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

## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 291/2009****of 8 April 2009****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) <sup>(1)</sup>,

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 <sup>(2)</sup>, 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 9 April 2009.

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

Done at Brussels, 8 April 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup> | Standard import value |
|------------|-----------------------------------|-----------------------|
| 0702 00 00 | JO                                | 88,9                  |
|            | MA                                | 58,0                  |
|            | SN                                | 208,5                 |
|            | TN                                | 129,8                 |
|            | TR                                | 109,6                 |
|            | ZZ                                | 119,0                 |
| 0707 00 05 | JO                                | 155,5                 |
|            | MA                                | 51,1                  |
|            | TR                                | 125,0                 |
|            | ZZ                                | 110,5                 |
| 0709 90 70 | JO                                | 220,7                 |
|            | MA                                | 64,6                  |
|            | TR                                | 104,7                 |
|            | ZZ                                | 130,0                 |
| 0709 90 80 | EG                                | 60,4                  |
|            | ZZ                                | 60,4                  |
| 0805 10 20 | CN                                | 39,7                  |
|            | EG                                | 42,7                  |
|            | IL                                | 60,9                  |
|            | MA                                | 47,0                  |
|            | TN                                | 57,2                  |
|            | TR                                | 70,5                  |
|            | ZZ                                | 53,0                  |
| 0805 50 10 | TR                                | 48,3                  |
|            | ZZ                                | 48,3                  |
| 0808 10 80 | AR                                | 98,0                  |
|            | BR                                | 78,3                  |
|            | CA                                | 110,7                 |
|            | CL                                | 85,8                  |
|            | CN                                | 75,3                  |
|            | MK                                | 24,7                  |
|            | NZ                                | 118,5                 |
|            | US                                | 130,5                 |
|            | UY                                | 69,8                  |
|            | ZA                                | 81,0                  |
|            | ZZ                                | 87,3                  |
| 0808 20 50 | AR                                | 80,5                  |
|            | CL                                | 73,4                  |
|            | CN                                | 59,2                  |
|            | UY                                | 46,7                  |
|            | ZA                                | 96,3                  |
|            | ZZ                                | 71,2                  |

<sup>(1)</sup> 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 292/2009

of 8 April 2009

**fixing the allocation coefficient to be applied to applications for import licences lodged from 27 March to 3 April 2009 under subquota III in the context of the Community tariff quota opened by Regulation (EC) No 1067/2008 for common wheat of a quality other than high quality**

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) <sup>(1)</sup>,

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

Whereas:

- (1) Commission Regulation (EC) No 1067/2008 <sup>(3)</sup> opens an overall annual tariff quota of 2 989 240 tonnes of common wheat of a quality other than high quality. That quota is divided into three subquotas.
- (2) Article 3(3) of Regulation (EC) No 1067/2008 divides subquota III (order number 09.4125) into four quarterly subperiods and has fixed the quantity at 594 597 tonnes for subperiod 2, for the period from 1 April to 30 June 2009.
- (3) Based on the notification made under Article 4(3) of Regulation (EC) No 1067/2008, the applications lodged between 27 March at 13.00 and 3 April 2009 at 13:00

(Brussels time) in accordance with the second subparagraph of Article 4(1) of that Regulation relate to quantities in excess of those available. The extent to which import licences may be issued should therefore be determined and the allocation coefficient to be applied to the quantities applied for should be laid down.

- (4) Import licences should no longer be issued under subquota III as referred to in Regulation (EC) No 1067/2008 for the current quota subperiod,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Each import licence application in respect of subquota III as referred to in Regulation (EC) No 1067/2008 and lodged between 27 March at 13.00 and 3 April 2009 at 13:00 (Brussels time) shall give rise to the issue of a licence for the quantities applied for, multiplied by an allocation coefficient of 18,527184 %.

2. The issue of licences for the quantities applied for from 3 April 2009 at 13:00 (Brussels time) falling within subquota III as referred to in Regulation (EC) No 1067/2008 is hereby suspended for the current quota subperiod.

*Article 2*

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

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

Done at Brussels, 8 April 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(3)</sup> OJ L 290, 31.10.2008, p. 3.

**COMMISSION REGULATION (EC) No 293/2009****of 8 April 2009****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008**

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) <sup>(1)</sup>, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

- (1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products <sup>(2)</sup> provides for a standing invitation to tender procedure.
- (2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export refunds for certain agricultural products <sup>(3)</sup>, and following

an examination of the tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 7 April 2009.

- (3) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 7 April 2009, the maximum amount of refund for the products and destinations referred to in Article 1(a) and (b) and in Article 2 respectively of that Regulation shall be as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 9 April 2009.

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

Done at Brussels, 8 April 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 168, 28.6.2008, p. 20.

<sup>(3)</sup> OJ L 325, 11.12.2007, p. 69.

## ANNEX

(EUR/100 kg)

| Product   | Export refund Code | Maximum amount of export refund for exports to the destinations referred to in Article 2 of Regulation (EC) No 619/2008 |
|-----------|--------------------|-------------------------------------------------------------------------------------------------------------------------|
| Butter    | ex 0405 10 19 9700 | 60,00                                                                                                                   |
| Butteroil | ex 0405 90 10 9000 | 73,00                                                                                                                   |

**COMMISSION REGULATION (EC) No 294/2009****of 8 April 2009****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008**

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) <sup>(1)</sup>, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

(1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products <sup>(2)</sup> provides for a standing invitation to tender procedure.

(2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export

refunds for certain agricultural products <sup>(3)</sup> and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 7 April 2009.

(3) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 7 April 2009, the maximum amount of refund for the product and destinations referred to in Article 1(c) and in Article 2 of that Regulation shall be EUR 22,00/100 kg.

*Article 2*

This Regulation shall enter into force on 9 April 2009.

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

Done at Brussels, 8 April 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 168, 28.6.2008, p. 20.

<sup>(3)</sup> OJ L 325, 11.12.2007, p. 69.

**COMMISSION REGULATION (EC) No 295/2009****of 18 March 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(2)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

*Article 3*

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

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

Done at Brussels, 18 March 2009.

*For the Commission*

László KOVÁCS

*Member of the Commission*

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.

## ANNEX

| Description of the goods                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Classification<br>(CN code) | Reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | (2)                         | (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>A set put up for retail sale consisting of a digital apparatus in its own housing for the recording and reproducing of sound and images in various formats, capable of receiving data from various sources (for example, satellite television receivers, automatic data-processing machines, video camera recorders) and of various elements such as connector cables, a CD-ROM, a manual, screws and a screwdriver.</p> <p>The apparatus incorporates a printed circuit board with active and passive elements (necessary for sound and video recording and reproducing), including a microprocessor.</p> <p>It is equipped with the following interfaces:</p> <ul style="list-style-type: none"> <li>— a USB port,</li> <li>— VGA, and</li> <li>— audio and video ports.</li> </ul> <p>It is also equipped with control buttons (power, play, pause, volume) and an infrared receiver for a remote control.</p> <p>The apparatus is designed to incorporate a hard disk.</p> | 8521 90 00                  | <p>Classification is determined by General Rules 1, 2(a), 3(b) and 6 for the interpretation of the Combined Nomenclature, Additional Note 1 to Section XVI and by the wording of CN codes 8521 and 8521 90 00.</p> <p>Since the apparatus has all the necessary electronics for the performance of the functions of heading 8521, except for the hard disk, and since these components, even in the absence of the hard disk, cannot be used for any other functions than for the recording and reproducing of sound and images, it is to be considered as having, by virtue of General Rule 2(a), the essential character of a complete or finished product of heading 8521. Therefore the fact that the apparatus does not incorporate a hard disk does not prevent its classification as a complete or finished product.</p> <p>Classification under heading 8522 as a part suitable for use solely or principally with an apparatus of heading 8521 is therefore excluded.</p> <p>Accordingly, the apparatus is to be classified under heading 8521 as a video recording or reproducing apparatus.</p> <p>The screwdriver is to be classified with the apparatus, for the assembly or maintenance thereof, by virtue of Additional Note 1 to Section XVI.</p> |

## COMMISSION REGULATION (EC) No 296/2009

of 8 April 2009

**on detailed rules for administrative assistance with the exportation of certain cheeses subject to quota restrictions that qualifies for special treatment on importation into the United States of America**

(Recast)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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) <sup>(1)</sup>, and in particular Article 172(2) in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2248/85 of 25 July 1985 on detailed rules for administrative assistance with the exportation of certain cheeses subject to quota restrictions that qualifies for special treatment on importation into the United States of America <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) The Community and the United States of America have agreed under the GATT to allow importation into the United States of cheese of Community origin subject to quota restrictions with effect from 1 January 1980. This agreement was approved by Council Decision 80/272/EEC <sup>(4)</sup>.
- (3) The United States of America has committed itself to take all necessary measures so that the management of the quota will be such as to permit its maximum utilisation. In the light of experience it appears to be appropriate to strengthen administrative cooperation with the United States of America to ensure that the quotas of certain cheeses of Community origin are fully utilised. The cheeses concerned should therefore be accompanied by a certificate issued by the competent authorities in the Community.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

## Article 1

For exportation to the United States of America (including Puerto Rico and Hawaii) of cheeses 'Swiss or Emmentaler cheese with eye formation' which fall within subheadings 0406.90.44 to 0406.90.48 of the *Harmonised Tariff Schedule of the United States* and are subject to quota restrictions, the competent authority of the exporting Member State shall issue, at the exporter's request, a certificate corresponding to the model in Annex I.

## Article 2

1. Forms referred to in Article 1 shall be printed on white paper of format 210 × 296 millimetres and shall be worded in English. Each certificate shall be given a serial number by the issuing authority. Exporting Member States may require that the certificates issued on their territory be worded in their official language, or in one of their official languages, in addition to English.

2. Each certificate shall be made out in an original and in at least two copies. The copies shall bear the same serial number as the original. The original and the copies shall be completed in typescript or by hand, in block letters in ink.

## Article 3

1. The certificate and its copy shall be issued by the authority designated for this purpose by the exporting Member State.

2. The issuing authority shall retain a copy of the certificate. The original and the other copy shall be presented at the Community customs office at which the export declaration is lodged.

3. The customs office mentioned in paragraph 2 shall complete the appropriate section on the original and return it to the exporter or to his representative. It shall retain the copy.

## Article 4

The certificate shall not be valid until it has been duly stamped by the customs office. It shall cover the quantity of cheese indicated thereon and must be presented to the customs authorities of the United States of America. However, a quantity exceeding by no more than 5 % that indicated on the certificate shall be regarded as covered by it.

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 210, 7.8.1985, p. 9.

<sup>(3)</sup> See Annex II.

<sup>(4)</sup> OJ L 71, 17.3.1980, p. 129.

*Article 5*

The Member States shall take all necessary measures to check the origin, type, composition and quality of the cheeses for which certificates are issued.

*Article 6*

Regulation (EEC) No 2248/85 is repealed.

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

*Article 7*

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, 8 April 2009.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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## ANNEX I

## EUROPEAN COMMUNITY

|                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                   |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. Exporter                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p style="text-align: center;"><b>► CERTIFICATE</b></p> <p style="text-align: center;"><b>FOR THE EXPORT OF SWISS OR EMMENTALER<br/>CHEESE WITH EYE FORMATION TO THE UNITED<br/>STATES OF AMERICA ◀</b></p> <p>No <span style="float: right;">ORIGINAL</span></p> |  |
| 2. Consignee                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3. Issuing authority                                                                                                                                                                                                                                              |  |
| <p><b>NOTES</b></p> <p>A. This certificate must be made out in one original and at least two copies.</p> <p>B. The description of the cheese must include the type in addition to any brand or trade name.</p> <p>C. The original and one copy must be produced for certification to the customs office with which the export declaration is lodged.</p> <p>D. The original must be produced to the customs authorities of the United States of America.</p> |                                                                                                                                                                                                                                                                   |  |
| 4. Marks and numbers — Number and kind of packages — Description of cheese                                                                                                                                                                                                                                                                                                                                                                                   | 5. Gross mass (weight) in kg                                                                                                                                                                                                                                      |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 6. Net mass (weight) in kg                                                                                                                                                                                                                                        |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 7. Invoice(s) No(s)                                                                                                                                                                                                                                               |  |
| <p>8. THE ISSUING AUTHORITY hereby certifies that the cheese described above:</p> <p>— was produced in the Community from raw materials of Community origin,</p> <p>— is of sound and fair marketable quality.</p> <p>Place and date:</p> <p style="text-align: center;">(Signature) <span style="margin-left: 100px;">(Stamp)</span></p>                                                                                                                    |                                                                                                                                                                                                                                                                   |  |
| <p>9. CERTIFICATION BY THE COMPETENT CUSTOMS OFFICE IN THE COMMUNITY</p> <p>Authorisation for the export to the United States of America of the cheese covered by this certificate has been given.</p> <p>Export declaration:</p> <p>— type:</p> <p>— number:</p> <p>— date of acceptance:</p> <p style="text-align: center;">(Signature) <span style="margin-left: 100px;">(Stamp)</span></p>                                                               |                                                                                                                                                                                                                                                                   |  |

## ANNEX II

**Repealed Regulation with its successive amendments**

|                                                                        |                 |
|------------------------------------------------------------------------|-----------------|
| Commission Regulation (EEC) No 2248/85<br>(OJ L 210, 7.8.1985, p. 9)   |                 |
| Commission Regulation (EEC) No 2651/85<br>(OJ L 251, 20.9.1985, p. 40) |                 |
| Commission Regulation (EEC) No 222/88<br>(OJ L 28, 1.2.1988, p. 1)     | Only Article 29 |
| Commission Regulation (EC) No 3450/93<br>(OJ L 316, 17.12.1993, p. 4)  | Only Article 2  |

## ANNEX III

**Correlation table**

| Regulation (EEC) No 2248/85 | This Regulation |
|-----------------------------|-----------------|
| Articles 1-5                | Articles 1-5    |
| —                           | Article 6       |
| Article 6                   | Article 7       |
| Annex I                     | —               |
| Annex II                    | Annex I         |
| —                           | Annex II        |
| —                           | Annex III       |

**COMMISSION REGULATION (EC) No 297/2009****of 8 April 2009****amending Regulation (EC) No 1277/2005 laying down implementing rules for Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and for Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors <sup>(1)</sup>, and in particular Article 11(1) and the third subparagraph of Article 12(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1277/2005 <sup>(2)</sup> determines third countries of destination requiring specific monitoring measures upon export of drug precursors from the Community. Annex IV to that Regulation lists for each of the scheduled substances of categories 2 and 3 of the Annex to Regulation (EC) No 111/2005, the countries for which a pre-export notification is required. The lists involve third countries which have requested to receive pre-export notifications in accordance with Article 12(10) of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances of 1988.
- (2) Romania is listed in Annex IV to Regulation (EC) No 1277/2005. Since Romania has become a Member State, it is necessary to remove it from the lists.

