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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1054/2008

of 27 October 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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 October 2008.

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

Done at Brussels, 27 October 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	106,4
	MA	44,4
	MK	35,9
	TR	70,0
	ZZ	64,2
0707 00 05	JO	162,5
	TR	131,2
	ZZ	146,9
0709 90 70	TR	134,0
	ZZ	134,0
0805 50 10	AR	108,8
	MA	95,3
	TR	96,6
	ZA	85,2
	ZZ	96,5
0806 10 10	BR	231,8
	TR	117,8
	US	240,8
	ZZ	196,8
0808 10 80	CA	96,2
	CN	90,8
	MK	37,6
	NZ	74,2
	US	144,3
	ZA	88,8
	ZZ	88,7
0808 20 50	CL	60,3
	CN	64,9
	TR	125,5
	ZA	94,6
	ZZ	86,3

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

COMMISSION REGULATION (EC) No 1055/2008**of 27 October 2008****implementing Regulation (EC) No 184/2005 of the European Parliament and of the Council, as regards quality criteria and quality reporting for balance of payments statistics**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Regulation (EC) No 184/2005 establishes a common framework for the systematic production of Community statistics concerning balance of payments, international trade in services and foreign direct investment.
- (2) It is necessary to specify the common quality standards, as well as the content and periodicity of the quality reports, in accordance with Article 4(3) of Regulation (EC) No 184/2005.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Balance of Payments Committee set up by Regulation (EC) No 184/2005,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall supply on an annual basis a quality report drawn up in accordance with the rules laid down in the Annex.

Article 2

Member States shall supply their quality reports by 30 November every year.

Article 3

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

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

Done at Brussels, 27 October 2008.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 35, 8.2.2005, p. 23.

ANNEX

1. Introduction

The quality report shall contain both quantitative and qualitative indicators of quality. The Commission (Eurostat) shall provide the results of the quantitative indicators for each Member State, calculated on the basis of data provided. Member States shall interpret and comment them, in the light of their collection methodology.

2. Timeline

- Every year, the Commission (Eurostat) shall supply the Member States by the end of October with draft documents for quality reports, partially pre-filled with most quantitative indicators and other information available to the Commission (Eurostat).
- Every year, Member States shall supply the Commission (Eurostat) by 30 November with the completed quality reports.

3. Quality criteria

The following quality criteria have been identified as relevant: timeliness and coverage of data, methodological soundness, stability, plausibility, consistency and accuracy. The component 'accuracy', though conceptually relevant, will be treated separately, as a side-component, as it is related to quality on the input side.

3.1. Timeliness and coverage of data transmitted to the Commission (Eurostat)

This component refers to adherence to the deadlines for data transmission as well as availability of data according to the reference periods and geographical, item and activity breakdowns.

3.2. Methodological soundness

Methodological soundness refers to compliance with internationally accepted standards, guidelines and good practices.

This component will include a limited number of questions, varying from year to year, in the area of methodology, and will focus on compliance with internationally agreed standards. Member States will also describe the major methodological changes that have taken place during the reference period and how they affect the data quality.

3.3. Stability

Stability refers to the closeness of the initial estimated value to the final value.

This consists of examining the size of the revisions, their direction and the conformity between the trends derived from the initial and final estimates.

3.4. Plausibility

Plausibility refers to the absence of unexplained changes.

Member States shall evaluate their internal control procedures (strengths and weaknesses) and describe further plans for improvement.

3.5. Consistency

Consistency analyses coherence both within the dataset delivered (internal consistency) and with other relevant datasets of a similar nature (external consistency).

3.6. Accuracy

Accuracy refers to the closeness of the (final) estimate to the true population value.

It will contain a descriptive analysis of the main challenges to improve data coverage, based on a set of parameters. This criterion will be treated as an additional quality component and will not be taken into account for the overall quality assessment.

COMMISSION REGULATION (EC) No 1056/2008

of 27 October 2008

amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, in particular Article 80(2) thereof,

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽¹⁾, and in particular Article 5(5) thereof,

Whereas:

(1) In accordance with Article 7(6) of Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks ⁽²⁾, the European Aviation Safety Agency (hereinafter the Agency) has made an evaluation of the implication of the provisions of Annex I (Part-M) to that Regulation.

(2) The Agency has concluded that the current provisions of Annex I (Part-M) to Regulation (EC) No 2042/2003 are too stringent for aircraft not involved in commercial air transport, in particular for aircraft that are not classified as 'complex motor-powered aircraft'.

(3) Due to the expiration of the period during which Member States had the possibility to apply derogation for aircraft not involved in commercial air transport, as provided in Article 7(3)(a) of Regulation (EC) No 2042/2003, which most Member States have actually applied, the provisions of Annex I (Part-M) shall be fully applied in all Member States from 28 September 2008, unless changes are adopted in due time.

(4) The Agency has advised making significant amendments to Regulation (EC) No 2042/2003, and in particular to Annex I (Part-M) thereof, in order to adapt the existing requirements to the complexity of the different categories of aircraft and the types of operations without impairing the level of safety.

(5) In order to allow the competent authorities of the Member States and the interested parties to become sufficiently acquainted with the new requirements of Part M, and to adapt themselves thereto, Member States should be allowed to defer the application of Part M to aircraft not involved in commercial air transport for an additional period of one or two years, depending on the provisions concerned.

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

(7) The provisions of this Regulation take into account the Communication from the Commission of 11 January 2008, 'An Agenda for sustainable Future in General and Business Aviation' ⁽³⁾.

(8) The measures provided for in this Regulation are based on the opinion issued by the Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

1. In Article 2 the following points (k) and (l) are added:

'(k) "ELA1 aircraft" means the following European Light Aircraft:

- (i) an aeroplane, sailplane or powered sailplane with a Maximum Take-off Mass (MTOM) less than 1 000 kg that is not classified as complex motor-powered aircraft;

⁽¹⁾ OJ L 79, 19.3.2008, p. 1.

⁽²⁾ OJ L 315, 28.11.2003, p. 1.

⁽³⁾ COM(2007) 869 final.

(ii) a balloon with a maximum design lifting gas or hot air volume of not more than 3 400 m³ for hot air balloons, 1 050 m³ for gas balloons, 300 m³ for tethered gas balloons;

(iii) an airship designed for not more than two occupants and a maximum design lifting gas or hot air volume of not more than 2 500 m³ for hot air airships and 1 000 m³ for gas airships;

(l) "LSA aircraft" means a light sport aeroplane which has all of the following characteristics:

(i) a Maximum Take-off Mass (MTOM) of not more than 600 kg;

(ii) a maximum stalling speed in the landing configuration (VS0) of not more than 45 knots Calibrated Airspeed (CAS) at the aircraft's maximum certificated take-off mass and most critical centre of gravity;

(iii) a maximum seating capacity of no more than two persons, including the pilot;

(iv) a single, non-turbine engine fitted with a propeller;

(v) a non-pressurised cabin.'

2. In Article 3, the following paragraph 4 is added:

'4. For aircraft not used in commercial air transport, any airworthiness review certificate or equivalent document issued in accordance with the Member State requirements and valid on 28 September 2008 shall be valid until its expiration date or until 28 September 2009, whichever comes first. After the expiration of its validity, the competent authority may further re-issue or extend one time the airworthiness review certificate or equivalent document for one year, if allowed by the Member State requirements. Upon further expiration, the competent authority may further re-issue or extend one more time the airworthiness review certificate or equivalent document for one year, if allowed by the Member State requirements. No further re-issuance or extension is allowed. If the provisions of this point have been used, when transferring the registration of the aircraft within the EU, a new airworthiness review certificate shall be issued in accordance with M.A.904.'

3. In Article 4, the following point 4 is added:

'4. Certificates of release to service and authorised release certificates issued before the date of entry into force of this Regulation by a maintenance organisation approved under the Member State requirements shall be deemed equivalent to those required under points M.A.801 and M.A.802 of Annex I (Part-M) respectively.'

4. In Article 5 paragraph 1 is replaced by the following:

'1. Certifying staff shall be qualified in accordance with the provisions of Annex III, except as provided for in points M.A.606(h), M.A.607(b), M.A.801(d) and M.A.803 of Annex I and in point 145.A.30(j) of Annex II (Part 145) and Appendix IV to Annex II (Part 145).'

5. Article 7 is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. By way of derogation from paragraph 1:

(a) the provisions of Annex I, except for points M.A.201(h)(2) and M.A.708(c), shall apply from 28 September 2005;

(b) point M.A.201(f) of Annex I shall apply to aircraft not involved in commercial air transport operated by third country carriers as from 28 September 2009.'

(b) paragraph 3 is amended as follows:

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

'(a) the provisions of Annex I to aircraft not involved in commercial air transport, until 28 September 2009;'

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

'(g) for aircraft not involved in commercial air transport other than large aircraft, the need to comply with Annex III (Part 66) in the following provisions, until 28 September 2010:

— M.A.606(g) and M.A.801(b)2 of Annex I (Part-M),

— 145.A.30(g) and (h) of Annex II (Part-145).'

6. Annexes I and II are amended in accordance with 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*.

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

Done at Brussels, 27 October 2008.

For the Commission

Antonio TAJANI

Vice-President

ANNEX

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

(1) In point M.1, paragraph 4, the following point (iii) is added:

‘(iii) By derogation from paragraph 4(i), when the continuing airworthiness of an aircraft not used in commercial air transport is managed by a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M) not subject to the oversight of the Member State of registry, and only if agreed with the Member State of registry prior to the approval of the maintenance programme:

(a) the authority designated by the Member State responsible for the oversight of the continuing airworthiness management organisation, or

(b) the Agency if the continuing airworthiness management organisation is located in a third country.’

(2) In point M.A.201, paragraph (e) is replaced by the following:

‘(e) In order to satisfy the responsibilities of paragraph (a),

(i) the owner of an aircraft may contract the tasks associated with continuing airworthiness to a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M). In this case, the continuing airworthiness management organisation assumes responsibility for the proper accomplishment of these tasks.

(ii) An owner who decides to manage the continuing airworthiness of the aircraft under its own responsibility, without a contract in accordance with Appendix I, may nevertheless make a limited contract with a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M), for the development of the maintenance programme and its approval in accordance with point M.A.302. In that case, the limited contract transfers the responsibility for the development and approval of the maintenance programme to the contracted continuing airworthiness management organisation.’

(3) In point M.A.201, paragraph (i), the introductory phrase is replaced by the following: ‘When an operator is requested by a Member State to hold a certificate for commercial operations, other than for commercial air transport, it shall.’

(4) In point M.A.202, paragraph (a) is replaced by the following:

‘(a) Any person or organisation responsible in accordance with point M.A.201 shall report to the competent authority designated by the State of Registry, the organisation responsible for the type design or supplemental type design and, if applicable, the Member State of operator, any identified condition of an aircraft or component which endangers flight safety.’

(5) Point M.A.302 is replaced by the following:

‘M.A.302 Aircraft Maintenance Programme

(a) Maintenance of each aircraft shall be organised in accordance with an aircraft maintenance programme.

(b) The aircraft maintenance programme and any subsequent amendments shall be approved by the competent authority.

