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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

**DECISION OF THE COUNCIL AND OF THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES, MEETING WITHIN THE COUNCIL****of 15 October 2010****on the signature and provisional application of the Common Aviation Area Agreement between the
European Union and its Member States, of the one part, and Georgia, of the other part**

(2012/708/EU)

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION, MEETING WITHIN THE COUNCIL,

HAVE ADOPTED THIS DECISION:

*Article 1***Signature**

Having regard to the Treaty on the Functioning of the European Union and in particular Article 100(2), in conjunction with Article 218 paragraphs 5 and 7 and the first subparagraph of Article 218(8), thereof,

1. The signing of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, (hereinafter 'the Agreement'), is hereby approved on behalf of the Union, subject to a Council Decision concerning the conclusion of the Agreement ⁽¹⁾.

Whereas:

2. The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union, subject to its conclusion.

*Article 2***Provisional application**

(1) The Commission has negotiated on behalf of the Union and of the Member States a Common Aviation Area Agreement with Georgia (hereinafter 'the Agreement') in accordance with the Council Decision authorising the Commission to open negotiations.

Pending its entry into force, the Agreement shall be applied on a provisional basis by the Union and by the Member States, in accordance with their internal procedures and/or domestic legislation as applicable, from the first day of the month following the date of the last note by which the Parties notify each other of the completion of the procedures necessary for the provisional application of the Agreement.

(2) The Agreement was initialled on 5 March 2010.

(3) The Agreement negotiated by the Commission should be signed and applied provisionally by the Union and the Member States, subject to its possible conclusion at a later date.

*Article 3***Joint Committee**

(4) It is necessary to lay down procedural arrangements for deciding, if appropriate, how to discontinue the provisional application of the Agreement. It is also necessary to lay down appropriate procedural arrangements for the participation of the Union and the Member States in the Joint Committee set up pursuant to Article 22 of the Agreement and in the dispute settlement procedures provided in Article 23 of the Agreement, as well as for implementing certain provisions of the Agreement concerning security and safety,

1. The European Union and the Member States shall be represented in the Joint Committee established pursuant to Article 22 of the Agreement by representatives of the Commission and the Member States.

2. The position to be taken by the European Union and its Member States within the Joint Committee with respect to amendments to Annex III or Annex IV to the Agreement in accordance with Article 26(2) of the Agreement and to matters of exclusive competence of the European Union that do not

⁽¹⁾ See page 3 of this Official Journal.

require the adoption of a decision having legal effect shall be established by the Commission and shall be notified in advance to the Council and the Member States.

3. For Joint Committee decisions concerning matters that fall within the competence of the European Union, the position to be taken by the European Union and its Member States shall be adopted by the Council, acting by qualified majority on a proposal from the Commission, unless the applicable voting procedures set down in the European Union Treaties provide otherwise.

4. For Joint Committee decisions concerning matters that fall within Member States' competence, the position to be taken by the European Union and its Member States shall be adopted by the Council, acting unanimously, on a proposal from the Commission or from Member States, unless a Member State has informed the General Secretariat of the Council within one month of the adoption of that position that it can only consent to the decision being taken by the Joint Committee with the agreement of its legislative bodies.

5. The position of the Union and of the Member States within the Joint Committee shall be presented by the Commission, except in matters that fall within the exclusive competence of the Member States, in which case it shall be presented by the Presidency of the Council or, if the Council so decides, by the Commission.

Article 4

Settlement of disputes

1. The Commission shall represent the Union and the Member States in dispute settlement proceedings pursuant to Article 23 of the Agreement.

2. The decision to suspend the application of benefits pursuant to Article 23 of the Agreement shall be taken by the Council on the basis of a Commission proposal. The Council shall decide by qualified majority.

3. Any other appropriate action to be taken pursuant to Article 23 of the Agreement on matters which fall within the European Union competence shall be decided upon by the Commission, with the assistance of a special committee of representatives of the Member States appointed by the Council.

Article 5

Information to the Commission

1. Member States shall promptly inform the Commission of any decision to refuse, revoke, suspend or limit the authorisation of an airline of Georgia that they intend to adopt pursuant to Article 5 of the Agreement.

2. Member States shall promptly inform the Commission of any requests or notifications made or received by them pursuant to Article 14 (Aviation safety) of the Agreement.

3. Member States shall promptly inform the Commission of any requests or notifications made or received by them pursuant to Article 15 (Aviation security) of the Agreement.

Done at Luxembourg, 15 October 2010.

For the Council

The President

E. SCHOUPE

COMMON AVIATION AREA AGREEMENT**between the European Union and its Member States, of the one part, and Georgia, of the other part**

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as the 'Member States', and

THE EUROPEAN UNION,

of the one part, and

GEORGIA, hereinafter referred to as 'Georgia',

of the other part,

NOTING the Agreement on Partnership and Cooperation between the European Communities and their Member States, of the one part, and Georgia, of the other part, done at Luxembourg on 22 April 1996;

DESIRING to create a common aviation area (CAA) based on mutual market access to the air transport markets of the Parties, with equal conditions of competition, and respect of the same rules — including in the areas of safety, security, air traffic management, social aspects and the environment;

DESIRING to facilitate the expansion of air transport opportunities, including through the development of air transport networks to meet the needs of passengers and shippers for convenient air transport services;

RECOGNISING the importance of air transport in promoting trade, tourism and investment;

NOTING the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944;

AGREEING that it is appropriate to base the CAA rules on the relevant legislation in force within the European Union, as laid down in Annex III to this Agreement;

RECOGNISING that full compliance with the CAA rules entitle the Parties to reap its full advantages including opening access to markets and maximising benefits for the consumers, and the industries and labour of both Parties;

RECOGNISING that the creation of the CAA and implementation of its rules cannot be achieved without transitional arrangements where necessary;

RECOGNISING the importance of adequate assistance in this regard;

DESIRING to make it possible for air carriers to offer the travelling and shipping public competitive prices and services in open markets;

DESIRING to have all sectors of the air transport industry, including air carrier workers, benefit in a liberalised agreement;

DESIRING to ensure the highest degree of safety and security in international air transport and reaffirming their grave concern with regard to acts or threats against the security of aircraft, which jeopardise the safety of persons or property, adversely affect the operation of air transport and undermine public confidence in the safety of civil aviation;

DESIRING to ensure a level playing field for air carriers, allowing fair and equal opportunity for their air carriers to provide the agreed services;

RECOGNISING that subsidies may adversely affect air carrier competition and may jeopardise the basic objectives of this Agreement;

AFFIRMING the importance of protecting the environment in developing and implementing international aviation policy and recognising the rights of sovereign States to take appropriate measures to this effect;

NOTING the importance of protecting consumers, including the protections afforded by the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal 28 May 1999;

INTENDING to build upon the framework of existing air transport agreements with the goal of opening access to markets and maximising benefits for the consumers, air carriers, labour, and communities of both Parties,

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Agreement, unless otherwise stated, the term:

- (1) 'agreed services' and 'specified routes' mean international air transport pursuant to Article 2 (Grant of rights) of, and Annex I to, this Agreement;
- (2) 'Agreement' means this Agreement, its Annexes, and any amendments thereto;
- (3) 'air transport' means the carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, held out to the public for remuneration or hire, which, for the avoidance of doubt, shall include scheduled and non-scheduled (charter) air transport, and full cargo services;
- (4) 'competent authorities' means the government agencies or entities responsible for the administrative functions under this Agreement;
- (5) 'fitness' means whether an air carrier is fit to operate international air services, that is to say, whether it has satisfactory financial capability and adequate managerial expertise and is disposed to comply with the laws, regulations, and requirements which govern the operation of such services;
- (6) 'citizenship' means whether an air carrier satisfies requirements regarding such issues as its ownership, effective control, and principal place of business.
- (7) 'Convention' means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and includes:
 - (a) any amendment that has entered into force under Article 94(a) of the Convention and has been ratified by both Georgia and the Member State or Member States of the European Union; and
 - (b) any Annex or any amendment thereto adopted under Article 90 of the Convention, in so far as such Annex or amendment is at any given time effective for both Georgia and the Member State or Member States of the European Union as is relevant to the issue in question;

- (8) 'fifth freedom right' means the right or privilege granted by one State (the 'Granting State') to the air carriers of another State (the 'Recipient State'), to provide international air transport services between the territory of the Granting State and the territory of a third state, subject to the condition that such services originate or terminate in the territory of the Recipient State;
- (9) 'full cost' means the cost of providing service plus a reasonable charge for administrative overhead and where relevant any applicable charges aimed at reflecting environmental costs and applied without distinction as to nationality;
- (10) 'international air transportation' means air transportation which passes through the air space over the territory of more than one State;
- (11) 'ECAA Agreement' means the multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo⁽¹⁾ on the establishment of a European common aviation area;
- (12) 'Euromed country' means any Mediterranean country involved in the European Neighbourhood Policy (which are, on the date of signature of the Agreement, Morocco, Algeria, Tunisia, Libya, Egypt, Lebanon, Jordan, Israel, the Palestinian territory, Syria and Turkey);
- (13) 'national' means any person having Georgian nationality for the Georgian Party, or the nationality of a Member State for the European Party, or entity, in so far as, in the case of a legal entity, it is at all times under the effective control, be it directly or by majority participation, of persons having Georgian nationality for the Georgian Party, or persons or entities having the nationality of a Member State or one of the third countries identified in Annex IV for the European Party;
- (14) 'operating licences' means, in the case of the European Union and its Member States operating licences and any other relevant documents or certificates given under the relevant EU legislation in force and, in the case of Georgian licences, certificates or permits given under the relevant Georgian legislation in force;
- (15) 'Parties' shall mean, on the one hand, the European Union or its Member States, or the European Union and its Member States, in accordance with their respective powers (the European Party), and, on the other hand, Georgia (the Georgian Party);
- (16) 'price' means:
- (i) 'air fares' to be paid to air carriers or their agents or other ticket sellers for the carriage of passengers and baggage on air services and any conditions under which those prices apply, including remuneration and conditions offered to agency and other auxiliary services; and
 - (ii) 'air rates' to be paid for the carriage of cargo and the conditions under which those prices apply, including remuneration and conditions offered to agency and other auxiliary services.
- This definition covers, where applicable, the surface transportation in connection with international air transport, and the conditions to which their application is subject.
- (17) 'principal place of business' means the head office or registered office of an air carrier in the Party within which the principal financial functions and operational control, including continued airworthiness management, of the air carrier are exercised;
- (18) 'public service obligation' means any obligation imposed upon air carriers to ensure on a specified route the minimum provision of scheduled air services satisfying fixed standards of continuity, regularity, pricing and minimum capacity which air carriers would not assume if they were solely considering their commercial interest. Air carriers may be compensated by the Party concerned for fulfilling public service obligations;
- (19) 'subsidy' means any financial contribution granted by the authorities or a regional organisation or another public organisation, i.e. when:
- (a) a practice of a government or regional body or other public organisation involves a direct transfer of funds such as grants, loans or equity infusion, potential direct transfer of funds to the company, the assumption of liabilities of the company such as loan guarantees, capital injections, ownership, protection against bankruptcy or insurance;
 - (b) revenue of a government or regional body or other public organisation that is otherwise due is foregone, not collected, or unduly diminished;
 - (c) a government or regional body or other public organisation provides goods or services other than general infrastructure, or purchases goods or services; or
 - (d) a government or regional body or other public organisation makes payments to a funding mechanism or entrusts or directs a private body to carry out one or more of the type of functions illustrated under (a), (b) and (c) which would normally be vested in the government and, in practice, in no real sense differs from practices normally followed by governments;

⁽¹⁾ Pursuant to UN Security Council Resolution 1244 of 10 June 1999.

and where a benefit is thereby conferred.

- (20) 'SESAR' means the technical implementation of the single European sky which provides a coordinated, synchronised research, development and deployment of the new generations of air traffic management systems;
- (21) 'territory' means, for Georgia, the land areas and territorial waters adjacent thereto under its sovereignty, suzerainty, protection or mandate, and, for the European Union, the land areas (mainland and islands), internal waters and territorial sea in which the Treaty on European Union and the Treaty on the Functioning of the European Union is applied and under the conditions laid down in those Treaties and any successor instrument. The application of this Agreement to Gibraltar airport is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated and to the continuing suspension of Gibraltar airport from EU aviation measures existing as at 18 September 2006 as between Member States in accordance with the Ministerial Statement on Gibraltar airport agreed in Cordoba on 18 September 2006;
- (22) 'user charge' means a charge imposed on air carriers for the provision of airport, airport environmental, air navigation, or aviation security facilities or services including related services and facilities;

TITLE I

ECONOMIC PROVISIONS

Article 2

Grant of rights

1. Each Party shall grant to the other Party in accordance with Annex I and Annex II, the following rights for the conduct of international air transport by the air carriers of the other Party:

- (a) the right to fly across its territory without landing;
- (b) the right to make stops in its territory for any purpose other than taking on or discharging passengers, baggage, cargo and/or mail in air transport (non-traffic purposes);
- (c) while operating an agreed service on a specified route, the right to make stops in its territory for the purpose of taking up and discharging international traffic in passengers, cargo and/or mail, separately or in combination; and
- (d) the rights otherwise specified in this Agreement.

2. Nothing in this Agreement shall be deemed to confer on the air carriers of:

- (a) Georgia the right to take on board, in the territory of any Member State, passengers, baggage, cargo, and/or mail carried for compensation and destined for another point in the territory of that Member State;
- (b) the European Union the right to take on board, in the territory of Georgia, passengers, baggage, cargo, and/or mail carried for compensation and destined for another point in the territory of Georgia.

Article 3

Authorisation

1. On receipt of applications for operating authorisation from an air carrier of one Party the competent authorities of the other Party shall grant appropriate authorisations with minimum procedural delay, provided that:

- (a) for an air carrier of Georgia:
 - the air carrier has its principal place of business in Georgia and holds a valid operating certificate in accordance with the applicable law of Georgia, and
 - effective regulatory control of the air carrier is exercised and maintained by Georgia, and
 - unless otherwise determined under Article 6 (Investment) of this Agreement, the air carrier is owned, directly or through majority ownership, and effectively controlled by Georgia and/or its nationals;
- (b) for an air carrier of the European Union:
 - the air carrier has its principal place of business in the territory of a Member State under the Treaty on the Functioning of the European Union, and holds a valid operating licence, and
 - effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operators Certificate and the relevant competent authority is clearly identified, and
 - unless otherwise determined under Article 6 (Investment) of this Agreement, the air carrier is owned, directly or through majority ownership, by Member States and/or by nationals of the Member States, or by other States listed in Annex IV, and/or of the nationals of these other States;
- (c) the air carrier meets the conditions prescribed under the laws and regulations normally applied by the authority competent for the operation of air transport; and
- (d) the provisions set forth in Article 14 (Aviation safety) and Article 15 (Aviation security) of this Agreement are being maintained and administered.

Article 4

Reciprocal recognition of regulatory determinations with regard to airline fitness, ownership and control

Upon receipt of an application for authorisation from an air carrier of one Party, the competent authorities of the other Party shall recognise any fitness and/or citizenship determination made by the competent authorities of the first Party with respect to that air carrier as if such determination had been made by its own competent authorities, and not inquire further into such matters, except as provided for at (a) and (b) below:

- (a) If, after receipt of an application for authorisation from an air carrier, or after the grant of such authorisation, the competent authorities of the receiving Party have a specific reason for concern that, despite the determination made by the competent authorities of the other Party, the conditions prescribed in Article 3 (Authorisation) of this Agreement for the grant of appropriate authorisations or permissions have not been met, then they are to promptly advise those authorities, giving substantive reasons for their concern. In that event, either Party may seek consultations, which may include representatives of the relevant competent authorities, and/or additional information relevant to this concern, and such requests are to be met as soon as practicable. If the matter remains unresolved, either Party may bring the matter to the Joint Committee set up under Article 22 (Joint Committee) of this Agreement.
- (b) This Article does not cover recognition of determinations in relation to:
 - safety certificates or licences,
 - security arrangements, or
 - insurance coverage.

Article 5

Refusal, revocation, suspension, limitation of authorisation

1. The competent authorities of either Party may refuse, revoke, suspend or limit the operating authorisations or otherwise suspend or limit the operations of an air carrier of another Party where:

- (a) for an air carrier of Georgia:
 - the air carrier does not have its principal place of business in Georgia or does not have a valid operating certificate in accordance with the applicable law of Georgia, or
 - effective regulatory control of the air carrier is not exercised or maintained by Georgia, or
 - unless otherwise determined under Article 6 (Investment) of this Agreement, the air carrier is not owned or effectively controlled, directly or through majority ownership, by Georgia and/or nationals of Georgia;
- (b) for an air carrier of the European Union:

- the air carrier does not have its principal place of business in the territory of a Member State under the Treaty on the Functioning of the European Union, or does not have a valid operating licence, or
- effective regulatory control of the air carrier is not exercised and maintained by the Member State responsible for issuing its Air Operators Certificate or the competent authority is not clearly identified, or
- unless otherwise determined under Article 6 (Investment) of this Agreement, the air carrier is not owned and effectively controlled, directly or through majority ownership, by Member States and/or nationals of Member States, or by the other States listed in Annex IV, and/or nationals of these other States;
- (c) the air carrier has failed to comply with the laws and regulations referred to in Article 7 (Compliance with laws and regulations) of this Agreement; or
- (d) the provisions set forth in Article 14 (Aviation safety) and Article 15 (Aviation security) of this Agreement are not being maintained or administered; or
- (e) a Party has made the determination in accordance with Article 8 (Competitive environment) of this Agreement that the conditions for a competitive environment are not being fulfilled.

2. Unless immediate action is essential to prevent further non-compliance with points (c) or (d) of paragraph 1 of this Article, the rights established by this Article shall be exercised only after consultation with the competent authorities of the other Party.

