

# Official Journal of the European Union

# L 198



English edition

## Legislation

Volume 59

23 July 2016

### Contents

#### II *Non-legislative acts*

##### INTERNATIONAL AGREEMENTS

- ★ **Council Decision (EU) 2016/1197 of 26 October 2015 on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Republic of Kiribati on the short-stay visa waiver** ..... 1
- Agreement between the European Union and the Republic of Kiribati on the short-stay visa waiver** ..... 3

##### REGULATIONS

- ★ **Commission Regulation (EU) 2016/1198 of 22 July 2016 amending Annex V to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products<sup>(1)</sup>** 10
- ★ **Commission Regulation (EU) 2016/1199 of 22 July 2016 amending Regulation (EU) No 965/2012 as regards operational approval of performance-based navigation, certification and oversight of data services providers and helicopter offshore operations, and correcting that Regulation** ..... 13
- Commission Implementing Regulation (EU) 2016/1200 of 22 July 2016 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 38

##### DECISIONS

- ★ **Decision (EU, Euratom) 2016/1201 of the European Parliament, the Council and the Commission of 13 July 2016 appointing the members of the Supervisory Committee of the European Anti-Fraud Office (OLAF)** ..... 40

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

# EN

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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Council Decision (EU) 2016/1202 of 18 July 2016 establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organisation on the United States' request for a WTO waiver to extend the system of preferential treatment granted to the Former Trust Territory of the Pacific Islands .....	43
★ Council Decision (EU) 2016/1203 of 18 July 2016 appointing a member and an alternate member, proposed by the Kingdom of Spain of the Committee of the Regions .....	44
★ Council Decision (EU) 2016/1204 of 18 July 2016 appointing a member, proposed by the Federal Republic of Germany of the Committee of the Regions .....	45
★ Council Decision (EU) 2016/1205 of 18 July 2016 appointing two alternate members, proposed by the Kingdom of the Netherlands of the Committee of the Regions .....	46
★ Council Implementing Decision (EU) 2016/1206 of 18 July 2016 amending Implementing Decision 2013/676/EU authorising Romania to continue to apply a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax .....	47
★ Political and Security Committee Decision (CFSP) 2016/1207 of 20 July 2016 on the appointment of the Head of Mission of the European Union Rule of Law Mission in Kosovo *, EULEX KOSOVO (EULEX KOSOVO/1/2016) .....	49

---

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2016/1197

of 26 October 2015

**on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Republic of Kiribati on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 509/2014 of the European Parliament and the Council <sup>(1)</sup> transferred the reference to the Republic of Kiribati from Annex I to Annex II of Council Regulation (EC) No 539/2001 <sup>(2)</sup>.
- (2) That reference to the Republic of Kiribati is accompanied by a footnote indicating that the exemption from the visa requirement shall apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Union.
- (3) On 9 October 2014, the Council adopted a decision authorising the Commission to open negotiations with the Republic of Kiribati for the conclusion of an agreement between the European Union and the Republic of Kiribati on the short-stay visa waiver (the 'Agreement').
- (4) Negotiations on the Agreement were opened on 17 December 2014 and were successfully finalised by the initialling thereof, by Exchange of Letters, on 6 May 2015 by the Republic of Kiribati and on 10 June 2015 by the Union.
- (5) The Agreement should be signed, and the declarations attached to the Agreement should be approved, on behalf of the Union. The Agreement should be applied on a provisional basis as from the day following the date of signature thereof, pending the completion of the procedures for its formal conclusion.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>(3)</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

<sup>(1)</sup> Regulation (EU) No 509/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 149, 20.5.2014, p. 67).

<sup>(2)</sup> Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, p. 1).

<sup>(3)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>(1)</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and the Republic of Kiribati on the short-stay visa waiver (the 'Agreement') is hereby authorised, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

*Article 2*

The declarations attached to this Decision shall be approved on behalf of the Union.

*Article 3*

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

*Article 4*

The Agreement shall be applied on a provisional basis as from the day following the date of signature thereof <sup>(2)</sup>, pending the completion of the procedures for its conclusion.

*Article 5*

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

Done at Luxembourg, 26 October 2015.

*For the Council*  
*The President*  
C. DIESCHBOURG

---

<sup>(1)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>(2)</sup> The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**AGREEMENT****between the European Union and the Republic of Kiribati on the short-stay visa waiver**

THE EUROPEAN UNION, hereinafter referred to as 'the Union' or 'the EU', and

THE REPUBLIC OF KIRIBATI, hereinafter referred to as 'Kiribati',

hereinafter referred to jointly as the 'Contracting Parties',

WITH A VIEW to further developing friendly relations between the Contracting Parties and desiring to facilitate travel by ensuring visa-free entry and short stay for their citizens,

HAVING REGARD to Regulation (EU) No 509/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement <sup>(1)</sup> by, *inter alia*, transferring 19 third countries, including Kiribati, to the list of third countries whose nationals are exempt from the visa requirement for short stays in the Member States,

BEARING IN MIND that Article 1 of Regulation (EU) No 509/2014 states that for those 19 countries, the exemption from the visa requirement shall apply from the date of entry into force of an agreement on visa exemption to be concluded with the Union,

DESIRING to safeguard the principle of equal treatment of all EU citizens,

TAKING INTO ACCOUNT that persons travelling for the purpose of carrying out a paid activity during their short stay are not covered by this Agreement and therefore for that category the relevant rules of Union law and national law of the Member States and the national law of Kiribati on the visa obligation or exemption and on the access to employment continue to apply,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and confirming that the provisions of this Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose**

This Agreement provides for visa-free travel for the citizens of the Union and for the citizens of Kiribati when travelling to the territory of the other Contracting Party for a maximum period of 90 days in any 180-day period.

*Article 2***Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the Union, with the exception of the United Kingdom and Ireland;

<sup>(1)</sup> OJEU L 149, 20.5.2014, p. 67.

- (b) 'a citizen of the Union' shall mean a national of a Member State as defined in point (a);
- (c) 'a citizen of Kiribati' shall mean any person who holds the citizenship of Kiribati;
- (d) 'Schengen area' shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen *acquis* in full.

### Article 3

#### Scope of application

1. Citizens of the Union holding a valid ordinary, diplomatic, service, official or special passport issued by a Member State may enter and stay without a visa in the territory of Kiribati for the period of stay as defined in Article 4(1).

Citizens of Kiribati holding a valid ordinary, diplomatic, service, official or special passport issued by Kiribati may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. Paragraph 1 of this Article does not apply to persons travelling for the purpose of carrying out a paid activity.

For that category of persons, each Member State individually may decide to impose a visa requirement on the citizens of Kiribati or to withdraw it in accordance with Article 4(3) of Council Regulation (EC) No 539/2001 <sup>(1)</sup>.

For that category of persons, Kiribati may decide on the visa requirement or the visa waiver for the citizens of each Member State individually in accordance with its national law.

3. The visa waiver provided for by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and Kiribati reserve the right to refuse entry into and short stay in their territories if one or more of these conditions is not met.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Issues not covered by this Agreement shall be governed by Union law, the national law of the Member States and by the national law of Kiribati.

### Article 4

#### Duration of stay

1. Citizens of the Union may stay in the territory of Kiribati for a maximum period of 90 days in any 180-day period.

2. Citizens of Kiribati may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

Citizens of Kiribati may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*.

3. This Agreement does not affect the possibility for Kiribati and the Member States to extend the period of stay beyond 90 days in accordance with their respective national laws and Union law.

<sup>(1)</sup> Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJEU L 81, 21.3.2001, p. 1).

*Article 5***Territorial application**

1. As regards the French Republic, this Agreement shall apply only to the European territory of the French Republic.
2. As regards the Kingdom of the Netherlands, this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

*Article 6***Joint Committee for the management of the Agreement**

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the 'Committee'), composed of representatives of the Union and representatives of Kiribati. The Union shall be represented by the European Commission.
2. The Committee shall have, *inter alia*, the following tasks:
  - (a) monitoring the implementation of this Agreement;
  - (b) suggesting amendments or additions to this Agreement;
  - (c) settling disputes arising from the interpretation or application of this Agreement.
3. The Committee shall be convened whenever necessary, at the request of one of the Contracting Parties.
4. The Committee shall establish its rules of procedure.

*Article 7***Relationship of this Agreement to existing bilateral visa waiver agreements between the Member States and Kiribati**

This Agreement shall take precedence over any bilateral agreements or arrangements concluded between individual Member States and Kiribati, in so far as they cover issues falling within the scope hereof.

*Article 8***Final provisions**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective internal procedures and shall enter into force on the first day of the second month following the date of the later of the two notifications by which the Contracting Parties notify each other that those procedures have been completed.

This Agreement shall be applied on a provisional basis as from the day following the date of signature hereof.

2. This Agreement is concluded for an indefinite period, unless terminated in accordance with paragraph 5.
3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.

4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, the protection of national security or the protection of public health, illegal immigration or upon the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than two months before its planned entry into force. A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.
5. Each Contracting Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days thereafter.
6. Kiribati may suspend or terminate this Agreement only in respect of all the Member States.
7. The Union may suspend or terminate this Agreement only in respect of all of its Member States.

Done in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

Съставено в Брюксел на двадесет и трети юни през две хиляди и шестнадесета година.

Hecho en Bruselas, el veintitrés de junio de dos mil dieciséis.

V Bruselu dne dvacátého třetího června dva tisíce šestnáct.

Udfærdiget i Bruxelles den treogtyvende juni to tusind og seksten.

Geschehen zu Brüssel am dreiundzwanzigsten Juni zweitausendsechzehn.

Kahe tuhande kuueteistkümnenda aasta juunikuu kahekümne kolmandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι τρεις Ιουνίου δύο χιλιάδες δεκαέξι.

Done at Brussels on the twenty-third day of June in the year two thousand and sixteen.

Fait à Bruxelles, le vingt-trois juin deux mille seize.

Sastavljeno u Bruxellesu dvadeset trećeg lipnja godine dvije tisuće šesnaeste.

Fatto a Bruxelles, addì ventitré giugno duemilasedici.

Briselē, divi tūkstoši sešpadsmitā gada divdesmit trešajā jūnijā.

Priimta du tūkstančiai šešioliktų metų birželio dvidešimt trečią dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizenhatodik év június havának huszonharmadik napján.

Magħmul fi Brussell, fit-tlieta u għoxrin jum ta' Ġunju fis-sena elfejn u sittax.

Gedaan te Brussel, drieëntwintig juni tweeduizend zestien.

Sporządzono w Brukseli dnia dwudziestego trzeciego czerwca roku dwa tysiące szesnastego.

Feito em Bruxelas, em vinte e três de junho de dois mil e dezasseis.

Íntocmit la Bruxelles la douăzeci și trei iunie două mii șaisprezece.

V Bruseli dvadsiateho tretieho júna dvetisícšestnásť.

