

Official Journal

of the European Union

L 40



English edition

Legislation

Volume 53

13 February 2010

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Implementing Regulation of the Council (EU) No 126/2010 of 11 February 2010 extending the suspension of the definitive anti-dumping duty imposed by Regulation (EC) No 1683/2004 on imports of glyphosate originating in the People's Republic of China** 1
- ★ **Commission Regulation (EU) No 127/2010 of 5 February 2010 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks ⁽¹⁾** 4
- Commission Regulation (EU) No 128/2010 of 12 February 2010 establishing the standard import values for determining the entry price of certain fruit and vegetables 51
- Commission Regulation (EU) No 129/2010 of 12 February 2010 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year 53

Price: EUR 4

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

DECISIONS

2010/89/EU:

- ★ **Commission Decision of 9 February 2010 on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania** (*notified under document C(2010) 795*) ⁽¹⁾ 55

IV *Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty*

2010/90/EC:

- ★ **Council Decision of 16 June 2008 on the signing and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union** 63

2010/91/EC:

- ★ **Council Decision of 10 November 2009 on the conclusion of an Agreement in the form of a Protocol between the European Community and the Republic of Tunisia establishing a dispute settlement mechanism applicable to disputes under the trade provisions of 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** 75



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

IMPLEMENTING REGULATION OF THE COUNCIL (EU) No 126/2010

of 11 February 2010

extending the suspension of the definitive anti-dumping duty imposed by Regulation (EC) No 1683/2004 on imports of glyphosate originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the 'basic Regulation'), and in particular Article 14(4) thereof,

Having regard to the proposal submitted by the European Commission after consulting the Advisory Committee,

Whereas:

(2) By Decision 2009/383/EC⁽³⁾ (the 'suspension Decision'), the Commission suspended the definitive anti-dumping duties for a period of 9 months, with effect from 16 May 2009.

(3) On 29 September 2009 an expiry review of the measures was initiated⁽⁴⁾, further to a request lodged by the Union industry.

B. GROUNDS FOR EXTENDING THE SUSPENSION

(4) Article 14(4) of the basic Regulation provides that anti-dumping measures may be suspended for a period of 9 months by a decision of the Commission on the grounds that market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of such a suspension. Article 14(4) further specifies that the suspension may be extended for a further period, not exceeding 1 year, if the Council so decides, acting on a proposal from the Commission.

A. PROCEDURE

(1) Following a review investigation carried out pursuant to Article 11(2) of the basic Regulation (review investigation), the Council, by Regulation (EC) No 1683/2004⁽²⁾, imposed a definitive anti-dumping duty on imports of glyphosate originating in the People's Republic of China currently falling within CN codes ex 2931 00 99 and ex 3808 93 27 (the 'product concerned'), as extended to imports of glyphosate consigned from Malaysia (whether declared as originating in Malaysia or not) with the exception of those produced by Crop Protection (M) Sdn. Bhd. and as extended to imports of glyphosate consigned from Taiwan (whether declared as originating in Taiwan or not) with the exception of those produced by Sinon Corporation. The rate of the anti-dumping duty is 29,9 %.

(5) Following the suspension of the definitive anti-dumping duties by Decision 2009/383/EC, the Commission has continued to monitor the market situation of glyphosate, in particular with regard to import flows from the People's Republic of China.

(6) An examination of recent import flows reveals that imports from the People's Republic of China remained at low levels and even decreased after the suspension of the measures.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 303, 30.9.2004, p. 1.

⁽³⁾ OJ L 120, 15.5.2009, p. 20.

⁽⁴⁾ OJ C 234, 29.9.2009, p. 9.

- (7) With regard to the Union industry, it is noted that its situation has remained stable after the entry into force of the suspension on 16 May 2009. Notwithstanding a moderate decrease in production and sales of the generic product (basic product from which formulations are obtained) in direct competition with the Chinese imports, this trend is in line with the reduced consumption figures for the period between September 2008 and August 2009. Favourable unit sale prices (indicating the Union industry's shifting focus towards formulated products at higher added value) and stable costs of production enabled the industry to achieve a comfortable profit for the period between September 2008 and August 2009. On the basis of the market information currently available, it is not expected that this situation will change substantially in the short term in the event of an extension of the suspension of the measures.
- (8) Due to, inter alia, a considerable amount of stocks held by producers, importers and users the market appears stable in the months following the suspension. Imports from China have decreased considerably between May and October 2009 and are lower in comparison with the period when the anti-dumping duty was in place. Against this background of decreased imports, the decreased export prices from China seen between May and October 2009 did not have a significant impact on the situation of the Union industry. Sufficient evidence is not at hand showing that imports will surge in the short term.
- (9) Notwithstanding the indications given by the Union industry on increased production capacity in the People's Republic of China, current statistics do not show evidence of increased imports in the EU. Even though Chinese production capacity is likely to continue to increase in the next years, the worldwide demand is also expected to grow. In addition, the internal Chinese market consumption has increased considerably. It must also be pointed out that the actual output resulting from this capacity expansion has been limited.
- (10) No indications have been found as to why the prolongation of the suspension would not be in the Union interest.
- (11) In conclusion, notwithstanding a decrease in export prices from the People's Republic of China during the recent months, factors such as the low imported quantities and the high profit levels of the Union industry indicate that the injury linked to the imports of the product concerned originating in the People's Republic of China is unlikely to resume as a result of the extension of the suspension. The continuation of the suspension will in principle be for 1 year. However, in

accordance with Article 14(4) last paragraph of the basic Regulation, the measures may at any time be reinstated if the reason for suspension is no longer applicable. This might in particular be decided if it is found in the expiry review that the measures should continue.

- (12) It is recalled that this analysis is without prejudice to the outcome of the current review initiated pursuant to Article 11(2) of the basic Regulation, which is subject to different legal criteria.

C. CONSULTATION OF THE UNION INDUSTRY

- (13) In accordance with the provisions of Article 14(4) of the basic Regulation, the Commission has informed the Union industry of its intention to extend the suspension of the anti-dumping measures in force. The Union industry has been given an opportunity to comment and to be heard and their comments were taken into account. In particular it is recalled that in accordance with Articles 3 and 4 of the basic Regulation, the injury analysis is performed with respect to the Union industry as a whole and, as a result, the global situation of the Union industry may not necessarily reflect the situation of all individual producers.

D. CONCLUSION

- (14) The Commission therefore considers that all requirements for extending the suspension of the anti-dumping duty imposed on the product concerned are met, in accordance with Article 14(4) of the basic Regulation. Consequently, the anti-dumping duty imposed by Regulation (EC) No 1683/2004 should continue to be suspended for a period of 1 year.
- (15) The Commission will continue to monitor the development of imports and the prices of the product concerned. Should the situation which led to the extension of the suspension change subsequently, the Commission may reinstate the anti-dumping measures by repealing the suspension of the anti-dumping duties forthwith,

HAS ADOPTED THIS REGULATION:

Article 1

The suspension of the definitive anti-dumping duties imposed by Decision 2009/383/EC is hereby extended for a period of 1 year.

Article 2

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

Article 3

This Regulation shall be published in the *Official Journal of the European Union*.

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

Done at Brussels, 11 February 2010.

For the Council
The President
M. Á. MORATINOS

COMMISSION REGULATION (EU) No 127/2010**of 5 February 2010****amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union, in particular Article 100(2) thereof,

Having regard to 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 ⁽¹⁾, as amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 ⁽²⁾ and in particular Article 5(5) thereof,

Whereas:

(1) In order to maintain a high uniform level of aviation safety in Europe, it is necessary to introduce changes to requirements and procedures for the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, in particular to introduce the definition of the concept of principal place of business, to clarify the meaning of the concept 'officially recognised standard', to introduce the privilege for continuing airworthiness management organisations to issue permits to fly, to improve the content of the authorised release certificate 'EASA Form 1' and to ensure that personnel involved in continuing airworthiness activities are properly trained on the risks related to electrical wiring interconnection systems of large aeroplanes which were found to be a cause of several accidents and incidents.

(2) Regulation (EC) No 2042/2003 ⁽³⁾ should therefore be amended accordingly.

(3) The measures provided for in this Regulation are based on the opinions ⁽⁴⁾ issued by the European Aviation Safety Agency (hereinafter 'the Agency') in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of the Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2042/2003 is amended as follows:

1. in Article 2 the following point (m) is added:

'(m) "principal place of business" means the head office or the registered office of the undertaking within which the principal financial functions and operational control of the activities referred to in this Regulation are exercised.';

2. in Article 7 the following paragraph 7 is added:

'7. By way of derogation from paragraph 1:

(a) the provisions of point M.A.706(k) of Annex I (Part-M) shall apply as from 28 September 2010;

(b) the provisions of point 7.7 of Appendix I to Annex III (Part-66) shall apply as from 28 September 2010;

(c) maintenance organisations approved in accordance with Section A of subpart F of Annex I (Part-M) or Section A of Annex II (Part-145) may continue to issue Authorised Release Certificates by using the EASA Form 1 original issue, as laid down in Appendix II to the Annex I (Part-M) as well as Appendix I to the Annex II (Part 145), until 28 September 2010;

⁽¹⁾ OJ L 79, 19.3.2008, p. 1.

⁽²⁾ OJ L 309, 24.11.2009, p. 51.

⁽³⁾ OJ L 315, 28.11.2003, p. 1.

⁽⁴⁾ Opinion 06/2005 on editorial changes, Opinion 04/2006 on the officially recognised standard, Opinion 05/2006 on the principal place of business, Opinion 04/2007 on Permit to Fly, Opinion 04/2008 on Electrical Wiring Interconnect System and Opinion 06/2008 on EASA Form 1.

(d) competent authorities may continue to issue certificates, previous issue, as laid down in Appendices III, V and VI to Annex I (Part-M), Appendix III to Annex II (Part-145), Appendix V to Annex III (Part-66) or Appendix II to Annex IV (Part-147) to Regulation (EC) No 2042/2003 in force prior to the entry into force of this regulation, until 28 September 2010;

(e) certificates issued in accordance with Annex I (Part-M), Annex II (Part-145), Annex III (Part-66) or Annex IV

(Part-147) prior to the entry into force of this regulation remain valid until they are changed or revoked.;

3. Annexes I, II, III and IV are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force 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, 5 February 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

The Annexes to Regulation (EC) No 2042/2003 are amended as follows:

1. Annex I (Part-M) to Regulation (EC) No 2042/2003 is amended as follows:

1. the following table of contents is inserted after the title '(Part-M)':

'Contents

M.1

*SECTION A — TECHNICAL REQUIREMENTS**SUBPART A — GENERAL*

M.A.101 Scope

SUBPART B — ACCOUNTABILITY

M.A.201 Responsibilities

M.A.202 Occurrence reporting

SUBPART C — CONTINUING AIRWORTHINESS

M.A.301 Continuing airworthiness tasks

M.A.302 Aircraft Maintenance Programme

M.A.303 Airworthiness directives

M.A.304 Data for modifications and repairs

M.A.305 Aircraft continuing airworthiness record system

M.A.306 Operator's technical log system

M.A.307 Transfer of aircraft continuing airworthiness records

SUBPART D — MAINTENANCE STANDARDS

M.A.401 Maintenance data

M.A.402 Performance of maintenance

M.A.403 Aircraft defects

SUBPART E — COMPONENTS

M.A.501 Installation

M.A.502 Component maintenance

M.A.503 Service life limited components

M.A.504 Control of unserviceable components

SUBPART F — MAINTENANCE ORGANISATION

M.A.601 Scope

M.A.602 Application

M.A.603	Extent of approval
M.A.604	Maintenance organisation manual
M.A.605	Facilities
M.A.606	Personnel requirements
M.A.607	Certifying staff
M.A.608	Components, equipment and tools
M.A.609	Maintenance data
M.A.610	Maintenance work orders
M.A.611	Maintenance standards
M.A.612	Aircraft certificate of release to service
M.A.613	Component certificate of release to service
M.A.614	Maintenance records
M.A.615	Privileges of the organisation
M.A.616	Organisational review
M.A.617	Changes to the approved maintenance organisation
M.A.618	Continued validity of approval
M.A.619	Findings

SUBPART G — CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION

M.A.701	Scope
M.A.702	Application
M.A.703	Extent of approval
M.A.704	Continuing airworthiness management exposition
M.A.705	Facilities
M.A.706	Personnel requirements
M.A.707	Airworthiness review staff
M.A.708	Continuing airworthiness management
M.A.709	Documentation
M.A.710	Airworthiness review
M.A.711	Privileges of the organisation
M.A.712	Quality system
M.A.713	Changes to the approved continuing airworthiness organisation
M.A.714	Record-keeping

M.A.715 Continued validity of approval

M.A.716 Findings

SUBPART H — CERTIFICATE OF RELEASE TO SERVICE — CRS

M.A.801 Aircraft certificate of release to service

M.A.802 Component certificate of release to service

M.A.803 Pilot-owner authorisation

SUBPART I — AIRWORTHINESS REVIEW CERTIFICATE

M.A.901 Aircraft airworthiness review

M.A.902 Validity of the airworthiness review certificate

M.A.903 Transfer of aircraft registration within the EU

M.A.904 Airworthiness review of aircraft imported into the EU

M.A.905 Findings

SECTION B — PROCEDURES FOR COMPETENT AUTHORITIES

SUBPART A — GENERAL

M.B.101 Scope

M.B.102 Competent authority

M.B.103 Acceptable means of compliance

M.B.104 Record-keeping

M.B.105 Mutual exchange of information

SUBPART B — ACCOUNTABILITY

M.B.201 Responsibilities

SUBPART C — CONTINUING AIRWORTHINESS

M.B.301 Maintenance programme

M.B.302 Exemptions

M.B.303 Aircraft continuing airworthiness monitoring

M.B.304 Revocation, suspension and limitation

SUBPART D — MAINTENANCE STANDARDS

SUBPART E — COMPONENTS

SUBPART F — MAINTENANCE ORGANISATION

M.B.601 Application

M.B.602 Initial Approval

M.B.603 Issue of approval

M.B.604 Continuing oversight

M.B.605 Findings

M.B.606 Changes

M.B.607 Revocation, suspension and limitation of an approval

SUBPART G — CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION

M.B.701 Application

M.B.702 Initial approval

M.B.703 Issue of approval

M.B.704 Continuing oversight

M.B.705 Findings

M.B.706 Changes

M.B.707 Revocation, suspension and limitation of an approval

SUBPART H — CERTIFICATE OF RELEASE TO SERVICE — CRS

SUBPART I — AIRWORTHINESS REVIEW CERTIFICATE

M.B.901 Assessment of recommendations

M.B.902 Airworthiness review by the competent authority

M.B.903 Findings

Appendix I — Continuing Airworthiness Arrangement

Appendix II — Authorised Release Certificate — EASA Form 1

Appendix III — Airworthiness Review Certificate — EASA Form 15

Appendix IV — Class and Ratings System used for the Approval of Maintenance Organisations referred to in Annex I (Part-M) Subpart F and in Annex II (Part-145)

Appendix V — Maintenance Organisation Approval referred to in Annex I (Part-M) Subpart F

Appendix VI — Continuing Airworthiness Management Organisation Approval referred to in Annex I (Part-M) Subpart G

Appendix VII — Complex Maintenance Tasks

Appendix VIII — Limited Pilot Owner Maintenance

2. in point M.A.301, point 2 is replaced by the following:

‘2. The rectification in accordance with the data specified in point M.A.304 and/or point M.A.401, as applicable, of any defect and damage affecting safe operation, taking into account, for all large aircraft or aircraft used for commercial air transport, the minimum equipment list and configuration deviation list as applicable to the aircraft type’;

3. point M.A.305 is amended as follows:

(i) paragraph (a) is replaced by the following:

‘(a) At the completion of any maintenance, the certificate of release to service required by point M.A.801 or point 145.A.50 shall be entered in the aircraft continuing airworthiness records. Each entry shall be made as soon as practicable but in no case more than 30 days after the day of the maintenance action.’;

(ii) paragraph (e) is replaced by the following:

‘(e) In addition to the authorised release document, EASA Form 1 or equivalent, the following information relevant to any component installed (engine, propeller, engine module or service life-limited component) shall be entered in the appropriate engine or propeller logbook, engine module or service life limited component log card:

1. identification of the component; and
2. the type, serial number and registration, as appropriate, of the aircraft, engine, propeller, engine module or service life-limited component to which the particular component has been fitted, along with the reference to the installation and removal of the component; and
3. the date together with the component’s accumulated total flight time and/or flight cycles and/or landings and/or calendar time, as appropriate; and
4. the current paragraph (d) information applicable to the component.’;

(iii) paragraph (h) is replaced by the following:

‘(h) An owner or operator shall ensure that a system has been established to keep the following records for the periods specified:

1. all detailed maintenance records in respect of the aircraft and any service life-limited component fitted thereto, until such time as the information contained therein is superseded by new information equivalent in scope and detail but not less than 36 months after the aircraft or component has been released to service; and
2. the total time in service (hours, calendar time, cycles and landings) of the aircraft and all service life-limited components, at least 12 months after the aircraft or component has been permanently withdrawn from service; and
3. the time in service (hours, calendar time, cycles and landings) as appropriate, since last scheduled maintenance of the component subjected to a service life limit, at least until the component scheduled maintenance has been superseded by another scheduled maintenance of equivalent work scope and detail; and
4. the current status of compliance with maintenance programme such that compliance with the approved aircraft maintenance programme can be established, at least until the aircraft or component scheduled maintenance has been superseded by other scheduled maintenance of equivalent work scope and detail; and
5. the current status of airworthiness directives applicable to the aircraft and components, at least 12 months after the aircraft or component has been permanently withdrawn from service; and
6. details of current modifications and repairs to the aircraft, engine(s), propeller(s) and any other component vital to flight safety, at least 12 months after they have been permanently withdrawn from service.’;

4. in point M.A.401(b), point 1 is replaced by the following:

- ‘1. any applicable requirement, procedure, standard or information issued by the competent authority or the Agency.’;

5. point M.A.503 is replaced by the following:

M.A.503 Service life limited components

- (a) Installed service life limited components shall not exceed the approved service life limit as specified in the approved maintenance programme and airworthiness directives, except as provided for in point M.A.504(c).
- (b) The approved service life is expressed in calendar time, flight hours, landings or cycles, as appropriate.
- (c) At the end the approved service life, the component must be removed from the aircraft for maintenance, or for disposal in the case of components with a certified life limit.;

6. point M.A.602 is replaced by the following:

M.A.602 Application

An application for issue or change of a maintenance organisation approval shall be made on a form and in a manner established by the competent authority.;

7. point M.A.603 is replaced by the following:

M.A.603 Extent of approval

- (a) An organisation involved in activities subject to this Subpart shall not exercise its activities unless approved by the competent authority. Appendix V to Annex I (Part-M) provides the template certificate for this approval.
- (b) The maintenance organisation's manual referred to in point M.A.604 shall specify the scope of work deemed to constitute approval. Appendix IV to Annex I (Part-M) defines all classes and ratings possible under Subpart F.
- (c) An approved maintenance organisation may fabricate, in conformity with maintenance data, a restricted range of parts for the use in the course of undergoing work within its own facilities, as identified in the maintenance organisation manual.;

8. point M.A.614(c) is replaced by the following:

- (c) The approved maintenance organisation shall retain a copy of all maintenance records and any associated maintenance data for three years from the date the aircraft or aircraft component to which the work relates was released from the approved maintenance organisation.
 - 1. The records under this paragraph shall be stored in a manner that ensures protection from damage, alteration and theft.
 - 2. All computer hardware used to ensure backup shall be stored in a different location from that containing the working data in an environment that ensures they remain in good condition.
 - 3. Where an approved maintenance organisation terminates its operation, all retained maintenance records covering the last three years shall be distributed to the last owner or customer of the respective aircraft or component or shall be stored as specified by the competent authority.;

9. point M.A.702 is replaced by the following:

M.A.702 Application

An application for issue or change of a continuing airworthiness management organisation approval shall be made on a form and in a manner established by the competent authority.;

10. point M.A.704(a) is modified as follows:

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

- (4) an organisation chart showing associated chains of responsibility between all the person(s) referred to in points M.A.706(a), M.A.706(c), M.A.706(d) and M.A.706(i).;

(ii) point (5) is replaced by the following:

‘(5) a list of the airworthiness staff referred to in point M.A.707, specifying, where applicable, the staff authorised to issue permits to fly in accordance with point M.A.711(c).’;

11. in point M.A.706, the following paragraph (k) is added:

‘(k) For all large aircraft and for aircraft used for commercial air transport the organisation shall establish and control the competence of personnel involved in the continuing airworthiness management, airworthiness review and/or quality audits in accordance with a procedure and to a standard agreed by the competent authority.’;

12. point M.A.707(a) is replaced by the following:

‘(a) To be approved to carry out airworthiness reviews and, if applicable, to issue permits to fly, an approved continuing airworthiness management organisation shall have appropriate airworthiness review staff to issue airworthiness review certificates or recommendations referred to in Section A of Subpart I and, if applicable, to issue a permit to fly in accordance with point M.A.711(c):

1. For all aircraft used in commercial air transport, and aircraft above 2 730 kg MTOM, except balloons, these staff shall have acquired:

- (a) at least five years’ experience in continuing airworthiness; and
- (b) an appropriate license in compliance with Annex III (Part-66) or an aeronautical degree or a national equivalent; and
- (c) formal aeronautical maintenance training; and
- (d) a position within the approved organisation with appropriate responsibilities.
- (e) Notwithstanding points (a) to (d), the requirement laid down in point M.A.707(a)1(b) may be replaced by five years of experience in continuing airworthiness additional to those already required by point M.A.707(a)1(a).

