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⁽¹⁾ Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 28/2009

of 16 January 2009

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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 January 2009.

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

Done at Brussels, 16 January 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	147,8
	JO	75,8
	MA	43,7
	TN	134,4
	TR	99,0
	ZZ	100,1
0707 00 05	JO	155,5
	MA	110,5
	TR	153,1
	ZZ	139,7
0709 90 70	MA	147,0
	TR	129,2
	ZZ	138,1
0805 10 20	EG	44,4
	IL	56,2
	MA	61,8
	TN	49,5
	TR	69,8
	ZZ	56,3
0805 20 10	MA	86,2
	TR	58,0
	ZZ	72,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	63,2
	EG	96,8
	IL	55,0
	JM	94,4
	TR	67,7
	ZZ	75,4
0805 50 10	MA	67,1
	TR	65,6
	ZZ	66,4
0808 10 80	CA	87,4
	CN	72,5
	MK	34,7
	TR	67,5
	US	110,1
	ZZ	74,4
0808 20 50	CN	62,1
	KR	148,7
	TR	97,0
	US	110,9
	ZZ	104,7

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 29/2009**of 16 January 2009****laying down requirements on data link services for the single European sky****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

- (4) This Regulation should not cover military operations and training as referred to in Article 1(2) of Regulation (EC) No 549/2004.

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,

- (5) The early introduction of data link services to complement voice controller pilot communications in the en route phase is foreseen by the European Air Traffic Management Master Plan (the ATM Master Plan) resulting from the definition phase of the SESAR project based on Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) ⁽³⁾.

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,

- (6) Data link services should be introduced in continuous and homogeneous parts of the airspace in the single European sky, starting with high density upper airspace. Considering the importance of data link services for the further development of the European Air Traffic Management Network (hereinafter EATMN), their use should be progressively expanded to the largest part of the airspace of the single European sky as defined in Article 1(3) of Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) ⁽⁴⁾.

Whereas:

- (1) Observed and expected increases in air traffic levels within Europe require parallel increases in air traffic control capacity. This leads to a demand for operational improvements, in particular to improve efficiency of communications between controllers and pilots. Voice communications channels are becoming progressively congested and should be supplemented by air-ground data link communications.

- (7) A significant number of data link services have been defined by the International Civil Aviation Organisation (hereinafter ICAO) and by the European Organisation for Civil Aviation Equipment (hereinafter Eurocae). Only those which have been sufficiently validated at Eurocontrol level should be the subject of mandatory introduction, based on the standards defined by these organisations.

- (2) A number of studies and trials performed within the Community and Eurocontrol confirmed the capability of data link services to enable the provision of additional air traffic control capacity. These services should be introduced in a coordinated manner to optimise the potential benefits arising from them.

- (3) Eurocontrol has been mandated in accordance with Article 8(1) of Regulation (EC) No 549/2004 to develop requirements for the coordinated introduction of data link services. This Regulation is based on the resulting mandate report of 19 October 2007.

- (8) Traffic capacity increase enabled by data link services is dependent upon the percentage of flights operated with data link capability. A significant percentage of flights, not less than 75 %, should be equipped with such capability in order to allow sufficient capacity increase.

⁽¹⁾ OJ L 96, 31.3.2004, p. 26.

⁽²⁾ OJ L 96, 31.3.2004, p. 1.

⁽³⁾ OJ L 64, 2.3.2007, p. 1.

⁽⁴⁾ OJ L 96, 31.3.2004, p. 20.

- (9) Operators need sufficient notice to equip their aircraft with new capabilities, both for new aircraft and for existing fleet. This should be taken into account when setting dates for mandatory equipment.
- (10) A number of aircraft, mainly for long haul oceanic operations, have already been equipped with data link capability using standards known as Future Air Navigation Systems (FANS) 1/A. It would not be economically justified to request operators to install further data link equipment on such aircraft to comply with the requirements of this Regulation. However, convergence should be achieved in the longer term between technical solutions used for oceanic operations and those defined by this Regulation. A suitable date should therefore be set in this respect.
- (11) The conditions for the dispatch of an aircraft with data link constituents temporarily inoperative should be specified in the applicable minimum equipment list required by Annex III to Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation ⁽¹⁾ and by Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽²⁾ and its implementing rules.
- (12) Criteria for possible exemption, based in particular on economic or compelling technical considerations, should be identified allowing operators exceptionally not to equip specific types of aircraft with data link capability.
- (13) Transport type State aircraft represent the largest category of State aircraft flying as general air traffic in the airspace in which this Regulation applies. When Member States decide to equip such type of new aircraft with data link capability relying upon standards which are not specific to military operational requirements, they should implement technical solutions complying with this Regulation.
- (14) The uniform application within the airspace of the single European sky of specific procedures relating to the use of data link is critical for the achievement of interoperability and seamless operations.
- (15) ICAO has defined standardised air-ground applications context management (hereinafter CM) and controller-pilot data link communications (hereinafter CPDLC) for the introduction of data link services. Air traffic service providers and operators should support these applications and use a common standardised message set to ensure end-to-end interoperable implementations of data link services.
- (16) Several communication protocols can be used for exchanging data between air-ground applications. However a common set should be deployed as a minimum on the ground side to secure overall interoperability within the airspace of applicability of this Regulation. The protocols defined by ICAO based on the Aeronautical Telecommunication Network (hereinafter ATN) and the very high frequency digital link Mode 2 (hereinafter VDL 2) are currently considered to be the only validated solution for harmonised deployment. Member States should therefore ensure the availability of this solution.
- (17) ICAO supplementary regional procedures applicable in Europe are being modified in order to permit the mandatory carriage of data link constituents in the airspace of some Member States.
- (18) The possibility should be left for operators and organisations providing communication services for the exchange of data between air-ground applications to use different protocols other than ATN/VDL 2. These protocols should, however, comply with appropriate requirements ensuring that the end-to-end interoperability between air traffic services units and aircraft is maintained.
- (19) Air traffic service (hereinafter ATS) providers may choose to rely upon other organisations for the provision of air-ground data link communications services. To ensure appropriate safety, security and efficiency of these services, service level agreements should in this case be established between the parties concerned.
- (20) In order to ensure end-to-end interoperability of data link services, aircraft and ATS units with data link capability should be able to establish data link communications irrespective of the arrangements made by operators and ATS providers to ensure the availability of air-ground communications services. Appropriate measures should therefore be taken to this effect.

⁽¹⁾ OJ L 373, 31.12.1991, p. 4.

⁽²⁾ OJ L 79, 19.3.2008, p. 1.

