipment, safety and control devices. This European standard also applies to portions of a refuelling station where natural gas is in a gaseous state and dispensing CNG derived from liquefied natural gas (L-CNG) according to EN ISO 16924. It also applies to biomethane, upgraded coal-bed methane (CBM) and gas supplies coming from LNG vaporization (on-site or off-site). The elements of the standard EN ISO 16923 ensuring the interoperability of the CNG refuelling stations and the vehicles should apply to CNG refuelling points. Therefore, point 3.4 of Annex II to Directive 2014/94/EU should be supplemented accordingly.
- (8) CEN and Cenelec informed the Commission of the standards recommended to be applied to liquefied natural gas (LNG) fuelling stations. The European standard EN ISO 16924 'Natural gas fuelling stations – LNG stations for fuelling vehicles', in its current version, covers the design, construction, operation, maintenance and inspection of stations for fuelling liquefied natural gas (LNG) to vehicles, including equipment, safety and control devices. This European standard also specifies the design, construction, operation, maintenance and inspection of fuelling stations for using LNG as an onsite source for fuelling CNG to vehicles (L-CNG fuelling stations), including safety and control devices of the station and specific L-CNG fuelling station equipment. The European standard covers fuelling stations having the following characteristics: private access; public access (self-service or assisted); metered dispensing and non-metered dispensing; fuelling stations with fixed LNG storage; fuelling stations with mobile LNG. The European standard EN ISO 12617 'Road vehicles – Liquefied natural gas (LNG) refuelling connector – 3,1 MPa connector' in its current version, specifies liquefied natural gas (LNG) refuelling nozzles and receptacles constructed entirely of new and unused parts and materials for road vehicles powered by LNG. An LNG refuelling connector consists of, as applicable, the receptacle and its protective cap (mounted on the vehicle) and the nozzle. This European standard is applicable only to such devices designed for a maximum working pressure of 3,4 MPa (34 bar) to those using LNG as vehicle fuel and having standardized mating components. The elements of the standard EN ISO 16924 ensuring the interoperability of the LNG refuelling stations and the standard EN ISO 12617 defining the specifications for connectors should apply to LNG refuelling points. Therefore, point 3.2 of Annex II to Directive 2014/94/EU should be supplemented accordingly.
- (9) CEN and Cenelec informed the Commission of the standards recommended to be applied to refuelling points for inland waterway vessels or sea-going ships. The European standard EN ISO 20519 'Ships and marine technology – Specification for bunkering of liquefied natural gas fuelled vessels' is differentiated for refuelling points for seagoing ships and inland navigation vessels. For seagoing ships, which are not covered by the International Code of the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), the refuelling points for LNG should comply with standard EN ISO 20519. However, for inland navigation vessels, the refuelling points for LNG should comply with standard EN ISO 20519 (parts 5.3 to 5.7) for interoperability purposes only. The European standard EN ISO 20519 should apply for refuelling points for seagoing ships and the same European standard (parts 5.3 to 5.7) should apply for refuelling points for inland waterway vessels. Therefore, point 3.1 of Annex II to Directive 2014/94/EU should be supplemented accordingly.
- (10) CEN and Cenelec informed the Commission of the standard recommended to be applied to hydrogen refuelling points dispensing gaseous hydrogen and filling protocols. The European standard EN 17127 'Outdoor hydrogen refuelling points dispensing gaseous hydrogen and incorporating filling protocols', in its current version, covers the interoperability of design, construction, operation, inspection and maintenance of stations for fuelling gaseous hydrogen to vehicles. The interoperability requirements described in standard EN 17127 should apply for hydrogen refuelling points as well as the same European standard should apply for the relevant filling protocols. Therefore, points 2.1 and 2.3 of Annex II to Directive 2014/94/EU should be amended accordingly.

- (11) CEN and Cenelec informed the Commission of the standard recommended to be applied to define the quality characteristics of hydrogen dispensed by hydrogen refuelling points for road vehicles. The European standard EN 17124 'Hydrogen fuel — Product specification and quality assurance — Proton exchange membrane (PEM) fuel cell applications for road vehicles', in its current version, covers the quality characteristics of hydrogen fuel and the corresponding quality assurance in order to ensure uniformity of the hydrogen product as dispensed for utilization in proton exchange membrane (PEM) fuel cell road vehicle systems. The European standard EN 17124, defining the quality characteristics of hydrogen dispensed by hydrogen refuelling points, should apply. Therefore, point 2.2 of Annex II to Directive 2014/94/EU should be amended accordingly.
- (12) CEN and Cenelec informed the Commission that the European standard EN ISO 17268 'Gaseous hydrogen land vehicle refuelling connection devices' was recommended to be applied to connectors for motor vehicles for the refuelling of gaseous hydrogen. It is hence important to conclude the process of the certification of connectors for the refuelling of motor vehicles with gaseous hydrogen according to standard EN ISO 17268. When this process is concluded, connectors for motor vehicles for the refuelling of gaseous hydrogen should comply with standard EN ISO 17268. Therefore, point 2.4 of Annex II to Directive 2014/94/EU should be amended accordingly.
- (13) CEN and Cenelec informed the Commission that the European standard EN ISO 14469 'Road vehicles – Compressed natural gas (CNG) refuelling connector' should apply to CNG connectors/receptacles. Therefore, point 3.3 of Annex II to Directive 2014/94/EU should be amended accordingly.
- (14) The 'Expert Group Sustainable Transport Forum' and the Central Commission for Navigation of the Rhine (CCNR) were consulted and provided their advice on the European standards that are the subject of this Commission Delegated Regulation.
- (15) The Commission should supplement and amend Directive 2014/94/EU accordingly with the references to the European standards developed by CEN and Cenelec.
- (16) When new technical specifications identified in Annex II to Directive 2014/94/EU are to be established, updated or supplemented through Commission Delegated Regulations, a transition period of 24 months is to apply.
- (17) This Regulation should incorporate updates made following requests by some Member States as regards recharging points for L-category motor vehicles, shore-side electricity supply for inland waterway vessels and refuelling points for LNG for waterborne transport, and the new developments generated by CEN and Cenelec on standards for natural gas and hydrogen's supply. Commission Delegated Regulation (EU) 2018/674 <sup>(4)</sup> should therefore be repealed,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### ***Recharging points for L-category motor vehicles***

For recharging points for L-category motor vehicles, referred to in point 1.5 of Annex II to Directive 2014/94/EU, the following technical specifications shall apply:

- (1) The publicly accessible alternating current (a.c.) recharging points reserved for L-category electric vehicles up to 3,7 kVA shall be equipped, for interoperability purposes, with at least one of the following:
  - (a) Socket-outlets or vehicle connectors of Type 3A as described in standard EN 62196-2 (for Mode 3 charging);
  - (b) Socket-outlets compliant with IEC 60884-1 (for Mode 1 or Mode 2 charging).
- (2) The publicly accessible alternating current (a.c.) recharging points reserved for L-category electric vehicles above 3,7 kVA shall be equipped, for interoperability purposes, with at least socket-outlets or vehicle connectors of Type 2 as described in standard EN 62196-2.

<sup>(4)</sup> Commission Delegated Regulation (EU) 2018/674 of 17 November 2017 supplementing Directive 2014/94/EU of the European Parliament and of the Council as regards recharging points for L-category motor vehicles, shore-side electricity supply for inland waterway vessels and refuelling points for LNG for waterborne transport, and amending that Directive as regards connectors for motor vehicles for the refuelling of gaseous hydrogen (OJ L 114, 4.5.2018, p. 1).

*Article 2****Shore-side electricity supply for inland waterway vessels***

For shore-side electricity for inland waterway vessels, referred to in point 1.8 of Annex II to Directive 2014/94/EU, the following technical specification shall apply:

The shore-side electricity supply for inland waterway vessels shall comply with standard EN 15869-2 or standard EN 16840 depending on energy requirements.

*Article 3****Compressed natural gas (CNG) refuelling points for motor vehicles***

For compressed natural gas (CNG) refuelling points, referred to in point 3.4 of Annex II to Directive 2014/94/EU, the following technical specifications shall apply:

The fuelling pressure (service pressure) shall be 20,0 MPa gauge (200 bar) at 15 °C. A maximum fuelling pressure of 26,0 MPa with 'temperature compensation' is allowed as addressed in standard EN ISO 16923, 'Natural gas fuelling stations – CNG stations for fuelling vehicles'.

*Article 4****Liquefied natural gas (LNG) refuelling points for motor vehicles***

For liquefied natural gas (LNG) refuelling points for motor vehicles, referred to in point 3.2. of Annex II to Directive 2014/94/EU, the following technical specifications shall apply:

The fuelling pressure shall be lower than the maximum allowable working pressure of the vehicle tank as addressed in EN ISO 16924, 'Natural gas fuelling stations – LNG stations for fuelling vehicles'.

The connector profile shall apply standard EN ISO 12617 'Road vehicles – Liquefied natural gas (LNG) refuelling connector – 3,1 MPa connector'.

*Article 5****Refuelling points for inland waterway vessels or sea-going ships***

For refuelling points for inland waterway vessels or sea-going ships, referred to in point 3.1 of Annex II to Directive 2014/94/EU, the following technical specifications shall apply:

For seagoing ships, which are not covered by the International Code of the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), the refuelling points for LNG shall comply with standard EN ISO 20519.

For inland navigation vessels, the refuelling points for LNG shall comply with standard EN ISO 20519 (parts 5.3 to 5.7) for interoperability purposes only.

*Article 6*

Annex II to Directive 2014/94/EU is amended as follows:

(1) point 2.1 is replaced by the following:

'2. 1. Outdoor hydrogen refuelling points dispensing gaseous hydrogen used as fuel on board motor vehicles shall comply with the interoperability requirements described in standard EN 17127 'Outdoor hydrogen refuelling points dispensing gaseous hydrogen and incorporating filling protocols';

(2) point 2.2 is replaced by the following:

‘2.2. The quality characteristics of hydrogen dispensed by hydrogen refuelling points for motor vehicles shall comply with the requirements described in standard EN 17124, ‘Hydrogen fuel — Product specification and quality assurance — Proton exchange membrane (PEM) fuel cell applications for road vehicles’, the methods to ensure that the hydrogen quality is met are also described in the standard.’;

(3) point 2.3 is replaced by the following:

‘2.3. The fuelling algorithm shall comply with the requirements of standard EN 17127, ‘Outdoor hydrogen refuelling points dispensing gaseous hydrogen and incorporating filling protocols’.’;

(4) point 2.4 is replaced by the following:

‘2.4. Once concluded the processes of certification of standard EN ISO 17268 connectors, connectors for motor vehicles for the refuelling of gaseous hydrogen shall comply with standard EN ISO 17268 ‘Gaseous hydrogen land vehicle refuelling connection devices’.’;

(5) point 3.3 is replaced by the following:

‘3.3. The connector profile shall comply with the requirements in standard EN ISO 14469 ‘Road vehicles — Compressed natural gas (CNG) refuelling connector’.’.

#### *Article 7*

Commission Delegated Regulation (EU) 2018/674 is repealed.

#### *Article 8*

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 12 November 2021.

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

Done at Brussels, 13 August 2019.

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

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1746****of 1 October 2019****amending Implementing Regulation (EU) 2017/1185 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents****(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 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 223(3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2017/1185 <sup>(2)</sup> lays down the rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 as regards the obligations on Member States to notify relevant information and documents to the Commission.
- (2) By Resolution dated 7 June 2016 on unfair trading practices in the food supply chain <sup>(3)</sup>, the European Parliament called on all stakeholders in the food supply chain management to step up transparency in the overall food supply chain and for increased transparency and provision of information within the supply chain, and for the strengthening of bodies and market information tools to supply farmers and producer organisations with accurate and timely market data.
- (3) In December 2016, the Council in its conclusions of 12 December 2016 on strengthening farmers' position in the food supply chain and tackling unfair trading practices called on the Commission to address the issue of lack of transparency and information asymmetry in the food supply chain.
- (4) In April 2019, Directive (EU) 2019/633 of the European Parliament and of the Council <sup>(4)</sup> was adopted, following which the European Parliament, the Council and the Commission issued a joint statement <sup>(5)</sup> on 22 March 2019 calling on/encouraging the Commission to enhance agricultural and food market transparency at Union level, including by improving the collection of statistical data necessary for the analysis of price formation mechanisms along the agricultural and food supply chain, with the aim of facilitating economic operators and public authorities in making more informed choices and to improve the understanding of operators on market developments.

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

<sup>(2)</sup> Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).

<sup>(3)</sup> OJ C 86, 6.3.2018, p. 49.

<sup>(4)</sup> Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the food supply chain (OJ L 111, 25.4.2019, p. 59).

<sup>(5)</sup> ST 7607 2019 ADD 1 REV 1, 22.3.2019, p. 1.



- (5) Furthermore, in January 2016, the Commission set up the Agricultural Markets Task Force, an independent expert group, to provide recommendations on how to enhance the position of producers in the agricultural and food supply chain. To that end, it recommended to increase market transparency to foster effective conditions of competition along the chain by introducing or enhancing existing price reporting especially in the meat, fruit and vegetables and dairy sectors. It also recommended the collected data be disseminated in a duly aggregated manner.
- (6) An open public consultation was carried out in 2017 and specific questionnaires were addressed to Member States, stakeholders and consumers in 2018. Several dedicated workshops and conferences with stakeholders and meetings of Member States' expert groups and civil dialogue groups on market transparency were organised in 2018 and 2019.
- (7) Notification of price, production and market information from Member States is already obligatory under Implementing Regulation (EU) 2017/1185, but only in relation to production prices.
- (8) Therefore, whilst on the one hand the Union is currently providing a relatively high level of public information on producer prices and consumer prices, stemming from statistical offices in Member States, on the other hand very little information on the prices along the agricultural and food supply chain is available to the public. An extension of price reporting should address these information gaps, in particular where sectoral food supply chains are complex. Monitoring price transmission along the chain by extending data collection and dissemination should enable market actors to have a better understanding of the functioning of the supply chain, thereby improving its overall functioning and economic efficiency, in particular for weaker operators who do not have readily access to private price information.
- (9) The prices currently reported represent production selling prices of operators at the first stage of the agricultural and food supply chain. Monitoring price transmission along the chain will require collecting price data from different operators along the chain (for example wholesalers, traders, food industry, and retailers) in particular for supply chains with highly differentiated stages and products.
- (10) Reporting only representative prices (such as prices from main markets and significant operators) should enable Member States to pursue a cost-effective approach for their reporting and contribute to keeping the administrative burden for small and medium-sized enterprises to a minimum. In line with current practices, Member States should describe the methodology for setting representative prices. They should also aim at approximating their methodologies to ensure the best possible comparability of the data across Member States.
- (11) In order to offer a time- and cost-effective reporting mechanism, the Commission should make the existing information system available for operators so as to allow operators to notify information directly to the Commission, under the supervision of Member States. Member States should inform the Commission if they delegate this obligation to notify the information to operators.
- (12) The Commission should organise regular meetings with Member States and stakeholders to share best practices, develop synergies and contribute to a common understanding of market dynamics in the agricultural and food supply chain. The Commission should also provide information to the Member States and stakeholders on the application of the Regulation.
- (13) Implementing Regulation (EU) 2017/1185 should therefore be amended accordingly.
- (14) It is appropriate to provide for a date of application of this Regulation that would give Member States the possibility to adapt to the new reporting obligations.
- (15) The Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Implementing Regulation (EU) 2017/1185**

Implementing Regulation (EU) 2017/1185 is amended as follows:

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

'In the case of notifications pursuant to Regulation (EU) No 1308/2013 and the acts adopted on the basis of that Regulation, the information-technology-based system referred in the first subparagraph of this paragraph shall also be available, where relevant, to operators and third countries.';

- (2) Article 5 is replaced by the following:

*'Article 5*

**Default notification**

Save as otherwise provided for in the acts referred to in Article 1, where Member States, and where relevant, third countries or operators, have not notified the required information or documents to the Commission by the deadline ("nil return"), they shall be deemed to have notified the following:

- (a) in the case of quantitative information, of a zero value;
- (b) in the case of qualitative information, of a "nothing to report" situation.';
- (3) the title of Chapter II is replaced by the following:

'NOTIFICATIONS AND COORDINATION ON PRICES, PRODUCTION, MARKET INFORMATION AND INFORMATION REQUIRED BY INTERNATIONAL AGREEMENTS';

- (4) in Article 7, paragraph 2 is replaced by the following:

'2. Member States and, where relevant, third countries and operators shall notify the Commission of any important new information likely to substantially alter information already notified.';

- (5) Article 8 is replaced by the following:

*'Article 8*

**Additional information**

Member States and, where relevant, third countries and operators may notify the Commission of information additional to that required in Annexes I, II and III by means of the information system referred to in Article 1 where such information is considered relevant by the Member States and, where relevant, by third countries and operators concerned. Such notifications shall be made by means of a form made available by the Commission in the information system.';

- (6) Article 9 is amended as follows:

- (a) the heading of Article 9 is replaced by the following:

**'Price and quantity definition';**

- (b) paragraph 1 is replaced by the following:

'1. For each price and quantity notification required by this Section, Member States shall notify the source and methodology used to determine the information provided. Such notifications shall include information on the representative markets determined by Member States and the associated weighting coefficients.';

- (c) the following paragraph 1a is inserted:

'1a. For each price and quantity notification required by this Section, Member States may delegate to operators the direct transmission of the prices and quantities to the information system of the Commission referred to in Article 1. Member States shall inform the Commission of the identity of operators that are subject to such a delegation.';

(7) Articles 10, 11 and 12 are replaced by the following:

*Article 10*

**Reporting of prices in official currency**

Unless otherwise specified in Annexes I, II and III, Member States and, where relevant, operators shall notify price information in their official currency, net of VAT.

*Article 11*

**Weekly price notification**

Unless otherwise specified in Annex I, Member States and, where relevant, operators shall notify the Commission of the weekly price information referred to in that Annex no later than 12.00 (Brussels' time) each Wednesday for the previous week.

*Article 12*

**Non-weekly pricing, production and market information notification**

Member States and, where relevant, operators shall notify the Commission, within the prescribed time limits, of the following:

- (a) non-weekly price information referred to in Annex II;
- (b) production and market information referred to in Annex III.;

(8) Annexes I, II and III are replaced by the text set out in the Annex to this Regulation.

*Article 2*

**Entry into force and application**

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

It shall apply from 1 January 2021.

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

Done at Brussels, 1 October 2019.

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

## ANNEX I

**Requirements relating to weekly price notifications referred to in Article 11**

Unless otherwise specified, Member States concerned are those producing or using more than 2 % of the total Union corresponding production or use.

**1. Cereals**

*Content of the notification:* representative market prices for each of the cereals and the cereal qualities considered relevant for the Union market, expressed per tonne of product.

*Member States concerned:* all Member States.

*Other:* prices shall refer, where relevant, to the qualitative properties, the place of quotation and the stage of marketing of each product.

**2. Rice**

*Content of the notification:* representative market prices for each of the varieties of rice considered relevant for the Union market, expressed per tonne of product.

*Member States concerned:* rice producing Member States and Member States with milling industry.

*Other:* prices shall refer, where relevant, to the processing stage, the place of quotation and the stage of marketing of each product.

**3. Oilseeds**

*Content of the notification:* representative prices for rapeseed, sunflower seed, soya bean, rapeseed meal, sunflower seed meal, soya meal, crude rape oil, crude sunflower oil and crude soya bean oil.

*Member States concerned:* Member States with a planted area of the respective crop of at least 10 000 hectares per year. As regards price notifications on meals and oils, Member States processing more than 200 000 tonnes of the respective oilseed crop.