(c) When the continuing airworthiness of the aircraft is managed by a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M), the aircraft maintenance programme and its amendments may be approved through an indirect approval procedure.

(i) In that case, the indirect approval procedure shall be established by the continuing airworthiness management organisation as part of the Continuing Airworthiness Management Exposition and shall be approved by the competent authority responsible for that continuing airworthiness management organisation.

- (ii) The continuing airworthiness management organisation shall not use the indirect approval procedure when this organisation is not under the oversight of the Member State of Registry, unless an agreement exists in accordance with point M.1, paragraph 4(ii) or 4(iii), as applicable, transferring the responsibility for the approval of the aircraft maintenance programme to the competent authority responsible for the continuing airworthiness management organisation.
- (d) The aircraft maintenance programme must establish compliance with:
 - (i) instructions issued by the competent authority;
 - (ii) instructions for continuing airworthiness issued by the holders of the type certificate, restricted type-certificate, supplemental type-certificate, major repair design approval, ETSO authorisation or any other relevant approval issued under Regulation (EC) No 1702/2003 and its Annex (Part-21);
 - (iii) additional or alternative instructions proposed by the owner or the continuing airworthiness management organisation once approved in accordance with point M.A.302, except for intervals of safety related tasks referred in paragraph (e), which may be escalated, subject to sufficient reviews carried out in accordance with paragraph (g) and only when subject to direct approval in accordance with point M.A.302(b).
- (e) The aircraft maintenance programme shall contain details, including frequency, of all maintenance to be carried out, including any specific tasks linked to the type and the specificity of operations.
- (f) For large aircraft, when the maintenance programme is based on maintenance steering group logic or on condition monitoring, the aircraft maintenance programme shall include a reliability programme.
- (g) The aircraft maintenance programme shall be subject to periodic reviews and amended accordingly when necessary. These reviews shall ensure that the programme continues to be valid in light of the operating experience and instructions from the competent authority whilst taking into account new and/or modified maintenance instructions promulgated by the type certificate and supplementary type certificate holders and any other organisation that publishes such data in accordance with Annex (Part-21) to Regulation (EC) No 1702/2003.
- (6) In point M.A.305, paragraph (b) is replaced by the following:
 - (b) The aircraft continuing airworthiness records shall consist of:
 - 1. an aircraft logbook, engine logbook(s) or engine module log cards, propeller logbook(s) and log cards for any service life limited component as appropriate, and,
 - 2. when required in point M.A.306 for commercial air transport or by the Member State for commercial operations other than commercial air transport, the operator's technical log.
- (7) In point M.A.403, paragraph (b), the words 'according to M.A.801(b)1, M.A.801(b)2 or Part-145' are replaced by the words 'according to points M.A.801(b)1, M.A.801(b)2, M.A.801(c), M.A.801(d) or Annex II (Part-145)'.
- (8) In point M.A.501, paragraph (a), the words 'specified in Part-145 and Subpart F' are replaced by the words 'specified in Annex (Part-21) to Regulation (EC) No 1702/2003, Annex II (Part-145) or Subpart F, Section A of Annex I to this Regulation'.
- (9) Point M.A.502 is replaced by the following:

'M.A.502 Component maintenance

- (a) The maintenance of components shall be performed by maintenance organisations appropriately approved in accordance with Section A, Subpart F of this Annex (Part M) or with Annex II (Part-145).

- (b) By derogation from paragraph (a), maintenance of a component in accordance with aircraft maintenance data or, if agreed by the competent authority, in accordance with component maintenance data, may be performed by an A rated organisation approved in accordance with Section A, Subpart F of this Annex (Part M) or with Annex II (Part-145) as well as by certifying staff referred to in point M.A.801(b)2 only whilst such components are fitted to the aircraft. Nevertheless, such organisation or certifying staff may temporarily remove this component for maintenance, in order to improve access to the component, except when such removal generates the need for additional maintenance not eligible for the provisions of this paragraph. Component maintenance performed in accordance with this paragraph is not eligible for the issuance of an EASA Form 1 and shall be subject to the aircraft release requirements provided for in point M.A.801.
- (c) By derogation from paragraph (a), maintenance of an engine/Auxiliary Power Unit (APU) component in accordance with engine/APU maintenance data or, if agreed by the competent authority, in accordance with component maintenance data, may be performed by a B rated organisation approved in accordance with Section A, Subpart F of this Annex (Part M) or with Annex II (Part-145) only whilst such components are fitted to the engine/APU. Nevertheless, such B rated organisation may temporarily remove this component for maintenance, in order to improve access to the component, except when such removal generates the need for additional maintenance not eligible for the provisions of this paragraph.
- (d) By derogation from paragraph (a) and point M.A.801(b)2, maintenance of a component while installed or temporarily removed from an ELA1 aircraft not used in commercial air transport and performed in accordance with component maintenance data, may be performed by certifying staff referred to in point M.A.801(b)2, except for:

1. overhaul of components other than engines and propellers, and;
2. overhaul of engines and propellers for aircraft other than CS-VLA, CS-22 and LSA.

Component maintenance performed in accordance with paragraph (d) is not eligible for the issuance of an EASA Form 1 and shall be subject to the aircraft release requirements provided for in point M.A.801.'

- (10) Point M.A.503 is replaced by the following:

'M.A.503 Service life limited components

Installed service life limited components shall not exceed the approved service life limit as specified in the approved maintenance programme and airworthiness directives, except as provided for in point M.A.504(c).'

- (11) In point M.A.504, paragraph (b) is replaced by the following:

- '(b) Unserviceable components shall be identified and stored in a secure location under the control of an approved maintenance organisation until a decision is made on the future status of such component. Nevertheless, for aircraft not used in commercial air transport other than large aircraft, the person or organisation that declared the component unserviceable may transfer its custody, after identifying it as unserviceable, to the aircraft owner provided that such transfer is reflected in the aircraft logbook or engine logbook or component logbook.'

- (12) Point M.A.601 is replaced by the following:

'M.A.601 Scope

This Subpart establishes the requirements to be met by an organisation to qualify for the issue or continuation of an approval for the maintenance of aircraft and components not listed in point M.A.201(g).'

- (13) In point M.A.604(a), points 5 and 6 are replaced by the following:

- '5. a list of certifying staff with their scope of approval, and;
6. a list of locations where maintenance is carried out, together with a general descriptions of the facilities;'

(14) In point M.A.606, the following paragraph (h) is added:

(h) By derogation from paragraph (g), the organisation may use certifying staff qualified in accordance with the following provisions when providing maintenance support to operators involved in commercial operations, subject to appropriate procedures to be approved as part of the organisation's manual:

1. For a repetitive pre-flight airworthiness directive which specifically states that the flight crew may carry out such airworthiness directive, the organisation may issue a limited certifying staff authorisation to the aircraft commander on the basis of the flight crew licence held, provided that the organisation ensures that sufficient practical training has been carried out to ensure that such person can accomplish the airworthiness directive to the required standard;
2. In the case of aircraft operating away from a supported location the organisation may issue a limited certifying staff authorisation to the aircraft commander on the basis of the flight crew licence, provided that the organisation ensures that sufficient practical training has been carried out to ensure that such person can accomplish the task to the required standard.'

(15) Point M.A.607 is replaced by the following:

'M.A.607 Certifying staff

(a) In addition to M.A.606(g), certifying staff can only exercise their privileges, if the organisation has ensured:

1. that certifying staff can demonstrate that they meet the requirements of point 66.A.20(b) of Annex III (Part 66), except when Annex III (Part 66) refers to Member State regulation, in which case they shall meet the requirement of such regulation, and;
2. that certifying staff have an adequate understanding of the relevant aircraft and/or aircraft component(s) to be maintained together with the associated organisation procedures.

(b) In the following unforeseen cases, where an aircraft is grounded at a location other than the main base where no appropriate certifying staff is available, the maintenance organisation contracted to provide maintenance support may issue a one-off certification authorisation:

1. to one of its employees holding type qualifications on aircraft of similar technology, construction and systems; or
2. to any person with not less than three years maintenance experience and holding a valid ICAO aircraft maintenance licence rated for the aircraft type requiring certification provided there is no organisation appropriately approved under this Part at that location and the contracted organisation obtains and holds on file evidence of the experience and the licence of that person.

All such cases must be reported to the competent authority within seven days of the issuance of such certification authorisation. The approved maintenance organisation issuing the one-off certification authorisation shall ensure that any such maintenance that could affect flight safety is re-checked.

(c) The approved maintenance organisation shall record all details concerning certifying staff and maintain a current list of all certifying staff together with their scope of approval as part of the organisation's manual pursuant to point M.A.604(a)5.'

(16) In point M.A.608(a), point 1 is replaced by the following:

'1. hold the equipment and tools specified in the maintenance data described in point M.A.609 or verified equivalents as listed in the maintenance organisation manual as necessary for day-to-day maintenance within the scope of the approval; and,'

(17) Point M.A.610 is replaced by the following:

'M.A.610 Maintenance work orders

Before the commencement of maintenance a written work order shall be agreed between the organisation and the organisation requesting maintenance to clearly establish the maintenance to be carried out.'

(18) In point M.A.613, paragraph (a) is replaced by the following:

- ‘(a) At the completion of all required component maintenance in accordance with this Subpart a component certificate of release to service shall be issued in accordance with point M.A.802. EASA Form 1 shall be issued except for those components maintained in accordance with points M.A.502(b) and M.A.502(d) and components fabricated in accordance with point M.A.603(b).’

(19) Point M.A.615 is replaced by the following:

‘M.A.615 Privileges of the organisation

The maintenance organisation approved in accordance with Section A, Subpart F of this Annex (Part M), may:

- (a) maintain any aircraft and/or component for which it is approved at the locations specified in the approval certificate and the maintenance organisation manual;
- (b) arrange for the performance of specialized services under the control of the maintenance organisation at another organisation appropriately qualified, subject to appropriate procedures being established as part of the Maintenance Organisation Manual approved by the competent authority directly;
- (c) maintain any aircraft and/or component for which it is approved at any location subject to the need of such maintenance arising either from the unserviceability of the aircraft or from the necessity of supporting occasional maintenance, subject to the conditions specified in the Maintenance Organisation Manual;
- (d) issue certificates of release to service on completion of maintenance, in accordance with point M.A.612 or point M.A.613.’

(20) Point M.A.703 is amended as follows:

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

‘(a) The approval is indicated on a certificate included in Appendix VI issued by the competent authority.’;

- (ii) the following paragraph (c) is added:

‘(c) The scope of work deemed to constitute the approval shall be specified in the continuing airworthiness management exposition in accordance with point M.A.704.’

(21) Point M.A.704 is amended as follows:

- (i) paragraph (a), point 3 is replaced by the following:

‘3. the title(s) and name(s) of person(s) referred to in points M.A.706(a), M.A.706(c), M.A.706(d) and M.A.706(i);’

- (ii) a point 9 is added to paragraph (a):

‘9. the list of approved aircraft maintenance programmes, or, for aircraft not involved in commercial air transport, the list of “generic” and “baseline” maintenance programmes’;

- (iii) paragraph (c) is replaced by the following:

‘(c) Notwithstanding paragraph (b), minor amendments to the exposition may be approved indirectly through an indirect approval procedure. The indirect approval procedure shall define the minor amendment eligible, be established by the continuing airworthiness management organisation as part of the exposition and be approved by the competent authority responsible for that continuing airworthiness management organisation.’

