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### Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 348/2008****of 18 April 2008****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 19 April 2008.

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

Done at Brussels, 18 April 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 350, 31.12.2007, p. 1.

## ANNEX

**to Commission Regulation of 18 April 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code    | Third country code <sup>(1)</sup> | Standard import value |
|------------|-----------------------------------|-----------------------|
| 0702 00 00 | MA                                | 59,2                  |
|            | TN                                | 144,8                 |
|            | TR                                | 116,5                 |
|            | ZZ                                | 106,8                 |
| 0707 00 05 | JO                                | 178,8                 |
|            | MK                                | 86,2                  |
|            | TR                                | 147,2                 |
|            | ZZ                                | 137,4                 |
| 0709 90 70 | MA                                | 97,2                  |
|            | TR                                | 120,4                 |
|            | ZZ                                | 108,8                 |
| 0709 90 80 | EG                                | 349,4                 |
|            | ZZ                                | 349,4                 |
| 0805 10 20 | EG                                | 54,0                  |
|            | IL                                | 51,8                  |
|            | MA                                | 54,2                  |
|            | TN                                | 57,6                  |
|            | TR                                | 59,6                  |
|            | US                                | 44,5                  |
|            | ZZ                                | 53,6                  |
| 0805 50 10 | AR                                | 117,4                 |
|            | IL                                | 126,5                 |
|            | TR                                | 128,4                 |
|            | ZA                                | 141,8                 |
|            | ZZ                                | 128,5                 |
| 0808 10 80 | AR                                | 92,3                  |
|            | BR                                | 89,7                  |
|            | CA                                | 79,6                  |
|            | CL                                | 102,4                 |
|            | CN                                | 94,6                  |
|            | MK                                | 65,6                  |
|            | NZ                                | 119,1                 |
|            | TR                                | 69,6                  |
|            | US                                | 114,4                 |
|            | UY                                | 77,2                  |
|            | ZA                                | 67,0                  |
|            | ZZ                                | 88,3                  |
| 0808 20 50 | AR                                | 92,6                  |
|            | AU                                | 80,7                  |
|            | CL                                | 112,4                 |
|            | CN                                | 54,7                  |
|            | ZA                                | 101,3                 |
|            | ZZ                                | 88,3                  |

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'other origin'.

**COMMISSION REGULATION (EC) No 349/2008****of 18 April 2008****on the issue of licences for the import of garlic in the subperiod from 1 June to 31 August 2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector amending Directives 2001/112/EC and 2001/113/EC and Regulations (EEC) No 827/68, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96 <sup>(1)</sup>,

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

Whereas:

- (1) Commission Regulation (EC) No 341/2007 <sup>(3)</sup> opens and provides for the administration of tariff quotas and introduces a system of import licences and certificates of origin for garlic and other agricultural products imported from third countries.

- (2) The quantities for which 'A' licence applications have been lodged by traditional importers and by new importers during the first five working days of April 2008, pursuant to Article 10(1) of Regulation (EC) No 341/2007 exceed the quantities available for products originating in China and all third countries other than China and Argentina.

- (3) Therefore, in accordance with Article 7(2) of Regulation (EC) No 1301/2006, it is now necessary to establish the extent to which the 'A' licence applications sent to the Commission by 15 April 2008 in accordance with Article 12 of Regulation (EC) No 341/2007 can be met,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for 'A' import licences lodged pursuant to Article 10(1) of Regulation (EC) No 341/2007 during the first five working days of April 2008 and sent to the Commission by 15 April 2008, shall be met at a percentage rate of the quantities applied for 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, 18 April 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 273, 17.10.2007, p. 1.

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

<sup>(3)</sup> OJ L 90, 30.3.2007, p. 12.

## ANNEX

| Origin                  | Order number | Allocation coefficient |
|-------------------------|--------------|------------------------|
| Argentina               |              |                        |
| — traditional importers | 09.4104      | X                      |
| — new importers         | 09.4099      | X                      |
| China                   |              |                        |
| — traditional importers | 09.4105      | 29,451058 %            |
| — new importers         | 09.4100      | 0,466621 %             |
| Other third countries   |              |                        |
| — traditional importers | 09.4106      | 100 %                  |
| — new importers         | 09.4102      | 80,635479 %            |

'X': No quota for this origin for the subperiod in question.

**COMMISSION REGULATION (EC) No 350/2008****of 18 April 2008****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>, and in particular of the Article 36,

Whereas:

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

for the 2007/08 marketing year are fixed by Commission Regulation (EC) No 1109/2007 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EC) No 316/2008 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year are hereby amended as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 19 April 2008.

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

Done at Brussels, 18 April 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24. Regulation as last amended by Regulation (EC) No 1568/2007 (OJ L 340, 22.12.2007, p. 62).

<sup>(3)</sup> OJ L 253, 28.9.2007, p. 5.

<sup>(4)</sup> OJ L 94, 5.4.2008, p. 6.

## ANNEX

**Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 95 applicable from 19 April 2008**

(EUR)

| CN code                   | Representative price per 100 kg of the product concerned | Additional duty per 100 kg of the product concerned |
|---------------------------|----------------------------------------------------------|-----------------------------------------------------|
| 1701 11 10 <sup>(1)</sup> | 21,18                                                    | 5,71                                                |
| 1701 11 90 <sup>(1)</sup> | 21,18                                                    | 11,12                                               |
| 1701 12 10 <sup>(1)</sup> | 21,18                                                    | 5,52                                                |
| 1701 12 90 <sup>(1)</sup> | 21,18                                                    | 10,60                                               |
| 1701 91 00 <sup>(2)</sup> | 23,17                                                    | 14,19                                               |
| 1701 99 10 <sup>(2)</sup> | 23,17                                                    | 9,13                                                |
| 1701 99 90 <sup>(2)</sup> | 23,17                                                    | 9,13                                                |
| 1702 90 95 <sup>(3)</sup> | 0,23                                                     | 0,41                                                |

<sup>(1)</sup> Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).

<sup>(2)</sup> Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.

<sup>(3)</sup> Fixed per 1 % sucrose content.

**COMMISSION REGULATION (EC) No 351/2008****of 16 April 2008****implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the prioritisation of ramp inspections on aircraft using Community airports****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/36/EC of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports <sup>(1)</sup>, and in particular Article 8(2) thereof,

Whereas:

- (1) Directive 2004/36/EC introduces a harmonised approach to the effective enforcement of international safety standards within the Community by harmonising the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States. It requires the Member States to conduct ramp inspections on third-country aircraft suspected of non-compliance with international safety standards landing at any of its airports open to international air traffic following a harmonised procedure, and to participate to the collection and exchange of information on the ramp inspections carried out.
- (2) In order to maximise the limited resources available to the competent inspection authorities of each Member State, they should give priority to conducting ramp inspections of certain categories of operators and aircraft which are particularly susceptible to safety deficiencies.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 12 of Council Regulation (EEC) No 3922/91 <sup>(2)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1***Definitions**

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

<sup>(1)</sup> OJ L 143, 30.4.2004, p. 76. Directive as last amended by Regulation (EC) No 2111/2005 (OJ L 344, 27.12.2005, p. 15).  
<sup>(2)</sup> OJ L 373, 31.12.1991, p. 4. Regulation as last amended by Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 79, 19.3.2008, p. 1).

1. 'prioritisation of ramp inspections' means the dedication of an appropriate portion of the total number of ramp inspections conducted by a Member State on an annual basis, as provided under Article 2 of this Regulation;

2. 'subject' means an operator and/or all operators from a particular State and/or an aircraft type and/or a particular aircraft.

*Article 2***Prioritisation criteria**

Without prejudice to Article 8(3) of Directive 2004/36/EC, Member States shall prioritise their ramp inspections on the following subjects landing at any of their airports open to international air traffic:

1. Subjects identified as posing a potential safety threat on the basis of the regular analyses conducted by the European Aviation Safety Agency (EASA).
2. Subjects identified on the basis of an opinion expressed by the Air Safety Committee within the context of the implementation of Regulation (EC) No 2111/2005 of the European Parliament and the Council <sup>(3)</sup> that further verification of effective compliance with relevant safety standards through systematic ramp inspections on those subjects is necessary. This may include subjects which have been withdrawn from the list of air carriers subject to an operating ban within the Community established by Regulation (EC) No 2111/2005 (the Community list).
3. Subjects identified on the basis of information obtained by the Commission from the Member States or EASA pursuant to Article 4(3) of Regulation (EC) No 2111/2005.
4. Aircraft operated into the Community by operators included in Annex B of the Community list.
5. Aircraft operated by other operators certified in the same state as any operator featuring concurrently on the Community list.

<sup>(3)</sup> OJ L 344, 27.12.2005, p. 15.

*Article 3***Communications**

1. A list of the subjects referred to in Article 2 shall be communicated electronically by EASA to the Member States at least every four months.

2. EASA shall monitor the prioritisation process and provide to the Member States, in cooperation with competent international organisations in the field of aviation, the information

needed to enable them to follow the progress across the Community with regard to the prioritisation of inspections on subjects referred to in Article 2, including relevant statistical air traffic data.

*Article 4*

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

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

Done at Brussels, 16 April 2008.

*For the Commission*

Jacques BARROT

*Vice-President*

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**COMMISSION REGULATION (EC) No 352/2008****of 18 April 2008****amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on cucumbers and cherries, other than sour cherries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector, amending Directives 2001/112/EC and 2001/113/EC and Regulations (EEC) No 827/68, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96 <sup>(1)</sup>, and in particular Article 35(4) and Article 42 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector <sup>(2)</sup> provides for surveillance of imports of the products listed in Annex XVII thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup>.

- (2) For the purposes of Article 5(4) of the Agreement on Agriculture <sup>(4)</sup> concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2004, 2005 and 2006, the trigger levels for additional duties of cucumbers and cherries, other than sour cherries should be adjusted.

- (3) As a result, Regulation (EC) No 1580/2007 should be amended accordingly.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex XVII to Regulation (EC) No 1580/2007 is replaced by the text set out in the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 May 2008.

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

Done at Brussels, 18 April 2008.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 273, 17.10.2007, p. 1.

<sup>(2)</sup> OJ L 350, 31.12.2007, p. 1.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).

<sup>(4)</sup> OJ L 336, 23.12.1994, p. 22.