(3) Annex IV to Regulation (EC) No 1277/2005 does not list all third countries which have requested to receive pre-export notifications since the entry into force of Regulation (EC) No 1277/2005. Since 2005, Canada, Maldives, Oman and the Republic of Korea have made such requests and should therefore be added.

(4) Regulation (EC) No 1277/2005 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 30(1) of Regulation (EC) No 111/2005,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex IV to Regulation (EC) No 1277/2005 is replaced by the text set out in the Annex to this Regulation.

*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, 8 April 2009.

*For the Commission*

László KOVÁCS

*Member of the Commission*

<sup>(1)</sup> OJ L 22, 26.1.2005, p. 1.

<sup>(2)</sup> OJ L 202, 3.8.2005, p. 7.

## ANNEX

## 'ANNEX IV

1. List of countries referred to in Article 20 for which a pre-export notification is required for exports of scheduled substances of category 2 of the Annex to Regulation (EC) No 111/2005

| Substance                                                | Destination                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Acetic anhydride</b><br><b>Potassium permanganate</b> | Any third country                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                           |
| <b>Anthranilic acid</b>                                  | Antigua and Barbuda<br>Benin<br>Bolivia<br>Brazil<br>Canada<br>Cayman Islands<br>Chile<br>Colombia<br>Costa Rica<br>Dominican Republic<br>Ecuador<br>Ethiopia<br>Haiti<br>India<br>Indonesia<br>Jordan<br>Kazakhstan<br>Lebanon<br>Madagascar | Malaysia<br>Maldives<br>Mexico<br>Nigeria<br>Oman<br>Paraguay<br>Peru<br>Philippines<br>Republic of Moldova<br>Russian Federation<br>Saudi Arabia<br>South Africa<br>Tajikistan<br>Turkey<br>United Arab Emirates<br>United Republic of Tanzania<br>Venezuela             |
| <b>Phenylacetic acid</b><br><b>Piperidine</b>            | Antigua and Barbuda<br>Benin<br>Bolivia<br>Brazil<br>Canada<br>Cayman Islands<br>Chile<br>Colombia<br>Costa Rica<br>Dominican Republic<br>Ecuador<br>Ethiopia<br>Haiti<br>India<br>Indonesia<br>Jordan<br>Kazakhstan<br>Lebanon<br>Madagascar | Malaysia<br>Maldives<br>Mexico<br>Nigeria<br>Oman<br>Paraguay<br>Peru<br>Philippines<br>Republic of Moldova<br>Russian Federation<br>Saudi Arabia<br>Tajikistan<br>Turkey<br>United Arab Emirates<br>United Republic of Tanzania<br>United States of America<br>Venezuela |

2. List of countries referred to in Articles 20 and 22 for which a pre-export notification and an export authorisation is required for exports of scheduled substances of category 3 of the Annex to Regulation (EC) No 111/2005

| Substance                                                                                                                                             | Destination         |                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------|
| <b>Methylethyl ketone (MEK)</b> <sup>(1)</sup><br><b>Toluene</b> <sup>(1)</sup><br><b>Acetone</b> <sup>(1)</sup><br><b>Ethyl ether</b> <sup>(1)</sup> | Antigua and Barbuda | Lebanon                     |
|                                                                                                                                                       | Argentina           | Madagascar                  |
|                                                                                                                                                       | Benin               | Malaysia                    |
|                                                                                                                                                       | Bolivia             | Maldives                    |
|                                                                                                                                                       | Brazil              | Mexico                      |
|                                                                                                                                                       | Canada              | Nigeria                     |
|                                                                                                                                                       | Cayman Islands      | Oman                        |
|                                                                                                                                                       | Chile               | Pakistan                    |
|                                                                                                                                                       | Colombia            | Paraguay                    |
|                                                                                                                                                       | Costa Rica          | Peru                        |
|                                                                                                                                                       | Dominican Republic  | Philippines                 |
|                                                                                                                                                       | Ecuador             | Republic of Moldova         |
|                                                                                                                                                       | Egypt               | Republic of Korea           |
|                                                                                                                                                       | El Salvador         | Russian Federation          |
|                                                                                                                                                       | Ethiopia            | Saudi Arabia                |
|                                                                                                                                                       | Guatemala           | Tajikistan                  |
|                                                                                                                                                       | Haiti               | Turkey                      |
|                                                                                                                                                       | Honduras            | United Arab Emirates        |
|                                                                                                                                                       | India               | United Republic of Tanzania |
|                                                                                                                                                       | Jordan              | Uruguay                     |
|                                                                                                                                                       | Kazakhstan          | Venezuela                   |
| <b>Hydrochloric acid</b><br><b>Sulphuric acid</b>                                                                                                     | Bolivia             | Peru                        |
|                                                                                                                                                       | Chile               | Turkey                      |
|                                                                                                                                                       | Colombia            | Venezuela                   |
|                                                                                                                                                       | Ecuador             |                             |

<sup>(1)</sup> This includes the salts of these substances whenever the existence of such salts is possible.

**COMMISSION REGULATION (EC) No 298/2009****of 8 April 2009****amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community****(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 2111/2005 of the European Parliament and the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/CE <sup>(1)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 474/2006 of 22 March 2006 established the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 <sup>(2)</sup>.
- (2) In accordance with Article 4(3) of Regulation (EC) No 2111/2005, some Member States communicated to the Commission information that is relevant in the context of updating the Community list. Relevant information was also communicated by third countries. On this basis, the Community list should be updated.
- (3) The Commission informed all air carriers concerned either directly or, when this was not practicable, through the authorities responsible for their regulatory oversight, indicating the essential facts and considerations which would form the basis for a decision to impose on them an operating ban within the Community or to modify the conditions of an operating ban imposed on an air carrier which is included in the Community list.
- (4) Opportunity was given by the Commission to the air carriers concerned to consult the documents provided by Member States, to submit written comments and to make an oral presentation to the Commission within 10 working days and to the Air Safety Committee established by Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation <sup>(3)</sup>.

- (5) The authorities with responsibility for regulatory oversight over the air carriers concerned have been consulted by the Commission as well as, in specific cases, by some Member States.

- (6) Regulation (EC) No 474/2006 should therefore be amended accordingly.

**Community carriers**

- (7) Following information resulting from SAFA ramp checks carried out on aircraft of certain Community air carriers, as well as area specific inspections and audits carried out by their national aviation authorities, some Member States have taken certain enforcement measures. They informed the Commission and the Air Safety Committee about these measures: the competent authorities of Sweden have revoked the Air Operator Certificate (AOC) of the carrier Nordic Regional and suspended those of the carriers Fly Excellent and Aero Syncro; the competent authorities of Spain have revoked the AOC of the carrier Bravo Airlines and its operating licence; the competent authorities of Portugal lifted the suspension of the AOC of the carrier Luzair on 22 January 2009 following verification of successful completion of corrective actions by the carrier; the competent authorities of Greece lifted the suspension of the AOC of the carrier Hellenic Imperial Airways on 18 December 2008 following verification of successful completion of corrective actions by the carrier and suspended on 28 January 2009 the AOC of the carrier Euroair Ltd following a request of this carrier and the suspension of the approval of the continuing airworthiness management organisation of the carrier.

**Air carriers from the Republic of Kazakhstan***Starline KZ*

- (8) There is verified evidence of serious safety deficiencies on the part of Starline KZ certified in Kazakhstan. These deficiencies have been identified by Bulgaria as well as other ECAC states during ramp inspections performed under the SAFA programme <sup>(4)</sup>. The repetition of these non-compliances shows systemic safety deficiencies in the area of operations and maintenance.

<sup>(1)</sup> OJ L 344, 27.12.2005, p. 15.

<sup>(2)</sup> OJ L 84, 23.3.2006, p. 14.

<sup>(3)</sup> OJ L 373, 31.12.1991, p. 4.

<sup>(4)</sup> DGCATR-2007-357, DGCATR-2007-359, DGCATR-2008-166, BUL-2008-8, BUL-2008-9.

- (9) Starline KZ did not respond adequately and in a timely fashion to an enquiry by the civil aviation authority of Bulgaria regarding the safety aspect of its operation showing a lack of communication, as demonstrated by the absence of adequate response to correspondence from this Member State. Starline KZ demonstrated a lack of ability to address these safety deficiencies, which remain unresolved.
- (10) The Commission, having regard to the above mentioned deficiencies, has entered on 27 January 2009 in consultation with the competent authorities of Kazakhstan, expressing serious concerns about the safety of the operations of Starline KZ and asking pursuant to Article 7 of Regulation (EC) No 2111/2005 for clarifications regarding the actions undertaken by the competent authorities as well as the carrier to respond to these deficiencies.
- (11) These authorities did not respond adequately and in a timely fashion to an enquiry by the Commission regarding the safety oversight of Starline KZ, since by the required date the Commission did not receive the requested information, in particular the carrier's AOC together with the complete operations specifications, requirements and restrictions attached thereto.
- (12) Starline KZ requested to be heard by the Air Safety Committee and was heard on 24 March 2009. The hearing however, did not provide sufficient evidence of satisfactory completion of the remedial actions. During the hearing the competent authorities of Kazakhstan presented to the Commission their decision of 4 February 2009 to restrict the operations of Starline KZ to outside the European airspace.
- (13) In view of the above, on the basis of the common criteria, it is assessed that Starline KZ does not meet the relevant safety standards and should therefore be included in Annex A.
- East Wing*
- (14) There is verified evidence of serious safety deficiencies on the part of East Wing certified in Kazakhstan. These deficiencies have been identified by France and Romania during ramp inspections performed under the SAFA programme <sup>(1)</sup>. The repetition of these inspection findings shows systemic safety deficiencies.
- (15) East Wing did not respond adequately to an enquiry by the civil aviation authority of France regarding the safety aspect of its operation showing a lack of communication, as demonstrated by the absence of adequate response to correspondence from this Member State. East Wing demonstrated a lack of ability to address these safety deficiencies, which remain unresolved.
- (16) The Commission, having regard to the above mentioned deficiencies, has entered into consultation with the competent authorities of Kazakhstan, expressing serious concerns about the safety of the operations of East Wings and asking for clarifications regarding the actions undertaken by the competent authorities as well as the carrier to respond to these deficiencies.
- (17) Evidence exists that East Wing has taken over operations from the air carrier GST Aero, an air carrier which was put on Annex A on 22 March 2006 <sup>(2)</sup> and which was withdrawn after the competent authorities of Kazakhstan informed the Commission of the withdrawal of the AOC in March 2007 <sup>(3)</sup>.
- (18) The competent authorities of Kazakhstan informed that they restricted on 4 February 2009 the operations of East Wing to outside the European airspace. These authorities, however, did not respond adequately and in a timely fashion to an enquiry by the Commission regarding the safety oversight of East Wing, failing to provide appropriate evidence regarding the carrier's AOC together with the complete operations specifications, requirements and restrictions attached thereto.
- (19) East Wing requested to be heard by the Air Safety Committee and was heard on 24 March 2009. However, the hearing did not provide sufficient evidence of satisfactory completion of the remedial actions and revealed that the carrier is not aware of limitations to its operations into the European airspace. In view of the above, on the basis of the common criteria, it is assessed that East Wing does not meet the relevant safety standards and should therefore be included in Annex A.
- ATMA Airlines*
- (20) There is verified evidence of serious safety deficiencies on the part of ATMA Airlines certified in Kazakhstan. These deficiencies have been identified by Germany, Norway and Turkey during ramp inspections performed under the SAFA programme <sup>(4)</sup>. The repetition of these inspection findings shows systemic safety deficiencies.
- (21) ATMA Airlines did not respond adequately to an enquiry by the civil aviation authority of Germany and Norway regarding the safety aspect of its operation showing a lack of communication, as demonstrated by the absence of adequate response to correspondence from these States. ATMA Airlines demonstrated a lack of ability to address these safety deficiencies, which remain unresolved.

(1) DGAC/F-2007-2509, RCAARO-2008-36, RCAARO-2008-54.

(2) Recitals (38) to (43) of Regulation (EC) No 474/2006 of 22 March 2006, OJ L 84, 23.3.2006, p. 14.

(3) Recital (17) Regulation (EC) No 235/2007 of 5 March 2007, OJ L 66, 6.3.2007, p. 3.

(4) LBA/D-2008-13, CAA-N-2007-137, DGCATR-2008-25.