2. For aircraft not used in commercial air transport of 2 730 kg MTOM and below, and balloons, these staff shall have acquired:

- (a) at least three years’ experience in continuing airworthiness, and
- (b) an appropriate license in compliance with Annex III (Part-66) or an aeronautical degree or a national equivalent; and
- (c) appropriate aeronautical maintenance training; and
- (d) a position within the approved organisation with appropriate responsibilities;
- (e) Notwithstanding points (a) to (d), the requirement laid down in point M.A.707(a)2(b) may be replaced by four years of experience in continuing airworthiness additional to those already required by point M.A.707(a)2(a).’;

13. point M.A.710 is replaced by the following:

M.A.710 Airworthiness review

(a) To satisfy the requirement for the airworthiness review of an aircraft referred to in point M.A.901, a full documented review of the aircraft records shall be carried out by the approved continuing airworthiness management organisation in order to be satisfied that:

- 1. airframe, engine and propeller flying hours and associated flight cycles have been properly recorded; and
- 2. the flight manual is applicable to the aircraft configuration and reflects the latest revision status; and

3. all the maintenance due on the aircraft according to the approved maintenance programme has been carried out; and
 4. all known defects have been corrected or, when applicable, carried forward in a controlled manner; and
 5. all applicable airworthiness directives have been applied and properly registered; and
 6. all modifications and repairs applied to the aircraft have been registered and are approved according to the Annex (Part-21) of Regulation (EC) No 1702/2003; and
 7. all service life limited components installed on the aircraft are properly identified, registered and have not exceeded their approved service life limit; and
 8. all maintenance has been released in accordance with Annex I (Part-M); and
 9. the current mass and balance statement reflects the configuration of the aircraft and is valid; and
 10. the aircraft complies with the latest revision of its type design approved by the Agency; and
 11. if required, the aircraft holds a noise certificate corresponding to the current configuration of the aircraft in compliance with Subpart I of the Annex (Part-21) of Regulation (EC) No 1702/2003.
- (b) The airworthiness review staff of the approved continuing airworthiness management organisation shall carry out a physical survey of the aircraft. For this survey, airworthiness review staff not appropriately qualified to Annex III (Part-66) shall be assisted by such qualified personnel.
- (c) Through the physical survey of the aircraft, the airworthiness review staff shall ensure that:
1. all required markings and placards are properly installed; and
 2. the aircraft complies with its approved flight manual; and
 3. the aircraft configuration complies with the approved documentation; and
 4. no evident defect can be found that has not been addressed according to point M.A.403; and
 5. no inconsistencies can be found between the aircraft and the paragraph (a) documented review of records.
- (d) By derogation to point M.A.901(a), the airworthiness review can be anticipated by a maximum period of 90 days without loss of continuity of the airworthiness review pattern, to allow the physical review to take place during a maintenance check.
- (e) The airworthiness review certificate (EASA Form 15b) or the recommendation for the issue of the airworthiness review certificate (EASA Form 15a) referred to in Appendix III to Annex I (Part-M) can only be issued:
1. by airworthiness review staff appropriately authorised in accordance with point M.A.707 on behalf of the approved continuing airworthiness management organisation or by certifying staff in cases provided for in point M.A.901(g); and
 2. when satisfied that the airworthiness review has been completely carried out and that there is no non-compliance which is known to endanger flight safety.
- (f) A copy of any airworthiness review certificate issued or extended for an aircraft shall be sent to the Member State of Registry of that aircraft within 10 days.
- (g) Airworthiness review tasks shall not be sub-contracted.
- (h) Should the outcome of the airworthiness review be inconclusive, the competent authority shall be informed as soon as practicable but in any case within 72 hours of the organisation identifying the condition to which the review relates.;

14. point M.A.711 is modified as follows:

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

‘1. manage the continuing airworthiness of aircraft, except those involved in commercial air transport, as listed on the approval certificate.’;

(ii) the following point (c) is added:

‘(c) A continuing airworthiness management organisation whose approval includes the privileges referred to in point M.A.711(b) may additionally be approved to issue a permit to fly in accordance with Part 21A.711(d) of the Annex (Part-21) to Regulation (EC) No 1702/2003 for the particular aircraft for which the organisation is approved to issue the airworthiness review certificate, when the continuing airworthiness management organisation is attesting conformity with approved flight conditions, subject to an adequate approved procedure in the exposition referred to in point M.A.704.’;

15. point M.A.714 is replaced by the following:

M.A.714 Record-keeping

(a) The continuing airworthiness management organisation shall record all details of work carried out. The records required by M.A.305 and if applicable M.A.306 shall be retained.

(b) If the continuing airworthiness management organisation has the privilege referred to in point M.A.711(b), it shall retain a copy of each airworthiness review certificate and recommendation issued or, as applicable, extended, together with all supporting documents. In addition, the organisation shall retain a copy of any airworthiness review certificate that it has extended under the privilege referred to in point M.A.711(a)4.

(c) If the continuing airworthiness management organisation has the privilege referred to in point M.A.711(c), it shall retain a copy of each permit to fly issued in accordance with the provisions of point 21A.729 of the Annex (Part-21) to Regulation (EC) No 1702/2003.

(d) The continuing airworthiness management organisation shall retain a copy of all records referred to in paragraphs (b) and (c) until two years after the aircraft has been permanently withdrawn from service.

(e) The records shall be stored in a manner that ensures protection from damage, alteration and theft.

(f) All computer hardware used to ensure backup shall be stored in a different location from that containing the working data in an environment that ensures they remain in good condition.

(g) Where continuing airworthiness management of an aircraft is transferred to another organisation or person, all retained records shall be transferred to the said organisation or person. The time periods prescribed for the retention of records shall continue to apply to the said organisation or person.

(h) Where a continuing airworthiness management organisation terminates its operation, all retained records shall be transferred to the owner of the aircraft.’;

16. in point M.A.901(i), point 1 is replaced by the following:

‘1. when the aircraft is managed by a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M) located in a third country.’;

17. in point M.A.905, paragraph (c) is replaced by the following:

‘(c) After receipt of notification of findings according to point M.B.903, the person or organisation accountable referred to in point M.A.201 shall define a corrective action plan and demonstrate corrective action to the satisfaction of the competent authority within a period agreed with this authority including appropriate corrective action to prevent reoccurrence of the finding and its root cause.’;

18. in point M.B.104(d), point 7 is replaced by the following:

‘7. any document approved by the competent authority pursuant to Annex I (Part-M) or Annex III (EU-OPS) of Regulation (EEC) No 3922/91.’;

19. Appendix II is replaced by the following:

Appendix II

Authorised Release Certificate EASA Form 1

These instructions relate only to the use of the EASA Form 1 for maintenance purposes. Attention is drawn to Appendix I to Annex (Part-21) of Regulation (EC) No 1702/2003 which covers the use of the EASA Form 1 for production purposes.

1. PURPOSE AND USE

- 1.1. The primary purpose of the Certificate is to declare the airworthiness of maintenance work undertaken on products, parts and appliances (hereafter referred to as "item(s)").
- 1.2. Correlation must be established between the Certificate and the item(s). The originator must retain a Certificate in a form that allows verification of the original data.
- 1.3. The Certificate is acceptable to many airworthiness authorities, but may be dependent on the existence of bilateral agreements and/or the policy of the airworthiness authority. The "approved design data" mentioned in this Certificate then means approved by the airworthiness authority of the importing country.
- 1.4. The Certificate is not a delivery or shipping note.
- 1.5. Aircraft are not to be released using the Certificate.
- 1.6. The Certificate does not constitute approval to install the item on a particular aircraft, engine, or propeller but helps the end user determine its airworthiness approval status.
- 1.7. A mixture of production released and maintenance released items is not permitted on the same Certificate.

2. GENERAL FORMAT

- 2.1. The Certificate must comply with the format attached including block numbers and the location of each block. The size of each block may however be varied to suit the individual application, but not to the extent that would make the Certificate unrecognisable.
- 2.2. The Certificate must be in "landscape" format but the overall size may be significantly increased or decreased so long as the Certificate remains recognisable and legible. If in doubt consult the Competent Authority.
- 2.3. The User/Installer responsibility statement can be placed on either side of the form.
- 2.4. All printing must be clear and legible to permit easy reading.
- 2.5. The Certificate may either be pre-printed or computer generated but in either case the printing of lines and characters must be clear and legible and in accordance with the defined format.
- 2.6. The Certificate should be in English, and if appropriate, in one or more other languages.
- 2.7. The details to be entered on the Certificate may be either machine/computer printed or hand-written using block letters and must permit easy reading.
- 2.8. Limit the use of abbreviations to a minimum, to aid clarity.
- 2.9. The space remaining on the reverse side of the Certificate may be used by the originator for any additional information but must not include any certification statement. Any use of the reverse side of the Certificate must be referenced in the appropriate block on the front side of the Certificate

3. COPIES

- 3.1. There is no restriction in the number of copies of the Certificate sent to the customer or retained by the originator.

4. ERROR(S) ON A CERTIFICATE

- 4.1. If an end-user finds an error(s) on a Certificate, he must identify it/them in writing to the originator. The originator may issue a new Certificate only if the error(s) can be verified and corrected.
- 4.2. The new Certificate must have a new tracking number, signature and date.
- 4.3. The request for a new Certificate may be honoured without re-verification of the item(s) condition. The new Certificate is not a statement of current condition and should refer to the previous Certificate in block 12 by the following statement; "This Certificate corrects the error(s) in block(s) [enter block(s) corrected] of the Certificate [enter original tracking number] dated [enter original issuance date] and does not cover conformity/condition/release to service". Both Certificates should be retained according to the retention period associated with the first.

5. COMPLETION OF THE CERTIFICATE BY THE ORIGINATOR

Block 1 Approving Competent Authority/Country

State the name and country of the competent authority under whose jurisdiction this Certificate is issued. When the competent authority is the Agency, only "EASA" must be stated.

Block 2 EASA Form 1 header

"AUTHORISED RELEASE CERTIFICATE

EASA FORM 1"

Block 3 Form Tracking Number

Enter the unique number established by the numbering system/procedure of the organisation identified in block 4; this may include alpha/numeric characters.

Block 4 Organisation Name and Address

Enter the full name and address of the approved organisation (refer to EASA form 3) releasing the work covered by this Certificate. Logos, etc., are permitted if the logo can be contained within the block.

Block 5 Work Order/Contract/Invoice

To facilitate customer traceability of the item(s), enter the work order number, contract number, invoice number, or similar reference number.

Block 6 Item

Enter line item numbers when there is more than one line item. This block permits easy cross-referencing to the Remarks block 12.

Block 7 Description

Enter the name or description of the item. Preference should be given to the term used in the instructions for continued airworthiness or maintenance data (e.g. Illustrated Parts Catalogue, Aircraft Maintenance Manual, Service Bulletin, Component Maintenance Manual).

Block 8 Part Number

Enter the part number as it appears on the item or tag/packaging. In case of an engine or propeller the type designation may be used.

Block 9 Quantity

State the quantity of items.

Block 10 Serial Number

If the item is required by regulations to be identified with a serial number, enter it here. Additionally, any other serial number not required by regulation may also be entered. If there is no serial number identified on the item, enter "N/A".

Block 11 Status/Work

The following describes the permissible entries for block 11. Enter only one of these terms – where more than one may be applicable, use the one that most accurately describes the majority of the work performed and/or the status of the article.

- (i) *Overhauled*. Means a process that ensures the item is in complete conformity with all the applicable service tolerances specified in the type certificate holder's, or equipment manufacturer's instructions for continued airworthiness, or in the data which is approved or accepted by the Authority. The item will be at least disassembled, cleaned, inspected, repaired as necessary, reassembled and tested in accordance with the above specified data.
- (ii) *Repaired*. Rectification of defect(s) using an applicable standard (*).
- (iii) *Inspected/Tested*. Examination, measurement, etc. in accordance with an applicable standard (*) (e.g. visual inspection, functional testing, bench testing etc.).
- (iv) *Modified*. Alteration of an item to conform to an applicable standard (*).

Block 12 Remarks

Describe the work identified in Block 11, either directly or by reference to supporting documentation, necessary for the user or installer to determine the airworthiness of item(s) in relation to the work being certified. If necessary, a separate sheet may be used and referenced from the main EASA Form 1. Each statement must clearly identify which item(s) in Block 6 it relates to.

Examples of information to be entered in block 12 are:

- (i) Maintenance data used, including the revision status and reference.
- (ii) Compliance with airworthiness directives or service bulletins.
- (iii) Repairs carried out.
- (iv) Modifications carried out.
- (v) Replacement parts installed.
- (vi) Life limited parts status.
- (vii) Deviations from the customer work order.
- (viii) Release statements to satisfy a foreign Civil Aviation Authority maintenance requirement.
- (ix) Information needed to support shipment with shortages or re-assembly after delivery.
- (x) For maintenance organisations approved in accordance with Subpart F of Annex I (Part-M), the component certificate of release to service statement referred to in point M.A.613:

"Certifies that, unless otherwise specified in this block, the work identified in block 11 and described in this block was accomplished in accordance to the requirements of Section A, Subpart F of Annex I (Part-M) to Regulation (EC) No 2042/2003 and in respect to that work the item is considered ready for release to service. THIS IS NOT A RELEASE UNDER ANNEX II (PART-145) TO REGULATION (EC) NO 2042/2003."

If printing the data from an electronic EASA Form 1, any appropriate data not fit for other blocks should be entered in this block.

Block 13a-13e

General Requirements for blocks 13a-13e: Not used for maintenance release. Shade, darken, or otherwise mark to preclude inadvertent or unauthorised use.

(*) Applicable standard means a manufacturing/design/maintenance/quality standard, method, technique or practice approved by or acceptable to the Competent Authority. The applicable standard shall be described in block 12.

Block 14a

Mark the appropriate box(es) indicating which regulations apply to the completed work. If the box "other regulations specified in block 12" is marked, then the regulations of the other airworthiness authority(ies) must be identified in block 12. At least one box must be marked, or both boxes may be marked, as appropriate.

For all maintenance carried out by maintenance organisations approved in accordance with Section A, Subpart F of Annex I (Part M) to Regulation (EC) No 2042/2003, the box "other regulation specified in block 12" shall be ticked and the certificate of release to service statement made in block 12. In that case, the certification statement "unless otherwise specified in this block" is intended to address the following cases;

- (a) Where the maintenance could not be completed.
- (b) Where the maintenance deviated from the standard required by Annex I (Part-M).
- (c) Where the maintenance was carried out in accordance with a requirement other than that specified in Annex I (Part-M). In this case block 12 shall specify the particular national regulation.

For all maintenance carried out by maintenance organisations approved in accordance with Section A of Annex II (Part-145) to Regulation (EC) No 2042/2003, the certification statement "unless otherwise specified in block 12" is intended to address the following cases:

- (a) Where the maintenance could not be completed.
- (b) Where the maintenance deviated from the standard required by Annex II (Part-145).
- (c) Where the maintenance was carried out in accordance with a requirement other than that specified in Annex II (Part-145). In this case block 12 shall specify the particular national regulation.

Block 14b Authorised Signature

This space shall be completed with the signature of the authorised person. Only persons specifically authorised under the rules and policies of the Competent Authority are permitted to sign this block. To aid recognition, a unique number identifying the authorised person may be added.

Block 14c Certificate/Approval Number

Enter the Certificate/Approval number/reference. This number or reference is issued by the Competent Authority.

Block 14d Name

Enter the name of the person signing block 14b in a legible form.

Block 14e Date

Enter the date on which block 14b is signed, the date must be in the format dd = 2 digit day, mmm = first 3 letters of the month, yyyy = 4 digit year

User/Installer Responsibilities

Place the following statement on the Certificate to notify end users that they are not relieved of their responsibilities concerning installation and use of any item accompanied by the form:

"THIS CERTIFICATE DOES NOT AUTOMATICALLY CONSTITUTE AUTHORITY TO INSTALL.

WHERE THE USER/INSTALLER PERFORMS WORK IN ACCORDANCE WITH REGULATIONS OF AN AIRWORTHINESS AUTHORITY DIFFERENT THAN THE AIRWORTHINESS AUTHORITY SPECIFIED IN BLOCK 1, IT IS ESSENTIAL THAT THE USER/INSTALLER ENSURES THAT HIS/HER AIRWORTHINESS AUTHORITY ACCEPTS ITEMS FROM THE AIRWORTHINESS AUTHORITY SPECIFIED IN BLOCK 1.

STATEMENTS IN BLOCKS 13A AND 14A DO NOT CONSTITUTE INSTALLATION CERTIFICATION. IN ALL CASES AIRCRAFT MAINTENANCE RECORDS MUST CONTAIN AN INSTALLATION CERTIFICATION ISSUED IN ACCORDANCE WITH THE NATIONAL REGULATIONS BY THE USER/INSTALLER BEFORE THE AIRCRAFT MAY BE FLOWN."

1. Approving Competent Authority / Country		2. AUTHORISED RELEASE CERTIFICATE EASA FORM 1				3. Form Tracking Number	
4. Organisation Name and Address:							
6. Item	7. Description	8. Part No.	9. Qty.	10. Serial No.	11. Status/Work		
12. Remarks							
13a. Certifies that the items identified above were manufactured in conformity to: ☐ approved design data and are in a condition for safe operation ☐ non-approved design data specified in block 12		14a. ☐ Part-145 A.50 Release to Service ☐ Other regulation specified in block 12 Certifies that unless otherwise specified in block 12, the work identified in block 11 and described in block 12, was accomplished in accordance with Part-145 and in respect to that work the items are considered ready for release to service.					
13b. Authorised Signature		13c. Approval/Authorisation Number		14b. Authorised Signature		14c. Certificate/Approval Ref. No.	
13d. Name		13e. Date (dd mmm yyyy)		14d. Name		14e. Date (dd mmm yyyy)	
USER/INSTALLER RESPONSIBILITIES This certificate does not automatically constitute authority to install the item(s). Where the user/installer performs work in accordance with regulations of an airworthiness authority different than the airworthiness authority specified in block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts items from the airworthiness authority specified in block 1. Statements in blocks 13a and 14a do not constitute installation certification. In all cases aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.							

20. Appendix III is replaced by the following:

'Appendix III

Airworthiness Review Certificate — EASA Form 15

[MEMBER STATE] A Member of the European Union (*) AIRWORTHINESS REVIEW CERTIFICATE ARC reference: Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council for the time being into force, the following continuing airworthiness management organisation, approved in accordance with Section A, Subpart G of Annex I (Part M) to Commission Regulation (EC) No 2042/2003 [NAME OF ORGANISATION APPROVED AND ADDRESS] Approval reference: [MEMBER STATE CODE].MG.[NNNN]. has performed an airworthiness review in accordance with point M.A.710 of Annex I to Commission Regulation (EC) No 2042/2003 on the following aircraft: Aircraft manufacturer: Manufacturer's designation: Aircraft registration: Aircraft serial number: and this aircraft is considered airworthy at the time of the review. Date of issue: Date of expiry: Signed: Authorisation No: 1st Extension: The aircraft has remained in a controlled environment in accordance with point M.A.901 of Annex I to Commission Regulation (EC) No 2042/2003 for the last year. The aircraft is considered to be airworthy at the time of the issue. Date of issue: Date of expiry: Signed: Authorisation No: Company Name: Approval reference: 2nd Extension: The aircraft has remained in a controlled environment in accordance with point M.A.901 of Annex I to Commission Regulation (EC) No 2042/2003 for the last year. The aircraft is considered to be airworthy at the time of the issue. Date of issue: Date of expiry: Signed: Authorisation No: Company Name: Approval reference:	
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EASA Form 15b Issue 3

(*) Delete for non-EU Member States.

[MEMBER STATE]

A Member of the European Union (*)

AIRWORTHINESS REVIEW CERTIFICATE

ARC reference:

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council for the time being into force, the [COMPETENT AUTHORITY OF THE MEMBER STATE] hereby certifies that the following aircraft:

Aircraft manufacturer:

Manufacturer's designation:

Aircraft registration:

Aircraft serial number:

is considered airworthy at the time of the review.

Date of issue: Date of expiry:

Signed: Authorisation No:

1st Extension: The aircraft has remained in a controlled environment in accordance with point M.A.901 of Annex I to Commission Regulation (EC) No 2042/2003 for the last year. The aircraft is considered to be airworthy at the time of the issue.

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

2nd Extension: The aircraft has remained in a controlled environment in accordance with point M.A.901 of Annex I to Commission Regulation (EC) No 2042/2003 for the last year. The aircraft is considered to be airworthy at the time of the issue.