## ANNEX

## ‘ANNEX XVII

**ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER II, SECTION 2**

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation.

| Serial No | CN code                                              | Description                                                                        | Trigger period                | Trigger level (tonnes) |
|-----------|------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------|------------------------|
| 78.0015   | 0702 00 00                                           | Tomatoes                                                                           | 1 October to 31 May           | 325 606                |
| 78.0020   |                                                      |                                                                                    | 1 June to 30 September        | 25 103                 |
| 78.0065   | 0707 00 05                                           | Cucumbers                                                                          | 1 May to 31 October           | 70 873                 |
| 78.0075   |                                                      |                                                                                    | 1 November to 30 April        | 46 491                 |
| 78.0085   | 0709 90 80                                           | Artichokes                                                                         | 1 November to 30 June         | 19 799                 |
| 78.0100   | 0709 90 70                                           | Courgettes                                                                         | 1 January to 31 December      | 117 360                |
| 78.0110   | 0805 10 20                                           | Oranges                                                                            | 1 December to 31 May          | 454 253                |
| 78.0120   | 0805 20 10                                           | Clementines                                                                        | 1 November to end of February | 606 155                |
| 78.0130   | 0805 20 30<br>0805 20 50<br>0805 20 70<br>0805 20 90 | Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids | 1 November to end of February | 104 626                |
| 78.0155   | 0805 50 10                                           | Lemons                                                                             | 1 June to 31 December         | 326 861                |
| 78.0160   |                                                      |                                                                                    | 1 January to 31 May           | 53 842                 |
| 78.0170   | 0806 10 10                                           | Table grapes                                                                       | 21 July to 20 November        | 70 731                 |
| 78.0175   | 0808 10 80                                           | Apples                                                                             | 1 January to 31 August        | 886 383                |
| 78.0180   |                                                      |                                                                                    | 1 September to 31 December    | 81 237                 |
| 78.0220   | 0808 20 50                                           | Pears                                                                              | 1 January to 30 April         | 241 637                |
| 78.0235   |                                                      |                                                                                    | 1 July to 31 December         | 35 748                 |
| 78.0250   | 0809 10 00                                           | Apricots                                                                           | 1 June to 31 July             | 14 163                 |
| 78.0265   | 0809 20 95                                           | Cherries, other than sour cherries                                                 | 21 May to 10 August           | 151 059                |
| 78.0270   | 0809 30                                              | Peaches, including nectarines                                                      | 11 June to 30 September       | 11 980                 |
| 78.0280   | 0809 40 05                                           | Plums                                                                              | 11 June to 30 September       | 5 806'                 |

**COMMISSION REGULATION (EC) No 353/2008****of 18 April 2008****establishing implementing rules for applications for authorisation of health claims as provided for in  
Article 15 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods<sup>(1)</sup>, and in particular Article 15(4) thereof,

Having consulted the European Food Safety Authority,

Whereas:

(1) Regulation (EC) No 1924/2006 establishes rules for the use of claims in the labelling, presentation and advertising of foods.

(2) Applications for authorisation of health claims should adequately and sufficiently demonstrate that the health claim is based on and substantiated by generally accepted scientific evidence, by taking into account the totality of the available scientific data and by weighing the evidence.

(3) As provided by Article 15(4) of Regulation (EC) No 1924/2006, it is necessary to establish implementing rules concerning health claims applications submitted in accordance with that Regulation, including rules for the preparation and presentation of applications.

(4) The implementing rules should ensure that the application dossier is compiled in a way which defines and classifies the scientific data needed with a view to assessment of the applications by the European Food Safety Authority.

(5) The implementing rules are intended primarily as a general guide, and, depending on the nature of the claim, the nature and extent of the studies necessary to evaluate its scientific merit may vary.

(6) Applications for health claims should take account of the requirements laid down in Regulation (EC) No 1924/2006, particularly the general principles and conditions set out in Articles 3 and 5 thereof. Separate applications should be made for individual health claims and characterise the type of claim.

(7) Particulars and documents to be provided in accordance with this Regulation should be without prejudice to any supplementary information that the European Food Safety Authority (the Authority) may request where appropriate, as laid down in Article 16(2) of Regulation (EC) No 1924/2006.

(8) At the request of the Commission, the Authority has issued an opinion on scientific and technical guidance on the preparation and the presentation of applications concerning health claims<sup>(2)</sup>. Applications should follow the Authority guidance in conjunction with the implementing rules to ensure the harmonised submission of applications to the Authority.

(9) In order to benefit from data protection, as laid down in Article 21 of Regulation (EC) No 1924/2006, requests for protection of proprietary data must be justified and all data kept in a separate part of the application.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

**Article 1****Subject matter**

This Regulation establishes implementing rules for the following applications:

(a) applications for authorisation, submitted in accordance with Article 15 of Regulation (EC) No 1924/2006; and

<sup>(1)</sup> OJ L 404, 30.12.2006, p. 9, as corrected by OJ L 12, 18.1.2007, p. 3. Regulation as last amended by Regulation (EC) No 109/2008 (OJ L 39, 13.2.2008, p. 14).

<sup>(2)</sup> [http://www.efsa.europa.eu/EFSA/efsa\\_locale-1178620753812\\_1178623592471.htm](http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1178623592471.htm)

- (b) applications for the inclusion of a claim in the list provided for in Article 13(3) submitted in accordance with Article 18 of Regulation (EC) No 1924/2006.

#### Article 2

##### Scope of the application

Each application shall cover only one relationship between a nutrient or other substance, or food or category of food, and a single claimed effect.

#### Article 3

##### Specification of the type of health claim

The application shall specify which type of health claim is concerned among those listed in Articles 13 and 14 of Regulation (EC) No 1924/2006.

#### Article 4

##### Proprietary data

The indication of information which should be regarded as proprietary data and verifiable justification thereof, as referred to in Article 15(3)(d) of Regulation (EC) No 1924/2006, shall be included in a separate part of the application.

#### Article 5

##### Scientific studies

The studies and other material referred to Article 15(3)(c) and (e) of Regulation (EC) No 1924/2006:

- (a) shall consist primarily of studies in humans and, in the case of claims referring to children's development and health, from studies in children;
- (b) shall be presented according to a hierarchy of study designs, reflecting the relative strength of evidence which may be obtained from different types of studies.

#### Article 6

##### Conditions for use

In accordance with Article 15(3)(f) of Regulation (EC) No 1924/2006, and in addition to the proposal for the wording of the health claim, the conditions of use shall include:

- (a) the target population for the intended health claim;
- (b) the quantity of the nutrient or other substance, or food or category of food, and the pattern of consumption required to obtain the claimed beneficial effect;
- (c) where appropriate, a statement addressed to persons who should avoid using the nutrient or other substance, or food or category of food, for which the health claim is made;
- (d) a warning for the nutrient or other substance, or food or category of food, that is likely to present a health risk if consumed to excess;
- (e) any other restrictions of use and directions for preparation and/or use.

#### Article 7

##### Technical rules

The application shall be prepared and presented in accordance with the technical rules as set out in the Annex.

#### Article 8

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

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

Done at Brussels, 18 April 2008.

For the Commission

Androulla VASSILOU

Member of the Commission

## ANNEX

**Technical rules for the preparation and presentation of the application for health claims****INTRODUCTION**

1. This Annex applies to health claims related to the consumption of a food category, a food, or its constituents (including a nutrient or other substance, or a combination of nutrients/other substances), hereafter referred to as 'food'.
2. In cases where some of the data that are required as described in this Annex are omitted by the applicant, assuming that they do not apply to the application concerned, reasons shall be given for the absence of such data in the application.
3. The term 'application' hereafter means a stand-alone dossier containing the information and the scientific data submitted for authorisation of the health claim in question.
4. One application shall be prepared for each individual health claim; this means that only a relationship between a food and a single claimed effect can be the object of each application. However, multiple formulations of a food can be proposed by the applicant as candidates to bear the health claim in the same application, provided the scientific evidence is valid for all proposed formulations of a food bearing that same health claim.
5. The application shall indicate whether health claim concerned or a similar one has been scientifically evaluated, by a competent national authority of either a Member State or a third country. If so, a copy of the scientific evaluation shall be provided.
6. Pertinent scientific data are all human and non-human studies, published or unpublished, that are relevant for the substantiation of health claim applied for, by addressing the relationship between the food and the claimed effect, including data in favour and data not in favour of such relationship. Pertinent published human data shall be identified through a comprehensive review.
7. Journal abstracts and articles published in newspapers, magazines, newsletters or handouts that have not been peer-reviewed shall not be cited. Books or chapters of books for consumers or the general public shall not be cited.

**GENERAL PRINCIPLES FOR THE SCIENTIFIC SUBSTANTIATION**

1. The application shall contain all scientific data, published and unpublished, in favour and not in favour that are pertinent to the health claim, together with a comprehensive review of the data from human studies in order to demonstrate that the health claim is substantiated by the totality of the scientific data and by weighing the evidence. Data from studies in humans addressing the relationship between consumption of the food and the claimed effect is required for substantiation of a health claim.
2. The application shall contain a comprehensive review of the data from human studies addressing the specific relationship between the food and the claimed effect. This review, and the identification of data considered pertinent to the health claim, should be performed in a systematic and transparent manner in order to demonstrate that the application reflects adequately the balance of all the evidence available.
3. The substantiation of health claims shall take into account the totality of the available scientific data and, by weighing the evidence, shall demonstrate the extent to which:
  - (a) the claimed effect of the food is beneficial for human health;

- (b) a cause and effect relationship is established between consumption of the food and the claimed effect in humans (such as the strength, consistency, specificity, dose-response, and biological plausibility of the relationship);
- (c) the quantity of the food and pattern of consumption required to obtain the claimed effect could reasonably be achieved as part of a balanced diet;
- (d) the specific study group(s) in which the evidence was obtained is representative of the target population for which the claim is intended.

#### FOOD CHARACTERISTICS

The following information shall be given with regard to the food constituent, the food or the food category for which the health claim is made.

1. For a food constituent:

- (a) the source and specifications <sup>(1)</sup>, such as physical and chemical properties, composition; and
- (b) where applicable, the microbiological constituents of the food constituent.

2. For a food or category of food:

- (a) the description of the food or food category, including characterisation of the food matrix and the overall composition including the nutrient content of the food;
- (b) the source and specifications of the food or food category and, in particular, the content of the constituent(s) related to the health claim.

3. In all cases:

- (a) where applicable, the variability from batch to batch;
- (b) analytical methods applied;
- (c) where applicable, a summary of the studies undertaken on production conditions, batch-to-batch variability, analytical procedures, and of the results and conclusions of the stability studies, and the conclusions with respect to storage conditions and shelf-life;
- (d) where applicable, the relevant data and rationale that the constituent for which the health claim is made is in a form that is available to be used by the human body;
- (e) if absorption is not necessary to produce the claimed effect, such as for plant sterols, fibres, lactic acid bacteria, the relevant data and rationale that the constituent reaches the target site;
- (f) all available data on factors that could affect the absorption or utilisation in the body of the constituent for which the health claim is made.

<sup>(1)</sup> Where appropriate internationally recognised specifications may be cited.