- (22) The Commission, having regard to the above mentioned deficiencies, has entered into consultation with the competent authorities of Kazakhstan, expressing serious concerns about the safety of the operations of ATMA Airlines and asking for clarifications regarding the actions undertaken by the competent authorities as well as the carrier to respond to these deficiencies.
- (23) The competent authorities of Kazakhstan informed that they restricted on 4 February 2009 the operations of ATMA Airlines to outside the European airspace. However, these authorities did not respond adequately and in a timely fashion to an enquiry by the Commission regarding the safety oversight of ATMA Airlines, failing to provide appropriate evidence regarding the carrier's AOC together with the complete operations specifications, requirements and restrictions attached thereto.
- (24) ATMA Airlines requested to be heard by the Air Safety Committee and was heard on 24 March 2009. The hearings however did not provide sufficient evidence of satisfactory completion of the remedial actions.
- (25) In view of the above, on the basis of the common criteria, it is assessed that ATMA Airlines does not meet the relevant safety standards and should therefore be included in Annex A.
- Berkut Air*
- (26) There is verified evidence of serious safety deficiencies on the part of Berkut Air certified in Kazakhstan. These deficiencies have been identified by France and Romania during ramp inspections performed under the SAFA programme <sup>(1)</sup>. The repetition of these inspection findings shows systemic safety deficiencies.
- (27) Berkut Air did not respond adequately and in a timely fashion to an enquiry by the civil aviation authority of Romania regarding the safety aspect of its operation showing a lack of communication, as demonstrated by the absence of adequate response to correspondence from this Member States. Berkut Air demonstrated a lack of ability to address these safety deficiencies, which remain unresolved.
- (28) The Commission, having regard to the above mentioned deficiencies, has entered into consultation with the competent authorities of Kazakhstan, expressing serious concerns about the safety of the operations of Berkut Air and asking for clarifications regarding the actions undertaken by the competent authorities to respond to these deficiencies.
- (29) The competent authorities of Kazakhstan informed that they suspended in February 2009 the AOC of BEK Air, previously Berkut Air. These authorities however did not respond adequately and in a timely fashion to an enquiry by the Commission regarding the safety oversight of Berkut Air, as they failed to provide the requested documentation and demonstrated by the absence of communication of documentary evidence of enforcement actions undertaken.
- (30) In view of the above, on the basis of the common criteria, it is assessed that Berkut Air does not meet the relevant safety standards and should therefore be included in Annex A.
- Air Company Kokshetau*
- (31) There is verified evidence of serious safety deficiencies on the part of Air Company Kokshetau certified in Kazakhstan. These deficiencies have been identified by Italy during ramp inspections performed under the SAFA programme <sup>(2)</sup>. These deficiencies concern aircraft of type IL-62 which are not equipped with TAWS (E-GPWS), not equipped with harness, not equipped with quick donning oxygen masks for flight above FL 250 and not equipped with appropriate system for illuminating the escape path.
- (32) Air Company Kokshetau did not respond adequately and in a timely fashion to an enquiry by the civil aviation authority of Italy regarding the safety aspect of its operation showing a lack of communication, as demonstrated by the absence of adequate response to correspondence from this Member State. Air Company Kokshetau demonstrated a lack of ability to address these safety deficiencies, which remain unresolved.
- (33) The Commission, having regard to the above mentioned deficiencies, has entered into consultation with the competent authorities of Kazakhstan, expressing serious concerns about the safety of the operations of Air Company Kokshetau, and asking for clarifications regarding the actions undertaken by the competent authorities to respond to these deficiencies.
- (34) The competent authorities of Kazakhstan informed the Commission that they decided to remove on 13 February 2009 the aircraft of type IL-62M with serial numbers 1138234 and 1748445 from the AOC of Air Company Kokshetau, and that they further intended to recall as of 24 March the AOC of this carrier due to bankruptcy. However, these authorities did not respond adequately to an enquiry by the Commission regarding the communication of documentary evidence on the revocation of the AOC.

<sup>(1)</sup> RCAARO-2008-35, RCAARO-2008-37, RCAARO-2008-75.

<sup>(2)</sup> ENAC-IT-2007-785.

- (35) In view of the above, on the basis of the common criteria, it is assessed that Air Company Kokshetau does not meet the relevant safety standards and should therefore be included in Annex A.

*Sayat Air*

- (36) There is verified evidence of serious safety deficiencies on the part of Sayat Air certified in Kazakhstan. These deficiencies have been identified by an ECAC state during ramp inspections performed under the SAFA programme<sup>(1)</sup>. These deficiencies concern aircraft of type IL-62 which are not equipped with a) TAWS (E-GPWS) b) quick donning oxygen masks for the crew, c) flotation devices, and d) an appropriate system for illuminating the escape path. In addition, the aircraft was operated without emergency checklists on board, with a NAV database outdated for more than 2 years and without a maintenance release on board.
- (37) Sayat Air demonstrated a lack of ability to address these safety deficiencies, which remain unresolved.
- (38) The competent authorities of Kazakhstan did not respond adequately and in a timely fashion to an enquiry by the Commission regarding the safety oversight of Sayat Air, showing a lack of communication, as demonstrated by the absence of adequate response to correspondence from the Commission, in particular regarding the communication of the carrier's AOC together with the complete operations specifications, requirements and restrictions attached thereto.
- (39) The competent authorities of Kazakhstan have not demonstrated that they exercise an appropriate oversight of this carrier in accordance with their obligations under the Chicago Convention.
- (40) In view of the above, on the basis of the common criteria, it is assessed that Sayat Air does not meet the relevant safety standards and should therefore be included in Annex A.

*Scat*

- (41) There is verified evidence of serious safety deficiencies on the part of Scat certified in Kazakhstan. In particular, aircraft of type Yak-42 with registration marks UP-Y4205 is not equipped with TAWS (E-GPWS) as required by ICAO provisions. These deficiencies have been identified by an ECAC state during ramp inspections performed under the SAFA programme<sup>(2)</sup>.
- (42) The Commission, having regard to the above mentioned deficiencies, has entered into consultation with the competent authorities of Kazakhstan, expressing serious concerns about the safety of the operations of Scat and

asking for clarifications regarding the actions undertaken by the competent authorities to respond to these deficiencies.

- (43) The competent authorities of Kazakhstan provided evidence that they removed from the register the aircraft of type Yak-42 with registration marks UP-Y4205.
- (44) Scat requested to be heard by the Air Safety Committee and, during its hearing on 24 March 2009, confirmed that this aircraft was not operated anymore.
- (45) In view of that, the Commission considers that no further action is needed with regard to this carrier.

*Overall safety oversight of air carriers from the Republic of Kazakhstan*

- (46) The Commission drew the attention of the competent authorities of Kazakhstan to the fact that the monitoring of the performance of a number of other air carriers licensed in Kazakhstan keeps showing disquieting results in ramp inspections. The competent authorities of Kazakhstan were invited to provide clarifications and to take the necessary measures, where appropriate.
- (47) The competent authorities of Kazakhstan communicated a series of enforcement measures taken on a number of Kazakh carriers. These authorities informed in particular that they restricted on 4 February 2009 the operations of Investavia, Skybus and Aytirau Aye Zholy to outside the European airspace. The Commission will launch urgent consultations with the Kazakh authorities and will initiate the procedure provided in Article 7 of Regulation (EC) No 2111/2005 in relation to these carriers.
- (48) The Commission strongly requests the competent authorities of Kazakhstan to increase their efforts to reform the civil aviation system and strengthen the safety oversight of all carriers certified in this country. The Commission will continue the consultations with these authorities to evaluate the situation of Kazakh carriers and is ready to assess, together with the Member States, all evidence provided in a timely fashion in that respect.

**Orient Thai Airlines and One Two Go Airlines**

- (49) Following the accident of One Two Go flight OG 269 in Phuket on 16 September 2007, which resulted in the total loss of the aircraft, an MD-80, and to 90 fatalities, including many European passengers, the Commission started the consultation with the competent authorities of Thailand in charge of the safety oversight of this carrier.

<sup>(1)</sup> SDAT-2007-36.

<sup>(2)</sup> GDCA-2008-10.

- (50) The Commission sent on 5 March 2009 a letter to these carriers pursuant to Article 7 of Regulation (EC) No 2111/2005.
- (51) The competent authorities of Thailand (the Thai Department of Civil Aviation – Thai DCA) informed the Commission that investigations conducted after the accident revealed that both Orient Thai and its subsidiary One Two Go violated the law on air navigation, in particular by the falsification of Pilot Proficiency Checks of nine pilots of the carriers. Consequently, the Thai DCA suspended the MD-80 operations of One Two Go and Orient Thai and requested these carriers carry out a series of corrective actions.
- (52) The Thai DCA has also informed the Commission that it decided on 25 November 2008 to re-activate the AOC of One Two Go. Its parent company Orient Thai had already been authorised to restart its operations with aircraft of type MD-80 since 7 October 2008.
- (53) A team of European experts conducted a fact-finding visit to the Kingdom of Thailand from 10 to 13 March 2009 covering the areas of Flight Operations and Flight Crew Licenses, so as to verify the implementation by the air carriers of corrective actions meant to address the safety deficiencies previously identified by the Thai DCA. The visiting team could assess that One Two Go does not conduct any aircraft operations. One Two Go is responsible for retailing flights which are actually operated by Orient Thai under a wet-lease agreement, whereby One Two Go is the lessee and Orient Thai the lessor. Orient Thai provides aircraft, complete crew, maintenance, and insurance to One Two Go. All staff involved in Orient Thai operations on behalf of One Two Go are employed by Orient Thai.
- (54) The report of the fact-finding visit also shows that corrective actions have been taken to date by the carrier Orient Thai, as well as measures taken by the Thai DCA to resolve the safety deficiencies detected previously. The Commission will closely monitor the safety situation of Orient Thai. To this end, the Thai DCA should provide the Commission, within a period not exceeding two months, with all the necessary information regarding the effectiveness of the said measures.
- (55) On 19 March 2009, the Thai DCA informed the Commission that One Two Go has the intention to conduct own air operations by the month of July 2009. However, the report of the EU team shows that the Thai DCA granted One Two Go an AOC, despite the fact that it was not in a position to properly assess the capability of the company to safely conduct aircraft operations, since this carrier never produced the detailed evidence documents, requested under Thai Regulations which implement ICAO standards. The Thai DCA also announced its intention to revoke the AOC of One Two Go on 29 March 2009; however, the carrier would continue chartering scheduled flights from Orient Thai by virtue of its Air Operator Licence.
- (56) In view of the above, on the basis of the common criteria, it is assessed that the carrier One Two Go does not meet the relevant safety standards. This carrier should be subject to an operating ban and therefore included in Annex A.
- Air carriers from the Republic of Benin**
- (57) There is verified evidence of lack of ability of the authorities responsible for the oversight of air carriers licensed in Benin to address safety deficiencies, as demonstrated by the results of the audit of Benin carried out by ICAO in the framework of the Universal Safety Oversight Audit Programme (USOAP) in March 2007. This audit reported a large number of significant deficiencies with regard to the capability of the civil aviation authorities of Benin to discharge their air safety oversight responsibilities. At the time of the completion of the ICAO audit, 80,22 % of ICAO standards were not implemented. On certain critical elements such as the provision for qualified technical personnel, more than 98 % of ICAO standards were not effectively implemented. Regarding the resolution of safety concerns, more than 93 % of ICAO standards were not effectively implemented.
- (58) There is evidence of insufficient ability from the competent authorities of Benin to remedy effectively the non-compliance findings made by ICAO, as demonstrated by the fact that ICAO considers in its final report dated December 2007 that a significant part of the corrective actions proposed or implemented by these authorities do not actually address the deficiencies observed. In the area of aircraft operations in particular, 50 % of the actions proposed by Benin were not considered as fully acceptable by ICAO.
- (59) The Commission, having regard to the ICAO final report, has entered into consultation with the competent authorities of Benin, expressing serious concerns about the safety of the operations of air carriers licensed in the country, and asking for clarifications regarding the actions undertaken by the competent authorities of Benin to respond to ICAO findings and observations on the acceptability of the remedial actions.
- (60) During the hearing before the Air Safety Committee on 25 March 2009, the competent authorities of Benin indicated that the implementation of the corrective actions whose completion was expected in 2008 has been actually postponed to August/December 2009.

(61) The documentation presented by the competent authorities of Benin provides evidence that the AOC issued to carriers certified in Benin do not comply with ICAO standards for international flights, which confirms that the ICAO findings made have not been yet effectively addressed. A review of the situation of the AOCs and attached operations specifications of the air carriers Aero Benin, Africa Airways, Benin Golf Air, Benin Littoral Airways, Cotair, Royal Air and Trans Air Benin reveals serious concerns. The AOC of Africa Airways was not provided. The other AOCs do not mention the applicable regulations used as a basis for the certification, and the area of operations permits worldwide operations although the competent authorities of Benin affirm that these are limited to Benin and/or the sub-region. Furthermore, the operations of Aero Benin, Benin Golf Air, Benin Littoral Airways, Cotair and Trans Air Benin appear to be limited to visual flight rules (VFR), which would be inadequate to operate safely in Europe, and do not include the necessary specific authorisations RVSM, RNAV and RNP, as appropriate for the navigation into European airspace. The competent authorities of Benin have indicated that they have limited the validity of the AOC to 6 months and intend to clarify the situation rapidly. The Commission considers that, pending the expected re-certification of these carriers in full compliance with ICAO standards, on the basis of the common criteria, they should be subject to an operating ban and therefore included in Annex A.

(62) The carrier Alafia Jet requested to be heard by the Air Safety Committee; it was so given the opportunity to make oral presentations to the Air Safety Committee on 24 March 2009 and transmitted documentation regarding its operations in writing. The carrier stated during its presentation that it operates flights into the European Union limited to on-demand emergency medical services, and provided information on a series of actions it has undertaken to respond to the deficiencies identified by France during ramp inspections performed under the SAFA programme<sup>(1)</sup>. However, the repetition of significant safety deficiencies during ramp checks on aircraft operated into the Community indicates that there are systemic safety deficiencies affecting the operations of that carrier. The actions taken by the company to date have not been able to remedy these deficiencies.

