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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1028/2006
of 19 June 2006
on marketing standards for eggs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 2(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Marketing standards for eggs can contribute to the improvement in the quality of eggs and, consequently, facilitate their sale. It is therefore in the interest of producers, traders and consumers that marketing standards are applied in respect of eggs.

(2) The experience gained from the application of Council Regulation (EEC) No 1907/90 of 26 June 1990 on certain marketing standards for eggs ⁽²⁾ has made apparent the need for further amendments and simplification. Regulation (EEC) No 1907/90 should therefore be repealed and replaced by a new Regulation.

(3) The standards should in principle be applicable to all eggs of hens of the species *Gallus gallus* marketed in the Community. Nevertheless, it appears advisable to give to the Member States the possibility to exempt from the application of those standards eggs sold through certain forms of direct sale from the producer to the final consumer where small quantities are involved.

(4) A clear distinction should be drawn between eggs suitable for direct human consumption and eggs not suitable for direct human consumption, which are for use in the food or non-food industry. Two quality classes of eggs, Class A and Class B, should therefore be distinguished.

(5) It should be possible for the consumer to distinguish between eggs of different quality and weight grades and to identify the farming method used in accordance with Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC ⁽³⁾. This requirement should be met by marking eggs and packs.

(6) Class A eggs should be marked with the distinguishing number of the producer as provided for in Directive 2002/4/EC in order to enable the tracing of eggs placed on the market for human consumption. Class B eggs should also be marked in order to prevent fraudulent practices. However, it should also be possible for Class B eggs to be marked with an indication other than the producer code as long as it allows for the distinction between different quality gradings. In accordance with the principle of proportionality, the Member States should be allowed to provide for derogations where class B eggs are marketed exclusively on their territory.

(7) In order to prevent fraudulent practices, eggs should be marked as early as possible after laying.

(8) Packing centres that are approved in accordance with 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 ⁽⁴⁾ should grade eggs by quality and weight. Packing centres working exclusively for the food and non-food industry should not be required to grade eggs by weight.

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 173, 6.7.1990, p. 5. Regulation as last amended by Regulation (EC) No 1039/2005 (OJ L 172, 5.7.2005, p. 1).

⁽³⁾ OJ L 30, 31.1.2002, p. 44. Directive as amended by the 2003 Act of Accession.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

- (9) In order to make sure that packing centres are adequately equipped to grade eggs and pack Class A eggs, they should also be authorised by the competent authorities and receive a packing centre code that facilitates the tracing of eggs placed on the market.
- (10) It is essential, in the interest of both producers and consumers, that eggs imported from third countries comply with Community standards. However, special provisions in force in certain third countries may justify derogations from those standards if the equivalence of legislation is guaranteed.
- (11) Member States should designate the inspection services responsible for supervising this Regulation. The procedures for such supervision should be uniform.
- (12) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation.
- (13) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Subject-matter and scope

1. This Regulation lays down the conditions of marketing within the Community of the eggs produced in the Community or imported from third countries.

Those conditions of marketing shall also apply to eggs intended for export outside the Community.

2. Member States may exempt from the requirements of this Regulation, with the exception of Article 4(3), eggs sold directly to the final consumer by the producer:

- (a) on the production site, or
- (b) in a local public market or by door-to-door selling in the region of production of the Member State concerned.

Where such exemption is granted, each producer shall be able to choose whether to apply such exemption or not. Where this exemption is applied, no quality and weight grading may be used.

The Member State may establish, according to national law, the definition of the terms local public market, door-to-door selling and region of production.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. 'eggs' means eggs in shell — other than broken, incubated or cooked eggs — that are produced by hens of the species *Gallus gallus* and are fit for direct human consumption or for the preparation of egg products;
2. 'broken eggs' means eggs showing breaks of both the shell and the membranes, resulting in the exposure of their contents;
3. 'incubated eggs' means eggs from the time of insertion in the incubator onwards;
4. 'marketing' means holding eggs for the purpose of sale, including offering for sale, storage, packing, labelling, delivery, or any other form of transfer, whether free of charge or not;
5. 'operator' means a producer and any other natural or legal person involved in the marketing of eggs;
6. 'production site' means an establishment keeping laying hens registered in accordance with Directive 2002/4/EC;
7. 'packing centre' means a packing centre within the meaning of Regulation (EC) No 853/2004 that is authorised according to Article 5(2) of this Regulation and where eggs are graded by quality and weight;
8. 'final consumer' means the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity;
9. 'producer code' means the distinguishing number of the production site according to point 2 of the Annex to Directive 2002/4/EC.

Article 3

Quality and weight grading

1. Eggs shall be graded by quality as follows:
 - Class A or 'fresh',
 - Class B.
2. Class A eggs shall also be graded by weight. However, grading by weight shall not be required for eggs delivered to the food and non-food industry.
3. Class B eggs shall only be delivered to the food and non-food industry.

*Article 4***Marking of eggs**

1. Class A eggs shall be marked with the producer code.

Class B eggs shall be marked with the producer code and/or with another indication.

Member States may exempt Class B eggs from this requirement where those eggs are marketed exclusively on their territory.

2. The marking of eggs in accordance with paragraph 1 shall take place at the production site or at the first packing centre to which eggs are delivered.

3. Eggs sold by the producer to the final consumer on a local public market in the region of production of the Member State concerned shall be marked in accordance with paragraph 1 of this Article.

However, Member States may exempt from this requirement producers with up to 50 laying hens, provided that the name and address of the producer are indicated at the point of sale.

*Article 5***Packing centres**

1. Packing centres shall grade and pack eggs and label their packs.

2. The competent authority shall authorise packing centres to grade eggs and shall allot a packing centre code to any operator whose premises and technical equipment are suitable for grading eggs by quality and weight. No suitable technical equipment for grading eggs by weight shall be required for packing centres working exclusively for the food and non-food industry.

3. Such authorisation may be withdrawn whenever the required conditions laid down in the implementing rules adopted pursuant to Article 11 are no longer fulfilled.

*Article 6***Import of eggs**

1. The Commission shall evaluate marketing standards for eggs applicable in exporting third countries on request of the country concerned. This evaluation shall extend to the rules on marking and labelling, farming methods and controls as well as implementation. If it finds that the rules applied offer sufficient guarantees as to equivalence with Community legislation, eggs imported from the countries concerned shall be marked with a distinguishing number equivalent to the producer code.

2. The Commission shall, where necessary, conduct negotiations with third countries aimed at finding appropriate ways of offering guarantees as referred to in paragraph 1 and concluding agreements on such guarantees.

3. If sufficient guarantees as to equivalence of rules are not provided, imported eggs from the third country concerned shall bear a code permitting the identification of the country of origin and the indication that the farming method is 'unspecified'.

*Article 7***Checks**

1. The Member States shall appoint inspection services to check compliance with this Regulation.

2. The inspection services referred to in paragraph 1 shall check the products covered by this Regulation at all stages of marketing. Apart from random sampling, checks shall be carried out on the basis of a risk analysis, taking into account the type and throughput of the establishment concerned, as well as the operator's past records as regards compliance with the marketing standards for eggs.

3. For Class A eggs imported from third countries, checks provided for in paragraph 2 shall be made at the time of customs clearance and prior to the release for free circulation.

Class B eggs imported from third countries shall be released for free circulation only after checking at the time of customs clearance that their final destination is the processing industry.

*Article 8***Penalties**

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

*Article 9***Communications**

The Member States and the Commission shall communicate to each other the information necessary for the application of this Regulation.

*Article 10***Committee**

1. The Commission shall be assisted by the Management Committee for Poultrymeat and Eggs.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

*Article 11***Implementing rules**

Detailed rules for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 10(2), in particular regarding:

1. frequency of collection, delivery, preservation and handling of eggs;
2. quality criteria, in particular the appearance of the shell, the consistency of the white and the yolk and the height of the air space;
3. weight grading, including exceptions;
4. marking of eggs and indications on packs, including further exceptions;
5. checks;
6. trade with third countries;
7. communications referred to in Article 9;

8. farming methods;

9. records and keeping of registers.

*Article 12***Repeal**

1. Regulation (EEC) No 1907/90 is repealed with effect from 1 July 2007.

2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in the Annex.

*Article 13***Entry into force**

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 July 2007.

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

Done at Luxembourg, 19 June 2006.

For the Council
The President
J. PRÖLL

ANNEX

Correlation table

Regulation (EEC) No 1907/90	This Regulation
Article 1	Article 2
Article 2(1)	Article 1(1)
Article 2(2)	—
Article 2(3)	Article 1(2)
Article 2(4)	—
Article 3	—
Article 4	—
Article 5(1) and (3)	Article 5
Article 5(2)	—
Article 6(1) and (2)	Article 3
Article 6(3)	Article 11
Article 6(4) and (5)	—
Article 7(1)(a)	Article 4(1)
Article 7(1)(b) and (c)	Article 6
Article 7(1)(d)	Article 11
Article 7(2)	—
Article 8(1)	Article 4(1)
Article 8(2)	—
Article 9	—
Article 10	—
Article 11	—
Article 12	—
Article 13	—
Article 14	—
Article 15	—
Article 16(1) first sentence	Article 1(1) 2nd subparagraph
Article 16(2) and (3)	—
Article 17	—
Article 18	Article 7(1) and (2)
Article 19	—
Article 20	Article 11
Article 21	Article 8
Article 22(1)	Article 9
Article 22(2)	Article 11
Article 22a	—
Article 23	Article 12
Article 24	Article 13
Annex	Annex
Annex II	—

COUNCIL REGULATION (EC) No 1029/2006**of 19 June 2006****amending Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, and in particular Article 2(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) With effect from 1 January 2006 Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat ⁽²⁾ has been repealed by Directive 2004/41/EC of the European Parliament and of the Council ⁽³⁾ and replaced by Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽⁴⁾ and by 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 ⁽⁵⁾.

(2) Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer ⁽⁶⁾ has been repealed and replaced by Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽⁷⁾.

(3) Council Regulation (EEC) No 1906/90 ⁽⁸⁾ contains several references to Directive 71/118/EEC and to Directive 79/112/EEC. For reasons of clarity it is appropriate to adapt those references. Likewise, the definition of the term 'carcass' should be adapted to Annex III Section II Chapter IV(7)(c) of Regulation (EC) No 853/2004.

(4) The second indent of Article 1(3) of Regulation (EEC) No 1906/90 excludes from the scope of that Regulation the type of sales referred to in Chapter II Article 3(II) of Directive 71/118/EEC. This latter provision deals with an optional derogation for Member States concerning small-scale production of under 10 000 birds. Whilst Regulations (EC) No 852/2004 and (EC) No 853/2004 contain a derogation, which is neither optional nor limited to a specific number of birds, an optional derogation such as that in Article 3(II) of Directive 71/118/EEC, limited to a specific number of birds, should be retained for Regulation (EEC) No 1906/90.

(5) Article 6 of Regulation (EEC) No 1906/90 contains a reference to Commission Directive 80/879/EEC of 3 September 1980 on the health marking of large packagings of poultrymeat ⁽⁹⁾. That Directive has been repealed by Council Directive 92/116/EEC of 17 December 1992 amending and updating Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat ⁽¹⁰⁾. That reference is redundant and should be deleted.

(6) Regulation (EEC) No 1906/90 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1906/90 is hereby amended as follows:

1. Article 1 is amended as follows:

(a) paragraph 3 is replaced by the following:

'3. This Regulation shall not apply

(a) to poultrymeat for export from the Community;

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 55, 8.3.1971, p. 23.

⁽³⁾ OJ L 157, 30.4.2004, p. 33. Corrected version in OJ L 195, 2.6.2004, p. 12.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 1. Corrected version in OJ L 226, 25.6.2004, p. 3.

⁽⁵⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

⁽⁶⁾ OJ L 33, 8.2.1979, p. 1. Directive as last amended by Directive 97/4/EC (OJ L 43, 14.2.1997, p. 21).

