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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information on the date of entry into force of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros

On 16 May 2011, the European Union notified the Union of the Comoros of the completion by the Council, on behalf of the European Union, of the procedures necessary for the entry into force of the above Protocol, signed in Brussels on 31 December 2010.

Likewise, the Union of the Comoros notified on 4 November 2011 the European Union of the completion of its conclusion procedures.

The Protocol accordingly entered into force on 4 November 2011 pursuant to Article 14 thereof.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1222/2011

of 28 November 2011

amending Regulation (EC) No 1010/2009 as regards administrative arrangements with third countries on catch certificates for marine fisheries products

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ⁽¹⁾, in particular Articles 12(4), 14(3), 20(4) and 52 thereof,

Whereas:

- (1) Administrative arrangements with third countries on catch certificates for fisheries products are listed in Annex IX to Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Regulation (EC) No 1005/2008 ⁽²⁾.
- (2) Two new administrative arrangements on catch certificates, based on electronic traceability systems,

have been agreed with Norway and South Africa respectively on 4 May 2011 and 21 September 2010.

- (3) Annex IX to Regulation (EC) No 1010/2009 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IX to Regulation (EC) No 1010/2009 is amended as set out in Annexes I and II to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the seventh 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, 28 November 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

⁽²⁾ OJ L 280, 27.10.2009, p. 5.

ANNEX I

In Annex IX to Regulation (EC) No 1010/2009, Section 1 is replaced by the following:

‘Section 1**NORWAY**

CATCH CERTIFICATION SCHEME

In accordance with Article 12(4) of Regulation (EC) No 1005/2008, the catch certificate provided for in Article 12 and Annex II of that Regulation shall be replaced — for fisheries products obtained from catches made by fishing vessels flying the Norwegian flag — by the Norwegian catch certificate, based on the Norwegian system on weighing and recording of catches, which is an electronic traceability system under the control of the Norwegian authorities ensuring the same level of control by authorities as required under the European Union catch certification scheme.

Specimens of the Norwegian catch certificate which shall replace the European Union Catch Certificate and Re-export Certificate and are given in Appendix I.

Documents referred to in Article 14(1) and (2) of Regulation (EC) No 1005/2008 may be communicated by electronic means.

Norway shall require a catch certificate for landings and imports to Norway of catches made by fishing vessels flying the flag of a Member State of the European Union.

MUTUAL ASSISTANCE

Mutual assistance under Article 51 of Regulation (EC) No 1005/2008 shall be developed to facilitate the exchange of information and the assistance between the respective authorities in Norway and in the Member States of the European Union, based on the detailed rules on mutual assistance laid down in Regulation (EC) No 1010/2009.

Appendix I

NORWAY

Catch Certificate

NORWAY

Catch certification scheme for fishery products exported from Norway to the European Community under Article 20 (4) of Council Regulation (EC) No 1005/2008 and Commission Regulation (EC) No 1010/2009 laying down the detailed rules for the implementation of the same Regulation to replace the European Community catch certificate.

1. Document No	Issued and validated electronically by		
Address		Telephone number	Telefax number

10. Transport details:

Country of exportation NORWAY		Port / airport / other place of departure	
Vessel name and flag	Flight number/airway bill number	Truck nationality and reg.number	Railway bill number
	Other transport documents		

3. Description of exported product(s):

Species	Product code	Product CN code (*)	Product weight (**)
Total product weight (***)			

Exporter references: (****)

8. Name and address of exporter	Signature	Date

9. Flag State Authority Validation:

This certificate is issued and validated electronically in accordance with the catch certification scheme for fishery products exported from Norway to the European Community under Article 20 (4) of Council Regulation (EC) No 1005/2008 and Commission Regulation (EC) No 1010/2009 laying down the detailed rules for the implementation of the same Regulation.

Ref: www.catchcertificate.no where the original electronic version may be accessed. Document security code:

(*) If provided by exporter

(**) Net weight kg (estimated if direct landing)

(***) Weight of any part of the consignment stemming from catches made by non-Norwegian vessels is not included, cf. Council Regulation (EC) No 1005/2008, Article 14

(****) If provided by exporter (e.g. invoice number or other info to importer)

Catch certification scheme for fishery products exported from Norway to the European Community under Article 20 (4) of Council Regulation (EC) No 1005/2008 and the Commission Regulation (EC) No 1010/2009 laying down the detailed rules for the implementation of the same Regulation to replace the European Community catch certificate.

1. Document No: NO-999-999999-999999

Fishing vessel and catch details

Fishing vessel name	Registration number	Catch area	Landing date	Sales note number

Catch certification scheme for fishery products exported from Norway to the European Community under Article 20 (4) of Council Regulation (EC) No 1005/2008 and the Commission Regulation (EC) No 1010/2009 laying down the detailed rules for the implementation of the same Regulation to replace the European Community catch certificate.

1. Document No: NO-999-999999-999999

11. Importer declaration: Name and address of importer		Signature	Date	Seal	Product CN code
Documents under Articles 14(1), (2) of Regulation (EC) 1005/2008	References				
12. Import control: Authority		Place	Importation authorised (*)	Importation suspended (*)	Verification requested -date
Customs declaration (if issued)	Number	Date	Place		

EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE			
Certificate number		Date	Member State
1. Description of re-exported product:			Weight (kg)
Species	Product code		Balance (kg) (**)
2. Name of re-exporter	Address	Signature	Date
3. Authority			
Name/Title	Signature	Date	Seal/Stamp
4. Re-export control:			
Place:	Re-export authorized (*)	Verification requested (*)	Re-export declaration number and date

(*) Tick as appropriate

(**) Balance from total quantity declared in the catch certificate

Catch certification scheme for fishery products exported from Norway to the European Community under Article 20 (4) of Council Regulation (EC) No 1005/2008 and the Commission Regulation (EC) No 1010/2009 laying down the detailed rules for the implementation of the same Regulation to replace the European Community catch certificate.

1. Document No: NO-999-999999-999999

List of containers

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ANNEX II

In Annex IX to Regulation (EC) No 1010/2009, the following Section 7 is added:

'Section 7**SOUTH AFRICA****CATCH CERTIFICATION SCHEME**

In accordance with Article 12(4) of Regulation (EC) No 1005/2008, the catch certificate provided for in Article 12 and Annex II of that Regulation shall be replaced — for fisheries products obtained from catches made by fishing vessels flying the flag of South Africa — by South African catch certificates, which is an electronic traceability system under the control of the South African authorities ensuring the same level of control by authorities as required under the European Union catch certification scheme.

Specimens of the South African catch certificates which shall replace the European Union Catch Certificate and Re-export Certificate and are given in Appendix I.

Documents referred to in Article 14(1) and (2) of Regulation (EC) No 1005/2008 may be communicated by electronic means.

Appendix I

EUROPEAN COMMUNITY CATCH CERTIFICATE							
Document Number:				Application Number:			
1. VALIDATING AUTHORITY							
Name:		Address:			Telephone:		
Contact: (Name/Title)		Telephone No:		Fax No:		Email Address:	
2. FISHING VESSEL(S)							
Vessel Name	Flag/Home Port/Reg No	Call Sign	IMO/ Loyd's No	Licence No	Valid To	Inmarsat No	Inmarsat Tel No
3. PRODUCT DETAILS							
Vessel Name	HS Tariff Code	Species	Catch Area	Catch Dates	Net Weight (kg)	Verified Net Weight (kg)	
				/		N/A	
				/		N/A	
				/		N/A	
				/		N/A	
				/		N/A	
				/		N/A	
				/		N/A	
				/		N/A	
Type of processing allowed onboard							
4. REFERENCES OF APPLICABLE CONSERVATION AND MANAGEMENT MEASURES							
5. FISHING VESSEL MASTER OR REPRESENTATIVE							
Name:		Signature:				Date:	
		Signed electronically in terms of Articles 12(4) and 20(4) of Council Regulation EC 1005/2008					
Telephone No		Fax No				Email Address	
6. DECLARATION OF TRANSHIPMENT AT SEA:							
Inapplicable under South African Law							
7. TRANSHIPMENT AUTHORISATION WITHIN A PORT AREA							
Name	Authority	Signature	Address	Telephone	Port Of Landing	Date Of Landing	Seal (Stamp)
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8. EXPORTER DECLARATION							
Name and Address		Signature		Date		Seal (Stamp)	

Signed electronically in terms of Articles 12(4) and 20(4) of Council Regulation EC 1005/2008

9. FLAG STATE AUTHORITY VALIDATION

This certificate is issued and validated electronically in accordance with the catch certificate scheme for fish and fish products exported from the Republic of South Africa to the European Union under Articles 12(4) and 20(4) of Council Regulation EC 1005/2008
 Ref: www.catchcertificate.co.za

10. TRANSPORT DETAILS

Country Of Exportation	Place Of Departure	Date Shipped	Shipped On (Vessel)	Flight / Waybill No	Shipped To	Cont No/Bill of lading	Seal No
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11. IMPORTER DECLARATION

Name and Address	Email Address	Signature	Seal

Product CN code

Documents (Articles 14(1),(2) of Regulation (EC) No 1005/2008)

12. IMPORT CONTROL

Authority	Place	Importation Authorised (*)	Importation Suspended (*)	Verification Requested - Date
Customs Declaration (if issued)	Number	Date	Place	

(*) Tick As Appropriate

EUROPEAN UNION RE-EXPORT CERTIFICATE			
Certificate Number:	Date:	Member State	
1. Description of re-exported product		Weight (kg)	
Species	Product Code	Balance from total quantity declared in the catch certificate.	
2. Name of re-exporter	Address	Signature	Date
3. Authority			
Name/Title	Signature	Date	Seal/Stamp
4. Re-export control			
Place	Re-export authorised (*)	Verification Requested (*)	Re-exported declaration number and date
(*) Tick as Appropriate			

COMMISSION IMPLEMENTING REGULATION (EU) No 1223/2011

of 28 November 2011

amending Regulation (EC) No 1688/2005 as regards sampling of flocks of origin of eggs and the microbiological examination of such samples and samples of certain meat intended for Finland and Sweden

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽¹⁾, and in particular the second paragraph of Article 9 thereof,

Whereas:

- (1) Regulation (EC) No 853/2004 lays down specific rules on the hygiene of food of animal origin for food business operators. That Regulation provides special guarantees for food of animal origin intended for the Finnish and Swedish markets. Accordingly, food business operators intending to place eggs on the market in those Member States are to comply with certain rules in respect of *Salmonella*.
- (2) Commission Regulation (EC) No 1688/2005 of 14 October 2005 implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning *Salmonella* for consignments to Finland and Sweden of certain meat and eggs⁽²⁾ lays down rules on the sampling of flocks of origin of eggs intended for Finland and Sweden. It also lays down rules on the microbiological methods for the examination of those samples as well as samples of certain meat intended for those two Member States from bovine and porcine animals and from poultry.
- (3) Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of *Salmonella* and other specified food-borne zoonotic agents⁽³⁾ lays down rules to ensure that effective measures are taken to control *Salmonella* and other zoonotic agents. Those measures include minimum sampling requirements in all flocks of laying hens within the framework of national control programmes for *Salmonella*.

