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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Implementing Regulation (EU) 2018/1863 of 28 November 2018 implementing Article 21(1) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya** 1
- ★ **Commission Implementing Regulation (EU) 2018/1864 of 28 November 2018 concerning the classification of certain goods in the Combined Nomenclature** 3
- ★ **Commission Implementing Regulation (EU) 2018/1865 of 28 November 2018 concerning the non-renewal of approval of the active substance propiconazole, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011 ⁽¹⁾** 6
- ★ **Commission Implementing Regulation (EU) 2018/1866 of 28 November 2018 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are banned from operating or are subject to operational restrictions within the Union ⁽¹⁾** 10

DECISIONS

- ★ **Council Decision (EU) 2018/1867 of 26 November 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment of Annex IX (Financial Services) to the EEA Agreement (Omnibus II) ⁽¹⁾** 29
- ★ **Council Implementing Decision (CFSP) 2018/1868 of 28 November 2018 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya** 32

⁽¹⁾ Text with EEA relevance.

EN

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

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

Corrigenda

- ★ **Corrigendum to Commission Decision (EU) 2018/1471 of 19 September 2018 on the proposed citizens' initiative entitled 'STOP FRAUD and abuse of EU FUNDS — by better control of decisions, implementation and penalties' (OJ L 246, 2.10.2018) 35**

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2018/1863**of 28 November 2018****implementing Article 21(1) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 ⁽¹⁾, and in particular Article 21(1) thereof,

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

Whereas:

- (1) On 18 January 2016, the Council adopted Regulation (EU) 2016/44.
- (2) On 16 November 2018, the United Nations Security Council ('UNSC') Committee established pursuant to UNSC Resolution 1970 (2011) added one person to the list of persons and entities subject to restrictive measures.
- (3) Annex II to Regulation (EU) 2016/44 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) 2016/44 is hereby amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 28 November 2018.

*For the Council**The President*

J. BOGNER-STRAUSS

⁽¹⁾ OJ L 12, 19.1.2016, p. 1.

ANNEX

The following person is added to the list in Annex II of Regulation (EU) 2016/44:

‘28. **Name:** 1: Salah 2: Badi 3: na 4: na

Title: na **Designation:** Senior commander of the armed anti-GNA Al-Somood front, also known as Fakhr or “Pride of Libya”, and the Misratan Al Marsa Central Shield brigade **DOB:** na **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** na **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 16 Nov. 2018 **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze).

Listed pursuant to paragraph 22 (a) of resolution 1970 (2011), paragraph 4 (a) of resolution 2174 (2014) and paragraph 11 (a) of resolution 2213 (2015).

Additional information:

- Salah Badi has consistently attempted to undermine a political resolution in Libya through his support for armed resistance. Open source evidence confirms Salah Badi is a senior commander of the armed anti-GNA Al-Somood front, also known as Fakhr or “Pride of Libya”, and the Misratan Al Marsa Central Shield brigade.
- He has played a leading role in the recent fighting in Tripoli which began on 27 August 2018, in which at least 115 people were killed, most of which are civilians. Forces under his command were specifically referred to by UNSMIL when it called on all parties to the fighting to cease acts of violence (and reminded them that targeting civilians and civilian installations is prohibited by IHL).
- During late 2016 and 2017, Salah Badi led anti-GNA militias in attacks on Tripoli in repeated attempts to remove power from the GNA and restore the unrecognised “National Salvation Government” of Khalifa Ghwell. On 21 February 2017, Badi appeared next to tanks in a YouTube video recorded outside the Rixos hotel in Tripoli, and threatened to confront the Unrecognised Government of National Accord. On 26 and 27 May 2017 Fakhr Libya (“Pride of Libya”) forces led by Salah Badi attacked locations in Tripoli including the Abu Sleem area and airport road. Reliable media reports, corroborated by social media, said Badi’s forces used tanks and heavy artillery in the attack.’

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1864
of 28 November 2018
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 28 November 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Description of the goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
A product composed of the following ingredients (% by weight): — fish oil 99,7307, — tocopherols 0,1885, — sunflower oil 0,0808. The fish oil is a mixture of oils made from the following families of fish: <i>Engraulidae</i>, <i>Osmeridae</i>, <i>Carangidae</i>, <i>Clupeidae</i>, <i>Salmonidae</i> and <i>Scombridae</i>. The fish oil is not a fish-liver oil. The tocopherols are intentionally added to the fish oil to prevent lipid oxidation. The sunflower oil acts as a carrier and as a bulking agent for the tocopherols before mixing them with the fish oil. In addition, the sunflower oil ensures that the tocopherols are properly dissolved in the fish oil during mixing. The product is presented in bulk for use in the production of soft gelatine capsules.	1517 90 99	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1517, 1517 90 and 1517 90 99. The product cannot be classified under heading 1504 as a fish oil due to its mixture with sunflower oil as the text of the heading does not allow for mixtures of animal and vegetable oils. Edible mixtures of animal and vegetable oils are to be classified under heading 1517 (see also the Harmonized System Explanatory Notes to heading 1517, first paragraph, point (3)). The product is therefore to be classified under CN code 1517 90 99 as an edible mixture of animal and vegetable oils.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1865**of 28 November 2018****concerning the non-renewal of approval of the active substance propiconazole, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011****(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 20(1) and Article 78(2) thereof,

Whereas:

- (1) Commission Directive 2003/70/EC ⁽²⁾ included propiconazole as active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance propiconazole, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 January 2019.
- (4) An application for the renewal of the approval of propiconazole was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 15 April 2015.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 14 June 2017, the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether propiconazole can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2003/70/EC of 17 July 2003 amending Council Directive 91/414/EEC to include mecoprop, mecoprop-P and propiconazole as active substances (OJ L 184, 23.7.2003, p. 9).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽⁶⁾ EFSA (European Food Safety Authority), 2016. Conclusion on the peer review of the pesticide risk assessment of the active substance propiconazole. EFSA Journal 2017;15(7):4887, 28 pp. 10.2903/j.efsa.2017.4887.

- (9) The Authority referred to the opinion ⁽¹⁾ of the Risk Assessment Committee of the European Chemicals Agency, adopted on 9 December 2016 pursuant to Article 37(4) of Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁾, which proposed that propiconazole be classified as toxic for reproduction category 1B in accordance with that Regulation. Commission Regulation (EU) 2018/1480 ⁽³⁾ consequently amended Annex VI to Regulation (EC) No 1272/2008 and classified propiconazole as toxic for reproduction category 1B.
- (10) Based on the data available in the dossier the Authority concluded that Maximum Residue Levels ('MRLs') in accordance with Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽⁴⁾ could not be confirmed for plant and animal products since data on the magnitude and toxicity of metabolites that are included in the residue definition for risk assessment was not available. The current MRLs for the proposed uses of propiconazole are above the default value in the meaning of Article 18(1)(b) of Regulation (EC) No 396/2005. For those reasons, it cannot be considered that exposure of humans to the active substance is negligible. Therefore, the requirements set out in Point 3.6.4 of Annex II to Regulation (EC) No 1107/2009 are not fulfilled.
- (11) A critical concern was identified by the Authority in relation to the contamination of groundwater by metabolites of propiconazole. In particular, metabolite NOA436613 is predicted to occur above the parametric value of 0,1 µg/L in all pertinent scenarios for all proposed uses of propiconazole, even when the substance is used biennially. Two other metabolites are predicted to occur in groundwater above 0,1 µg/L in the majority of pertinent scenarios. These metabolites are considered *a priori* of concern since it can not be excluded that they do not share the same potential for reproductive toxicity as parent propiconazole. Therefore, it cannot currently be established that the presence of metabolites of propiconazole in groundwater will not result in unacceptable effects on groundwater and in harmful effects on human health in the meaning of Article 4(3)(b) and (e) of Regulation (EC) No 1107/2009.
- (12) Additionally, the Authority concluded that propiconazole caused toxic effects on endocrine organs. However, the scientific assessment to determine the endocrine disrupting potential of propiconazole could not be finalised by the Authority based on the information available in the dossier. Furthermore, the assessment of several aspects necessary to conclude on the risk to consumers through dietary intake could not be finalised based on the information available in the dossier.
- (13) Given these concerns, it is not possible to provide for an approval in accordance with Article 4(7) to Regulation (EC) No 1107/2009.
- (14) The Commission invited the applicant to submit its comments on the conclusion of the Authority and, in accordance with the third subparagraph of Article 14(1) of Implementing Regulation (EU) No 844/2012, on the draft renewal report. The applicant submitted its comments, which have been carefully examined.
- (15) However, despite the arguments put forward by the applicant, the concerns related to the substance could not be eliminated.
- (16) Consequently, it has not been established with respect to one or more representative uses of at least one plant protection product containing propiconazole that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate not to renew the approval of the active substance propiconazole in accordance with Article 20(1)(b) of that Regulation.
- (17) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (18) Member States should be given sufficient time to withdraw authorisations for plant protection products containing propiconazole.

