ISSN 1725-2555

Official Journal of the European Union

L 188

English edition

Legislation

Volume 51

16 July 2008

Contents

[1] Text with EEA relevance

(Continued overleaf)

Price: EUR 18

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.

EN

[1] Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 666/2008

of 15 July 2008

amending Regulation (EC) No 889/2005 imposing certain restrictive measures in respect of the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2008/369/CFSP of 14 May 2008 concerning restrictive measures against the Democratic Republic of the Congo [1],

Having regard to the proposal from the Commission,

Whereas:

(1) Regulation (EC) No 889/2005 [2] imposed restrictive measures in respect of the Democratic Republic of the Congo (DRC), in accordance with Council Common Position 2005/440/CFSP [3] concerning restrictive measures against the Democratic Republic of the Congo and in line with UN Security Council Resolution 1596 (2005) and subsequent relevant resolutions.

(2) By means of Resolution 1807 (2008) of 31 March 2008, the UN Security Council decided, inter alia, to modify the scope of the restrictive measures on certain technical assistance so as to limit the restrictions to non-governmental entities and individuals operating in the territory of the DRC. The Council adopted Common Position 2008/369/CFSP, which gives effect to Resolution 1807 (2008) and repeals Common Position 2005/440/CFSP, on 14 May 2008.

(3) It is appropriate to amend Regulation (EC) No 889/2005 accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2005 is amended as follows:

1. Article 2 shall be replaced by the following:

'*Article 2*

1. It shall be prohibited:

(a) to provide technical assistance related to military activities directly or indirectly to any non-governmental entity or person operating in the territory of the DRC;

(b) to provide financing or financial assistance related to military activities including, in particular, grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance and other services, directly or indirectly to any non-governmental entity or person operating in the territory of the DRC;

(c) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in points (a) and (b).

[1] OJ L 127, 15.5.2008, p. 84.
[2] OJ L 152, 15.6.2005, p. 1. Regulation as last amended by Regulation (EC) No 1377/2007 (OJ L 309, 27.11.2007, p. 1).
[3] OJ L 152, 15.6.2005, p. 22.

2. The provision of technical assistance, financing or financial assistance, to any governmental or other person, entity or body in the DRC, or for use in the DRC, other than provisions of such assistance to the United Nations Organisation Mission in the DRC (MONUC) in accordance with Article 3(1)(a), shall be notified in advance to the Sanctions Committee. Such notifications should contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments.';

2. Article 3 shall be replaced by the following:

'*Article 3*

1. By way of derogation from Article 2, the competent authorities, as indicated in the websites listed in the Annex, in the Member State where the service provider is established, may authorise the provision of:

(a) technical assistance, financing and financial assistance related to arms and related materiel intended solely for the support of or use by MONUC;

(b) technical assistance, financing and financial assistance related to non-lethal military equipment intended solely for humanitarian or protective use, where the provision of such assistance or services has been notified in advance to the Sanctions Committee in accordance with Article 2(2).

2. No authorisations shall be granted for activities that have already taken place.'

Article 2

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

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

Done at Brussels, 15 July 2008.

For the Council
The President
M. BARNIER

COMMISSION REGULATION (EC) No 667/2008

of 15 July 2008

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 July 2008.

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

Done at Brussels, 15 July 2008.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

([1]) OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

([2]) OJ L 350, 31.12.2007, p. 1. Regulation as last amended by Regulation (EC) No 590/2008 (OJ L 163, 24.6.2008, p. 24).

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	MA	37,7
	MK	23,8
	TR	79,4
	ME	17,1
	ZZ	39,5
0707 00 05	MK	21,3
	TR	102,9
	ZZ	62,1
0709 90 70	TR	92,6
	ZZ	92,6
0805 50 10	AR	85,1
	US	67,4
	UY	56,8
	ZA	104,3
	ZZ	78,4
0808 10 80	AR	85,0
	BR	95,8
	CL	101,4
	CN	69,1
	NZ	114,8
	US	118,0
	UY	81,3
	ZA	104,1
	ZZ	96,2
0808 20 50	AR	90,1
	CL	113,1
	NZ	116,2
	ZA	120,6
	ZZ	110,0
0809 10 00	TR	178,3
	XS	127,0
	ZZ	152,7
0809 20 95	TR	336,9
	US	305,5
	ZZ	321,2
0809 30	TR	166,2
	ZZ	166,2
0809 40 05	IL	153,3
	XS	107,3
	ZZ	130,3

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

COMMISSION REGULATION (EC) No 668/2008

of 15 July 2008

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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 550/2004 of the European Parliament and the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) [1], and in particular Articles 4 and 6 thereof,

Whereas:

(1) Annexes II, III, IV and V of Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services [2] refer to various annexes of the Convention on International Civil Aviation. Since the adoption of Regulation (EC) No 2096/2005 those annexes have been amended by the International Civil Aviation Organisation as indicated in State letters 2001/74 dated 10 August 2001; 2003/29 dated 28 March 2003; 2004/16 dated 26 March 2004; 2005/35 and 2005/39 dated 24 March 2005; 2006/38 dated 24 March 2006; 2006/64 dated 18 August 2006; 2007/11, 2007/13, 2007/19, 2007/20, 2007/23 and 2007/24 dated 30 March 2007. The references in Regulation (EC) No 2096/2005 should be updated in order to meet the international legal obligations of Member States and ensure coherence with the international regulatory framework.

(2) Regulation (EC) No 2096/2005 should therefore be amended accordingly.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2096/2005 is amended as follows:

1. in Annex II, point 4 is replaced by the following:

'4. WORKING METHODS AND OPERATING PROCEDURES

A provider of air traffic services shall be able to demonstrate that its working methods and operating procedures are compliant with the standards in the following annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of air traffic services in the airspace concerned:

(a) Annex 2 on rules of the air in its 10th edition of July 2005, including all amendments up to No 40,

(b) Annex 10 on aeronautical telecommunications, Volume II on communication Procedures including those with PANS Status in its sixth edition of October 2001, including all amendments up to No 82,

(c) Annex 11 on air traffic services in its 13th edition of July 2001, including all amendments up to No 45.';

2. in Annex III, point 2 is replaced by the following:

'2. WORKING METHODS AND OPERATING PROCEDURES

A provider of meteorological services shall be able to demonstrate that its working methods and operating procedures are compliant with the standards in the following annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of meteorological services in the airspace concerned:

(a) Annex 3 on meteorological service for international air navigation in its 16th edition of July 2007, including all amendments up to No 74,

(b) Annex 11 on air traffic services in its 13th edition of July 2001, including all amendments up to No 45,

(c) Annex 14 on aerodromes in the following versions:

(i) Volume I on aerodrome design and operations in its fourth edition of July 2004, including all amendments up to No 9,

(ii) Volume II on heliports in its second edition of July 1995, including all amendments up to No 3.';

[1] OJ L 96, 31.3.2004, p. 10.
[2] OJ L 335, 21.12.2005, p. 13. Regulation as last amended by Regulation (EC) No 482/2008 (OJ L 141, 31.5.2008, p. 5).

3. in Annex IV, point 2 is replaced by the following:

'2. WORKING METHODS AND OPERATING PROCEDURES

A provider of aeronautical information services shall be able to demonstrate that its working methods and operating procedures are compliant with the standards in the following annexes to the Convention on International Civil Aviation as far as they are relevant for the provision of aeronautical information services in the airspace concerned:

(a) Annex 3 on meteorological service for international air navigation in its 16th edition of July 2007, including all amendments up to No 74,

(b) Annex 4 on aeronautical charts in its 10th edition of July 2001, including all amendments up to No 54,

(c) Annex 15 on aeronautical information services in its 12th edition of July 2004, including all amendments up to No 34.';

4. in Annex V, point 3 is replaced by the following:

'3. WORKING METHODS AND OPERATING PROCEDURES

A provider of communication, navigation or surveillance services shall be able to demonstrate that its working methods and operating procedures are compliant with the standards of Annex 10 on aeronautical telecommunications to the Convention on International Civil Aviation in the following versions as far as they are relevant for the provision of communication, navigation or surveillance services in the airspace concerned:

(a) Volume I on radio navigation aids in its sixth edition of July 2006, including all amendments up to No 82,

(b) Volume II on communication procedures including those with PANS status in its sixth edition of October 2001, including all amendments up to No 82,

(c) Volume III on communications systems in its second edition of July 2007 including all amendments up to No 82,

(d) Volume IV on surveillance radar and collision avoidance systems in its fourth edition of July 2007, including all amendments up to No 82,

(e) Volume V on aeronautical radio frequency spectrum utilisation in its second edition of July 2001, including all amendments up to No 82.'

Article 2

This Regulation shall enter into force on the 20th 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, 15 July 2008.

For the Commission
Antonio TAJANI
Vice-President

COMMISSION REGULATION (EC) No 669/2008

of 15 July 2008

on completing Annex IC of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste [1], and in particular Article 58(1)(a) thereof,

Whereas:

(1) Annex IC on specific instructions for completing the notification and movement documents shall be completed at the latest by the date of application of Regulation (EC) No 1013/2006 having regard to the OECD instructions.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste [2],

HAS ADOPTED THIS REGULATION:

Article 1

Annex IC shall be completed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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, 15 July 2008.

For the Commission
Stavros DIMAS
Member of the Commission

[1] OJ L 190, 12.7.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1379/2007 (OJ L 309, 27.11.2007, p. 7).

[2] OJ L 114, 27.4.2006, p. 9.

ANNEX

'ANNEX IC

SPECIFIC INSTRUCTIONS FOR COMPLETING THE NOTIFICATION AND MOVEMENT DOCUMENTS

I. **Introduction**

1. The present instructions provide the necessary explanations for completing the notification and movement documents. Both documents are compatible with the Basel Convention [1], the OECD Decision [2] (which only covers shipments of wastes destined for recovery operations within the OECD area) and this Regulation, since they take into account the specific requirements set out in these three instruments. Because the documents have been made broad enough to cover all three instruments, however, not all blocks in the document will be applicable to all of the instruments and it therefore may not be necessary to complete all of the blocks in a given case. Any specific requirements relating to only one control system have been indicated with the use of footnotes. It is also possible that national implementing legislation may use terminology that differs from that adopted in the Basel Convention and the OECD Decision. For example, the term "shipment" is used in this Regulation instead of "movement" and the titles of the notification and movement documents therefore reflect this variation by employing the term "movement/shipment".

2. The documents include both the term "disposal" and "recovery", because the terms are defined differently in the three instruments. The European Community Regulation and the OECD Decision use the term "disposal" to refer to disposal operations listed in Annex IV.A of the Basel Convention and Appendix 5.A of the OECD Decision and "recovery" for recovery operations listed in Annex IV.B of the Basel Convention and Appendix 5.B of the OECD Decision. In the Basel Convention itself, however, the term "disposal" is used to refer to both disposal and recovery operations.

3. The competent authorities of dispatch are responsible for providing and issuing the notification and movement documents (in both paper and electronic versions). When doing so, they will use a numbering system, which allows a particular consignment of waste to be traced. The numbering system should be prefixed with the country code of the country of dispatch that can be found in the ISO standard 3166 abbreviation list. Within the EU, the two-digits country code must be followed by a space. This may be followed by an optional code of up to four digits specified by the competent authority of dispatch followed by a space. The numbering system must end with a six-digit number. For illustration, if the country code is XY and the six-digit number 123456, the notification number would be XY 123456 if no optional code were specified. Where an optional code, for example 12, is specified, the notification number would be XY 12 123456. However, in case a notification or movement document is transmitted electronically and no optional code is specified, "0000" should be inserted instead of the optional code (e.g. XY 0000 123456); in case an optional code of less than four digits is specified, for example 12, the notification number would be XY 0012 123456.

4. Countries may wish to issue the documents in a paper size format that conforms to their national standards (normally ISO A4, as recommended by the United Nations). In order to facilitate their use internationally, however, and to take into account the difference between ISO A4 and the paper size used in North America, the frame size of the forms should not be greater than 183 × 262 mm with margins aligned at the top and the left side of the paper. The notification document (block 1-block 21 including footnotes) should be on one page and the list of abbreviations and codes used in the notification document should be on a second page. With regard to the movement document, block 1-block 19 including footnotes should be on one page and block 20-22 and the list of abbreviations and codes used in the movement document should be on a second page.

