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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2215

of 30 November 2017

amending Regulation (EC) No 474/2006 as regards the list of air carriers which are banned from operating or are subject to operational restrictions within the Union**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 passengers of the identity of the operating carrier, and repealing Article 9 of Directive 2004/36/EC ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 474/2006 ⁽²⁾ established the list of air carriers which are subject to an operating ban within the Union, referred to in Chapter II of Regulation (EC) No 2111/2005.
- (2) In accordance with Article 4(3) of Regulation (EC) No 2111/2005, certain Member States and the European Aviation Safety Agency ('EASA') communicated to the Commission information that is relevant in the context of updating that list. Relevant information was also communicated by third countries and international organisations. On the basis of that information, the list should be updated.
- (3) The Commission informed all air carriers concerned, either directly or through the authorities responsible for their regulatory oversight, about the essential facts and considerations which would form the basis for a decision to impose an operating ban on them within the Union or to modify the conditions of an operating ban imposed on an air carrier which is included in the list.
- (4) The Commission gave the air carriers concerned the opportunity to consult the documents provided by the Member States, to submit written comments and to make an oral presentation to the Commission and to the Committee established by Council Regulation (EEC) No 3922/91 ⁽³⁾ (the 'Air Safety Committee').
- (5) The Commission has updated the Air Safety Committee on the on-going joint consultations, in the framework of Regulation (EC) No 2111/2005 and Commission Regulation (EC) No 473/2006 ⁽⁴⁾, with the competent authorities and air carriers of Equatorial Guinea, Nepal, Nigeria, Saint Vincent and the Grenadines, Thailand,

⁽¹⁾ OJ L 344, 27.12.2005, p. 15.

⁽²⁾ 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 (OJ L 84, 23.3.2006, p. 14).

⁽³⁾ Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of the technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4).

⁽⁴⁾ Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for 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 (OJ L 84, 23.3.2006, p. 8).

Ukraine and Venezuela. The Commission also provided information to the Air Safety Committee on the aviation safety situation in Afghanistan, Bolivia, India, Indonesia, Iraq, Kazakhstan, Libya, Moldova, Mozambique and Zambia, and on technical consultations with Russia.

- (6) EASA presented to the Commission and the Air Safety Committee the results of the analysis of audit reports carried out by the International Civil Aviation Organisation (ICAO) in the framework of ICAO's Universal Safety Oversight Audit Programme. In this context, Member States were invited to prioritise ramp inspections on air carriers certified by third countries in respect of which Significant Safety Concerns have been identified by ICAO or in respect of which EASA concluded that there are significant deficiencies in the safety oversight system. In addition to the consultations undertaken by the Commission pursuant to Regulation (EC) No 2111/2005, the prioritisation of ramp inspections will allow for the acquisition of further information regarding the safety performance of the air carriers certified in those third countries.
- (7) EASA also informed the Commission and the Air Safety Committee of the results of the analysis of ramp inspections carried out under the Safety Assessment of Foreign Aircraft programme ('SAFA') in accordance with Commission Regulation (EU) No 965/2012 ⁽¹⁾.
- (8) In addition, EASA informed the Commission and the Air Safety Committee about the technical assistance projects carried out in third countries affected by measures or monitoring pursuant to Regulation (EC) No 2111/2005. It provided information on the plans and requests for further technical assistance and cooperation to improve the administrative and technical capability of civil aviation authorities, with a view to helping resolve any non-compliance with applicable international civil aviation standards. Member States were invited to respond to such requests on a bilateral basis, in coordination with the Commission and EASA. In this regard, the Commission reiterated the usefulness of providing information to the international aviation community, particularly through ICAO's Safety Collaborative Assistance Network ('SCAN') database, on technical assistance provided by the Union and its Member States to improve aviation safety around the world.
- (9) Eurocontrol provided the Commission and the Air Safety Committee with an update on the status of the SAFA alarming function and provided current statistics for alert messages for banned air carriers.

Union air carriers

- (10) Following the analysis by EASA of information resulting from ramp inspections carried out on the aircraft of Union air carriers and from standardisation inspections carried out by EASA, as well as specific inspections and audits carried out by national aviation authorities, several Member States have taken certain enforcement measures and informed the Commission and the Air Safety Committee about those measures.
- (11) Member States reiterated their readiness to act as necessary should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance by Union air carriers with the appropriate safety standards.

Air carriers from Equatorial Guinea

- (12) On 7 June 2017, representatives of the Commission and EASA met with representatives of the Autoridad Aeronautica de Guinea Ecuatorial ('AAGE'). The purpose of that meeting was to continue with the consultations since the latest meeting in 2013. The AAGE informed the Commission and EASA about actions taken to improve compliance with the ICAO requirements for a safety oversight system and also highlighted political efforts to implement reforms.
- (13) During the meeting of 7 June 2017, the AAGE recognised that air carriers from Equatorial Guinea had not been certified in accordance with ICAO requirements in the past. For that reason, the AAGE revoked the certificates of several air carriers certified in the country and proceeded with the new five phase certification process for the remaining air carriers. The AAGE also provided information on its staff planning and recruitment, aircraft registry, re-certification programme of air carriers and safety oversight programme.

⁽¹⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down the technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

- (14) As observed in the context of the ICAO audit of February 2017, the AAGE achieved a rate of effective implementation of international aviation safety standards of 62,5 %, up from around 10 % in the past.
- (15) From 16 to 20 October 2017, a Union on-site assessment visit was conducted in Equatorial Guinea. Experts from the Commission, EASA and Member States participated in that visit. During that visit, the work of the AAGE was assessed, which was verified through visits to the two active air carriers certified in Equatorial Guinea. It was found that the organisational structure of AAGE, which is a recently established independent and autonomous civil aviation authority which started its safety oversight activities in 2012, is appropriate for the level of aviation activities in Equatorial Guinea. It was also found that all areas of civil aviation are covered by the AAGE and that it has its own budget and resources. However, it was observed that the AAGE needs appropriately qualified inspectors, especially in the flight operations area and including with regard to commercial air transport, in order to perform proper and effective safety oversight of the air carriers certified in Equatorial Guinea.
- (16) The visit showed that a comprehensive regulatory system has been established in Equatorial Guinea. The AAGE is working on updates of regulations to remain in accordance with the latest developments in international aviation safety standards. However, the AAGE relies to a large extent on the certificates, licenses and authorisations that other authorities and organisations have issued, without verification by the AAGE itself, whereas such own verification is an essential part of the safety oversight tasks of the AAGE. Accordingly, this verification process should be included in the procedures of the AAGE and should be properly implemented.
- (17) The AAGE showed during the visit that there are currently only two air carriers certified in Equatorial Guinea, namely *CEIBA Intercontinental* and *Cronos Airlines*. The air operator certificates for the air carriers *Punto Azul* and *Tango Airways* have been revoked.
- (18) During the visit to *CEIBA Intercontinental*, as part of the Union on-site assessment visit, it was observed that it is still operating under an old air operator certificate and has only progressed to phase two of the contemporary five phase air operator certification procedure. *CEIBA Intercontinental* is currently undergoing many changes, leading to a lack of updates and approvals of essential flight operation and maintenance manuals and other documentation. Furthermore, those manuals and documentation are not yet customised to the operations and the aircraft of the air carrier. Its safety management system is under development and the air carrier still has to incorporate a meaningful risk analysis. Its safety policies are drafted and established, but not clearly and widely communicated within its organisation. Its quality system also needs further development.
- (19) The visit to air carrier *Cronos Airlines* showed that it is aware of the applicable regulations in Equatorial Guinea and it is making efforts to implement those aviation standards. It has successfully passed the contemporary five phase air operator certification procedure. Its air operator certificate was renewed in January 2017. However, it was observed that several manuals had not been customised to its actual operations and that its quality system is not fully developed. Furthermore, it was found that the safety management system of *Cronos Airlines* is still under development and is currently in phase two of the four phases of the implementation of a safety management system. Safety policies have been drafted and established and are also clearly and widely communicated within the organisation. It has voluntarily entered into a flight data monitoring programme for its aircraft.
- (20) The AAGE, *CEIBA Intercontinental* and *Cronos Airlines* were heard on 14 November 2017 by the Commission and the Air Safety Committee in accordance with Article 7 of Regulation (EC) No 2111/2005. During that hearing, the representative of the government of Equatorial Guinea expressed the strong commitment by the government to further improve the safety of air transport in Equatorial Guinea in order to provide for good domestic and regional connectivity. During the hearing, the AAGE provided information on the corrective actions that are put in place in order to resolve the observations that were raised during the Union on-site assessment visit. The time frame to implement those corrective actions is estimated by the AAGE at one year.
- (21) The information provided by *CEIBA Intercontinental* during the hearing on the corrective action plan for the resolution of the observations that were raised during the Union on-site assessment visit did not show that the air carrier had performed a root-cause analysis and indicated that only immediate corrective actions were put in place, without long term preventive measures.