**4. Olive oil**

*Content of the notification:* average prices recorded on the main representative markets and weighted national average prices for the categories of olive oil listed in Part VIII of Annex VII to Regulation (EU) No 1308/2013, expressed per 100 kg of product.

*Member States concerned:* Member States producing more than 20 000 tonnes of olive oil in the annual period from 1 October to 30 September.

*Other:* prices shall correspond to olive oil in bulk, ex-mill for virgin olive oil and ex-factory for other categories. Representative markets shall cover at least 70 % of the national production of the product concerned.

**Buying prices**

*Content of the notification:* retailers' representative buying prices for the categories virgin olive oil and extra virgin olive oil referred to in Part VIII of Annex VII to Regulation (EU) No 1308/2013, expressed per 100 kg of product.

*Other:* representative prices shall correspond to conditioned virgin olive oil and extra virgin olive oil in containers ready to be offered to final consumers and shall cover at least one third of the national purchases of the product concerned.

## 5. Fruit and vegetables, bananas

### (a) **Prices of products intended for the fresh market**

*Content of the notification:* representative prices for the types and varieties of tomatoes, apples, oranges, peaches and nectarines listed in Annex VI to Commission Delegated Regulation (EU) 2017/891 <sup>(1)</sup>, expressed per 100 kg net weight of product.

*Member States concerned:* Member States as listed in Annex VI to Delegated Regulation (EU) 2017/891.

*Other:* prices shall be ex-packaging station, sorted, packaged and where applicable on pallets.

### (b) **Prices of bananas**

*Content of the notification:* Wholesale prices for yellow bananas falling within the CN code 0803 90 10, expressed per 100 kg of product.

*Member States concerned:* all Member States marketing more than 50 000 tonnes of yellow bananas per calendar year.

*Other:* prices shall be notified by group of countries of origin.

### (c) **Farmgate prices**

*Content of the notification:* representative prices of tomatoes, apples, oranges, peaches and nectarines, and bananas intended for the fresh market. All prices expressed per 100 kg of product.

*Other:* prices shall be at farmgate and products harvested.

### (d) **Buying prices**

*Content of the notification:* representative retail buying prices of tomatoes, apples, oranges, peaches and nectarines, expressed per 100 kg of product.

## 6. Meat

*Content of the notification:* prices for beef, pig and sheep carcasses and cuts and certain live cattle, calves and piglets in accordance with Regulation (EU) No 1308/2013 and for carcasses according to the classification of beef, pig and sheep carcasses expressed per 100 kg of product.

*Member States concerned:* for carcasses and live animals, all Member States. For cuts, Member States whose national production represents 2 % or more of Union production.

*Other:* where in the opinion of the competent authority of the Member State concerned there are insufficient numbers of carcasses or live animals to notify, the Member State concerned may decide for the period in question to suspend the recording of prices for such carcasses or live animals and shall notify the Commission of the reason for its decision. Concerning cuts, Member States concerned shall report prices for beef hindquarter, beef forequarter, beef minced meat, pig meat loin, pig meat belly, pig meat shoulder, pig minced meat and pig meat ham.

### **Buying prices**

*Content of the notification:* retailers' and other food business operators' representative buying prices for pig and beef minced meat, expressed per 100 kg of product.

<sup>(1)</sup> Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ L 138, 25.5.2017, p. 4).

**7. Milk and milk products**

*Content of the notification:* prices of whey powder, skimmed milk powder, whole milk powder, butter, cream, drinking milk and commodity cheeses expressed per 100 kg of product.

*Member States concerned:* Member States whose national production represents 2 % or more of Union production; or, in the case of commodity cheeses, where the cheese type represents 4 % or more of the total national cheese production.

*Other:* prices shall be notified for products purchased from the manufacturer, excluding any other cost (transport, loading, handling, storage, pallets, insurance, etc.) based on contracts concluded for deliveries within three months.

**Buying prices**

*Content of the notification:* retailers' and other food business operators' representative buying prices of butter and relevant cheeses expressed per 100 kg of product.

**8. Eggs**

*Content of the notification:* wholesale price for Class A eggs per farming method (average of categories L and M), expressed per 100 kg of product.

*Member States concerned:* all Member States.

*Other:* prices shall be notified for products in packing stations.

**9. Poultry meat**

*Content of the notification:* average wholesale price for whole Class A chickens ('65 % chickens') and chicken cuts (breast fillet, legs), expressed per 100 kg of product.

*Member States concerned:* all Member States.

*Other:* prices shall be notified for products in slaughter plants or recorded on representative markets.

**Buying prices**

*Content of the notification:* retailers' and other food business operators' representative buying prices for whole Class A chickens and chicken breast fillets, expressed per 100 kg of product.

**10. Other**

*Content of the notification:* price of fat filled powder expressed per 100 kg of product.

*Other:* prices shall be notified for products purchased from the manufacturer, excluding any other cost (transport, loading, handling, storage, pallets, insurance, etc.) based on contracts concluded for deliveries within three months.

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## ANNEX II

**Requirements relating to non-weekly price notifications referred to in point (a) of Article 12**

Unless otherwise specified, Member States concerned are those producing or using more than 2 % of the total Union corresponding production or use, except for organic products, for which the threshold is 4 % of the production.

**1. Cereals****(a) Prices of organic cereals**

*Content of the notification:* representative market prices for organic common wheat, durum wheat and rye, expressed per tonne of product.

*Period of notification:* by 25th of each month in respect of the preceding month.

**(b) Prices of wheat flour**

*Content of the notification:* milling industry's representative selling prices for wheat flour, expressed per tonne of product.

*Period of notification:* by 25th of each month in respect of the preceding month.

**(c) Buying prices of wheat flour**

*Content of the notification:* retailers' and other food business operators' representative buying prices for wheat flour, expressed per tonne of product.

*Period of notification:* by 25th of each month in respect of the preceding month.

**2. Oilseeds and protein crops**

*Content of the notification:* representative market prices for each of the protein crops considered relevant for the Union market as well as for organic soya beans, organic soya meal, non-GM soya meal, expressed per tonne of product.

*Member States concerned:* for protein crops, Member States with a planted area of the respective crop of at least 10 000 hectares per year.

*Period of notification:* by 25th of each month in respect of the preceding month.

**3. Sugar**

*Content of the notification:*

(a) the weighted averages of the following sugar prices, expressed per tonne of sugar, as well as the *total* corresponding quantities and the weighted standard deviations:

(i) for the previous month, the selling price;

(ii) for the previous month, the selling price on invoices corresponding to short-term contracts. These prices shall be published by the Commission at the earliest 2 months after the end of the notification period established hereafter;

(b) the weighted average price of sugar beet during the previous marketing year, expressed per tonne of beet, as well as the total corresponding quantities.

*Member States concerned:*

(a) for sugar prices, all Member States where more than 10 000 tonnes of sugar is produced from sugar beet or from raw sugar;

(b) for sugar beet prices, Member States with a planted area of more than 1 000 ha of sugar beet in the marketing year in question.

*Period of notification:*

(a) for sugar prices, by the 25th of each month;

(b) for sugar beet prices, by 30 June each year.

*Other:* Prices shall be established in line with the methodology published by the Commission and shall relate to:

- (a) bulk white sugar prices ex-factory for sugar of a standard quality as defined in point B II of Annex III to Regulation (EU) No 1308/2013 collected from sugar undertakings and refiners;
- (b) sugar beet price for sugar beet of a standard quality containing 16 % of sugar, paid by sugar undertakings to producers. The beet shall be attributed to the same marketing year as the sugar extracted from it.

### **Buying prices**

*Content of the notification:* retailers', food and non-food industry's (other than biofuel) representative buying prices of sugar and molasses, expressed per tonne of product.

*Period of notification:* by the 25th of each month.

*Other:* representative prices shall be established in line with the methodology published by the Commission.

## **4. Flax fibre**

*Content of the notification:* average prices ex-factory for the previous month recorded on the main representative markets for long flax fibre, expressed per tonne of product.

*Member States concerned:* all Member States where long flax fibres are produced from a planted area exceeding 1 000 ha of fibre flax.

*Period of notification:* by 25th of each month in respect of the preceding month.

## **5. Olive oil and table olives**

*Content of the notification:*

- representative market prices for organic olive oil for the categories virgin olive oil and extra virgin olive oil referred to in Part VIII of Annex VII to Regulation (EU) No 1308/2013, expressed per 100 kg of product,
- representative prices of raw olives for table olives, expressed per 100 kg of product.

*Member States concerned:*

- for organic olive oil, Member States producing more than 5 000 tonnes of organic olive oil (virgin olive oil and extra virgin olive oil categories) in the annual period from 1 October to 30 September,
- for table olives, Member States producing more than 5 000 tonnes of table olives in the annual period from 1 September to 31 August.

*Period of notification:*

- for organic olive oil by 25th of each month in respect of the preceding month,
- for table olives, by 15 January each year, in relation to the harvest of the previous calendar year (1 September-31 December).

*Other:* as regards organic olive oil, prices shall correspond to olive oil in bulk, ex-mill for virgin olive oil and ex-factory for other categories. As regards raw olives for table olives' production, prices shall correspond to olives delivered by producers at the reception points of the processing industry.

## **6. Wine**

*Content of the notification:* in relation to the wines referred to in point 1 of Part II of Annex VII to Regulation (EU) No 1308/2013:

- (a) a summary of the prices for the previous month expressed per hectolitre of wine with reference to the volumes concerned; or
- (b) the publicly available information sources considered credible for the recording of prices.

*Member States concerned:* Member States whose wine production during the past five years on average exceeded 5 % of the total Union wine production.



*Period of notification:* by 15th of each month in respect of the preceding month.

*Other:* prices shall be for product unpacked ex-producer's premises. For the information referred to in points (a) and (b), the Member States concerned shall make a selection of the eight most representative markets to be monitored, which shall include at least two for wines with protected designation of origin or protected geographical indication.

## 7. **Milk and milk products**

### (a) **Milk**

*Content of the notification:* the price of raw milk and organic raw milk, and the estimated price for deliveries of raw milk in the running month, expressed per 100 kg of product at real fat and protein content.

*Member States concerned:* all Member States.

*Period of notification:* by the 25th of each month in respect of the preceding month.

*Other:* the price shall be that paid by first purchasers established in the territory of the Member State.

### (b) **Milk products**

*Content of the notification:* prices for cheeses, other than commodity cheeses referred to in point 7 of Annex I, expressed per 100 kg of product.

*Member States concerned:* all Member States for types of cheeses relevant for the national market.

*Period of notification:* by 15th of each month in respect of the preceding month.

*Other:* the prices shall relate to cheese purchased from the manufacturer, excluding any other cost (transport, loading, handling, storage, pallets, insurance, etc.) based on contracts concluded for deliveries within three months.

## 8. **Fruit and vegetables, bananas**

### (a) **Prices for organic fresh fruit and vegetables**

*Content of the notification:* representative selling prices of organic tomatoes, apples, oranges, peaches and nectarines, expressed per 100 kg net weight of product.

*Period of notification:* by the 25th each month in respect of the previous calendar month.

### (b) **Prices for green bananas**

*Content of the notification:*

- (a) average selling prices on local markets of green bananas marketed in the region of production, expressed per 100 kg of product and related quantities;
- (b) average selling prices of green bananas marketed outside the region of production, expressed per 100 kg of product and related quantities.

*Period of notification:*

- by 15 June each year in respect of the previous period from 1 January to 30 April,
- by 15 October each year in respect of the previous period from 1 May to 31 August,
- by 15 February each year in respect of the previous period from 1 September to 31 December.

*Member States concerned:* Member States with a region of production, namely:

- (a) the Canary Islands;
- (b) Guadeloupe;
- (c) Martinique;
- (d) Madeira and the Azores;

(e) Crete and Lakonia;

(f) Cyprus.

*Other:* prices for green bananas marketed in the Union outside their region of production shall be at the first port of unloading (goods not unloaded).

(c) **Farmgate prices**

*Content of the notification:* representative prices of tomatoes, apples and oranges intended for processing. All prices expressed per 100 kg of product.

*Period of notification:*

(a) for tomatoes, by 31 January the following year;

(b) for apples and oranges, by the 25th each month in respect of the previous calendar month.

*Other:* prices shall be at farmgate and products harvested.

9. **Meat**

*Content of the notification:* representative selling prices of organic beef carcasses according to the classification of beef carcasses as in the case of the notification foreseen in point (a) of point 6 of Annex I, expressed per 100 kg of product.

*Period of notification:* by 25th of each month in respect of the preceding month.

10. **Poultry**

*Content of the notification:* representative selling prices of organic whole Class A chickens ('65 % chickens') expressed per 100 kg of product.

*Period of notification:* by the 25th each month in respect of the previous calendar month.

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## ANNEX III

**Requirements relating to production and market information notifications as referred to in point (b) of Article 12****1. Rice**

*Content of the notification:* for each of the types of rice referred to in points 2 and 3 of Part I of Annex II to Regulation (EU) No 1308/2013:

- (a) area planted, agronomic yield, production of paddy rice in the harvest year and milling yield;
- (b) domestic use (including by the processing industry) of rice expressed in milled equivalent;
- (c) stocks of rice (expressed in milled equivalent) held by producers and by rice mills on 31 August each year, broken down by rice produced in the Union and rice imported.

*Period of notification:* by 15 January each year in respect of the previous year.

*Member States concerned:*

- (a) for paddy rice production, all rice producing Member States;
- (b) for domestic use, all Member States;
- (c) for rice stocks, all rice producing Member States and Member States with rice mills.

**2. Sugar****A. Beet areas**

*Content of the notification:* sugar beet area for the current marketing year and an estimate for the following marketing year.

*Period of notification:* by 31 May each year.

*Member States concerned:* all Member States with a planted area of more than 1 000 ha of sugar beet in the year in question.

*Other:* these figures shall be expressed in hectares and broken down by areas intended for production of sugar and those intended for production of bioethanol.

**B. Sugar and bioethanol production and use**

*Content of the notification:*

- (a) production: sugar and molasses production and bioethanol production by each undertaking in the previous marketing year and, for the current marketing year, an estimate of the total sugar production in each Member State and of the sugar production by each undertaking;
- (b) use: sugar sold by undertakings and refiners in the previous marketing year, split by destination.

*Period of notification:* by 30 November each year as regards the previous marketing year production and use, as well as the estimated total sugar production for the current marketing year; and by 31 March each year (30 June for the French departments of Guadeloupe and Martinique) as regards the current marketing year production by each undertaking.

*Member States concerned:* Member States where more than 10 000 tonnes of sugar is produced.

*Other:*

- (a) 'sugar production' means the total quantity, expressed in tonnes of white sugar as follows, of:
  - (i) white sugar, disregarding differences in quality;
  - (ii) raw sugar, on the basis of yield determined in accordance with point B.III of Annex III to Regulation (EU) No 1308/2013;
  - (iii) invert sugar, by its weight;
  - (iv) sucrose or invert sugar syrups which are at least 70 % pure and are produced from sugar beet, on the basis of extractable sugar content or on the basis of real yield;
  - (v) sucrose or invert sugar syrups which are at least 75 % pure and are produced from sugar cane, on the basis of sugar content;

- (b) sugar production shall not include white sugar obtained from any of the products referred to in point (a) or produced under inward processing arrangements;
- (c) the sugar extracted from beet sown in a particular marketing year shall be attributed to the following marketing year. However, the sugar extracted from beet sown in the Autumn of a particular marketing year shall be attributed to the same marketing year in those Member States having decided so and notified the Commission of their decision by 1 October 2017;
- (d) the figures for sugar shall be broken down by month and, with regard to the current marketing year, shall correspond to provisional figures until the month of February and to estimates for the remaining months of the marketing year;
- (e) bioethanol production shall only include bioethanol obtained from any of the products referred to in point (a) and shall be expressed in hectolitres;
- (f) 'sugar use' means the total quantities, expressed in tonnes of white sugar equivalent, sold by sugar undertakings and refiners to retailers and sugar users during the marketing year. Those quantities shall be split between those sold for retail sales, to the food industry and to other industries excluding bioethanol.

### C. **Isoglucose production**

*Content of the notification:*

- (a) quantities of own production of isoglucose shipped by each producer during the previous marketing year;
- (b) quantities of own production of isoglucose shipped by each producer during the previous month.

*Period of notification:* by 30 November each year with regard to the previous marketing year and by 25th of each month with regard to the previous month.

*Member States concerned:* all Member States where isoglucose is produced.

*Other:* 'Production of isoglucose' means the total quantity of product obtained from glucose or its polymers with content by weight in the dry state of at least 41 % fructose, expressed in tonnes of dry matter irrespective of actual fructose content in excess of the 41 % threshold. The yearly production figures shall be broken down by month.

### D. **Sugar and isoglucose stocks**

*Content of the notification:*

- (a) quantities of sugar production stored at the end of each month by sugar undertakings and refiners;
- (b) quantities of isoglucose production stored by isoglucose producers at the end of the previous marketing year.

*Period of notification:* by the end of each month in respect of the preceding month in question with regard to sugar, and by 30 November with regard to isoglucose.

*Member States concerned:*

- (a) for sugar, all Member States where sugar undertakings or refiners are located and production of sugar exceeds 10 000 tonnes;
- (b) for isoglucose, all Member States where isoglucose is produced.

*Other:* the figures shall refer to products stored in free circulation in Union territory and to sugar production and isoglucose production as defined in points B and C.

With regard to sugar:

- the figures shall refer to quantities owned by the undertaking or the refiner or covered by a warrant,
- the figures shall specify, for the quantities in storage at the end of the months of July, August and September, the quantity which comes from the production of sugar under the following marketing year,
- if storage is in a different Member State from the one notifying the Commission, the notifying Member State shall inform the Member State concerned of the quantities stored on their territory and their locations by the end of the month following that of notification to the Commission.

With regard to isoglucose, the quantities shall refer to quantities owned by the producer.

**E. Agreements within the trade**

*Content of the notification:* the contents of agreements within the trade between growers and undertakings as well of collective value sharing clauses. The relevant elements to be notified shall be established in line with the methodology published by the Commission.

*Period of notification:* by the end of each marketing year in respect of that marketing year.

*Member States concerned:* all Member States where sugar undertakings are located and production of sugar exceeds 10 000 tonnes.

**3. Fibre crops**

*Content of the notification:*

- (a) the fibre flax area for the previous marketing year and the estimate for the current marketing year, expressed in hectares;
- (b) the production of long flax fibres for the previous marketing year and an estimate for the current marketing year, expressed in tonnes;
- (c) the area planted with cotton for the previous crop year and an estimate for the current crop year, expressed in hectares;
- (d) the production of unginced cotton for the previous crop year and an estimate for the current crop year and, expressed in tonnes;
- (e) the average price of unginced cotton paid to cotton producers in respect of the previous crop year, expressed per tonne of product.

*Period of notification:*

- (a) for fibre flax area, by 31 July each year;
- (b) for production of long flax fibres, by 31 October each year;
- (c) for cotton, by 15 October each year.

*Member States concerned:*

- (a) for flax, all Member States where long flax fibres are produced from a planted area exceeding 1 000 ha of fibre flax;
- (b) for cotton, all Member States where at least 1 000 ha of cotton are sown.

**4. Hops**

*Content of the notification:* the following production information, given as a total and for information referred to in points (b), (c) and (d), broken down by bitter and aromatic hops varieties:

- (a) number of farmers growing hops;
- (b) area planted with hops, expressed in hectares;
- (c) quantity in tonnes and average farm gate price, expressed per kg of hops sold under a forward contract and without such a contract;
- (d) alpha-acid production in tonnes and average alpha-acid content (percentage).

*Period of notification:* by 30 April of the year following the hops harvest.

*Member States concerned:* Member States with a planted area of more than 200 hectares of hops in the previous year.