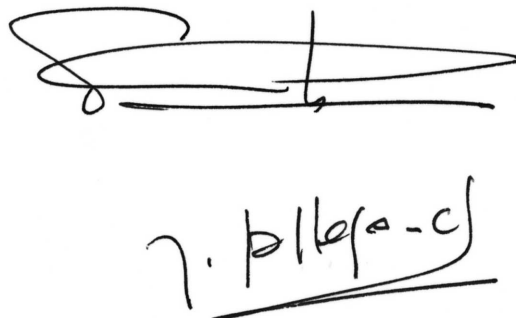
V Bruslju, dne triindvajsetega junija leta dva tisoč šestnajst.

Tehty Brysselissä kahdentenkymmenentenäkolmantena päivänä kesäkuuta vuonna kaksituhattakuusitoista.

Som skedde i Bryssel den tjugotredje juni år tjugohundrasexton.



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



J. Pillefer-C

За Република Кирибати  
 Por la República de Kiribati  
 Za Republiku Kiribati  
 Por Republikken Kiribati  
 Für die Republik Kiribati  
 Kiribati Vabariigi nimel  
 Για τη Δημοκρατία της Κιριμπάτι  
 For the Republic of Kiribati  
 Pour la République de Kiribati  
 Za Republiku Kiribati  
 Per la Repubblica di Kiribati  
 Kiribati Republikas vārdā –  
 Kiribačio Respublikos vardu  
 Kiribati Köztársaság részéről  
 Għar-Repubblika ta' Kiribati  
 Voor de Republiek Kiribati  
 W imieniu Republiki Kiribati  
 Pela República da Quiribáti  
 Pentru Republica Kiribati  
 Za Kiribatskú republiku  
 Za Republiko Kiribati  
 Kiribatin tasavallan puolesta  
 För Republiken Kiribati



Anur B. Wroble

**JOINT DECLARATION**

WITH REGARD TO ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Union and Norway, Iceland, Switzerland and Liechtenstein, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004 concerning the association of those countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances it is desirable that the authorities of Norway, Iceland, Switzerland, and Liechtenstein, on the one hand, and Kiribati, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver in terms similar to those of this Agreement.

---

**JOINT DECLARATION**ON THE INTERPRETATION OF THE CATEGORY OF PERSONS TRAVELLING FOR THE PURPOSE OF CARRYING OUT  
A PAID ACTIVITY AS PROVIDED FOR IN ARTICLE 3(2) OF THIS AGREEMENT

Desiring to ensure a common interpretation, the Contracting Parties agree that, for the purposes of this Agreement, the category of persons carrying out a paid activity covers persons entering for the purpose of carrying out a gainful occupation or remunerated activity in the territory of the other Contracting Party as an employee or as a service provider.

This category should not cover:

- businesspersons, i.e. persons travelling for the purpose of business deliberations (without being employed in the country of the other Contracting Party),
- sportspersons or artists performing an activity on an ad-hoc basis,
- journalists sent by the media of their country of residence, and,
- intra-corporate trainees.

The implementation of this Declaration shall be monitored by the Joint Committee within its responsibility under Article 6 of this Agreement, which may propose modifications when, on the basis of the experiences of the Contracting Parties, it considers it necessary.

---

**JOINT DECLARATION**

ON THE INTERPRETATION OF THE PERIOD OF 90 DAYS IN ANY 180-DAY PERIOD AS SET OUT IN ARTICLE 4 OF THIS AGREEMENT

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided for by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the total duration of which does not exceed 90 days in any 180-day period.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. *Inter alia*, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

---

**JOINT DECLARATION**

ON INFORMING CITIZENS ABOUT THE VISA WAIVER AGREEMENT

Recognising the importance of transparency for the citizens of the European Union and the citizens of Kiribati, the Contracting Parties agree to ensure full dissemination of information about the content and consequences of the visa waiver agreement and related issues, such as the entry conditions.

---

# REGULATIONS

## COMMISSION REGULATION (EU) 2016/1198

of 22 July 2016

**amending Annex V to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products**

(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 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products <sup>(1)</sup>, and in particular Article 31(1) thereof,

Whereas:

- (1) Methylisothiazolinone is authorised as a preservative in cosmetic products at concentrations up to 0,01 % weight/weight (100 ppm) through entry 57 of Annex V to Regulation (EC) No 1223/2009.
- (2) The Scientific Committee on Consumer Safety (SCCS) adopted an opinion on the safety of methylisothiazolinone (sensitisation only) on 12 December 2013 <sup>(2)</sup>.
- (3) The SCCS concluded that current clinical data indicate that the concentration of 100 ppm of methylisothiazolinone in cosmetic products is not safe for the consumer. For leave-on cosmetic products (including 'wet wipes'), no safe concentrations of methylisothiazolinone for induction of contact allergy or elicitation have been adequately demonstrated.
- (4) In light of the SCCS opinion mentioned above, it is important to address the increased incidence of allergies induced by methylisothiazolinone and this substance should therefore be banned in leave-on products.
- (5) Regulation (EC) No 1223/2009 should therefore be amended accordingly.
- (6) The application of the above-mentioned ban should be deferred to allow the industry to make the necessary adjustments to product formulations. In particular, undertakings should be granted six months to place on the market compliant products and to withdraw from the market non-compliant products after the entry into force of this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS REGULATION:

### *Article 1*

Annex V to Regulation (EC) No 1223/2009 is amended in accordance with the Annex to this Regulation.

<sup>(1)</sup> OJ L 342, 22.12.2009, p. 59.

<sup>(2)</sup> SCCS/1521/13 Revision of 27 March 2014.

---

*Article 2*

From 12 February 2017 only cosmetic products which comply with this Regulation shall be placed and made available on the Union market.

*Article 3*

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

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

Done at Brussels, 22 July 2016.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

---

## ANNEX

In Annex V to Regulation (EC) No 1223/2009, entry 57 is replaced by the following:

Reference number	Substance Identification				Conditions			Wording of conditions of use and warnings
	Chemical name/INN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, Body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i
'57	2-Methyl-2H-isothiazol-3-one	Methylisothiazolinone <sup>(1)</sup>	2682-20-4	220-239-6	Rinse-off products	0,01 %		

<sup>(1)</sup> Methylisothiazolinone is also regulated in entry 39 of Annex V in a mixture with methylchloroisothiazolinone. The two entries are mutually exclusive: the use of the mixture of Methylchloroisothiazolinone (and) Methylisothiazolinone is incompatible with the use of Methylisothiazolinone alone in the same product.'

**COMMISSION REGULATION (EU) 2016/1199****of 22 July 2016****amending Regulation (EU) No 965/2012 as regards operational approval of performance-based navigation, certification and oversight of data services providers and helicopter offshore operations, and correcting that Regulation**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC <sup>(1)</sup>, and in particular Article 8(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012 <sup>(2)</sup> establishes conditions for the safe operation of aircraft.
- (2) Incorrect aeronautical data or information being fed into airborne aircraft systems can pose significant risks to flight safety. It should therefore be ensured that data services providers process aeronautical data and information in a way that guarantees their quality and meets the requirements set by aircraft manufacturers for the airspace end-users' intended use.
- (3) Regulation (EU) No 965/2012 requires a specific approval for all performance-based navigation ('PBN') operations, except for some basic navigational methods. Cases requiring specific approval should be significantly reduced in order to alleviate the unnecessary economic and administrative burden on the general aviation operators, taking into account the experience and maturity already reached in approach operations utilising the global navigation satellite system ('GNSS'), and in order to ensure consistency with the latest international safety standards.
- (4) In order to facilitate compliance by the operators with the rules related to transport of dangerous goods as well as those related to upper torso restraint systems on flight crew seats and on passenger seats of certain small aeroplanes, and thus to improve safety, it is necessary to adapt those rules to the type of operation and to the complexity of aircraft used.
- (5) Pursuant to Regulation (EU) No 965/2012, certain small non-commercial operators must establish a management system within their organisation because they operate complex motor-powered aircraft. However, in certain cases, such as in the non-commercial operation of lighter twin-turboprop aeroplanes, those operators may have difficulties in implementing the management system requirements contained in Annex III to that Regulation. As the compliance effort that is required of such operators is disproportionate to the benefits that implementing those requirements bring to the safety of their operations, those operators should be excluded from the scope of Annex VI to Regulation (EU) No 965/2012 and, instead, be allowed to comply with the requirements set out in its Annex VII. For consistency, training organisations which conduct flight training on the same lighter twin-turboprop aeroplanes should also be allowed to comply with the requirements set out in its Annex VII.
- (6) Annex VII to Regulation (EU) No 965/2012 requires carrying and using oxygen when flying above a fixed pressure altitude. Based on the principle of risk differentiation, whereby the level of regulatory protection afforded to stakeholders depends on their ability to assess and control risks, the need of oxygen in non-pressurised aircraft engaged in non-commercial operations should be determined by the pilot of such aircraft, taking into account certain objective factors.

<sup>(1)</sup> OJ L 79, 19.3.2008, p. 1.

<sup>(2)</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down 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).

- (7) Helicopter offshore operations ('HOFO') pose certain specific safety risks which are not adequately addressed by Regulation (EU) No 965/2012 as it stands. Some Member States therefore adopt additional requirements, including the mandatory use of new technologies, to mitigate such risks and maintain safety levels. However, in order to ensure that the safety objectives of Regulation (EC) No 216/2008 are achieved and in order to guarantee a level playing field for air operators, common safety measures should be established at Union level, taking into account the experience at national level as well as the developments in the sector of helicopter offshore operations.
- (8) Certain editorial errors leading to implementation difficulties have also been identified in Regulation (EU) No 965/2012.
- (9) Regulation (EU) No 965/2012 should therefore be amended and corrected accordingly.
- (10) It is necessary to provide sufficient time for the operators concerned and the competent authorities of the Member States to adjust to the new rules on aeronautical data and information and on helicopter offshore operations provided for in this Regulation.
- (11) The Commission intends to revise the rules related to balloons and sailplanes set out in Regulation (EU) No 965/2012, in the context of the initiative for simpler, lighter and better legislation on civil aviation. The preparatory work for that revision is currently ongoing. The date of application of those rules should therefore now be adapted so as to ensure that that revision can be completed and those rules can be amended where necessary before they start to apply.
- (12) In the interest of legal clarity and harmonised implementation of the common requirements throughout the Union there should be fixed dates of application of those requirements, either immediately upon entry into force or at a future time. The transitional measures and tasks to be duly implemented by all Member States should be included in the legal act, so as to avoid legal concerns and uncertainty. The possibility to use opt-outs as provided for in some Commission implementing regulations in the field of aviation safety should be restricted to duly justified cases, where it is absolutely necessary, and a predictable and transparent system should be employed, instead. It is therefore imperative that Regulation (EU) No 965/2012 is amended to account for these considerations.
- (13) The measures provided for in this Regulation are based on the opinions <sup>(1)</sup> issued by the European Aviation Safety Agency in accordance with Article 17(2)(b) and Article 19(1) of Regulation (EC) No 216/2008.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EU) No 965/2012 is amended as follows:

- (1) Article 5(2) is amended as follows:
  - (a) the word 'and' at the end of point (e) is deleted;
  - (b) the following point (g) is added:

'(g) helicopters used for offshore operations (HOFO).'