### ORGANISATION OF PERTINENT SCIENTIFIC DATA

1. Scientific data identified shall be organised in the following order: human data, followed by non-human data if appropriate.
2. Human data shall be classified according to a hierarchy of study design in the following order:
  - (a) human intervention studies, randomised controlled studies, other randomised studies (non-controlled), controlled (non-randomised) studies, other intervention studies;
  - (b) human observational studies, cohort studies, case-control studies, cross-sectional studies, other observational studies, such as case reports;
  - (c) other human studies dealing with the mechanisms by which the food could be responsible for the claimed effect, including the studies on bioavailability.
3. Non-human data shall consist in:
  - (a) animal data including studies investigating aspects related to absorption, distribution, metabolism, excretion of the food, mechanistic studies, and other studies;
  - (b) *ex vivo* or *in vitro* data, based on either human or animal biological samples related to the mechanisms of action by which the food could be responsible for the claimed effect, and other non-human studies.

### SUMMARY OF PERTINENT SCIENTIFIC DATA

In addition to the requirement of Article 15(3)(g) of Regulation (EC) No 1924/2006 for a summary of the application, applicants shall provide a summary of the pertinent scientific data, which shall contain the following information:

1. the summary of data from pertinent human studies, indicating to what extent the relationship between the food and the claimed effect is supported by the totality of human data;
2. the summary of data from pertinent non-human studies, indicating how, and to what extent, the pertinent non-human studies may help to support the relationship between the food and the claimed effect in humans;
3. the overall conclusions, by taking into account the totality of the data, including evidence in favour and not in favour and by weighing the evidence. The overall conclusions should clearly define to what extent:
  - (a) the claimed effect of the food is beneficial for human health;
  - (b) a cause and effect relationship is established between the consumption of the food and the claimed effect in humans (such as the strength, consistency, specificity, dose-response, and biological plausibility of the relationship);
  - (c) the quantity of the food and pattern of consumption required to obtain the claimed effect could reasonably be consumed as part of a balanced diet;
  - (d) the specific study group(s) in which the evidence was obtained is representative of the target population for which the claim is intended.

## STRUCTURE OF THE APPLICATION

Applications shall be structured as follows. If justification is provided by the applicant certain parts can be omitted.

### **Part 1 — Administrative and Technical Data**

- 1.1. Table of contents
- 1.2. Application form
- 1.3. General information
- 1.4. Health claim particulars
- 1.5. Summary of the application
- 1.6. References

### **Part 2 — Food/Constituent Characteristics**

- 2.1. Food constituent
- 2.2. Food or category of food
- 2.3. References

### **Part 3 — Overall Summary of Pertinent Scientific Data**

- 3.1. Tabulated summary of all pertinent studies identified
- 3.2. Tabulated summary of data from pertinent human studies
- 3.3. Written summary of data from pertinent human studies
- 3.4. Written summary of data from pertinent non-human studies
- 3.5. Overall conclusions

### **Part 4 — Body of Pertinent Scientific Data Identified**

- 4.1. Identification of pertinent scientific data
- 4.2. Pertinent data identified

### **Part 5 — Annexes to the Application**

- 5.1. Glossary/abbreviations
  - 5.2. Copies/reprints of pertinent published data
  - 5.3. Full study reports of pertinent unpublished data
  - 5.4. Other
-

## DIRECTIVES

## COMMISSION DIRECTIVE 2008/49/EC

of 16 April 2008

**amending Annex II to Directive 2004/36/EC of the European Parliament and of the Council regarding the criteria for the conduct of ramp inspections on aircraft using Community airports**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

collection and exchange of information on the safety of aircraft using Community airports and the management of the information system <sup>(2)</sup>.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/36/EC of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports <sup>(1)</sup>, and in particular Article 12 thereof,

Whereas:

(1) Directive 2004/36/EC introduces a harmonised approach to the effective enforcement of international safety standards within the Community by harmonising the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States. It requires the Member States to conduct ramp inspections on third-country aircraft landing at any of its airports open to international air traffic following a harmonised procedure, and to participate to the collection and exchange of information on the ramp inspections carried out.

(2) The Community obligations of the Member States deriving from Directive 2004/36/EC could be, to a large extent, previously discharged through their voluntary participation in the Safety Assessment of Foreign Aircraft (SAFA) programme initiated in 1996 by the European Civil Aviation Conference (ECAC), the management of which was delegated to the Joint Aviation Authorities (JAA).

(3) From 1 January 2007, the SAFA programme has passed exclusively under Community competence and is now managed by the Commission, assisted by the European Aviation Safety Agency (EASA) as provided under Commission Regulation (EC) No 768/2006 of 19 May 2006 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the

(4) The SAFA programme should be complemented with appropriate measures aimed at ensuring common standards for the performance of ramp inspections, such as a manual for ramp inspections.

(5) Annex II to Directive 2004/36/EC contains only very general criteria, as at the time of its adoption detailed technical guidelines and procedures were being published and updated regularly by the JAA and subsequently being voluntarily implemented by ECAC states participating in the SAFA programme.

(6) In view of the transfer of the SAFA programme to the Community and of the increased importance being ascribed by the Commission to the results of ramp inspections conducted under the SAFA programme in taking its decisions on the inclusion of carriers in the Community list of banned air carriers established under 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 transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC, it is deemed necessary to specify the core elements of the manual for conducting ramp inspections.

(7) The core elements of the manual constitute the essential standards for the effective performance of ramp inspections and should therefore form part within the shortest time possible, of Annex II of Directive 2004/36/EC which establishes the procedure for the performance of ramp inspections, particularly following the transfer of the SAFA programme under Community competence.

<sup>(1)</sup> OJ L 143, 30.4.2004, p. 76. Directive as amended by Regulation (EC) No 2111/2005 (OJ L 344, 27.12.2005, p. 15).

<sup>(2)</sup> OJ L 134, 20.5.2006, p. 16.

- (8) EASA has submitted a proposal for the amendment of Annex II of Directive 2004/36/EC as provided under Article 4(1) of Commission Regulation (EC) No 768/2006.
- (9) Directive 2004/36/EC should therefore be amended accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 12 of Council Regulation (EEC) No 3922/91 <sup>(1)</sup>,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

**Amendment of Directive 2004/36/EC**

Annex II to Directive 2004/36/EC is replaced by the text in the Annex to this Directive.

*Article 2*

**Guidance material**

When the European Aviation Safety Agency develops the guidance material to be applied by Member States referred to in the Annex to this Directive, it shall establish a transparent procedure for consulting the Member States drawing on available expertise in the aviation regulatory authorities of Member States and by involving, whenever necessary, appro-

priate experts from relevant interested parties. To this effect, it may create a working group.

*Article 3*

**Transposition**

Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by not later than six months after its entry into force.

They shall forthwith inform the Commission thereof.

*Article 4*

**Entry into force**

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

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 16 April 2008.

*For the Commission*

Jacques BARROT

*Vice-President*

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<sup>(1)</sup> OJ L 373, 31.12.1991, p. 4. Regulation as last amended by Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 79, 19.3.2008, p. 1).

## ANNEX

## ‘ANNEX II

**Manual of EC SAFA ramp inspection procedures — Core elements****1. GENERAL INSTRUCTIONS**

- 1.1. SAFA ramp inspections shall be performed by inspectors possessing the necessary knowledge relevant to the area of inspection whereby technical, airworthiness and operational knowledge must be represented in case all items of the checklist are being verified. When a ramp inspection is performed by two or more inspectors, the main elements of the inspection — the visual inspection of the aircraft exterior, the inspection in the flight deck and the inspection of the passenger cabin and/or cargo compartments — may be divided among the inspectors.
- 1.2. Inspectors must identify themselves to the aircraft pilot in command or, in his/her absence, to a member of the flight crew or to the most senior representative of the operator prior to commencing the onboard part of their ramp inspection. When it is not possible to inform any representative of the operator or when there is no such representative present in or near the aircraft, the general principle will be not to perform a SAFA ramp inspection. In special circumstances it may be decided to perform a SAFA ramp inspection but this shall be limited to a visual check of the aircraft exterior.
- 1.3. The inspection shall be as comprehensive as possible within the time and resources available. This means that if only a limited amount of time or resources is available, not all inspection items but a reduced number may be verified. According to the time and resources available for a SAFA ramp inspection, the items that will be inspected shall be selected accordingly in conformity with the objectives of the EC SAFA Programme.
- 1.4. A ramp inspection shall not cause an unreasonable delay in the departure of the inspected aircraft. Possible causes for delay may be, but are not limited to, doubts regarding the correctness of the flight preparation, the airworthiness of the aircraft or any matters directly related to the safety of the aircraft and its occupants.

**2. QUALIFICATION OF INSPECTORS**

- 2.1. Member States shall ensure that with effect from 1 January 2009, all SAFA ramp inspections conducted in their territory are performed by qualified inspectors.
- 2.2. Member States shall ensure that their inspectors meet the qualification criteria as provided hereunder.

**2.3. Qualification criteria****2.3.1. Eligibility criteria**

As a prerequisite for eligibility to qualification, Member States shall ensure that candidates for qualification as SAFA inspectors possess the necessary aeronautical education and/or practical knowledge relevant to their area/s of inspection, namely:

- (a) operation of aircraft;
- (b) personnel licensing;
- (c) airworthiness of aircraft;
- (d) dangerous goods.

**2.3.2. Training requirements**

Prior to qualification, candidates must have successfully completed training consisting of:

- theoretical classroom training to be delivered by a SAFA training organisation as defined in paragraph 2.4,
- practical training to be delivered by a SAFA training organisation as defined in paragraph 2.4 or by a senior inspector appointed by a Member State as provided in paragraph 2.5 acting independently from a SAFA training organisation,
- on the job training: to be delivered over a series of inspections by a senior inspector appointed by a Member State as provided in paragraph 2.5.

### 2.3.3. *Requirements for maintaining the validity of the qualification*

Member States shall ensure that once qualified, inspectors maintain the validity of their qualification by:

- (a) undergoing recurrent training — which shall consist of theoretical classroom training to be delivered by a SAFA training organisation as defined in paragraph 2.4;
- (b) performing a minimum number of ramp inspections in every 12-month period since last undergoing SAFA training unless the inspector is also a qualified flight operations or airworthiness inspector of the national aviation authority of a Member State and is regularly engaged in the performance of inspections on aircraft of domestic operators.

### 2.3.4. *Guidance material*

EASA shall develop and publish by not later than 30 September 2008 detailed guidance material in order to assist the Member States in the implementation of paragraphs 2.3.1, 2.3.2 and 2.3.3.

## 2.4. **SAFA training organisations**

2.4.1. A SAFA training organisation may be a part of a Member State's competent authority or a third party organisation.

A third party organisation may be:

- part of another Member State's competent authority,
- an independent entity.

2.4.2. Member States shall ensure that training courses referred to in paragraphs 2.3.2 and 2.3.3(a) undertaken by their national authority is conducted, as a minimum, in accordance with the relevant syllabi established and published by EASA.