⁽¹⁾ European Chemicals Agency (ECHA) (2016). Opinion of the Committee for Risk Assessment on a dossier proposing harmonised classification and labelling of propiconazole (ISO); (2RS,4RS;2RS,4SR)-1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole.

⁽²⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽³⁾ Commission Regulation (EU) 2018/1480 of 4 October 2018 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting Commission Regulation (EU) 2017/776 (OJ L 251, 5.10.2018, p. 1).

⁽⁴⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

- (19) For plant protection products containing propiconazole, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should, at the latest, expire on 19 March 2020.
- (20) Commission Implementing Regulation (EU) 2018/84 ⁽¹⁾ extended the expiry date of propiconazole to 31 January 2019 in order to allow the renewal process to be completed before the expiry of the approval period of that substance. Given that a decision is taken ahead of this extended expiry date, this Regulation should apply as soon as possible.
- (21) This Regulation does not prevent the submission of a further application for the approval of propiconazole in accordance with Article 7 of Regulation (EC) No 1107/2009.
- (22) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Non-renewal of approval of active substance

The approval of the active substance propiconazole is not renewed.

Article 2

Amendment to Implementing Regulation (EU) No 540/2011

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 58, on propiconazole, is deleted.

Article 3

Transitional measures

Member States shall withdraw authorisations for plant protection products containing propiconazole as active substance by 19 June 2019 at the latest.

Article 4

Grace period

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire by 19 March 2020 at the latest.

Article 5

Entry into force

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

⁽¹⁾ Commission Implementing Regulation (EU) 2018/84 of 19 January 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances chlorpyrifos, chlorpyrifos-methyl, clothianidin, copper compounds, dimoxystrobin, mancozeb, mecoprop-p, metiram, oxamyl, pethoxamid, propiconazole, propineb, propyzamide, pyraclostrobin and zoxamide (OJ L 16, 20.1.2018, p. 8).

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

Done at Brussels, 28 November 2018.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1866**of 28 November 2018****amending Regulation (EC) No 474/2006 as regards the list of air carriers which are banned from operating or are subject to operational restrictions within the Union****(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 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air passengers of the identity of the operating carrier, and repealing Article 9 of Directive 2004/36/CE ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 474/2006 ⁽²⁾ establishes the list of air carriers which are subject to an operating ban within the Union.
- (2) Pursuant to Article 4(3) of Regulation (EC) No 2111/2005 ⁽³⁾ certain Member States and the European Union Aviation Safety Agency ('EASA') communicated to the Commission information that is relevant for updating that list. Relevant information was also provided by third countries and international organisations. On the grounds of that information, the list should be updated.
- (3) The Commission informed all air carriers concerned, either directly or through the authorities responsible for their regulatory oversight, about the essential facts and considerations which would form the basis of a decision to impose an operating ban on them within the Union or to modify the conditions of an operating ban imposed on an air carrier which is included in the lists in Annex A and B of Regulation (EC) No 474/2006.
- (4) The Commission gave the air carriers concerned the opportunity to consult the documents provided by Member States, to submit written comments and to make an oral presentation to the Commission and to the Committee established by Regulation (EC) No 2111/2005 (the 'Air Safety Committee').
- (5) The Commission has informed the Air Safety Committee about the ongoing joint consultations, within the framework of Regulation (EC) No 2111/2005 and Commission Regulation (EC) No 473/2006 ⁽⁴⁾, with the competent authorities and air carriers of Angola, Belarus, Benin, Gambia, Indonesia, Mauritania, Mexico, Moldova, Nepal, Russia, Thailand, Venezuela and Zambia. The Commission also informed the Air Safety Committee about the aviation safety situation in Afghanistan, Gabon, Kazakhstan, Libya and Mozambique.
- (6) EASA also informed the Commission and the Air Safety Committee about the results of the analysis of ramp inspections carried out in accordance with Commission Regulation (EU) No 965/2012 ⁽⁵⁾ under the Safety Assessment of Foreign Aircraft programme ('SAFA').

⁽¹⁾ OJ L 344, 27.12.2005, p. 15.

⁽²⁾ Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 14).

⁽³⁾ Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 (OJ L 344, 27.12.2005, p. 15).

⁽⁴⁾ Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 8).

⁽⁵⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down the technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

- (7) In addition, EASA informed the Commission and the Air Safety Committee about the technical assistance projects carried out in third countries affected by an operating ban under Commission Regulation (EC) No 474/2006. EASA provided information on the plans and requests for further technical assistance and cooperation to improve the administrative and technical capability of civil aviation authorities in third countries with a view to helping them to resolve non-compliance with applicable international civil aviation safety standards. Member States were invited to respond to such requests on a bilateral basis in coordination with the Commission and EASA. In this regard, the Commission reiterated the usefulness of providing information to the international aviation community, particularly through the International Civil Aviation Organisation's (ICAO) Safety Collaborative Assistance Network database, on technical assistance to third countries provided by the Union and Member States to improve aviation safety around the world.
- (8) Eurocontrol provided the Commission and the Air Safety Committee with an update on the status of the SAFA and Third Country Operators ('TCO') alarming function and also with current statistics for alert messages for banned air carriers.

Union air carriers

- (9) Following the analysis by EASA of information resulting from ramp inspections carried out on the aircraft of Union air carriers and from standardisation inspections carried out by EASA, as well as specific inspections and audits carried out by national aviation authorities, several Member States have taken certain enforcement measures and informed the Commission and the Air Safety Committee about those measures. Bulgaria and Malta informed the Commission and the Air Safety Committee about actions it had taken with regard to the air carriers certified in Bulgaria and Malta respectively.
- (10) Member States reiterated their readiness to act as necessary in the event that any relevant safety information indicates that there would be imminent safety risks as a consequence of a lack of compliance by Union air carriers with the relevant safety standards.

Air carriers from Angola

- (11) By letter of 30 April 2018, the Commission requested from the competent authority of Angola *Instituto Nacional da Aviação Civil* ('INAVIC') a list of documents and of actions to be completed.
- (12) INAVIC provided all the requested documentation in due time. EASA analysed the documentation provided by INAVIC and concluded that it was clearly presented and well structured. Furthermore, the copies of Air Operator Certificates ('AOC') and Operational Specifications provided by INAVIC were in conformity with the ICAO format. INAVIC provided a good overview of the follow-up actions to the findings raised during the safety oversight of Angolan air carriers in the flight operations ('OPS') and airworthiness ('AIR') areas.
- (13) INAVIC's procedures and regulations have been updated since 2015, mainly in the AIR, OPS and Aeromedical areas. Furthermore, in accordance with the relevant international safety standards, INAVIC has been actively providing ICAO with updates to its Corrective Action Plan ('CAP').
- (14) For a more detailed and evidence-based understanding of the oversight activities in Angola the Commission requested INAVIC to provide the reports of AOC revalidation inspections or audits, including detailed description of the findings and the applied follow-up actions for the air carriers *Sonair*, *Air Jet* and *Heli-Malongo*.
- (15) Those reports were sent to EASA which concluded that the data included in them were relevant and of a good substantial quality. Those reports also demonstrated that appropriate corrective actions had been implemented by the air carriers concerned, based on INAVIC findings.
- (16) INAVIC informed the Commission that it had certified two new air carriers, namely *Bestflya Aircraft Management* and *SJL*. INAVIC also informed the Commission that seven carriers, namely *Air Nave*, *Air26*, *Angola Air Services*, *Diexim*, *Fly540*, *Gira Globo* and *Mavewa* no longer held a valid AOC.