II. **Purpose of the notification and movement documents**

5. The notification document is intended to provide the competent authorities concerned with the information they need to assess the acceptability of proposed waste shipments. It also provides space for them to acknowledge receipt of the notification and, where required, to consent in writing to a proposed shipment.

---

[1] Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 22 March 1989. See www.basel.int

[2] Decision C(2001)107/FINAL of the OECD Council, concerning the revision of Decision C(92)39/FINAL on the control of transboundary movements of waste destined for recovery operations; the former Decision is a consolidation of texts adopted by the Council on 14 June 2001 and on 28 February 2002 (with amendments).
See http://www.oecd.org/department/0,2688,en_2649_34397_1_1_1_1_1,00.html

6. The movement document is intended to travel with a consignment of waste at all times from the moment it leaves the waste producer to its arrival at a disposal or recovery facility in another country. Each person who takes charge of a shipment (carriers and possibly consignee [1]) is to sign the movement document either upon delivery or receipt of the wastes in question. There are also spaces in the movement document for recording passage of the consignment through the customs offices of all countries concerned (required by this Regulation). Finally, the document is to be used by the relevant disposal or recovery facility to certify that the waste has been received and that the recovery or disposal operation has been completed.

III. **General requirements**

7. A planned shipment subject to the procedure of prior written notification and consent may take place only after the notification and movement documents have been completed pursuant to this Regulation, taking into account Articles 16(a) and 16(b), and during the period of validity of the written or tacit consents of all competent authorities concerned.

8. Those filling out printed copies of the documents should use typescript or block capitals in permanent ink throughout. Signatures should always be written in permanent ink and the name of the authorised representative should accompany the signature in capital letters. In the event of a minor mistake, for example the use of the wrong code for a waste, a correction can be made with the approval of the competent authorities. The new text must be marked and signed or stamped, and the date of the modification must be noted. For major changes or corrections, a new form must be completed.

9. The forms have also been designed to be easily completed electronically. Where this is done, appropriate security measures should be taken against any misuse of the forms. Any changes made to a completed form with the approval of the competent authorities should be visible. When using electronic forms transmitted by e-mail, a digital signature is necessary.

10. To simplify translation, the documents require a code, rather than text, for the completion of several blocks. Where text is required, however, it must be in a language acceptable to the competent authorities in the country of destination and, where required, to the other concerned authorities.

11. A six-digit format should be used to indicate the date. For example, 29 January 2006 should be shown as 29.01.06 (Day.Month.Year).

12. Where it is necessary to add annexes to the documents providing additional information, each annex should include the reference number of the relevant document and cite the block to which it relates.

IV. **Specific instructions for completing the notification document**

13. The notifier [2] is to complete blocks 1–18 (except the notification number in block 3) at the time of notification. In some third countries which are not OECD member countries, the competent authority of dispatch may complete these blocks. When the notifier is not the same person as the original producer, this producer or one of the persons indicated in point 15(a)(ii) or (iii) of Article 2 is, where practicable, also to sign in block 17 as specified in the second subparagraph, point 1 of Article 4, and Annex II, Part 1, point 26.

14. **Blocks 1** (See Annex II, Part 1, points 2 and 4) **and 2** (Annex II, Part 1, point 6): Provide the required information (give registration number only where applicable, address including the name of the country and telephone and fax numbers including the country code; contact person should be responsible for the shipment including if incidents during shipment occur). In some third countries, information relating to the competent authority of dispatch may be given instead. The notifier may be a dealer or broker in accordance with point 15 of Article 2 of this Regulation. In this case, provide a copy of the contract or evidence of the contract (or a declaration certifying its existence) between the producer, new producer or collector and the broker or dealer in an annex (see Annex II, Part 1, point 23). The phone and fax numbers and the e-mail address should facilitate contact of all relevant persons at any time regarding an incident during shipment.

[1] Outside the European Community, the term "importer" may be used instead of "consignee".
[2] Outside the European Community, the term "exporter" may be used instead of "notifier".

15. Normally, the consignee would be the disposal or recovery facility given in block 10. In some cases, however, the consignee may be another person, for example a dealer, a broker ([1]), or a corporate body, such as the headquarters or mailing address of the receiving disposal or recovery facility in block 10. In order to act as a consignee, a dealer, broker or corporate body must be under the jurisdiction of the country of destination and possess or have some other form of legal control over the waste at the moment the shipment arrives in the country of destination. In such cases, information relating to the dealer, broker or corporate body should be completed in block 2.

16. **Block 3** (See Annex II, Part 1, points 1, 5, 11 and 19): When issuing a notification document, a competent authority will, according to its own system, provide an identification number which will be printed in this block (see paragraph 3 above). Under A, "individual shipment" refers to a single notification and "multiple shipments" to a general notification. Under B, give the type of operation the waste being shipped is destined for. Under C, pre-consent refers to Article 14 of this Regulation.

17. **Blocks 4** (See Annex II, Part 1, point 1), **5** (See Annex II, Part 1, point 17) **and 6** (See Annex II, Part 1, point 12): Give the number of shipments in block 4 and the intended date of a single shipment or, for multiple shipments, the dates of the first and last shipments, in block 6. In block 5, give the estimated minimum and maximum weight in tonnes (1 tonne equals 1 megagram (Mg) or 1 000 kg) of the waste. In some third countries, giving the volume in cubic metres (1 cubic metre equals 1 000 litres) or other metric units, such as kilograms or litres, may also be acceptable. When other metric units are used, the unit of measure may be indicated and the unit in the document may be crossed out. The total quantity shipped must not exceed the maximum quantity declared in block 5. The intended period of time for shipments in block 6 may not exceed one year, with the exception of multiple shipments to pre-consented recovery facilities according to Article 14 of this Regulation (see paragraph 16), for which the intended period of time may not exceed three years. All shipments must take place within the validity period of the written or tacit consents of all competent authorities concerned issued by the competent authorities according to Article 9(6) of this Regulation. In the case of multiple shipments, some third countries may, based on the Basel Convention, require the expected dates or the expected frequency and the estimated quantity of each shipment to be quoted in blocks 5 and 6 or attached in an annex. Where a competent authority issues a written consent to the shipment and the validity period of that consent in block 20 differs from the period indicated in block 6, the decision of the competent authority overrides the information in block 6.

18. **Block 7** (See Annex II, Part 1, point 18): Types of packaging should be indicated using the codes provided in the list of abbreviations and codes attached to the notification document. If special handling precautions are required, such as those required by producers' handling instructions for employees, health and safety information, including information on dealing with spillage, and instructions in writing for the transport of dangerous goods, tick the appropriate box and attach the information in an annex.

19. **Block 8** (See Annex II, Part 1, points 7 and 13): Provide the required information (give registration number only where applicable, address including the name of the country and telephone and fax numbers including the country code; contact person should be responsible for the shipment). If more than one carrier is involved, append to the notification document a complete list giving the required information for each carrier. Where the transport is organised by a forwarding agent, the agent's details and the respective information on actual carriers should be provided in an annex. Provide evidence of registration of the carrier(s) regarding waste transports (e.g. a declaration certifying its existence) in an annex (see Annex II, Part 1, point 15). Means of transport should be indicated using the abbreviations provided in the list of abbreviations and codes attached to the notification document.

20. **Block 9** (See Annex II, Part 1, points 3 and 16): Provide the required information on the producer of the waste ([2]). The registration number of the producer should be given where applicable. If the notifier is the producer of the waste then write "Same as block 1". If the waste has been produced by more than one producer, write "See attached list" and append a list providing the requested information for each producer. Where the producer is not known, give the name of the person in possession or control of such waste (holder). Also provide information on the process by which the waste was produced and the site of production.

([1]) In some third countries which are OECD member countries, the term recognised trader may be used according to the OECD Decision.
([2]) Outside the European Community, the term "generator" may be used instead of "producer".

21. **Block 10** (See Annex II, Part 1, point 5): Provide the required information (give destination of the shipment by ticking either disposal or recovery facility, registration number only where applicable and actual site of disposal or recovery if it is different from the address of the facility). If the disposer or recoverer is also the consignee, state here "Same as block 2". If the disposal or recovery operation is a D13–D15 or R12 or R13 operation (according to Annexes IIA or IIB of Directive 2006/12/EC on waste), the facility performing the operation should be mentioned in block 10, as well as the location where the operation will be performed. In such a case, corresponding information on the subsequent facility or facilities, where any subsequent R12/R13 or D13–D15 operation and the D1–D12 or R1–R11 operation or operations takes or take place or may take place should be provided in an annex. If the recovery or disposal facility is listed in Annex I, Category 5 of Directive 96/61/EC of 24 September 1996 on integrated pollution and prevention control, evidence (e.g. a declaration certifying its existence) of a valid permit issued in accordance with Articles 4 and 5 of that Directive must be provided in an annex in case a facility is located in the European Community.

22. **Block 11** (See Annex II, Part 1, points 5, 19 and 20): Indicate the type of recovery or disposal operation by using R-codes or D-codes of Annexes IIA or IIB of Directive 2006/12/EC on waste (see also the list of abbreviations and codes attached to the notification document) [1]. If the disposal or recovery operation is a D13–D15 or R12 or R13 operation, corresponding information on the subsequent operations (any R12/R13 or D13–D15 as well as D1–D12 or R1–R11) should be provided in an annex. Also indicate the technology to be employed. If the waste is destined for recovery, provide the planned method of disposal for the non-recoverable fraction after recovery, the amount of recovered material in relation to non-recoverable waste, the estimated value of the recovered material and the cost of recovery and the cost of disposal of the non-recoverable fraction in an annex. In addition, in cases of imports into the Community of wastes destined for disposal, indicate a prior duly motivated request from the country of dispatch according Article 41(4) of this Regulation under "reason for export" and attach this request in an annex. Some third countries outside the OECD may, based on the Basel Convention, also require that the reason for export is specified.

23. **Block 12** (See Annex II, Part 1, point 16): Give the name or names by which the material is commonly known or the commercial name and the names of its major constituents (in terms of quantity and/or hazard) and their relative concentrations (expressed as a percentage), if known. In the case of a mixture of wastes, provide the same information for the different fractions and indicate which fractions are destined for recovery. A chemical analysis of the composition of the waste may be requested in accordance with Annex II Part 3 point 7 of this Regulation. Attach further information in an annex if necessary.

24. **Block 13** (See Annex II, Part 1, point 16). Indicate physical characteristics of the waste at normal temperatures and pressures.

25. **Block 14** (See Annex II, Part 1, point 16): State the code that identifies the waste according to Annexes III, IIIA, IIIB, IV or IVA of this Regulation. Give the code according to the system adopted under the Basel Convention (under subheading (i) in block 14) and, where applicable, the systems adopted in the OECD Decision (under subheading (ii)) and other accepted classification systems (under subheadings (iii) to (xii)). According to the second subparagraph, point 6 of Article 4 of this Regulation, give only one waste code (from Annexes III, IIIA, IIIB, IV or IVA of this Regulation) with the following two exceptions: In the case of wastes not classified under one single entry in either Annex III, IIIB, IV or IVA, give only one type of waste. In the case of mixtures of wastes not classified under one single entry in either Annex III, IIIB, IV or IVA, unless listed in Annex IIIA, provide the code of each fraction of the waste in order of importance (in an annex if necessary).

(a) *Subheading (i):* Basel Convention Annex VIII codes should be used for wastes that are subject to the procedure of prior written notification and consent (see Part I of Annex IV of this Regulation); Basel Annex IX codes should be used for wastes that are not usually subject to the procedure of prior written notification and consent but which, for a specific reason such as contamination by hazardous substances (cf. paragraph 1 of Annex III of this Regulation) or different classification according to Article 63 of this Regulation or national regulations [2], are subject to the procedure of prior written notification and consent (see Part I of Annex III of this Regulation). Basel Annexes VIII and IX can be found in Annex V of this Regulation, in the text of the Basel Convention as well as in the Instruction Manual available from the Secretariat of the Basel Convention. If a waste is not listed in Annexes VIII or IX of the Basel Convention, insert "not listed".