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

21. Appendix IV is replaced by the following:

'Appendix IV

Class and Ratings System to be used for the Approval of Maintenance Organisations referred to in Annex I (Part-M) Subpart F and Annex II (Part-145)

1. Except as stated otherwise for the smallest organisations in paragraph 12, the table referred to in point 13 provides the standard system for the approval of maintenance organisation under Subpart F of Annex I (Part-M) and Annex II (Part-145). An organisation must be granted an approval ranging from a single class and rating with limitations to all classes and ratings with limitations.
2. In addition to the table referred to in point 13, the approved maintenance organisation is required to indicate its *scope of work* in its maintenance organisation manual/exposition. See also paragraph 11.
3. Within the approval class(es) and rating(s) granted by the competent authority, the scope of work specified in the maintenance organisation exposition defines the exact limits of approval. It is therefore essential that the approval class(es) and rating(s) and the organisations scope of work are matching.
4. A *category A class rating* means that the approved maintenance organisation may carry out maintenance on the aircraft and any component (including engines and/or Auxiliary Power Units (APUs), in accordance with aircraft maintenance data or, if agreed by the competent authority, in accordance with component maintenance data, only whilst such components are fitted to the aircraft. Nevertheless, such A-rated approved maintenance organisation may temporarily remove a component for maintenance, in order to improve access to that component, except when such removal generates the need for additional maintenance not eligible for the provisions of this paragraph. This will be subject to a control procedure in the maintenance organisation exposition to be approved by the competent authority. The limitation section will specify the scope of such maintenance thereby indicating the extent of approval.
5. A *category B class rating* means that the approved maintenance organisation may carry out maintenance on the uninstalled engine and/or APU and engine and/or APU components, in accordance with engine and/or APU maintenance data or, if agreed by the competent authority, in accordance with component maintenance data, only whilst such components are fitted to the engine and/or APU. Nevertheless, such B-rated approved maintenance organisation may temporarily remove a component for maintenance, in order to improve access to that component, except when such removal generates the need for additional maintenance not eligible for the provisions of this paragraph. The limitation section will specify the scope of such maintenance thereby indicating the extent of approval. A maintenance organisation approved with a category B class rating may also carry out maintenance on an installed engine during "base" and "line" maintenance subject to a control procedure in the maintenance organisation exposition to be approved by the competent authority. The maintenance organisation exposition scope of work shall reflect such activity where permitted by the competent authority.
6. A *category C class rating* means that the approved maintenance organisation may carry out maintenance on uninstalled components (excluding engines and APUs) intended for fitment to the aircraft or engine/APU. The limitation section will specify the scope of such maintenance thereby indicating the extent of approval. A maintenance organisation approved with a category C class rating may also carry out maintenance on an installed component during base and line maintenance or at an engine/APU maintenance facility subject to a control procedure in the maintenance organisation exposition to be approved by the competent authority. The maintenance organisation exposition scope of work shall reflect such activity where permitted by the competent authority.
7. A *category D class rating* is a self contained class rating not necessarily related to a specific aircraft, engine or other component. The D1 — Non Destructive Testing (NDT) rating is only necessary for an approved maintenance organisation that carries out NDT as a particular task for another organisation. A maintenance organisation approved with a class rating in A or B or C category may carry out NDT on products it is maintaining subject to the maintenance organisation exposition containing NDT procedures, without the need for a D1 class rating.
8. In the case of maintenance organisations approved in accordance with Annex II (Part-145), *category A class ratings* are subdivided into "Base" or "Line" maintenance. Such an organisation may be approved for either "Base" or "Line" maintenance or both. It should be noted that a "Line" facility located at a main base facility requires a "Line" maintenance approval.

9. The *limitation* section is intended to give the competent authorities the flexibility to customise the approval to any particular organisation. Ratings shall be mentioned on the approval only when appropriately limited. The table referred to in point 13 specifies the types of limitation possible. Whilst maintenance is listed last in each class rating it is acceptable to stress the maintenance task rather than the aircraft or engine type or manufacturer, if this is more appropriate to the organisation (an example could be avionics systems installations and related maintenance). Such mention in the limitation section indicates that the maintenance organisation is approved to carry out maintenance up to and including this particular type/task.
10. When reference is made to *series, type and group* in the limitation section of class A and B, series means a specific type series such as Airbus 300 or 310 or 319 or Boeing 737-300 series or RB211-524 series or Cessna 150 or Cessna 172 or Beech 55 series or continental O-200 series etc; type means a specific type or model such as Airbus 310-240 type or RB 211-524 B4 type or Cessna 172RG type; any number of series or types may be quoted; group means for example Cessna single piston engine aircraft or Lycoming non-supercharged piston engines etc.
11. When a *lengthy capability list* is used which could be subject to frequent amendment, then such amendment may be in accordance with the indirect approval procedure referred to in points M.A.604(c) and M.B.606(c) or 145.A.70(c) and 145.B.40, as applicable.
12. A *maintenance organisation which employs only one person* to both plan and carry out all maintenance can only hold a limited scope of approval rating. The maximum permissible limits are:

CLASS	RATING	LIMITATION
CLASS AIRCRAFT	RATING A2 AEROPLANES 5 700 KG AND BELOW	PISTON ENGINE 5 700 KG AND BELOW
CLASS AIRCRAFT	RATING A3 HELICOPTERS	SINGLE PISTON ENGINE 3 175 KG AND BELOW
CLASS AIRCRAFT	RATING A4 AIRCRAFT OTHER THAN A1, A2 AND A3	NO LIMITATION
CLASS ENGINES	RATING B2 PISTON	LESS THAN 450 HP
CLASS COMPONENTS RATING OTHER THAN COMPLETE ENGINES OR APU'S.	C1 TO C22	AS PER CAPABILITY LIST
CLASS SPECIALISED	D1 NDT	NDT METHOD(S) TO BE SPECIFIED.

It should be noted that such an organisation may be further limited by the competent authority in the scope of approval dependent upon the capability of the particular organisation.

13. Table

CLASS	RATING	LIMITATION	BASE	LINE
AIRCRAFT	A1 Aeroplanes above 5 700 kg	[Rating reserved to Maintenance Organisations approved in accordance with Annex II (Part- 145)] [Shall state aeroplane manufacturer or group or series or type and/or the maintenance tasks] <i>Example: Airbus A320 Series</i>	[YES/NO]*	[YES/NO]*
	A2 Aeroplanes 5 700 kg and below	[Shall state aeroplane manufacturer or group or series or type and/or the maintenance tasks] <i>Example: DHC-6 Twin Otter Series</i>	[YES/NO]*	[YES/NO]*

CLASS	RATING	LIMITATION	BASE	LINE
	A3 Helicopters	[Shall state helicopter manufacturer or group or series or type and/or the maintenance task(s)] <i>Example: Robinson R44</i>	[YES/NO]*	[YES/NO]*
	A4 Aircraft other than A1, A2 and A3	[Shall state aircraft series or type and/or the maintenance task(s).]	[YES/NO]*	[YES/NO]*
ENGINES	B1 Turbine	[Shall state engine series or type and/or the maintenance task(s)] <i>Example: PT6A Series</i>		
	B2 Piston	[Shall state engine manufacturer or group or series or type and/or the maintenance task(s)]		
	B3 APU	[Shall state engine manufacturer or series or type and/or the maintenance task(s)]		
COMPONENTS OTHER THAN COMPLETE ENGINES OR APUs	C1 Air Cond & Press	[Shall state aircraft type or aircraft manufacturer or component manufacturer or the particular component and/or cross refer to a capability list in the exposition and/or the maintenance task(s).] <i>Example: PT6A Fuel Control</i>		
	C2 Auto Flight			
	C3 Comms and Nav			
	C4 Doors — Hatches			
	C5 Electrical Power & Lights			
	C6 Equipment			
	C7 Engine — APU			
	C8 Flight Controls			
	C9 Fuel			
	C10 Helicopter — Rotors			
	C11 Helicopter — Trans			
	C12 Hydraulic Power			
	C13 Indicating — recording system			
	C14 Landing Gear			
	C15 Oxygen			
	C16 Propellers			
	C17 Pneumatic & Vacuum			
	C18 Protection ice/rain/fire			
	C19 Windows			
	C20 Structural			
	C21 Water ballast			
	C22 Propulsion Augmentation			
SPECIALISED SERVICES	D1 Non Destructive Testing	[Shall state particular NDT method(s)]'		

22. Appendix V is replaced by the following:

'Appendix V

Maintenance Organisation Approval referred to in Annex I (Part-M) Subpart F

[MEMBER STATE] (*)

A Member of the European Union (**)

MAINTENANCE ORGANISATION APPROVAL CERTIFICATE

Reference: [MEMBER STATE CODE (*)].MF.[XXXX]

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and to Commission Regulation (EC) No 2042/2003 for the time being in force and subject to the condition specified below, the [COMPETENT AUTHORITY OF THE MEMBER STATE (*)] hereby certifies:

[COMPANY NAME AND ADDRESS]

as a maintenance organisation in compliance with Section A, Subpart F of Annex I (Part-M) of Regulation (EC) No 2042/2003, approved to maintain the products, parts and appliances listed in the attached approval schedule and issue related certificates of release to service using the above references.

CONDITIONS:

1. This approval is limited to that specified in the scope of work section of the approved maintenance organisation manual as referred to in Section A of Subpart F of Annex I (Part-M), and
2. This approval requires compliance with the procedures specified in the approved maintenance organisation manual, and
3. This approval is valid whilst the approved maintenance organisation remains in compliance with Annex I (Part-M) of Regulation (EC) No 2042/2003.
4. Subject to compliance with the foregoing conditions, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

Date of original issue:

Date of this revision:

Revision No:

Signed:

For the competent authority: [COMPETENT AUTHORITY OF THE MEMBER STATE (*)]

(*) or EASA if EASA is the competent authority.

(**) Delete for non-EU Member States or EASA.

MAINTENANCE ORGANISATION APPROVAL SCHEDULE

Reference: [MEMBER STATE CODE (*).MF.XXXX]

Organisation: [COMPANY NAME AND ADDRESS]

CLASS	RATING	LIMITATION
AIRCRAFT (**)	(***)	(***)
	(***)	(***)
ENGINES (**)	(***)	(***)
	(***)	(***)
COMPONENTS OTHER THAN COMPLETE ENGINES OR APUs (**)	(***)	(***)
	(***)	(***)
	(***)	(***)
	(***)	(***)
	(***)	(***)
	(***)	(***)
SPECIALISED SERVICES (**)	(***)	(***)
	(***)	(***)

This approval is limited to the products, parts and appliances and to the activities specified in the scope of work section of the approved maintenance organisation manual,

Maintenance Organisation Manual reference:

Date of original issue:

Date of last revision approved: Revision No:

Signed:

For the competent authority: [COMPETENT AUTHORITY OF THE MEMBER STATE (*)]

EASA Form 3-MF Issue 2

(*) or EASA if EASA is the competent authority.

(**) Delete as appropriate if the organisation is not approved.

(***) Complete with the appropriate rating and limitation.;

23. Appendix VI is replaced by the following:

Appendix VI

**Continuing Airworthiness Management Organisation Approval referred to in Annex I (Part-M)
Subpart G**

[MEMBER STATE] (*)

A Member of the European Union (**)

CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION APPROVAL CERTIFICATE

Reference: [MEMBER STATE CODE (*)].MG.XXXX (ref. AOC XX.XXXX)

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and to Commission Regulation (EC) No 2042/2003 for the time being in force and subject to the condition specified below, the [COMPETENT AUTHORITY OF THE MEMBER STATE (*)] hereby certifies:

[COMPANY NAME AND ADDRESS]

as a continuing airworthiness management organisation in compliance with Section A, Subpart G of Annex I (Part-M) of Regulation (EC) No 2042/2003, approved to manage the continuing airworthiness of the aircraft listed in the attached schedule of approval and, when stipulated, to issue recommendations and airworthiness review certificates after an airworthiness review as specified in point M.A.710 of Annex I (Part-M), and, when stipulated, to issue permits to fly as specified in point M.A.711(c) of Annex I (Part-M) of the same regulation.

CONDITIONS

1. This approval is limited to that specified in the scope of approval section of the approved continuing airworthiness management exposition as referred to in Section A, Subpart G of Annex I (Part-M) of Regulation (EC) No 2042/2003.
2. This approval requires compliance with the procedures specified in the Annex I (Part-M) to Regulation (EC) No 2042/2003 approved continuing airworthiness management exposition.
3. This approval is valid whilst the approved continuing airworthiness management organisation remains in compliance with Annex I (Part-M) to Regulation (EC) No 2042/2003.
4. Where the continuing airworthiness management organisation contracts under its Quality System the service of an/several organisation(s), this approval remains valid subject to such organisation(s) fulfilling applicable contractual obligations.
5. Subject to compliance with the conditions 1 to 4 above, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

If this form is also used for AOC holders, the AOC number shall be added to the reference, in addition to the standard number, and the condition 5 shall be replaced by the following extra conditions:

6. This approval does not constitute an authorisation to operate the types of aircraft referred in paragraph 1. The authorisation to operate the aircraft is the Air Operator Certificate (AOC).
7. Termination, suspension or revocation of the AOC automatically invalidates the present approval in relation to the aircraft registrations specified in the AOC, unless otherwise explicitly stated by the competent authority.
8. Subject to compliance with the previous conditions, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

Date of original issue:

Signed:

Date of this revision: Revision No:

For the Competent Authority: [COMPETENT AUTHORITY OF THE MEMBER STATE (*)]

Page ... of

CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION APPROVAL SCHEDULE

Reference: [MEMBER STATE CODE (*)].MG.XXXX
(ref. AOC XX.XXXX)

Organisation: [COMPANY NAME AND ADDRESS]

Aircraft type/series/group	Airworthiness review authorised	Permits to fly authorised	Organisation(s) working under quality system
	[YES/NO] (**)	[YES/NO] (**)	
	[YES/NO] (**)	[YES/NO] (**)	
	[YES/NO] (**)	[YES/NO] (**)	
	[YES/NO] (**)	[YES/NO] (**)	

This approval schedule is limited to that specified in the scope of approval contained in the approved Continuing Airworthiness Management Exposition section

Continuing Airworthiness Management Exposition Reference:

Date of original issue:

Signed:

Date of last revision: Revision No:

For the Competent Authority: [COMPETENT AUTHORITY OF THE MEMBER STATE (*)]

EASA Form 14 Issue 3

(*) or EASA if EASA is the competent authority.

(**) Delete for non-EU Member State or EASA.

(***) Delete as appropriate if the organisation is not approved.;

2. Annex II (Part-145) to Regulation (EC) No 2042/2003 is amended as follows:

1. The following table of contents is inserted after the title '(Part-145)':

'CONTENTS

145.1 General

SECTION A — TECHNICAL REQUIREMENTS

- 145.A.10 Scope
- 145.A.15 Application
- 145.A.20 Terms of approval
- 145.A.25 Facility requirements
- 145.A.30 Personnel requirements
- 145.A.35 Certifying staff and category B1 and B2 support staff
- 145.A.40 Equipment, tools and material
- 145.A.42 Acceptance of components
- 145.A.45 Maintenance data
- 145.A.47 Production planning
- 145.A.50 Certification of maintenance
- 145.A.55 Maintenance records
- 145.A.60 Occurrence reporting
- 145.A.65 Safety and quality policy, maintenance procedures and quality system
- 145.A.70 Maintenance organisation exposition
- 145.A.75 Privileges of the organisation
- 145.A.80 Limitations on the organisation
- 145.A.85 Changes to the organisation
- 145.A.90 Continued validity
- 145.A.95 Findings

SECTION B — PROCEDURES FOR COMPETENT AUTHORITIES

- 145.B.01 Scope
- 145.B.10 Competent authority
- 145.B.15 Organisations located in several Member States
- 145.B.17 Acceptable means of compliance
- 145.B.20 Initial approval
- 145.B.25 Issue of approval
- 145.B.30 Continuation of an approval
- 145.B.35 Changes
- 145.B.40 Changes to the Maintenance Organisation Exposition
- 145.B.45 Revocation, suspension and limitation of approval

145.B.50 Findings

145.B.55 Record-keeping

145.B.60 Exemptions

Appendix I — Authorised Release Certificate EASA Form 1

Appendix II — Class and Ratings System used for the Approval of Maintenance Organisations referred to in Annex I (Part-M) Subpart F and in Annex II (Part-145)

Appendix III — Maintenance Organisation Approval referred to in Annex II (Part-145)

Appendix IV — Conditions for the use of staff not qualified in accordance with points 145.A.30(j) 1 and 2;

2. the title of the section A is replaced by the following:

‘SECTION A

TECHNICAL REQUIREMENTS’;

3. point 145.A.15 is replaced by the following:

‘145.A.15 Application

An application for the issue or change of an approval shall be made to the competent authority in a form and manner established by such authority.’;

4. point 145.A.20 is replaced by the following:

‘145.A.20 Terms of Approval

The organisation shall specify the scope of work deemed to constitute approval in its exposition (Appendix IV to Annex I (Part-M) contains a table of all classes and ratings).’;

5. point 145.A.35 is amended as follows:

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

‘(b) Excepting those cases listed in 145.A.30(j) the organisation may only issue a certification authorisation to certifying staff in relation to the basic categories or subcategories and any type rating listed on the aircraft maintenance licence as required by Annex III (Part-66), subject to the licence remaining valid throughout the validity period of the authorisation and the certifying staff remaining in compliance with this Annex III (Part-66).’;

- (ii) paragraph (j) is replaced by the following:

‘(j) The organisation shall maintain a record of all certifying staff and category B1 and B2 support staff, which shall contain:

1. the details of any aircraft maintenance licence held under Annex III (Part-66); and
2. all relevant training completed; and
3. the scope of the certification authorisations issued, where relevant; and
4. particulars of staff with limited or one-off certification authorisations.

The organisation shall retain the record for at least three years after the staff referred to in this paragraph have ceased employment with the organisation or as soon as the authorisation has been withdrawn. In addition, upon request, the maintenance organisation shall furnish the staff referred to in this paragraph with a copy of their personal record on leaving the organisation.

The staff referred to in this paragraph shall be given access on request to their personal records as detailed above.’;

6. point 145.A.50(d) is replaced by the following:

‘(d) A certificate of release to service shall be issued at the completion of any maintenance on a component whilst off the aircraft. The authorised release certificate “EASA Form 1” referred to in Appendix II to Annex I (Part-M) constitutes the component certificate of release to service. When an organisation maintains a component for its own use, an EASA Form 1 may not be necessary depending upon the organisation’s internal release procedures defined in the exposition.’;

7. point 145.A.55(c) is replaced by the following:

‘(c) The organisation shall retain a copy of all detailed maintenance records and any associated maintenance data for three years from the date the aircraft or component to which the work relates was released from the organisation.

1. The records under this paragraph shall be stored in a manner that ensures protection from damage, alteration and theft.
2. Computer backup discs, tapes etc. shall be stored in a different location from that containing the working discs, tapes etc., in an environment that ensures they remain in good condition.
3. Where an organisation approved under this Part terminates its operation, all retained maintenance records covering the last two years shall be distributed to the last owner or customer of the respective aircraft or component or shall be stored as specified by the competent authority.’;

8. in point 145.A.90(a), point 1 is replaced by the following:

‘1. the organisation remaining in compliance with Annex II (Part-145), in accordance with the provisions related to the handling of findings as specified under point 145.B.50; and’;

9. point 145.B.40 is replaced by the following:

‘145.B.40 Changes to the Maintenance Organisation Exposition

For any change to the Maintenance Organisation Exposition (MOE):

1. In the case of direct approval of the changes in accordance with point 145.A.70(b), the competent authority shall verify that the procedures specified in the exposition are in compliance with Annex II (Part-145) before formally notifying the approved organisation of the approval.
2. In the case an indirect approval procedure is used for the approval of the changes in accordance with point 145.A.70(c), the competent authority shall ensure (i) that the changes remain minor and (ii) that it has an adequate control over the approval of the changes to ensure they remain in compliance with the requirements of Annex II (Part-145).’;

10. Appendix I is replaced by the following:

‘Appendix I

Authorised Release Certificate — EASA Form 1

The provisions of Appendix II to Annex I (Part-M) apply.’;

11. Appendix II is replaced by the following:

‘Appendix II

Class and Ratings System used for the Approval of Maintenance Organisations referred to in Annex I (Part-M) Subpart F and Annex II (Part-145)

The provisions of Appendix IV to Annex I (Part-M) apply.’;

12. Appendix III is replaced by the following:

‘Appendix III

Maintenance Organisation Approval referred to in Annex II (Part-145)

[MEMBER STATE (*)]

A Member of the European Union (**)

MAINTENANCE ORGANISATION APPROVAL CERTIFICATE

Reference: [MEMBER STATE CODE (*)].145.XXXX

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and to Commission Regulation (EC) No 2042/2003 for the time being in force and subject to the condition specified below, the [COMPETENT AUTHORITY OF THE MEMBER STATE (*)] hereby certifies:

[COMPANY NAME AND ADDRESS]

as a maintenance organisation in compliance with Section A of Annex II (Part-145) of Regulation (EC) No 2042/2003, approved to maintain products, parts and appliances listed in the attached approval schedule and issue related certificates of release to service using the above references.