(22) In point M.A.706, the following paragraphs (i) and (j) are added:

- '(i) For organisations extending airworthiness review certificates in accordance with points M.A.711(a)4 and M.A.901(f), the organisation shall nominate persons authorised to do so, subject to approval by the competent authority.
- (j) The organisation shall define and keep updated in the continuing airworthiness management exposition the title(s) and name(s) of person(s) referred to in points M.A.706(a), M.A.706(c), M.A.706(d) and M.A.706(i).'

(23) In point M.A.707, paragraph (a) is replaced by the following:

- '(a) To be approved to carry out airworthiness reviews, an approved continuing airworthiness management organisation shall have appropriate airworthiness review staff to issue airworthiness review certificates or recommendations referred to in Subpart I, Section A.
 - 1. For all aircraft used in commercial air transport, and aircraft above 2 730 kg MTOM, except balloons, these staff shall have acquired:
 - (a) at least five years experience in continuing airworthiness, and;
 - (b) an appropriate licence in compliance with Annex III (Part-66) or a nationally recognized maintenance personnel qualification appropriate to the aircraft category (when Annex III (Part-66) refers to national rules) or an aeronautical degree or equivalent, and;
 - (c) formal aeronautical maintenance training, and;
 - (d) a position within the approved organisation with appropriate responsibilities.
 - (e) Notwithstanding points "a" to "d", the requirement laid down in point M.A.707(a)1b may be replaced by five years of experience in continuing airworthiness additional to those already required by point M.A.707(a)1a.
 - 2. For aircraft not used in commercial air transport of 2 730 kg MTOM and below, and balloons, these staff shall have acquired:
 - (a) at least three years experience in continuing airworthiness, and;
 - (b) an appropriate licence in compliance with Annex III (Part-66) or a nationally recognized maintenance personnel qualification appropriate to the aircraft category (when Annex III (Part-66) refers to national rules) or an aeronautical degree or equivalent, and;
 - (c) appropriate aeronautical maintenance training, and;
 - (d) a position within the approved organisation with appropriate responsibilities;
 - (e) Notwithstanding points "a" to "d", the requirement laid down in point M.A.707(a)2b may be replaced by four years of experience in continuing airworthiness additional to those already required by point M.A.707(a)2a.'

(24) In point M.A.708(b), point 2 is replaced by the following:

- '2. Present the aircraft maintenance programme and its amendments to the competent authority for approval, unless covered by an indirect approval procedure in accordance with point M.A.302(c), and provide a copy of the programme to the owner of aircraft not involved in commercial air transport.'

(25) Point M.A.709 is replaced by the following:

M.A.709 Documentation

- (a) The approved continuing airworthiness management organisation shall hold and use applicable current maintenance data in accordance with point M.A.401 for the performance of continuing airworthiness tasks referred to in point M.A.708. This data may be provided by the owner or the operator, subject to an appropriate contract being established with such an owner or operator. In such case, the continuing airworthiness management organisation only needs to keep such data for the duration of the contract, except when required by point M.A.714.
- (b) For aircraft not involved in commercial air transport, the approved continuing airworthiness management organisation may develop “baseline” and/or “generic” maintenance programmes in order to allow for the initial approval and/or the extension of the scope of an approval without having the contracts referred to in Appendix I to this Annex (Part M). These “baseline” and/or “generic” maintenance programmes however do not preclude the need to establish an adequate Aircraft Maintenance Programme in compliance with point M.A.302 in due time before exercising the privileges referred to in point M.A.711.’

(26) Point M.A.711 is replaced by the following:

M.A.711 Privileges of the organisation

- (a) A continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M) may:
 - 1. manage the continuing airworthiness of non-commercial air transport aircraft as listed on the approval certificate;
 - 2. manage the continuing airworthiness of commercial air transport aircraft when listed both on its approval certificate and on its Air Operator Certificate (AOC);
 - 3. arrange to carry out limited continuing airworthiness tasks with any contracted organisation, working under its quality system, as listed on the approval certificate;
 - 4. extend, under the conditions of point M.A.901(f), an airworthiness review certificate that has been issued by the competent authority or by another continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M);
- (b) An approved continuing airworthiness management organisation registered in one of the Member States may, additionally, be approved to carry out airworthiness reviews referred to in point M.A.710 and:
 - 1. issue the related airworthiness review certificate and extend it in due time under the conditions of points M.A.901(c)2 or M.A.901(e)2; and,
 - 2. issue a recommendation for the airworthiness review to the competent authority of the Member State of registry.’

(27) In point M.A.712, paragraph (f) is replaced by the following:

- ‘(f) In the case of a small organisation not managing the continuing airworthiness of aircraft used in commercial air transport, the quality system may be replaced by regular organisational reviews subject to the approval of the competent authority, except when the organisation issues airworthiness review certificates for aircraft above 2 730 kg MTOM other than balloons. In the case where there is no quality system, the organisation shall not contract continuing airworthiness management tasks to other parties.’

(28) In point M.A.714, paragraph (b) is replaced by the following:

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

(29) Point M.A.801 is replaced by the following:

M.A.801 Aircraft certificate of release to service

- (a) Except for aircraft released to service by a maintenance organisation approved in accordance with Annex II (Part-145), the certificate of release to service shall be issued according to this Subpart;
- (b) No aircraft can be released to service unless a certificate of release to service is issued at the completion of any maintenance, when satisfied that all maintenance required has been properly carried out, by:
 - 1. appropriate certifying staff on behalf of the maintenance organisation approved in accordance with Section A, Subpart F of this Annex (Part M); or
 - 2. certifying staff in compliance with the requirements laid down in Annex III (Part-66), except for complex maintenance tasks listed in Appendix VII to this Annex for which point 1 applies; or
 - 3. by the Pilot-owner in compliance with point M.A.803;
- (c) By derogation from point M.A.801(b)2 for ELA1 aircraft not used in commercial air transport, aircraft complex maintenance tasks listed in Appendix VII may be released by certifying staff referred to in point M.A.801(b)2;
- (d) By derogation from point M.A.801(b), in the case of unforeseen situations, when an aircraft is grounded at a location where no approved maintenance organisation appropriately approved under this Annex or Annex II (Part-145) and no appropriate certifying staff are available, the owner may authorise any person, with not less than three years of appropriate maintenance experience and holding the proper qualifications, to maintain according to the standards set out in Subpart D of this Annex and release the aircraft. The owner shall in that case:
 - 1. obtain and keep in the aircraft records details of all the work carried out and of the qualifications held by that person issuing the certification; and
 - 2. ensure that any such maintenance is rechecked and released by an appropriately authorised person referred to in point M.A.801(b) or an organisation approved in accordance with Section A, Subpart F of this Annex (Part M), or with Annex II (Part-145) at the earliest opportunity but within a period not exceeding seven days; and
 - 3. notify the organisation responsible for the continuing airworthiness management of the aircraft when contracted in accordance with point M.A.201(e), or the competent authority in the absence of such a contract, within seven days of the issuance of such certification authorisation;
- (e) In the case of a release to service in accordance with point M.A.801(b)2 or point M.A.801(c), the certifying staff may be assisted in the execution of the maintenance tasks by one or more persons subject to his/her direct and continuous control;
- (f) A certificate of release to service shall contain as a minimum:
 - 1. basic details of the maintenance carried out; and
 - 2. the date such maintenance was completed; and
 - 3. the identity of the organisation and/or person issuing the release to service, including:
 - (i) the approval reference of the maintenance organisation approved in accordance with Section A, Subpart F of this Annex (Part M) and the certifying staff issuing such a certificate; or
 - (ii) in the case of point M.A.801(b)2 or M.A.801(c) certificate of release to service, the identity and if applicable licence number of the certifying staff issuing such a certificate;
 - 4. the limitations to airworthiness or operations, if any.

(g) By derogation from paragraph (b) and notwithstanding the provisions of paragraph (h), when the maintenance prescribed cannot be completed, a certificate of release to service may be issued within the approved aircraft limitations. Such fact together with any applicable limitations of the airworthiness or the operations shall be entered in the aircraft certificate of release to service before its issue as part of the information required in paragraph (f)4;

(h) A certificate of release to service shall not be issued in the case of any known non-compliance which endangers flight safety.'

(30) Point M.A.802 is replaced by the following:

'M.A.802 Component certificate of release to service

(a) A certificate of release to service shall be issued at the completion of any maintenance carried out on an aircraft component in accordance with point M.A.502.

(b) The authorised release certificate identified as EASA Form 1 constitutes the component certificate of release to service, except when such maintenance on aircraft components has been performed in accordance with point M.A.502(b) or point M.A.502(d), in which case the maintenance is subject to aircraft release procedures in accordance with point M.A.801.'

(31) Point M.A.803 is replaced by the following:

'M.A.803 Pilot-owner authorisation

(a) To qualify as a Pilot-owner, the person must:

1. hold a valid pilot licence (or equivalent) issued or validated by a Member State for the aircraft type or class rating; and

2. own the aircraft, either as sole or joint owner; that owner must be:

(i) one of the natural persons on the registration form; or

(ii) a member of a non-profit recreational legal entity, where the legal entity is specified on the registration document as owner or operator, and that member is directly involved in the decision making process of the legal entity and designated by that legal entity to carry out Pilot-owner maintenance.

(b) For any privately operated non-complex motor-powered aircraft of 2 730 kg MTOM and below, sailplane, powered sailplane or balloon, the Pilot-owner may issue a certificate of release to service after limited Pilot-owner maintenance as specified in Appendix VIII.

(c) The scope of the limited Pilot-owner maintenance shall be specified in the aircraft maintenance programme referred to in point M.A.302.

(d) The certificate of release to service shall be entered in the logbooks and contain basic details of the maintenance carried out, the maintenance data used, the date on which that maintenance was completed and the identity, the signature and pilot licence number of the Pilot-owner issuing such a certificate.'

(32) Point M.A.901 is replaced by the following:

'M.A.901 Aircraft airworthiness review

To ensure the validity of the aircraft airworthiness certificate an airworthiness review of the aircraft and its continuing airworthiness records shall be carried out periodically.