[1] In the European Community, the definition of operation R1 in the list of abbreviations is different from that used in the Basel Convention and the OECD Decision; both wordings are therefore provided. There are other differences between the terminology used in the European Community and that used in the Basel Convention and the OECD Decision, which are not contained in the list of abbreviations.

[2] Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply, OJ L 316, 4.12.2007, p. 6.

(b) *Subheading (ii):* OECD member countries should use OECD codes for wastes listed in Part II of Annexes III and IV of this Regulation, i.e. wastes that have no equivalent listing in the Annexes of the Basel Convention or that have a different level of control under this Regulation from the one required by the Basel Convention. If a waste is not listed in Part II of Annexes III and IV of this Regulation, insert "not listed".

(c) *Subheading (iii):* European Union Member States should use the codes included in the European Community list of wastes (see Commission Decision 2000/532/EC as amended) [1]. Such codes may also be included in Annex IIIB of this Regulation.

(d) *Subheadings (iv) and (v):* Where applicable, national identification codes other than the EC list of wastes used in the country of dispatch and, if known, in the country of destination should be used. Such codes may be included in Annexes IIIA, IIIB or IVA of this Regulation.

(e) *Subheading (vi):* If useful or required by the relevant competent authorities, add here any other code or additional information that would facilitate the identification of the waste.

(f) *Subheading (vii):* State the appropriate Y-code or Y-codes according to the "Categories of wastes to be controlled" (see Annex I of the Basel Convention and Appendix 1 of the OECD Decision), or according to the "Categories of wastes requiring special consideration" given in Annex II of the Basel Convention (see Annex IV Part I of this Regulation or Appendix 2 of the Basel Instruction Manual), if it or they exist(s). Y-codes are not required by this Regulation and the OECD Decision except where the waste shipment falls under one of the two "Categories requiring special consideration" under the Basel Convention (Y46 and Y47 or Annex II wastes), in which case the Basel Y-code should be indicated. Nevertheless, indicate the Y-code or Y-codes for wastes defined as hazardous according Article 1(1)(a) of the Basel Convention in order to fulfil the reporting requirements under the Basel Convention.

(g) *Subheading (viii):* If applicable, state here the appropriate H-code or H-codes, i.e. the codes indicating the hazardous characteristics exhibited by the waste (see the list of abbreviations and codes attached to the notification document). If there is no hazardous characteristics covered by the Basel Convention, but the waste is hazardous according to Annex III of Directive 91/689/EEC on hazardous waste, state the H-code or H-codes according to this Annex III and insert "EC" after the H code (e.g. H14 EC).

(h) *Subheading (ix):* If applicable, state here the United Nations class or classes which indicate the hazardous characteristics of the waste according to the United Nations classification (see the list of abbreviations and codes attached to the notification document) and are required to comply with international rules for the transport of dangerous goods (see the United Nations Recommendations on the Transport of Dangerous Goods. Model Regulations (Orange Book), latest edition) [2].

(i) *Subheadings (x and xi):* If applicable, state here the appropriate United Nations number or numbers and United Nations shipping name or names. These are used to identify the waste according to the United Nations classification system and are required to comply with international rules for transport of dangerous goods (see the United Nations Recommendations on the Transport of Dangerous Goods. Model Regulations (Orange Book), latest edition).

(j) *Subheading (xii):* If applicable, state here customs code or codes, which allow identification of the waste by customs offices (see the list of codes and commodities in the "Harmonised commodity description and coding system" produced by the World Customs Organisation).

[1] See http://europa.eu.int/eur-lex/en/consleg/main/2000/en_2000D0532_index.html
[2] See http://www.unece.org/trans/danger/danger.htm

26. **Block 15** (See Annex II, Part 1, points 8-10, 14): On line (a) of block 15, provide the name of the countries [1] of dispatch, transit and destination or the codes for each country by using the ISO standard 3166 abbreviations [2]. On line (b), provide, where applicable, the code number of the respective competent authority for each country and on line (c) insert the name of the border crossing or port and, where applicable, the customs office code number as the point of entry to or exit from a particular country. For transit countries give the information in line (c) for points of entry and exit. If more than three transit countries are involved in a particular shipment, attach the appropriate information in an annex. Provide the intended route between points of exit and entry, including possible alternatives, also in cases of unforeseen circumstances, in an annex.

27. **Block 16** (See Annex II, Part 1, point 14): Provide the required information in case shipments enter, pass through or leave the European Union.

28. **Block 17** (See Annex II, Part 1, points 21-22 and 24-26): Each copy of the notification document is to be signed and dated by the notifier (or by dealer or broker if acting as a notifier) before being forwarded to the competent authorities of the countries concerned. In some third countries, the competent authority of dispatch may sign and date. When the notifier is not the same person as the original producer, this producer, the new producer or the collector is, where practicable, also to sign and date; it is noted that this may not be practicable in cases where there are several producers (definitions regarding practicability may be contained in national legislation). Further, where the producer is not known, the person in possession or control of the waste (holder) should sign. This declaration should also certify the existence of insurance against liability for damage to third parties. Some third countries may require proof of insurance or other financial guarantees and a contract to accompany the notification document.

29. **Block 18:** Indicate the number of annexes containing any additional information supplied with the notification document [3]. Each annex must include a reference to the notification number to which it relates, which is indicated in the corner of block 3.

30. **Block 19:** Under the Basel Convention, the competent authority or authorities of the country or countries of destination (where applicable) and transit issue such an acknowledgement. Under the OECD Decision, the competent authority of the country of destination issues the acknowledgement. Some third countries may, according to their national legislation, require that the competent authority of dispatch also issues an acknowledgement.

31. **Blocks 20 and 21:** Block 20 is for use by competent authorities of any country concerned when providing a written consent. The Basel Convention (except if a country has decided not to require written consent with regard to transit and has informed the other Parties thereof in accordance with Article 6(4) of the Basel Convention) and certain countries always require a written consent (according Article 9(1) of this Regulation, a competent authority of transit may provide a tacit consent) whereas the OECD Decision does not require a written consent. Indicate the name of the country (or its code by using the ISO standard 3166 abbreviations). If the shipment is subject to specific conditions, the competent authority in question should tick the appropriate box and specify the conditions in block 21 or in an annex to the notification document. If a competent authority wishes to object to the shipment it should do so by writing "OBJECTION" in block 20. Block 21, or a separate letter, may then be used to explain the reasons for the objection.

V. **Specific instructions for completing the movement document**

32. At the time of notification, the notifier is to complete blocks 3, 4 and 9–14. After receipt of the consents from the competent authorities of dispatch, destination and transit or, in relation to the competent authority of transit, tacit consent can be assumed, and before the actual start of the shipment, the notifier is to complete blocks 2, 5–8 (except the means of transport, the date of transfer and the signature), 15 and, if appropriate, 16. In some third countries which are not OECD member countries, the competent authority of dispatch may complete these blocks instead of the notifier. At the time of taking possession of the consignment, the carrier or its representative is to complete the means of transport, the date of transfer and the signature, which appear in blocks 8(a) to 8(c) and, if appropriate, 16. The consignee is to complete block 17 in the event that it is not the disposer or recoverer and when it takes charge of a shipment of waste after it arrives in the country of destination and, if appropriate, 16.

[1] In the Basel Convention, the term "State" is used instead of "country".
[2] Outside the European Community, the terms "export" and "import" may be used instead of "dispatch" and "destination".
[3] See blocks 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 20 or 21 and, if additional information and documentation is requested by the competent authorities, see points in Annex II Part 3 of this Regulation which are not covered by any block.

33. **Block 1:** The competent authority of dispatch is to enter the notification number (this is to be copied from block 3 in the notification document).

34. **Block 2** (See Annex II, Part 2, point 1): For a general notification for multiple shipments, enter the serial number of the shipment and the total intended number of shipments indicated in block 4 in the notification document (for example, enter "4/11" for the fourth shipment out of eleven intended shipments under the general notification in question). In the case of a single notification, enter "1/1".

35. **Blocks 3 and 4:** Reproduce the same information on the notifier ([1]) and consignee as given in blocks 1 and 2 in the notification document.

36. **Block 5** (See Annex II, Part 2, point 6): Give the actual weight in tonnes (1 tonne equals 1 megagram (Mg) or 1 000 kg of the waste. In some third countries, giving the volume in cubic metres (1 cubic metre equals 1 000 litres) or other metric units, such as kilograms or litres, may be acceptable. When other metric units are used, the unit of measure may be indicated and the unit in the form may be crossed out. Attach, wherever possible, copies of weighbridge tickets.

37. **Block 6** (See Annex II, Part 2, point 2): Enter the date when the shipment actually starts (see also instructions on block 6 of the notification document).

38. **Block 7** (See Annex II, Part 2, points 7 and 8): Types of packaging should be indicated using the codes provided in the list of abbreviations and codes attached to the movement document. If special handling precautions are required, such as those prescribed by producers' handling instructions for employees, health and safety information, including information on dealing with spillage, and transport emergency cards, tick the appropriate box and attach the information in an annex. Also enter the number of packages making up the consignment.

39. **Blocks 8 (a), (b) and (c)** (See Annex II, Part 2, points 3 and 4): Provide the required information (give registration number only where applicable, address including the name of the country and telephone and fax numbers including the country code). When more than three carriers are involved, appropriate information on each carrier should be attached to the movement document. The means of transport, the date of transfer and a signature should be provided by the carrier or carrier's representative taking possession of the consignment. A copy of the signed movement document is to be retained by the notifier. Upon each successive transfer of the consignment, the new carrier or carrier's representative taking possession of the consignment will have to comply with the same request and also sign the document. A copy of the signed document is to be retained by the previous carrier.

40. **Block 9:** Reproduce the information given in block 9 of the notification document.

41. **Blocks 10 and 11:** Reproduce the information given in blocks 10 and 11 in the notification document. If the disposer or recoverer is also the consignee, write in block 10: "Same as block 4". If the disposal or recovery operation is a D13–D15 or R12 or R13 operation (according to Annexes IIA or IIB of Directive 2006/12/EC on waste), the information on the facility performing the operation provided in block 10 is sufficient. No further information on any subsequent facilities performing R12/R13 or D13–D15 operations and the subsequent facility(ies) performing the D1–D12 or R1–R11 operation(s) needs to be included in the movement document.

42. **Blocks 12, 13 and 14:** Reproduce the information given in blocks 12, 13 and 14 in the notification document.

43. **Block 15** (See Annex II, Part 2, point 9): At the time of shipment, the notifier (or the dealer or broker if acting as a notifier) shall sign and date the movement document. In some third countries, the competent authority of dispatch, or the generator of the waste according to the Basel Convention, may sign and date the movement document. According to Article 16(c) of this Regulation, enclose copies of the notification document containing the written consent, including any conditions, of the competent authorities concerned with the movement document. Some third countries may require originals to be enclosed.

([1]) In some third countries, information relating to the competent authority of dispatch may be given instead.

44. **Block 16** (See Annex II, Part 2, point 5): This block can be used by any person involved in a shipment (notifier or the competent authority of dispatch, as appropriate, consignee, any competent authority, carrier) in specific cases where more detailed information is required by national legislation concerning a particular item (for example, information on the port where a transfer to another transport mode occurs, the number of containers and their identification number, or additional proof or stamps indicating that the shipment has been consented by the competent authorities). Give the routing (point of exit from and entry into each country concerned, including customs offices of entry into and/or exit from and/or export from the Community) and route (route between points of exit and entry), including possible alternatives, also in case of unforeseen circumstances either in block 16 or attach it in an annex.

45. **Block 17:** This block is to be completed by the consignee in the event that it is not the disposer or recoverer (cf. paragraph 15 above) and in case the consignee takes charge of the waste after the shipment arrives in the country of destination.