2.4.3. Member States employing a third party organisation for the purpose of SAFA-related training shall put in place a system to evaluate such an organisation. The system shall be simple, transparent and proportionate and take account of any relevant guidance materials established and published by EASA. Such a system may take into account evaluations conducted by other Member States.

2.4.4. A third party training organisation may only be used if the evaluation shows that training will be provided in accordance with the relevant syllabi established and published by EASA.

2.4.5. Member States shall ensure that their competent authorities' training programmes and/or their systems for the evaluation of third party training organisations are amended accordingly to reflect any recommendations arising from the standardisation audits conducted by EASA in accordance with the working methods provided under Commission Regulation (EC) No 736/2006 <sup>(1)</sup>.

2.4.6. A Member State may request EASA to evaluate the training organisation and issue an advice on which the Member State may base its own evaluation.

2.4.7. EASA shall develop and publish detailed guidance material in order to assist the Member States in the implementation of this paragraph by not later than 30 September 2008.

## 2.5. **Senior inspectors**

2.5.1. A Member State may appoint senior inspectors provided that they meet the relevant qualification criteria to be established by that Member State.

2.5.2. Member States shall ensure that the criteria mentioned in 2.5.1 contain at least the following requirements whereby the appointee:

- has been a qualified SAFA inspector over the three years prior to the appointment,
- has performed a minimum of 36 SAFA inspections during the three years prior to the appointment.

<sup>(1)</sup> OJ L 129, 17.5.2006, p. 10.

2.5.3. Member States shall ensure that practical training and/or on the job training delivered by their senior inspectors is based on the relevant syllabi established and published by EASA.

2.5.4. Member States may also assign their senior inspectors to deliver practical training and/or on the job training to trainees of other Member States.

EASA shall develop and publish detailed guidance material in order to assist the Member States in the implementation of this paragraph by not later than 30 September 2008.

## **2.6. Transitional measures**

2.6.1. SAFA inspectors who meet the eligibility criteria referred to in paragraph 2.3.1, as well as the recent experience criteria referred to in paragraph 2.3.3(b) at the date established under Article 3 of Commission Directive 2008/49/EC shall be considered to qualify as inspectors in accordance with the requirements set out in this chapter.

2.6.2. Notwithstanding the provisions of paragraph 2.3.3(a), inspectors considered to be qualified in accordance with paragraph 2.6.1 shall undergo recurrent training to be delivered progressively by a SAFA training organisation by not later than 1 July 2010 and subsequently as provided under paragraph 2.3.3(a).

## **3. STANDARDS**

3.1. The ICAO Standards and the ICAO European Regional Supplementary Procedures are the baseline against which the aircraft and the operator are being inspected under the EC SAFA Programme. In addition, when inspecting the technical condition of an aircraft, it shall be checked against the aircraft manufacturer's standards.

## **4. INSPECTION PROCESS**

### **Checklist items**

4.1. The items to be inspected will be selected from those mentioned on the checklist in the SAFA Ramp Inspection Report which contains a total of 54 items. (see Attachment 1).

4.2. The inspection and the resulting findings, if any, have to be reflected in the SAFA Ramp Inspection Report after the inspection is completed.

### **SAFA detailed guidance**

4.3. For each inspection item of the checklist in the SAFA Ramp Inspection Report a detailed description will be established specifying the scope and method of inspection. In addition a reference will be made to the relevant requirements in the ICAO Annexes. This will be developed and published as detailed guidance material by EASA and amended as necessary to reflect the latest applicable standards.

### **Inclusion of reports into centralised SAFA database**

4.4. A report of the inspection shall be entered into the SAFA centralised database as soon as possible and in any case not later than 15 working days after the date of the inspection, even if no findings were identified.

## **5. CATEGORISATION OF FINDINGS**

5.1. For each inspection item, three categories of possible deviations from the relevant standards established under paragraph 3.1 are defined as findings. Such findings will be categorised as follows:

— a category 1 finding is considered to have a minor influence on safety,

— a category 2 finding may have a significant influence on safety, and

— a category 3 finding may have a major influence on safety.

5.2. Instructions on the categorisation of findings will be developed and published as detailed guidance material by EASA and amended as necessary in order to reflect relevant scientific and technical progress.

## 6. FOLLOW-UP ACTIONS TO BE TAKEN

- 6.1. Without prejudice to paragraph 1.2, a proof of inspection containing at least the elements set out in Appendix 2 must be completed and a copy handed over to the aircraft pilot in command, or in his/her absence, to a member of the flight crew or to the most senior representative of the operator present in or near the aircraft upon completion of the SAFA inspection. A signed acknowledgment of receipt of the proof of inspection shall be requested from the recipient and be retained by the inspector. Refusal by the recipient to sign shall be recorded in the document. Relevant detailed instructions will be developed and published by EASA as detailed guidance material.
- 6.2. Based on how the findings have been categorised, certain follow-up actions have been defined. The relations between the category of findings and the resulting actions to take are presented in the class of actions and will be developed and published by EASA as detailed guidance material.
- 6.3. Class 1 action: This action consists of providing information about the results of the SAFA Ramp inspection to the aircraft pilot in command, or in his/her absence, to another member of the flight crew or to the most senior representative of the operator present. This action consists of a verbal debriefing and the delivery of the proof of inspection. A class 1 action shall be taken after each inspection, regardless of whether findings have been identified or not.

- 6.4. Class 2 action: This action consists of

- (1) a written communication with the operator concerned and shall contain request for evidence of corrective actions taken, and
- (2) a written communication with the responsible state (state of operator and/or registry) addressing the results of inspections carried out on aircraft operated under the safety oversight of the respective state. The communication shall contain, where appropriate, a request for confirmation that they are satisfied with the corrective actions taken under point (1).

Member States shall make available to EASA a monthly report on the status of follow-up actions which they have taken pursuant to ramp inspections.

A class 2 action shall be taken after inspections where category 2 or category 3 findings have been identified.

Relevant detailed instructions will be developed and published by EASA as detailed guidance material.

- 6.5. Class 3 actions: A class 3 action shall be taken after an inspection where a category 3 finding has been identified. Owing to the significance of category 3 findings with regard to their potential influence on the safety of the aircraft and its occupants, the following sub-classes have been identified:

- (1) Class 3a — Restriction on the aircraft flight operation: The competent authority performing the ramp inspection concludes that following deficiencies identified during the inspection, the aircraft may depart only under certain restrictions.
- (2) Class 3b — Corrective actions before flight: The ramp inspection identifies deficiencies which require corrective action(s) before the intended flight may take place.
- (3) Class 3c — Aircraft grounded by the inspecting national aviation authority: An aircraft is grounded in a situation where following the identification of category 3 (major) findings, the competent authority performing the ramp inspection is not satisfied that corrective measures will be taken by the aircraft operator to rectify the deficiencies before flight departure, thereby posing an immediate safety hazard to the aircraft and its occupants. In such cases, the national aviation authority performing the ramp inspection shall ground the aircraft until the hazard is removed and shall immediately inform the competent authorities of the operator concerned and of the State of registration of the aircraft.

Actions taken under paragraphs 2 and 3 may include a non-revenue positioning flight to the maintenance base.

- (4) Class 3d — Immediate operating ban: A Member State may react to an immediate and obvious safety hazard by imposing an operating ban as provided under the applicable national and Community law.

## Appendix 1

## SAFA Ramp Inspection Report



National Aviation Authority (name)

(State)

SAFA

Ramp Inspection Report

No \_\_\_\_\_

|                                  |                |                      |       |
|----------------------------------|----------------|----------------------|-------|
| Source:                          | RI             |                      |       |
| Date:                            | ____.____.____ | Place:               | _____ |
| Local time:                      | ____:____      |                      |       |
| Operator:                        | _____          | AOC Number:          | _____ |
| State:                           | _____          | Type of Operation:   | _____ |
| Route from:                      | _____          | Flight Number:       | _____ |
| Route to:                        | _____          | Flight Number:       | _____ |
| Chartered by Operator*:          | _____          | Charterer's State*:  | _____ |
| * (where applicable)             |                |                      |       |
| Aircraft Type:                   | _____          | Registration marks:  | _____ |
| Aircraft Configuration:          | _____          | Construction Number: | _____ |
| Flight crew: State of Licensing: | _____          |                      |       |
| second State of Licensing*:      | _____          |                      |       |
| * (where applicable)             |                |                      |       |

## Findings:

| Code / Std / Ref / Cat / Finding  | Detailed Description |
|-----------------------------------|----------------------|
| ____ - ____ - ____ - ____ - _____ | .....                |
| ____ - ____ - ____ - ____ - _____ | .....                |
| ____ - ____ - ____ - ____ - _____ | .....                |
| ____ - ____ - ____ - ____ - _____ | .....                |
| ____ - ____ - ____ - ____ - _____ | .....                |

## Class of actions taken:

|                                                                        | Detailed Description |
|------------------------------------------------------------------------|----------------------|
| <input type="checkbox"/> 3(d) Immediate operating ban                  | .....                |
| <input type="checkbox"/> 3(c) Aircraft grounded by inspecting NAA      | .....                |
| <input type="checkbox"/> 3(b) Corrective actions before flight         | .....                |
| <input type="checkbox"/> 3(a) Restriction on aircraft flight operation | .....                |
| <input type="checkbox"/> 2 Information to the Authority and Operator   | .....                |
| <input type="checkbox"/> 1 Information to Captain                      | .....                |

Additional information (if any)

Inspectors' names or numbers: .....

- This report represents an indication of what was found on this occasion and must not be construed as a determination that the aircraft is fit for the intended flight.
- Data submitted in this report can be subject to changes for correct wording upon entering into the SAFA database.