(a) An airworthiness review certificate is issued in accordance with Appendix III (EASA Form 15a or 15b) on completion of a satisfactory airworthiness review. The airworthiness review certificate is valid one year;

- (b) An aircraft in a controlled environment is an aircraft (i) continuously managed during the previous 12 months by a unique continuing airworthiness management organisation approved in accordance with Section A, Subpart G, of this Annex (Part M), and (ii) which has been maintained for the previous 12 months by maintenance organisations approved in accordance with Section A, Subpart F of this Annex (Part M), or with Annex II (Part 145). This includes maintenance tasks referred to in point M.A.803(b) carried out and released to service in accordance with point M.A.801(b)2 or point M.A.801(b)3;
- (c) For all aircraft used in commercial air transport, and aircraft above 2 730 kg MTOM, except balloons, that are in a controlled environment, the organisation referred to in (b) managing the continuing airworthiness of the aircraft may, if appropriately approved, and subject to compliance with paragraph (k):
1. issue an airworthiness review certificate in accordance with point M.A.710, and;
 2. for the airworthiness review certificates it has issued, when the aircraft has remained within a controlled environment, extend twice the validity of the airworthiness review certificate for a period of one year each time;
- (d) For all aircraft used in commercial air transport and aircraft above 2 730 kg MTOM, except balloons, that (i) are not in a controlled environment, or (ii) which continuing airworthiness is managed by a continuing airworthiness management organisation that does not hold the privilege to carry out airworthiness reviews, the airworthiness review certificate shall be issued by the competent authority upon satisfactory assessment based on a recommendation made by a continuing airworthiness management organisation appropriately approved in accordance with Section A, Subpart G of this Annex (Part M) sent together with the application from the owner or operator. This recommendation shall be based on an airworthiness review carried out in accordance with point M.A.710;
- (e) For aircraft not used in commercial air transport of 2 730 kg MTOM and below, and balloons, any continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M) and appointed by the owner or operator may, if appropriately approved and subject to paragraph (k):
1. issue the airworthiness review certificate in accordance with point M.A.710, and;
 2. for airworthiness review certificates it has issued, when the aircraft has remained within a controlled environment under its management, extend twice the validity of the airworthiness review certificate for a period of one year each time;
- (f) By derogation from points M.A.901(c)2 and M.A.901(e)2, for aircraft that are in a controlled environment, the organisation referred to in (b) managing the continuing airworthiness of the aircraft, subject to compliance with paragraph (k), may extend twice for a period of one year each time the validity of an airworthiness review certificate that has been issued by the competent authority or by another continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M);
- (g) By derogation from points M.A.901(e) and M.A.901(i)2, for ELA1 aircraft not used in commercial air transport and not affected by point M.A.201(i), the airworthiness review certificate may also be issued by the competent authority upon satisfactory assessment, based on a recommendation made by certifying staff formally approved by the competent authority and complying with provisions of Annex III (Part-66) as well as requirements laid down in point M.A.707(a)2(a), sent together with the application from the owner or operator. This recommendation shall be based on an airworthiness review carried out in accordance with point M.A.710 and shall not be issued for more than two consecutive years;
- (h) Whenever circumstances reveal the existence of a potential safety threat, the competent authority shall carry out the airworthiness review and issue the airworthiness review certificate itself;
- (i) In addition to paragraph (h), the competent authority may also carry out the airworthiness review and issue the airworthiness review certificate itself in the following cases:
1. for aircraft not involved in commercial air transport when the aircraft is managed by a continuing airworthiness management organisation approved in accordance with Section A, Subpart G of this Annex (Part M) located in a third country;
 2. for all balloons and any other aircraft of 2 730 kg MTOM and below, if it is requested by the owner;

- (j) When the competent authority carries out the airworthiness review and/or issues the airworthiness review certificate itself, the owner or operator shall provide the competent authority with:
1. the documentation required by the competent authority; and
 2. suitable accommodation at the appropriate location for its personnel; and
 3. when necessary, the support of personnel appropriately qualified in accordance with Annex III (Part-66) or equivalent personnel requirements laid down in point 145.A.30(j)(1) and (2) of Annex II (Part 145);
- (k) An airworthiness review certificate cannot be issued nor extended if there is evidence or reason to believe that the aircraft is not airworthy.'
- (33) In point M.A.904, paragraphs (a) and (b) are replaced by the following:
- '(a) When importing an aircraft onto a Member State register from a third country, the applicant shall:
1. apply to the Member State of registry for the issuance of a new airworthiness certificate in accordance with the Annex (Part-21) to Regulation (EC) No 1702/2003; and
 2. for aircraft other than new, have a airworthiness review carried out satisfactorily in accordance with point M.A.901; and
 3. have all maintenance carried out to comply with the approved maintenance programme in accordance with point M.A.302.
- (b) When satisfied that the aircraft is in compliance with the relevant requirements, the continuing airworthiness management organisation, if applicable, shall send a documented recommendation for the issuance of an airworthiness review certificate to the Member State of registry.'
- (34) Point M.B.301 is amended as follows:
- (i) in paragraph (b) 'M.A.302(e)' is replaced by 'point M.A.302(c)';
 - (ii) in paragraph (d) 'M.A.302(c) and (d)' is replaced by 'points M.A.302(d), (e) and (f)'.
- (35) In point M.B.302, 'Article 10(3)' is replaced by 'Article 14(4)'.
- (36) In point M.B.303, paragraph (a) is replaced by the following:
- '(a) The competent authority shall develop a survey programme to monitor the airworthiness status of the fleet of aircraft on its register.'
- (37) In point M.B.303, the following paragraph (i) is added:
- '(i) In order to facilitate appropriate enforcement action, competent authorities shall exchange information on non-compliances identified in accordance with paragraph (h).'
- (38) Point M.B.606 is replaced by the following:
- 'M.B.606 Changes**
- (a) The competent authority shall comply with the applicable elements of the initial approval for any change to the organisation notified in accordance with point M.A.617.

(b) The competent authority may prescribe the conditions under which the approved maintenance organisation may operate during such changes, unless it determines that the approval should be suspended due to the nature or the extent of the changes.

(c) For any change to the maintenance organisation manual:

1. In the case of direct approval of changes in accordance with point M.A.604(b), the competent authority shall verify that the procedures specified in the manual are in compliance with this Annex (Part-M) before formally notifying the approved organisation of the approval.
2. In the case an indirect approval procedure is used for the approval of the changes in accordance with point M.A.604(c), the competent authority shall ensure (i) that the changes remain minor and (ii) that it has an adequate control over the approval of the changes to ensure they remain in compliance with the requirements of this Annex (Part-M).'

(39) Point M.B.706 is replaced by the following:

'M.B.706 Changes

(a) The competent authority shall comply with the applicable elements of the initial approval for any change to the organisation notified in accordance with point M.A.713.

(b) The competent authority may prescribe the conditions under which the approved continuing airworthiness management organisation may operate during such changes unless it determines that the approval should be suspended due to the nature or the extent of the changes.

(c) For any change to the continuing airworthiness management exposition:

1. In the case of direct approval of changes in accordance with M.A.704(b), the competent authority shall verify that the procedures specified in the exposition are in compliance with this Annex (Part-M) before formally notifying the approved organisation of the approval.
2. In the case an indirect approval procedure is used for the approval of the changes in accordance with point M.A.704(c), the competent authority shall ensure (i) that the changes remain minor and (ii) that it has an adequate control over the approval of the changes to ensure they remain in compliance with the requirements of this Annex (Part-M).'

(40) In point M.B.901, 'M.A.902(d)' is replaced by 'point M.A.901'.

(41) Point M.B.902 is replaced by the following:

'M.B.902 Airworthiness review by the competent authority

(a) When the competent authority carries out the airworthiness review and issues the airworthiness review certificate EASA Form 15a (Appendix III), the competent authority shall carry out an airworthiness review in accordance with point M.A.710.

(b) The competent authority shall have appropriate airworthiness review staff to carry out the airworthiness reviews.

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

(a) at least five years experience in continuing airworthiness, and;

(b) an appropriate licence in compliance with Annex III (Part-66) or a nationally recognized maintenance personnel qualification appropriate to the aircraft category (when Annex III (Part-66) refers to national rules) or an aeronautical degree or equivalent, and;

(c) formal aeronautical maintenance training, and;

(d) a position with appropriate responsibilities.

Notwithstanding the points “a” to “d” above, the requirement laid down in point M.B.902(b)1b may be replaced by five years of experience in continuing airworthiness additional to those already required by point M.B.902(b)1a.

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

(a) at least three years experience in continuing airworthiness, and;

(b) an appropriate licence in compliance with Annex III (Part-66) or a nationally recognized maintenance personnel qualification appropriate to the aircraft category (when Annex III (Part-66) refers to national rules) or an aeronautical degree or equivalent, and;

(c) appropriate aeronautical maintenance training, and;

(d) a position with appropriate responsibilities.

Notwithstanding the points “a” to “d” above, the requirement shown in point M.B.902(b)2b may be replaced by four years of experience in continuing airworthiness additional to those already required by point M.B.902(b)2a.

(c) The competent authority shall maintain a record of all airworthiness review staff, which shall include details of any appropriate qualification held together with a summary of relevant continuing airworthiness management experience and training.

(d) The competent authority shall have access to the applicable data as specified in points M.A.305, M.A.306 and M.A.401 in the performance of the airworthiness review.

(e) The staff that carries out the airworthiness review shall issue a Form 15a after satisfactory completion of the airworthiness review.’

(42) Points 5.1 and 5.2 of Appendix I ‘Continuing Airworthiness Arrangement’ are replaced by the following:

‘5.1. Obligations of the approved organisation:

1. have the aircraft type in the scope of its approval;

2. respect the conditions to maintain the continuing airworthiness of the aircraft listed below:

(a) develop a maintenance programme for the aircraft, including any reliability programme developed, if applicable;

(b) declare the maintenance tasks (in the maintenance programme) that may be carried out by the pilot-owner in accordance with point M.A.803(c);

(c) organise the approval of the aircraft’s maintenance programme;

(d) once it has been approved, give a copy of the aircraft’s maintenance programme to the owner;

- (e) organise a bridging inspection with the aircraft's prior maintenance programme;
 - (f) organise for all maintenance to be carried out by an approved maintenance organisation;
 - (g) organise for all applicable airworthiness directives to be applied;
 - (h) organise for all defects discovered during scheduled maintenance, airworthiness reviews or reported by the owner to be corrected by an approved maintenance organisation;
 - (i) coordinate scheduled maintenance, the application of airworthiness directives, the replacement of life limited parts, and component inspection requirements;
 - (j) inform the owner each time the aircraft shall be brought to an approved maintenance organisation;
 - (k) manage all technical records;
 - (l) archive all technical records;
3. organise the approval of any modification to the aircraft in accordance with Annex (Part-21) to Regulation (EC) No 1702/2003 before it is embodied;
 4. organise the approval of any repair to the aircraft in accordance with the Annex (Part-21) to Regulation (EC) No 1702/2003 before it is carried out;
 5. inform the competent authority of the Member State of registry whenever the aircraft is not presented to the approved maintenance organisation by the owner as requested by the approved organisation;
 6. inform the competent authority of the Member State of registry whenever the present arrangement has not been respected;
 7. carry out the airworthiness review of the aircraft when necessary and issue the airworthiness review certificate or the recommendation to the competent authority of the Member State of registry;
 8. send within 10 days a copy of any airworthiness review certificate issued or extended to the competent authority of the Member State of registry;
 9. carry out all occurrence reporting mandated by applicable regulations;
 10. inform the competent authority of the Member State of registry whenever the present arrangement is denounced by either party.