<sup>(1)</sup> European Aviation Safety Agency Opinion No 02/2015 of 12.3.2015 for a Commission Regulation establishing technical requirements and operating procedures for the provision of data to airspace users for the purpose of air navigation; European Aviation Safety Agency Opinion No 03/2015 of 31.3.2015 for a Commission Regulation on revision of operational approval criteria for Performance Based Navigation (PBN); European Aviation Safety Agency Opinion No 04/2015 of 8.5.2015 for a Commission Regulation on specific approval for helicopter offshore operations.



(2) Article 6 is amended as follows:

(a) paragraph 4 is replaced by the following:

‘4. Notwithstanding Article 5, Member States may, until 30 June 2018, continue to require a specific approval and additional requirements regarding operational procedures, equipment, crew qualification and training for CAT helicopter offshore operations in accordance with their national law. Member States shall notify the Commission and the Agency of the additional requirements being applied to such specific approvals. Those requirements shall not be less restrictive than those of Annexes III and IV.’;

(b) paragraph 7 is deleted;

(c) the following paragraphs 8 and 9 are added:

‘8. By way of derogation from the first sentence of Article 5(3), operators of complex motor-powered aeroplanes with a maximum certificated take-off mass (MCTOM) at or below 5 700 kg, equipped with turboprop engines, involved in non-commercial operations, shall operate those aircraft only in accordance with Annex VII.

9. By way of derogation from Article 5(5)(a), training organisations shall, when conducting flight training on complex motor-powered aeroplanes with a maximum certificated take-off mass (MCTOM) at or below 5 700 kg, equipped with turboprop engines, operate those aircraft in accordance with Annex VII.’

(3) Article 10 is replaced by the following:

‘Article 10

#### **Entry into force**

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

It shall apply from 28 October 2012, subject to paragraphs 2, 3, 4, 5 and 6 below.

2. Annexes II and VII shall apply to non-commercial operations with balloons and sailplanes from 25 August 2013, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision and to the extent they have decided to do so. Those Member States shall apply Annexes II and VII from 8 April 2018 to non-commercial operations with balloons and from 8 April 2019 to non-commercial operations with sailplanes or from the dates indicated in their decision, as the case may be.

3. Annexes II, III, VII and VIII shall apply to specialised operations with balloons and sailplanes from 1 July 2014, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision, and to the extent they have decided to do so. Those Member States shall apply Annexes II, III, VII and VIII from 8 April 2018 to specialised operations with balloons and from 8 April 2019 to specialised operations with sailplanes or from the dates indicated in their decision, as the case may be.

4. Annexes II, III, VII and VIII shall apply to specialised operations with aeroplanes and helicopters from 1 July 2014, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision and to the extent they have decided to do so. Those Member States shall apply Annexes II, III, VII and VIII to specialised operations with aeroplanes and helicopters from 21 April 2017 or from the dates indicated in their decision, as the case may be.

5. Annexes II, III and IV shall apply to:

(a) CAT operations starting and ending at the same aerodrome or operating site with Performance class B aeroplanes or non-complex helicopters from 1 July 2014, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision and to the extent they have decided to do so. Those Member States shall apply Annexes II, III and IV to CAT operations starting and ending at the same aerodrome or operating site with Performance class B aeroplanes or non-complex helicopters from 21 April 2017 or from the dates indicated in their decision, as the case may be;

(b) CAT operations with balloons and sailplanes from 1 July 2014, except for Member States that have decided not to apply all or part of them in accordance with the provisions in force at the time of that decision and to the extent they have decided to do so. Those Member States shall apply Annexes II, III and IV from 8 April 2018 to CAT operations with balloons, and from 8 April 2019 to CAT operations with sailplanes or from the dates indicated in their decision, as the case may be.

6. The following shall apply during the periods provided for in paragraphs 2, 3, 4 and 5 of this Article, as applicable:

(a) The competent authorities shall, from the date of entry into force of the requirements of this Regulation, take gradual and effective measures to comply with those requirements, including by adapting their organisation and management system, training of personnel, procedures and manuals and oversight programme;

(b) Operators shall adapt their management system, training programmes, procedures and manuals to be compliant with the requirements of this Regulation, as relevant, no later than the date of application of those requirements;

(c) Until the date of application of the relevant requirements of this Regulation, Member States shall continue to issue, renew or modify certificates, authorisations and approvals in accordance with the rules in force before the entry into force of those requirements or, in the case of CAT operations starting and ending at the same aerodrome or operating site with Performance class B aeroplanes or non-complex helicopters, in accordance with:

— Annex III to Regulation (EEC) No 3922/91 and related national exemptions in accordance with Article 8(2) of Regulation (EEC) No 3922/91, for aeroplanes; and

— national requirements, for helicopters.

d) Certificates, authorisations and approvals issued by Member States before the date of application of the relevant requirements of this Regulation shall be deemed to have been issued in accordance with those requirements. However, they shall be replaced by certificates, authorisations and approvals, as appropriate, issued in accordance with this Regulation no later than six months from the date of application of the relevant requirements of this Regulation;

e) Operators subject to a declaration obligation in accordance with this Regulation shall submit their declarations no later than the date of application of the relevant requirements of this Regulation.'

(4) Annexes I, II, IV, V, VI, VII and VIII are amended in accordance with the Annex to this Regulation.

## Article 2

Regulation (EU) No 965/2012 is corrected as follows:

(1) In Annex IV (Part-CAT), CAT.POL.A.240, point (b)(4) is replaced by the following:

'(4) the flight crew has obtained adequate knowledge of the route to be flown and of the procedures to be used in accordance with Subpart FC of Part-ORO.;

(2) In Annex VII (Part-NCO), the text of NCO.GEN.103 is replaced by the following:

'Introductory flights referred to in Article 6(4a)(c) of this Regulation, when conducted in accordance with this Annex, shall:

(a) start and end at the same aerodrome or operating site, except for balloons and sailplanes;

(b) be operated under VFR by day;

- (c) be overseen by a nominated person responsible for their safety; and
- (d) comply with any other conditions stipulated by the competent authority.

*Article 3*

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

It shall apply from 25 August 2016.

However,

- (a) point 1 of Article 1 and points 1(a), 1(b), 1(c), 1(d), 2(c), 3(a), 3(e), 3(g), 3(m), 3(n), 3(o), 4(c), 5(d), 5(j), 5(k), 5(l), 7(d), 7(k) and 7(l) of the Annex shall apply from 1 July 2018;
- (b) points 3(l), 3(q), 5(i), 5(n), 6(k), 6(n), 7(j) and 7(n) of the Annex shall apply from 1 January 2019.

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

Done at Brussels, 22 July 2016.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

---

## ANNEX

Annexes I, II, IV, V, VI, VII and VIII to Regulation (EU) No 965/2012 are amended as follows:

(1) In Annex I (Definitions):

(a) point (69) is replaced by the following:

‘(69) ‘hostile environment’ means:

(a) an area in which:

- (i) a safe forced landing cannot be accomplished because the surface is inadequate; or
- (ii) the helicopter occupants cannot be adequately protected from the elements; or
- (iii) search and rescue response/capability are not provided consistent with anticipated exposure; or
- (iv) there is an unacceptable risk of endangering persons or property on the ground;

(b) in any case, the following areas:

- (i) for overwater operations, the open sea area north of 45 N and south of 45 S, unless any part is designated as non-hostile by the responsible authority of the State in which the operations take place; and
- (ii) those parts of a congested area without adequate safe forced landing areas.’;

(b) point (86) is replaced by the following:

‘(86) ‘offshore operation’ means a helicopter operation that has a substantial proportion of any flight conducted over open sea areas to or from an offshore location.’;

(c) the following point (86a) is inserted:

‘(86a) ‘offshore location’ means a facility intended to be used for helicopter operations on a fixed or floating offshore structure or a vessel.’;

(d) the following point (86b) is inserted:

‘(86b) ‘open sea area’ means the area of water to seaward of the coastline.’;

(e) the following point (103a) is inserted:

‘(103a) ‘required navigation performance (RNP) specification’ means a navigation specification for PBN operations which includes a requirement for on-board navigation performance monitoring and alerting.’;

(2) In Annex II (Part-ARO):

(a) the following ARO.OPS.240 is added:

**‘ARO.OPS.240 Specific approval of RNP AR APCH**

(a) When compliance with the requirements in SPA.PBN.105 has been demonstrated by the applicant, the competent authority shall grant a generic specific approval or a procedure-specific approval for RNP AR APCH.

(b) In the case of a procedure-specific approval, the competent authority shall:

- (1) list the approved instrument approach procedures at specific aerodromes in the PBN approval;
- (2) establish coordination with the competent authorities for these aerodromes, if appropriate; and
- (3) take into account possible credits stemming from RNP AR APCH specific approvals already issued to the applicant.’;

(b) Appendix II is replaced by the following:

*Appendix II*

OPERATIONS SPECIFICATIONS (subject to the approved conditions in the operations manual)					
Issuing Authority Contact Details Telephone (1): _____; Fax _____; E-mail: _____					
AOC (2):		Operator Name (3):		Date (4):	Signature:
Dba Trading Name					
Operations Specifications#:					
Aircraft Model (5): Registration Marks (6):					
Commercial operations <input type="checkbox"/> .....					
Area of operation (7):					
Special Limitations (8):					
Specific Approvals:	Yes	No	Specification (9)	Remarks	
Dangerous Goods	<input type="checkbox"/>	<input type="checkbox"/>			
Low Visibility Operations			CAT (10) ....		
Take-off			RVR (11): m		
Approach and Landing	<input type="checkbox"/>	<input type="checkbox"/>	DA/H: ft RVR: m		
RVSM (12) <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>			
ETOPS (13) <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>	Maximum Diversion Time (14): min.		
Complex navigation specifications for PBN operations (15)	<input type="checkbox"/>	<input type="checkbox"/>		(16)	
Minimum navigation performance specification	<input type="checkbox"/>	<input type="checkbox"/>			
Helicopter operations with the aid of night vision imaging systems	<input type="checkbox"/>	<input type="checkbox"/>			
Helicopter hoist operations	<input type="checkbox"/>	<input type="checkbox"/>			
Helicopter emergency medical service operations	<input type="checkbox"/>	<input type="checkbox"/>			

Helicopter offshore operations	<input type="checkbox"/>	<input type="checkbox"/>		
Cabin crew training <sup>(17)</sup>	<input type="checkbox"/>	<input type="checkbox"/>		
Issue of CC attestation <sup>(18)</sup>	<input type="checkbox"/>	<input type="checkbox"/>		
Continuing airworthiness	<input type="checkbox"/>	<input type="checkbox"/>	<sup>(19)</sup>	
Others <sup>(20)</sup>				