- (21) The information about the data link capability of flights should be included in the flight plan, processed and transmitted between the ATS units. The logon information allowing the use of air-ground data link applications and the possibility for the next ATS unit to start exchanging data with aircraft should also be processed and transmitted between ATS units.
- (22) Measures should be taken by air navigation service providers and other entities providing air-ground data link communications services to ensure appropriate security of information exchanges.
- (23) The quality of service of air-ground data link communications should be regularly monitored by ATS providers.
- (24) A common addressing scheme should be used to identify in an unambiguous manner all air and ground stations concerned by data link exchanges.
- (25) With a view to maintaining or enhancing existing safety levels of operations, Member States should be required to ensure that the parties concerned carry out a safety assessment, including hazard identification, risk assessment and mitigation processes.
- (26) 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 the conformity or suitability for use of constituents as well as the verification of systems.
- (27) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down requirements for the coordinated introduction of data link services based on air-ground point-to-point data communications as defined in Article 2(5).

2. This Regulation shall apply to:

- (a) flight data processing systems, their constituents and associated procedures, and human-machine interface systems, their constituents and associated procedures, serving air traffic control units providing services to general air traffic;
- (b) airborne human-machine interface constituents and associated procedures;
- (c) air-ground communication systems, their constituents and associated procedures.

3. This Regulation shall apply to all flights operating as general air traffic in accordance with instrument flight rules within the airspace above FL 285 defined in Annex I, Part A.

In addition, it shall apply from 5 February 2015 to all flights operating as general air traffic in accordance with instrument flight rules within the airspace above FL 285 defined in Annex I, Part B.

4. This Regulation shall apply to air traffic service providers (hereinafter ATS providers) providing services to general air traffic within the airspace referred to in paragraph 3 and in accordance with the relevant dates of application.

Article 2

Definitions

For the purpose of this Regulation the definitions in Article 2 of Regulation (EC) No 549/2004 shall apply.

The following definitions shall also apply:

- 1. 'data link service' means a set of related air traffic management transactions, supported by air-ground data link communications, which have a clearly defined operational goal and begin and end on an operational event;
- 2. 'operator' means a person, organisation or enterprise engaged in, or offering to engage in, an aircraft operation;
- 3. 'air traffic services unit' (hereinafter ATS unit) means a unit, civil or military, responsible for providing air traffic services;

4. 'service level agreement' means that part of a service contract between organisations in which a certain level of service is agreed, in particular in relation to the quality and performance of the data communications service;
 5. 'air-ground point-to-point data communication' means a two-way communication between an aircraft and a ground communication entity relying upon a set of distributed functions to achieve:
 - (a) the transmission and reception of uplink and downlink bit frames over a mobile data link between ground and aircraft communication systems;
 - (b) the transmission and reception of data units between ground and aircraft systems hosting the air-ground applications with:
 - (i) the relay of data units throughout ground communication paths and mobile data links;
 - (ii) the cooperative mechanisms of both ends for the transport of data units;
 6. 'State aircraft' means any aircraft used for military, customs and police;
 7. 'transport type State aircraft' means fixed wing State aircraft that are designed for the purpose of transporting persons and/or cargo;
 8. 'air-ground application' means a set of cooperative air-ground functions in support of air traffic services;
 9. 'end-to-end communication' means the transfer of information between peer air-ground applications;
 10. 'air-ground communication' means a two-way communication between aircraft and ground communication systems;
 11. 'security policy' means a set of objectives, rules of behaviour for users and administrators, and requirements for system configuration and management that collectively are designed to safeguard systems and communication resources concerned with the provision of data link services against acts of unlawful interference;
 12. 'addressing information' means information pertaining to the system or network address of an entity participating in air-ground data link communication and enabling the location of the entity to be unambiguously determined;
 13. '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;
 14. 'inoperative' in relation to an airborne constituent means that the constituent does not accomplish its intended purpose or is not consistently functioning within its operating limits or tolerances.
- Article 3*

Data link services
1. ATS providers shall ensure that ATS units providing air traffic services within the airspace referred to in Article 1(3) have the capability to provide and operate the data link services defined in Annex II.
 2. Without prejudice to paragraph 4 of this Article, operators shall ensure that aircraft operating flights referred to in Article 1(3) with an individual certificate of airworthiness first issued on or after 1 January 2011 have the capability to operate the data link services defined in Annex II.
 3. Without prejudice to paragraph 4 of this Article, operators shall ensure that aircraft operating flights referred to in Article 1(3) with an individual certificate of airworthiness first issued before 1 January 2011 have the capability to operate the data link services defined in Annex II as from 5 February 2015.

4. Paragraphs 2 and 3 shall not apply to the following:

- (a) aircraft with an individual certificate of airworthiness first issued before 1 January 2014 and fitted with data link equipment certified against the requirements of one of the Eurocae documents specified in point 10 of Annex III;
- (b) aircraft which have an individual certificate of airworthiness first issued before 1 January 1998 and which will cease operation in the airspace referred to in Article 1(3) by 31 December 2017;
- (c) State aircraft;
- (d) aircraft flying in the airspace referred to in Article 1(3) for testing, delivery or for maintenance purposes or with data link constituents temporarily inoperative under conditions specified in the applicable minimum equipment list required by point 1 of Annex III to this Regulation and by Regulation (EC) No 216/2008 and its implementing rules.

5. Member States which decide to equip new transport type State aircraft entering into service from 1 January 2014 with data link capability relying upon standards which are not specific to military operational requirements, shall ensure that those aircraft have the capability to operate the data link services defined in Annex II.

Article 4

Associated procedures

ATS providers providing air traffic services and operators using air traffic services supported by the data link services defined in Annex II shall apply common standardised procedures consistent with relevant provisions of the International Civil Aviation Organisation (hereinafter ICAO) for:

- 1. the establishment of controller — pilot data link communications (hereinafter CPDLC);
- 2. the exchange of operational CPDLC messages;
- 3. the transfer of CPDLC;
- 4. the temporary discontinuation of the use of CPDLC pilot requests;
- 5. failure and shutdown of CPDLC;

6. the filing of flight plans regarding information pertaining to data link capability.

Article 5

Obligations of ATS providers for data link communications

1. ATS providers shall ensure that the ground systems referred to in Article 1(2) and their constituents support the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III.

2. ATS providers shall ensure that the ground systems referred to in Article 1(2)(c) and their constituents apply end-to-end communications in compliance with the requirements of Part A of Annex IV for data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III.