- (4) Commission Regulation (EU) No 517/2011 of 25 May 2011 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of certain *Salmonella* serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No 2160/2003 and Regulation (EU) No 200/2010⁽⁴⁾ lays down rules concerning a testing scheme to verify progress on the achievement of the Union target to reduce the prevalence of those serotypes in flocks of laying hens.
- (5) The requirements laid down in Regulations (EC) No 2160/2003 and (EU) No 517/2011 apply to all flocks of laying hens in the Union. Accordingly, in the interests of simplification of Union legislation and to avoid the duplication of sampling, the sampling rules laid down in Regulations (EC) No 2160/2003, (EC) No 1688/2005 and (EU) No 517/2011 should be harmonised.
- (6) In particular, the sampling rules applicable to flocks set out in Annex III to Regulation (EC) No 1688/2005 should be replaced by the corresponding rules laid down in Regulations (EC) No 2160/2003 and (EU) No 517/2011. As the rules laid down in those two Regulations are more stringent, the special guarantees to Finland and Sweden are not jeopardised by such amendment. Annex III to Regulation (EC) No 1688/2005 should therefore be deleted.
- (7) In addition, the International Organization for Standardization adopted a new standard specific for the detection of *Salmonella* spp. in animal faeces and in environmental samples from the primary production stage, in particular EN/ISO standard 6579-2002/Amd1:2007 Annex D: Detection of *Salmonella* spp. in animal faeces and in environmental samples from the primary production stage. That standard should be used for samples taken in flocks of origin of eggs in the Union. Accordingly, the sampling rules laid down in Regulation (EC) No 1688/2005 should be amended to refer to that standard.
- (8) Regulation (EC) No 1688/2005 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 139, 30.4.2004, p. 55.

⁽²⁾ OJ L 271, 15.10.2005, p. 17.

⁽³⁾ OJ L 325, 12.12.2003, p. 1.

⁽⁴⁾ OJ L 138, 26.5.2011, p. 45.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1688/2005 is amended as follows:

(1) Articles 4 and 5 are replaced by the following:

"Article 4

Sampling of the flocks of origin of eggs

The sampling of flocks of origin of eggs intended for Finland and Sweden and subject to a microbiological test as provided for in Article 8(2)(b) of Regulation (EC) No 853/2004 shall be carried out in accordance with:

- (a) the minimum sampling requirements for laying flocks laid down in the table set out in point 1 of part B of Annex II to Regulation (EC) No 2160/2003;
- (b) the requirements for monitoring in laying flocks set out in point 2 of the Annex to Regulation (EU) No 517/2011.

Article 5

Microbiological methods for the examination of the samples

1. Microbiological testing for *Salmonella* of the samples taken in accordance with Articles 1 to 4 shall be carried out in accordance with the methods described in the following documents:

- (a) in case of samples of meat as referred to in Articles 1, 2 and 3;

(i) EN/ISO 6579: Microbiology of food and animal feeding stuffs – Horizontal method for the detection of *Salmonella* spp;

(ii) NMKL (Nordic Committee on Food Analysis) method No 71: *Salmonella*. Detection in food; or

(iii) methods validated for meat against the methods referred to in (i) and (ii) or other internationally accepted protocols, provided that they are:

— used on meat from bovine and porcine animals and from poultry, and

— certified by a third party in accordance with the protocol set out in standard EN/ISO 16140 Microbiology of food and animal feeding stuffs - Protocol for the validation of alternative methods (EN/ISO 16140).

(b) in case of samples of flocks as referred to in Article 4: EN/ISO 6579-2002/Amd1:2007 Annex D: Detection of *Salmonella* spp. in animal faeces and in environmental samples from the primary production stage.

2. Where the results of the microbiological testing referred to paragraph 1(a) are contested between Member States, the most recent edition of EN/ISO 6579 shall be regarded as the reference method."

(2) Annex III is deleted.

Article 2

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

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

Done at Brussels, 28 November 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1224/2011**of 28 November 2011****for the purposes of Articles 66 to 73 of Council Regulation (EC) No 1186/2009 setting up a Community system of reliefs from customs duty****(codification)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty ⁽¹⁾,

Whereas:

(1) Commission Regulation (EEC) No 2289/83 of 29 July 1983 laying down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83 establishing a Community system of duty-free arrangements ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

TITLE I**SCOPE***Article 1*

This Regulation lays down provisions for the implementation of Articles 66 to 73 of Regulation (EC) No 1186/2009.

TITLE II**PROVISIONS APPLICABLE TO IMPORTATIONS CARRIED OUT BY INSTITUTIONS OR ORGANISATIONS****CHAPTER I****General provisions****Section 1****Obligations on the part of the institution or organisation to which the articles are consigned***Article 2*

1. The admission free of import duties of articles referred to in Articles 67 and 68 of Regulation (EC) No 1186/2009 shall entail the following obligations on the part of the institution or organisation to which they are consigned:

(a) to dispatch the articles in question directly to the declared place of destination;

(b) to account for them in its inventory;

(c) to use them exclusively for the purposes specified in the said Articles;

(d) to facilitate any verification which the competent authorities consider necessary in order to ensure that the conditions for granting admission free of import duties are satisfied, or remain satisfied.

2. Heads of institutions or organisations to which the articles are consigned, or their authorised representatives, shall furnish the competent authorities with a statement declaring that they are aware of the various obligations listed in paragraph 1 and including an undertaking to comply with them.

The competent authorities may require that the statement referred to in the first subparagraph be produced for each import, or for several imports or for all the imports to be carried out by the institution or organisation to which the articles are consigned.

Section 2**Provisions to be applied where the articles are lent, hired out or transferred***Article 3*

1. Where the second subparagraph of Article 72(2) of Regulation (EC) No 1186/2009 is applied, the institution or organisation to which an article for the use of handicapped persons is lent, hired out or transferred shall, from the date of receipt of the article, comply with the same obligations as those set out in Article 2 of this Regulation.

2. Where the institution or organisation to which an article is lent, hired out or transferred is situated in a Member State other than that in which the institution or organisation that lent, hired out or transferred the article is situated, upon the dispatch of such article the competent customs office of the Member State of dispatch shall issue a T 5 control copy in

⁽¹⁾ OJ L 324, 10.12.2009, p. 23.

⁽²⁾ OJ L 220, 11.8.1983, p. 15.

⁽³⁾ See Annex II.

accordance with the rules laid down in Articles 912a to 912g of Commission Regulation (EEC) No 2454/93⁽¹⁾ in order to ensure that such article is put to a use entitling it to continue to qualify for admission free of import duties.

For this purpose, the T 5 control copy shall include, in box 104 under the heading 'other', one of the entries listed in Annex I.

3. Paragraphs 1 and 2 shall apply *mutatis mutandis* to the loan, hire or transfer of spare parts, components or accessories specifically for articles for the use of handicapped persons and to tools for the maintenance, control, calibration or repair of the said articles which have been admitted free of import duties under Article 67(2) or Article 68(2) of Regulation (EC) No 1186/2009.

CHAPTER II

Specific provisions relating to the admission free of import duties of articles referred to in Article 67(1) of Regulation (EC) No 1186/2009

Article 4

1. In order to obtain admission free of import duties of an article for the use of the blind in accordance with Article 67(1) of Regulation (EC) No 1186/2009, the heads of the institutions or organisations to which the articles are consigned, or their authorised representatives, shall submit an application to the competent authority of the Member State in which the institution or organisation is situated.

Such application shall be accompanied by all information which the competent authority considers necessary for the purpose of determining whether the conditions laid down for granting admission free of import duties are fulfilled.

2. The competent authority of the Member State where the institution or organisation to which the article is consigned is situated shall give a direct ruling on the application referred to in paragraph 1.

CHAPTER III

Specific provisions relating to the admission free of import duties of articles referred to in Article 68(1) of Regulation (EC) No 1186/2009

Article 5

1. In order to obtain admission free of import duties of an article for the use of handicapped persons under Article 68(1) of Regulation (EC) No 1186/2009, the heads of the institutions or organisations to which the articles are consigned, or their

authorised representatives, shall submit an application to the competent authority of the Member State in which the institution or organisation is situated.

2. The application referred to in paragraph 1 shall contain the following information relating to the article in question:

- (a) the precise trade description of the article used by the manufacturer, its presumed combined nomenclature classification and the objective technical characteristics indicating that it was specially designed for the education, employment or social advancement of handicapped persons;
- (b) the name or business name and address of the manufacturer and, if applicable, of the supplier;
- (c) the country of origin of the article;
- (d) the place of destination of the article;
- (e) the precise use for which the article is intended;
- (f) the price of the article or its value for customs purposes;
- (g) the quantity of the article in question.

Documentary evidence providing all relevant information on the characteristics and technical specifications of the article shall be furnished with the application.

Article 6

The competent authority of the Member State in which the institution or organisation to which the articles are consigned is situated shall take a direct decision on applications under Article 5.

Article 7

Authorisations for admission free of import duties shall be valid for a period of 6 months.

The competent authorities may, however, set a longer period in the light of the particular circumstances of each case.

CHAPTER IV

Specific provisions relating to the admission free of import duties of spare parts, components, specific accessories or tools under Article 67(2) and Article 68(2) of Regulation (EC) No 1186/2009

Article 8

For the purposes of Article 67(2) and Article 68(2) of Regulation (EC) No 1186/2009, 'specific accessories' means items specially designed for use with a specific article for the purpose of improving its performance and scope.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

Article 9

In order to obtain admission free of import duties of spare parts, components specific accessories or tools under Article 67(2) or under Article 68(2) of Regulation (EC) No 1186/2009, the heads of the institutions or organisations to which the articles are consigned, or their authorised representatives, shall submit an application to the competent authority of the Member State in which the institution or organisation is situated.

This application shall be accompanied by all data deemed necessary by the competent authority for the purpose of determining whether the conditions laid down in Article 67(2) or in Article 68(2) of Regulation (EC) No 1186/2009 are fulfilled.