- <sup>(1)</sup> Telephone and fax contact details of the competent authority, including the country code. E-mail to be provided if available.
- <sup>(2)</sup> Insertion of associated air operator certificate (AOC) number.
- <sup>(3)</sup> Insertion of the operator's registered name and the operator's trading name, if different. Insert 'Dba' before the trading name (for 'Doing business as').
- <sup>(4)</sup> Issue date of the operations specifications (dd-mm-yyyy) and signature of the competent authority representative.
- <sup>(5)</sup> Insertion of ICAO designation of the aircraft make, model and series, or master series, if a series has been designated (e.g. Boeing-737-3K2 or Boeing-777-232).
- <sup>(6)</sup> Either the registration marks are listed in the operations specifications or in the operations manual. In the latter case, the related operations specifications must make a reference to the related page in the operation manual. In case not all specific approvals apply to the aircraft model, the registration marks of the aircraft could be entered in the remark column to the related specific approval.
- <sup>(7)</sup> Listing of geographical area(s) of authorised operation (by geographical coordinates or specific routes, flight information region or national or regional boundaries).
- <sup>(8)</sup> Listing of applicable special limitations (e.g. VFR only, Day only, etc.).
- <sup>(9)</sup> List in this column the most permissive criteria for each approval or the approval type (with appropriate criteria).
- <sup>(10)</sup> Insertion of applicable precision approach category: LTS CAT I, CAT II, OTS CAT II, CAT IIIA, CAT IIIB or CAT IIIC. Insertion of minimum runway visual range (RVR) in meters and decision height (DH) in feet. One line is used per listed approach category.
- <sup>(11)</sup> Insertion of approved minimum take-off RVR in metres. One line per approval may be used if different approvals are granted.
- <sup>(12)</sup> Not Applicable (N/A) box may be checked only if the aircraft maximum ceiling is below FL290.
- <sup>(13)</sup> Extended range operations (ETOPS) currently applies only to two-engined aircraft. Therefore, the Not Applicable (N/A) box may be checked if the aircraft model has more or less than two engines.
- <sup>(14)</sup> The threshold distance may also be listed (in NM), as well as the engine type.
- <sup>(15)</sup> Performance-Based Navigation (PBN): one line is used for each complex PBN specific approval (e.g. RNP AR APCH), with appropriate limitations listed in the 'Specifications' and/or 'Remarks' columns. Individual approvals of specific RNP AR APCH procedures may be listed in the operations specifications or in the operations manual. In the latter case, the related operations specifications should have a reference to the related page in the operations manual.
- <sup>(16)</sup> Specify if the specific approval is limited to certain runway ends and/or aerodromes.
- <sup>(17)</sup> Approval to conduct the training course and examination to be completed by applicants for a cabin crew attestation as specified in Annex V (Part-CC) to Commission Regulation (EU) No 1178/2011.
- <sup>(18)</sup> Approval to issue cabin crew attestations as specified in Annex V (Part-CC) to Commission Regulation (EU) No 1178/2011.
- <sup>(19)</sup> The name of the person/organisation responsible for ensuring that the continuing airworthiness of the aircraft is maintained and a reference to the regulation that requires the work, i.e. Annex I (Part-M), Subpart G to Commission Regulation (EU) No 1321/2014.
- <sup>(20)</sup> Other approvals or data can be entered here, using one line (or one multi-line block) per authorisation (e.g. short landing operations, steep approach operations, helicopter operations to/from a public interest site, helicopter operations over a hostile environment located outside a congested area, helicopter operations without a safe forced landing capability, operations with increased bank angles, maximum distance from an adequate aerodrome for two-engined aeroplanes without an ETOPS approval, aircraft used for non-commercial operations).

EASA FORM 139 Issue 2<sup>\*</sup>;

(c) note 6 to EASA FORM 140 in Appendix V is replaced by the following:

'<sup>(6)</sup> List in this column any approved operations, e.g. dangerous goods, LVO, RVSM, PBN, MNPS, HOFO.';

(3) In Annex IV (Part-CAT):

(a) CAT.OP.MPA.120 is deleted;

(b) the following CAT.OP.MPA.126 is inserted:

**'CAT.OP.MPA.126 Performance-based navigation**

The operator shall ensure that, when performance-based navigation (PBN) is required for the route or procedure to be flown:

(a) the relevant PBN navigation specification is stated in the AFM or other document that has been approved by the certifying authority as part of an airworthiness assessment or is based on such approval; and

- (b) the aircraft is operated in conformance with the relevant navigation specification and limitations in the AFM or other document referred above.;
- (c) CAT.OP.MPA.135(a)(1) is replaced by the following:
- ‘(1) space-based facilities, ground facilities and services, including meteorological services, adequate for the planned operation are provided.;
- (d) in CAT.OP.MPA.175(b):
- (i) point (6) is replaced by the following:
- ‘(6) space-based facilities, ground facilities and services that are required for the planned flight are available and adequate;’
- (ii) the word ‘and’ at the end of point (7) is deleted;
- (iii) the following point (7a) is inserted:
- ‘(7a) any navigational database required for performance-based navigation is suitable and current; and’;
- (e) CAT.OP.MPA.181 is replaced by the following:

**‘CAT.OP.MPA.181 Selection of aerodromes and operating sites — helicopters**

- (a) For flights under instrument meteorological conditions (IMC), the commander shall select a take-off alternate aerodrome within one hour flying time at normal cruising speed if it would not be possible to return to the site of departure due to meteorological reasons.
- (b) For IFR flights or when flying under VFR and navigating by means other than by reference to visual landmarks, the commander shall specify at least one destination alternate aerodrome in the operational flight plan unless:
- (1) for a flight to any other land destination, the duration of the flight and the meteorological conditions prevailing are such that, at the estimated time of arrival at the site of intended landing, an approach and landing is possible under visual meteorological conditions (VMC); or
- (2) the site of intended landing is isolated and no alternate is available; in this case, a point of no return (PNR) shall be determined.
- (c) The operator shall select two destination alternate aerodromes when:
- (1) the appropriate weather reports and/or forecasts for the destination aerodrome indicate that during a period commencing one hour before and ending one hour after the estimated time of arrival, the weather conditions will be below the applicable planning minima; or
- (2) no meteorological information is available for the destination aerodrome.
- (d) The operator shall specify any required alternate aerodrome(s) in the operational flight plan.;
- (f) the following CAT.OP.MPA.182 is inserted:

**‘CAT.OP.MPA.182 Destination aerodromes — instrument approach operations**

The operator shall ensure that sufficient means are available to navigate and land at the destination aerodrome or at any destination alternate aerodrome in the case of loss of capability for the intended approach and landing operation.;

- (g) point (b) in CAT.OP.MPA.247 is deleted;

- (h) CAT.OP.MPA.295 is replaced by the following:

**‘CAT.OP.MPA.295 Use of airborne collision avoidance system (ACAS)**

The operator shall establish operational procedures and training programmes when ACAS is installed and serviceable so that the flight crew is appropriately trained in the avoidance of collisions and competent in the use of ACAS II equipment.’;

- (i) point (a)(3) of CAT.IDE.A.205 is replaced by the following:

‘(3) a seat belt with upper torso restraint system on each passenger seat and restraining belts on each berth in the case of aeroplanes with an MCTOM of less than 5 700 kg and with an MOPSC of less than nine, having an individual CofA first issued on or after 8 April 2015.’;

- (j) point (b) of CAT.IDE.A.205 is replaced by the following:

‘(b) A seat belt with upper torso restraint system shall have:

(1) a single point release;

(2) on the seats for the minimum required cabin crew, two shoulder straps and a seat belt that may be used independently; and

(3) on flight crew seats and on any seat alongside a pilot’s seat:

(i) two shoulder straps and a seat belt that may be used independently; or

(ii) a diagonal shoulder strap and a seat belt that may be used independently for the following aeroplanes:

(A) aeroplanes with an MCTOM of less than 5 700 kg and with an MOPSC of less than nine that are compliant with the emergency landing dynamic conditions defined in the applicable certification specification;

(B) aeroplanes with an MCTOM of less than 5 700 kg and with an MOPSC of less than nine that are not compliant with the emergency landing dynamic conditions defined in the applicable certification specification and having an individual CofA first issued before 28 October 2014; and

(C) aeroplanes certified in accordance with CS-VLA or equivalent and CS-LSA or equivalent.’;

- (k) the following point (f) is added in CAT.IDE.A.345:

‘(f) For PBN operations the aircraft shall meet the airworthiness certification requirements for the appropriate navigation specification.’

- (l) CAT.IDE.A.355 is replaced by the following:

**‘CAT.IDE.A.355 Management of aeronautical databases**

(a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.

(b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.

(c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.’;



(m) point (b) in CAT.IDE.H.280 is deleted;

(n) CAT.IDE.H.295 is replaced by the following:

**‘CAT.IDE.H.295 Crew survival suits**

Each crew member shall wear a survival suit when operating in performance class 3 on a flight over water beyond autorotational distance or safe forced landing distance from land, when the weather report or forecasts available to the commander indicate that the sea temperature will be less than plus 10 °C during the flight.’;

(o) CAT.IDE.H.310 is deleted;

(p) the following point (e) is added in CAT.IDE.H.345:

‘(e) For PBN operations the aircraft shall meet the airworthiness certification requirements for the appropriate navigation specification.’;

(q) the following CAT.IDE.H.355 is added:

**‘CAT.IDE.H.355 Management of aeronautical databases**

(a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.

(b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.

(c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.’;

(4) In Annex V (Part-SPA):

(a) SPA.PBN.100 PBN is replaced by the following:

**‘SPA.PBN.100 PBN operations**

(a) An approval is required for each of the following PBN specifications:

(1) RNP AR APCH; and

(2) RNP 0.3 for helicopter operation.

(b) An approval for RNP AR APCH operations shall allow operations on public instrument approach procedures which meet the applicable ICAO procedure design criteria.

(c) A procedure-specific approval for RNP AR APCH or RNP 0.3 shall be required for private instrument approach procedures or any public instrument approach procedure that does not meet the applicable ICAO procedure design criteria, or where required by the Aeronautical Information Publication (AIP) or the competent authority.’;

(b) SPA.PBN.105 PBN is replaced by the following:

**‘SPA.PBN.105 PBN operational approval**

To obtain a PBN specific approval from the competent authority, the operator shall provide evidence that:

- (a) the relevant airworthiness approval, suitable for the intended PBN operation, is stated in the AFM or other document that has been approved by the certifying authority as part of an airworthiness assessment or is based on such approval;
  - (b) a training programme for the flight crew members and relevant personnel involved in the flight preparation has been established;
  - (c) a safety assessment has been carried out;
  - (d) operating procedures have been established specifying:
    - (1) the equipment to be carried, including its operating limitations and appropriate entries in the minimum equipment list (MEL);
    - (2) flight crew composition, qualification and experience;
    - (3) normal, abnormal and contingency procedures; and
    - (4) electronic navigation data management;
  - (e) a list of reportable events has been specified; and
  - (f) a management RNP monitoring programme has been established for RNP AR APCH operations, if applicable.’;
- (c) the following Subpart K is added:

‘SUBPART K

**HELICOPTER OFFSHORE OPERATIONS**

**SPA.HOFO.100 Helicopter offshore operations (HOFO)**

The requirements of this Subpart apply to:

- (a) a commercial air transport operator holding a valid AOC in accordance with Part-ORO;
- (b) a specialised operations operator having declared its activity in accordance with Part-ORO; or
- (c) a non-commercial operator having declared its activity in accordance with Part-ORO.