3. ATS providers that rely upon other organisations for the provision of communication services for data exchanges with aircraft which are necessary for air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III shall ensure that those services are provided in accordance with the terms and conditions of a service level agreement, including in particular:

- (a) the description of communication services in accordance with the requirements of the data link services defined in Annex II;
- (b) the description of the security policy put in place to secure data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III;
- (c) the relevant materials to be supplied for the monitoring of the quality of service and performances of communication services.

4. ATS providers shall make appropriate arrangements to ensure that data exchanges can be established with all aircraft flying in the airspace under their responsibility and having data link capability in accordance with the requirements of this Regulation, with due regard to possible coverage limitations inherent in the communication technology used.

5. ATS providers shall implement in their flight data processing systems the log on forward and next authority notification processes between ATC units in accordance with Commission Regulation (EC) No 1032/2006 ⁽¹⁾ as far as the requirements for automatic systems for the exchange of flight data supporting data link services are concerned.

6. ATS providers shall monitor the quality of service of communication services and verify their conformance with the level of performance required for the operational environment under their responsibility.

Article 6

Obligations of operators for data link communications

1. Operators shall ensure that airborne systems referred to in Article 1(2)(c) and their constituents installed on-board aircraft referred to in Article 3(2) and (3) support the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III.

2. Operators shall ensure that airborne systems referred to in Article 1(2)(c) and their constituents installed on-board aircraft referred to in Article 3(2) and (3) apply end-to-end communications in compliance with the requirements of Part A of Annex IV for data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III.

3. Operators shall ensure that airborne systems referred to in Article 1(2)(c) and their constituents installed on-board aircraft referred to in Article 3(2) and (3) apply air-ground communications in compliance with the requirements of Part B or Part C of Annex IV for data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III.

4. Operators referred to in paragraph 3 shall make appropriate arrangements to ensure that data exchanges can be established between their aircraft having data link capability and all ATS units which may control the flights they operate in the airspace referred to in Article 1(3), with due regard to possible coverage limitations inherent in the communication technology used.

Article 7

General obligations of Member States for data link communications

1. Member States which have designated ATS providers in the airspace referred to in Article 1(3) shall ensure that air-

ground communications services applying the requirements of Part B of Annex IV are available to operators for aircraft flying within that airspace under their responsibility for data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III, with due regard to possible coverage limitations inherent in the communication technology used.

2. Member States shall ensure that air navigation service providers and other entities providing communication services implement an appropriate security policy for data exchanges of the data link services defined in Annex II, notably by applying common security rules to protect distributed physical resources supporting those data exchanges.

3. Member States shall ensure that harmonised procedures apply for the management of addressing information in order to unambiguously identify air and ground communications systems supporting data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III.

Article 8

Data link communication for transport type State aircraft

1. Member States shall ensure that airborne systems referred to in Article 1(2)(c) and their constituents installed on-board transport type State aircraft referred to in Article 3(5) support the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III.

2. Member States shall ensure that airborne systems referred to in Article 1(2)(c) and their constituents installed on-board transport type State aircraft referred to in Article 3(5) apply end-to-end communications in compliance with requirements of Part A of Annex IV for data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III.

3. Member States shall ensure that airborne systems referred to in Article 1(2)(c) and their constituents installed on-board transport type State aircraft referred to in Article 3(5) apply air-ground communications in compliance with requirements specified in Part B or Part C of Annex IV for data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III.

⁽¹⁾ OJ L 186, 7.7.2006, p. 27.

*Article 9***Obligations of air navigation services providers and other entities for data link communications**

Air navigation service providers and other entities providing communication services for data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III shall ensure that the ground systems referred to in Article 1(2)(c) apply air-ground communications in compliance with requirements of Part B or Part C of Annex IV.

*Article 10***Safety requirements**

Member States shall take the necessary measures to ensure that any changes to the existing systems referred to in Article 1(2) or the introduction of new systems are preceded by a safety assessment, including hazard identification, risk assessment and mitigation, conducted by the parties concerned.

*Article 11***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) of this Regulation, or their authorised representatives established in the Community, shall assess the conformity or suitability for use of those constituents in accordance with the requirements set out in Annex V.

However, certification airworthiness processes complying with Regulation (EC) No 216/2008, when applied to airborne constituents referred to in Article 1(2)(b) and (c) of this Regulation, shall be considered acceptable procedures for the conformity assessment of those constituents if they include the demonstration of compliance with the interoperability, performance and safety requirements of this Regulation.

*Article 12***Verification of systems**

1. Air navigation service providers who demonstrate or have demonstrated that they fulfil the conditions set out in Annex VI shall conduct a verification of the systems referred to Article 1(2)(a) and (c) in compliance with the requirements set out in Part A of Annex VII.

2. Air navigation service providers which cannot demonstrate that they fulfil the conditions set out in Annex VI shall

subcontract to a notified body a verification of the systems referred to in Article 1(2)(a) and (c). That verification shall be conducted in accordance with the requirements set out in Part B of Annex VII.

*Article 13***Additional requirements**

1. ATS providers shall ensure that air-ground data exchanges of the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III, are recorded in accordance with the ICAO standards specified in points 6, 7 and 8 of Annex III, insofar as they relate to the ground-based recording function of data link communications.

2. The Eurocae document specified in point 9 of Annex III shall be considered sufficient means of compliance with regard to the requirements for recording of air-ground data exchanges referred to in paragraph 1 identified in the ICAO standards specified in points 6, 7 and 8 of Annex III.

3. ATS providers shall:

(a) develop and maintain operations manuals containing the necessary instructions and information to enable all personnel concerned to apply 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 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 all personnel concerned to apply 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 this Regulation.

5. Air navigation service providers shall ensure that all personnel concerned are made duly aware of the relevant provisions of this Regulation and that they are adequately trained for their job functions.

6. Operators shall take the necessary measures to ensure that the personnel operating data link equipment are made duly aware of this Regulation and that they are adequately trained for their job functions, and that instructions about how to use data link equipment are available in the cockpit where feasible.

7. Member States shall take the necessary measures to ensure that the personnel involved in flight planning who operate the IFPS are made duly aware of the requirements laid down in this Regulation and that they are adequately trained for their job functions.

8. Member States shall ensure that relevant information on the use of data link services is published in the national aeronautical information publications.

Article 14

Exemptions

1. When particular circumstances, based on the criteria defined in paragraph 3, prevent aircraft of specific types from complying with the requirements of this Regulation, the Member States concerned shall communicate to the

Commission by 31 December 2012 at the latest, detailed information justifying the need for granting exemptions to these aircraft types.