⁽⁷⁾ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Directive 2003/89/EC (OJ L 308, 25.11.2003, p. 15).

⁽⁸⁾ OJ L 173, 6.7.1990, p. 1. Regulation as last amended by Regulation (EC) No 1101/98 (OJ L 157, 30.5.1998, p. 12).

⁽⁹⁾ OJ L 251, 24.9.1980, p. 10.

⁽¹⁰⁾ OJ L 62, 15.3.1993, p. 1. Directive as amended by the 1994 Act of Accession.

- (b) to delayed eviscerated poultry as referred to in 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 (*).

(*) OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).;

- (b) the following paragraph is inserted:

‘3a. Member States may derogate from the requirements of this Regulation in cases of direct supply of small quantities of poultrymeat as referred to in Article 1(3)(d) of Regulation (EC) No 853/2004 by a producer with an annual production of under 10 000 birds.’;

2. Article 2 is amended as follows:

- (a) point 2 is replaced by the following:

‘2. “carcass” means: the whole body of a bird of the species referred to in Article 1(1) after bleeding, plucking, and evisceration; however, removal of the kidneys shall be optional; an eviscerated carcass may be presented for sale with or without giblets, meaning heart, liver, gizzard and neck, inserted into the abdominal cavity.’;

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

‘4. “pre-packaged poultrymeat” means: poultrymeat presented in accordance with the conditions laid down in Article 1(3)(b) of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (*).

(*) OJ L 109, 6.5.2000, p. 29. Directive as last amended by Directive 2003/89/EC (OJ L 308, 25.11.2003, p. 15).;

3. In Article 4, the introductory words are replaced by the following:

‘In addition to complying with national legislation adopted in accordance with Directive 2000/13/EC, the following

further indications shall be shown on the accompanying commercial documents within the meaning of Article 13(1)(b) of that Directive.’;

4. Article 5 is amended as follows:

- (a) in paragraph 1 ‘Directive 79/112/EEC’ is replaced by ‘Directive 2000/13/EC’;

- (b) paragraph 2 is replaced by the following:

‘2. In the case of fresh poultrymeat, the date of minimum durability shall be replaced by the “use by date” in accordance with Article 10 of Directive 2000/13/EC.’;

- (c) in paragraph 3, point (d) is replaced by the following:

‘(d) the approval number of the slaughterhouse or cutting plant given in accordance with Article 4 of Regulation (EC) No 853/2004, except in the case of cutting and boning at the place of sale as provided for in Article 4(2)(d) of that Regulation’;

- (d) paragraphs 4 and 5 are replaced by the following:

‘4. Where poultrymeat is offered for sale without pre-packaging, except where cutting and boning take place at the place of sale as provided for in Article 4(2)(d) of Regulation (EC) No 853/2004, provided such cutting and boning is carried out at the request and in the presence of the consumer, Article 14 of Directive 2000/13/EC shall apply to the indications referred to in paragraph 3.

5. The detailed rules on the indication of the name under which the product is sold within the meaning of Article 3(1)(1) of Directive 2000/13/EC may be established in accordance with the procedure referred to in Article 17 of Regulation (EEC) No 2777/75.’;

5. Article 6 is replaced by the following:

‘Article 6

By way of derogation from Articles 3, 4 and 5 it shall not be necessary to classify poultrymeat or to indicate the additional particulars referred to in those Articles in the case of deliveries to cutting or processing establishments.’.

Article 2

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

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

Done at Luxembourg, 19 June 2006.

For the Council

The President

J. PRÖLL

COMMISSION REGULATION (EC) No 1030/2006**of 6 July 2006****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 July 2006.

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

Done at Brussels, 6 July 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 6 July 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	67,5
	204	28,7
	999	48,1
0707 00 05	052	93,2
	999	93,2
0709 90 70	052	83,8
	999	83,8
0805 50 10	388	58,2
	528	55,3
	999	56,8
0808 10 80	388	87,3
	400	114,5
	404	94,7
	508	87,3
	512	81,2
	524	54,1
	528	87,1
	720	114,4
	800	145,8
	804	99,7
	999	96,6
0808 20 50	388	103,9
	512	94,6
	528	90,7
	720	35,0
	999	81,1
0809 10 00	052	192,0
	999	192,0
0809 20 95	052	313,5
	068	95,0
	608	218,2
	999	208,9
0809 40 05	624	146,4
	999	146,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1031/2006**of 4 July 2006****implementing Regulation (EC) No 808/2004 of the European Parliament and of the Council
concerning Community statistics on the information society****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society ⁽¹⁾, and in particular Articles 8 thereof,

Whereas:

(1) Regulation (EC) No 808/2004 established a common framework for the systematic production of Community statistics on the information society.

(2) Pursuant to Article 8(1) of Regulation (EC) No 808/2004 implementing measures are necessary to determine the data to be supplied for preparation of the statistics defined in Articles 3 and 4 of that Regulation and the deadlines for their transmission.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The data to be transmitted for the production of Community statistics on the information society as laid down in Articles 3(2) and 4 of Regulation (EC) No 808/2004 shall be as specified in Annexes I and II to this Regulation.

Article 2

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

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

Done at Brussels, 4 July 2006.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 143, 30.4.2004, p. 49.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

ANNEX I

Module 1: Enterprises and the information society**1. SUBJECTS AND THEIR CHARACTERISTICS**

- (a) The subjects to be covered for the reference year 2007, selected from the list in Annex I to Regulation (EC) No 808/2004, are the following:

- ICT systems and their usage in enterprises,
- use of Internet and other electronic networks by enterprises,
- e-Commerce and e-Business processes,
- ICT competence in the enterprise unit and the demand for ICT skills.

- (b) The following enterprise characteristics shall be collected:

ICT systems and their usage in enterprises

Characteristics to be collected for all enterprises:

- computer usage.

Characteristics to be collected for enterprises that use computers:

- (optional) percentage of persons employed using computers at least once a week,
- existence of wireless LAN,
- existence of wire-based LAN,
- existence of Intranet,
- existence of Extranet,
- existence of IT system to manage the placing and/or receipt of orders.

Characteristics to be collected for enterprises that have an IT system to manage the placing and/or receipt of orders:

- orders management IT system linked to an internal system for re-ordering replacement supplies,
- orders management IT system linked to invoicing and payment systems,
- orders management IT system linked to a system for managing production, logistics or service operations,
- orders management IT system linked to suppliers' business systems,
- orders management IT system linked to customers' business systems.

Use of Internet and other electronic networks by enterprises

Characteristics to be collected for enterprises that use computers:

- access to Internet.

Characteristics to be collected for enterprises that have access to Internet:

- percentage of persons employed using computers connected to the World Wide Web at least once a week,
- internet connection: traditional modem,
- internet connection: ISDN,
- internet connection: DSL,

- internet connection: other fixed Internet connection,
- internet connection: mobile connection,
- internet usage for banking and financial services,
- internet usage for training and education,
- internet usage for market monitoring,
- internet usage for interaction with public authorities, in the previous calendar year,
- existence of own website.

Characteristics to be collected for enterprises that interacted with public authorities via Internet, in the previous calendar year:

- internet usage for obtaining information from public authorities' websites, in the previous calendar year,
- internet usage for obtaining forms from public authorities' websites, in the previous calendar year,
- internet usage for returning filled in forms to public authorities, in the previous calendar year,
- internet usage for submitting a proposal in an electronic tender system (public e-procurement), in the previous calendar year.

Characteristics to be collected for enterprises that have a website:

- website for marketing own products,
- website for facilitating access to catalogues and price lists,
- website for providing after-sales support.

e-Commerce and e-Business processes

Characteristics to be collected for enterprises that use computers:

- use of ERP software application,
- use of CRM software to store, process and analyse information about clients,
- use of CRM software for data-mining,
- free/Open Source adoption at operating systems level,
- use of e-invoices in sending,
- use of e-invoices in receiving,
- use of advanced e-signatures (digital signatures).

Characteristics to be collected for enterprises that have access to Internet, and not classified in Section J of NACE Rev. 1.1:

- have ordered via Internet, in the previous calendar year,
- have received orders via Internet, in the previous calendar year.

Characteristics to be collected for enterprises that have ordered via Internet, and not classified in Section J of NACE Rev. 1.1:

- percentage of total purchases resulting from orders placed via Internet, in percentage classes, in the previous calendar year ([0;1[, [1;5[, [5;10[, [10;25[, [25;100]).

Characteristics to be collected for enterprises that have received orders via Internet, and not classified in Section J of NACE Rev. 1.1:

- percentage of total turnover resulting from orders received via Internet, in the previous calendar year,

- use of secure protocols (SSL/TLS) in receiving Internet orders.

Characteristics to be collected for enterprises that use computers, and not classified in Section J of NACE Rev. 1.1:

- have ordered via computer networks other than Internet, in the previous calendar year,
- have received orders via computer networks other than Internet, in the previous calendar year.

Characteristics to be collected for enterprises that have ordered via computer networks other than Internet, and not classified in Section J of NACE Rev. 1.1:

- percentage of total purchases resulting from orders placed via computer networks other than Internet, in percentage classes, in the previous calendar year ([0;1[, [1;25[, [25;50[, [50;75[, [75;100]).

Characteristics to be collected for enterprises that have received orders via computer networks other than Internet, and not classified in Section J of NACE Rev. 1.1:

- percentage of total turnover resulting from orders received via other computer networks than Internet, in the previous calendar year.

ICT competence in the enterprise unit and the demand for ICT skills

Characteristics to be collected for enterprises that use computers:

- employment of ICT/IT specialists,
- have recruited or tried to recruit personnel for jobs requiring ICT specialist skills, in the previous calendar year,
- have recruited or tried to recruit personnel for jobs requiring ICT user skills, in the previous calendar year,
- have provided training to develop or upgrade ICT specialist skills, in the previous calendar year,
- have provided training to develop or upgrade ICT user skills, in the previous calendar year,
- existence of external suppliers to perform ICT functions requiring ICT/IT specialists, in the previous calendar year,
- existence of suppliers from foreign affiliates established by the enterprise to perform ICT functions requiring ICT/IT specialists, in the previous calendar year,
- existence of suppliers from other foreign enterprises to perform ICT functions requiring ICT/IT specialists, in the previous calendar year,
- (optional) existence of external suppliers to perform business functions requiring users of ICT, in the previous calendar year,
- (optional) existence of suppliers from foreign affiliates established by the enterprise to perform business functions requiring users of ICT, in the previous calendar year,
- (optional) existence of suppliers from other foreign enterprises to perform business functions requiring users of ICT, in the previous calendar year.

Characteristics to be collected for enterprises that employ ICT/IT specialists:

- percentage of ICT/IT specialists employed in relation to the total number of persons employed.

Characteristics to be collected for enterprises that have recruited or have tried to recruit ICT/IT specialists:

- existence of hard-to-fill vacancies for jobs requiring ICT/IT specialists, in the previous calendar year.

Characteristics to be collected for enterprises that have recruited or have tried to recruit personnel for jobs requiring skills in the use of ICT:

- existence of hard-to-fill vacancies because of applicants' lack of skills in the use of ICT, in the previous calendar year.

Characteristics to be collected for enterprises that engaged foreign suppliers to perform ICT functions:

- have engaged foreign suppliers' ICT/IT specialists from other EU Member States, in the previous calendar year,
- have engaged foreign suppliers' ICT/IT specialists from non-EU countries, in the previous calendar year,
- (optional) ICT function performed by foreign suppliers' ICT/IT specialists, in the previous calendar year: ICT management,
- (optional) ICT function performed by foreign suppliers' ICT/IT specialists, in the previous calendar year: ICT development and implementation,
- (optional) ICT function performed by foreign suppliers' ICT/IT specialists, in the previous calendar year: ICT operations,
- (optional) ICT function performed by foreign suppliers' ICT/IT specialists, in the previous calendar year: other.