- (22) As regards *Cronos Airlines*, during the hearing it provided information on the corrective actions in order to address the observations that were raised during the Union on-site assessment visit, indicating that it had carried out a root cause analysis, immediate corrective actions as well as actions to prevent reoccurrence of the issues identified.
- (23) On the basis of all available information, including the results of the Union on-site assessment visit and the information provided during the hearing on 14 November 2017, it is considered that, while the AAGE has made considerable improvements to the aviation safety oversight system of Equatorial Guinea, important deficiencies in the safety oversight system in Equatorial Guinea remain. It is assessed that the AAGE does not yet have the ability to fully discharge its responsibilities with respect to the oversight of air carriers certified in Equatorial Guinea. This is demonstrated by the fact that air carriers are certified and safety oversight is performed without the required appropriately qualified inspectors and by the fact that a number of the observations that were raised during the Union on-site assessment visit had not been identified by the AAGE itself during its certification and oversight activities. Therefore, there is at present insufficient evidence to support a decision to annul or amend the operating ban of all the air carriers certified in Equatorial Guinea. However, given that their air operator certificates have been revoked, *Punto Azul* and *Tango Airways* should be removed from the list of air carriers which are subject to an operating ban.
- (24) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the list of air carriers which are subject to an operating ban within the Union should be amended to remove the air carriers *Punto Azul* and *Tango Airways* from Annex A to Regulation (EC) No 474/2006.

Air carriers from Nepal

- (25) On 5 March 2017, the Civil Aviation Authority of Nepal ('CAAN') wrote a letter to the Commission, which included information on the current status of the safety oversight system in Nepal. Following the recertification in 2015 of all air carriers in Nepal, the CAAN repeated this exercise in 2016 with the assistance of ICAO, in order to revalidate the air operator certificates once more.
- (26) On 13 March 2017, the Ministry of Foreign Affairs of Nepal submitted to the Union Delegation in Kathmandu, Nepal, additional documentation which outlined the progress and included an extract of the report of the ICAO Combined Action Team mission report to Nepal. In the operations and airworthiness domains, the ICAO Combined Action Team made a number of observations. Those observations repeated observations that were made during earlier visits, including the Union on-site assessment visit of February 2014 and a Union technical assistance mission of October 2015. In light of that information, the Commission requested on 4 July 2017 additional information from the CAAN.
- (27) ICAO performed an ICAO Coordinated Validation Mission in Nepal from 4 to 11 July 2017. Based on the results of this mission, ICAO announced on 27 July 2017 that the Significant Safety Concern on the certification of air carriers was resolved by the competent authorities of Nepal.
- (28) On 3 August 2017, the CAAN provided the information requested by the Commission. It provided, inter alia, information on the holders of air operator certificates, the results of safety oversight activities, the aircraft registered in Nepal, accidents and serious incidents, enforcement actions, the organisation and regulations and technical assistance activities in Nepal. However, the CAAN did not provide any follow-up to the recommendations in the published accident investigation reports.
- (29) On 7 November 2017, the CAAN provided the final report of the ICAO Coordinated Validation Mission of 4 to 11 July 2017, indicating an increased effective implementation rate of international aviation safety standards to 66 %. However, that report also shows that further improvements are needed with respect to qualified technical personnel and the resolution of safety concerns. The area of personnel licensing of flight crew was not reviewed by ICAO, whereas that area was one of the concerns after the Union on-site assessment visit of February 2014.

- (30) On the basis of the information available at present, it appears that, although the CAAN has made a certain degree of progress with respect to the implementation of international aviation safety standards, the aviation safety oversight system of Nepal is still insufficient, also demonstrated by the fact that there is a lack of effective action as a follow-up to accidents, including fatal accidents that took place in recent years in order to prevent re-occurrence.
- (31) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Nepal.

Air carriers from Nigeria

- (32) The Commission, with the support of EASA, continues to closely monitor the safety performance of air carriers certified in Nigeria. In its letters of 15 May and 20 June 2017 the Commission underlined the need for the Civil Aviation Authority of Nigeria ('NCAA') to closely follow any applications made by air carriers certified in Nigeria for Third Country Operator ('TCO') authorisations by EASA.
- (33) By letter of 30 May 2017, the NCAA informed the Commission on its intention to conduct an extensive audit of the operations of the air carrier *Med-View Airline*, registered in Nigeria, as well as the actions the NCAA adopted with regards to other Nigerian air carriers.
- (34) By letter of 10 October 2017, the Commission underlined that these activities are insufficient in view of the applicable requirements and the expected growth of the aviation activities in Nigeria. It informed the NCAA that consultations were opened, pursuant to Article 3(2) of Regulation (EC) No 473/2006.
- (35) On 30 October 2017, representatives of the Commission and EASA met with senior representatives of the NCAA for a technical consultation meeting. The purpose of that meeting was for the NCAA to explain the corrective and preventive measures taken by the NCAA with respect to *Med-View Airline* and the other air carriers certified in Nigeria. The NCAA's presentation during that meeting was supported by evidence that showed a certain improvement of the safety oversight of the air carriers for which the Nigerian authorities are responsible under the applicable international regulations.
- (36) During the meeting, the NCAA informed the Commission and EASA about actions taken to improve compliance with the ICAO requirements for a safety oversight system. It also provided information on the audit conducted on *Med-View Airline* and on other air carriers registered in Nigeria, namely *Arik Air*, *Air Peace* and *Kabo Air*, as well as on the NCAA's staff numbers, the training and qualification of its inspectors and its safety oversight programme. The NCAA has established and is implementing a flight operations and airworthiness surveillance programme to ensure continued compliance with the regulations. Nigeria is in the process of implementing its State Safety Programme and is planning to reach full implementation thereof by the end of 2018.
- (37) The information currently available, including the information provided by the NCAA at the meeting of 30 October 2017, provides indications that improvements to the safety oversight system in Nigeria are underway. It is indeed clear that such improvements remain of key importance. This is notably the case in relation to the awareness of the NCAA of the planned activities of the air carriers under its supervision, as well as the actual effective implementation of its safety oversight programme, including the management of findings. On 1 November 2017, the Commission requested additional information in this respect. In addition, the Commission invited the NCAA to discourage Nigerian air operators to apply for a TCO authorisation to EASA until they are fully confident that these operators comply with the applicable international aviation safety standards.
- (38) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Nigeria.
- (39) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international aviation safety standards, the Commission may be obliged to take further action pursuant to Regulation (EC) No 2111/2005.

Air carriers from Russia

- (40) The Commission, EASA and the competent authorities of the Member States continue to closely monitor the safety performance of air carriers certified in Russia and operating within the Union, including through the prioritisation of ramp inspections to be carried out on certain Russian air carriers in accordance with Regulation (EU) No 965/2012.
- (41) On 20 October 2017, representatives of the Commission and EASA met with representatives of the Russian Federal Air Transport Agency ('FATA'). The purpose of that meeting was to review the safety performance of air carriers certified in Russia on the basis of ramp inspection reports for the period between 6 October 2016 and 5 October 2017 and to identify cases where oversight activities carried out by the FATA could be strengthened.
- (42) During that meeting, the Commission reviewed the SAFA ramp inspection results of four air carriers certified in Russia in more detail. While no safety concerns were identified, the FATA informed the Commission of its safety oversight activities on those air carriers.
- (43) Based on the information currently available, including the information provided by the FATA at the technical consultation meeting of 20 October 2017, it is considered that there is no lack of ability nor a lack of willingness on the part of the FATA to address safety deficiencies of air carriers certified in Russia. On those grounds, the Commission concluded that a hearing before the Commission and the Air Safety Committee of the Russian aviation authorities or of any air carriers certified in Russia was not necessary.
- (44) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union to include air carriers from Russia.
- (45) Member States are to continue to verify effective compliance with international aviation safety standards by the air carriers from Russia, through the prioritisation of ramp inspections in accordance with Regulation (EU) No 965/2012.
- (46) Should those inspections point to an imminent safety risk as a consequence of non-compliance with the relevant safety standards, the Commission may be obliged to take action against air carriers from Russia pursuant to Regulation (EC) No 2111/2005.

Air carriers from Saint Vincent and the Grenadines

- (47) On 2 February 2017, the air carrier *Mustique Airways*, certified in Saint Vincent and the Grenadines, re-applied to EASA for a TCO authorisation. This re-application followed an earlier application for a TCO authorisation which had been refused by EASA on safety grounds. EASA assessed this new application in accordance with the requirements of Commission Regulation (EU) No 452/2014 ⁽¹⁾.
- (48) The corrective action plans to address the findings of EASA in relation to the TCO authorisation application of *Mustique Airways* were found acceptable by EASA and it decided to continue the assessment of the application until all findings were closed. On 11 September 2017, EASA informed the Commission on the closure of the last of the mentioned findings and the fact that, accordingly, EASA would be in a position to issue the authorisation if the air carrier were to be removed from the Air Safety List.
- (49) In light of that information, the Commission invited *Mustique Airways* for a hearing in order for *Mustique Airways* to present the corrective actions put in place and provide information on the measures it has taken in order to prevent that the safety deficiencies identified by EASA during its TCO authorisation assessment would reappear. On 14 November 2017, *Mustique Airways* presented to the Commission and the Air Safety Committee those corrective actions. They consist of significant changes in the organisation and implementation of a safety management system, supported by a new web-based tool and a new safety policy, in order for *Mustique Airways* to address the root-causes of the deficiencies and prevent their reappearance.

⁽¹⁾ Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 133, 6.5.2014, p. 12).