**5. Olive oil**

*Content of the notification:*

- (a) data on final production (including data on organic production), total domestic consumption (including by the processing industry) and ending stocks for the preceding annual period from 1 October to 30 September;
- (b) an estimate of monthly production, an estimate of monthly level of stocks held by producers and the industry and estimates of total production, total domestic consumption (including by the processing industry) and ending stocks for the current annual period from 1 October to 30 September.

*Period of notification:*

- (a) by 31 October each year, for data relating to the preceding annual period;
- (b) by 31 October each year and by the 15th of each month from November to June, for data relating to the current annual period.

*Member States concerned:* for the notification of the monthly level of stocks, Member States producing more than 20 000 tonnes of olive oil in the annual period from 1 October to 30 September. For other data, all Member States producing olive oil.

## 6. Tobacco

*Content of the notification:* for each raw tobacco variety group:

- (a) number of farmers;
- (b) area in hectares;
- (c) quantity delivered in tonnes;
- (d) the average price paid to farmers, excluding taxes and other levies, expressed per kg of product.

*Period of notification:* by 31 July of the year following the harvest year.

*Member States concerned:* Member States with a planted area of more than 3 000 hectares of tobacco for the previous harvest.

*Other:* the variety groups of raw tobacco are:

- Group I: Flue-cured: tobacco dried in ovens with controlled air circulation, temperature and humidity, in particular Virginia;
- Group II: Light air-cured: tobacco dried in the air under cover, not left to ferment, in particular Burley and Maryland;
- Group III: Dark air-cured: tobacco dried in the air under cover, left to ferment naturally before being marketed, in particular Badischer Geudertheimer, Fermented Burley, Havana, Mocny Skroniowski, Nostrano del Brenta and Pulawski;
- Group IV: Fire-cured: tobacco dried by fire, in particular Kentucky and Salento;
- Group V: Sun-cured: tobacco dried in the sun, also called 'Oriental varieties', in particular Basmas, Katerini and Kaba-Koulak.

## 7. Wine sector products

*Content of the notification:*

- (a) estimates of the production of wine products (including vinified and non-vinified grape must) on the territory of the Member State during the current wine year;
- (b) the definitive result of the production declarations referred to in Article 31 of Regulation (EU) 2018/273, as well as an estimate of the production not covered by such declarations;
- (c) a summary of the stock declarations referred to in Article 32 of Regulation (EU) 2018/273, held at 31 July of the previous wine year;
- (d) the final balance sheet of the previous wine year including full information on availabilities (opening stocks, production, imports), uses (human and industrial consumption, transformation, exports and losses) and final stocks.

*Period of notification:*

- (a) estimates of production, by 30 September each year;
- (b) definitive result of the production declarations, by 15 March each year;
- (c) summary of stock declarations, by 31 October each year;

- (d) final balance sheet, by 15 January each year.

*Member States concerned:* Member States that maintain an updated vineyard register in accordance with Article 145(1) of Regulation (EU) No 1308/2013.

## 8. **Milk**

*Content of the notification:*

- the total quantity of cow's raw milk, expressed in kilograms at real fat content,
- the total quantity of organic cow's raw milk, expressed in kilograms at real fat content,
- the fat content and the protein content of cow's raw milk, as a percentage of the product weight.

*Period of notification:* by the 25th of each month for the preceding month.

*Member States concerned:* all Member States.

*Other:* for milk, the quantities refer to milk delivered in the preceding month to first purchasers established in the territory of the Member State. Member States shall ensure that all first purchasers established in their territory declare to the competent national authority the quantity of cow's raw milk that has been delivered to them each month in a timely and accurate manner so as to comply with this requirement.

## 9. **Eggs**

*Content of the notification:*

- the number of eggs production sites with the breakdown by farming methods referred to in Annex II to Regulation (EC) No 589/2008 and organic eggs production sites according to Council Regulation (EC) No 834/2007, including the maximum capacity of the establishment in terms of number of laying hens present at one time,
- the volume of production of eggs in shell per farming method expressed in tonnes net weight, including organic eggs.

*Period of notification:*

- number of production sites yearly by 1 April each year;
- production volumes on a monthly basis by the 25th of the month for the preceding month.

*Member States concerned:* all Member States.

## 10. **Ethyl alcohol**

*Content of the notification:* for alcohol of agricultural origin, expressed in hectolitres of pure alcohol:

- (a) production by fermenting and distilling, broken down by the agricultural raw material from which the alcohol is produced;
- (b) the volumes transferred from alcohol producers or importers for processing or packaging, broken down by category of use (food and beverages, fuels, industrial/others).

*Period of notification:* by 1 March each year in respect of the previous calendar year.

*Member States concerned:* all Member States.

## 11. **Meat**

*Content of the notification:*

- (a) beef: number and weight of classified carcasses per category and broken down by classes of conformation and fat cover;
- (b) pig: number and weight of classified carcasses per classes of lean meat content;
- (c) beef: number and weight of classified organic carcasses per category and broken down by classes of conformation and fat cover.

*Period of notification:* weekly for points (a) and (b), together with the price notification foreseen in Annex I paragraph 6, point (a); monthly for point (c), together with the price notification foreseen in Annex II paragraph 9.

*Member States concerned:* all Member States.

## 12. **Other**

*Content of the notification:* the total quantity of fat-filled powder, expressed in tonnes.

*Period of notification:* by the 25th of each month for the preceding month.

*Member States concerned:* all Member States.

*Other:* the quantities refer to fat-filled powders produced in the preceding month by dairy processors established in the territory of the Member State.

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1747****of 15 October 2019****amending Regulation (EU) No 1178/2011 as regards requirements for certain flight crew licences and certificates, rules on training organisations and competent authorities****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 <sup>(1)</sup>, and in particular Article 23(1), Article 27(1) and Article 62(14) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1178/2011 <sup>(2)</sup> lays down detailed rules for technical requirements and administrative procedures related to civil aviation aircrew.
- (2) The implementation of Regulation (EU) No 1178/2011 revealed that certain requirements contained editorial errors or ambiguities. In addition, a number of deadlines or provisions, originally included to give Member States sufficient time to bring their national rules in line with Regulation (EU) No 1178/2011, have lapsed. This has led to problems with the implementation and clarity of the Union rules. Those requirements should be clarified and corrected. New definitions should be introduced to ensure that the terms are implemented in a uniform manner.
- (3) In order to enhance the proportionality and transparency of the regulatory system for general aviation, the rules applicable to light aircraft pilots, private pilots, sailplane pilots and balloon pilots should be amended to provide for the expansion of privileges and to clarify the content of training and examinations. When providing for the expansion of privileges, sea ratings, recency requirements, requirements of the theoretical knowledge examinations and crediting requirements should be clarified.
- (4) The requirements for the instrument rating for aeroplanes and helicopters should be amended to clarify the theoretical knowledge and flight instruction provisions, revalidation and renewal requirements.
- (5) Amendments to class and type rating requirements should be made to clarify and ensure consistency with regard to variants, validity and renewal. Furthermore, amendments should be made to clarify the aerobatic rating, sailplane and banner towing ratings, night rating and mountain rating requirements.
- (6) The implementation of the rules revealed that some of the requirements applicable to instructors and examiners are unclear. As a result, with regard to instructors, the requirements in relation to instructor certificates, prerequisites, assessment of competence, validity, privileges and conditions, training course content, revalidation and renewal should be amended. With regard to examiners, the requirements in relation to examiner certificates, standardisation, prerequisites, assessment of competence, validity, privileges and conditions, revalidation and renewal should be amended.

<sup>(1)</sup> OJ L 212, 22.8.2018, p. 1.

<sup>(2)</sup> Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

- (7) Regulation (EU) 2018/1139 provides for the possibility to recognise training and experience on aircraft not subject to Regulation (EU) 2018/1139 (Annex I 'Aircraft referred to in point (d) of Article 2(3)') for the purpose of obtaining a Part-FCL licence. For this reason, relevant rules for training organisations and competent authorities should be amended to enable such recognition.
- (8) The implementation of the rules relating to declared training organisations (DTOs) <sup>(1)</sup> revealed the need to clarify the applicable rules to ensure effective regulatory oversight of DTOs. The requirements should be amended to ensure that the possibility to train in a DTO should only be permitted if that DTO is located within the territory for which the Member States are responsible under the Chicago Convention.
- (9) The implementation of the rules relating to the possibility to transfer Part-FCL licences and associated medical certificates revealed the need to clarify the responsibilities of the involved competent authorities and the timing of the transfer of the oversight responsibility. For this reason, the relevant rules should be amended.
- (10) The measures provided for in this Regulation have been suggested in Opinion No 05/2017 issued by the European Union Aviation Safety Agency pursuant to points (b) and (c) of Article 75(2) and Article 76(1) of Regulation (EU) 2018/1139 and in the context of subsequent technical discussions.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EU) No 1178/2011 is amended as follows:

- (1) in Article 1, paragraph (3) is replaced by the following:

'(3) different medical certificates for pilots, the conditions for issuing, maintaining, amending, limiting, suspending or revoking medical certificates, the privileges and responsibilities of the holders of medical certificates';
- (2) in Article 2, points (4), (9), (10) and (13) are deleted;
- (3) in Article 4, paragraph 1 is deleted;
- (4) in Article 4, paragraph 6 is replaced by the following:

'6. Notwithstanding paragraph 3, holders of a class rating instructor certificate or an examiner certificate who have privileges for single-pilot high performance complex aircraft shall have those privileges converted into a type rating instructor certificate or an examiner certificate for single-pilot aeroplanes.';
- (5) Article 5 is deleted;
- (6) in Article 9, paragraph 1 is replaced by the following:

'1. In respect of issuing Part-FCL licences in accordance with Annex I, training commenced prior to the application of this Regulation in accordance with the JARs and procedures, under the regulatory oversight of a Member State recommended for mutual recognition within the Joint Aviation Authorities' system in relation to the relevant JARs, shall be given full credit provided that the training and testing were completed by 8 April 2016 at the latest and a Part-FCL licence is issued by 1 April 2020 at the latest.';

<sup>(1)</sup> Commission Regulation (EU) 2018/1119 of 31 July 2018 amending Regulation (EU) No 1178/2011 as regards declared training organisations (OJ L 204, 13.8.2018, p. 13).

(7) Article 10a is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Organisations shall, in accordance with Article 24(2) of Regulation (EU) 2018/1139, be entitled to provide training to pilots involved in the operation of aircraft referred to in points (b)(i) and (ii) of Article (2)(1) of Regulation (EU) 2018/1139 only where those organisations have been issued by the competent authority with an approval confirming that they comply with the essential requirements set out in Annex IV to Regulation (EU) 2018/1139 and with the requirements of Annex VII to this Regulation. However, having regard to Article 24(6) of Regulation (EU) 2018/1139, organisations having their principal place of business in a Member State shall be entitled to provide the training referred to in point DTO.GEN.110 of Annex VIII to this Regulation without such approval inside the territory for which Member States are responsible under the Chicago Convention where they have made a declaration to the competent authority in accordance with the requirements laid down in point DTO.GEN.115 of that Annex and, where so required pursuant to point DTO.GEN.230(c) of that Annex, the competent authority has approved the training programme.’;

(b) paragraphs 2, 3 and 4 are deleted;

(8) in Article 10b, paragraphs 2 and 3 are deleted;

(9) in Article 10c, paragraphs 2 and 3 are deleted;

(10) in Article 11, paragraph 2 is deleted;

(11) in Article 11a, paragraphs 2 and 3 are deleted;

(12) in Article 12, paragraphs 1b, 2, 3, 5 and 6 are deleted;

(13) in Article 12, paragraph 7, is replaced by the following:

‘7. When a Member State makes use of the requirements of paragraphs 2a and 4, it shall notify the Commission and the Agency. This notification shall describe the reasons for such derogation as well as the programme for implementation containing actions envisaged and related timing.’;

(14) Annex I (Part-FCL), Annex VI (Part-ARA) and Annex VIII (Part-DTO) are amended in accordance with the Annex to this Regulation.

## Article 2

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

However points (57), (58), (59) and (66) of the Annex to this Regulation shall apply from 21 December 2019.

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

Done at Brussels, 15 October 2019.

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

## ANNEX

Annex I to Regulation (EU) No 1178/2011 (Part-FCL) is amended as follows:

(1) point FCL.010 is amended as follows:

(a) the following definition is inserted after 'Angular operation':

"Assessment of competence" means the demonstration of skills, knowledge and attitude for the initial issue, revalidation or renewal of an instructor or examiner certificate.

(b) the following definition is inserted after 'Flight and Navigation Procedures Trainer':

"Flown solely by reference to instruments" means that the pilots fly the aircraft without any external visual references, in simulated or actual instrument meteorological conditions (IMC).;

(c) the following definition is inserted after 'Linear operation':

"Line flying under supervision" (LIFUS) means line flying after an approved zero flight time type rating training course or the line flying required by an operational suitability data (OSD) report.;

(d) the following definition is inserted after 'Night':

"OSD" means the operational suitability data established in accordance with Annex I (Part-21) to Regulation (EU) No 748/2012.;

(e) the following definition is inserted after 'Type of aircraft':

"Type rating and licence endorsement list" means a list published by the Agency based on the result of the OSD evaluation and containing classes of aeroplanes and types of aircraft for the purpose of flight crew licensing.;

(f) the definition of 'night' is replaced by the following:

"Night" means the period between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise as may be prescribed by the appropriate authority.;

(g) the definition of 'other training devices (OTD)' is replaced by the following:

"Other training devices" (OTD) means training aids other than FSTDs which provide means for training where a complete flight deck environment is not necessary.;

(h) the definition of 'proficiency check' is replaced by the following:

"Proficiency check" means the demonstration of skill to revalidate or renew ratings or privileges, and including such oral examination as may be required.;

(2) point FCL.025 is amended as follows:

(a) point (a)(1) is replaced by the following:

'(1) Applicants shall take the entire set of theoretical knowledge examinations for a specific licence or rating under the responsibility of the same Member State's competent authority.;

(b) point (b) is replaced by the following:

'(b) Pass standards

(1) A pass in a theoretical knowledge examination paper will be awarded to an applicant achieving at least 75 % of the marks allocated to that paper. No penalty marking shall be applied.

(2) Unless otherwise determined in this Part, an applicant has successfully completed the required theoretical knowledge examination for the appropriate pilot licence or rating if he or she has passed all the required theoretical knowledge examination papers within a period of 18 months counted from the end of the calendar month when the applicant first attempted an examination.

(3) If an applicant for the ATPL theoretical knowledge examination, or for the issue of a commercial pilot licence (CPL), an instrument rating (IR) or an en route instrument rating (EIR) has failed to pass one of the theoretical knowledge examination papers within four attempts, or has failed to pass all papers within either six sittings or within the period mentioned in point (b)(2), he or she shall retake the complete set of theoretical knowledge examination papers.

- (4) If applicants for the issue of a light aircraft pilot licence (LAPL), a private pilot licence (PPL), a sailplane pilot licence (SPL) or a balloon pilot licence (BPL) have failed to pass one of the theoretical knowledge examination papers within four attempts or have failed to pass all papers within the period mentioned in point (b)(2), they shall retake the complete set of theoretical knowledge examination papers.
  - (5) Before retaking the theoretical knowledge examinations, applicants shall undertake further training at a DTO or an ATO. The extent and scope of the training needed shall be determined by the DTO or the ATO, based on the needs of the applicants.;
- (3) point FCL.040 is replaced by the following:

**'FCL.040 Exercise of the privileges of licences**

The exercise of the privileges granted by a licence shall be dependent upon the validity of the ratings contained therein, if applicable, and of the medical certificate as appropriate to the privileges exercised.;

- (4) point FCL.055 is replaced by the following:

**'FCL.055 Language proficiency**

- (a) General. Aeroplane, helicopter, powered-lift and airship pilots required to use the radio telephone shall not exercise the privileges of their licences and ratings unless they have a language proficiency endorsement on their licence in either English or the language used for radio communications involved in the flight. The endorsement shall indicate the language, the proficiency level and the validity date, and it shall be obtained in accordance with a procedure established by a competent authority. The minimum acceptable proficiency level is the operational level (Level 4) in accordance with Appendix 2 to this Annex.
  - (b) The applicant for a language proficiency endorsement shall demonstrate, in accordance with Appendix 2 to this Annex, at least an operational level of language proficiency both in the use of phraseologies and plain language to an assessor certified by a competent authority or a language-testing body approved by a competent authority as applicable. To do so, the applicant shall demonstrate the ability to:
    - (1) communicate effectively in voice-only and in face-to-face situations;
    - (2) communicate on common and work-related topics with accuracy and clarity;
    - (3) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings in a general or work-related context;
    - (4) handle successfully the linguistic challenges presented by a complication or unexpected turn of events which occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and
    - (5) use a dialect or accent which is intelligible to the aeronautical community.
  - (c) Except for pilots who have demonstrated language proficiency at the expert level (level 6) in accordance with Appendix 2 to this Annex, the language proficiency endorsement shall be re-evaluated every:
    - (1) 4 years, if the level demonstrated is operational level (level 4); or
    - (2) 6 years, if the level demonstrated is extended level (level 5).
  - (d) Specific requirements for holders of an instrument rating (IR) or en-route instrument rating (EIR). Without prejudice to the points above, holders of an IR or an EIR shall have demonstrated the ability to use English at the appropriate proficiency level as defined in Appendix 2 to this Annex.
  - (e) The demonstration of language proficiency and the ability to use English for IR or EIR holders shall be done through a method of assessment established by any competent authority.;
- (5) point (c)(2) of point FCL.060 is replaced by the following:
- '(2) If the pilot does not comply with the requirement in point (1), he or she shall complete a training flight with an instructor qualified in accordance with Subpart J to instruct for that aircraft type. The training flight shall be performed in the aircraft or an FFS of the aircraft type to be used, and shall include at least the requirements described in points (b)(1) and (2) before he or she can exercise his/her privileges.;
- (6) in point FCL.115, a new point (d) is added as follows:
- '(d) For the training for the single-engine piston aeroplanes-sea class privilege, the elements of Appendix 9 to this Annex, point 7 (Class ratings – sea) of Section B (Specific requirements for the aeroplane category) shall be considered.;

- (7) point FCL.120 is replaced by the following:

**FCL.120 LAPL — Theoretical knowledge examination**

- (a) Applicants for an LAPL(A) and an LAPL(H) shall demonstrate a level of theoretical knowledge appropriate to the privileges granted, through examinations on the following subjects:

- (1) common subjects:

- Air law and air traffic control (ATC) procedures;
- Human performance;
- Meteorology;
- Communications;
- Navigation.

- (2) specific subjects concerning the different aircraft categories:

- Principles of flight;
- Operational procedures,;
- Flight performance and planning;
- Aircraft general knowledge.

- (b) Applicants for an LAPL(B) and an LAPL(S) shall demonstrate a level of theoretical knowledge appropriate to the privileges granted, through examinations on the following:

- (1) common subjects:

- Air law and air traffic control (ATC) procedures,
- Human performance,
- Meteorology, and
- Communications.

- (2) specific subjects concerning the different aircraft categories:

- Principles of flight,
- Operational procedures;
- Flight performance and planning,
- Aircraft general knowledge, and
- Navigation.;

- (8) point FCL.105.A is replaced by the following:

**FCL.105.A LAPL(A) — Privileges and conditions**

- (a) Privileges

The privileges of the holder of an LAPL for aeroplanes are to act as PIC on single-engine piston aeroplanes-land (SEP(land)), single-engine piston aeroplanes-sea (SEP(sea)) or TMG with a maximum certificated take-off mass of 2000 kg or less, carrying a maximum of 3 passengers, such that there are always a maximum of 4 persons on board of the aircraft.