2. The Commission shall examine the requests for exemption referred to in paragraph 1 and, following consultation with the parties concerned, shall adopt a decision in accordance with the procedure referred to in Article 5(3) of Regulation (EC) No 549/2004.

3. The criteria referred to in paragraph 1 shall be the following:

- (a) aircraft types reaching the end of their production life and being produced in limited numbers; and
- (b) aircraft types for which re-engineering costs required would be disproportionate due to old design.

Article 15

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*.

This Regulation shall apply from 7 February 2013.

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

Done at Brussels, 16 January 2009.

For the Commission

Antonio TAJANI

Vice-President

ANNEX I

Airspace referred to in Article 1(3)

PART A

The airspace referred to in Article 1(3)(a) shall include the airspace above FL 285 within the following Flight Information Regions (FIR) and Upper Flight Information Regions (UIR):

- Amsterdam FIR,
- Wien FIR,
- Barcelona UIR,
- Brindisi UIR,
- Brussels UIR,
- Canarias UIR,
- France UIR,
- Hannover UIR,
- Lisboa UIR,
- London UIR,
- Madrid UIR,
- Milano UIR,
- Rhein UIR,
- Roma UIR,
- Scottish UIR,
- Shannon UIR.

PART B

The airspace referred to in Article 1(3)(b) shall include the airspace above FL 285 defined in Part A and in addition, the following Flight Information Regions and Upper Flight Information Regions:

- Bratislava FIR,
 - Bucuresti FIR,
 - Budapest FIR,
 - Kobenhavn FIR,
 - Ljubljana FIR,
 - Nicosia FIR,
 - Praha FIR,
 - Sofia FIR,
 - Warszawa FIR,
 - Finland UIR south of 61°30',
 - Hellas UIR,
 - Malta UIR,
 - Riga UIR,
 - Sweden UIR south of 61°30',
 - Tallinn UIR,
 - Vilnius UIR.
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ANNEX II

Definition of data link services referred to in Articles 3, 4, 5 and 7 and Annex IV**1. Definition of Data Link Communications Initiation Capability (DLIC)**

The DLIC service shall enable the exchange of the necessary information for the establishment of data link communications between ground and aircraft data link systems.

The DLIC service shall be available to support:

- the unambiguous association of flight data from the aircraft with flight plan data used by an ATS unit,
- the exchange of the supported air-ground application type and version information,
- and the delivery of the addressing information of the entity hosting the application.

The exchanges between airborne and ground data link systems for the execution of DLIC service shall comply with:

- operating methods, time sequence diagrams and messages for the DLIC initiation and DLIC contact functions specified in Section 4.1 of the Eurocae document identified in point 11 of Annex III,
- safety requirements specified in Section 4.2.2 of the Eurocae document identified in point 11 of Annex III,
- performance requirements specified in Section 4.3.2 of the Eurocae document identified in point 11 of Annex III.

2. Definition of ATC Communications Management service (ACM)

The ACM service shall provide automated assistance to flight crews and air traffic controllers for conducting the transfer of ATC communications (voice and data) comprising:

- the initial establishment of CPDLC with an ATS unit,
- the transfer of CPDLC and voice for a flight from one ATS unit to the next ATS unit, or to instruct a change of voice channel within an ATS unit or sector,
- the normal termination of CPDLC with an ATS unit.

The exchanges between airborne and ground data link systems for the execution of ACM service shall comply with:

- operating methods and time sequence diagrams specified in Sections 5.1.1.1.1 to 5.1.1.1.7 and 5.1.1.2 of the Eurocae document identified in point 11 of Annex III,
- safety requirements specified in Section 5.1.2.3 of the Eurocae document identified in point 11 of Annex III, excluding requirements relating to downstream clearance,
- performance requirements for the en route phase specified in Section 5.1.3.2 of the Eurocae document identified in point 11 of Annex III.

3. Definition of ATC Clearances and Information service (ACL)

The ACL service shall provide flight crews and controllers with the ability to conduct operational exchanges comprising:

- requests and reports from flight crews to air traffic controllers,
- clearances, instructions and notifications issued by air traffic controllers to flight crews.

The exchanges between airborne and ground data link systems for the execution of ACL service shall comply with:

- operating methods and time sequence diagrams specified in Sections 5.2.1.1.1 to 5.2.1.1.4 and 5.2.1.2 of the Eurocae document identified in point 11 of Annex III,

- a common subset of the message elements specified in Section 5.2.1.1.5 of the Eurocae document identified in point 11 of Annex III as appropriate to the en route operational environment,
- safety requirements specified in Section 5.2.2.3 of the Eurocae document identified in point 11 of Annex III,
- performance requirements for the en route phase specified in Section 5.2.3.2 of the Eurocae document identified in point 11 of Annex III.

4. *Definition of ATC Microphone Check service (AMC)*

The AMC service shall provide air traffic controllers with the capability to send an instruction to several data link equipped aircraft, at the same time, in order to instruct flight crews to verify that their voice communication equipment is not blocking a given voice channel.

This instruction shall only be issued to those aircraft tuned to the frequency that is blocked.

The exchanges between airborne and ground data link systems for the execution of AMC service shall comply with:

- operating methods and time sequence diagrams specified in Sections 5.3.1.1.1, 5.3.1.1.2 and 5.3.1.2 of the Eurocae document identified in point 11 of Annex III,
 - safety requirements specified in Section 5.3.2.3 of the Eurocae document identified in point 11 of Annex III,
 - performance requirements specified in Section 5.3.3.2 of the Eurocae document identified in point 11 of Annex III.
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ANNEX III

ICAO provisions referred to in Articles 3, 5, 6, 7, 8, 9 and 13 and Annex IV**Eurocae documents referred to in Articles 3 and 13 and Annex II**