3. Neither Party shall use its rights established by the present Article to refuse, revoke, suspend or limit authorisations or permissions of any air carriers of a Party on the grounds that majority ownership and/or effective control of that air carrier is vested in one or more Party to the ECAA or their nationals, provided that such Party or Parties to the ECAA offer reciprocal treatment.

Article 6

Investment

Notwithstanding Article 3 (Authorisation) and Article 5 (Refusal, revocation, suspension, limitation of authorisation) of this Agreement, the majority ownership or the effective control of an air carrier of Georgia by Member States or their nationals, or of an air carrier of the European Union by Georgia or its nationals, shall be permitted by virtue of a prior decision of the Joint Committee established by this Agreement in accordance with Article 22(2) (Joint Committee) of this Agreement.

This decision shall specify the conditions associated with the operation of the agreed services under this Agreement and with the services between third countries and the Parties. The provisions of Article 22(8) (Joint Committee) of this Agreement shall not apply to this type of decision.

*Article 7***Compliance with laws and regulations**

1. While entering, within, or leaving the territory of one Party, the laws and regulations applicable within that territory relating to the admission to or departure from its territory of aircraft engaged in air transport, or to the operation and navigation of aircraft shall be complied with by the other Party's air carriers.

2. While entering, within, or leaving the territory of one Party, the laws and regulations applicable within that territory relating to the admission to or departure from its territory of passengers, crew or cargo on aircraft (including regulations relating to entry, clearance, immigration, passports, customs and quarantine or, in the case of mail, postal regulations) shall be complied with by, or on behalf of, such passengers, crew or cargo of the other Party's air carriers.

*Article 8***Competitive environment**

1. The Parties acknowledge that it is their joint objective to have a fair and competitive environment for the operation of air services. The Parties recognise that fair competitive practices by air carriers are most likely to occur where these air carriers operate on a fully commercial basis and are not subsidised.

2. Within the scope of this Agreement, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.

3. State aid which distorts or threatens to distort competition by favouring certain undertakings or certain aviation products or services is incompatible with the proper functioning of this Agreement, in so far as it may affect trade between the Parties in the aviation sector.

4. Any practices contrary to this Article shall be assessed on the basis of criteria arising from the application of the competition rules applicable in the European Union, in particular from Article 107 of the Treaty on the Functioning of the European Union and interpretative instruments adopted by the European Union institutions.

5. If one Party finds that conditions exist in the territory of the other Party, in particular due to a subsidy, which would adversely affect the fair and equal opportunity of its air carriers to compete, it may submit observations to the other Party. Furthermore, it may request a meeting of the Joint Committee, as provided for in Article 22 (Joint Committee) of this Agreement. From the receipt of such a request consultations shall start within 30 days. Failure to reach a satisfactory agreement within 30 days from the start of consultations shall constitute grounds for the Party that requested the consultations to take action to refuse, withhold, revoke, suspend or impose appropriate conditions on the authorisations of the air carrier(s) concerned, consistent with Article 5 (Refusal, revocation, suspension or limitation of authorisation) of this Agreement.

6. The actions, referred to in paragraph 5 of this Article, shall be appropriate, proportionate and restricted with regard to scope and duration to what is strictly necessary. They shall be exclusively directed towards the air carrier or air carriers benefiting from a subsidy or the conditions referred to in this Article, and shall be without prejudice to the right of either Party to take action under Article 24 (Safeguard measures) of this Agreement.

7. Each Party, upon notification to the other Party, may approach responsible government entities in the territory of the other Party including entities at the state, provincial or local level to discuss matters relating to this Article.

8. The provisions of this Article shall apply without prejudice to the Parties' laws and regulations regarding public service obligations in the territories of the Parties.

*Article 9***Commercial opportunities****Air carrier representatives**

1. The air carriers of each Party shall have the right to establish offices in the territory of the other Party for the promotion and sale of air transport and related activities.

2. The air carriers of each Party shall be entitled, in accordance with the laws and regulations of the other Party relating to entry, residence, and employment, to bring in and maintain in the territory of the other Party managerial, sales, technical, operational, and other specialist staff who are required to support the provision of air transport.

Ground handling

3. (a) Without prejudice to point (b) below, each air carrier shall have in relation to ground handling in the territory of the other Party:

(i) the right to perform its own ground handling ('self-handling'); or, at its option

(ii) the right to select among competing suppliers that provide ground handling services in whole or in part where such suppliers are allowed market access on the basis of the laws and regulations of each Party, and where such suppliers are present in the market.

(b) For the following categories of ground handling services, i.e. baggage handling, ramp handling, fuel and oil handling, freight and mail handling as regards the physical handling of freight and mail between the air terminal and the aircraft, the rights under point (a)(i) and (ii) shall be subject only to physical or operational constraints according to the laws and regulations applicable in the territory of the other Party. Where such constraints preclude self-handling and where there is no effective

competition between suppliers that provide ground handling services, all such services shall be available on both an equal and non discriminatory basis to all air carriers; prices of such services shall not exceed their full cost including a reasonable return on assets, after depreciation.

Sales, local expenses, and transfer of funds

4. Any air carrier of each Party may engage in the sale of air transport in the territory of the other Party directly and/or, at the air carrier's discretion, through its sales agents, other intermediaries appointed by the air carrier or through internet. Each air carrier shall have the right to sell such transportation, and any person shall be free to purchase such transportation in the currency of that territory or in freely convertible currencies in accordance with the local currency legislation.

5. Each air carrier shall have the right to convert and remit from the territory of the other Party to its home territory and, except where inconsistent with generally applicable law or regulation, to the country or countries of its choice, on demand, local revenues. Conversion and remittance shall be permitted promptly without restrictions or taxation in respect thereof at the rate of exchange applicable to current transactions and remittance on the date the carrier makes the initial application for remittance.

6. The air carriers of each Party shall be permitted to pay for local expenses, including purchases of fuel, in the territory of the other Party in local currency. At their discretion, the air carriers of each Party may pay for such expenses in the territory of the other Party in freely convertible currencies in accordance with local currency legislation.

Cooperative arrangements

7. In operating or holding out services under this Agreement, any air carrier of a Party may enter into cooperative marketing arrangements, such as blocked-space agreements or code-sharing arrangements, with:

- (a) any air carrier or carriers of the Parties; and
- (b) any air carrier or carriers of a third country; and
- (c) any surface, land or maritime carriers;

provided that (i) all participants in such arrangements hold the appropriate underlying route authority; and (ii) the arrangements meet the requirements relating to safety and competition normally applied to such arrangements. In

respect of passenger transport sold involving code-shares, the purchaser shall be informed at the point of sale, or in any case before boarding, which transportation providers will operate each sector of the service.

8. (a) In relation to the transport of passengers, surface transportation providers shall not be subject to laws and regulations governing air transport on the sole basis that such surface transportation is held out by an air carrier under its own name. Surface transportation providers have the discretion to decide whether to enter into cooperative arrangements. In deciding on any particular arrangement, surface transportation providers may consider, among other things, consumer interests and technical, economic, space, and capacity constraints.

(b) Moreover, and notwithstanding any other provision of this Agreement, air carriers and indirect providers of cargo transportation of the Parties shall be permitted, without restriction, to employ in connection with air transport any surface transportation for cargo to or from any points in the territories of Georgia and the European Union, or in third countries, including transport to and from all airports with customs facilities, and including, where applicable, the right[s] to transport cargo in bond under applicable laws and regulations. Such cargo, whether moving by surface or by air, shall have access to airport customs processing and facilities. Air carriers may elect to perform their own surface transportation or to provide it through arrangements with other surface carriers, including surface transportation operated by other air carriers and indirect providers of cargo air transport. Such intermodal cargo services may be offered at a single, through price for the air and surface transportation combined, provided that shippers are not misled as to the facts concerning such transportation.

Leasing

9. (a) The air carriers of each Party shall be entitled to provide the agreed services using aircraft and crew leased from any air carrier, including from third countries, provided that all participants in such arrangements meet the conditions prescribed under the laws and regulations normally applied by the Parties to such arrangements.

(b) Neither Party shall require the air carriers leasing out their equipment to hold traffic rights under this Agreement.

(c) The leasing with crew (wet-leasing) by a Georgian air carrier of an aircraft of an air carrier of a third country, or, by an air carrier of the European Union, of an aircraft of an air carrier of a third country other than those mentioned in Annex IV to this Agreement, in order to exploit the rights envisaged in this Agreement, shall remain exceptional

or meet temporary needs. It shall be submitted for prior approval of the licensing authority of the leasing air carrier and to the competent authority of the other Party.

Franchising/Branding

10. The air carriers of each Party shall be entitled to enter into franchising or branding arrangements with companies, including air carriers, of either Party or third countries, provided that the air carriers hold the appropriate authority and meet the conditions prescribed under the laws and regulations applied by the Parties to such arrangements, particularly those requiring the disclosure of the identity of the air carrier operating the service.

Article 10

Customs duties and taxation

1. On arriving in the territory of one Party, aircraft operated in international air transport by the air carriers of the other Party, their regular equipment, fuel, lubricants, consumable technical supplies, ground equipment, spare parts (including engines), aircraft stores (including but not limited to such items as food, beverages and liquor, tobacco and other products destined for sale to or use by passengers in limited quantities during flight), and other items intended for or used solely in connection with the operation or servicing of aircraft engaged in international air transport shall be exempt, on the basis of reciprocity, under its relevant applicable legislation, from all import restrictions, property taxes and capital levies, customs duties, excise duties, and similar fees and charges that are (a) imposed by the national or local authorities or the European Union; and (b) not based on the cost of services provided, provided that such equipment and supplies remain on board the aircraft.

2. There shall also be exempt, on the basis of reciprocity, under its relevant applicable legislation, from the taxes, levies, duties, fees and charges referred to in paragraph 1 of this Article, with the exception of charges based on the cost of the service provided:

- (a) aircraft stores introduced into or supplied in the territory of a Party and taken on board, within reasonable limits, for use on outbound aircraft of an air carrier of the other Party engaged in international air transport, even when these stores are to be used on a part of the journey performed over the said territory;
- (b) ground equipment and spare parts (including engines) introduced into the territory of a Party for the servicing, maintenance, or repair of aircraft of an air carrier of the other Party used in international air transport;
- (c) fuel, lubricants and consumable technical supplies introduced into or supplied in the territory of a Party for

use in or on an aircraft of an air carrier of the other Party engaged in international air transport, even when these supplies are to be used on a part of the journey performed over the said territory;

- (d) printed matter, as provided for by the customs legislation of each Party, introduced into or supplied in the territory of one Party and taken on board for use on outbound aircraft of an air carrier of the other Party engaged in international air transport, even when these stores are to be used on a part of the journey performed over the said territory; and
- (e) safety and security equipment for use at airports or cargo terminals.

3. Notwithstanding any other provision to the contrary, nothing in this Agreement shall prevent a Party from imposing taxes, levies, duties, fees or charges on fuel supplied in its territory on a non-discriminatory basis for use in an aircraft of an air carrier that operates between two points in its territory.

4. Equipment and supplies referred to in paragraphs 1 and 2 of this Article may be required to be kept under the supervision or control of the appropriate authorities and not to be transferred without payment of relevant customs duties and taxes.

5. The exemptions provided by this Article shall also be available where the air carriers of one Party have contracted with another air carrier, which similarly enjoys such exemptions from the other Party, for the loan or transfer in the territory of the other Party of the items specified in paragraphs 1 and 2 of this Article.

6. Nothing in this Agreement shall prevent either Party from imposing taxes, levies, duties, fees or charges on goods sold other than for consumption on board to passengers during a sector of an air service between two points within its territory at which embarkation or disembarkation is permitted.

7. Baggage and cargo in direct transit across the territory of a Party shall be exempt from taxes, customs duties, fees and other similar charges that are not based on the cost of the service provided.

8. The regular airborne equipment, as well as the materials and supplies normally retained on board the aircraft of an air carrier airline of either Contracting Party, may be unloaded in the territory of the other Contracting Party only with the approval of the customs authorities of that territory. In such case, they may be placed under the supervision of the said authorities up to such time as they are re-exported or otherwise disposed of in accordance with customs regulations.

9. The stipulations of this Agreement shall not affect the field of VAT, with the exception of turnover tax on imports. The provisions of the respective conventions in force between a Member State and Georgia for the avoidance of double taxation on income and on capital remain unaffected by this Agreement.

Article 11

User charges for airports and aviation facilities and services

1. Each Party shall ensure that user charges that may be imposed by its competent charging authorities or bodies on the air carriers of the other Party for the use of air navigation and air traffic control, airport, aviation security and related facilities and services shall be just, reasonable, not unjustly discriminatory, and equitably apportioned among categories of users. These charges may reflect, but shall not exceed, the full cost to the competent charging authorities or bodies of providing the appropriate airport and aviation security facilities and services at that airport or within that airport's system. These charges may include a reasonable return on assets, after depreciation. Facilities and services for which user charges are made shall be provided on an efficient and economic basis. In any event, these charges shall be assessed on the air carriers of the other Party on terms not less favourable than the most favourable terms available to any other air carrier at the time the charges are assessed.

2. Each Party shall require consultations between the competent charging authorities or bodies in its territory and the air carriers and/or their representative bodies using the services and facilities, and shall ensure that the competent charging authorities or bodies and the air carriers or their representative bodies exchange such information as may be necessary to permit an accurate review of the reasonableness of the charges in accordance with the principles of paragraphs 1 and 2 of this Article. Each Party shall ensure that the competent charging authorities or bodies provide users with reasonable notice of any proposal for changes in user charges to enable those authorities to consider the views expressed by the users before changes are made.

3. Neither Party shall be held, in dispute resolution procedures pursuant to Article 23 (Dispute resolution and arbitration) of this Agreement, to be in breach of a provision of this Article, unless:

- (a) it fails to undertake a review of the charge or practice that is the subject of complaint by the other Party within a reasonable amount of time; or
- (b) following such a review it fails to take all steps within its power to remedy any charge or practice that is inconsistent with this Article.

Article 12

Pricing

1. The Parties shall permit prices to be freely established by the air carriers on the basis of free and fair competition.
2. The Parties shall not require prices to be filed or notified.

3. Discussions between competent authorities may be held on matters such as, but not limited to prices which may be unjust, unreasonable, discriminatory or subsidised.

Article 13

Statistics

1. Each Party shall provide to the other Party statistics that are required by domestic laws and regulations, and, upon request, other available statistical information as may be reasonably required for the purpose of reviewing the operation of the air services.

2. The Parties shall cooperate in the framework of the Joint Committee under Article 22 (Joint Committee) of this Agreement to facilitate the exchange of statistical information between them for the purpose of monitoring the development of air services under this Agreement.

TITLE II

REGULATORY COOPERATION

Article 14

Aviation safety

1. Subject to the transitional provisions set out in Annex II to this Agreement, the Parties shall act in conformity with the provisions of the aviation safety legislation specified in Part C of Annex III to this Agreement, under the conditions set out hereafter.

2. The Parties shall cooperate to ensure the implementation by Georgia of the legislation referred to in paragraph 1 of this Article. To this purpose, Georgia shall be involved in the work of the European Aviation Safety Agency as an observer from the date of entry into force of this Agreement.

3. The Parties shall ensure that aircraft registered in one Party suspected of non-compliance with international aviation safety standards established pursuant to the Convention landing at airports open to international air traffic in the territory of the other Party shall be subject to ramp inspections by the competent authorities of that other Party, on board and around the aircraft to check both the validity of the aircraft documents and those of its crew and the apparent condition of the aircraft and its equipment.

4. The competent authorities of a Party may request consultations at any time concerning the safety standards maintained by the other Party.

5. The competent authorities of a Party shall take all appropriate and immediate measures whenever they ascertain that an aircraft, a product or an operation may:

- (a) fail to satisfy the minimum standards established pursuant to the Convention or the legislation specified in Part C of Annex III to this Agreement, whichever is applicable;
- (b) give rise to serious concerns — established through an inspection referred to in paragraph 3 of this Article — that an aircraft or the operation of an aircraft does not comply with the minimum standards established pursuant to the Convention or the legislation specified in Part C of Annex III to this Agreement, whichever is applicable; or
- (c) give rise to serious concerns that there is a lack of effective maintenance and administration of minimum standards established pursuant to the Convention or the legislation specified in Part C of Annex III to this Agreement, whichever is applicable.

6. Where the competent authorities of one Party take action under paragraph 5, they shall promptly inform the competent authorities of the other Party of taking such action, providing reasons for their action.

7. Where measures taken in application of paragraph 5 of this Article are not discontinued even though the basis for taking them has ceased to exist, either Party may refer the matter to the Joint Committee.

Article 15

Aviation security

1. Subject to the transitional provisions set out in Annex II to this Agreement, the Parties shall act in conformity with the provisions of the European Union's aviation security legislation specified in Part D of Annex III to this Agreement, under the conditions set out hereafter.

2. Georgia may be subjected to a European Commission inspection in accordance with the relevant European Union security legislation as referred to in Annex III to this Agreement. The Parties shall establish the necessary mechanism for the exchange of information on the results of such security inspections.

3. The assurance of safety for civil aircraft, their passengers and crew being a fundamental precondition for the operation of international air services, the Parties reaffirm their obligations to each other to provide for the security of civil aviation against acts of unlawful interference, and in particular their obligations under the Convention, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of

Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24 February 1988 and the Convention on the marking of plastic explosives for purpose of detection signed at Montreal on 1 March 1991, in so far as both Parties are parties to these conventions, as well as all other conventions and protocols relating to civil aviation security of which both Parties are parties.

4. The Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their passengers and crew, airports and air navigation facilities, and any other threat to the security of civil aviation.

5. The Parties shall, in their mutual relations, act in conformity with the aviation security standards and, so far as they are applied by them, the recommended practices established by the International Civil Aviation Organisation (ICAO) and designated as Annexes to the Convention, to the extent that such security provisions are applicable to the Parties. Both Parties shall require that operators of aircraft of their registry, operators who have their principal place of business or permanent residence in their territory, and the operators of airports in their territory, act in conformity with such aviation security provisions.