- (17) On the basis of information available at present, the Commission concludes that INAVIC has made progress with respect to the implementation of international safety standards. However, before any decision with respect to the lifting of the ban on air carriers from Angola can be taken, that progress must be verified during a Union on-site assessment visit to INAVIC and to selected Angolan air carriers.
- (18) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage the list of air carriers which are subject to an operating ban within the Union should be amended and should include the new air carriers *Bestflya Aircraft Management* and *SJL*. The carriers *Air Nave*, *Air26*, *Angola Air Services*, *Diexim*, *Fly540*, *Gira Globo* and *Mavewa* should be removed from Annex A to Regulation (EC) No 474/2006, as they do not hold any longer a valid AOC.

Air carriers from Belarus

- (19) On 17 September 2018, further to safety deficiencies identified by EASA in the framework of the TCO authorisation process, the Commission opened consultations with the Aviation Department of Belarus ('AD-BLR') pursuant to Article 3(2) of Regulation (EC) No 473/2006.
- (20) On 8 November 2018, the Commission, EASA and representatives of AD-BLR held a technical meeting. During that meeting, the Commission stressed the importance of being correctly and regularly informed about its safety oversight activities. AD-BLR outlined the corrective measures undertaken to address the safety deficiencies identified by EASA in the framework of the TCO authorisation process and monitoring activities. Although that information was requested already at the time of the opening of the consultations, AD-BLR did not provide sufficient information about the planning and the results of the oversight activities. Considering difficulties encountered by certain applicants certified in Belarus in passing the TCO authorisation process, mostly due to safety deficiencies, the Commission reiterated the importance of compliance by AD-BLR with the relevant international safety standards while discharging safety responsibilities.
- (21) In view of the existing safety deficiencies, the Commission invited AD-BLR for a hearing in accordance with Article 7 of Regulation (EC) No 2111/2005 which took place on 13 November 2018. During that hearing AD-BLR provided the Commission and the Air Safety Committee with general information about the aviation sector in Belarus, the staff available for the oversight activities and the way Belarus conducts accident investigations. AD-BLR informed also about the status of the safety oversight in Belarus by making reference to the relevant ICAO critical elements. AD-BLR reiterated the call for a close cooperation with the EU and informed about the start of implementation of some EU Regulations, in particular those related to the field of airworthiness and operations. Confident that its activities are carried out in full compliance with the international safety standards, AD-BLR invited the EU to make an assessment visit in order to get a better insight into the safety oversight system of Belarus.
- (22) The Commission considers that the lack of documented information and the difficult exchange of information since the opening of the official consultations make it difficult to assess how AD-BLR discharges its obligations. The Commission considers therefore that it is necessary to conduct a Union on-site assessment visit before the next meeting of the Air Safety Committee.
- (23) Furthermore, the Commission considers that the results of SAFA ramp inspections of *BELAVIA*, the only scheduled passenger operator certified in Belarus, do not raise specific safety concerns at this stage with this air carrier. With respect to the air carriers conducting cargo operations, enforcement measures have been already taken by EASA against *JSC Aircompany Grodno* and *Transaviaexport Airlines*.
- (24) Even though it is clear that the various deficiencies identified will need rectification, they are not of a nature yet that would warrant the inclusion of air carriers from Belarus in Annex A to Regulation (EC) No 474/2006.
- (25) Based on information currently available, in accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Belarus there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union.
- (26) Member States should continue verifying the effective compliance of Belarus with the relevant international safety standards through prioritisation of ramp inspections to be carried out on air carriers certified in Belarus, pursuant to Regulation (EU) No 965/2012.

- (27) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Benin

- (28) In May 2017 the Commission removed all air carriers under the authority of Benin from Annex A to Regulation (EC) No 474/2006 ⁽¹⁾.
- (29) By letter of 14 September 2018, the Commission requested from the *Agence Nationale de l'Aviation Civile du Bénin* ('ANAC Bénin') a list of documents concerning the authority's structure, its oversight system and its activities, including the list of AOC holders and registered aircraft, and of enforcement measures taken.
- (30) On 15 October 2018 ANAC Bénin provided the requested information, including details regarding ANAC Bénin's internal organisation, staff qualifications, training policy, oversight process, occurrence reporting system and the process for the issuance and validation of licenses.
- (31) The documents submitted also reported that there were two air carriers certified by ANAC Bénin, namely *Air Taxi Bénin* and ASAB.
- (32) The Commission encourages ANAC Bénin to report regularly on the continuous improvements in the implementation of the international safety standards, and on any new related information, in particular about certification of new air carriers.
- (33) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Benin there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union.

Air carriers from Gambia

- (34) Gambian air carriers have never been included in Annex A to Regulation (EC) No 474/2006. By letter of 24 August 2018 the Commission requested the Civil Aviation Authority of Gambia ('CAAG') to provide documentation pertaining to the authority's structure, its oversight system and oversight activities, including the list of AOC holders and of registered aircraft, and enforcement actions taken. CAAG provided the requested information on 28 September 2018.
- (35) CAAG informed the Commission that at that time there were no AOC holders in the country and that the aircraft register included 18 aircraft. A number of those aircraft are stored, others are no longer operational.
- (36) As regards the air carrier *Sonnig International Private Jets Gambia — SIPJ(G)*, CAAG confirmed that it had no valid Gambian AOC since August 2017.
- (37) By the same letter, CAAG also informed that ICAO had conducted an onsite ICAO Safety Oversight Audit from 16 to 26 July 2018 under the ICAO USOAP-CMA Programme. CAAG committed to provide the Commission with the audit report once it is available. Previous audit results from 2005 indicate an overall Effective Implementation of 78,46 %.
- (38) On the basis of that information, the Commission considers that at present there are no indications that CAAG would not be able to fulfil its international obligations with regard to safety oversight.
- (39) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Gambia there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union.

⁽¹⁾ Commission Implementing Regulation (EU) 2017/830 of 15 May 2017 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are subject to an operating ban within the Union (OJ L 124, 17.5.2017, p. 3), recitals on Benin (12) to (19).

Air carriers from Indonesia

- (40) All carriers of Indonesia were removed from Annex A to Regulation (EC) No 474/2006 in June 2018 ⁽¹⁾. In order to further monitor safety oversight in Indonesia, the Commission and the Directorate-General of Civil Aviation of Indonesia ('DGCA Indonesia') continued consultations pursuant to Article 3(2) of Regulation (EC) No 473/2006. The Commission monitors the progress of DGCA Indonesia in bringing the aviation safety oversight system in Indonesia in compliance with international safety standards. In that context by letter of 26 September 2018, DGCA Indonesia provided the Commission with additional information and with an update on the Indonesian aviation safety oversight activities for the period from May 2018 to August 2018 and on the agreed CAP.
- (41) That information included a list of air carriers certified in Indonesia, of registered aircraft and of safety oversight activities, a list of enforcement measures taken by DGCA Indonesia, an updated status of CAPs as a result of the Union on-site assessment visit of March 2018, as well as the updates on the implementation of the Performance Based Navigation ('PBN') action plan and on the technical assistance provided to DGCA Indonesia.
- (42) As regards the list of air carriers, aircraft and oversight activities, in that period DGCA Indonesia issued one new AOC Part-121 and two new AOCs Part-135.
- (43) As regards the enforcement measures taken, DGCA Indonesia suspended two AOCs (one Part-121 and one Part-135), revoked one certificate of validation, and took one administrative sanction concerning an AOC holder Part-135. In addition, DGCA Indonesia made first steps to reinforce the oversight in the medical part of licensing in response to the issues identified during the EU assessment visit of March 2018 as it has suspended two accredited medical examiner licence holders.
- (44) The recommendation on PBN implementation has also been taken into account. By the end of 2018 Indonesia expects to implement PBN procedures in 23 out of 25 international airports as a matter of priority. Implementation of PBN at domestic and remote airports is progressing although not at the same pace.
- (45) DGCA Indonesia also informed the Commission about the status of the corrective actions following the ICAO Coordinated Validation Mission that took place in 2017. On 25 July 2018 ICAO reviewed the CAP in the area of airworthiness. All corrective actions have been fully or partially accepted by ICAO.
- (46) Following the fatal accident of *Lion Air* flight JT610 on 29 October 2018, DGCA Indonesia contacted the Commission within 24 hours and continues to provide information, including on preventive actions taken after the accident towards operators having in their fleet aircraft of the same type (1 aircraft operated by *Garuda* and 10 operated by *Lion Air*).
- (47) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Indonesia there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union.
- (48) Member States should continue verifying the effective compliance of Indonesia with the relevant international safety standards through prioritisation of ramp inspections to be carried out on air carriers certified in Indonesia, pursuant to Regulation (EU) No 965/2012.
- (49) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Mauritania

- (50) In December 2012 the Commission decided to remove all air carriers under the authority of Mauritania from Annex A to Regulation (EC) No 474/2006 ⁽²⁾.

