

Official Journal

of the European Union

L 321



English edition

Legislation

Volume 52

8 December 2009

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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1193/2009

of 3 November 2009

correcting Regulations (EC) No 1762/2003, (EC) No 1775/2004, (EC) No 1686/2005, (EC) No 164/2007 and fixing the production levies in the sugar sector for marketing years 2002/2003, 2003/2004, 2004/2005, 2005/2006

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

— for the marketing year 2005/2006 by Commission Regulation (EC) No 164/2007 ⁽⁶⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the first indent of Article 15(8) and Article 16(5) thereof,

Whereas:

(1) In accordance with Article 8 of Commission Regulation (EC) No 314/2002 of 20 February 2002 laying down detailed rules for the application of the quota system in the sugar sector ⁽²⁾, the production levies were set as follows:

— for the marketing year 2002/2003 by Commission Regulation (EC) No 1762/2003 ⁽³⁾,

— for the marketing year 2003/2004 by Commission Regulation (EC) No 1775/2004 ⁽⁴⁾,

— for the marketing year 2004/2005 by Commission Regulation (EC) No 1686/2005 ⁽⁵⁾, and

(2) On 8 May 2008 the Court of Justice of the European Communities delivered its judgment in joined cases C-5/06 and C-23/06 to C-36/06 in which it is stated that Article 15(1)(d) of Regulation (EC) No 1260/2001 is to be interpreted as meaning that all the quantities of exported products which fall under that Article, regardless of whether or not refunds have actually been paid, are to be taken into account for the purpose of calculating the estimated average loss per tonne of product. Consequently, the Court declared invalid the Commission Regulations (EC) No 1762/2003 of 7 October 2003 fixing the production levies in the sugar sector for the 2002/2003 marketing year and (EC) No 1775/2004 of 14 October 2004 setting the production levies in the sugar sector for the 2003/2004 marketing year.

(3) Following the same reasoning for the purpose of calculating the estimated average loss per tonne of product within the meaning of Article 15(1)(d) of Regulation (EC) No 1260/2001, by the Orders of 6 October 2008 in joined cases C-175/07 to C-184/07 as well as in cases C-466/06 and C-200/06, the Court declared invalid the Commission Regulation (EC) No 1686/2005 of 14 October 2005 setting the production levies and the coefficient for the additional levy in the sugar sector for the 2004/2005 marketing year.

(4) The method invalidated by the Court for the marketing years 2002/2003, 2003/2004 and 2004/2005 was also applied for the marketing year 2005/2006. Therefore, new sugar production levies for this marketing year have to be fixed following the new calculation method.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. The Regulation (EC) No 1260/2001 was repealed and replaced as from the marketing year 2006/2007 by Council Regulation (EC) No 318/2006 which was repealed and replaced by 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) (OJ L 299, 16.11.2007, p. 1).

⁽²⁾ OJ L 50, 21.2.2002, p. 40. The Regulation (EC) No 314/2002 was repealed and replaced by Commission Regulation (EC) No 952/2006 (OJ L 178, 1.7.2006, p. 39).

⁽³⁾ OJ L 254, 8.10.2003, p. 4.

⁽⁴⁾ OJ L 316, 15.10.2004, p. 64.

⁽⁵⁾ OJ L 271, 15.10.2005, p. 12.

⁽⁶⁾ OJ L 51, 20.2.2007, p. 17.

- (5) In the judgment of 8 May 2008 in joined cases C-5/06 and C-23/06 to C-36/06, the Court concluded that the examination of Commission Regulation (EC) No 1837/2002 of 15 October 2002 fixing the production levies and the coefficient for the additional levy in the sugar sector for the marketing year 2001/02 ⁽¹⁾ had not disclosed the existence of any factors such as to affect its validity. To fix the production levies in that marketing year, the Commission would calculate the average loss on the basis of the total quantities of sugar exported in the form of processed products, whether eligible for refunds or not.
- (6) It is therefore appropriate for the Commission to fix the production levies, including where necessary, a coefficient for the additional levy, using the same calculation method as the one used in the marketing year 2001/2002.
- (7) Previous estimate of the overall loss recorded for the 2002/2003 marketing year in accordance with Article 15(1) and (2) of Regulation (EC) No 1260/2001, required the calculation of the basic levy and the B levy, as provided in paragraphs 3 and 4 of that Article. The basic levy was set at 2 % and the B levy at 19,962 %. At the same time, the overall loss recorded on the basis of known data and in accordance with Article 15(1) of Regulation (EC) No 1260/2001 was covered in its entirety by the receipts from the basic production levy and the B levy, and there was no need to fix the coefficient referred to in Article 16(2) of that Regulation for the 2002/2003 marketing year. The application of the calculation method referred to in recital 5 results in 2 % for the basic levy and 19,958 % for the B levy. The overall loss recorded on the basis of known data and in accordance with Article 15(1) of Regulation (EC) No 1260/2001 is covered in its entirety by the receipts from the basic production levy and the B levy. Therefore, there is no need to fix the coefficient referred to in Article 16(2) of that Regulation for the 2002/2003 marketing year.
- (8) Previous estimate of the overall loss originally recorded for the 2003/2004 marketing year in accordance with Article 15(1) and (2) of Regulation (EC) No 1260/2001, required the calculation of the basic levy and the B levy, as provided in paragraphs 3 and 4 of that Article. The basic levy was set at 2 % and the B levy at 27,050 %. At the same time, the overall loss recorded on the basis of known data and in accordance with Article 15(1) of Regulation (EC) No 1260/2001 was covered in its entirety by the receipts from the basic production levy and the B levy, and there was no need to fix the coefficient referred to in Article 16(2) of that Regulation for the 2003/2004 marketing year. The application of the calculation method referred to in recital 5 results in 2 % for the basic levy and 27,169 % for the B levy. The overall loss recorded on the basis of known data and in accordance with Article 15(1) of Regulation (EC) No 1260/2001 is covered in its entirety by the receipts from the basic production levy and the B levy. Therefore, there is no need to fix the coefficient referred to in Article 16(2) of that Regulation for the 2003/2004 marketing year.
- (9) For the 2004/2005 marketing year, Commission Regulation (EC) No 1462/2004 of 17 August 2004 revising the maximum amount for the B production levy and amending the minimum price for B beet in the sugar sector for the 2004/05 marketing year ⁽²⁾ increased the maximum amount of the B levy referred to in the first indent of the second subparagraph of Article 15(4) of Regulation (EC) No 1260/2001 to 37,5 % of the intervention price for white sugar. In that marketing year, the estimate of the overall loss recorded in accordance with Article 15(1) and (2) of Regulation (EC) No 1260/2001 required, the adoption of the maximum amounts of 2 % for the basic levy and 37,5 % for the B levy. The application of the calculation method referred to in recital 5 does not change the basic levy and the B levy for that marketing year. Article 16(1) of Regulation (EC) No 1260/2001 provides that an additional levy is to be charged where the overall loss recorded in accordance with Article 15(1) and (2) of that Regulation is not fully covered by the proceeds from the basic production levy and the B levy. For the 2004/2005 marketing year, the new calculation method uncovered overall loss amounts to EUR 125 129 948. The coefficient referred to in Article 16(2) of Regulation (EC) No 1260/2001 should therefore be set. For the purposes of fixing that coefficient, account should be taken of the levies set in excess in the 2003/2004 marketing year, which concerned the Member States of the Community as constituted on 30 April 2004.
- (10) Previous estimate of the overall loss recorded in the 2005/2006 marketing year, in accordance with Article 15(1) and (2) of Regulation (EC) No 1260/2001, required the adoption of 1,0022 % for the basic levy, as provided for in paragraph 3 of that Article. At the same time, the overall loss recorded on the basis of known data and in accordance with Article 15(1) of Regulation (EC) No 1260/2001 was covered in its entirety by

⁽¹⁾ OJ L 278, 16.10.2002, p. 13.

⁽²⁾ OJ L 270, 18.8.2004, p. 4.

the receipts from the basic levy, and there was no need to set a B levy or a coefficient establishing an additional levy for the 2005/2006 marketing year. The application of the calculation method referred to in recital 5 results in 0,9706 % for the basic levy without the need for a B levy. The overall loss recorded on the basis of known data and in accordance with Article 15(1) of Regulation (EC) No 1260/2001 is covered in its entirety by the receipts from the basic production levy and there is no need to fix the coefficient referred to in Article 16(2) of that Regulation.

- (11) In view of the above, Regulations (EC) No 1762/2003, (EC) No 1775/2004, (EC) No 1686/2005 and (EC) No 164/2007 should therefore be corrected accordingly.
- (12) For reasons of legal certainty, the proposed corrections should apply from the dates in which the provisions to be corrected have entered into force.
- (13) For reasons of legal certainty and to ensure equal treatment amongst Member States, it is necessary to set a common date upon which the levies corrected in accordance with this Regulation should be established within the meaning of the second subparagraph of Article 2(2) of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 2007/436/EC, Euratom on the system of the European Communities own resources ⁽¹⁾.
- (14) The Management Committee for the Common Organisation of Agricultural Markets has delivered an unfavourable opinion on the measures provided for in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 1762/2003 is replaced by the following:

'Article 1

The production levies in the sugar sector for the 2002/2003 marketing year shall be as follows:

- (a) EUR 12,638 per tonne of white sugar as the basic production levy on A sugar and B sugar;
- (b) EUR 126,113 per tonne of white sugar as the B levy on B sugar;

- (c) EUR 5,330 per tonne of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) EUR 55,082 per tonne of dry matter as the B levy on B isoglucose;
- (e) EUR 12,638 per tonne of dry matter equivalent sugar/isoglucose as the basic production levy on A inulin syrup and B inulin syrup;
- (f) EUR 126,113 per tonne of dry matter equivalent sugar/isoglucose as the B levy on B inulin syrup.'

Article 2

Article 1 of Regulation (EC) No 1775/2004 is replaced by the following:

'Article 1

The production levies in the sugar sector for the 2003/2004 marketing year shall be as follows:

- (a) EUR 12,638 per tonne of white sugar as the basic production levy on A sugar and B sugar;
- (b) EUR 171,679 per tonne of white sugar as the B levy on B sugar;
- (c) EUR 5,330 per tonne of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) EUR 73,310 per tonne of dry matter as the B levy on B isoglucose;
- (e) EUR 12,638 per tonne of dry matter equivalent sugar/isoglucose as the basic production levy on A inulin syrup and B inulin syrup;
- (f) EUR 171,679 per tonne of dry matter equivalent sugar/isoglucose as the B levy on B inulin syrup.'