National Aviation Authority (Name)

(State)

| Item code                                                            | Checked                     | Remark                      |
|----------------------------------------------------------------------|-----------------------------|-----------------------------|
| <b>A. Flight Deck</b>                                                |                             |                             |
| <b>General</b>                                                       |                             |                             |
| 1. General Condition .....                                           | 1 <input type="checkbox"/>  | 1 <input type="checkbox"/>  |
| 2. Emergency Exit .....                                              | 2 <input type="checkbox"/>  | 2 <input type="checkbox"/>  |
| 3. Equipment .....                                                   | 3 <input type="checkbox"/>  | 3 <input type="checkbox"/>  |
| <b>Documentation</b>                                                 |                             |                             |
| 4. Manuals .....                                                     | 4 <input type="checkbox"/>  | 4 <input type="checkbox"/>  |
| 5. Checklists .....                                                  | 5 <input type="checkbox"/>  | 5 <input type="checkbox"/>  |
| 6. Radio Navigation Charts .....                                     | 6 <input type="checkbox"/>  | 6 <input type="checkbox"/>  |
| 7. Minimum Equipment List .....                                      | 7 <input type="checkbox"/>  | 7 <input type="checkbox"/>  |
| 8. Certificate of registration .....                                 | 8 <input type="checkbox"/>  | 8 <input type="checkbox"/>  |
| 9. Noise certificate (where applicable) .....                        | 9 <input type="checkbox"/>  | 9 <input type="checkbox"/>  |
| 10. AOC or equivalent .....                                          | 10 <input type="checkbox"/> | 10 <input type="checkbox"/> |
| 11. Radio licence .....                                              | 11 <input type="checkbox"/> | 11 <input type="checkbox"/> |
| 12. Certificate of Airworthiness (C of A) .....                      | 12 <input type="checkbox"/> | 12 <input type="checkbox"/> |
| <b>Flight data</b>                                                   |                             |                             |
| 13. Flight preparation .....                                         | 13 <input type="checkbox"/> | 13 <input type="checkbox"/> |
| 14. Weight and balance sheet .....                                   | 14 <input type="checkbox"/> | 14 <input type="checkbox"/> |
| <b>Safety Equipment</b>                                              |                             |                             |
| 15. Hand fire extinguishers .....                                    | 15 <input type="checkbox"/> | 15 <input type="checkbox"/> |
| 16. Life jackets/flotation device .....                              | 16 <input type="checkbox"/> | 16 <input type="checkbox"/> |
| 17. Harness .....                                                    | 17 <input type="checkbox"/> | 17 <input type="checkbox"/> |
| 18. Oxygen equipment .....                                           | 18 <input type="checkbox"/> | 18 <input type="checkbox"/> |
| 19. Flash Light .....                                                | 19 <input type="checkbox"/> | 19 <input type="checkbox"/> |
| <b>Flight Crew</b>                                                   |                             |                             |
| 20. Flight crew licence .....                                        | 20 <input type="checkbox"/> | 20 <input type="checkbox"/> |
| <b>Journey log book/Technical Log or equivalent</b>                  |                             |                             |
| 21. Journey Log Book, or equivalent .....                            | 21 <input type="checkbox"/> | 21 <input type="checkbox"/> |
| 22. Maintenance release .....                                        | 22 <input type="checkbox"/> | 22 <input type="checkbox"/> |
| 23. Defect notification and rectification (including Tech Log) ..... | 23 <input type="checkbox"/> | 23 <input type="checkbox"/> |
| 24. Pre-flight inspection .....                                      | 24 <input type="checkbox"/> | 24 <input type="checkbox"/> |
| <b>B. Safety/Cabin</b>                                               |                             |                             |
| 1. General Internal Condition .....                                  | 1 <input type="checkbox"/>  | 1 <input type="checkbox"/>  |
| 2. Cabin attendant's station and crew rest area .....                | 2 <input type="checkbox"/>  | 2 <input type="checkbox"/>  |
| 3. First Aid Kit/Emergency medical kit .....                         | 3 <input type="checkbox"/>  | 3 <input type="checkbox"/>  |
| 4. Hand fire extinguishers .....                                     | 4 <input type="checkbox"/>  | 4 <input type="checkbox"/>  |
| 5. Life jackets/Flotation devices .....                              | 5 <input type="checkbox"/>  | 5 <input type="checkbox"/>  |
| 6. Seat belt and seat condition .....                                | 6 <input type="checkbox"/>  | 6 <input type="checkbox"/>  |
| 7. Emergency exit, lighting and marking, Torches .....               | 7 <input type="checkbox"/>  | 7 <input type="checkbox"/>  |
| 8. Slides/Life-Rafts (as required), ELT .....                        | 8 <input type="checkbox"/>  | 8 <input type="checkbox"/>  |
| 9. Oxygen supply (Cabin Crew and Passengers) .....                   | 9 <input type="checkbox"/>  | 9 <input type="checkbox"/>  |
| 10. Safety Instructions .....                                        | 10 <input type="checkbox"/> | 10 <input type="checkbox"/> |
| 11. Cabin crew members .....                                         | 11 <input type="checkbox"/> | 11 <input type="checkbox"/> |
| 12. Access to emergency exits .....                                  | 12 <input type="checkbox"/> | 12 <input type="checkbox"/> |
| 13. Safety of passenger baggage's .....                              | 13 <input type="checkbox"/> | 13 <input type="checkbox"/> |
| 14. Seat capacity .....                                              | 14 <input type="checkbox"/> | 14 <input type="checkbox"/> |

| Item Code                                       | Checked                 | Remark                  |
|-------------------------------------------------|-------------------------|-------------------------|
| <b>C. Aircraft Condition</b>                    |                         |                         |
| 1. General external condition .....             | 1 <input type="text"/>  | 1 <input type="text"/>  |
| 2. Doors and hatches .....                      | 2 <input type="text"/>  | 2 <input type="text"/>  |
| 3. Flight controls .....                        | 3 <input type="text"/>  | 3 <input type="text"/>  |
| 4. Wheels, tyres and brakes .....               | 4 <input type="text"/>  | 4 <input type="text"/>  |
| 5. Undercarriage skids/floats .....             | 5 <input type="text"/>  | 5 <input type="text"/>  |
| 6. Wheel well .....                             | 6 <input type="text"/>  | 6 <input type="text"/>  |
| 7. Powerplant and pylon .....                   | 7 <input type="text"/>  | 7 <input type="text"/>  |
| 8. Fan blades .....                             | 8 <input type="text"/>  | 8 <input type="text"/>  |
| 9. Propellers, Rotors (main & tail) .....       | 9 <input type="text"/>  | 9 <input type="text"/>  |
| 10. Obvious repairs .....                       | 10 <input type="text"/> | 10 <input type="text"/> |
| 11. Obvious unrepaired damage .....             | 11 <input type="text"/> | 11 <input type="text"/> |
| 12. Leakage .....                               | 12 <input type="text"/> | 12 <input type="text"/> |
| <b>D. Cargo</b>                                 |                         |                         |
| 1. General condition of cargo compartment ..... | 1 <input type="text"/>  | 1 <input type="text"/>  |
| 2. Dangerous Goods .....                        | 2 <input type="text"/>  | 2 <input type="text"/>  |
| 3. Safety of cargo on board .....               | 3 <input type="text"/>  | 3 <input type="text"/>  |
| <b>E. General</b>                               |                         |                         |
| 1. General .....                                | 1 <input type="text"/>  | 1 <input type="text"/>  |

## Appendix 2

## Proof of Inspection Form

| Proof of Inspection                |  |                        |        |                                |         |                         |  |                                                                                             |  |
|------------------------------------|--|------------------------|--------|--------------------------------|---------|-------------------------|--|---------------------------------------------------------------------------------------------|--|
| Date:                              |  | Time:                  |        | Place:                         |         |                         |  | Free format<br>information of<br>inspecting NAA (logo,<br>contact details<br>tel/fax/email) |  |
| Operator:                          |  |                        | State: |                                | AOC No: |                         |  |                                                                                             |  |
| Route from:                        |  | Flight No:             |        | Route to:                      |         | Flight No               |  |                                                                                             |  |
| Flight type:                       |  | Chartered by Operator: |        | Aircraft type:                 |         | Aircraft configuration: |  |                                                                                             |  |
| Charterer's state:                 |  |                        |        | Registration mark:             |         | Construction No:        |  |                                                                                             |  |
| Flight crew state(s) of licensing: |  |                        |        | Acknowledgement of Receipt (*) |         |                         |  |                                                                                             |  |
|                                    |  |                        |        | Name: .....                    |         | Signature: .....        |  |                                                                                             |  |
|                                    |  |                        |        | Funtions: .....                |         |                         |  |                                                                                             |  |

  

| Check Remark            |                                       |  | Check Remark                                        |                                                           |  | Check Remark                |                                           |  |
|-------------------------|---------------------------------------|--|-----------------------------------------------------|-----------------------------------------------------------|--|-----------------------------|-------------------------------------------|--|
| <b>A Flight deck</b>    |                                       |  | <b>Flight crew</b>                                  |                                                           |  | <b>C Aircraft condition</b> |                                           |  |
| 1                       | General condition                     |  | 20                                                  | Flight crew licence                                       |  | 1                           | General external condition                |  |
| 2                       | Emergency exit                        |  | <b>Journey log book/Technical Log or equivalent</b> |                                                           |  | 2                           | Doors and hatches                         |  |
| 3                       | Equipment                             |  | 21                                                  | Journey log book or equivalent                            |  | 3                           | Flight controls                           |  |
|                         | Documentation                         |  | 22                                                  | Maintenance release                                       |  | 4                           | Wheels, tyres and brakes                  |  |
| 4                       | Manuals                               |  | 23                                                  | Defect notification and rectification<br>(Incl. Tech Log) |  | 3                           | Undercarriage, skids/floats               |  |
| 5                       | Checklists                            |  | 24                                                  | Pre-flight inspection                                     |  | 6                           | Wheel well                                |  |
| 6                       | Radio navigation charts               |  |                                                     |                                                           |  | 7                           | Powerplant and pylon                      |  |
| 7                       | Minimum equipment list                |  | <b>B Safety/Cabin</b>                               |                                                           |  | 8                           | Fan blades                                |  |
| 8                       | Certificate of registration           |  | 1                                                   | General internal condition                                |  | 9                           | Propellers, Rotors (main/tail)            |  |
| 9                       | Noise certificate (where applicable)  |  | 2                                                   | Cabin attendant's station and crew rest<br>area           |  | 10                          | Obvious repairs                           |  |
| 10                      | AOC or equivalent                     |  | 3                                                   | First aid kit/Emergency medical kit                       |  | 11                          | Obvious unrepaired damage                 |  |
| 11                      | Radio licence                         |  | 4                                                   | Hand fire extinguishers                                   |  | 12                          | Leakage                                   |  |
| 12                      | Certificate of Airworthiness (C of A) |  | 5                                                   | Life jackets/Flotation devices                            |  | <b>D Cargo</b>              |                                           |  |
| <b>Flight data</b>      |                                       |  | 6                                                   | Seat belt and seat condition                              |  | 1                           | General condition of cargo<br>compartment |  |
| 13                      | Flight preparation                    |  | 7                                                   | Emergency exit, lighting and marking,<br>Torches          |  | 2                           | Dangerous goods                           |  |
| 14                      | Weight and balance sheat              |  | 8                                                   | Slides/Life-Rafts (as required), ELT                      |  | 3                           | Safety of cargo on board                  |  |
| <b>Safety equipment</b> |                                       |  | 9                                                   | Oxygen Supply (Cabin Crew and<br>Passengers)              |  | <b>E General</b>            |                                           |  |
| 15                      | Hand fire extinguishers               |  | 10                                                  | Safety Instructions                                       |  | 1                           | General                                   |  |
| 16                      | Life jackets/flotation devices        |  | 11                                                  | Cabin crew members                                        |  |                             |                                           |  |
| 17                      | Harness                               |  | 12                                                  | Access to emergency exits                                 |  |                             |                                           |  |
| 18                      | Oxygen equipment                      |  | 13                                                  | Safety or passenger baggage                               |  |                             |                                           |  |
| 19                      | Flash light                           |  | 14                                                  | Seat capacity                                             |  |                             |                                           |  |

  

| Action taken                       |                                              | Item Remarks |  |
|------------------------------------|----------------------------------------------|--------------|--|
|                                    | (3c) Aircraft grounded by inspecting NAA     |              |  |
|                                    | (3b) Corrective actions before flight        |              |  |
|                                    | (3a) Restrictions on the aircraft operation  |              |  |
|                                    | (2) Informatin to the authority and operator |              |  |
|                                    | (1) Information to the captain               |              |  |
|                                    | (0) No remarks                               |              |  |
| <b>Inspector(s) sign or number</b> |                                              |              |  |
|                                    |                                              |              |  |

  

(\*) Signature by any member of the crew or other representative of the inspected operator does in no way imply acceptance of the listed findings but simply a confirmation that the aircraft has been inspected on the date an at the place indicated on this document.  
 This report represents an indication of what was found on this occasion and must not be construed as a determination that the aircraft is fit for the intended flight.  
 Data submitted in this report can be subject to changes for correct wording upon entering into the SAFA database.