6. Each Party shall ensure that effective measures are taken within its territory to protect aircraft, to screen passengers and their carry-on items, and to carry out appropriate checks on crew, cargo (including hold baggage) and aircraft stores prior to and during boarding or loading and that those measures are adjusted to meet increases in the threat. Each Party agrees that their air carriers may be required to observe the aviation security provisions referred to in paragraph 5 of this Article required by the other Party, for entrance into, departure from, or while within, the territory of that other Party.

7. Each Party shall also give positive consideration to any request from the other Party for reasonable special security measures to meet a particular threat. Except where not reasonably possible in case of emergency, each Party will inform the other Party in advance of any special security measures it intends to introduce which could have a significant financial or operational impact on the air transport services provided under this Agreement. Either Party may request a meeting of the Joint Committee to discuss such security measures, as provided for in Article 22 (Joint Committee) of this Agreement.

8. When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of such aircraft, their passengers and crew, airports or air navigation facilities occurs, the Parties shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat thereof.

9. Each Party shall take all measures it finds practicable to ensure that an aircraft subjected to an act of unlawful seizure or other acts of unlawful interference which is on the ground in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life. Wherever practicable, such measures shall be taken on the basis of mutual consultations.

10. When a Party has reasonable grounds to believe that the other Party has departed from the aviation security provisions of this Article, that Party shall request immediate consultations with the other Party.

11. Without prejudice to Article 5 (Refusal, revocation, suspension, limitation of authorisations) of this Agreement, failure to reach a satisfactory agreement within fifteen (15) days from the date of such request shall constitute grounds to withhold, revoke, limit or impose conditions on the operating authorisation of one or more air carriers of such other Party.

12. When required by an immediate and extraordinary threat, a Party may take interim action prior to the expiry of fifteen (15) days.

13. Any action taken in accordance with the paragraph 11 of this Article shall be discontinued upon compliance by the other Party with the full provisions of this Article.

Article 16

Air traffic management

1. Subject to the transitional provisions set out in Annex II to this Agreement, the Parties shall act in conformity with the provisions of the legislation specified in Part B of Annex III to this Agreement, under the conditions set out hereafter.

2. The Parties shall cooperate in the field of air traffic management with a view to extending the single European sky to Georgia in order to enhance current safety standards and overall efficiency for general air traffic standards in Europe, to optimise capacities, to minimise delays and to increase environmental efficiency. To this purpose, Georgia shall be involved as observer in the Single Sky Committee from the date of entry into force of the Agreement. The Joint Committee shall be responsible for monitoring and facilitating cooperation in the field of air traffic management.

3. With a view to facilitating the application of the single European sky legislation in their territories:

(a) Georgia shall take the necessary measures to adjust its air traffic management institutional structures to the single European sky, in particular by ensuring that pertinent national supervisory bodies are at least functionally independent of air navigation service providers; and

(b) The European Union shall associate Georgia with relevant operational initiatives in the fields of air navigation services,

airspace and interoperability that stem from the single European sky, in particular through the early involvement of Georgia's efforts to establish functional airspace blocks, or through appropriate coordination on SESAR.

Article 17

Environment

1. The Parties recognise the importance of protecting the environment when developing and implementing aviation policy. The Parties acknowledge that effective global, regional, national and/or local action is needed to minimise civil aviation's impact on the environment.

2. Subject to the transitional provisions set out in Annex II to this Agreement, the Parties shall act in conformity with the legislation relating to air transport specified in Part E of Annex III to this Agreement.

3. The Parties recognise the importance of working together, and within the framework of multilateral discussions, to consider the effects of aviation on the environment, and to ensure that any mitigating measures are fully consistent with the objectives of this Agreement.

4. Nothing in this Agreement shall be construed to limit the authority of the competent authorities of a Party to take all appropriate measures to prevent or otherwise address the environmental impacts of air transport provided that such measures are fully consistent with their rights and obligations under international law and are applied without distinction as to nationality.

Article 18

Consumer protection

Subject to the transitional provisions set out in Annex II to this Agreement, the Parties shall act in accordance with the legislation relating to air transport specified in Part G of Annex III to this Agreement.

Article 19

Computer reservation systems

Subject to the transitional provisions set out in Annex II to this Agreement, the Parties shall act in accordance with the legislation relating to air transport specified in Part H of Annex III to this Agreement.

Article 20

Social aspects

Subject to the transitional provisions set out in Annex II to this Agreement, the Parties shall act in accordance with the legislation relating to air transport specified in Part F of Annex III to this Agreement.

TITLE III

INSTITUTIONAL PROVISIONS

Article 21

Interpretation and enforcement

1. The Parties shall take all appropriate measures, whether general or specific, to ensure fulfilment of the obligations arising out of this Agreement and shall refrain from any measures which would jeopardise attainment of the objectives of this Agreement.
2. Each Party shall be responsible, in its own territory, for the proper enforcement of this Agreement and, in particular, the regulations and directives related to air transport listed in Annex III to this Agreement.
3. Each Party shall give the other Party all necessary information and assistance in the case of investigations on possible infringements of provisions of this Agreement which that other Party carries out under its respective competences as provided in this Agreement.
4. Whenever the Parties act under the powers granted to them by this Agreement on matters which are of substantial interest to the other Party and which concern the authorities or undertakings of the other Party, the competent authorities of the other Party shall be fully informed and given the opportunity to comment before a final decision is taken.
5. In so far as the provisions of this Agreement and the provisions of the acts specified in Annex III to this Agreement are identical in substance to corresponding rules of the Treaty on European Union and the Treaty on the Functioning of the European Union and to acts adopted pursuant to the Treaty on European Union and the Treaty on the Functioning of the European Union, those provisions shall, in their implementation and application, be interpreted in conformity with the relevant rulings and decisions of the Court of Justice and the European Commission.

Article 22

The Joint Committee

1. A joint committee composed of representatives of the Parties (hereinafter referred to as 'the Joint Committee') is hereby established, which shall be responsible for the administration of this Agreement and shall ensure its proper implementation. For this purpose it shall make recommendations and take decisions where expressly provided by this Agreement.
2. The decisions of the Joint Committee shall be adopted by consensus and shall be binding upon the Parties. They will be put into effect by the Parties in accordance with their own rules.
3. The Joint Committee shall adopt, by a decision, its rules of procedure.
4. The Joint Committee shall meet as and when necessary. Either Party may request the convening of a meeting.
5. A Party may also request a meeting of the Joint Committee to seek to resolve any question relating to the interpretation or application of this Agreement. Such a meeting shall

begin at the earliest possible date, but not later than two months from the date of receipt of the request, unless otherwise agreed by the Parties.

6. For the purpose of the proper implementation of this Agreement, the Parties shall exchange information and, at the request of either Party, shall hold consultations within the Joint Committee.
7. If, in the view of one of the Parties, a decision of the Joint Committee is not properly implemented by the other Party, the former may request that the issue be discussed by the Joint Committee. If the Joint Committee cannot solve the issue within two months of its referral, the requesting Party may take appropriate safeguard measures under Article 24 (Safeguard measures) of this Agreement.
8. Without prejudice to paragraph 2, if the Joint Committee does not take a decision on an issue which has been referred to it within six months of the date of referral, the Parties may take appropriate temporary safeguard measures under Article 24 (Safeguard measures) of this Agreement.
9. In accordance with Article 6 (Investment) of this Agreement, the Joint Committee shall examine questions relating to bilateral investments of majority ownership, or changes in the effective control of air carriers of the Parties.
10. The Joint Committee shall also develop cooperation by:
 - (a) fostering expert-level exchanges on new legislative or regulatory initiatives and developments, including in the fields of security, safety, the environment, aviation infrastructure (including slots), competitive environment and consumer protection;
 - (b) reviewing market conditions affecting air services under this Agreement;
 - (c) regularly examining the social effects of this Agreement as it is implemented, notably in the area of employment and developing appropriate responses to concerns found to be legitimate;
 - (d) considering potential areas for the further development of this Agreement, including the recommendation of amendments to this Agreement;
 - (e) agreeing, on the basis of consensus, on proposals, approaches or documents of a procedural nature directly related to the functioning of this Agreement;
 - (f) considering and developing technical assistance in the areas covered by this Agreement; and
 - (g) fostering cooperation in relevant international forums.

Article 23

Dispute resolution and arbitration

1. If any dispute arises between the Parties relating to the interpretation or application of this Agreement they shall in the first place endeavour to settle it through formal consultations within the Joint Committee in accordance with paragraph 5 of Article 22 (Joint Committee) of this Agreement.

2. Either Party may refer any dispute relating to the application or interpretation of this Agreement, which it has not been possible to resolve in accordance with paragraph 1 of this Article, to an arbitration panel of three arbitrators in accordance with the procedure laid down hereafter:

- (a) each Party shall appoint an arbitrator within sixty (60) days from the date of reception of the notification for the request for arbitration by the arbitration panel addressed by the other Party through diplomatic channels; the third arbitrator should be appointed by the other two arbitrators within sixty (60) additional days. If one of the Parties has not appointed an arbitrator within the agreed period, or if the third arbitrator is not appointed within the agreed period, each Party may request the President of the Council of the ICAO to appoint an arbitrator or arbitrators, whichever is applicable;
- (b) the third arbitrator appointed under the terms of paragraph (a) above should be a national of a third State and shall act as a President of the arbitration panel;
- (c) the arbitration panel shall agree its rules of procedure; and
- (d) subject to the final decision of the arbitration panel, the initial expenses of the arbitration shall be shared equally by the Parties.

3. At the request of a Party the arbitration panel may order the other Party to implement interim relief measures pending the panel's final determination.

4. Any provisional decision or final decision of the arbitration panel shall be binding upon the Parties.

5. If one of the Parties does not act in conformity with a decision of the arbitration panel taken under the terms of this Article within thirty (30) days from the notification of the aforementioned decision, the other Party may, for as long as this failure endures, limit, suspend or revoke the rights or privileges which it had granted under the terms of this Agreement from the Party at fault.

Article 24

Safeguard measures

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall ensure that the objectives set out in this Agreement are attained.

2. If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate safeguard measures. Safeguard measures shall be restricted with regard to their scope and duration to what is strictly necessary in order to remedy the situation or maintain the balance of this Agreement. Priority shall be given to such measures as will least disturb the functioning of this Agreement.

3. A Party which is considering taking safeguard measures shall without delay notify the other Parties through the Joint Committee and shall provide all relevant information.

4. The Parties shall immediately enter into consultations in the Joint Committee with a view to finding a commonly acceptable solution.

5. Without prejudice to Article 3(d) (Authorisation), Article 5(d) (Refusal, revocation, suspension, limitation of authorisation), Article 14 (Aviation safety) and Article 15 (Aviation security) of this Agreement, the Party concerned may not take safeguard measures until one month has elapsed after the date of notification under paragraph 3 of this Article, unless the consultation procedure under paragraph 4 of this Article has been concluded before the expiry of the stated time limit.

6. The Party concerned shall, without delay, notify the measures taken to the Joint Committee and shall provide all relevant information.

7. Any action taken under the terms of this Article shall be suspended, as soon as the Party at fault satisfies the provisions of this Agreement.

Article 25

Relationship to other agreements

1. The provisions of this Agreement shall prevail over the relevant provisions of existing bilateral agreements between Georgia and the Member States. However, existing traffic rights which originate from these bilateral agreements and which are not covered under this Agreement can continue to be exercised, provided that there is no discrimination between the Member States and their nationals.

2. The Parties shall consult in the Joint Committee, upon request of either side, to recommend whether Georgia should join the ECAA Agreement.

3. If the Parties become parties to a multilateral agreement, or endorse a decision adopted by ICAO or another international organisation, that addresses matters covered by this Agreement, they shall consult in the Joint Committee to determine whether this Agreement should be revised to take into account such developments.

Article 26

Amendments

1. If one of the Parties wishes to amend the provisions of this Agreement, it shall notify the Joint Committee accordingly for its decision.

2. The Joint Committee may, upon the proposal of one Party and in accordance with this Article, decide to modify the Annexes to this Agreement.

3. The amendment to this Agreement shall enter into force after completion of the respective internal procedures of each Party.

4. This Agreement shall be without prejudice to the right of each Party, subject to compliance with the principle of non-discrimination and the provisions of this Agreement to

unilaterally adopt new legislation or amend its existing legislation in the field of air transport or an associated area mentioned in Annex III to this Agreement.

5. When new legislation or an amendment to its existing legislation in the field of air transport or an associated area mentioned in Annex III to this Agreement is being considered by either Parties, it shall inform the other Party as appropriate and possible. At the request of either Party, an exchange of views may take place in the Joint Committee.

6. Each Party shall regularly and as soon as appropriate inform the other Party of newly adopted legislation or amendment to its existing legislation in the field of air transport or an associated area mentioned in Annex III to this Agreement. Upon the request of any Party, the Joint Committee shall within sixty (60) days thereafter hold an exchange of views on the implications of such new legislation or amendment for the proper functioning of this Agreement.

7. Following the exchange of views referred to in paragraph 6 of this Article, the Joint Committee shall:

- (a) adopt a decision revising Annex III to this Agreement so as to integrate therein, if necessary on a basis of reciprocity, the new legislation or amendment in question;
- (b) adopt a decision to the effect that the new legislation or amendment in question shall be regarded as in accordance with this Agreement; or
- (c) recommend any other measures, to be adopted within a reasonable period of time, to safeguard the proper functioning of this Agreement.

Article 27

Termination

Either Party may, at any time, give notice in writing through diplomatic channels to the other Party of its decision to terminate this Agreement. Such notice shall be sent simultaneously to ICAO and to the UN Secretariat. This Agreement shall terminate at midnight GMT at the end of the IATA traffic

season in effect one year following the date of written notification of termination, unless the notice is withdrawn by mutual agreement of the Parties before the expiry of this period.

Article 28

Registration with the International Civil Aviation Organisation and the United Nations Secretariat

This Agreement and all amendments thereto shall be registered with the ICAO and with the UN Secretariat.

Article 29

Provisional application and entry into force

1. This Agreement shall enter into force one month after the date of the last note in an exchange of diplomatic notes between the Parties confirming that all necessary procedures for entry into force of this Agreement have been completed. For purposes of this exchange, Georgia shall deliver to the General Secretariat of the Council of the European Union its diplomatic note to the European Union and its Member States, and the General Secretariat of the Council of the European Union shall deliver to Georgia the diplomatic note from the European Union and its Member States. The diplomatic note from the European Union and its Member States shall contain communications from each Member State confirming that its necessary procedures for entry into force of this Agreement have been completed.

2. Notwithstanding paragraph 1 of this Article, the Parties agree to provisionally apply this Agreement, in accordance with their internal procedures and/or domestic legislation as applicable, from the first day of the month following the date of the latest note of which the Parties have notified the other Party of the completion of the necessary procedures for application.

IN WITNESS WHEREOF the undersigned, being duly authorised, have signed this Agreement.

Done at Brussels on the second day of December in the year two thousand and ten, in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Georgian languages, each text being equally authentic.

Voor het Koninkrijk België
Pour le Royaume de Belgique
Für das Königreich Belgien



Deze handtekening verbindt eveneens het Vlaamse Gewest en het Brussels Hoofdstedelijk Gewest.
Cette signature engage également la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.
Diese Unterschrift bindet zugleich die Wallonische Region, die Flämische Region und die Region
Brüssel-Hauptstadt.

За Република България



Za Českou republiku



På Kongeriget Danmarks vegne



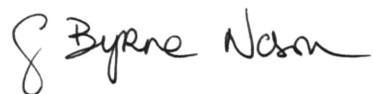
Für die Bundesrepublik Deutschland



Eesti Vabariigi nimel



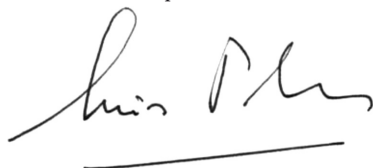
Thar cheann Na hÉireann
For Ireland

Handwritten signature of Enda Kenny, the Taoiseach of Ireland, in black ink.

Για την Ελληνική Δημοκρατία

Handwritten signature of Kostas Karamanlis, the Prime Minister of Greece, in black ink.

Por el Reino de España

Handwritten signature of Mariano Rajoy, the Prime Minister of Spain, in black ink.

Pour la République française

Handwritten signature of Nicolas Sarkozy, the President of France, in black ink.

Per la Repubblica italiana

Handwritten signature of Mario Monti, the Prime Minister of Italy, in black ink.

Για την Κυπριακή Δημοκρατία

Handwritten signature of Nicos Anastasiades, the President of Cyprus, in black ink.