⁽¹⁾ Commission Implementing Regulation (EU) 2018/871 of 14 June 2018 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are subject to an operating ban within the Union (OJ L 152, 15.6.2018, p. 5), recitals on Indonesia (40) to (64).

⁽²⁾ Commission Implementing Regulation (EU) No 1146/2012 of 3 December 2012 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are subject to an operating ban within the Union (OJ L 333, 5.12.2012, p. 7), recitals on Mauritania (71) to (81).

- (51) By letter of 30 August 2018, the Commission requested the competent authority of Mauritania *Agence Nationale de l'Aviation Civile* ('ANAC Mauritania') to provide documentation concerning the authority's structure, its oversight system and activities, including the list of AOC holders and of registered aircraft, as well as enforcement measures taken.
- (52) On 10 October 2018, ANAC Mauritania provided the requested information, including information about the organizational structure and staff, about the holders of AOCs together with the operational specifications, about aircraft registered in Mauritania as well as the results of safety oversight activities, enforcement actions and the list of incidents and accidents since 2016.
- (53) ANAC Mauritania informed the Commission that at that time there were two air carriers certified in Mauritania, namely *Mauritania Airlines*, based in Nouakchott, serving as national flag carrier and *Class Aviation*, an air taxi carrier.
- (54) The Commission encourages ANAC Mauritania to report regularly on the continuous improvements in the implementation of the international safety standards.
- (55) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Mauritania there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union.

Air carriers from Mexico

- (56) Mexican air carriers have never been included in Annex A to Regulation (EC) No 474/2006. Following a fatal accident of Mexican air carrier *Global Air (Aerolíneas Damojh, S.A. de C.V.)* in Cuba on 18 May 2018, the Commission contacted the *Dirección General de Aeronáutica Civil* of Mexico ('DGAC Mexico') requesting detailed information. According to DGAC Mexico, the AOC of *Global Air (Aerolíneas Damojh, S.A. de C.V.)* was suspended and the suspension was lifted thereafter on 29 August 2018 after inspections conducted by DGAC Mexico. The accident itself and the short period between the suspension of the AOC and the lifting of that suspension raised some concerns on the way DGAC Mexico has conducted its safety oversight. In addition to that accident, there were various signs indicating that the aviation safety level in Mexico might have decreased as the number of accidents and serious incidents in the course of 2018 has increased.
- (57) On 16 October 2018 the Commission, EASA and DGAC Mexico held a technical meeting. During that meeting, DGAC Mexico provided relevant information about its structure, licensing, certification and oversight activities, about the staff in charge of safety oversight, and about oversight procedures and legal framework. DGAC Mexico also explained the reasons for the quick lifting of the AOC suspension for *Global Air (Aerolíneas Damojh, S.A. de C.V.)*.
- (58) The Commission noted a fast growth of the aviation sector in Mexico in 2017, notably in terms of number of registered aircraft, air carriers and routes, and expressed certain concerns on the capability of DGAC Mexico to conduct a proper safety oversight. DGAC Mexico replied that it considers that it has the necessary capacity and stressed the fact that a large carrier (*Mexicana de Aviación*) had declared bankruptcy and that new air carriers (e.g. *Volaris*, *Aeroflot*) used the same aircraft models. Consequently, according to DGAC Mexico the increase in registered aircraft has no significant impact on DGAC Mexico's oversight capabilities.
- (59) With regard to *Global Air (Aerolíneas Damojh, S.A. de C.V.)*, DGAC Mexico explained that *Global Air* had appealed the decision to suspend its AOC and against the special inspection regime by DGAC Mexico. At the end of the judicial process *Global Air (Aerolíneas Damojh, S.A. de C.V.)* requested a cancellation of the registration of its aircraft and of its AOC. As a result of that request *Global Air (Aerolíneas Damojh, S.A. de C.V.)* aircraft do not have any authorisation to operate in Mexico.
- (60) Further to that meeting and at the request of the Commission, DGAC Mexico provided also information about the accidents and serious incidents that had occurred in the past 5 years, as well as about the number of suspensions, revocations and other enforcement measures taken in 2017 and 2018. DGAC Mexico also sent to the Commission the findings and CAPs resulting from the additional inspections conducted on *Global Air (Aerolíneas Damojh, S.A. de C.V.)* after the accident in Cuba and the findings and CAPs of three other Mexican air carriers.

- (61) On the basis of the consultations held and the information provided, the Commission considers that at present DGAC Mexico is conducting safety oversight in a sufficiently continuous way (e.g. renewal of the certificates on a biennial basis). The Mexican aviation legal framework appears to be comprehensive and in line with the relevant international safety standards. The results of SAFA ramp inspections conducted on air carriers from Mexico do not raise at this stage specific safety concerns.
- (62) Based on the information currently available, including information provided during and after the technical consultation meeting of 16 October 2018, the Commission considers that at this stage DGAC Mexico has the necessary ability and willingness to address safety deficiencies.
- (63) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union by including air carriers from Mexico.
- (64) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Moldova

- (65) By letter of 27 September 2018, the Commission informed the Civil Aviation Authority of Moldova ('CAAM') about certain safety concerns related to the air carriers certified by CAAM. At the same time the Commission notified CAAM about the opening of consultations pursuant to Article 3(2) of Regulation (EC) No 473/2006.
- (66) On 12 October 2018, CAAM informed the Commission about the oversight activities performed in respect of the air carriers certified in Moldova during the past three years as well as about the oversight conducted in respect of the air carrier *Air Moldova*.
- (67) Based on information available at present, including EASA's TCO authorisation assessment, the ramp inspections conducted by the Member States within the SAFA programme and information provided by CAAM, the Commission considers that CAAM should further develop its inspection capacity of the air carriers for which it has certification and oversight responsibilities.
- (68) On 29 October 2018, the Commission, EASA, CAAM and representatives of *Air Moldova* held a technical meeting. During that meeting, CAAM provided information on its surveillance activities, including its plans as regards the recruitment and training of technical personnel and its strategic approach to improve its surveillance capability. *Air Moldova* provided information on how it was dealing with the concerns pointing to a presumed lack of appropriate safety culture in the company which were raised in view of certain SAFA findings.
- (69) In view of the safety deficiencies identified, the Commission invited CAAM and the air carriers *Air Moldova* and *Aerotranscarga* for a hearing before the Air Safety Committee in accordance with Article 7 of Regulation (EC) No 2111/2005. Such hearing took place on 13 November 2018. CAAM presented its organisational structure, including details on its workforce, and provided information about the civil aviation legal framework in Moldova and its future developments, including the implementation of the 'Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova' ⁽¹⁾. According to information provided by CAAM, in 2018 fourteen EU legislative acts were transposed into the Moldovan national legislation and an additional seventeen are planned for transposition in the course of 2019.
- (70) During the hearing, CAAM undertook to keep the Commission continuously informed about its oversight activities and actions taken to improve civil aviation safety in Moldova. CAAM confirmed that it would welcome and support a Union on-site assessment visit to Moldova.
- (71) During the hearing, *Air Moldova* presented the structure and functioning of its quality management system and its safety management system. It also informed the Commission and the Air Safety Committee about the processes that it had put in place to ensure the safety of its operations, including hazard identification, flight data monitoring and risk assessment and mitigation. *Air Moldova* provided explanations about its investigation concerning the serious incident involving one of its aircraft in the landing process at Rome Fiumicino Airport in 2017, as well as the safety actions it had taken immediately after that incident.

⁽¹⁾ OJ L 292, 20.10.2012, p. 3.