5.2. Obligations of the owner

1. have a general understanding of the approved maintenance programme;
2. have a general understanding of this Annex (Part-M);
3. present the aircraft to the approved maintenance organisation agreed with the approved organisation at the due time designated by the approved organisation's request;
4. not modify the aircraft without first consulting the approved organisation;
5. inform the approved organisation of all maintenance exceptionally carried out without the knowledge and control of the approved organisation;

6. report to the approved organisation through the logbook all defects found during operations;
 7. inform the competent authority of the Member State of registry whenever the present arrangement is denounced by either party;
 8. inform the competent authority of the Member State of registry and the approved organisation whenever the aircraft is sold;
 9. carry out all occurrence reporting mandated by applicable regulations;
 10. inform on a regular basis the approved organisation about the aircraft flying hours and any other utilisation data, as agreed with the approved organisation;
 11. enter the certificate of release to service in the logbooks as mentioned in point M.A.803(d) when performing pilot-owner maintenance without exceeding the limits of the maintenance tasks list as declared in the approved maintenance programme as laid down in point M.A.803(c);
 12. inform the approved continuing airworthiness management organisation responsible for the management of the continuing airworthiness of the aircraft not later than 30 days after completion of any pilot-owner maintenance task in accordance with point M.A.305(a).'
- (43) Appendix II section 2 'COMPLETION OF THE RELEASE CERTIFICATE BY THE ORIGINATOR' is amended as follows:

- (a) In Block 13, fourth subparagraph, the eighth indent is replaced by the following:

— The component certificate of release to service statement referred to in point M.A.613';

- (b) Block 19 is replaced by the following:

'Block 19 For all maintenance carried out by maintenance organisations approved in accordance with Section A, Subpart F of Annex I (Part M) to Regulation (EC) No 2042/2003, the box "other regulation specified in block 13" shall be ticked and the certificate of release to service statement made in block 13.

The following component certificate of release to service statement referred to in point M.A.613 shall be included in block 13:

"Certifies that, unless otherwise specified in this block, the work identified in block 12 and described in this block was accomplished in accordance with Section A, Subpart F, of Annex I (Part-M) to Regulation (EC) No 2042/2003, requirements and in respect to that work the item is considered ready for release to service. THIS IS NOT A RELEASE UNDER ANNEX II (PART-145) TO REGULATION (EC) No 2042/2003."

The certification statement "unless otherwise specified in this block" is intended to address the following case:

- (i) Where the maintenance could not be completed.
- (ii) Where the maintenance deviated from the standard required by this Annex (Part-M).
- (iii) Where the maintenance was carried out in accordance with a requirement other than specified in this Annex (Part-M). In this case block 13 shall specify the particular national regulation.

Whichever case or combination of cases shall be specified in block 13.'

- (44) Appendix III is replaced by the following:

*Appendix III***Airworthiness review certificates**

[MEMBER STATE]

A Member of the European Aviation Safety Agency

AIRWORTHINESS REVIEW CERTIFICATE

ARC reference:

Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council for the time being into force, the following continuing airworthiness management organisation, approved in accordance with Section A, Subpart G of Annex I (Part M) to Commission Regulation (EC) No 2042/2003

[NAME OF ORGANISATION APPROVED AND ADDRESS]

Approval reference: [MEMBER STATE CODE].MG.NNNN.

has performed an airworthiness review in accordance with point M.A.710 of Annex I to Commission Regulation (EC) No 2042/2003 on the following aircraft:

Aircraft manufacturer:

Manufacturer's designation:

Aircraft registration:

Aircraft serial number:

and this aircraft is considered airworthy at the time of the review.

Date of issue: Date of expiry:

Signed: Authorisation No:

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

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

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

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

[MEMBER STATE]

A Member of the European Aviation Safety Agency

AIRWORTHINESS REVIEW CERTIFICATE

ARC reference:

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

Aircraft manufacturer:

Manufacturer's designation:

Aircraft registration:

Aircraft serial number:

is considered airworthy at the time of the review.

Date of issue: Date of expiry:

Signed: Authorisation No:

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

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

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

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

(45) In Appendix IV, paragraphs 4 and 5 are replaced by the following:

- ‘4. A category A class rating means that the maintenance organisation approved in accordance with Section A, Subpart F of this Annex (Part M) may carry out maintenance on the aircraft and any component (including engines and/or Auxiliary Power Units (APUs), in accordance with aircraft maintenance data or, if agreed by the competent authority, in accordance with component maintenance data, only whilst such components are fitted to the aircraft. Nevertheless, such A-rated approved maintenance organisation may temporarily remove a component for maintenance, in order to improve access to that component, except when such removal generates the need for additional maintenance not eligible for the provisions of this paragraph. This will be subject to a control procedure in the maintenance organisation exposition acceptable to the Member State. The limitation section will specify the scope of such maintenance thereby indicating the extent of approval.
5. A category B class rating means that the maintenance organisation approved in accordance with Section A, Subpart F of this Annex (Part M) may carry out maintenance on the uninstalled engine and/or APU and engine and/or APU components, in accordance with engine and/or APU maintenance data or, if agreed by the competent authority, in accordance with component maintenance data, only whilst such components are fitted to the engine and/or APU. Nevertheless, such B-rated approved maintenance organisation may temporarily remove a component for maintenance, in order to improve access to that component, except when such removal generates the need for additional maintenance not eligible for the provisions of this paragraph. The limitation section will specify the scope of such maintenance thereby indicating the extent of approval. A maintenance organisation approved in accordance with Section A, Subpart F of this Annex (Part M) with a category B class rating may also carry out maintenance on an installed engine during “base” and “line” maintenance subject to a control procedure in the maintenance organisation exposition. The maintenance organisation exposition scope of work shall reflect such activity where permitted by the Member State.’

(46) Appendix VI is replaced by the following:

Appendix VI

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

[MEMBER STATE]

A Member of the European Aviation Safety Agency

**CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION
APPROVAL CERTIFICATE**

Reference: XX.MG.XXXX (ref. AOC XX.XXXX)

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

[COMPANY NAME AND ADDRESS]

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

CONDITIONS

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

If this form is also used for AOC holders, the AOC number shall be added to the reference, in addition to the standard number, and the condition 4 shall be replaced by the following extra conditions:

5. This approval does not constitute an authorisation to operate the types of aircraft referred in paragraph 1. The authorisation to operate the aircraft is the Air Operator Certificate (AOC).
6. Where the continuing airworthiness management organisation contracts under its Quality System the service of an/several organisation(s), this approval remains valid subject to such organisation(s) fulfilling applicable contractual obligations.
7. Termination, suspension or revocation of the AOC automatically invalidates the present approval in relation to the aircraft registrations specified in the AOC, unless otherwise explicitly stated by the competent authority.
8. Subject to compliance with the previous conditions, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.

Date of original issue:

Signed:

Date of this revision: Revision No:

For the Competent Authority:

Page ... of ...

CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION**APPROVAL SCHEDULE**

Reference: XX.MG.XXXX (ref. AOC XX.XXXX)

Organisation: [COMPANY NAME AND ADDRESS]

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

This approval Schedule is limited to that specified in the scope of approval contained in Annex I (Part-M), Section A, Subpart G of Regulation (EC) No 2042/2003 approved Continuing Airworthiness Management Exposition section

Continuing Airworthiness Management Exposition Reference:

Date of original issue:

Signed:

Date of this revision: Revision No:

For the Competent Authority:

Page ... of ...

EASA Form 14'

(47) Appendix VII is amended as follows:

(a) the first sentence is replaced by the following: 'The following constitutes the complex maintenance tasks referred to in points M.A.502(d)3, M.A.801(b)2 and M.A.801(c):'

(b) the following points 3, 4 and 5 are added:

'3. The performance of the following maintenance on a piston engine:

(a) dismantling and subsequent reassembling of a piston engine other than (i) to obtain access to the piston/cylinder assemblies; or (ii) to remove the rear accessory cover to inspect and/or replace oil pump assemblies, where such work does not involve the removal and re-fitment of internal gears;

(b) dismantling and subsequent reassembling of reduction gears;

(c) welding and brazing of joints, other than minor weld repairs to exhaust units carried out by a suitably approved or authorised welder but excluding component replacement;

(d) the disturbing of individual parts of units which are supplied as bench tested units, except for the replacement or adjustment of items normally replaceable or adjustable in service.

4. The balancing of a propeller, except:
 - (a) for the certification of static balancing where required by the maintenance manual;
 - (b) dynamic balancing on installed propellers using electronic balancing equipment where permitted by the maintenance manual or other approved airworthiness data;
 5. Any additional task that requires:
 - (a) specialized tooling, equipment or facilities; or
 - (b) significant coordination procedures because of the extensive duration of the tasks and the involvement of several persons.'
- (48) Appendix VIII is replaced by the following:

'Appendix VIII

Limited Pilot-Owner Maintenance

In addition to the requirements laid down in Annex I (Part M), the following basic principles are to be complied with before any maintenance task is carried out under the terms of Pilot-owner maintenance:

- (a) Competence and responsibility
 1. The Pilot-owner is always responsible for any maintenance that he performs.
 2. Before carrying out any Pilot-owner maintenance tasks, the Pilot-owner must satisfy himself that he is competent to do the task. It is the responsibility of Pilot-owners to familiarize themselves with the standard maintenance practices for their aircraft and with the aircraft maintenance programme. If the Pilot-owner is not competent for the task to be carried out, the task cannot be released by the Pilot-owner.
 3. The Pilot-owner (or his contracted continuing airworthiness management organisation referred to in Subpart G, Section A of this Annex) is responsible for identifying the Pilot-owner tasks according to these basic principles in the maintenance programme and for ensuring that the document is updated in a timely manner.
 4. The approval of the maintenance programme has to be carried out in accordance with point M.A.302.
- (b) Tasks

The Pilot-owner may carry out simple visual inspections or operations to check for general condition and obvious damage and normal operation of the airframe, engines, systems and components.

Maintenance tasks shall not be carried out by the Pilot-owner when the task:

1. is critically safety related, whose incorrect performance will drastically affect the airworthiness of the aircraft or is a flight safety sensitive maintenance task as specified in point M.A.402(a) and/or;
2. requires the removal of major components or major assembly and/or;
3. is carried out in compliance with an Airworthiness Directive or an Airworthiness Limitation Item, unless specifically allowed in the AD or the ALI and/or;
4. requires the use of special tools, calibrated tools (except torque wrench and crimping tool) and/or;
5. requires the use of test equipments or special testing (e.g. NDT, system tests or operational checks for avionic equipment) and/or;

6. is composed of any unscheduled special inspections (e.g. heavy landing check) and/or;
7. is effecting systems essential for the IFR operations and/or;
8. is listed in Appendix VII or is a component maintenance task in accordance with point M.A.502.

The criteria 1 to 8 listed above can not be overridden by less restrictive instructions issued in accordance with "M.A.302(d) Maintenance Programme".

Any task described in the aircraft flight manual as preparing the aircraft for flight (Example: assembling the glider wings or pre-flight), is considered to be a pilot task and is not considered a Pilot-owner maintenance task and therefore does not require a Certificate of Release to Service.