- (b) Conditions

- (1) Holders of a LAPL(A) shall carry passengers only if they have completed 10 hours of flight time as PIC on aeroplanes or TMG after the issuance of the licence.
- (2) Holders of a LAPL(A) who previously held an ATPL(A), an MPL(A), a CPL(A) or a PPL(A), are exempted from the requirements laid down in point (b)(1).;

- (9) point FCL.135.A point (b) is replaced by the following:

- ‘(b) In order to extend the privileges to another variant within a class, the pilot shall either undertake differences training or do a familiarisation. The differences training shall be entered in the pilot’s logbook or into an equivalent record and be signed by the instructor.’;

(10) point FCL.140.A is replaced by the following:

**FCL.140.A LAPL(A) — Recency requirements**

- (a) Holders of a LAPL(A) shall exercise the privileges of their licence only if in the last 2 years they have met any of the following conditions as pilots of aeroplanes or TMGs:
  - (1) they have completed at least 12 hours of flight time as PIC or flying dual or solo under the supervision of an instructor, including:
    - 12 take-offs and landings;
    - refresher training of at least 1 hour of total flight time with an instructor;
  - (2) they have passed a LAPL(A) proficiency check with an examiner. The proficiency check programme shall be based on the skill test for the LAPL(A);
- (b) If holders of a LAPL(A) hold both a SEP(land) and a SEP(sea) privilege, they may comply with the requirements in point (a)(1) in either class or a combination thereof which shall be valid for both privileges. For this purpose, at least 1 hour of the required flight time and 6 out of the required 12 take-offs and landings shall be completed in each class.;

(11) point FCL.140.H is replaced by the following:

**FCL.140.H LAPL(H) — Recency requirements**

Holders of an LAPL(H) shall exercise the privileges of their licence on a specific type only if in the last 12 months they have either:

- (a) completed at least six hours of flight time on helicopters of that type as PIC, or flying dual or solo under the supervision of an instructor, including six take-offs, approaches and landings and completed a refresher training of at least 1 hour of total flight time with an instructor;
- (b) passed a proficiency check with an examiner on the specific type before resuming the exercise of the privileges of their licence. That proficiency check programme shall be based on the skill test for the LAPL(H).;

(12) point FCL.215 is replaced by the following:

**FCL.215 Theoretical knowledge examination**

- (a) Applicants for a PPL shall demonstrate a level of theoretical knowledge appropriate to the privileges granted, through examinations in the following subjects:
  - (1) common subjects:
    - Air law,
    - Human performance,
    - Meteorology, and
    - Communications; and
    - Navigation.
  - (2) specific subjects concerning the different aircraft categories:
    - Principles of flight,
    - Operational procedures,
    - Flight performance and planning, and
    - Aircraft general knowledge.
- (b) Applicants for a BPL or SPL shall demonstrate a level of theoretical knowledge appropriate to the privileges granted through examinations in the following subjects:
  - (1) common subjects :
    - Air law,
    - Human performance,
    - Meteorology, and
    - Communications.

(2) specific subjects concerning the different aircraft categories:

- Principles of flight,
- Operational procedures,
- Flight performance and planning,
- Aircraft general knowledge, and
- Navigation.’;

(13) in point FCL.205.A, point (a) is replaced by the following:

‘(a) The privileges of the holders of a PPL(A) are to act without remuneration as PIC or co-pilots of aeroplanes or TMGs engaged in non-commercial operations and to exercise all privileges of holders of an LAPL(A).’;

(14) in point FCL.205.H, point (a) is replaced by the following:

‘(a) The privileges of the holder of a PPL(H) are to act without remuneration as PIC or co-pilot of helicopters engaged in non-commercial operations and to exercise all privileges of holders of an LAPL(H).’;

(15) point FCL.625 IR is replaced by the following:

**‘FCL.625 IR — Validity, revalidation and renewal**

(a) Validity

An IR shall be valid for 1 year.

(b) Revalidation

- (1) An IR shall be revalidated within the 3 months immediately preceding its expiry date by complying with the revalidation criteria for the relevant aircraft category.
- (2) If applicants choose to fulfil the revalidation requirements earlier than prescribed in point (1), the new validity period shall commence from the date of the proficiency check.
- (3) Applicants who fail to pass the relevant section of an IR proficiency check before the expiry date of the IR shall exercise the IR privileges only if they have passed the IR proficiency check.

(c) Renewal

If an IR has expired, in order to renew their privileges, applicants shall comply with all of the following:

- (1) complete a refresher training at an ATO, if deemed necessary by the ATO to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9 to this Annex;
  - (2) pass a proficiency check in accordance with Appendix 9 to this Annex in the relevant aircraft category;
  - (3) hold the relevant class or type rating unless otherwise specified in this Annex.
- (d) If the IR has not been revalidated or renewed in the preceding 7 years, applicants for the IR shall pass again the IR theoretical knowledge examination and skill test.
- (e) Holders of a valid IR on a pilot licence issued by a third country in accordance with Annex 1 to the Chicago Convention shall be exempted from complying with the requirements in points (c)(1) and (d) when renewing the IR privileges contained in licences issued in accordance with this Annex.
- (f) The proficiency check mentioned in points (c)(2) and (e) may be combined with a proficiency check performed for the renewal of the relevant class or type rating.’;

(16) point (a) in point FCL.625.A is replaced by the following:

‘(a) Revalidation.

To revalidate an IR(A), applicants shall:

- (1) hold the relevant class or type rating, unless the IR revalidation is combined with the renewal of the relevant class or type rating;



- (2) pass a proficiency check in accordance with Appendix 9 to this Annex if the IR revalidation is combined with the revalidation of a class or type rating;
- (3) if the IR revalidation is not combined with the revalidation of a class or type rating:
  - (i) for single-pilot aeroplanes, complete section 3b and those parts of section 1 which are relevant to the intended flight of the proficiency check in accordance with Appendix 9 to this Annex;
  - (ii) for multi-engine aeroplanes, complete section 6 of the proficiency check for single-pilot aeroplanes in accordance with Appendix 9 to this Annex by sole reference to instruments.
- (4) An FNPT II or an FFS representing the relevant class or type of aeroplane may be used for the revalidation pursuant to point (2), provided that at least each alternate proficiency check for the revalidation of an IR(A) is performed in an aeroplane.;

(17) point FCL.625.H is replaced by the following:

**'FCL.625.H IR(H) — Revalidation**

(a) To revalidate an IR(H) , applicants shall:

- (1) hold the relevant type rating, unless the IR revalidation is combined with the renewal of the relevant type rating;
  - (2) pass a proficiency check in accordance with Appendix 9 to this Annex for the relevant type of helicopter if the IR revalidation is combined with the revalidation of a type rating;
  - (3) if the IR revalidation is not combined with the revalidation of a type rating, complete Section 5 and the relevant parts of Section 1 of the proficiency check in accordance with Appendix 9 to this Annex for the relevant type of helicopter.
- (b) An FTD 2/3 or an FFS representing the relevant type of helicopter may be used for the proficiency check pursuant to point (a)(3), provided that at least each alternate proficiency check for the revalidation of an IR(H) is performed in a helicopter.
- (c) Cross-credit shall be given in accordance with Appendix 8 to this Annex.;

(18) point FCL.710 is replaced by the following:

**'FCL.710 Class and type ratings — variants**

- (a) Pilots shall complete differences training or familiarisation in order to extend their privileges to another variant of aircraft within one class or type rating. In the case of variants within a class or type rating, the differences training or familiarisation shall include the relevant elements defined in the OSD, where applicable.
- (b) The differences training shall be conducted at any of the following:
  - (1) an ATO;
  - (2) a DTO in the case of aircraft referred to in points (a)(1)(c) and (a)(2)(c) of point DTO.GEN.110 of Annex VIII;
  - (3) an AOC holder having an approved differences training programme for the relevant class or type.
- (c) Notwithstanding the requirement in point (b), differences training for TMG, single-engine piston (SEP), single-engine turbine (SET) and multi-engine piston (MEP) aeroplanes may be conducted by an appropriately qualified instructor unless otherwise provided in the OSD.
- (d) If pilots have not flown the variant within 2 years following the training listed in point (b), a further differences training or a proficiency check in that variant shall be completed , except for types or variants within the SEP and TMG class ratings.
- (e) The differences training or the proficiency check in that variant shall be entered in the pilots' logbook or equivalent record and signed by the instructor or examiner as appropriate.;

(19) in point FCL.725 (b), the following point (5) is added:

- '(5) For single-pilot single-engine and single-pilot multi-engine aeroplanes (sea), the examination shall be in a written form and shall comprise at least 30 multiple-choice questions.;

(20) point FCL.740 is replaced by the following:

**'FCL.740 Validity and renewal of class and type ratings**

(a) Validity

The validity period of class and type ratings shall be 1 year, except for single-pilot single-engine class ratings for which the validity period shall be 2 years, unless otherwise determined in the OSD. If pilots choose to fulfil the revalidation requirements earlier than prescribed in FCL.740.A, FCL.740.H, FCL.740.PL and FCL.740.As, the new validity period shall commence from the date of the proficiency check.

(b) Renewal

For the renewal of a class or type rating the applicant shall comply with all of the following:

- (1) complete a proficiency check in accordance with Appendix 9 to this Annex
- (2) prior to the proficiency check referred to in point (1), complete a refresher training at an ATO if deemed necessary by the ATO to reach the level of proficiency to safely operate the relevant class or type of aircraft, except if it holds a valid rating for the same class or type of aircraft on a pilot licence issued by a third country in accordance with Annex 1 to the Chicago Convention and if it is entitled to exercise the privileges of that rating. The applicant may take the training:
  - (i) at a DTO or at an ATO, if the expired rating concerned a non-high-performance single-engine piston class rating, a TMG class rating or a single-engine type rating for helicopters referred to in point DTO. GEN.110(a)(2)(c) of Annex VIII;
  - (ii) at a DTO, at an ATO or with an instructor, if the rating expired no more than three years before and the rating concerned a non-high-performance single-engine piston class rating or a TMG class rating.
- (3) Notwithstanding the points (b)(1) and (b)(2), pilots holding a flight test rating issued in accordance with point FCL.820 who were involved in the development, certification or production flight tests for an aircraft type and have completed either 50 hours of total flight time or 10 hours of flight time as PIC in test flights in that type during the year prior to the date of their application, shall be entitled to apply for the revalidation or renewal of the relevant type rating.;

(21) in point FCL.805, point (d) is replaced by the following:

- '(d) The privileges of the sailplane and banner towing ratings shall be limited to aeroplanes or TMGs appropriately to aircraft on which the flight instruction was completed. For banner towing, the privileges shall be limited to the towing method used for flight instruction. The privileges shall be extended if pilots have successfully completed at least three dual training flights covering the full towing training syllabus in either aircraft and towing method for banner towing.;

(22) in point FCL.810, the introductory sentence of point (a)(1) is replaced by the following:

- '(1) Applicants shall have completed a training course within a period of up to 6 months at a DTO or at an ATO to exercise the privileges of an LAPL, an SPL or a PPL for aeroplanes, TMGs or airships in VFR conditions at night. The course shall comprise:;

(23) in point FCL.815 point (e) is replaced by the following:

(e) Revalidation

To revalidate a mountain rating applicants shall either:

- (1) complete at least six landings, on a surface designated as requiring a mountain rating, in the preceding two 2 years;
- (2) pass a proficiency check complying with the requirements in point (c).;

(24) in point FCL.900 point (c) is replaced by the following:

‘(c) Instruction provided outside the territory of the Member States

- (1) By way of derogation from point (a), in the case of flight instruction provided during a training course approved in accordance with this Annex outside the territory for which Member States are responsible under the Chicago Convention, the competent authority shall issue an instructor certificate to applicants who:
  - (i) holds a pilot licence that meets all of the following criteria:
    - (A) it complies with Annex 1 to the Chicago Convention;
    - (B) in any case, it is at least a CPL in the relevant aircraft category with a relevant rating or certificate;
  - (ii) complies with the requirements established in this Subpart for the issue of the relevant instructor certificate;
  - (iii) demonstrates to the competent authority an adequate level of knowledge of European aviation safety rules to be able to exercise instructional privileges in accordance with this Annex.
- (2) The certificate shall be limited to providing flight instruction during a training course approved in accordance with this Annex which meets all of the following conditions:
  - (i) it is provided outside the territory for which Member States are responsible under the Chicago Convention;
  - (ii) it is provided to student pilots who have sufficient knowledge of the language in which flight instruction is provided.’;

(25) in point FCL.935 point (a) is replaced by the following:

- ‘(a) Except for the multi-crew cooperation instructor (MCCI), the synthetic training instructor (STI), the mountain rating instructor (MI) and the flight test instructor (FTI), an applicant for an instructor certificate shall pass an assessment of competence in the appropriate aircraft category, in the relevant class or type or in the appropriate FSTD, to demonstrate to an examiner qualified in accordance with Subpart K of this Annex the ability to instruct a student pilot to the level required for the issue of the relevant licence, rating or certificate.’;

(26) point FCL.940 is replaced by the following:

**‘FCL.940 Validity of instructor certificates**

With the exception of the MI, and without prejudice to points FCL.900 (b)(1) and FCL.915 (e)(2), instructor certificates shall be valid for a period of 3 years.’;

(27) point FCL.905.FI is replaced by the following:

**‘FCL.905.FI Privileges and conditions**

The privileges of FIs are to conduct flight instruction for the issue, revalidation or renewal of:

- (a) a PPL, an SPL, a BPL and a LAPL in the appropriate aircraft category;
- (b) class and type ratings for single-pilot aircraft, except for single-pilot high-performance complex aeroplanes; class and group extensions for balloons and class recencies for sailplanes;
- (c) class and type ratings for single-pilot aeroplanes, except for single-pilot high-performance complex aeroplanes, in multi-pilot operations, provided that FIs meet any of the following conditions:
  - (1) hold or have held a TRI certificate for multi-pilot aeroplanes;
  - (2) have completed all of the following:
    - (i) at least 500 hours as pilots in multi-pilot operations on aeroplanes;
    - (ii) the training course for an MCCI in accordance with point FCL.930.MCCI;
- (d) type ratings for single or multi-pilot airships;

- (e) a CPL in the appropriate aircraft category, provided that FIs have completed at least 200 hours of flight instruction in that aircraft category;
- (f) the night rating, provided that FIs meet all of the following conditions:
  - (1) are qualified to fly at night in the appropriate aircraft category;
  - (2) have demonstrated the ability to instruct at night to an FI qualified in accordance with point (j);
  - (3) comply with the night experience requirement laid down in point FCL.060(b)(2);
- (g) a towing, aerobatic or, in the case of FIs(S), a cloud flying rating, provided that such privileges are held and the FIs have demonstrated the ability to instruct for that rating to an FI qualified in accordance with point (j);
- (h) an EIR or IR in the appropriate aircraft category, provided that FIs meet all of the following conditions:
  - (1) have completed at least 200 hours of flight time under IFR, of which a maximum of 50 hours may be instrument ground time in an FFS, an FTD 2/3 or an FNPT II;
  - (2) completed as student pilots the IRI training course and have passed an assessment of competence for the IRI certificate;
  - (3) comply with points FCL.915.CRI(a), FCL.930.CRI and FCL.935 in the case of multi-engine aeroplanes and with points FCL.910.TRI(c)(1) and FCL.915.TRI(d)(2) in the case of multi-engine helicopters;
- (i) single-pilot multi-engine class or type ratings, except for single-pilot high-performance complex aeroplanes, provided that they meet the following conditions:
  - (1) in the case of aeroplanes, comply with points FCL.915.CRI(a), FCL.930.CRI and FCL.935;
  - (2) in the case of helicopters, comply with points FCL.910.TRI(c)(1) and FCL.915.TRI(d)(2);
- (j) an FI, an IRI, a CRI, an STI or an MI certificate provided that they meet all of the following conditions:
  - (1) they have completed at least 50 hours or 150 launches of flight instruction in sailplanes in the case of FI(S), at least 50 hours or 50 take-offs of flight instruction in balloons in the case of FI(B) and 500 hours of flight instruction in the appropriate aircraft category in all other cases;
  - (2) they have passed an assessment of competence in accordance with point FCL.935 in the appropriate aircraft category to demonstrate to a flight instructor examiner (FIE) the ability to instruct for the relevant certificate;
- (k) an MPL, provided that the FIs meet all of the following conditions:
  - (1) for the core flying phase of the training, have completed at least 500 hours of flight time as a pilot of aeroplanes, including at least 200 hours of flight instruction;
  - (2) for the basic phase of the training:
    - (i) hold a multi-engine aeroplane IR and the privilege to instruct for an IR;
    - (ii) have completed at least 1 500 hours of flight time in multi-crew operations;
  - (3) in the case of FIs already qualified to instruct on ATP(A) or CPL(A)/IR integrated courses, the requirement in point (2)(ii) may be replaced by the completion of a structured course of training consisting of:
    - (i) MCC qualification;
    - (ii) observation of five sessions of flight instruction in Phase 3 of an MPL course;
    - (iii) observation of five sessions of flight instruction in Phase 4 of an MPL course;
    - (iv) observation of five operator recurrent line-oriented flight training sessions;
    - (v) the content of the MCCI course.

In this case, FIs shall conduct their first five instructor sessions under the supervision of a TRI(A), an MCCI(A) or an SFI(A) qualified for MPL flight instruction.;

(28) point FCL.915.FI is amended as follows:

(a) point (b)(2)(i) is replaced by the following:

‘(i) except for an FI(A) providing training for the LAPL(A) only, passed the CPL theoretical knowledge examination, which may be taken without completing a CPL theoretical knowledge training course and which shall not be valid for the issue of a CPL; and’;

(b) point (c)(2) is replaced by the following:

‘(2) at least 200 hours as PIC if the applicant holds at least a PPL(H) and has passed the CPL theoretical knowledge examination, which may be taken without completing a CPL theoretical knowledge training course and which shall not be valid for the issue of a CPL;’;

(29) in point FCL.930.FI, the following point (c) is added:

‘(c) Applicants for the FI certificate who hold or have held any other instructor certificate issued in accordance with this Annex shall be deemed to meet the requirements in point (b)(1).’;

(30) point FCL.940.FI is replaced by the following:

**‘FCL.940.FI — Revalidation and renewal**

(a) Revalidation

(1) To revalidate an FI certificate, holders shall fulfil at least two out of the three following requirements before the expiry date of the FI certificate:

(i) they have completed:

(A) in the case of an FI(A) and an FI(H), at least 50 hours of flight instruction in the appropriate aircraft category as FIs, TRIs, CRIs, IRIs, MIs or examiners. If the privileges to instruct for the IR are to be revalidated, at least 10 of those hours shall be flight instruction for an IR and shall have been completed in the period of 12 months immediately preceding the expiry date of the FI certificate;

(B) in the case of an FI(As), at least 20 hours of flight instruction in airships as FIs, IRIs or as examiners. If the privileges to instruct for the IR are to be revalidated, 10 of those hours shall be flight instruction for an IR and shall have been completed in the period of 12 months immediately preceding the expiry date of the FI certificate;

(C) in the case of an FI(S), at least 60 take-offs on or 30 hours of flight instruction in sailplanes, powered sailplanes or TMG as FIs or as examiners ;

(D) in the case of an FI(B), at least 6 hours of flight instruction in balloons as FIs or as examiners;

(ii) they have completed instructor refresher training as an FI at an ATO or at the competent authority. FI(B)s and FI(S)s may complete this instructor refresher training at a DTO;

(iii) they have passed an assessment of competence in accordance with point FCL.935 in the period of 12 months immediately preceding the expiry date of the FI certificate.