Article 3

Articles 1 and 2 of Regulation (EC) No 1686/2005 are replaced by the following:

'Article 1

The production levies in the sugar sector for the 2004/2005 marketing year shall be as follows:

- (a) EUR 12,638 per tonne of white sugar as the basic production levy on A sugar and B sugar;

⁽¹⁾ OJ L 130, 31.5.2000, p. 1.

- (b) EUR 236,963 per tonne of white sugar as the B levy on B sugar;
- (c) EUR 5,330 per tonne of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) EUR 99,424 per tonne of dry matter as the B levy on B isoglucose;
- (e) EUR 12,638 per tonne of dry matter equivalent sugar/isoglucose as the basic production levy on A inulin syrup and B inulin syrup;
- (f) EUR 236,963 per tonne of dry matter equivalent sugar/isoglucose as the B levy on B inulin syrup.

Article 2

For the marketing year 2004/2005, the coefficient provided for in Article 16(2) of Regulation (EC) No 1260/2001 shall be 0,25466 for the Czech Republic, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia and 0,14911 for the other Member States.'

Article 4

Article 1 of Regulation (EC) No 164/2007 is replaced by the following:

'Article 1

The production levies in the sugar sector for the 2005/2006 marketing year shall be as follows:

- (a) EUR 6,133 per tonne of white sugar as the basic production levy on A sugar and B sugar;
- (b) EUR 2,726 per tonne of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (c) EUR 6,133 per tonne of dry matter equivalent sugar/isoglucose as the basic production levy on A inulin syrup and B inulin syrup.'

Article 5

The date of establishment, referred to in the second subparagraph of Article 2(2) of Regulation (EC, Euratom) No 1150/2000, of the levies corrected according to this Regulation, shall be at the latest the last day of the second month following the day of entry into force of this Regulation.

Article 6

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

Article 1 shall apply from 8 October 2003.

Article 2 shall apply from 15 October 2004.

Article 3 shall apply from 18 October 2005.

Article 4 shall apply from 23 February 2007.

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

Done at Brussels, 3 November 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1194/2009**of 30 November 2009****amending Regulation (EC) No 1702/2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances as well as for certification of design and production organisations****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Whereas:

- (1) In order to maintain a high uniform level of aviation safety in Europe, it is necessary to introduce changes to requirements and procedures for the certification of aircraft and related products, parts and appliances and of design and production organisations, in particular to introduce the definition of the concept of principal place of business; to improve the content of the Authorised Release Certificate 'EASA Form 1' and to revise the provisions on permit to fly.
- (2) Commission Regulation (EC) No 1702/2003 ⁽²⁾ should therefore be amended accordingly.
- (3) The measures provided for in this Regulation are based on the opinions ⁽³⁾ issued by the European Aviation Safety Agency (hereinafter the Agency) in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of the Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1702/2003 is amended as follows:

1. in Article 1(2), the following points (e), (f), (g) and (h) are added:

'(e) "principal place of business" means the head office or registered office of the undertaking within which the principal financial functions and operational control of the activities referred to in this Regulation are exercised;

(f) "article" means any part and appliance to be used on civil aircraft;

(g) "ETSO" means European Technical Standard Order. The European Technical Standard Order is a detailed airworthiness specification issued by the Agency to ensure compliance with the requirements of this Regulation as a minimum performance standard for specified articles;

(h) "EPA" means European Part Approval. The European part Approval means the article has been produced in accordance with approved design data not belonging to the type-certificate holder of the related product, except for ETSO articles.;

2. in Article 3, paragraph 5, the reference to '21A.112' is replaced by '21A.112A';

3. in Article 5, the following paragraph 5 is added:

'5. By way of derogation from paragraph 1, production organisations approved in accordance with Section A of Subparts F and G of the Annex (Part 21) to this Regulation may continue to issue Authorised Release Certificates or statements of conformity using the EASA Form 1, initial issue, as laid down in Appendix I of the Annex (Part 21) to this Regulation until 28 September 2010.;

4. the Annex (Part 21) is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 79, 19.3.2008, p. 1.

⁽²⁾ OJ L 243, 27.9.2003, p. 6.

⁽³⁾ Opinion 03/2006 on editorial changes, Opinion 05/2006 on the principal place of business, Opinion 06/2008 on EASA Form 1, Opinion 04/2007 on permit to fly.

Article 2

This Regulation shall enter into force 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, 30 November 2009.

For the Commission

Antonio TAJANI

Vice-President

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(SUBPART L — NOT APPLICABLE)

SUBPART M — REPAIRS

(SUBPART N — NOT APPLICABLE)

SUBPART O — EUROPEAN TECHNICAL STANDARD ORDER AUTHORISATIONS

SUBPART P — PERMIT TO FLY

21B.520 Investigation

21B.525 Issue of permits to fly

21B.530 Revocation of permits to fly

21B.545 Record-keeping

SUBPART Q — IDENTIFICATION OF PRODUCTS, PARTS AND APPLIANCES

APPENDICES — EASA FORMS;

2. the title of the section A is replaced by the following:

‘SECTION A

TECHNICAL REQUIREMENTS’;

3. in point 21A.14(b), point 5 is replaced by the following:

‘5. a fixed or adjustable pitch propeller.’;

4. in point 21A.35(b), point 2 is replaced by the following:

‘2. For aircraft to be certificated under this section, except (i) hot-air balloons, free gas balloons, tethered gas balloons, sailplanes and powered sailplanes and (ii) airships and aeroplanes of 2 722 kg or less maximum take-off mass (MTOM), to determine whether there is reasonable assurance that the aircraft, its parts and appliances are reliable and function properly.’;

5. point 21A.112 is replaced by the following paragraph:

‘21A.112A Eligibility

Any natural or legal person (“organisation”) that has demonstrated, or is in the process of demonstrating, its capability under 21A.112B shall be eligible as an applicant for a supplemental type-certificate under the conditions laid down in this Subpart.’;

6. in point 21A.124(b), point 2 is replaced by the following:

‘2. an outline of the information required in point 21A.125A(b).’;

7. point 21A.125 is replaced by the following paragraph:

‘21A.125A Issue of a letter of agreement

The applicant shall be entitled to have a letter of agreement issued by the Competent Authority agreeing to the showing of conformity of individual products, parts and appliances under this Subpart, after:

(a) having established a production inspection system that ensures that each product, part or appliance conforms to the applicable design data and is in condition for safe operation;

(b) having provided a manual that contains:

1. a description of the production inspection system required under point (a);
2. a description of the means for making the determination of the production inspection system;
3. a description of the tests required in points 21A.127 and 21A.128, and the names of persons authorised for the purpose of point 21A.130(a);

(c) demonstrating that it is able to provide assistance in accordance with points 21A.3 and 21A.129(d).’;

8. in point 21A.125B(c), the reference to ‘21B.143’ is replaced by the reference to ‘point 21B.125’;

9. point 21A.126 is amended as follows:

(i) in point (a), ‘21A.125’ is replaced by ‘21A.125A(a)’;

(i) in point (b), ‘21A.125(a)’ is replaced by ‘21A.125A(a)’;

10. in point 21A.127(a), ‘21A.125(a)’ is replaced by ‘21A.125A(a)’;

11. in point 21A.128, ‘21A.125(a)’ is replaced by ‘21A.125A(a)’;

12. point 21A.165 is amended as follows:

(i) in point (c) point 2 is replaced by the following:

‘2. Determine that other products, parts or appliances are complete and conform to the approved design data and are in a condition for safe operation before issuing an EASA Form 1 to certify conformity to approved design data and condition for safe operation, and additionally in case of engines, determine according to data provided by the engine type-certificate holder that each completed engine is in compliance with the applicable emissions requirements as defined in point 21A.18(b), current at the date of manufacture of the engine, to certify emissions compliance, or’;

(ii) point (k) is replaced by the following:

‘(k) Where applicable, under the privilege of point 21A.163(e), establish compliance with point 21A.711(c) and (e) before issuing a permit to fly to an aircraft.’;

13. in point 21A.174(b)3(ii), ‘21A.184(c)’ is replaced by ‘21B.327(c)’;

14. point 21A.183 is deleted;

15. point 21A.184 is deleted;

16. point 21A.205 is deleted;

17. in point 21A.245, point (a) is replaced by the following:

‘(a) The staff in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities and that these, together with the accommodation, facilities and equipment are adequate to enable the staff to achieve the airworthiness and environmental protection objectives for the product.’;

18. point 21A.263 is amended as follows:

(a) in point (b), point 4 is replaced by the following

‘4. an ETSO authorisation under point 21A.602B(b)(1); or’;

(b) point (c) is amended as follows:

(i) points 3 and 4 are replaced by the following:

‘3. to issue information or instructions containing the following statement: The technical content of this document is approved under the authority of DOA ref. EASA.21J.[XXXX].

4. to approve documentary changes to the aircraft flight manual and supplements, and issue such changes containing the following statement: Revision No [YY] to AFM (or supplement) ref. [ZZ], is approved under the authority of DOA ref. EASA.21J.[XXXX].’;

(ii) point 7 is replaced by the following:

‘7. to issue a permit to fly in accordance with point 21A.711(b) for an aircraft it has designed or modified, or for which it has approved under point 21A.263(c)6 the conditions under which the permit to fly can be issued, and when the design organisation itself is controlling under its Design Organisation Approval the configuration of the aircraft and is attesting conformity with the design conditions approved for the flight.’;

19. in point 21A.265, point (g) is replaced by the following:

‘(g) Where applicable, under the privilege of point 21A.263(c)7, establish compliance with point 21A.711(b) and (e) before issuing a permit to fly to an aircraft.’;

20. in point 21A.307, point (a) is replaced by the following:

‘(a) Accompanied by an authorised release certificate (EASA Form 1), certifying that the item was manufactured in conformity to approved design data and is in a condition for safe operation; and’;

21. point 21A.432 is replaced by the following:

‘21A.432A Eligibility

(a) Any natural or legal person that has demonstrated, or is in the process of demonstrating, its capability according to point 21A.432B shall be eligible as an applicant for a major repair design approval under the conditions laid down in this Subpart.