(Optional) characteristics to be collected for enterprises that engaged foreign suppliers to perform business functions:

- (optional) business function performed by foreign suppliers' ICT users, in the previous calendar year: sales and marketing, customer services,
- (optional) business function performed by foreign suppliers' ICT users, in the previous calendar year: research and development, product design and engineering,
- (optional) business function performed by foreign suppliers' ICT users, in the previous calendar year: other (non-ICT) business functions,
- (optional) have engaged foreign suppliers' ICT users from other EU Member States, in the previous calendar year,
- (optional) have engaged foreign suppliers' ICT users from non-EU countries, in the previous calendar year.

Characteristics to be collected for enterprises that have hard-to-fill vacancies for jobs requiring ICT/IT specialists:

- reasons for hard-to-fill vacancies for jobs requiring ICT/IT specialists, in the previous calendar year: lack or low number of applicants,
- reasons for hard-to-fill vacancies for jobs requiring ICT/IT specialists, in the previous calendar year: lack of qualifications,
- reasons for hard-to-fill vacancies for jobs requiring ICT/IT specialists, in the previous calendar year: lack of work experience,
- reasons for hard-to-fill vacancies for jobs requiring ICT/IT specialists, in the previous calendar year: salary requests too high,
- (optional) reasons for hard-to-fill vacancies for jobs requiring ICT/IT specialists, in the previous calendar year: other.

(c) The following enterprise background characteristics shall be collected or obtained from alternative sources:

Characteristics to be collected for all enterprises:

- main economic activity of the enterprise, in the previous calendar year,
- average number of persons employed, in the previous calendar year,
- location in terms of Objective 1/non-Objective 1 region, in the previous calendar year.

Characteristics to be collected for enterprises not classified in Section J of NACE Rev. 1.1:

- total purchases of goods and services (in value terms, excluding VAT), in the previous calendar year,
- total turnover (in value terms, excluding VAT), in the previous calendar year.

2. COVERAGE

The characteristics defined in headings 1(b) and 1(c) of this Annex are to be collected and obtained for enterprises classified in the following economic activities, of the following enterprise size and with the following geographical scope.

- (a) Economic activity: enterprises classified in the following categories of NACE-Rev. 1.1:

NACE category	Description
Section D	'Manufacturing'
Section F	'Construction'
Section G	'Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods'
Groups 55.1 and 55.2	'Hotels' and 'Camping sites and other provision of short-stay accommodation'
Section I	'Transport, storage and communication'
Class 65.12	'Other monetary intermediation'
Class 65.22	'Other credit granting'
Class 66.01	'Life insurance'
Class 66.03	'Non-life insurance'
Section K	'Real estate, renting and business activities'
Groups 92.1 and 92.2	'Motion picture and video activities' and 'Radio and television activities'

Enterprises classified in the following categories of NACE-Rev. 1.1 are to be covered optionally:

NACE category	Description
Section E	'Electricity, gas and water supply'
Groups 55.3, 55.4 and 55.5	'Restaurants', 'Bars' and 'Canteens and catering'
Groups 92.3 to 92.7 inclusive	'Recreational, cultural and sporting activities', except 'Motion picture and video activities' and 'Radio and television activities'
Division 93	'Other service activities'
Classes 67.12, 67.13, 67.2	'Activities auxiliary to financial intermediation', except 'Administration of financial markets'

- (b) Enterprise size: enterprises with 10 or more persons employed; enterprises with fewer than 10 persons employed are to be covered optionally;

- (c) Geographical scope: enterprises located in any part of the territory of the Member State.

3. REFERENCE PERIODS

The reference period is the year 2006 for the characteristics which refer to the previous calendar year. The reference period is January 2007 for the other characteristics.

4. BREAKDOWNS

The subjects and their characteristics listed in heading 1(b) of this Annex shall be provided separately for the following breakdowns.

- (a) Economic activity breakdown: Data shall be broken down according to the following NACE Rev. 1.1 aggregates:

NACE aggregation
DA + DB + DC + DD + DE
DF + DG + DH
DI + DJ
DK + DL + DM + DN
F
50
51
52
55.1 + 55.2
60 + 61 + 62 + 63
64
65.12 + 65.22
66.01 + 66.03
72
70 + 71 + 73 + 74
92.1 + 92.2
(Optional) 22
(Optional) 40 + 41
(Optional) 55.3 + 55.4 + 55.5
(Optional) 67.12 + 67.13 + 67.2
(Optional) 92.3 to 92.7
(Optional) 93

- (b) Size class breakdown: data shall be broken down by the following size classes of the number of persons employed:

Size class
(Optional) fewer than 10 persons employed
(Optional) fewer than five persons employed
(Optional) five to nine persons employed
10 or more persons employed
10 to 49 persons employed
50 to 249 persons employed
250 or more persons employed

- (c) Geographical breakdown: data shall be broken down by the following regional groups:

Regional Group
Objective 1 regions (including transitional or phasing-out Objective 1 regions)
Non-Objective 1 regions

5. PERIODICITY

The data shall be provided once for the year 2007.

6. DEADLINES

- (a) The aggregate data, where necessary flagged for confidentiality or unreliability, referred to in Article 6 of Regulation (EC) No 808/2004 shall be forwarded to Eurostat before 5 October 2007. By that date, the dataset has to be finalised, validated and accepted. The tabulated, computer readable transmission format shall follow the instructions provided by Eurostat.
 - (b) The metadata referred to in Article 6 of Regulation (EC) No 808/2004 shall be forwarded to Eurostat before 31 May 2007. The metadata shall follow the report template provided by Eurostat.
 - (c) The quality report referred to in Article 7(4) of Regulation (EC) No 808/2004 shall be forwarded to Eurostat by 5 November 2007. The quality report shall follow the report template provided by Eurostat.
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ANNEX II

Module 2: Individuals, households and the information society**1. SUBJECTS AND THEIR CHARACTERISTICS**

- (a) The subjects to be covered for the reference year 2007, selected from the list in Annex II to Regulation (EC) No 808/2004 of the European Parliament and of the Council, are the following:

- access to and use of ICT systems by individuals and/or in households,
- use of Internet for different purposes by individuals and/or in households,
- ICT security,
- ICT competence,
- barriers to use of ICT and the Internet.

- (b) The following characteristics shall be collected:

Access to and use of ICT systems by individuals and/or in households

Characteristics to be collected for all households:

- access to ICT devices at home: computer,
- access to the Internet at home, regardless of whether it is used.

Characteristics to be collected for households with access to the Internet at home:

- devices used to access the Internet at home: desktop computer,
- devices used to access the Internet at home: portable computer,
- devices used to access the Internet at home: TV set with specific Internet device,
- devices used to access the Internet at home: games console,
- devices used to access the Internet at home: other means (optional: report separately via Internet-enabled mobile phone, via handheld computer),
- type of connection used to access the Internet at home: modem or ISDN,
- type of connection used to access the Internet at home: DSL (e.g. ADSL, SHDSL, etc.),
- type of connection used to access the Internet at home: other broadband connection (e.g. cable, UMTS, etc.),
- type of connection used to access the Internet at home: mobile phone over narrowband (GPRS, etc.).

Characteristics to be collected for all individuals:

- most recent computer use (within the last three months; between three months and a year ago; more than one year ago; never used a computer),
- use of a mobile phone.

Characteristics to be collected for all individuals, except retired persons:

- self-assessment of whether the individual's computer skills are sufficient if he/she needed to look for a job or change jobs within a year (yes; no; not applicable).

Characteristics to be collected for individuals having used a computer in the last three months:

- frequency of computer use (every day or almost every day; at least once a week (but not every day); at least once a month (but not every week); less than once a month),
- location of computer use in the last three months: at home,
- location of computer use in the last three months: at the usual place of work (other than home),
- location of computer use in the last three months: at place of education,
- location of computer use in the last three months: at another person's home,
- location of computer use in the last three months: at other places,

Use of Internet for different purposes by individuals and/or in households

Characteristics to be collected for all individuals:

- most recent Internet use (within the last three months; between three months and a year ago; more than one year ago; never used the Internet),

Characteristics to be collected for individuals having already used the Internet:

- most recent Internet commerce activity for private use (within the last three months; between three months and a year ago; more than one year ago; never bought or ordered),

Characteristics to be collected for individuals having used the Internet in the last three months:

- frequency of Internet use in the last three months (everyday or almost every day; at least once a week (but not every day); at least once a month (but not every week); less than once a month),
- location of Internet use in the last three months: at home,
- location of Internet use in the last three months: at place of work (other than home),
- location of Internet use in the last three months: at place of education,
- location of Internet use in the last three months: at another person's home,
- location of Internet use in the last three months: at other places (optional: report separately for public library; post office; public office, town hall or government agency; community or voluntary organisation; Internet café; hotspot),
- use of mobile devices to access the Internet: mobile phone via GPRS,
- use of mobile devices to access the Internet: mobile phone via UMTS (3G),
- use of mobile devices to access the Internet: handheld computer (palmtop, PDA),

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- use of mobile devices to access the Internet: portable computer (laptop) via wireless connection away from home or work,
 - Internet usage in the last three months for private purposes for sending and/or receiving e-mail,
 - Internet usage in the last three months for private purposes for telephoning over the Internet,
 - Internet usage in the last three months for private purposes for other communication activities (use of chat sites, messenger, etc.),
 - Internet usage in the last three months for private purposes for finding information about goods and services,
 - Internet usage in the last three months for private purposes for using services related to travel and accommodation,
 - Internet usage in the last three months for private purposes for listening to web radio or watching web television,
 - Internet usage in the last three months for private purposes for playing or downloading games, images, films or music,
 - Internet usage in the last three months for private purposes for downloading software,
 - Internet usage in the last three months for private purposes for reading or downloading online newspapers and news magazines,
 - Internet usage in the last three months for private purposes for looking for a job or sending a job application,
 - Internet usage in the last three months for private purposes for seeking health related information,
 - Internet usage in the last three months for private purposes for other information search or online service,
 - Internet usage in the last three months for private purposes for Internet banking,
 - (optional) Internet usage in the last three months for selling goods or services,
 - Internet usage in the last three months for private purposes for obtaining information from public authorities' websites,
 - Internet usage in the last three months for private purposes for downloading official forms from public authorities' websites,
 - Internet usage in the last three months for private purposes for sending filled in forms to public authorities,
 - Internet usage in the last three months for private purposes for looking for information about education, training or course offers,
 - Internet usage in the last three months for private purposes for doing an online course (in any subject),
 - Internet usage in the last three months for private purposes for consulting the Internet with the purpose of learning,
 - Participation in a course (any training, not only computer or Internet training, including school or university) in the last three months,
 - Interest in making more use of the Internet.

Characteristics to be collected for individuals having used the Internet in the last 3 months for private purposes for reading or downloading online newspapers and news magazines:

- Internet usage in the last three months for private purposes for reading or downloading online newspapers and news magazines the individual subscribed to in order to receive them regularly.

Characteristics to be collected for individuals having used the Internet in the last three months and having taken part in a course in the last three months:

- Internet usage in the last three months for doing research as part of a training course or the individual's education,
- Internet usage in the last three months for exchanging messages relating to the course with other learners,
- Internet usage in the last three months for downloading learning content which was provided online,
- Internet usage in the last three months for looking for the availability of a book or article for the course in a library.