46. **Block 18:** This block is to be completed by the authorised representative of the disposal or recovery facility upon receipt of the waste consignment. Tick the box of the appropriate type of facility. With regard to the quantity received, please refer to the specific instructions on block 5 (paragraph 36). A signed copy of the movement document is given to the last carrier. If the shipment is rejected for any reason, the representative of the disposal or recovery facility must immediately contact his or her competent authority. According to Article 16(d) or, if appropriate, 15(c) of this Regulation and the OECD Decision, signed copies of the movement document must be sent within three days to the notifier and the competent authorities in the countries concerned (with the exception of those OECD transit countries which have informed the OECD Secretariat that they do not wish to receive such copies of the movement document). The original movement document shall be retained by the disposal or recovery facility.

47. Receipt of the waste consignment must be certified by any facility performing any disposal or recovery operation, including any D13–D15 or R12 or R13 operation. A facility performing any D13D15 or R12/R13 operation or a D1–D12 or R1–11 operation subsequent to a D13–D15 or R12 or R13 operation in the same country, is not, however, required to certify receipt of the consignment from the D13–D15 or R12 or R13 facility. Thus, block 18 does not need to be used for the final receipt of the consignment in such a case. Indicate also the type of disposal or recovery operation by using R-codes or D codes of Annexes IIA or IIB of Directive 2006/12/EC on waste and the approximate date by which the disposal or recovery of waste will be completed.

48. **Block 19:** This block is to be completed by the disposer or recoverer to certify the completion of the disposal or recovery of the waste. According to Article 16(e) or, if appropriate, 15(d) of this Regulation and the OECD Decision, signed copies of the movement document with block 19 completed should be sent to the notifier and competent authorities of dispatch, transit (not required by the OECD Decision) and destination as soon as possible, but no later than 30 days after the completion of the recovery or disposal and no later than one calendar year following the receipt of the waste. Some third countries which are not OECD member countries may require in accordance with the Basel Convention that signed copies of the document with block 19 completed must be sent to the notifier and the competent authority of dispatch. For disposal or recovery operations D13–D15 or R12 or R13, the information on the facility performing such an operation provided in block 10 is sufficient, and no further information on any subsequent facilities performing R12/R13 or D13–D15 operations and the subsequent facility(ies) performing the D1–D12 or R1–R11 operation(s) need be included in the movement document.

49. The disposal or recovery of waste must be certified by any facility performing any disposal or recovery operation, including a D13–D15 or R12 or R13 operation. Therefore, a facility performing any D13–D15 or R12/R13 operation or a D1–D12 or R1–R11 operation, subsequent to a D13–D15 or R12 or R13 operation in the same country, should not use block 19 to certify the recovery or disposal of the waste, since this block will already have been completed by the D13–D15 or R12 or R13 facility. The means of certifying disposal or recovery in this particular case must be ascertained by each country.

50. **Blocks 20, 21 and 22:** The blocks must be used for control by customs offices at the borders of the Community.'

COMMISSION REGULATION (EC) No 670/2008

of 15 July 2008

entering a name in the register of protected designations of origin and protected geographical indications (Arroz Carolino das Lezírias Ribatejanas (PGI))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [1], and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

(1) In accordance with the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Portugal's application to enter the name 'Arroz Carolino das Lezírias Ribatejanas' in the register was published in the *Official Journal of the European Union* [2].

(2) As no objection pursuant to Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, this name should be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation shall be entered in the register.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 15 July 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 93, 31.3.2006, p. 12. Regulation last amended by Commission Regulation (EC) No 417/2008 (OJ L 125, 9.5.2008, p. 27).
[2] OJ C 258, 31.10.2007, p. 12.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals fresh or processed

PORTUGAL

Arroz Carolino das Lezírias Ribatejanas (PGI).

COMMISSION REGULATION (EC) No 671/2008

of 15 July 2008

fixing the import duties in the cereals sector applicable from 16 July 2008

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector [2], and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

(4) Import duties should be fixed for the period from 16 July 2008 and should apply until new import duties are fixed and enter into force.

(5) However, in accordance with Commission Regulation (EC) No 608/2008 of 26 June 2008 temporarily suspending customs duties on imports of certain cereals for the 2008/2009 marketing year [3], the application of certain duties set by this Regulation is suspended,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 July 2008, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 July 2008.

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

Done at Brussels, 15 July 2008.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

---

[1] OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p 61).

[2] OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1816/2005 (OJ L 292, 8.11.2005, p. 5).

[3] OJ L 166, 27.6.2008, p. 19.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 July 2008

CN code	Description	Import duties [1] (EUR/t)
1001 10 00	Durum wheat, high quality	0,00 [2]
	medium quality	0,00 [2]
	low quality	0,00 [2]
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00 [2]
1002 00 00	Rye	0,00 [2]
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize, other than seed [3]	0,00 [2]
1007 00 90	Grain sorghum other than hybrids for sowing	0,00 [2]

[1] For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

— 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or

— 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

[2] In accordance with Regulation (EC) No 608/2008, application of this duty is suspended.

[3] The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

30.6.2008-14.7.2008

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat (1)	Maize	Durum wheat, high quality	Durum wheat, medium quality (2)	Durum wheat, low quality (3)	Barley
Exchange	Minnéapolis	Chicago	—	—	—	—
Quotation	225,48	178,70	—	—	—	—
Fob price USA	—	—	270,50	260,50	240,50	156,00
Gulf of Mexico premium	—	8,28	—	—	—	—
Great Lakes premium	20,21	—	—	—	—	—

(1) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).
(2) Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).
(3) Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam:	43,30 EUR/t
Freight costs: Great Lakes–Rotterdam:	44,46 EUR/t

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 15 July 2008

implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2007/868/EC

(2008/583/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism [1], and in particular Article 2(3) thereof,

Whereas:

(1) On 20 December 2007 the Council adopted Decision 2007/868/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism [2], and establishing an updated list of persons and entities to which that Regulation applies.

(2) The Council has provided all the persons, groups and entities for which it was practically possible with statements of reasons explaining why they were listed in Decision 2007/868/EC. Concerning one group and three persons the amended statements of reasons has been provided to them, if possible, in April 2008.

(3) By way of a notice published in the *Official Journal of the European Union* on 22 December 2007 [3] the Council informed the persons, groups and entities listed in Decision 2007/868/EC that it had decided to keep them on the list. The Council also informed the persons, groups and entities concerned that it was possible to request a statement of the Council's reasons for putting them on the list (where one had not already been communicated to them).

(4) The Council has carried out a complete review of the list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies, as required by Article 2(3) of that Regulation. When doing so it took account of observations submitted to the Council by those concerned.

(5) In the case of one group, the Council has taken account of the fact that the decision by a competent authority on the basis of which the group was included on the list has not been in force since 24 June 2008. However, new information concerning the group has been brought to the Council's attention. The Council considers that this new information warrants the group's inclusion on the list.

(6) The Council has determined that one person should be removed from the list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies.

[1] OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Decision 2007/868/EC (OJ L 340, 22.12.2007, p. 100).

[2] OJ L 340, 22.12.2007, p. 100. Decision as last amended by Decision 2008/343/EC (OJ L 116, 30.4.2008, p. 25).

[3] OJ C 314, 22.12.2007, p. 42.

(7) The Council has concluded that with the exception of the person mentioned in recital (6), the persons, groups and entities listed in the Annex to Common Position 2007/871/CFSP [1] have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism [2], that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that Common Position, and that they should continue to be subject to the specific restrictive measures provided for in Regulation (EC) No 2580/2001.

(8) The list of the persons, groups and entities to which Regulation (EC) No 2580/2001 applies should be updated accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be replaced by the list set out in the Annex to this Decision.

Article 2

Decision 2007/868/EC is hereby repealed.

Article 3

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 15 July 2008.

For the Council
The President
M. BARNIER

[1] As amended by Council Common Position 2008/346/CFSP of 29 April 2008 (OJ L 116, 30.4.2008, p. 53).
[2] OJ L 344, 28.12.2001, p. 93.

ANNEX

List of persons, groups and entities referred to in Article 1

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza, a.k.a. Mihoubi Faycal, a.k.a. Fellah Ahmed, a.k.a. Dafri Rèmi Lahdi), born 1.2.1966 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria), — member of 'al-Takfir' and 'al-Hijra'

3. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN, a.k.a. AL-MUGHASSIL, Ahmed Ibrahim), born 26.6.1967 in Qatif-Bab al Shamal (Saudi Arabia), citizen of Saudi Arabia

4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia

5. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia

6. ARIOUA, Azzedine, born 20.11.1960 in Constantine (Algeria) — member of 'al-Takfir' and 'al-Hijra'

7. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Constantine (Algeria) — member of 'al-Takfir' and 'al-Hijra'

8. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) — member of 'al-Takfir' and 'al-Hijra'

9. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) — member of 'al-Takfir' and 'al-Hijra'

10. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour, a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon, citizen of Lebanon

11. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) — member of the 'Hofstadgroep'

12. DARIB, Noureddine (a.k.a. Carreto, a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria — member of 'al-Takfir' and 'al-Hijra'

13. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria — member of 'al-Takfir' and 'al-Hijra'

14. EL FATMI, Nouredine (a.k.a. Nouriddin EL FATMI, a.k.a. Nouriddine EL FATMI, a.k.a. Noureddine EL FATMI, a.k.a. Abu AL KA'E KA'E, a.k.a. Abu QAE QAE, a.k.a. FOUAD, a.k.a. FZAD, a.k.a. Nabil EL FATMI, a.k.a. Ben MOHAMMED, a.k.a. Ben Mohand BEN LARBI, a.k.a. Ben Driss Muhand IBN LARBI, a.k.a. Abu TAHAR, a.k.a. EGGIE), born 15.8.1982 in Midar (Morocco), passport (Morocco) No. N829139 — member of the 'Hofstadgroep'

15. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali, a.k.a. EL-HOURI, Ali Saed Bin Ali), born 10.7.1965 or 11.7.1965 in El Dibabiya (Saudi Arabia), citizen of Saudi Arabia

16. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

17. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon

18. LASSASSI, Saber (a.k.a. Mimiche), born 30.11.1970 in Constantine (Algeria) — member of 'al-Takfir' and 'al-Hijra'

19. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Adbul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555

20. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) — member of 'al-Takfir' and 'al-Hijra'

21. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria), — member of 'al-Takfir' and 'al-Hijra'

22. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

23. SEDKAOUI, Noureddine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

24. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

25. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) — member of 'al-Takfir' and 'al-Hijra'

26. SISON, Jose Maria (a.k.a Armando Liwanag, a.k.a Joma), born 8.2.1939 in Cabugao (Philippines) — person playing a leading role in the 'Communist Party of the Philippines', including 'NPA'

27. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) — member of 'al-Takfir' and 'al-Hijra'

28. WALTERS, Jason Theodore James (a.k.a. Abdullah, a.k.a. David), born 6.3.1985 in Amersfoort (The Netherlands), passport (The Netherlands) No. NE8146378 — member of the 'Hofstadgroep'

2. GROUPS AND ENTITIES

1. 'Abu Nidal Organisation' — 'ANO' (a.k.a. 'Fatah Revolutionary Council', a.k.a. 'Arab Revolutionary Brigades', a.k.a. 'Black September', a.k.a. 'Revolutionary Organisation of Socialist Muslims')

2. 'Al-Aqsa Martyr's Brigade'

3. 'Al-Aqsa e.V.'