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 7 April 2008

**authorising Italy to apply, in determined geographical areas, reduced rates of taxation on gas oil and LPG used for heating purposes in accordance with Article 19 of Directive 2003/96/EC**

**(Only the Italian text is authentic)**

(2008/318/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity<sup>(1)</sup>, and in particular Article 19(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(2) By letter dated 17 October 2006 the Italian authorities requested authorisation, under Article 19 of Directive 2003/96/EC, to apply within the same geographical areas reduced rates of taxation on gas oil and LPG used for heating purposes. Italy wishes to continue, after 31 December 2006, its national practice followed under the abovementioned derogation. The present authorisation is requested for the period from 1 January 2007 to 31 December 2012.

(3) Italy has a very diversified territory with variable climate and geographical conditions. In 1999 Italy raised the general level of excise duties as part of a reform of its tax system. Taking into account the particularities of its territory, Italy at the same time introduced reduced rates of taxation for gas oil and LPG with a view to partially offset excessively high heating costs borne by residents in certain geographical areas.

(1) By Article 18(1) of Directive 2003/96/EC, read in conjunction with Annex II to that Directive, Italy was authorised to apply in certain 'particularly disadvantaged areas' reduced rates of excise duty on domestic fuel and LPG used for heating. The derogation was applicable until 31 December 2006.

(4) The tax differentiation aims at putting the population of the eligible areas on a more comparable footing with the rest of the Italian population by means of reducing excessively high heating costs. For the purposes of identifying the eligible areas, Italy has based itself on objective criteria, concerning the climatic conditions of the area in question as well as access to the natural gas network. The latter criterion mirrors the degree of choice as between fuels, open to the population of the area concerned.

<sup>(1)</sup> OJ L 283, 31.10.2003, p. 51. Directive as amended by Directive 2004/75/EC (OJ L 157, 30.4.2004, p. 100).

- (5) Thus, the tax reduction is applicable in geographical areas (communes) fulfilling the following alternative criteria: (i) communes falling within climate zone F as defined in the Presidential Decree No 412 of 1993<sup>(1)</sup>, that is communes with more than 3 000 'day degrees'; (ii) communes falling within zone E as defined in the Presidential Decree No 412 of 1993, that is communes with 2 100 to 3 000 'day degrees'<sup>(2)</sup>; and (iii) Sardinia and small islands (all Italian islands apart from Sicily). Since the development of the natural gas network would to an important extent reduce the additional heating costs and would in particular improve the variety of options between fuels, available to consumers, the reduction will no longer apply in communes belonging to the second and third areas mentioned once the natural gas network is completed in the commune concerned.
- (6) The common feature of the communes in question is the additional heating costs as compared to the rest of Italy. For climate zones E and F, the tax reduction equals on average 11 to 12 % of the price of gas oil and LPG for heating purposes. The average heating costs are, due to climate conditions, 90 % higher than the national average in climate zone E and 170 % higher than the national average in climate zone F. For the islands, the additional heating costs, as compared to mainland Italy, are due to the geographical particularities of the islands, restricted fuel supply and additional transport costs, and to the higher fuel prices as a consequence, as compared to mainland Italy.
- (7) The tax reduction remains in all cases below the additional heating costs borne by the population concerned, so that there is no overcompensation in the matter. In particular the Italian authorities have stated that the tax reduction does not go beyond the extra costs incurred in zones E and F due to the colder climate. Furthermore, as far as the islands are concerned, the authorities have stated that the tax reduction does not drive the price of the fuels in question below the price of the same fuel on the mainland.
- (8) The reduced rate of taxation remains both for gas oil and LPG higher than the Community minimum levels of taxation laid down in Directive 2003/96/EC.
- (9) The measure in question applies only to the heating of rooms (both for private individuals and businesses). It does not apply for other forms of business use of the said products.
- (10) The measure has been found not to distort competition or hinder the operation of the internal market and it is not considered incompatible with Community policy on the environment, energy and transport.
- (11) Italy should therefore be authorised, pursuant to Article 19(2) of Directive 2003/96/EC, to apply a reduced rate of taxation to gas oil and LPG used for heating purposes in certain geographical areas characterised by a high level of heating costs, as indicated in the Annex to this Decision, until 31 December 2012.
- (12) It should be ensured that Italy can apply the specific reduction to which this Decision relates seamlessly following on from the situation existing before 1 January 2007, under Article 18 of Directive 2003/96/EC read in conjunction with Annex II thereto. The authorisation requested should therefore be granted with effect from 1 January 2007,
- HAS ADOPTED THIS DECISION:
- Article 1*
- Italy is hereby authorised to apply reduced rates of taxation to gas oil and LPG used for room heating purposes in certain geographical areas characterised by a high level of heating costs, as specified in the Annex.
- In order to avoid any overcompensation, the reduction must not go beyond the additional heating costs incurred in the areas in question.
- The reduced rate shall comply with the requirements of Directive 2003/96/EC, and in particular the minimum levels of taxation laid down in Article 9 thereof.
- Article 2*
- Consumption in communes situated in the areas referred to in point 2 or point 3 of the Annex hereto shall be eligible only as long as the commune concerned lacks a natural gas network.
- Article 3*
- This Decision shall apply from 1 January 2007 until 31 December 2012.
- <sup>(1)</sup> This decree divides the Italian territory into six climate zones (A to F). The classification is based on the unit 'day degrees' which represents for the conventional heating period the sum of daily average temperatures differing from the optimal 20 °C. The higher the number attributed to a commune, the lower is the average outside temperature during the heating period.
- <sup>(2)</sup> The remaining climate zones are defined in terms of 'day degrees' as follows: Zone A (below 600), Zone B (above 600, but not exceeding 900), Zone C (above 900, but not exceeding 1 400) and Zone D (above 1 400, but not exceeding 2 100).

*Article 4*

This Decision is addressed to the Italian Republic.

Done at Luxembourg, 7 April 2008.

*For the Council*

*The President*

R. ŽERJAV

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*ANNEX*

Geographical areas concerned by the Decision

- communes falling within climate zone F as established by the Presidential Decree of 26 August 1993 No 412,
  - communes falling within climate zone E as established by the Presidential Decree of 26 August 1993 No 412,
  - communes in Sardinia and in small islands (all Italian islands, except Sicily).
-

## COUNCIL DECISION

of 14 April 2008

**amending Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, 'Sisnet'**

(2008/319/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

## Article 1

Having regard to the Protocol integrating the Schengen *acquis* into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and in particular the first sentence of the second subparagraph of Article 2(1) thereof,

Council Decision 2000/265/EC<sup>(4)</sup> is hereby amended as follows:

1. Article 25(1) shall be replaced by the following:

Whereas:

'1. Budget revenue shall consist of financial contributions from the following Member States: Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom, as well as Iceland, Norway and Switzerland.';

(1) The Deputy Secretary-General of the Council was authorised by Decision 1999/870/EC<sup>(1)</sup> and Decision 2007/149/EC<sup>(2)</sup> to act, in the context of the integration of the Schengen *acquis* within the European Union, as representative of certain Member States for the purposes of concluding contracts relating to the installation and the functioning of the communication infrastructure for the Schengen environment (SISNET) and to manage such contracts, pending its migration to a communication infrastructure at the charge of the European Community.

2. Article 26 shall be replaced by the following:

## 'Article 26

The states referred to in Article 25 shall supply their financial contributions to the Deputy Secretary-General.

(2) The financial obligations arising under those contracts are borne by a specific budget (hereinafter the SISNET Budget) financing the communication infrastructure referred to in those Council Decisions.

The scale of contributions to be paid by the Member States referred to in Article 25, on the one hand, and by Iceland, Norway and Switzerland, on the other hand, shall be calculated annually on the basis of the share of each Member State concerned and of Iceland, Norway and Switzerland, in the total gross domestic product (GDP) for the preceding year of all the States referred to in Article 25. The scale of contributions by the Member States concerned shall be calculated annually, taking into account the contributions of Iceland, Norway and Switzerland, on the basis of the ratio of the VAT resources paid by each of those Member States to the total VAT resources of the European Communities, as established in the last amendment of the budget of the Union during the preceding financial year.

(3) The Swiss Confederation is to participate in the provisions of the Schengen *acquis* related to the Schengen Information System from a date to be set by the Council in accordance with Article 15(1) of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*<sup>(3)</sup>.

The additional costs resulting from the extension of the communication infrastructure to the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia shall not be borne by Ireland or the United Kingdom.';

(4) From that date, the Swiss Confederation should participate in the SISNET Budget,

<sup>(1)</sup> OJ L 337, 30.12.1999, p. 41.

<sup>(2)</sup> OJ L 66, 6.3.2007, p. 19.

<sup>(3)</sup> OJ L 53, 27.2.2008, p. 52.

<sup>(4)</sup> OJ L 85, 6.4.2000, p. 12. Decision as last amended by Decision 2007/155/EC (OJ L 68, 8.3.2007, p. 5).

3. the following paragraph shall be added to Article 28:

‘4. By way of derogation from paragraph 1, and without prejudice to Article 49, Switzerland shall be required to pay its initial contribution by 1 July 2008.’.

*Article 2*

This Decision shall take effect from the date of its adoption.

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

Done at Luxembourg, 14 April 2008.