Characteristics to be collected for individuals having used the Internet for Internet commerce activities in the last twelve months:

- Internet usage for ordering food or groceries,
- Internet usage for ordering household goods,
- Internet usage for ordering films or music (to be reported separately: whether delivered on-line),
- Internet usage for ordering books, magazines, newspapers or e-learning material (to be reported separately: whether delivered on-line),
- Internet usage for ordering clothes or sports goods,
- Internet usage for ordering computer software and upgrades (to be reported separately: whether delivered on-line),
- Internet usage for ordering computer hardware,
- Internet usage for ordering electronic equipment,
- Internet usage for ordering share purchases, financial services or insurance,
- Internet usage for ordering travel or holiday accommodation,
- Internet usage for ordering tickets for events,
- Internet usage for ordering lotteries or betting,
- Internet usage for ordering other goods or services.

ICT security

Characteristics to be collected for individuals having used the Internet in the last three months:

- occurrence of computer virus resulting in loss of information or time through using the Internet in the last twelve months,
- frequency of making safety copies or back-up files (documents, pictures, etc.) from the computer on, for example, diskette, CD or to disk space on Internet servers (always or almost always; sometimes; never or hardly ever; not applicable because the individual does not keep files on a computer).

ICT competence

Characteristics to be collected for individuals having ever used a computer:

- most recent training course of at least three hours on any aspect of computer use (within the last three months; between three months and a year ago; between one and three years ago; more than three years ago; never taken one),
- computer skills for copying or moving a file or folder,
- computer skills for using copy and paste tools to duplicate or move information within a document,
- computer skills for using basic arithmetic formulas in a spreadsheet,
- computer skills for compressing (or zipping) files,
- computer skills for connecting and installing new devices, e.g. printer or modem,
- computer skills for writing a computer program using a specialised programming language,
- computer skills for connecting computers to a local area network,
- computer skills for detecting and solving computer problems (e.g. computer runs slowly).

Characteristics to be collected for individuals having ever used the Internet:

- Internet skills for using a search engine to find information,
- Internet skills for sending e-mails with attached files,
- Internet skills for posting messages to chat rooms, newsgroups or an online discussion forum,
- Internet skills for using the Internet to make phone calls,
- Internet skills for using peer-to-peer file sharing for exchanging movies, music, etc.
- Internet skills for creating a web page,
- Internet skills for finding, downloading and installing software,
- Internet skills for keeping viruses, spyware and adware off the computer.

Characteristics to be collected for individuals having one or more computer or Internet skills:

- way of obtaining e-skills: formalised educational institution,
- way of obtaining e-skills: training courses in adult education centre (but not at the initiative of the employer),
- way of obtaining e-skills: vocational training courses (at the request of the employer).
- way of obtaining e-skills: self-study using books, CD-ROMs, etc.,
- way of obtaining e-skills: self-study in the sense of learning-by-doing,
- way of obtaining e-skills: informal assistance from colleagues, relatives, friends,
- way of obtaining e-skills: other.

Barriers to use of ICT and the Internet

Characteristics to be collected for households with access to the Internet at home, but not via broadband connection:

- barriers to home Internet access via broadband: too expensive,
- barriers to home Internet access via broadband: no need,
- barriers to home Internet access via broadband: not available in my area,
- barriers to home Internet access via broadband: can access broadband elsewhere (e.g. at work),
- barriers to home Internet access via broadband: none of the above, but other.

Characteristics to be collected for individuals having used the Internet in the last three months and wanting to make more use of the Internet:

- barriers to more intensive use of the Internet: foreign language skills are inadequate,
- barriers to more intensive use of the Internet: lack of time,
- barriers to more intensive use of the Internet: connection is too slow,
- barriers to more intensive use of the Internet: additional connection or per-volume download cost,
- barriers to more intensive use of the Internet: cost of online content,
- barriers to more intensive use of the Internet: content (what is there is not interesting enough to make more use of the Internet),
- barriers to more intensive use of the Internet: lack of skills or knowledge (e.g. sites are not user-friendly or too complicated),
- barriers to more intensive use of the Internet: security or privacy concerns.

Characteristics to be collected for individuals having ever used a computer but not having taken a course (of at least three hours) on any aspect of computer use in the last three years:

- barriers to taking a course on computer use: no need to take one because sufficient computer skills,
- barriers to taking a course on computer use: no need to take one because the individual rarely uses computers.

Characteristics to be collected for individuals having ever used a computer but not having taken a course (of at least three hours) on any aspect of computer use in the last three years but possibly needing to take one:

- barriers to taking a course on computer use: lack of time,
- barriers to taking a course on computer use: course costs,
- barriers to taking a course on computer use: no suitable course available,
- barriers to taking a course on computer use: courses are too difficult.

2. COVERAGE

- (a) The statistical units to be represented for the characteristics listed in heading 1(b) of this Annex that relate to households are households with at least one member in the age group 16 to 74.
- (b) The statistical units to be represented for the characteristics listed in heading 1(b) of this Annex that relate to individuals are the individuals aged 16 to 74.
- (c) The geographical scope shall cover households and/or individuals living in any part of the territory of the Member State.

3. REFERENCE PERIOD

The reference period for the statistics to be collected is the first quarter of 2007.

4. BREAKDOWNS

- (a) For the subjects and their characteristics listed in heading 1(b) of this Annex that relate to households, the following background characteristics shall be collected:
 - geographical location: living in Objective 1 regions (including transitional or phasing-out Objective 1 regions); living in other regions,
 - degree of urbanisation: living in densely populated areas; living in intermediate populated areas; living in thinly populated areas,
 - type of household: number of members in the household (to be collected separately: number of children under 16),
 - (optional) household's net monthly income (to be collected as a value or using quartiles).
- (b) For the subjects and their characteristics listed in heading 1(b) of this Annex that relate to individuals, the following background characteristics shall be collected:
 - geographical location: living in Objective 1 regions (including transitional or phasing-out Objective 1 regions); living in other regions,
 - degree of urbanisation: living in densely populated areas; living in intermediate populated areas; living in thinly populated areas,
 - gender: male; female,
 - age group: under 16 (optional); 16 to 24; 25 to 34; 35 to 44; 45 to 54; 55 to 64; 65 to 74; over 74 (optional),
 - highest completed level of education according to the International Standard Classification of Educational Levels (ISCED 97): low (ISCED 0, 1 or 2); middle (ISCED 3 or 4); high (ISCED 5 or 6),
 - employment situation: employee or self-employed including family workers; unemployed; students not in the labour force; other not in the labour force,
 - occupation according to the International Standard Classification of Occupations (ISCO-88 (COM)): manual workers, non-manual workers; ICT workers, non-ICT workers,

5. PERIODICITY

The data shall be provided once for the year 2007.

6. DEADLINES FOR TRANSMISSION OF RESULTS

- (a) The aggregate data, where necessary flagged for confidentiality or unreliability, referred to in Article 6 of Regulation (EC) No 808/2004 of the European Parliament and of the Council shall be forwarded to Eurostat before 5 October 2007. By that date, the dataset has to be finalised, validated and accepted. The tabulated, computer readable transmission format shall follow the instructions provided by Eurostat.
 - (b) The metadata referred to in Article 6 of Regulation (EC) No 808/2004 of the European Parliament and of the Council shall be forwarded to Eurostat before 31 May 2007. The metadata shall follow the report template provided by Eurostat.
 - (c) The quality report referred to in Article 7(4) of Regulation (EC) No 808/2004 of the European Parliament and of the Council shall be forwarded to Eurostat by 5 November 2007. The quality report shall follow the report template provided by Eurostat.
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COMMISSION REGULATION (EC) No 1032/2006**of 6 July 2006****laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Operation of air traffic management requires safe and efficient mechanisms for the notification, coordination and transfer of flights between air traffic control units. Provision of such mechanisms within the European Air Traffic Management Network requires the automatic exchange of flight data between flight data processing systems. Examination of the current situation within the Community has revealed that in some Member States those mechanisms have not yet reached a satisfactory level, and require further improvement. It is therefore necessary to lay down requirements for flight data processing systems with regard to interoperability, performance and quality of service of their flight data exchange functions.
- (2) The European Organisation for the Safety of Air Navigation (Eurocontrol) has been mandated in accordance with Article 8(1) of Regulation (EC) No 549/2004 to develop requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights. This Regulation is based on the resulting mandate report of 31 March 2005.
- (3) The Eurocontrol standard for on-line data exchange was annexed to Commission Regulation (EC) No 2082/2000

of 6 September 2000 adopting Eurocontrol standards and amending Directive 97/15/EC, adopting Eurocontrol standards and amending Council Directive 93/65/EEC ⁽³⁾, making its use mandatory within the Community in the event of procurement of new flight data processing systems. As Regulation (EC) No 2082/2000 was repealed with effect from 20 October 2005, it is necessary to update Community legislation, so as to ensure the consistency of relevant regulatory provisions.

- (4) This Regulation should not cover military operation and training as referred in Article 1(2) of Regulation (EC) No 549/2004.
- (5) In a Statement by the Member States on military issues related to the single European sky ⁽⁴⁾, the Member States committed themselves to cooperate with each other, taking into account national military requirements, in order that the concept of flexible use of airspace is fully and uniformly applied in all Member States by all users of airspace.
- (6) The application of the concept of the flexible use of airspace, as defined in Article 2(22) of Regulation (EC) No 549/2004, requires the establishment of systems for the timely exchange of flight data between air traffic service units and controlling military units.
- (7) Automated processes related to notification and initial coordination should be implemented by area control centres to provide consistent flight information at both the transferring and receiving units and to support the coordination of the planned transfer of flights. They were part of the standards laid down by Regulation (EC) No 2082/2000 and should therefore be applied from the date of entry into force of this Regulation.
- (8) Flight information transmitted during the initial coordination process should be kept up to date. Automated processes should therefore be implemented progressively in order to allow revision of the information related to flights previously subject to an initial coordination process or abrogation of coordination when the accepting unit is no longer concerned by the flight.

⁽¹⁾ OJ L 96, 31.3.2004, p. 26.

⁽²⁾ OJ L 96, 31.3.2004, p. 1.

⁽³⁾ OJ L 254, 9.10.2000, p. 1.

⁽⁴⁾ OJ L 96, 31.3.2004, p. 9.

- (9) Air traffic control units other than area control centres could draw benefit from the implementation of automated processes for notification, initial coordination, revision of coordination and abrogation of coordination of flights. If they choose to do so, the need for interoperability of the European Air Traffic Management Network (hereinafter EATMN) means that they must apply the same requirements as apply to area control centres.
- (10) Timely exchange of flight data between air traffic services units and controlling military units should rely on the progressive implementation of automated processes. A first step should be the introduction of transmission of basic flight data between such civil and military units, together with the possibility to update them as required.
- (11) Additional automated processes have been identified which would further strengthen the coordination between air traffic control units or between air traffic services units and controlling military units. If they choose to apply additional automated processes, the need for interoperability of the EATMN means that they must apply harmonised requirements to these processes.
- (12) The implementation of this Regulation should allow further developments for the achievement of higher levels of interoperability.
- (13) With a view to maintaining or enhancing existing safety levels of operations Member States should be required to ensure the conduct by the parties concerned of a safety assessment including hazard identification, risk assessment and mitigation processes. Harmonised implementation of these processes to the systems covered by this Regulation requires the identification of specific safety requirements for all mandatory interoperability, performance and quality of service requirements.
- (14) In accordance with Article 3(3)(d) of Regulation (EC) No 552/2004, implementing rules for interoperability should describe the specific conformity assessment procedures to be used to assess either the conformity or the suitability for use of constituents as well as the verification of systems.
- (15) In accordance with Article 10(1) and (2) of Regulation (EC) No 552/2004, the dates for the application of transitional arrangements may be specified by the relevant implementing rules for interoperability.
- (16) Manufacturers and air navigation service providers should be afforded a period of time to develop new constituents and systems in conformity with the new technical requirements.