4. 'Al-Takfir' and 'Al-Hijra'

5. 'Aum Shinrikyo' (a.k.a. 'AUM', a.k.a. 'Aum Supreme Truth', a.k.a. 'Aleph')

6. 'Babbar Khalsa'

7. 'Communist Party of the Philippines', including 'New People's Army' — 'NPA', Philippines, linked to SISON, Jose Maria (a.k.a Armando Liwanag, a.k.a Joma, who plays a leading role in the 'Communist Party of the Philippines', including 'NPA')

8. 'Gama'a al-Islamiyya' (a.k.a. 'Al-Gama'a al-Islamiyya') ('Islamic Group' — 'IG')

9. 'İslami Büyük Doğu Akıncılar Cephesi' — 'IBDA-C' ('Great Islamic Eastern Warriors Front')

10. 'Hamas', including 'Hamas-Izz al-Din al-Qassem'

11. 'Hizbul Mujahideen' — 'HM'

12. 'Hofstadgroep'

13. 'Holy Land Foundation for Relief and Development'

14. 'International Sikh Youth Federation' — 'ISYF'

15. 'Kahane Chai' (a.k.a. 'Kach')

16. 'Khalistan Zindabad Force' — 'KZF'

17. 'Kurdistan Workers' Party' — 'PKK', (a.k.a. 'KADEK', a.k.a. 'KONGRA-GEL')

18. 'Liberation Tigers of Tamil Eelam' — 'LTTE'

19. 'Mujahedin-e Khalq Organisation' — 'MEK' or 'MKO', excluding the 'National Council of Resistance of Iran' — 'NCRI' (a.k.a. 'The National Liberation Army of Iran' — 'NLA' (the militant wing of the 'MEK'), a.k.a. the 'People's Mujahidin of Iran' — 'PMOI', a.k.a. 'Muslim Iranian Student's Society')

20. 'Ejército de Liberación Nacional' ('National Liberation Army')

21. 'Palestine Liberation Front' — 'PLF'

22. 'Palestinian Islamic Jihad' — 'PIJ'

23. 'Popular Front for the Liberation of Palestine' — 'PFLP'

24. 'Popular Front for the Liberation of Palestine-General Command' (a.k.a. 'PFLP — General Command')

25. 'Fuerzas armadas revolucionarias de Colombia' — 'FARC' ('Revolutionary Armed Forces of Colombia')

26. 'Devrimci Halk Kurtuluş Partisi-Cephesi' — 'DHKP/C' (a.k.a. 'Devrimci Sol' ('Revolutionary Left'), a.k.a. 'Dev Sol') ('Revolutionary People's Liberation Army/Front/Party')

27. 'Sendero Luminoso' — 'SL' ('Shining Path')

28. 'Stichting Al Aqsa' (a.k.a. 'Stichting Al Aqsa Nederland', a.k.a. 'Al Aqsa Nederland')

29. 'Teyrbazen Azadiya Kurdistan' — 'TAK' (a.k.a. 'Kurdistan Freedom Falcons', a.k.a. 'Kurdistan Freedom Hawks')

30. 'Autodefensas Unidas de Colombia' — 'AUC' ('United Self-Defense Forces/Group of Colombia')

COUNCIL DECISION

of 15 July 2008

amending Decision 2006/493/EC laying down the amount of Community support for rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective

(2008/584/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) [1], and in particular Article 69(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Council Decision 2006/493/EC [2] lays down the amount of Community support for rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective.

(2) Since the Budgetary Authority has decided to transfer certain commitment appropriations for Community support for rural development under Regulation (EC) No 1698/2005 which were not used in 2007, in accordance with paragraph 48 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management [3], Decision 2006/493/EC should be amended in order to reallocate those appropriations to the period from 1 January 2008 to 31 December 2013.

(3) Decision 2006/493/EC should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Decision 2006/493/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply as from 1 January 2008.

Done at Brussels, 15 July 2008.

For the Council
The President
M. BARNIER

[1] OJ L 277, 21.10.2005, p. 1. Regulation as last amended by Regulation (EC) No 146/2008 (OJ L 46, 21.2.2008, p. 1).
[2] OJ L 195, 15.7.2006, p. 22.
[3] OJ C 139, 14.6.2006, p. 1. Agreement last amended by Decision 2008/371/EC of the European Parliament and of the Council (OJ L 128, 16.5.2008, p. 8).

ANNEX

'ANNEX

Total amount of commitment appropriations for 2007-13, annual breakdown and minimum amount to be concentrated in regions eligible under the Convergence Objective (*)

2004 prices in EUR (**)	2007	2008	2009	2010	2011	2012	2013	Total
Total amount for EU-25 plus Bulgaria and Romania	9 325 497 783	10 788 767 263	10 515 007 756	10 278 583 653	9 824 886 713	9 588 187 168	9 356 225 581	69 677 155 918
Minimum amount for regions eligible under the Convergence Objective								27 676 975 284

(*) Before compulsory modulation and other transfers from market-related expenditure and direct payments of the common agricultural policy to rural development.
(**) Amounts are rounded to the nearest euro.

Total amount of commitment appropriations for 2007-13, annual breakdown and minimum amount to be concentrated in regions eligible under the Convergence Objective (*)

current prices in EUR (**)	2007	2008	2009	2010	2011	2012	2013	Total
Total amount for EU-25 plus Bulgaria and Romania	9 896 292 851	11 678 108 653	11 609 418 209	11 575 354 634	11 285 706 554	11 234 089 442	11 181 555 662	78 460 526 005
Minimum amount for regions eligible under the Convergence Objective								31 232 644 963

(*) Before compulsory modulation and other transfers from market-related expenditure and direct payments of the common agricultural policy to rural development.
(**) Amounts are rounded to the nearest euro.'

COMMISSION

COMMISSION DECISION

of 7 July 2008

exempting the production of electricity in Austria from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors

(notified under document number C(2008) 3382)

(Only the German text is authentic)

(Text with EEA relevance)

(2008/585/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors [1], and in particular Article 30(4) and (6) thereof,

Having regard to the request submitted by the Republic of Austria by e-mail of 10 January 2008,

After consulting the Advisory Committee for Public Contracts,

Whereas:

I. FACTS

(1) On 10 January 2008, Austria transmitted a request pursuant to Article 30(4) of Directive 2004/17/EC to the Commission by e-mail. The Commission requested additional information by e-mail of 4 February 2008, which, following a prolongation of the initial deadline, was transmitted by the Austrian authorities by e-mail of 29 February 2008.

(2) The request submitted by the Republic of Austria concerns production of electricity.

(3) The request is accompanied by a letter from the independent national authority, E-Control (Energie-Control GmbH, the regulator of the Austrian electricity and natural gas markets), which limits itself to a statement that '… no objection exists against an exemption from the application of Public Procurement Law in the field of electricity generation.'

II. LEGAL FRAMEWORK

(4) Article 30 of Directive 2004/17/EC provides that contracts intended to enable the performance of one of the activities to which the Directive applies shall not be subject to the Directive if, in the Member State in which it is carried out, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access is deemed to be unrestricted if the Member State has implemented and applied the relevant Community legislation opening a given sector or a part of it. This legislation is listed in Annex XI of Directive 2004/17/EC, which, for the electricity sector, refers to Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity [2]. Directive 96/92/EC has been superseded by Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC [3], which requires an even higher degree of market opening.

[1] OJ L 134, 30.4.2004, p. 1. Directive as last amended by Commission Regulation (EC) No 213/2008 (OJ L 74, 15.3.2008, p. 1).

[2] OJ L 27, 30.1.1997, p. 20.

[3] OJ L 176, 15.7.2003, p. 37. Directive as last amended by Directive 2008/3/EC (OJ L 17, 22.1.2008, p. 6).

(5) Austria has implemented and applied not only Directive 96/92/EC but also Directive 2003/54/EC, opting for legal and functional unbundling for transmission and distribution networks except for the smallest companies, which are exempted from the requirements of functional unbundling. Consequently, and in accordance with the first subparagraph of Article 30(3), access to the market should be deemed not to be restricted.

(6) Direct exposure to competition should be evaluated on the basis of various indicators, none of which are, per se, decisive. In respect of the markets concerned by this decision, the market share of the main players on a given market constitutes one criterion which should be taken into account. Another criterion is the degree of concentration on those markets. Given the characteristics of the markets concerned, further criteria should also be taken into account such as the functioning of the balancing market, price competition and the degree of customer switching.

(7) This Decision is without prejudice to the application of the rules on competition.

III. **ASSESSMENT**

(8) The request submitted by Austria concerns production of electricity in Austria.

(9) Austria is divided into three balancing zones and internal congestion points are experienced within one of these (the APG balancing zone in which congestion can arise between the Vienna and Graz areas, interconnected through the Steirmarkleitung). The question could therefore be raised whether the geographical market would be smaller than national ([1]). However, according to the available information, in most cases the effects of these internal congestion points are coped with through the application of technical measures such as the appliance of phase shifters to control transmission capacity. In a few cases it may be necessary to use additional power plants to stabilise the network. When these internal congestion points require that producers in the north of Austria reduce their generation capacity, which according to the Austrian authorities takes place only exceptionally, they are paid damages by the network operator. Furthermore, there are no congestion points between this balancing zone and the two other Austrian balancing zones, nor between the APG balancing zone and Germany. The effect of the internal congestion points are therefore, according to the available information, not significant in terms of energy supply and competition. The absence of congestion in the connections with Germany has raised the question whether a geographical market covering these two countries might exist, which the Commission has concluded not to be the case ([2]). Consequently, the territory of the Republic of Austria should be considered to constitute the relevant market for the purposes of evaluating the conditions laid down in Article 30(1) of Directive 2004/17/EC, although it cannot be seen as being isolated from the surrounding countries.

(10) The Communication from the Commission to the Council and the European Parliament: Report on progress in creating the internal gas and electricity market ([3]), hereafter referred to as the '2005 Report', states that 'many national markets display a high degree of concentration of the industry, impeding the development of effective competition' ([4]). Consequently, it considered that, in respect of electricity generation, 'one indicator for the degree of competition on national markets is the total market share of the biggest three producers' ([5]). For 2006, the share of the three largest generators is indicated as 52,2 % in the Commission Staff Working Document of 15 April 2008, SEC(2008) 460 ([6]). However, Austria has substantial exports and imports of electricity, in 2005 of the order of more than 17 500 GWh exports and over 20 000 GWh imports. It is thus a net importer and imported electricity accounted for approximately a quarter ([7]) of its total needs ([8]), in particular for base load power. There is therefore a certain degree of constraint on the pricing behaviour of the leading Austrian producers through imports of electricity from outside the Austrian territory and as a result investment in the electricity sector inside the Austrian territory takes into account other producers in the surrounding countries, in particular in Germany. These factors should therefore be taken as an indication of a certain degree of direct exposure to competition as regards production of electricity.

(11) Furthermore, even though they represent a small part of the total amount of electricity produced and/or consumed in a Member State, the functioning of the balancing markets should also be considered as an additional indicator. In fact, 'any market participant who cannot easily match its generation portfolio to the

([1]) See COM(2006) 851 final of 10.1.2007. Commission Communication: Inquiry pursuant to Article 17 of Regulation (EC) No 1/2003 into the European gas and electricity sectors, hereinafter referred to as 'Final Report', Annex B, point A1, 2).

([2]) See the Final Report, Annex B, point A2, 7.

([3]) COM(2005) 568 final of 15.11.2005.

([4]) The 2005 Report, p. 2.

([5]) Cf. the 2005 Report, p. 7.

([6]) Table 6 'Wholesale Market Position 2006', p. 12 of 'Commission Staff Working Document: Accompanying document to the Report on Progress in Creating the Internal Gas and Electricity Market', COM(2008) 192 final of 15.4.2008.

([7]) 23,5 % according to information given by the Austrian authorities.

([8]) i.e. the quantity of electricity needed for internal consumption and exports.

characteristics of its customers may find itself exposed to the difference between the price at which the transmission system operator (hereinafter TSO) will sell imbalance energy, and the price at which it will buy back excess production. These prices may either be directly imposed by the regulator on the TSO; or alternatively a market based mechanism will be used in which the price is determined by bids from other producers to regulate their production upwards or downwards […]. A key difficulty for small market participants arises where there is the risk of a large spread between the buying price from the TSO and the selling price. This occurs in a number of Member States and is likely to be detrimental to the development of competition. A high spread may be indicative of an insufficient level of competition in the balancing market which may be dominated by only one or two main generators' ([1]). The Austrian balancing market and its main characteristics — in particular its market based pricing and a relatively low spread ([2]) between the buying price from the TSO and the selling price — are such that it should be taken as an additional indicator that electricity production is directly exposed to competition.