Article 10

The competent authority of the Member State in which the institution or organisation to which such articles are consigned is situated shall give a direct decision on applications under Article 9.

TITLE III

PROVISIONS APPLICABLE TO IMPORTATIONS CARRIED OUT BY BLIND PERSONS AND OTHER HANDICAPPED PERSONS*Article 11*

Articles 4, 8, 9 and 10 shall apply *mutatis mutandis* to exemption from import duties of the articles referred to in Article 67 of Regulation (EC) No 1186/2009 imported by blind persons themselves for their own use.

Article 12

The following shall apply *mutatis mutandis* to exemption from import duties of articles imported by handicapped persons themselves for their own use:

- (a) Articles 5, 6 and 7 in the case of articles referred to in Article 68(1) of Regulation (EC) No 1186/2009;
- (b) Articles 8, 9 and 10 in the case of articles referred to in Article 68(2) of Regulation (EC) No 1186/2009.

Article 13

The competent authorities may allow the application provided for in Articles 4 and 5 to be in a simplified form, where it relates to items imported under the conditions referred to in Articles 11 and 12.

TITLE IV

FINAL PROVISIONS*Article 14*

Regulation (EEC) No 2289/83 is repealed.

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

Article 15

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

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

Done at Brussels, 28 November 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Entries referred to in Article 3(2)

- ‘Артикул за лицата с увреждания: продължаването на митническите освобождавания подлежи на спазване на член 72, параграф 2, втора алинея от Регламент (ЕО) № 1186/2009’,
- ‘Objeto para personas minusválidas: se mantiene la franquicia subordinada al respeto del artículo 72, apartado 2, segundo párrafo, del Reglamento (CE) n.º 1186/2009’,
- ‘Zboží pro postižené osoby: zachování osvobození za předpokladu splnění podmínek čl. 72 odst. 2 druhého pododstavce nařízení (ES) č. 1186/2009’,
- ‘Genstand til handicappede personer: Fortsat fritagelse betinget af overholdelse af artikel 72, stk. 2, andet afsnit, i forordning (EF) nr. 1186/2009’,
- ‘Gegenstand für Behinderte: Weitergewährung der Zollbefreiung abhängig von der Voraussetzung des Artikels 72 Absatz 2 zweiter Unterabsatz der Verordnung (EG) Nr. 1186/2009’,
- ‘Kaubartiklid puuetega inimestele: impordimaksudest vabastamise jätkamine, tingimusel et täidetakse määruse (EÜ) nr 1186/2009 artikli 72 lõike 2 teist lõiku’,
- ‘Αντικείμενα προοριζόμενα για μειονεκτούντα άτομα: Διατήρηση της ατέλειας εξαρτώμενη από την τήρηση του άρθρου 72 παράγραφος 2 δεύτερο εδάφιο του κανονισμού (ΕΚ) αριθ. 1186/2009’,
- ‘Article for the handicapped: continuation of relief subject to compliance with the second subparagraph of Article 72(2) of Regulation (EC) No 1186/2009’,
- ‘Objet pour personnes handicapées: maintien de la franchise subordonné au respect de l'article 72, paragraphe 2, deuxième alinéa, du règlement (CE) n.º 1186/2009’,
- ‘Oggetto per persone disabili: la franchigia è mantenuta a condizione che venga rispettato l'articolo 72, paragrafo 2, secondo comma del regolamento (CE) n. 1186/2009’,
- ‘Invalīdiem paredzētas preces: atbrīvojuma turpmāka piemērošana atkarīga no atbilstības Regulas (EK) Nr. 1186/2009 72. panta 2. punkta otrajai daļai’,
- ‘Neigaliesiems skirtas daiktas: atleidimo nuo muitų taikymo pratęsimas laikantis Reglamento (EB) Nr. 1186/2009 72 straipsnio 2 dalies antrosios pastraipos nuostatų’,
- ‘Áru behozatala fogyatékos személyek számára: a vámmentesség fenntartása az 1186/2009/EK rendelet 72. cikke (2) bekezdésének második albekezdésében foglalt feltételek teljesítése esetén’,
- ‘Ogġett għal nies b'xi diżabilita': tkomplija ta' helsien mid-dazju suġġett għal osservanza tat-tieni subparagrafu ta' l-Artiklu 72(2) tar-Regolament (KE) Nru 1186/2009’,
- ‘Voorwerp voor gehandicaptten: handhaving van de vrijstelling is afhankelijk van de nakoming van artikel 72, lid 2, tweede alinea van Verordening (EG) nr. 1186/2009’,
- ‘Artykuł przeznaczony dla osób niepełnosprawnych: kontynuacja zwolnienia z zastrzeżeniem zachowania warunków określonych w article 72 ust. 2 akapit drugi rozporządzenia (WE) nr 1186/2009’,
- ‘Objectos destinados à pessoas deficientes: é mantida a fraquia desde que seja respeitado o n.º 2, segundo parágrafo do artigo 72.º do Regulamento (CE) n.º 1186/2009’,
- ‘Articole pentru persoane cu handicap: menținerea scutirii este condiționată de respectarea dispozițiilor articolului 72 alineatul (2) al doilea paragraf din Regulamentul (CE) Nr. 1186/2009’,
- ‘Tovar pre postihnuté osoby: naďalej oslobodený, ak spĺňa podmienky ustanovené v článku 72 odseku 2 druhom pododseku nariadenia (ES) č. 1186/2009’,

- 'Predmet za invalide: ohranitev oprostitve v skladu z drugim pododstavkom člena 72(2) uUredbe (ES) št. 1186/2009'.
- 'Vammaisille tarkoitettut tavarat: tullittomuus jatkuu, edellyttäen että asetuksen (EY) N:o 1186/2009 72 artiklan 2 kohdan toisen alakohdan ehtoja noudatetaan'.
- 'Föremål för funktionshindrade: Fortsatt tullfrihet under förutsättning att villkoren i artikel 72.2 andra stycket i förordning (EG) nr 1186/2009 uppfylls'.

ANNEX II

Repealed Regulation with list of its successive amendments

Commission Regulation (EEC) No 2289/83
(OJ L 220, 11.8.1983, p. 15).

Commission Regulation (EEC) No 1746/85
(OJ L 167, 27.6.1985, p. 23).

Point I.18 of Annex I to the 1985 Act of Accession
(OJ L 302, 15.11.1985, p. 139).

Commission Regulation (EEC) No 3399/85
(OJ L 322, 3.12.1985, p. 10).

only Article 1 point 3

Commission Regulation (EEC) No 735/92
(OJ L 81, 26.3.1992, p. 18).

Point XIII A.II.4 of Annex I to the 1994 Act of Accession
(OJ C 241, 29.8.1994, p. 274).

Point 19.B.1 of Annex II to the 2003 Act of Accession
(OJ L 236, 23.9.2003, p. 771).

Commission Regulation (EC) No 1792/2006
(OJ L 362, 20.12.2006, p. 1).

only point 11.B.1 of the Annex

ANNEX III

Correlation table

Regulation (EEC) No 2289/83	This Regulation
Article 1	Article 1
Article 2(1), introductory phrase	Article 2(1), introductory phrase
Article 2(1), first indent	Article 2(1)(a)
Article 2(1), second indent	Article 2(1)(b)
Article 2(1), third indent	Article 2(1)(c)
Article 2(1), fourth indent	Article 2(1)(d)
Article 2(2)	Article 2(2)
Article 3(1)	Article 3(1)
Article 3(2), first subparagraph	Article 3(2), first subparagraph
Article 3(2), second subparagraph, introductory phrase	Article 3(2), second subparagraph
Article 3(2), second subparagraph, list of entries	Annex I
Article 3(3)	Article 3(3)
Article 4	Article 4
Article 6	Article 5
Article 7	Article 6
Article 10	Article 7
Article 13	Article 8
Article 14	Article 9
Article 15	Article 10
Article 16	Article 11
Article 17	Article 12
Article 18	Article 13
Article 19	—
—	Article 14
Article 20	Article 15
—	Annex II
—	Annex III

COMMISSION IMPLEMENTING REGULATION (EU) No 1225/2011**of 28 November 2011****for the purposes of Articles 42 to 52, 57 and 58 of Council Regulation (EC) No 1186/2009 setting up a Community system of reliefs from customs duty****(codification)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty ⁽¹⁾,

Whereas:

(1) Commission Regulation (EEC) No 2290/83 of 29 July 1983 laying down provisions for the implementation of Articles 50 to 59b, 63a and 63b of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

CHAPTER I**SCOPE***Article 1*

This Regulation lays down provisions for the implementation of Articles 42 to 52, 57 and 58 of Regulation (EC) No 1186/2009.

CHAPTER II**GENERAL PROVISIONS****SECTION 1*****Obligations on the part of the establishment or organisation to which the goods are consigned****Article 2*

1. The admission free of import duties of educational, scientific and cultural materials referred to in Article 43, 44(1) and 45 of Regulation (EC) No 1186/2009, hereinafter

⁽¹⁾ OJ L 324, 10.12.2009, p. 23.

⁽²⁾ OJ L 220, 11.8.1983, p. 20.

⁽³⁾ See Annex II.

referred to as 'goods', shall entail the following obligations on the part of the establishment or organisation to which the goods are consigned:

(a) to dispatch the goods in question directly to the declared place of destination;

(b) to account for them in its inventory;

(c) to facilitate any verification which the competent authorities consider necessary in order to ensure that the conditions for granting admission free of import duties are satisfied, or remain satisfied.

In addition, in the case of goods referred to in Articles 44(1) and 45 of Regulation (EC) No 1186/2009, it shall entail the obligation on the part of the establishment or organisation to which the goods are consigned to use those goods exclusively for non-commercial purposes within the meaning of point (b) of Article 46 of that Regulation.

2. Heads of establishments or organisations to which the goods are consigned, or their authorised representatives, shall furnish the competent authorities with a statement declaring that they are aware of the various obligations listed in paragraph 1 and including an undertaking to comply with them.

The competent authorities may require that the statement referred to in the first subparagraph be produced for each import, or for several imports, or for all the imports to be carried out by the establishment or organisation to which the goods are consigned.

SECTION 2***Provisions to be applied where the goods are lent, hired out or transferred****Article 3*

1. Where the first subparagraph of Article 48(2) of Regulation (EC) No 1186/2009 is applied, the establishment or organisation to which goods are lent, hired out or transferred shall, from the date of receipt of the goods, comply with the same obligations as those set out in Article 2 of this Regulation.