- (17) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee established by Article 5 of Regulation (EC) No 549/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Subject-matter and scope

1. This Regulation lays down requirements for the automatic exchange of flight data for the purpose of notification, co-ordination and transfer of flights between air traffic control units and for the purposes of civil-military coordination.
2. This Regulation shall apply to:
 - (a) flight data processing systems serving air traffic control units providing services to general air traffic;
 - (b) flight data exchange systems supporting the coordination procedures between air traffic services units and controlling military units.
3. This Regulation shall not apply to the exchange of flight data between air traffic control units served by flight data processing systems identified in paragraph 2 for which the flight data covered by this Regulation are synchronised by means of a common system.

Article 2

Definitions

1. For the purpose of this Regulation the definitions set out in Regulation (EC) No 549/2004 shall apply.
2. In addition to the definitions referred to in paragraph 1 the following definitions shall apply:
 1. 'notification' means the transmission by the transferring unit of data to update the system at the receiving unit in preparation for the coordination;
 2. 'coordination' means the coordination between air traffic control units of the planned passage of flights across the common boundary, in order to ensure flight safety;
 3. 'air traffic control unit' (hereinafter ATC unit) means variously area control centre, approach control unit or aerodrome control tower;

4. 'civil-military coordination' means the coordination between civil and military parties authorised to make decisions and agree a course of action;
5. 'flight data processing system' means the part of an air traffic services system which receives, automatically processes and distributes to air traffic control units working positions, flight plan data and associated messages;
6. 'air traffic services unit' (hereinafter ATS unit) means a unit, civil or military, responsible for providing air traffic services;
7. 'controlling military unit' means any fixed or mobile military unit handling military air traffic and/or pursuing other activities that due to their specific nature may require airspace reservation or restriction;
8. 'transferring unit' means the air traffic control unit in the process of transferring the responsibility for providing an air traffic control service to an aircraft to the next ATC unit along the route of flight;
9. 'receiving unit' means the air traffic control unit who receives data;
10. 'boundary' means a lateral or vertical plane delineating the airspace in which an ATC unit provides air traffic services;
11. 'area control centre' (hereinafter ACC) means a unit established to provide air traffic control service to controlled flights in control areas under its responsibility;
12. 'working position' means the furniture and technical equipment at which a member of the air traffic services staff undertakes task associated with their job;
13. 'flight plan' means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;
14. 'warning' means a message displayed at a working position when the automated coordination process has failed;
15. 'estimate data' means the coordination point, the estimated time of an aircraft and the expected flight level of the aircraft at the coordination point;
16. 'secondary surveillance radar' (hereinafter SSR) means a surveillance radar system which uses transmitters or receivers and transponders;
17. 'letter of agreement' means an agreement between two adjacent ATC units that specifies how their respective ATC responsibilities are to be coordinated;
18. 'transfer of control point' means a point on the flight path of an aircraft, at which the responsibility for providing air traffic services to the aircraft is transferred from one ATC unit to the next;
19. 'coordination data' mean data of interest to operational staff in connection with the process of notification, coordination and transfer of flights and with the process of civil-military coordination;
20. 'transfer flight level' means the flight level agreed during the coordination if in level flight, or the cleared flight level to which the flight is proceeding if climbing or descending at the coordination point;
21. 'accepting unit' means the air traffic control unit next to take control of an aircraft;
22. 'coordination point' (hereinafter COP) means a point on or adjacent to the boundary used by the ATC units and referred to in coordination processes;
23. 'notified unit' means the ATC unit that has received the notification information;
24. 'correlation' means the process of linking the flight plan data and the radar track of the same flight;
25. 'release' means the authorising by the controller transferring an aircraft of a controller at the accepting unit to issue control instructions to the aircraft prior to its passing the transfer of control point;
26. 'availability' means the degree to which a system or component is operational and accessible when required for use;
27. 'reliability' means the probability that the ground installation operates within the specified tolerances.

*Article 3***Interoperability and performance requirements**

1. Air navigation service providers shall ensure that the systems referred to in Article 1(2)(a) and serving ACCs, comply with the interoperability and performance requirements specified in Annex I, Parts A and B.
2. Air navigation service providers that have specified in their letter of agreement that they will implement the notification, the initial coordination, the revision of coordination, the abrogation of coordination, the basic flight data or the change to basic flight data processes between ATC units other than ACCs, shall ensure that the systems referred to in Article 1(2)(a), comply with the interoperability and performance requirements specified in Annex I, Parts A and B.
3. Air navigation service providers that have specified in their letter of agreement that they will implement the pre-departure notification and coordination, the change of frequency or the manual assumption of communications processes, shall ensure that the systems referred in Article 1(2)(a) comply with the interoperability and performance requirements specified in Annex I, Parts A and C.
4. Member States shall ensure that the systems referred to in Article 1(2)(b) comply with the interoperability and performance requirements specified in Annex I, Parts A and B, in respect of the basic flight data and the change of basic flight data processes.
5. When air traffic services units and controlling military units have implemented between their systems referred to in Article 1(2)(b) the crossing intention notification, the crossing clearance request, the crossing counter-proposal or the crossing cancellation processes, Member States shall ensure that these systems comply with the interoperability and performance requirements specified in Annex I, Parts A and C.

*Article 4***Quality of service requirements**

1. Air navigation service providers shall ensure that the systems referred to in Article 1(2)(a) comply with the requirements concerning quality of service, specified in Annex II.
2. Member States shall ensure that the systems referred to in Article 1(2)(b) comply with the requirements concerning quality of service, specified in Annex II.

*Article 5***Associated procedures**

1. For a flight subject to initial coordination, the agreed transfer conditions of a flight shall be operationally binding

for both ATC units unless the coordination is abrogated or revised.

2. For a flight subject to revision of coordination, the agreed transfer conditions of a flight shall be operationally binding for both ATC units unless the coordination is abrogated or the conditions are further revised.

3. Where completion of the revision or abrogation of coordination process is not confirmed in accordance with the applicable quality of service requirements, the transferring unit shall initiate verbal coordination.

*Article 6***Safety requirements**

Member States shall take the necessary measures to ensure that any changes to the existing automatic systems for the exchange of flight data covered by this Regulation or the introduction of new systems are preceded by a safety assessment, including hazard identification, risk assessment and mitigation, conducted by the parties concerned.

During this safety assessment, the safety requirements specified in Annex III shall be taken into consideration as a minimum.

*Article 7***Conformity or suitability for use of constituents**

Before issuing an EC declaration of conformity or suitability for use referred to in Article 5 of Regulation (EC) No 552/2004, manufacturers of constituents of the systems referred to in Article 1(2)(a) and (b) shall assess the conformity or suitability for use of these constituents in compliance with the requirements set out in Annex IV, Part A.

*Article 8***Verification of systems**

1. Air navigation service providers which can demonstrate that they fulfil the conditions set out in Annex V shall conduct a verification of the systems referred to in Article 1(2)(a) in compliance with the requirements set out in Annex IV, Part B.
2. Air navigation service providers which cannot demonstrate that they fulfil the conditions set out in Annex V shall subcontract to a notified body a verification of the systems referred to in Article 1(2)(a). This verification shall be conducted in compliance with the requirements set out in Annex IV, Part C.
3. Member States shall ensure that the verification of the systems referred in Article 1(2)(b) demonstrates the conformity of these systems with the interoperability and performance, quality of service and safety requirements of this Regulation.

*Article 9***Compliance**

Member States shall take the necessary measures to ensure compliance with this Regulation.

*Article 10***Transitional arrangements**

1. The transitional arrangements provided for in Article 10(1) of Regulation (EC) No 552/2004 shall apply to the European air traffic management network (hereinafter EATMN) systems referred in Article 1(2), as from the entry into force of this Regulation in respect of the notification and the initial coordination processes.

They shall apply to the EATMN systems from 1 January 2009 in respect of the revision of coordination, the abrogation of coordination, the basic flight data and the change to the basic flight data processes.

2. The transitional arrangements provided for in Article 10(2) of Regulation (EC) No 552/2004 shall apply to the systems referred in Article 1(2), from 31 December 2012.

*Article 11***Entry into force**

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

It shall apply from 1 January 2009 to all EATMN systems referred to in Article 1(2) in respect of the revision of coordination, the abrogation of coordination, the basic flight data and the change to the basic flight data processes.

It shall apply from 31 December 2012 to all EATMN systems referred to in Article 1(2) in operation by that date.

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

Done at Brussels, 6 July 2006.

For the Commission

Jacques BARROT

Vice-President

ANNEX I

**Interoperability and performance requirements
(referred to in Article 3)****PART A: GENERAL REQUIREMENTS****1. SYSTEM REQUIREMENTS**

- 1.1. The system shall provide all the information required for the display, processing and compilation of the system information exchanged in the processes specified.
- 1.2. The system shall be able to automatically receive, store, process, extract and deliver for display, and transmit flight information relevant to notification, coordination and transfer and civil-military coordination processes.
- 1.3. The system shall issue a warning when information exchange facility failures or anomalies are detected.
- 1.4. The system shall be able to provide warnings related to system information exchange to the relevant working positions.
- 1.5. The system shall provide the ATC staff the means to modify the flight information relevant to the processes.
- 1.6. The system shall be capable of providing the ATC staff information about the status of relevant system information exchange processes.

2. RECORDING OF SYSTEM INFORMATION EXCHANGE DATA

- 2.1. System information exchange data shall be recorded by the air navigation service provider in a manner which permits the retrieval and display of the recorded data.

PART B: REQUIREMENTS FOR MANDATORY PROCESSES SUPPORTED BY SYSTEM INFORMATION EXCHANGES**1. NOTIFICATION****1.1. Flight information concerned**

- 1.1.1. The information subject to the Notification process shall include as a minimum:

- aircraft identification,
- SSR mode and code (if available),
- departure aerodrome,
- estimate data,
- destination aerodrome,
- number and type of aircraft,
- type of flight,
- equipment capability and status.

- 1.1.2. The content of the 'equipment capability and status' information shall include reduced vertical separation minima (hereinafter 'RVSM') and 8.33 KHz capability as a minimum.

- 1.1.3. The 'equipment capability and status' information may contain other items in accordance with the letters of agreement.

1.2. Rules of application

- 1.2.1. The notification process shall be performed at least once for each eligible flight planned to cross the boundary unless the flight is the subject of pre-departure notification and coordination process.

- 1.2.2. The eligibility criteria for cross boundary notification of flights shall be in accordance with the letters of agreement.

1.2.3. When the notification process cannot be performed by a bilateral agreed time prior to the initial coordination process it shall be subsumed by the initial coordination process.

1.2.4. When performed, the notification process shall precede the initial coordination process.

1.2.5. The notification process shall take place again each time there is a change to any of the following data prior to the initial coordination process:

- COP,
- expected SSR code at the transfer of control point,
- aerodrome of destination,
- type of aircraft,
- equipment capability and status.

1.2.6. If a discrepancy is identified between the transmitted data and corresponding data in the receiving system, or no such information is available, that would result in the need for corrective action on receipt of the following initial coordination data, the discrepancy shall be referred to an appropriate position for resolution.

1.3. Time criteria for the initiation of the notification process

1.3.1. The notification process shall be initiated a parameter number of minutes before the estimated time at the COP.

1.3.2. The notification parameter(s) shall be included in the letters of agreement between the ATC units concerned.

1.3.3. The notification parameter(s) may be defined separately for each of the coordination points.

2. INITIAL COORDINATION

2.1. Flight information concerned

2.1.1. The information subject to the initial coordination process shall include as a minimum:

- aircraft identification,
- SSR mode and code,
- departure aerodrome,
- estimate data,
- destination aerodrome,
- number and type of aircraft,
- type of flight,
- equipment capability and status.

2.1.2. The content of the 'equipment capability and status' information shall include RVSM and 8.33 KHz capability as a minimum.

2.1.3. The 'equipment capability and status' information may contain other items as bilaterally agreed by the letters of agreement.