- (50) During the hearing *Mustique Airways* also provided information on a number of measures it took to implement an aviation safety culture within its organisation. Those measures include regular safety meetings at both management and staff levels in order for *Mustique Airways* to increase the level of safety awareness of its staff and improve the level of reporting on safety occurrences.
- (51) On the basis of all information available at present, including the assessment conducted by EASA and the information provided during the hearing, it should be concluded that *Mustique Airways* has resolved the identified safety deficiencies and that *Mustique Airways* is capable of addressing safety deficiencies which could arise.
- (52) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that the list of air carriers which are subject to an operating ban within the Union should be amended to remove the air carrier *Mustique Airways* from Annex A to Regulation (EC) No 474/2006.
- (53) Member States are to continue to verify effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Saint Vincent and the Grenadines in accordance with Regulation (EU) No 965/2012.
- (54) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international aviation safety standards, the Commission may be obliged to take further action pursuant to Regulation (EC) No 2111/2005.

Air carriers from Thailand

- (55) From 20 to 27 September 2017, ICAO performed an ICAO Coordinated Validation Mission in Thailand in order to review the protocol questions that were the basis for the Significant Safety Concern in Thailand. The corrective actions taken by the Civil Aviation Authority of Thailand ('CAAT') were found to be sufficient to resolve the Significant Safety Concern and the effective implementation rate of international aviation safety standards increased to approximately 41 %. However, additional work is ongoing to further increase the effective implementation rate and the CAAT expects an ICAO Coordinated Validation Mission in 2018, covering all areas of a civil aviation safety oversight system.
- (56) The CAAT was invited for a hearing on 13 November 2017 in order to provide an update to the Commission and the Air Safety Committee on the corrective actions taken to improve the aviation safety situation in Thailand.
- (57) During the hearing the CAAT provided information on the size and the activities of the civil aviation industry in Thailand and the results of the ICAO Coordinated Validation Mission, including the fact that the Significant Safety Concern had been resolved. The CAAT also reported on progress on the implementation of the sustainability plan, which includes the work on a strategic plan for the near future, the update of legislation and regulations, the organisation and staffing of the authority, the financing of the activities of the authority and the IT systems the CAAT will apply to support its activities. It also provided information on its oversight activities in respect of air carriers certified in Thailand. The Commission encouraged the CAAT to continue with the implementation of its work to ensure the sustainability of aviation safety improvements in Thailand.
- (58) The available information indicated that the safety oversight system in Thailand has improved. In particular, the CAAT has provided evidence that progress has been achieved over the past year. The information available at present with regard to air carriers certified in Thailand does not support a decision to impose a ban or certain operational restrictions on those air carriers.
- (59) In order to monitor the situation closely, consultations with the authorities from Thailand are to continue, in accordance with Article 3(2) of Regulation (EC) No 473/2006.
- (60) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Thailand.
- (61) Member States are to continue to verify effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Thailand in accordance with Regulation (EU) No 965/2012.

- (62) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international aviation safety standards, the Commission may be obliged to take further action pursuant to Regulation (EC) No 2111/2005.

Air carriers from Ukraine

- (63) On 19 April 2017, the air carrier *International Joint-Stock Aviation Company 'URGA'*, certified in the Ukraine, re-applied to EASA for a TCO authorisation. Following the rejection on safety grounds by EASA of its first application for a TCO authorisation, EASA assessed this new application in accordance with the requirements of Regulation (EU) No 452/2014.
- (64) From 28 to 29 June 2017, in this context, EASA conducted an on-site audit in the headquarter facilities of *International Joint-Stock Aviation Company 'URGA'*. While that audit enabled to close all the findings identified during the assessment of the first application, five new findings, in particular related to airworthiness, were identified. Subsequently, *International Joint-Stock Aviation Company 'URGA'* submitted to EASA a corrective action plan in response to those findings. On the basis of this corrective action plan, all findings were closed on 4 October 2017 to the full satisfaction of EASA. EASA informed the Commission of this and of the fact that, accordingly, EASA would be in a position to issue the authorisation if the air carrier were to be removed from the Air Safety List.
- (65) On that basis, *International Joint-Stock Aviation Company 'URGA'* was invited for a hearing by the Commission and the Air Safety Committee, which took place on 13 November 2017. During the hearing, it provided detailed information on the implementation of the corrective action plan developed in response to the findings raised by EASA during the on-site audit of June 2017. It also explained that major changes in its organisation and its procedures have been introduced in order to strengthen its capacity to comply with the international aviation safety standards. With a view to ensure the sustainability of those measures and to enable an effective control over its activities, *International Joint-Stock Aviation Company 'URGA'* also restructured its internal quality system.
- (66) On the basis of all information available at present, including the assessment conducted by EASA and the information provided during the hearing, it should be concluded that *International Joint-Stock Aviation Company 'URGA'* has resolved the identified safety deficiencies and that *International Joint-Stock Aviation Company 'URGA'* is capable of addressing safety deficiencies which could arise.
- (67) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the list of air carriers which are subject to an operating ban within the Union should be amended to remove the air carrier *International Joint-Stock Aviation Company 'URGA'* from Annex A to Regulation (EC) No 474/2006.
- (68) Member States are to continue to verify effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Ukraine in accordance with Regulation (EU) No 965/2012.
- (69) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international aviation safety standards, the Commission may be obliged to take further action pursuant to Regulation (EC) No 2111/2005.

Air carriers from Venezuela

- (70) On 6 March 2017, the air carrier *Avior Airlines*, certified in Venezuela, applied to EASA for a TCO authorisation. EASA assessed that application in accordance with the requirements of Regulation (EU) No 452/2014.
- (71) In conducting its TCO safety assessment of *Avior Airlines*, EASA raised concerns about the failure by *Avior Airlines* to demonstrate compliance with the applicable requirements. EASA therefore concluded that further assessment would not result in the issuance of a TCO authorisation to *Avior Airlines* and that the air carrier did not meet the applicable requirements of Regulation (EU) No 452/2014. Consequently, on 4 October 2017, EASA rejected the TCO application of *Avior Airlines* on safety grounds.

- (72) On 10 October 2017, the Commission requested information from the Civil Aviation Authority of Venezuela ('INAC') on the measures it has taken following the rejection of the TCO application of *Avior Airlines* by EASA. That letter constituted the opening of consultations with the authorities that have regulatory oversight over the air carriers certified in Venezuela in accordance with the criteria laid down in Article 3(2) of Regulation (EC) No 473/2006. Since the safety concerns resulting from the TCO safety assessment by EASA of *Avior Airlines* were not resolved, both the INAC and *Avior Airlines* were given the opportunity to be heard by the Commission and the Air Safety Committee pursuant to Regulation (EC) No 2111/2005.
- (73) On 13 November 2017, the INAC provided to the Commission information on the oversight activities performed in respect of the air carriers certified in Venezuela during the past years as well as a description of the oversight conducted in respect of the air carrier *Avior Airlines*.
- (74) During the hearing of 14 November 2017, the INAC provided to the Commission and the Air Safety Committee information on its structure, functions, competences and resources, the number of aviation incidents and accidents, the effective implementation of international aviation safety standards, the status under the FAA International Aviation Safety Assessment programme and the number and type of organisations under its supervision. It also explained its oversight process and provided the results of the safety oversight activities performed in respect of *Avior Airlines* during recent years. The INAC indicated that it had increased the number of inspections of *Avior Airlines*, as that air carrier expanded its fleet. This resulted in the identification of a considerable number of safety deficiencies at *Avior Airlines*, in particular in the areas of training of personnel, management of changes and the document control system.
- (75) The INAC indicated that it was not aware of the findings raised in respect of air carriers certified in Venezuela during ramp inspections by Member States and expressed its intention to engage with EASA in order for the INAC to ensure adequate follow-up of those findings.
- (76) The information provided indicates that the INAC should further develop its inspection capacity in respect of the air carriers for which it is responsible.
- (77) During the hearing, *Avior Airlines* informed the Commission and the Air Safety Committee on the corrective measures taken to address the serious concerns identified by EASA as part of its TCO authorisation assessment, such as airworthiness and maintenance control, the implementation and monitoring of airworthiness directives and the safety and quality management system. However, *Avior Airlines* showed a clear lack of awareness and comprehension of the seriousness of the safety concerns raised by EASA and identified by the Member States through ramp inspections. Moreover, the measures taken by *Avior Airlines* show a lack of proper root-cause analysis and suitable corrective action plans to prevent re-occurrence of the same or similar non-compliances which led to those concerns.
- (78) The information available at present based on EASA's TCO authorisation assessment, the ramp inspections conducted by the Member States and the information provided by the INAC and by *Avior Airlines*, shows that there is clear evidence of serious safety deficiencies on the part of *Avior Airlines*. This information also shows that *Avior Airlines* is not capable of addressing those safety deficiencies, as demonstrated, inter alia, by the inappropriate and insufficient corrective action plan that it presented in response to the findings of EASA and the lack of adequate response to the findings raised during the ramp inspections performed by Member States.
- (79) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the list of air carriers which are subject to an operating ban within the Union should be amended to include the air carrier *Avior Airlines* in Annex A to Regulation (EC) No 474/2006.
- (80) Member States are to continue to verify effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Venezuela in accordance with Regulation (EU) No 965/2012.
- (81) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international aviation safety standards, the Commission may be obliged to take further action pursuant to Regulation (EC) No 2111/2005.
- (82) Regulation (EC) No 474/2006 should therefore be amended accordingly.