(63) Taking into account the numerous and repeated safety deficiencies detected during ramp checks of aircraft operated by Alafia Jet and the insufficient ability of the competent authorities of Benin to exercise appropriately oversight of carriers certified in Benin, the Commission considers that the continuation of operations of the carrier Alafia Jet into the Community should not be permitted. On the basis of the common criteria, it is therefore assessed that Alafia Jet should be included in Annex A.

<sup>(1)</sup> DGAC/F-2008-2143, DGAC/F-2009-368, DGAC/F-2009-434, DGAC/F-2009-582.

(64) The Commission fully supports the efforts undertaken by the competent authorities of Benin to improve the safety oversight of its carriers, and considers that the substantial donation announced by the World Bank in favour of the Republic of Benin will pave the way for substantial progress towards compliance with ICAO standards.

### **Air Carriers from the Republic of Gabon**

#### *Gabon Airlines*

(65) Gabon Airlines was allowed since July 2008 to operate in the EU only with the aircraft of type Boeing 767-200 with registration marks TR-LHP under the conditions presented in the recital (15) of Regulation (EC) No 715/2008<sup>(2)</sup>.

(66) Since then, there is verified evidence of safety deficiencies on the part of Gabon Airlines certified in Gabon. These deficiencies have been identified by France during ramp inspections performed under the SAFA programme<sup>(3)</sup>.

(67) Gabon Airlines has however responded adequately and in a timely fashion to enquiries by the civil aviation authority of France regarding the safety aspect of its operation.

(68) Gabon Airlines requested to be heard by the Air Safety Committee and was heard on 25 March 2009. The Commission took note that Gabon Airlines was subject to a recertification audit by the competent authorities of Gabon in February 2009, revealing certain non-compliance findings, the closure of which had not been satisfactorily demonstrated at the time of the hearing. The competent authorities of Gabon indicated that the aircraft is currently grounded for base maintenance purposes and that they intend to verify the satisfactory closure of these findings before the aircraft with registration marks TR-LHP is eventually returned to service.

(69) In view of the above, on the basis of the common criteria, it is assessed that Gabon Airlines should remain in Annex B, and that this Annex should be amended to reflect the situation of the aircraft with registration marks TR-LHP and ensure the current level of operations into the Community is preserved.

#### *Afrijet*

(70) Afrijet certified in Gabon was allowed since July 2008 to operate in the Community only a number of aircraft of type Falcon 50 with registration marks TR-LGV and TR-LGY as well as aircraft of type Falcon 900 registered TR-AFJ under the conditions presented in the recital (15) of Regulation (EC) No 715/2008<sup>(4)</sup>.

<sup>(2)</sup> Regulation (EC) No 715/2008 of 24 July 2008, OJ L 197, 25.7.2008, p. 36.

<sup>(3)</sup> DGAC/F-2008-1757, DGAC/F-2008-2126, DGAC/F-2008-2127, DGAC/F-2008-2451, DGAC/F-2009-140, DGAC/F-2009-161.

<sup>(4)</sup> Regulation (EC) No 715/2008 of 24 July 2008, OJ L 197, 25.7.2008, p. 36.

- (71) Since then, there is verified evidence of serious safety deficiencies on the part of Afrijet. These deficiencies have been identified by France during ramp inspections performed under the SAFA programme <sup>(1)</sup>.
- (72) Afrijet has however responded adequately and in a timely fashion to enquiries by the civil aviation authority of France regarding the safety aspect of its operation.
- (73) The Commission took note that Afrijet was subject to a recertification audit by the competent authorities of Gabon in January 2009. After the verification of closure of all findings arising from this audit, the carrier was re-issued a new AOC in February 2009, which includes a second aircraft of type Falcon 900 with registration marks TR-AFR.
- (74) In view of the above, on the basis of the common criteria, it is assessed that Afrijet should remain in Annex B and that this Annex should be amended to reflect the change of the AOC and ensure that the current level of operations into the Community is preserved.

#### **Société Nouvelle Air Affaires Gabon (SN2AG)**

- (75) SN2AG requested to be heard by the Air Safety Committee, and was heard on 25 March 2009. The Commission took note that this carrier has undertaken further re-organisation and had initiated a series of remedial actions in order to progress in the compliance with international standards. The Commission also noted that SN2AG was subject to a recertification audit by the competent authorities of Gabon in February 2009. After the verification of closure of all findings arising from this audit, the carrier was re-issued a new AOC in February 2009.
- (76) There is verified evidence that certain safety requirements of ICAO have not yet been complied with. For instance, at the time of the hearing the carrier has not yet effectively implemented the required Flight Data Monitoring for the aircraft of type Fokker 28-0100 (Fokker 100).
- (77) There is verified evidence of a lack of transparency and timely communication on the part of SN2AG in response to enquiries by the Commission. SN2AG stated it has not been subject to any reports showing serious deficiencies identified by ramp inspections carried out under the Safety Assessment of Foreign Aircraft (SAFA) programme, whilst several deficiencies had actually been identified by France during ramp inspections performed under the SAFA programme <sup>(2)</sup>.
- (78) Consequently, on the basis of the common criteria, it is assessed that SN2AG should remain in Annex A.
- (79) Nevertheless, the Commission is ready to re-examine the situation of this carrier in the light of any new developments providing sufficient evidence that the safety deficiencies have been addressed.
- Overall safety oversight of air carriers from Gabon*
- (80) The Commission takes note that the new competent authority of Gabon ('Agence Nationale de l'Aviation Civile', ANAC hereafter) established by the Republic of Gabon in July 2008 has effectively commenced its activities on 23 January 2009. ANAC is at the beginning of its growth and is currently in the process of securing sufficient financial resources and of hiring sufficient qualified technical personnel to effectively discharge its responsibilities towards ICAO.
- (81) The Commission drew the attention of the competent authorities of Gabon to the fact that, despite increased oversight activities of these authorities, monitoring of the performance of air carriers licensed in Gabon keep showing disquieting results in ramp inspections. The competent authorities of Gabon were invited to provide clarifications and to take the necessary measures, where appropriate.
- (82) The Commission encourages the efforts of the competent authorities of Gabon to reform the civil aviation system and in particular the on-going recertification of all airlines to ensure full compliance with ICAO safety standards. The Commission is ready to consider a visit on site in due time to verify the progress effectively accomplished.

#### **Air carriers from Ukraine**

##### *Motor Sich JSC Airlines*

- (83) There is verified evidence of serious safety deficiencies on the part of Motor Sich certified in Ukraine. These deficiencies have been identified by France and an ECAC state (Turkey) during ramp inspections performed under the SAFA programme <sup>(3)</sup>. The repetition of these inspection findings shows systemic safety deficiencies.
- (84) The competent authorities of Turkey decided to impose an immediate operating ban of this carrier on 27 November 2008.
- (85) Motor Sich responded to the enquiry by the civil aviation authority of Turkey by indicating their decision to stop the operation of aircraft of type AN-24 to this State, which they did.

<sup>(1)</sup> DGAC/F-2008-564, DGATR-2008-572.

<sup>(2)</sup> DGAC/F-2007-1325, DGAC/F-2008-174.

<sup>(3)</sup> DGAC/F-2008-564, DGCATR-2008-512.

- (86) Motor Sich responded in a timely fashion to an enquiry by the civil aviation authority of France stating what corrective actions had been undertaken by the company following the ramp check carried out on 12 March 2008 France. However, this response was not adequate as there has been no supporting evidence material submitted by the carrier.
- (87) The Commission received information from the competent authorities of Turkey that after non-scheduled inspection of the operator, the decision was taken by the competent authorities of Ukraine to revoke the AOC of this operator. These authorities decided afterwards to authorise the continuation of the operations of Motor Sich to this country with some limitations on the operations of AN-24.
- (88) The competent authorities of Ukraine responded on 16 March 2009 to an enquiry by the Commission regarding the safety oversight of Motor Sich, stating that the AOC of the carrier was revoked on 22 January and that, upon completion of corrective actions by the carrier, the State aviation Administration authorised the continuation of operations except for the aircraft of type AN-24 on its fleet. No date has been stated regarding such issuance of an AOC with limitations neither any evidence of inspection of the company to ensure that the relevant safety requirements are respected for any part of the fleet. Finally, according to the aforementioned correspondence of the State Aviation Administration, these authorities renewed the AOC allowing the carrier to operate with AN-24 after performing inspections with positive results demonstrating that the carrier had eliminated deficiencies on this aircraft.
- (89) The information provided in this correspondence is not considered to be an adequate response as the information transmitted therein does not correspond to the information transmitted by the competent authorities of Ukraine on 2 February 2009, according to which the AOC of Motor Sich Airlines was issued on 8 November 2008 with validity until 8 November 2010 and the operation specifications were issued on 23 December 2008 with validity until 8 November 2010.
- (90) Motor Sich requested to be heard by the Commission and the Air Safety Committee and did so on 24 March 2009. During its presentation to the Air Safety Committee, Motor Sich demonstrated a lack of ability to address the safety deficiencies detected through a lack of transparency and of adequate communication regarding its operations into the Community.
- (91) In view of the above, the Commission considers that the competent authorities of Ukraine have shown an insufficient ability to oversee the operations of the air carrier in accordance with their obligations under the Chicago Convention.
- (92) On the basis of the common criteria, it is assessed that Motor Sich has not shown the ability to take all the required measures to conform to relevant safety standards and should therefore be included in Annex A.
- Ukraine Cargo Airways*
- (93) The carrier Ukraine Cargo Airways (UCA) requested to be heard by the Commission and the Air Safety Committee, and did so on 24 March 2009.
- (94) On the basis of documentation submitted by the company to the Commission on 16 March 2009 there is evidence that the company had undertaken measures to redress previously detected deficiencies on its aircraft operated in the Community. According to the information presented by the company, UCA has been audited by the State Aviation Administration of Ukraine in November 2008. Following this audit its AOC was renewed for a period of two years until November 2010. However, the Commission has not received any information from the competent authorities of Ukraine about the audit they conducted and its results before renewing the AOC of the carrier.
- (95) Furthermore, the carrier has stated in its presentation to the Commission and the Air Safety Committee that it has received written confirmation from various Member States that the safety deficiencies detected by the inspecting authorities of these Member States had been adequately addressed by UCA. However, with the exception of one Member State concerning the operation of one aircraft of type AN-12 which was removed from the AOC, the statements of UCA were not affirmed by the other Member States concerned.
- (96) The Commission considers that in order to fully assess the ability of the carrier to put in place an appropriate corrective action plan and to implement it effectively it is necessary to perform an on-site visit. Unfortunately such a visit could not take place before the meeting of the Air Safety Committee on 24 March 2009 due to a lack of cooperation of the competent authorities of Ukraine. During the meeting of the Air Safety Committee on 24 March 2009, the State Aviation Administration of Ukraine expressed its willingness to receive this visit by the Commission and Member States. The Commission will decide any modification of the operating ban imposed on the carrier on the basis of evidence gathered during this future visit.
- (97) On the basis of the common criteria, it is assessed that, at this stage, this carrier cannot be removed from Annex A.
- Ukrainian Mediterranean Airlines*
- (98) The carrier Ukrainian Mediterranean Airlines (UMAir) requested to be heard by the Commission and the Air Safety Committee and did so on 24 March 2009.

- (99) On the basis of documentation submitted by the company to the Commission on 16 October 2008, there is evidence that the company had undertaken measures to redress previously detected deficiencies on its aircraft operated in the Community.
- (100) The competent authorities of Ukraine sent on 5 November 2008 to the Commission a letter stating that the validity of the AOC of the air carrier had been prolonged until 15 December 2008, pending the completion of the procedure to renew it after that date for a period of two years until 15 December 2010. With this letter they also transmitted a document containing the act of certification of UMAir following an audit carried out on 31 October 2008. However, neither the company nor the competent authorities of Ukraine submitted the audit report for the issuance of the AOC of the carrier.
- (101) Furthermore, the carrier has stated in its presentation to the Commission and the Air Safety Committee that it has implemented the necessary measures to resolve all safety deficiencies which had led to the imposition of the operating ban in September 2007.
- (102) The Commission considers that in order to fully assess the ability of the carrier to put in place an appropriate corrective action plan and to implement it effectively it is necessary to perform an on-site visit. Unfortunately such a visit could not take place before the meeting of the Air Safety Committee on 24 March 2009 due to a lack of cooperation of the competent authorities of Ukraine. During the meeting of the Air Safety Committee on 24 March 2009, the State Aviation Administration of Ukraine expressed its willingness to receive this visit by the Commission and Member States. The Commission will decide any modification of the operating ban imposed on the carrier on the basis of evidence gathered during this visit.
- (103) On the basis of the common criteria, it is assessed that, at this stage, this carrier cannot be removed from Annex A.

#### *Overall safety oversight of air carriers from Ukraine*

- (104) The Commission drew the attention of the competent authorities of Ukraine to the fact that, despite increased oversight activities of these authorities, monitoring of the performance of air carriers licensed in Ukraine keep showing disquieting results in ramp inspections. During the meeting of the Air Safety Committee in November 2008, the competent authorities of Ukraine were invited to provide clarifications and to take the necessary measures; also, these authorities had agreed to be subject to a safety assessment to be organised by the Commission in association with Member States. However, the State Aviation Administration of Ukraine did not submit to the Commission the progress report

on the implementation of the corrective action plan put in place to enhance and reinforce the exercise of safety oversight in the Ukraine, which it is required to submit on a 3-month basis as per Regulation (EC) No 715/2008 <sup>(1)</sup>.