(b) Any natural or legal person shall be eligible to apply for approval of a minor repair design.’;

22. in point 21A.601, point (b) is deleted;

23. in point 21A.605(d), ‘21A.125(b)’ is replaced by ‘21A.125A(b)’;

24. in point 21A.606, point (c) is replaced by the following:

‘(c) Expressly stating that it is prepared to comply with point 21A.609.’

25. in point 21A.609, point (f) is replaced by the following:

‘(f) Comply with points 21A.3, 21A.3B and 21A.4.’;

26. point 21A.701 is replaced by the following:

‘21A.701 Scope

(a) Permits to fly shall be issued in accordance with this Subpart to aircraft that do not meet, or have not been shown to meet, applicable airworthiness requirements but are capable of safe flight under defined conditions and for the following purposes:

1. development;
2. showing compliance with regulations or certification specifications;
3. design organisations or production organisations crew training;
4. production flight testing of new production aircraft;
5. flying aircraft under production between production facilities;
6. flying the aircraft for customer acceptance;
7. delivering or exporting the aircraft;
8. flying the aircraft for Authority acceptance;
9. market survey, including customer’s crew training;
10. exhibition and air show;
11. flying the aircraft to a location where maintenance or airworthiness review are to be performed, or to a place of storage;
12. flying an aircraft at a weight in excess of its maximum certificated takeoff weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available;
13. record breaking, air racing or similar competition;
14. flying aircraft meeting the applicable airworthiness requirements before conformity to the environmental requirements has been found;
15. for non-commercial flying activity on individual non-complex aircraft or types for which a certificate of airworthiness or restricted certificate of airworthiness is not appropriate.

- (b) This Subpart establishes the procedure for issuing permits to fly and approving associated flight conditions, and establishes the rights and obligations of the applicants for, and holders of, those permits and approvals of flight conditions.’;

27. point 21A.703 is replaced by the following:

‘21A.703 Eligibility

- (a) Any natural or legal person shall be eligible as an applicant for a permit to fly except for a permit to fly requested for the purpose of point 21A.701(a)15 where the applicant shall be the owner.

- (b) Any natural or legal person shall be eligible for application for the approval of the flight conditions.’;

28. point 21.710(c) is replaced by the following:

- ‘(c) Before approving the flight conditions, the Agency, the Competent Authority or the approved organisation must be satisfied that the aircraft is capable of safe flight under the specified conditions and restrictions. The Agency or the Competent Authority may make or require the applicant to make any necessary inspections or tests for that purpose.’;

29. point 21A.711 is replaced by the following:

‘21A.711 Issue of a permit to fly

- (a) A permit to fly (EASA Form 20a, see Appendix) may be issued by the competent authority under the conditions specified in point 21B.525.

- (b) An appropriately approved design organisation may issue a permit to fly (EASA Form 20b, see Appendix) under the privilege granted under point 21A.263(c)7, when the flight conditions referred to in point 21A.708 have been approved in accordance with point 21A.710.

- (c) An appropriately approved production organisation may issue a permit to fly (EASA Form 20b, see Appendix) under the privilege granted under point 21A.163(e), when the flight conditions referred to in point 21A.708 have been approved in accordance with point 21A.710.

- (d) An appropriately approved continuing airworthiness management organisation may issue a permit to fly (EASA Form 20b, see Appendix) under the privilege granted under point M.A.711 of Annex I (Part M) to Regulation (EC) No 2042/2003, when the flight conditions referred to in point 21A.708 have been approved in accordance with point 21A.710.

- (e) The permit to fly shall specify the purpose(s) and any conditions and restrictions which have been approved in accordance with point 21A.710.

- (f) For permits issued under point (b), (c) or (d) a copy of the permit to fly and associated flight conditions shall be submitted to the competent authority at the earliest opportunity but not later than 3 days.

- (g) Upon evidence that any of the conditions specified in point 21A.723(a) are not met for a permit to fly that an organisation has issued pursuant to point (b), (c) or (d), that organisation shall revoke that permit to fly immediately and inform without delay the competent authority.’;

30. in point 21A.723, point (a) is replaced by the following:

- ‘(a) A permit to fly shall be issued for a maximum of 12 months and shall remain valid subject to:

1. compliance with the conditions and restrictions of point 21A.711(e) associated to the permit to fly;
2. the permit to fly not being surrendered or revoked;
3. the aircraft remaining on the same register.’;

31. in point 21A.801, point (d) is replaced by the following:

- ‘(d) For manned balloons, the identification plate prescribed in point (b) shall be secured to the balloon envelope and shall be located, if practicable, where it is legible to the operator when the balloon is inflated. In addition, the basket, load frame assembly and any heater assembly shall be permanently and legibly marked with the manufacturer’s name, part number, or equivalent, and serial number, or equivalent.’;

32. in point 21A.804, point (a) is replaced by the following:

‘(a) Each part or appliance shall be marked permanently and legibly with:

1. a name, trademark, or symbol identifying the manufacturer in a manner identified by the applicable design data; and
2. the part number, as defined in the applicable design data; and
3. the letters EPA for parts or appliances produced in accordance with approved design data not belonging to the type-certificate holder of the related product, except for ETSO articles.’;

33. point 21B.125 is added as follows:

‘21B.125 Findings

(a) When during audits or by other means objective evidence is found by the competent authority, showing non-compliance of the holder of a letter of agreement with the applicable requirements of Section A of the Annex (Part 21), this finding shall be classified in accordance with 21A.125B(a).

(b) The competent authority shall take the following actions:

1. for level 1 findings, immediate action shall be taken by the competent authority to limit, suspend or revoke the letter of agreement in whole or in part, depending upon the extent of the finding, until successful corrective action has been completed by the organisation;
2. for level 2 findings, the competent authority shall grant a corrective action period appropriate to the nature of the finding that shall not be more than 3 months. In certain circumstances, at the end of this period and subject to the nature of the finding, the competent authority can extend the 3 months period subject to a satisfactory corrective action plan.

(c) Action shall be taken by the competent authority to suspend the letter of agreement in whole or in part in case of failure to comply within the timescale granted by the competent authority.’;

34. in point 21B.135(b)2, ‘21A.125(b)’ is replaced by ‘21A.125A(b)’;

35. point 21B.143 is deleted

36. point 21B.145 is replaced by the following:

‘21B.145 Limitation, suspension and revocation of a letter of agreement

(a) The limitation, suspension or revocation of the letter of agreement shall be communicated in writing to the holder of the letter of agreement. The competent authority shall state the reasons for the limitation, suspension or revocation and inform the holder of the letter of agreement on its right to appeal.

(b) When a letter of agreement has been suspended it shall only be reinstated after compliance with Section A of Subpart F of the Annex (Part 21) has been re-established.’;

37. point 21B.225 is replaced by the following:

‘21B.225 Findings

(a) When during audits or by other means objective evidence is found by the competent authority, showing non-compliance of the holder of a production organisation approval with the applicable requirements of Section A of the Annex (Part 21), this finding shall be classified in accordance with 21A.158(a).

(b) The competent authority shall take the following actions:

1. for level 1 findings, immediate action shall be taken by the competent authority to limit, suspend or revoke the production organisation approval, in whole or in part, depending upon the extent of the finding, until successful corrective action has been completed by the organisation;
2. for level 2 findings, the competent authority shall grant a corrective action period appropriate to the nature of the finding that shall not be more than 3 months. In certain circumstances, at the end of this period and subject to the nature of the finding, the competent authority can extend the 3 months period subject to a satisfactory corrective action plan.

- (c) Action shall be taken by the competent authority to suspend the approval in whole or in part in case of failure to comply within the timescale granted by the competent authority.;

38. in point 21B.235, point (a) is replaced by the following:

‘(a) In order to justify the maintenance of the production organisation approval the competent authority shall perform continued surveillance:

1. to verify that the production organisation approval holder’s quality system complies with Section A, Subpart G of this Annex (part 21);
2. to verify that the organisation of the production organisation approval holder operates in accordance with the production organisation exposition; and
3. to verify the effectiveness of the production organisation exposition procedures; and
4. to monitor by sample the standards of the product, part or appliance.;

39. point 21B.325 is replaced by the following:

‘21B.325 Issue of airworthiness certificates

- (a) The competent authority of the Member State of registry shall issue or change a Certificate of Airworthiness (EASA Form 25, see Appendix) without undue delay when it is satisfied that the requirements of point 21B.326 and the applicable requirements of Section A of Subpart H of this Annex (Part 21) are met.
- (b) The competent authority of the Member State of registry shall issue or change a Restricted Certificate of Airworthiness (EASA Form 24, see Appendix) without undue delay when it is satisfied that requirements of point 21B.327 and the applicable requirements of Section A of Subpart H of this Annex (Part 21) are met.
- (c) Action shall be taken by the competent authority to suspend the approval in whole or in part in case of failure to comply within the timescale granted by the competent authority.;

40. the following paragraph 21B.326 is added:

‘21B.326 Certificate of airworthiness

The competent authority of the Member State of registry shall issue a certificate of airworthiness for:

(a) new aircraft:

1. upon presentation of the documentation required by point 21A.174(b)(2);
2. when the competent authority of the Member State of registry is satisfied that the aircraft conforms to an approved design and is in a condition for safe operation. This may include inspections by the competent authority of the Member State of registry;

(b) used aircraft:

1. upon presentation of the documentation required by point 21A.174(b)(3) demonstrating that:
 - (i) the aircraft conforms to a type design approved under a type-certificate and any supplemental type-certificate, change or repair approved in accordance with Annex (Part 21); and
 - (ii) the applicable airworthiness directives have been complied with; and
 - (iii) the aircraft has been inspected in accordance with the applicable provisions of Annex I (Part M) of Regulation (EC) No 2042/2003;
2. when the competent authority of the Member State of registry is satisfied that the aircraft conforms to an approved design and is in a condition for safe operation. This may include inspections by the competent authority of the Member State of registry.;

41. the following paragraph 21B.327 is added:

‘21B.327 Restricted certificate of airworthiness

(a) The competent authority of the Member State of registry shall issue a restricted certificate of airworthiness for:

1. new aircraft:

- (i) upon presentation of the documentation required by point 21A.174(b)(2);
- (ii) when the competent authority of the Member State of registry is satisfied that the aircraft conforms to a design approved by the Agency under a restricted type-certificate or in accordance with specific airworthiness specifications, and is in a condition for safe operation. This may include inspections by the competent authority of the Member State of registry;

2. used aircraft:

- (i) upon presentation of the documentation required by point 21A.174(b)(3) demonstrating that:
 - (A) the aircraft conforms to a design approved by the Agency under a restricted type-certificate or in accordance with specific airworthiness specifications and any supplemental type-certificate change or repair approved in accordance with the Annex (Part 21); and
 - (B) the applicable airworthiness directives have been complied with; and
 - (C) the aircraft has been inspected in accordance with the applicable provisions of Annex I (Part M) of Regulation (EC) No 2042/2003;
- (ii) when the competent authority of the Member State of registry is satisfied that the aircraft conforms to the approved design and is in a condition for safe operation. This may include inspections by the competent authority of the Member State of registry.