CONDITIONS:

1. This approval is limited to that specified in the scope of work section of the approved maintenance organisation exposition as referred to in Section A of Annex II (Part-145), and
2. This approval requires compliance with the procedures specified in the approved maintenance organisation exposition, and
3. This approval is valid whilst the approved maintenance organisation remains in compliance with Annex II (Part-145) of Regulation (EC) No 2042/2003.
4. Subject to compliance with the foregoing conditions, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

Date of original issue:

Date of this revision:

Revision No:

Signed:

For the competent authority: [COMPETENT AUTHORITY OF THE MEMBER STATE (*)]

(*) or EASA if EASA is the competent authority.

(**) Delete for non-EU Member States or EASA.

MAINTENANCE ORGANISATION APPROVAL SCHEDULE

Reference: [MEMBER STATE CODE (*)].145.[XXXX]

Organisation: [COMPANY NAME AND ADDRESS]

CLASS	RATING	LIMITATION	BASE	LINE
AIRCRAFT (**)	(***)	(***)	[YES/NO] (**)	[YES/NO] (**)
	(***)	(***)	[YES/NO] (**)	[YES/NO] (**)
	(***)	(***)	[YES/NO] (**)	[YES/NO] (**)
	(***)	(***)	[YES/NO] (**)	[YES/NO] (**)
ENGINES (**) 	(***)	(***)		
	(***)	(***)		
COMPONENTS OTHER THAN COMPLETE ENGINES OR APUs (**) 	(***)	(***)		
	(***)	(***)		
	(***)	(***)		
	(***)	(***)		
	(***)	(***)		
	(***)	(***)		
SPECIALISED SERVICES (**) 	(***)	(***)		
	(***)	(***)		

This approval schedule is limited to those products, parts and appliances and to the activities specified in the scope of work section of the approved maintenance organisation exposition,

Maintenance Organisation Exposition reference:

Date of original issue:

Date of last revision approved: Revision No:

Signed:

For the competent authority: [COMPETENT AUTHORITY OF THE MEMBER STATE (*)]

(*) or EASA if EASA is the competent authority.

(**) Delete as appropriate if the organisation is not approved.

(***) Complete with the appropriate rating and limitation.;

3. Annex III (Part-66) to Regulation (EC) 2042/2003 is amended as follows:

1. the following table of contents is inserted after the title '(Part-66)':

'Contents

66.1

SECTION A — TECHNICAL REQUIREMENTS

SUBPART A — AIRCRAFT MAINTENANCE LICENCE AEROPLANES AND HELICOPTERS

- 66.A.1 Scope
- 66.A.10 Application
- 66.A.15 Eligibility
- 66.A.20 Privileges
- 66.A.25 Basic knowledge requirements
- 66.A.30 Experience requirements
- 66.A.40 Continued validity of the aircraft maintenance licence
- 66.A.45 Type/task training and ratings
- 66.A.55 Evidence of qualification
- 66.A.70 Conversion provisions

SUBPART B — AIRCRAFT OTHER THAN AEROPLANES AND HELICOPTERS

- 66.A.100 General

SUBPART C — COMPONENTS

- 66.A.200 General

SECTION B — PROCEDURES FOR COMPETENT AUTHORITIES

SUBPART A — GENERAL

- 66.B.05 Scope
- 66.B.10 Competent authority
- 66.B.15 Acceptable means of compliance
- 66.B.20 Record-keeping
- 66.B.25 Mutual exchange of information
- 66.B.30 Exemptions

SUBPART B — ISSUE OF AN AIRCRAFT MAINTENANCE LICENCE

- 66.B.100 Procedure for the issue of an aircraft maintenance licence by the competent authority
- 66.B.105 Procedure for the issue of an aircraft maintenance licence via the Part-145 approved maintenance organisation
- 66.B.110 Procedure for the change of an aircraft maintenance licence to include an additional basic category or subcategory
- 66.B.115 Procedure for the change of an aircraft maintenance licence to include an aircraft type or group
- 66.B.120 Procedure for the renewal of an aircraft maintenance licence validity

SUBPART C — EXAMINATIONS

66.B.200 Examination by the competent authority

SUBPART D — CONVERSION OF NATIONAL QUALIFICATIONS

66.B.300 General

66.B.305 Conversion report for national qualifications

66.B.310 Conversion report for approved maintenance organisations authorisations

SUBPART E — EXAMINATION CREDITS

66.B.400 General

66.B.405 Examination credit report

SUBPART F — REVOCATION, SUSPENSION OR LIMITATION OF THE AIRCRAFT MAINTENANCE LICENCE

66.B.500 Revocation, suspension or limitation of the aircraft maintenance licence

*Appendix I — Basic Knowledge Requirements**Appendix II — Basic Examination Standard**Appendix III — Type training and Examination Standard**Appendix IV — Experience requirements for extending a Part-66 Aircraft Maintenance Licence**Appendix V — Application Form — EASA Form 19**Appendix VI — Aircraft Maintenance Licence referred to in Annex III (Part-66) — EASA Form 26;*

2. the title of the section A is replaced by the following:

‘SECTION A
TECHNICAL REQUIREMENTS’;

3. point 66.A.10 is replaced by the following:

‘66.A.10 Application

- (a) An application for an aircraft maintenance licence or change to such licence shall be made on an EASA Form 19 in a manner established by the competent authority and submitted thereto.
- (b) An application for the change to an aircraft maintenance licence shall be made to the competent authority of the Member State that first issued the aircraft maintenance licence.
- (c) In addition to the documents required in points 66.A.10(a), 66.A.10(b) and 66.B.105, as appropriate, the applicant for additional basic categories or subcategories to an aircraft maintenance licence shall submit his/her current original aircraft maintenance licence to the competent authority together with EASA Form 19.
- (d) Where the applicant for change of the basic categories qualifies for such change via the procedure referred to in point 66.B.100 in a Member State other than the Member State in which he/she first qualified, the application shall be sent to the Member State of first qualification.
- (e) Where the applicant for change of the basic categories qualifies for such change via the procedure referred to in point 66.B.105 in a Member State other than the Member State in which he/she first qualified, the maintenance organisation approved in accordance with Annex II (Part-145) shall send the aircraft maintenance licence together with the EASA Form 19 to the competent authority of the Member State of first qualification for Member State stamp and signature of the change or reissue of the licence.’;

4. point 66.A.40 is replaced by the following:

‘66.A.40 Continued validity of the aircraft maintenance licence

- (a) The aircraft maintenance licence becomes invalid five years after its last issue or change, unless the holder submits his/her aircraft maintenance licence to the competent authority that issued it, in order to verify that the information contained in the licence is the same as that contained in the competent authority records, pursuant to point 66.B.120.
- (b) The holder of an aircraft maintenance licence shall complete the relevant parts of EASA Form 19 and submit it with the holder's copy of the licence to the competent authority that issued the original aircraft maintenance licence, unless the holder works in a maintenance organisation approved in accordance with Annex II (Part-145) that has a procedure in its exposition whereby such organisation may submit the necessary documentation on behalf of the aircraft maintenance licence holder.
- (c) Any certification privilege based upon a aircraft maintenance licence becomes invalid as soon as the aircraft maintenance licence is invalid.
- (d) The aircraft maintenance licence is only valid (i) when issued and/or changed by the competent authority and (ii) when the holder has signed the document.’;

5. in point 66.A.45, paragraph (h) is replaced by the following:

- ‘(h) Notwithstanding paragraph (c), ratings on aircraft other than large aircraft may also be granted, subject to satisfactory completion of the relevant category B1, B2 or C aircraft type examination and demonstration of practical experience on the aircraft type, unless the Agency has determined that the aircraft is complex, where paragraph (c) approved type training is required.

In the case of a category C rating on aircraft other than large aircraft, for a person qualified by holding an academic degree as specified in point 66.A.30 (a) 5, the first relevant aircraft type examination shall be at the category B1 or B2 level.

- 1. Category B1, B2 and C approved type examinations must consist of a mechanical examination for category B1 and an avionics examination for category B2 and both mechanical and avionics examination for category C.
- 2. The examination shall comply with Appendix III to Annex III (Part-66). The examination shall be conducted by training organisations appropriately approved in accordance with Annex IV (Part-147) or by the competent authority.
- 3. Aircraft type practical experience shall include a representative cross section of maintenance activities relevant to the category.’;

6. in point 66.B.10, paragraph (a) is replaced by the following:

‘(a) General

The Member State shall designate a competent authority with allocated responsibilities for the issuance, continuation, change, suspension or revocation of aircraft maintenance licences. This competent authority shall establish an organisational structure and documented procedures for ensuring compliance with Annex III (Part-66).’;

7. in point 66.B.20, paragraph (a) is replaced by the following:

- ‘(a) The competent authority shall establish a system of record-keeping that allows adequate traceability of the process to issue, revalidate, change, suspend or revoke each aircraft maintenance licence.’;

8. in point 66.B.100, paragraph (b), ‘Appendix 1’ is replaced by ‘Appendix I’;

9. point 66.B.110 is replaced by the following:

‘66.B.110 Procedure for the change of an aircraft maintenance licence to include an additional basic category or subcategory

- (a) At the completion of the procedures specified in points 66.B.100 or 66.B.105, the competent authority shall endorse the additional basic category or subcategory on the aircraft maintenance licence by stamp and signature or reissue the licence.

(b) The competent authority record system shall be changed accordingly.’;

10. point 66.B.115 is replaced by the following:

‘66.B.115 Procedure for the change of an aircraft maintenance licence to include an aircraft type or group

On receipt of a satisfactory EASA Form 19 and any supporting documentation demonstrating compliance with the applicable type rating and/or group rating requirements and the accompanying aircraft maintenance licence, the competent authority shall either endorse the applicant’s aircraft maintenance licence with the aircraft type or group or reissue the said licence to include the aircraft type or group. The competent authority record system shall be changed accordingly.’;

11. point 66.B.120 is replaced by the following:

‘66.B.120 Procedure for the renewal of an aircraft maintenance licence validity

(a) The competent authority shall compare the holder’s aircraft maintenance licence with the competent authority records and verify any pending revocation, suspension or change action pursuant to point 66.B.500. If the documents are identical and no action is pending pursuant to point 66.B.500, the holder’s copy shall be renewed for five years and the file endorsed accordingly.

(b) If the competent authority records are different from the aircraft maintenance licence held by the licence holder:

1. the competent authority shall investigate the reasons for such differences and may choose not to renew the aircraft maintenance licence;
2. the competent authority shall inform the licence holder and any known maintenance organisation approved in accordance with Annex I (Part-M) Subpart F or Annex II (Part-145) that may be directly affected of such fact;
3. the competent authority shall, if necessary, take action in accordance with point 66.B.500 to revoke, suspend or change the licence in question.’;

12. in Appendix I, point 2 is amended as follows:

(i) in module 7 ‘maintenance practices’, sub-module 7.7 is replaced by the following:

	‘Level		
	A	B1	B2
7.7 Electrical Wiring Interconnection System (EWIS)	1	3	3’
Continuity, insulation and bonding techniques and testing;			
Use of crimp tools: hand and hydraulic operated;			
Testing of crimp joints;			
Connector pin removal and insertion;			
Co-axial cables: testing and installation precautions;			
Identification of wire types, their inspection criteria and damage tolerance.			
Wiring protection techniques: Cable looming and loom support, cable clamps, protective sleeving techniques including heat shrink wrapping, shielding.			
EWIS installations, inspection, repair, maintenance and cleanliness standards.			

(ii) in module 10 'aviation legislation', sub-module 10.1 is replaced by the following:

	Level		
	A	B1	B2
10.1 Regulatory Framework Role of International Civil Aviation Organisation; Role of the Member States and National Aviation Authorities; Role of EASA; Role of the European Commission; Relationship between Part-21, Part-M, Part-145, Part-66, Part-147 and EU-OPS	1	1	1'

(iii) in module 10 'aviation legislation', sub-module 10.4 is replaced by the following:

	Level		
	A	B1	B2
10.4 EU-OPS Commercial Air Transport/Commercial Operations Air Operators Certificates; Operators Responsibilities, in particular regarding continuing airworthiness and maintenance; Documents to be carried on board; Aircraft Placarding (Markings);	1	1	1'

(iv) in module 12 'Helicopter Aerodynamics, Structures and Systems', sub-module 12.4 and 12.13 are replaced by the following:

	Level		
	A3 A4	B1.3 B1.4	B2
12.4 Transmissions Gear boxes, main and tail rotors; Clutches, free wheel units and rotor brake. Tail rotor drive shafts, flexible couplings, bearings, vibration dampers and bearing hangers	1	3	—'

	Level		
	A3 A4	B1.3 B1.4	B2
12.13 Ice and Rain Protection (ATA 30) Ice formation, classification and detection; Anti-icing and de-icing systems: electrical, hot air and chemical; Rain repellent and removal; Probe and drain heating. Wiper system	1	3	—'

13. Appendix II 'Basic Examination Standard' is amended as follows:

(i) point 2.3 is replaced by the following:

'2.3. Subject Module 3 Electrical Fundamentals:

Category A-20 multi-choice and 0 essay questions. Time allowed 25 minutes.

Category B1-50 multi-choice and 0 essay questions. Time allowed 65 minutes.

Category B2-50 multi-choice and 0 essay questions. Time allowed 65 minutes.;

(ii) points 2.17 and 2.18 are replaced by the following:

'2.17. Subject Module 16 Piston Engine:

Category A-50 multi-choice and 0 essay questions. Time allowed 65 minutes.

Category B1-70 multi-choice and 0 essay questions. Time allowed 90 minutes.

Category B2-None.

2.18. Subject Module 17 Propeller:

Category A-20 multi-choice and 0 essay questions. Time allowed 25 minutes.

Category B1-30 multi-choice and 0 essay questions. Time allowed 40 minutes.

Category B2-None.;

14. Appendix V is replaced by the following:

'Appendix V

Application Form — EASA Form 19

1. This appendix contains an example of the form used for application for the aircraft maintenance licence referred to in Annex III (Part-66).
2. The competent authority of the Member State may modify the EASA Form 19 only to include additional information necessary to support the case where the National requirements permit or require the aircraft maintenance licence issued in accordance with Annex III (Part-66) to be used outside the requirement of Annex II (Part-145) for non-commercial air transport purposes.

APPLICATION FOR INITIAL/AMENDMENT/RENEWAL OF PART-66 AIRCRAFT MAINTENANCE LICENCE (AML)	EASA FORM 19																														
APPLICANTS DETAILS: Name: Address: Nationality: Date and Place of Birth:																															
PART-66 AML DETAILS (if applicable): Licence No: Date of Issue:																															
EMPLOYERS DETAILS: Name: Address: Maintenance Organisation Approval Reference: Tel: Fax:																															
APPLICATION FOR: (Tick relevant boxes) <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Initial AML ☐</td> <td style="width: 33%;">Amendment of AML ☐</td> <td style="width: 33%;">Renewal of AML ☐</td> </tr> <tr> <td>Rating</td> <td>A</td> <td>B1</td> </tr> <tr> <td>Aeroplane Turbine</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Aeroplane Piston</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Helicopter Turbine</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Helicopter Piston</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Reserved</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Reserved</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Avionics</td> <td></td> <td>☐</td> </tr> <tr> <td>Aircraft</td> <td></td> <td>☐</td> </tr> </table> Type endorsements (if applicable):		Initial AML ☐	Amendment of AML ☐	Renewal of AML ☐	Rating	A	B1	Aeroplane Turbine	☐	☐	Aeroplane Piston	☐	☐	Helicopter Turbine	☐	☐	Helicopter Piston	☐	☐	Reserved	☐	☐	Reserved	☐	☐	Avionics		☐	Aircraft		☐
Initial AML ☐	Amendment of AML ☐	Renewal of AML ☐																													
Rating	A	B1																													
Aeroplane Turbine	☐	☐																													
Aeroplane Piston	☐	☐																													
Helicopter Turbine	☐	☐																													
Helicopter Piston	☐	☐																													
Reserved	☐	☐																													
Reserved	☐	☐																													
Avionics		☐																													
Aircraft		☐																													
I wish to apply for initial/amendment/renewal of Part-66 AML as indicated and confirm that the information contained in this form was correct at the time of application.																															
I herewith confirm that: 1. I am not holding any Part-66 AML issued in another Member State, 2. I have not applied for any Part-66 AML in another Member State and 3. I never had a Part-66 AML issued in another Member State which was revoked or suspended in any other Member State. I also understand that any incorrect information could disqualify me from holding a Part-66 AML. Signed: Name: Date:																															

APPLICATION FOR INITIAL/AMENDMENT/RENEWAL OF PART-66 AIRCRAFT MAINTENANCE LICENCE (AML)	EASA FORM 19
I wish to claim the following credits (if applicable): Experience credit due Part-147 training Examination credit due equivalent exam certificates Please enclose all relevant certificates	
Recommendation (if applicable): It is hereby certified that the applicant has met the relevant maintenance knowledge and experience requirements of Part-66 and it is recommended that the competent authority grants or endorses the Part-66 AML. Signed: Name: Position: Date:	

15. the following Appendix VI is added:

'Appendix VI

Aircraft Maintenance Licence referred to in Annex III (Part-66)

1. An example of the aircraft maintenance licence referred to in Annex III (Part-66) can be found on the following pages.
2. The document must be printed in the standardised form shown but may be reduced in size to accommodate its computer generation if desired. When the size is reduced care should be exercised to ensure sufficient space is available in those places where official seals/stamps are required. Computer generated documents need not have all the boxes incorporated when any such box remains blank so long as the document can clearly be recognised as an aircraft maintenance licence issued in accordance with Annex III (Part-66).
3. The document may be printed in the English or the official language of the Member State concerned, except that if the official language of the Member State concerned is used, a second English copy must be attached for any licence holder that works outside that Member State to ensure understanding for the purpose of mutual recognition.
4. Each licence holder must have a unique licence number based upon a National identifier and an alpha-numeric designator.
5. The document may have the pages in any order and need not have some or any divider lines as long as the information contained is positioned such that each page layout can clearly be identified with the format of the example of the aircraft maintenance licence contained herein.
6. The document may be prepared (i) by the competent authority of the Member State or (ii) by any maintenance organisation approved in accordance with Annex II (Part-145) if the competent authority agrees so and subject to a procedure developed as part of the maintenance organisation exposition referred to in point 145.A.70 of Annex II (Part-145), except that in all cases the competent authority of the Member State will issue the document.
7. The preparation of any change to an existing aircraft maintenance licence may be carried out (i) by the competent authority of the Member State or (ii) any maintenance organisation approved in accordance with Annex II (Part-145) if the competent authority agrees so and subject to a procedure developed as part of the maintenance organisation exposition referred to in point 145.A.70 of Annex II (Part-145), except that in all cases the competent authority of the Member State will change the document.
8. The aircraft maintenance licence once issued is required to be kept by the person to whom it applies in good condition and who shall remain accountable for ensuring that no unauthorised entries are made.
9. Failure to comply with paragraph 8 may invalidate the document and could lead to the holder not being permitted to hold any certification authorisation pursuant to point 145.A.35 of Annex II (Part-145) and may result in prosecution under national law.
10. The aircraft maintenance licence delivered in accordance with Annex III (Part-66) is recognised in all Member States and it is not necessary to exchange the document when working in another Member State.
11. The annex to EASA Form 26 is optional and may only be used to include national privileges not covered by Annex III (Part-66), where such privileges were covered by the national regulation in force prior to the implementation of Annex III (Part-66).
12. For information the actual Annex III (Part-66) aircraft maintenance licence issued by the competent authority of the Member State may have the pages in a different order and may not have the divider lines.
13. With regard to the aircraft type rating page the competent authority of the Member State may choose not to issue this page until the first aircraft type rating needs to be endorsed and will need to issue more than one aircraft type rating page when there are a number to be listed.
14. Notwithstanding 13, each page issued will be in this format and contain the specified information for that page.
15. If there are no limitations applicable, the LIMITATIONS page will be issued stating "No limitations".
16. Where a pre-printed format is used, any category, subcategory or type rating box which does not contain a rating entry shall be marked to show that the rating is not held.
17. Example of Aircraft Maintenance Licence referred to in Annex III (Part-66):

EUROPEAN UNION (*)

[STATE]

[AUTHORITY NAME & LOGO]

Part-66

Aircraft maintenance

Licence

No. [MEMBER STATE CODE].66.[XXXX]

EASA FORM 26 Issue 2

I. Full name of holder:

II. Date and place of birth:

III. Address of holder:

IV. Nationality of holder:

V. Signature of holder:

VI. LIC NO:

VII. CONDITIONS:

This licence must be signed by the holder and be accompanied by an identity document containing a photograph of the licence holder.

Endorsement of any (sub)categories on the page(s) entitled Part-66 (SUB)CATEGORIES only, does not permit the holder to issue a certificate of release to service for an aircraft.

This licence when endorsed with an aircraft type rating meets the intent of ICAO annex 1.

The privileges of the holder of this licence are prescribed by Part-66 and the applicable requirements of Part-M and Part-145.

This licence remains valid until the date specified on the limitation page unless previously suspended or revoked.

The privileges of this licence may not be exercised unless in the preceding two year period the holder has had either six months of maintenance experience in accordance with the privileges granted by the licence, or met the provision for the issue of the appropriate privileges.