1. Subpart B, OPS 1 030, of Annex III to Regulation (EEC) No 3922/91.
 2. Chapter 3 – Aeronautical Telecommunication Network, Section 3.5.1.1 ‘Context Management’ (CM) application items (a) and (b) of ICAO Annex 10 – Aeronautical Telecommunications – Volume III, Part I (Digital Data Communication Systems) (First edition July 1995 incorporating Amendment 81 (23.11.2006)).
 3. Chapter 3 – Aeronautical Telecommunication Network, Section 3.5.2.2 ‘Controller-Pilot Data Link Communications’ (CPDLC) application items (a) and (b) of ICAO Annex 10 – Aeronautical Telecommunications – Volume III, Part I (Digital Data Communication Systems) (First edition July 1995 incorporating Amendment 81 (23.11.2006)).
 4. Chapter 3 – Aeronautical Telecommunication Network, Sections 3.3, 3.4 and 3.6 of ICAO Annex 10 – Aeronautical Telecommunications – Volume III, Part I (Digital Data Communication Systems) (First edition July 1995 incorporating Amendment 81 (23.11.2006)).
 5. Chapter 6 – VHF air-ground digital link (VDL) of ICAO Annex 10 – Aeronautical Telecommunications – Volume III, Part I (Digital Data Communication Systems) (First edition July 1995 incorporating Amendment 81 (23.11.2006)).
 6. Chapter 3 – General procedures for the international aeronautical telecommunication service, Section 3.5.1.5 of ICAO Annex 10 – Aeronautical Telecommunications – Volume II, (Communication Procedures) (Sixth edition October 2001 incorporating Amendment 81 (23.11.2006)).
 7. Chapter 2 – General – Sections 2.25.3 of ICAO Annex 11 – Air Traffic Services (13th edition July 2001 incorporating Amendment 45 (16.7.2007)).
 8. Chapter 6 – Air traffic services requirements for communications – Sections 6.1.1.2, of ICAO Annex 11 – Air Traffic Services (13th edition – July 2001 incorporating Amendment 45 (16.7.2007)).
 9. Eurocae ED-111, Functional specifications for CNS/ATM ground recording, July 2002, including Amendment 1 (30.7.2003).
 10. Eurocae ED-100 (September 2000) and ED-100A (April 2005), Interoperability requirements for ATS applications using ARINC 622 Data Communications.
 11. Eurocae ED-120 Safety and Performance Requirements Standard for Air Traffic Data Link Services in Continental Airspace, published in May 2004, including Change 1, published in April 2007, and Change 2, published in October 2007.
-

ANNEX IV

Requirements referred to in Articles 5, 6, 7, 8 and 9**Part A: Requirements for end-to-end communications**

1. End-to-end data communications shall ensure seamless provision and use of communication services in the airspace referred to in Article 1(3).
2. End-to-end data communications shall support the exchange of messages in support of the data link services defined in Annex II, in accordance with a common standardised messages set.
3. End-to-end data communications shall support a common standardised end-to-end protection mechanism to ensure the integrity of messages received consistent with safety requirements of the data link services defined in Annex II.

Part B: Requirements for air-ground communications based on ATN and VDL Mode 2

1. Air-ground communications shall be designed to support end-to-end communications and to ensure seamless provision and use of communications services to air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III in the airspace referred to in Article 1(3).
2. Air-ground communications shall comply with safety and performance requirements of the data link services defined in Annex II.
3. Air-ground communications shall be based on a common addressing scheme.
4. The transmission and reception of data units between ground and aircraft systems hosting the air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III shall be based on communication protocols which comply with the ICAO standards defining the Aeronautical Telecommunication Network referred to in point 4 of Annex III.
5. The ground and aircraft communication system characteristics and the transmission and reception of bit frames between ground and aircraft communication systems shall comply with the ICAO standards defining the very high frequency digital link, VDL Mode 2, referred to in point 5 of Annex III.

Part C: Requirements for air-ground communications based on other communication protocols

1. Air-ground communications shall be designed to support end-to-end communications and to ensure seamless provision and use of communications services to air-ground applications defined in the ICAO standards specified in points 2 and 3 of Annex III in the airspace referred to in Article 1(3).
2. Air-ground communications shall comply with safety and performance requirements of the data link services defined in Annex II.
3. Air-ground communications shall be based on a common addressing scheme.
4. The transmission and reception of bit frames between ground and aircraft communication systems shall be based on communication protocols fulfilling the conditions set out in Part D.

Part D: Conditions referred to in Part C

1. Communication protocols must support end-to-end communications.
 2. Communication protocols must be subject to a safety case to demonstrate compliance with safety and performance requirements of the data link services defined in Annex II.
 3. Communication protocols must support bidirectional point-to-point communications using those parts of the radio frequency spectrum identified by ICAO as suitable for air-ground data communications in support of air traffic services.
 4. Communication protocols must include a mechanism to manage mobile connectivity between ground and airborne stations in a transparent way.
 5. Communication protocols must be specified and validated with respect to airworthiness regulations and operational approval regulations applicable to aircraft communication equipment.
 6. Communication systems supporting these protocols must not create harmful effects on airborne and ground installations supporting VDL 2.
-

ANNEX V

Requirements for the assessment referred to in Article 11 of the conformity or suitability for use of constituents

1. The verification activities shall demonstrate the conformity or suitability for use of constituents implementing the data link services, end-to-end communications and air-ground communications with the applicable requirements of this Regulation whilst those 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 data link services, end-to-end communications and air-ground communications, integrated in the test environment meet the applicable 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 the applicable requirements of this Regulation met by the constituent and its associated conditions of use in accordance with point 3 of Annex III to Regulation (EC) No 552/2004.
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ANNEX VI

Conditions referred to in Article 12

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 judgement 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 of such checks.
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ANNEX VII

Part A: Requirements for the verification of systems referred to in Article 12(1)

1. The verification of systems identified in Article 1(2) shall demonstrate the conformity of these systems with the applicable requirements of this Regulation in an assessment environment that reflects the operational context of these systems.
2. The verification of systems identified in Article 1(2) shall be conducted in accordance with appropriate and recognised testing practices.
3. Test tools used for the verification of systems identified in Article 1(2) shall have appropriate functionalities.
4. The verification of systems identified in Article 1(2) shall produce the elements of the technical file required by point 3 of Annex IV to Regulation (EC) No 552/2004, including 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 operational and technical assessment environment reflecting the operational environment,
 - verify that the test plan describes the integration of systems identified in Article 1(2) in an operational and technical assessment environment,
 - verify that the test plan provides full coverage of the interoperability and performance 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 systems identified in Article 1(2) operated in an operational assessment environment meet the applicable 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 required by Article 6 of Regulation (EC) No 552/2004.