- (72) During the hearing, *Aerotranscargo* provided information on its safety management system, flight data analysis process and safety performance indicators. In particular, it communicated specific details in respect to its safety performance and safety assurance.
- (73) The Commission intends to carry out, with the assistance of EASA and the support of Member States, a Union on-site assessment visit to Moldova to verify whether certification and oversight of air carriers by CAAM is conducted in compliance with the relevant international safety standards. This on-site assessment visit will focus on CAAM and on selected Moldovan air carriers.
- (74) Even though it is clear that the various deficiencies identified will need rectification, they are not of a nature yet that would warrant the inclusion of air carriers from Moldova in Annex A to Regulation (EC) No 474/2006.
- (75) Based on information currently available, in accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union by including air carriers from Moldova.
- (76) Member States should continue verifying the effective compliance of Moldova with the relevant international safety standards through prioritisation of ramp inspections to be carried out on air carriers certified in Moldova, pursuant to Regulation (EU) No 965/2012.
- (77) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Nepal

- (78) By letter of 26 August 2018, the Civil Aviation Authority of Nepal ('CAAN') informed the Commission about the progress made by CAAN in the implementation of the international safety standards. According to the information provided, CAAN has made some limited progress with respect to the implementation of international safety standards. However, the information provided is insufficient to conclude on the real safety situation in Nepal.
- (79) The available evidence points that since the beginning of 2018 at least four civil aviation accidents have occurred in Nepal. The most recent accident took place on 1 September 2018 at Tribhuvan International Airport, Kathmandu, Nepal, in which an aircraft operated by *Yeti Airlines* was involved. The Commission invites CAAN to work on the implementation of the recommendations from the official accident investigation reports and to produce root cause analyses and work on addressing them.
- (80) With regard to the request of CAAN for a Union on-site assessment mission, the Commission and the Air Safety Committee consider that the conduct of such mission is premature, because the ratio of accidents in Nepal continues to be unacceptably high. As a consequence, Nepal should first aim at reducing the number of accidents and to provide satisfactory evidence in that regard for a minimum period of 2 years.
- (81) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Nepal there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union.

Air carriers from Russia

- (82) The Commission, EASA and the competent authorities of the Member States have over the past period continued to closely monitor the safety performance of air carriers certified in Russia and operating within the Union, including through prioritisation of the ramp inspections carried out on certain Russian air carriers in accordance with Regulation (EU) No 965/2012.
- (83) On 5 October 2018, representatives of the Commission, EASA and a Member State met with representatives of the Russian Federal Air Transport Agency ('FATA') to review the safety performance of air carriers certified in Russia on the basis of ramp inspection reports (carried out in the period between 19 September 2017 and 18 September 2018) and to identify the cases where oversight activities by FATA should be strengthened.

- (84) During that meeting, the Commission reviewed in more detail the results of the SAFA ramp inspections of four air carriers certified in Russia. While no safety concerns were identified, FATA informed the Commission that, because of the limited number of inspections carried out on some air carriers, additional inspections would be performed in the next quarter on two of those air carriers.
- (85) Based on the information currently available, including information provided by FATA at the meeting of 5 October 2018, the Commission considers that at this stage FATA has the necessary ability and willingness to address safety deficiencies. On those grounds, the Commission concluded that there was no need for a hearing of the Russian aviation authorities or of any air carriers certified in Russia before the Air Safety Committee.
- (86) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union by including air carriers from Russia.
- (87) Member States should continue to verify effective compliance with the relevant international safety standards by the air carriers from Russia, through prioritisation of ramp inspections in accordance with Regulation (EU) No 965/2012.
- (88) If those inspections point to an imminent safety risk as a consequence of non-compliance with international safety standards, the Commission might be obliged to impose an operating ban on certain air carriers from Russia and include them on Annex A or Annex B to Regulation (EC) No 474/2006.

Air carriers from Thailand

- (89) By letter of 17 September 2018, the Commission requested from the Civil Aviation Authority of Thailand ("CAAT") a progress report on CAAT's certification and oversight activities.
- (90) On 24 October 2018, CAAT provided a progress report on the status of civil aviation in Thailand, on CAAT's organisation, on its oversight system and on the enforcement measures taken.
- (91) That progress report provided detailed information on the implementation of the CAAT sustainability plan, which included an organisational review, the identification of required improvements, planned reviews of legislation and regulations, and economic sustainability and budgetary needs.
- (92) CAAT is still in the process of re-certification of AOC holders. As of September 2018, 22 air carriers have been re-certified, whereas two air carriers are in the demonstration and inspection phase, and two air carriers are in the document evaluation phase. All air carriers authorised to conduct international operations have been re-certified.
- (93) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Thailand there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union.
- (94) Member States should continue verifying the effective compliance of Thailand with the relevant international safety standards through prioritisation of ramp inspections to be carried out on air carriers certified in Thailand, pursuant to Regulation (EU) No 965/2012.
- (95) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Venezuela

- (96) On 6 March 2017, the air carrier *Avior Airlines*, certified in Venezuela, applied to EASA for TCO authorisation. EASA assessed that application and on 4 October 2017 rejected the issuance of TCO authorisation on safety grounds because *Avior Airlines* did not meet the applicable requirements of Regulation (EU) No 452/2014.

- (97) On 14 November 2017 the Instituto Nacional de Aeronáutica Civil (INAC) and *Avior Airlines* were heard by the Commission and the Air Safety Committee pursuant to Regulation (EC) No 2111/2005. Following that hearing, in November 2017 the Commission amended the list of air carriers which are subject to an operating ban within the Union and the air carrier *Avior Airlines* was included in Annex A to Regulation (EC) No 474/2006 ⁽¹⁾.
- (98) The Commission continued the consultations with INAC in accordance with Article 3(2) of Regulation (EC) No 473/2006. On 29 August 2018 the Commission, EASA and INAC held a technical meeting during which the Commission explained its concerns about the ability of INAC to fulfil its international obligations with regard to safety oversight of its air carriers.
- (99) During that technical meeting INAC provided a general overview of its aviation oversight process, of the state safety programme, and some examples of enforcement measures taken together with information related to aviation in Venezuela. As a follow up to this meeting, INAC provided further technical documentation. It also explained that, after the Air Safety Committee meeting held in November 2017, it contacted the air carriers with open SAFA ramp inspection findings with a request to respond to those findings. According to information provided by the inspecting Member States, some Venezuelan air carriers did start to respond to their findings, but sometimes in an inconsistent way. For example, different corrective actions were proposed for the same or similar findings, and a number of corrective actions appeared to address only partially the findings raised.
- (100) EASA, Member States and the Commission analysed the documentation provided, TCO assessments made by EASA, as well as SAFA findings and the responses to them. In that regard, although certain elements of an oversight system were implemented and seemed to be adequate in terms of structure, number of oversight personnel, documented procedures and planning of inspections, the analysis of the available information showed a number of possible inconsistencies. In effect, some inspection reports describe serious findings that normally should not have appeared if air carriers were subject to an adequate continuous oversight by INAC. The measures taken by air carriers in response to the findings raised in INAC inspection reports seem to show a lack of proper root-cause analysis and suitable CAPs which could prevent re-occurrence of the same or similar non-compliances. That problem seems not to be identified nor addressed in follow up actions to INAC's own inspections.
- (101) In view of this, the Commission invited INAC, in accordance with Article 7 of Regulation (EC) No 2111/2005, to a hearing before the Air Safety Committee. During the hearing on 14 November 2018, INAC provided the Commission and the Air Safety Committee with an overview of the Venezuelan aviation legal framework, INAC's structure, staff and aviation industry figures, as well as more detailed information about oversight activities in 2017 and in 2018, about conducted and planned inspections, about enforcement measures, about the status of the implementation of the state safety programme, and about the risk-based oversight approach, together with other relevant technical information. INAC reiterated its commitment to fulfil its international obligations in relation to aviation safety and its willingness to establish a cooperation framework with EASA.
- (102) During the hearing, Member States asked questions aiming at understanding whether the oversight system is indeed effectively implemented in Venezuela. Not all answers given by INAC were to the required level of detail.
- (103) The Commission notes that the Effective Implementation under ICAO's USOAP Programme for Venezuela is 93,51 %. An ICAO USOAP-CMA audit took place in 2009 and the last ICAO Coordinated Validation Mission visit took place in 2013.
- (104) The Commission also notes that eight air carriers from Venezuela have formally applied to EASA for TCO authorisations. To date no Venezuelan air carrier has received a TCO authorisation. EASA refused the application from *Avior Airlines* on safety grounds, and the other seven applications were either refused on administrative grounds by EASA or withdrawn by the air carriers.
- (105) The Commission acknowledges the fact that Venezuela is committed to cooperate with the Commission and to provide continuous updates on the status of its surveillance obligations. The Commission also notes the readiness of INAC to meet with the Commission, EASA and the Member States whenever necessary.