VI. LIC NO:

VIII. Part-66 (SUB) CATEGORIES

Validity:

	A	B1	B2	C
Aeroplanes Turbine			n/a	n/a
Aeroplanes Piston			n/a	n/a
Helicopters Turbine			n/a	n/a
Helicopters Piston			n/a	n/a
Avionics	n/a	n/a		n/a
Aircraft	n/a	n/a	n/a	
Reserved				

IX. Signature of issuing officer & date:

X. Seal or stamp of issuing Authority:

VI. LIC NO:

XI. PART-66 AIRCRAFT TYPE RATINGS		
A/C Type or Group	Category	Stamp & Date

VI. LIC NO:

XII. PART-66 LIMITATIONS	
Valid until:	
VI. LIC NO:	

Annex to EASA FORM 26	
XIII. NATIONAL PRIVILEGES outside the scope of Part-66, in accordance with [National Legislation] (Valid only in [Member State])	
Official Stamp & Date	
VI. LIC NO:	

INTENTIONALLY LEFT BLANK

4. Annex IV (Part-147) to Regulation (EC) No 2042/2003 is amended as follows:

1. the following table of contents is inserted after the title '(Part-147)':

'CONTENTS

147.1

SECTION A — TECHNICAL REQUIREMENTS

SUBPART A GENERAL

147.A.05 Scope

147.A.10 General

147.A.15 Application

SUBPART B — ORGANISATIONAL REQUIREMENTS

147.A.100 Facility requirements

147.A.105 Personnel requirements

147.A.110 Records of instructors, examiners and assessors

147.A.115 Instructional equipment

147.A.120 Maintenance training material

147.A.125 Records

147.A.130 Training procedures and quality system

147.A.135 Examinations

147.A.140 Maintenance training organisation exposition

147.A.145 Privileges of the maintenance training organisation

147.A.150 Changes to the maintenance training organisation

147.A.155 Continued validity

147.A.160 Findings

SUBPART C — THE APPROVED BASIC TRAINING COURSE

147.A.200 The approved basic training course

147.A.205 Basic knowledge examinations

147.A.210 Basic practical assessment

SUBPART D — AIRCRAFT TYPE/TASK TRAINING

147.A.300 Aircraft type/task training

147.A.305 Aircraft type examinations and task assessments

SECTION B — PROCEDURE FOR COMPETENT AUTHORITIES

SUBPART A — GENERAL

147.B.05 Scope

- 147.B.10 Competent authority
- 147.B.15 Acceptable means of compliance
- 147.B.20 Record-keeping
- 147.B.25 Exemptions

SUBPART B — ISSUE OF AN APPROVAL

- 147.B.110 Procedure for approval and changes to the approval
- 147.B.120 Continued validity procedure
- 147.B.125 Maintenance training organisation approval certificate
- 147.B.130 Findings

SUBPART C — REVOCATION, SUSPENSION AND LIMITATION OF THE MAINTENANCE TRAINING ORGANISATION APPROVAL

- 147.B.200 Revocation, suspension and limitation of the maintenance training organisation approval

Appendix I — Basic Training Course Duration

Appendix II — Maintenance Training Organisation Approval referred to in Annex IV (Part-147) — EASA Form 11

Appendix III — Example of Training Certificate;

2. point 147.A.15 is replaced by the following:

‘147.A.15 Application

- (a) An application for an approval or for the change of an existing approval shall be made on a form and in a manner established by the competent authority.
- (b) An application for an approval or change to an approval shall include the following information:
 - 1. the registered name and address of the applicant;
 - 2. the address of the organisation requiring the approval or change to the approval;
 - 3. the intended scope of approval or change to the scope of approval;
 - 4. the name and signature of the accountable manager;
 - 5. the date of application.’;

3. in point 147.A.105, paragraph (f) is replaced by the following:

- ‘(f) The experience and qualifications of instructors, knowledge examiners and practical assessors shall be established in accordance with criteria published or in accordance with a procedure and to a standard agreed by the competent authority.’;

4. in point 147.A.145, paragraph (e) is replaced by the following:

- ‘(e) An organisation may not be approved to conduct examinations unless approved to conduct training.’;

5. in point 147.B.10, the following paragraph (d) is added:

‘(d) Qualification and training

All staff involved in approvals related to this Annex must:

- 1. Be appropriately qualified and have all necessary knowledge, experience and training to perform their allocated tasks.

2. Have received training and continuation training on Annex III (Part-66) and Annex IV (Part-147) where relevant, including its intended meaning and standard.;
6. point 147.B.100 is deleted;
7. point 147.B.105 is deleted;
8. point 147.B.110 is replaced by the following:
‘147.B.110 Procedure for approval and changes to the approval
 - (a) Upon receipt of an application, the competent authority shall:
 1. review the maintenance training organisation exposition; and
 2. verify the organisation’s compliance with the requirement of Annex IV (Part-147).
 - (b) All findings identified shall be recorded and confirmed in writing to the applicant.
 - (c) All findings shall be closed in accordance with point 147.B.130 before the approval is issued.
 - (d) The reference number shall be included on the approval certificate in a manner specified by the Agency.;
9. point 147.B.115 is deleted;
10. Appendix II is replaced by the following:

‘Appendix II

Maintenance Training Organisation Approval referred to in Annex IV (Part-147) — EASA Form 11

[MEMBER STATE (*)]

A Member of the European Union (**)

MAINTENANCE TRAINING AND EXAMINATION ORGANISATION APPROVAL CERTIFICATE

Reference: [MEMBER STATE CODE (*)].147.[XXXX]

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and to Commission Regulation (EC) No 2042/2003 for the time being in force and subject to the condition specified below, the [COMPETENT AUTHORITY OF THE MEMBER STATE*] hereby certifies:

[COMPANY NAME AND ADDRESS]

as a maintenance training organisation in compliance with Section A of Annex IV (Part-147) of Regulation (EC) No 2042/2003, approved to provide training and conduct examinations listed in the attached approval schedule and issue related certificates of recognition to students using the above references.

CONDITIONS:

1. This approval is limited to that specified in the scope of work section of the approved maintenance training organisation exposition as referred to in Section A of Annex IV (Part-147), and
2. This approval requires compliance with the procedures specified in the approved maintenance training organisation exposition, and
3. This approval is valid whilst the approved maintenance training organisation remains in compliance with Annex IV (Part-147) of Regulation (EC) No 2042/2003.
4. Subject to compliance with the foregoing conditions, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

Date of original issue:

Date of this revision:

Revision No:

Signed:

For the competent authority: [COMPETENT AUTHORITY OF THE MEMBER STATE (*)]

(*) or EASA if EASA is the competent authority.

(**) Delete for non-EU Member States or EASA.

MAINTENANCE TRAINING AND EXAMINATION APPROVAL SCHEDULE

Reference: [MEMBER STATE CODE (*).147.[XXXX]

Organisation: [COMPANY NAME AND ADDRESS]

CLASS	RATING	LIMITATION	
BASIC (**)	B1 (**)	TB1.1 (**)	AEROPLANES TURBINE (**)
		TB1.2 (**)	AEROPLANES PISTON (**)
		TB1.3 (**)	HELICOPTERS TURBINE (**)
		TB1.4 (**)	HELICOPTERS PISTON (**)
	B2 (**)	TB2 (**)	AVIONICS (**)
	A (**)	TA.1 (**)	AEROPLANES TURBINE (**)
		TA.2 (**)	AEROPLANES PISTON (**)
		TA.3 (**)	HELICOPTERS TURBINE (**)
		TA.4 (**)	HELICOPTERS PISTON (**)
TYPE/TASK (**)	C (**)	T4 (**)	[QUOTE AIRCRAFT TYPE] (***)
	B1 (**)	T1 (**)	[QUOTE AIRCRAFT TYPE] (***)
	B2 (**)	T2 (**)	[QUOTE AIRCRAFT TYPE] (***)
	A (**)	T3 (**)	[QUOTE AIRCRAFT TYPE] (***)

This approval schedule is limited to those trainings and examinations specified in the scope of work section of the approved maintenance training organisation exposition,

Maintenance Training Organisation Exposition reference:

Date of original issue:

Date of last revision approved: Revision No:

Signed:

For the competent authority:[COMPETENT AUTHORITY OF THE MEMBER STATE (*)]

(*) or EASA if EASA is the competent authority.

(**) Delete as appropriate if the organisation is not approved.

(***) Complete with the appropriate rating and limitation'.

COMMISSION REGULATION (EU) No 128/2010**of 12 February 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to 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 13 February 2010.

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

Done at Brussels, 12 February 2010.

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

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	176,4
	JO	87,5
	MA	86,1
	TN	118,0
	TR	118,7
	ZZ	117,3
0707 00 05	JO	150,4
	MA	75,9
	TR	143,5
	ZZ	123,3
0709 90 70	IL	247,1
	MA	117,8
	TR	154,0
	ZZ	173,0
0709 90 80	EG	69,8
	MA	131,9
	ZZ	100,9
0805 10 20	EG	48,8
	IL	57,9
	MA	48,1
	TN	53,3
	TR	59,5
	ZZ	53,5
0805 20 10	IL	148,5
	MA	84,9
	TR	77,2
	ZZ	103,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	56,8
	EG	57,3
	IL	74,3
	JM	107,2
	MA	115,6
	PK	32,3
	TR	59,8
	ZZ	71,9
0805 50 10	EG	75,2
	IL	76,3
	MA	58,3
	TR	66,6
	ZZ	69,1
0808 10 80	CA	97,5
	CN	73,0
	MK	24,7
	US	122,8
	ZZ	79,5
0808 20 50	CN	53,7
	US	132,8
	ZA	118,9
	ZZ	101,8

⁽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 (EU) No 129/2010**of 12 February 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE EUROPEAN COMMISSION,

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

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 123/2010 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 February 2010.

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

Done at Brussels, 12 February 2010.

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

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 38, 11.2.2010, p. 5.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 13 February 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	46,61	0,00
1701 11 90 ⁽¹⁾	46,61	0,92
1701 12 10 ⁽¹⁾	46,61	0,00
1701 12 90 ⁽¹⁾	46,61	0,62
1701 91 00 ⁽²⁾	54,50	1,12
1701 99 10 ⁽²⁾	54,50	0,00
1701 99 90 ⁽²⁾	54,50	0,00
1702 90 95 ⁽³⁾	0,55	0,19

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

DECISIONS

COMMISSION DECISION

of 9 February 2010

on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania

*(notified under document C(2010) 795)***(Text with EEA relevance)**

(2010/89/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽¹⁾, and in particular the second paragraph of Article 12 thereof,

Having regard to 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 ⁽²⁾, and in particular the second paragraph of Article 9 thereof,

Whereas:

(1) Regulation (EC) No 852/2004 lays down general rules for food business operators on the hygiene of foodstuffs, taking account, inter alia, of procedures based on the principles of hazard analysis and critical control points.

(2) Regulation (EC) No 853/2004 lays down specific rules on the hygiene of food of animal origin for food business operators and supplements the rules laid down in Regulation (EC) No 852/2004. The rules laid in those Regulations include obligations on food business operators concerning structural requirements for establishments for meat, egg products and fishery products and cold stores.

(3) Article 23 of the Act of Accession of Bulgaria and Romania and Annex VII thereto provide for certain tran-

sitional measures concerning Union veterinary legislation. Those measures provide that certain structural requirements laid down in Annex II to Regulation (EC) No 852/2004 and in Annex III to Regulation (EC) No 853/2004 are not to apply to the establishments in Romania listed in Appendix B to that Annex until 31 December 2009, subject to certain conditions.

(4) Since the date of accession of Romania, the number of establishments for meat, fishery products and egg products and cold stores in compliance with the relevant structural requirements of Regulations (EC) No 852/2003 and (EC) No 853/2004 has increased to 80 % of the concerned establishments in that Member State. However, certain establishments are still undergoing the necessary structural improvements in order to comply with those requirements. Those establishments are spread across the whole territory of Romania.

(5) In light of the ongoing structural improvements, it is necessary to provide for transitional measures derogating from the relevant structural requirements laid down in Regulations (EC) No 852/2004 and (EC) No 853/2004.

(6) The lists of establishments that do not comply with those structural requirements are set out in Annex I to IV to this Decision. The lists include establishments for meat which are currently covered by Annex VII to the Act of Accession, as well as establishments for fishery products and egg products which are not covered by that Annex.

(7) The marketing of products derived from those non-compliant establishments or stored in non-compliant cold stores should be restricted to Romania or used for further processing in establishments covered by the transitional measures provided for in this Decision to give the industry in Romania sufficient time to adapt to the relevant structural requirements.

⁽¹⁾ OJ L 139, 30.4.2004, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 55.

- (8) The relevant transitional measures provided for in the Act of Accession expire on the 31 December 2009. In order to ensure the continuity of these transitional measures this Decision should enter into force as of 1 January 2010. The transitional period granted by this Decision should be limited to a period of one year from 1 January 2010 to 31 December 2010 by which date it is anticipated that the establishments concerned will be in full compliance with the relevant structural requirements. The situation in Romania should be reviewed before the end of that period. Therefore, Romania should submit a report to the Commission regarding progress in the upgrading of the concerned establishments and cold stores in that Member State.
- (9) 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

This Decision lays down transitional measures concerning the application of certain structural requirements laid down in Annex II to Regulation (EC) No 852/2004 and in Annex III to Regulation (EC) No 853/2004 to establishments for meat, egg products and fishery products and cold stores in Romania listed in Annexes I to IV to this Decision (the establishments).

Article 2

The general requirements laid down in Chapters I and II of Annex II to Regulation (EC) No 852/2004 shall not apply to the establishments until 31 December 2010.

Article 3

The following specific requirements laid down in Annex III to Regulation (EC) No 853/2004 shall not apply to the following establishments until 31 December 2010:

- (a) the requirements laid down in Chapters II and III of Section I, Chapters II and III of Section II and Chapter I of Section V of that Annex as regards the meat establishments listed in Annex I to this Decision;
- (b) the requirements laid down in Chapter III of Section VIII of that Annex as regards the fishery product establishments listed in Annex II to this Decision;
- (c) the requirements laid down in Chapter II of Section X of that Annex as regards the egg product establishments listed in Annex III to this Decision.

Article 4

1. Products produced by the establishments listed in Annexes I, II or III or stored in the establishments listed in Annex IV shall only:

- (a) be placed on the domestic market in Romania; or
- (b) be used for further processing in the establishments.

2. The products referred to in paragraph 1 shall bear a health or identification mark which must be different from the health or identification mark provided for in Article 5 of Regulation (EC) No 853/2004.

Article 5

1. Romania shall submit a report to the Commission on the progress made by the establishments in complying with the requirements referred to in Articles 2 and 3, including a timetable for their full compliance with those requirements.

2. The report shall be submitted to the Commission by 31 October 2010.

The report shall be submitted in accordance with the model form set out in Annex V.

Article 6

This Decision shall apply from 1 January 2010 to 31 December 2010.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 9 February 2010.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX I

LIST OF MEAT ESTABLISHMENTS

No	Veterinary No	Name of establishments	Town/Street or Village/Region	Activities			
				SH	CP	PP	MM/ MP
1	AB 927	SC LIDER PROD CARN SRL	Alba Iulia, jud. Alba, 510340			X	
2	AB 2771	SC MONTANA POPA SRL	Blaj, Str. Gh. Barițiu, jud. Alba, 515400	X	X	X	X
3	AB 3263	SC TRANSEURO SRL	Ighiu, Str. Principală nr. 205 A, jud. Alba, 517360	X	X	X	X
4	AG 008 IC	SC CARMEN SRL	Bascov, jud. Argeș, 117045	X	X	X	X
5	AG 024 IC	SC RADOR A&E SRL	Bascov, Str. Serelor nr. 48, jud. Argeș, 117045	X	X	X	X
6	AR 4930	SC FILIP D IMPEX SRL	Arad, Str. Lăcrimioarelor, nr. 4/A, jud. Arad, 310445		X	X	
7	AR 5806	SC COMB AGROIND CURTICI SRL	Curtici, Str. Revoluției nr. 33, jud. Arad, 315200	X	X	X	X
8	B 40632	SC MEDEUS & CO SRL	București, Str. Parcului nr. 20, sector 1, București, 012329			X	X
9	BC 4165	SC TIBERIAS SRL	Răcăciuni, jud. Bacău, 607480			X	
10	BC 5196	SC MIRALEX SRL	Loc. Bacău, Str. Bicăz, nr. 8, jud. Bacău, cod 600293			X	
11	BH 223	SC FLORIAN IMPEX SRL	Oradea, Str. Morii nr. 11/B, jud. Bihor, 410577			X	
12	BH 3001	SC GLOBAL AGRO PRODEXIM SRL	Sârbi nr. 469, jud. Bihor, 417520		X	X	
13	BH 5185	SC CARMANGERIE TAVI BOGDAN SRL	Localitatea Mihai Bravu nr. 169, jud. Bihor, 417237	X			
14	BH 5341	SC ABATOR DARA SRL	Tulca 668 A, jud. Bihor, 417600	X			
15	BR 62	SC DORALIMENT SRL	Brăila, jud. Brăila, 810650		X	X	X
16	BR 574	SC ELECTIV SRL	Comuna Romanu, jud. Brăila, 817115	X			
17	BR 774	SC TAZZ TRADE SRL (SC ROFISH GROUP)	Brăila, Str. Faleza Portului, nr. 2, jud. Brăila, 810529			X	
18	BT 125	SC IMPEX DONA SRL	Băisa, jud. Botoșani, 717246			X	
19	BT 138	SC SAGROD SRL	Darabani, Str. Muncitorului, jud. Botoșani, 715100	X		X	
20	BT 140	SC RAFFAELLO SRL	Țingeni, jud. Botoșani, 717120			X	
21	BT 144	SC AGROCARN COMPANY SRL	Botoșani, Str. Pod de Piatră nr. 89, jud. Botoșani, 710350			X	
22	BT 198	SC EMANUEL COM SRL	Răchiți, jud. Botoșani, 717310	X	X	X	
23	BZ 101	SC FRASINU SA	Buzău, Sos Sloboziei km 2, jud. Buzău 120360	X			
24	BZ 115	SC FERM COM PROD SRL	Căldărăști, jud. Buzău, 125201	X			
25	BZ 110	SC CARMOZIMBRUL SRL	Râmnicu Sărat, Str. Lt. Sava Rosescu nr. 140, jud. Buzău, 125300	X			
26	BZ 112	SC TRI PROD COM SRL	Comuna Berca, Sat Valea Nucului, jud. Buzău, 127048		X	X	X
27	CJ 108	SC TURISM VÂLCELE SRL	Vâlcele FN, jud. Cluj, 407274	X			
28	CJ 122	SC RIANA SERV PRODCOM SRL	Iclod FN, jud. Cluj, 407335	X	X		
29	CJ 5519	SC 2 T PROD SRL	Cluj-Napoca, Str. Taberei nr. 3A, jud. Cluj, 400512		X	X	X
30	CL 1598	SC COMARO SRL	Oltenița, Str. Cuza Vodă, nr. 131, jud. Călărași 915400		X	X	X