Part B: requirements for the verification of systems referred to in Article 12(2)

1. The verification of systems identified in Article 1(2) shall demonstrate the conformity of these systems with the applicable requirements of this Regulation in an assessment environment that reflects the operational context of these systems.
2. The verification of systems identified in Article 1(2) shall be conducted in accordance with appropriate and recognised testing practices.
3. Test tools used for the verification of systems identified in Article 1(2) shall have appropriate functionalities.
4. The verification of systems identified in Article 1(2) shall produce the elements of the technical file required by point 3 of Annex IV to Regulation (EC) No 552/2004, including 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 operational and technical assessment 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 systems identified in Article 1(2) in an operational and technical assessment environment,
 - verify that the test plan provides full coverage of the 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 systems identified in Article 1(2) operated in an operational assessment environment meet the applicable 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 required by Article 6 of Regulation (EC) No 552/2004.
-

COMMISSION REGULATION (EC) No 30/2009**of 16 January 2009****amending Regulation (EC) No 1032/2006 as far as the requirements for automatic systems for the exchange of flight data supporting data link services are concerned****(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 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) In order to enable the use of air-ground data link applications, area control centres providing data link services in accordance with Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky ⁽³⁾ should have access on time to the appropriate flight information.
- (2) In order to enable the next air traffic control unit to start exchanging data with the aircraft, where area control centres concerned do not have an in-common data link connectivity service, automated processes related to logon information and communication with the next authority should be implemented.
- (3) Eurocontrol has been mandated in accordance with Article 8(1) of Regulation (EC) No 549/2004 to develop requirements for the coordinated introduction

of data link services. This Regulation is based on the resulting mandate report of 19 October 2007.

- (4) 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 ⁽⁴⁾ should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1032/2006 is amended as follows:

1. in Article 3, the following paragraph 4 is added:

‘4. Air navigation service providers providing data link services in accordance with Regulation (EC) No 29/2009 shall ensure that the systems referred to in Article 1(2)(a) and serving area control centres, comply with the interoperability and performance requirements specified in Annex I, Parts A and D.’;

2. Annexes I and III are amended as set out in the Annex 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, 16 January 2009.

For the Commission

Antonio TAJANI

Vice-President

⁽¹⁾ OJ L 96, 31.3.2004, p. 26.

⁽²⁾ OJ L 96, 31.3.2004, p. 1.

⁽³⁾ See page 3 of this Official Journal.

⁽⁴⁾ OJ L 186, 7.7.2006, p. 27.

ANNEX

Annexes I and III to Regulation (EC) No 1032/2006 are amended as follows:

1. in Annex I, the following Part D is added:

PART D: REQUIREMENTS FOR PROCESSES SUPPORTING DATA LINK SERVICES

1. LOGON FORWARD

1.1. Flight information concerned

1.1.1. The information subject to the logon forward process shall include as a minimum:

- aircraft identification,
- departure aerodrome,
- destination aerodrome,
- logon type,
- logon parameters.

1.2. Rules of application

1.2.1. One logon forward process shall be performed for each data-link logged-on flight planned to cross the boundary.

1.2.2. The logon forward process shall be initiated at or as soon as possible after the earlier of the times determined from the following:

- a parameter number of minutes before the estimated time at the coordination point,
- the time at which the flight is at a bilaterally agreed distance from the coordination point,

in accordance with the letters of agreement.

1.2.3. Eligibility criteria for the logon forward process shall be in accordance with the letters of agreement.

1.2.4. The logon forward information shall be included with the corresponding flight information in the receiving unit.

1.2.5. The logged-on status of the flight may be displayed at the appropriate working position within the receiving unit.

1.2.6. Completion of the logon forward process, including confirmation from the receiving unit shall be provided to the transferring unit.

1.2.7. Failure of the logon forward process to confirm completion, within the applicable quality of service requirements, shall result in the initiation of an air-ground data link contact request to the aircraft.

2. NEXT AUTHORITY NOTIFIED

2.1. Flight information concerned

2.1.1. The information subject to the next authority notified process shall include as a minimum:

- aircraft identification,
- departure aerodrome,
- destination aerodrome.

2.2. Rules of application

- 2.2.1. One next authority notified process shall be performed for each eligible flight crossing the boundary.
- 2.2.2. The next authority notified process shall be initiated after the next data authority request with the aircraft has been acknowledged by the airborne system.
- 2.2.3. Following the successful processing of the next authority notified information the receiving unit shall initiate a controller pilot data link communication (CPDLC) start request with the aircraft.
- 2.2.4. If the next authority notified information has not been received within a bilaterally agreed parameter time, local procedures shall be applied by the receiving unit for the initiation of data link communications with the aircraft.
- 2.2.5. Completion of the next authority notified process, including confirmation from the receiving unit shall be provided to the transferring unit.
- 2.2.6. Failure of the next authority notified process to confirm completion, within the applicable quality of service requirements shall result in the initiation of local procedures in the transferring unit.’;

2. in Annex III, points 2 and 3 are replaced by the following:

- ‘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 and 1.2.6, 1.2.7, 2.2.5 and 2.2.6 of Annex I, Part D shall also be considered as safety requirements.
 - 3. For the revision of coordination, abrogation of coordination, basic flight data, change to basic flight data, logon forward and next authority notified processes, the quality of service requirements specified in Annex II shall also be considered as safety requirements.’.
-

COMMISSION REGULATION (EC) No 31/2009**of 16 January 2009****on the issue of licences for importing rice under the tariff quotas opened for the January 2009 subperiod by Regulation (EC) No 1529/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1529/2007 of 21 December 2007 opening and providing for the administration of import quotas for rice originating in the ACP States which are part of the CARIFORUM region and the overseas countries and territories (OCTs) ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 1529/2007 opens and provides for the administration of an annual import tariff quota for 2009 of 250 000 tonnes of rice, in husked-rice equivalent, originating in States that are part of the CARIFORUM region (order number 09.4220), an import tariff quota of 25 000 tonnes of rice, in husked-rice equivalent, originating in the Netherlands Antilles and Aruba (order number 09.4189) and an import tariff quota of 10 000 tonnes of rice, in husked-rice equivalent, originating in the least developed OCTs (order number 09.4190).

- (2) January is the first subperiod for these quotas laid down in Article 1(1) and (2) of Regulation (EC) No 1529/2007.

- (3) The notification sent in accordance with Article 6(a) of Regulation (EC) No 1529/2007 shows that, for the quotas with order numbers 09.4220 — 09.4189 — 09.4190, the applications lodged in the first seven days of January 2009 under Article 2(1) of the Regulation cover a quantity, in husked-rice equivalent, lower than or equal to that available.

- (4) The total quantities available for the following subperiod should therefore be fixed for the quotas with order numbers 09.4220 — 09.4189 — 09.4190, in accordance with Article 4(1) of Regulation (EC) No 1529/2007,

HAS ADOPTED THIS REGULATION:

Article 1

The total quantities available for the following subperiod under the quotas with order numbers 09.4220 — 09.4189 — 09.4190 as referred to in Regulation (EC) No 1529/2007 are set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 January 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 348, 31.12.2007, p. 155.