2. Where the establishment or organisation to which the goods are lent, hired out or transferred is situated in a Member State other than that in which the establishment that lent, hired out or transferred the goods is situated, upon the dispatch of such goods the competent customs office of the Member State of dispatch shall issue a T 5 control copy in accordance with the rules laid down in Articles 912a to 912g of Commission Regulation (EEC) No 2454/93 ⁽¹⁾ in order to ensure that such goods are put to a use entitling them to continue to qualify for admission free of import duties.

For this purpose, the T 5 control copy shall include, in box 104 under the heading 'other', one of the entries listed in Annex I.

3. Paragraphs 1 and 2 shall apply *mutatis mutandis* to the loan, hire or transfer of spare parts, components or specific accessories for scientific instruments or apparatus, and to tools for the maintenance, control, calibration or repair of scientific instruments or apparatus, which have been admitted free of import duties under Article 45 of Regulation (EC) No 1186/2009.

CHAPTER III

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF EDUCATIONAL, SCIENTIFIC OR CULTURAL MATERIALS IN ACCORDANCE WITH ARTICLE 43 OF REGULATION (EC) No 1186/2009

Article 4

In order to obtain admission free of import duties of goods in accordance with Article 43 of Regulation (EC) No 1186/2009, the heads of the establishments or organisations to which the goods are consigned, or their authorised representatives, shall submit an application to the competent authority of the Member State in which the establishment or organisation is situated.

Such application shall be accompanied by all information which the competent authority considers necessary for the purpose of determining whether the conditions laid down for granting admission free of import duties are fulfilled.

CHAPTER IV

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF SCIENTIFIC INSTRUMENTS AND APPARATUS UNDER ARTICLES 44 AND 46 OF REGULATION (EC) No 1186/2009

Article 5

For the purposes of point (a) of Article 46 of Regulation (EC) No 1186/2009, the objective technical characteristics of a scientific instrument or apparatus shall be understood to

mean those characteristics resulting from the construction of that instrument or apparatus or from adjustments to a standard instrument or apparatus which make it possible to obtain high-level performances above those normally required for industrial or commercial use.

Where it is not possible to establish clearly on the basis of its objective technical characteristics whether an instrument or apparatus is to be regarded as a scientific instrument or apparatus, reference shall be made to the use of the instrument or apparatus for which admission free of import duties is requested. If this examination shows that the instrument or apparatus in question is used for scientific purposes, it shall be deemed to be of a scientific nature.

Article 6

1. In order to obtain admission free of import duties of a scientific instrument or apparatus under Article 44(1) of Regulation (EC) No 1186/2009, the heads of the establishments or organisations to which the goods are consigned, or their authorised representatives, shall submit an application to the competent authority of the Member State in which the establishment or organisation is situated.

2. The application referred to in paragraph 1 shall contain the following information relating to the instrument or apparatus in question:

- (a) the precise trade description of the instrument or apparatus used by the manufacturer, its presumed Combined Nomenclature classification and the objective technical characteristics on the basis of which the instrument or apparatus is considered to be scientific;
- (b) the name or business name and address of the manufacturer and, if available, of the supplier;
- (c) the country of origin of the instrument or apparatus;
- (d) the place where the instrument or apparatus is to be used;
- (e) the precise use for which the instrument or apparatus is intended;
- (f) the price of the instrument or apparatus or its value for customs purposes;
- (g) the quantity of the instrument or apparatus in question.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

Documentary evidence providing all relevant information on the characteristics and technical specifications of the instrument or apparatus shall be furnished with the application.

Article 7

The competent authority of the Member State in which is situated the establishment or organisation to which the goods are consigned shall take a direct decision on applications under Article 6 in all cases.

Article 8

Authorisations for admission free of import duties shall be valid for a period of six months.

The competent authorities may, however, set a longer period in the light of the particular circumstances of each case.

CHAPTER V

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF SPARE PARTS, COMPONENTS, SPECIFIC ACCESSORIES AND TOOLS UNDER ARTICLE 45 OF REGULATION (EC) No 1186/2009

Article 9

For the purpose of Article 45(a) of Regulation (EC) No 1186/2009 specific accessories means those articles specially designed for use with a specific scientific instrument or apparatus for the purpose of improving its performance and scope.

Article 10

In order to obtain admission free of import duties under Article 45 of Regulation (EC) No 1186/2009, either of spare parts, components or specific accessories, or of tools, the heads of the establishments or organisations to which the goods are consigned, or their authorised representatives, shall submit an application to the competent authority of the Member State in which the establishment or organisation is situated.

This application shall be accompanied by all data deemed necessary by the competent authority for the purpose of determining whether the conditions laid down in Article 45 of Regulation (EC) No 1186/2009 are fulfilled.

Article 11

The competent authority of the Member State in which is situated the establishment or organisation to which the goods are consigned shall take a direct decision in respect of the application referred to in Article 10.

Article 12

Article 8 shall apply *mutatis mutandis* to authorisations for admission free of import duties issued under Article 45 of Regulation (EC) No 1186/2009.

CHAPTER VI

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF MEDICAL INSTRUMENTS OR APPARATUS UNDER ARTICLES 57 AND 58 OF REGULATION (EC) No 1186/2009

Article 13

1. In order to obtain admission free of import duties of instruments or apparatus under Articles 57 and 58 of Regulation (EC) No 1186/2009, the heads of the establishments or organisations to which the goods are consigned, or their authorised representatives shall submit an application to the competent authority of the Member State in which the establishment or organisation is situated.

2. The application referred to in paragraph 1 shall contain the following information relating to the instrument or apparatus in question:

- (a) the precise trade description of the instrument or apparatus used by the manufacturer, and its presumed classification in the Combined Nomenclature;
- (b) the name or business name and address of the manufacturer and, if available, of the supplier;
- (c) the country of origin of the instrument or apparatus;
- (d) the place where the instrument or apparatus is to be used;
- (e) the use to which the instrument or apparatus is to be put.

3. In the case of a gift, the application shall also include:

- (a) the name or business name and address of the donor;
- (b) a declaration by the applicant to the effect that:
 - (i) the donation of the instrument or apparatus in question does not conceal any commercial intent on the part of the donor;
 - (ii) the donor is in no way associated with the manufacturer of the instruments or apparatus whose admission free of import duties is requested.

Article 14

The competent authority of the Member State in which is situated the establishment or organisation to which the goods are consigned shall take a direct decision on applications in all cases.

Article 15

Articles 13 and 14 shall apply *mutatis mutandis* to spare parts, components, specific accessories and tools to be used for the maintenance, checking, calibration or repair of instruments or apparatus admitted free of import duties pursuant to Article 57(2)(a) and (b) of Regulation (EC) No 1186/2009.

Article 16

Article 8 shall apply *mutatis mutandis*.

CHAPTER VII

COMMUNICATION OF INFORMATION TO THE COMMISSION AND THE MEMBER STATES

Article 17

1. Each Member State shall send the Commission a list of the instruments, apparatus, spare parts, components, accessories and tools of which the price or the value for customs purposes exceeds EUR 5 000 and in respect of which it has authorised or refused admission free of import duties under Articles 7, 11 or 14.

The list shall give the precise trade description of the goods referred to in the first subparagraph and the eight-figure Combined Nomenclature code. It shall also include the name of the manufacturer or manufacturers, the country or countries of origin and the price or customs value of the goods concerned.

2. The lists referred to in paragraph 1 shall be sent during the first and third quarters of each year and shall contain particulars of those goods whose admission free of import duties has been authorised or refused during the preceding six months.

3. The Commission shall forward these lists to the other Member States.

Article 18

In order to ensure the uniform application of Union provisions, the lists referred to in Article 17 shall be examined periodically by the Customs Code Committee.

CHAPTER VIII

SPECIFIC PROVISIONS RELATING TO THE ADMISSION FREE OF IMPORT DUTIES OF EQUIPMENT UNDER ARTICLES 51 AND 52 OF REGULATION (EC) No 1186/2009

Article 19

1. In order to obtain admission free of import duties of equipment under Articles 51 and 52 of Regulation (EC) No 1186/2009, the heads of the scientific research establishments or organisations based outside the Union or their authorised representatives shall submit an application to the competent authority of the Member State in which the scientific research establishment or organisation based in the Union is situated.

2. The application referred to in paragraph 1 shall contain the following information:

- (a) a copy of the scientific cooperation agreement between research establishments situated in the Union and in third countries;
- (b) the precise trade description of the equipment as well as the quantity and value thereof and, where appropriate, its presumed classification in the Combined Nomenclature;
- (c) the country of origin and of consignment of the equipment;
- (d) the place where the equipment is to be used;
- (e) the use for which the equipment is intended and the duration of its use.

Article 20

1. Where the competent authority of a Member State in which the establishment or organisation based in the Union is situated receives an application for the admission free of import duties of equipment as defined by Article 51 of Regulation (EC) No 1186/2009, the application and related information shall be sent to the Commission so that it can be examined within the Customs Code Committee before a decision is taken by the said competent authority.

For the purposes of this examination, additional information shall be sent to the Commission on request.

2. The competent authority referred to in paragraph 1 shall inform the Commission of the decision it has taken concerning admission free of import duties.

Article 21

Article 8 shall apply *mutatis mutandis*.

CHAPTER IX

FINAL PROVISIONS*Article 22*

Regulation (EEC) No 2290/83 is repealed.