(c) Performance of the maintenance Pilot-owner tasks and records

The maintenance data as specified in point M.A.401 must be always available during the conduct of Pilot-owner maintenance and must be complied with. Details of the data referred to in the conduct of Pilot-owner maintenance must be included in the Certificate of Release to Service in accordance with point M.A.803(d).

The Pilot-owner must inform the approved continuing airworthiness management organisation responsible for the continuing airworthiness of the aircraft (if applicable) not later than 30 days after completion of the Pilot-owner maintenance task in accordance with point M.A.305(a).'

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

(1) In point 145.A.50, paragraph (a) is replaced by the following:

- '(a) A certificate of release to service shall be issued by appropriately authorised certifying staff on behalf of the organisation when it has been verified that all maintenance ordered has been properly carried out by the organisation in accordance with the procedures specified in point 145.A.70, taking into account the availability and use of the maintenance data specified in point 145.A.45 and that there are no non-compliances which are known to endanger flight safety.'

(2) In Appendix II 'Organisation approval class and rating system', paragraphs 4 and 5 are replaced by the following:

- '4. A category A class rating means that the maintenance organisation approved in accordance with Annex II (Part-145) may carry out maintenance on the aircraft and any component (including engines and/or Auxiliary Power Units (APUs), in accordance with aircraft maintenance data or, if agreed by the competent authority, in accordance with component maintenance data, only whilst such components are fitted to the aircraft. Nevertheless, such A rated maintenance organisation approved in accordance with Annex II (Part-145) may temporarily remove a component for maintenance, in order to improve access to that component, except when such removal generates the need for additional maintenance not eligible for the provisions of this paragraph. This will be subject to a control procedure in the maintenance organisation exposition acceptable to the Member State. The limitation section will specify the scope of such maintenance thereby indicating the extent of approval.
5. A category B class rating means that the Part-145 approved maintenance organisation may carry out maintenance on the uninstalled engine and/or APU and engine and/or APU components, in accordance with engine/APU maintenance data or, if agreed by the competent authority, in accordance with component maintenance data, only whilst such components are fitted to the engine and/or APU. Nevertheless, such B rated maintenance organisation approved in accordance with Annex II (Part-145) may temporarily remove a component for maintenance, in order to improve access to that component, except when such removal generates the need for additional maintenance not eligible for the provisions of this paragraph. The limitation section will specify the scope of such maintenance thereby indicating the extent of approval. A maintenance organisation approved in accordance with Annex II (Part-145) with a category B class rating may also carry out maintenance on an installed engine during "base" and "line" maintenance subject to a control procedure in the maintenance organisation exposition. The maintenance organisation exposition scope of work shall reflect such activity where permitted by the Member State.'
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COMMISSION REGULATION (EC) No 1057/2008**of 27 October 2008****amending Appendix II of Annex to Regulation (EC) No 1702/2003 concerning the Airworthiness Review Certificate (EASA Form 15a)****(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 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽¹⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks ⁽²⁾ has been amended by Regulation (EC) No 1056/2008 ⁽³⁾.
- (2) The Airworthiness Review Certificate set out in Appendix II of Annex to Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and

appliances, as well as for the certification of design and production organisations ⁽⁴⁾ should be replaced in order to reflect the changes made to Regulation (EC) No 2042/2003.

- (3) The measures provided for in this Regulation are based on the opinion issued by the Agency ⁽⁵⁾ in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

Appendix II (Airworthiness Review Certificate, EASA Form 15a) of the Annex (Part 21) to Regulation (EC) No 1702/2003 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*.

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

Done at Brussels, 27 October 2008.

For the Commission

Antonio TAJANI

Vice-President

⁽¹⁾ OJ L 79, 19.3.2008, p. 1.

⁽²⁾ OJ L 315, 28.11.2003, p. 1.

⁽³⁾ See page 5 of this Official Journal.

⁽⁴⁾ OJ L 243, 27.9.2003, p. 6.

⁽⁵⁾ Opinion 02/2008.

ANNEX

'Appendix II

Airworthiness Review Certificate

[MEMBER STATE]

A Member of the European Aviation Safety Agency

AIRWORTHINESS REVIEW CERTIFICATE

ARC reference:

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

Aircraft manufacturer:

Manufacturer's designation:

Aircraft registration:

Aircraft serial number:

is considered airworthy at the time of the review.

Date of issue: Date of expiry:

Signed: Authorisation No:

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

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

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

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

COMMISSION REGULATION (EC) No 1058/2008**of 27 October 2008****cancelling the registration of a name in the Register of protected designations of origin and protected geographical indications (Arroz del Delta del Ebro (PGI))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

(1) In accordance with the second subparagraph of Article 12(2) of Regulation (EC) No 510/2006, and pursuant to Article 17(2) of the same Regulation, the application submitted by Spain to cancel the name 'Arroz del Delta del Ebro' in the register was published in the *Official Journal of the European Union* ⁽²⁾.

(2) As no objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, registration of this name should be cancelled.

(3) In light of the above, this name should be removed from the 'Register of protected designations of origin and protected geographical indications'.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Protected Geographical Indications and Protected Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

Registration of the name listed in this Annex to this Regulation is hereby cancelled.

Article 2

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

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

Done at Brussels, 27 October 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 314, 22.12.2007, p. 44.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

SPAIN

Arroz del Delta del Ebro (PGI)

COMMISSION REGULATION (EC) No 1059/2008**of 27 October 2008****entering a name in the register of protected designations of origin and protected geographical indications (Arroz del Delta del Ebro or Arròs del Delta de l'Ebre (PDO))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, and pursuant to Article 17(2) of the same Regulation, the application submitted by Spain to enter the name 'Arroz del Delta

del Ebro' or 'Arròs del Delta de l'Ebre' in the register was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, this name should be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The designation contained in the Annex to this Regulation shall be entered in the register.

Article 2

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

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

Done at Brussels, 27 October 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 314, 22.12.2007, p. 46.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

SPAIN

Arroz del Delta del Ebro or Arròs del Delta de l'Ebre (PDO)

DIRECTIVES

DIRECTIVE 2008/94/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 October 2008

on the protection of employees in the event of the insolvency of their employer

(Codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consultation of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Council Directive 80/987/EEC of 20 October 1980 on the protection of employees in the event of the insolvency of their employer ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) The Community Charter of Fundamental Social Rights for Workers adopted on 9 December 1989 states, in point 7, that the completion of the internal market must lead to an improvement in the living and working conditions of workers in the Community and

that this improvement must cover, where necessary, the development of certain aspects of employment regulations such as procedures for collective redundancies and those regarding bankruptcies.

(3) It is necessary to provide for the protection of employees in the event of the insolvency of their employer and to ensure a minimum degree of protection, in particular in order to guarantee payment of their outstanding claims, while taking account of the need for balanced economic and social development in the Community. To this end, the Member States should establish a body which guarantees payment of the outstanding claims of the employees concerned.

(4) In order to ensure equitable protection for the employees concerned, the state of insolvency should be defined in the light of the legislative trends in the Member States and that concept should also include insolvency proceedings other than liquidation. In this context, Member States should, in order to determine the liability of the guarantee institution, be able to lay down that where an insolvency situation results in several insolvency proceedings, the situation is to be treated as a single insolvency procedure.

(5) It should be ensured that the employees referred to in Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC ⁽⁵⁾, Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by the ETUC, UNICE and CEEP ⁽⁶⁾ and Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship ⁽⁷⁾ are not excluded from the scope of this Directive.

⁽¹⁾ OJ C 161, 13.7.2007, p. 75.

⁽²⁾ Opinion of the European Parliament of 19 June 2007 (OJ C 146 E, 12.6.2008, p. 71) and Council Decision of 25 September 2008.

⁽³⁾ OJ L 283, 28.10.1980, p. 23.

⁽⁴⁾ See Annex I, Parts A and B.

⁽⁵⁾ OJ L 14, 20.1.1998, p. 9.

⁽⁶⁾ OJ L 175, 10.7.1999, p. 43.

⁽⁷⁾ OJ L 206, 29.7.1991, p. 19.

- (6) In order to ensure legal certainty for employees in the event of insolvency of undertakings pursuing their activities in a number of Member States, and to strengthen employees' rights in line with the established case-law of the Court of Justice of the European Communities, provisions should be laid down which expressly state which institution is responsible for meeting pay claims in these cases and establish as the aim of cooperation between the competent administrative authorities of the Member States the early settlement of employees' outstanding claims. Furthermore it is necessary to ensure that the relevant arrangements are properly implemented by making provision for collaboration between the competent administrative authorities in the Member States.
- (7) Member States may set limitations on the responsibility of the guarantee institutions. Those limitations must be compatible with the social objective of the Directive and may take into account the different levels of claims.
- (8) In order to make it easier to identify insolvency proceedings, in particular in situations with a cross-border dimension, provision should be made for the Member States to notify the Commission and the other Member States about the types of insolvency proceedings which give rise to intervention by the guarantee institution.
- (9) Since the objective of the action to be taken cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (10) The Commission should submit to the European Parliament and the Council a report on the implementation and application of this Directive in particular as regards the new forms of employment emerging in the Member States.
- (11) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex I, Part C,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

1. This Directive shall apply to employees' claims arising from contracts of employment or employment relationships and existing against employers who are in a state of insolvency within the meaning of Article 2(1).

2. Member States may, by way of exception, exclude claims by certain categories of employee from the scope of this Directive, by virtue of the existence of other forms of guarantee if it is established that these offer the persons concerned a degree of protection equivalent to that resulting from this Directive.

3. Where such provision already applies in their national legislation, Member States may continue to exclude from the scope of this Directive:

- (a) domestic servants employed by a natural person;
- (b) share-fishermen.

Article 2

1. For the purposes of this Directive, an employer shall be deemed to be in a state of insolvency where a request has been made for the opening of collective proceedings based on insolvency of the employer, as provided for under the laws, regulations and administrative provisions of a Member State, and involving the partial or total divestment of the employer's assets and the appointment of a liquidator or a person performing a similar task, and the authority which is competent pursuant to the said provisions has:

- (a) either decided to open the proceedings; or
- (b) established that the employer's undertaking or business has been definitively closed down and that the available assets are insufficient to warrant the opening of the proceedings.

2. This Directive is without prejudice to national law as regards the definition of the terms 'employee', 'employer', 'pay', 'right conferring immediate entitlement' and 'right conferring prospective entitlement'.

However, the Member States may not exclude from the scope of this Directive:

- (a) part-time employees within the meaning of Directive 97/81/EC;
- (b) employees with a fixed-term contract within the meaning of Directive 1999/70/EC;
- (c) employees with a temporary employment relationship within the meaning of Article 1(2) of Directive 91/383/EEC.

3. Member States may not set a minimum duration for the contract of employment or the employment relationship in order for employees to qualify for claims under this Directive.

4. This Directive does not prevent Member States from extending employee protection to other situations of insolvency, for example where payments have been de facto stopped on a permanent basis, established by proceedings different from those mentioned in paragraph 1 as provided for under national law.

Such procedures shall not however create a guarantee obligation for the institutions of the other Member States in the cases referred to in Chapter IV.