*For the Council*

*The President*

I. JARC

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# COMMISSION

## COMMISSION DECISION

of 25 March 2008

**determining the quantities of methyl bromide permitted to be used for critical uses in the Community from 1 January to 31 December 2008 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council on Substances that Deplete the Ozone Layer**

*(notified under document number C(2008) 1053)*

**(Only the Polish and Spanish texts are authentic)**

(2008/320/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on Substances that Deplete the Ozone Layer <sup>(1)</sup> and in particular Article 3(2)(ii) thereof,

Whereas:

of the nomination. Furthermore, the production and consumption, if any, of methyl bromide for critical uses should be permitted only if all technically and economically feasible steps have been taken to minimise the critical use and any associated emission of methyl bromide. An applicant should also demonstrate that an appropriate effort is being made to evaluate, commercialise and secure national regulatory approval of alternatives and substitutes; and that research programmes are in place to develop and deploy alternatives and substitutes.

(3) The Commission received six proposals for critical uses of methyl bromide from two Member States totalling 245 146 kg, i.e. from Poland (12 995 kg) and Spain (232 151 kg).

(1) Articles 3(2)(i)(d) and 4(2)(i)(d) of Regulation (EC) No 2037/2000 prohibit the production, import and placing on the market of methyl bromide for all uses after 31 December 2004 except, among others <sup>(2)</sup>, for critical uses in accordance with Article 3(2)(ii) and with the criteria set out in Decision IX/6 of the Parties to the Montreal Protocol, together with any other relevant criteria agreed by the Parties. Exemptions for critical uses are intended to be limited derogations to allow a short period of time for the adoption of alternatives.

(2) Decision IX/6 states that methyl bromide should qualify as 'critical' only if the applicant determines that the lack of availability of methyl bromide for that specific use would result in a significant market disruption; and that there are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and health and are suitable to the crops and circumstances

(4) The Commission applied the criteria contained within Decision IX/6 and Article 3(2)(ii) of Regulation (EC) No 2037/2000 in order to determine the amount of methyl bromide that is eligible to be licensed for critical uses in 2008. The Commission in consultation with Member States found that adequate alternatives were available in the Community and had become more prevalent in many Parties to the Montreal Protocol in the period since the critical use proposals were compiled by Member States. As a result, the Commission determined that 212 671 kg of methyl bromide can be used in 2008 to satisfy critical uses in each of the Member States that had requested the use of methyl bromide. This amount equates to 1,1 % of 1991 consumption of methyl bromide in the European Community and indicates that more than 98,9 % of the methyl bromide has been replaced by alternatives. The critical-use categories are in line with those defined in Table A of Decision XIX/9 at the Nineteenth Meeting of the Parties to the Montreal Protocol <sup>(3)</sup>.

<sup>(1)</sup> OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Commission Decision 2007/540/EC (OJ L 198, 31.7.2007, p. 35).

<sup>(2)</sup> Other uses are for quarantine and pre-shipment, as feedstock and for laboratory and analytical uses.

<sup>(3)</sup> UNEP/OzL.Pro.19/7: Report of the Nineteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, held on 17 to 21 September 2007 in Montreal: [http://ozone.unep.org/Meeting\\_Documents/mop/index.shtml](http://ozone.unep.org/Meeting_Documents/mop/index.shtml)

- (5) Article 3(2)(ii) requires the Commission to also determine which users may take advantage of the critical use exemption. As Article 17(2) requires Member States to define the minimum qualification requirements for personnel involved in the application of methyl bromide and, as fumigation is the only use, the Commission determined that methyl bromide fumigators are the only users proposed by the Member State and authorised by the Commission to use methyl bromide for critical uses. Fumigators are qualified to apply it safely; Member States have put in place procedures to identify fumigators within their territory that are permitted to use methyl bromide for critical uses.
- (6) Decision IX/6 states that production and consumption of methyl bromide for critical uses should be permitted only if methyl bromide is not available from existing stocks of banked or recycled methyl bromide. Article 3(2)(ii) states that production and importation of methyl bromide shall be allowed only if no recycled or reclaimed methyl bromide is available from any of the Parties. In accordance with Decision IX/6 and Article 3(2)(ii), the Commission determined that 6 296,744 kg of stocks were available for critical uses.
- (7) Article 4(2)(ii) states that, subject to Article 4(4), the placing on the market and the use of methyl bromide by undertakings other than producers and importers shall be prohibited after 31 December 2005. Article 4(4) states that Article 4(2) shall not apply to the placing on the market and use of controlled substances if they are used to meet the licensed requests for critical uses of those users identified as laid down in Article 3(2).

Therefore, in addition to producers and importers, fumigators that are registered by the Commission in 2008 would be authorised to place methyl bromide on the market, and to use it for critical uses, after 31 December 2007. A fumigator typically requests an importer for both the importation and supply of methyl bromide. Fumigators registered for critical uses by the Commission in 2007 would be permitted to carry over to 2008 any remaining methyl bromide that had not been used in 2007 (referred to as stocks). The European Commission has put in place licensing procedures to deduct such stocks of methyl bromide before any additional methyl bromide is imported or

produced to meet the licensed requests for critical uses in 2008.

- (8) As critical uses of methyl bromide apply from 1 January 2008, and for the purpose of ensuring that interested companies and operators may benefit from the licensing system, it is appropriate that this present decision shall apply from that date.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Regulation (EC) No 2037/2000,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Kingdom of Spain and the Republic of Poland shall be permitted to use a total of 212 671 kg of methyl bromide for critical uses from 1 January to 31 December 2008 for the specific quantities and categories of use described in Annexes 1-2.

#### *Article 2*

Stocks declared available for critical uses by the competent authority of each Member State shall be deducted from the amount that can be imported or produced to satisfy critical uses in that Member State.

#### *Article 3*

This Decision shall apply from 1 January 2008 and shall expire on 31 December 2008.

#### *Article 4*

This Decision is addressed to the Kingdom of Spain and the Republic of Poland.

Done at Brussels, 25 March 2008.

*For the Commission*

Stavros DIMAS

*Member of the Commission*

## ANNEX I

## THE KINGDOM OF SPAIN

| Categories of permitted critical uses         | Kg      |
|-----------------------------------------------|---------|
| Strawberry runners (Grown at high elevations) | 200 000 |
| Cut-flowers (research only)                   | 25      |
| Strawberry fruit and pepper (research only)   | 151     |
| Total                                         | 200 176 |

Stocks of methyl bromide available for critical uses in the Member State = 6 288,12 kg.

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## ANNEX II

## THE REPUBLIC OF POLAND

| Categories of permitted critical uses | kg     |
|---------------------------------------|--------|
| Strawberry runners                    | 11 995 |
| Coffee beans                          | 500    |
| Total                                 | 12 495 |

Stocks of methyl bromide available for critical uses in the Member State = 8,624 kg.

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## COMMISSION DECISION

of 8 April 2008

**excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and under the European Agricultural Guarantee Fund (EAGF)**

*(notified under document number C(2008) 1283)***(Only the Czech, Danish, Dutch, English, French, German, Italian, Portuguese and Spanish texts are authentic)**

(2008/321/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

which has been incurred in a way that has not infringed Community rules may be financed.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy <sup>(1)</sup>, and in particular Article 7(4) thereof,

- (4) In the light of the verifications carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil this requirement and cannot, therefore, be financed under the EAGGF Guarantee Section and the European Agricultural Guarantee Fund, hereinafter referred to as EAGF.

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy <sup>(2)</sup>, and in particular Article 31 thereof,

- (5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section and the EAGF should be indicated. Those amounts do not relate to expenditure incurred more than twenty-four months before the Commission's written notification of the results of the verifications to the Member States.

Having consulted the Committee on the Agricultural Funds,

Whereas:

- (1) Under Article 7(4) of Regulation (EC) No 1258/1999, and Article 31 of Regulation (EC) No 1290/2005, the Commission is to carry out the necessary verifications, communicate to the Member States the results of these verifications, take note of the comments of the Member States, initiate a bilateral discussion so that an agreement may be reached with the Member States in question, and formally communicate its conclusions to them.

- (6) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States in a summary report on the subject.

- (2) The Member States have had an opportunity to request the launch of a conciliation procedure. That opportunity has been used in some cases and the report issued on the outcome has been examined by the Commission.

- (7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 15 December 2007 and relating to its content,

HAS ADOPTED THIS DECISION:

- (3) Under Regulation (EC) No 1258/1999 and Regulation (EC) No 1290/2005, only agricultural expenditure

*Article 1*

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section or under the EAGF shall be excluded from Community financing because it does not comply with Community rules.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(2)</sup> OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 1437/2007 (OJ L 322, 7.12.2007, p. 1).

*Article 2*

This Decision is addressed to the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria and the Portuguese Republic.

Done at Brussels, 8 April 2008.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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## ANNEX

## Budget item 6701

| MS | Measure                            | FY   | Reason for correction                                                | Type      | %               | Currency | Amount                 | Deductions already made | Financial impact       |
|----|------------------------------------|------|----------------------------------------------------------------------|-----------|-----------------|----------|------------------------|-------------------------|------------------------|
| AT | Financial audit — Overshooting     | 2004 | Overshooting of financial ceilings                                   | one-off   |                 | EUR      | - 61 104,20            | 0,00                    | - 61 104,20            |
|    |                                    |      |                                                                      |           | <b>TOTAL AT</b> |          | <b>- 61 104,20</b>     | <b>0,00</b>             | <b>- 61 104,20</b>     |
| CZ | Financial audit — Overshooting     | 2006 | Overshooting of financial ceilings                                   | one-off   |                 | CZK      | - 358 046,95           | 0,00                    | - 358 046,95           |
|    |                                    |      |                                                                      |           | <b>TOTAL CZ</b> |          | <b>- 358 046,95</b>    | <b>0,00</b>             | <b>- 358 046,95</b>    |
| DE | RD guarantee accompanying measures | 2003 | Overshooting of ceilings                                             | one-off   |                 | EUR      | - 4 256 495,00         | 0,00                    | - 4 256 495,00         |
| DE | Financial audit — Late payments    | 2006 | Late payments                                                        | one-off   |                 | EUR      | - 80 851,39            | - 80 851,39             | 0,00                   |
|    |                                    |      |                                                                      |           | <b>TOTAL DE</b> |          | <b>- 4 337 346,39</b>  | <b>- 80 851,39</b>      | <b>- 4 256 495,00</b>  |
| DK | Milk powder for casein             | 2002 | Non-respect of all requirements concerning production process        | one-off   |                 | DKK      | - 8 915,00             | 0,00                    | - 8 915,00             |
| DK | Milk powder for casein             | 2003 | Non-respect of all requirements concerning production process        | one-off   |                 | DKK      | - 157 528,05           | 0,00                    | - 157 528,05           |
| DK | Milk powder for casein             | 2004 | Non-respect of all requirements concerning production process        | one-off   |                 | DKK      | - 98 154,15            | 0,00                    | - 98 154,15            |
|    |                                    |      |                                                                      |           | <b>TOTAL DK</b> |          | <b>- 264 597,20</b>    | <b>0,00</b>             | <b>- 264 597,20</b>    |
| ES | Certification                      | 2004 | Non-recovered debts                                                  | one-off   |                 | EUR      | - 1 882 525,15         | 0,00                    | - 1 882 525,15         |
| ES | Fruit and veg — Bananas            | 2004 | Weaknesses (frequency and sampling) in second level quality controls | flat rate | 2,00            | EUR      | - 948 158,64           | 0,00                    | - 948 158,64           |
| ES | Fruit and veg — Bananas            | 2005 | Weaknesses (frequency and sampling) in second level quality controls | flat rate | 2,00            | EUR      | - 1 394 194,02         | 0,00                    | - 1 394 194,02         |
| ES | Fruit and veg — Bananas            | 2006 | Weaknesses (frequency and sampling) in second level quality controls | flat rate | 2,00            | EUR      | - 406 510,05           | 0,00                    | - 406 510,05           |
| ES | Wine Distillation                  | 2003 | Weaknesses in the control of the prohibition of any vine plantations | flat rate | 10,00           | EUR      | - 25 824 435,94        | 0,00                    | - 25 824 435,94        |
| ES | Wine Distillation                  | 2004 | Weaknesses in the control of the prohibition of any vine plantations | flat rate | 10,00           | EUR      | - 29 124 759,86        | 0,00                    | - 29 124 759,86        |
|    |                                    |      |                                                                      |           | <b>TOTAL ES</b> |          | <b>- 59 580 583,66</b> | <b>0,00</b>             | <b>- 59 580 583,66</b> |