- (105) Also, the competent authorities showed a lack of cooperation in the preparation of the assessment visit as shown by the absence of submission of the required documentation for airworthiness and the refusal of the visit programme proposed by the Commission. Consequently, the Commission had to cancel the safety assessment visit which was foreseen from 9 to 13 February 2009.
- (106) The Commission takes note of the statements of the competent authorities of Ukraine agreeing to receive a joint visit of the Commission, Member States and EASA and reaffirming their readiness to cooperate for the successful organisation of such safety assessment to demonstrate their ability to carry out the oversight of all air carriers licensed in Ukraine in full compliance with applicable ICAO requirements.

#### **Bangkok Airways**

- (107) A team of European experts conducted a fact-finding mission to the Kingdom of Thailand from 10 to 13 March 2009 to obtain factual information about the current safety level of the operating standards of the carrier Bangkok Airways, as well as on oversight activities conducted by the Thai Department of Civil Aviation (DCA) on the air carrier. In particular, purpose of the mission has been to determine if any aircraft of the carrier are being operated by the carrier Siem Reap Airways International, licensed by the competent authorities of the Kingdom of Cambodia, and which has been included in Annex A of the Community list by Commission Regulation (EC) 1131/2008 of 14 November 2008 <sup>(2)</sup>.
- (108) The report shows that currently the air carrier has the actual control of its operations, and that all staff members are duly licensed by the competent authorities of Thailand. In addition, it shows that the Thai DCA is conducting adequate oversight activities on the carrier. Therefore, the Commission considers that, on the basis of the common criteria, no further action is needed at this stage.

#### **Air Carriers from Cambodia**

- (109) The competent authorities of Cambodia have informed the Commission that they are progressing in the implementation of the action plan aimed at resolving the deficiencies identified by ICAO in its last USOAP report, focusing in particular on those pertaining to air operations, in order to make sure that the safety oversight of air carriers in Cambodia is complying with ICAO standards.

<sup>(1)</sup> OJ L 197, 25.7.2008, p. 36.

<sup>(2)</sup> OJ L 306, 15.11.2008, p. 47.

- (110) The competent authorities of Cambodia have informed the Commission they have suspended the AOC of the following air carriers: Siem Reap Airways International in December 2008 and Cambodia Angkor Airways in February 2009. They further confirmed that all AOCs issued are now either revoked or suspended, with the exception of Helicopter Cambodia and Sokha Airlines.
- (111) Siem Reap Airways International has applied for the lifting of the suspension of its AOC. However, since the competent authorities of Cambodia have declared that they have not yet completed the evaluation of compliance with the applicable requirements, the air carrier should remain in Annex A.

#### **Air carriers from the Democratic Republic of Congo**

- (112) By letter dated 4 March 2009, the Director General of Civil Aviation of the Democratic Republic of Congo informed the Commission that certain airlines listed in Annex A of Commission Regulation (EC) No 1131/2008 do not operate anymore and that the following carriers have been granted an AOC: Air Katanga, Busy Bee Congo, Entreprise World Airways (EWA), Gilembe Air Soutenance (Gisair), Kin Avia, Swala Aviation. Those carriers which are still operating air services will be submitted to an evaluation with a view to renewing their AOCs.
- (113) In view of the above, Annex A of the Community list should be accordingly updated to include those air carriers to which the competent authorities of the Democratic Republic of Congo have granted an AOC. However, in the absence of evidence demonstrating the revocation, cancellation or surrender of the AOC of those air carriers which have ceased to operate, none of them can be removed from the Community list.
- (114) Furthermore, in his letter, the Director General of Civil Aviation of the Democratic Republic of Congo also requested the Commission to move the carrier Hewa Bora from Annex A to Annex B to allow it to resume operations of the route between Kinshasa and Brussels with one aircraft type Boeing 767 with registration marks 9Q-CJD. Since no evidence was provided that the relevant safety standards are complied with by the operator and the authority with responsibility for regulatory and safety oversight, no decision can be taken at this stage and, as a consequence, Hewa Bora Airways should be retained in Annex A.

#### **Air carriers from the Republic of Angola**

- (115) The competent authorities of Angola have requested to present a progress report to the Commission and the Air Safety Committee on the implementation of the corrective action plan they have drawn up to address the safety deficiencies detected by ICAO in the framework of its Universal Safety Oversight Audit Programme (USOAP). In their presentation on

26 March 2009, the competent authorities of Angola presented in particular with regard to the changes in primary legislation and civil aviation legislation, organisation, structure and staffing in the authority, issuance of standards in the areas of personnel licenses and training, aircraft operations and airworthiness. In this respect, they have already launched the process of re-certification of all carriers established in Angola. Furthermore, the competent authorities informed about changes in their legislation regarding accident and incident investigation.

- (116) The competent authorities of Angola also stated that the carrier TAAG continued to undergo significant changes at various levels including: operational, managerial, quality and cost rationalisation.

- (117) The Commission takes note of the progress report presented by the competent authorities of Angola and will examine the situation of air carriers certified in Angola at a next meeting of the Air Safety Committee.

#### **Air carriers from the Republic of Indonesia**

- (118) Following the adoption of the new Law on Aviation on 12 January 2009, the competent authorities of Indonesia have transmitted to the Commission the applicable Civil Aviation Safety Regulations (CASRs) and guidance material, as well as a detailed update on the progress of implementation of the corrective action plan aimed at addressing the findings raised by ICAO in the framework of its Universal Safety Oversight Audit Program (USOAP).
- (119) Upon request of the Indonesian Directorate General for Civil Aviation (DGCA), a team of European experts conducted a fact-finding visit to Indonesia from 23 to 27 February 2009. In this framework, four air carriers (Garuda Indonesia, Mandala Airlines, Airfast Indonesia, and Ekspres Transportasi Antarbenua) have also been visited, so as to verify the capability of DGCA Indonesia to ensure their safety oversight in compliance with the relevant standards.
- (120) The report of the visit shows considerable improvements in the structure and staffing of the DGCA, which would appear to allow DGCA to perform appropriately its regulatory and supervisory tasks. However, the report also shows that, despite these improvements, oversight activities are not fully conducted at this stage. The current system for the oversight activities does not allow for an adequate follow-up of findings raised by the DGCA on any Indonesian carrier. In particular, it appears that DGCA is currently not in a position to track the target date for the closure of a finding, the actual date of its closure, and if any extension for the closure has been granted. As a consequence, the current level of effectiveness of DGCA surveillance on Indonesian carriers is considered at this stage, still unsatisfactory and in need of improvement.

- (121) The Commission takes note of the substance of the differences to Annex 6 to the Chicago Convention, which Indonesia has notified to ICAO on 20 February 2009. These differences include the lack of implementation of a number of ICAO requirements concerning Annex 6 which, in some cases, have a direct impact on the safety of the operations of Indonesian carriers. The Commission, however, takes also note that the carriers visited by the team of European experts (with a few exceptions which concern specific aircraft) are equipped in accordance with ICAO requirements, on a voluntary basis.
- (122) On the basis of the common criteria, it is assessed that the current level of effectiveness of surveillance activities conducted by the DGCA does not allow for the adequate enforcement and respect of the relevant safety standards by carriers certified in Indonesia. As a consequence, none of the Indonesian carriers can be, at this stage, withdrawn from the Community list. The Commission will closely liaise with the competent authorities of Indonesia with a view to re-assessing the effectiveness of surveillance activities at the next meeting of the Air Safety Committee.
- (123) The competent authorities of Indonesia have also provided the Commission with an updated list of air carriers holding an AOC. At present, the air carriers certified in Indonesia are the following: Garuda Indonesia, Merpati Nusantara, Kartika Airlines, Mandala Airlines, Trigana Air Service, Metro Batavia, Pelita Air Service, Indonesia Air Asia, Lion Mentari Airlines, Wing Adabi Nusantara, Riau Airlines, Transwisata Prima Aviation, Tri MG Airlines, Ekspres Transportasi Antar Benua, Manunggal Air Service, Megantara Airlines, Linus Airways, Indonesia Air Transport, Sriwijaya Air, Cardig Air, Travel Ekspres Aviation Service, Republic Express Airlines, KAL Star, Airfast Indonesia, Sayap Garuda Indah, Survei Udara Penas, Nusantara Buana Air, Nyaman Air, Travira Utama, Derazona Air Service, National Utility Helicopter, Deraya Air Taxi, Dirgantara Air Service, SMAC, Kura-Kura Aviation, Gatari Air

Service, Intan Angkasa Air Service, Air Pacific Utama, Transwisata Prima Aviation, Asco Nusa Air, Atlas Delta Satya, Pura Wisata Baruna, Penerbangan Angkasa Semesta, ASI Pudjiastuti, Aviastar Mandiri, Dabi Air, Balai Kalibrasi Penerbangan, Sampoerna Air Nusantara, Mimika Air, ALFA Trans Dirgantara, and Eastindo. The Community list should be updated accordingly and these carriers should be included in Annex A.

**General considerations concerning the other carriers included in Annexes A and B**

- (124) No evidence of the full implementation of appropriate remedial actions by the other carriers included in the Community list updated on 14 November 2008 and by the authorities with responsibility for regulatory oversight of these air carriers has been communicated to the Commission so far in spite of specific requests submitted by the latter. Therefore, on the basis of the common criteria, it is assessed that these air carriers should continue to be subject to an operating ban (Annex A) or operating restrictions (Annex B), as the case may be.
- (125) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

1. Annex A is replaced by Annex A to this Regulation.
2. Annex B is replaced by Annex B 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, 8 April 2009.

*For the Commission*

Antonio TAJANI

*Member of the Commission*

## ANNEX A

LIST OF AIR CARRIERS OF WHICH ALL OPERATIONS ARE SUBJECT TO A BAN WITHIN THE COMMUNITY <sup>(1)</sup>

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)                | Air Operator Certificate (AOC) Number or Operating Licence Number | ICAO airline designation number | State of the Operator                      |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|--------------------------------------------|
| AIR COMPANY KOKSHETAU                                                                                                   | AK-0357-08                                                        | KRT                             | Republic of Kazakhstan                     |
| Air Koryo                                                                                                               | Unknown                                                           | KOR                             | Democratic People Republic of Korea (DPRK) |
| Air West Co. Ltd                                                                                                        | 004/A                                                             | AWZ                             | Republic of the Sudan                      |
| Ariana Afghan Airlines                                                                                                  | 009                                                               | AFG                             | Islamic Republic of Afghanistan            |
| ATMA AIRLINES                                                                                                           | AK-0372-08                                                        | AMA                             | Republic of Kazakhstan                     |
| BERKUT AIR/BEK AIR                                                                                                      | AK-0311-07                                                        | BKT                             | Republic of Kazakhstan                     |
| EAST WING                                                                                                               | AK-0332-07                                                        | EWZ                             | Republic of Kazakhstan                     |
| MOTOR SICH                                                                                                              | 025                                                               | MSI                             | Ukraine                                    |
| ONE TWO GO AIRLINES COMPANY LIMITED                                                                                     | 15/2549                                                           | OTG                             | Kingdom of Thailand                        |
| SAYAT AIR                                                                                                               | AK-0351-08                                                        | SYM                             | Republic of Kazakhstan                     |
| SIEM REAP AIRWAYS INTERNATIONAL                                                                                         | AOC/013/00                                                        | SRH                             | Kingdom of Cambodia                        |
| Silverback Cargo Freighters                                                                                             | Unknown                                                           | VRB                             | Republic of Rwanda                         |
| STARLINE KZ                                                                                                             | AK-0373-08                                                        | LMZ                             | Republic of Kazakhstan                     |
| UKRAINE CARGO AIRWAYS                                                                                                   | 145                                                               | UKS                             | Ukraine                                    |
| UKRAINIAN MEDITERRANEAN AIRLINES                                                                                        | 164                                                               | UKM                             | Ukraine                                    |
| VOLARE AVIATION ENTREPRISE                                                                                              | 143                                                               | VRE                             | Ukraine                                    |
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of Angola, including,</b> |                                                                   |                                 | Republic of Angola                         |
| AEROJET                                                                                                                 | Unknown                                                           | Unknown                         | Republic of Angola                         |
| AIR26                                                                                                                   | Unknown                                                           | Unknown                         | Republic of Angola                         |
| AIR GEMINI                                                                                                              | 02/2008                                                           | Unknown                         | Republic of Angola                         |
| Air Gicango                                                                                                             | Unknown                                                           | Unknown                         | Republic of Angola                         |

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

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)               | Air Operator Certificate (AOC) Number or Operating Licence Number | ICAO airline designation number | State of the Operator |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|-----------------------|
| AIR JET                                                                                                                | Unknown                                                           | Unknown                         | Republic of Angola    |
| AIR NAVE                                                                                                               | Unknown                                                           | Unknown                         | Republic of Angola    |
| ALADA                                                                                                                  | Unknown                                                           | Unknown                         | Republic of Angola    |
| ANGOLA AIR SERVICES                                                                                                    | Unknown                                                           | Unknown                         | Republic of Angola    |
| Diexim                                                                                                                 | Unknown                                                           | Unknown                         | Republic of Angola    |
| GIRA GLOBO                                                                                                             | Unknown                                                           | Unknown                         | Republic of Angola    |
| HELIANG                                                                                                                | Unknown                                                           | Unknown                         | Republic of Angola    |
| HELIMALONGO                                                                                                            | 11/2008                                                           | Unknown                         | Republic of Angola    |
| MAVEWA                                                                                                                 | Unknown                                                           | Unknown                         | Republic of Angola    |
| RUI & CONCEICAO                                                                                                        | Unknown                                                           | Unknown                         | Republic of Angola    |
| SAL                                                                                                                    | Unknown                                                           | Unknown                         | Republic of Angola    |
| SONAIR                                                                                                                 | 14/2008                                                           | Unknown                         | Republic of Angola    |
| TAAAG ANGOLA AIRLINES                                                                                                  | 001                                                               | DTA                             | Republic of Angola    |
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of Benin, including,</b> |                                                                   |                                 | Republic of Benin     |
| AERO BENIN                                                                                                             | PEA No 014/MDCTTTATP-PR/ANAC/DEA/SCS                              | Unknown                         | Republic of Benin     |
| AFRICA AIRWAYS                                                                                                         | Unknown                                                           | Unknown                         | Republic of Benin     |
| ALAFIA JET                                                                                                             | PEA No 014/ANAC/MDCTTTATP-PR/DEA/SCS                              | IGA                             | Republic of Benin     |
| BENIN GOLF AIR                                                                                                         | PEA No 012/MDCTTP-PR/ANAC/DEA/SCS.                                | Unknown                         | Republic of Benin     |
| BENIN LITTORAL AIRWAYS                                                                                                 | PEA No 013/MDCTTTATP-PR/ANAC/DEA/SCS.                             | BLA                             | Republic of Benin     |
| COTAIR                                                                                                                 | PEA No 015/MDCTTTATP-PR/ANAC/DEA/SCS.                             | Unknown                         | Republic of Benin     |
| ROYAL AIR                                                                                                              | PEA No 11/ANAC/MDCTTP-PR/DEA/SCS                                  | Unknown                         | Republic of Benin     |
| TRANS AIR BENIN                                                                                                        | PEA No 016/MDCTTTATP-PR/ANAC/DEA/SCS                              | TNB                             | Republic of Benin     |