(2) For at least each alternate revalidation in the case of FI(A) or FI(H), or each third revalidation, in the case of FI(As), FI(S) and FI(B), holders of the relevant FI certificate shall pass an assessment of competence in accordance with FCL.935.

(b) Renewal.

If the FI certificate has expired, applicants shall, within a period of 12 months before the application date for the renewal complete instructor refresher training as an FI at an ATO or at a competent authority or in the case of an FI(B) or FI(S) at an ATO, at a DTO or at a competent authority and complete an assessment of competence in accordance with point FCL.935.’;

(31) in point FCL.905.TRI, points (b) and (c) are replaced by the following:

‘(b) the issue of a TRI or SFI certificate, provided that the holder meets all of the following conditions:

(1) it has at least 50 hours of instructional experience as a TRI or SFI in accordance with this Regulation or Commission Regulation (EU) No 965/2012;

(2) it has conducted the flight instruction syllabus of the relevant part of the TRI training course according to point FCL.930.TRI(a)(3) to the satisfaction of the head of training of an ATO; and

(c) in the case of the TRI for single-pilot aeroplanes:

- (1) the issue, revalidation and renewal of type ratings for single-pilot high performance complex aeroplanes provided that the applicant seeks privileges to operate in single-pilot operations.

The privileges of the TRI(SPA) may be extended to flight instruction for single-pilot high performance complex aeroplanes type ratings in multi-pilot operations, provided that the TRI meets any of the following conditions:

- (i) holds or has held a TRI certificate for multi-pilot aeroplanes;
  - (ii) has at least 500 hours on aeroplanes in multi-pilot operations and completed an MCCI training course in accordance with point FCL.930.MCCI.
- (2) the MPL course on the basic phase, provided that he or she has the privileges extended to multi-pilot operations and holds or has held an FI(A) or an IRI(A) certificate.;

(32) point FCL.910.TRI is replaced by the following:

**FCL.910.TRI Restricted privileges**

- (a) General. If the TRI training is carried out in FSTDs only, the privileges of TRIs shall be restricted to training in FSTDs. This restriction shall however include the following privileges for conducting, in the aircraft:

- (1) LIFUS, provided that the TRI training course has included the training specified in point FCL.930.TRI(a)(4)(i);
- (2) landing training, provided that the TRI training course has included the training specified in point FCL.930.TRI(a)(4)(ii); or
- (3) the training flight specified in point FCL.060(c)(2), provided that the TRI training course has included the training referred to in points (a)(1) or (a)(2).

The restriction to FSTD shall be removed if TRIs have completed an assessment of competence in the aircraft.

- (b) TRIs for aeroplanes and for powered-lift aircraft — TRI(A) and TRI(PL). The privileges of TRIs are restricted to the type of aeroplane or powered-lift aircraft in which the training and the assessment of competence were conducted. Unless otherwise determined in the OSD, to extend the privileges of TRIs to further types, TRIs shall have:

- (1) completed within the 12 months preceding the application, at least 15 route sectors, including take-offs and landings on the applicable aircraft type, of which of maximum of 7 sectors may be completed in an FSTD;
- (2) completed the relevant parts of the technical training and the flight instruction parts of the applicable TRI course;
- (3) passed the relevant sections of the assessment of competence in accordance with point FCL.935 in order to demonstrate to an FIE or a TRE qualified in accordance with Subpart K to this Annex their ability to instruct a pilot to the level required for the issue of a type rating, including pre-flight, post-flight and theoretical knowledge instruction.

The privileges of TRIs shall be extended to further variants in accordance with the OSD if TRIs have completed the relevant parts of the technical training and flight instruction parts of the applicable TRI course.

(c) TRIs for helicopters — TRI(H).

- (1) The privileges of TRIs(H) are restricted to the type of helicopter in which the assessment of competence for the issue of the TRI certificate was taken. Unless otherwise determined in the OSD, the privileges of the TRIs shall be extended to further types if TRIs have:
  - (i) completed the relevant parts of the technical training and flight instruction parts of the TRI course;

- (ii) completed within the 12 months preceding the date of application, at least 10 hours on the applicable helicopter type, of which a maximum of 5 hours may be completed in an FFS or FTD 2/3; and
- (iii) passed the relevant sections of the assessment of competence in accordance with point FCL.935 in order to demonstrate to an FIE or a TRE qualified in accordance with Subpart K of this Annex their ability to instruct a pilot to the level required for the issue of a type rating, including pre-flight, post-flight and theoretical knowledge instruction.

The privileges of TRIs shall be extended to further variants in accordance with the OSD if TRIs have completed the relevant parts of the technical training and flight instruction parts of the applicable TRI course.

- (2) Before the privileges of a TRI(H) are extended from single-pilot to multi-pilot privileges on the same type of helicopters, the holder shall have completed at least 100 hours of multi-pilot operations on this type.
  - (d) Notwithstanding the points above, holders of a TRI certificate who received a type rating in accordance with point FCL.725(e) shall be entitled to have their TRI privileges extended to that new type of aircraft.;
- (33) in point FCL.915.TRI point (c)(1) is replaced by the following:

‘(c) for a TRI(SPA) certificate:

- (1) have completed, within the 12 months preceding the date of the application, at least 30 route sectors, including take-offs and landings, as PIC on the applicable aeroplane type, of which a maximum of 15 sectors may be completed in an FSTD representing that type; and’;

(34) point FCL.930.TRI is amended as follows:

(a) The introductory sentence of point (a) is replaced by the following:

‘(a) The TRI training course shall be conducted in the aircraft only if no FSTD is available and accessible and shall include:’;

(b) point (3) in point (a) is replaced by the following:

‘(3) 5 hours of flight instruction on the appropriate aircraft or an FSTD representing that aircraft for single-pilot aircraft and 10 hours for multi-pilot aircraft or an FSTD representing that aircraft;’;

(c) new point (4) is inserted:

‘(4) the following training, as applicable:

- (i) additional specific training before conducting LIFUS;
- (ii) additional specific training before conducting landing training. That training in the FSTD shall include training for emergency procedures related to the aircraft.’;

(35) point FCL.935.TRI is replaced by the following:

**‘FCL.935.TRI Assessment of competence**

- (a) The assessment of competence for a TRI for MPA and PL shall be conducted in an FFS. If no FFS is available or accessible, an aircraft shall be used.
- (b) The assessment of competence for a TRI for single-pilot high-performance complex aeroplanes and helicopters shall be conducted in any of the following:
  - (1) an available and accessible FFS;
  - (2) if no FFS is available or accessible, in a combination of FSTD(s) and an aircraft;
  - (3) if no FSTD is available or accessible, in an aircraft.’;

(36) point FCL.940.TRI is replaced by the following:

**FCL.940.TRI Revalidation and renewal**

(a) Revalidation

(1) Aeroplanes

To revalidate a TRI(A) certificate, applicants shall, within the 12 months immediately preceding the expiry date of the certificate fulfil at least two out of the three following requirements:

- (i) conduct one of the following parts of a complete type rating or recurrent training course: simulator session of at least 3 hours or one air exercise of at least 1 hour comprising a minimum of two take-offs and landings;
- (ii) complete instructor refresher training as a TRI(A) at an ATO;
- (iii) pass the assessment of competence in accordance with point FCL.935. Applicants who have complied with point FCL.910.TRI(b)(3) shall be deemed to comply with this requirement.

(2) Helicopters and powered lift

To revalidate a TRI (H) or TRI(PL) certificate, applicants shall, within the validity period of the TRI certificate fulfil at least two out of the three following requirements:

- (i) completed at least 50 hours of flight instruction in each of the types of aircraft for which instructional privileges are held or in an FSTD representing those types, of which at least 15 hours shall be completed in the period of 12 months immediately preceding the expiry date of the TRI certificate. In the case of a TRI(PL), those hours shall be completed as a TRI or a type rating examiner (TRE), or as an SFI or a synthetic flight examiner (SFE). In the case of a TRI(H), the time flown as FIs, instrument rating instructors (IRIs), synthetic training instructors (STIs) or as any kind of examiners shall be accounted for this purpose;
  - (ii) complete instructor refresher training as a TRI(H) or TRI(PL), as relevant, at an ATO;
  - (iii) in the period of 12 months immediately preceding the expiry date of the certificate, passed an assessment of competence in accordance with points FCL.935, FCL.910.TRI(b)(3) or FCL.910.TRI(c)(3), as applicable.
- (3) For at least each alternate revalidation of a TRI certificate, holders shall pass the assessment of competence in accordance with point FCL.935.
- (4) If TRIs hold a certificate for more than one type of aircraft within the same category, the assessment of competence taken on one of those types of aircraft shall revalidate the TRI certificate for the other types held within the same category of aircraft, unless it is otherwise determined in the OSD.
- (5) Specific requirements for the revalidation of a TRI(H) certificate

TRIs(H) holding an FI(H) certificate in the relevant type shall be deemed to comply with the requirements in point (a). In that case, the TRI(H) certificate shall be valid until the expiry date of the FI(H) certificate.

(b) Renewal

To renew a TRI certificate, applicants shall, within the 12 months immediately preceding the date of the application, have passed the assessment of competence in accordance with point FCL.935 and shall have completed the following:

(1) for aeroplanes:

- (i) at least 30 route sectors, including take-offs and landings on the applicable aeroplane type, of which maximum 15 sectors may be completed in an FFS;
- (ii) instructor refresher training as a TRI at an ATO which shall cover the relevant elements of the TRI training course;

(2) for helicopters and powered lift:

- (i) at least 10 hours of flight time, including take-offs and landings on the applicable aircraft type, of which maximum 5 hours may be completed in an FFS or FTD 2/3;



- (ii) instructor refresher training as a TRI at an ATO, which shall cover the relevant elements of the TRI training course.
- (3) If applicants held a certificate for more than one type of aircraft within the same category, the assessment of competence taken on one of those types of aircraft shall renew the TRI certificate for the other types held within the same category of aircraft, unless it is otherwise determined in the OSD.;
- (37) in point FCL.905.CRI the following point (ba) is inserted after point (b)
  - '(ba) The privileges of CRIs are to instruct for class and type ratings for single-pilot aeroplanes, except for single-pilot high-performance complex aeroplanes, in multi-pilot operations, provided that CRIs meet any of the following conditions:
    - (1) hold or have held a TRI certificate for multi-pilot aeroplanes;
    - (2) have at least 500 hours on aeroplanes in multi-pilot operations and completed an MCCI training course in accordance with point FCL.930.MCCI.;
- (38) in point FCL.930.CRI point (a)(3) is replaced by the following:
  - '(3) 5 hours of flight instruction on multi-engine aeroplanes or an FSTD representing that class or type of aeroplane, including at least 3 hours on the aeroplane, or at least 3 hours of flight instruction on single-engine aeroplanes, given by an FI(A) qualified in accordance with point FCL.905.FI(j).';
- (39) point FCL.940.CRI is replaced by the following:

**FCL.940.CRI Revalidation and renewal**

- (a) To revalidate a CRI certificate, applicants shall fulfil, within the validity period of the CRI certificate, at least two out of the following three requirements:
  - (1) conduct at least 10 hours of flight instruction as a CRI. If applicants have CRI privileges on both single-engine and multi-engine aeroplanes, those hours of flight instruction shall be equally divided between single-engine and multi-engine aeroplanes;
  - (2) complete a refresher training as a CRI at an ATO or at a competent authority;
  - (3) pass the assessment of competence in accordance with point FCL.935 for multi-engine or single-engine aeroplanes, as relevant.
- (b) For at least each alternate revalidation of a CRI certificate, holders shall have complied with the requirement in point (a)(3).
- (c) Renewal
 

If the CRI certificate has expired, it shall be renewed if the applicants in the period of 12 months before the application for the renewal:

  - (1) have completed a refresher training as a CRI at an ATO or at a competent authority;
  - (2) have completed the assessment of competence as required by point FCL.935.;
- (40) in point FCL.915.IRI, point (b)(2) is replaced by the following:
  - '(2) in the case of applicants for an IR(H) for multi-engine helicopters, meet the requirements of point FCL.905.FI(h)(3)(ii).';
- (41) in point FCL.930.IRI, point (a)(3)(ii) is replaced by the following:
  - '(ii) for the IRI(H), at least 10 hours of flight instruction on a helicopter, FFS, FTD 2/3 or FNPT II/III. In the case of applicants holding an FI(H) certificate, those hours are reduced to at least 5.;
- (42) point FCL.905.SFI is replaced by the following:

**FCL.905.SFI Privileges and conditions**

- (a) The privileges of SFIs are to carry out synthetic flight instruction, within the relevant aircraft category, for:
  - (1) the revalidation and renewal of an IR, provided that they hold or have held an IR in the relevant aircraft category;
  - (2) the issue of an IR, provided that they hold or have held an IR in the relevant aircraft category and have completed an IRI training course.

(b) The privileges of SFIs for single-pilot aeroplanes are to carry out synthetic flight instruction for:

- (1) the issue, revalidation and renewal of type ratings for single-pilot high performance complex aeroplanes, if applicants seek privileges to operate in single-pilot operations.

The privileges of SFIs for single-pilot aeroplanes may be extended to flight instruction for single-pilot high performance complex aeroplanes type ratings in multi-pilot operations, provided that they meet any of the following conditions:

- (i) hold or have held a TRI certificate for multi-pilot aeroplanes;
  - (ii) have at least 500 hours on aeroplanes in multi-pilot operations and have completed an MCCI training course in accordance with point FCL.930.MCCI;
- (2) the MCC and the MPL training courses on the basic phase, provided that the privileges of SFIs(SPA) have been extended to multi-pilot operations in accordance with point (1).

(c) The privileges of SFIs for multi-pilot aeroplanes are to carry out synthetic flight instruction for:

- (1) the issue, revalidation and renewal of type ratings for multi-pilot aeroplanes and if applicants seek privileges to operate in multi-pilot operations, for single-pilot high-performance complex aeroplanes;
- (2) the MCC training course;
- (3) the MPL course on the basic, intermediate and advanced phases, provided that, for the basic phase, they hold or have held an FI(A) or an IRI(A) certificate;

(d) The privileges of SFIs for helicopters are to carry out synthetic flight instruction for:

- (1) the issue, revalidation and renewal of helicopter type ratings;
- (2) MCC training, if SFIs have privileges to instruct for multi-pilot helicopters.;

(43) point FCL.910.SFI is replaced by the following:

**'FCL.910.SFI Restricted privileges**

The privileges of SFIs shall be restricted to the FTD 2/3 or FFS of the aircraft type in which the SFI training course was taken.

The privileges may be extended to other FSTDs representing further types of the same category of aircraft if the holders have:

- (a) completed the simulator content of the relevant type rating course;
- (b) completed the relevant parts of the technical training and the FSTD content of the flight instruction syllabus of the applicable TRI course;
- (c) conducted on a complete type rating course at least 3 hours of flight instruction related to the duties of an SFI on the applicable type under the supervision and to the satisfaction of a TRE or an SFE qualified for this purpose.

The privileges of the SFI shall be extended to further variants in accordance with the OSD if the SFI has completed the type relevant parts of the technical training and the FSTD content of the flight instruction syllabus of the applicable TRI course.;

(44) in point FCL.930.SFI, point (a)(2) is replaced by the following:

- '(2) the relevant parts of the technical training and the FSTD content of the flight instruction syllabus of the applicable TRI training course.;

(45) point FCL.940.SFI is replaced by the following:

**FCL.940.SFI Revalidation and renewal**

(a) Revalidation

To revalidate an SFI certificate, applicants shall fulfil, before the expiry date of the SFI certificate, at least two out of the following three requirements:

- (1) have completed at least 50 hours as instructors or examiners in FSTDs, of which at least 15 hours in the period of 12 months immediately preceding the expiry date of the SFI certificate;
- (2) have completed instructor refresher training as an SFI at an ATO;
- (3) have passed the relevant sections of the assessment of competence in accordance with point FCL.935.

(b) Additionally, applicants shall have completed, on an FFS, the proficiency checks for the issue of the specific aircraft type ratings representing the types for which privileges are held.

(c) For at least each alternate revalidation of an SFI certificate, holders shall comply with the requirement in point (a) (3).

(d) If an SFI holds a certificate in more than one type of aircraft within the same category, the assessment of competence taken on one of those types shall revalidate the SFI certificate for the other types held within the same category of aircraft, unless otherwise is determined in the OSD.

(e) Renewal

To renew the SFI certificate, applicants shall, within the period of 12 months immediately preceding the application for the renewal, comply with all of the following conditions:

- (1) have completed instructor refresher training as an SFI at an ATO;
- (2) have passed the assessment of competence in accordance with point FCL.935;
- (3) have completed, on an FSTD, the skill test for the issue of the specific aircraft type ratings representing the types for which privileges are to be renewed.;

(46) point FCL.910.STI is replaced by the following:

**FCL.910.STI Restricted privileges**

The privileges of STIs shall be restricted to the FSTD in which the STI training course was taken.

The privileges may be extended to other FSTDs representing further types of aircraft if in the period of 12 months immediately preceding the application the holders have:

- (a) completed the FSTD content of the CRI or TRI course on the class or type of aircraft for which instructional privileges are sought;
- (b) passed in the FSTD on which flight instruction is to be conducted, the applicable section of the proficiency check in accordance with Appendix 9 to this Annex for the appropriate class or type of aircraft.

For STIs(A) instructing on BITD only, the proficiency check shall include only the exercises appropriate for the skill test for the issue of a PPL(A);

- (c) conducted, on a CPL, an IR, a PPL or a class or type rating course, at least 3 hours of flight instruction under the supervision of an FI, a CRI(A), an IRI or a TRI nominated by the ATO for this purpose, including at least 1 hour of flight instruction that is supervised by an FIE in the appropriate aircraft category.;

(47) point FCL.915.STI is replaced by the following:

**FCL.915.STI Prerequisites**

(a) Applicants for the issue of an STI certificate shall:

- (1) hold, or have held within the 3 years prior to the application, a pilot licence and instructional privileges appropriate to the courses on which instruction is intended;

- (2) have completed in an FSTD the relevant proficiency check for the class or type rating, in the period of 12 months immediately preceding the application.

Applicants for the issue of an STI(A) wishing to instruct on BITDs only, shall complete the exercises appropriate for a skill test for the issue of a PPL(A) only;

- (b) Additionally to the requirements laid down in point (a), applicants for the issue of an STI(H) certificate shall have completed at least 1 hour of flight time as an observer on the flight deck of the applicable type of helicopter, in the period of 12 months immediately preceding the application.;

(48) point FCL.940.STI is replaced by the following:

**FCL.940.STI Revalidation and renewal of the STI certificate**

(a) Revalidation

To revalidate an STI certificate, applicants shall, within the period of 12 months immediately preceding the expiry date of the STI certificate, comply with all of the following conditions :

- (1) have conducted at least 3 hours of flight instruction in an FSTD, as part of a complete CPL, IR, PPL or class or type rating course;
- (2) have passed in the FSTD on which flight instruction is conducted, the applicable sections of the proficiency check in accordance with Appendix 9 to this Annex for the appropriate class or type of aircraft.

For STIs(A) instructing on BITDs only, the proficiency check shall include the exercises appropriate for a skill test for the issue of a PPL(A) only.

(b) Renewal

To renew STI certificate, the applicants shall within the period of 12 months immediately preceding the application for the renewal:

- (1) complete a refresher training as an STI at an ATO;
- (2) pass in the FSTD on which flight instruction is conducted, the applicable sections of the proficiency check in accordance with Appendix 9 to this Annex for the appropriate class or type of aircraft.