(83) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) Annex A is replaced by the text set out in Annex I to this Regulation;
- (2) Annex B is replaced by the text set out in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the 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, 30 November 2017.

*For the Commission,
On behalf of the President,
Violeta BULC
Member of the Commission*

ANNEX I

‘ANNEX A

LIST OF AIR CARRIERS WHICH ARE BANNED FROM OPERATING WITHIN THE UNION, WITH EXCEPTIONS ⁽¹⁾

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
AVIOR AIRLINES	ROI-RNR-011	ROI	Venezuela
BLUE WING AIRLINES	SRBWA-01/2002	BWI	Suriname
IRAN ASEMAN AIRLINES	FS-102	IRC	Islamic Republic of Iran
IRAQI AIRWAYS	001	IAW	Iraq
MED-VIEW AIRLINE	MVA/AOC/10-12/05	MEV	Nigeria
AIR ZIMBABWE (PVT) LTD	177/04	AZW	Zimbabwe
All air carriers certified by the authorities with responsibility for regulatory oversight of Afghanistan, including			Islamic Republic of Afghanistan
AFGHAN JET INTERNATIONAL AIRLINES	AOC 008	AJA	Islamic Republic of Afghanistan
ARIANA AFGHAN AIRLINES	AOC 009	AFG	Islamic Republic of Afghanistan
EAST HORIZON AIRLINES	AOC 1013	EHN	Islamic Republic of Afghanistan
KAM AIR	AOC 001	KMF	Islamic Republic of Afghanistan
SAFI AIRWAYS	AOC 181	SFW	Islamic Republic of Afghanistan
All air carriers certified by the authorities with responsibility for regulatory oversight of Angola, with the exception of TAAG Angola Airlines put in Annex B, including			Republic of Angola
AEROJET	AO 008-01/11	TEJ	Republic of Angola
AIR GICANGO	009	Unknown	Republic of Angola
AIR JET	AO 006-01/11-MBC	MBC	Republic of Angola
AIR NAVE	017	Unknown	Republic of Angola
AIR26	AO 003-01/11-DCD	DCD	Republic of Angola
ANGOLA AIR SERVICES	006	Unknown	Republic of Angola

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

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
DIEXIM	007	Unknown	Republic of Angola
FLY540	AO 004-01 FLYA	Unknown	Republic of Angola
GIRA GLOBO	008	GGL	Republic of Angola
HELIANG	010	Unknown	Republic of Angola
HELIMALONGO	AO 005-01/11	Unknown	Republic of Angola
MAVEWA	016	Unknown	Republic of Angola
SONAIR	AO 002-01/10-SOR	SOR	Republic of Angola
All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Congo, including			Republic of Congo
AERO SERVICE	RAC06-002	RSR	Republic of Congo
CANADIAN AIRWAYS CONGO	RAC06-012	Unknown	Republic of Congo
EMERAUDE	RAC06-008	Unknown	Republic of Congo
EQUAFLIGHT SERVICES	RAC 06-003	EKA	Republic of Congo
EQUAJET	RAC06-007	EKJ	Republic of Congo
EQUATORIAL CONGO AIRLINES S.A.	RAC 06-014	Unknown	Republic of Congo
MISTRAL AVIATION	RAC06-011	Unknown	Republic of Congo
TRANS AIR CONGO	RAC 06-001	TSG	Republic of Congo
All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (DRC), including			Democratic Republic of Congo (DRC)
AIR FAST CONGO	409/CAB/MIN/ TVC/0112/2011	Unknown	Democratic Republic of Congo (DRC)
AIR KASAI	409/CAB/MIN/ TVC/0053/2012	Unknown	Democratic Republic of Congo (DRC)
AIR KATANGA	409/CAB/MIN/ TVC/0056/2012	Unknown	Democratic Republic of Congo (DRC)
AIR TROPIQUES	409/CAB/MIN/ TVC/00625/2011	Unknown	Democratic Republic of Congo (DRC)
BLUE AIRLINES	106/CAB/MIN/TVC/ 2012	BUL	Democratic Republic of Congo (DRC)
BLUE SKY	409/CAB/MIN/ TVC/0028/2012	Unknown	Democratic Republic of Congo (DRC)
BUSY BEE CONGO	409/CAB/MIN/ TVC/0064/2010	Unknown	Democratic Republic of Congo (DRC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
COMPAGNIE AFRICAINE D'AVIATION (CAA)	409/CAB/MIN/TVC/0050/2012	Unknown	Democratic Republic of Congo (DRC)
CONGO AIRWAYS	019/CAB/MIN/TVC/2015	Unknown	Democratic Republic of Congo (DRC)
DAKOTA SPRL	409/CAB/MIN/TVC/071/2011	Unknown	Democratic Republic of Congo (DRC)
DOREN AIR CONGO	102/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)
GOMAIR	409/CAB/MIN/TVC/011/2010	Unknown	Democratic Republic of Congo (DRC)
KIN AVIA	409/CAB/MIN/TVC/0059/2010	Unknown	Democratic Republic of Congo (DRC)
KORONGO AIRLINES	409/CAB/MIN/TVC/001/2011	KGO	Democratic Republic of Congo (DRC)
MALU AVIATION	098/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)
MANGO AIRLINES	409/CAB/MIN/TVC/009/2011	Unknown	Democratic Republic of Congo (DRC)
SERVE AIR	004/CAB/MIN/TVC/2015	Unknown	Democratic Republic of Congo (DRC)
SERVICES AIR	103/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)
SWALA AVIATION	409/CAB/MIN/TVC/0084/2010	Unknown	Democratic Republic of Congo (DRC)
TRANSAIR CARGO SERVICES	409/CAB/MIN/TVC/073/2011	Unknown	Democratic Republic of Congo (DRC)
WILL AIRLIFT	409/CAB/MIN/TVC/0247/2011	Unknown	Democratic Republic of Congo (DRC)
All air carriers certified by the authorities with responsibility for regulatory oversight of Djibouti, including			Djibouti
DAALLO AIRLINES	Unknown	DAO	Djibouti
All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including			Equatorial Guinea
CEIBA INTERCONTINENTAL	2011/0001/MTTCT/DGAC/SOPS	CEL	Equatorial Guinea