⁽¹⁾ Commission Implementing Regulation (EU) 2017/2215 of 30 November 2017 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are subject to an operating ban within the Union (OJ L 318, 2.12.2017, p. 1), recitals on Venezuela (70) to (81).

- (106) Even though it is clear that the various deficiencies identified will need rectification, they are not of a nature yet that would warrant the inclusion of air carriers from Venezuela in Annex A or Annex B to Regulation (EC) No 474/2006.
- (107) Based on information currently available, in accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union by including air carriers from Venezuela.
- (108) Member States should continue verifying effective compliance of Venezuela with the relevant international safety standards through prioritisation of ramp inspections to be carried out on air carriers certified in Venezuela in accordance with Regulation (EU) No 965/2012.
- (109) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might take further action pursuant to Regulation (EC) No 2111/2005.

Air carriers from Zambia

- (110) In June 2016 the Commission decided to remove all air carriers under the authority of Zambia from Annex A to Regulation (EC) No 474/2006 ⁽¹⁾.
- (111) By letter of 3 May 2018, the Commission requested the Zambian Civil Aviation Authority ('ZCAA') to provide documentation concerning the authority's structure, its oversight system and activities, including the list of AOC holders and of registered aircraft and enforcement measures.
- (112) On 1 June 2018, ZCAA provided the requested information, including information about the organizational structure and staff, about the AOC holders together with the operational specifications, the aircraft registered in Zambia, as well as the results of safety oversight activities, enforcement actions and the list of incidents and accidents since 2016. In addition, ZCAA provided information on the progress made following the recommendations issued in the final report of the ICAO Coordinated Validation Mission visit conducted in March 2016.
- (113) The Commission encourages ZCAA to report regularly on the continuous improvements in the implementation of the international safety standards.
- (114) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that with respect to air carriers from Zambia at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union.
- (115) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee.
- (116) Regulation (EC) No 474/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 474/2006 is amended as follows:

- (1) Annex A is replaced by the text set out in Annex I to this Regulation;
- (2) Annex B is replaced by the text set out in Annex II to this Regulation.

Article 2

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

⁽¹⁾ Commission Implementing Regulation (EU) 2016/963 of 16 June 2016 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are subject to an operating ban within the Union (OJ L 160, 17.6.2016, p. 50), recitals on Zambia (108) to (121).

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

Done at Brussels, 28 November 2018.

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

ANNEX I

Annex A to Regulation (EC) No 474/2006 is replaced by the following:

‘ANNEX A

LIST OF AIR CARRIERS WHICH ARE BANNED FROM OPERATING WITHIN THE UNION, WITH EXCEPTIONS ⁽¹⁾

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
AVIOR AIRLINES	ROI-RNR-011	ROI	Venezuela
BLUE WING AIRLINES	SRBWA-01/2002	BWI	Suriname
IRAN ASEMAN AIRLINES	FS-102	IRC	Islamic Republic of Iran
IRAQI AIRWAYS	001	IAW	Iraq
MED-VIEW AIRLINE	MVA/AOC/10-12/05	MEV	Nigeria
AIR ZIMBABWE (PVT) LTD	177/04	AZW	Zimbabwe
All air carriers certified by the authorities with responsibility for regulatory oversight of Afghanistan, including			Islamic Republic of Afghanistan
ARIANA AFGHAN AIRLINES	AOC 009	AFG	Islamic Republic of Afghanistan
KAM AIR	AOC 001	KMF	Islamic Republic of Afghanistan
All air carriers certified by the authorities with responsibility for regulatory oversight of Angola, with the exception of TAAG Angola Airlines put in Annex B, including			Republic of Angola
AEROJET	AO-008/11-07/17 TEJ	TEJ	Republic of Angola
GUICANGO	AO-009/11-06/17 YYY	Unknown	Republic of Angola
AIR JET	AO-006/11-08/18 MBC	MBC	Republic of Angola
BESTFLYA AIRCRAFT MANAGEMENT	AO-015/15-06/17YYY	Unknown	Republic of Angola
HELIANG	AO 007/11-08/18 YYY	Unknown	Republic of Angola
HELI-MALONGO	AO-005/11-09/18YYY	Unknown	Republic of Angola
SJL	AO-014/13-08/18YYY	Unknown	Republic of Angola
SONAIR	AO-002/11-08/17 SOR	SOR	Republic of Angola

⁽¹⁾ Air carriers listed in Annex A could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Congo, including			Republic of Congo
AERO SERVICE	RAC06-002	RSR	Republic of Congo
CANADIAN AIRWAYS CONGO	RAC06-012	Unknown	Republic of Congo
EMERAUDE	RAC06-008	Unknown	Republic of Congo
EQUAFLIGHT SERVICES	RAC 06-003	EKA	Republic of Congo
EQUAJET	RAC06-007	EKJ	Republic of Congo
EQUATORIAL CONGO AIRLINES S.A.	RAC 06-014	Unknown	Republic of Congo
MISTRAL AVIATION	RAC06-011	Unknown	Republic of Congo
TRANS AIR CONGO	RAC 06-001	TSG	Republic of Congo
All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (DRC), including			Democratic Republic of Congo (DRC)
AIR FAST CONGO	409/CAB/MIN/TVC/0112/2011	Unknown	Democratic Republic of Congo (DRC)
AIR KASAI	409/CAB/MIN/TVC/0053/2012	Unknown	Democratic Republic of Congo (DRC)
AIR KATANGA	409/CAB/MIN/TVC/0056/2012	Unknown	Democratic Republic of Congo (DRC)
AIR TROPIQUES	409/CAB/MIN/TVC/00625/2011	Unknown	Democratic Republic of Congo (DRC)
BLUE AIRLINES	106/CAB/MIN/TVC/2012	BUL	Democratic Republic of Congo (DRC)
BLUE SKY	409/CAB/MIN/TVC/0028/2012	Unknown	Democratic Republic of Congo (DRC)
BUSY BEE CONGO	409/CAB/MIN/TVC/0064/2010	Unknown	Democratic Republic of Congo (DRC)
COMPAGNIE AFRICAINE D'AVIATION (CAA)	409/CAB/MIN/TVC/0050/2012	Unknown	Democratic Republic of Congo (DRC)
CONGO AIRWAYS	019/CAB/MIN/TVC/2015	Unknown	Democratic Republic of Congo (DRC)
DAKOTA SPRL	409/CAB/MIN/TVC/071/2011	Unknown	Democratic Republic of Congo (DRC)
DOREN AIR CONGO	102/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
GOMAIR	409/CAB/MIN/TVC/011/2010	Unknown	Democratic Republic of Congo (DRC)
KIN AVIA	409/CAB/MIN/TVC/0059/2010	Unknown	Democratic Republic of Congo (DRC)
KORONGO AIRLINES	409/CAB/MIN/TVC/001/2011	KGO	Democratic Republic of Congo (DRC)
MALU AVIATION	098/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)
MANGO AIRLINES	409/CAB/MIN/TVC/009/2011	Unknown	Democratic Republic of Congo (DRC)
SERVE AIR	004/CAB/MIN/TVC/2015	Unknown	Democratic Republic of Congo (DRC)
SERVICES AIR	103/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)
SWALA AVIATION	409/CAB/MIN/TVC/0084/2010	Unknown	Democratic Republic of Congo (DRC)
TRANSAIR CARGO SERVICES	409/CAB/MIN/TVC/073/2011	Unknown	Democratic Republic of Congo (DRC)
WILL AIRLIFT	409/CAB/MIN/TVC/0247/2011	Unknown	Democratic Republic of Congo (DRC)
All air carriers certified by the authorities with responsibility for regulatory oversight of Djibouti, including			Djibouti
DAALLO AIRLINES	Unknown	DAO	Djibouti
All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including			Equatorial Guinea
CEIBA INTERCONTINENTAL	2011/0001/MTTCT/DGAC/SOPS	CEL	Equatorial Guinea
Cronos AIRLINES	2011/0004/MTTCT/DGAC/SOPS	Unknown	Equatorial Guinea
All air carriers certified by the authorities with responsibility for regulatory oversight of Eritrea, including			Eritrea
ERITREAN AIRLINES	AOC No 004	ERT	Eritrea
NASAIR ERITREA	AOC No 005	NAS	Eritrea
All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Gabon, with the exception of Afrijet and SN2AG put in Annex B, including			Republic of Gabon
AFRIC AVIATION	010/MTAC/ANAC-G/DSA	EKG	Republic of Gabon