For an STI(A) instructing on BITDs only, the proficiency check shall include the exercises appropriate for a skill test for the issue of a PPL(A) only;

- (3) conduct, in the relevant aircraft category, on a complete CPL, IR, PPL or class or type rating course, at least 3 hours of flight instruction under the supervision of an FI, a CRI, an IRI or a TRI nominated by the ATO for this purpose, including at least 1 hour of flight instruction supervised by a flight instructor examiner (FIE).;

(49) point FCL.1000 is replaced by the following:

**FCL.1000 Examiner certificates**

(a) General

Holders of an examiner certificate shall:

- (1) hold, unless otherwise determined in this Annex, an equivalent licence, rating or certificate to the ones for which they are authorised to conduct skill tests, proficiency checks or assessments of competence and the privilege to instruct for them;
- (2) be qualified to act as PIC in the aircraft during a skill test, proficiency check or assessment of competence if conducted on the aircraft.

(b) Special conditions:

- (1) The competent authority may issue a specific certificate granting privileges for the conduct of skill tests, proficiency checks and assessments of competence if compliance with the requirements established in this Subpart is not possible because of the introduction of any of the following:
  - (i) new aircraft in the Member States or in an operator's fleet;

- (ii) new training courses in this Annex.

Such a certificate shall be limited to the skill tests, proficiency checks and assessments of competence necessary for the introduction of the new type of aircraft or the new training course and its validity shall not, in any case, exceed 1 year.

- (2) Holders of a certificate issued in accordance with point (b)(1) who wish to apply for an examiner certificate shall comply with the prerequisites and revalidation requirements for that category of examiner certificate.
- (3) Where no qualified examiner is available, competent authorities may, on a case-by-case basis, authorise inspectors or examiners who do not meet the relevant instructor, type or class rating requirements as specified in (a), to perform skill tests, proficiency checks and assessments of competence.

(c) Examination provided outside the territory of the Member States:

- (1) By way of derogation from point (a), in the case of skill tests and proficiency checks provided outside the territory for which Member States are responsible under the Chicago Convention, the competent authority shall issue an examiner certificate to applicants holding a pilot licence that is compliant with Annex 1 to the Chicago Convention, provided that those applicants:

- (i) hold at least an equivalent licence, rating, or certificate to the one for which they are authorised to conduct skill tests, proficiency checks or assessments of competence, and in any case at least a CPL;
- (ii) are qualified to act as PIC in the aircraft during a skill test or proficiency check that is conducted in the aircraft;
- (iii) comply with the requirements established in this Subpart for the issue of the relevant examiner certificate; and
- (iv) demonstrate to the competent authority an adequate level of knowledge of European aviation safety rules to be able to exercise examiner privileges in accordance with this Annex.

- (2) The certificate referred to in point (1) shall be limited to performing skill tests and proficiency checks:

- (i) outside the territories for which the Member States are responsible under the Chicago Convention; and
- (ii) to pilots who have sufficient knowledge of the language in which the test/check is given.;

- (50) point FCL.1005 is replaced by the following:

**FCL.1005 Limitation of privileges in case of vested interests**

Examiners shall not conduct:

- (a) skill tests or assessments of competence of applicants for the issue of a licence, rating or certificate to whom they have provided more than 25 % of the required flight instruction for the licence, rating or certificate for which the skill test or assessment of competence is being taken; and
- (b) skill tests, proficiency checks or assessments of competence whenever they feel that their objectivity may be affected.;

- (51) point FCL.1025 is replaced by the following:

**FCL.1025 Validity, revalidation and renewal of examiner certificates**

(a) Validity

An examiner certificate shall be valid for 3 years.

(b) Revalidation

To revalidate an examiner certificate, holders shall comply with all of the following conditions:

- (1) before the expiry date of the certificate, have conducted at least six skill tests, proficiency checks or assessments of competence;

- (2) in the period of 12 months immediately preceding the expiry date of the certificate, have completed an examiner refresher course which is provided by the competent authority or which is provided by an ATO and approved by the competent authority. An examiner holding a certificate for sailplanes or balloons may have completed, in the period of 12 months immediately preceding the expiry date of the certificate, an examiner refresher course which is provided by a DTO and approved by the competent authority;
- (3) one of the skill tests, proficiency checks or assessments of competence conducted in accordance with point (1) shall take place in the period of 12 months immediately preceding the expiry date of the examiner certificate and shall:
  - (i) have been assessed by an inspector from the competent authority or by a senior examiner specifically authorised to do so by the competent authority responsible for the examiner certificate; or
  - (ii) comply with the requirements in point FCL.1020.

If applicants for the revalidation hold privileges for more than one category of examiner, all examiner privileges may be revalidated if applicants comply with the requirements laid down in points (b)(1) and (2) and point FCL.1020 for one of the categories of examiner certificates held, in agreement with the competent authority.

(c) Renewal

If the certificate has expired, before resuming the exercise of the privileges, the applicants shall comply with the requirements in point (b)(2) and point FCL.1020 in the period of 12 months immediately preceding the application for the renewal.

- (d) An examiner certificate shall only be revalidated or renewed if applicants demonstrate continued compliance with the requirements laid down in points FCL.1010 and FCL.1030.;

(52) point FCL.1005.TRE is amended as follows:

- (a) in point (a), point (5) is replaced by the following:

‘(5) assessments of competence for the issue, revalidation or renewal of a TRI or SFI certificates in the applicable aircraft category, provided that they have completed at least 3 years as a TRE and have undergone specific training for the assessment of competence in accordance with point FCL.1015 (b).’;

- (b) in point (b) point (4) is replaced by the following:

‘(4) assessments of competence for the issue, revalidation or renewal of a TRI(H) or SFI(H) certificates, provided that they have completed at least 3 years as a TRE and have undergone specific training for the assessment of competence in accordance with point FCL.1015 (b).’;

(53) in point FCL.1005.CRE, point (b) is replaced by the following:

- ‘(b) proficiency checks for:

- (1) revalidation or renewal of class and type ratings;
- (2) revalidation of IRs, provided that they have completed at least 1500 hours as pilots of aeroplanes and have competed at least 450 hours of flight time under IFR;
- (3) renewal of IRs, provided that they comply with the requirements laid down in point FCL.1010.IRE(a); and
- (4) revalidation and renewal of EIRs, provided that they have completed at least 1500 hours as a pilot on aeroplanes and comply with the requirements laid down in point FCL.1010.IRE(a)(2).’;

(54) in point FCL.1010.CRE, point (b) is replaced by the following:

- ‘(b) hold a CRI or FI certificate with instructional privileges for the applicable class or type;’;

(55) point FCL.1010.IRE is replaced by the following:

**FCL.1010.IRE Prerequisites**

- (a) IRE(A)

Applicants for an IRE certificate for aeroplanes shall hold an IRI(A) or an FI(A) certificate with the privilege to instruct for the IR(A) and shall have completed:

- (1) 2000 hours of flight time as pilots of aeroplanes; and

(2) 450 hours of flight time under IFR, of which 250 hours shall be as an instructor.

(b) IRE(H)

Applicants for an IRE certificate for helicopters shall hold an IRI(H) or an FI(H) certificate with the privilege to instruct for the IR(H) and shall have completed:

- (1) 2000 hours of flight time as pilots of helicopters; and
- (2) 300 hours of instrument flight time in helicopters, of which 200 hours shall be as an instructor.

(c) IRE(As)

Applicants for an IRE certificate for airships shall hold an IRI(As) or an FI(As) certificate with the privilege to instruct for the IR(As) and shall have completed:

- (1) 500 hours of flight time as pilots on airships; and
- (2) 100 hours of instrument flight time on airships, of which 50 hours shall be as an instructor.;

(56) point FCL.1005.SFE is replaced by the following:

**FCL.1005.SFE Privileges and conditions**

(a) SFE for aeroplanes (SFE(A)) and SFE for powered-lift aircraft (SFE(PL))

The privileges of SFEs for aeroplanes or powered-lift aircraft are to conduct in an FFS, or for the assessments in point (5) on the applicable FSTD:

- (1) skill tests and proficiency checks for the issue, revalidation or renewal of type ratings for aeroplanes or powered-lift aircraft, as applicable;
- (2) proficiency checks for the revalidation or renewal of IRs if combined with the revalidation or renewal of a type rating, provided that they have passed a proficiency check for the aircraft type including the instrument rating within the last year;
- (3) skill tests for ATPL(A) issue;
- (4) skill tests for MPL issue, provided that they have complied with the requirements laid down in point FCL.925; and
- (5) assessments of competence for the issue, revalidation or renewal of an SFI certificate in the relevant aircraft category, provided that they have completed at least 3 years as an SFE(A) and have undergone specific training for the assessment of competence in accordance with point FCL.1015 (b).

(b) SFE for helicopters (SFE(H))

The privileges of an SFEs(H) are to conduct in an FFS or for the assessments in point (4) on the applicable FSTD:

- (1) skill tests and proficiency checks for the issue, revalidation and renewal of type ratings;
- (2) proficiency checks for the revalidation and renewal of IRs if those checks are combined with the revalidation or renewal of a type rating, provided that the SFEs have passed a proficiency check for the aircraft type including the instrument rating within the last year preceding the proficiency check;
- (3) skill tests for ATPL(H) issue; and
- (4) assessments of competence for the issue, revalidation or renewal of an SFI(H) certificate, provided that they have completed at least 3 years as an SFE(H) and have undergone specific training for the assessment of competence in accordance with point FCL.1015 (b).;

(57) point FCL.1010.SFE is replaced by the following:

**FCL.1010.SFE Prerequisites**

(a) SFE(A)

Applicants for an SFE(A) certificate shall comply with all of the following conditions:

- (1) in the case of multi-pilot aeroplanes:
  - (i) hold or have held an ATPL(A) and a type rating for the applicable type of aeroplane;

- (ii) an SFI(A) certificate for the applicable type of aeroplane; and
- (iii) have at least 1 500 hours of flight time as pilots of multi-pilot aeroplanes;
- (2) in the case of single-pilot high-performance complex aeroplanes:
  - (i) hold or have held a CPL(A) or an ATPL(A) and a type rating for the applicable type of aeroplane;
  - (ii) hold an SFI(A) certificate for the applicable class or type of aeroplane;
  - (iii) have at least 500 hours of flight time as pilots of single-pilot aeroplanes;
- (3) for the initial issue of an SFE certificate, have completed at least 50 hours of synthetic flight instruction as a TRI(A) or an SFI(A) on the applicable type.

(b) SFE(H)

Applicants for an SFE(H) certificate shall comply with all of the following conditions:

- (1) hold or have held an ATPL(H), and a type rating for the applicable type of helicopter;
- (2) hold an SFI(H) certificate for the applicable type of helicopter;
- (3) have at least 1 000 hours of flight time as pilots of multi-pilot helicopters;
- (4) for the initial issue of an SFE certificate, have completed at least 50 hours of synthetic flight instruction as a TRI(H) or an SFI(H) on the applicable type.;

(58) points 1.1. and 1.2. of Appendix 1 are replaced by the following:

- '1.1. For the issue of an LAPL, the holder of an LAPL in another category of aircraft shall be fully credited with theoretical knowledge on the common subjects established in point FCL.120. However, the subject "navigation" shall only be subject to such a credit in the case of an LAPL(A) holder who applies for the issue of an LAPL(H) or an LAPL(H) holder who applies for the issue of an LAPL(A).
- 1.2. For the issue of an LAPL(A), an LAPL(H) or a PPL, holders of a PPL, CPL or ATPL in another category of aircraft shall be fully credited with theoretical knowledge on the common subjects established in point FCL.215(a)(1).;

(59) a new point 1.2a. to Appendix 1 is inserted as follows:

- '1.2a For the issue of an LAPL(B), an LAPL(S), a BPL or an SPL, holders of a licence in another category of aircraft shall be fully credited with theoretical knowledge on the common subjects established in point FCL.215(b)(1).;

(60) in part A of Appendix 3, point (b) in point 9 is replaced by the following:

- '(b) 70 hours as PIC, of which up to 55 hours may be SPIC. The instrument flight time as SPIC shall only be counted as PIC flight time up to a maximum of 20 hours.;

(61) in part C of Appendix 3, point (b) in point 8 is replaced by the following:

- '(b) 70 hours as PIC, of which up to 55 hours may be SPIC. The instrument flight time as SPIC shall only be counted as PIC flight time up to a maximum of 20 hours.;

(62) in part D of Appendix 3, point (b) in point 8 is replaced by the following:

- '(b) 70 hours as PIC, of which up to 55 hours may be as SPIC.;

(63) in part E of Appendix 3, point (a) in point 3 is replaced by the following:

- '(a) have completed 150 hours flight time;

Except for the requirement of 50 hours as PIC in aeroplanes, hours as PIC in other categories of aircraft may account for the 150 hours of aeroplane flight time in any of the following cases:

- (1) 20 hours in helicopters, if applicants hold a PPL(H);
- (2) 50 hours in helicopters, if applicants hold a CPL(H);
- (3) 10 hours in TMGs or sailplanes;



(4) 20 hours in airships, if applicants hold a PPL(As);

(5) 50 hours in airships, if applicants hold a CPL(As).;

(64) in part K of Appendix 3, point (a) in point 3 is replaced by the following:

‘(a) have completed 155 hours flight time, including 50 hours as PIC in helicopters of which 10 hours shall be cross-country.

Except for the requirement of 50 hours as PIC in helicopters, hours as PIC in other categories of aircraft may account for the 155 hours of helicopter flight time in any of the following cases:

(1) 20 hours in aeroplanes if applicants hold a PPL(A);

(2) 50 hours in aeroplanes if applicants hold a CPL(A);

(3) 10 hours in TMGs or sailplanes;

(4) 20 hours in airships if applicants hold a PPL(As);

(5) 50 hours in airships if applicants hold a CPL(As).;

(65) The table CONTENT of THE TEST related to the aeroplane category in Appendix 7 is replaced by the following table:

#### **‘Aeroplanes**

##### **SECTION 1 — PRE-FLIGHT OPERATIONS AND DEPARTURE**

Use of checklist, airmanship, anti-icing/de-icing procedures, etc., apply in all sections

a	Use of flight manual (or equivalent) especially a/c performance calculation, mass and balance
b	Use of Air Traffic Services document, weather document
c	Preparation of ATC flight plan, IFR flight plan/log
d	Identification of the required nav aids for departure, arrival and approach procedures
e	Pre-flight inspection
f	Weather Minima
g	Taxiing
h	PBN departure (if applicable): — Check that the correct procedure has been loaded in the navigation system; and — Cross-check between the navigation system display and the departure chart.
i	Pre-take-off briefing, Take-off
j (°)	Transition to instrument flight
k (°)	Instrument departure procedures, including PBN departures, and altimeter setting
l (°)	ATC liaison — compliance, R/T procedures

##### **SECTION 2 — GENERAL HANDLING (°)**

a	Control of the aeroplane by reference solely to instruments, including level flight at various speeds, trim
b	Climbing and descending turns with sustained Rate 1 turn
c	Recoveries from unusual attitudes, including sustained 45° bank turns and steep descending turns
d (*)	Recovery from approach to stall in level flight, climbing/descending turns and in landing configuration
e	Limited panel: stabilised climb or descent, level turns at Rate 1 onto given headings, recovery from unusual attitudes

## SECTION 3 — EN-ROUTE IFR PROCEDURES (\*)

a	Tracking, including interception, e.g. NDB, VOR, or track between waypoints
b	Use of navigation system and radio aids
c	Level flight, control of heading, altitude and airspeed, power setting, trim technique
d	Altimeter settings
e	Timing and revision of ETAs (en-route hold, if required)
f	Monitoring of flight progress, flight log, fuel usage, systems' management
g	Ice protection procedures, simulated if necessary
h	ATC liaison - compliance, R/T procedures

## SECTION 3a — ARRIVAL PROCEDURES

a	Setting and checking of navigational aids, and identification of facilities, if applicable
b	Arrival procedures, altimeter checks
c	Altitude and speed constraints, if applicable
d	PBN arrival (if applicable): — Check that the correct procedure has been loaded in the navigation system; and — Cross-check between the navigation system display and the arrival chart.

## SECTION 4 (\*) — 3D Operations (\*)

a	Setting and checking of navigational aids Check Vertical Path angle For RNP APCH: — Check that the correct procedure has been loaded in the navigation system; and — Cross-check between the navigation system display and the approach chart.
b	Approach and landing briefing, including descent/approach/landing checks, including identification of facilities
c (*)	Holding procedure
d	Compliance with published approach procedure
e	Approach timing
f	Altitude, speed heading control (stabilised approach)
g (*)	Go-around action
h (*)	Missed approach procedure/landing
i	ATC liaison – compliance, R/T procedures

## SECTION 5 (\*) – 2D OPERATIONS (\*\*)

a	Setting and checking of navigational aids For RNP APCH: — Check that the correct procedure has been loaded in the navigation system; and — Cross-check between the navigation system display and the approach chart.
b	Approach and landing briefing, including descent/approach/landing checks, including identification of facilities
c (*)	Holding procedure
d	Compliance with published approach procedure
e	Approach timing

f	Altitude/Distance to MAPT, speed, heading control (stabilised approach), Step Down Fixes (SDF(s)), if applicable
g (*)	Go-around action
h (*)	Missed approach procedure/landing
i	ATC liaison – compliance, R/T procedures

SECTION 6 — FLIGHT WITH ONE ENGINE INOPERATIVE (multi-engine aeroplanes only) (\*)

a	Simulated engine failure after take-off or on go-around
b	Approach, go-around and procedural missed approach with one engine inoperative
c	Approach and landing with one engine inoperative
d	ATC liaison – compliance, R/T procedures

(\*) Must be performed by sole reference to instruments.

(\*) May be performed in an FFS, FTD 2/3 or FNPT II.

(\*) May be performed in either Section 4 or Section 5.

(\*\*) To establish or maintain PBN privileges one approach in either Section 4 or Section 5 shall be an RNP APCH. Where an RNP APCH is not practicable, it shall be performed in an appropriately equipped FSTD.;

(66) Appendix 8 is replaced by the following:

‘APPENDIX 8

Cross-crediting of the IR part of a class or type rating proficiency check

A. Aeroplanes

Credits shall be granted only if holders are revalidating or renewing IR privileges for single-pilot single-engine and single-pilot multi-engine aeroplanes, as appropriate.

If a skill test or a proficiency check including IR is performed, and holders have a valid:	Credit is valid towards the IR part in a proficiency check for:
MPA type rating; Single-pilot high-performance complex aeroplane type rating	SE class rating (*), and SE type rating (*), and SP ME class or type rating except for high-performance complex type ratings, only credits for Section 3B of the proficiency check in point B.5 of Appendix 9
SP ME aeroplane class or type rating except for high-performance complex aeroplane type ratings, operated as single-pilot	SE class rating, and SE type rating, and SP ME class or type rating except for high-performance complex aeroplane type ratings
SP ME aeroplane class or type rating except for high-performance complex aeroplane type ratings, restricted to MP operations	SE class rating (*), and SE type rating (*), and SP ME class or type rating except for high-performance complex aeroplane type ratings (*).
SP SE aeroplane class or type rating	SE class rating, and SE type rating

(\*) Provided that within the preceding 12 months the applicants have flown at least three IFR departures and approaches exercising PBN privileges, including at least one RNP APCH approach on an SP class or type of aeroplane in SP operations, or, for multi-engine, other than HP complex aeroplanes, the applicants have passed Section 6 of the skill test for SP, other than HP complex aeroplanes flown solely by reference to instruments in SP operations.

## B. Helicopters

Credits shall be granted only if holders are revalidating IR privileges for single-engine and single-pilot multi-engine helicopters as appropriate.