(b) For an aircraft that cannot comply with the essential requirements referred to in the basic Regulation and which is not eligible for a restricted type-certificate, the Agency shall, as necessary to take account of deviations from these essential requirements:

- 1. issue and check compliance with specific airworthiness specifications ensuring adequate safety with regard to the intended use; and
- 2. specify limitations for use of this aircraft.

(c) Limitations for use will be associated with restricted certificates of airworthiness, including airspace restrictions, as necessary to take account of deviations from essential requirements for airworthiness laid down in the basic Regulation.’;

42. point 21B.525 is replaced by the following:

‘21B.525 Issue of a permit to fly

The competent authority shall issue a permit to fly (EASA Form 20a, see Appendix) without undue delay:

- 1. upon presentation of the data required by point 21A.707; and
- 2. when the flight conditions referred to in point 21A.708 have been approved in accordance with point 21A.710; and
- 3. when the competent authority, through its own investigations, which may include inspections, or through procedures agreed with the applicant, is satisfied that the aircraft conforms to the design defined under point 21A.708 before flight.’;

43. Appendix I is replaced by the following:

‘Appendix I

Authorised Release Certificate — EASA Form 1 referred to in the Annex (Part 21)

1. Approving Competent Authority/Country		2. AUTHORISED RELEASE CERTIFICATE EASA FORM 1			3. Form Tracking Number
4. Organisation Name and Address:					
6. Item	7. Description	8. Part No.	9. Qty.	10. Serial No.	11. Status/Work
12. Remarks					
13a. Certifies that the items identified above were manufactured in conformity to:		14a. ☐ Part 145.A.50 Release to Service ☐ Other regulation specified in block 12			
☐ approved design data and are in a condition for safe operation ☐ non-approved design data specified in block 12		Certifies that unless otherwise specified in block 12, the work identified in block 11 and described in block 12, was accomplished in accordance with Part 145 and in respect to that work the items are considered ready for release to service.			
13b. Authorised Signature	13c. Approval/ Authorisation Number	14b. Authorised Signature		14c. Certificate/Approval Ref. No	
13d. Name	13e. Date (dd mmm yyyy)	14d. Name		14e. Date (dd mmm yyyy)	
USER/INSTALLER RESPONSIBILITIES This certificate does not automatically constitute authority to install the item(s). Where the user/installer performs work in accordance with regulations of an airworthiness authority different than the airworthiness authority specified in block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts items from the airworthiness authority specified in block 1. Statements in blocks 13a and 14a do not constitute installation certification. In all cases aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.					

Instructions for the use of EASA Form 1

These instructions relate only to the use of the EASA Form 1 for production purposes. Attention is drawn to Appendix II to Annex I (Part M) of Regulation (EC) No 2042/2003 which covers the use of the EASA Form 1 for maintenance purposes.

1. PURPOSE AND USE

- 1.1. A primary purpose of the certificate is to declare the airworthiness of new aviation products, parts and appliances (hereafter referred to as "item(s)").
- 1.2. Correlation must be established between the certificate and the item(s). The originator must retain a certificate in a form that allows verification of the original data.
- 1.3. The certificate is acceptable to many airworthiness authorities, but may be dependent on bilateral agreements and/or the policy of the airworthiness authority. The "approved design data" mentioned in this certificate then means approved by the airworthiness authority of the importing country.
- 1.4. The certificate is not a delivery or shipping note.
- 1.5. Aircraft are not to be released using the certificate.
- 1.6. The certificate does not constitute approval to install the item on a particular aircraft, engine, or propeller but helps the end user determine its airworthiness approval status.
- 1.7. A mixture of production released and maintenance released items is not permitted on the same certificate.
- 1.8. A mixture of items certified in conformity with "approved data" and to "non-approved data" is not permitted on the same certificate.

2. GENERAL FORMAT

- 2.1. The certificate must comply with the format attached including block numbers and the location of each block. The size of each block may however be varied to suit the individual application, but not to the extent that would make the certificate unrecognisable.
- 2.2. The certificate must be in "landscape" format but the overall size may be significantly increased or decreased so long as the certificate remains recognisable and legible. If in doubt consult the competent authority.
- 2.3. The User/Installer responsibility statement can be placed on either side of the form.
- 2.4. All printing must be clear and legible to permit easy reading.
- 2.5. The certificate may either be pre-printed or computer generated but in either case the printing of lines and characters must be clear and legible and in accordance with the defined format.
- 2.6. The certificate should be in English, and if appropriate, in one or more other languages.
- 2.7. The details to be entered on the certificate may be either machine/computer printed or hand-written using block letters and must permit easy reading.
- 2.8. Limit the use of abbreviations to a minimum, to aid clarity.
- 2.9. The space remaining on the reverse side of the certificate may be used by the originator for any additional information but must not include any certification statement. Any use of the reverse side of the certificate must be referenced in the appropriate block on the front side of the certificate.

3. COPIES

- 3.1. There is no restriction in the number of copies of the certificate sent to the customer or retained by the originator.

4. ERROR(S) ON A CERTIFICATE

4.1. If an end-user finds an error(s) on a certificate, he must identify it/them in writing to the originator. The originator may issue a new certificate if they can verify and correct the error(s).

4.2. The new certificate must have a new tracking number, signature and date.

4.3. The request for a new certificate may be honoured without re-verification of the item(s) condition. The new certificate is not a statement of current condition and should refer to the previous certificate in block 12 by the following statement: "This certificate corrects the error(s) in block(s) [enter block(s) corrected] of the certificate [enter original tracking number] dated [enter original issuance date] and does not cover conformity/condition/release to service". Both certificates should be retained according to the retention period associated with the first.

5. COMPLETION OF THE CERTIFICATE BY THE ORIGINATOR

Block 1 Approving competent authority/Country

State the name and country of the competent authority under whose jurisdiction this certificate is issued. When the Competent Authority is the Agency, only "EASA" must be stated.

Block 2 EASA Form 1 header

"AUTHORISED RELEASE CERTIFICATE EASA FORM 1"

Block 3 Form Tracking Number

Enter the unique number established by the numbering system/procedure of the organisation identified in block 4; this may include alpha/numeric characters.

Block 4 Organisation Name and Address

Enter the full name and address of the production organisation (refer to EASA Form 55 Sheet A) releasing the item(s) covered by this certificate. Logos etc. of the organisation are permitted if they can be contained within the block.

Block 5 Work Order/Contract/Invoice

To facilitate customer traceability of the item(s), enter the work order number, contract number, invoice number, or similar reference number.

Block 6 Item

Enter line item numbers when there is more than one line item. This block permits easy cross-referencing to the Remarks block 12.

Block 7 Description

Enter the name or description of the item. Preference should be given to the term used in the instructions for continued airworthiness or maintenance data (e.g. Illustrated Parts Catalogue, Aircraft Maintenance Manual, Service Bulletin, Component Maintenance Manual).

Block 8 Part Number

Enter the part number as it appears on the item or tag/packaging. In case of an engine or propeller the type designation may be used.

Block 9 Quantity

State the quantity of items.

Block 10 Serial Number

If the item is required by regulation to be identified with a serial number, enter it here. Additionally, any other serial number not required by regulation may also be entered. If there is no serial number identified on the item, enter "N/A".

Block 11 Status/Work

Enter either "PROTOTYPE" or "NEW".

Enter "PROTOTYPE" for:

- (i) The production of a new item in conformity with non-approved design data.
- (ii) Re-certification by the organisation identified in block 4 of the previous certificate after alteration or rectification work on an item, prior to entry into service, (e.g. after incorporation of a design change, correction of a defect, inspection or test, or renewal of shelf-life.) Details of the original release and the alteration or rectification work are to be entered in block 12.

Enter "NEW" for:

- (i) The production of a new item in conformity with the approved design data.
- (ii) Re-certification by the organisation identified in block 4 of the previous certificate after alteration or rectification work on an item, prior to entry into service, (e.g. after incorporation of a design change, correction of a defect, inspection or test, or renewal of shelf-life.) Details of the original release and the alteration or rectification work are to be entered in block 12.
- (iii) Re-certification by the product manufacturer or the organisation identified in block 4 of the previous certificate of items from "prototype" (conformity only to non-approved data) to "new" (conformity to approved data and in a condition for safe operation), subsequent to approval of the applicable design data, provided that the design data has not changed. The following statement must be entered in block 12:

RE-CERTIFICATION OF ITEMS FROM "PROTOTYPE" TO "NEW": THIS DOCUMENT CERTIFIES THE APPROVAL OF THE DESIGN DATA [INSERT TC/STC NUMBER, REVISION LEVEL], DATED [INSERT DATE IF NECESSARY FOR IDENTIFICATION OF REVISION STATUS], TO WHICH THIS ITEM (THESE ITEMS) WAS (WERE) MANUFACTURED.

The box "approved design data and are in a condition for safe operation" should be marked in block 13a.

- (iv) The examination of a previously released new item prior to entry into service in accordance with a customer-specified standard or specification (details of which and of the original release are to be entered in block 12) or to establish airworthiness (an explanation of the basis of release and details of the original release are to be entered in block 12).