(12) Given the characteristics of the product concerned (electricity) and the scarcity or unavailability of suitable substitutable products or services, price competition and price formation assume greater importance when assessing the competitive state of the electricity markets. In respect of large industrial (end-)users, who are most liable to procure their electricity directly from suppliers which are at the same time generators, the number of customers switching supplier may serve as an indicator of price competition and, thus, indirectly, 'a natural indicator of the effectiveness of competition. If few customers are switching, there is likely to be a problem with the functioning of the market, even if the benefits from the possibility of renegotiating with the historical supplier should not be ignored' ([3]). Furthermore, 'the existence of regulated end-user prices is clearly a key determinant of customer behaviour […]. Although the retaining of controls may be justified in a period of transition, these will increasingly cause distortions as the need for investment approaches' ([4]).

(13) According to the latest available information, switching rates amount to 41,5 % for large and very large industrial customers in Austria ([5]). Furthermore, there is no end-user price control ([6]) in Austria, that is, prices are set by the economic operators themselves and do not have to be approved by any authority prior to their application. The situation in Austria is therefore satisfactory as far as switching of large and very large industrial (end-)users and end-user price control are concerned and should be taken as an indicator of direct exposure to competition.

IV. **CONCLUSIONS**

(14) In view of the factors examined in recitals 9 to 13, the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in respect of production of electricity in Austria.

(15) Furthermore, since the condition of unrestricted access to the market is deemed to be met, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable electricity generation to be carried out in Austria nor when they organise design contests for the pursuit of such an activity in Austria.

(16) This Decision is based on the legal and factual situation as of January to February 2008 as it appears from the information submitted by the Republic of Austria, the 2005 Report and the Technical Annex thereto, the 2007 Communication and the 2007 Staff Document as well as the Final Report. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met,

HAS ADOPTED THIS DECISION:

Article 1

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable them to carry out electricity generation in Austria.

([1]) Commission Staff Working Document, Technical Annex to the 2005 Report, SEC(2005) 1448, hereinafter referred to as 'Technical Annex', pp. 67-68.

([2]) According to the Final Report, paragraph 993, Table 52, the Austrian balancing market operates with a spread of 27, which places it in the lower half as spread in balancing markets in the EU ranges between 0 and 79. This analysis looks at the effects on electricity generation of the workings of the balancing market and not at the degree of competition within the balancing market itself. For this purpose it is therefore unimportant whether a low spread is caused by competition or a price cap imposed by the regulator, just as the elevated concentration on the balancing market is without pertinence in this analysis.

([3]) 2005 Report, p. 9.

([4]) Technical Annex, p. 17.

([5]) See the document entitled 'Austria — Internal Market Fact Sheet', published at http://ec.europa.eu/energy/energy_policy/doc/factsheets/market/market_at_en.pdf, using information from Energie-Control GmbH, 2007.

([6]) Technical Annex p. 107.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 7 July 2008.

For the Commission
Charlie McCREEVY
Member of the Commission

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

Only the original UN/ECE texts have legal effect under international public law. The status and date of entry into force of this Regulation should be checked in the latest version of the UN/ECE status document TRANS/WP.29/343, available at: http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29fdocstts.html

Regulation No 21 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the approval of vehicles with regard to their interior fittings

Incorporating all valid text up to:

Supplement 3 to the 01 series of Amendments — Date of entry into force: 31 January 2003

1. SCOPE

This Regulation applies to the interior fittings of passenger cars with regard to:

1.1. the interior parts of the passenger compartment other than the rear-view mirror or mirrors:

1.2. the arrangement of the controls;

1.3. the roof or opening roof; and

1.4. the seat-back and the rear parts of seats;

1.5. power-operation of windows, roof panels and partition systems.

2. DEFINITIONS

For the purposes of this Regulation:

2.1. '*approval of a vehicle*' means the approval of a vehicle type with regard to its interior fittings;

2.2. '*vehicle type*' with regard to the interior fittings of the passenger compartment means vehicles of category M1 which do not differ in such essential respects as:

2.2.1. the lines of constituent materials of the bodywork of the passenger compartment;

2.2.2. the arrangement of the controls;

2.2.3. the performance of the protective system, if the reference zone within the head impact zone determined according to Annex VIII (dynamic evaluation) is chosen by the applicant.

2.2.3.1. Vehicles that differ only in the performance of the protective system(s) belong to the same vehicle type if they offer an equal or better protection for the occupants compared with the system or vehicle submitted to the technical service responsible for conducting the approval tests.

2.3. '*reference zone*' is the head impact zone as defined in Annex I to this Regulation, or at the choice of the manufacturer, according to Annex VIII, excluding the following areas: (see Annex X, explanatory notes, paragraphs 2.3 and 2.3.1);

2.3.1. the area bounded by the forward horizontal projection of a circle circumscribing the outer limits of the steering control, increased by a peripheral band 127 mm in width; this area is bounded below by the horizontal plane tangential to the lower edge of the steering control when the latter is in the position for driving straight ahead. (see Annex X, explanatory notes, paragraphs 2.3 and 2.3.1);

2.3.2. the part of the surface of the instrument panel comprised between the edge of the area specified in paragraph 2.3.1 above and the nearest inner side-wall of the vehicle; this part of the surface is bounded below by the horizontal plane tangential to the lower edge of the steering control; and (see Annex X, explanatory notes, paragraphs 2.3 and 2.3.1);

2.3.3. the windscreen side pillars; (see Annex 10, explanatory notes, paragraphs 2.3 and 2.3.1);

2.4. '*level of the instrument panel*' means the line defined by the points of contact of vertical tangents to the instrument panel; (see Annex X, explanatory notes, paragraph 2.4);

2.5. '*roof*' means the upper part of the vehicle extending from the upper edge of the windscreen to the upper edge of the rear window and bounded at the sides by the upper framework of the side-walls; (see Annex X, explanatory notes, paragraph 2.5);

2.6. '*belt line*' means the line constituted by the transparent lower contour of the side windows of the vehicle;

2.7. '*convertible car*' means a vehicle where, in certain configurations, there is no rigid part of the vehicle body above the belt line with the exception of the front rof supports and/or the roll-over bars and/or the seat belt anchorage points; (see Annex X, explanatory notes, paragraphs 2.5 and 2.7);

2.8. '*vehicle with opening roof*' means a vehicle of which only the roof or part of it can be folded back or be opened, or may slide, leaving the existing structural elements of the vehicle above the belt line (see Annex X, explanatory notes, paragraphs 2.5);

2.9. '*folding (tip-up) seat*' means an auxiliary seat intended for occasional use and which is normally folded out of the way.

2.10. '*Protective system*' means interior fittings and devices intended to restrain the occupants.

2.11. '*Type of a protective system*', means a category of protective devices which do not differ in such essential respects as:

2.11.1. their technology;

2.11.2. their geometry;

2.11.3. their constituent materials.

2.12. '*Power-operated windows*' means windows which are closed by power supply of the vehicle.

2.13. '*Power-operated roof-panel systems*' means movable panels in the vehicle roof which are closed by power supply of the vehicle by either a sliding and/or tilting motion, and which do not include convertible top systems.

2.14. '*Power-operated partition systems*' means systems which divide a passenger car compartment into at least two sections and which are closed using the power supply of the vehicle.

2.15. '*Opening*' is the maximum unobstructed aperture between the upper edge or leading edge, depending on the closing direction, of a power-operated window or partition or roof panel and the vehicle structure which forms the boundary of the window, partition or roof panel, when viewed from the interior of the vehicle or, in the case of partition system, from the rear part of the passenger compartment.

To measure an opening, a cylindrical test rod shall (without exerting force) be placed through it normally perpendicular to the edge of the window, roof panel or partition and perpendicular to the closing direction as shown in Figure 1 of Annex IX, from the interior through to the exterior of the vehicle or, as applicable, from the rear part of the passenger compartment.

2.16. '*Key*'

2.16.1. '*Ignition key*' means the device that operates the electric power supply necessary to operate the engine or motor of the vehicle. This definition does not preclude a non-mechanical device.

2.16.2. '*Power key*' means the device which allows power to be supplied to the power systems of the vehicle. This key may also be the ignition key. This definition does not preclude a non-mechanical device.

2.17. '*Airbag*' means a device installed to supplement safety belts and restraint systems in power driven vehicles, i.e. systems which in the event of a severe impact affecting the vehicle automatically deploy a flexible structure intended to limit, by compression of the gas contained within it, the severity of the contacts of one or more parts of an occupant of the vehicle with the interior of the passenger compartment.

2.18. A '*sharp edge*' is an edge of a rigid material having a radius of curvature of less than 2,5 mm except in the case of projections of less than 3,2 mm, measured from the panel according to the procedure described in paragraph 1 of Annex VI. In this case, the minimum radius of curvature shall not apply provided the height of the projection is not more than half its width and its edges are blunted (see Annex X, explanatory notes, paragraph 2.18).

3. APPLICATION FOR APPROVAL

3.1. The application for approval of a vehicle type with regard to its interior fittings shall be submitted by the vehicle manufacturer or by his duly accredited representative.

3.2. It shall be accompanied by the undermentioned documents in triplicate and by the following particulars:

a detailed description of the vehicle type with regard to the items mentioned in paragraph 2.2 above, accompanied by a photograph or an exploded view of the passenger compartment. The numbers and/or symbols identifying the vehicle type shall be specified.

3.3. The following must be submitted to the technical service responsible for conducting the approval tests:

3.3.1. at the manufacturer's discretion, either a vehicle representative of the vehicle type to be approved or the part or parts of the vehicle regarded as essential for the checks and tests prescribed by this Regulation;

3.3.2. at the request of the aforesaid technical service, certain components and certain samples of the materials used.

4. APPROVAL

4.1. If the vehicle submitted for approval pursuant to this Regulation meets the requirements of paragraph 5 below, approval of that vehicle type shall be granted.

4.2. An approval number shall be assigned to each type approved. Its first two digits (at present 01 corresponding to the 01 series of amendments which entered into force on 26 April 1986) shall indicate the series of amendments incorporating the most recent major technical amendments made to the Regulation at the time of issue of the approval. The same Contracting Party shall not assign the same number to another vehicle type.

4.3. Notice of approval or of extension or refusal or of withdrawal of approval or production definitely discontinued of a vehicle type pursuant to this Regulation shall be communicated to the Parties to the Agreement which apply this Regulation by means of a form conforming to the model in Annex II to this Regulation.

4.4. There shall be affixed, conspicuously and in a readily accessible place specified on the approval form, to every vehicle conforming to a vehicle type approved under this Regulation, an international approval mark consisting of:

4.4.1. a circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted approval ([1]);

4.4.2. the number of this Regulation, followed by the letter 'R', a dash and the approval number to the right of the circle prescribed in paragraph 4.4.1 above.

4.5. If the vehicle conforms to a vehicle type approved, under one or more other Regulations annexed to the Agreement, in the country which has granted approval under this Regulation, the symbol prescribed in paragraph 4.4.1 need not be repeated; in such a case the Regulation and approval numbers and the additional symbols of all the Regulations under which approval has been granted in the country which has granted approval under this Regulation shall be placed in vertical columns to the right of the symbol prescribed in paragraph 4.4.1 above.

([1]) 1 for Germany, 2 for France, 3 for Italy, 4 for the Netherlands, 5 for Sweden, 6 for Belgium, 7 for Hungary, 8 for the Czech Republic, 9 for Spain, 10 for Yugoslavia, 11 for the United Kingdom, 12 for Austria, 13 for Luxembourg, 14 for Switzerland, 15 (vacant), 16 for Norway, 17 for Finland, 18 for Denmark, 19 for Romania, 20 for Poland, 21 for Portugal, 22 for the Russian Federation, 23 for Greece, 24 for Ireland, 25 for Croatia, 26 for Slovenia and 27 for Slovakia, 28 for Belarus, 29 for Estonia, 30 (vacant), 31 for Bosnia and Herzegovina, 32 for Latvia, 33 (vacant), 34 for Bulgaria, 35-36 (vacant), 37 for Turkey, 38-39 (vacant), 40 for The former Yugoslav Republic of Macedonia, 41 (vacant), 42 for the European Community (Approvals are granted by its Member States using their respective ECE symbol), 43 for Japan, 44 (vacant), 45 for Australia and 46 for Ukraine. Subsequent numbers shall be assigned to other countries in the chronological order in which they ratify or accede to the Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, and the numbers thus assigned shall be communicated by the Secretary-General of the United Nations to the Contracting Parties to the Agreement.