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)                                            | Air Operator Certificate (AOC) Number or Operating Licence Number | ICAO airline designation number | State of the Operator              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|------------------------------------|
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (RDC), including,</b> |                                                                   |                                 | Democratic Republic of Congo (RDC) |
| Africa One                                                                                                                                          | 409/CAB/MIN/TC/0114/2006                                          | CFR                             | Democratic Republic of Congo (RDC) |
| AFRICAN AIR SERVICES COMMUTER                                                                                                                       | 409/CAB/MIN/TVC/051/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| AIGLE AVIATION                                                                                                                                      | 409/CAB/MIN/TC/0042/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| AIR BENI                                                                                                                                            | 409/CAB/MIN/TC/0019/2005                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| AIR BOYOMA                                                                                                                                          | 409/CAB/MIN/TC/0049/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| AIR INFINI                                                                                                                                          | 409/CAB/MIN/TC/006/2006                                           | Unknown                         | Democratic Republic of Congo (RDC) |
| AIR KASAI                                                                                                                                           | 409/CAB/MIN/TVC/036/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| AIR KATANGA                                                                                                                                         | 409/CAB/MIN/TVC/031/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| AIR NAVETTE                                                                                                                                         | 409/CAB/MIN/TC/015/2005                                           | Unknown                         | Democratic Republic of Congo (RDC) |
| AIR TROPIQUES                                                                                                                                       | 409/CAB/MIN/TVC/029/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| BEL GLOB AIRLINES                                                                                                                                   | 409/CAB/MIN/TC/0073/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| BLUE AIRLINES                                                                                                                                       | 409/CAB/MIN/TVC/028/08                                            | BUL                             | Democratic Republic of Congo (RDC) |
| BRAVO AIR CONGO                                                                                                                                     | 409/CAB/MIN/TC/0090/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| BUSINESS AVIATION                                                                                                                                   | 409/CAB/MIN/TVC/048/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| BUSY BEE CONGO                                                                                                                                      | 409/CAB/MIN/TVC/052/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| BUTEMBO AIRLINES                                                                                                                                    | 409/CAB/MIN/TC/0056/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| CARGO BULL AVIATION                                                                                                                                 | 409/CAB/MIN/TC/0106/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| CETRACA AVIATION SERVICE                                                                                                                            | 409/CAB/MIN/TVC/026/08                                            | CER                             | Democratic Republic of Congo (RDC) |
| CHC STELLAVIA                                                                                                                                       | 409/CAB/MIN/TC/0050/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| COMAIR                                                                                                                                              | 409/CAB/MIN/TC/0057/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| COMPAGNIE AFRICAINE D'AVIATION (CAA)                                                                                                                | 409/CAB/MIN/TVC/035/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| DOREN AIR CONGO                                                                                                                                     | 409/CAB/MIN/TVC/0032/08                                           | Unknown                         | Democratic Republic of Congo (RDC) |
| EL SAM AIRLIFT                                                                                                                                      | 409/CAB/MIN/TC/0002/2007                                          | Unknown                         | Democratic Republic of Congo (RDC) |

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different) | Air Operator Certificate (AOC) Number or Operating Licence Number | ICAO airline designation number | State of the Operator              |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|------------------------------------|
| ENTREPRISE WORLD AIRWAYS (EWA)                                                                           | 409/CAB/MIN/TVC/003/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| ESPACE AVIATION SERVICE                                                                                  | 409/CAB/MIN/TC/0003/2007                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| FilaIR                                                                                                   | 409/CAB/MIN/TVC/037/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| FREE AIRLINES                                                                                            | 409/CAB/MIN/TC/0047/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| GALAXY KAVATSI                                                                                           | 409/CAB/MIN/TVC/027/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| GILEMBE AIR SOUTENANCE (GISAIR)                                                                          | 409/CAB/MIN/TVC/053/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| GOMA EXPRESS                                                                                             | 409/CAB/MIN/TC/0051/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| GOMAIR                                                                                                   | 409/CAB/MIN/TVC/045/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| GREAT LAKE BUSINESS COMPANY                                                                              | 409/CAB/MIN/TC/0048/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| HEWA BORA AIRWAYS (HBA)                                                                                  | 409/CAB/MIN/TVC/038/08                                            | ALX                             | Democratic Republic of Congo (RDC) |
| International Trans Air Business (ITAB)                                                                  | 409/CAB/MIN/TVC/033/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| KATANGA AIRWAYS                                                                                          | 409/CAB/MIN/TC/0088/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| KIN AVIA                                                                                                 | 409/CAB/MIN/TVC/042/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| KIVU AIR                                                                                                 | 409/CAB/MIN/TC/0044/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| Lignes Aériennes Congolaises (LAC)                                                                       | Ministerial signature (ordonnance No 78/205)                      | LCG                             | Democratic Republic of Congo (RDC) |
| MALU AVIATION                                                                                            | 409/CAB/MIN/TVC/04008                                             | Unknown                         | Democratic Republic of Congo (RDC) |
| Malila Airlift                                                                                           | 409/CAB/MIN/TC/0112/2006                                          | MLC                             | Democratic Republic of Congo (RDC) |
| MANGO AVIATION                                                                                           | 409/CAB/MIN/TVC/034/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| PIVA AIRLINES                                                                                            | 409/CAB/MIN/TC/0001/2007                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| RWAKABIKA BUSHI EXPRESS                                                                                  | 409/CAB/MIN/TC/0052/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| SAFARI LOGISTICS SPRL                                                                                    | 409/CAB/MIN/TC/0076/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| SAFE AIR COMPANY                                                                                         | 409/CAB/MIN/TVC/025/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| SERVICES AIR                                                                                             | 409/CAB/MIN/TVC/030/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| SUN AIR SERVICES                                                                                         | 409/CAB/MIN/TC/0077/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| SWALA AVIATION                                                                                           | 409/CAB/MIN/TVC/050/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)                           | Air Operator Certificate (AOC) Number or Operating Licence Number | ICAO airline designation number | State of the Operator              |
|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|------------------------------------|
| TEMBO AIR SERVICES                                                                                                                 | 409/CAB/MIN/TC/0089/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| Thom's airways                                                                                                                     | 409/CAB/MIN/TC/0009/2007                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| TMK AIR COMMUTER                                                                                                                   | 409/CAB/MIN/TVC/044/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| TRACEP CONGO AVIATION                                                                                                              | 409/CAB/MIN/TVC/046/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| TRANS AIR CARGO SERVICES                                                                                                           | 409/CAB/MIN/TVC/024/08                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| TRANSPORTS AERIENS CONGOLAIS (TRACO)                                                                                               | 409/CAB/MIN/TC/0105/2006                                          | Unknown                         | Democratic Republic of Congo (RDC) |
| VIRUNGA AIR CHARTER                                                                                                                | 409/CAB/MIN/TC/018/2005                                           | Unknown                         | Democratic Republic of Congo (RDC) |
| WIMBI DIRA AIRWAYS                                                                                                                 | 409/CAB/MIN/TVC/039/08                                            | WDA                             | Democratic Republic of Congo (RDC) |
| ZAABU INTERNATIONAL                                                                                                                | 409/CAB/MIN/TVC/049/09                                            | Unknown                         | Democratic Republic of Congo (RDC) |
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including,</b> |                                                                   |                                 | Equatorial Guinea                  |
| Cronos AIRLINES                                                                                                                    | unknown                                                           | Unknown                         | Equatorial Guinea                  |
| CEIBA INTERCONTINENTAL                                                                                                             | unknown                                                           | CEL                             | Equatorial Guinea                  |
| EGAMS                                                                                                                              | unknown                                                           | EGM                             | Equatorial Guinea                  |
| EUROGUINEANA DE AVIACION y transportes                                                                                             | 2006/001/MTTCT/DGAC/SOPS                                          | EUG                             | Equatorial Guinea                  |
| General work aviacion                                                                                                              | 002/ANAC                                                          | n/a                             | Equatorial Guinea                  |
| GETRA — Guinea Ecuatorial de Transportes Aereos                                                                                    | 739                                                               | GET                             | Equatorial Guinea                  |
| GUINEA AIRWAYS                                                                                                                     | 738                                                               | n/a                             | Equatorial Guinea                  |
| STAR EQUATORIAL AIRLINES                                                                                                           | Unknown                                                           | Unknown                         | Equatorial Guinea                  |
| UTAGE — Union de Transport Aereo de Guinea Ecuatorial                                                                              | 737                                                               | UTG                             | Equatorial Guinea                  |
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of Indonesia, including,</b>         |                                                                   |                                 | Republic of Indonesia              |
| AIR PACIFIC UTAMA                                                                                                                  | 135-020                                                           | Unknown                         | Republic of Indonesia              |
| AIRFAST INDONESIA                                                                                                                  | 135-002                                                           | AFE                             | Republic of Indonesia              |
| ALFA TRANS DIRGANTATA                                                                                                              | 135-012                                                           | Unknown                         | Republic of Indonesia              |

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different) | Air Operator Certificate (AOC) Number or Operating Licence Number | ICAO airline designation number | State of the Operator |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|-----------------------|
| ASCO NUSA AIR TRANSPORT                                                                                  | 135-022                                                           | Unknown                         | Republic of Indonesia |
| ASI PUDJIASTUTI                                                                                          | 135-028                                                           | Unknown                         | Republic of Indonesia |
| ATLAS DELTA SATYA                                                                                        | 135-023                                                           | Unknown                         | Republic of Indonesia |
| AVIASTAR MANDIRI                                                                                         | 135-029                                                           | Unknown                         | Republic of Indonesia |
| BALAI KALIBRASI FASITAS PENERBANGAN                                                                      | 135-031                                                           | Unknown                         | Republic of Indonesia |
| CARDIG AIR                                                                                               | 121-013                                                           | Unknown                         | Republic of Indonesia |
| DABI AIR                                                                                                 | 135-030                                                           | Unknown                         | Republic of Indonesia |
| DERAYA AIR TAXI                                                                                          | 135-013                                                           | DRY                             | Republic of Indonesia |
| DERAZONA AIR SERVICE                                                                                     | 135-010                                                           | Unknown                         | Republic of Indonesia |
| DIRGANTARA AIR SERVICE                                                                                   | 135-014                                                           | DIR                             | Republic of Indonesia |
| EASTINDO                                                                                                 | 135-038                                                           | Unknown                         | Republic of Indonesia |
| EKSPRESS TRANSPORTASI ANTAR BENUA                                                                        | 135-032                                                           | Unknown                         | Republic of Indonesia |
| GARUDA INDONESIA                                                                                         | 121-001                                                           | GIA                             | Republic of Indonesia |
| GATARI AIR SERVICE                                                                                       | 135-018                                                           | GHS                             | Republic of Indonesia |
| INDONESIA AIR ASIA                                                                                       | 121-009                                                           | AWQ                             | Republic of Indonesia |
| INDONESIA AIR TRANSPORT                                                                                  | 135-017                                                           | IDA                             | Republic of Indonesia |
| INTAN ANGKASA AIR SERVICE                                                                                | 135-019                                                           | Unknown                         | Republic of Indonesia |
| KAL STAR                                                                                                 | 121-037                                                           | Unknown                         | Republic of Indonesia |
| KARTIKA AIRLINES                                                                                         | 121-003                                                           | KAE                             | Republic of Indonesia |
| KURA-KURA AVIATION                                                                                       | 135-016                                                           | Unknown                         | Republic of Indonesia |
| LION MENTARI AIRLINES                                                                                    | 121-010                                                           | LNI                             | Republic of Indonesia |
| LINUS AIRWAYS                                                                                            | 121-029                                                           | Unknown                         | Republic of Indonesia |
| MANDALA AIRLINES                                                                                         | 121-005                                                           | MDL                             | Republic of Indonesia |
| MANUNGGAL AIR SERVICE                                                                                    | 121-020                                                           | Unknown                         | Republic of Indonesia |
| MEGANTARA AIRLINES                                                                                       | 121-025                                                           | Unknown                         | Republic of Indonesia |
| MERPATI NUSANTARA AIRLINES                                                                               | 121-002                                                           | MNA                             | Republic of Indonesia |