ANNEX

**Quantities to be allocated for the January 2009 subperiod and quantities available for the following subperiod
under Regulation (EC) No 1529/2007**

Origin/product	Order number	Allocation coefficient for the January 2009 subperiod	Total quantities available for the May 2009 subperiod (kg)
States forming part of the CARIFORUM region (Article 1(1)(b) of Regulation (EC) No 1529/2007)	09.4220	— ⁽²⁾	112 436 747
— CN codes 1006, except CN code 1006 10 10			
OCTs (Article 1(2)(a) and (b) of Regulation (EC) No 1529/2007)			
— CN code 1006			
(a) Netherlands Antilles and Aruba:	09.4189	— ⁽²⁾	15 167 000
(b) least developed OCTs:	09.4190	— ⁽¹⁾	6 667 000

⁽¹⁾ No allocation coefficient applied for this subperiod: no licence applications were sent to the Commission.

⁽²⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

COMMISSION REGULATION (EC) No 32/2009**of 16 January 2009****on the issuing of import licences for applications lodged during the first seven days of January 2009 under the tariff quota opened by Regulation (EC) No 1498/2007 for sugar and sugar and cocoa mixtures with ACP/OCT or EC/OCT cumulation of origin**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community⁽¹⁾, and in particular the fifth subparagraph of Article 6(4) of Annex III thereto,

Whereas:

(1) Commission Regulation (EC) No 1498/2007 of 18 December 2007 laying down specific rules for issuing import licences for sugar and sugar and cocoa mixtures with ACP/OCT or EC/OCT cumulation of origin⁽²⁾ opened a tariff quota for the import of products from the sugar sector. Article 1 of that Regulation stipulates that Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences⁽³⁾ shall apply to the import of products falling within CN Chapter 17 and CN codes 1806 10 30 and 1806 10 90 with ACP/OCT or EC/OCT cumulation of origin.

(2) Article 7(2) of Regulation (EC) No 1301/2006 provides that where the quantities covered by licence applications exceed the quantities available for the import tariff quota

period or subperiod, the Commission shall fix an allocation coefficient, which the Member States shall apply to the quantities covered by each licence application.

(3) The applications for import licences lodged during the first seven days of January 2009 for the subperiod 1 January to 31 March 2009 relate to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, and the submission of new licence applications for 2009 suspended,

HAS ADOPTED THIS REGULATION:

Article 1

With regard to import licence applications under the quota bearing the serial number 09.4652 and lodged pursuant to Regulation (EC) No 1498/2007 for the subperiod 1 January to 31 March 2009, licences shall be issued for the quantities requested, subject to the application of an allocation coefficient of 68,292682 %.

The submission of further applications for 2009 is hereby suspended.

Article 2

This Regulation shall enter into force on 17 January 2009.

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

Done at Brussels, 16 January 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 314, 30.11.2001, p. 1.

⁽²⁾ OJ L 333, 19.12.2007, p. 6.

⁽³⁾ OJ L 238, 1.9.2006, p. 13.

COMMISSION REGULATION (EC) No 33/2009

of 16 January 2009

fixing the allocation coefficient to be applied to applications for import licences for olive oil lodged from 12 to 13 January 2009 under the Tunisian tariff quota and suspending the issue of import licences for the month of January 2009

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) Article 3(1) and (2) of Protocol No 1 ⁽³⁾ to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part ⁽⁴⁾, opens a tariff quota at a zero rate of duty for imports of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transported direct from that country to the Community, up to the limit laid down for each year.
- (2) Article 2(2) of Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for

olive oil originating in Tunisia ⁽⁵⁾ lays down monthly quantitative limits for the issue of import licences.

- (3) Import licence applications have been submitted to the competent authorities under Article 3(1) of Regulation (EC) No 1918/2006 in respect of a total quantity exceeding the limit laid down for the month of January in Article 2(2) of that Regulation.
- (4) In these circumstances, the Commission must set an allocation coefficient allowing import licences to be issued in proportion to the quantity available.
- (5) Since the limit for the month of January has been reached, no more import licences can be issued for that month,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications were lodged from 12 to 13 January 2009 under Article 3(1) of Regulation (EC) No 1918/2006 shall be multiplied by an allocation coefficient of 99,276933 %.

The issue of import licences in respect of amounts applied for as from 19 January 2009 shall be suspended for January 2009.

Article 2

This Regulation shall enter into force on 17 January 2009.

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

Done at Brussels, 16 January 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 97, 30.3.1998, p. 57.

⁽⁴⁾ OJ L 97, 30.3.1998, p. 2.

⁽⁵⁾ OJ L 365, 21.12.2006, p. 84.

COMMISSION REGULATION (EC) No 34/2009**of 16 January 2009****on the issuing of import licences for applications lodged during the first seven days of January 2009
under tariff quotas opened by Regulation (EC) No 616/2007 for poultry meat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas for poultry meat originating in Brazil, Thailand and other third countries ⁽³⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 616/2007 opened tariff quotas for imports of products in the poultry meat sector.
- (2) The applications for import licences lodged during the first seven days of January 2009 for the subperiod 1 April to 30 June 2009 relate, for some quotas, to quantities exceeding those available. The extent to which licences may be issued should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for.

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod 1 April to 30 June 2009 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 January 2009.

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

Done at Brussels, 16 January 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 142, 5.6.2007, p. 3.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.4.2009-30.6.2009 (%)
1	09.4211	0,552846
2	09.4212	(¹)
4	09.4214	54,279973
5	09.4215	63,441000
6	09.4216	(²)
7	09.4217	50,711918
8	09.4218	(²)

(¹) Not applied: no licence application has been sent to the Commission.

(²) Not applied: the applications do not cover the total quantity available.

COMMISSION REGULATION (EC) No 35/2009
of 16 January 2009
amending Regulation (EC) No 27/2009 fixing the import duties in the cereals sector applicable from
16 January 2009

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽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 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector applicable from 16 January 2009 were fixed by Commission Regulation (EC) No 27/2009 ⁽³⁾.

- (2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EC) No 27/2009.

- (3) Regulation (EC) No 27/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 27/2009 are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 17 January 2009.

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

Done at Brussels, 16 January 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 161, 29.6.1996, p. 125.