2.2. Rules of application

- 2.2.1. The initial coordination process shall be performed for all eligible flights planned to cross the boundaries.
- 2.2.2. Eligibility criteria for cross boundary initial coordination of flights shall be in accordance with the letters of agreement.
- 2.2.3. Unless already manually initiated, the initial coordination process shall be automatically initiated at:
- a bilaterally agreed parameter time period before the estimated time at the coordination point, or
 - the time at which the flight is at a bilaterally agreed distance from the coordination point,
- in accordance with the letters of agreement.
- 2.2.4. The initial coordination process for a flight shall only be performed once unless the abrogation of coordination process is initiated.
- 2.2.5. Following an abrogation of coordination process, the initial coordination process may be initiated again with the same unit.
- 2.2.6. Completion of the initial coordination process including confirmation from the receiving unit shall be provided to the transferring unit — the flight is then considered 'coordinated'.
- 2.2.7. Failure of the initial coordination process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the working position responsible for the coordination of the flight within the transferring unit.
- 2.2.8. The initial coordination information shall be made available at the appropriate working position in the receiving unit.

3. REVISION OF COORDINATION

3.1. Flight information concerned

- 3.1.1. The revision of coordination process shall ensure association with the flight previously coordinated.
- 3.1.2. Revision of coordination shall provide the following flight information if they have changed:
- SSR mode and code,
 - estimated time and flight level,
 - equipment capability and status.
- 3.1.3. If bilaterally agreed, the revision of coordination data shall provide the following if they have changed:
- coordination point,
 - route.

3.2. Rules of application

- 3.2.1. The revision of coordination process may take place one or more times with the unit with which a flight is currently coordinated.
- 3.2.2. Revision of coordination process shall take place when:
- the estimated time over at the coordination point differs from that previously provided by more than a value bilaterally agreed,
 - the transfer level(s), SSR code or equipment capability and status is different from that previously provided.

3.2.3. Where bilaterally agreed, revision of coordination process shall take place when there is any change in the following:

- coordination point,
- route.

3.2.4. Completion of the revision of coordination process including confirmation from the receiving unit shall be provided at the transferring unit.

3.2.5. Failure of the revision of coordination process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the working position responsible for the coordination of the flight within the transferring unit.

3.2.6. The revision of coordination process shall take place immediately following the relevant input or update.

3.2.7. The revision of coordination process shall be inhibited after the flight is at a bilaterally agreed time/distance from the transfer of control point in accordance with the letters of agreement.

3.2.8. The Revision of coordination information shall be made available at the appropriate working position in the receiving unit.

4. THE ABROGATION OF COORDINATION

4.1. Flight information concerned

4.1.1. The abrogation of coordination process shall ensure association with the previous notification or coordination process that is being cancelled.

4.2. Rules of application

4.2.1. The abrogation of coordination process shall take place with a unit for a coordinated flight when:

- the unit is no longer the next unit in the coordination sequence,
- the flight plan is cancelled in the sending unit and the coordination is no longer relevant,
- abrogation of coordination information is received from the previous unit in respect of the flight.

4.2.2. The abrogation of coordination process may take place with a unit for a notified flight when:

- the unit is no longer the next unit in the coordination sequence,
- the flight plan is cancelled in the sending unit and the coordination is no longer relevant,
- an abrogation of coordination is received from the previous unit in respect of the flight,
- the flight is delayed en-route and a revised estimate cannot be determined automatically.

4.2.3. Completion of the abrogation of coordination process including confirmation from the receiving unit shall be provided at the transferring unit.

4.2.4. Failure of the abrogation of coordination process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the working position responsible for the coordination of the flight within the transferring unit.

4.2.5. The abrogation of coordination information shall be made available at the appropriate working position in the notified unit or in the unit with which the coordination is cancelled.

5. BASIC FLIGHT DATA

5.1. Flight information concerned

5.1.1. The information subject to the basic flight data process shall provide as a minimum:

- aircraft identification,
- SSR mode and code.

5.1.2. Any additional information provided by the basic flight data process shall be subject to bilateral agreement.

5.2. Rules of application

5.2.1. The basic flight data process shall be performed automatically for each eligible flight.

5.2.2. The eligibility criteria for basic flight data shall be in accordance with the letters of agreement.

5.2.3. Completion of the basic flight data process including confirmation from the receiving unit shall be provided to the supplying unit.

5.2.4. Failure of the basic flight data process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the appropriate working position within the supplying unit.

6. CHANGE TO BASIC FLIGHT DATA

6.1. Flight information concerned

6.1.1. The Change to basic flight data process shall ensure association with the flight previously subject to a basic flight data process.

6.1.2. Any other information subject to the change to basic flight data process and the associated criteria for its provision shall be subject to bilateral agreement.

6.2. Rules of application

6.2.1. A change to basic flight data process shall only take place for a flight which has previously been notified by a basic flight data process.

6.2.2. A change to basic flight data process shall be initiated automatically in accordance with the bilaterally agreed criteria.

6.2.3. Completion of the change to basic flight data process including confirmation from the receiving unit shall be provided to the supplying unit.

6.2.4. Failure of the change to basic flight data process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the appropriate working position within the supplying unit.

6.2.5. The change to basic flight data information shall be made available at the appropriate working position in the receiving unit.

PART C: REQUIREMENTS FOR OPTIONAL PROCESSES SUPPORTED BY SYSTEM INFORMATION EXCHANGES

1. PRE-DEPARTURE NOTIFICATION AND COORDINATION

1.1. Flight information concerned

1.1.1. The information subject to the pre-departure notification and coordination process shall include as a minimum:

- aircraft identification,
- SSR mode and code (if available),
- departure aerodrome,
- estimated take-off time or estimate data, as bilaterally agreed,

- destination aerodrome,
 - number and type of aircraft.
- 1.1.2. The information subject to the pre-departure notification and coordination process from a terminal manoeuvring area (TMA) control unit or an ACC shall contain the following:
- type of flight,
 - equipment capability and status.
- 1.1.3. The content of the 'equipment capability and status' information shall include RVSM and 8.33 KHz capability as a minimum.
- 1.1.4. The 'equipment capability and status' information may contain other items as bilaterally agreed by the letters of agreement.
- 1.2. Rules of Application
- 1.2.1. Pre-departure notification and coordination process shall take place one or more times for each eligible flight planned to cross the boundaries where the flight time from departure to the coordination point would not allow sufficient time for the initial coordination or notification processes to be executed.
- 1.2.2. Eligibility criteria for cross boundary pre-departure notification and coordination of flights shall be in accordance with the letters of agreement.
- 1.2.3. The pre-departure notification and coordination process shall take place again each time there is a change to any item of the data subject to the previous pre-departure notification and coordination process before departure.
- 1.2.4. Completion of the pre-departure notification and coordination process including confirmation from the receiving unit shall be provided at the transferring unit.
- 1.2.5. Failure of the pre-departure notification and coordination process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the working position responsible for the notification/coordination of the flight within the transferring unit.
- 1.2.6. The pre-departure notification and coordination information shall be made available at the appropriate working position in the notified unit.
2. CHANGE OF FREQUENCY
- 2.1. Flight information concerned
- 2.1.1. The information subject to the change of frequency process shall include as a minimum:
- aircraft identification.
- 2.1.2. The information subject to the change of frequency process shall include any of the following, if available:
- release indication,
 - cleared flight level,
 - assigned heading/track or direct clearance,
 - assigned speed,
 - assigned rate of climb/descent.
- 2.1.3. If bilaterally agreed, change of frequency data shall contain the following:
- current track position,
 - instructed frequency.

2.2. Rules of application

- 2.2.1. The change of frequency process shall be manually initiated by the transferring controller.
- 2.2.2. Completion of the change of frequency process including confirmation from the receiving unit shall be provided at the transferring ATC unit.
- 2.2.3. Failure of the change of frequency process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the appropriate working position within the transferring ATC unit.
- 2.2.4. The change of frequency information shall be made available to the accepting controller without delay.

3. MANUAL ASSUMPTION OF COMMUNICATIONS

3.1. Flight information concerned

- 3.1.1. The information subject to the manual assumption of communications process shall include as a minimum the aircraft identification.

3.2. Rules of application

- 3.2.1. The manual assumption of communications process shall be initiated by the accepting unit when communication is established.
- 3.2.2. Completion of the manual assumption of communications process including confirmation from the transferring unit shall be provided at the accepting ATC unit.
- 3.2.3. Failure of the manual assumption of communication process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the appropriate working position within the accepting ATC unit.
- 3.2.4. The manual assumption of communications information shall be presented immediately to the controller in the transferring unit.

4. CROSSING INTENTION NOTIFICATION

4.1. Flight information concerned

- 4.1.1. The information subject to the crossing intention notification process shall include as a minimum:

- aircraft identification,
- SSR mode and code,
- number and type of aircraft,
- sector in charge identifier,
- crossing route including estimated times and flight levels for each point on the route.

4.2. Rules of application

- 4.2.1. The crossing intention notification process shall be initiated manually by the controller, or automatically as described in the letters of agreement.
- 4.2.2. Completion of the crossing intention notification process including confirmation from the notified unit shall be provided to the notifying unit.
- 4.2.3. Failure of the crossing intention notification process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the notifying unit.
- 4.2.4. The crossing intention notification information shall be made available at the appropriate working position in the notified unit.

5. CROSSING CLEARANCE REQUEST

5.1. Flight information concerned

5.1.1. The information subject to the crossing clearance request process shall include as a minimum:

- aircraft identification,
- SSR mode and code,
- number and type of aircraft,
- sector in charge identifier,
- crossing route including estimated times and flight levels for each point on the route.

5.1.2. If bilaterally agreed, a crossing clearance request shall contain the equipment capability and status.

5.1.3. The content of the 'equipment capability and status' information shall include RVSM capability as a minimum.

5.1.4. The 'equipment capability and status' information may contain other items as bilaterally agreed.

5.2. Rules of application

5.2.1. The crossing clearance request shall be initiated at the controller's discretion, in accordance with the conditions specified in the letters of agreement.

5.2.2. Completion of the crossing clearance request process including confirmation from the unit receiving the request shall be provided to the requesting unit.

5.2.3. Failure of the crossing clearance request process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the appropriate working position within the requesting unit.

5.2.4. The crossing clearance request information shall be made available at the appropriate working position in the unit receiving the request.

5.3. Operational reply

5.3.1. A crossing clearance request process shall be replied to by:

- an acceptance of the proposed route/airspace crossing details, or,
- a counter-proposal including different route/airspace crossing details as specified in section 6 below, or
- a rejection of the proposed route/airspace crossing details.

5.3.2. If an operational reply is not received within a bilaterally agreed time interval a warning shall be issued at the appropriate working position within the requesting unit.

6. CROSSING COUNTER-PROPOSAL

6.1. Flight information concerned

6.1.1. The crossing counter-proposal process shall ensure association with the flight previously subject to coordination.

6.1.2. The information subject to the crossing counter-proposal process shall include as a minimum:

- aircraft identification,
- crossing route including estimated times and flight levels for each point on the route.

6.2. Rules of application

- 6.2.1. The counter-proposal shall include a proposed new flight level and/or route.
- 6.2.2. Completion of the crossing counter-proposal process including confirmation from the original requesting unit shall be provided to the counter proposing unit.
- 6.2.3. Failure of the crossing counter-proposal process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the appropriate working position within the counter proposing unit.
- 6.2.4. The crossing counter-proposal information shall be made available at the appropriate working position in the original requesting unit.

6.3. Operational reply

- 6.3.1. The confirmation of the successful processing of the crossing counter-proposal information in the original requesting unit shall be followed by an operational reply from the original requesting unit.
- 6.3.2. The operational reply to a crossing counter-proposal shall be an acceptance or rejection as appropriate.
- 6.3.3. If an operational reply is not received within a bilaterally agreed time interval a warning shall be issued at the appropriate working position within the counter proposing unit.