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
ALLEGIANCE AIR TOURIST	007/MTAC/ANAC-G/DSA	LGE	Republic of Gabon
NATIONALE REGIONALE TRANSPORT (N.R.T)	008/MTAC/ANAC-G/DSA	NRG	Republic of Gabon
SKY GABON	009/MTAC/ANAC-G/DSA	SKG	Republic of Gabon
SOLENTA AVIATION GABON	006/MTAC/ANAC-G/DSA	SVG	Republic of Gabon
TROPICAL AIR-GABON	011/MTAC/ANAC-G/DSA	Unknown	Republic of Gabon
All air carriers certified by the authorities with responsibility for regulatory oversight of the Kyrgyz Republic, including			Kyrgyz Republic
AIR BISHKEK (formerly EASTOK AVIA)	15	EAA	Kyrgyz Republic
AIR MANAS	17	MBB	Kyrgyz Republic
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyz Republic
CENTRAL ASIAN AVIATION SERVICES (CAAS)	13	CBK	Kyrgyz Republic
HELI SKY	47	HAC	Kyrgyz Republic
AIR KYRGYZSTAN	03	LYN	Kyrgyz Republic
MANAS AIRWAYS	42	BAM	Kyrgyz Republic
S GROUP INTERNATIONAL (formerly S GROUP AVIATION)	45	IND	Kyrgyz Republic
SKY BISHKEK	43	BIS	Kyrgyz Republic
SKY KG AIRLINES	41	KGK	Kyrgyz Republic
SKY WAY AIR	39	SAB	Kyrgyz Republic
TEZ JET	46	TEZ	Kyrgyz Republic
VALOR AIR	07	VAC	Kyrgyz Republic
All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia.			Liberia
All air carriers certified by the authorities with responsibility for regulatory oversight of Libya, including			Libya
AFRIQYAH AIRWAYS	007/01	AAW	Libya
AIR LIBYA	004/01	TLR	Libya
BURAQ AIR	002/01	BRQ	Libya

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
GHADAMES AIR TRANSPORT	012/05	GHT	Libya
GLOBAL AVIATION AND SERVICES	008/05	GAK	Libya
LIBYAN AIRLINES	001/01	LAA	Libya
PETRO AIR	025/08	PEO	Libya
All air carriers certified by the authorities with responsibility for regulatory oversight of Nepal, including			Republic of Nepal
AIR DYNASTY HELI. S.	035/2001	Unknown	Republic of Nepal
AIR KASTHAMANDAP	051/2009	Unknown	Republic of Nepal
BUDDHA AIR	014/1996	BHA	Republic of Nepal
FISHTAIL AIR	017/2001	Unknown	Republic of Nepal
GOMA AIR	064/2010	Unknown	Republic of Nepal
HIMALAYA AIRLINES	084/2015	HIM	Republic of Nepal
MAKALU AIR	057A/2009	Unknown	Republic of Nepal
MANANG AIR PVT LTD	082/2014	Unknown	Republic of Nepal
MOUNTAIN HELICOPTERS	055/2009	Unknown	Republic of Nepal
MUKTINATH AIRLINES	081/2013	Unknown	Republic of Nepal
NEPAL AIRLINES CORPORATION	003/2000	RNA	Republic of Nepal
SAURYA AIRLINES	083/2014	Unknown	Republic of Nepal
SHREE AIRLINES	030/2002	SHA	Republic of Nepal
SIMRIK AIR	034/2000	Unknown	Republic of Nepal
SIMRIK AIRLINES	052/2009	RMK	Republic of Nepal
SITA AIR	033/2000	Unknown	Republic of Nepal
TARA AIR	053/2009	Unknown	Republic of Nepal
YETI AIRLINES DOMESTIC	037/2004	NYT	Republic of Nepal
All air carriers certified by the authorities with responsibility for regulatory oversight of Sao Tome and Principe, including			Sao Tome and Principe
AFRICA'S CONNECTION	10/AOC/2008	ACH	Sao Tome and Principe
STP AIRWAYS	03/AOC/2006	STP	Sao Tome and Principe

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including			Sierra Leone
AIR RUM, LTD	Unknown	RUM	Sierra Leone
DESTINY AIR SERVICES, LTD	Unknown	DTY	Sierra Leone
HEAVYLIFT CARGO	Unknown	Unknown	Sierra Leone
ORANGE AIR SIERRA LEONE LTD	Unknown	ORJ	Sierra Leone
PARAMOUNT AIRLINES, LTD	Unknown	PRR	Sierra Leone
SEVEN FOUR EIGHT AIR SERVICES LTD	Unknown	SVT	Sierra Leone
TEEBAH AIRWAYS	Unknown	Unknown	Sierra Leone
All air carriers certified by the authorities with responsibility for regulatory oversight of Sudan, including			Republic of Sudan
ALFA AIRLINES SD	54	AAJ	Republic of the Sudan
BADR AIRLINES	35	BDR	Republic of the Sudan
BLUE BIRD AVIATION	11	BLB	Republic of the Sudan
ELDINDER AVIATION	8	DND	Republic of the Sudan
GREEN FLAG AVIATION	17	Unknown	Republic of the Sudan
HELEJETIC AIR	57	HJT	Republic of the Sudan
KATA AIR TRANSPORT	9	KTV	Republic of the Sudan
KUSH AVIATION CO.	60	KUH	Republic of the Sudan
NOVA AIRWAYS	46	NOV	Republic of the Sudan
SUDAN AIRWAYS CO.	1	SUD	Republic of the Sudan
SUN AIR	51	SNR	Republic of the Sudan
TARCO AIR	56	TRQ	Republic of the Sudan'

ANNEX II

Annex B to Regulation (EC) No 474/2006 is replaced by the following:

‘ANNEX B

LIST OF AIR CARRIERS WHICH ARE SUBJECT TO OPERATIONAL RESTRICTIONS WITHIN THE UNION ⁽¹⁾

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number	ICAO three letter designator	State of the Operator	Aircraft type restricted	Registration mark(s) and, when available, construction serial number(s) of restricted aircraft	State of registry
TAAG ANGOLA AIRLINES	001	DTA	Republic of Angola	All fleet with the exception of: aircraft of type Boeing B737-700, aircraft of type Boeing B777-200, aircraft of type Boeing B777-300 and aircraft of type Boeing B777-300ER.	All fleet with the exception of: aircraft within the Boeing B737-700 fleet, as mentioned on the AOC; aircraft within the Boeing B777-200 fleet, as mentioned on the AOC; aircraft within the Boeing B777-300 fleet, as mentioned on the AOC and aircraft within the Boeing B777-300ER fleet, as mentioned on the AOC.	Republic of Angola
AIR SERVICE COMORES	06-819/ TA-15/ DGACM	KMD	Comoros	All fleet with the exception of: LET 410 UVP.	All fleet with the exception of: D6-CAM (851336).	Comoros
AFRIJET BUSINESS SERVICE ⁽¹⁾	002/MTAC/ ANAC-G/ DSA	ABS	Republic of Gabon	All fleet with the exception of: 2 aircraft of type Falcon 50, 2 aircraft of type Falcon 900.	All fleet with the exception of: TR-LGV; TR-LGY; TR-AFJ; TR-AFR.	Republic of Gabon
NOUVELLE AIR AFFAIRES GABON (SN2AG)	003/MTAC/ ANAC-G/ DSA	NVS	Republic of Gabon	All fleet with the exception of: 1 aircraft of type Challenger CL-601, 1 aircraft of type HS-125-800.	All fleet with the exception of: TR-AAG, ZS-AFG.	Republic of Gabon; Republic of South Africa
IRAN AIR	FS100	IRA	Islamic Republic of Iran	All aircraft of type Fokker F100 and of type Boeing B747	Aircraft of type Fokker F100 as mentioned on the AOC; aircraft of type Boeing B747 as mentioned on the AOC	Islamic Republic of Iran
AIR KORYO	GAC-AOC/ KOR-01	KOR	Democratic People's Republic of Korea	All fleet with the exception of: 2 aircraft of type TU- 204.	All fleet with the exception of: P-632, P-633.	Democratic People's Republic of Korea

⁽¹⁾ Afrijet is only allowed to use the specific aircraft mentioned for its current level of operations within the Union.’