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
CRONOS AIRLINES	2011/0004/MTTCT/DGAC/SOPS	Unknown	Equatorial Guinea
All air carriers certified by the authorities with responsibility for regulatory oversight of Eritrea, including			Eritrea
ERITREAN AIRLINES	AOC No 004	ERT	Eritrea
NASAIR ERITREA	AOC No 005	NAS	Eritrea
All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Gabon, with the exception of Afrijet and SN2AG put in Annex B, including			Republic of Gabon
AFRIC AVIATION	010/MTAC/ANAC-G/DSA	EKG	Republic of Gabon
ALLEGIANCE AIR TOURIST	007/MTAC/ANAC-G/DSA	LGE	Republic of Gabon
NATIONALE REGIONALE TRANSPORT (N.R.T)	008/MTAC/ANAC-G/DSA	NRG	Republic of Gabon
SKY GABON	009/MTAC/ANAC-G/DSA	SKG	Republic of Gabon
SOLENTA AVIATION GABON	006/MTAC/ANAC-G/DSA	SVG	Republic of Gabon
TROPICAL AIR-GABON	011/MTAC/ANAC-G/DSA	Unknown	Republic of Gabon
All air carriers certified by the authorities with responsibility for regulatory oversight of Indonesia, with the exception of Garuda Indonesia, Airfast Indonesia, Ekspres Transportasi Antarbenua, Indonesia Air Asia, Citilink, Lion Air and Batik Air, including			Republic of Indonesia
AIR BORN INDONESIA	135-055	Unknown	Republic of Indonesia
AIR PACIFIC UTAMA	135-020	Unknown	Republic of Indonesia
ALDA TRANS PAPUA	135-056	Unknown	Republic of Indonesia
ALFA TRANS DIRGANTARA	135-012	Unknown	Republic of Indonesia
AMA	135-054	Unknown	Republic of Indonesia
ANGKASA SUPER SERVICE	135-050	LBZ	Republic of Indonesia
ASI PUDJIASTUTI	135-028	SQS	Republic of Indonesia
AVIASTAR MANDIRI	135-029	VIT	Republic of Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
DABI AIR NUSANTARA	135-030	Unknown	Republic of Indonesia
DERAYA AIR TAXI	135-013	DRY	Republic of Indonesia
DERAZONA AIR SERVICE	135-010	DRZ	Republic of Indonesia
EASTINDO	135-038	ESD	Republic of Indonesia
ELANG LINTAS INDONESIA	135-052	Unknown	Republic of Indonesia
ELANG NUSANTARA AIR	135-053	Unknown	Republic of Indonesia
ENGGANG AIR SERVICE	135-045	Unknown	Republic of Indonesia
ERSA EASTERN AVIATION	135-047	Unknown	Republic of Indonesia
GATARI AIR SERVICE	135-018	GHS	Republic of Indonesia
HEVILIFT AVIATION	135-042	Unknown	Republic of Indonesia
INDONESIA AIR ASIA EXTRA	121-054	Unknown	Republic of Indonesia
INDONESIA AIR TRANSPORT	121-034	IDA	Republic of Indonesia
INDO STAR AVIATION	135-057	Unknown	Republic of Indonesia
INTAN ANGKASA AIR SERVICE	135-019	Unknown	Republic of Indonesia
JAYAWIJAYA DIRGANTARA	121-044	JWD	Republic of Indonesia
JOHNLIN AIR TRANSPORT	135-043	JLB	Republic of Indonesia
KAL STAR AVIATION	121-037	KLS	Republic of Indonesia
KARTIKA AIRLINES	121-003	KAE	Republic of Indonesia
KOMALA INDONESIA	135-051	Unknown	Republic of Indonesia
KURA-KURA AVIATION	135-016	KUR	Republic of Indonesia
MARTA BUANA ABADI	135-049	Unknown	Republic of Indonesia
MATTHEW AIR NUSANTARA	135-048	Unknown	Republic of Indonesia
MIMIKA AIR	135-007	Unknown	Republic of Indonesia
MY INDO AIRLINES	121-042	Unknown	Republic of Indonesia
NAM AIR	121-058	Unknown	Republic of Indonesia
NATIONAL UTILITY HELICOPTER	135-011	Unknown	Republic of Indonesia
NUSANTARA AIR CHARTER	121-022	SJK	Republic of Indonesia
PEGASUS AIR SERVICES	135-036	Unknown	Republic of Indonesia
PELITA AIR SERVICE	121-008	PAS	Republic of Indonesia
PENERBANGAN ANGKASA SEMESTA	135-026	Unknown	Republic of Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
PURA WISATA BARUNA	135-025	Unknown	Republic of Indonesia
RIAU AIRLINES	121-016	RIU	Republic of Indonesia
SAYAP GARUDA INDAH	135-004	Unknown	Republic of Indonesia
SMAC	135-015	SMC	Republic of Indonesia
SPIRIT AVIATION SENTOSA	135-058	Unknown	Republic of Indonesia
SRIWIJAYA AIR	121-035	SJY	Republic of Indonesia
SURYA AIR	135-046	Unknown	Republic of Indonesia
TRANSNUSA AVIATION MANDIRI	121-048	TNU	Republic of Indonesia
TRANSWISATA PRIMA AVIATION	135-021	TWT	Republic of Indonesia
TRAVEL EXPRESS AVIATION SERVICE	121-038	XAR	Republic of Indonesia
TRAVIRA UTAMA	135-009	TVV	Republic of Indonesia
TRI MG-INTRA ASIA AIRLINES	121-018	TMG	Republic of Indonesia
TRI MG-INTRA ASIA AIRLINES	135-037	Unknown	Republic of Indonesia
TRIGANA AIR SERVICE	121-006	TGN	Republic of Indonesia
UNINDO	135-040	Unknown	Republic of Indonesia
WESTSTAR AVIATION INDONESIA	135-059	Unknown	Republic of Indonesia
WING ABADI AIRLINES	121-012	WON	Republic of Indonesia
All air carriers certified by the authorities with responsibility for regulatory oversight of the Kyrgyz Republic, including			Kyrgyz Republic
AIR BISHKEK (formerly EASTOK AVIA)	15	EAA	Kyrgyz Republic
AIR MANAS	17	MBB	Kyrgyz Republic
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyz Republic
CENTRAL ASIAN AVIATION SERVICES (CAAS)	13	CBK	Kyrgyz Republic
HELI SKY	47	HAC	Kyrgyz Republic
AIR KYRGYZSTAN	03	LYN	Kyrgyz Republic
MANAS AIRWAYS	42	BAM	Kyrgyz Republic
S GROUP INTERNATIONAL (formerly S GROUP AVIATION)	45	IND	Kyrgyz Republic
SKY BISHKEK	43	BIS	Kyrgyz Republic

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
SKY KG AIRLINES	41	KGK	Kyrgyz Republic
SKY WAY AIR	39	SAB	Kyrgyz Republic
TEZ JET	46	TEZ	Kyrgyz Republic
VALOR AIR	07	VAC	Kyrgyz Republic
All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia.			Liberia
All air carriers certified by the authorities with responsibility for regulatory oversight of Libya, including			Libya
AFRIQYAH AIRWAYS	007/01	AAW	Libya
AIR LIBYA	004/01	TLR	Libya
BURAQ AIR	002/01	BRQ	Libya
GHADAMES AIR TRANSPORT	012/05	GHT	Libya
GLOBAL AVIATION AND SERVICES	008/05	GAK	Libya
LIBYAN AIRLINES	001/01	LAA	Libya
PETRO AIR	025/08	PEO	Libya
All air carriers certified by the authorities with responsibility for regulatory oversight of Nepal, including			Republic of Nepal
AIR DYNASTY HELI. S.	035/2001	Unknown	Republic of Nepal
AIR KASTHAMANDAP	051/2009	Unknown	Republic of Nepal
BUDDHA AIR	014/1996	BHA	Republic of Nepal
FISHTAIL AIR	017/2001	Unknown	Republic of Nepal
GOMA AIR	064/2010	Unknown	Republic of Nepal
HIMALAYA AIRLINES	084/2015	Unknown	Republic of Nepal
MAKALU AIR	057A/2009	Unknown	Republic of Nepal
MANANG AIR PVT LTD	082/2014	Unknown	Republic of Nepal
MOUNTAIN HELICOPTERS	055/2009	Unknown	Republic of Nepal

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
MUKTINATH AIRLINES	081/2013	Unknown	Republic of Nepal
NEPAL AIRLINES CORPORATION	003/2000	RNA	Republic of Nepal
SAURYA AIRLINES	083/2014	Unknown	Republic of Nepal
SHREE AIRLINES	030/2002	SHA	Republic of Nepal
SIMRIK AIR	034/2000	Unknown	Republic of Nepal
SIMRIK AIRLINES	052/2009	RMK	Republic of Nepal
SITA AIR	033/2000	Unknown	Republic of Nepal
TARA AIR	053/2009	Unknown	Republic of Nepal
YETI AIRLINES DOMESTIC	037/2004	NYT	Republic of Nepal
All air carriers certified by the authorities with responsibility for regulatory oversight of Sao Tome and Principe, including			Sao Tome and Principe
AFRICA'S CONNECTION	10/AOC/2008	ACH	Sao Tome and Principe
STP AIRWAYS	03/AOC/2006	STP	Sao Tome and Principe
All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including			Sierra Leone
AIR RUM, LTD	Unknown	RUM	Sierra Leone
DESTINY AIR SERVICES, LTD	Unknown	DTY	Sierra Leone
HEAVYLIFT CARGO	Unknown	Unknown	Sierra Leone
ORANGE AIR SIERRA LEONE LTD	Unknown	ORJ	Sierra Leone
PARAMOUNT AIRLINES, LTD	Unknown	PRR	Sierra Leone
SEVEN FOUR EIGHT AIR SERVICES LTD	Unknown	SVT	Sierra Leone
TEEBAH AIRWAYS	Unknown	Unknown	Sierra Leone
All air carriers certified by the authorities with responsibility for regulatory oversight of Sudan, including			Republic of Sudan
ALFA AIRLINES SD	54	AAJ	Republic of the Sudan

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number or Operating Licence Number	ICAO three letter designator	State of the Operator
BADR AIRLINES	35	BDR	Republic of the Sudan
BLUE BIRD AVIATION	11	BLB	Republic of the Sudan
ELDINDER AVIATION	8	DND	Republic of the Sudan
GREEN FLAG AVIATION	17	Unknown	Republic of the Sudan
HELEJETIC AIR	57	HJT	Republic of the Sudan
KATA AIR TRANSPORT	9	KTV	Republic of the Sudan
KUSH AVIATION CO.	60	KUH	Republic of the Sudan
NOVA AIRWAYS	46	NOV	Republic of the Sudan
SUDAN AIRWAYS CO.	1	SUD	Republic of the Sudan
SUN AIR	51	SNR	Republic of the Sudan
TARCO AIR	56	TRQ	Republic of the Sudan'

ANNEX II

‘ANNEX B

LIST OF AIR CARRIERS WHICH ARE SUBJECT TO OPERATIONAL RESTRICTIONS WITHIN THE UNION ⁽¹⁾

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ('AOC') Number	ICAO three letter designator	State of the Operator	Aircraft type restricted	Registration mark(s) and, when available, construction serial number(s) of restricted aircraft	State of registry
TAAG ANGOLA AIRLINES	001	DTA	Republic of Angola	All fleet with the exception of: aircraft of type Boeing B737-700, aircraft of type Boeing B777-200, aircraft of type Boeing B777-300 and aircraft of type Boeing B777-300ER.	All fleet with the exception of: aircraft within the Boeing B737-700 fleet, as mentioned on the AOC; aircraft within the Boeing B777-200 fleet, as mentioned on the AOC; aircraft within the Boeing B777-300 fleet, as mentioned on the AOC and aircraft within the Boeing B777-300ER fleet, as mentioned on the AOC.	Republic of Angola
AIR SERVICE COMORES	06-819/ TA-15/ DGACM	KMD	Comoros	All fleet with the exception of: LET 410 UVP.	All fleet with the exception of: D6-CAM (851336).	Comoros
AFRIJET BUSINESS SERVICE ⁽¹⁾	002/ MTAC/ ANAC-G/ DSA	ABS	Republic of Gabon	All fleet with the exception of: 2 aircraft of type Falcon 50, 2 aircraft of type Falcon 900.	All fleet with the exception of: TR-LGV; TR-LGY; TR-AFJ; TR-AFR.	Republic of Gabon
NOUVELLE AIR AFFAIRES GABON (SN2AG)	003/ MTAC/ ANAC-G/ DSA	NVS	Republic of Gabon	All fleet with the exception of: 1 aircraft of type Challenger CL-601, 1 aircraft of type HS-125-800.	All fleet with the exception of: TR-AAG, ZS-AFG.	Republic of Gabon; Republic of South Africa
IRAN AIR	FS100	IRA	Islamic Republic of Iran	All aircraft of type Fokker F100 and of type Boeing B747	Aircraft of type Fokker F100 as mentioned on the AOC; aircraft of type Boeing B747 as mentioned on the AOC	Islamic Republic of Iran
AIR KORYO	GAC-AOC/ KOR-01	KOR	Democratic People's Republic of Korea	All fleet with the exception of: 2 aircraft of type TU- 204.	All fleet with the exception of: P-632, P-633.	Democratic People's Republic of Korea

⁽¹⁾ Afrijet is only allowed to use the specific aircraft mentioned for its current level of operations within the Union.'