No	Veterinary No	Name of establishments	Town/Street or Village/Region	Activities			
				SH	CP	PP	MM/ MP
31	CS 40	SC PALALOGA CARNEPREP SRL	Bocșa, Str. Binișului nr. 1, jud. Caraș 325300	X	X		
32	CS 47	SC GOSPODARUL SRL	Reșița, Str. Terovei, F.N., jud. Caraș 320044	X	X	X	X
33	CT 19	SC CARNOB SRL	Lumina, Str. Lebedelor nr. 1A, jud. Constanța, 907175	X			
34	DB 3341	SC NIN BOG SRL	Șotânga, jud. Dâmbovița, 137430	X		X	
35	DB 3457	SC NEVAL SRL	Pietroșița, jud. Dâmbovița, 137360	X			
36	GJ 5	SC LEXI STAR SRL	Sat Bucureasa, Comuna Dănești, jud. Gorj, 217200	X	X	X	X
37	GJ 2234	SC ATOS GARANT SRL	Sat Urechești Comuna Drăgulești, jud. Gorj, 217225	X			
38	GL 0369	SC LIVADA SERBANEȘTI	Comuna Liești, jud. Galați, 805235	X			
39	GL 3330	SC KAROMTEC SRL	Tecuci, Str. Mihail Kogălniceanu nr. 48 jud. Galați, 805300			X	X
40	GL 4121	SC ROMNEF SRL	Munteni, jud. Galați, 807200	X			
41	HR 73	SC ELAN TRIDENT SRL	Odorheiu Secuiesc, Str. Rákóczi Ferenc nr. 90, jud. Harghita, 535600			X	
42	HR 84	SC AMIRAL SRL	Miercurea Ciuc, jud. Harghita, 530320			X	
43	HR 153	SC ARTEIMPEX SRL	Gheorgheni, Str. Kossuth Lajos nr. 211, jud. Harghita, 535500	X			
44	HR 207	SC DECEAN SRL	Miercurea Ciuc, jud. Harghita, 530320		X	X	X
45	HR 263	SC AVICOOPEX SRL	Cristuru Secuiesc, Str. Orban Balays, jud. Harghita, 535400			X	
46	MM 1609	SC LABORATOR CARMANGERIE SRL	Baia Mare, Str. Gh. Șincai nr. 14, jud. Maramureș, 430311		X	X	X
47	MM 4406	SC CARMANGERIA DALIA SRL	Baia Mare, jud. Maramureș, 430530	X	X	X	X
48	MS 3585	SC CAZADELA SRL	Reghin, Str. Oltului nr. 34, jud. Mureș, 545300	X			
49	NT 33	SC CORD COMPANY SRL	Roman, Str. Bogdan Dragoș nr. 111, jud. Neamț, 611160	X			
50	NT 549	SC TCE 3 BRAZI SRL	Zănești, jud. Neamț, 617515	X	X	X	X
51	OT 24	SC SPAR SRL	Potcoava, Str. Gării nr. 10, jud. Olt, 237355	X	X	X	X
52	OT 2093	SC COMAGRIMEX SA	Slatina, str. Grigore Alexandrescu, nr. 19, jud. Olt, 230049		X	X	X
53	OT 2094	SC MALITEXT SRL	Scornicești, Str. Tudor Vladimirescu, jud. Olt, 235600	X			
54	PH 3618	SC BRUTUS IMPEX SRL	Manești, jud. Prahova, cod 107375	X			
55	PH 4417	SC GOPA SRL	Ploiești, Str. Gheorghe Doja nr. 124, jud. Prahova, 100141			X	X
56	PH 5644	SC MARAGET PROD SRL	Ploiești, Str. Corlătești nr. 15, jud. Prahova, 100532	X			
57	PH 5878	SC COMNILIS PROD SRL	Măgureni, Str. Filipeștii de Pădure, tarla 24, jud. Prahova, 107350			X	X
58	PH 6044	SC ALGRIM CENTER SRL	Bărcănești, jud. Prahova, 107055	X			
59	PH 6190	SC BANIPOR SRL	Târg Vechi, jud. Prahova, 107590	X			
60	SB 111	SC M&C IMPORT SRL EXPORT	Copșa Mică, Sat Tirnăvioara nr. 90, jud. Sibiu, 555400		X	X	X
61	SB 126	SC CAPA PROD SRL	Sibiu, Calea Turnișorului nr. 150, jud. Sibiu, 550048		X	X	X
62	SB 138	SC MUVI IMPEX SRL	Sibiu, Str. Drumul Ocnei nr. 4, jud. Sibiu, 550092	X	X	X	X

No	Veterinary No	Name of establishments	Town/Street or Village/Region	Activities			
				SH	CP	PP	MM/ MP
63	SV 039	SC TONIC DISTRIBUTION SRL	Broșteni, jud. Suceava, 727075		X	X	X
64	SV 139	SC APOLO SRL (SC ADRAS SRL)	Rădăuți, Str. Constantin Brâncoveanu, jud. Suceava, 725400		X	X	X
65	SV 217	SC ROGELYA SRL	Fălticeni, Str. Ion Creangă nr. 69, jud. Suceava, 725200		X	X	X
66	SV 5661	SC HARALD PROD SRL	Măzănăiești, jud. Suceava, 727219	X	X	X	X
67	SV 5819	SC MARA ALEX SRL	Bădeuți, jud. Suceava, 727361	X			
68	SV5943	SC SCUZA PROD	Forăști 96, jud. Suceava, 727235		X	X	X
69	SV 5963	SC DANILEVICI SRL	Gura Humorului, Str. Fundătura Ghiocei nr. 2, jud. Suceava, 725300	X	X	X	X
70	SV 6071	SC ANCAROL SRL	Gura Humorului, Bd. Bucovina FN, jud. Suceava, 72530	X	X	X	X
71	TL 019	SC TABCO CAMPOFRIO SA	Tulcea, Str. Prislav nr. 177, jud. Tulcea, 820013	X	X	X	X
72	TL 177	SC GAZDI PROD SRL	Stejaru, jud. Tulcea, 827215	X	X		
73	TL 418	SC STOLI SRL	Cerna, jud. Tulcea, 827045	X			
74	TL 686	SC PIG COM SRL	Satu Nou, jud. Tulcea, 827141	X			
75	TL 782	SC PROD IMPORT CDC SRL	Frecăței, jud. Tulcea, 827075	X	X		
76	TM 378	SC VEROMEN SRL	Timișoara, jud. Timiș, 300970		X	X	X
77	TM 2725	SC RECOSEMTRACT SRL	Recaș, Calea Bazoșului nr. 1, jud. Timiș, 307340		X	X	X
78	TM 4187	SC FEMADAR SRL	Giroc, Str. Gloria nr. 4, jud. Timiș, 307220		X	X	X
79	TM 4297	SC KENDO SRL	Victor Vlad Delamarina, jud. Timiș, 307460	X	X	X	X
80	TM 7438	SC AMBAX SRL	Timișoara, Calea Buziașului nr. 14, jud. Timiș, 300693		X	X	X
81	TR 10	SC ROMCIP SA	Salcia, jud. Teleorman, 147300	X	X	X	X
82	TR 26	SC COM GIORGI IMPEX SRL	Alexandria, jud. Teleorman, 140150		X	X	
83	TR 36	SC AVICOLA COSTESTI SRL	Roșiori de Vede, Str. Vadu Vezii nr. 1, jud. Teleorman, 145100	X			
84	TR 93	SC MARA PROD COM SRL	Alexandria, Str. Abatorului nr. 1 bis, jud. Teleorman, 140106		X	X	X
85	VN 42	SC STEMARADI SRL	Tătăranu, jud. Vrancea, 627350	X			
86	VN 2694	SC COMIND THOMAS SRL	Focșani, Str. Sihleanu nr. 5, jud. Vrancea, 620165	X	X		
87	VN 3045	SC VANICAD SRL	Milcov, jud. Vrancea, 627205	X			
88	VN 2954/116	SC AURORA COM SRL	Odobești, Str. Libertății nr. 38, jud. Vrancea, 625300	X	X	X	X
89	VS 2243	SC CIB SA	Bârlad, Fundătura Elena Doamna nr. 2, jud. Vaslui, 731018	X	X	X	X
90	VS 2268	SC VIOROM „P” IMPEX SRL	Comuna Oltenesti, Localitatea Târzii, jud. Vaslui, 737380	X	X		
91	VS 2300	SC CARACUL SRL	Vaslui, jud. Vaslui, 730233	X	X		
92	AR 92	SC AGRIPROD SRL	Nădlac, Str. Calea Aradului nr. 1, jud. Arad, 315500	X	X		
93	AR 294	SC PRODAGRO CETATE SRL	Șiria, Complex zootehnic, jud. Arad	X	X		
94	B 120	SC ROM-SELECT 2000 SRL	București, B-dul Iuliu Maniu nr. 220, sector 6		X		
95	B 269	SC FOODICOM SRL	București, Str. Cătinei nr. 25, sector 6		X		

No	Veterinary No	Name of establishments	Town/Street or Village/Region	Activities			
				SH	CP	PP	MM/MP
96	B 921	SC ROMALIM INTERNATIONAL SRL	București, B-dul Timișoara 104 B, sector 6		X		
97	BH 103	SC AVICOLA SALONTA SA (SC FLAVOIA SRL) (*)	Salonta, Str. Ghestului nr. 7, jud. Bihor, 415500	X	X		
98	BV 12	SC DRAKOM SILVA SRL	Codlea extravilan, Șoseaua Codlea Dumbrăvița, jud. Brașov	X	X		
99	CJ 109	SC ONCOS IMPEX SRL	Florești, Str. Abatorului nr. 2, jud. Cluj, 407280	X	X		
100	CV 210	SC ABO-FARM SA (SC NUTRICOD SA) (**)	Sf. Gheorghe, Str. Pârâului nr. 6, jud. Covasna, 520033	X	X		
101	DJ 34	SC FELVIO SRL	Bucovăț, Platforma Bucovăț, jud. Dolj	X	X		
102	IS 1376	SC AVÍCOLA SA IASI	Târgu Frumos, Str. Ștefan cel Mare și Sfânt nr. 44, jud. Iasi, 705300	X	X		
103	TM 2739	SC AVIBLAN SRL	Jebel, jud. Timiș, 307235	X	X		

(*) SC AVICOLA SALONTA SA has changed its name to SC FLAVOIA SRL.

(**) SC NUTRICOD SA has changed its name to SC ABO- FARM SA.

Legend:

SH = Slaughter houses

CP = Cutting plants

PP = Processing plants

MM/MP = Minced meat/Meat preparations

ANNEX II

LIST OF MEAT ESTABLISHMENTS

No	Veterinary No	Name of establishments	Town/Street or village/Region	Activities	
				PP	FFPP
1	BR 184	SC TAZZ TRADE SRL (SC ROFISH GROUP SRL) (*)	Brăila, str. Fata Portului nr. 2, județul Brăila, 810529	X	
2	BR 185	SC TAZZ TRADE SRL (SC ROFISH GROUP SRL) (*)	Brăila, str. Fata Portului nr. 2, județul Brăila, 810529	X	
3	B 453	SC COSTIANA SRL	București, str. Andronache nr. 11-19, 022527	X	
4	PH 1817	SC DIVERTAS SRL	Comuna Fântânele nr. 578, județul Prahova, 107240	X	X

(*) SC TAZZ TRADE SRL has changed its name to SC ROFISH GROUP SRL.

Legend:

PP = Processing plant

FFPP = Fresh fish processing plant

ANNEX III

LIST OF EGG PRODUCT ESTABLISHMENTS

No	Veterinary No	Name of establishments	Town/Street or village/Region	Activities		
				EEP	EPC	LEP
1	B 39833	SC COMPRODCOOP SA BUCURESTI (EPP)	București, bd. Timișoara nr. 52, sector 6, 061333	X		
2	CV 471	SC ABO-FARM SA (EPC) (SC NUTRICOD SA) (*)	Sf. Gheorghe, str. Jokai Mor f.n., județul Covasna, 520033		X	X
3	DB 133	SC AVICOLA GAESTI SA (EPC)	Găești, județul Dâmbovița, 135200		X	
4	GR 3028	AVICOLA BUCURESTI SA CSHD MIHAILEȘTI (EPC)	Mihăilești, județul Giurgiu, 085200		X	X
5	VN 16	SC AVIPUTNA SA GOLESTI (EPC)	Comuna Golești, Str. Victoriei nr. 22, județul Vrancea, 627150		X	

(*) SC NUTRICOD SA has changed its name to SC ABO-FARM SA.

Legend:

EEP = Egg processing plant

EPC = Egg packing centre

LEP = Liquid egg product

ANNEX IV

LIST OF COLD STORES

No	Veterinary No	Name of establishments	Town/Street or village/Region	Activities
				CS
1	AR 514	SC AGRIROM SRL	Vladimirescu, str. Archim f.n., județul Arad, 310010	X
2	BC 1034	SC AGRICOLA INT. SRL	Bacău, Calea Moldovei nr. 16, județul Bacău, 600352	X
3	CT 8070	SC MIRICOS SRL	Constanța, Șoseaua Interioară nr. 1, județul Constanța, 900229	X
4	CT 146	SC FRIAL SA	Constanța, Port Constanța, dana 53, județul Constanța, 900900	X
5	DJ 59	SC FRIGORIFER SA	Craiova, Str. Câmpului nr. 2, Craiova, județul Dolj, 200011	X

Legend:

CS = Cold stores

REPORT FORM AS REFERRED TO IN ARTICLE 5

Establishment number	Name	Address	Region	Progress made (short description)	Estimated level of compliance (in %)	Planned date for full compliance

Region	Total number of establishments (divided by category)	Number of non-compliant establishments (divided by category)	% of non-compliant establishments out of the total (divided by category)	Total number of establishments (divided by category)	Number of non-compliant establishments (divided by category)	% of non-compliant establishments out of the total (divided by category)	Total number of establishments (divided by category)	Number of non-compliant establishments (divided by category)	% of non-compliant establishments out of the total (divided by category)
Summary RO									

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

COUNCIL DECISION

of 16 June 2008

on the signing and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(2010/90/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with Article 300(2), first subparagraph, first sentence, thereof,

Having regard to the 2005 Act of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 23 October 2006 the Council authorised the Commission, on behalf of the European Community and its Member States, to negotiate with Jordan a protocol amending the agreements concluded between the European Community and third countries, in particular the Euro-Mediterranean Association Agreement between the European Communities and their Member States, of the one part, and Jordan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

(2) These negotiations have since been completed.

(3) Article 8(2) of the Protocol negotiated with the Hashemite Kingdom of Jordan provides for the provisional application of the Protocol before its entry into force.

(4) Subject to its possible conclusion at a later date, the Protocol should be signed on behalf of the Community and applied provisionally,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

The text of the Protocol is attached to this Decision.

Article 2

The Protocol shall be applied provisionally from 1 January 2007, subject to its possible conclusion at a later date.

Done at Luxembourg, 16 June 2008.

For the Council
The President
D. RUPEL

PROTOCOL

to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as 'EC Member States' represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community' represented by the Council of the European Union and the European Commission

of the one part

and THE HASHEMITE KINGDOM OF JORDAN

hereinafter referred to as 'Jordan'

of the other part

WHEREAS the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, hereinafter referred to as 'the Euro-Mediterranean Agreement', was signed in Brussels on 24 November 1997 and entered into force on 1 May 2002;

WHEREAS the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union and the Act thereto was signed in Luxemburg on 25 April 2005 and entered into force on 1 January 2007;

WHEREAS, pursuant to Article 6(2) of the Act of Accession, the accession of the new Contracting Parties to the Euro-Mediterranean Agreement must be agreed by the conclusion of a protocol to the Euro-Mediterranean Agreement;

WHEREAS consultations pursuant to Article 22 of the Euro-Mediterranean Agreement have taken place in order to ensure that account has been taken of the mutual interests of the Community and Jordan,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania hereby become Contracting Parties to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, and shall, in the same manner as the other EC Member States, respectively adopt and take note of the texts of the Agreement, the Joint Declarations, Declarations and Exchanges of Letters.

CHAPTER ONE

AMENDMENTS TO THE TEXT OF THE EURO-MEDITERRANEAN AGREEMENT, INCLUDING ITS ANNEXES AND PROTOCOLS

Article 2

Rules of origin

Protocol 3 shall be amended as follows:

1. In Articles 3(1) and 4(1), the references to the new Member States are deleted.
2. Annex IVa is replaced by the following:

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № ... ⁽¹⁾) декларира, че освен където е отбелязано друго, тези продукти са с ... преференциален произход ⁽²⁾.

Spanish version

El exportador de los productos incluidos en el presente documento [autorización aduanera n° ... ⁽¹⁾] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... ⁽²⁾.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ... ⁽¹⁾) prohlašuje, že kromě zřetelně označených mají tyto výrobky preferenční původ v ... ⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument (toldmyndighedernes tilladelse nr. ... ⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... ⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... ⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anderes angegeben, präferenzbegünstigte ... ⁽²⁾ Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolli kinnitus nr. ... ⁽¹⁾) deklareerib, et need tooted on ... ⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο [άδεια τελωνείου υπ' αριθ. ... ⁽¹⁾] δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ... ⁽²⁾.

English version

The exporter of the products covered by this document (customs authorisation No ... ⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ... ⁽²⁾ preferential origin.

French version

L'exportateur des produits couverts par le présent document [autorisation douanière n° ... ⁽¹⁾] déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... ⁽²⁾.

Italian version

L'esportatore delle merci contemplate nel presente documento [autorizzazione doganale n. ... ⁽¹⁾] dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ... ⁽²⁾.

Latvian version

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. .. ⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme .. ⁽²⁾.

Lithuanian version

Šiame dokumente išvardytų prekių eksportuotojas (muitinės liudijimo Nr. ... ⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ... ⁽²⁾ preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ... ⁽¹⁾) kijelentem, hogy eltérő egyértelmű jelzés hiányában az áruk preferenciális ... ⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana Nru ... ⁽¹⁾) jiddikjara li, hlief fejn indikat xort'ohra b'mod ċar, dawn il-prodotti huma ta' origini preferenzjali ... ⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ... ⁽¹⁾), verklaart dat, behoudens uitdrukkelijk andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ... ⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ... ⁽²⁾ preferencyjne pochodzenie.

Portuguese version

O abaixo assinado, exportador dos produtos abrangidos pelo presente documento [autorização aduaneira n.º ... ⁽¹⁾], declara que, salvo indicação expressa em contrário, estes produtos são de origem preferencial ... ⁽²⁾.

Romanian version

Exportatorul produselor ce fac obiectul acestui document [autorizația vamală nr. ... ⁽¹⁾] declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială ... ⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št. ... ⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ... ⁽²⁾ poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente [číslo povolenia ... ⁽¹⁾] vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ... ⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ... ⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperäituotteita ⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr ... ⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung ⁽²⁾.

Arabic version

يصرح مصدر المنتجات التي تشملها هذه الوثيقة (التصريح الجمركي رقم⁽¹⁾) باستثناء ما ينص بوضوح على خلاف ذلك، بأن هذه المنتجات من منشأ تفضيلي من⁽²⁾.

3. Annex IVb shall be replaced by the following:

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № ... ⁽¹⁾), декларира, че освен където е отбелязано друго, тези продукти са с ... преференциален произход ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Spanish version

El exportador de los productos incluidos en el presente documento [autorización aduanera n.º. ... ⁽¹⁾] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ... ⁽¹⁾) prohlašuje, že kromě zřetelně označených mají tyto výrobky preferenční původ v ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument (toldmyndighedernes tilladelse nr. ... ⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... ⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anderes angegeben, präferenzbegünstigte ... ⁽²⁾ Ursprungswaren sind.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolli kinnitus nr. ... ⁽¹⁾) deklareerib, et need tooted on ... ⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο [άδεια τελωνείου υπ' αριθ. ... ⁽¹⁾] δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησηακής καταγωγής ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

English version

The exporter of the products covered by this document (customs authorisation No ... ⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ... ⁽²⁾ preferential origin.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

French version

L'exportateur des produits couverts par le présent document [autorisation douanière n° ... ⁽¹⁾] déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Italian version

L'esportatore delle merci contemplate nel presente documento [autorizzazione doganale n. ... ⁽¹⁾] dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Latvian version

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. .. ⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme .. ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Lithuanian version

Šiame dokumente išvardytų prekių eksportuotojas (muitinės liudijimo Nr. ... ⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ... ⁽²⁾ preferencinės kilmės prekės.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ... ⁽¹⁾) kijelentem, hogy eltérő egyértelmű jelzés hiányában az áruk preferenciális ... ⁽²⁾ származásúak.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana Nru ... ⁽¹⁾) jiddikjara li, hlief fejn indikat xort'ohra b'mod ċar, dawn il-prodotti huma ta' oriġini preferenzjali ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ... ⁽¹⁾), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ... ⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ... ⁽²⁾ preferencyjne pochodzenie.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Portuguese version

O abaixo assinado, exportador dos produtos abrangidos pelo presente documento [autorização aduaneira n.º ... ⁽¹⁾], declara que, salvo indicação expressa em contrário, estes produtos são de origem preferencial ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Romanian version

Exportatorul produselor ce fac obiectul acestui document [autorizația vamală nr. ... ⁽¹⁾] declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št. ... ⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ... ⁽²⁾ poreklo.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Slovak version

Vývozca výrobkov uvedených v tomto dokumente [číslo povolenia ... ⁽¹⁾] vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ... ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ... ⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperä tuotteita ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr ... ⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

Arabic version

يصرح مصدر المنتجات التي تشملها هذه الوثيقة (التصريح الجمركي رقم ⁽¹⁾) بإستثناء ما ينص بوضوح على خلاف ذلك، بأن هذه المنتجات من منشأ تفضيلي من ⁽²⁾.

— cumulation applied with ... (name of the country/countries)

— no cumulation applied ⁽³⁾

CHAPTER TWO**TRANSITIONAL PROVISIONS****Article 3****Proofs of origin and administrative cooperation**

1. Proofs of origin properly issued by either Jordan or a new Member State in the framework of preferential agreements or autonomous arrangements applied between them shall be accepted in the respective countries under this Protocol, provided that:

- (a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in this Agreement or in the Community System of Generalised Preferences;
- (b) the proof of origin and the transport documents were issued no later than the day before the date of accession;
- (c) the proof of origin is submitted to the customs authorities within the period of four months from the date of accession.

Where goods were declared for importation in either Jordan or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Jordan and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted, provided that it is submitted to the customs authorities within the period of four months from the date of accession.

2. Jordan and the new Member States are authorised to retain the authorisations with which the status of 'approved exporters' has been granted in the framework of preferential agreements or autonomous arrangements applied between them, provided that:

- (a) this is also provided for in the agreement concluded between Jordan and the Community prior to the date of accession; and
- (b) the approved exporters apply the rules of origin in force under that agreement.

These authorisations shall be replaced no later than one year after the date of accession, by new authorisations issued under the terms of the Agreement.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraphs 1 and 2 above can be presented by the competent customs authorities of either Jordan or the new Member States and shall be accepted by those authorities for a period of three years after issue of the proof of origin concerned.