If a skill test or a proficiency check, including IR, is performed and the holders have a valid:	Credit is valid towards the IR part in a proficiency check for:
Multi-pilot helicopter (MPH) type rating	SE type rating (*) ; and SP ME type rating (*) .
SP ME type rating, operated as single-pilot	SE type rating (*) ; and SP ME type rating (*) .
SP ME type rating, restricted to multi-pilot operation	SE type rating (*) ; and SP ME type rating (*) .
SP SE type rating, operated as single-pilot	SP SE type rating, operated as single -pilot

(\*) Provided that within the preceding 12 months at least three IFR departures and approaches exercising PBN privileges, including one RNP APCH approach (could be a Point in Space (PinS) approach), have been performed on a SP type of helicopter in SP operations.;



Annex VI (Part-ARA) to Regulation (EU) No 1178/2011 is amended as follows:

(68) in point ARA.GEN.220, points (a)(11) and (a)(12) are replaced and a new point (a)(13) is inserted as follows:

- ‘(11) safety information and follow-up measures;
- (12) the use of flexibility provisions in accordance with Article 71 of Regulation (EU) 2018/1139; and
- (13) the evaluation and authorisation process of aircraft laid down in points ORA.ATO.135 (a) and DTO.GEN.240 (a).’;

(69) a new point ARA.GEN.360 is inserted as follows:

**‘ARA.GEN.360 Change of competent authority**

- (a) Upon receiving a licence holder’s request for a change of competent authority as specified in point FCL.015(d) of Annex I (Part-FCL), the receiving competent authority shall, without undue delay, request the competent authority of the licence holder to transfer, without undue delay, all of the following:
  - (1) a verification of the licence;
  - (2) copies of the licence holder’s medical records kept by that competent authority in accordance with points ARA.GEN.220 and ARA.MED.150. The medical records shall be transferred in accordance with point MED.A.015 of Annex IV (Part-MED) and shall include a summary of the relevant medical history of the applicant, verified and signed by the medical assessor.
- (b) The transferring competent authority shall keep the licence holder’s original licensing and medical records in accordance with points ARA.GEN.220, ARA.FCL.120 and ARA.MED.150.
- (c) The receiving competent authority shall, without undue delay, reissue the licence and medical certificate provided that it has received and processed all documents specified in point (a). Upon the reissuance of the licence and medical certificate, the receiving competent authority shall immediately request the licence holder to surrender to it the licence issued by the transferring competent authority and the associated medical certificate.
- (d) The receiving competent authority shall immediately notify the transferring competent authority once it has reissued the licence and medical certificate to the licence holder and the licence holder has surrendered the licence and medical certificate pursuant to point (c). Until such a notification is received, the transferring competent authority remains responsible for the licence and the medical certificate originally issued to that licence holder.’;

Annex VII (Part-ORA) to Regulation (EU) No 1178/2011 is amended as follows:

(70) in point ORA.ATO.135, point (a) is replaced by the following:

- ‘(a) The ATO shall use an adequate fleet of training aircraft or FSTDs appropriately equipped for the training courses provided. The fleet of aircraft shall be composed of aircraft that comply with all requirements defined in Regulation (EU) 2018/1139. Aircraft that fall under points (a), (b), (c) or (d) of Annex I to Regulation (EU) 2018/1139, may be used for training if all of the following conditions are met:
  - (1) during an evaluation process the competent authority has confirmed a level of safety comparable to the one defined by all essential requirements laid down in Annex II to Regulation (EU) 2018/1139;
  - (2) the competent authority has authorised the use of the aircraft for training in the ATO.’;

Annex VIII (Part-DTO) to Regulation (EU) No 1178/2011 (Part-DTO) is amended as follows:

(71) in point DTO.GEN.240, point (a) is replaced by the following:

- ‘(a) A DTO shall use an adequate fleet of training aircraft or FSTDs appropriately equipped for the training course provided. The fleet of aircraft shall be composed of aircraft that comply with all requirements defined in Regulation (EU) 2018/1139. Aircraft that fall under points (a), (b), (c) or (d) of Annex I to Regulation (EU) 2018/1139, may be used for training if all of the following conditions are met:
    - (1) during an evaluation process the competent authority has confirmed a level of safety comparable to the one defined by all essential requirements laid down in Annex II to Regulation (EU) 2018/1139;
    - (2) the competent authority has authorised the use of the aircraft for training in the DTO.’;
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# DECISIONS

## COUNCIL DECISION 2019/1748

of 7 October 2019

**on the position to be taken on behalf of the European Union within the Sanitary and Phytosanitary Management Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the modification of Annex V to Chapter 4 of that Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part <sup>(1)</sup>, (the 'Association Agreement') entered into force on 1 September 2017.
- (2) Article 64(1) of the Association Agreement provides that Ukraine is to approximate its sanitary and phytosanitary and animal welfare legislation to that of the Union as set out in Annex V to Chapter 4 of the Association Agreement.
- (3) Ukraine has committed to submit a comprehensive strategy in the form of a list of the Union legislation regarding sanitary and phytosanitary measures and animal welfare (the 'List') to which it intends to approximate its domestic legislation. The List is to serve as the reference document for the implementation of Chapter 4 (Sanitary and Phytosanitary Measures) of Title IV (Trade and Trade-related Matters) of the Association Agreement, and it is to be added to Annex V to Chapter 4 of the Association Agreement. Accordingly, Annex V to Chapter 4 of the Association Agreement is to be modified by means of a decision of the Sanitary and Phytosanitary Management Sub-Committee (the 'SPS Sub-Committee'), as set out in subparagraph (c) of Article 74(2) of the Association Agreement.
- (4) Ukraine submitted the List to the Commission in June 2016. The Union adopted its position as regards the modification of Annex V to Chapter 4 of the Association Agreement by means of Council Decision (EU) 2017/1391 <sup>(2)</sup> on the basis of the List. Ukraine announced shortly thereafter that it considered it necessary to make further clarifications and changes concerning the deadlines for adoption, to make corrections, including in relation to the duplication of acts, and to add new acts. Consequently, the decision by the SPS Sub-Committee based on the Union's position adopted by Decision (EU) 2017/1391 was not adopted.
- (5) Ukraine submitted a revised version of the List to the Commission in October 2018. Based on that revised version of the List, the SPS Sub-Committee is to adopt a decision modifying Annex V to Chapter 4 of the Association Agreement.
- (6) It is appropriate to establish the position to be taken on the Union's behalf in the SPS Sub-Committee as regards the modification of Annex V to Chapter 4 of the Association Agreement.

<sup>(1)</sup> OJ L 161, 29.5.2014, p. 3.

<sup>(2)</sup> Council Decision (EU) 2017/1391 of 17 July 2017 on the position to be adopted, on behalf of the European Union, within the Sanitary and Phytosanitary Management Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the modification of Annex V to that Agreement (OJ L 195, 27.7.2017, p. 13).

- (7) The position of the Union within the SPS Sub-Committee should therefore be to support the modification of Annex V to Chapter 4 of the Association Agreement, as set out in the Annex to the SPS Sub-Committee draft decision.
- (8) Because the List adopted by Decision (EU) 2017/1391 has been revised, it is necessary to repeal that Decision,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The position to be taken on behalf of the Union within the Sanitary and Phytosanitary Management Sub-Committee (the 'SPS Sub-Committee') established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, (the 'Association Agreement') as regards the modification of Annex V to Chapter 4 of the Association Agreement shall be to support the modification of Annex V to Chapter 4 of the Association Agreement, as set out in the Annex to the SPS Sub-Committee draft Decision attached to this Decision.

2. Minor technical changes to the SPS Sub-Committee draft Decision may be agreed by the representatives of the Union within the SPS Sub-Committee without further decision of the Council.

*Article 2*

Decision (EU) 2017/1391 is hereby repealed.

*Article 3*

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

Done at Luxembourg, 7 October 2019.

*For the Council*  
*The President*  
A.-M. HENRIKSSON



DRAFT

**DECISION No ... OF THE EU-UKRAINE SANITARY AND PHYTOSANITARY MANAGEMENT SUB-COMMITTEE****of ...****modifying Annex V to Chapter 4 of the Association Agreement**

THE SANITARY AND PHYTOSANITARY MANAGEMENT SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, signed in Brussels on 27 June 2014, and in particular Article 74(2) thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part <sup>(1)</sup>, (the 'Association Agreement') entered into force on 1 September 2017.
- (2) Article 64(1) of the Association Agreement provides that Ukraine is to approximate its sanitary and phytosanitary and animal welfare legislation to that of the Union as set out in Annex V to Chapter 4 of the Association Agreement.
- (3) Ukraine has committed to submit a comprehensive strategy in the form of a list of the Union legislation regarding sanitary and phytosanitary measures and animal welfare (the 'List') to which it intends to approximate its domestic legislation. The List is to serve as the reference document for the implementation of Chapter 4 (Sanitary and Phytosanitary Measures) of Title IV (Trade and Trade-related Matters) of the Association Agreement, and it is to be added to Annex V to Chapter 4 of the Association Agreement.
- (4) Ukraine submitted the List to the European Commission in October 2018. Based on the List, the Sanitary and Phytosanitary Management Sub-Committee (the 'SPS Sub-Committee') is to adopt a decision modifying Annex V to Chapter 4 of the Association Agreement.
- (5) It is therefore appropriate that the SPS Sub-Committee adopts a decision to modify Annex V to Chapter 4 of the Association Agreement by replacing the existing Annex V to Chapter 4 of the Association Agreement with a new Annex V to Chapter 4 of the Association Agreement, as set out in the Annex to this Decision,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex V to Chapter 4 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other, (the 'Association Agreement') is hereby replaced by the Annex V to Chapter 4 of the Association Agreement, as set out in the Annex to this Decision.

*Article 2*

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

Done at ...,

*For the Sanitary and Phytosanitary  
Management Sub-Committee  
The Chair*

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<sup>(1)</sup> OJ EU L 161, 29.5.2014, p. 3.

## ANNEX

## MODIFICATION OF ANNEX V TO CHAPTER 4 OF THE ASSOCIATION AGREEMENT

Annex V to Chapter 4 of the Association Agreement is replaced by the following:

## 'ANNEX V TO CHAPTER 4

## COMPREHENSIVE STRATEGY FOR THE IMPLEMENTATION OF CHAPTER 4 (SANITARY AND PHYTOSANITARY MEASURES)

## LIST OF UNION LEGISLATION TO BE APPROXIMATED BY UKRAINE

Ukraine undertakes to approximate its legislation to the following Union legislation with the deadlines for adoption as listed below, in accordance with Article 64(4) of this Agreement.

Union legislation	Deadline for adoption (1)
Chapter I – General legislation (public health)	
Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC	2018
Council Directive No 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries	2018
Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety	2016
Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption	2018
Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs	2016
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	2018
Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption	2016
Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC	2018
Commission Regulation (EU) No 16/2011 of 10 January 2011 laying down implementing measures for the Rapid alert system for food and feed	2020
Commission Implementing Regulation (EU) No 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin	2018
Commission Implementing Regulation (EU) No 208/2013 of 11 March 2013 on traceability requirements for sprouts and seeds intended for the production of sprouts	2018

Union legislation	Deadline for adoption (*)
<b>Labelling and information about foodstuffs</b>	
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	2018
Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods	2018
Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004	2018
Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs	2018
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	2018
Commission Implementing Decision 2013/63/EU of 24 January 2013 adopting guidelines for the implementation of specific conditions for health claims laid down in Article 10 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council	2018
<b>Measures applicable to animal products</b>	
Council Directive 2001/110/EC of 20 December 2001 relating to honey	2019
Commission Decision 2002/226/EC of 15 March 2002 establishing special health checks for the harvesting and processing of certain bivalve molluscs with a level of amnesic shellfish poison (ASP) exceeding the limit laid down by Council Directive 91/492/EEC	2020
Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods	2018
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter I, Appendix II)	2018
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter V Appendix III)	2018
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter VII Appendix III)	2019
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter VIII Appendix III)	2019
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter IX Appendix III)	2018
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter X Appendix III)	2019
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter XI Appendix III)	2019

Union legislation	Deadline for adoption (*)
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter XII Appendix III)	2020
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter XIII Appendix III)	2019
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter XIV Appendix III)	2019
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter XV Appendix III)	2020
Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption	2019
Commission Regulation (EC) No 37/2005 of 12 January 2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption	2016
Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings	2018
Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97	2018
Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives	2018
Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC	2018
Commission Regulation (EU) No 234/2011 of 10 March 2011 implementing Regulation (EC) No 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings	2018
Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council	2018
Commission Implementing Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 1565/2000 and Commission Decision 1999/217/EC	2018
Commission Regulation (EU) No 873/2012 of 1 October 2012 on transitional measures concerning the Union list of flavourings and source materials set out in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council	2018
Other measures	
Council Directive 78/142/EEC of 30 January 1978 on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs	2019

Union legislation	Deadline for adoption (*)
Council Directive No 82/711/EEC of 18 October 1982 laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs	2019
Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs	2019
Council Directive 85/572/EEC of 19 December 1985 laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs	2019
Commission Directive 93/11/EEC of 15 March 1993 concerning the release of the N-nitrosamines and N-nitrosatable substances from elastomer or rubber teats and soothers	2019
Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed	2019
Commission Regulation (EC) No 641/2004 of 6 April 2004 on detailed rules for the implementation of Regulation (EC) No 1829/2003 of the European Parliament and of the Council as regards the application for the authorisation of new genetically modified food and feed, the notification of existing products and adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation	2019
Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC	2019
Commission Regulation (EC) No 1895/2005 of 18 November 2005 on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food	2019
Commission Regulation (EC) No 2023/2006 of 22 December 2006 on good manufacturing practice for materials and articles intended to come into contact with food	2019
Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC	2018
Commission Directive 2007/42/EC of 29 June 2007 relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs	2019
Commission Regulation (EC) No 282/2008 of 27 March 2008 on recycled plastic materials and articles intended to come into contact with foods and amending Regulation (EC) No 2023/2006	2020
Commission Regulation (EC) No 450/2009 of 29 May 2009 on active and intelligent materials and articles intended to come into contact with food	2019
Commission Decision 2010/169/EU of 19 March 2010 concerning the non-inclusion of 2,4,4'-trichloro-2'-hydroxydiphenyl ether in the Union list of additives which may be used in the manufacture of plastic materials and articles intended to come into contact with foodstuffs under Directive 2002/72/EC	2019
Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food	2019
Commission Regulation (EU) No 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China	2019

Union legislation	Deadline for adoption (*)
Commission Regulation (EU) No 28/2012 of 11 January 2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No 1162/2009	2021
Measures to be included after the approximation of legislation	
Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC	2018
Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients	2020
Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation	2020
Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation	2020
Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC	2018
Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs	2018
Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs	2018
Commission Regulation (EC) No 1882/2006 of 19 December 2006 laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs	2018
Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs	2018
Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No 252/2012	2018
Chapter II - Animal health	
Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine	2018
Commission Decision 86/474/EEC of 11 September 1986 on the implementation of the on-the-spot inspections to be carried out in respect of the importation of bovine animals and swine and fresh meat from non-member countries	2018
Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species	2018
Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species	2018

Union legislation	Deadline for adoption (*)
Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species	2018
Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC	2018
Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein	2018
Commission Decision 2004/211/EC of 6 January 2004 establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species, and amending Decisions 93/195/EEC and 94/63/EC	2018
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (Chapter VII)	2020
Commission Regulation (EC) No 1739/2005 of 21 October 2005 laying down animal health requirements for the movement of circus animals between Member States	2018
Commission Decision 2006/168/EC of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC	2018
Commission Decision 2006/605/EC of 6 September 2006 on certain protection measures in relation to intra-Community trade in poultry intended for restocking of wild game supplies	2019
Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals	2020
Commission Decision 2006/767/EC of 6 November 2006 amending Commission Decisions 2003/804/EC and 2003/858/EC, as regards certification requirements for live molluscs and live fish of aquaculture origin and products thereof intended for human consumption	2020
Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements	2018
Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species	2020
Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation	2019
Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae	2019
Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs	2018

Union legislation	Deadline for adoption (*)
Commission Decision 2010/57/EU of 3 February 2010 laying down health guarantees for the transit of equidae being transported through the territories listed in Annex I to Council Directive 97/78/EC	2019
Commission Decision 2010/270/EU of 6 May 2010 amending Parts 1 and 2 of Annex E to Council Directive 92/65/EEC as regards the model health certificates for animals from holdings and for bees and bumble bees	2018
Commission Decision 2010/471/EU of 26 August 2010 on imports into the Union of semen, ova and embryos of animals of the equine species as regards lists of semen collection and storage centres and embryo collection and production teams and certification requirements	2018
Commission Decision 2010/472/EU of 26 August 2010 on imports of semen, ova and embryos of animals of the ovine and caprine species into the Union	2018
Commission Implementing Decision 2011/630/EU of 20 September 2011 on imports into the Union of semen of domestic animals of the bovine species	2018
Commission Implementing Decision 2012/137/EU of 1 March 2012 on imports into the Union of semen of domestic animals of the porcine species	2018
Animal diseases	
Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community	2018
Commission Decision 92/260/EEC of 10 April 1992 on animal health conditions and veterinary certification for temporary admission of registered horses	2018
Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness	2018
Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease	2020
Commission Decision 93/197/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production	2018
Commission Decision 2000/428/EC of 4 July 2000 establishing diagnostic procedures, sampling methods and criteria for the evaluation of the results of laboratory tests for the confirmation and differential diagnosis of swine vesicular disease	2018
Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue	2018
Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever	2018
Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever	2018
Commission Decision 2003/466/EC of 13 June 2003 establishing criteria for zoning and official surveillance following suspicion or confirmation of the presence of infectious salmon anaemia (ISA)	2018
Commission Decision 2003/634/EC of 28 August 2003 approving programmes for the purpose of obtaining the status of approved zones and of approved farms in non-approved zones with regard to viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) in fish	2018



Union legislation	Deadline for adoption (*)
Commission Decision 2005/217/EC of 9 March 2005 establishing the animal health conditions and the veterinary certification requirements for imports into the Community of bovine embryos	2018
Commission Decision 2008/855/EC of 3 November 2008 concerning animal health control measures relating to classical swine fever in certain Member States	2018
Commission Decision 2009/3/EC of 18 December 2008 establishing Community reserves of vaccines against African horse sickness	2020
Commission Regulation (EC) No 789/2009 of 28 August 2009 amending Regulation (EC) No 1266/2007 as regards protection against attacks by vectors and minimum requirements for bluetongue monitoring and surveillance programmes	2018
Identification and registration of animals	
Commission Regulation (EC) No 494/98 of 27 February 1998 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals	2018
Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97	2018
Commission Decision 2000/678/EC of 23 October 2000 laying down detailed rules for registration of holdings in national databases for porcine animals as foreseen by Council Directive 64/432/EEC	2018
Commission Regulation (EC) No 1082/2003 of 23 June 2003 laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals	2018
Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC	2018
Commission Regulation (EC) No 911/2004 of 29 April 2004 implementing Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards eartags, passports and holding registers	2018
Commission Decision 2006/28/EC of 18 January 2006 on extension of the maximum period for applying eartags to certain bovine animals	2018
Commission Regulation (EC) No 1505/2006 of 11 October 2006 implementing Council Regulation (EC) No 21/2004 as regards the minimum level of checks to be carried out in relation to the identification and registration of ovine and caprine animals	2018
Commission Decision 2006/968/EC of 15 December 2006 implementing Council Regulation (EC) No 21/2004 as regards guidelines and procedures for the electronic identification of ovine and caprine animals	2018
Council Directive 2008/71/EC of 15 July 2008 on the identification and registration of pigs	2018
Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation)	2018