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

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2216

of 1 December 2017

entering certain names in the register of traditional specialties guaranteed ‘Vieille Kriek, Vieille Kriek-Lambic, Vieille Framboise-Lambic, Vieux fruit-Lambic/Oude Kriek, Oude Kriekenlambiek, Oude Frambozenlambiek, Oude Fruit-lambiek’ (TSG) and ‘Vieille Gueuze, Vieille Gueuze-Lambic, Vieux Lambic/Oude Geuze, Oude Geuze-Lambiek, Oude Lambiek’ (TSG)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 26 and Article 52(2) thereof,

Whereas:

- (1) In accordance with Article 26 of Regulation (EU) No 1151/2012, Belgium submitted the names ‘Vieille Kriek, Vieille Kriek-Lambic, Vieille Framboise-Lambic, Vieux fruit-Lambic/Oude Kriek, Oude Kriekenlambiek, Oude Frambozenlambiek, Oude Fruit-lambiek’ and ‘Vieille Gueuze, Vieille Gueuze-Lambic, Vieux Lambic/Oude Geuze, Oude Geuze-Lambiek, Oude Lambiek’ in view of enabling them to be registered in the register of Traditional Specialities Guaranteed provided for in Article 22 of Regulation (EU) No 1151/2012 with reservation of name.
- (2) The names ‘Vieille Kriek, Vieille Kriek-Lambic, Vieille Framboise-Lambic, Vieux fruit-Lambic/Oude Kriek, Oude Kriekenlambiek, Oude Frambozenlambiek, Oude Fruit-lambiek’ and ‘Vieille Gueuze, Vieille Gueuze-Lambic, Vieux Lambic/Oude Geuze, Oude Geuze-Lambiek, Oude Lambiek’ had previously been registered ⁽²⁾ as certificates of specific character in accordance with Article 13(1) of the Council Regulation (EEC) No 2082/92 ⁽³⁾ then replaced by Council Regulation (EC) No 509/2006 ⁽⁴⁾ and protected in accordance with Article 13(1) of that Regulation as traditional speciality guaranteed without reservation of name.
- (3) The submission of the names ‘Vieille Kriek, Vieille Kriek-Lambic, Vieille Framboise-Lambic, Vieux fruit-Lambic/Oude Kriek, Oude Kriekenlambiek, Oude Frambozenlambiek, Oude Fruit-lambiek’ and ‘Vieille Gueuze, Vieille Gueuze-Lambic, Vieux Lambic/Oude Geuze, Oude Geuze-Lambiek, Oude Lambiek’ was examined by the Commission and subsequently published in the *Official Journal of the European Union* ⁽⁵⁾.
- (4) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the names ‘Vieille Kriek, Vieille Kriek-Lambic, Vieille Framboise-Lambic, Vieux fruit-Lambic/Oude Kriek, Oude Kriekenlambiek, Oude Frambozenlambiek, Oude Fruit-lambiek’ and ‘Vieille Gueuze, Vieille Gueuze-Lambic, Vieux Lambic/Oude Geuze, Oude Geuze-Lambiek, Oude Lambiek’ should therefore be entered in the register with reservation of name,

HAS ADOPTED THIS REGULATION:

Article 1

The names ‘Vieille Kriek, Vieille Kriek-Lambic, Vieille Framboise-Lambic, Vieux fruit-Lambic/Oude Kriek, Oude Kriekenlambiek, Oude Frambozenlambiek, Oude Fruit-lambiek’ (TSG) and ‘Vieille Gueuze, Vieille Gueuze-Lambic, Vieux Lambic/Oude Geuze, Oude Geuze-Lambiek, Oude Lambiek’ (TSG) are hereby entered in the register with reservation of name.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Regulation (EC) No 2301/97 of 20 November 1997 on the entry of certain names in the ‘Register of certificates of specific character’ provided for in Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs (OJ L 319, 21.11.1997, p. 8).

⁽³⁾ Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs (OJ L 208, 24.7.1992, p. 9).

⁽⁴⁾ Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialties guaranteed (OJ L 93, 31.3.2006, p. 1). Regulation repealed and replaced by Regulation (EU) No 1151/2012.

⁽⁵⁾ OJ C 174, 14.5.2016, p. 24.

The product specification of the TSG 'Vieille Kriek, Vieille Kriek-Lambic, Vieille Framboise-Lambic, Vieux fruit-Lambic/Oude Kriek, Oude Kriekenlambiek, Oude Frambozenlambiek, Oude Fruit-lambiek' and TSG 'Vieille Gueuze, Vieille Gueuze-Lambic, Vieux Lambic/Oude Geuze, Oude Geuze-Lambiek, Oude Lambiek' shall be deemed to be the specification referred to in Article 19 of Regulation (EU) No 1151/2012 for the TSG 'Vieille Kriek, Vieille Kriek-Lambic, Vieille Framboise-Lambic, Vieux fruit-Lambic/Oude Kriek, Oude Kriekenlambiek, Oude Frambozenlambiek, Oude Fruit-lambiek' and TSG 'Vieille Gueuze, Vieille Gueuze-Lambic, Vieux Lambic/Oude Geuze, Oude Geuze-Lambiek, Oude Lambiek' with reservation of name.

The names specified in the first paragraph denote a product in Class 2.22, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽¹⁾.

Article 2

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, 1 December 2017.

For the Commission
The President
Jean-Claude JUNKER

⁽¹⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/2217
of 1 December 2017**

**amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on
economic and financial relations with Iraq**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96 ⁽¹⁾, and in particular Article 11(b) thereof,

Whereas:

- (1) Annex III to Regulation (EC) No 1210/2003 lists public bodies, corporations and agencies and natural and legal persons, bodies and entities of the previous government of Iraq covered by the freezing of funds and economic resources that were located outside Iraq on the date of 22 May 2003 under that Regulation.
- (2) On 24 November 2017, the Sanctions Committee of the United Nations Security Council decided to remove one entry from the list of persons or entities to whom the freezing of funds and economic resources should apply.
- (3) Annex III to Regulation (EC) No 1210/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1210/2003 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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, 1 December 2017.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 169, 8.7.2003, p. 6.

ANNEX

In Annex III to Council Regulation (EC) No 1210/2003, the following entry is deleted:

‘2. Iraq Re-insurance Company, Al Khalani Square, Baghdad, Iraq.’

DECISIONS

DECISION (EU) 2017/2218 OF THE EUROPEAN PARLIAMENT

of 25 October 2017

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2015, Section II — European Council and Council

THE EUROPEAN PARLIAMENT,

- having regard to the general budget of the European Union for the financial year 2015 ⁽¹⁾,
 - having regard to the consolidated annual accounts of the European Union for the financial year 2015 (COM(2016) 475 — C8-0271/2016) ⁽²⁾,
 - having regard to the Court of Auditors' annual report on the implementation of the budget concerning the financial year 2015, together with the institutions' replies ⁽³⁾,
 - having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2015, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to its decision of 27 April 2017 ⁽⁵⁾ postponing the discharge decision for the financial year 2015, and the accompanying resolution,
 - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁶⁾, and in particular Articles 55, 99, 164, 165 and 166 thereof,
 - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A8-0291/2017),
1. Refuses to grant the Secretary-General of the Council discharge in respect of the implementation of the budget of the European Council and of the Council for the financial year 2015;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this decision and the resolution forming an integral part of it to the European Council, the Council, the Commission and the Court of Auditors, the European Ombudsman, the European Data Protection Supervisor and the European External Action Service, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Antonio TAJANI

The Secretary-General
Klaus WELLE

⁽¹⁾ OJ L 69, 13.3.2015.

⁽²⁾ OJ C 380, 14.10.2016, p. 1.

⁽³⁾ OJ C 375, 13.10.2016, p. 1.

⁽⁴⁾ OJ C 380, 14.10.2016, p. 147.

⁽⁵⁾ Texts adopted of that date, P8_TA(2017)0147.

⁽⁶⁾ OJ L 298, 26.10.2012, p. 1.