7. CROSSING CANCELLATION

7.1. Flight information concerned

- 7.1.1. The crossing cancellation process shall ensure association with the previous notification or coordination process that is canceled.

7.2. Rules of application

- 7.2.1. A crossing cancellation process shall be initiated by the unit responsible for the flight when one of the following occurs:
 - the flight previously notified by a basic flight data process will now not enter the airspace of the notified unit or is no longer of interest to the notified unit,
 - the crossing will not be executed on the route expressed in the crossing notification information,
 - the crossing will not be executed according to the conditions under negotiation or according to the conditions agreed after an airspace crossing dialogue.
 - 7.2.2. A crossing cancellation process shall be triggered automatically or manually by a controller input in accordance with the letters of agreement.
 - 7.2.3. Completion of the crossing cancellation process including confirmation from the notified/requested unit shall be provided at the cancelling unit.
 - 7.2.4. Failure of the crossing cancellation process to confirm completion, within the applicable quality of service requirements, shall result in a warning at the appropriate working position within the cancelling unit.
 - 7.2.5. The crossing cancellation information shall be made available at the appropriate working position in the notified/requested unit.
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*ANNEX II***Requirements concerning quality of service
(referred to in Article 4)**

1. Availability, reliability, data security and data integrity
 - 1.1. The system information exchange facilities shall be available during the operational hours of the unit.
 - 1.2. Any scheduled down-time periods shall be bilaterally agreed between the two units concerned.
 - 1.3. The reliability for a system information exchange link shall be at least 99,86 %.
 - 1.4. The integrity and security of information exchanged using system information exchange facilities shall be assured at the appropriate level in accordance with recognised practices.
 2. Process times
 - 2.1. The process times shall represent the interval between initiation of the process and the time when the required confirmation is available in the initiating unit.
 - 2.2. The process times shall not include the operational replies where these are required.
 - 2.3. The maximum process time before a warning is generated shall be bilaterally agreed.
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*ANNEX III***Safety requirements
(referred to in Article 6)**

1. The implementation of system information exchanges and the ground-ground voice communication links shall exclude as far as reasonably practicable the possibility of simultaneous failure.
 2. The interoperability and performance requirements specified in paragraphs 3.2.4, 3.2.5, 4.2.3, 4.2.4, 5.2.3, 5.2.4, 6.2.3 and 6.2.4 of Annex I, Part B shall also be considered as safety requirements.
 3. For the revision of coordination, abrogation of coordination, basic flight data and change to basic flight data processes, the quality of service requirements specified in Annex II shall also be considered as safety requirements.
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ANNEX IV

PART A: REQUIREMENTS FOR THE ASSESSMENT OF THE CONFORMITY OR SUITABILITY FOR USE OF CONSTITUENTS REFERRED TO IN ARTICLE 7

1. The verification activities shall demonstrate the conformity of constituents with the interoperability and performance, quality of service and safety requirements of this Regulation or their suitability for use whilst these constituents are in operation in the test environment.
2. The manufacturer shall manage the conformity assessment activities and shall in particular:
 - determine the appropriate test environment,
 - verify that the test plan describes the constituents in the test environment,
 - verify that the test plan provides full coverage of applicable requirements,
 - ensure the consistency and quality of the technical documentation and the test plan,
 - plan the test organisation, staff, installation and configuration of test platform,
 - perform the inspections and tests as specified in the test plan,
 - write the report presenting the results of inspections and tests.
3. The manufacturer shall ensure that the constituents implementing information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination, integrated in the test environment meet the interoperability and performance, quality of service and safety requirements of this Regulation.
4. Upon satisfying completion of verification of conformity or suitability for use, the manufacturer shall under its responsibility draw up the EC declaration of conformity or suitability for use, specifying notably the requirements of this Regulation met by the constituent and its associated conditions of use in accordance with Annex III(3) of the interoperability Regulation.

PART B: REQUIREMENTS FOR THE VERIFICATION OF SYSTEMS REFERRED TO IN ARTICLE 8(1)

1. The verification of systems shall demonstrate the conformity of these systems with the interoperability and performance, quality of service and safety requirements of this Regulation in a simulated environment that reflects the operational context of these systems.
2. The verification of systems implementing information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination shall be conducted in accordance with appropriate and recognised testing practices.
3. Test tools used for the verification of systems implementing information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination shall have appropriate functionalities.
4. The verification of systems implementing information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination shall produce the elements of the technical file required by Annex IV(3) of the interoperability Regulation and the following elements:
 - description of the implementation,
 - the report of inspections and tests achieved before putting the system into service.

5. The air navigation service provider shall manage the verification activities and shall in particular:
- determine the appropriate simulated operational and technical environment reflecting the operational environment,
 - verify that the test plan describes the integration of information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination in the system tested in a simulated operational and technical environment,
 - verify that the test plan provides full coverage of the interoperability and performance, quality of service and safety requirements of this Regulation,
 - ensure the consistency and quality of the technical documentation and the test plan,
 - plan the test organisation, staff, installation and configuration of the test platform,
 - perform the inspections and tests as specified in the test plan,
 - write the report presenting the results of inspections and tests.
6. The air navigation service provider shall ensure that the implementation of information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination, integrated in systems operated in a simulated operational environment meets the interoperability and performance, quality of service and safety requirements of this Regulation.
7. Upon satisfying completion of verification of compliance, air navigation service providers shall draw up the EC declaration of verification of system and submit it to the national supervisory authority together with the technical file as requested by Article 6 of the interoperability Regulation.

PART C: REQUIREMENTS FOR THE VERIFICATION OF SYSTEMS REFERRED TO IN ARTICLE 8(2)

1. The verification of systems shall demonstrate the conformity of these systems with the interoperability and performance, quality of service and safety requirements of this Regulation in a simulated environment that reflects the operational context of these systems.
2. The verification of systems implementing information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination shall be conducted in accordance with appropriate and recognised testing practices.
3. Test tools used for the verification of systems implementing information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination shall have appropriate functionalities.
4. The verification of systems implementing information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination shall produce the elements of the technical file required by Annex IV(3) of the interoperability Regulation and the following elements:
 - description of the implementation,
 - the report of inspections and tests achieved before putting the system into service.

5. The air navigation service provider shall determine the appropriate simulated operational and technical environment reflecting the operational environment and shall have verification activities performed by a notified body.
 6. The notified body shall manage the verification activities and shall in particular:
 - verify that the test plan describes the integration of information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination in the system tested in a simulated operational and technical environment,
 - verify that the test plan provides full coverage of the interoperability and performance, quality of service and safety requirements of this Regulation,
 - ensure the consistency and quality of the technical documentation and the test plan,
 - plan the test organisation, staff, installation and configuration of the test platform,
 - perform the inspections and tests as specified in the test plan,
 - write the report presenting the results of inspections and tests.
 7. The notified body shall ensure that the implementation of information exchanges supporting the process of notification, coordination and transfer of flights and the process of civil-military coordination, integrated in systems operated in a simulated operational environment meets the interoperability and performance, quality of service and safety requirements of this Regulation.
 8. Upon satisfying completion of verification tasks, the notified body shall draw up a certificate of conformity in relation to the tasks it carried out.
 9. Then, the air navigation service provider shall draw up the EC declaration of verification of system and submit it to the national supervisory authority together with the technical file as requested by Article 6 of the interoperability Regulation.
-

ANNEX V

Conditions referred to in Article 8

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

COMMISSION REGULATION (EC) No 1033/2006**of 4 July 2006****laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

2004 on the organisation and use of the airspace in the single European sky ⁽³⁾.

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Significant inconsistencies between flight plan data held by parties concerned by the safe conduct of flights, notably air traffic services units, operators and pilots, have been highlighted by a number of studies undertaken by the Commission and the European Organisation for the Safety of Air Navigation (Eurocontrol). Such inconsistencies may have an impact on the safety and efficiency of the European air traffic management system. Furthermore, greater consistency in flight plan data would contribute to seamless operation, to support for new concepts of operations, notably in the field of air traffic flow management, and to enhanced safety. Appropriate measures should therefore be taken to reduce the occurrence of inconsistencies between flight plan data.

(2) Eurocontrol has been mandated in accordance with Article 8(1) of Regulation (EC) No 549/2004 to develop requirements for flight plans in the pre-flight phase for the single European sky. This Regulation is based on the resulting mandate report of 17 March 2005.

(3) The territorial scope of this Regulation should be clearly defined by reference to Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March

(4) The International Civil Aviation Organisation (hereinafter ICAO) has defined procedures for the submission, acceptance and distribution of flight plans, which should be brought into force in order to be applied uniformly within the airspace of the single European sky. These procedures should be complemented by provisions obliging operators, pilots, air traffic services units and various originators of flight plans to ensure that the key items of flight plans held by them remain consistent until the end of the pre-flight phase for flights departing from within the airspace covered by this Regulation. These key items should be clearly identified.

(5) A centralised flight planning processing and distribution service, provided through the Integrated Initial Flight Plan Processing System (hereinafter IFPS), has been established under the authority of Eurocontrol. Member States should be required to take the necessary measures to ensure that the IFPS delivers information supporting the consistency of the key items of the flight plans.

(6) If the IFPS receives no flight plan for flights entering the airspace covered by this Regulation from adjacent airspaces, similar risks may arise to those resulting from inconsistencies between flight plan data held by air traffic services units, operators and pilots for flights departing from within this airspace. In such cases, air traffic services units should provide IFPS with appropriate flight data to prevent these risks.

(7) With a view to maintaining or enhancing existing safety levels of operations Member States should be required to ensure the conduct by the parties concerned of a safety assessment including hazard identification, risk assessment and mitigation processes.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee established by Article 5 of Regulation (EC) No 549/2004,

⁽¹⁾ OJ L 96, 31.3.2004, p. 26.

⁽²⁾ OJ L 96, 31.3.2004, p. 1.

⁽³⁾ OJ L 96, 31.3.2004, p. 20.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down the requirements on procedures for flight plans in the pre-flight phase in order to ensure the consistency of flight plans, repetitive flight plans and associated update messages between operators, pilots and air traffic services units through the Integrated Initial Flight Plan Processing System, either in the period preceding the first delivery of air traffic control clearance for flights taking off from within the airspace covered by this Regulation or in the period preceding entry into that airspace for other flights.

2. This Regulation shall apply to all flights intended to operate or operating as general air traffic in accordance with instrument flight rules within the airspace defined in Article 1(3) of Regulation (EC) No 551/2004.

3. This Regulation shall apply to each of the following parties involved in the submission, modification, acceptance and distribution of flight plans:

- (a) operators and agents acting on their behalf;
- (b) pilots and agents acting on their behalf;
- (c) air traffic services units providing services to general air traffic flying in accordance with instrument flight rules.