Latvijas Republikas vārdā –



Lietuvos Respublikos vardu



Pour le Grand-Duché de Luxembourg



A Magyar Köztársaság részéről



Għal Malta



Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



W imieniu Rzeczypospolitej Polskiej



Pela República Portuguesa



Pentru România



Za Republiko Slovenijo



Za Slovenskú republiku



Suomen tasavallan puolesta

För Republiken Finland



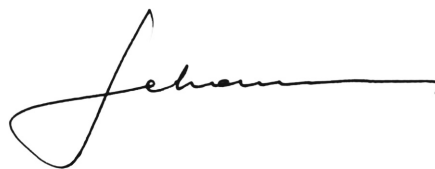
För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen



საქართველოს სახელით



ANNEX I

AGREED SERVICES AND SPECIFIED ROUTES

1. This Annex is subject to the transitional provisions contained in Annex II to this Agreement.
 2. Each Party grants to the air carriers of the other Party the rights to provide air transport services on the routes specified hereunder:
 - (a) for air carriers of the European Union: any point in the European Union — intermediate points in Euromed countries, ECAA, or countries listed in Annex IV — any point in Georgia — points beyond;
 - (b) for air carriers of Georgia: any point in Georgia — intermediate points in Euromed countries, ECAA or countries listed in Annex IV — any point in the European Union.
 3. The services operated according to paragraph 2 of this Annex shall originate or terminate in the territory of Georgia, for Georgian air carriers, and in the territory of the European Union for air carriers of the European Union.
 4. Air carriers of both Parties may on any or all flights and at their option:
 - (a) operate flights in either or both directions;
 - (b) combine different flight numbers within one aircraft operation;
 - (c) serve intermediate and beyond points, as specified in paragraph 2 of this Annex, and points in the territories of the Parties in any combination and in any order;
 - (d) omit stops at any point or points;
 - (e) transfer traffic from any of its aircraft to any of its other aircraft at any point;
 - (f) make stopovers at any points whether within or outside the territory of either Party;
 - (g) carry transit traffic through the other Party's territory; and
 - (h) combine traffic on the same aircraft regardless of where such traffic originates.
 5. Each Party shall allow each air carrier to determine the frequency and capacity of the international air transport it offers based upon commercial considerations in the marketplace. Consistent with this right, neither Party shall unilaterally limit the volume of traffic, frequency or regularity of service, or the aircraft type or types operated by the air carriers of the other Party, except for customs, technical, operational, environmental, protection of health reasons or in application of Article 8 (Competitive environment) of this Agreement.
 6. The air carriers of each Party may serve, including within the framework of code share arrangements, any point located in a third country that is not included on the specified routes, provided that they do not exercise fifth freedom rights.
-

ANNEX II

TRANSITIONAL PROVISIONS

1. The implementation and application by Georgia of all the provisions of the legislation of the European Union relating to air transport indicated in Annex III to this Agreement, with the exception of the security legislation under Part D of Annex III to this Agreement, shall be the subject of an evaluation under the responsibility of the European Union which shall be validated by a decision of the Joint Committee. Such an evaluation shall be conducted two years after the entry into force of the Agreement at the latest.
2. Notwithstanding the provisions of Annex I to this Agreement, the agreed services and specified routes of this Agreement, shall not include, until the moment of the adoption of the decision referred to in paragraph 1 of this Annex II to this Agreement, the right to exercise fifth freedom rights, including for the air carriers of Georgia between points within the territory of the European Union.

However, all traffic rights already granted by one of the bilateral agreements between Georgia and the Member States of the European Union can continue to be exercised in so far as there is no discrimination between air carriers of the European Union on the basis of nationality.

3. The implementation of the aviation security legislation by Georgia shall be the subject of an evaluation under the responsibility of the European Union which shall be validated by a decision of the Joint Committee. Such an evaluation shall be conducted at the latest three years after the entry into force of this Agreement. In the meantime, Georgia shall implement ECAC Doc 30.
4. At the end of the transitional period, the confidential part of the security legislation as provided in Part D of Annex III to this Agreement shall be made available to the appropriate authority of Georgia, subject to an agreement on the exchange of security sensitive information including EU classified information.
5. The gradual transition of Georgia to the full application of the legislation of the European Union relating to air transport indicated in Annex III to this Agreement may be subject to regular assessments. The assessments shall be carried out by the European Commission in cooperation with Georgia.
6. As of the date of decision referred to in paragraph 1 of this Annex, Georgia will apply operating licensing rules substantially equivalent to those contained in Chapter II of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community. The provisions of Article 4 of this Agreement with regard to the reciprocal recognition of fitness and/or citizenship determinations made by the competent authorities of Georgia shall be applied by the competent authorities of the European Union upon the confirmation by the Joint Committee of the full application by Georgia of such operating licensing rules.
7. Without prejudice to a decision within the Joint Committee or within Article 24 (Safeguard measures), airworthiness of aircraft registered at the date of signature in the Georgian register and used by operators under the regulatory control of Georgia, which do not have a type certificate issued by EASA in accordance with the relevant EU legislation in Part C of Annex III to this Agreement, can be managed under the responsibility of the Georgian competent authorities in accordance with the applicable national requirements of Georgia until:
 - (a) 1 January 2015 for certain aircraft engaged in cargo-only operations;
 - (b) 31 December 2019 for certain helicopters and light and ultra-light aircraft engaged in operations such as search and rescue, aerial work, training, emergency, agricultural and humanitarian flights in accordance with the operational certificates of the respective carriers, provided the aircraft complies with international aviation safety standards established pursuant to the Convention. Such aircraft shall not benefit from any additional rights granted under this Agreement after the decision referred to in paragraph 1 of this Annex has been adopted.

ANNEX III

(Subject to regular update)

RULES APPLICABLE TO CIVIL AVIATION

The 'applicable provisions' of the following acts shall be applicable in accordance with this Agreement unless otherwise specified in this Annex or in Annex II to this Agreement (transitional provisions). Where necessary, specific adaptations for each individual act are set out hereafter:

A. Market access and ancillary issues

No 95/93

Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports

as amended by:

Regulation (EC) No 894/2002 of the European Parliament and of the Council of 27 May 2002 amending Council Regulation (EEC) No 95/93

Regulation (EC) No 1554/2003 of the European Parliament and of the Council of 22 July 2003 amending Council Regulation (EEC) No 95/93

Regulation (EC) No 793/2004 of the European Parliament and of the Council of 21 April 2004 amending Council Regulation (EEC) No 95/93

Applicable provisions: Articles 1 to 12, and 14a(2)

As regards the application of Article 12(2), the term 'the Commission' shall read 'the Joint Committee'

No 96/67

Council Directive 96/67/EC of 15 October 1996 on access to the ground handling market at Community airports

Applicable provisions: Articles 1 to 25 and Annex

As regards the application of Article 10, the term 'Member States' shall read 'Member States of the European Union'

As regards the application of Article 20(2), the term 'the Commission' shall read 'the Joint Committee'

No 785/2004

Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators

Applicable provisions: Articles 1 to 8, and 10(2)

No 2009/12

Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges

Applicable provisions: Articles 1 to 12

B. Air traffic management

No 549/2004

Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation)

Applicable provisions: Articles 1 to 4, 6, and 9 to 14

No 550/2004

Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation)

Applicable provisions: Articles 1 to 19, Annexes I and II

No 551/2004

Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation)

Applicable provisions: Articles 1 to 11

No 552/2004

Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation)

Applicable provisions: Articles 1 to 12, Annexes I to V

No 2096/2005

Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services

as amended by:

Commission Regulation (EC) No 1315/2007 of 8 November 2007 on safety oversight in air traffic management and amending Regulation (EC) 2096/2005

Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005

Commission Regulation (EC) No 668/2008 of 15 July 2008 amending Annexes II to V of Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services, as regards working methods and operating procedures

Applicable provisions: Articles 1 to 9, Annexes I to V

No 2150/2005

Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace

No 2006/23

Directive 2006/23/EC of the European Parliament and of the Council of 5 April 2006 on a Community air traffic controller licence

Applicable provisions: Articles 1 to 16, 18, 19, 20 and Annexes I to IV

No 730/2006

Commission Regulation (EC) No 730/2006 of 11 May 2006 on airspace classification and access of flights operated under visual flight rules above flight level 195

No 1794/2006

Commission Regulation (EC) No 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services

No 1033/2006

Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky

No 1032/2006

Commission Regulation (EC) No 1032/2006 of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units

No 219/2007

Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR)

Applicable provisions: Article 1(1)-(2) and (5)-(7), Articles 2 to 3, Article 4(1), Annex

No 633/2007

Commission Regulation (EC) No 633/2007 of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units

Applicable provisions: Articles 1 to 7, the second and third sentences of Article 8, Annexes I to IV

No 1265/2007

Commission Regulation (EC) No 1265/2007 of 26 October 2007 laying down requirements on air-ground voice channel spacing for the single European sky

Applicable provisions: Articles 1 to 9, Annexes I to IV

No 1315/2007

Commission Regulation (EC) No 1315/2007 of 8 November 2007 on safety oversight in air traffic management and amending Regulation (EC) No 2096/2005

Applicable provisions: Articles 1 to 15

No 482/2008

Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005

Applicable provisions: Articles 1 to 5, Annexes I to II

No 668/2008

Commission Regulation (EC) No 668/2008 of 15 July 2008 amending Annexes II to V of Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services, as regards working methods and operating procedures

Applicable provisions: Articles 1 to 2

No 1361/2008

Council Regulation (EC) No 1361/2008 of 16 December 2008 amending Regulation (EC) No 219/2007 on the establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR)

Applicable provisions: Articles 1 to 5 (with the exception of Article 1.6), Annex (with the exception of points 11 and 12)

No 29/2009

Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky

Applicable provisions: Articles 1 to 15, Annexes I-VII

No 30/2009

Commission Regulation (EC) No 30/2009 of 16 January 2009 amending Regulation (EC) No 1032/2006 as far as the requirements for automatic systems for the exchange of flight data supporting data link services are concerned

Applicable provisions: Articles 1 to 2, Annex

No 262/2009

Commission Regulation (EC) No 262/2009 of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the single European sky

Applicable provisions: Articles 1 to 13, Annexes I-III

No 1070/2009

Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system

Applicable provisions: Articles 1 to 5, with the exception of Article 1.4

C. Aviation safety

No 3922/91

Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation

as amended by:

Commission Regulation (EC) No 2176/96 of 13 November 1996 amending to scientific and technical progress Council Regulation (EEC) No 3922/91

Commission Regulation (EC) No 1069/1999 of 25 May 1999 adapting to scientific and technical progress Council Regulation (EEC) No 3922/91

Commission Regulation (EC) No 2871/2000 of 28 December 2000 adapting to scientific and technical progress Council Regulation (EEC) 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation

Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation

Regulation (EC) No 1900/2006 of the European Parliament and of the Council of 20 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation

Commission Regulation (EC) No 8/2008 of 11 December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane

Commission Regulation (EC) No 859/2008 of 20 August 2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane

Applicable provisions: Articles 1 to 10, 12 to 13 with the exception of Article 4(1) and Article 8(2) (second sentence), Annexes I to III

As regards the application of Article 12, 'Member States' shall read 'Member States of the European Union'

No 216/2008

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

Applicable provisions: Articles 1 to 68 with the exception of Article 65, the second subparagraph of Article 69(1), Article 69(4), Annexes I to VI

as amended by:

Commission Regulation (EC) No 690/2009 of 30 July 2009 amending Regulation (EC) No 216/2008 of the European Parliament and the Council 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

Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC

Applicable provisions: Articles 1 to 3 (with the exception of Article 1.7 establishing new Articles 8a.5, 8b.6 and 8c.10), Annex

No 94/56

Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigations of civil aviation accidents and incidents

Applicable provisions: Articles 1 to 12

No 2003/42

Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation

Applicable provisions: Articles 1 to 11, Annexes I and II

No 1321/2007

Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council

Applicable provisions: Articles 1 to 4

No 1330/2007

Commission Regulation (EC) No 1330/2007 of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council

Applicable provisions: Articles 1 to 10, Annexes I to II

No 1702/2003

Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations

as amended by:

Commission Regulation (EC) No 381/2005 of 7 March 2005 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 the certification of design and production organisations

Commission Regulation (EC) No 706/2006 of 8 May 2006 amending Regulation (EC) No 1702/2003 as regards the period during which Member States may issue approvals of a limited duration

Commission Regulation (EC) No 335/2007 of 28 March 2007 amending Regulation (EC) No 1702/2003 as regards the implementing rules related to environmental certification of aircraft and related products, parts and appliances

Commission Regulation (EC) No 375/2007 of 30 March 2007 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 the certification of design and production organisations

Commission Regulation (EC) No 287/2008 of 28 March 2008 on the extension of the period of validity of referred to in Article 2c(3) of Regulation (EC) No 1702/2003

Commission Regulation (EC) No 1057/2008 of 27 October 2008 amending Appendix II of Annex to Regulation (EC) No 1702/2003 concerning the Airworthiness Review Certificate (EASA Form 15a)

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

Note: Corrected by Corrigendum to 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 (OJ L 321, 8.12.2009)

Applicable provisions: Articles 1 to 4, Annex. The transitional periods referred to in this Regulation shall be determined by the Joint Committee

No 2042/2003

Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

as amended by:

Commission Regulation (EC) No 707/2006 of 8 May 2006 amending Regulation (EC) No 2042/2003 as regards approvals of a limited duration and Annexes I and III

Commission Regulation (EC) No 376/2007 of 30 March 2007 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

Commission Regulation (EC) No 1056/2008 of 27 October 2008 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

Commission Regulation (EU) No 127/2010 of 5 February 2010 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

Applicable provisions: Articles 1 to 6, Annexes I to IV

No 104/2004

Commission Regulation (EC) No 104/2004 of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency

Applicable provisions: Articles 1 to 7 and Annex

No 593/2007

Commission Regulation (EC) No 593/2007 of 31 May 2007 on the fees and charges levied by the European Aviation Safety Agency

as amended by:

Commission Regulation (EC) No 1356/2008 of 23 December 2008 amending Regulation (EC) No 593/2007 on the fees and charges levied by the European Aviation Safety Agency

Applicable provisions: Articles 1 to 12, Article 14(2), Annex

No 736/2006

Commission Regulation (EC) No 736/2006 of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections

Applicable provisions: Articles 1 to 18

No 768/2006

Commission Regulation (EC) No 768/2006 of 19 May 2006 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system

Applicable provisions: Articles 1 to 5

No 2111/2005

Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC

Applicable provisions: Articles 1-13, Annex

Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council

Applicable provisions: Articles 1 to 6 and Annexes A to C

Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council, and as subsequently amended

Applicable provisions: Articles 1 to 3 and Annexes A and B

D. Aviation security

No 300/2008

Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002

Applicable provisions: Articles 1 to 18, Article 21, Annex

No 18/2010

Commission Regulation (EU) No 18/2010 of 8 January 2010 amending Regulation (EC) No 300/2008 of the European Parliament and of the Council as far as specifications for national quality control programmes in the field of civil aviation security are concerned

No 272/2009

Commission Regulation (EC) No 272/2009 of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council

No 1254/2009

Commission Regulation (EU) No 1254/2009 of 18 December 2009 setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures

Commission Regulation (EU) No ... of ... laying down detailed measures for the implementation of the common basic standards on aviation security [under EU adoption]

Commission Decision (EU) No ... of ... laying down detailed measures for the implementation of the common basic standards on aviation security containing information as referred to in point (a) of Article 18 of Regulation (EC) No 300/2008 [under EU adoption]

E. Environment

No 2006/93

Directive 2006/93/EC of the European Parliament and of the Council of 12 December 2006 on the regulation of the operation of aeroplanes covered by Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition

Applicable provisions: Articles 1 to 6 and Annexes I and II

No 2002/30

Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports

As amended or adapted by the 2003 Act of Accession and the 2005 Act of Accession

Applicable provisions: Articles 1 to 15, Annexes I and II

No 2002/49

Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise

Applicable provisions: Articles 1 to 16, Annexes I to VI

F. Social aspects

No 2000/79

Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA)

Applicable provisions: Articles 2 to 3, Annex

No 2003/88

Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time

Applicable provisions: Article 1 to 19, 21 to 24 and 26 to 29

G. Consumer protection

No 90/314

Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours

Applicable provisions: Articles 1 to 10

No 95/46

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

Applicable provisions: Articles 1 to 34

No 2027/97

Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents

as amended by:

Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97

Applicable provisions: Articles 1 to 8

No 261/2004

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91

Applicable provisions: Articles 1 to 17

No 1107/2006

Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air

Applicable provisions: Articles 1 to 17, Annexes I and II

H. Other legislation

No 80/2009

Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89

Applicable provisions: Articles 1 to 18 and Annexes I and II

*ANNEX IV***LIST OF OTHER STATES REFERRED TO IN ARTICLES 3 AND 5, AND ANNEX I**

1. The Republic of Iceland (under the Agreement on the European Economic Area);
 2. The Principality of Liechtenstein (under the Agreement on the European Economic Area);
 3. The Kingdom of Norway (under the Agreement on the European Economic Area);
 4. The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation).
-

REGULATIONS

COMMISSION REGULATION (EU) No 1083/2012

of 19 November 2012

implementing Regulation (EC) No 808/2004 of the European Parliament and of the Council concerning Community statistics on the information society

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

the statistics referred to in Articles 3 and 4 of that Regulation and the deadlines for their transmission.

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

- (3) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

Having regard to Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society ⁽¹⁾, and in particular Article 8 thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas:

The data to be transmitted for the production of European statistics on the information society as referred to in Article 3(2) and Article 4 of Regulation (EC) No 808/2004 shall be as specified in Annexes I and II to this Regulation.

- (1) Regulation (EC) No 808/2004 established a common framework for the systematic production of European statistics on the information society.

Article 2

- (2) Pursuant to Article 8(1) of Regulation (EC) No 808/2004, implementing measures are necessary to determine the data to be supplied for preparation of

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

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

Done at Brussels, 19 November 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 143, 30.4.2004, p. 49.

ANNEX I

MODULE 1: ENTERPRISES AND THE INFORMATION SOCIETY**1. Subjects and their characteristics**

(a) The subjects to be covered for the reference year 2013, selected from the list in Annex I to Regulation (EC) No 808/2004, are:

- ICT systems and their usage in enterprises,
- use of the internet and other electronic networks by enterprises,
- use of ICT by enterprises to exchange information and services with governments and public administrations (e-government),
- e-business processes and organisational aspects,
- e-commerce.

(b) The following enterprise characteristics are to be collected:

ICT systems and their usage in enterprises

Characteristics to be collected for all enterprises:

- computer usage

Characteristics to be collected for enterprises that use computers:

- (optional) persons employed or percentage of the total number of persons employed who used computers at least once a week,
- (optional) use of IT applications to provide persons employed with remote access to the enterprise's e-mail system, documents or applications (via fixed, mobile or wireless connection to the internet).