RESOLUTION (EU) 2017/2219 OF THE EUROPEAN PARLIAMENT**of 25 October 2017****with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2015, Section II — European Council and Council**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2015, Section II — European Council and Council,
 - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A8-0291/2017),
- A. whereas all Union institutions ought to be transparent and fully accountable to the citizens of the Union for the funds entrusted to them as Union institutions;
- B. whereas the combined effect of an open and transparent Union administration and the need to protect the Union's financial interests require an open and transparent discharge procedure whereby every Union institution is accountable for the budget which it executes,
- C. whereas the European Council and the Council, as Union institutions, should be democratically accountable towards the citizens of the Union as far as they are beneficiaries of the general budget of the European Union;
1. Recalls the Parliament's role specified in the Treaty on the Functioning of the European Union (TFEU) and in Regulation (EU, Euratom) No 966/2012 (the Financial Regulation) in respect of the budget discharge;
 2. Points out that under Article 335 TFEU, '[...] the Union shall be represented by each of the institutions, by virtue of their administrative autonomy, in matters relating to their respective operation' and that accordingly, taking into account Article 55 of the Financial Regulation, the institutions are individually responsible for the implementation of their budgets;
 3. Notes the role of Parliament and of other institutions within the discharge procedure, as governed by the provisions of the Financial Regulation, in particular Articles 162 to 166 thereof;
 4. Notes that under Rule 94 of Parliament's Rules of Procedure, 'the provisions governing the procedure for granting discharge to the Commission in accordance with Article 319 of the Treaty on the Functioning of the European Union, in respect of the implementation of the budget, shall also apply to the procedure for granting discharge to: [...] the persons responsible for the implementation of the budgets of other institutions and bodies of the European Union such as the Council [...]';
 5. Regrets that the Council continues to be silent in relation to the remarks made by Parliament in its discharge resolution of 27 April 2017 ⁽¹⁾ on the trend from previous years;
 6. Notes with satisfaction that for the first time the Council provided the Parliament the 2015 annual activity reports of the Directorate-General for Administration, of the Legal Service and of the Directorate-General for Communication and Document Management; notes that the remaining directorates do not have authorising officers by delegation that implement Section II — European Council and Council — of the general budget of the European Union;
 7. Notes that, in March 2017, the coordinators of Parliament's Committee on Budgetary Control decided to establish a working group, represented by all the political groups, to draft a proposal on the Council discharge exercise procedure; stresses that that proposal has now been approved by the Committee on Budgetary Control and sent to the Conference of Presidents, which is the body responsible for Parliament's interinstitutional relations;

⁽¹⁾ Texts adopted of that date, P8_TA(2017)0147.

Pending issues

8. Regrets that the budget of the European Council and the budget of Council have not yet been separated, as recommended by Parliament in several of its recent discharge resolutions;
9. Notes that the information on the Council's building policy provided on its website does not include details about the costs incurred in relation to the Council's buildings; is aware that occasionally information is exchanged between the building departments of Parliament and the Council; proposes that that exchange becomes regular and that detailed information be given to Parliament in the Council's annual financial report;
10. Reiterates its call for progress reports on building projects and a detailed breakdown of the costs incurred to date; calls for information on the costs related to the delayed completion of the Europa building;
11. Notes that new ethics guidelines for the Council were published in 2015 and are to be followed up by awareness-raising activities on ethics and integrity; regrets that the Council's whistleblowing rules continue to be publicly unavailable;
12. Welcomes the improvements made by the Council with regard to corporate policies, particularly transparency; regrets, however, that the Council has not yet joined the Union transparency register;
13. Urges the Council to develop detailed anti-corruption guidelines and independent policies within its structures;
14. Regrets the difficulties repeatedly encountered in the discharge procedures to date, which were due to a lack of cooperation from the Council; points out that Parliament refused to grant discharge to the Secretary-General of the Council in relation to the financial years 2009, 2010, 2011, 2012, 2013 and 2014 for the reasons set out in its resolutions of 10 May 2011 ⁽¹⁾, 25 October 2011 ⁽²⁾, 10 May 2012 ⁽³⁾, 23 October 2012 ⁽⁴⁾, 17 April 2013 ⁽⁵⁾, 9 October 2013 ⁽⁶⁾, 3 April 2014 ⁽⁷⁾, 23 October 2014 ⁽⁸⁾, 29 April 2015 ⁽⁹⁾, 27 October 2015 ⁽¹⁰⁾, 28 April 2016 ⁽¹¹⁾ and 27 October 2016 ⁽¹²⁾, and postponed its decision on granting the Secretary-General of the Council discharge in relation to the financial year 2015 for the reasons set out in its resolution of 27 April 2017;
15. Notes that failure to grant discharge has not led to consequences of any kind; considers that the situation should nevertheless be resolved as rapidly as possible, principally in the interests of the citizens of the Union;
16. Insists that an effective budgetary control exercise requires the cooperation of Parliament and the Council, as set out in Parliament's resolution of 27 April 2017; confirms that Parliament is unable to make an informed decision on granting discharge;
17. Reminds the Council of the Commission's view, expressed in January 2014, that all institutions should be fully part of the follow-up process to the observations made by Parliament in the discharge exercise and that all institutions should cooperate to ensure the smooth functioning of the discharge procedure;
18. Notes that the Commission has stated that it will not oversee the implementation of the budget of the other institutions and that giving a response to questions addressed to another institution would infringe the autonomy of that institution to implement its own section of the budget;
19. Regrets that the Council continues to fail to provide answers to Parliament's questions;
20. Insists that the Council's expenditure must be scrutinised in the same way as that of other institutions and that the fundamental elements of such scrutiny have been laid down in Parliament's discharge resolutions of the past years;

⁽¹⁾ OJ L 250, 27.9.2011, p. 25.

⁽²⁾ OJ L 313, 26.11.2011, p. 13.

⁽³⁾ OJ L 286, 17.10.2012, p. 23.

⁽⁴⁾ OJ L 350, 20.12.2012, p. 71.

⁽⁵⁾ OJ L 308, 16.11.2013, p. 22.

⁽⁶⁾ OJ L 328, 7.12.2013, p. 97.

⁽⁷⁾ OJ L 266, 5.9.2014, p. 26.

⁽⁸⁾ OJ L 334, 21.11.2014, p. 95.

⁽⁹⁾ OJ L 255, 30.9.2015, p. 22.

⁽¹⁰⁾ OJ L 314, 1.12.2015, p. 49.

⁽¹¹⁾ OJ L 246, 14.9.2016, p. 21.

⁽¹²⁾ OJ L 333, 8.12.2016, p. 51.

21. Emphasises Parliament's prerogative to grant discharge pursuant to Articles 316, 317 and 319 TFEU, in line with current interpretation and practice, namely to grant discharge of each heading of the budget individually in order to maintain transparency and democratic accountability towards Union taxpayers;
 22. Considers that the lack of cooperation of the European Council and the Council with the discharge authority is a negative sign to the citizens of the Union.
-

COMMISSION IMPLEMENTING DECISION (EU, Euratom) 2017/2220**of 30 November 2017****amending Decision 90/181/Euratom, EEC authorising Italy to use certain approximate estimates for the calculation of the VAT own resources base***(notified under document C(2017) 7854)***(Only the Italian text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax ⁽¹⁾, and in particular the second indent of Article 6(3) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Under Article 370 of Council Directive 2006/112/EC ⁽²⁾, Italy may, in accordance with the conditions applying in that Member State on 1 January 1978, continue to tax the transactions listed in Part A of Annex X to that Directive. In accordance with that Article, those transactions are to be taken into account for the determination of the value added tax (VAT) own resources base.
- (2) By Commission Decision 90/181/Euratom, EEC ⁽³⁾, Italy was authorised to use approximate estimates for transactions referred to in point 3 of Part A of Annex X to Directive 2006/112/EC regarding buildings and building land.
- (3) In its letter of 4 April 2017, Italy requested the withdrawal of its authorisation for the calculation of its VAT own resources base for transactions referred to in point 3 of Part A of Annex X to Directive 2006/112/EC, as it is no longer necessary due to a change in the national legislation. After this legal change, Italy no longer taxes those transactions. Thus a negative compensation for VAT own resources purposes is no longer allowed. The authorisation should therefore be withdrawn.
- (4) Decision 90/181/Euratom, EEC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In the first paragraph of Article 1 of Decision 90/181/Euratom, EEC, point 1 is deleted.

⁽¹⁾ OJ L 155, 7.6.1989, p. 9.

⁽²⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽³⁾ Commission Decision 90/181/Euratom, EEC of 23 March 1990 authorizing Italy to use certain approximate estimates for the calculation of the VAT own resources base (OJ L 99, 19.4.1990, p. 32).

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 November 2017.