Article 2

Definitions

1. For the purposes of this Regulation the definitions set out in Regulation (EC) No 549/2004 shall apply.

2. In addition to the definitions referred to in paragraph 1 the following definitions shall apply:

- 1. 'flight plan' means specified information provided to air traffic service units, relative to an intended flight or portion of a flight of an aircraft;
- 2. 'pre-flight phase' means the period from the first submission of a flight plan until the first delivery of an air traffic control clearance;
- 3. 'repetitive flight plan' means a flight plan related to a series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by air traffic service units;

4. 'operator' means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;

5. 'air traffic services unit' (hereinafter ATS unit) means a unit, civil or military, responsible for providing air traffic services;

6. 'Integrated Initial Flight Plan Processing System' (hereinafter IFPS) means a system within the European Air Traffic Management Network through which a centralised flight planning processing and distribution service, dealing with the reception, validation and distribution of flight plans, is provided within the airspace covered by this Regulation;

7. 'air traffic control clearance' (hereinafter ATC clearance) means an authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

8. 'instrument flight rules' means instrument flight rules as defined in Annex 2 ⁽¹⁾ to the 1944 Chicago Convention on International Civil Aviation;

9. 'air traffic control unit' (hereinafter ATC unit) means variously area control centre, approach control unit or aerodrome control tower;

10. 'key items of a flight plan' means the following items of a flight plan:

- (a) aircraft identification;
- (b) departure aerodrome;
- (c) estimated off-block date;
- (d) estimated off-block time;
- (e) destination aerodrome;
- (f) route excluding terminal area procedures;
- (g) cruising speed(s) and requested flight level(s);
- (h) aircraft type and category of wake turbulence;
- (i) flight rules and type of flight;
- (j) aircraft equipment and its related capabilities;

⁽¹⁾ Tenth edition — July 2005 — www.icao.int

11. 'originator' means a person or organisation submitting flight plans and any associated update messages to the IFPS, including pilots, operators and agents acting on their behalf and ATS units;
 12. 'initial flight plan' means the flight plan initially submitted by the originator including changes, if any, initiated and accepted by pilots, operators, an ATS unit or the centralised service for flight planning processing and distribution of flight plans during the pre-flight phase;
 13. 'aircraft identification' means a group of letters, figures or a combination thereof which is either identical to, or the coded equivalent of, the aircraft call sign to be used in air-ground communications, and which is used to identify the aircraft in ground-ground air traffic services communications;
 14. 'estimated off-block date' means the estimated date on which the aircraft will commence movement associated with departure;
 15. 'estimated off-block time' means the estimated time at which the aircraft will commence movement associated with departure;
 16. 'terminal area procedures' means the standard instrument departures and the standard instrument arrival routes as defined in ICAO Procedures for Operational Services (PANS-OPS, Doc 8168 — Volume 1 — Fourth edition — 1993, incorporating Amendment No 13).
- (d) indicates acceptance of the flight plan or changes thereto to the originator.
3. Member States shall take the necessary measures to ensure that IFPS communicates to all affected ATS units the accepted flight plan and any accepted pre-flight phase changes to the key items of the flight plan and associated update messages.
 4. The originator, when not being the operator or the pilot, shall ensure that the conditions of acceptance of a flight plan and any necessary changes to these conditions as notified by IFPS are made available to the operator or the pilot who has submitted the flight plan.
 5. The operator shall ensure that the conditions of acceptance of a flight plan and any necessary changes thereto as notified by IFPS to the originator are incorporated into the planned flight operation and communicated to the pilot.
 6. The operator shall ensure prior to operation of the flight that the content of the initial flight plan correctly reflects the operational intentions.
 7. ATC units shall, during the pre-flight phase, make available through IFPS any necessary changes affecting the route or flight level key items of a flight plan that could affect the safe conduct of a flight, for flight plans and associated update messages previously received by them from IFPS.
- No other changes to or cancellation of a flight plan shall be made by an ATC unit in the pre-flight phase without coordination with the operator.
8. Member States shall take the necessary measures to ensure that IFPS communicates any necessary pre-flight phase changes referred to in the first subparagraph of paragraph 7 to the originator of the flight plan.
 9. When no flight plan has previously been received from IFPS by ATS units for a flight entering the airspace under their responsibility, the units concerned shall make available through IFPS at least the aircraft identification, aircraft type, point of entry to their area of responsibility, time and flight level at that point, route and destination aerodrome for such flights.

Article 3

Interoperability and performance requirements

1. The ICAO provisions specified in the Annex shall apply to the submission, acceptance and distribution of flight plans for every flight subject to this Regulation and to all changes to a key item in a flight plan in the pre-flight phase in accordance with this Regulation.
2. Member States shall take the necessary measures to ensure that when IFPS receives a flight plan, or change thereto, it:
 - (a) checks it for compliance with the format and data conventions;
 - (b) checks it for completeness and, to the extent possible, for accuracy;
 - (c) takes action, if necessary, to make it acceptable to the air traffic services; and

Article 4

Safety requirements

Member States shall take the necessary measures to ensure that any changes to the existing procedures for flight plans in the pre-flight phase covered by this Regulation or any introduction of new procedures are preceded by a safety assessment, including hazard identification, risk assessment and mitigation processes, conducted by the parties concerned.

*Article 5***Additional requirements**

1. ATS units shall ensure that their personnel involved in flight planning are made duly aware of the relevant provisions in this Regulation and that they are adequately trained for their job functions.

2. Member States shall take the necessary measures to ensure that the personnel operating the IFPS involved in flight planning are made duly aware of the relevant provisions of this Regulation and that they are adequately trained for their job functions.

3. ATS units shall:

- (a) develop and maintain operations manuals containing the necessary instructions and information to enable their operations personnel to apply the provisions of this Regulation;
- (b) ensure that the manuals referred to in point (a) are accessible and kept up to date and that their update and distribution are subject to appropriate quality and documentation configuration management;
- (c) ensure that the working methods and operating procedures comply with the relevant provisions specified in this Regulation.

4. Member States shall take the necessary measures to ensure that the centralised flight planning processing and distribution service:

- (a) develops and maintains operations manuals containing the necessary instructions and information to enable their operations personnel to apply the provisions of this Regulation;
- (b) ensures that the manuals referred to in point (a) are accessible and kept up to date and that their update and distribution are subject to appropriate quality and documentation configuration management;
- (c) ensures that the working methods and operating procedures comply with the relevant provisions specified in this Regulation.

5. Member States shall take the necessary measures to ensure compliance with this Regulation.

*Article 6***Entry into force and application**

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

It shall apply from 1 January 2009.

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

Done at Brussels, 4 July 2006.

For the Commission

Jacques BARROT

Vice-President

ANNEX

ICAO provisions referred to in Article 3(1)

1. Chapter 3, Paragraph 3.3 (Flight plans) of ICAO Annex 2 — Rules of the Air (10th edition — July 2005).
 2. Chapter 4, Paragraph 4 (Flight plan), and Chapter 11, Paragraph 11.4.2.2 (Filed flight plan messages and associated update messages) of ICAO PANS-ATM Doc. 4444 (14th edition — 2001).
 3. Chapter 3 (Flight plans), and Chapter 14, Paragraph 14.1.4 (Flight information region boundaries estimates) of Regional Supplementary Procedures, Doc. 7030/4 — EUR, Part 1, Rules of the Air, Air Traffic Services and Search and Rescue, (Fourth edition — 1987, incorporating Amendment No 210).
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COMMISSION REGULATION (EC) No 1034/2006**of 6 July 2006****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 July 2006.

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

Done at Brussels, 6 July 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

**to the Commission Regulation of 6 July 2006 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	2,56
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	2,36
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	2,18
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	2,04
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	2,74				

NB: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

COMMISSION REGULATION (EC) No 1035/2006**of 6 July 2006****concerning tenders notified in response to the invitation to tender for the export of barley issued
in Regulation (EC) No 935/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

Having regard to the Treaty establishing the European Community,

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

Whereas:

HAS ADOPTED THIS REGULATION:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 935/2006 ⁽²⁾.

Article 1

No action shall be taken on the tenders notified from 30 June to 6 July 2006 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 935/2006.

(2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

Article 2

This Regulation shall enter into force on 7 July 2006.

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

Done at Brussels, 6 July 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 172, 24.6.2006, p. 3.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1036/2006**of 6 July 2006****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 936/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 936/2006 ⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 30 June to 7 July 2006, pursuant to the invitation to tender issued in Regulation (EC) No 936/2006, the maximum refund on exportation of common wheat shall be 2,00 EUR/t.

Article 2

This Regulation shall enter into force on 7 July 2006.

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

Done at Brussels, 6 July 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 172, 24.6.2006, p. 3.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1037/2006**of 6 July 2006****amending the import duties in the cereals sector applicable from 7 July 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1008/2006 ⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1008/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1008/2006 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 7 July 2006.

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

Done at Brussels, 6 July 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 29.9.2003, p. 78. Regulation as amended by Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

⁽³⁾ OJ L 179, 1.7.2006, p. 48. Regulation as amended by Regulation (EC) No 1012/2006 (OJ L 180, 4.7.2006, p. 16)

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 7 July 2006

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	14,89
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	43,12
1005 10 90	Maize seed other than hybrid	56,38
1005 90 00	Maize other than seed ⁽²⁾	56,38
1007 00 90	Grain sorghum other than hybrids for sowing	49,93

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(30.6.2006-5.7.2006)

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	149,09 (***)	71,68	146,48	136,48	116,48	88,25
Gulf premium (EUR/t)	—	14,42	—			—
Great Lakes premium (EUR/t)	26,67	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 19,55 EUR/t; Great Lakes–Rotterdam: 25,65 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
-
- 0,00 EUR/t (SRW2).

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

DECISION OF THE EUROPEAN PARLIAMENT

of 18 January 2006

on setting up a Committee of Inquiry into the crisis of the Equitable Life Assurance Society

(2006/469/EC)

THE EUROPEAN PARLIAMENT,

Having regard to Article 193 of the EC Treaty,

Having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of enquiry ⁽¹⁾,

Having regard to Rule 176 of its Rules of Procedure,

Having regard to the request presented by 213 Members of the European Parliament,

Having regard to the decision of the Conference of Presidents of 14 December 2005, agreeing in principle to establish a Committee of Inquiry into the allegations raised by petitions 0611/2004 by Arthur White (British) and 0029/2005 by Paul Braithwaite (British), on behalf of the Equitable Members' Action Group and by subsequent petitions on the same subject submitted by German and Irish petitioners, all of which related to the Equitable Life Assurance Society (Equitable Life),

HAS DECIDED AS FOLLOWS:

Article 1

A Committee of Inquiry shall be set up to investigate alleged contraventions or maladministration in the application of Community law in relation to the crisis of Equitable Life, without prejudice to the jurisdiction of national or Community courts.

Article 2

The Committee of Inquiry shall:

- investigate alleged contraventions or maladministration in the application of Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (third life assurance Directive) ⁽²⁾, now codified by Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance ⁽³⁾, by the United Kingdom's competent authorities in relation to Equitable Life, notably as regards the regulatory regime and the monitoring of the financial health of insurance undertakings, including their state of solvency, the establishment of adequate technical provisions and the covering of those provisions by matching assets,

⁽¹⁾ OJ L 113, 19.5.1995, p. 1.

⁽²⁾ OJ L 360, 9.12.1992, p. 1. Directive as last amended by Directive 2002/87/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1).

⁽³⁾ OJ L 345, 19.12.2002, p. 1. Directive as last amended by Directive 2005/68/EC (OJ L 323, 9.12.2005, p. 1).

- assess, in this respect, whether the Commission has properly fulfilled its duty to monitor the correct and timely transposition of Community law and identify whether systematic weaknesses contributed to the situation that has arisen,
- assess allegations that the UK regulators consistently failed, over a number of years, and at least since 1989, to protect policy holders by exercising rigorous supervision of accounting and provisioning practices and the financial situation of Equitable Life,
- assess the status of claims by non-UK European citizens and the adequacy of remedies available under UK and/or EU legislation for policy-holders from other Member States,
- make any proposals that it deems necessary in this matter.

Article 3

The Committee of Inquiry shall present an interim report to Parliament within 4 months of starting its work, with a view to presenting its final report to Parliament within 12 months of the adoption of this decision.

Article 4

The Committee of Inquiry will be composed of 22 Members of the European Parliament.

Done at Strasbourg, 18 January 2006.

For the European Parliament
The President
J. BORRELL FONTELLES

CORRIGENDA**Corrigendum to Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98**

(Official Journal of the European Union L 150 of 30 April 2004, corrected by Official Journal of the European Union L 185 of 24 May 2004)

On page 7, in Article 9, paragraph 1:

for: '1. From 1 January laying down the procedures for the exercise of implementing powers conferred 2008, it shall be prohibited to keep on board, or use for fishing, driftnets.'

read: '1. From 1 January 2008, it shall be prohibited to keep on board, or use for fishing, driftnets.'