Use of the internet and other electronic networks by enterprises

Characteristics to be collected for enterprises that use computers:

- access to the internet

Characteristics to be collected for enterprises that have access to the internet:

- internet connection: DSL,
- internet connection: other fixed broadband internet connection,
- internet connection: ISDN connection or dial-up access over normal telephone line,
- internet connection: mobile broadband connection via a portable device using mobile telephone networks (so-called 3G or 4G),
- (optional) internet connection: mobile broadband connection via portable computer using mobile telephone networks (so-called 3G or 4G),

- (optional) internet connection: mobile broadband connection via other portable devices like smartphone or Personal Digital Assistant (PDA) phone using mobile telephone networks (so-called 3G or 4G),
- internet connection: other mobile connection,
- internet connection: maximum contracted download speed of the fastest internet connection in Mbit/s; ([0;<2], [2;<10], [10;<30], [30;<100], [≥100]),
- persons employed or percentage of the total number of persons employed who used computers with access to the World Wide Web at least once a week,
- use of social media, referring specifically to social networks, enterprise's blog or microblogs, multimedia content-sharing websites, wiki-based knowledge-sharing tools for purposes other than posting paid adverts,
- use of social networks,
- use of enterprise's blogs or microblogs,
- use of multimedia content-sharing websites,
- use of wiki-based knowledge-sharing tools,
- use of a website or home page.

Characteristics to be collected for enterprises that have a website or home page:

- provision of the following facility: online ordering or reservation or booking,
- provision of the following facility: privacy policy statement, a privacy seal, or certification of website safety,
- provision of the following facility: product catalogues or price lists,
- provision of the following facility: order tracking available online,
- provision of the following facility: possibility for visitors to customise or design the products,
- provision of the following facility: personalised content for regular/repeated visitors,
- (optional) provision of the following facility: advertisement of open job positions or online job application.

Characteristics to be collected for enterprises that use social media, referring specifically to social networks, enterprise's blog or microblogs, multimedia content-sharing websites, wiki-based knowledge-sharing tools, for purposes other than posting paid adverts:

- use of social media for developing the enterprise's image or marketing products,
- use of social media for obtaining or responding to customer opinions, reviews or questions,
- use of social media for involving customers in development or innovation of goods or services,
- use of social media for collaborating with business partners or other organisations,
- use of social media for recruiting employees,
- use of social media for exchanging views, opinions or knowledge within the enterprise,
- use of social media under the provisions of a formal policy of the enterprise.

Use of ICT by enterprises to exchange information and services with governments and public administrations (e-government)

Characteristics to be collected for enterprises that have access to the internet:

- internet usage for obtaining information from public authorities' websites or home pages, during the previous calendar year,
- internet usage for obtaining forms from public authorities' websites or home pages, during the previous calendar year,
- internet usage for submitting completed forms to public authorities, during the previous calendar year,
- internet usage for handling Value Added Tax (VAT) declarations completely over the internet without the need for paperwork (including electronic payment, if required), during the previous calendar year,
- internet usage for handling social contribution declarations completely over the internet without the need for paperwork (including electronic payment, if required), during the previous calendar year,
- internet usage for accessing tender documents and specifications in a public authority electronic procurement system, during the previous calendar year,
- internet usage for offering goods or services in national public authority electronic procurement systems (eTendering), during the previous calendar year,
- internet usage for offering goods or services in public authority electronic procurement systems (eTendering) in other EU Member States, during the previous calendar year.

Access to and use of technologies providing the ability to connect to the internet or other networks from anywhere at any time (ubiquitous connectivity)

Characteristics to be collected for enterprises that have access to the internet:

- use of portable devices provided by the enterprise to persons employed which allow a mobile connection to the internet for business use.

Characteristics to be collected for enterprises that provide persons employed with portable devices that allow a mobile connection to the internet for business use:

- persons employed or percentage of the total number of persons employed having a portable device provided by the enterprise which allows a mobile connection to the internet for business use.

E-business processes

Characteristics to be collected for enterprises that use computers:

- sending e-invoices suitable for automatic processing,
- sending of electronic invoices not suitable for automatic processing,
- receiving e-invoices suitable for automatic processing,
- use of an ERP (Enterprise Resource Planning) software package to share information between different functional areas,

- (optional) use of any software application for managing information about clients (Customer Relationship Management — CRM software) that allows it to capture, store and make available to other business functions information about the enterprise's clients,
- (optional) use of any software application for managing information about clients (Customer Relationship Management — CRM software) that allows the analysis of information about clients for marketing purposes.

E-commerce

Characteristics to be collected for enterprises that use computers and are not classified in Section K of NACE Rev. 2:

- receiving of orders for products or services that were placed via websites (web sales), in the previous calendar year,
- receiving of orders for products or services via EDI-type messages (EDI-type sales), in the previous calendar year,
- placing of orders for products or services via websites or EDI-type messages, in the previous calendar year,
- obstacles limiting or preventing sales over a website (web sales) due to goods or services not being suitable for web sales,
- obstacles limiting or preventing web sales due to problems related to logistics,
- obstacles limiting or preventing web sales due to problems related to payments,
- obstacles limiting or preventing web sales due to problems related to ICT security or data protection,
- obstacles limiting or preventing web sales due to problems related to the legal framework,
- obstacles limiting or preventing web sales due to the excessively high costs for introducing web sales compared to the benefits.

Characteristics to be collected for enterprises that have received orders placed via websites:

- value or percentage of the total turnover of e-commerce sales resulting from orders placed via websites, in the previous calendar year,
- percentage of e-commerce sales to private consumers (B2C) resulting from orders placed via websites, in the previous calendar year,
- percentage of e-commerce sales to other enterprises (B2B) and e-commerce sales to public authorities (B2G) resulting from orders placed via websites, in the previous calendar year,
- electronic sales by origin: own country, in the previous calendar year,
- electronic sales by origin: other EU countries, in the previous calendar year,
- electronic sales by origin: rest of the world, in the previous calendar year.

Characteristics to be collected for enterprises that have received orders for products or services via EDI-type messages:

- value or percentage of the total turnover of e-commerce sales resulting from orders received via EDI-type messages, in the previous calendar year,
- electronic sales by origin: own country, in the previous calendar year,

— electronic sales by origin: other EU countries, in the previous calendar year,

— electronic sales by origin: rest of the world, in the previous calendar year.

Characteristics to be collected for enterprises that have sent orders via websites or EDI-type messages:

— (optional) sending of orders for products or services via websites, in the previous calendar year,

— (optional) sending of orders for products or services via EDI-type messages, in the previous calendar year,

— (optional) e-commerce purchases resulting from orders sent electronically, in the previous calendar year, either in percentage classes ([0;<1], [1;<5], [5;<10], [10;<25], [25;<50], [50;<75], [75;100]) of the e-commerce purchases in total purchases, or in terms of the value of the e-commerce purchases, or in terms of the percentage of the e-commerce purchases in total purchases,

— (optional) electronic purchases by origin: own country, in the previous calendar year,

— (optional) electronic purchases by origin: other EU countries, in the previous calendar year,

— (optional) electronic purchases by origin: rest of the world, in the previous calendar year.

(c) The following enterprise background characteristics are to be collected or obtained from alternative sources:

Characteristics to be collected for all enterprises:

— main economic activity of the enterprise, in the previous calendar year,

— average number of persons employed, in the previous calendar year,

— total turnover (in value terms, excluding VAT), in the previous calendar year,

— (optional) total purchases of goods and services (in value terms, excluding VAT), in the previous calendar year.

2. Coverage

The characteristics specified in headings 1(b) to (c) of this Annex are to be collected and obtained for enterprises classified in the following economic activities, for the following enterprise sizes and with the following geographical scope.

(a) Economic activity: enterprises classified in the following categories of NACE Rev. 2:

NACE category	Description
Section C	'Manufacturing'
Section D, E	'Electricity, gas and steam, water supply, sewerage and waste management'
Section F	'Construction'
Section G	'Wholesale and retail trade; repair of motor vehicles and motorcycles'
Section H	'Transport and storage'
Section I	'Accommodation and food service activities'
Section J	'Information and communication'
Section L	'Real estate activities'

NACE category	Description
Divisions 69-74	'Professional, scientific and technical activities'
Section N	'Administrative and support activities'
Group 95.1	'Repair of computers and communication equipment'
(optional) Classes 64.19, 64.92, 66.12 and 66.19 Groups 65.1 and 65.2	'Financial and insurance activities'

(b) Enterprise size: enterprises with 10 or more persons employed. Enterprises with less than 10 persons employed are to be covered optionally.

(c) Geographical scope: enterprises located in any part of the territory of the Member State.

3. Reference periods

The reference period is 2012 for the characteristics referring to the previous calendar year. The reference period is January 2013 for the other characteristics.

4. Breakdowns

For the subjects and their characteristics listed in heading 1(b) of this Annex, the following background characteristics are to be provided.

(a) Economic activity breakdown: according to the following NACE Rev. 2 aggregates:

NACE Rev. 2 aggregation for possible calculation of national aggregates
10-18
19-23
24-25
26-33
35-39
41-43
45-47
49-53
55
58-63
(optional) 64.19 + 64.92 + 65.1 + 65.2 + 66.12 + 66.19
68
69-74
77-82
26.1-26.4, 26.8, 46.5, 58.2, 61, 62, 63.1, 95.1

NACE Rev. 2 aggregation
for possible calculation of European aggregates

10-12

13-15

16-18

26

27-28

29-30

31-33

45

46

47

55-56

58-60

61

62-63

(optional) 64.19 + 64.92

(optional) 65.1 + 65.2

(optional) 66.12 + 66.19

77-78 + 80-82

79

95.1

(b) Size class breakdown: data are to be broken down by the following size classes by number of persons employed:

Size class

10 or more persons employed

10 to 49 persons employed

50 to 249 persons employed

250 or more persons employed

Where covered, the following breakdown is to be applied to enterprises with less than 10 persons employed. (Providing the characteristics for size classes 'Less than 5 persons employed' and '5 to 9 persons employed' is optional.)

Size class

Less than 10 persons employed

Less than 5 persons employed (optional)

5 to 9 persons employed (optional)

5. Periodicity

The data are to be provided once for the year 2013.

6. Deadlines

- (a) The aggregate data referred to in Article 6 of Regulation (EC) No 808/2004, where necessary flagged for confidentiality or unreliability, are to be forwarded to Eurostat before 5 October 2013. By that date, the dataset has to be finalised, validated and accepted. The tabulated, computer-readable transmission format is to follow the instructions provided by Eurostat.
 - (b) The metadata referred to in Article 6 of Regulation (EC) No 808/2004 is to be forwarded to Eurostat before 31 May 2013 using the report template provided by Eurostat.
 - (c) The quality report referred to in Article 7(3) of Regulation (EC) No 808/2004 is to be forwarded to Eurostat by 5 November 2013.
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ANNEX II

MODULE 2: INDIVIDUALS, HOUSEHOLDS AND THE INFORMATION SOCIETY**1. Subjects and their characteristics**

- (a) The subjects to be covered for the reference year 2013, selected from the list in Annex II to Regulation (EC) No 808/2004, are the following:

- access to and use of ICTs by individuals and/or in households,
- use of the internet and other electronic networks for different purposes by individuals and/or in households,
- ICT competence and skills,
- barriers to the use of ICT and the internet,
- use of ICT by individuals to exchange information and services with governments and public administrations (e-government),
- access to and use of technologies enabling connection to the internet or other networks from anywhere at any time (ubiquitous connectivity).

- (b) The following characteristics are to be collected:

Access to and use of ICT by individuals and/or in households

Characteristics to be collected for all households:

- access at home to a computer,
- access at home to the internet (by any device).

Characteristics to be collected for households with internet access:

- type of broadband connection used to access the internet at home: DSL (e.g. ADSL, SHDSL, VDSL),
- type of broadband connection used to access the internet at home: wired fixed (e.g. cable, optical fibre, Ethernet, PLC),
- type of broadband connection used to access the internet at home: fixed wireless (e.g. satellite, public WiFi),
- type of broadband connection used to access the internet at home: connection to mobile phone network (at least 3G, e.g. UMTS) via a handset,
- type of broadband connection used to access the internet at home: connection to mobile phone network (at least 3G, e.g. UMTS) via a card or USB key (with integrated SIM card),
- type of connection used to access the internet at home: dial-up access over normal telephone line or ISDN,
- type of connection used to access the internet at home: mobile narrowband connection (less than 3G, e.g. 2G+/GPRS, used by mobile phone or modem in laptop).

Characteristics to be collected for all individuals:

- most recent computer use at home, at work or any other place (within the last three months; between three months and a year ago; more than one year ago; never used a computer).

Characteristics to be collected for individuals having used a computer in the last three months:

- average frequency of computer use (every day or almost every day; at least once a week (but not every day); less than once a week).

Use of the internet for different purposes by individuals and/or in households

Characteristics to be collected for all individuals:

- most recent internet use (within the last three months; between three months and a year ago; more than one year ago; never used the internet).

Characteristics to be collected for individuals having already used the internet:

- most recent internet commerce activity for private use (within the last three months; between three months and a year ago; more than one year ago; never bought or ordered).

Characteristics to be collected for individuals having used the internet in the last three months:

- average frequency of internet use in the last three months (every day or almost every day; at least once a week (but not every day); less than once a week),
- location of internet use in the last three months: at home,
- location of internet use in the last three months: at place of work (other than home),
- location of internet use in the last three months: at place of education,
- location of internet use in the last three months: at another person's home,
- location of internet use in the last three months: at other places,
- (optional) location of internet use in the last three months: public library,
- (optional) location of internet use in the last three months: post office,
- (optional) location of internet use in the last three months: public office, town hall or government agency,
- (optional) location of internet use in the last three months: community or voluntary organisation,
- (optional) location of internet use in the last three months: internet café,
- (optional) location of internet use in the last three months: hotspot (at hotels, airports, public places, etc.),
- (optional) location of internet use in the last three months: other,
- internet usage in the last three months for private purposes for sending or receiving e-mails,
- internet usage in the last three months for private purposes for participating in social networks (creating user profile, posting messages or other contributions to e.g. Facebook, Twitter),
- internet usage in the last three months for private purposes for reading online news, newspapers or news magazines,
- internet usage in the last three months for private purposes for seeking health-related information (e.g. on injury, disease, nutrition, improving health),

- internet usage in the last three months for private purposes for looking for information about education, training or course offers,
- internet usage in the last three months for private purposes for finding information about goods and services,
- internet usage in the last three months for private purposes for downloading software (other than games software),
- internet usage in the last three months for private purposes for posting opinions on civic or political issues via websites (e.g. blogs, social networks),
- internet usage in the last three months for private purposes for taking part in online consultations or voting to define civic or political issues (e.g. urban planning, signing a petition),
- internet usage in the last three months for private purposes for doing an online course (in any subject),
- internet usage in the last three months for private purposes for consulting wikis to obtain knowledge on any subject (e.g. Wikipedia, online encyclopaedias),
- internet usage in the last three months for private purposes for looking for a job or sending a job application,
- internet usage in the last three months for participating in professional networks (creating user profile, posting messages or other contributions to e.g. LinkedIn, Xing),
- internet usage in the last three months for private purposes for using services related to travel or travel-related accommodation,
- internet usage in the last three months for private purposes for selling goods or services, e.g. via auctions (e.g. eBay),
- internet usage in the last three months for private purposes for telephoning over the internet or making video calls (via webcam) over the internet,
- internet usage in the last three months for private purposes for internet banking.

Characteristics to be collected for individuals having used the internet in the last three months for private purposes for reading online news sites, newspapers or news magazines:

- internet usage in the last three months for private purposes for reading online news sites, newspapers or news magazines that have been subscribed to in order to receive them regularly (including RSS).

Characteristics to be collected for individuals having used the internet for internet commerce activities for private use in the last 12 months:

- internet usage for ordering food or groceries in the last 12 months,
- internet usage for ordering household goods in the last 12 months (e.g. furniture, toys),
- internet usage for ordering medicine in the last 12 months,
- internet usage for ordering films or music in the last 12 months (to be reported separately: whether delivered online),
- internet usage for ordering books, magazines or newspapers (including e-books) in the last 12 months (to be reported separately with e-learning material: whether delivered online),

- internet usage for ordering e-learning material in the last 12 months (to be reported separately with books, magazines or newspapers: whether delivered online),
- internet usage for ordering clothes or sports goods in the last 12 months,
- internet usage for ordering video games software and upgrades in the last 12 months (to be reported separately with other computer software and upgrades: whether delivered online),
- internet usage for ordering other computer software and upgrades in the last 12 months (to be reported separately with video games software and upgrades: whether delivered online),
- internet usage for ordering computer hardware in the last 12 months,
- internet usage for ordering electronic equipment (incl. cameras) in the last 12 months,
- internet usage for ordering telecommunication services (e.g. TV, broadband, fixed line or mobile phone subscriptions, uploading money for prepaid phone cards) in the last 12 months,
- internet usage for purchasing shares, insurance policies and other financial services in the last 12 months,
- internet usage for ordering holiday accommodation (hotels, etc.) in the last 12 months,
- internet usage for ordering other travel arrangements (transport tickets, car hire, etc.),
- internet usage for ordering tickets for events in the last 12 months,
- internet usage for ordering other goods or services in the last 12 months,
- goods or services bought or ordered in the last 12 months from national sellers,
- goods or services bought or ordered in the last 12 months from sellers from other EU countries,
- goods or services bought or ordered in the last 12 months from sellers from the rest of the world,
- goods or services bought or ordered in the last 12 months where the country of origin of sellers is not known.

ICT competence and skills

Characteristics to be collected for individuals who have ever used a computer and are employees or self-employed (including family workers) or unemployed:

- self-assessment of whether the individual's current computer skills are sufficient if he/she needed to take up a new a job on the labour market or change jobs within a year (yes; no; not applicable).

Characteristics to be collected for individuals who have ever used the internet:

- internet skills for using a search engine to find information,
- internet skills for sending e-mails with attached files (e.g. documents, pictures),
- internet skills for posting messages to chat rooms, newsgroups or an online discussion forum (e.g. on websites for social networking),
- internet skills for using the internet to make phone calls,
- internet skills for using peer-to-peer file sharing for exchanging movies, music, etc.,

- internet skills for creating a web page,
- internet skills for uploading text, games, images, films or music to websites (e.g. to websites for social networking),
- internet skills for modifying the security settings of internet browsers.