Block 12 Remarks

Describe the work identified in block 11, either directly or by reference to supporting documentation, necessary for the user or installer to determine the airworthiness of item(s) in relation to the work being certified. If necessary, a separate sheet may be used and referenced from the EASA Form 1. Each statement must clearly identify which item(s) in block 6 it relates to. If there is no statement, state "None".

Enter the justification for release to non-approved design data in block 12 (e.g. pending type-certificate, for test only, pending approved data).

If printing the data from an electronic EASA Form 1 any data not appropriate in other blocks should be entered in this block.

Block 13a

Mark only one of the two boxes:

1. Mark the 'approved design data and are in a condition for safe operation' box if the item(s) were manufactured using approved design data and found to be in a condition for safe operation.
2. Mark the 'non-approved design data specified in block 12' box if the item(s) were manufactured using applicable non-approved design data. Identify the data in block 12 (e.g. pending type-certificate, for test only, pending approved data).

Mixtures of items released against approved and non-approved design data are not permitted on the same certificate.

Block 13b Authorised Signature

This space shall be completed with the signature of the authorised person. Only persons specifically authorised under the rules and policies of the competent authority are permitted to sign this block. To aid recognition, a unique number identifying the authorised person may be added.

Block 13c Approval/Authorisation Number

Enter the approval/authorisation number/reference. This number or reference is issued by the competent authority.

Block 13d Name

Enter the name of the person signing block 13b in a legible form.

Block 13e Date

Enter the date on which block 13b is signed, the date must be in the format dd = 2 digit day, mmm = first 3 letters of the month, yyyy = 4 digit year.

Block 14a-14e

General Requirements for blocks 14a-14e:

Not used for production release. Shade, darken, or otherwise mark to preclude inadvertent or unauthorised use.

User/Installer Responsibilities

Place the following statement on the certificate to notify end users that they are not relieved of their responsibilities concerning installation and use of any item accompanied by the form:

"THIS CERTIFICATE DOES NOT AUTOMATICALLY CONSTITUTE AUTHORITY TO INSTALL.

WHERE THE USER/INSTALLER PERFORMS WORK IN ACCORDANCE WITH REGULATIONS OF AN AIRWORTHINESS AUTHORITY DIFFERENT THAN THE AIRWORTHINESS AUTHORITY SPECIFIED IN BLOCK 1, IT IS ESSENTIAL THAT THE USER/INSTALLER ENSURES THAT HIS/HER AIRWORTHINESS AUTHORITY ACCEPTS ITEMS FROM THE AIRWORTHINESS AUTHORITY SPECIFIED IN BLOCK 1. STATEMENTS IN BLOCKS 13A AND 14A DO NOT CONSTITUTE INSTALLATION CERTIFICATION. IN ALL CASES AIRCRAFT MAINTENANCE RECORDS MUST CONTAIN AN INSTALLATION CERTIFICATION ISSUED IN ACCORDANCE WITH THE NATIONAL REGULATIONS BY THE USER/INSTALLER BEFORE THE AIRCRAFT MAY BE FLOWN.";

44. Appendix II is replaced by the following:

'Appendix II

Airworthiness Review Certificate — EASA Form 15a

[MEMBER STATE]

Member State of the European Union (*)

AIRWORTHINESS REVIEW CERTIFICATE

ARC reference:

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

Aircraft manufacturer:

Manufacturer's designation:

Aircraft registration:

Aircraft serial number:

is considered airworthy at the time of the review.

Date of issue: Date of expiry:

Signed: Authorisation No:

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

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

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

Date of issue: Date of expiry:

Signed: Authorisation No:

Company Name: Approval reference:

EASA Form 15a Issue 3.

(*) Delete for non-EU Member States.;

45. Appendix IV is replaced by the following:

'Appendix IV

Restricted Certificate of Airworthiness — EASA Form 24

46. Appendix V is replaced by the following:

'Appendix V

Certificate of Airworthiness — EASA Form 25

(*)	[Member State of registry]	(*)
	[COMPETENT AUTHORITY OF THE MEMBER STATE]	
1. Nationality and registration marks	2. Manufacturer and manufacturer's designation of aircraft	3. Aircraft serial number
4. Categories		
5. This Certificate of Airworthiness is issued pursuant to the Convention on International Civil Aviation dated 7 December 1944 and Regulation (EC) No 216/2008, Article 5(2)(c) in respect of the abovementioned aircraft which is considered to be airworthy when maintained and operated in accordance with the foregoing and the pertinent operating limitations.		
Limitations/Remark:		
(*)		
Date of issue:	Signature:	
6. This Certificate of Airworthiness is valid unless revoked by the competent authority of the Member State of registry.		
A current Airworthiness Review Certificate shall be attached to this certificate.		

This certificate shall be carried on board during all flights

(*) For use by the State of Registry.;

47. Appendix VII is replaced by the following:

'Appendix VII

Aircraft statement of conformity — EASA Form 52

AIRCRAFT STATEMENT OF CONFORMITY		
1. State of manufacture	2. [MEMBER STATE] (*) A Member of the European Union (**)	3. Statement Ref No:
4. Organisation		
5. Aircraft Type	6. Type-certificate Refs:	
7. Aircraft Registration Or Mark	8. Manufacturers Identification No	
9. Engine/Propeller Details (***)		
10. Modifications and/or Service Bulletins (***)		
11. Airworthiness Directives		
12. Concessions		
13. Exemptions, Waivers or Derogations (***)		
14. Remarks		
15. Certificate of Airworthiness		
16. Additional Requirements		
17. Statement of Conformity It is hereby certified that this aircraft confirms fully to the type-certificated design and to the items above in boxes 9, 10, 11, 12 and 13. The aircraft is in a condition for safe operation. The aircraft has been satisfactorily tested in flight.		
18. Signed	19. Name	20. Date (d/m/y)
21. Production Organisation Approval Reference		

EASA Form 52 Issue 2.

(*) Or EASA if EASA is the competent authority.
 (**) Delete for non-EU Member States or EASA.
 (***) Delete as applicable.

Instructions for the use of the Aircraft Statement of Conformity EASA Form 52**1. PURPOSE AND SCOPE**

- 1.1. Use of the aircraft Statement of Conformity issued by a manufacturer producing under Part 21 Section A Subpart F is described under 21A.130 and the corresponding acceptable means of compliance.
- 1.2. The purpose of the aircraft Statement of Conformity (EASA Form 52) issued under Part 21 Section A Subpart G is to enable the holder of an appropriate production organisation approval to exercise the privilege to obtain an individual aircraft certificate of airworthiness from the competent authority of the Member State of registry.

2. GENERAL

- 2.1. The Statement of Conformity must comply with the format attached including block numbers and the location of each block. The size of each block may however be varied to suit the individual application, but not to the extent that would make the Statement of Conformity unrecognisable. If in doubt consult the competent authority.
- 2.2. The Statement of Conformity must either be pre-printed or computer generated but in either case the printing of lines and characters must be clear and legible. Pre-printed wording is permitted in accordance with the attached model but no other certification statements are permitted.
- 2.3. Completion may be either machine/computer printed or hand-written using block letters to permit easy reading. English, and where relevant, one or more of the official language(s) of the issuing Member State are acceptable.
- 2.4. A copy of the Statement and all referenced attachments are to be retained by the approved production organisation.

3. COMPLETION OF THE STATEMENT OF CONFORMITY BY THE ORIGINATOR

- 3.1. There should be an entry in all blocks to make the document a valid statement.
- 3.2. A Statement of Conformity may not be issued to the competent authority of the Member State of registry unless the design of the aircraft and its installed products are approved.
- 3.3. The information required in blocks 9, 10, 11, 12, 13 and 14 may be by reference to separate identified documents held on file by the production organisation, unless the competent authority agrees otherwise.
- 3.4. This Statement of Conformity is not intended to include those items of equipment that may be required to be fitted in order to satisfy applicable operational rules. However, some of these individual items may be included in block 10 or in the approved type design. Operators are therefore reminded of their responsibility to ensure compliance with the applicable operational rules for their own particular operation.

Block 1

Enter name of the State of manufacture.

Block 2

The competent authority under which authority the Statement of Conformity is issued.

Block 3

A unique serial number should be pre-printed in this block for statement control and traceability purposes. Except that in the case of a computer generated document the number need not be pre-printed where the computer is programmed to produce and print a unique number.

Block 4

The full name and location address of the organisation issuing the statement. This block may be pre-printed. Logos etc. are permitted if the logo can be contained within the block.

Block 5

The aircraft type in full as defined in the type-certificate and its associated data sheet.

Block 6

The type-certificate reference numbers and issue for the subject aircraft.

Block 7

If the aircraft is registered then this mark will be the registration mark. If the aircraft is not registered then this will be such a mark that is accepted by the competent authority of the Member State and, if applicable, by the competent authority of a third country.

Block 8

The identification number assigned by the manufacturer for control and traceability and product support. This is sometimes referred to as a Manufacturers Serial No or Constructors No.

Block 9

The engine and propeller type(s) in full as defined in the relevant type-certificate and its associated data sheet. Their manufacturer identification No and associated location should also be shown.

Block 10

Approved design changes to the aircraft definition.

Block 11

A listing of all applicable airworthiness directives (or equivalent) and a declaration of compliance, together with a description of the method of compliance on the subject individual aircraft including products and installed parts, appliances and equipment. Any future compliance requirement time should be shown.

Block 12

Approved unintentional deviation to the approved type design sometimes referred to as concessions, divergences, or non-conformances.

Block 13

Only agreed exemptions, waivers or derogations may be included here.

Block 14

Remarks. Any statement, information, particular data or limitation which may affect the airworthiness of the aircraft. If there is no such information or data, state; "NONE".

Block 15

Enter "Certificate of Airworthiness", or "Restricted Certificate of Airworthiness", or for the Certificate of Airworthiness requested.

Block 16

Additional requirements such as those notified by an importing country should be noted in this block.

Block 17

Validity of the Statement of Conformity is dependent on full completion of all blocks on the form. A copy of the flight test report together with any recorded defects and rectification details should be kept on file by the POA holder. The report should be signed as satisfactory by the appropriate certifying staff and a flight crew member, e.g. test pilot or flight test engineer. The flight tests performed are those defined under the control of the quality system, as established by 21A.139 in particular 21A.139(b)(1)(vi), to ensure that the aircraft conforms with the applicable design data and is in condition for safe operation.