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)                             | Air Operator Certificate (AOC) Number or Operating Licence Number | ICAO airline designation number | State of the Operator |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|-----------------------|
| METRO BATAVIA                                                                                                                        | 121-007                                                           | BTV                             | Republic of Indonesia |
| MIMIKA AIR                                                                                                                           | 135-007                                                           | Unknown                         | Republic of Indonesia |
| NATIONAL UTILITY HELICOPTER                                                                                                          | 135-011                                                           | Unknown                         | Republic of Indonesia |
| NUSANTARA BUANA AIR                                                                                                                  | 135-041                                                           | Unknown                         | Republic of Indonesia |
| NYAMAN AIR                                                                                                                           | 135-042                                                           | Unknown                         | Republic of Indonesia |
| PELITA AIR SERVICE                                                                                                                   | 121-008                                                           | PAS                             | Republic of Indonesia |
| PENERBANGAN ANGKASA SEMESTA                                                                                                          | 135-026                                                           | Unknown                         | Republic of Indonesia |
| PURA WISATA BARUNA                                                                                                                   | 135-025                                                           | Unknown                         | Republic of Indonesia |
| REPUBLIC EKSPRESS                                                                                                                    | 121-040                                                           | RPH                             | Republic of Indonesia |
| RIAU AIRLINES                                                                                                                        | 121-017                                                           | RIU                             | Republic of Indonesia |
| SAMPOERNA AIR NUSANTARA                                                                                                              | 135-036                                                           | unknown                         | Republic of Indonesia |
| SAYAP GARUDA INDAH                                                                                                                   | 135-004                                                           | Unknown                         | Republic of Indonesia |
| SMAC                                                                                                                                 | 135-015                                                           | SMC                             | Republic of Indonesia |
| SRIWIJAYA AIR                                                                                                                        | 121-035                                                           | SJY                             | Republic of Indonesia |
| SURVEI UDARA PENAS                                                                                                                   | 135-006                                                           | Unknown                         | Republic of Indonesia |
| TRANSWISATA PRIMA AVIATION                                                                                                           | 135-021                                                           | unknown                         | Republic of Indonesia |
| TRAVEL EKSPRESS AVIATION SERVICE                                                                                                     | 121-038                                                           | XAR                             | Republic of Indonesia |
| TRAVIRA UTAMA                                                                                                                        | 135-009                                                           | unknown                         | Republic of Indonesia |
| TRI MG INTRA AIRLINES                                                                                                                | 121-018                                                           | TMG                             | Republic of Indonesia |
| TRIGANA AIR SERVICE                                                                                                                  | 121-006                                                           | TGN                             | Republic of Indonesia |
| WING ABADI NUSANTARA                                                                                                                 | 121-012                                                           | WON                             | Republic of Indonesia |
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of the Kyrgyz Republic, including,</b> |                                                                   |                                 | Kyrgyz Republic       |
| AIR MANAS                                                                                                                            | 17                                                                | MBB                             | Kyrgyz Republic       |
| Avia Traffic Company                                                                                                                 | 23                                                                | AVJ                             | Kyrgyz Republic       |
| AEROSTAN (EX Bistair-FEZ Bishkek)                                                                                                    | 08                                                                | BSC                             | Kyrgyz Republic       |

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)                                                                                 | Air Operator Certificate (AOC) Number or Operating Licence Number | ICAO airline designation number | State of the Operator |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|-----------------------|
| Click Airways                                                                                                                                                                            | 11                                                                | CGK                             | Kyrgyz Republic       |
| DAMES                                                                                                                                                                                    | 20                                                                | DAM                             | Kyrgyz Republic       |
| EASTOK AVIA                                                                                                                                                                              | 15                                                                | Unknown                         | Kyrgyz Republic       |
| Golden Rule Airlines                                                                                                                                                                     | 22                                                                | GRS                             | Kyrgyz Republic       |
| ITEK Air                                                                                                                                                                                 | 04                                                                | IKA                             | Kyrgyz Republic       |
| KYRGYZ TRANS AVIA                                                                                                                                                                        | 31                                                                | KTC                             | Kyrgyz Republic       |
| Kyrgyzstan                                                                                                                                                                               | 03                                                                | LYN                             | Kyrgyz Republic       |
| MAX Avia                                                                                                                                                                                 | 33                                                                | MAI                             | Kyrgyz Republic       |
| S GROUP AVIATION                                                                                                                                                                         | 6                                                                 | Unknown                         | Kyrgyz Republic       |
| Sky Gate International Aviation                                                                                                                                                          | 14                                                                | SGD                             | Kyrgyz Republic       |
| Sky Way air                                                                                                                                                                              | 21                                                                | SAB                             | Kyrgyz Republic       |
| Tenir Airlines                                                                                                                                                                           | 26                                                                | TEB                             | Kyrgyz Republic       |
| Trast Aero                                                                                                                                                                               | 05                                                                | TSJ                             | Kyrgyz Republic       |
| VALOR AIR                                                                                                                                                                                | 07                                                                | Unknown                         | Kyrgyz Republic       |
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia</b>                                                                             |                                                                   |                                 | Liberia               |
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Gabon, with the exception of Gabon Airlines and Afrijet, including,</b> |                                                                   |                                 | Republic of Gabon     |
| AIR SERVICES SA                                                                                                                                                                          | 0002/MTACCMDH/SGACC/DTA                                           | Unknown                         | Republic of Gabon     |
| AIR TOURIST (ALLEGIANCE)                                                                                                                                                                 | 0026/MTACCMDH/SGACC/DTA                                           | NIL                             | Republic of Gabon     |
| NATIONALE ET REGIONALE TRANSPORT (NATIONALE)                                                                                                                                             | 0020/MTACCMDH/SGACC/DTA                                           | NRT                             | Republic of Gabon     |
| NOUVELLE AIR AFFAIRES GABON (SN2AG)                                                                                                                                                      | CTA 0003/MTAC/ANAC-G/DSA                                          | NVS                             | Republic of Gabon     |
| SCD AVIATION                                                                                                                                                                             | 0022/MTACCMDH/SGACC/DTA                                           | Unknown                         | Republic of Gabon     |
| SKY GABON                                                                                                                                                                                | 0043/MTACCMDH/SGACC/DTA                                           | SKG                             | Republic of Gabon     |
| SOLENTA AVIATION GABON                                                                                                                                                                   | 0023/MTACCMDH/SGACC/DTA                                           | Unknown                         | Republic of Gabon     |

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)                      | Air Operator Certificate (AOC) Number or Operating Licence Number | ICAO airline designation number | State of the Operator |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------|-----------------------|
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including,</b> |                                                                   |                                 | Sierra Leone          |
| AIR RUM, Ltd                                                                                                                  | Unknown                                                           | RUM                             | Sierra Leone          |
| DESTINY AIR SERVICES, Ltd                                                                                                     | Unknown                                                           | DTY                             | Sierra Leone          |
| HEAVYLIFT CARGO                                                                                                               | Unknown                                                           | Unknown                         | Sierra Leone          |
| ORANGE AIR SIERRA LEONE LTD                                                                                                   | Unknown                                                           | ORJ                             | Sierra Leone          |
| PARAMOUNT AIRLINES, Ltd                                                                                                       | Unknown                                                           | PRR                             | Sierra Leone          |
| SEVEN FOUR EIGHT AIR SERVICES LTD                                                                                             | Unknown                                                           | SVT                             | Sierra Leone          |
| TEEBAH AIRWAYS                                                                                                                | Unknown                                                           | Unknown                         | Sierra Leone          |
| <b>All air carriers certified by the authorities with responsibility for regulatory oversight of Swaziland, including,</b>    |                                                                   |                                 | Swaziland             |
| AERO AFRICA (PTY) LTD                                                                                                         | Unknown                                                           | RFC                             | Swaziland             |
| Jet Africa Swaziland                                                                                                          | Unknown                                                           | OSW                             | Swaziland             |
| ROYAL SWAZI NATIONAL AIRWAYS CORPORATION                                                                                      | Unknown                                                           | RSN                             | Swaziland             |
| SCAN AIR CHARTER, Ltd                                                                                                         | Unknown                                                           | Unknown                         | Swaziland             |
| SWAZI EXPRESS AIRWAYS                                                                                                         | Unknown                                                           | SWX                             | Swaziland             |
| SWAZILAND AIRLINK                                                                                                             | Unknown                                                           | SZL                             | Swaziland             |

## ANNEX B

**LIST OF AIR CARRIERS OF WHICH OPERATIONS ARE SUBJECT TO OPERATIONAL RESTRICTIONS  
WITHIN THE COMMUNITY <sup>(1)</sup>**

| Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different) | Air Operator Certificate (AOC) Number | ICAO airline designation number | State of the Operator | Aircraft type                                                                                | Registration mark(s) and, when available, construction serial number(s) | State of registry |
|----------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------|-----------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------|
| AFRIJET <sup>(1)</sup>                                                                                   | CTA 0002/MTAC/ANAC-G/DSA              |                                 | Republic of Gabon     | All fleet with the exception of: 2 aircraft of type Falcon 50; 1 aircraft of type Falcon 900 | All fleet with the exception of: TR-LGV; TR-LGY; TR-AFJ                 | Republic of Gabon |
| Air Bangladesh                                                                                           | 17                                    | BGD                             | Bangladesh            | B747-269B                                                                                    | S2-ADT                                                                  | Bangladesh        |
| Air Service Comores                                                                                      | 06-819/TA-15/DGACM                    | KMD                             | Comoros               | All fleet with the exception of: LET 410 UVP                                                 | All fleet with the exception of: D6-CAM (851336)                        | Comoros           |
| GABON AIRLINES <sup>(2)</sup>                                                                            | CTA 0001/MTAC/ANAC                    | GBK                             | Republic of Gabon     | All fleet with the exception of: 1 aircraft of type Boeing B-767-200                         | All fleet with the exception of: TR-LHP                                 | Republic of Gabon |

<sup>(1)</sup> Afrijet is only allowed to use the specific aircraft mentioned for its current operations within the European Community.

<sup>(2)</sup> Gabon Airlines is only allowed to use the specific aircraft mentioned for its current operations within the European Community.

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

**COMMISSION REGULATION (EC) No 299/2009****of 8 April 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(2)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

*Article 3*

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

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

Done at Brussels, 8 April 2009.

*For the Commission*

László KOVÁCS

*Member of the Commission*

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.

## ANNEX

| Description of the goods                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Classification<br>(CN code) | Reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (2)                         | (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>A set put up for retail sale in a cardboard box consisting of:</p> <ul style="list-style-type: none"><li>— various plastic beads and pieces of costume jewellery for threading,</li><li>— a roll of synthetic thread string,</li><li>— magnetic cubes,</li><li>— instructions, and</li><li>— a drawstring pouch made of fabric.</li></ul> <p>The set is intended for children to make imitation jewellery which can be modified using the magnetic cubes.</p> <p>The pouch can be used to store both the various pieces and the imitation jewellery once it has been put together.</p> | 9503 00 70                  | <p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9503 00 and 9503 00 70.</p> <p>The form in which the product is presented and the value of the individual components clearly indicate that the set is to be used as a toy (see also the HS Explanatory Notes to heading 9503, penultimate paragraph).</p> <p>Classification as imitation jewellery under heading 7117 is excluded, as the product once assembled has the appearance and characteristics of a toy.</p> <p>The set is therefore to be classified as other toys, put up in sets or outfits under CN code 9503 00 70.</p> |

**COMMISSION REGULATION (EC) No 300/2009****of 8 April 2009****laying down the allocation coefficient to be applied to import licence applications lodged from 27 March 2009 to 3 April 2009 under the tariff quota opened by Regulation (EC) No 955/2005 for rice originating in Egypt**

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) <sup>(1)</sup>,

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

Whereas:

- (1) Commission Regulation (EC) No 955/2005 <sup>(3)</sup> opened an annual import tariff quota for 5 605 tonnes of rice falling within CN code 1006 originating in Egypt (order No 09.4097).
- (2) The notification made in accordance with Article 5(a) of Regulation (EC) No 955/2005 shows that the applications lodged from 13:00 (Brussels time) on 27 March 2009, until 13:00 on 3 April 2009 in accordance with Article 4(1) of that Regulation relate to quantities in

excess of those available. The extent to which licences may be issued should therefore be determined and the allocation coefficient to be applied to the quantities applied for should be laid down.

- (3) The submission of new import licence applications should also be suspended under Regulation (EC) No 955/2005 until the end of the current quota period, in accordance with Article 4(2) of that Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for rice originating in Egypt under the quota referred to in Regulation (EC) No 955/2005 lodged from 13:00 (Brussels time) on 27 March 2009, until 13:00 on 3 April 2009 shall be accepted for the quantities applied for multiplied by an allocation coefficient of 23,68421 %.

2. The submission of new import licence applications from 13:00 (Brussels time) on Friday 3 April 2009 is hereby suspended until the end of the current quota period.

*Article 2*

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

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

Done at Brussels, 8 April 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(3)</sup> OJ L 164, 24.6.2005, p. 5.

**COMMISSION REGULATION (EC) No 301/2009****of 8 April 2009****fixing the maximum buying-in price for butter for the second individual invitation to tender within the tendering procedure opened by Regulation (EC) No 186/2009**

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) <sup>(1)</sup>, and in particular Article 43, in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 186/2009 <sup>(2)</sup> has opened buying-in of butter by a tendering procedure for the period expiring on 31 August 2009, in accordance with the conditions provided for in Commission Regulation (EC) No 105/2008 of 5 February 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter <sup>(3)</sup>.

(2) In the light of the tenders received in response to individual invitations to tender, a maximum buying-in price is to be fixed or a decision to make no award is to be

taken, in accordance with Article 16(2) of Regulation (EC) No 105/2008.

(3) In the light of the tenders received for the second individual invitation to tender, a maximum buying-in price should be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the second individual invitation to tender for the buying-in of butter within the tendering procedure opened by Regulation (EC) No 186/2009, in respect of which the time limit for the submission of tenders expired on 7 April 2009, the maximum buying-in price shall be EUR 220,00/100 kg.