Article 4

Goods in transit

1. The provisions of the Agreement may be applied to goods exported either from Jordan to one of the new Member States or from one of the new Member States to Jordan, which comply with the provisions of Protocol 3 and, on the date of accession, are either en route or in temporary storage, in a customs warehouse or in a free zone in Jordan or in that new Member State.

2. Preferential treatment may be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of accession, of proof of origin issued retrospectively by the customs authorities of the exporting country.

GENERAL AND FINAL PROVISIONS

Article 5

The Hashemite Kingdom of Jordan undertakes that it shall neither make any claim, request or referral nor modify or withdraw any concession pursuant to GATT 1994 Articles XXIV.6 and XXVIII in relation to this enlargement of the Community.

Article 6

This Protocol shall form an integral part of the Euro-Mediterranean Agreement. The Annexes and declaration to this Protocol shall form an integral part thereof.

Article 7

1. This Protocol shall be approved by the Community, by the Council of the European Union on behalf of the Member States, and by the Hashemite Kingdom of Jordan in accordance with their own procedures.

2. The Parties shall notify each other of the accomplishment of the corresponding procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 8

1. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.
2. This Protocol shall apply provisionally as from 1 January 2007.

Article 9

This Protocol is drawn up in duplicate in each of the official languages of the Contracting Parties, each of these texts being equally authentic.

Article 10

The text of the Euro-Mediterranean Agreement, including the Annexes and Protocols forming an integral part thereof, and the Final Act together with the declarations annexed thereto shall be drawn up in the Bulgarian and Romanian languages, and these texts shall be authentic in the same way as the original texts. The Association Council shall approve these texts.

Съставено в Брюксел на тридесети ноември две хиляди и девета година.

Hecho en Bruselas, el treinta de noviembre de dos mil nueve.

V Bruselu dne třicátého listopadu dva tisíce devět.

Udfærdiget i Bruxelles den tredivte november to tusind og ni.

Geschehen zu Brüssel am dreißigsten November zweitausendneun.

Kahe tuhande üheksanda aasta novembrikuu kolmekümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις τριάντα Νοεμβρίου δύο χιλιάδες εννιά.

Done at Brussels on the thirtieth day of November in the year two thousand and nine.

Fait à Bruxelles, le trente novembre deux mille neuf.

Fatto a Bruxelles, addì trenta novembre duemilanove.

Briselē, divi tūkstoši devītā gada trīsdesmitajā novembrī.

Priimta du tūkstančiai devintų metų lapkričio trisdešimtą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-kilencedik év november harmincadik napján.

Magħmul fi Brussell, fit-tletin jum ta' Novembru tas-sena elfejn u disgha.

Gedaan te Brussel, de dertigste november tweeduizend negen.

Sporządzono w Brukseli dnia trzydziestego listopada roku dwa tysiące dziewiątego.

Feito em Bruxelas, em trinta de Novembro de dois mil e nove.

Întocmit la Bruxelles, la treizeci noiembrie două mii nouă.

V Bruseli tridsiateho novembra dvetisícdeväť.

V Bruslju, dne tridesetega novembra leta dva tisoč devet.

Tehty Brysselissä kolmantenakymmenentenä päivänä marraskuuta vuonna kaksituhattayhdeksän.

Som skedde i Bryssel den trettionde november tjugohundranio.

جرى في بروكسل في الثالث عشر من ذي الحجة لعام ثلاثين و أربعمئة و ألف للهجرة
الموافق للثلاثين من تشرين الثاني لعام تسعة و ألفين ميلادية.

За държавите-членки
Por los Estados miembros
Za členské státy
For medlemsstaterne
Für die Mitgliedstaaten
Liikmesriikide nimel
Για τα κράτη μέλη
For the Member States
Pour les États membres
Per gli Stati membri
Dalībvalstu vārdā
Valstybių narių vardu
A tagállamok részéről
Għall-Istati Membri
Voor de lidstaten
W imieniu państw członkowskich
Pelos Estados-Membros
Pentru statele membre
Za členské štáty
Za države članice
Jäsenvaltioiden puolesta
På medlemsstaternas vägnar

عن الدول الأعضاء

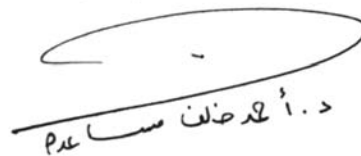


За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen

عن المجتمع الأوروبي



За Хашемитското кралство Йордания
Por el Reino Hachemita de Jordania
Za Jordánské hášimovské království
For Det Hashemitiske Kongerige Jordan
Für das Haschemitische Königreich Jordanien
Jordaania Hašimiidi Kuningriigi nimel
Για το Χασεμιτικό Βασίλειο της Ιορδανίας
For the Hashemite Kingdom of Jordan
Pour le Royaume hachémite de Jordanie
Per il Regno hashemita di Giordania
Jordānijas Hāšemītu Karalistes vārdā
Jordanijos Hašimitų Karalystės vardu
A Jordán Hasimita Királyság részéről
Għar-Renju Haxemit tal-Ġordan
Voor het Hasjemitisch Koninkrijk Jordanië
W imieniu Jordańskiego Królestwa Haszymidzkiego
Pelo Reino Hachemita da Jordânia
Pentru Regatul Hașemit al Iordaniei
Za Jordánske hášimovské kráľovstvo
Za Hašemitsko kraljevino Jordanijo
Jordanian hašemiittisen kuningaskunnan puolesta
På Hashemitiska konungariket Jordaniens vägnar

عن المملكة الأردنية الهاشمية

أ. د. عبد الله الثاني

COUNCIL DECISION

of 10 November 2009

on the conclusion of an Agreement in the form of a Protocol between the European Community and the Republic of Tunisia establishing a dispute settlement mechanism applicable to disputes under the trade provisions of 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

(2010/91/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 24 February 2006, the Council authorised the Commission to open negotiations with its partners from the Mediterranean region in order to establish a dispute settlement mechanism related to trade provisions.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has finalised negotiations for an Agreement in the form of a Protocol between the European Community and the Republic of Tunisia establishing a dispute settlement mechanism applicable to disputes under the trade provisions of 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 ⁽¹⁾.

- (4) This Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of a Protocol between the European Community and the Republic of Tunisia establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of a Protocol in order to bind the Community.

Done at Brussels, 10 November 2009.

For the Council
The President
A. BORG

⁽¹⁾ OJ L 97, 30.3.1998, p. 2.

PROTOCOL

between the European Union and the Republic of Tunisia establishing a Dispute Settlement Mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part

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

of the one part, and

THE REPUBLIC OF TUNISIA, hereinafter referred to as 'Tunisia',

of the other part,

HAVE DECIDED AS FOLLOWS:

CHAPTER I

OBJECTIVE AND SCOPE

Article 1

Objective

The objective of this Protocol is to avoid and settle any trade dispute between the Parties with a view to arrive at, where possible, a mutually agreed solution.

Article 2

Application of the Protocol

1. The provisions of this Protocol apply with respect to any dispute concerning the interpretation and application of the provisions of Title II (with the exception of Article 24) of 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 (hereinafter referred to as 'the Association Agreement'), except as otherwise expressly provided ⁽¹⁾. Article 86 of the Association Agreement applies to disputes relating to the application and interpretation of other provisions of that Agreement.

2. The procedures of this Protocol shall apply if, 60 days after a dispute has been referred to the Association Council pursuant to Article 86 of the Association Agreement, the Association Council has failed to settle the dispute.

3. For the purposes of paragraph 2, a dispute shall be deemed to be resolved when the Association Council has taken a decision as provided for in Article 86.2 of the Association Agreement, or when it has declared that there is no longer a dispute.

⁽¹⁾ The provisions of this Protocol are without prejudice to Article 34 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation.

CHAPTER II

CONSULTATIONS AND MEDIATION

Article 3

Consultations

1. The Parties shall endeavour to resolve any difference regarding the interpretation and application of the provisions referred to in Article 2 by entering into consultations in good faith with the aim of reaching a prompt, equitable, and mutually agreed solution.

2. A Party shall seek consultations by means of a written request to the other Party, copied to the subcommittee on industry, trade and services, identifying any measure at issue and the provisions of the Association Agreement that it considers applicable.

3. Consultations shall be held within 40 days of the date of receipt of the request and shall take place, unless the Parties agree otherwise, on the territory of the Party complained against. The consultations shall be deemed concluded within 60 days of the date of receipt of the request, unless both Parties agree to continue consultations. Consultations, in particular all information disclosed and positions taken by the Parties during these proceedings, shall be confidential, and without prejudice to the rights of either Party in any further proceedings.

4. Consultations on matters of urgency, including those regarding perishable or seasonal goods, shall be held within 15 days of the date of receipt of the request, and shall be deemed concluded within 30 days of the date of receipt of the request.

5. If the Party to which a request for consultation is made does not respond to the request for consultations within 10 working days of the date of its receipt, or if consultations are not held within the timeframes laid down in paragraph 3 or paragraph 4 respectively, or if consultations have been concluded and no agreement has been reached on a mutually agreed solution, the complaining Party may request the establishment of an arbitration panel in accordance with Article 5.

Article 4

Mediation

1. If consultations fail to produce a mutually agreed solution, the Parties may, by mutual agreement, seek recourse to a mediator. Any request for mediation must be made in writing to the subcommittee on industry, trade and services and state any measure which has been the subject of consultations as well as the mutually agreed terms of reference for the mediation. Each Party undertakes to accord sympathetic consideration to requests for mediation.

2. Unless the Parties agree on a mediator within five working days of the date of receipt of the request for mediation, the chairpersons of the subcommittee on industry, trade and services, or the chairpersons' delegate, shall draw by lot a mediator from the list of individuals referred to in Article 19 and are not nationals of either Party. The selection shall be made within 10 working days of the date of receipt of the request for mediation. The mediator shall convene a meeting with the Parties no later than 30 days after having been selected. The mediator shall receive the submissions of each Party no later than 15 days before the meeting and may request additional information from the Parties or from experts or technical advisors as he deems necessary. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. The mediator shall deliver an opinion no later than 45 days after having been selected.

3. The mediator's opinion may include recommendations on how to resolve the dispute consistent with the provisions referred to in Article 2. The mediator's opinion is non-binding.

4. The Parties may agree to amend the time-limits referred to in paragraph 2. The mediator may also decide to amend these time-limits upon request of any of the Parties, given the particular difficulties experienced by the Party concerned or the complexities of the case.

5. The proceedings involving mediation, in particular the mediator's opinion and all information disclosed and positions taken by the Parties during these proceedings, shall be confidential, and without prejudice to the rights of either Party in any further proceeding.

6. If the Parties agree, a procedure for mediation may continue while the arbitration procedure proceeds.

7. Replacement of a mediator shall take place only for the reasons and according to the procedures detailed in Rules 18 to 21 of the Rules of Procedure.

CHAPTER III

DISPUTE SETTLEMENT PROCEDURES

SECTION I

Arbitration procedure

Article 5

Initiation of the arbitration procedure

1. Where the Parties fail to resolve the dispute by recourse to consultations as provided for in Article 3, or by recourse to mediation as provided for in Article 4, the complaining Party may request the establishment of an arbitration panel.

2. The request for the establishment of an arbitration panel shall be made in writing to the Party complained against and the subcommittee on industry, trade and services. The complaining Party shall identify in its request the specific measure at issue, and it shall explain how such measure constitutes a breach of the provisions referred to in Article 2. The establishment of an arbitration panel shall be requested no later than 18 months from the date of receipt of the request for consultations, without prejudice to the rights of the complaining Party to request new consultations on the same matter in the future.

Article 6

Establishment of the arbitration panel

1. An arbitration panel shall be composed of three arbitrators.

2. Within 10 working days of the date of receipt by the Party complained against of the request for the establishment of an arbitration panel, the Parties shall consult in order to reach an agreement on the composition of the arbitration panel.

3. In the event that the Parties are unable to agree on its composition within the time frame laid down in paragraph 2, either party may request the chairpersons of the subcommittee on industry, trade and services, or the chairpersons' delegate, to draw all three members by lot from the list established under Article 19; one shall be drawn among the individuals proposed by the complaining Party, one shall be drawn among the individuals proposed by the Party complained against and one shall be drawn among the individuals selected by the Parties to act as chairperson. Where the Parties agree on one or two of the members of the arbitration panel, the remaining members shall be selected by the same procedure.

4. The chairpersons of the subcommittee on industry, trade and services, or the chairpersons' delegate, shall select the arbitrators within five working days of the request referred to in paragraph 3.

5. The date of establishment of the arbitration panel shall be the date on which the three arbitrators are selected.

6. Replacement of arbitrators shall take place only for the reasons and according to the procedures detailed in Rules 18 to 21 of the Rules of Procedure.

Article 7

Interim panel report

The arbitration panel shall issue an interim report to the Parties setting out the findings of fact, the applicability of relevant provisions and the basic rationale behind any findings and recommendations that it makes, not later than 120 days from the date of establishment of the arbitration panel. Either Party may submit a written request for the arbitration panel to review precise aspects of the interim report within 15 days of its notification. The findings of the final arbitration panel ruling shall include a sufficient motivation of the arguments made at the interim review stage, and shall answer clearly to the questions and observations of the two parties.

Article 8

Arbitration panel ruling

1. The arbitration panel shall notify its ruling to the Parties and to the subcommittee on industry, trade and services within 150 days from the date of establishment of the arbitration panel. Where the chairperson of the arbitration panel considers that this deadline cannot be met, he or she must notify the Parties and the subcommittee on industry, trade and services in writing, stating the reasons for the delay and the date on which the panel plans to conclude its work. Under no circumstances should the ruling be notified later than 180 days from the date of establishment of the arbitration panel.

2. In cases of urgency, including those involving perishable or seasonal goods, the arbitration panel shall make every effort to notify its ruling within 75 days from the date of its establishment. Under no circumstances should the ruling be notified later than 90 days from the date of its establishment. The arbitration panel shall give a preliminary ruling within 10 days of its establishment on whether it deems the case to be urgent.

3. The arbitration panel shall, at the request of both Parties, suspend its work at any time for a period agreed by the Parties not exceeding 12 months and shall resume its work at the end

of this agreed period at the request of the complaining Party. If the complaining Party does not request the resumption of the arbitration panel's work before the expiry of the agreed suspension period, the procedure shall be terminated. The suspension and termination of the arbitration panel's work are without prejudice to the rights of either Party in another proceeding on the same matter.

SECTION II

Compliance

Article 9

Compliance with the arbitration panel ruling

Each Party shall take any measure necessary to comply with the arbitration panel ruling, and the Parties shall endeavour to agree on the period of time to comply with the ruling.

Article 10

The reasonable period of time for compliance

1. No later than 30 days after the receipt of the notification of the arbitration panel ruling by the Parties, the Party complained against shall notify the complaining Party and the subcommittee on industry, trade and services of the time it will require for compliance (reasonable period of time), if immediate compliance is not possible.

2. In the event of disagreement between the Parties on the reasonable period of time to comply with the arbitration panel ruling, the complaining Party shall, within 20 days of the receipt of the notification made under paragraph 1 by the Party complained against, request in writing the arbitration panel to determine the length of the reasonable period of time. Such request shall be notified simultaneously to the other Party and to the subcommittee on industry, trade and services. The arbitration panel shall notify its ruling to the Parties and to the subcommittee on industry, trade and services within 30 days from the date of submission of the request.

3. The reasonable period of time may be extended by mutual agreement of the Parties.

Article 11

Review of any measure taken to comply with the arbitration panel ruling

1. The Party complained against shall notify the other Party and the subcommittee on industry, trade and services before the end of the reasonable period of time of any measure that it has taken to comply with the arbitration panel ruling.

2. In the event of disagreement between the Parties concerning the existence of any measure notified under paragraph 1 or its consistency with the provisions referred to in Article 2, the complaining Party may request in writing the arbitration panel to rule on the matter. Such request shall identify the specific measure at issue and it shall explain how such measure is inconsistent with the provisions referred to in Article 2. The arbitration panel shall notify its ruling within 90 days of the date of submission of the request. In cases of urgency, including those involving perishable or seasonal goods, the arbitration panel shall notify its ruling within 45 days of the date of submission of the request.

Article 12

Temporary remedies in case of non-compliance

1. If the Party complained against fails to notify any measure taken to comply with the arbitration panel ruling before the expiry of the reasonable period of time, or if the arbitration panel rules that the measure notified under Article 11(1) is inconsistent with that Party's obligations under the provisions referred to in Article 2, the Party complained against shall, if so requested by the complaining Party, present an offer for temporary compensation.

2. If no agreement on compensation is reached within 30 days of the end of the reasonable period of time or of notification of the arbitration panel ruling under Article 11 that the measure taken to comply is inconsistent with the provisions referred to in Article 2, the complaining Party shall be entitled, upon notification to the other Party and to the subcommittee on industry, trade and services, to suspend obligations arising from any provision referred to in Article 2 at a level equivalent to the nullification or impairment caused by the violation. In adopting such measures the complaining Party shall take into consideration their impact on the development and the economy of the Party complained against. The complaining Party may implement the suspension 10 working days after the date of receipt of the notification by the Party complained against, unless the Party complained against has requested arbitration under paragraph 3.

3. If the Party complained against considers that the level of suspension is not equivalent to the nullification or impairment caused by the violation, it may request in writing the arbitration panel to rule on the matter. Such request shall be notified to the other Party and to the subcommittee on industry, trade and services before the expiry of the 10-working-day period referred to in paragraph 2. The arbitration panel, having sought, if appropriate, the opinion of experts, shall notify its ruling on the level of the suspension of obligations to the Parties and to the institutional body responsible for trade matters within 30 days of the date of submission of the request. Obligations shall not be suspended until the arbitration panel has delivered its ruling, and any suspension shall be consistent with the arbitration panel ruling.

4. The suspension of obligations shall be temporary and shall be applied only until any measure found to be inconsistent with the provisions referred to in Article 2 has been withdrawn or amended so as to bring it into conformity with those provisions, as established under Article 13, or until the Parties have settled the dispute.

Article 13

Review of any measure taken to comply after the suspension of obligations

1. The Party complained against shall notify the other Party and the subcommittee on industry, trade and services of any measure it has taken to comply with the ruling of the arbitration panel and of its request for an end to the suspension of obligations applied by the complaining Party.

2. If the Parties do not reach an agreement on the compatibility of the notified measure with the provisions referred to in Article 2 within 30 days of the date of receipt of the notification, the complaining Party shall request in writing the arbitration panel to rule on the matter. Such request shall be notified simultaneously to the other Party and to the subcommittee on industry, trade and services. The arbitration panel ruling shall be notified to the Parties and to the subcommittee on industry, trade and services within 45 days of the date of the submission of the request. If the arbitration panel rules that any measure taken to comply is in conformity with the provisions referred to in Article 2, the suspension of obligations shall be terminated.

SECTION III

Common provisions

Article 14

Mutually Agreed Solution

The Parties may reach a mutually agreed solution to a dispute under this Protocol at any time. They shall notify the subcommittee on industry, trade and services and the arbitration panel of any such solution. Upon notification of the mutually agreed solution, the arbitration panel shall terminate its work and the procedure shall be terminated.

Article 15

Rules of Procedure

1. Dispute settlement procedures under Chapter III shall be governed by the Rules of Procedure annexed to this Protocol.

2. Any meeting of the arbitration panel shall be open to the public in accordance with the Rules of Procedure, unless the Parties agree otherwise.

*Article 16***Information and technical advice**

At the request of a Party, or upon its own initiative, the arbitration panel may obtain information it deems appropriate for the arbitration panel proceeding. In particular, the arbitration panel also has the right to seek the relevant opinion of experts as it deems appropriate. The arbitration panel shall consult the Parties before choosing such experts. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. Interested natural or legal persons established in the Parties are authorised to submit amicus curiae briefs to the arbitration panels in accordance with the Rules of Procedure. Such briefs shall be limited to the factual aspects of the dispute and shall not address points of law.

*Article 17***Rules of interpretation**

Any arbitration panel shall interpret the provisions referred to in Article 2 in accordance with customary rules of interpretation of public international law, including the Vienna Convention on the Law of Treaties. The rulings of the arbitration panel cannot add to or diminish the rights and obligations provided in the provisions referred to in Article 2.

*Article 18***Arbitration panel rulings**

1. The arbitration panel shall make every effort to make its rulings by consensus. Where, nevertheless, a ruling cannot be made by consensus, the matter at issue shall be decided by majority vote. However, in no case dissenting opinions of arbitrators shall be published.

2. Any ruling of the arbitration panel shall be binding on the Parties and shall not create any rights or obligations to physical or legal persons. The ruling shall set out the findings of fact, the applicability of the relevant provisions of the Association Agreement and the basic rationale behind any findings and conclusions that it makes. The subcommittee on industry, trade and services shall make the arbitration panel ruling publicly available in its entirety unless it decides not to do so in order to ensure the confidentiality of confidential business information.

CHAPTER IV

GENERAL PROVISIONS*Article 19***Lists of arbitrators**

1. The subcommittee on industry, trade and services shall, no later than six months after the entry into force of this Protocol,

establish a list of at least 15 individuals who are willing and able to serve as arbitrators. Each of the Parties shall propose at least five individuals to serve as arbitrators. The two Parties shall also select at least five individuals who are not nationals of either Party to act as chairperson to the arbitration panel. The subcommittee on industry, trade and services will ensure that the list is always maintained at this level.