The listing of items provided (or made available) to satisfy the safe operation aspects of this statement should be kept on file by the POA holder.

Block 18

The Statement of Conformity may be signed by the person authorised to do so by the production approval holder in accordance with 21A.145(d). A rubber stamp signature should not be used.

Block 19

The name of the person signing the certificate should be typed or printed in a legible form.

Block 20

The date the Statement of Conformity is signed should be given.

Block 21

The competent authority approval reference should be quoted.;

48. Appendix IX is replaced by the following:

Appendix IX

Production Organisation Approval Certificates referred to in Subpart G of the Annex (Part 21) — EASA Form 55

Page 1 of ...
[MEMBER STATE] (*) A Member of the European Union (**)
PRODUCTION ORGANISATION APPROVAL CERTIFICATE
Reference: [MEMBER STATE CODE (*)].21G.XXXX
Pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and to Commission Regulation (EC) No 1702/2003 for the time being in force and subject to the condition specified below, the [COMPETENT AUTHORITY OF THE MEMBER STATE] hereby certifies:
[COMPANY NAME AND ADDRESS]
as a production organisation in compliance with the Annex (Part 21), Section A, Subpart G of Regulation (EC) No 1702/2003, approved to produce products, parts and appliances listed in the attached approval schedule and issue related certificates using the above references.
CONDITIONS:
1. This approval is limited to that specified in the enclosed terms of approval, and 2. This approval requires compliance with the procedures specified in the approved production organisation exposition, and 3. This approval is valid whilst the approved production organisation remains in compliance with the Annex (Part 21) of Regulation (EC) No 1702/2003. 4. Subject to compliance with the foregoing conditions, this approval shall remain valid for an unlimited duration unless the approval has previously been surrendered, superseded, suspended or revoked.
Date of original issue:
Date of this revision:
Revision No:
Signed:
For the competent authority: [COMPETENT AUTHORITY IDENTIFICATION (*)]

EASA Form 55a issue 2.

(*) or EASA if EASA is the competent authority.

(**) Delete for non-EU Member States.

[MEMBER STATE] (*) A Member of the European Union (**)	Terms of Approval	TA: [MEMBER STATE CODE (*)].21G.XXXX
This document is part of Production Organisation Approval Number [MEMBER STATE CODE (*)].21G.XXXX issued to: Company name:		
Section 1. SCOPE OF WORK:		
PRODUCTION OF	PRODUCTS/CATEGORIES	
For details and limitations refer to the Production Organisation Exposition, Section xxx		
Section 2. LOCATIONS:		
Section 3. PRIVILEGES:		
The Production Organisation is entitled to exercise, within its Terms of Approval and in accordance with the procedures of its Production Organisation Exposition, the privileges set forth in 21A.163. Subject to the following:		
<i>[keep only applicable text]</i>		
Prior to approval of the design of the product an EASA Form 1 may be issued only for conformity purposes.		
A Statement of Conformity may not be issued for a non-approved aircraft		
Maintenance may be performed, until compliance with maintenance regulations is required, in accordance with the Production Organisation Exposition Section xxx		
Permits to fly may be issued in accordance with the Production Organisation Exposition Section yyy		
Date of original issue:	Signed:	
Date of this revision:		
Revision No.:	For [COMPETENT AUTHORITY IDENTIFICATION (*)]	

EASA Form 55b Issue 2.

(*) or EASA if EASA is the competent authority.

(**) Delete for non-EU Member States.;

49. Appendix X is replaced by the following:

'Appendix X

Letter of agreement — EASA Form 65 — referred to in Subpart F of the Annex (Part 21)

[MEMBER STATE] (*)

A Member of the European Union (**)

LETTER OF AGREEMENT FOR PRODUCTION WITHOUT PRODUCTION ORGANISATION APPROVAL

[NAME OF THE APPLICANT]

[TRADE NAME (if different)]

[FULL ADDRESS OF THE APPLICANT]

Date (Day, Month, Year)

Reference: [MEMBER STATE CODE (**)].21F.XXXX

Dear Sirs,

Your production inspection system has been evaluated and found to be in compliance with Section A, Subpart F of the Annex (Part 21) of Regulation (EC) No 1702/2003.

Therefore, subject to the conditions specified below, we agree that showing of conformity of products, parts and appliances mentioned below may be done under Section A, Subpart F of the Annex (Part 21) of Regulation (EC) No 1702/2003.

No of Units	P/N	S/N
-------------	-----	-----

AIRCRAFT

PARTS

The following conditions are applicable to this agreement:

- (1) It is valid whilst [Company Name] remains in compliance with Section A, Subpart F of the Annex (Part 21) of Regulation (EC) No 1702/2003.
- (2) It requires compliance with the procedures specified in [Company Name] Manual Ref./Issue date
- (3) It terminates on
- (4) The Statement of Conformity issued by [Company Name] under the provisions of point 21A.130 of the abovementioned regulation shall be validated by the issuing authority of this letter of agreement in accordance with the procedure of the above referenced manual.
- (5) [Company Name] shall notify the issuing authority of this letter of agreement immediately of any changes to the production inspection system that may affect the inspection, conformity, or airworthiness of the products and parts listed in this letter.

For the competent authority: [COMPETENT AUTHORITY IDENTIFICATION (*)2]

Date and Signature

EASA Form 65, Issue 2.

(*) Or EASA if EASA is the competent authority.'

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 26 November 2009

on the position to be taken by the European Community regarding the renegotiation of the Monetary Agreement with the Vatican City State

(2009/895/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 111(3) thereof,

Having regard to the recommendation from the Commission,

Having consulted the European Central Bank,

Whereas:

- (1) The Community has the competence for monetary and exchange rate matters as of the date of the introduction of the euro.
- (2) The Council is to determine the arrangements for the negotiation and conclusion of agreements concerning monetary or foreign exchange regime matter.
- (3) The Italian Republic, on behalf of the Community, concluded on 29 December 2000 a Monetary Agreement with the Vatican City State.
- (4) In its conclusions on 10 February 2009 the Council invited the Commission to review the functioning of the existing monetary agreements and to consider possible increases in the ceilings for coin issuance.

- (5) The Commission concluded in the Communication on the functioning of the Monetary Agreements with Monaco, San Marino and Vatican that the Monetary Agreement with the Vatican City State in its present form needs to be amended with a view to ensuring a more consistent approach in the relations between the Community and the countries having signed a monetary agreement.

- (6) The Monetary Agreement with the Vatican City State should therefore be renegotiated as soon as possible so that the new regime enters into force on 1 January 2010, together with the new rules on the modalities of introduction of euro coins set by the Commission Recommendation of 19 December 2008 on common guidelines for the national side and the issuance of euro coins intended for circulation ⁽¹⁾, endorsed by the Council in its conclusions of 10 February 2009,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic shall notify the Vatican City State of the need to amend the existing Monetary Agreement between the Italian Republic, on behalf of the European Community, and the Vatican City State (hereinafter the Agreement) at the earliest possible date and offer renegotiation on the relevant provisions of the Agreement.

⁽¹⁾ OJ L 9, 14.1.2009, p. 52.

Article 2

The Community shall seek the following changes in the renegotiation of the Agreement with the Vatican City State:

- (a) The Agreement shall be concluded between the Community and the Vatican City State. The text of the agreement shall be a codified text of the current agreement with the amendments.
- (b) The Vatican City State shall undertake to adopt all appropriate measures, through direct transpositions or possibly equivalent actions, for the application of all relevant Community legislation on the prevention of money laundering, on the prevention of fraud and counterfeiting of cash and non-cash means of payment. It shall also undertake to adopt all relevant Community banking and financial legislation if and when a banking sector is created in the Vatican City State.
- (c) The method for determining the ceiling of issuance of Vatican euro coins shall be revised. The new ceiling shall be calculated using a method which will combine a fixed part aimed at avoiding excessive numismatic speculation on Vatican coins by satisfying the demand of the collector coin market and a variable part, calculated as the average per capita coin issuance of the Italian Republic in the year $n-1$ multiplied by the number of inhabitants of the Vatican City State. Without prejudice to the issuance of collector coins, the Agreement shall set the minimum proportion of Vatican euro coins to be introduced at face value at 51 %.
- (d) A Joint Committee shall be established in order to monitor the progress in the implementation of the Agreement. It shall be composed of representatives of the Vatican City State, the Italian Republic, the Commission and the ECB. It shall have the possibility to revise each year the fixed part with a view to taking into account inflation and the evolution of the collector market. It shall examine every 5 years the adequacy of the minimum proportion of coins to be introduced at face value and may decide to increase it. It shall adopt decisions unanimously. The Joint Committee shall adopt its own rules of procedure.
- (e) The euro coins of the Vatican City State shall be minted by the Istituto Poligrafico e Zecca dello Stato. The Vatican City State shall however have the possibility to take another contractor among the European Union mints striking euro coins, with the agreement of the Joint Committee. The volume of coins issued by the Vatican

City State shall be added to the volume of coins issued by the Italian Republic for the purpose of the ECB approval of the total volume of the issuance.

- (f) The Court of Justice of the European Communities shall be elected as the body in charge of settling disputes which may arise from the application of the Agreement.

If the Community or the Vatican City State consider that the other Party has not fulfilled an obligation under the Monetary Agreement, it may bring the matter before the Court of Justice. The judgment of the Court of Justice shall be binding on the Parties, which shall take the necessary measures to comply with the judgment within a period to be decided by the Court of Justice in its judgment. In case the Community or the Vatican City State fail to take the necessary measures to comply with the judgment within the period, the other Party can terminate immediately the Agreement.

Article 3

The negotiations with the Vatican City State shall be conducted by the Italian Republic and the Commission on behalf of the Community. The Italian Republic and the Commission are empowered to initial the Agreement on behalf of the Community. The ECB shall be fully associated with the negotiations and its Agreement shall be required on issues falling in its field of competence. The Italian Republic and the Commission shall submit the draft agreement to the Economic and Financial Committee (EFC) for opinion.

Article 4

Upon the initialling of the Agreement, the Commission shall be entitled to conclude the agreement on behalf of the Community, unless the EFC or the ECB is of the opinion that the agreement should be submitted to the Council.