**SPA.HOFO.105 Approval for helicopter offshore operations**

- (a) Prior to engaging in operations under this Subpart, a specific approval by the competent authority shall have been issued to the operator.
- (b) To obtain such approval, the operator shall submit an application to the competent authority as specified in SPA.GEN.105, and shall demonstrate compliance with the requirements of this Subpart.
- (c) The operator shall, prior to performing operations from a Member State other than the Member State that issued the approval under (a), inform the competent authorities in both Member States of the intended operation.

**SPA.HOFO.110 Operating procedures**

- (a) The operator shall, as part of its safety management process, mitigate and minimise risks and hazards specific to helicopter offshore operations. The operator shall specify in the operations manual the:
- (1) selection, composition and training of crews;
  - (2) duties and responsibilities of crew members and other involved personnel;
  - (3) required equipment and dispatch criteria; and
  - (4) operating procedures and minima, such that normal and likely abnormal operations are described and adequately mitigated.
- (b) The operator shall ensure that:
- (1) an operational flight plan is prepared prior to each flight;
  - (2) the passenger safety briefing also includes any specific information on offshore related items and is provided prior to boarding the helicopter;
  - (3) each member of the flight crew wears an approved survival suit:
    - (i) when the weather report or forecasts available to the pilot-in-command/commander indicate that the sea temperature will be less than plus 10 °C during the flight; or
    - (ii) when the estimated rescue time exceeds the calculated survival time; or
    - (iii) when the flight is planned to be conducted at night in a hostile environment;
  - (4) where established, the offshore route structure provided by the appropriate ATS is followed;
  - (5) pilots make optimum use of the automatic flight control systems (AFCS) throughout the flight;
  - (6) specific offshore approach profiles are established, including stable approach parameters and the corrective action to be taken if an approach becomes unstable;
  - (7) for multi-pilot operations, procedures are in place for a member of the flight crew to monitor the flight instruments during an offshore flight, especially during approach or departure, to ensure that a safe flight path is maintained;
  - (8) the flight crew takes immediate and appropriate action when a height alert is activated;
  - (9) procedures are in place to require the emergency flotation systems to be armed, when safe to do so, for all overwater arrivals and departures; and
  - (10) operations are conducted in accordance with any restriction on the routes or the areas of operation specified by the competent authority or the appropriate authority responsible for the airspace.

**SPA.HOFO.115 Use of offshore locations**

The operator shall only use offshore locations that are suitable in relation to size and mass of the type of helicopter and to the operations concerned.

**SPA.HOFO.120 Selection of aerodromes and operating sites**

- (a) *Onshore destination alternate aerodrome.* Notwithstanding CAT.OP.MPA.181, NCC.OP.152, and SPO.OP.151, the pilot-in command/commander does not need to specify a destination alternate aerodrome in the operational flight plan when conducting flights from an offshore location to a land aerodrome if either:
- (1) the destination aerodrome is defined as a coastal aerodrome, or
  - (2) the following criteria are met:
    - (i) the destination aerodrome has a published instrument approach;
    - (ii) the flight time is less than 3 hours; and
    - (iii) the published weather forecast valid from 1 hour prior, and 1 hour subsequent to the expected landing time specifies that:
      - (A) the cloud base is at least 700 feet above the minima associated with the instrument approach, or 1 000 feet above the destination aerodrome, whichever is the higher; and
      - (B) visibility is at least 2 500 meters.
- (b) *Offshore destination alternate helideck.* The operator may select an offshore destination alternate helideck when all of the following criteria are met:
- (1) An offshore destination alternate helideck shall be used only after the point of no return (PNR) and when an onshore destination alternative aerodrome is not geographically available. Prior to the PNR, an onshore destination alternate aerodrome shall be used.
  - (2) One engine inoperative (OEI) landing capability shall be attainable at the offshore destination alternate helideck.
  - (3) To the extent possible, helideck availability shall be guaranteed prior to PNR. The dimensions, configuration and obstacle clearance of individual helidecks or other sites shall be suitable for its use as an alternate helideck by each helicopter type intended to be used.
  - (4) Weather minima shall be established taking into account the accuracy and reliability of meteorological information.
  - (5) The MEL shall contain specific provisions for this type of operation.
  - (6) An offshore destination alternate helideck shall only be selected if the operator has established a procedure in the operations manual.

**SPA.HOFO.125 Airborne radar approaches (ARAs) to offshore locations — CAT operations**

- (a) A commercial air transport (CAT) operator shall establish operational procedures and ensure that ARAs are only flown if:
- (1) the helicopter is equipped with a radar that is capable of providing information regarding the obstacle environment; and
  - (2) either:
    - (i) the minimum descent height (MDH) is determined from a radio altimeter; or
    - (ii) the minimum descent altitude (MDA) plus an adequate margin is applied.
- (b) ARAs to rigs or vessels in transit shall be flown as multi-pilot operations.

- (c) The decision range shall provide adequate obstacle clearance in the missed approach from any destination for which an ARA is planned.
- (d) The approach shall only be continued beyond decision range or below the minimum descent altitude/height (MDA/H) when visual reference to the destination has been established.
- (e) For single-pilot CAT operations, appropriate increments shall be added to the MDA/H and decision range.
- (f) When an ARA is flown to a non-moving offshore location (i.e. fixed installation or moored vessel) and a reliable GPS position for the location is available in the navigation system, the GPS/area navigation system shall be used to enhance the safety of the ARA.

#### **SPA.HOFO.130 Meteorological conditions**

Notwithstanding CAT.OP.MPA.247, NCC.OP.180 and SPO.OP.170, when flying between offshore locations located in class G airspace where the overwater sector is less than 10 NM, VFR flights may be conducted when the limits are at, or better than, the following:

#### **Minima for flying between offshore locations located in class G airspace**

	Day		Night	
	Height (*)	Visibility	Height (*)	Visibility
Single pilot	300 feet	3 km	500 feet	5 km
Two pilots	300 feet	2 km (**)	500 feet	5 km (***)

(\*) The cloud base shall allow flight at the specified height to be below and clear of cloud.

(\*\*) Helicopters may be operated in flight visibility down to 800 m, provided the destination or an intermediate structure is continuously visible.

(\*\*\*) Helicopters may be operated in flight visibility down to 1 500 m, provided the destination or an intermediate structure is continuously visible.

#### **SPA.HOFO.135 Wind limitations for operations to offshore locations**

Operation to an offshore location shall only be performed when the wind speed at the helideck is reported to be not more than 60 knots including gusts.

#### **SPA.HOFO.140 Performance requirements at offshore locations**

Helicopters taking off from and landing at offshore locations shall be operated in accordance with the performance requirements of the appropriate Annex according to their type of operation.

#### **SPA.HOFO.145 Flight data monitoring (FDM) system**

- (a) When conducting CAT operations with a helicopter equipped with a flight data recorder, the operator shall establish and maintain a FDM system, as part of its integrated management system, by 1 January 2019.
- (b) The FDM system shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.

#### **SPA.HOFO.150 Aircraft tracking system**

An operator shall establish and maintain a monitored aircraft tracking system for offshore operations in a hostile environment from the time the helicopter departs until it arrives at its final destination.

**SPA.HOFO.155 Vibration health monitoring (VHM) system**

- (a) The following helicopters conducting CAT offshore operations in a hostile environment shall be fitted with a VHM system capable of monitoring the status of critical rotor and rotor drive systems by 1 January 2019:
- (1) complex motor-powered helicopters first issued with an individual Certificate of Airworthiness (C of A) after 31 December 2016;
  - (2) all helicopters with a maximum operational passenger seating configuration (MOPSC) of more than 9 and first issued with an individual C of A before 1 January 2017;
  - (3) all helicopters first issued with an individual C of A after 31 December 2018.
- (b) The operator shall have a system to:
- (1) collect the data including system generated alerts;
  - (2) analyse and determine component serviceability; and
  - (3) respond to detected incipient failures.

**SPA.HOFO.160 Equipment requirements**

- (a) The operator shall comply with the following equipment requirements:
- (1) Public Address (PA) system in helicopters used for CAT and non-commercial operations with complex motor-powered helicopters (NCC):
    - (i) Helicopters with a maximum operational passenger seat configuration (MOPSC) of more than 9 shall be equipped with a PA system.
    - (ii) Helicopters with an MOPSC of 9 or less need not be equipped with a PA system if the operator can demonstrate that the pilot's voice is understandable at all passengers' seats in flight.
  - (2) *Radio altimeter*

Helicopters shall be equipped with a radio altimeter that is capable of emitting an audio warning below a pre-set height and a visual warning at a height selectable by the pilot.

(b) *Emergency exits*

All emergency exits, including crew emergency exits, and any door, window or other opening that is suitable for emergency egress, and the means for opening them shall be clearly marked for the guidance of occupants using them in daylight or in the dark. Such markings shall be designed to remain visible if the helicopter is capsized or the cabin is submerged.

(c) *Helicopter terrain awareness warning system (HTAWS)*

Helicopters used in CAT operations with a maximum certificated take-off mass of more than 3 175 kg or a MOPSC of more than 9 and first issued with an individual C of A after 31 December 2018 shall be equipped with an HTAWS that meets the requirements for class A equipment as specified in an acceptable standard.

**SPA.HOFO.165 Additional procedures and equipment for operations in a hostile environment**

(a) *Life jackets*

Approved life jackets shall be worn at all times by all persons on board unless integrated survival suits that meet the combined requirement of the survival suit and life jacket are worn.

(b) *Survival suits*

All passengers on board shall wear an approved survival suit:

- (1) when the weather report or forecasts available to the commander/pilot-in-command indicate that the sea temperature will be less than plus 10 °C during the flight; or
- (2) when the estimated rescue time exceeds the calculated survival time; or
- (3) when the flight is planned to be conducted at night.

(c) *Emergency breathing system*

All persons on board shall carry and be instructed in the use of emergency breathing systems.

(d) *Life rafts*

- (1) All life rafts carried shall be installed so as to be usable in the sea conditions in which the helicopter's ditching, flotation, and trim characteristics were evaluated for certification.
- (2) All life rafts carried shall be installed so as to facilitate their ready use in an emergency.
- (3) The number of life rafts installed:
  - (i) in the case of a helicopter carrying less than 12 persons, at least one life raft with a rated capacity of not less than the maximum number of persons on board; or
  - (ii) in the case of a helicopter carrying more than 11 persons, at least two life rafts, sufficient together to accommodate all persons capable of being carried on board and, if one is lost, the remaining life raft (s) having the overload capacity sufficient to accommodate all persons on the helicopter.
- (4) Each life raft shall contain at least one survival emergency locator transmitter (ELT(S)); and
- (5) Each life raft shall contain life-saving equipment, including means of sustaining life, as appropriate to the flight to be undertaken.