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

Article 23

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

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

Done at Brussels, 28 November 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Entries referred to in Article 3(2)

- ‘Стоки на ЮНЕСКО: продължаването на митническите освобождавания подлежи на спазване на член 48, параграф 2, първа алинея от Регламент (ЕО) № 1186/2009’;
- ‘Objeto UNESCO: se mantiene la franquicia subordinada al respeto del artículo 48, apartado 2, primer párrafo, del Reglamento (CE) n. 1186/2009’;
- ‘Zboží UNESCO: zachování osvobození za předpokladu splnění podmínek čl. 48 odst. 2 prvního pododstavce nařízení (ES) č. 1186/2009’;
- ‘UNESCO-varer: Fortsat fritagelse betinget af overholdelse af artikel 48, stk. 2, første afsnit, i forordning (EF) nr. 1186/2009’;
- ‘UNESCO-Gegenstand: Weitergewährung der Zollbefreiung abhängig von der Voraussetzung des Artikels 48 Absatz 2 erster Unterabsatz der Verordnung (EG) Nr. 1186/2009’;
- ‘UNESCO kaup: impordimaksudest vabastamise jätkamine, tingimusel et täidetakse määruse (EÜ) nr 1186/2009 artikli 48 lõike 2 esimest lõiku’;
- ‘Αντικείμενο UNESCO: Διατήρηση της ατέλειας εξαρτώμενη από την τήρηση του άρθρου 48 παράγραφος 2 πρώτο εδάφιο του κανονισμού (ΕΚ) αριθ. 1186/2009’;
- ‘UNESCO goods: continuation of relief subject to compliance with the first subparagraph of Article 48(2) of Regulation (EC) No 1186/2009’;
- ‘Objet UNESCO: maintien de la franchise subordonné au respect de l'article 48, paragraphe 2, premier alinéa, du règlement (CE) n° 1186/2009’;
- ‘Oggetto UNESCO: è mantenuta la franchigia a condizione che venga rispettato l'articolo 48, paragrafo 2, primo comma del regolamento (CE) n. 1186/2009’;
- ‘UNESCO preces: atbrīvojuma turpmāka piemērošana atkarīga no atbilstības Regulas (EK) Nr. 1186/2009 48. panta 2. punkta pirmajai daļai’;
- ‘UNESCO prekės: atleidimo nuo muitų taikymo pratėsimas laikantis Reglamento (EB) Nr. 1186/2009 48 straipsnio 2 dalies pirmosios pastraipos nuostatų’;
- ‘UNESCO-árúk: a vámmentesség fenntartása az 1186/2009/EK rendelet 48. cikke (2) bekezdésének első albekezdésében foglalt feltételek teljesítése esetén’;
- ‘Ogġetti tal-UNESCO: tkomplija ta' helsien mid-dazju sugġetta għal osservanza ta' l-ewwel subparagrafu ta' l-Artikolu 48(2) tar-Regolament (KE) Nru 1186/2009’;
- ‘UNESCO-voorzwerp: handhaving van de vrijstelling is afhankelijk van de nakoming van artikel 48, lid 2, eerste alinea, van Verordening (EG) nr. 1186/2009’;
- ‘Towary UNESCO: kontynuacja zwolnienia z zastrzeżeniem zachowania warunków określonych w art. 48 ust. 2 akapit pierwszy rozporządzenia (WE) nr 1186/2009’;
- ‘Objectos UNESCO: é mantida a franquia desde que seja respeitado o n.º 2, primeiro parágrafo do artigo 48.º do Regulamento (CE) n.º 1186/2009’;
- ‘Articole UNESCO: menținerea scutirii este condiționată de respectarea prevederilor articolului 48 alineatul (2) primul paragraf din Regulamentul (CE) Nr. 1186/2009’;
- ‘Tovar UNESCO: nadálej oslobodený, pokiaľ spĺňa podmienky ustanovené v článku 48 odseku 2 prvom pododseku nariadenia (ES) č. 1186/2009’;

- 'Blago UNESCO: ohranitev oprostivne v skladu s prvim pododstavkom člena 48(2) Uredbe (ES) št. 1186/2009';
- 'UNESCO-tavarat: tullittomuus jatkuu, edellyttäen että asetuksen (EY) N:o 1186/2009 48 artiklan 2 kohdan ensimmäisen alakohdan ehtoja noudatetaan';
- 'UNESCO-varor: Fortsatt tullfrihet under förutsättning att villkoren i artikel 48.2 första stycket i förordning (EG) nr 1186/2009 uppfylls'.

ANNEX II

Repealed Regulation with list of its successive amendments

Commission Regulation (EEC) No 2290/83
(OJ L 220, 11.8.1983, p. 20)

Commission Regulation (EEC) No 1745/85
(OJ L 167, 27.6.1985, p. 21)

Point I.19 of Annex I to the 1985 Act of Accession
(OJ L 302, 15.11.1985, p. 139)

Commission Regulation (EEC) No 3399/85
(OJ L 322, 3.12.1985, p. 10)

only Article 1 point 4

Commission Regulation (EEC) No 3893/88
(OJ L 346, 15.12.1988, p. 32)

Commission Regulation (EEC) No 1843/89
(OJ L 180, 27.6.1989, p. 22)

Commission Regulation (EEC) No 734/92
(OJ L 81, 26.3.1992, p. 15)

Point XIII A.II.5 of Annex I to the 1994 Act of Accession
(OJ C 241, 29.8.1994, p. 274)

Point 19.B.2 of Annex II to the 2003 Act of Accession
(OJ L 236, 23.9.2003, p. 772)

Commission Regulation (EC) No 1792/2006
(OJ L 362, 20.12.2006, p. 1)

only point 11.B.2 of the Annex

ANNEX III

Correlation Table

Regulation (EEC) No 2290/83	This Regulation
Article 1	Article 1
Article 2(1), first subparagraph, introductory phrase	Article 2(1), first subparagraph, introductory phrase
Article 2(1), first subparagraph, first indent	Article 2(1), first subparagraph, point (a)
Article 2(1), first subparagraph, second indent	Article 2(1), first subparagraph, point (b)
Article 2(1), first subparagraph, third indent	Article 2(1), first subparagraph, point (c)
Article 2(1), second subparagraph	Article 2(1), second subparagraph
Article 2(2)	Article 2(2)
Article 3(1)	Article 3(1)
Article 3(2), first subparagraph	Article 3(2), first subparagraph
Article 3(2), second subparagraph, introductory phrase	Article 3(2), second subparagraph
Article 3(2), second subparagraph, list of entries	Annex I
Article 3(3)	Article 3(3)
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 12	Article 9
Article 13	Article 10
Article 14	Article 11
Article 15	Article 12
Article 15a	Article 13
Article 15c	Article 14
Article 15d	Article 15
Article 15e	Article 16
Article 16	Article 17
Article 18	Article 18
Article 18a	Article 19

Regulation (EEC) No 2290/83	This Regulation
Article 18b	Article 20
Article 18c	Article 21
Article 19	—
—	Article 22
Article 20	Article 23
—	Annex II
—	Annex III

COMMISSION IMPLEMENTING REGULATION (EU) No 1226/2011**of 28 November 2011****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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 November 2011.

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

Done at Brussels, 28 November 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	59,8
	IL	98,1
	MA	52,7
	TN	143,0
	TR	82,9
	ZZ	87,3
0707 00 05	EG	188,1
	TR	108,0
	ZZ	148,1
0709 90 70	MA	36,3
	TR	131,9
	ZZ	84,1
0805 20 10	MA	67,0
	ZZ	67,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	50,4
	IL	77,8
	TR	76,7
	ZZ	68,3
0805 50 10	TR	59,7
	ZA	49,5
	ZZ	54,6
0808 10 80	CA	104,5
	CL	90,0
	CN	74,9
	MK	36,4
	NZ	41,5
	US	134,2
	ZA	148,1
0808 20 50	ZZ	89,9
	CN	72,7
	TR	137,2
	ZZ	105,0

⁽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'.

DIRECTIVES

COMMISSION DIRECTIVE 2011/94/EU

of 28 November 2011

amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) Annex I to Directive 2006/126/EC sets out the model on the basis of which Member States are required to introduce national driving licences. With the entry into force of the Treaty of Lisbon on 1 December 2009, the reference to the Community on the driving licence should be replaced with a reference to the European Union. The model should also be updated to reflect the accession of Bulgaria and Romania to the European Union.
- (2) In accordance with Annex I of Directive 2006/126/EC the European Union model driving licence should indicate the category of vehicle the holder is entitled to drive
- (3) It is necessary to update the European Union model driving licence in the light of the new categories of vehicles introduced by Directive 2006/126/EC. In particular driving licences for category AM (mopeds) and category A2 (motorcycles) have been introduced and will be applicable as from 19 January 2013. Therefore, the European Union model driving licence should be adjusted.
- (4) Directive 2006/126/EC should therefore be amended accordingly.
- (5) Member States are encouraged to draw up, for themselves and in the interests of the Union, their own table illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Committee on driving licences,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 2006/126/EC is amended as set out in the Annex.

Article 2

Transposition

1. Member States shall adopt and publish, by 30 June 2012 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 19 January 2013.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 28 November 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 403, 30.12.2006, p. 18.

ANNEX

Annex I to Directive 2006/126/EC is amended as follows:

(1) the title is replaced by the following:

'PROVISIONS CONCERNING THE EUROPEAN UNION MODEL DRIVING LICENCE';

(2) in point (1), the words 'Community model driving licence' are replaced by the words 'European Union model driving licence';

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

'(c) the distinguishing sign of the Member State issuing the licence, printed in negative in a blue rectangle and encircled by 12 yellow stars; the distinguishing signs shall be as follows:

B: Belgium

BG: Bulgaria

CZ: Czech Republic

DK: Denmark

D: Germany

EST: Estonia

GR: Greece

E: Spain

F: France

IRL: Ireland

I: Italy

CY: Cyprus

LV: Latvia

LT: Lithuania

L: Luxembourg

H: Hungary

M: Malta

NL: The Netherlands

A: Austria

PL: Poland

P: Portugal

RO: Romania

SLO: Slovenia

SK: Slovakia

FIN: Finland

S: Sweden

UK: The United Kingdom';

(4) in point (3), concerning page 1 of the driving licence, point (e) is replaced by the following:

(e) the words “European Union model” in the language(s) of the Member State issuing the licence and the words “Driving Licence” in the other languages of the European Union, printed in pink to form the background of the licence:

Свидетелство за управление на МПС

Permiso de Conducción

Řidičský průkaz

Kørekort

Führerschein

Juhiluba

Άδεια Οδήγησης

Driving Licence

Permis de conduire

Ceadúas Tiomána

Patente di guida

Vadītāja apliecība

Vairuotojo pažymėjimas

Vezetői engedély

Ličenzja tas-Sewqan

Rijbewijs

Prawo Jazdy

Carta de Condução

Permis de conducere

Vodičský preukaz

Vozniško dovoljenje

Ajokortti

Körkort;

(5) in point (3), concerning page 2 of the driving licence:

— points (a)10 and (a)11 shall be replaced by the following:

‘10. date of first issue of each category (this date must be repeated on the new licence in the event of subsequent replacement or exchange); each field of the date shall be written with two digits and in the following sequence: day.month.year (DD.MM.YY);

11. date of expiry of each category; each field of the date shall be written with two digits and in the following sequence: day.month.year (DD.MM.YY);

— in point (a)(12), first indent, the words ‘harmonised Community codes’ are replaced by the words ‘harmonised European Union codes’;

— in point (a)(12), code 95 is replaced by the following:

‘95 Driver holding CPC meeting the obligation of professional aptitude provided for by Directive 2003/59/EC until ... [e.g.: 95(01.01.12)];

- point (b) is replaced by the following:
- ‘(b) an explanation of the following numbered items which appear on pages 1 and 2 of the licence: 1, 2, 3, 4(a), 4(b), 4(c), 5, 10, 11 and 12;
- If a Member State wishes to make the entries in a national language other than one of the following languages: Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish or Swedish, it shall draw up a bilingual version of the licence using one of the aforementioned languages, without prejudice to the other provisions of this Annex;’
- in point (c), the words ‘Community model licence’ are replaced by the words ‘European Union model driving licence’;
- (6) in point 4, the following point (c) is added:
- ‘(c) Information contained in the front and reverse side of the card shall be legible with the eye, using a minimum character height of 5 points for items 9 to 12 on the reverse side.’;
- (7) the Community model driving licence is replaced by the following:

‘EUROPEAN UNION MODEL DRIVING LICENCE

Page 1



DRIVING LICENCE

(MEMBER STATE)

1.