Article 5

This Decision is addressed to the Italian Republic, the Commission and the ECB.

Done at Brussels, 26 November 2009.

For the Council
The President
J. BJÖRKLUND

COUNCIL DECISION
of 30 November 2009
on the conclusion of the Agreement between the European Community and Antigua and Barbuda
on the short-stay visa waiver
(2009/896/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with Antigua and Barbuda on the short-stay visa waiver (hereinafter 'the Agreement').
- (2) The Agreement was signed on behalf of the Community on 28 May 2009 and has been provisionally applied since that date, subject to its conclusion at a later date, in accordance with Council Decision 2009/478/EC ⁽²⁾.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which should adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position on the adoption of those rules of procedure.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

Article 1

The Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver ⁽³⁾ is hereby approved on behalf of the Community.

Article 2

The President of the Council shall give the notification provided for in Article 8(1) of the Agreement ⁽⁴⁾.

Article 3

The Community shall be represented by the Commission, assisted by experts from Member States, in the Joint Committee of experts established by Article 6 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 6(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

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

Done at Brussels, 30 November 2009.

For the Council
The President
B. ASK

⁽¹⁾ Opinion of 20 October 2009 (not yet published in the Official Journal).

⁽²⁾ OJ L 169, 30.6.2009, p. 1.

⁽³⁾ For the text of the Agreement see OJ L 169, 30.6.2009, p. 3.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

COUNCIL DECISION

of 30 November 2009

on the conclusion of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver

(2009/897/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Commonwealth of the Bahamas on the short-stay visa waiver (hereinafter 'the Agreement').
- (2) The Agreement was signed on behalf of the Community on 28 May 2009 and has been provisionally applied since that date, subject to its conclusion at a later date, in accordance with Council Decision 2009/481/EC ⁽²⁾.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which should adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position on the adoption of those rules of procedure.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

Article 1

The Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver ⁽³⁾ is hereby approved on behalf of the Community.

Article 2

The President of the Council shall give the notification provided for in Article 8(1) of the Agreement ⁽⁴⁾.

Article 3

The Community shall be represented by the Commission, assisted by experts from Member States, in the Joint Committee of experts established by Article 6 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 6(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

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

Done at Brussels, 30 November 2009.

For the Council
The President
B. ASK

⁽¹⁾ Opinion of 20 October 2009 (not yet published in the Official Journal).

⁽²⁾ OJ L 169, 30.6.2009, p. 23.

⁽³⁾ For the text of the Agreement see OJ L 169, 30.6.2009, p. 24.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

COUNCIL DECISION
of 30 November 2009
on the conclusion of the Agreement between the European Community and Barbados on the
short-stay visa waiver
(2009/898/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with Barbados on the short-stay visa waiver (hereinafter 'the Agreement').
- (2) The Agreement was signed on behalf of the Community on 28 May 2009 and has been provisionally applied since that date, subject to its conclusion at a later date, in accordance with Council Decision 2009/479/EC ⁽²⁾.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which should adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position on the adoption of those rules of procedure.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

Article 1

The Agreement between the European Community and Barbados on the short-stay visa waiver ⁽³⁾ is hereby approved on behalf of the Community.

Article 2

The President of the Council shall give the notification provided for in Article 8(1) of the Agreement ⁽⁴⁾.

Article 3

The Community shall be represented by the Commission, assisted by experts from Member States, in the Joint Committee of experts established by Article 6 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 6(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

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

Done at Brussels, 30 November 2009.

For the Council
The President
B. ASK

⁽¹⁾ Opinion of 20 October 2009 (not yet published in the Official Journal).

⁽²⁾ OJ L 169, 30.6.2009, p. 9.

⁽³⁾ For the text of the Agreement see OJ L 169, 30.6.2009, p. 10.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

COUNCIL DECISION

of 30 November 2009

on the conclusion of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver

(2009/899/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Mauritius on the short-stay visa waiver (hereinafter 'the Agreement').
- (2) The Agreement was signed on behalf of the Community on 28 May 2009 and has been provisionally applied since that date, subject to its conclusion at a later date, in accordance with Council Decision 2009/480/EC ⁽²⁾.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which should adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position on the adoption of those rules of procedure.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of

this Decision and are not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver ⁽³⁾ is hereby approved on behalf of the Community.

Article 2

The President of the Council shall give the notification provided for in Article 8(1) of the Agreement ⁽⁴⁾.

Article 3

The Community shall be represented by the Commission, assisted by experts from Member States, in the Joint Committee of experts established by Article 6 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 6(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

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

Done at Brussels, 30 November 2009.

For the Council
The President
B. ASK

⁽¹⁾ Opinion of 20 October 2009 (not yet published in the Official Journal).

⁽²⁾ OJ L 169, 30.6.2009, p. 16.

⁽³⁾ For the text of the Agreement, see OJ L 169, 30.6.2009, p. 17.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

COUNCIL DECISION
of 30 November 2009
on the conclusion of the Agreement between the European Community and the Republic of
Seychelles on the short-stay visa waiver
(2009/900/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Republic of Seychelles on the short-stay visa waiver (hereinafter 'the Agreement').
- (2) The Agreement was signed on behalf of the Community on 28 May 2009 and has been provisionally applied since that date, subject to its conclusion at a later date, in accordance with Council Decision 2009/482/EC ⁽²⁾.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which should adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position on the adoption of those rules of procedure.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

Article 1

The Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver ⁽³⁾ is hereby approved on behalf of the Community.

Article 2

The President of the Council shall give the notification provided for in Article 8(1) of the Agreement ⁽⁴⁾.

Article 3

The Community shall be represented by the Commission, assisted by experts from Member States, in the Joint Committee of experts established by Article 6 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 6(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

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

Done at Brussels, 30 November 2009.

For the Council
The President
B. ASK

⁽¹⁾ Opinion of 20 October 2009 (not yet published in the Official Journal).

⁽²⁾ OJ L 169, 30.6.2009, p. 30.

⁽³⁾ For the text of the Agreement see OJ L 169, 30.6.2009, p. 31.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

COUNCIL DECISION

of 30 November 2009

on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver

(2009/901/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point 2(b)(i) of Article 62, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Federation of Saint Kitts and Nevis on the short-stay visa waiver (hereinafter 'the Agreement').
- (2) The Agreement was signed on behalf of the Community on 28 May 2009 and has been provisionally applied since that date, subject to its conclusion at a later date, in accordance with Council Decision 2009/483/EC ⁽²⁾.
- (3) The Agreement should be approved.
- (4) The Agreement establishes a Joint Committee for the management of the Agreement, which should adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position on the adoption of those rules of procedure.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver ⁽³⁾ is hereby approved on behalf of the Community.

Article 2

The President of the Council shall give the notification provided for in Article 8(1) of the Agreement ⁽⁴⁾.

Article 3

The Community shall be represented by the Commission, assisted by experts from Member States, in the Joint Committee of experts established by Article 6 of the Agreement.

Article 4

The position of the Community within the Joint Committee of experts with regard to the adoption of its rules of procedure as required under Article 6(4) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

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

Done at Brussels, 30 November 2009.

For the Council

The President

B. ASK

⁽¹⁾ Opinion of 20 October 2009 (not yet published in the Official Journal).

⁽²⁾ OJ L 169, 30.6.2009, p. 37.

⁽³⁾ For the text of the Agreement see OJ L 169, 30.6.2009, p. 38.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

COUNCIL DECISION 2009/902/JHA

of 30 November 2009

setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Articles 30(1), 31 and 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Hungary, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland ⁽¹⁾,

Having regard to the Opinion of the European Parliament,

Whereas:

(1) The Tampere European Council of 15 and 16 October 1999 concluded that there was a need to develop crime prevention measures, to exchange best practices and to strengthen the network of competent national authorities for crime prevention, as well as cooperation between national organisations specialising in this field, specifying that this cooperation could have as its chief priorities juvenile, urban and drug-related crime. To this end, a study of the possibility of a programme financed by the Community was called for.

(2) Recommendation 6 of the European Union strategy for the beginning of the new millennium on the prevention and control of organised crime ⁽²⁾ calls for the Council to be assisted by suitably qualified experts on crime prevention, such as the national focal points, or by establishing a network of experts from national crime prevention organisations.

(3) Council Decision 2001/427/JHA established a European Crime Prevention Network ⁽³⁾.

(4) An external evaluation of the European Crime Prevention Network which was conducted in 2008-2009 identified opportunities for strengthening the Network which were accepted by the EUCPN Board and which make it necessary to repeal Decision 2001/427/JHA and to replace it by a new Council Decision concerning the Network.

(5) The evaluation identified the need for more engagement in the activities of the Network by the national representatives.

(6) A number of changes are required to strengthen the Network which include amendments to the provisions dealing with contact points, the Secretariat, the structure of the Board and its tasks, including the appointment of the Chair.

(7) Changes in the composition of the Network should be efficient and cost-effective, drawing on previous experiences of Member States in funding and carrying out the secretarial and other Network tasks. The Board should increase efforts in cooperating to investigate and exploit to their full potential, the possibilities for funding through the general budget of the European Union. This could be done on the basis of either framework partnerships or that the Network is included in the list of recognised monopoly bodies in the relevant financing programme.

(8) Other provisions should be based on Decision 2001/427/JHA,

⁽¹⁾ OJ C 222, 15.9.2009, p. 2.

⁽²⁾ OJ C 124, 3.5.2000, p. 1.

⁽³⁾ OJ L 153, 8.6.2001, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

Setting-up

A European Crime Prevention Network, hereinafter referred to as 'the Network', is hereby set up. It shall be regarded as the successor to the European Crime Prevention Network established by Decision 2001/427/JHA.

Article 2

Objective

1. The Network shall contribute to developing the various aspects of crime prevention at the Union level, taking account of the European Union crime preventive strategy, and shall support crime prevention activities at the national and local level.

2. Crime prevention shall cover all measures that are intended to reduce or otherwise contribute to reducing crime and citizens' feeling of insecurity, both quantitatively and qualitatively, either through directly deterring criminal activities or through policies and actions designed to reduce the potential for crime and the causes of crime. It includes work of government, competent authorities, criminal justice agencies, local authorities and the specialist associations they have set up in Europe, the private and voluntary sectors, researchers and the public, supported by the media.