(e) *Emergency cabin lighting*

The helicopter shall be equipped with an emergency lighting system with an independent power supply to provide a source of general cabin illumination to facilitate the evacuation of the helicopter.

(f) *Automatically deployable emergency locator transmitter (ELT(AD))*

The helicopter shall be equipped with an ELT(AD) that is capable of transmitting simultaneously on 121,5 MHz and 406 MHz.

(g) *Securing of non-jettisonable doors*

Non-jettisonable doors that are designated as ditching emergency exits shall have a means of securing them in the open position so that they do not interfere with the occupants' egress in all sea conditions up to the maximum sea conditions required to be evaluated for ditching and flotation.

(h) *Emergency exits and escape hatches*

All emergency exits, including crew emergency exits, and any door, window or other opening suitable to be used for the purpose of underwater escape shall be equipped so as to be operable in an emergency.

- (i) Notwithstanding (a), (b) and (c) above the operator may, based on a risk assessment, allow passengers, medically incapacitated at an offshore location, to partly wear or not wear life jackets, survival suits or emergency breathing systems on return flights or flights between offshore locations.

**SPA.HOFO.170 Crew requirements**

(a) The operator shall establish:

- (1) criteria for the selection of flight crew members, taking into account the flight crew members' previous experience;
- (2) a minimum experience level for a commander/pilot-in-command intending to conduct offshore operations; and
- (3) a flight crew training and checking programme that each flight crew member shall complete successfully. Such programme shall be adapted to the offshore environment and include normal, abnormal and emergency procedures, crew resource management, water entry and sea survival training.

(b) *Recency requirements*

A pilot shall only operate a helicopter carrying passengers:

- (1) at an offshore location, as commander or pilot-in-command, or co-pilot, when he or she has carried out in the preceding 90 days at least 3 take-offs, departures, approaches and landings at an offshore location in a helicopter of the same type or a full flight simulator (FFS) representing that type; or
- (2) by night at an offshore location, as commander or pilot-in-command, or co-pilot, when he/she has carried out in the preceding 90 days at least 3 take-offs, departures, approaches and landings at night at an offshore location in a helicopter of the same type or an FFS representing that type.

The 3 take-offs and landings shall be performed in either multi-pilot or single-pilot operations, depending on the operation to be performed.

(c) Specific requirements for CAT:

- (1) The 90-day period presented in points (b)(1) and (2) above may be extended to 120 days as long as the pilot undertakes line flying under the supervision of a type rating instructor or examiner.
- (2) If the pilot does not comply with the requirements in (1), he/she shall complete a training flight in the helicopter or an FFS of the helicopter type to be used, which shall include at least the requirements described in (b)(1) and (2) before he or she can exercise his or her privileges.'

(5) In Annex VI (Part-NCC):

(a) NCC.GEN.106 is amended as follows:

- (i) the word 'and' at the end of point (a)(4)(vii) is deleted;
- (ii) the word 'and' at the end of point (a)(4)(viii) is inserted;
- (iii) a new point (a)(4)(ix) is inserted as follows:

'(ix) any navigational database required for performance-based navigation is suitable and current.';

(b) the following NCC.OP.116 is inserted:

**'NCC.OP.116 Performance-based navigation — aeroplanes and helicopters**

The operator shall ensure that, when PBN is required for the route or procedure to be flown:

- (a) the relevant PBN specification is stated in the AFM or other document that has been approved by the certifying authority as part of an airworthiness assessment or is based on such approval; and
- (b) the aircraft is operated in conformance with the relevant navigation specification and limitations in the AFM or other document mentioned above.';



(c) point (a) of NCC.OP.145 is replaced by the following:

‘(a) Before commencing a flight, the pilot-in-command shall ascertain by every reasonable means available that the space-based facilities, ground and/or water facilities, including communication facilities and navigation aids available and directly required on such flight, for the safe operation of the aircraft, are adequate for the type of operation under which the flight is to be conducted.’;

(d) NCC.OP.152 is amended as follows:

(i) the word ‘and’ at the end of point (b)(2)(ii) is deleted;

(ii) point (b)(3) is deleted;

(e) the following NCC.OP.153 is inserted:

**‘NCC.OP.153 Destination aerodromes — instrument approach operations**

The pilot-in-command shall ensure that sufficient means are available to navigate and land at the destination aerodrome or at any destination alternate aerodrome in the case of loss of capability for the intended approach and landing operation.’;

(f) NCC.OP.220 is amended as follows:

**‘NCC.OP.220 Airborne collision avoidance system (ACAS)**

The operator shall establish operational procedures and training programs when ACAS is installed and serviceable so that the flight crew is appropriately trained in the avoidance of collisions and competent in the use of ACAS II equipment.’;

(g) point (b) of NCC.IDE.A.180 is replaced by the following:

‘(b) A seat belt with upper torso restraint system shall have:

(1) a single point release;

(2) on the seats for the minimum required cabin crew, two shoulder straps and a seat belt that may be used independently; and

(3) on flight crew seats and on any seat alongside a pilot’s seat:

(i) two shoulder straps and a seat belt that may be used independently; or

(ii) a diagonal shoulder strap and a seat belt that may be used independently for the following aeroplanes:

(A) aeroplanes with an MCTOM of less than 5 700 kg and with an MOPSC of less than nine that are compliant with the emergency landing dynamic conditions defined in the applicable certification specification;

(B) aeroplanes with an MCTOM of less than 5 700 kg and with an MOPSC of less than nine that are not compliant with the emergency landing dynamic conditions defined in the applicable certification specification and having an individual CofA first issued before 25 August 2016.’;

(h) the following point (d) is added in NCC.IDE.A.250:

‘(d) For PBN operations the aircraft shall meet the airworthiness certification requirements for the appropriate navigation specification.’;

- (i) NCC.IDE.A.260 is replaced by the following:

**\*NCC.IDE.A.260 Management of aeronautical databases**

- (a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.
- (b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.;

- (j) point (b) of NCC.IDE.H.215 is deleted;

- (k) NCC.IDE.H.226 is replaced by the following:

**\*NCC.IDE.H.226 Crew survival suits**

Each crew member shall wear a survival suit when so determined by the pilot-in-command based on a risk assessment taking into account the following conditions:

- (a) flights over water beyond autorotational distance or safe forced landing distance from land, where in the case of a critical engine failure, the helicopter is not able to sustain level flight; and
- (b) the weather report or forecasts available to the commander/pilot-in-command indicate that the sea temperature will be less than plus 10 °C during the flight.;

- (l) NCC.IDE.H.231 is deleted;

- (m) the following point (d) is added in NCC.IDE.H.250:

'(d) When PBN is required the aircraft shall meet the airworthiness certification requirements for the appropriate navigation specification.;

- (n) the following NCC.IDE.H.260 is added:

**\*NCC.IDE.H.260 Management of aeronautical databases**

- (a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.
- (b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.;

- (6) In Annex VII (Part-NCO):

- (a) NCO.GEN.105 is amended as follows:

- (i) the word 'and' at the end of point (a)(4)(v) is deleted;
- (ii) the word 'and' at the end of point (a)(4)(vi) is inserted;

(iii) the following point (a)(4)(vii) is inserted:

‘(vii) any navigational database required for PBN is suitable and current.’;

(b) the following point (f) is added in NCO.GEN.140:

‘(f) Reasonable quantities of articles and substances that would otherwise be classified as dangerous goods and that are used to facilitate flight safety, where carriage aboard the aircraft is advisable to ensure their timely availability for operational purposes, shall be considered authorised under paragraph 1;2.2.1(a) of the Technical Instructions. This is regardless of whether or not such articles and substances are required to be carried or intended to be used in connection with a particular flight.

The packing and loading on board of the above-mentioned articles and substances shall be performed, under the responsibility of the pilot in command, in such a way as to minimise the risks posed to crew members, passengers, cargo or the aircraft during aircraft operations.’;

(c) the following NCO.OP.116 is inserted:

**‘NCO.OP.116 Performance-based navigation — aeroplanes and helicopters**

The pilot-in-command shall ensure that, when PBN is required for the route or procedure to be flown:

(a) the relevant PBN navigation specification is stated in the AFM or other document that has been approved by the certifying authority as part of an airworthiness assessment or is based on such approval; and

(b) the aircraft is operated in conformance with the relevant navigation specification and limitations in the AFM or other document mentioned above.’;

(d) point (a) of NCO.OP.135 is replaced by the following:

‘(a) Before commencing a flight, the pilot-in-command shall ascertain by every reasonable means available that the space-based facilities, ground and/or water facilities, including communication facilities and navigation aids available and directly required on such flight, for the safe operation of the aircraft, are adequate for the type of operation under which the flight is to be conducted.’;

(e) the following NCO.OP.142 is inserted:

**‘NCO.OP.142 Destination aerodromes — instrument approach operations**

The pilot-in-command shall ensure that sufficient means are available to navigate and land at the destination aerodrome or at any destination alternate aerodrome in the case of loss of capability for the intended approach and landing operation.’;

(f) NCO.OP.190 is replaced by the following:

**‘NCO.OP.190 Use of supplemental oxygen**

(a) The pilot-in-command shall ensure that all flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen continuously whenever he/she determines that at the altitude of the intended flight the lack of oxygen might result in impairment of the faculties of crew members, and shall ensure that supplemental oxygen is available to passengers when lack of oxygen might harmfully affect passengers.

(b) In any other case when the pilot-in-command cannot determine how the lack of oxygen might affect all occupants on board, he/she shall ensure that:

(1) all crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen for any period in excess of 30 minutes when the pressure altitude in the the passenger compartment will be between 10 000 ft and 13 000 ft; and

(2) all occupants use supplemental oxygen for any period that the pressure altitude in the the passenger compartment will be above 13 000 ft.’;

- (g) the following NCO.OP.220 is added:

**'NCO.OP.220 Airborne collision avoidance system (ACAS II)**

When ACAS II is used, pilot-in-command shall apply the appropriate operational procedures and be adequately trained.;

- (h) point (a)(4) of NCO.IDE.A.140 is replaced by the following:

'(4) a seat belt with upper torso restraint system on each flight crew seat, having a single point release for aeroplanes having a CofA first issued on or after 25 August 2016.;

- (i) NCO.IDE.A.155 is replaced by the following:

**'NCO.IDE.A.155 Supplemental oxygen — non-pressurised aeroplanes**

Non-pressurised aeroplanes operated when an oxygen supply is required in accordance with NCO.OP.190 shall be equipped with oxygen storage and dispensing apparatus capable of storing and dispensing the required oxygen supplies.;

- (j) the following point (d) is added in NCO.IDE.A.195:

'(d) For PBN operations the aircraft shall meet the airworthiness certification requirements for the appropriate navigation specification.;

- (k) the following NCO.IDE.A.205 is added:

**'NCO.IDE.A.205 Management of aeronautical databases**

(a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.

(b) The pilot-in-command shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to the aircraft that require them.

(c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the pilot-in-command shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to a flight.