2. Arbitrators shall have specialised knowledge or experience of law and international trade. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government, or be affiliated with the government of any of the Parties, and shall comply with the Code of Conduct annexed to this Protocol.

3. The subcommittee on industry, trade and services may establish additional lists of at least 15 individuals having a sectoral expertise in specific matters covered by the Association Agreement. When recourse is made to the selection procedure of Article 6(2), the chairpersons of the subcommittee on industry, trade and services may use such sectoral list upon agreement of both Parties.

*Article 20***Relation with WTO obligations**

1. Recourse to the dispute settlement provisions of this Protocol shall be without prejudice to any action in the WTO framework, including dispute settlement action.

2. However, where a Party has, with regard to a particular measure, instituted a dispute settlement proceeding, either under this Protocol or under the WTO Agreement, it may not institute a dispute settlement proceeding regarding the same measure in the other forum until the first proceeding has ended. In addition, a Party shall not seek redress for the breach of an obligation which is identical under the Association Agreement and under the WTO Agreement in the two forums. In such case, once a dispute settlement proceeding has been initiated, the Party shall not bring a claim seeking redress for the breach of the identical obligation under the other agreement to the other forum, unless the forum selected fails for procedural or jurisdictional reasons to make findings on that claim.

3. For the purposes of paragraph 2:

— dispute settlement proceedings under the WTO Agreement are deemed to be initiated by a Party's request for the establishment of a panel under Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes of the WTO (DSU) and are deemed to be ended when the Dispute Settlement Body adopts the panel's report, and the Appellate Body's report as the case may be, under Articles 16 and 17(14) of the DSU,

— dispute settlement proceedings under this Protocol are deemed to be initiated by a Party's request for the establishment of an arbitration panel under Article 5(1) and are deemed to be ended when the arbitration panel notifies its ruling to the Parties and to the subcommittee on industry, trade and services under Article 8.

4. Nothing in this Protocol shall preclude a Party from implementing the suspension of obligations authorised by the Dispute Settlement Body of the WTO. The WTO Agreement shall not be invoked to preclude a Party from suspending its obligations under this Protocol.

Article 21

Time-limits

1. All time-limits laid down in this Protocol, including the limits for the arbitration panels to notify their rulings, shall be counted in calendar days from the day following the act or fact to which they refer, unless otherwise specified.

2. Any time-limit referred to in this Protocol may be modified by mutual agreement of the Parties. The Parties undertake to accord sympathetic consideration to requests for extensions of any time-limit by reason of difficulties faced by any Party in complying with the procedures of this Protocol. Upon request of a Party, the arbitration panel may extend the time-limits applicable in the proceedings, taking into account the different level of development of the Parties.

Article 22

Review and Modification of the Protocol

1. After the entry into force of this Protocol and its Annexes, the Association Council may at any time review their implementation, with a view to deciding on their continuation, modification or termination.

2. In this review, the Association Council may consider the possibility of creating an Appellate Body common to several Euro-Mediterranean Agreements.

3. The Association Council may decide to modify this Protocol and its annexes. The Parties apply this decision after the fulfilment of their internal procedures.

Article 23

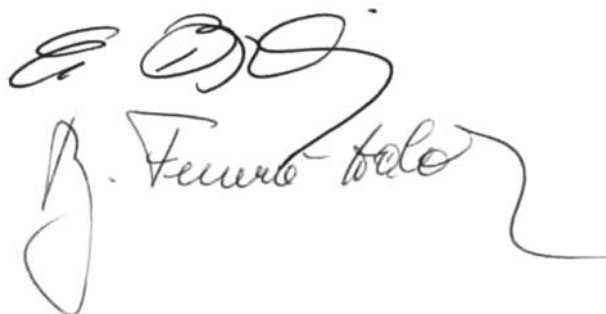
Entry into force

This Protocol shall be approved by the Parties in accordance with their own procedures. It shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to in this Article have been completed.

Done at Brussels on 9 December 2009, in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Arabic languages, each of these texts being equally authentic.

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

عن الاتحاد الأوروبي



За Република Тунис
 Por la República de Túnez
 Za Tuniskou republiku
 For Den Tunesiske Republik
 Für die Tunesische Republik
 Tuneesia Vabariigi nimel
 Για τη Δημοκρατία της Τυνησίας
 For the Republic of Tunisia
 Pour la République tunisienne
 Per la Repubblica tunisina
 Tunisijas Republikas vārdā
 Tuniso Respublikos vardu
 A Tunéziai Köztársaság részéről
 Ghar-Repubblika tat-Tuniżija
 Voor de Republiek Tunesië
 W imieniu Republiki Tunezyjskiej
 Pela República da Tunísia
 Pentru Republica Tunisia
 Za Tuniskú republiku
 Za Republika Tunizijo
 Tunisian tasavallan puolesta
 För Republiken Tunisien

عن الجمهورية التونسية



ANNEXES

ANNEX I: RULES OF PROCEDURE FOR ARBITRATION

ANNEX II: CODE OF CONDUCT FOR MEMBERS OF ARBITRATION PANELS AND MEDIATORS

ANNEX I

RULES OF PROCEDURE FOR ARBITRATION**General Provisions**

1. In this Protocol and under these Rules:

- (a) 'adviser' means a person retained by a Party to advise or assist that Party in connection with the arbitration panel proceeding;
- (b) 'complaining Party' means the Party that requests the establishment of an arbitration panel under Article 5 of this Protocol;
- (c) 'Party complained against' means the Party that is alleged to be in violation of the provisions referred to in Article 2 of this Protocol;
- (d) 'arbitration panel' means a panel established under Article 6 of this Protocol;
- (e) 'representative of a Party' means an employee or any person appointed by a government department or government agency or any other public entity of a Party;
- (f) 'day' means a calendar day, unless otherwise specified.

2. The Party complained against shall be in charge of the logistical administration of dispute settlement proceedings, in particular the organisation of hearings, unless otherwise agreed. However, the Union shall bear the expenses derived from all organisational matters regarding consultations, mediation and arbitration, with the exception of the remuneration and expenses to be paid to the mediators and arbitrators, which shall be shared.

Notifications

- 3. The Parties and the arbitration panel shall transmit any request, notice, written submission or other document by e-mail, with a copy submitted on the same day by facsimile transmission, registered post, courier, delivery against receipt or any other means of telecommunication that provides a record of the sending thereof. Unless proven otherwise, an e-mail message shall be deemed to be received on the day it is sent.
- 4. A Party shall provide an electronic copy of each of its written submissions to the other Party and to each of the arbitrators. A paper copy of the document shall also be provided.
- 5. Before the entry into force of this Protocol, the Parties shall inform each other of the designated point of contact for all notifications.
- 6. Minor errors of a clerical nature in any request, notice, written submission or other document related to the arbitration panel proceeding may be corrected by delivery of a new document clearly indicating the changes.
- 7. If the last day for delivery of a document falls on an official holiday or legal rest day in Tunisia or in the Union, the document may be delivered on the next working day. The Parties shall exchange a list of their official holidays and rest days on the first Monday of every December for the following year. No documents, notifications or requests of any kind shall be deemed to be received on an official holiday or rest day.
- 8. Depending on the object of the provisions under dispute, all requests and notifications addressed to the subcommittee on industry, trade and services in accordance with this Protocol shall also be copied to the other relevant subcommittees established under the Association Agreement.

Commencing the arbitration

9. (a) Where pursuant to Article 6 of this Protocol or to Rules 19, 20 or 49 of these Rules of Procedure, the members of the arbitration panel are drawn by lot, representatives of both Parties shall be present when lots are drawn.
- (b) Unless the Parties agree otherwise, they shall meet the arbitration panel within seven working days of its establishment in order to determine such matters that the Parties or the arbitration panel deem appropriate, including the remuneration and expenses to be paid to the arbitrators, which must be in accordance with WTO standards. Members of the arbitration panel and representatives of the Parties may take part in this meeting via telephone or video conference.
10. (a) Unless the Parties agree otherwise, within five working days of the date of the selection of the arbitrators, the terms of reference of the arbitration panel shall be: *'to examine, in the light of the relevant provisions of the Association Agreement, the matter referred to in the request for establishment of the arbitration panel, to rule on the compatibility of the measure in question with the provisions referred to in Article 2 of the Protocol and to make a ruling in accordance with Article 8 of the Protocol on Dispute Settlement.'*
- (b) The Parties must notify the agreed terms of reference to the arbitration panel within three working days of their agreement.

Initial submissions

11. The complaining Party shall deliver its initial written submission no later than 20 days after the date of establishment of the arbitration panel. The Party complained against shall deliver its written counter-submission no later than 20 days after the date of delivery of the initial written submission.

Working of arbitration panels

12. The chairperson of the arbitration panel shall preside at all its meetings. An arbitration panel may delegate to the chairperson authority to take administrative and procedural decisions.
13. Unless otherwise provided in this Protocol, the arbitration panel may conduct its activities by any means, including telephone, facsimile transmission or computer links.
14. Only arbitrators may take part in the deliberations of the arbitration panel, but the arbitration panel may permit its assistants to be present at its deliberations.
15. The drafting of any ruling shall remain the exclusive responsibility of the arbitration panel and must not be delegated.
16. Where a procedural question arises that is not covered by the provisions of this Protocol and its Annexes, the arbitration panel, after consulting the Parties, may adopt an appropriate procedure that is compatible with those provisions.
17. When the arbitration panel considers that there is a need to modify any time-limit applicable in the proceedings or to make any other procedural or administrative adjustment, it shall inform the Parties in writing of the reasons for the modification or adjustment and of the period or adjustment needed. The arbitration panel may adopt such modification or adjustments after having consulted the Parties. The time-limits of Article 8(2) of this Protocol shall not be modified.

Replacement

18. If an arbitrator is unable to participate in the proceeding, withdraws, or must be replaced, a replacement shall be selected in accordance with Article 6(3).
19. Where a Party considers that an arbitrator does not comply with the requirements of the Code of Conduct and for this reason shall be replaced, that Party shall notify the other Party within 15 days from the time at which it came to know of the circumstances underlying the arbitrator's serious violation of the Code of Conduct.

Where a Party considers that an arbitrator other than the chairperson does not comply with the requirements of the Code of Conduct, the Parties shall consult and, if they so agree, shall dismiss the arbitrator and select a replacement following the procedure set out in Article 6(3) of this Protocol.

If the Parties fail to agree on the need to replace an arbitrator, any Party may request that such matter be referred to the chairperson of the arbitration panel, whose decision shall be final.

If the chairperson finds that an arbitrator does not comply with the requirements of the Code of Conduct, he shall draw a new arbitrator by lot from the list of individuals referred to under Article 19(1) of this Protocol, in which the original arbitrator was included. If the original arbitrator was chosen by the Parties pursuant to Article 6(2) of this Protocol, the replacement shall be drawn by lot from the list of individuals proposed by the complaining Party and by the Party complained against under Article 19(1) of this Protocol. The selection of the new arbitrator shall be made within five working days of the date of submission of the request to the chairperson of the arbitration panel.

20. Where a Party considers that the chairperson of the arbitration panel does not comply with the requirements of the Code of Conduct, the Parties shall consult and, if they so agree, dismiss the chairperson and select a replacement following the procedure set out in Article 6(3) of this Protocol.

If the Parties fail to agree on the need to replace the chairperson, any Party may request that such matter be referred to one of the remaining members of the list of individuals selected to act as chairpersons under Article 19(1) of this Protocol. Her or his name shall be drawn by lot by the chairpersons of the subcommittee on industry, trade and services, or the chairpersons' delegate. The decision by this person on the need to replace the chairperson shall be final.

If this person decides that the original chairperson does not comply with the requirements of the Code of Conduct, he shall draw a new chairperson by lot among the remaining individuals on the list referred to in Article 19(1) of this Protocol to act as chairperson. The selection of the new chairperson shall be made within five working days of the date of submission of the request referred to in this paragraph.

21. The arbitration panel proceedings shall be suspended for the period taken to carry out the procedures provided for in Rules 18, 19 and 20.

Hearings

22. The chairperson shall fix the date and time of the hearing in consultation with the Parties and the other members of the arbitration panel, and confirm this in writing to the Parties. This information shall also be made publicly available by the Party in charge of the logistical administration of the proceeding if the hearing is open to the public. Unless a Party disagrees, the arbitration panel may decide not to convene a hearing.
23. Unless the Parties agree otherwise, the hearing shall be held in Brussels if the complaining Party is Tunisia and in Tunis if the complaining Party is the Union.
24. The arbitration panel may convene one additional hearing only in exceptional circumstances. No additional hearing shall be convened for the procedures established under Articles 10(2), 11(2), 12(3) and 13(2) of this Protocol.
25. All arbitrators shall be present during the entirety of any hearing.
26. The following persons may attend the hearing, irrespective of whether the proceedings are open to the public or not:

- (a) representatives of the Parties;
- (b) advisers to the Parties;
- (c) administrative staff, interpreters, translators and court reporters; and
- (d) arbitrators' assistants.

Only the representatives and advisers of the Parties may address the arbitration panel.

27. No later than five working days before the date of a hearing, each Party shall deliver to the arbitration panel a list of the names of persons who will make oral arguments or presentations at the hearing on behalf of that Party as well as a list of other representatives or advisers who will be attending the hearing.
28. The hearings of the arbitration panels shall be open to the public, unless the Parties decide otherwise. If the Parties decide that the hearing is closed to the public, part of the hearing may, however, be open to the public if the arbitration panel, on application by the Parties, so decides. However, the arbitration panel shall meet in closed session where the submission and arguments of a Party contains confidential business information.
29. The arbitration panel shall conduct the hearing in the following manner:

Arguments:

- (a) arguments of the complaining Party;
- (b) arguments of the Party complained against.

Rebuttal Arguments:

- (a) arguments of the complaining Party;
- (b) counter-reply of the Party complained against.

30. The arbitration panel may direct questions to either Party at any time during the hearing.
31. The arbitration panel shall arrange for a transcript of each hearing to be prepared and delivered as soon as possible to the Parties.
32. Each Party may deliver a supplementary written submission concerning any matter that arose during the hearing within 10 working days of the date of the hearing.

Questions in writing

33. The arbitration panel may at any time during the proceeding address questions in writing to one or both Parties. Each of the Parties shall receive a copy of any questions put by the arbitration panel.
34. Each Party shall also provide the other Party with a copy of its written response to the questions of the arbitration panel. Each Party shall be given the opportunity to provide written comments on the other Party's reply within five working days of the date of receipt.

Confidentiality

35. The Parties shall maintain the confidentiality of the arbitration panel hearings where the hearings are held in closed session, in accordance with Rule 28. Each Party shall treat as confidential any information submitted by the other Party to the arbitration panel which that Party has designated as confidential. Where a Party submits a confidential version of its written submissions to the arbitration panel, it shall also, upon request of the other Party, provide a non-confidential summary of the information contained in its submissions that could be disclosed to the public. That summary shall be notified no later than 15 days after the date of either the request or the notification of its submission, whichever is later. Nothing in these Rules shall preclude a Party from disclosing statements of its own positions to the public.

Ex parte contacts

36. The arbitration panel shall not meet or contact a Party in the absence of the other Party.
37. No member of the arbitration panel may discuss any aspect of the subject matter of the proceedings with one or both Parties in the absence of the other arbitrators.

Amicus curiae submissions

38. Unless the Parties agree otherwise within five days of the date of establishment of the arbitration panel, the arbitration panel may receive unsolicited written submissions, provided that they are made within 10 days of the date of establishment of the arbitration panel, that they are concise and in no case longer than 15 typed pages, including any annexes, and that they are directly relevant to the factual issue under consideration by the arbitration panel.
39. The submission shall contain a description of the person making the submission, whether natural or legal, including the nature of that person's activities and the source of that person's financing, and specify the nature of the interest that that person has in the arbitration proceeding. It shall be drafted in the languages chosen by the Parties in accordance with Rules 42 and 43 of these Rules of Procedure.
40. The arbitration panel shall list in its ruling all the submissions it has received that conform to the above Rules. The arbitration panel shall not be obliged to address in its ruling the arguments made in such submissions. Any submission obtained by the arbitration panel under this Rule shall be submitted to the Parties for their comments.

Urgent cases

41. In cases of urgency referred to in this Protocol, the arbitration panel, after consulting the Parties, shall adjust the time-limits referred to in these Rules as appropriate and shall notify the Parties of such adjustments.

Translation and interpretation

42. During the consultations referred to in Article 6(2) of this Protocol, and no later than the meeting referred to in Rule 9(b) of these Rules of Procedure, the Parties shall endeavour to agree on a common working language for the proceedings before the arbitration panel.
43. If the Parties are unable to agree on a common working language, each Party shall arrange for, and bear the costs of, the translation of its written submissions into the language chosen by the other Party.
44. The Party complained against shall arrange for the interpretation of oral submissions into the languages chosen by the Parties.
45. Arbitration panel rulings shall be notified in the language or languages chosen by the Parties.
46. Any Party may provide comments on any translated version of a document drawn up in accordance with these Rules.

Calculation of time-limits

47. Where, by reason of the application of Rule 7 of these Rules of Procedure, a Party receives a document on a date other than the date on which this document is received by the other Party, any period of time that is calculated on the basis of the date of receipt shall be calculated from the last date of receipt of that document.

Other procedures

48. These Rules of Procedure are also applicable to procedures established under Articles 10(2), 11(2), 12(3) and 13(2) of this Protocol. However, the time-limits laid down in these Rules of Procedure shall be adjusted in line with the special time-limits provided for the adoption of a ruling by the arbitration panel.
49. In the event of the original arbitration panel, or some of its members, being unable to reconvene for the procedures established under Articles 10(2), 11(2), 12(3) and 13(2) of this Protocol, the procedures set out in Article 6 of this Protocol shall apply. The time-limit for the notification of the ruling shall be extended by 15 days.
-

ANNEX II

CODE OF CONDUCT FOR MEMBERS OF ARBITRATION PANELS AND MEDIATORS**Definitions**

1. In this Code of Conduct:

- (a) 'member' or 'arbitrator' means a member of an arbitration panel effectively established under Article 6 of this Protocol;
- (b) 'mediator' means a person who conducts a mediation in accordance with Article 4 of this Protocol;
- (c) 'candidate' means an individual whose name is on the list of arbitrators referred to in Article 19 of this Protocol and who is under consideration for selection as a member of an arbitration panel under Article 6;
- (d) 'assistant' means a person who, under the terms of appointment of a member, assists the member in his research or supports him in his duties;
- (e) 'proceeding', unless otherwise specified, means an arbitration panel proceeding under this Protocol;
- (f) 'staff', in respect of a member, means persons under the direction and control of the member, other than assistants.

Responsibilities to the process

- 2. Every candidate and member shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Former members must comply with the obligations established in paragraphs 15, 16, 17 and 18 of this Code of Conduct.

Disclosure obligations

- 3. Prior to confirmation of her or his selection as a member of the arbitration panel under this Protocol, that candidate shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters.
- 4. A candidate or member shall only communicate matters concerning actual or potential violations of this Code of Conduct to the subcommittee on industry, trade and services for consideration by the Parties.
- 5. Once selected, a member shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 3 of this Code of Conduct and shall disclose them. The disclosure obligation is a continuing duty which requires a member to disclose any such interests, relationships or matters that may arise during any stage of the proceeding. The member shall disclose such interests, relationships or matters by informing the subcommittee on industry, trade and services, in writing, for consideration by the Parties.

Duties of members

- 6. Upon selection a member shall perform her or his duties thoroughly and expeditiously throughout the course of the proceeding, and shall do so with fairness and diligence.
- 7. A member shall consider only those issues raised in the proceeding and which are necessary for a ruling and shall not delegate this duty to any other person.
- 8. A member shall take all appropriate steps to ensure that his or her assistant and staff are aware of, and comply with, paragraphs 2, 3, 4, 5, 16, 17 and 18 of this Code of Conduct.

9. A member shall not engage in *ex parte* contacts concerning the proceeding.

Independence and impartiality of members

10. A member must be independent and impartial and avoid creating an appearance of bias or impropriety and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.
11. A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of her or his duties.
12. A member may not use her or his position on the arbitration panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence her or him.
13. A member may not allow financial, business, professional, family or social relationships or responsibilities to influence her or his conduct or judgement.
14. A member must avoid entering into any relationship or acquiring any financial interest that is likely to affect her or his impartiality or that might reasonably create an appearance of impropriety or bias.

Obligations of former members

15. All former members must avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the ruling of the arbitration panel.

Confidentiality

16. No member or former member shall at any time disclose or use any non-public information concerning a proceeding or acquired during a proceeding except for the purposes of that proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others.
17. No member shall disclose an arbitration panel ruling or parts thereof prior to its publication in accordance with this Protocol.
18. No member or former member shall at any time disclose the deliberations of an arbitration panel, or any member's view, whatever it may be.

Expenses

19. Each member shall keep a record and render a final account of the time devoted to the procedure and the expenses incurred.

Mediators

20. The rules described in this Code of Conduct as applying to members or former members shall apply, *mutatis mutandis*, to mediators.
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