4.6. The approval mark shall be clearly legible and be indelible.

4.7. The approval mark shall be placed close to or on the vehicle data plate affixed by the manufacturer.

4.8. Annex III to this Regulation gives examples of arrangement of the approval marks.

5. REQUIREMENTS

5.1. Forward interior parts of the passenger compartment above the level of the instrument panel in front of the front seat 'H' points, excluding the side doors.

5.1.1. The reference zone defined in paragraph 2.3 above must not contain any dangerous roughness or sharp edges likely to increase the risk of serious injury to the occupants. If the head impact area is determined according to Annex I, the parts referred to in paragraphs 5.1.2 to 5.1.6 below shall be deemed satisfactory if they comply with the requirements of those paragraphs. If the head impact area is determined according to Annex 8, the requirements of paragraph 5.1.7 shall apply. (see Annex 10, explanatory notes, paragraph 5.1.1)

5.1.2. Vehicle parts within the reference zone with the exception of those which are not part of the instrument panel and which are placed at less than 10 cm from glazed surfaces shall be energy-dissipating as prescribed in Annex IV to this Regulation. Those parts within the reference zone which satisfy both of the following conditions shall also be excluded from consideration if: (see Annex X, explanatory notes, paragraph 5.1.2)

5.1.2.1. during a test in accordance with the requirements of Annex IV of this Regulation, the pendulum makes contact with parts outside the reference zone; and

5.1.2.2. the parts to be tested are placed less than 10 cm away from the parts contacted outside the reference zone, this distance being measured on the surface of the reference zone;

any metal support fittings shall have no protruding edges.

5.1.3. The lower edge of the instrument panel shall, unless it meets the requirements of paragraph 5.1.2 above, be rounded to a radius of curvature of not less than 19 mm. (see Annex X, explanatory notes, paragraph 5.1.3)

5.1.4. Switches, pull-knobs and the like, made of rigid material, which, measured in accordance with the method prescribed in Annex VI, project from 3,2 mm to 9,5 mm from the panel, shall have a cross-sectional area of not less than 2 cm^2, measured 2,5 mm from the point projecting furthest, and shall have rounded edges with a radius of curvature of not less than 2,5 mm. (see Annex X, explanatory notes, paragraph 5.1.4)

5.1.5. If these components project by more than 9,5 mm from the surface of the instrument panel, they shall be so designed and constructed as to be able, under the effect of a longitudinal horizontal force of 37.8 daN delivered by a flat-ended ram of not more than 50 mm diameter, either to retract into the surface of the panel until they do not project by more than 9,5 mm or to become detached; in the latter case, no dangerous projections of more than 9,5 mm shall remain; a cross-section not more than 6,5 mm from the point of maximum projection shall be not less than 6,5 cm^2 in area. (see Annex X, explanatory notes, paragraph 5.1.5)

5.1.6. In the case of a projection comprising a component made of non-rigid material of less than 50 shore A hardness mounted on a rigid support, the requirements of paragraphs 5.1.4 and 5.1.5 shall apply only to the rigid support or it shall be demonstrated by sufficient tests according to the procedure described in Annex IV that the soft material of less than 50 shore A hardness will not be cut so as to contact the support during the specified impact test. In that case the radius requirements shall not apply. (see Annex X, explanatory notes, paragraph 5.1.6)

5.1.7. The following paragraphs shall apply:

5.1.7.1. If the protective system of the vehicle type cannot prevent head contacts of the occupants defined in paragraph 1.2.1. of Annex VIII with the instrument panel, and a dynamic reference zone according to Annex VIII is determined, the requirements of paragraphs 5.1.2 to 5.1.6 are applicable only to the parts located in that zone.

Parts in other areas of the dashboard above the level of the instrument panel, if contractable by a 165 mm diameter sphere, shall be at least blunted.

5.1.7.2. If the protective system of the vehicle type is able to prevent head contacts of the occupants defined in paragraph 1.2.1 of Annex VIII with the instrument panel and therefore no reference zone can be determined, the requirements of paragraphs 5.1.2 to 5.1.6 are not applicable to this vehicle type.

Parts of the dashboard above the level of the instrument panel, if contractable by a 165 mm diameter sphere, shall be at least blunted.

5.2. Forward interior parts of the passenger compartment below the level of the instrument panel and in front of the front seat 'H' points, excluding the side doors and the pedals.

5.2.1. Except for the pedals and their fixtures and those components that cannot be contacted by the device described in Annex VII to this Regulation and used in accordance with the procedure described therein, components covered by paragraph 5.2, such as switches, the ignition key, etc. shall comply with the requirements of paragraphs 5.1.4 to 5.1.6 above.

5.2.2. The hand-brake control, if mounted on or under the instrument panel, shall be so placed that, when it is in the position of rest there is no possibility of the occupants of the vehicle striking against it in the event of a frontal impact. If this condition is not met, the surface area of the control shall satisfy the requirements of paragraph 5.3.2.3 below. (see Annex X, explanatory notes, paragraph 5.2.2)

5.2.3. Shelves and other similar items shall be so designed and constructed that the supports in no case have protruding edges, and they meet one or other of the following conditions: (see Annex X, explanatory notes, paragraph 5.2.3)

5.2.3.1. The part facing into the vehicle shall present a surface not less than 25 mm high with edges rounded to a radius of curvature of not less than 3,2 mm. This surface shall consist of or be covered with an energy-dissipating material as defined in Annex IV of this Regulation, and shall be tested in accordance therewith, the impact being applied in a horizontal longitudinal direction. (see Annex X, explanatory notes, paragraph 5.2.3.1)

5.2.3.2. Shelves and other similar items shall, under the effect of a forward-acting horizontal longitudinal force of 37.8 daN exerted by a cylinder of 110 mm diameter with its axis vertical, become detached, break up, be substantially distorted or retract without producing dangerous features on the rim of the shelf. The force must be directed at the strongest part of the shelves or other similar items. (see Annex X, explanatory notes, paragraph 5.2.3.2)

5.2.4. If the items in question contain a part made of material softer than 50 shore A hardness when fitted to a rigid support, the above requirements, except for the requirements covered by Annex IV relating to energy absorption, shall apply only to the rigid support or it can be demonstrated by sufficient tests according to the procedure described in Annex IV that the soft material of less than 50 shore A hardness will not be cut so as to contact the support during the specified impact test. In that case the radius requirements shall not apply.

5.3. Other interior fittings in the passenger compartment in front of the transverse plane passing through the torso reference line of the manikin placed on the rearmost seats. (see Annex X, explanatory notes, paragraph 5.3)

5.3.1. Scope

The requirements of paragraph 5.3.2 below apply to control handles, levers and knobs and to any other protruding objects not referred to in paragraphs 5.1 and 5.2 above. (See also paragraph 5.3.2.2)

5.3.2. Requirements

If the items referred to in paragraph 5.3.1 above are so placed that occupants of the vehicle can contact them, they shall meet the requirements of paragraphs 5.3.2.1 to 5.3.4 If they can be contacted by a 165 mm diameter sphere and are above the lowest 'H' point (see Annex V of this Regulation) of the front seats and forward of the transverse plane of the torso reference line of the manikin on the rearmost seat, and outside the zones defined in paragraphs 2.3.1 and 2.3.2, these requirements shall be considered to have been fulfilled if: (see Annex X, explanatory notes, paragraph 5.3.2)

5.3.2.1. their surface terminates in rounded edges, the radii of curvature being not less than 3,2 mm; (see Annex X, explanatory notes, paragraph 5.3.2.1)

5.3.2.2. control levers and knobs shall be so designed and constructed that, under the effect of a forward-acting longitudinal horizontal force of 37.8 daN either the projection in its most unfavourable position is reduced to not more than 25 mm from the surface of the panel or the said fittings become detached or bent: in the two latter cases no dangerous projections shall remain. Window winders may, however, project 35 mm from the surface of the panel; (see Annex X, explanatory notes, paragraph 5.3.2.2)

5.3.2.3. the hand brake control when in the released position and the gear lever when in any forward gear position, have, except when placed in the zones defined in paragraphs 2.3.1 and 2.3.2 and in the zones below the horizontal plane passing through the 'H' point of the front seats, a surface area of not less than 6 cm^2 measured at a cross-section normal to the longitudinal horizontal direction up to a distance of 6,5 mm from the part projecting furthest, the radius of curvature being not less than 3,2 mm. (see Annex X, explanatory notes, paragraph 5.3.2.3)

5.3.3. The requirements in paragraph 5.3.2.3 shall not apply to a floor-mounted handbrake control; for such controls, if the height of any part in the released position is above a horizontal plane passing through the 'H' point of the front seats (see Annex V of this Regulation) the control shall have a cross-sectional area of at least 6,5 cm^2 measured in a horizontal plane not more than 6,5 mm from the furthest projecting part (measured in the vertical direction). The radius of curvature shall not be less than 3,2 mm.

5.3.4. The other elements of the vehicle's equipment not covered by the above paragraph, such as seat slide rails, devices for regulating the horizontal or vertical part of the seat, devices for rolling up safety belts, etc. are not subject to any regulation if they are situated below a horizontal line passing through the 'H' point of each seat, even though the occupant is likely to come into contact with such items. (see Annex X, explanatory notes, paragraph 5.3.4)

5.3.4.1. Components mounted on the roof but which are not part of the roof structure, such as grab handles, lamps and sun visors, etc. shall have a radius of curvature not less that 3,2 mm. In addition, the width of the projecting parts shall not be less than the amount of their downward projection; alternatively, these projecting parts shall pass the energy-dissipating test in accordance with the requirements of Annex IV. (see Annex X, explanatory notes, paragraph 5.3.4.1)

5.3.5. If the parts considered above comprise a component made of material of less than 50 shore A hardness, mounted on a rigid support, the above requirements shall apply only to the rigid support, or it can be demonstrated by sufficient tests according to the procedure described in Annex IV that the soft material of less than 50 shore A hardness will not be cut so as to contact the support during the specified impact test. In that case the radius requirements shall not apply.

5.3.6. In addition, power operated windows and partition systems and their controls shall meet the requirements of paragraph 5.8 below.

5.4. Roof (see Annex X, explanatory notes, paragraph 5.4)

5.4.1. Scope

5.4.1.1. The requirements of paragraph 5.4.2 below shall apply to the inner face of the roof.

5.4.1.2. However, they shall not apply to such parts of the roof as cannot be contacted by a sphere 165 mm in diameter.

5.4.2. Requirements

5.4.2.1. That part of the inner face of the roof which is situated above or forward of the occupants shall exhibit no dangerous roughness or sharp edges, directed rearwards or downwards. The width of the projecting parts shall not he less than the amount of their downward projection and the edges shall have a radius of curvature of not less than 5 mm. In particular, the rigid roof sticks or ribs, with the exception of the header rail of the glazed surfaces and door frames, shall not project downwards more than 19 mm. (see Annex X, explanatory notes, paragraph 5.4.2.1)

5.4.2.2. If the roof sticks or ribs do not meet the requirements of paragraph 5.4.2.1, they shall pass the energy-dissipating test in accordance with the requirement of Annex IV to this Regulation.

5.4.2.3. The metal wires which stretch the lining of the roof and the frames of the sun visors shall have a maximum diameter of 5 mm or be able to absorb the energy, as prescribed in Annex IV to this Regulation. Non-rigid attachment elements of the frames of the sun visors shall meet the requirements of paragraph 5.3.4.1 above.

5.5. Vehicles with an opening roof (see Annex X, explanatory notes, paragraph 5.5)

5.5.1. Requirements

5.5.1.1. The following requirements and those of paragraph 5.4 above shall apply to vehicles with an opening roof when the roof is in the closed position.