Characteristics to be collected for individuals having one or more internet skills:

- (optional) self-assessment of whether the individual's current internet skills are sufficient to communicate with relatives, friends, colleagues over the internet (yes; no; not applicable),
- (optional) self-assessment of whether the individual's current internet skills are sufficient to protect personal data (yes; no; not applicable),
- (optional) self-assessment of whether the individual's current internet skills are sufficient to protect the private computer from virus or other computer infection (yes; no; not applicable).

Barriers to the use of ICT and the internet

Characteristics to be collected for households without access to the internet at home:

- reason for not having access to the internet at home: have access to internet elsewhere,
- reason for not having access to the internet at home: do not need internet (because not useful, not interesting, etc.),
- reason for not having access to the internet at home: equipment costs too high,
- reason for not having access to the internet at home: access costs too high (telephone, DSL subscription etc.),
- reason for not having access to the internet at home: lack of skills,
- reason for not having access to the internet at home: privacy or security concerns,
- reason for not having access to the internet at home: broadband internet is not available in the respondent's area,
- reason for not having access to the internet at home: other.

Use of ICT by individuals to exchange information and services with governments and public administrations (e-government)

Characteristics to be collected for individuals having used the internet in the last 12 months:

- internet usage in the last 12 months for private purposes for obtaining information from websites of public authorities or public services,
- internet usage in the last 12 months for private purposes for downloading official forms from websites of public authorities or public services,
- internet usage in the last 12 months for private purposes for submitting completed forms to public authorities or public services,
- contact made with public authorities or public services for private purposes in the last 12 months: by telephone (excluding SMS),

- contact made with public authorities or public services for private purposes in the last 12 months: by e-mail,
- contact made with public authorities or public services for private purposes in the last 12 months: in person, by visits,
- contact made with public authorities or public services for private purposes in the last 12 months: by other means (e.g. post, SMS, fax),
- no contact made with public authorities or public services for private purposes in the last 12 months because there was no reason to contact them.

Characteristics to be collected for individuals having used the internet in the last 12 months for private purposes for obtaining information from websites of public authorities or public services, for downloading official forms from websites of public authorities or public services, or for submitting completed forms to public authorities or public services:

- use of websites of public authorities or public services in the last 12 months for income tax declaration,
- use of websites of public authorities or public services in the last 12 months for claiming social security benefits (e.g. unemployment benefits, retirement benefits, child allowance),
- use of websites of public authorities or public services in the last 12 months for requesting personal documents (passport, ID card or driving licence) or certificates (birth, marriage, death),
- use of websites of public authorities or public services in the last 12 months for public libraries (availability of catalogues, search tools),
- use of websites of public authorities or public services in the last 12 months for enrolment in higher education or university,
- use of websites of public authorities or public services in the last 12 months for notification of change of address,
- problem experienced when using websites of public authorities or public services for private purposes in the last 12 months: technical failure of website,
- problem experienced when using websites of public authorities or public services for private purposes in the last 12 months: insufficient, unclear or outdated information,
- problem experienced when using websites of public authorities or public services for private purposes in the last 12 months: support was needed but not found (online or offline),
- problem experienced when using websites of public authorities or public services for private purposes in the last 12 months: other,
- satisfaction or dissatisfaction with the following aspect of using websites of public authorities or public services in the last 12 months: ease of finding information (mainly satisfied; mainly dissatisfied; not applicable),
- satisfaction or dissatisfaction with the following aspect of using websites of public authorities or public services in the last 12 months: usefulness of the information available (mainly satisfied; mainly dissatisfied; not applicable),
- satisfaction or dissatisfaction with the following aspect of using websites of public authorities or public services in the last 12 months: information provided on the progress or follow-up of a request (mainly satisfied; mainly dissatisfied; not applicable),

- satisfaction or dissatisfaction with the following aspect of using websites of public authorities or public services in the last 12 months: ease of using services on the website (mainly satisfied; mainly dissatisfied; not applicable),

Characteristics to be collected for individuals who did not submit completed forms to public authorities' websites for private purposes in the last 12 months:

- reason for not submitting completed forms to public authorities' websites: did not have to submit official forms.

Characteristics to be collected for individuals who did not submit completed forms to public authorities' websites for private purposes in the last 12 months and did not mention as the reason that they did not have to submit official forms:

- reason for not submitting completed forms: no such website service was available,
- reason for not submitting completed forms: Lack of personal contact, visits preferred,
- reason for not submitting completed forms: immediate response is missing,
- reason for not submitting completed forms: had more trust in submitting on paper,
- reason for not submitting completed forms: lack of skills or knowledge (e.g. did not know how to use website or use was too complicated),
- reason for not submitting completed forms: concerns about protection and security of personal data,
- reason for not submitting completed forms: use of relevant services will require personal visits or paper submission anyway,
- (optional) reason for not submitting completed forms: lack of or problems with electronic signature or electronic ID/certificate (required for authentication/using the service),
- reason for not submitting completed forms: another person did it on my behalf (e.g. consultant, tax advisor, relative or family member),
- reason for not submitting completed forms: other.

Access to and use of technologies enabling connection to the internet or other networks from anywhere at any time (ubiquitous connectivity)

Characteristics to be collected for individuals having used the internet in the last three months:

- use of mobile devices to access the internet away from home or work: mobile phone (or smartphone),
- use of mobile devices to access the internet away from home or work: mobile phone (or smartphone) via mobile phone network,
- use of mobile devices to access the internet away from home or work: mobile phone (or smartphone) via wireless network (e.g. WiFi),
- use of mobile devices to access the internet away from home or work: portable computer (e.g. laptop, tablet),
- use of mobile devices to access the internet away from home or work: portable computer (e.g. laptop, tablet) via mobile phone network, using USB key or (SIM) card or mobile phone as modem,

- use of mobile devices to access the internet away from home or work: portable computer (e.g. laptop, tablet) via wireless network (e.g. WiFi),
- use of mobile devices to access the internet away from home or work: other devices,
- no use of mobile devices to access the internet away from home or work.

2. Coverage

- (a) The statistical units to be represented for the characteristics listed in heading 1(b) of this Annex that relate to households are households with at least one member in the age group 16 to 74.
- (b) The statistical units to be represented for the characteristics listed in heading 1(b) of this Annex that relate to individuals are individuals aged 16 to 74.
- (c) The geographical scope comprises households and/or individuals living in any part of the territory of the Member State.

3. Reference period

The main reference period for collecting statistics is the first quarter of 2013.

4. Socioeconomic background characteristics

- (a) For the subjects and their characteristics listed in heading 1(b) of this Annex that relate to households, the following background characteristics are to be collected:
 - region of residence (according to the NUTS1 classification of regions),
 - (optional) region of residence according to the NUTS2 classification,
 - geographical location: living in convergence regions (including phasing-out regions); living in regional competitiveness and employment regions,
 - degree of urbanisation: living in densely populated areas; living in intermediate populated areas; living in thinly populated areas,
 - type of household: number of members in the household; (optional) number of persons aged from 16 to 24; (optional) number of students aged from 16 to 24; (optional) number of persons aged 25 to 64; (optional) number of persons aged over 64 (to be collected separately: number of children under 16, (optional) number of children aged from 14 to 15, (optional) number of children aged from 5 to 13, (optional) number of children aged less than or equal to 4),
 - (optional) household's net monthly income (to be collected as a value or in size bands compatible with income quartiles),
 - (optional) equivalised household total net monthly income in quintiles.
- (b) For the subjects and their characteristics listed in heading 1(b) of this Annex that relate to individuals, the following background characteristics are to be collected:
 - gender: male; female,
 - country of birth: native-born; foreign-born: born in another EU Member State; foreign born: born in non-EU country,

- country of citizenship: national; non-national: national of other EU Member State; non-national: national of non-EU country,
- (optional) legal marital status: unmarried (i.e. never married); married (including registered partnership); widowed and not remarried (including widowed from registered partnership); divorced and not remarried (including legally separated and dissolved registered partnership),
- (optional) de facto marital status: person living in a consensual union (partners are not married to each other); person not living in a consensual union,
- age in completed years; (optional) under 16 or over 74,
- highest completed level of education according to the International Standard Classification of Education (ISCED 97): low (ISCED 0, 1 or 2); middle (ISCED 3 or 4); high (ISCED 5 or 6); no formal education (ISCED 0); primary education (ISCED 1); lower secondary education (ISCED 2); upper secondary education (ISCED 3); post-secondary education but not tertiary (ISCED 4); tertiary education first stage (ISCED 5); tertiary education second stage (ISCED 6),
- employment situation: employee or self-employed (including family workers) (optional: full-time employee or self-employed; part-time employee or self-employed; employee: employee with a permanent job or job of unlimited duration, employee with a temporary job or contract of limited duration; self-employed including family workers)),
- (optional) economic sector of employment:

NACE Rev. 2 sections	Description
A	Agriculture, forestry and fishing
B, C, D and E	Manufacturing, mining and quarrying and other industry
F	Construction
G, H and I	Wholesale and retail trades, transport, accommodation and food service activities
J	Information and communication
K	Financial and insurance activities
L	Real estate activities
M and N	Business services
O, P, and Q	Public administration, defence, education, human health and social work activities
R, S, T and U	Other services

- employment situation: unemployed; students not in the labour force; other not in the labour force (optional for other not in the labour force: in retirement or early retirement or given up business; permanently disabled; in compulsory military or community service; fulfilling domestic tasks; other inactive person),
- occupation according to the International Standard Classification of Occupations (ISCO-08): manual workers; non-manual workers; ICT workers, non-ICT workers; (optional) all occupations according to ISCO-08 coded at 2-digit level.

5. Periodicity

The data are to be provided once for the year 2013.

6. Deadlines for transmission of results

- (a) The individual data records, not allowing the direct identification of statistical units concerned as referred to in Article 6 and Annex II (point (6) of Regulation (EC) No 808/2004, are to be transmitted to Eurostat before 5 October 2013. By that date, the dataset has to be finalised, validated and accepted. The computer-readable transmission format for the individual data records has to follow the template provided by Eurostat.
 - (b) A selected set of aggregate data deemed necessary for validation and rapid publication purposes, where necessary flagged for confidentiality or unreliability, is to be forwarded to Eurostat before 5 October 2013. By that date, the dataset has to be finalised, validated and accepted. The tabulated, computer-readable transmission format has to follow the template provided by Eurostat.
 - (c) The metadata referred to in Article 6 of Regulation (EC) No 808/2004 are to be forwarded to Eurostat before 31 May 2013. The metadata have to follow the report template provided by Eurostat.
 - (d) The quality report referred to in Article 7(3) of Regulation (EC) No 808/2004 is to be forwarded to Eurostat one month after the transmission of the last dataset, by 5 November 2013. The quality report has to follow the report template provided by Eurostat.
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COMMISSION IMPLEMENTING REGULATION (EU) No 1084/2012**of 19 November 2012****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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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 XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 19 November 2012.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, 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	40,0
	MA	50,5
	MK	32,3
	TR	69,6
	ZZ	48,1
0707 00 05	AL	57,9
	EG	209,3
	MK	42,0
	TR	116,3
	ZZ	106,4
0709 93 10	MA	129,8
	TR	130,6
	ZZ	130,2
0805 20 10	MA	101,2
	ZA	144,8
	ZZ	123,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	64,9
	HR	39,2
	TR	82,9
	ZA	193,6
	ZZ	95,2
0805 50 10	AR	57,4
	TR	82,9
	ZA	73,1
	ZZ	71,1
0806 10 10	BR	280,6
	LB	256,5
	PE	283,7
	TR	157,0
	US	311,5
	ZZ	257,9
0808 10 80	CA	156,2
	CL	151,2
	CN	79,8
	MK	36,9
	NZ	162,5
	US	192,3
	ZA	140,2
0808 30 90	ZZ	131,3
	CN	70,9
	TR	111,1
	ZZ	91,0

⁽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'.

DIRECTIVES

COMMISSION DIRECTIVE 2012/36/EU

of 19 November 2012

amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences ⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) The codes and sub-codes set out in Annex I to Directive 2006/126/EC need to be updated in the light of the new vehicle categories introduced by Directive 2006/126/EC whose technical characteristics are different from those in force under Council Directive 91/439/EEC of 29 July 1991 on driving licences ⁽²⁾. In this context, driving entitlements acquired before Directive 2006/126/EC applies, on 19 January 2013, should be maintained.
- (2) The contents of the driving licence test for vehicles of category C1 vehicles should be adapted to the different characteristics of the vehicles falling under this category. Contrary to category C vehicles, which are dedicated to professional transport of goods, category C1 is heterogeneous and includes a wide range of vehicles, such as vehicles for leisure or personal use, emergency or fire-fighting vehicles, or utility vehicles used for professional purposes but where driving is not the principal activity of the driver. Drivers of such vehicles should not be required to demonstrate during the driving test their knowledge of rules or equipment only applicable to drivers subject to the legislation related to the professional transport sector, such as Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of

certain social legislation relating to road transport ⁽³⁾ and Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport ⁽⁴⁾. Such an accommodation of existing rules would reduce the risk that drivers drive with overloaded category B vehicles in order to avoid the costs of training and taking the test on C or C1 vehicles, and thus improve road safety. It would also minimise the administrative and financial burden on the SMEs and micro-enterprises having to use such utility vehicles in the course of their business.

- (3) The requirements concerning test vehicles motorcycles of category A1, A2 and A to be used during the test of skills and behaviour need to be revised in the light of the technical progress, in particular the development and a wider use of electric motorcycles. The technical specifications for the test vehicles should also be adapted to ensure that applicants are tested on vehicles which are representative of the category for which the driving licence would be issued.
- (4) The minimum requirements for test vehicles and for the contents of the test of skills and behaviour for category C and D vehicles should be amended in the light of technical progress, in particular to take into account the increasing development and use in the transport industry of more modern, safer and less polluting vehicles equipped with a wide range of semi-automatic or hybrid transmission systems. The competence of drivers should be tested on their abilities to use the transmission system of vehicles safely, economically and in an environmentally friendly way. The simplification of the current restrictions to drive automatic vehicles would also reduce the administrative and financial burden on SMEs and micro-enterprises operating in the road transport.
- (5) Since Directive 2006/126/EC will fully apply on 19 January 2013 this Directive shall enter into force as from the day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 403, 30.12.2006, p. 18.

⁽²⁾ OJ L 237, 24.8.1991, p. 1.

⁽³⁾ OJ L 102, 11.4.2006, p. 1.

⁽⁴⁾ OJ L 370, 31.12.1985, p. 8.

(6) Directive 2006/126/EC should therefore be amended accordingly.

(7) The measures provided for in this Directive are in accordance with the opinion of the Committee on driving licences,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and II to Directive 2006/126/EC are amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2013 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a

reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 November 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

I. In Annex I to Directive 2006/126/EC, paragraph 3, concerning page 2 of the driving licence, point (a) point (12), is amended as follows:

(1) the following code 46 is inserted:

‘46. Tricycles only’;

(2) code 72 is deleted;

(3) code 73 is replaced by the following:

‘73. Restricted to category B vehicles of the motor quadricycle type (B1)’;

(4) codes 74 to 77 are deleted;

(5) code 79 is replaced by the following:

‘79. (...) Restricted to vehicles which comply with the specifications indicated in brackets, for the application of Article 13 of this Directive

79.01. Restricted to two-wheel vehicles with or without side-car

79.02. Restricted to category AM vehicles of the three-wheel or light quadricycle type

79.03. Restricted to tricycles

79.04. Restricted to tricycles combined with a trailer having a maximum authorised mass not exceeding 750 kg

79.05. Category A1 motorcycle with a power/weight ratio above 0,1 kW/kg

79.06. Category BE vehicle where the maximum authorised mass of the trailer exceeds 3 500 kg’;

(6) the following codes 80 and 81 are inserted:

‘80. Restricted to holders of a driving licence for a category A vehicle of the motor tricycle type not having reached the age of 24 years

81. Restricted to holders of a driving licence for a category A vehicle of the two-wheel motorcycle type not having reached the age of 21 years’;

(7) the following code 90 is inserted:

‘90. Codes used in combination with codes defining modifications of the vehicle’;

(8) code 96 is replaced by the following:

‘96. Category B vehicles combined with a trailer with a maximum authorised mass exceeding 750 kg where the maximum authorised mass of such combination exceeds 3 500 kg but does not exceed 4 250 kg’;

(9) the following code 97 is added:

‘97. Not authorised to drive a category C1 vehicle which falls within the scope of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (*)’

(*) OJ L 370, 31.12.1985, p. 8’.

II. Annex II to Directive 2006/126/EC is amended as follows:

(1) point 4.1.1 is replaced by the following:

‘4.1.1. Rules on driving hours and rest periods as defined by Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport (*); use of the recording equipment as defined by Regulation (EEC) No 3821/85 on recording equipment in road transport.

(*) OJ L 102, 11.4.2006, p. 1.’;

(2) the following point 4.1a is inserted:

‘4.1a. Member States may exempt applicants to a licence for a category C1 or C1E vehicle outside the scope of Regulation (EEC) No 3821/85 from demonstrating their knowledge of the subjects listed in points 4.1.1 to 4.1.3.’;

(3) point 5.1 is replaced by the following:

‘5.1. Vehicle transmission

5.1.1. The driving of a vehicle with manual transmission shall be subject to the passing of a skills and behaviour test taken on a vehicle with manual transmission.

“Vehicle with manual transmission” means a vehicle in which a clutch pedal (or lever operated manually for categories A, A2 and A1) is present and must be operated by the driver when starting or stopping the vehicle and changing gears.

5.1.2. Vehicles that do not meet the criteria laid down in point 5.1.1 shall be considered to have automatic transmission.

Without prejudice to point 5.1.3, if an applicant takes the test of skills and behaviour on a vehicle with automatic transmission this shall be recorded on any licence issued on the basis of such a test. Licences with this indication shall be used only for driving vehicles with automatic transmission.