2.

3.

4a.

4b.

5.

7.

(8.)

4c.

(4d.)

6. PHOTO

9.

Page 2

13.

(14.)

12.

9.	10.	11.	12.
AM 			
A1 			
A2 			
A 			
B1 			
B 			
C1 			
C 			
D1 			
D 			
BE 			
C1E 			
CE 			
D1E 			
DE 			

1. Name 2. First name 3. Date and place of birth 4a. Date of issue 4b. Date of expiry 4c. Issued by 5. Licence number 10. Valid from 11. Valid to 12. Codes

- (8) the specimen model licence is deleted.

DECISIONS

COUNCIL DECISION 2011/764/CFSP

of 28 November 2011

repealing Decision 2011/210/CFSP on a European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (EUFOR Libya)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

Having regard to the proposal made by the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 1 April 2011, the Council adopted Decision 2011/210/CFSP ⁽¹⁾.
- (2) By letter dated 27 October 2011, the European Union Operation Commander notified the closure of the Operational Headquarters on 10 November 2011. Decision 2011/210/CFSP should therefore be repealed pursuant to Article 13(3) thereof, with effect from 10 November 2011.
- (3) Council Decision 2008/975/CFSP of 18 December 2008 establishing a mechanism to administer the financing of the common costs of European Union operations having

military or defence implications (Athena) ⁽²⁾ determines the procedures for the audit and presentation of the accounts of an operation,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2011/210/CFSP is hereby repealed with effect from 10 November 2011. This repeal shall be without prejudice to the procedures laid down in Decision 2008/975/CFSP regarding the audit and presentation of the accounts of the operation.

Article 2

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

Done at Brussels, 28 November 2011.

For the Council
The President
K. SZUMILAS

⁽¹⁾ OJ L 89, 5.4.2011, p. 17.

⁽²⁾ OJ L 345, 23.12.2008, p. 96.

COMMISSION DECISION**of 22 November 2011**

on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council

(notified under document C(2011) 7966)

(Text with EEA relevance)

(2011/765/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community ⁽¹⁾, and in particular Articles 23(3)(b) and 25(5) thereof,

Whereas:

- (1) To achieve an appropriate and comparable level of quality of training and examinations of train drivers and train candidate drivers with a view to their certification in all Member States, it is necessary to establish common criteria at Union level in regard to both the procedures for recognition of training centres and for examiners of train drivers.
- (2) Training and examinations should be performed in an appropriate manner and at a reasonable and comparable quality level in all Member States, to enable mutual acceptance of examinations.
- (3) Training centres should be competent in regard to the training they carry out. In particular the training centres should have technical and operational competence and suitability to organise training courses and should be adequately staffed and equipped.
- (4) Particular provisions should be laid down for training centres that belong to railway undertakings or infrastructure managers applying for safety certificates or safety authorisations. In order to reduce the administrative burden, a Member State should be enabled to provide the possibility to combine the recognition of such training centres with the process of granting safety certificates or safety authorisations.
- (5) Examiners of train drivers should be skilled and competent in regard to the subject matter of examinations they want to conduct. Requirements for the

competence of an examiner should refer to aspects such as examination methods, skills and pedagogical aptitude. The competent authority should check on an individual basis whether the competence of a person or entity applying for recognition as an examiner of train drivers is appropriate for the purpose of performing examinations in the respective areas of competences.

- (6) Examiners of train drivers should perform examinations in an independent and impartial manner. To that end, the persons or entities applying for the recognition procedure should prove to the competent authority that they respect those requirements.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 32 of Directive 2007/59/EC,

HAS ADOPTED THIS DECISION:

CHAPTER 1**GENERAL PROVISIONS***Article 1***Subject matter and scope**

This Decision lays down the criteria for the recognition of training centres providing professional training to train drivers and train drivers candidates for the recognition of examiners of train drivers and train drivers candidates and for the organisation of examinations in accordance with Directive 2007/59/EC.

It applies to:

- (a) training centres providing training courses for train drivers and train candidate drivers on training tasks specified in Article 23 of Directive 2007/59/EC;
- (b) the examiners of train drivers authorised to check the competence of candidate train drivers or train drivers to be certified in accordance with Article 25 of Directive 2007/59/EC.

⁽¹⁾ OJ L 315, 3.12.2007, p. 51.

*Article 2***Definitions**

The following definitions shall apply for the purpose of this Decision:

- (a) 'applicant' means an entity or a single person having established a company that applies for recognition to provide training courses relating to training tasks referred to in Article 23(5) and (6) of Directive 2007/59/EC, including a single person applying for recognition as examiner referred to in Article 25(1) and (2) of Directive 2007/59/EC;
- (b) 'trainer' means a person with relevant skills and competence to prepare, organise and conduct training courses;
- (c) 'examiner' means a person having relevant skills and competence, recognised to conduct and score examinations for the purposes of Directive 2007/59/EC;
- (d) 'examination' means a process to check a train driver's or candidate train driver's competence in accordance with Directive 2007/59/EC by one or more means such as written, oral and practical;
- (e) 'examination centre' means an entity established to provide examinations for train drivers in accordance with Article 25 of Directive 2007/59/EC;
- (f) 'recognition' means a formal statement on the competence of a person or an entity to perform training tasks or examinations, issued by an authority appointed for this purpose by the Member State;
- (g) 'competent authority' means the competent authority as defined in Article 3 of Directive 2007/59/EC or any other body appointed by the Member State or entrusted with the task of recognition of training centres and of examiners by the competent authority through delegation.

CHAPTER 2

TRAINING CENTRES*Article 3***Independence and impartiality**

Training centres shall deliver training courses in an impartial manner regarding all participants.

In particular where a training centre provides training to persons employed by the company owning the training centre as well as to other persons, the training shall be performed independently from the interests of the company owning the training centre and shall be impartial for all participants.

Training centres shall apply the same rules to persons employed by the company owning the training centre and to other persons. Member States shall ensure that measures are taken to safeguard this principle.

*Article 4***Competence requirements**

1. An applicant shall demonstrate technical and operational competence and suitability to organise training courses appropriate to the training tasks. It shall be adequately staffed and equipped and operate in an environment suitable for training aiming to prepare train drivers for the examinations to obtain or maintain licences and certificates in accordance with Directive 2007/59/EC.

2. In particular, applicants shall:

- (a) have an effective management structure which ensures that trainers have adequate qualifications and experience to provide training according to the requirements set out in Directive 2007/59/EC;
- (b) have the necessary staff, facilities, equipment and accommodation appropriate for the training offered and the estimated number of trainees;
- (c) ensure that practical training is performed by trainers who are holders of both a valid train driver licence and a valid certificate covering the subject of training or a similar type of line/rolling stock, and who have professional practice in driving of minimum 3 years' duration. When the trainer does not hold a valid certificate for the relevant infrastructure/rolling stock, a driver holding the certificate for that infrastructure/rolling stock shall be present to the training, in accordance with Article 4(2)(e) of Directive 2007/59/EC;
- (d) provide the methodology they intend to use to ensure the content, organisation and duration of training courses, training plans and competence schemes;
- (e) provide systems to record the training activities including information on participants, trainers and the number and purpose of the courses;
- (f) have a quality management system or equivalent procedures in place to monitor compliance with, and the adequacy of, the systems and procedures which ensure that the training provided satisfy the requirements set out in Directive 2007/59/EC;
- (g) provide competence management, ongoing training and measures to keep professional skills updated for trainers;

(h) demonstrate procedures to keep training methods, tools and equipments updated, including training literature, training software, documents provided by the infrastructure manager such as rulebooks on operational rules, signals or safety systems.

3. A Member State may establish additional requirements for the training related to infrastructure of its own territory.

4. Applicants for training on specific communication and terminology for rail operation and safety procedures, shall submit their application to the competent authority of the Member State where the infrastructure is located, to which the communication and terminology refer.

Article 5

Training centres belonging to a railway undertaking or an infrastructure manager

1. A Member State may permit that an applicant which belongs to a railway undertaking or to an infrastructure manager, exclusively provides training to staff of the company it belongs to, and which fulfils all requirements provided for in Article 4 of this Decision, is recognised in combination with the safety certification or safety authorisation process in accordance with Directive 2004/49/EC of the European Parliament and of the Council ⁽¹⁾.

2. In this case, the statement of recognition may be displayed on the relevant safety certificate or safety authorisation.

3. Work organisation and management of the applicant referred to in paragraph 1 shall be organised and structured to prevent any conflict of interest.

Article 6

New or newly equipped line and newly introduced rolling stock

In regard to new or newly equipped lines or newly introduced rolling stock a Member State may specify conditions under which a recognised training centre may organise practical training in derogation to Article 4(2)(c).

The use of this derogation shall be strictly limited to the case in which no trainer holding a certificate already covering the new or newly equipped line or the new rolling stock is yet available.

The trainer shall fulfil all other requirements of Article 4(2)(c) in regard to the licence and to the certificate as provided in Articles 14 and 15 of Directive 2007/59/EC, and to the required period of professional practice.

⁽¹⁾ OJ L 164, 30.4.2004, p. 44.

CHAPTER 3

EXAMINERS

Article 7

Independence and impartiality

Applicants shall confirm that they will conduct examinations in an impartial and non-discriminatory manner, free of any pressure and incentive which could affect the judgement or the results of the examination and the way the examination is carried out.

For this purpose the competent authority shall develop a statement incorporated in an application form to be signed by the applicant.

Article 8

Competence requirements

1. Applicants shall be competent and experienced regarding the subject of examination they want to conduct.

The experience requested shall be gathered during professional practice of minimum 4 years' duration within a period of not more than 5 years before the application date.

The requested period of professional experience may include periods of experience as a manager of train drivers who holds a valid train driver licence and complimentary certificate or as a trainer for training tasks relevant to the application submitted.