⁽³⁾ OJ L 11, 16.1.2009, p. 3.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 17 January 2009

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	14,73
1005 10 90	Maize seed other than hybrid	19,25
1005 90 00	Maize, other than seed ⁽²⁾	19,25
1007 00 90	Grain sorghum other than hybrids for sowing	14,73

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

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

15.1.2009

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

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	192,81	116,44	—	—	—	—
Fob price USA	—	—	230,68	220,68	200,68	134,51
Gulf of Mexico premium	57,28	13,93	—	—	—	—
Great Lakes premium	—	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (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 costs: Gulf of Mexico–Rotterdam: 9,94 EUR/t

Freight costs: Great Lakes–Rotterdam: 7,07 EUR/t

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 13 January 2009

amending Decisions 2001/881/EC and 2002/459/EC as regards the list of border inspection posts in Germany, France, Italy and Austria

(notified under document number C(2008) 8995)

(Text with EEA relevance)

(2009/38/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 20(3) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, and in particular the second subparagraph of Article 6(4) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, and in particular the introductory phrase and Article 6(2)(b) thereof,

Whereas:

- (1) Commission Decision 2001/881/EC of 7 December 2001 drawing up a list of border inspection posts

agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission ⁽⁴⁾ sets out a list of border inspection posts for veterinary checks on live animals and animal products introduced into the Community from third countries in the Annex to that Decision (the list of border inspection posts).

- (2) The list of border inspection posts includes the Traces unit number for each border inspection post. Traces is a computerised system introduced by Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC ⁽⁵⁾. It replaces the previous Animo system, based on the network introduced by Commission Decision 91/398/EEC of 19 July 1991 on a computerised network linking veterinary authorities (Animo) ⁽⁶⁾, for tracing movements of animals and certain products in intra-Community trade and imports.
- (3) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products ⁽⁷⁾ (the Agreement) entered into force on 1 June 2002. Annex 11 to that Agreement concerns measures for the control and notification of certain animal diseases and trade in and imports from third countries of live animals, their semen, ova and embryos.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 268, 24.9.1991, p. 56.

⁽³⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁴⁾ OJ L 326, 11.12.2001, p. 44.

⁽⁵⁾ OJ L 94, 31.3.2004, p. 63.

⁽⁶⁾ OJ L 221, 9.8.1991, p. 30.

⁽⁷⁾ OJ L 114, 30.4.2002, p. 132.

- (4) The Agreement provides for the setting up of a Joint Veterinary Committee, made up of representatives of the Parties thereto. That Committee is to consider any matter arising in connection with Annex 11 to the Agreement and with its implementation. It may decide to amend the appendices thereto, in particular with a view to their adaptation and updating.
- (5) Annex 11 to the Agreement was amended by a new Agreement. That new Agreement was signed and is provisionally applied by the Community on the basis of Council Decision 2008/979/EC of 18 December 2008 on the signing on behalf of the Community and the provisional application of the Agreement between the European Community and the Swiss Confederation amending Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products ⁽¹⁾.
- (6) In addition, The Council amended the relevant appendices to Annex 11 to the Agreement by its Decision 2009/13/EC ⁽²⁾ on the Community position on Decision No 1/2008 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendment of Appendices 2, 3, 4, 5, 6 and 10 to Annex 11 to the Agreement. As a consequence of those amendments, certain border inspection posts in Germany, France, Italy and Austria will have to cease veterinary checks on relevant consignments coming from Switzerland.
- (7) It is therefore appropriate that the entries for the border inspections posts to Switzerland in Germany: Konstanz Straße and Weil/Rhein; in France: Ferney-Voltaire (Genève), Saint-Louis Bâle (airport and road) and Saint-Julien Bardonnex; in Italy: Campocologno, Chiasso (road and rail) and Gran San Bernardo-Pollein; and in Austria: Feldkirch-Buchs, Feldkirch-Tisis and Höchst be deleted from the list of border inspection posts set out in the Annex to Decision 2001/881/EC.
- (8) The list of units in Commission Decision 2002/459/EC of 4 June 2002 listing the units in the Animo computer network and repealing Decision 2000/287/EC ⁽³⁾ includes the Traces unit number of each border inspection post in the Community. In the interests of consistency of Community legislation, that list should, accordingly, be updated to take account of amendments to be made to the Annex to Decision 2001/881/EC so that the information contained in those two Annexes is identical.
- (9) Decisions 2001/881/EC and 2002/459/EC should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2001/881/EC is amended in accordance with Annex I to this Decision.

Article 2

The Annex to Decision 2002/459/EC is amended in accordance with Annex II to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 January 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 352, 31.12.2008, p. 23.

⁽²⁾ OJ L 6, 10.1.2009, p. 89.

⁽³⁾ OJ L 159, 17.6.2002, p. 27.

ANNEX I

The Annex to Decision 2001/881/EC is amended as follows:

1. in the section on border inspection posts in Germany, the following entries are deleted:

'Konstanz Straße	DE 53199	R		HC, NHC	U, E, O
Weil/Rhein	DE 49199	R		HC, NHC	U, E, O'

2. in the section on border inspection posts in France, the following entries are deleted:

'Ferney-Voltaire (Genève)	FR 20199	A		HC-T(1)(2), HC-NT, NHC	O
Saint Louis Bâle	FR 26899	A		HC-T(1), HC-NT, NHC	O
Saint Louis Bâle	FR 16899	R		HC-T(1), HC-NT, NHC	
Saint-Julien Bardonnex	FR 17499	R		HC-T(1), HC-NT, NHC	U, O'

3. In the section on border inspection posts in Italy, the following entries are deleted:

'Campocologno	IT 03199	F			U
Chiasso	IT 10599	F		HC, NHC	U, O
Chiasso	IT 00599	R		HC, NHC	U, O
Gran San Bernardo-Pollein	IT 02099	R		HC, NHC'	

4. in the section on border inspection posts in Austria, the following entries are deleted:

'Feldkirch-Buchs	AT 01399	F		HC-NT(2), NHC-NT	
Feldkirch-Tisis	AT 01399	R		HC(2), NHC-NT	E
Höchst	AT 00699	R		HC, NHC-NT	U, E, O'

ANNEX II

The Annex to Decision 2002/459/EC is amended as follows:

1. in the section on border inspection posts in Germany, the following entries are deleted:

'0149199	R	WEIL AM RHEIN
0153199	R	KONSTANZ STRASSE';

2. in the section on border inspection posts in France, the following entries are deleted:

'0216899	A, R	SAINT-LOUIS BÂLE
0217499	R	SAINT-JULIEN BARDONNEX
0220199	A	FERNEY – VOLTAIRE (GENEVE)';

3. in the section on border inspection posts in Italy, the following entries are deleted:

'0300599	F, R	CHIASO
0302099	R	GRAN SAN BERNARDO-POLLEIN
0303199	F	CAMPOCOLOGNO';

4. in the section on border inspection posts in Austria, the following entries are deleted:

'1300699	R	HÖCHST
1301399	R, T	FELDKIRCH TISIS'

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.