Article 3

Structure and composition

1. The Network shall consist of a Board and a Secretariat as well as contact points which may be designated by each Member State.

2. The Board shall be made up of national representatives, with a Chair and an Executive Committee.

3. Each Member State shall appoint a national representative and may appoint a substitute.

4. The Chair shall be appointed from within the body of the national representatives.

5. The Executive Committee shall be led by the Chair and shall be composed of up to six further members of the Board and a representative designated by the Commission.

Article 4

Tasks of the Network

The Network shall, in particular:

- (a) facilitate cooperation, contacts and exchanges of information and experience between actors in the field of crime prevention;
- (b) collect, assess and communicate evaluated information including good practice on existing crime prevention activities;
- (c) organise conferences, in particular an annual Best Practice Conference, and other activities, including the annual European Crime Prevention Award, designed to achieve the objectives of the Network and to share widely the results thereof;
- (d) provide its expertise to the Council and the Commission as required;
- (e) report to the Council on its activities each year through the Board and the competent working bodies. The Council shall be invited to endorse the report and forward it to the European Parliament;
- (f) develop and implement a work programme based on a clearly defined strategy that takes account of identifying and responding to relevant crime threats.

Article 5

Information exchange

To accomplish its tasks, the Network shall:

- (a) favour a multidisciplinary approach;
- (b) be in close contact, through the national representatives and the contact points, with crime prevention bodies, local authorities, local partnerships and civil society as well as with research institutions and nongovernmental organisations in the Member States;
- (c) set up and maintain its own website, containing its regular reports and any other useful information, in particular a compendium of best practices;
- (d) endeavour to use and promote the results of projects, relevant for crime prevention, funded through Union programmes.

Article 6

Responsibilities

1. The Executive Committee shall provide support to the Chair to ensure, inter alia:

- (a) the development of the Network's strategy for approval by the Board;
- (b) the effective running of the Board, and
- (c) the development and carrying-out of the work programme.

2. The tasks of the Board shall include:

- (a) to ensure the proper functioning of the Network in accordance with this Decision, including deciding on the practical organisation of the Secretariat functions;
- (b) to develop and adopt a financial regulation;
- (c) to approve the Network's strategy, which contributes to developing crime prevention at the Union level;
- (d) to adopt and ensure delivery of the Network's work programme;
- (e) to adopt an annual report of the Network's activities.

3. The Board shall adopt its Rules of Procedure by unanimous decision containing, *inter alia*, the provisions on the appointment and term of office of the Chair and of the members of the Executive Committee, the decision-making arrangements of the Board, the language arrangements, the tasks, organisation and resources of the Secretariat, and administrative arrangements for the cooperation with other entities as referred to in Article 8.

4. The Secretariat shall support the Board. It shall function on a permanent basis, for the full benefit of the Network, while respecting confidentiality as required. It shall have the following tasks:

- (a) to provide administrative and general support in the preparation of meetings, seminars and conferences; to draft the annual report and the work programme, to support implementation of the work programme and to provide a focal point for communication with the Network members;
- (b) to provide an analytical and support function to identify ongoing research activity in the field of crime prevention and related information that would be of use to the Network;
- (c) to take overall responsibility for hosting, developing and maintaining the Network website.

5. Each national representative shall promote the Network's activities at the national and local level and facilitate the provision, maintenance and exchange of crime prevention material between his Member State and the Network.

6. Contact points shall support national representatives in exchanging national crime prevention information and expertise within the Network.

7. The Secretariat shall report to and its performance shall be overseen by the Chair and the Executive Committee.

8. Member States are responsible for the financing of the Network and its activities. Member States shall, through the Board, cooperate to ensure cost-effective financing of the Network and its activities.

9. Paragraph 8 is without prejudice to the possibilities to seek and obtain financial support from the general budget of the European Union.

Article 7

Board meetings

The Board shall meet at least once during each half year on the invitation of the Chair.

Article 8

Cooperation with other entities

The Network may cooperate with other entities competent in the field of crime prevention where it is relevant to meeting its objectives.

Article 9

Evaluation

The Commission shall present an evaluation report to the Council on the activities of the Network with a special focus on the efficiency of the work of the Network and its Secretariat, taking due account of the interaction between the Network and other relevant stakeholders, by 30 November 2012. Based on the results of this evaluation, an assessment shall be carried out to identify possible opportunities that could be achieved by for example transferring the Secretariat to an existing Agency.

Article 10

Repeal

Decision 2001/427/JHA is hereby repealed.

Article 11

Taking of effect

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

Done at Brussels, 30 November 2009.

For the Council

The President

B. ASK

V

(Acts adopted from 1 December 2009 under the Treaty on European Union, the Treaty on the Functioning of the European Union and the Euratom Treaty)

ACTS WHOSE PUBLICATION IS OBLIGATORY

COMMISSION REGULATION (EU) No 1195/2009

of 7 December 2009

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

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 December 2009.

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

Done at Brussels, 7 December 2009.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	43,8
	MA	40,6
	TR	61,8
	ZZ	48,7
0707 00 05	MA	49,3
	TR	75,7
	ZZ	62,5
0709 90 70	MA	41,0
	TR	115,8
	ZZ	78,4
0805 10 20	AR	70,4
	MA	50,6
	TR	64,6
	ZA	48,5
	ZZ	58,5
0805 20 10	MA	73,0
	ZZ	73,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	132,8
	HR	67,9
	IL	68,7
	TR	77,1
	ZZ	86,6
0805 50 10	TR	74,9
	ZZ	74,9
0808 10 80	AU	161,8
	CA	65,1
	CN	83,6
	MK	20,3
	US	90,6
	ZA	106,2
	ZZ	87,9
0808 20 50	CN	36,7
	US	213,0
	ZZ	124,9

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

COMMISSION REGULATION (EU) No 1196/2009**of 4 December 2009****prohibiting fishing for redfish in NAFO area, Division 3M, by vessels flying the flag of All Member States**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required, and in particular for certain NAFO fish stocks ⁽³⁾, lays down quotas for 2009.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation, taken by Community vessels and vessels from other Contracting Party have exhausted the TAC (Total Allowable Catch) allocated for 2009.

- (3) It is therefore necessary to prohibit fishing for that stock, in accordance with footnote 1 of the abovementioned Regulation, and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The TAC allocated for 2009 to the NAFO Contracting Party referred to in the Annex to this Regulation for the stock referred to therein shall be deemed to be exhausted.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of, or registered in, the Member States referred to therein shall be prohibited. It shall also be prohibited to retain on board, tranship or land such stock caught by those vessels.

*Article 3***Entry into force**

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, 4 December 2009.

For the Commission,

On behalf of the President,

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1.

⁽³⁾ OJ L 22, 26.1.2009, p. 1.

ANNEX

No	02/09/NA
Member State	All Member States
Stock	RED/N3M.
Species	Redfish (<i>Sebastes</i> spp.)
Area	NAFO Regulatory Area, Division 3.M
Date	23.11.2009

ACTS WHOSE PUBLICATION IS NOT OBLIGATORY

COUNCIL DECISION,

taken by common accord with the President-elect of the Commission,

of 4 December 2009

adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission

(2009/903/EU)

THE COUNCIL OF THE EUROPEAN UNION,

persons whom it proposes for appointment as Members of the Commission until 31 October 2014.

Having regard to the Treaty on European Union, and in particular Article 17(3) and (4) and the second subparagraph of Article 17(7) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Whereas:

- (1) As a result of circumstances connected with the process of ratification of the Treaty of Lisbon, the Commission appointed on 22 November 2004 remained in office after 31 October 2009, pending completion of the process of appointment of the new Commission, in accordance with the provisions of the Treaty on European Union, as amended by the Treaty of Lisbon.
- (2) A new Commission, consisting of one national of each Member State, including its President and the High Representative of the Union for Foreign Affairs and Security Policy, must be appointed until 31 October 2014.
- (3) The European Council nominated Mr José Manuel DURÃO BARROSO as the person put forward to the European Parliament as President of the Commission, and the European Parliament elected the proposed candidate.
- (4) In accordance with Article 18(1) of the Treaty on European Union, the European Council appoints the High Representative of the Union for Foreign Affairs and Security Policy with the agreement of the President of the Commission.
- (5) The Council must adopt by common accord with the President-elect of the Commission the list of the other

- (6) In accordance with Article 17(7), third subparagraph, of the Treaty on European Union, the President, the High Representative of the Union for Foreign Affairs and Security Policy and the other Members of the Commission will be subject as a body to a vote of consent by the European Parliament,

HAS DECIDED AS FOLLOWS:

Article 1

By common accord with Mr José Manuel DURÃO BARROSO, President-elect of the Commission, the Council proposes the following persons for appointment as Members of the Commission until 31 October 2014:

Mr Joaquín ALMUNIA AMANN

Mr László ANDOR

Mr Michel BARNIER

Mr Dacian CIOLOȘ

Mr John DALLI

Ms Maria DAMANAKI

Mr Karel DE GUCHT

Mr Štefan FÜLE

Ms Máire GEOGHEGAN-QUINN

Mr Johannes HAHN

Ms Connie HEDEGAARD

Ms Rumiana JELEVA

Mr Algirdas Gediminas ŠEMETA

Mr Siim KALLAS

Mr Antonio TAJANI

Ms Neelie KROES

Ms Androulla VASSILIOU

Mr Janusz LEWANDOWSKI

Article 2

Ms Cecilia MALMSTRÖM

This Decision shall be forwarded to the European Parliament.

Mr Günther H. OETTINGER

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

Mr Andris PIEBALGS

Mr Janez POTOČNIK

Done at Brussels, 4 December 2009.

Ms Viviane REDING

Mr Olli REHN

For the Council

The President

Mr Maroš ŠEFČOVIČ

E. BJÖRLING

III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

- ★ **Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA** 44
-

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- ★ **Commission Regulation (EU) No 1196/2009 of 4 December 2009 prohibiting fishing for redfish in NAFO area, Division 3M, by vessels flying the flag of All Member States** 49

ACTS WHOSE PUBLICATION IS NOT OBLIGATORY

2009/903/EU:

- ★ **Council Decision, taken by common accord with the President-elect of the Commission, of 4 December 2009 adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission** 51

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