| MS              | Measure                            | FY   | Reason for correction                                                                                                                          | Type      | %    | Currency | Amount                 | Deductions already made | Financial impact       |
|-----------------|------------------------------------|------|------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------|----------|------------------------|-------------------------|------------------------|
| FR              | Fruit and veg — Bananas            | 2004 | Non-respect of certain recognition criteria by producer organisations                                                                          | flat rate | 5,00 | EUR      | - 780,11               |                         | - 780,11               |
| FR              | Fruit and veg — Bananas            | 2005 | Non-respect of certain recognition criteria by producer organisations                                                                          | flat rate | 5,00 | EUR      | - 4 958 177,57         | 0,00                    | - 4 958 177,57         |
| FR              | Fruit and veg — Bananas            | 2006 | Non-respect of certain recognition criteria by producer organisations                                                                          | flat rate | 5,00 | EUR      | - 2 263 498,77         | 0,00                    | - 2 263 498,77         |
| FR              | Fruit and veg — Bananas            | 2007 | Non-respect of certain recognition criteria by producer organisations                                                                          | flat rate | 5,00 | EUR      | - 3 775 871,38         | 0,00                    | - 3 775 871,38         |
| FR              | Public storage of sugar            | 2005 | Ineligible quantity declared                                                                                                                   | one-off   |      | EUR      | - 535 626,90           | 0,00                    | - 535 626,90           |
| FR              | Public storage of sugar            | 2006 | Ineligible quantity declared                                                                                                                   | one-off   |      | EUR      | 475 793,12             | 0,00                    | 475 793,12             |
| FR              | Tobacco premiums                   | 2004 | Non-application of sanctions                                                                                                                   | one-off   |      | EUR      | - 9 947,35             | 0,00                    | - 9 947,35             |
| FR              | Tobacco premiums                   | 2005 | Non-application of sanctions                                                                                                                   | one-off   |      | EUR      | - 38 983,31            | 0,00                    | - 38 983,31            |
| FR              | Tobacco premiums                   | 2006 | Non-application of sanctions                                                                                                                   | one-off   |      | EUR      | - 85 816,53            | 0,00                    | - 85 816,53            |
| <b>TOTAL FR</b> |                                    |      |                                                                                                                                                |           |      |          | <b>- 11 192 908,80</b> | <b>0,00</b>             | <b>- 11 192 908,80</b> |
| IE              | Milk powder for casein             | 2003 | Weaknesses in sampling procedure of production batches                                                                                         | flat rate | 2,00 | EUR      | - 209 164,22           | 0,00                    | - 209 164,22           |
| IE              | Milk powder for casein             | 2004 | Weaknesses in sampling procedure of production batches                                                                                         | flat rate | 2,00 | EUR      | - 423 850,43           | 0,00                    | - 423 850,43           |
| IE              | Milk powder for casein             | 2005 | Weaknesses in sampling procedure of production batches                                                                                         | flat rate | 2,00 | EUR      | - 131 507,65           | 0,00                    | - 131 507,65           |
| <b>TOTAL IE</b> |                                    |      |                                                                                                                                                |           |      |          | <b>- 764 522,30</b>    | <b>0,00</b>             | <b>- 764 522,30</b>    |
| IT              | Export refunds                     | 2003 | Lack of information about physical checks                                                                                                      | flat rate | 5,00 | EUR      | - 30 905,27            | 0,00                    | - 30 905,27            |
| IT              | Financial audit — Late payments    | 2004 | Late payments                                                                                                                                  | one-off   |      | EUR      | - 308 289,90           | 0,00                    | - 308 289,90           |
| IT              | RD guarantee accompanying measures | 2003 | Administrative checks not carried out exhaustively in breach of Article 68 of Regulation (EC) No 817/2004; on-the-spot checks not satisfactory | flat rate | 5,00 | EUR      | - 428 284,00           | 0,00                    | - 428 284,00           |

| MS              | Measure                            | FY   | Reason for correction                                                                                                                          | Type      | %    | Currency | Amount                | Deductions already made | Financial impact      |
|-----------------|------------------------------------|------|------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------|----------|-----------------------|-------------------------|-----------------------|
| IT              | RD guarantee accompanying measures | 2003 | On-the-spot checks carried out too late in breach of Article 61 of Regulation (EC) No 445/2002                                                 | flat rate | 5,00 | EUR      | - 2 985 884,00        | 0,00                    | - 2 985 884,00        |
| IT              | RD guarantee accompanying measures | 2004 | Administrative checks not carried out exhaustively in breach of Article 68 of Regulation (EC) No 817/2004; on-the-spot checks not satisfactory | flat rate | 5,00 | EUR      | - 754 180,00          | 0,00                    | - 754 180,00          |
| IT              | RD guarantee accompanying measures | 2004 | On-the-spot checks carried out too late in breach of Article 61 of Regulation (EC) No 445/2002                                                 | flat rate | 5,00 | EUR      | - 32 396,00           | 0,00                    | - 32 396,00           |
| IT              | RD guarantee accompanying measures | 2005 | On-the-spot checks carried out too late in breach of Article 61 of Regulation (EC) No 445/2002                                                 | flat rate | 5,00 | EUR      | - 54 645,00           | 0,00                    | - 54 645,00           |
| IT              | RD guarantee accompanying measures | 2006 | On-the-spot checks carried out too late in breach of Article 61 of Regulation (EC) No 445/2002                                                 | flat rate | 5,00 | EUR      | - 58 709,00           | 0,00                    | - 58 709,00           |
| <b>TOTAL IT</b> |                                    |      |                                                                                                                                                |           |      |          | <b>- 4 653 293,17</b> | <b>0,00</b>             | <b>- 4 653 293,17</b> |
| LU              | Financial audit — Late payments    | 2006 | Late payments                                                                                                                                  | one-off   |      | EUR      | 0,00                  | - 14 516,49             | 14 516,49             |
| LU              | Financial audit — Overshooting     | 2006 | Overshooting of financial ceilings                                                                                                             | one-off   |      | EUR      | - 1 107 241,81        | - 1 107 241,81          | 0,00                  |
| LU              | RD guarantee accompanying measures | 2004 | Weaknesses in the main and secondary controls                                                                                                  | flat rate | 5,00 | EUR      | - 484 845,00          | 0,00                    | - 484 845,00          |
| LU              | RD guarantee accompanying measures | 2005 | Weaknesses in the main and secondary controls                                                                                                  | flat rate | 5,00 | EUR      | - 479 643,00          | 0,00                    | - 479 643,00          |
| <b>TOTAL LU</b> |                                    |      |                                                                                                                                                |           |      |          | <b>- 2 071 729,81</b> | <b>- 1 121 758,30</b>   | <b>- 949 971,51</b>   |
| NL              | Financial audit — Overshooting     | 2005 | Overshooting of financial ceilings                                                                                                             | one-off   |      | EUR      | - 7 905,99            | 0,00                    | - 7 905,99            |
| <b>TOTAL NL</b> |                                    |      |                                                                                                                                                |           |      |          | <b>- 7 905,99</b>     | <b>0,00</b>             | <b>- 7 905,99</b>     |
| PT              | Financial audit — Overshooting     | 2006 | Overshooting of financial ceilings                                                                                                             | one-off   |      | EUR      | - 271 398,38          | 0,00                    | - 271 398,38          |
| <b>TOTAL PT</b> |                                    |      |                                                                                                                                                |           |      |          | <b>- 271 398,38</b>   | <b>0,00</b>             | <b>- 271 398,38</b>   |

## COMMISSION DECISION

of 18 April 2008

**prolonging the validity of Decision 2006/502/EC requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters**

*(notified under document number C(2008) 1442)***(Text with EEA relevance)**

(2008/322/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety <sup>(1)</sup>, and in particular Article 13 thereof,

Whereas:

- (1) Commission Decision 2006/502/EC <sup>(2)</sup> requires Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters.
- (2) Decision 2006/502/EC was adopted in accordance with the provisions of Article 13 of Directive 2001/95/EC, which restricts the validity of the Decision to a period not exceeding one year, but allows it to be confirmed for additional periods none of which shall exceed one year.
- (3) Decision 2006/502/EC was amended by Decision 2007/231/EC which for the first time prolonged the validity of the Decision for a further year until 11 May 2008.
- (4) In the light of the experience acquired so far and the progress made in view of an alternative solution regarding the child safety of lighters, it is necessary to prolong the validity of the Decision for a further 12 months.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Directive 2001/95/EC,

HAS ADOPTED THIS DECISION:

*Article 1*

In Decision 2006/502/EC, Article 6(2) is replaced by the following: 'This Decision shall apply until 11 May 2009.'

*Article 2*

Member States shall take the necessary measures to comply with this Decision by 11 May 2008 at the latest and shall publish those measures. They shall forthwith inform the Commission thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 April 2008.

*For the Commission*

Meglena KUNEVA

*Member of the Commission*

<sup>(1)</sup> OJ L 11, 15.1.2002, p. 4.

<sup>(2)</sup> OJ L 198, 20.7.2006, p. 41. Decision as amended by Decision 2007/231/EC (OJ L 99, 14.4.2007, p. 16).