⁽¹⁾ Air carriers listed in Annex B could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

DECISIONS

COUNCIL DECISION (EU) 2018/1867

of 26 November 2018

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment of Annex IX (Financial Services) to the EEA Agreement (Omnibus II)

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 50, 53, 62, and 114 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, *inter alia*, Annex IX to that Agreement, which contains provisions on financial services.
- (3) Directive 2014/51/EU of the European Parliament and of the Council ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Annex IX to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment of Annex IX (Financial Services) to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

Article 2

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

Done at Brussels, 26 November 2018.

For the Council

The President

J. BOGNER-STRAUSS

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 153, 22.5.2014, p. 1).

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No .../2018
of ...
amending Annex IX (Financial services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Annex IX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex IX to the EEA Agreement shall be amended as follows:

1. Point 1 (Directive 2009/138/EC of the European Parliament and of the Council) is amended as follows:

(i) the following indent is added:

— **32014 L 0051**: Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 153, 22.5.2014, p. 1).;

(ii) the following adaptations are added:

- (k) References to the powers of EIOPA under Articles 18 and 19 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council in the Directive shall be understood as referring, in the cases provided for in and in accordance with point 31h of this Annex, to the powers of the EFTA Surveillance Authority as regards the EFTA States.
- (l) In Articles 52(3) and 77f(1), the words, "the EFTA Surveillance Authority, the Standing Committee of the EFTA States" shall be inserted after the words "the Council".
- (m) In Article 65a, the words "or, as the case may be, the EFTA Surveillance Authority" shall be inserted after the word "EIOPA".
- (n) In Article 70, references to "central banks of the European System of Central Banks (ESCB)" and "central banks of the ESCB" shall be understood to include, in addition to their meaning in the Directive, the national central banks of the EFTA States.
- (o) In Article 138(4), as regards the EFTA States, the word "EIOPA" shall read "the EFTA Surveillance Authority" and the words "as declared by EIOPA" shall read "as declared by the EFTA Surveillance Authority on the basis of drafts prepared by EIOPA".
- (p) Information originating in the EFTA States shall not be exchanged by EIOPA as part of cooperation arrangements concluded with third countries or their authorities pursuant to Articles 172(4)(e) or 260(5)(e) without the express agreement of the authorities which have disclosed it and, where appropriate, solely for the purposes for which those authorities gave their agreement.
- (q) In Article 308b(15), as regards the EFTA States, the words "23 May 2014" shall read "the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision]".

⁽¹⁾ OJ L 153, 22.5.2014, p. 1.

2. The following indent is added in points 29b (Directive 2003/71/EC of the European Parliament and of the Council), 31eb (Regulation (EC) No 1060/2009 of the European Parliament and of the Council) and 31i (Regulation (EU) No 1095/2010 of the European Parliament and of the Council):

‘— **32014 L 0051**: Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 153, 22.5.2014, p. 1).’.

3. The following is added in point 31h (Regulation (EU) No 1094/2010 of the European Parliament and of the Council):

‘, as amended by:

— **32014 L 0051**: Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 153, 22.5.2014, p. 1).’.

Article 2

The text of Directive 2014/51/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee

The President

The Secretaries to the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

COUNCIL IMPLEMENTING DECISION (CFSP) 2018/1868
of 28 November 2018
implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation
in Libya

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya and repealing Decision 2011/137/CFSP ⁽¹⁾, and in particular Article 12(1) thereof,

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

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333.
- (2) On 16 November 2018, the United Nations Security Council ('UNSC') Committee established pursuant to UNSC Resolution 1970 (2011) added one person to the list of persons and entities subject to restrictive measures.
- (3) Annexes I and III to Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and III to Decision (CFSP) 2015/1333 are hereby amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 28 November 2018.

For the Council
The President
J. BOGNER-STRAUSS

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

ANNEX

The following person is added to the list in Annex I to Decision (CFSP) 2015/1333:

‘28. **Name:** 1: Salah 2: Badi 3: na 4: na

Title: na **Designation:** Senior commander of the armed anti-GNA Al-Somood front, also known as Fakhr or “Pride of Libya”, and the Misratan Al Marsa Central Shield brigade **DOB:** na **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** na **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 16 Nov. 2018 **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze).

Listed pursuant to paragraph 22 (a) of resolution 1970 (2011), paragraph 4 (a) of resolution 2174 (2014) and paragraph 11 (a) of resolution 2213 (2015).

Additional information:

- Salah Badi has consistently attempted to undermine a political resolution in Libya through his support for armed resistance. Open source evidence confirms Salah Badi is a senior commander of the armed anti-GNA Al-Somood front, also known as Fakhr or “Pride of Libya”, and the Misratan Al Marsa Central Shield brigade.
- He has played a leading role in the recent fighting in Tripoli which began on 27 August 2018, in which at least 115 people were killed, most of which are civilians. Forces under his command were specifically referred to by UNSMIL when it called on all parties to the fighting to cease acts of violence (and reminded them that targeting civilians and civilian installations is prohibited by IHL).
- During late 2016 and 2017, Salah Badi led anti-GNA militias in attacks on Tripoli in repeated attempts to remove power from the GNA and restore the unrecognised “National Salvation Government” of Khalifa Ghwell. On 21 February 2017, Badi appeared next to tanks in a YouTube video recorded outside the Rixos hotel in Tripoli, and threatened to confront the Unrecognised Government of National Accord. On 26 and 27 May 2017 Fakhr Libya (“Pride of Libya”) forces led by Salah Badi attacked locations in Tripoli including the Abu Sleem area and airport road. Reliable media reports, corroborated by social media, said Badi’s forces used tanks and heavy artillery in the attack.’

The following person is added to the list in Annex III to Decision (CFSP) 2015/1333:

‘28. **Name:** 1: Salah 2: Badi 3: na 4: na

Title: na **Designation:** Senior commander of the armed anti-GNA Al-Somood front, also known as Fakhr or “Pride of Libya”, and the Misratan Al Marsa Central Shield brigade **DOB:** na **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** na **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 16 Nov. 2018 **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze).

Listed pursuant to paragraph 22 (a) of resolution 1970 (2011), paragraph 4 (a) of resolution 2174 (2014) and paragraph 11 (a) of resolution 2213 (2015).

Additional information:

- Salah Badi has consistently attempted to undermine a political resolution in Libya through his support for armed resistance. Open source evidence confirms Salah Badi is a senior commander of the armed anti-GNA Al-Somood front, also known as Fakhr or “Pride of Libya”, and the Misratan Al Marsa Central Shield brigade.
- He has played a leading role in the recent fighting in Tripoli which began on 27 August 2018, in which at least 115 people were killed, most of which are civilians. Forces under his command were specifically referred to by UNSMIL when it called on all parties to the fighting to cease acts of violence (and reminded them that targeting civilians and civilian installations is prohibited by IHL).

-
- During late 2016 and 2017, Salah Badi led anti-GNA militias in attacks on Tripoli in repeated attempts to remove power from the GNA and restore the unrecognised “National Salvation Government” of Khalifa Ghwell. On 21 February 2017, Badi appeared next to tanks in a YouTube video recorded outside the Rixos hotel in Tripoli, and threatened to confront the Unrecognised Government of National Accord. On 26 and 27 May 2017 Fakhir Libya (“Pride of Libya”) forces led by Salah Badi attacked locations in Tripoli including the Abu Sleem area and airport road. Reliable media reports, corroborated by social media, said Badi’s forces used tanks and heavy artillery in the attack.’
-

CORRIGENDA**Corrigendum to Commission Decision (EU) 2018/1471 of 19 September 2018 on the proposed citizens' initiative entitled 'STOP FRAUD and abuse of EU FUNDS — by better control of decisions, implementation and penalties'**

(Official Journal of the European Union L 246 of 2 October 2018)

On page 47, in recital 8:

- for:* 'For those reasons, the proposed citizens' initiative entitled "STOP FRAUD and abuse of EU FUNDS — by better control of decisions, implementation and penalties" does not fall manifestly outside of the framework of the Commission's powers to submit a legal acts of the Union for the purpose of implementing the Treaties in accordance with Article 4(2)(b) and should therefore be registered.'
- read:* 'For those reasons, the proposed citizens' initiative entitled "STOP FRAUD and abuse of EU FUNDS — by better control of decisions, implementation and penalties" does not fall manifestly outside of the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties in accordance with Article 4(2)(b) and should therefore be registered.'
-