*Article 2*

This Regulation shall enter into force on 9 April 2009.

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

Done at Brussels, 8 April 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 64, 10.3.2009, p. 3.

<sup>(3)</sup> OJ L 32, 6.2.2008, p. 3.

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 30 March 2009

**endorsing the European Air Traffic Management Master Plan of the Single European Sky ATM Research (SESAR) project**

(2009/320/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Article 1(2) of Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) <sup>(1)</sup>,

Having regard to the proposal from the Commission,

Having regard to the Council Resolution of 30 March 2009 on endorsement of the European Air Traffic Management Master Plan of the Single European Sky ATM Research (SESAR) project,

Whereas, the initial version of the European Air Traffic Management Master Plan, resulting from the definition phase of the SESAR project, with major contributions from relevant private stakeholders, constitutes the basis for establishing the SESAR Joint Undertaking's work programme and the develop-

ment phase of the SESAR project, subject to the conclusion of sufficient membership agreements,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The European Air Traffic Management Master Plan of the Single European Sky ATM Research (SESAR) project is hereby endorsed.

Done at Brussels, 30 March 2009.

*For the Council*  
*The President*  
P. BENDL

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<sup>(1)</sup> OJ L 64, 2.3.2007, p. 1.

# COMMISSION

## COMMISSION DECISION

of 8 April 2009

**setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council**

(notified under document number C(2009) 2564)

(Text with EEA relevance)

(2009/321/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market<sup>(1)</sup>, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market<sup>(2)</sup> establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC.
- (2) For a number of substances/product-type combinations included in that list, either all participants have withdrawn or no dossier has been received within the deadline specified in Article 9(2)(c) of Regulation (EC) No 1451/2007 by the Member State designated as Rapporteur for the evaluation.
- (3) Consequently, and pursuant to Article 11(2) of Regulation (EC) No 1451/2007, the Commission informed the Member States thereof. That information was also made public by electronic means on 18 January 2008.
- (4) Within three months of the electronic publication of that information, an interest in taking over the role of parti-

cipant has been demonstrated for some of the substances and product-types concerned, in accordance with Article 12(1) of Regulation (EC) No 1451/2007.

- (5) A new deadline should therefore be established for the submission of dossiers for these substances and product-types in accordance with the second subparagraph of Article 12(3) of that Regulation.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

### Article 1

For the substances and the product-types set out in the Annex, the new deadline for the submission of dossiers shall be 31 May 2010.

### Article 2

This Decision is addressed to the Member States.

Done at Brussels, 8 April 2009.

*For the Commission*

Stavros DIMAS

*Member of the Commission*

<sup>(1)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(2)</sup> OJ L 325, 11.12.2007, p. 3.

## ANNEX

**SUBSTANCES AND PRODUCT-TYPES FOR WHICH THE NEW DEADLINE FOR THE SUBMISSION OF DOSSIERS IS 31 MAY 2010**

| Name                                                                                                          | EC number | CAS number | Product-type | RMS |
|---------------------------------------------------------------------------------------------------------------|-----------|------------|--------------|-----|
| Margosa ext.                                                                                                  | 283-644-7 | 84696-25-3 | 19           | DE  |
| Reaction product of dimethyl adipate, dimethyl glutarate, dimethyl succinate with hydrogen peroxide/Perestane | 432-790-1 | —          | 4            | HU  |

## COMMISSION DECISION

of 8 April 2009

**concerning the non-inclusion of certain substances in Annexes I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market**

*(notified under document number C(2009) 2593)***(Text with EEA relevance)**

(2009/322/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market <sup>(1)</sup>, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market <sup>(2)</sup> establishes a list of active substances to be assessed, with a view to their possible inclusion in Annexes I, IA or IB to Directive 98/8/EC.
- (2) For a number of substance/product-type combinations included in that list, either all participants have discontinued their participation from the review programme, or no complete dossier was received within the time period specified in Articles 9 and 12(3) of Regulation (EC) No 1451/2007 by the Member State designated as rapporteur for the evaluation.
- (3) Consequently, and pursuant to Articles 11(2), 12(1) and 13(5) of Regulation (EC) No 1451/2007, the Commission informed the Member States thereof. That information was also made public by electronic means on 18 January 2008.
- (4) Within the period of three months from that publication, no person or Member State indicated an interest in

taking over the role of participant for the substances and product-types concerned.

- (5) Pursuant to Article 12(5) of Regulation (EC) No 1451/2007, the substances and product-types concerned should therefore not be included in Annexes I, IA or IB to Directive 98/8/EC.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

*Article 1*

The substances and the product-types indicated in the Annex to this Decision shall not be included in Annexes I, IA or IB to Directive 98/8/EC.

*Article 2*

For the purposes of Article 4(2) of Regulation (EC) No 1451/2007, this Decision shall apply from 1 March 2009.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 8 April 2009.

*For the Commission*

Stavros DIMAS

*Member of the Commission*

<sup>(1)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(2)</sup> OJ L 325, 11.12.2007, p. 3.

## ANNEX

**Substances and product-types not to be included in Annexes I, IA or IB to Directive 98/8/EC**

| Name                                                                                                          | EC number | CAS number  | Product-type | RMS |
|---------------------------------------------------------------------------------------------------------------|-----------|-------------|--------------|-----|
| Ethanol                                                                                                       | 200-578-6 | 64-17-5     | 3            | EL  |
| N-(trichloromethylthio)phthalimide/Folpet                                                                     | 205-088-6 | 133-07-3    | 6            | IT  |
| Fluometuron                                                                                                   | 218-500-4 | 2164-17-2   | 6            | EL  |
| Fluometuron                                                                                                   | 218-500-4 | 2164-17-2   | 13           | EL  |
| Lignin                                                                                                        | 232-682-2 | 9005-53-2   | 1            | EL  |
| Lignin                                                                                                        | 232-682-2 | 9005-53-2   | 2            | EL  |
| Lignin                                                                                                        | 232-682-2 | 9005-53-2   | 3            | EL  |
| Lignin                                                                                                        | 232-682-2 | 9005-53-2   | 4            | EL  |
| Lignin                                                                                                        | 232-682-2 | 9005-53-2   | 6            | EL  |
| Lignin                                                                                                        | 232-682-2 | 9005-53-2   | 13           | EL  |
| Reaction product of dimethyl adipate, dimethyl glutarate, dimethyl succinate with hydrogen peroxide/Perestane | 432-790-1 | -           | 3            | HU  |
| N-Didecyl-N-dipolyethoxyammonium borate/<br>Didecylpolyoxethylammonium borate                                 | Polymer   | 214710-34-6 | 2            | EL  |
| N-Didecyl-N-dipolyethoxyammonium borate/<br>Didecylpolyoxethylammonium borate                                 | Polymer   | 214710-34-6 | 6            | EL  |
| N-Didecyl-N-dipolyethoxyammonium borate/<br>Didecylpolyoxethylammonium borate                                 | Polymer   | 214710-34-6 | 13           | EL  |
| Polyvinylpyrrolidone iodine                                                                                   | Polymer   | 25655-41-8  | 2            | SE  |
| Polyvinylpyrrolidone iodine                                                                                   | Polymer   | 25655-41-8  | 4            | SE  |
| Polyvinylpyrrolidone iodine                                                                                   | Polymer   | 25655-41-8  | 5            | SE  |
| Polyvinylpyrrolidone iodine                                                                                   | Polymer   | 25655-41-8  | 6            | SE  |

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

## COUNCIL DECISION 2009/323/JHA

of 6 April 2009

## adjusting the basic salaries and allowances applicable to Europol staff

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Council Act of 3 December 1998 laying down the Staff Regulations applicable to Europol employees <sup>(1)</sup>, (hereinafter referred to as the Staff Regulations), and in particular Article 44 thereof,

Having regard to the initiative of the French Republic,

Having regard to the opinion of the European Parliament,

Having regard to the review of remuneration of officials of Europol by the Management Board of Europol,

Whereas:

- (1) In the review of remuneration of officials of Europol, the Management Board took account of the changes in the cost of living in the Netherlands, as well as of the changes in salaries in the public service in the Member States.

- (2) The review period from 1 July 2006 to 30 June 2007 justifies an increase of 1,7 % of remuneration for the period from 1 July 2007 to 30 June 2008.

- (3) It is for the Council, acting unanimously, to adjust the basic salaries and allowances of officials of Europol, on the basis of the review,

HAS DECIDED AS FOLLOWS:

## Article 1

The Staff Regulations are hereby amended as follows:

With effect from 1 July 2007:

- (a) in Article 45, the table of basic monthly salaries shall be replaced by the following:

|   | 1         | 2        | 3        | 4         | 5         | 6         | 7         | 8         | 9         | 10        | 11        |
|---|-----------|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 1 | 15 394,26 |          |          |           |           |           |           |           |           |           |           |
| 2 | 13 823,39 |          |          |           |           |           |           |           |           |           |           |
| 3 | 9 487,89  | 9 732,93 | 9 977,99 | 10 241,90 | 10 505,80 | 10 782,24 | 11 057,44 | 11 347,77 | 11 639,94 | 11 947,84 | 12 252,56 |
| 4 | 8 262,62  | 8 482,54 | 8 699,33 | 8 928,67  | 9 158,01  | 9 399,91  | 9 638,68  | 9 893,17  | 10 147,63 | 10 414,69 | 10 681,73 |
| 5 | 6 808,03  | 6 987,10 | 7 163,03 | 7 351,54  | 7 540,05  | 7 741,11  | 7 939,03  | 8 149,53  | 8 356,88  | 8 576,79  | 8 796,72  |
| 6 | 5 834,13  | 5 988,03 | 6 142,00 | 6 305,37  | 6 465,58  | 6 635,24  | 6 804,89  | 6 983,97  | 7 163,03  | 7 351,54  | 7 540,05  |
| 7 | 4 863,32  | 4 992,14 | 5 117,80 | 5 252,90  | 5 387,97  | 5 529,37  | 5 670,73  | 5 821,54  | 5 969,20  | 6 126,29  | 6 283,37  |
| 8 | 4 134,46  | 4 244,42 | 4 351,22 | 4 467,48  | 4 580,56  | 4 699,96  | 4 819,34  | 4 948,16  | 5 073,82  | 5 208,91  | 5 340,85  |

<sup>(1)</sup> OJ C 26, 30.1.1999, p. 23.

|    | 1        | 2        | 3        | 4        | 5        | 6        | 7        | 8        | 9        | 10       | 11        |
|----|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| 9  | 3 644,36 | 3 741,74 | 3 839,15 | 3 939,65 | 4 040,21 | 4 147,02 | 4 253,84 | 4 366,94 | 4 476,94 | 4 596,29 | 4 712,53  |
| 10 | 3 160,54 | 3 245,38 | 3 327,04 | 3 414,99 | 3 499,84 | 3 594,09 | 3 688,33 | 3 785,72 | 3 879,97 | 3 983,66 | 4 084,19  |
| 11 | 3 063,15 | 3 144,84 | 3 223,36 | 3 308,20 | 3 393,01 | 3 484,12 | 3 572,10 | 3 666,35 | 3 760,60 | 3 861,15 | 3 958,50  |
| 12 | 2 431,69 | 2 497,62 | 2 560,45 | 2 626,45 | 2 692,43 | 2 764,67 | 2 836,94 | 2 912,34 | 2 984,59 | 3 063,15 | 3 141,69  |
| 13 | 2 089,21 | 2 145,77 | 2 199,18 | 2 258,88 | 2 315,43 | 2 378,25 | 2 437,95 | 2 503,92 | 2 566,78 | 2 635,88 | 2 701,84' |

(b) in Article 59(3), the amount 'EUR 1 019,43' shall be replaced by 'EUR 1 036,76';

(c) in Article 59(3), the amount 'EUR 2 038,85' shall be replaced by: 'EUR 2 073,51';

(d) in Article 60(1), the amount 'EUR 271,86' shall be replaced by: 'EUR 276,48';

(e) in Article 2(1) of Appendix 5, the amount 'EUR 284,20' shall be replaced by: 'EUR 289,03';

(f) in Article 3(1) of Appendix 5, the amount 'EUR 12 356,67' shall be replaced by: 'EUR 12 566,73';

(g) in Article 3(1) of Appendix 5, the amount 'EUR 2 780,26' shall be replaced by: 'EUR 2 827,52';

(h) in Article 3(2) of Appendix 5, the amount 'EUR 16 681,50' shall be replaced by: 'EUR 16 965,09';

(i) in Article 4(1) of Appendix 5, the amount 'EUR 1 235,67' shall be replaced by: 'EUR 1 256,68';

(j) in Article 4(1) of Appendix 5, the amount 'EUR 926,77' shall be replaced by: 'EUR 942,53';

(k) in Article 4(1) of Appendix 5, the amount 'EUR 617,83' shall be replaced by: 'EUR 628,33';

(l) in Article 4(1) of Appendix 5, the amount 'EUR 494,26' shall be replaced by: 'EUR 502,66';

(m) in Article 5(3) of Appendix 5, the amount 'EUR 1 743,78' shall be replaced by: 'EUR 1 773,42';

(n) in Article 5(3) of Appendix 5, the amount 'EUR 2 325,04' shall be replaced by: 'EUR 2 364,57';

(o) in Article 5(3) of Appendix 5, the amount 'EUR 2 906,29' shall be replaced by: 'EUR 2 955,70'.

#### Article 2

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

#### Article 3

This Decision shall take effect on the day following its adoption.

Done at Luxembourg, 6 April 2009.

For the Council

The President

J. POSPÍŠIL



2009/322/EC:

★ **Commission Decision of 8 April 2009 concerning the non-inclusion of certain substances in Annexes I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (notified under document number C(2009) 2593) <sup>(1)</sup>**..... 44

III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

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

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