2. In regard to practical examinations on board trains the applicant must be the holder of both a valid train driver licence and a valid certificate covering the subject of examination or a similar type of line/rolling stock. When the examiner does not hold a valid certificate for the infrastructure/rolling stock of the examination, a driver holding the certificate for that infrastructure/rolling stock shall be present to the examination in accordance with Article 4(2)(e) of Directive 2007/59/EC.

The applicant shall have professional practice in driving of minimum 4 years' duration and gathered within a period of not more than 5 years before the application date. The applicant's knowledge must be up-to-date at the time of the application.

3. In addition, applicants shall meet the following minimum criteria:

- (a) they shall be competent in listening and spoken interaction at minimum level B2 of the European Framework for Language Competence (EFLC) established by the Council of Europe ⁽¹⁾, in the language of examination;
- (b) they shall have the skills and the pedagogical aptitude required for the purpose of conducting examinations, and have thorough knowledge of the relevant examination methods and examination documents;
- (c) they shall demonstrate how they will keep their professional competences regarding the subjects they examine updated;
- (d) they shall be familiar with the certification scheme for train drivers.

4. A Member State may establish additional requirements for examiners performing examinations related to its own infrastructure.

CHAPTER 4

ORGANISATION OF EXAMINATIONS

Article 9

Common criteria for the organisation of examinations

Examinations organised to assess train drivers' competence in accordance with Article 25 of Directive 2007/59/EC shall meet the following criteria:

- (a) in case of examinations conducted by two or more persons, at least the person who is leading the examination shall be a recognised examiner in accordance with the provisions of this Decision;
- (b) where the examination concerns the practical part of train driving competences, the examiner shall be licensed as train driver and hold a complementary certificate authorising the use of infrastructure and the driving of rolling stock that is subject to the examination, or a similar type of line/rolling stock; when the examiner does not hold a valid certificate for the infrastructure/rolling stock of the examination, a driver holding the certificate for that infrastructure/rolling stock shall be present to the examination in accordance with Article 4(2)(e) of Directive 2007/59/EC;
- (c) examinations shall be performed in a transparent manner and shall have adequate duration in order to prove with sufficient documented evidence that all the relevant subjects of the Annexes to Directive 2007/59/EC are covered;

⁽¹⁾ *Common European Framework of Reference for Languages: Learning, Teaching, Assessment*, 2001 (Cambridge University Press for the English version — ISBN 0-521-00531-0). Also available on the Council of Europe website: <http://www.coe.int/T/DG4/Portfolio/documents/Common%20European%20Framework%20hyperlinked.pdf>

- (d) in cases where the examiner participating to the examination provided the training on the subject of examination to the train driver or candidate train driver, a second examiner, who was not involved in preparation training, will conduct the examination;
- (e) an examination shall be prepared with particular care in regard to the confidentiality of the questions foreseen during the examination.

Article 10

New or newly equipped line and newly introduced rolling stock

In regard to new or newly equipped lines or newly introduced rolling stock a Member State may specify conditions under which a recognised examiner may perform examinations in derogation to Article 9.

The use of this derogation shall be strictly limited to the case in which no examiner holding a certificate already covering the new or newly equipped line or the new rolling stock is yet available.

The examiner shall fulfil all other requirements of Article 4(2)(c) in regard to the licence and to the certificate as provided in Articles 14 and 15 of Directive 2007/59/EC, and to the required period of professional practice.

CHAPTER 5

FINAL PROVISIONS

Article 11

Transitional period

If a railway undertaking or an infrastructure manager has already selected examiners for the purpose of conducting examinations for their own staff, in conformity with national provisions and requirements applicable before the entry into force of this Decision, a Member State may decide that those selected examiners are allowed to continue conducting examinations in accordance with the following conditions:

- (a) the railway undertaking or infrastructure manager has selected the examiner within the framework of a safety certificate or safety authorisation issued in accordance with Directive 2004/49/EC and within the limits of the scope issued by the competent authority and until the expiry of this safety certificate or safety authorisation;
- (b) the railway undertaking or infrastructure manager checks the fulfilment of the requirements laid down in this Decision in regard to examiners they have selected; if an examiner fails to meet a requirement, the railway undertaking or infrastructure manager shall take appropriate measures to achieve the fulfilment of the requirements for examiners.

*Article 12***Application**

This Decision shall apply from 15 May 2012.

For training centres already providing training services at the date of application of this Decision, this Decision shall apply as of 1 July 2013.

*Article 13***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 22 November 2011.

For the Commission

Siim KALLAS

Vice-President

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 22 November 2011

on the procedure for recognition of training centres and of examiners of train drivers in accordance with Directive 2007/59/EC of the European Parliament and of the Council

(Text with EEA relevance)

(2011/766/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) To achieve an appropriate and comparable level of quality of training and examinations of train drivers and train drivers candidates with a view to their certification in all Member States, it is recommended to use common conditions and procedures at Union level in regard to both the procedures of recognition of training centres and of examiners of train drivers and train drivers candidates, and also the qualitative requirements for the examination to be fulfilled.
- (2) Training and examinations should be performed in an appropriate manner and at a reasonable and comparable quality level in all Member States, to enable mutual acceptance of examinations.
- (3) The statement of recognition should indicate the areas of competence in which the training centre is recognised to provide training courses and in which areas the examiner is recognised to conduct examinations for train drivers. Within the limits of the areas of competence specified in the statement of recognition, the recognised training centre should be authorised to perform training courses and the recognised examiner should be authorised to perform examinations throughout the Union.
- (4) In regard to the general language competence of train drivers, the competent authority may not have the specific experience and competence required for the recognition of training centres and of examiners in regard to general language competence of train drivers. In this case, Member States may accept certificates of

competence issued by training centres in line with the 'European Framework for Language Competence', established by the Council of Europe.

- (5) In some Member States examination centres are already established or will be established to organise examinations for train drivers. In this case, the Member State may delegate the task of recognition of examiners to the examination centre under specific national conditions,

HAS ADOPTED THIS RECOMMENDATION:

Subject matter

1. This recommendation sets out recommended practices and procedures for the recognition of training centres providing professional training to train drivers and to train drivers candidates and for the recognition of examiners of train drivers and of train drivers candidates in accordance with Directive 2007/59/EC of the European Parliament and of the Council ⁽¹⁾.

Application for recognition of a training centre

2. A training centre should submit a written application for recognition, its renewal or amendment to the competent authority of the Member State in which the training centre has or intends to have its principal place of operation, with the exception of the case referred to in point 6.
3. Where a training centre consists of more than one legal entity, each of the legal entities should apply separately for recognition.
4. Applications should include documents giving evidence of the fulfilment of the requirements laid down in Directive 2007/59/EC and in Commission Decision 765/2011 ⁽²⁾.

⁽¹⁾ OJ L 315, 3.12.2007, p. 51.

⁽²⁾ See page 36 of this Official Journal.

5. Applications should specify the training tasks for which the applicant applies for a recognition. The application may refer to training tasks belonging to one or more areas of competence. It should be structured in line with the following areas of competence:

(a) general professional knowledge in accordance with Annex IV to Directive 2007/59/EC;

(b) professional knowledge relating to rolling stock in accordance with Annex V to Directive 2007/59/EC;

(c) professional knowledge of infrastructure in accordance with Annex VI to Directive 2007/59/EC;

(d) linguistic knowledge in accordance with Annex VI to Directive 2007/59/EC (general linguistic knowledge and/or specific communication and terminology for rail operations and safety procedures).

6. A training centre which has its principal place of operation in another Member State than the Member State where an infrastructure is located, may be recognised by the competent authority of the Member State where the infrastructure is located.

7. Where an applicant applying for recognition of training tasks related to infrastructure knowledge has been already recognised in accordance with this Recommendation and Decision 765/2011 by a competent authority of a Member State, the competent authorities of other Member States should limit their assessment to the requirements that are specific to the training on the infrastructure in question and should refrain from assessing aspects which were already assessed in the course of the previous recognition.

Issue of statement of recognition of a training centre

8. The competent authority should issue a statement of recognition not later than 2 months after receiving all necessary documents.

9. The competent authority should make its decision on the application based on the applicant's ability to demonstrate how independence, competence and impartiality are ensured.

10. A statement of recognition should contain the following information:

(a) name and address of the competent authority;

(b) name and address of the training centre;

(c) the training tasks for which the training centre is entitled to provide training courses in accordance with point 5;

(d) identification number of the training centre provided in accordance with point 15;

(e) date of expiry of the statement of recognition.

Validity, amendment, renewal of statement of recognition of a training centre

11. A statement of recognition of a training centre should be valid for 5 years. The competent authority may shorten the duration of validity regarding all or part of the training tasks specified in the statement of recognition in reasoned cases.

12. A training centre holding a valid statement of recognition may at any time apply to extend the scope of training tasks. An amended statement of recognition should be issued based on the appropriate supplementing documents provided by the applicant. In this case the expiry date of the amended statement of recognition should not be affected.

13. Where requirements for one or more training tasks specified on the statement of recognition are no longer fulfilled, the recognised training centre should immediately cease to provide training regarding the tasks concerned and inform in writing the competent authority which issued the statement of recognition. The competent authority should evaluate the information and issue an amended statement of recognition. In this case the expiry date of the statement of recognition should not be affected.

14. A statement of recognition should be renewed on request of the training centre and should be issued under the same conditions as an initial statement of recognition. The competent authority may establish a simplified procedure where the conditions for recognition remain unchanged. Records of training activities performed during the previous 2 years should be submitted. Where the previous period of validity was shortened to less than 2 years in accordance with point 11, records for the whole period should be submitted.

Register of training centres

15. In the register referred to in Article 20(3) of Directive 2007/59/EC, each recognised training centre should be identified by an individual identification number. The identification number should be based on national provisions, however, it should include the short name of the Member State where the training centre is recognised.

16. The register should contain at least the following information:

- (a) name and address of the recognised training centre;
- (b) the training tasks for which the training centre is recognised to provide training courses, referring to the relevant Annexes to Directive 2007/59/EC;
- (c) the identification number;
- (d) date of expiry of the statement of recognition;
- (e) contact information.

17. In order to keep the register up-to-date, recognised training centres should inform the competent authority that issued the statement of recognition of any change concerning data published in the register. National provisions may require additional data to be stored in the register and information on change of those data.

Suspension and withdrawal of recognition

18. Where assessment or supervision activities performed by the competent authority or Member State in conformity with Articles 26, 27 or 29 of Directive 2007/59/EC provide evidence that a training centre fails to meet the requirements for recognition, the competent authority should withdraw or suspend the respective statement of recognition.