For the Commission
Günther OETTINGER
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU, Euratom) 2017/2221**of 30 November 2017****amending Decision 2005/820/EC, Euratom authorising the Slovak Republic to use statistics for years earlier than the last year but one and to use certain approximate estimates for the calculation of the VAT own resources base***(notified under document C(2017) 7856)***(Only the Slovak text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax ⁽¹⁾, and in particular the second indent of Article 6(3) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Under Article 390 of Council Directive 2006/112/EC ⁽²⁾, Slovakia may, in accordance with the conditions applying in that Member State on the date of its accession, continue to exempt the international transport of passengers, as referred to in point 10 of Part B of Annex X to that Directive for as long as the same exemption is applied in any of the Member States which were members of the Community on 30 April 2004. In accordance with that Article those transactions are to be taken into account for the determination of the value added tax (VAT) own resources base.
- (2) By Article 2a of Commission Decision 2005/820/EC, Euratom ⁽³⁾, Slovakia was authorised to use a fixed percentage of the intermediate base for transactions referred to in point 10 of Part B of Annex X to Directive 2006/112/EC regarding passenger transport.
- (3) The latest VAT own resource inspection revealed that the authorisation to use a simplified calculation method for the calculation of transactions referred to in point 10 of Part B of Annex X to Directive 2006/112/EC was based on incorrect and incomplete data. This was also confirmed by the Slovak authorities in their official observations to the inspection report. If the Commission had been in possession of correct and complete data, the authorisation to use approximate estimates for passenger transport for the period 2014 to 2020 would not have been granted to Slovakia as the result was too volatile. It is therefore appropriate to delete Article 2a of Decision 2005/820/EC, Euratom retroactively. Notwithstanding the repeal of Article 2a of Decision 2005/820/EC, Euratom, Slovakia can still use the authorisation granted under Article 2 of Decision 2005/820/EC, Euratom in respect of transactions referred to in point 10 of Part B of Annex X to Directive 2006/112/EC.
- (4) Decision 2005/820/EC, Euratom should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 2a of Decision 2005/820/EC, Euratom is deleted.

Article 2

This Decision is addressed to the Slovak Republic.

⁽¹⁾ OJ L 155, 7.6.1989, p. 9.⁽²⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).⁽³⁾ Commission Decision 2005/820/EC, Euratom of 21 November 2005 authorising the Slovak Republic to use statistics for years earlier than the last year but one and to use certain approximate estimates for the calculation of the VAT own resources base (OJ L 305, 24.11.2005, p. 41).

Article 3

This Decision shall apply from 27 November 2014.

Done at Brussels, 30 November 2017.

For the Commission
Günther OETTINGER
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU, Euratom) 2017/2222**of 30 November 2017****amending Decision 90/178/Euratom, EEC authorising Luxembourg not to take into account certain categories of transactions and to use certain approximate estimates for the calculation of the VAT own resources base***(notified under document C(2017) 7857)***(Only the French text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax ⁽¹⁾, and in particular the second indent of Article 6(3) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Under Article 371 of Council Directive 2006/112/EC ⁽²⁾, Luxembourg may, in accordance with the conditions applying in that Member State on 1 January 1978, continue to exempt the transactions listed in Part B of Annex X to that Directive. In accordance with that Article, those transactions are to be taken into account for the determination of the value added tax (VAT) own resources base.
- (2) By Commission Decision 90/178/Euratom, EEC ⁽³⁾, Luxembourg was authorised to use approximate estimates for transactions referred to in point 10 of Part B of Annex X to Directive 2006/112/EC regarding passenger transport.
- (3) In its letters of 25 April 2017 and 7 July 2017, Luxembourg requested an authorisation from the Commission to use a fixed percentage of the intermediate base for the calculation of the VAT own resources base for transactions referred to in point 10 of Part B of Annex X to Directive 2006/112/EC regarding passenger transport. Luxembourg has shown that the percentage applied to the intermediate base has been stable for years 2010 to 2015. Authorisation to use fixed percentage would further reduce administrative burden in calculating the VAT own resources base for such transactions. Luxembourg should therefore be authorised to calculate the VAT own resources base using a fixed percentage regarding passenger transport.
- (4) For reasons of transparency and legal certainty it is appropriate to limit the applicability of the authorisation in time.
- (5) Decision 90/178/Euratom, EEC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Decision 90/178/Euratom, EEC the following Article 2a is inserted:

‘Article 2a

By way of derogation from Article 2(3) of this Decision, for the purpose of calculating the VAT own resources base from 1 January 2017 to 31 December 2020, Luxembourg is authorised to use 0,05 % of the intermediate base in respect of transactions referred to in point 10 of Part B of Annex X to Council Directive 2006/112/EC ^(*).

^(*) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).’

⁽¹⁾ OJ L 155, 7.6.1989, p. 9.

⁽²⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽³⁾ Commission Decision 90/178/Euratom, EEC of 23 March 1990 authorizing Luxembourg not to take into account certain categories of transactions and to use certain approximate estimates for the calculation of the VAT own resources base (OJ L 99, 19.4.1990, p. 26).

Article 2

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 30 November 2017.

For the Commission
Günther OETTINGER
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU, Euratom) 2017/2223**of 30 November 2017****amending Decision 90/177/Euratom, EEC authorising Belgium not to take into account certain categories of transactions and to use certain approximate estimates for the calculation of the VAT own resources base***(notified under document C(2017) 7860)***(Only the Dutch and French texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax ⁽¹⁾, and in particular the second indent of Article 6(3) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Under Article 371 of Council Directive 2006/112/EC ⁽²⁾, Belgium may, in accordance with the conditions applying in that Member State on 1 January 1978, continue to exempt the transactions listed in Part B of Annex X to that Directive. In accordance with that Article those transactions are to be taken into account for the determination of the value added tax (VAT) own resources base.
- (2) By Commission Decision 90/177/Euratom, EEC ⁽³⁾, Belgium was authorised to use approximate estimates for transactions referred to in points 11 and 12 of Part B of Annex X to Directive 2006/112/EC regarding aircraft and warships.
- (3) The authorisations granted to Belgium for transactions referred to in points 11 and 12 of Part B of Annex X to Directive 2006/112/EC are not limited in time. For reasons of transparency and legal certainty it is appropriate to limit the applicability of those authorisations in time.
- (4) Decision 90/177/Euratom, EEC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of Decision 90/177/Euratom, EEC, points 5 and 6 are replaced by the following:

- ‘5. Until 31 December 2020, the supply, modification, repair, maintenance, chartering and hiring of aircraft used by State institutions, including equipment incorporated or used in such aircraft (point 11 of Part B of Annex X to Council Directive 2006/112/EC ^(*));
6. Until 31 December 2020, the supply, modification, repair, maintenance, chartering and hiring of fighting ships (point 12 of Part B of Annex X, to Directive 2006/112/EC).

^(*) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).’

⁽¹⁾ OJ L 155, 7.6.1989, p. 9.

⁽²⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽³⁾ Commission Decision 90/177/Euratom, EEC of 23 March 1990 authorizing Belgium not to take into account certain categories of transactions and to use certain approximate estimates for the calculation of the VAT own resources base (OJ L 99, 19.4.1990, p. 24).

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 30 November 2017.

For the Commission
Günther OETTINGER
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU, Euratom) 2017/2224**of 30 November 2017****amending Implementing Decision 2014/844/EU, Euratom authorising Malta to use certain approximate estimates for the calculation of the VAT own resources base***(notified under document C(2017) 7861)***(Only the English and Maltese texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax ⁽¹⁾, and in particular the second indent of Article 6(3) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Under Article 387 of Council Directive 2006/112/EC ⁽²⁾, Malta may, in accordance with the conditions applying in that Member State on the date of its accession, continue to exempt the transactions referred to in point 9 of Part B of Annex X to that Directive, for as long as the same exemption is applied in any of the Member States which were members of the Community on 30 April 2004. In accordance with that Article those transactions are to be taken into account for the determination of the value added tax (VAT) own resources base.
- (2) By Commission Implementing Decision 2014/844/EU, Euratom ⁽³⁾, Malta was authorised to use fixed percentages of the intermediate base for the calculation of the VAT own resources base for transactions referred to in points 8 and 10 of Part B of Annex X to Directive 2006/112/EC regarding public water and passenger transport.
- (3) In its letter of 25 April 2017, Malta requested an authorisation from the Commission to use certain approximate estimates for the calculation of the VAT own resources base for transactions referred to in point 9 of Part B of Annex X to Directive 2006/112/EC regarding new buildings and building land. In calculating the compensation for the supply of new buildings and building land, Malta values building land as twice the price of the new buildings. Calculating a precise value for building land would involve administrative burdens which would be unjustified in relation to the effect of the transactions in question on the total VAT resources base of Malta. Malta should therefore be authorised to calculate the VAT own resources base using approximate estimates regarding new buildings and building land.
- (4) For reasons of transparency and legal certainty it is appropriate to limit the applicability of the authorisation in time.
- (5) Implementing Decision 2014/844/EU, Euratom should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Implementing Decision 2014/844/EU, Euratom the following Article 2a is inserted:

'Article 2a

For the purpose of calculating the VAT own resources base from 1 January 2017 to 31 December 2021, Malta is authorised to use approximate estimates in respect of transactions referred to in point 9 of Part B of Annex X to Directive 2006/112/EC (new buildings and building land).'

⁽¹⁾ OJ L 155, 7.6.1989, p. 9.

⁽²⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽³⁾ Commission Implementing Decision 2014/844/EU, Euratom of 26 November 2014 authorising Malta to use certain approximate estimates for the calculation of the VAT own resources base (OJ L 343, 28.11.2014, p. 33).

Article 2

This Decision is addressed to the Republic of Malta.

Done at Brussels, 30 November 2017.

For the Commission
Günther OETTINGER
Member of the Commission