5.1.3. Specific provisions concerning vehicles of category C, CE, D and DE

Member States may decide that no restriction to vehicles with automatic transmission shall be recorded on the driving licence for a category C, CE, D or DE vehicle referred to in point 5.1.2, when the applicant already holds a driving licence obtained on a vehicle with manual transmission in at least one of the following categories: B, BE, C, CE, C1, C1E, D, D1 or D1E, and has performed the actions described in point 8.4 during the test of skills and behaviour.’;

(4) point 5.2 is amended as follows:

(a) the first subparagraph is replaced by the following:

‘5.2. The vehicles used in tests of skills and behaviour shall comply with the minimum criteria given below. Member States may make provisions for more stringent criteria or add others. Member States may apply to vehicles of category A1, A2 and A, used in the test of skills and behaviour, a tolerance of 5 cm³ below the required minimum cylinder capacity.’;

(b) the text concerning Category A1, Category A2 and Category A is replaced by the following:

‘Category A1

Category A1 motorcycle without sidecar, with a power rating not exceeding 11 kW and with a power to weight ratio not exceeding 0,1 kW/kg, and capable of a speed of at least 90 km/h.

If the motorcycle is powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 120 cm³.

If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0,08 kW/kg;

Category A2

Motorcycle without sidecar, with a power rating of at least 20 kW but not exceeding 35 kW and with a power to weight ratio not exceeding 0,2 kW/kg.

If the motorcycle is powered by an internal combustion engine, the cubic capacity of the engine shall be at least 400 cm³.

If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0,15 kW/kg;

Category A

Motorcycle without sidecar, whose unladen mass is more than 180 kg, with a power rating of at least 50 kW. A tolerance of 5 kg below the required minimum mass may be accepted by the Member State.

If the motorcycle is powered by an internal combustion engine, the cubic capacity of the engine shall be at least 600 cm³.

If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0,25 kW/kg;

(c) the text concerning Category C and CE is replaced by the following:

‘Category C

A category C vehicle with a maximum authorised mass of at least 12 000 kg, a length of at least 8 m, a width of at least 2,40 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes, equipped with a transmission system providing for a manual selection of gears by the driver and recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; the vehicle shall be presented with a minimum of 10 000 kg real total mass;

Category CE

Either an articulated vehicle or a combination of a category C test vehicle and a trailer of at least 7,5 m in length; both the articulated vehicle and the combination shall have a maximum authorised mass of at least 20 000 kg, a length of at least 14 m and a width of at least 2,40 m, shall be capable of a speed of at least 80 km/h, fitted with anti-lock brakes, equipped with a transmission system providing for a manual selection of gears by the driver and with recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; both the articulated vehicle and the combination shall be presented with a minimum of 15 000 kg real total mass;

(5) point 8.1.4 is replaced by the following:

‘8.1.4. Checking the power-assisted braking and steering systems; checking the condition of the wheels, wheelnuts, mudguards, windscreen, windows and wipers, fluids (e.g. engine oil, coolant, washer fluid); checking and using the instrument panel including the recording equipment as defined in Regulation (EEC) No 3821/85. This latter requirement does not apply to the applicants for a driving licence for a category C1 or C1E vehicle not falling within the scope of this Regulation;’

(6) the following point 8.4 is inserted:

‘8.4. Safe and energy-efficient driving

8.4.1. Driving in such a way as to ensure safety and to reduce fuel consumption and emissions during acceleration, deceleration, uphill and downhill driving, when necessary by selecting gears manually;’

(7) point 9.3.2 is replaced by the following:

‘9.3.2. Driving economically and in a safe and energy-efficient way, taking into account the revolutions per minute, changing gears, braking and accelerating (categories B, BE, C, CE, C1, C1E, D, DE, D1, D1E only);’.

DECISIONS

COUNCIL DECISION

of 13 November 2012

on the adoption of the 2012-2015 High Flux Reactor supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community

(2012/709/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 7 thereof,

Having regard to the proposal from the European Commission,

After consultation of the Scientific and Technical Committee ⁽¹⁾,

Whereas:

- (1) Within the framework of the European Research Area, the high flux reactor at Petten (hereinafter 'HFR') has been, and continues to be for some time, an important means available to the Community to contribute to materials sciences and testing, to nuclear medicine and to reactor safety research in the field of nuclear energy.
- (2) The operation of the HFR has been supported by a series of supplementary research programmes the last of which, Council Decision 2009/410/Euratom of 25 May 2009 on the adoption of a supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community ⁽²⁾, has expired on 31 December 2011. In order to ensure a continuity between the supplementary research programmes and a smooth operation of the 2012-2015 HFR supplementary research programme, this Decision should apply from 1 January 2012.
- (3) Given the continued need for the HFR as an irreplaceable infrastructure for Community research in the fields of improvement of safety of nuclear reactors, health including the development of medical isotopes to answer questions of medical research, nuclear fusion, fundamental research, training and waste management including the possibility to study the safety behaviour of nuclear fuels for reactor systems of interest to Europe, its operation should continue under this supplementary research programme until the end of 2015.

- (4) Due to their special interest in the continued operation of the HFR, the Netherlands, France and Belgium should, as indicated by them, finance this programme through financial contributions made to the general budget of the European Union by way of assigned revenue,

HAS ADOPTED THIS DECISION:

Article 1

The supplementary research programme on the operation of the HFR, (hereinafter referred to as 'the programme'), the objectives of which are set out in Annex I, is adopted for a period of four years, starting on 1 January 2012.

Article 2

The costs for the execution of the programme, estimated at EUR 31 400 000, shall be financed entirely out of contributions from the Netherlands, France and Belgium. The breakdown of this amount is set out in Annex II. This contribution shall be considered as assigned revenue in accordance with Article 18(2) of Council Regulation (EC, Euratom) No 1605/2002 ⁽³⁾.

Article 3

1. The Commission shall be in charge of the management of the programme. To this end, it shall call upon the services of the Joint Research Centre.
2. The Board of Governors of the Joint Research Centre shall be kept informed of the implementation of the programme.

Article 4

The Commission shall submit to the European Parliament and to the Council, a mid-term report and a final report on the implementation of this Decision.

Article 5

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

It shall apply from 1 January 2012.

⁽¹⁾ Minutes of the STC Meeting held on the 17 February 2012.

⁽²⁾ OJ L 132, 29.5.2009, p. 13.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 13 November 2012.

For the Council
The President
V. SHIARLY

*ANNEX I***SCIENTIFIC AND TECHNICAL OBJECTIVES**

The main objectives of the programme are the following:

1. To ensure the safe and reliable operation of the HFR, in order to guarantee the availability of the neutron flux for experimental purposes.
2. To allow an efficient use of the HFR by research institutes in a broad range of disciplines: improvement of safety of nuclear reactors, health including the development of medical isotopes, nuclear fusion, fundamental research and training and waste management including the possibility to study the safety issues of nuclear fuels for reactor systems of interest to Europe.

*ANNEX II***BREAKDOWN OF THE CONTRIBUTIONS**

The contributions to the programme come from the Netherlands, France and Belgium.

The breakdown of those contributions is as follows:

The Netherlands: EUR 29 000 000,

France: EUR 1 200 000,

Belgium: EUR 1 200 000,

Total: EUR 31 400 000.

Those contributions shall be made to the general budget of the European Union and shall be assigned to this programme.

Those contributions are firm and not revisable as regards to the variations related to operational, maintenance and decommissioning costs.

COUNCIL DECISION
of 13 November 2012
on the launch of automated data exchange with regard to dactyloscopic data in Estonia
(2012/710/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽¹⁾, in particular Article 25 thereof,

Having regard to Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA ⁽²⁾, in particular Article 20 and Chapter 4 of the Annex thereto,

Whereas:

- (1) According to the Protocol on Transitional Provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, the legal effects of the acts of the institutions, bodies, offices and agencies of the Union adopted prior to the entry into force of the Treaty of Lisbon are preserved until those acts are repealed, annulled or amended in implementation of the Treaties.
- (2) Accordingly, Article 25 of Decision 2008/615/JHA is applicable and the Council must unanimously decide whether the Member States have implemented the provisions of Chapter 6 of that Decision.
- (3) Article 20 of Decision 2008/616/JHA provides that decisions referred to in Article 25(2) of Decision 2008/615/JHA are to be taken on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is to be based on an evaluation visit and a pilot run.
- (4) According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by

a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.

- (5) Estonia has completed the questionnaire on data protection and the questionnaire on dactyloscopic data exchange.
- (6) A successful pilot run has been carried out by Estonia with Austria.
- (7) An evaluation visit has taken place in Estonia and a report on the evaluation visit has been produced by the Austrian evaluation team and forwarded to the relevant Council Working Group.
- (8) An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning dactyloscopic data exchange has been presented to the Council,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of automated searching of dactyloscopic data, Estonia has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA and is entitled to receive and supply personal data pursuant to Article 9 of that Decision as from the date of the entry into force of this Decision.

Article 2

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

Done at Brussels, 13 November 2012.

For the Council
The President
V. SHIARLY

⁽¹⁾ OJ L 210, 6.8.2008, p. 1.

⁽²⁾ OJ L 210, 6.8.2008, p. 12.

COUNCIL DECISION 2012/711/CFSP**of 19 November 2012****on support for Union activities in order to promote, among third countries, the control of arms exports and the principles and criteria of Common Position 2008/944/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 26(2) and 31(1) thereof,

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

Whereas:

- (1) The European Security Strategy adopted by Heads of State and Government on 12 December 2003 outlines five key challenges to be addressed by the Union in the post-Cold War environment: terrorism, the proliferation of weapons of mass destruction, regional conflicts, State failure, and organised crime. The consequences of the uncontrolled circulation of conventional weapons are central to four of these five challenges. The Strategy underlines the importance of export controls to contain proliferation.
- (2) On 5 June 1998, the Union adopted a politically binding Code of Conduct on Arms Exports, setting common criteria to regulate the legal trade in conventional weapons. The Code was regularly updated.
- (3) The EU Strategy to combat illicit accumulation and trafficking of small arms and light weapons (SALW) and their ammunition, adopted by the European Council on 15 and 16 December 2005, provides that the Union, at regional and international levels, supports the strengthening of export controls and the promotion of the criteria of the Code of Conduct on Arms Exports by, inter alia, helping third countries to draft relevant national legislation and promoting measures to improve transparency.
- (4) The Code of Conduct on Arms Exports was replaced on 8 December 2008 by the legally binding Council Common Position 2008/944/CFSP⁽¹⁾ which provides for common rules governing control of exports of military technology and equipment. Common Position 2008/944/CFSP establishes eight criteria against which applications for export of conventional arms are to be

assessed. It also includes a notification and consultation mechanism for arms exports denials, and transparency measures such as the yearly publication of an EU annual report on arms exports.

- (5) In accordance with Article 7 of Common Position 2008/944/CFSP and in order to maximise the effectiveness of the Common Position, Member States have agreed to work within the framework of the Common Foreign and Security Policy (CFSP) to reinforce their cooperation and to promote their convergence in the field of exports of military technology and equipment. The principles and criteria of Common Position 2008/944/CFSP have been officially supported by several third countries.
- (6) Article 11 of Common Position 2008/944/CFSP states that Member States have to use their best endeavours to encourage other arms exporting States to apply the criteria contained in that Common Position.
- (7) The Union and its Member States are bound by confidentiality in their information exchange on arms export policy, in particular with beneficiary third countries.
- (8) On 6 December 2006, the United Nations (UN) General Assembly, with the support of all Member States of the European Union, adopted Resolution 61/89, entitled 'Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms', thereby formally starting the UN process for the negotiation of an Arms Trade Treaty.
- (9) On 12 January 2010, the UN General Assembly, with the support of all Member States of the European Union, adopted Resolution 64/48, entitled 'The Arms Trade Treaty', convening the UN Conference on the Arms Trade Treaty to sit for four consecutive weeks in 2012 to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms.
- (10) While the UN Conference on the Arms Trade Treaty of July 2012 did not agree on a final text of the Treaty, it nonetheless achieved considerable progress as reflected in the draft of the Treaty text presented by the President of the Conference on 26 July 2012. The Union fully

⁽¹⁾ OJ L 335, 13.12.2008, p. 99.

supports the swift completion of negotiations in early 2013 through the convening of a final shorter UN Conference on the Arms Trade Treaty, under the same rules as those followed in the first Conference, to conclude negotiations on the Treaty on the basis of the President's draft text of 26 July 2012.

- (11) The Council adopted, in 2005, 2006, 2007, 2010 and 2012, conclusions in support of the negotiation of an Arms Trade Treaty, underlining the importance of cooperation in this process with other States and regional organisations.
- (12) On 17 March 2008, the Council adopted Joint Action 2008/230/CFSP on support for EU activities in order to promote the control of arms exports and the principles and criteria of the EU Code of Conduct on Arms Exports among third countries⁽¹⁾. In the framework of the Joint Action, a series of four regional seminars was organised for countries in South Eastern Europe, Eastern Europe and Southern Caucasus, and North Africa.
- (13) On 22 December 2009, the Council adopted Decision 2009/1012/CFSP on support for EU activities in order to promote the control of arms exports and the principles and criteria of Common Position 2008/944/CFSP among third countries⁽²⁾. In the framework of Decision 2009/1012/CFSP, a series of five regional seminars was organised for countries in South Eastern Europe, Eastern Europe and Southern Caucasus, and North Africa. Decision 2009/1012/CFSP also provided for the organisation of four study visits for EU candidate countries, hosted by Member States.
- (14) Over the past years, the Union has been providing assistance to improve export controls of dual-use goods in third countries, in the framework of projects undertaken under EU financial instruments other than the CFSP budget.
- (15) The German Federal Office of Economics and Export Control (hereinafter 'BAFA') had been entrusted by the Council with the technical implementation of Decision 2009/1012/CFSP and successfully completed the organisation of all activities foreseen therein in January 2012. BAFA has also been identified as the implementing agency of EU-funded projects on export controls on dual-use goods under the Instrument for Stability. Against this background, the selection of BAFA as the implementing agency of further Union activities in the field of export controls is justified by its proven experience, qualifications and necessary expertise related to the implementation of relevant *acquis* of the Union and its promotion vis-à-vis third countries and will enhance the continuity and overall coherence of Union assistance in this field,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of promoting peace and security and in line with the European Security Strategy, the Union shall pursue the following objectives:

- (a) to promote improved controls on arms exports by third countries in accordance with the principles set out in Common Position 2008/944/CFSP, and seek complementarity and synergies with Union assistance projects in the field of export controls on dual-use goods;
- (b) to support third countries' efforts at national and regional levels to render trade in conventional weapons more responsible and transparent.

2. The Union shall pursue the objectives referred to in paragraph 1 through the following project activities:

- (a) continuing to promote, among third countries, the criteria and principles of Common Position 2008/944/CFSP, based on the achievements reached through the implementation of Decision 2009/1012/CFSP and Joint Action 2008/230/CFSP;
- (b) assisting third countries in drafting, updating, and implementing, as appropriate, relevant legislative and administrative measures aiming at establishing an effective system of conventional arms export controls;
- (c) assisting countries in the training of licensing and enforcement officers to ensure adequate implementation and enforcement of arms export controls;
- (d) promoting transparency and responsibility in international arms trade, including through support to national and regional measures to promote transparency and appropriate scrutiny in the exports of conventional weapons;
- (e) encouraging third countries to support the elaboration and implementation of a legally binding Arms Trade Treaty establishing international common standards for the global trade in conventional arms.

A detailed description of the project activities referred to in this paragraph is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (hereinafter 'High Representative'), shall be responsible for the implementation of this Decision.

2. The technical implementation of the project activities referred to in Article 1(2) shall be carried out by BAFA.

⁽¹⁾ OJ L 75, 18.3.2008, p. 81.

⁽²⁾ OJ L 348, 29.12.2009, p. 16.

3. BAFA shall perform its tasks under the responsibility of the High Representative. For this purpose, the High Representative shall enter into necessary arrangements with BAFA.

Article 3

1. The financial reference amount for the implementation of the project activities referred to in Article 1(2) shall be EUR 1 860 000.

2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union's budget.

3. The Commission shall supervise the proper management of the financial reference amount referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with BAFA. The agreement shall stipulate that BAFA is to ensure the visibility of the Union contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by BAFA. These reports shall form the basis for the evaluation carried out by the Council. The Commission shall report on the financial aspects of the implementation of the project activities as referred to in Article 1(2).

Article 5

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

It shall expire 24 months after the date of conclusion of the financing agreement referred to in Article 3(3), or six months after the date of its adoption if no financing agreement has been concluded within that period.

Done at Brussels, 19 November 2012.

For the Council
The President
C. ASHTON

ANNEX

PROJECT ACTIVITIES REFERRED TO IN ARTICLE 1(2)**1. Objectives**

The objectives of this Decision are to promote improved controls on arms exports by third countries and to support third countries' efforts at national and regional level to render international trade in conventional weapons more responsible and transparent. These objectives shall be pursued in accordance with the principles set in Common Position 2008/944/CFSP and seeking complementarity and synergies with Union's assistance projects in the field of export controls on dual-use goods.

In order to achieve the abovementioned objectives, the Union shall continue to promote the principles and criteria of Common Position 2008/944/CFSP, building on the achievements reached through the implementation of Decision 2009/1012/CFSP and Joint Action 2008/230/CFSP. For this purpose, assistance shall be provided to third countries to draft, update and implement, as appropriate, relevant legislative and administrative measures aiming at establishing an effective system of conventional arms export controls. Support should also be given to the training of licensing and enforcement officers in third countries responsible for the implementation and enforcement of arms export controls, and to national and regional measures to promote transparency and appropriate scrutiny in the exports of conventional weapons.

The objective of rendering international trade in conventional weapons more responsible and transparent will also be pursued through the promotion, vis-à-vis third countries, of the elaboration and implementation of a legally binding Arms Trade Treaty, establishing common international standards for the global trade in conventional arms.

2. Description of project activities**2.1. Project objective**

To provide technical assistance to a number of interested third countries which have demonstrated a willingness to improve their standards and practices in the field of the control of exports of military technology and equipment, and to align their standards and practices to those agreed and applied by Member States, and laid down in Common Position 2008/944/CFSP and the accompanying User's Guide.