CHAPTER II

PROVISIONS CONCERNING GUARANTEE INSTITUTIONS

Article 3

Member States shall take the measures necessary to ensure that guarantee institutions guarantee, subject to Article 4, payment of employees' outstanding claims resulting from contracts of employment or employment relationships, including, where provided for by national law, severance pay on termination of employment relationships.

The claims taken over by the guarantee institution shall be the outstanding pay claims relating to a period prior to and/or, as applicable, after a given date determined by the Member States.

Article 4

1. Member States shall have the option to limit the liability of the guarantee institutions referred to in Article 3.

2. If Member States exercise the option referred to in paragraph 1, they shall specify the length of the period for which outstanding claims are to be met by the guarantee institution. However, this may not be shorter than a period covering the remuneration of the last three months of the employment relationship prior to and/or after the date referred to in the second paragraph of Article 3.

Member States may include this minimum period of three months in a reference period with a duration of not less than six months.

Member States having a reference period of not less than 18 months may limit the period for which outstanding claims are met by the guarantee institution to eight weeks. In this case, those periods which are most favourable to the employee shall be used for the calculation of the minimum period.

3. Member States may set ceilings on the payments made by the guarantee institution. These ceilings must not fall below a level which is socially compatible with the social objective of this Directive.

If Member States exercise this option, they shall inform the Commission of the methods used to set the ceiling.

Article 5

Member States shall lay down detailed rules for the organisation, financing and operation of the guarantee institutions, complying with the following principles in particular:

- (a) the assets of the institutions must be independent of the employers' operating capital and be inaccessible to proceedings for insolvency;
- (b) employers must contribute to financing, unless it is fully covered by the public authorities;
- (c) the institutions' liabilities must not depend on whether or not obligations to contribute to financing have been fulfilled.

CHAPTER III

PROVISIONS CONCERNING SOCIAL SECURITY*Article 6*

Member States may stipulate that Articles 3, 4 and 5 shall not apply to contributions due under national statutory social security schemes or under supplementary occupational or inter-occupational pension schemes outside the national statutory social security schemes.

Article 7

Member States shall take the measures necessary to ensure that non-payment of compulsory contributions due from the employer, before the onset of his insolvency, to their insurance institutions under national statutory social security schemes does not adversely affect employees' benefit entitlement in respect of these insurance institutions in so far as the employees' contributions have been deducted at source from the remuneration paid.

Article 8

Member States shall ensure that the necessary measures are taken to protect the interests of employees and of persons having already left the employer's undertaking or business at the date of the onset of the employer's insolvency in respect of rights conferring on them immediate or prospective entitlement to old-age benefits, including survivors' benefits, under supplementary occupational or inter-occupational pension schemes outside the national statutory social security schemes.

CHAPTER IV

PROVISIONS CONCERNING TRANSNATIONAL SITUATIONS*Article 9*

1. If an undertaking with activities in the territories of at least two Member States is in a state of insolvency within the meaning of Article 2(l), the institution responsible for meeting employees' outstanding claims shall be that in the Member State in whose territory they work or habitually work.

2. The extent of employees' rights shall be determined by the law governing the competent guarantee institution.

3. Member States shall take the measures necessary to ensure that, in the cases referred to in paragraph 1 of this Article,

decisions taken in the context of insolvency proceedings referred to in Article 2(1), which have been requested in another Member State, are taken into account when determining the employer's state of insolvency within the meaning of this Directive.

Article 10

1. For the purposes of implementing Article 9, Member States shall make provision for the sharing of relevant information between their competent administrative authorities and/or the guarantee institutions mentioned in the first paragraph of Article 3, making it possible in particular to inform the guarantee institution responsible for meeting the employees' outstanding claims.

2. Member States shall notify the Commission and the other Member States of the contact details of their competent administrative authorities and/or guarantee institutions. The Commission shall make that information publicly accessible.

CHAPTER V

GENERAL AND FINAL PROVISIONS*Article 11*

This Directive shall not affect the option of Member States to apply or introduce laws, regulations or administrative provisions which are more favourable to employees.

Implementation of this Directive shall not under any circumstances be sufficient grounds for a regression in relation to the current situation in the Member States and in relation to the general level of protection of employees in the area covered by it.

Article 12

This Directive shall not affect the option of Member States:

(a) to take the measures necessary to avoid abuses;

(b) to refuse or reduce the liability referred to in the first paragraph of Article 3 or the guarantee obligation referred to in Article 7 if it appears that fulfilment of the obligation is unjustifiable because of the existence of special links between the employee and the employer and of common interests resulting in collusion between them;

(c) to refuse or reduce the liability referred to in the first paragraph of Article 3 or the guarantee obligation referred to in Article 7 in cases where the employee, on his or her own or together with his or her close relatives, was the owner of an essential part of the employer's undertaking or business and had a considerable influence on its activities.

Article 13

Member States shall notify the Commission and the other Member States of the types of national insolvency proceedings falling within the scope of this Directive, and of any amendments relating thereto.

The Commission shall publish these communications in the *Official Journal of the European Union*.

Article 14

Member States shall communicate to the Commission the text of the laws, regulations and administrative provisions which they adopt in the field covered by this Directive.

Article 15

By 8 October 2010 at the latest, the Commission shall submit to the European Parliament and to the Council a report on the implementation and application in the Member States of Articles 1 to 4, 9 and 10, Article 11, second paragraph, Article 12, point (c), and Articles 13 and 14.

Article 16

Directive 80/987/EEC, as amended by the acts listed in Annex I, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex I, Part C.

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

Article 17

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

Article 18

This Directive is addressed to the Member States.

Done at Strasbourg, 22 October 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J.-P. JOUYET

ANNEX I

PART A**Repealed Directive with its successive amendments**

(referred to in Article 16)

Council Directive 80/987/EEC (OJ L 283, 28.10.1980, p. 23).

Council Directive 87/164/EEC (OJ L 66, 11.3.1987, p. 11).

Directive 2002/74/EC of the European Parliament and of the Council (OJ L 270, 8.10.2002, p. 10).

PART B**Non-repealed amending act**

(referred to in Article 16)

1994 Act of Accession

PART C**Time-limits for transposition into national law and application**

(referred to in Article 16)

Directive	Time-limit for transposition	Date of application
80/987/EEC	23 October 1983	
87/164/EEC		1 January 1986
2002/74/EC	7 October 2005	

ANNEX II

Correlation table

Directive 80/987/EEC	This Directive
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 8a	Article 9
Article 8b	Article 10
Article 9	Article 11
Article 10	Article 12
Article 10a	Article 13
Article 11(1)	—
Article 11(2)	Article 14
Article 12	—
—	Article 15
—	Article 16
—	Article 17
Article 13	Article 18
—	Annex I
—	Annex II

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 20 October 2008

approving certain national programmes for the control of *Salmonella* in flocks of broilers of *Gallus gallus*

(notified under document number C(2008) 5699)

(Text with EEA relevance)

(2008/815/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of *Salmonella* and other specified food-borne zoonotic agents ⁽¹⁾, and in particular Article 6(2) thereof,

Whereas:

(1) The purpose of Regulation (EC) No 2160/2003 is to ensure that proper and effective measures are taken to detect and control *Salmonella* and other zoonotic agents at all relevant stages of production, processing and distribution, particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.

(2) That Regulation provides that Community targets are to be established for the reduction of the prevalence in certain animal populations of zoonoses and zoonotic agents listed in Annex I thereto.

(3) A Community target was established for the reduction of the prevalence of *Salmonella enteritidis* and *Salmonella typhimurium* in broilers at the level of primary production by Commission Regulation (EC) No 646/2007 of 12 June 2007 implementing Regulation (EC) No

2160/2003 of the European Parliament and of the Council as regards a Community target for the reduction of the prevalence of *Salmonella enteritidis* and *Salmonella typhimurium* in broilers ⁽²⁾.

(4) In order to achieve the Community target Member States are to establish national programmes for the control of *Salmonella* in flocks of broilers of *Gallus gallus* and submit them to the Commission in accordance with Regulation (EC) No 2160/2003.

(5) Certain Member States have submitted such programmes, which were found to comply with the relevant Community veterinary legislation and in particular with Regulation (EC) No 2160/2003.

(6) Those national control programmes should therefore be approved.

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

HAS ADOPTED THIS DECISION:

Article 1

The national programmes for the control of *Salmonella* in flocks of broilers of *Gallus gallus* submitted by the Member States listed in the Annex are approved.

⁽¹⁾ OJ L 325, 12.12.2003, p. 1.

⁽²⁾ OJ L 151, 13.6.2007, p. 21.

Article 2

This Decision shall apply from 1 December 2008.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 October 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

Belgium
Bulgaria
Czech Republic
Denmark
Germany
Estonia
Ireland
Greece
Spain
France
Italy
Cyprus
Latvia
Lithuania
Luxembourg
Malta
Hungary
Netherlands
Austria
Poland
Portugal
Romania
Slovenia
Slovakia
Finland
Sweden
United Kingdom

COMMISSION DECISION

of 20 October 2008

amending Decision 2003/467/EC as regards the declaration that certain administrative regions of Poland are officially free of enzootic bovine leucosis*(notified under document number C(2008) 5987)***(Text with EEA relevance)**

(2008/816/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

that those regions may be considered officially enzootic-bovine-leukosis-free regions of Poland.

Having regard to the Treaty establishing the European Community,

(4) Following the evaluation of that documentation, those regions (powiaty) in Poland should be recognised as officially enzootic-bovine-leukosis-free regions of that Member State.

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Annex D(I)(E) thereto,

(5) Decision 2003/467/EC should therefore be amended accordingly.

Whereas:

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

(1) Annex D to Directive 64/432/EEC provides that a Member State or part of a Member State may, as regards bovine herds, be considered officially enzootic-bovine-leukosis-free subject to compliance with certain conditions set out in that Directive.

HAS ADOPTED THIS DECISION:

Article 1(2) The lists of regions of Member States declared free of enzootic bovine leukosis are set out in Commission Decision 2003/467/EC of 23 June 2003 establishing the official tuberculosis, brucellosis and enzootic-bovine-leukosis-free status of certain Member States and regions of Member States as regards bovine herds ⁽²⁾.

Annex III to Decision 2003/467/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

(3) Poland has now submitted to the Commission documentation demonstrating compliance with the appropriate conditions provided for in Directive 64/432/EEC as regards 29 administrative regions (powiaty) within the superior administrative units (Voivodships) of Mazowieckie, Podlaskie and Warminsko-mazurskie in order

Done at Brussels, 20 October 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 21, 29.7.1964, p. 1977/64.⁽²⁾ OJ L 156, 25.6.2003, p. 74.