Union legislation	Deadline for adoption (*)
<b>Animal by-products</b>	
Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents	2019
Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC	2019
Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)	2018
Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive	2018
Commission Regulation (EU) No 749/2011 of 29 July 2011 amending Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive	2018
<b>Measures applicable to feed and feed additives</b>	
Council Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community	2019
Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products	2018
Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition	2018
Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products	2018
Commission Recommendation 2004/704/EC of 11 October 2004 on the monitoring of background levels of dioxins and dioxin-like PCBs in feedingstuffs	2018
Regulation (EC) No 1831/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene	2018
Commission Regulation (EC) No 378/2005 of 4 March 2005 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the duties and tasks of the Community Reference Laboratory concerning applications for authorisations of feed additives	2018
Commission Regulation (EC) No 1876/2006 of 18 December 2006 concerning the provisional and permanent authorisation of certain additives in feedingstuffs	2018
Commission Directive 2008/38/EC of 5 March 2008 establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes	2018
Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of applications and the assessment and the authorisation of feed additives	2018

Union legislation	Deadline for adoption (*)
Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council	2018
Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC	2018
Commission Regulation (EU) No 1270/2009 of 21 December 2009 concerning the permanent authorisations of certain additives in feedingstuffs	2018
Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin	2018
Commission Regulation (EU) No 892/2010 of 8 October 2010 on the status of certain products with regard to feed additives within the scope of Regulation (EC) No 1831/2003 of the European Parliament and of the Council	2018
Commission Recommendation 2011/25/EU of 14 January 2011 establishing guidelines for the distinction between feed materials, feed additives, biocidal products and veterinary medicinal products	2018
Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials	2018
Animal welfare	
Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens	2018
Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC	2018
Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97	2019
Commission Decision 2006/778/EC of 14 November 2006 concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes	2018
Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production	2018
Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves	2018
Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs	2018
Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing	2019
Commission Implementing Decision 2013/188/EU of 18 April 2013 on annual reports on non-discriminatory inspections carried out pursuant to Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97	2018

Union legislation	Deadline for adoption (*)
Chapter III – Phytosanitary measures	
Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed	2018
Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed	2018
Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease	2020
Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration	2019
Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement	2020
Commission Directive 93/51/EEC of 24 June 1993 establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone	2020
Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot	2020
Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger	2019
Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights	2020
Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office	2020
Commission Regulation (EC) No 1768/95 of 24 July 1995 implementing rules on the agricultural exemption provided for in Article 14(3) of Council Regulation (EC) No 2100/94 on Community plant variety rights	2020
Council Regulation (EC) No 2506/95 of 25 October 1995 amending Regulation (EC) No 2100/94 on Community plant variety rights	2020
Council Regulation (EC) No 2470/96 of 17 December 1996 providing for an extension of the terms of a Community plant variety right in respect of potatoes	2020
Commission Directive 97/46/EC of 25 July 1997 amending Directive 95/44/EC establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections	2021
Commission Directive 98/22/EC of 15 April 1998 laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries	2019
Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants	2018
Council Directive 98/57/EC of 20 July 1998 on the control of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.	2020

Union legislation	Deadline for adoption (*)
Commission Regulation (EC) No 2605/98 of 3 December 1998 amending Regulation (EC) No 1768/95 implementing rules on the agricultural exemption provided for in Article 14(3) of Council Regulation (EC) No 2100/94 on Community Plant Variety Rights	2020
Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community	2019
Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed	2018
Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed	2018
Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes	2018
Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants	2018
Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries	2018
Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC	2019
Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers	2021
Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	2018
Commission Directive 2004/102/EC of 5 October 2004 amending Annexes II, III, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community	2019
Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks	2020
Commission Regulation (EC) No 1756/2004 of 11 October 2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC	2020
Commission Directive 2004/105/EC of 15 October 2004 determining the models of official phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC	2019
Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC	2020
Commission Regulation (EC) No 217/2006 of 8 February 2006 laying down rules for the application of Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination	2018

Union legislation	Deadline for adoption (*)
Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EEC	2020
Commission Decision 2008/495/EC of 7 May 2008 concerning the provisional prohibition of the use and sale in Austria of genetically modified maize ( <i>Zea mays</i> L. line MON810) pursuant to Directive 2001/18/EC of the European Parliament and of the Council	2018
Commission Directive 2008/61/EC of 17 June 2008 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections	2020
Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed	2018
Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production	2018
Commission Decision 2009/244/EC of 16 March 2009 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation ( <i>Dianthus caryophyllus</i> L., line 123.8.12) genetically modified for flower colour	2018
Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms	2018
Commission Regulation (EC) No 874/2009 of 17 September 2009 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office	2020
Commission Decision 2009/770/EC of 13 October 2009 establishing standard reporting formats for presenting the monitoring results of the deliberate release into the environment of genetically modified organisms, as or in products, for the purpose of placing on the market, pursuant to Directive 2001/18/EC of the European Parliament and of the Council	2018
Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides	2018
Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC	2020
Commission Decision 2010/135/EU of 2 March 2010 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a potato product ( <i>Solanum tuberosum</i> L. line EH92-527-1) genetically modified for enhanced content of the amylopectin component of starch	2018
Commission Recommendation 2010/C 200/01 of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops	2018
Commission Regulation (EU) No 188/2011 of 25 February 2011 laying down detailed rules for the implementation of Council Directive 91/414/EEC as regards the procedure for the assessment of active substances which were not on the market 2 years after the date of notification of that Directive	2020
Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances	2020
Commission Implementing Regulation (EU) No 541/2011 of 1 June 2011 amending Implementing Regulation (EU) No 540/2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances	2020

Union legislation	Deadline for adoption (*)
Commission Regulation (EU) No 547/2011 of 8 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards labelling requirements for plant protection products	2020
Commission Regulation (EU) No 544/2011 of 10 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the data requirements for active substances	2020
Commission Regulation (EU) No 545/2011 of 10 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the data requirements for plant protection products	2020
Commission Implementing Regulation (EU) No 702/2011 of 20 July 2011 approving the active substance prohexadione, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 703/2011 of 20 July 2011 approving the active substance azoxystrobin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 704/2011 of 20 July 2011 approving the active substance azimsulfuron, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 705/2011 of 20 July 2011 approving the active substance imazalil, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 706/2011 of 20 July 2011 approving the active substance profoxydim, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 736/2011 of 26 July 2011 approving the active substance fluroxypyr, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 740/2011 of 27 July 2011 approving the active substance bispyribac, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 786/2011 of 5 August 2011 approving the active substance 1-naphthylacetamide, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/941/EC	2020
Commission Implementing Regulation (EU) No 787/2011 of 5 August 2011 approving the active substance 1-naphthylacetic acid, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/941/EC	2020
Commission Implementing Regulation (EU) No 788/2011 of 5 August 2011 approving the active substance fluazifop-P, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/934/EC	2020

Union legislation	Deadline for adoption (1)
Commission Implementing Regulation (EU) No 797/2011 of 9 August 2011 approving the active substance spiroxamine, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 798/2011 of 9 August 2011 approving the active substance oxyfluorfen, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/934/EC	2020
Commission Implementing Regulation (EU) No 800/2011 of 9 August 2011 approving the active substance tefluthrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and amending Commission Decision 2008/934/EC	2020
Commission Implementing Regulation (EU) No 807/2011 of 10 August 2011 approving the active substance triazoxide, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 810/2011 of 11 August 2011 approving the active substance kresoxim-methyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 974/2011 of 29 September 2011 approving the active substance acrinathrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/934/EC	2020
Commission Implementing Regulation (EU) No 993/2011 of 6 October 2011 approving the active substance 8-hydroxyquinoline, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 1143/2011 of 10 November 2011 approving the active substance prochloraz, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/934/EC	2020
Commission Implementing Decision 2011/787/EU of 29 November 2011 authorising Member States temporarily to take emergency measures against the dissemination of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. as regards Egypt	2020
Commission Implementing Decision 2012/138/EU of 1 March 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of <i>Anoplophora chinensis</i> (Forster)	2020
Commission Implementing Regulation (EU) No 359/2012 of 25 April 2012 approving the active substance metam, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Decision 2012/340/EU of 25 June 2012 on the organisation of a temporary experiment under Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards field inspection under official supervision for basic seed and bred seed of generations prior to basic seed	2018



Union legislation	Deadline for adoption (*)
Commission Implementing Regulation (EU) No 582/2012 of 2 July 2012 approving the active substance bifenthrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 589/2012 of 4 July 2012 approving the active substance fluxapyroxad, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 595/2012 of 5 July 2012 approving the active substance fenpyrazamine, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 746/2012 of 16 August 2012 approving the active substance <i>Adoxophyes orana granulovirus</i> , in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Decision 2012/535/EU of 26 September 2012 on emergency measures to prevent the spread within the Union of <i>Bursaphelenchus xylophilus</i> (Steiner et Buhrer) Nickle et al. (the pine wood nematode)	2020
Commission Implementing Regulation (EU) No 485/2013 of 24 May 2013 amending Implementing Regulation (EU) No 540/2011, as regards the conditions of approval of the active substances clothianidin, thiamethoxam and imidacloprid, and prohibiting the use and sale of seeds treated with plant protection products containing those active substances	2018
Commission Implementing Directive 2014/20/EU of 6 February 2014 determining Union grades of basic and certified seed potatoes, and the conditions and designations applicable to such grades	2018
Commission Implementing Directive 2014/21/EU of 6 February 2014 determining minimum conditions and Union grades for pre-basic seed potatoes	2018
Commission Implementing Regulation (EU) No 632/2014 of 13 May 2014 approving the active substance flubendiamide, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Regulation (EU) No 571/2014 of 26 May 2014 approving the active substance ipconazole, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011	2020
Commission Implementing Decision 2014/362/EU of 13 June 2014 amending Decision 2009/109/EC on the organisation of a temporary experiment providing for certain derogations for the marketing of seed mixtures intended for use as fodder plants pursuant to Council Directive 66/401/EEC	2018
Commission Implementing Decision 2014/367/EU of 16 June 2014 amending Council Directive 2002/56/EC as regards the date laid down in Article 21(3) until which Member States are authorised to extend the validity of decisions concerning equivalence of seed potatoes from third countries	2018
Commission Implementing Directive 2014/83/EU of 25 June 2014 amending Annexes I, II, III, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community	2019

Union legislation	Deadline for adoption <sup>(1)</sup>
Commission Implementing Directive 2014/96/EU of 15 October 2014 on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC	2018
Commission Implementing Directive 2014/97/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards the registration of suppliers and of varieties and the common list of varieties	2018
Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections	2018
Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC	2018
Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms	2018

<sup>(1)</sup> The term 'adoption' means the date of implementation laid down in the relevant legal act published in the 'Official Journal of Ukraine' or 'Governmental Courier' or published on the official website of the State Service of Ukraine on Food Safety and Consumer Protection with immediate effect or with an indicated transitional period.'

**COUNCIL DECISION 2019/1749****of 14 October 2019****concerning the request of Ireland to take part in some of the provisions of the Schengen *acquis* relating to the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Article 4 of Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

Having regard to the request by the Government of Ireland, by its letter to the President of the Council of the European Union of 12 April 2019, to take part in certain provisions of the Schengen *acquis*, as specified in that letter,

Whereas:

- (1) By Decision 2002/192/EC <sup>(1)</sup> the Council authorised Ireland to take part in some of the provisions of the Schengen *acquis*, in accordance with the conditions set out in that Decision.
- (2) Regulation (EU) No 1077/2011 of the European Parliament and of the Council <sup>(2)</sup> established the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, commonly referred to as eu-LISA, in order to ensure the operational management of the second generation Schengen Information System (SIS II), the Visa Information System (VIS) and Eurodac and of certain aspects of their communication infrastructures and potentially that of other large-scale IT systems in the area of freedom, security and justice, on the basis of separate Union legal acts, based on Articles 67 to 89 of the Treaty on the Functioning of the European Union (TFEU).
- (3) By Decision 2012/764/EU <sup>(3)</sup> the Council authorised Ireland to take part in Regulation (EU) No 1077/2011 to the extent that it relates to the operational management of the VIS and the parts of SIS II, in which Ireland does not take part.
- (4) On 14 November 2018, Regulation (EU) 2018/1726 of the European Parliament and of the Council <sup>(4)</sup> was adopted which repeals Regulation (EU) No 1077/2011. Regulation (EU) 2018/1726 establishes the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) (the 'Agency'), which replaces and succeeds the agency as established by Regulation (EU) No 1077/2011. In accordance with Regulation (EU) 2018/1726, references to the repealed Regulation (EU) No 1077/2011 are to be construed as references to Regulation (EU) 2018/1726 and are to be read in accordance with the correlation table in the Annex to that Regulation.

<sup>(1)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>(2)</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p. 1).

<sup>(3)</sup> Council Decision 2012/764/EU of 6 December 2012 concerning the request of Ireland to take part in some of the provisions of the Schengen *acquis* relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 337, 11.12.2012, p. 48).

<sup>(4)</sup> Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

- (5) In accordance with Regulation (EU) 2018/1726 the Agency is responsible for the operational management of Schengen Information System (SIS), the VIS and Eurodac. The Agency is also responsible for the preparation, development or operational management of the Entry/Exit System (EES), Dublinet and the European Travel Authorisation and Information System (ETIAS). The Agency might also be made responsible for the preparation, development and operational management of other large-scale IT systems in the area of freedom, security and justice if so provided by relevant Union legal acts based on Articles 67 to 89 of the TFEU.
- (6) SIS is part of the Schengen *acquis*. Regulations (EU) 2018/1861 <sup>(5)</sup> and (EU) 2018/1862 <sup>(6)</sup> of the European Parliament and of the Council govern the establishment, operation and use of SIS in the field of border checks and, respectively, in the field of police cooperation and judicial cooperation in criminal matters. Furthermore, Regulation (EU) 2018/1860 <sup>(7)</sup> governs the use of the SIS for the return of illegally staying third-country nationals. Once applicable, Regulations (EU) 2018/1861 and (EU) 2018/1862 will replace Regulation (EC) No 1987/2006 of the European Parliament and of the Council <sup>(8)</sup> and Council Decision 2007/533/JHA <sup>(9)</sup> which currently apply in those matters. However, Ireland has only taken part in the adoption of Council Decision 2007/533/JHA and of Regulation (EU) 2018/1862 which develop the provisions of the Schengen *acquis* referred to in Article 1(a)(ii) of Decision 2002/192/EC.
- (7) The VIS is also part of the Schengen *acquis*. Ireland did not take part in the adoption of, and is not bound by Council Decision 2004/512/EC <sup>(10)</sup>, Regulation (EC) No 767/2008 of the European Parliament and of the Council <sup>(11)</sup> and Council Decision 2008/633/JHA <sup>(12)</sup> which govern the establishment, operation or use of the VIS.
- (8) Eurodac is not part of the Schengen *acquis*. Ireland has taken part in the adoption of, and is bound by Regulation (EU) No 603/2013 of the European Parliament and of the Council <sup>(13)</sup> which governs the establishment, operation and use of Eurodac.
- (9) The EES is part of the Schengen *acquis*. Ireland did not take part in the adoption of, and is not bound by Regulation (EU) 2017/2226 of the European Parliament and of the Council <sup>(14)</sup> which govern the establishment, operation and use of the EES.

<sup>(5)</sup> Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

<sup>(6)</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

<sup>(7)</sup> Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).

<sup>(8)</sup> Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

<sup>(9)</sup> Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).

<sup>(10)</sup> Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213, 15.6.2004, p. 5).

<sup>(11)</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

<sup>(12)</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

<sup>(13)</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

<sup>(14)</sup> Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

- (10) ETIAS is also part of the Schengen *acquis*. Ireland did not take part in the adoption of, and is not bound by Regulation (EU) 2018/1240 of the European Parliament and of the Council <sup>(15)</sup> which govern the establishment, operation and use of ETIAS.
- (11) Dublinet is not part of the Schengen *acquis*. Ireland is bound by Commission Regulation (EC) No 1560/2003 <sup>(16)</sup> which sets up Dublinet, a separate secure electronic transmission channel.
- (12) Given its participation in Eurodac, Dublinet and its partial participation in SIS, Ireland has the right to participate in the activities of the Agency, to the extent that the Agency is responsible for the operational management of SIS as governed by Regulation (EU) 2018/1862, of Eurodac and of Dublinet.
- (13) The Agency has a single legal personality and is characterised by the unity of its organisational and financial structure. Accordingly, and in accordance with Article 288 of the TFEU, the Agency was established by means of a single legislative instrument which is applicable in its entirety in the Member States bound by it. This excludes the possibility of partial applicability for Ireland. Consequently, necessary steps should be taken to ensure that Regulation (EU) 2018/1726 in its entirety is applicable to Ireland.
- (14) In accordance with Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, Ireland notified the Commission and the Council by letters of 12 April 2019, of its intention to accept the provisions of Regulation (EU) 2018/1726 relating to Eurodac and Dublinet.
- (15) In accordance with the procedure provided for in Article 331(1) of the TFEU, the Commission confirmed, by Decision of 23 July 2019, the application to Ireland of Regulation (EU) 2018/1726 in so far as its provisions relate to Eurodac and Dublinet. That Decision provides that Regulation (EU) 2018/1726 comes into force for Ireland on the date of entry into force of the Council Decision concerning the request of Ireland to take part in the provisions of Regulation (EU) 2018/1726 relating to SIS, as governed by Regulation (EU) 2018/1861 which will replace Regulation (EC) No 1987/2006, and by Regulation (EU) 2018/1860, and relating to the VIS, the EES and ETIAS.
- (16) Following the adoption of Commission Decision of 23 July 2019 the first precondition for Ireland to take part in the provisions of Regulation (EU) 2018/1726 is fulfilled.
- (17) In order to ensure compliance with the Treaties and the applicable Protocols, and at the same time to safeguard the unity and consistency of Regulation (EU) 2018/1726, Ireland has requested, by letter of 12 April 2019 to the Council, to take part in Regulation (EU) 2018/1726 under Article 4 of Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union ('the Schengen Protocol') to the extent that the provisions of Regulation (EU) 2018/1726 refer to the responsibility of the Agency for the operational management of SIS as governed by Regulation (EU) 2018/1861 which will replace Regulation (EC) No 1987/2006 and by Regulation (EU) 2018/1860, and of the VIS, the EES and ETIAS.
- (18) The Council recognises the right of Ireland to make, in accordance with Article 4 of the Schengen Protocol, a request to take part in the provisions of Regulation (EU) 2018/1726, to the extent that Ireland will not take part in that Regulation on other grounds.

<sup>(15)</sup> Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

<sup>(16)</sup> Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 222, 5.9.2003, p. 3).

- (19) The participation of Ireland in Regulation (EU) 2018/1726 is without prejudice to the fact that at present Ireland does not and cannot take part in the provisions of the Schengen *acquis* relating to the free movement of third country nationals, visa policy and the crossing by persons of the external borders of the Member States. Regulation (EU) 2018/1726 therefore contains specific provisions reflecting this special position of Ireland, in particular as regards limited voting rights in the Management Board of the Agency.
- (20) The Mixed Committee, established pursuant to Article 3 of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application, and development of the Schengen *acquis* <sup>(17)</sup>, has been informed about the preparation of this Decision in accordance with Article 5 of that Agreement.
- (21) The Mixed Committee, established pursuant to Article 3 of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(18)</sup>, has been informed about the preparation of this Decision in accordance with Article 5 of that Agreement,

HAS ADOPTED THIS DECISION:

*Article 1*

Further to Decisions 2002/192/EC and 2012/764/EU, Ireland shall take part in Regulation (EU) 2018/1726 to the extent that it relates to the operational management of the VIS, the parts of SIS in which Ireland does not take part and the EES and ETIAS.

*Article 2*

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

Done at Luxembourg, 14 October 2019.

*For the Council*  
*The President*  
J. LEPPÄ

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<sup>(17)</sup> OJ L 176, 10.7.1999, p. 36.

<sup>(18)</sup> OJ L 53, 27.2.2008, p. 52.



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