19. If a competent authority finds that a training centre recognised by the competent authority of another Member State does not fulfil the obligations of Directive 2007/59/EC and of Decision 765/2011 they should inform the competent authority in the other Member State that issued the statement of recognition. The competent authority which issued the statement of recognition should check this information within 4 weeks and inform the requesting competent authority of the results of its checks and decisions.

20. Where the competent authority finds that the training centre no longer meets the requirements for recognition, the competent authority should withdraw or suspend the statement of recognition.

Appeal procedure

21. The competent authority should promptly inform the training centre in writing of the reasons for its decisions.

22. In case of suspension or withdrawal the competent authority should clearly inform the training centre regarding the requirements that are no longer fulfilled. The competent authority may, before suspension or withdrawal becomes effective, provide a notice period within which the training centre may adapt its practices in order to meet the requirements for recognition. It should inform the training centre of the appeal procedure set up to allow the training centre concerned to request a review of the decision.

23. The competent authority should ensure that an administrative appeal procedure is set up to allow the training centre concerned to request a review of disputed decisions.

Training centres providing language training

24. In regard to the training on general language competence, a Member State may acknowledge the applicant as a training centre on the base of a certificate which confirms the competence of the applicant to provide training on general language. This competence should be in line with the principles and methodology of the 'European Framework for Language Competence' established by the Council of Europe ⁽¹⁾. The Member State may lay down supplementary provisions to specify the use of this option taking into account national practice regarding the certification of all language training centres.

25. In regard to the training on specific communication and terminology for rail operation and safety procedures, recognition in accordance with the provisions of this Recommendation should be required. Applications for recognition as a training centre providing training on specific communication and terminology for rail operation and safety procedures should be submitted to the competent authority of the Member State where the infrastructure, to which the communication and terminology refer, is located.

Application for recognition as an examiner

26. An applicant applying for recognition as an examiner should submit a written application to the competent authority of the Member State concerned.

27. Where an application concerns recognition as an examiner for infrastructure knowledge, including route knowledge and operation rules, the competent authority of the Member State where the infrastructure is located is responsible for recognition.

⁽¹⁾ *Common European Framework of Reference for Languages: Learning, Teaching, Assessment*, 2001 (Cambridge University Press for the English version — ISBN 0-521-00531-0). Also available on the Council of Europe website: <http://www.coe.int/T/DG4/Portfolio/documents/Common%20European%20Framework%20hyperlinked.pdf>

28. An application may also be submitted on behalf of the applicant by his or her employer.
29. Applications should include documents giving evidence of the fulfilment of the requirements laid down in Directive 2007/59/EC and in Decision 765/2011.
30. Applications should specify the area(s) of competence for which recognition as an examiner is applied for. The application may refer to one or more areas of competence. It should be structured in line with the following areas of competence:
- (a) general professional knowledge in accordance with Annex IV to Directive 2007/59/EC;
 - (b) professional knowledge relating to rolling stock in accordance with Annex V to Directive 2007/59/EC;
 - (c) professional knowledge relating to infrastructure in accordance with Annex VI to Directive 2007/59/EC;
 - (d) linguistic knowledge in accordance with Annex VI to Directive 2007/59/EC (general linguistic knowledge and/or specific communication and terminology or rail operations and safety procedures).
- (d) the languages in which the examiner is recognised to conduct examinations;
- (e) the identification number of the examiner provided in accordance with point 10(d);
- (f) date of expiry of the statement of recognition.

Validity, amendment, renewal of statement of recognition for an examiner

33. A statement of recognition of an examiner should be valid for 5 years. The competent authority may shorten the duration of validity regarding all or part of the competence areas specified on the statement of recognition in reasoned cases.
34. The holder of a valid statement of recognition may at any time apply for amendment aiming to add area(s) of competence. An amended statement of recognition should be issued based on appropriate supplementing documents provided by the applicant. The expiry date of an amended statement of recognition should not be affected.
35. In case of developments that require an amendment of the statement of recognition because requirements for one or more areas of competence specified on it are no longer fulfilled the recognised examiner should immediately cease conducting examinations in those areas of competence and inform in writing the competent authority. The competent authority should evaluate the information and issue an amended statement of recognition. The expiry date of an amended statement of recognition should not be affected.
36. A statement of recognition should be renewed on request of the examiner and should be issued under the same conditions as an initial statement of recognition. The competent authority may establish a simplified procedure where the conditions for previous recognition have stayed unchanged. In any case examiners applying for renewal should submit records of the competence they have received during the previous period of validity and of examination activities performed during the last 2 years. Where the previous period of validity was shortened to less than 2 years in accordance with point 33, records of the whole period should be submitted respectively.
- Issue of statement of recognition for an examiner**
31. The competent authority should evaluate all documents submitted by the applicant. Where all requirements are fulfilled it should issue a statement of recognition as soon as possible and not later than 2 months after receiving all necessary documents.
32. A statement of recognition should contain at least the following information:
- (a) name and address of the competent authority;
 - (b) name or names, address and date of birth of the applicant; the place of birth of the applicant may be included in the statement of recognition on an optional basis;
 - (c) the area(s) of competence for which the examiner is entitled to perform examinations;

Register of examiners

37. In the register referred to in Article 20(3) of Directive 2007/59/EC, each examiner should be identified by an individual identification. The identification number should be based on national provisions; however, it should include the short name of the Member State where the examiner is recognised.

38. The register should contain at least the following information:

- (a) name, address, date of birth of the recognised examiner;
- (b) the area(s) of competence for which the examiner is recognised to conduct examinations;
- (c) the language(s) in which the examiner is recognised to conduct examinations;
- (d) the identification number of the examiner provided in accordance with point 37;
- (e) where an employer applies on behalf of the examiner in accordance with point 28, the name and address of the employer (in other cases the name and address of an employer of the examiner may be included on an optional basis);
- (f) date of expiry of the statement of recognition;
- (g) contact information.

39. In order to keep the register up-to-date, a recognised examiner or his or her employer should inform the authority that has issued the statement of recognition about any change concerning data contained in the register. National provisions may foresee additional data to be stored in the register and information on change regarding those data.

40. Data referred to in point 38(a), (b) and (c) should be made publicly accessible. Other data listed in point 38 should be made public in accordance with national provisions on personal data protection.

Suspension and withdrawal of recognition

41. Where assessment or supervision activities performed by the competent authority in conformity with Articles 26, 27 or 29 of Directive 2007/59/EC give evidence that an examiner fails to meet the requirements for recognition, the competent authority should withdraw or suspend the statement of recognition.

42. If a competent authority finds that an examiner recognised by the competent authority of another Member State does not satisfy one or more requirements of the Directive

2007/59/EC and of Decision 765/2011, they should inform the competent authority in the Member State that issued the statement of recognition and require the appropriate checks by this latter.

43. If the competent authority of this latter Member State finds that the examiner no longer meets the requirements, it should withdraw or suspend the statement of recognition, promptly inform the examiner in writing of the reasons for its decisions and notify its decision to the competent authority which informed of the failure to meet the requirements.

Appeal procedure

44. The competent authority should promptly inform the examiner in writing of the reasons for its decisions.

45. In case of suspension or withdrawal the competent authority should provide clear information on the requirements that are no longer fulfilled. The competent authority may, before suspension or withdrawal becomes effective, provide a notice period within which the examiner may adapt its practices in order to meet the requirements for recognition.

46. The competent authority should ensure that an administrative appeal procedure is set up allowing applicants or examiners to request a review of disputed decisions.

Examiners assessing language competence

47. In regard to the examining of general language competence and to acknowledge the applicant as an examiner, a Member State may recognise the applicant on the basis of a certificate, issued in conformity with common practice on the language training sector. This certificate should confirm the competence of the applicant to conduct examinations in line with principles and methodology of the 'European Framework for Language Competence' established by the Council of Europe. The Member State may lay down supplementary provisions to specify the use of this option taking into account national practice regarding the certification of language competence of examiners.

48. In regard to the examining of competence on specific communication and terminology for rail operation and safety procedures, recognition in accordance with the provisions of this Recommendation should be required. Applications for recognition as an examiner for the purpose of conducting examinations concerning specific communication and terminology for rail operation and safety procedures should be submitted to the competent authority of the Member State where the infrastructure, to which the communication and terminology refer, is located.

Recognition of examination centres

49. A Member State may decide to require recognition of examination centres on basis of a written application submitted to the competent authority.
50. The competent authority should provide a statement of recognition of the examination centre following national provisions and procedures and on the basis of the criteria of independence, competence and impartiality. Points 26 to 48 should apply to recognition of examination centres.
51. The competent authority could also delegate to these examination centres the recognition of its own examiners under the condition that they fulfil the requirements laid down in point 53.
52. For the purpose of point 54 the examination centre should keep up-to-date a register of all examiners it has recognised. This register should provide the information referred to in point 38.
53. The examination centre should provide appropriate measures to manage its examiners and to ensure that its examiners have the competences required in accordance with Directive 2007/59/EC and Decision 765/2011.
54. Examiners should be allowed to conduct examinations only in the framework of activities of the examination centre to which they belong.
55. The information on the recognised examination centre should be publicly accessible in the register provided for in point 38 without providing information on the individual examiners belonging to that examination centre. The name of the examination centre should be displayed instead of the identification number referred to in point 37.
56. The competent authority should promptly inform the examination centre in writing of the reasons for its decisions.
57. In case of suspension or withdrawal the competent authority should provide clear information on the requirements that are no longer fulfilled. The competent

authority may, before suspension or withdrawal becomes effective, provide a notice period within which the examination centre may adapt its practices in order to meet the requirements for recognition.

58. The competent authority should ensure that an administrative appeal procedure is set up allowing applicants or examination centres to request a review of disputed decisions.

Transparent evaluation rules

59. The evaluation and scoring principles and the type of results should be available before the examinations.
60. Drivers or candidate drivers should be allowed to view the evaluation of examination results and to request a review in case of a reasoned negative opinion regarding the examinations they took.

Quality checks and supervision by the competent authority

61. In order to comply with their supervision activities in conformity with Articles 26, 27 or 29 of Directive 2007/59/EC, a competent authority may require:
- (a) access to all documents relevant for the preparation, conduction and evaluation of examinations;
 - (b) the adoption of a reporting procedure requiring that certain information should be delivered regularly or on demand;
 - (c) an observation of examinations by representatives of a competent authority.

Done at Brussels, 22 November 2011.

For the Commission

Siim KALLAS

Vice-President

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