ANNEX

In Chapter 2 of Annex III to Decision 2003/467/EC, the second part concerning Poland is replaced by the following:

In Poland:

— Voivodship Dolnośląskie

Powiaty:	bolesławiecki, dzierżoniowski, głogowski, górowski, jaworski, jeleniogórski, Jelenia Góra, kamiennogórski, kłodzki, legnicki, Legnica, lubański, lubiński, lwówecki, milicki, oleśnicki, oławski, polkowicki, strzebiński, średzki, świdnicki, trzebnicki, wałbrzyski, Wałbrzych, wołowski, wrocławski, Wrocław, ząbkowicki, zgorzelecki, złotoryjski.
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— Voivodship Lubelskie

Powiaty:	białski, Biała Podlaska, biłgorajski, chełmski, Chełm, hrubieszowski, janowski, krasnostawski, kraśnicki, lubartowski, lubelski, Lublin, łęczyński, łukowski, opolski, parczewski, puławski, radzyński, rycki, świdnicki, tomaszowski, włodawski, zamojski, Zamość.
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— Voivodship Kujawsko-pomorskie

Powiaty:	aleksandrowski, chełmiński, golubsko-dobrzyński, grudziądzki, Grudziądz, toruński, Toruń, wąbrzeski.
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— Voivodship Łódzkie

Powiaty:	bełchatowski, brzeziński, kutnowski, łaski, łęczycki, łowicki, łódzki, Łódź, opoczyński, pabianicki, pajęczanski, piotrkowski, Piotrków Trybunalski, poddębicki, radomszczański, rawski, sieradzki, skierniewicki, Skierniewice, tomaszowski, wieluński, wieruszowski, zduńskowolski, zgierski.
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— Voivodship Małopolskie

Powiaty:	brzeski, bocheński, chrzanowski, dąbrowski, gorlicki, krakowski, Kraków, limanowski, miechowski, myślenicki, nowosądecki, nowotarski, Nowy Sącz, oświęcimski, olkuski, proszowicki, suski, tarnowski, Tarnów, tatrzański, wadowicki, wielicki.
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— Voivodship Mazowieckie

Powiaty:	białobrzegi, garwoliński, grójecki, gostyniński, grodziski, kozienicki, lipski, Płock, płocki, pruszkowski, przysuski, Radom, radomski, sochaczewski, szydlowiecki, warszawski zachodni, zwoleniński, żyrardowski.
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— Voivodship Opolskie

Powiaty:	brzeski, głubczycki, kędzierzyńsko-kozielski, kluczborski, krapkowicki, namysłowski, nyski, oleski, opolski, Opole, prudnicki, strzelecki.
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— Voivodship Podkarpackie

Powiaty:	bieszczadzki, brzozowski, dębicki, jarosławski, jasielski, kolbuszowski, krośniński, Krosno, leski, leżajski, lubaczowski, łańcucki, mielecki, nizański, przemyski, Przemyśl, przeworski, ropczycko-sędziszowski, rzeszowski, Rzeszów, sanocki, stalowowolski, strzyżowski, Tarnobrzeg, tarnobrzeczki.
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— Voivodship Podlaskie

Powiaty:	augustowski, bielski, hajnowski, siemiatycki, sokólski, wysokomazowiecki, zambrowski.
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— Voivodship Śląskie

Powiaty:	będziński, bielski, Bielsko-Biała, bieruńsko-lędziński, Bytom, Chorzów, cieszyński, częstochowski, Częstochowa, Dąbrowa Górnicza, gliwicki, Gliwice, Jastrzębie Zdrój, Jaworzno, Katowice, kłobucki, lubliniecki, mikołowski, Mysłowice, myszkowski, Piekary Śląskie, pszczyński, raciborski, Ruda Śląska, rybnicki, Rybnik, Siemianowice Śląskie, Sosnowiec, świętochłowice, tarnogórski, Tychy, wodzisławski, Zabrze, zawierciański, Żory, żywiecki.
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— Voivodship Świętokrzyskie

Powiaty:	buski, jędrzejowski, kazimierski, kielecki, Kielce, konecki, opatowski, ostrowiecki, pińczowski, sandomierski, skarżyski, starachowicki, staszowski, włoszczowski.
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— Voivodship Warmińsko-mazurskie

Powiaty:	ełcki, giżycki, gołdapski, olecki.
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— Voivodship Wielkopolskie

Powiaty:	jarociński, kaliski, Kalisz, kępiński, kolski, koniński, Konin, krotoszyński, ostrzeszowski, słupecki, turecki, wrzesiński.
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COMMISSION DECISION

of 22 October 2008

amending Decision 2007/777/EC as regards imports of certain meat products from New Caledonia into the Community

(notified under document number C(2008) 6050)

(Text with EEA relevance)

(2008/817/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC ⁽¹⁾, and in particular Article 10(2)(a) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽²⁾, and in particular the introductory phrase of Article 8, the first paragraph of Article 8(1) and Article 8(4) thereof,

Whereas:

- (1) Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC ⁽³⁾ lays down rules on imports into the Community of consignments of certain meat products for human consumption. Part 2 of Annex II to that Decision contains the lists of third countries and parts thereof from which imports of those products are to be authorised. That Decision also lays down model certificates and rules on treatments required for those products.
- (2) New Caledonia has requested authorisation for imports into the Community of meat products prepared from domestic bovine animals and certain game and of certain parts of those animals.

- (3) The Commission has carried out an audit of New Caledonia which demonstrated that the competent veterinary authority of that third country provides appropriate guarantees as regards compliance with Community legislation, in accordance with the first subparagraph of Article 8(1) of Directive 2002/99/EC.
- (4) It is therefore appropriate to authorise the imports from New Caledonia into the Community of meat products prepared from domestic bovine animals and certain game and of certain parts of those animals with the application of the non-specific treatment laid down in Part 4 of Annex II to Decision 2007/777/EC for animal health reasons to those products.
- (5) Decision 2007/777/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Part 2 of Annex II to Decision 2007/777/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 October 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 62, 15.3.1993, p. 49.

⁽²⁾ OJ L 18, 23.1.2003, p. 11.

⁽³⁾ OJ L 312, 30.11.2007, p. 49.

ANNEX

PART 2

Third countries or parts thereof from which imports of meat products and treated stomachs, bladders and intestines into the EU are authorised

(See Part 4 of this Annex for the interpretation of codes used in the table)

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game (except raptines)	Farmed raptines	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
AR	Argentina AR	C	C	C	A	A	A	A	C	C	XXX	A	D	XXX
	Argentina AR-1 ⁽¹⁾	C	C	C	A	A	A	A	C	C	XXX	A	D	XXX
	Argentina AR-2 ⁽¹⁾	A ⁽²⁾	A ⁽²⁾	C	A	A	A	A	C	C	XXX	A	D	XXX
AU	Australia	A	A	A	A	D	D	A	A	A	XXX	A	D	A
BH	Bahrain	B	B	B	B	XXX	XXX	A	C	C	XXX	A	XXX	XXX
BR	Brazil	XXX	XXX	XXX	A	D	D	A	XXX	XXX	XXX	A	D	XXX
	Brazil BR-1	XXX	XXX	XXX	A	XXX	A	A	XXX	XXX	XXX	A	A	XXX
	Brazil BR-2	C	C	C	A	D	D	A	C	XXX	XXX	A	D	XXX
	Brazil BR-3	XXX	XXX	XXX	A	A	XXX	A	XXX	XXX	XXX	A	D	XXX
BW	Botswana	B	B	B	B	XXX	A	A	B	B	A	A	XXX	XXX
BY	Belarus	C	C	C	B	XXX	XXX	A	C	C	XXX	A	XXX	XXX
CA	Canada	A	A	A	A	A	A	A	A	A	XXX	A	A	A
CH	Switzerland ^(*)													
CL	Chile	A	A	A	A	A	A	A	B	B	XXX	A	A	XXX
CN	China	B	B	B	B	B	B	A	B	B	XXX	A	B	XXX
	China CN-1	B	B	B	B	D	B	A	B	B	XXX	A	B	XXX
CO	Colombia	B	B	B	B	XXX	A	A	B	B	XXX	A	XXX	XXX
ET	Ethiopia	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game (except raptures)	Farmed raptures	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
GL	Greenland	XXX	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	A	A
HK	Hong Kong	B	B	B	B	D	D	A	B	B	XXX	A	XXX	XXX
HR	Croatia	A	A	D	A	A	A	A	A	D	XXX	A	A	XXX
IL	Israel	B	B	B	B	A	A	A	B	B	XXX	A	A	XXX
IN	India	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
IS	Iceland	A	A	B	A	A	A	A	A	B	XXX	A	A	XXX
KE	Kenya	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
KR	South Korea	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX
MA	Morocco	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
ME	Montenegro	A	A	D	A	D	D	A	D	D	XXX	A	XXX	XXX
MG	Madagascar	B	B	B	B	D	D	A	B	B	XXX	A	D	XXX
MK	Former Yugoslav Republic of Macedonia (**)	A	A	B	A	XXX	XXX	A	B	B	XXX	A	XXX	XXX
MU	Mauritius	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
MX	Mexico	A	D	D	A	D	D	A	D	D	XXX	A	D	XXX
MY	Malaysia MY	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
	Malaysia MY-1	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX
NA	Namibia (1)	B	B	B	B	D	A	A	B	B	A	A	D	XXX
NC	New Caledonia	A	XXX	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	XXX	XXX
NZ	New Zealand	A	A	A	A	A	A	A	A	A	XXX	A	A	A
PY	Paraguay	C	C	C	B	XXX	XXX	A	C	C	XXX	A	XXX	XXX
RS	Serbia (***)	A	A	D	A	D	D	A	D	D	XXX	A	XXX	XXX

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game (except raptines)	Farmed raptines	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
RU	Russia	C	C	C	B	XXX	XXX	A	C	C	XXX	A	XXX	A
SG	Singapore	B	B	B	B	D	D	A	B	B	XXX	A	XXX	XXX
SZ	Swaziland	B	B	B	B	XXX	XXX	A	B	B	A	A	XXX	XXX
TH	Thailand	B	B	B	B	A	A	A	B	B	XXX	A	D	XXX
TN	Tunisia	C	C	B	B	A	A	A	B	B	XXX	A	D	XXX
TR	Turkey	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX
UA	Ukraine	XXX	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	XXX	XXX
US	United States	A	A	A	A	A	A	A	A	A	XXX	A	A	XXX
UY	Uruguay	C	C	B	A	D	A	A	XXX	XXX	XXX	A	D	XXX
ZA	South Africa ⁽¹⁾	C	C	C	A	D	A	A	C	C	A	A	D	XXX
ZW	Zimbabwe ⁽¹⁾	C	C	B	A	D	A	A	B	B	XXX	A	D	XXX

⁽¹⁾ See Part 3 of this Annex for the minimum treatment requirements applicable to pasteurised meat products and biltong.

⁽²⁾ For meat products and treated stomachs, bladders and intestines prepared from fresh meat obtained from animals slaughtered after 1 March 2002.

^(*) In accordance with the Agreement between the European Community and the Swiss Confederation on trade in agricultural products.

^(**) The former Yugoslav Republic of Macedonia; provisional code that does not prejudice in any way the definitive nomenclature for this country, which will be agreed following the conclusion of negotiations currently taking place on this subject in the United Nations.

^(***) Not including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

XXX No certificate laid down and meat products and treated stomachs, bladders and intestines containing meat of this species are not authorised.

NOTE TO THE READER

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

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