2.2. Project description**2.2.1. Regional workshops**

The project will take the form of up to eight two-day workshops for third countries' state officials, providing training in relevant areas of conventional arms export controls. Participants in the seminar would include third countries' state officials, such as customs and enforcement officers, officers from relevant ministries and enforcing agencies, representatives from national parliaments, and industry and civil society representatives. Training will be imparted by experts from Member States' national administrations, representatives of countries that have aligned themselves with Common Position 2008/944/CFSP, officials of relevant Union institutions, representative of the private sector and civil society.

The workshops may take place in a beneficiary country or in another location to be determined in consultation with the Council Working Group on Conventional Arms Exports (COARM) and the High Representative.

The regional workshops will be organised for the following countries:

- (a) up to 3 workshops for the countries in South Eastern Europe;
- (b) up to 3 workshops for the Eastern European and Caucasian countries of the European Neighbourhood Policy;
- (c) up to 2 workshops for the North African Mediterranean countries of the European Neighbourhood Policy.

2.2.2. Staff exchanges

The project will take the form of a up to of six study visits of government, customs and/or licensing officials to the relevant authorities of Member States and a maximum of eight up to one-month study visits of government and/or licensing officials from Member States to the relevant authorities of beneficiary countries.

2.2.3. Individual assistance to beneficiary countries

The project will take the form of up to ten two-day workshops for individual beneficiary countries to which state officials, including government, licensing and enforcement officials from beneficiary countries, will be invited. These events will preferably take place in beneficiary countries and expertise will be imparted by experts from Member States.

2.2.4. Web-portal to enhance arms export controls in third countries

The project will consist of the development of a web-portal accessible to Member States and third countries' officials to promote arms export controls in line with the principles and parameters of Common Position 2008/944/CFSP. The Portal will provide beneficiary states with permanent access to technical resources for implementing and enhancing their arms export controls and will facilitate the sharing of relevant information on other Union outreach activities foreseen by this Decision with officials of beneficiary countries that could not directly participate in assistance and outreach activities. It will also provide technical and detailed information on export controls systems in Member States and beneficiary countries to be used as supporting material during assistance activities under this Decision.

The web-portal will be also complemented by a range of activities to enhance the visibility of Union outreach and promote alignment with Common Position 2008/944/CFSP. Such activities will include the publication of regular newsletters and appropriate media campaign.

2.2.5. Assessment events

In order to provide a mid-term and final evaluation of the activities under this Decision, with the joint participation of beneficiary countries and Member States, up to two two-day events will be organised in Brussels, in the margins of meetings of the COARM. Up to two representatives of each beneficiary country in charge of arms export control may be invited to attend these meetings.

3. Coordination with other union assistance projects in the field of export controls

Based on the experience of previous Union outreach activities in the field of exports controls covering both dual-use goods and conventional arms, maximum synergy and complementarity should be sought in the provision of assistance to third countries, to ensure that Union activities are as effective and coherent as possible. To this end, the possibility should be retained to organise some of the activities referred to in points 2.2.1 to 2.2.4 in conjunction with other activities on dual-use good export controls, financed through Union financial instruments other than CFSP budget. This shall be done in full respect of the legal and financial limitations set for the use of relevant Union financial instruments.

4. Beneficiaries

Beneficiaries of project activities shall include state officials, industry and civil society representatives from the following countries:

- (i) South Eastern European countries (Albania, Bosnia and Herzegovina, Croatia, the FYROM, Montenegro and Serbia);
- (ii) North African Mediterranean countries of the European Neighbourhood Policy (Algeria, Egypt, Libya, Morocco and Tunisia);
- (iii) Eastern European and Caucasian countries of the European Neighbourhood Policy (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine).

Specific beneficiary countries for each type of activities provided for in this Council Decision will be selected on the basis of, inter alia, the following criteria:

- commitment of third country to improve its conventional arms export controls and bring them in line with Union standards;
- relevance of the third country to the global arms trade;
- impact of previous Union assistance on national system of conventional arms export of the third country and expected long-term and sustainable impact of further assistance.

The COARM may, upon a proposal from the High Representative, decide to modify the list of beneficiary countries based on appropriate justification.

5. **Impact assessment**

The impact of this Decision should be technically assessed upon completion of the last activities foreseen therein. The impact assessment will be carried out by the High Representative, in cooperation with relevant Council Working Groups and, as appropriate, with the Union Delegations in beneficiary countries and with other relevant stakeholders.

6. **Duration**

The total estimated duration of the project will be 24 months.

7. **Technical implementing entity**

The technical implementation of this Decision will be entrusted to BAFA which will perform its tasks under the responsibility of the High Representative.

8. **Reporting**

BAFA will prepare regular reports, including after the completion of each of the activities. The reports should be submitted to the High Representative no later than six weeks after the completion of relevant activities.

9. **Estimated total cost of the project and union financial contribution**

The total cost of the project is EUR 1 860 000.

COUNCIL DECISION 2012/712/CFSP**of 19 November 2012****relating to the 2013 Review Conference of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 29 and Article 31(1) thereof,

Whereas:

- (1) On 29 April 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) entered into force. The CWC aims at eliminating an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons.
- (2) The European Union considers the CWC to be a key component of the non-proliferation and disarmament framework and a unique disarmament and non-proliferation instrument the integrity and strict application of which must be fully guaranteed. All EU Member States are States Parties to the CWC.
- (3) The Union, moreover, considers that the CWC has proven to be a very successful instrument in that near universal accession has been achieved and the possessor states have already destroyed a large part of their chemical weapons stockpiles. At the same time, and while destruction remains a priority for the Organisation for the Prohibition of Chemical Weapons (OPCW) established pursuant to the CWC, new challenges and threats present themselves to which the OPCW must adapt itself to preserve and protect the integrity of the CWC.
- (4) The Union also believes that close engagement of the OPCW with civil society on a regular basis, including in the run-up and during the Review Conference, is beneficial for the work of the OPCW.
- (5) On 17 November 2003, the Council of the European Union adopted Common Position 2003/805/CFSP on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery ⁽¹⁾. Under that Common Position the CWC is included as one of those multilateral agreements.
- (6) On 12 December 2003, the European Council adopted the EU Strategy against proliferation of Weapons of Mass Destruction, which reaffirms the commitment of the

Union to the multilateral treaty system and underlines, inter alia, the crucial role of the CWC and the OPCW in creating a world free of chemical weapons.

- (7) On 28 April 2004, the United Nations Security Council unanimously adopted Resolution 1540 (2004) reaffirming the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security. Subsequently, the Security Council adopted Resolutions 1673 (2006), 1810 (2008) and 1977 (2011) which reiterated the objectives of Resolution 1540 (2004) and expressed the interest of the Security Council in intensifying its efforts to promote full implementation of that Resolution. Implementation of the CWC and implementation of Resolution 1540 (2004) and subsequent related Resolutions are mutually reinforcing.
- (8) On 22 November 2004, the Council of the European Union adopted the first Joint Action 2004/797/CFSP on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction ⁽²⁾. That Joint Action was followed by Council Joint Action 2005/913/CFSP ⁽³⁾, adopted on 12 December 2005, Council Joint Action 2007/185/CFSP ⁽⁴⁾, adopted on 19 March 2007, Council Decision 2009/569/CFSP ⁽⁵⁾, adopted on 27 July 2009 and Council Decision 2012/166/CFSP ⁽⁶⁾, adopted on 23 March 2012.
- (9) On 8 September 2006, the UN General Assembly adopted the Global Counter-Terrorism Strategy in which the States Members of the UN resolved, inter alia, to implement all UN Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfilment of their tasks. The Strategy also encouraged the OPCW to continue its efforts, within its mandate, in helping States to build capacity to prevent terrorists from accessing chemical materials, to ensure security at related facilities, and to respond effectively in the event of an attack using such materials.
- (10) On 2 December 2011, the UN General Assembly adopted, by consensus, a Resolution on the Implementation of the CWC.

⁽¹⁾ OJ L 302, 20.11.2003, p. 34.

⁽²⁾ OJ L 349, 25.11.2004, p. 63.

⁽³⁾ OJ L 331, 17.12.2005, p. 34.

⁽⁴⁾ OJ L 85, 27.3.2007, p. 10.

⁽⁵⁾ OJ L 197, 29.7.2009, p. 96.

⁽⁶⁾ OJ L 87, 24.3.2012, p. 49.

- (11) In view of the forthcoming Third Review Conference of the CWC during 2013 ('Third Review Conference'), it is appropriate to define the approach of the Union which will guide its Member States at that conference,

HAS ADOPTED THIS DECISION:

Article 1

1. The objective of the European Union shall be to strengthen the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction (CWC) by building on the progress achieved so far in destroying declared stockpiles of chemical weapons and the prevention of their re-emergence, through, inter alia, enhancement of the CWC's verification regime, improvement of national implementation as well as efforts towards achieving universality.

2. The Union shall aim to strengthen the CWC also by adapting the implementation of the CWC in light of the changing security environment and developments in science and technology and by emphasising that the Third Review Conference should provide political support and broad guidance for the work to be undertaken in the inter-sessional period on the future priorities of the OPCW.

3. To attain the objective laid down in this Article, the Union shall put forward concrete proposals to the Third Review Conference.

Article 2

For the purposes of the objective laid down in Article 1, the Union shall:

- (a) contribute to a full review of the operation of the CWC at the Third Review Conference, taking into account in particular scientific and technological developments, as well as to building a solid foundation for addressing challenges that the CWC will be faced with in the future;
- (b) help build consensus for a successful outcome of the Third Review Conference and promote, inter alia, the following essential issues:
 - (i) reaffirmation of the comprehensive nature of the prohibition of chemical weapons as laid down in the General Purpose Criterion by:
 - reconfirming that the CWC's prohibitions apply to any toxic chemical, except where such chemical is intended for any purpose not prohibited by paragraph 9 of Article II and as long as the types and quantities are consistent with such a purpose, and thus take into account the developments in science and technology since the Second Review Conference in 2008,
 - underlining the obligation of States Parties to reflect the General Purpose Criterion in their national implementation legislation and administrative enforcement practice;
 - (ii) emphasising the full and timely implementation by the States Parties of all declaration obligations under

Article III, especially those relating to chemical weapons, and including also those relating to riot control agents;

- (iii) development and implementation by the CWC Technical Secretariat ('Technical Secretariat') of targeted, tailor-made approaches on achieving the universality of the CWC, in close coordination and cooperation with States Parties, also in view of the fact that at least one State not Party to the CWC, Syria, admitted, in July 2012, possession of chemical weapons;
- (iv) reaffirmation of the obligation of chemical weapons possessor states to destroy their chemical weapons and recognition of the achievements so far in eliminating chemical weapons through:
 - welcoming the efforts undertaken and the progress made by possessor states to destroy their declared stockpiles and highlighting the fact that we are well under way towards a world free of chemical weapons,
 - recognising the successful addressing of the issue of the final extended deadline for the destruction of chemical weapons by the possessor states,
 - calling upon chemical weapons possessor states to complete destruction of their chemical weapons stockpiles in the shortest time possible in accordance with the CWC and its Verification Annex as well as the decision of the Sixteenth Session of the Conference of the States Parties on the issue of the final extended deadline for destruction of the remaining stockpiles,
 - reiterating the importance of systematic verification of destruction by the Technical Secretariat as prescribed by the CWC and its Verification Annex,
 - emphasising that whilst expertise and capacity to deal with chemical weapons as well as with old chemical weapons and abandoned chemical weapons should be retained, the OPCW must also continue its adaptation to the new security environment;
- (v) strengthening of the verification regime with regard to activities not prohibited under the CWC, with a view to strengthening prevention of re-emergence of chemical weapons by:
 - highlighting the obligation of all States Parties to submit adequate and timely declarations under Article VI,
 - conducting a sufficient number of inspections under Article VI with appropriate geographical coverage and frequency, in accordance with the agreed guidelines,

- increasing the relevance of inspections under Article VI to the object and purpose of the CWC and ensuring effective site selection, including through the evaluation of the results of the interim Other Chemical Production Facilities site selection methodology,
 - improving the information basis for industry verification by, inter alia, encouraging the Technical Secretariat to use information already available, including information voluntarily submitted by States Parties and information from previous inspection reports as well as appropriate publicly available information,
 - emphasising that the Schedules of Chemicals ('Schedules') of the CWC were designed primarily for the application of different verification measures,
 - working on maintaining the relevance of the Schedules in light of developments in science and technology by, inter alia, examining the merits of reviewing the Schedules at regular intervals between Review Conferences,
 - further promoting engagement and interaction with the chemical industry and supporting the Technical Secretariat's efforts in that direction,
 - considering additional quality and efficiency measures for the inspection process, such as appropriate increases in the flexibility and the streamlining of the conduct of inspections,
 - ensuring a Technical Secretariat capability for effective sampling and analysis during industry inspections;
- (vi) continuous improvement of national implementation measures and recalling that full compliance with Article VII is a vital factor for the present and future efficiency of the CWC regime, including through:
- adopting a targeted and tailor-made approach in encouraging and assisting States Parties which are yet to adequately implement the CWC,
 - offering assistance to States Parties in need, as exemplified by the Joint Actions and Decisions adopted by the Council of the European Union in support of OPCW activities,
 - strengthening national export and import controls which are required to prevent the acquisition of chemical weapons, and improving the OPCW's capability to assist with the establishment of national mechanisms for control of international transfers,
 - implementing appropriate measures to enhance chemical safety and security,
 - exploring potential synergies between the OPCW and other relevant international organisations as regards implementation support and capacity building;
- (vii) implementation of the provisions of the CWC on consultations, cooperation and fact-finding, in particular the challenge inspection mechanism which remains a viable and usable tool of the OPCW's verification regime, stressing the legal right of States Parties to request a challenge inspection without prior consultation and encouraging the use of the mechanism as required for clarifying and resolving any questions concerning possible non-compliance with the CWC; in this respect, underlining the importance of the Technical Secretariat maintaining and further developing the technical capabilities, expertise and necessary preparedness to conduct challenge inspections as well as the obligation of States Parties to continuously be ready and able to receive challenge inspections;
- (viii) continued strong support of OPCW activities related to assistance and protection, in particular retaining the OPCW's capabilities and expertise and enhancing the capacity of the Technical Secretariat and the States Parties to prevent, respond to and mitigate misuse or attacks involving toxic chemicals, notably by:
- encouraging all States Parties to submit adequate and timely declarations under Article X as required by the CWC and encouraging States Parties to increase offers of assistance,
 - emphasising the importance of the Technical Secretariat retaining its capabilities and expertise as well as maintaining and further developing the necessary preparedness to conduct investigations of alleged use,
 - underlining the importance of continued OPCW support for national protective programmes and of enhancing the ability of the OPCW to mediate offers of expertise and assistance,
 - encouraging the OPCW to assist States in building capacity for preventing and mitigating terrorist attacks using chemical weapons, inter alia, through advice on enhancing chemical safety and security,
 - emphasising the importance of increased cooperation with regional and subregional organisations, including by taking part in international efforts to establish regional centres of excellence for assistance and protection, and considering combining this with efforts under Articles VII and XI, in accordance with the decision on Article XI taken by the Sixteenth Session of the Conference of the States Parties,

- considering ways of enhancing the OPCW's ability to deal with conflict and post-conflict situations involving chemical weapons,
 - requesting the Technical Secretariat to enhance its cooperation with other relevant international organisations on emergency response to the use or threat of use of chemical weapons, including in conflict and post-conflict situations, especially with respect to cooperation with the UN in relation to investigation of possible use of chemical weapons;
- (ix) fostering international cooperation in accordance with the CWC by:
- welcoming concrete and practical proposals which take account of existing initiatives, as exemplified by the Joint Actions and Decisions adopted by the Council of the European Union, in particular proposals concerning issues such as chemical safety and security and the management of chemicals, in accordance with the decision on Article XI taken by the Sixteenth Session of the Conference of the States Parties,
 - encouraging the Technical Secretariat to assist States Parties in implementing their national obligations through tailored and sustainable technical assistance, in order to facilitate enhanced international cooperation in the field of chemistry,
 - encouraging the Technical Secretariat to work in collaboration with other organisations and to evaluate its programmes to ensure that they have the desired impact and that resources are maximised;
- (x) enhancement of the OPCW's contribution to global anti-terrorism efforts by:
- continuing and intensifying work in the OPCW Open-Ended Working Group on Terrorism,
 - emphasising compliance with obligations under UN Security Council Resolution 1540 (2004) as well as the other relevant UN Resolutions, in particular to call for practical cooperation between the OPCW and relevant organisations with the aim of eliminating the risk of chemical weapons being acquired or used for terrorist

purposes, including possible terrorist access to materials, equipment and knowledge that could be used in the development and production of chemical weapons,

- underlining the need to work towards strengthening global chemical safety and security and the national control of international transfers, including assisting States Parties with the implementation of practical and targeted measures which at the same time could contribute to enhancing cooperation with regard to peaceful uses of chemistry and assistance and protection.

Article 3

Action taken by the Union for the purposes of Article 2 shall comprise:

- (a) where appropriate, demarches:
- (i) with a view to promoting universal accession to the CWC;
 - (ii) to promote effective national implementation of the CWC by States Parties;
 - (iii) to urge States Parties to support and participate in an effective and complete review of the CWC and thereby reiterate their commitment to this fundamental international norm against chemical weapons;
 - (iv) to promote the proposals in Article 2 which are aimed at further strengthening the CWC;
- (b) statements and working papers in the run-up to, and during, the Third Review Conference for consideration by States Parties.

Article 4

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

Done at Brussels, 19 November 2012.

For the Council
The President
C. ASHTON

CORRIGENDA

Corrigendum to Decision 2011/50/EU of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 15 October 2010 on the signature and provisional application of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part

(Official Journal of the European Union L 25 of 28 January 2011)

The publication of Decision 2011/50/EU is to be considered null and void.

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