In such cases, the pilot-in-command shall not use the affected data.;

- (l) NCO.IDE.H.155 is replaced by the following:

**'NCO.IDE.H.155 Supplemental oxygen — non-pressurised helicopters**

Non-pressurised helicopters operated when an oxygen supply is required in accordance with NCO.OP.190 shall be equipped with oxygen storage and dispensing apparatus capable of storing and dispensing the required oxygen supplies.;

- (m) the following point (d) is added in NCO.IDE.H.195:

'(d) For PBN operations the aircraft shall meet the airworthiness certification requirements for the appropriate navigation specification.;

- (n) the following NCO.IDE.H.205 is added:

**'NCO.IDE.H.205 Management of aeronautical databases**

(a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.

- (b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to the aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the pilot-in-command shall not use the affected data.;

- (o) NCO.IDE.S.130 is replaced by the following:

**‘NCO.IDE.S.130 Supplemental oxygen**

Sailplanes operated when an oxygen supply is required in accordance with NCO.OP.190 shall be equipped with oxygen storage and dispensing apparatus capable of storing and dispensing the required oxygen supplies.;

- (p) point (f) of NCO.SPEC.110 is replaced by the following:

‘(f) ensure that task specialists and crew members use supplemental oxygen continuously whenever he/she determines that at the altitude of the intended flight the lack of oxygen might result in impairment of the faculties of crew members or harmfully affect task specialists. If the pilot-in-command cannot determine how the lack of oxygen might affect the occupants on board, he/she shall ensure that task specialists and crew members use supplemental oxygen continuously whenever the cabin altitude exceeds 10 000 ft for a period of more than 30 minutes and whenever the cabin altitude exceeds 13 000 ft.;

- (7) In Annex VIII (Part-SPO):

- (a) SPO.GEN.107 is amended as follows:

- (i) the word ‘and’ at the end of point (a)(4)(v) is deleted;
- (ii) the word ‘and’ at the end of point (a)(4)(vi) is inserted;
- (iii) a new point (a)(4)(vii) is inserted as follows:

‘(vii) any navigational database required for PBN is suitable and current.;

- (b) the following SPO.OP.116 is inserted:

**‘SPO.OP.116 Performance-based navigation — aeroplanes and helicopters**

The operator shall ensure that, when PBN is required for the route or procedure to be flown:

- (a) the relevant PBN specification is stated in the AFM or other document that has been approved by the certifying authority as part of an airworthiness assessment or is based on such approval; and
  - (b) the aircraft is operated in conformance with the relevant navigation specification and limitations in the AFM or other document mentioned above.;
- (c) point (a) in SPO.OP.140 is replaced by the following:
    - ‘(a) Before commencing a flight, the pilot-in-command shall ascertain by every reasonable means available that the space-based facilities, ground and/or water facilities, including communication facilities and navigation aids available and directly required on such flight, for the safe operation of the aircraft, are adequate for the type of operation under which the flight is to be conducted.;
  - (d) point (b)(3) of SPO.OP.151 is deleted;

- (e) the following SPO.OP.152 is inserted:

**‘SPO.OP.152 Destination aerodromes — instrument approach operations**

The pilot-in-command shall ensure that sufficient means are available to navigate and land at the destination aerodrome or at any destination alternate aerodrome in the case of loss of capability for the intended approach and landing operation.’;

- (f) point (a) of SPO.OP.205 is replaced by the following:

‘(a) The operator shall establish operational procedures and training programmes when ACAS is installed and serviceable so that the flight crew is appropriately trained in the avoidance of collisions and competent in the use of ACAS II equipment.’;

- (g) points (c) and (d) in SPO.IDE.A.160 are replaced by the following:

‘(c) for other-than-complex motor-powered aeroplanes, a seat belt with upper torso restraint system on each flight crew seat, having a single point release for aeroplanes having a CofA first issued on or after 25 August 2016;

(d) for complex motor-powered aeroplanes, a seat belt with upper torso restraint system, incorporating a device that will automatically restrain the occupant’s torso in the event of rapid deceleration:

(1) on each flight crew seat and on any seat alongside a pilot’s seat; and

(2) on each observer’s seat located in the flight crew compartment.’;

- (h) the following point (e) is added in SPO.IDE.A.160:

‘(e) The seat belt with upper torso restraint system required by (d) shall have:

(1) a single point release;

(2) on flight crew seats and on any seat alongside a pilot’s seat:

(i) two shoulder straps and a seat belt that may be used independently; or

(ii) a diagonal shoulder strap and a seat belt that may be used independently for the following aeroplanes:

(A) aeroplanes with an MCTOM of less than 5 700 kg and with an MOPSC of less than nine that are compliant with the emergency landing dynamic conditions defined in the applicable certification specification;

(B) aeroplanes with an MCTOM of less than 5 700 kg and with an MOPSC of less than nine that are not compliant with the emergency landing dynamic conditions defined in the applicable certification specification and having an individual CofA first issued before 25 August 2016.’;

- (i) the following point (d) is added in SPO.IDE.A.220:

‘(d) For PBN operations the aircraft shall meet the airworthiness certification requirements for the appropriate navigation specification.’;

- (j) the following SPO.IDE.A.230 is added:

**‘SPO.IDE.A.230 Management of aeronautical databases**

(a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.

- (b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.;

- (k) SPO.IDE.H.198 is replaced by the following:

**‘SPO.IDE.H.198 Survival suits — complex motor-powered helicopters**

Each person on board shall wear a survival suit when so determined by the pilot-in-command based on a risk assessment taking into account the following conditions:

- (a) flights over water beyond autorotational distance or safe forced-landing distance from land, where, in the case of a critical engine failure, the helicopter is not able to sustain level flight; and
- (b) the weather report or forecasts available to the pilot-in-command indicate that the sea temperature will be less than plus 10 °C during the flight.;

- (l) SPO.IDE.H.201 is deleted;

- (m) the following point (d) is added in SPO.IDE.H.220:

‘(d) For PBN operations the aircraft shall meet the airworthiness certification requirements for the appropriate navigation specification.’

- (n) the following SPO.IDE.H.230 is added:

**‘SPO.IDE.H.230 Management of aeronautical databases**

- (a) Aeronautical databases used on certified aircraft system applications shall meet data quality requirements that are adequate for the intended use of the data.
- (b) The operator shall ensure the timely distribution and insertion of current and unaltered aeronautical databases to all aircraft that require them.
- (c) Notwithstanding any other occurrence reporting requirements as defined in Regulation (EU) No 376/2014, the operator shall report to the database provider instances of erroneous, inconsistent or missing data that might be reasonably expected to constitute a hazard to flight.

In such cases, the operator shall inform flight crew and other personnel concerned, and shall ensure that the affected data is not used.;

---

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/1200****of 22 July 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors <sup>(2)</sup>, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 22 July 2016.

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

*Director-General for Agriculture and Rural Development*

---

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.



## ANNEX

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

(EUR/100 kg)			
CN code	Third country code <sup>(1)</sup>	Standard import value	
0702 00 00	MA	144,8	
	ZZ	144,8	
0707 00 05	TR	103,7	
	ZZ	103,7	
0709 93 10	TR	142,5	
	ZZ	142,5	
0805 50 10	AR	187,5	
	AU	158,0	
	BO	223,6	
	CL	192,7	
	TR	164,0	
	UY	192,0	
	ZA	172,2	
	ZZ	184,3	
	0806 10 10	EG	272,8
		MA	245,1
ZZ		259,0	
0808 10 80	AR	125,6	
	BR	101,4	
	CL	130,9	
	CN	131,8	
	NZ	137,9	
	US	157,1	
	UY	72,1	
	ZA	109,0	
	ZZ	120,7	
	0808 30 90	AR	111,0
		CL	122,4
NZ		171,3	
TR		197,6	
ZA		113,7	
ZZ		143,2	
0809 10 00	TR	198,0	
	ZZ	198,0	
0809 29 00	TR	218,9	
	US	535,2	
	ZZ	377,1	

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

## DECISIONS

### **DECISION (EU, Euratom) 2016/1201 OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION**

**of 13 July 2016**

#### **appointing the members of the Supervisory Committee of the European Anti-Fraud Office (OLAF)**

THE EUROPEAN PARLIAMENT, THE COUNCIL AND 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 Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 <sup>(1)</sup>, and in particular Article 15(2) of this Regulation.

Whereas:

- (1) Article 15(2) of Regulation (EU, Euratom) No 883/2013 provides that the Supervisory Committee of the European Anti-Fraud Office (OLAF) shall be composed of five independent members having experience in senior judicial or investigative functions or comparable functions relating to the areas of activity of the Office. They shall be appointed by common accord of the European Parliament, the Council and the Commission. The decision appointing the members of the Supervisory Committee shall also include a reserve list of potential members to replace members of the Supervisory Committee for the remainder of their term of office in the event of the resignation, death or permanent incapacity of one or more of those members.
- (2) According to Article 15(3), the term of office of the members of the Supervisory Committee shall be five years and shall not be renewable. Three and two members shall be replaced alternately in order to preserve the Supervisory Committee's expertise.
- (3) According to Article 21(2), the duties of two members of the Supervisory Committee, chosen by lot, are to end, by way of derogation from the first sentence of Article 15(3), upon the expiry of the first 36 months of their term of office. Therefore, the duties of two members appointed with effect from 23 January 2012 ended on 22 January 2015. In accordance with Article 15(4) of the Regulation (EU, Euratom) No 883/2013, these members remained in office after the expiry of their term of office, pending completion of the process of appointment of new members of the Supervisory Committee. New members should therefore be appointed to replace these two members.
- (4) Following a selection procedure, the European Parliament, the Council and the Commission are satisfied that the persons to be appointed as members and potential members of the Supervisory Committee fulfil the requirements of independence and experience in senior judicial or investigative functions or comparable functions relating to the areas of activity of the European Anti-Fraud Office (OLAF) laid down in Article 15(2) of Regulation (EU, Euratom) No 883/2013,

HAVE DECIDED AS FOLLOWS:

#### *Article 1*

1. The following persons are hereby appointed as members of the Supervisory Committee of the European Anti-Fraud Office (OLAF) as from the day of entry into force of this decision:

— Ms Colette DRINAN,

— Ms Grażyna Maria STRONIKOWSKA.

<sup>(1)</sup> OJ L 248, 18.9.2013, p. 1.

2. The following persons are hereby appointed as members of the Supervisory Committee of the European Anti-Fraud Office (OLAF) as from 23 January 2017:

- Ms Maria Helena Pereira Loureiro Correia FAZENDA,
- Mr Petr KLEMENT,
- Mr Jan MULDER.

3. Should any of the above persons resign from the Supervisory Committee, die or become permanently incapacitated, he or she shall immediately be replaced for the remainder of the term of office by the first named person on the following list who has not yet replaced a member of the Supervisory Committee:

- Mr Rafael MUÑOZ LÓPEZ-CARMONA,
- Ms Anca JURMA,
- Ms Dobrinka MIHAYLOVA,
- Mr Gerhard JAROSCH,
- Ms Kalliopi THEOLOGITOU,
- Mr Antonio BALSAMO,
- Mr Angelo Maria QUAGLINI.

#### *Article 2*

In carrying out their duties, the Members of the Supervisory Committee shall neither seek nor take instructions from any government or any institution, body, office or agency.

They shall not deal with a matter in which, directly or indirectly, they have any personal interest such as to impair their independence, and, in particular, family and financial interests.

The members of the Supervisory Committee shall be bound by an obligation of professional secrecy in the exercise of their functions, and shall continue to be bound by that obligation after the end of their mandate.

#### *Article 3*

Members of the Supervisory Committee shall be reimbursed for expenses they may incur in the course of their duties, and shall receive a daily payment for each day spent on those duties. The amount of that payment and the procedure for reimbursement shall be determined by the Commission.

#### *Article 4*

The Commission shall inform the above persons of this Decision, and shall immediately inform any person replacing a member of the Supervisory Committee pursuant to Article 1(3).

*Article 5*

The Decision shall enter into force on 13 July 2016.

Done at Brussels, 13 July 2016.

*For the European Parliament*  
*The President*  
Martin SCHULZ

*For the Council*  
*The President*  
Peter KAŽIMÍR

*For the Commission*  
*Vice-President*  
Kristalina GEORGIEVA

---

**COUNCIL DECISION (EU) 2016/1202****of 18 July 2016****establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organisation on the United States' request for a WTO waiver to extend the system of preferential treatment granted to the Former Trust Territory of the Pacific Islands**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Paragraphs 3 and 4 of Article IX of the Marrakesh Agreement establishing the World Trade Organisation ('WTO Agreement') set out the procedures for waiving an obligation imposed on a Member by the WTO Agreement or any of the Multilateral Trade Agreements.
- (2) The United States was granted a waiver of obligations under paragraph 1 of Article I of the General Agreement on Tariffs and Trade 1994 ('GATT 1994'), which was most recently extended on 1 August 2007 covering the period through 31 December 2016.
- (3) Pursuant to paragraph 3 of Article IX of the WTO Agreement, the United States submitted a request to waive until 31 December 2026 its obligations under paragraph 1 of Article I of the GATT 1994 to the extent necessary to permit the United States to continue providing preferential treatment to eligible products of the Former Trust Territory of the Pacific Islands (Republic of the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau) imported into the customs territory of the United States.
- (4) The granting of the United States request for a WTO waiver would not affect negatively either the economy of the Union or the trade relations with the beneficiaries of the waiver.
- (5) It is appropriate, therefore, to establish the position to be taken on behalf of the Union within the WTO General Council to support the waiver request by the United States,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the Union within the General Council of the World Trade Organization shall be to support the United States' request to waive obligations under paragraph 1 of Article I of the General Agreement on Tariffs and Trade 1994 until 31 December 2026 in accordance with the terms of the United States' waiver request.

This position shall be expressed by the Commission.

*Article 2*

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

Done at Brussels, 18 July 2016.

*For the Council*  
*The President*  
G. MATEČNÁ

**COUNCIL DECISION (EU) 2016/1203****of 18 July 2016****appointing a member and an alternate member, proposed by the Kingdom of Spain of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Spanish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, (EU) 2015/190 <sup>(2)</sup> and (EU) 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Francesc HOMS i MOLIST.
- (3) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Roger ALBINYANA i SAIGÍ,

HAS ADOPTED THIS DECISION:

*Article 1*

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as a member:

— Mr Jordi SOLÉ i FERRANDO, *Secretario de Asuntos Exteriores y de la Unión Europea, Comunidad Autónoma de Cataluña,*  
and

(b) as an alternate member:

— Mr Amadeu ALTAFAJ i TARDIO, *Representante Permanente ante la Unión Europea (\*), Comunidad Autónoma de Cataluña.*

*Article 2*

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

Done at Brussels, 18 July 2016.

*For the Council*  
*The President*  
G. MATEČNÁ

---

<sup>(1)</sup> Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

<sup>(2)</sup> Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

<sup>(3)</sup> Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

<sup>(\*)</sup> The denomination of 'Permanent Representative of the Autonomous Community of Catalonia to the European Union' has been challenged by the Government of Spain before the High Court of Justice of Catalonia.

**COUNCIL DECISION (EU) 2016/1204****of 18 July 2016****appointing a member, proposed by the Federal Republic of Germany of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the German Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, (EU) 2015/190 <sup>(2)</sup> and (EU) 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Tilman TÖGEL,

HAS ADOPTED THIS DECISION:

*Article 1*

The following is hereby appointed as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Frau Katrin BUDDE, *Mitglied des Landtages von Sachsen-Anhalt*.

*Article 2*

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

Done at Brussels, 18 July 2016.

*For the Council*  
*The President*  
G. MATEČNÁ

---

<sup>(1)</sup> Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

<sup>(2)</sup> Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

<sup>(3)</sup> Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

**COUNCIL DECISION (EU) 2016/1205****of 18 July 2016****appointing two alternate members, proposed by the Kingdom of the Netherlands of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Dutch Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, (EU) 2015/190 <sup>(2)</sup> and (EU) 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 13 July 2015, by Council Decision (EU) 2015/1140 <sup>(4)</sup>, Mr N.A. (André) VAN DE NADORT was replaced by Mr H.J.J. (Henri) LENFERINK as an alternate member. On 18 September 2015, by Council Decision (EU) 2015/1573 <sup>(5)</sup>, Mr J.H.J. (Hans) KONST was replaced by Mr A. (Ard) VAN DER TUUK as an alternate member.
- (2) Two alternate members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr H.J.J. (Henri) LENFERINK and Mr A. (Ard) VAN DER TUUK,

HAS ADOPTED THIS DECISION:

*Article 1*

The following are hereby appointed as alternate members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

- Mr B.R. (Bouke) ARENDS, *Wethouder van de gemeente Emmen*,
- Mr T. (Tjisse) STELPSTRA, *Gedeputeerde van de provincie Drenthe*.

*Article 2*

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

Done at Brussels, 18 July 2016.

*For the Council*

*The President*

G. MATEČNÁ

---

<sup>(1)</sup> Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

<sup>(2)</sup> Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

<sup>(3)</sup> Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

<sup>(4)</sup> Council Decision (EU) 2015/1140 of 13 July 2015 appointing two Dutch members and two Dutch alternate members of the Committee of the Regions (OJ L 185, 14.7.2015, p. 17).

<sup>(5)</sup> Council Decision (EU) 2015/1573 of 18 September 2015 appointing four Dutch members and five Dutch alternate members of the Committee of the Regions (OJ L 245, 22.9.2015, p. 10).



**COUNCIL IMPLEMENTING DECISION (EU) 2016/1206****of 18 July 2016****amending Implementing Decision 2013/676/EU authorising Romania to continue to apply a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(1)</sup>, and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 193 of Directive 2006/112/EC provides that any taxable person supplying goods or services is, as a general rule, liable for the payment of value added tax (VAT) to the tax authorities.
- (2) Council Implementing Decision 2010/583/EU <sup>(2)</sup> and, subsequently, Council Implementing Decision 2013/676/EU <sup>(3)</sup> authorised Romania to apply a derogating measure in order to designate the recipient as the person liable for the payment of VAT in the case of supplies of wood products by taxable persons.
- (3) In a letter registered with the Commission on 9 February 2016, Romania requested authorisation to continue to apply the measure after 31 December 2016.
- (4) The Commission informed the other Member States of the request made by Romania in a letter dated 23 March 2016. In a letter dated 29 March 2016, the Commission notified Romania that it had all of the information necessary to consider the request.
- (5) Prior to the authorisation to apply the reverse charge to the supplies of wood products, Romania had encountered problems in the timber market because of the nature of that market and the businesses involved. According to the report of Romania, presented together with the request for extension of the measure, designating the recipient as the person liable for the payment of VAT has had the effect of preventing tax evasion and avoidance in that sector and therefore remains justified.
- (6) The measure is proportionate to the objectives pursued since it is not intended to apply generally, but only to very specific operations in a sector which poses considerable problems with regard to tax evasion and avoidance.
- (7) The measure should not, in the Commission's view, have any adverse impact on the prevention of fraud at the retail level, in other sectors or in other Member States.
- (8) The authorisation should be limited in time until 31 December 2019.
- (9) Where Romania considers that a further extension beyond 2019 is necessary, a new report, together with the extension request, should be submitted to the Commission no later than 1 April 2019.
- (10) The measure has no adverse impact on the Union's own resources accruing from VAT.
- (11) Implementing Decision 2013/676/EU should therefore be amended accordingly,

<sup>(1)</sup> OJ L 347, 11.12.2006, p. 1.

<sup>(2)</sup> Council Implementing Decision 2010/583/EU of 27 September 2010 authorising Romania to introduce a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax (OJ L 256, 30.9.2010, p. 27).

<sup>(3)</sup> Council Implementing Decision 2013/676/EU of 15 November 2013 authorising Romania to continue to apply a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax (OJ L 316, 27.11.2013, p. 31).

HAS ADOPTED THIS DECISION:

*Article 1*

Implementing Decision 2013/676/EU is amended as follows:

- (1) in Article 1, the date '31 December 2016' is replaced by that of '31 December 2019';
- (2) in Article 3, the date '1 April 2016' is replaced by that of '1 April 2019'.

*Article 2*

This Decision is addressed to Romania.

Done at Brussels, 18 July 2016.

*For the Council*  
*The President*  
G. MATEČNÁ

---

**POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2016/1207****of 20 July 2016****on the appointment of the Head of Mission of the European Union Rule of Law Mission in Kosovo\*, EULEX KOSOVO (EULEX KOSOVO/1/2016)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union and in particular the third paragraph of Article 38 thereof,

Having regard to the Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO <sup>(1)</sup> and in particular Article 12(2) thereof,

Whereas:

- (1) Pursuant to Article 12(2) of Joint Action 2008/124/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising political control and strategic direction of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including the decision to appoint a Head of Mission.
- (2) On 14 June 2016, the Council adopted Decision (CFSP) 2016/947 <sup>(2)</sup> amending Joint Action 2008/124/CFSP and extending the duration of EULEX KOSOVO until 14 June 2018.
- (3) On 11 July 2016, the High Representative of the Union for Foreign Affairs and Security Policy proposed the appointment of Ms Alexandra PAPADOPOULOU as Head of Mission of EULEX KOSOVO for the period from 1 September 2016 to 14 June 2017,

HAS ADOPTED THIS DECISION:

*Article 1*

Ms Alexandra PAPADOPOULOU is hereby appointed as Head of Mission of the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO, for the period from 1 September 2016 to 14 June 2017.

*Article 2*

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

Done at Brussels, 20 July 2016.

*For the Political and Security Committee*

*The Chairperson*

W. STEVENS

---

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

<sup>(1)</sup> OJ L 42, 16.2.2008, p. 92.

<sup>(2)</sup> Council Decision (CFSP) 2016/947 of 14 June 2016 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) (OJ L 157, 15.6.2016, p. 26).









ISSN 1977-0677 (electronic edition)  
ISSN 1725-2555 (paper edition)



**Publications Office of the European Union**  
2985 Luxembourg  
LUXEMBOURG

**EN**