5.5.1.2. In addition, the opening and operating devices shall: (see Annex X, explanatory notes, paragraphs 5.5.1.2, 5.5.1.2.1, and 5.5.1.2.2):

5.5.1.2.1. be so designed and constructed as to exclude accidental or inopportune operation as far as possible (see Annex X, explanatory notes, paragraphs 5.5.1.2, 5.5.1.2.1, and 5.5.1.2.2):

5.5.1.2.2. their surfaces shall terminate in rounded edges, the radii of curvature being not less than 5 mm; (see Annex X, explanatory notes, paragraphs 5.5.1.2, 5.5.1.2.1, and 5.5.1.2.2):

5.5.1.2.3. be accommodated, when in the position of rest, in areas which cannot be contacted by a sphere 165 mm in diameter. If this condition cannot be met, the opening and operating devices shall, in the position of rest, either remain retracted or be so designed and constructed that, under the effect of a force of 37.8 daN applied in the direction of impact defined in Annex IV to this Regulation as the tangent to the trajectory of the headform, either the projection as described in Annex VI to this Regulation shall be reduced to not more than 25 mm beyond the surface on which the devices are mounted or the devices shall become detached; in the latter case no dangerous projections shall remain. (see Annex X, explanatory notes, paragraph 5.5.1.2.3).

5.5.2. In addition, power-operated roof-panel systems and their controls shall meet the requirements of paragraph 5.8 below.

5.6. Convertible vehicles (see Annex X, explanatory notes, paragraph 5.6)

5.6.1. In the case of convertible vehicles, only the underside of the top of the roll-bar and the top of the windscreen frame in all its normal utilisation positions shall comply with the requirements of paragraph 5.4. The system of folding rods or links used to support a non-rigid roof shall, where they are situated above and forward of the occupants, exhibit no dangerous roughness or sharp edges, directed downwards or rearwards. (see Annex X, explanatory notes, paragraph 5.6.1)

5.7. Rear parts of seats anchored to the vehicle

5.7.1. Requirements

5.7.1.1. The surface of the rear parts of seats shall exhibit no dangerous roughness or sharp edges likely to increase the risk or severity of injury to the occupants. (see Annex X, explanatory notes, paragraph 5.7.1.1).

5.7.1.2. Except as provided in paragraphs 5.7.1.2.1, 5.7.1.2.2, and 5.7.1.2.3 below, that part of the back of the front seat which is in the head-impact zone, described in Annex 1 of this Regulation, shall be energy-dissipating, as prescribed in Annex IV to this Regulation. For determining the head-impact zone the front seats shall, if they are adjustable, be in the rearmost driving position with their backs inclined as near as possible to 25 ° unless indicated otherwise by the manufacturer. (see Annex X, explanatory notes, paragraph 5.7.1.2).

5.7.1.2.1. In the case of separate front seats, the rear passengers' head-impact zone shall extend for 10 cm on either side of the seat centre-line, in the top part of the rear of the seat-back.

5.7.1.2.1.1. In the case of seats fitted with head-restraints each test shall be carried out with the head-restraint in the lowest position and at a point situated on the vertical line passing through the centre of the head-restraint.

5.7.1.2.1.2. In the case of a seat which is designed to be fitted in several types of vehicle, the impact zone shall be determined by the vehicle whose rearmost driving position is, of each of the types considered, the least favourable; the resultant impact zone will be deemed adequate for the other types.

5.7.1.2.2. In the case of front bench seats, the impact zone shall extend between the longitudinal vertical planes 10 cm outboard of the centre line of each designated outboard seating position. The centre line of each outboard seating position of a bench seat shall be specified by the manufacturer.

5.7.1.2.3. In the head impact zone outside the limits prescribed in paragraphs 5.7.1.2.1 to 5.7.1.2.2, inclusive, the seat frame structure shall be padded to avoid direct contact of the head with it: and, in these zones, shall have a radius of curvature of at least 5 mm. These parts may satisfy the energy dissipation requirements specified in Annex IV to this Regulation. (see Annex X, explanatory notes, paragraph 5.7.1.2.3).

5.7.2. These requirements shall not apply to the rearmost seats, to seats facing sideways or rearwards, to back-to-back seats or to folding (tip-up) seats. If the impact zones of the seats, head-restraints and their supports contain parts covered with material softer than 50 shore A hardness, the above requirements, with the exception of those relating to energy dissipation described in Annex IV to this Regulation, shall apply only to the rigid parts.

5.7.3. The requirements of paragraph 5. 7 shall be considered to be satisfied in the case of rear parts of seats that are part of a vehicle type approved under Regulation No 17 (03 series of amendments or later).

5.8. Power-operation of windows, roof-panel systems and partition systems

5.8.1. The requirements below apply to power-operation of windows/roof-panel systems/partition systems to minimize the possibility of injuries caused by accidental or improper operation.

5.8.2. Normal operating requirements

Except as provided in paragraph 5.8.3, power-operated windows/roof-panel systems/ partition systems may be closed under one or more of the following conditions:

5.8.2.1. when the ignition key is inserted in the ignition control in any position of use or in an equivalent condition in case of a non mechanical device;

5.8.2.2. when the power key has been used to activate the power supply to the power operated windows, partitions or roof panel systems;

5.8.2.3. by muscular force unassisted by power supply of the vehicle;

5.8.2.4. on continuous activation of a closing system located on the exterior of the vehicle;

5.8.2.5. during the interval of time between the moment the ignition has been switched off or the ignition key has been removed, or an equivalent condition has happened in case of a non-mechanical device, and the moment that neither of the two front doors has been opened sufficiently to permit egress of occupants;

5.8.2.6. when the closing movement of a power-operated window, roof panel or partition starts at an opening not exceeding 4 mm;

5.8.2.7. when the power-operated window of a vehicle's door without an upper door frame closes automatically whenever the pertinent door is closed. In this case the maximum opening, as defined in paragraph 2.15, prior to window closing, shall not exceed 12 mm.

5.8.2.8. Remote closing shall be allowed by continuous activation of a remote actuation device, provided one of the following conditions is fulfilled:

5.8.2.8.1. the operation distance between the actuation device and the vehicle shall not exceed 6 m;

5.8.2.8.2. the operation distance between the actuation device and the vehicle shall not exceed 11 m, provided that the system requires a direct line of sight between the actuation device and the vehicle. This may be tested by placing an opaque surface between the actuation device and the vehicle.

5.8.2.9. One-touch closing shall be permitted only for the power-operated window of the driver's door and the roof panel, and only during the time when the ignition key is in the engine running position. It is also allowed when the engine has been switched off or the ignition key/power key has been removed, or an equivalent condition has happened in case of a non-mechanical device, as long as neither of the two front doors has been opened sufficiently to permit egress of occupants.

5.8.3. Auto-reversing requirements

5.8.3.1. None of the requirements in paragraph 5.8.2 shall apply, if a power-operated window/roof panel system/partition system is fitted with an auto-reversing device.

5.8.3.1.1. This device shall reverse the window/roof panel/partition before it exerts a pinch force of more than 100 N within the opening of 200 mm to 4 mm above the top edge of a power-operated window/partition or in front of the leading edge of a sliding roof panel and at the trailing edge of a tilting roof panel.

5.8.3.1.2. After such an auto-reversal, the window or roof panel or partition shall open to one of the following positions:

5.8.3.1.2.1. a position that permits a semi-rigid cylindrical rod of a diameter of 200 mm to be placed through the opening at the same contact point(s) used to determine the reversing behaviour in paragraph 5.8.3.1.1;

5.8.3.1.2.2. a position that represents at least the initial position before closing was initiated;

5.8.3.1.2.3. a position at least 50 mm more open than the position at the time when reversing was initiated;

5.8.3.1.2.4. in the case of tilting motion of a roof panel, the maximum angular opening.

5.8.3.1.3. To check power-operated windows/roof-panel systems/partition systems with reversing devices as per paragraph 5.8.3.1.1, a measuring instrument/test rod shall be placed through the opening from the inside through to the exterior of the vehicle or, in the case of a partition system, from the rear part of the passenger compartment in such a way that the cylindrical surface of the rod contacts any part of the vehicle structure which forms the boundary of the window/roof-panel partition aperture. The force deflection ratio of the measuring instrument shall be 10 ± 0.5 N/mm. The positions of the test rod (normally located perpendicular to the edge of the window/roof panel/partition and perpendicular to the closing direction) are illustrated in Figure 1 of Annex IX to this Regulation. The position of the test rod relative to the edge and the closing direction shall be kept throughout the test.

5.8.4. Switch location and operation

5.8.4.1. Switches of power-operated windows/roof panels/partitions shall be located or operated in such a way to minimize the risk of accidental closing. The switches shall require continuous actuation for closing except in the case of paragraphs 5.8.2.7, 5.8.2.9 or 5.8.3.

5.8.4.2. All rear-window, roof-panel and partition switches intended for use by occupants in the rear of the vehicle shall be capable of being switched off by a driver-controlled switch which is located forward of a vertical transverse plane passing through the R points of the front seats. The driver controlled switch is not required if a rear window, roof panel or partition is equipped with an auto-reversing device. If, however, the driver-controlled switch is present, it shall not be able to override the auto-reversing device or prevent lowering of the partition system.

The driver-controlled switch shall be located so as to minimize any accidental manipulating. It shall be identified by the symbol shown in Figure 2 of Annex 9 to this Regulation or an equivalent symbol, for example according to ISO 2575:1998 reproduced in Figure 3 of Annex IX to this Regulation.

5.8.5. Protection devices

All protection devices which are used to prevent damage to the power source in the case of an overload or stalling shall reset themselves after the overload or the automatic switch off. After resetting of the protection devices, the motion in the closing direction shall not resume without a deliberate action on the control device.

5.8.6. Handbook instructions

5.8.6.1. The owner's manual of the vehicle shall contain clear instructions relating to the power-operated window/roof panel/partition, including:

5.8.6.1.1. explanation of possible consequences (entrapment).

5.8.6.1.2. use of the driver-controlled switch.

5.8.6.1.3. a 'WARNING' message indicating the dangers, particularly to children in the case of improper use/activation of the power-operated windows/roof-panel systems/partition systems. This information should indicate the responsibilities of the driver, including instructions for other occupants and the recommendation to leave the vehicle only if the ignition key/power key has been removed, or an equivalent condition has happened in case of a non mechanical device.

5.8.6.1.4. a 'WARNING' message indicating that special care should be taken when using remote closing systems (see paragraph 5.8.2.8), for example to actuate it only when the operator has a clear view of the vehicle to be sure that nobody can be trapped by power-operated windows/roof-panel/partition equipment.

5.8.7. If a power-operated window, roof-opening and/or partition system is installed in a vehicle that can not be tested according to the test procedures mentioned above the approval may be granted if the manufacturer can demonstrate an equal or improved protection-effect for the occupants.

5.9. Other non-specified fittings

5.9.1. The requirements of paragraph 5 shall apply to such fittings not mentioned in previous paragraphs which, within the meaning of the various requirements in paragraphs 5.1 to 5.7 and according to their location in the vehicle, are capable of being contacted by the occupants. If such parts are made of a material of less than 50 shore A hardness, mounted on a rigid support, the requirements in question shall apply only to the rigid support, or it can be demonstrated by sufficient tests according to the procedure described in Annex IV that the soft material of less than 50 shore A hardness will not be cut during the specified impact test. In that case the required radius shall apply to the soft surface only.

5.9.2. For parts like a centre console, for example, or other components of the vehicle which belong to 5.9.1, it is not necessary to perform an energy dissipation test according to Annex IV to any component contactable by the device and procedure specified in Annex I if:

in the opinion of the Technical Service the occupant's head is unlikely to contact the component, because of the restraint system(s) installed in the vehicle; or

because the manufacturer can prove the lack of such contact using, for example, the method described in Annex VIII, or any equivalent method.

6. MODIFICATIONS AND EXTENSION OF APPROVAL OF THE VEHICLE TYPE

6.1. Every modification of the vehicle type shall be notified to the administrative department which approved the vehicle type. The department may then either:

6.1.1. consider that the modifications made are unlikely to have an appreciable adverse effect and that in any case the vehicle still complies with the requirements; or

6.1.2. require a further test report from the technical service responsible for conducting the tests.

6.2. Confirmation or refusal of approval, specifying the alterations, shall be communicated by the procedure specified in paragraphs 4.3 above to the Parties to the Agreement which apply this Regulation.

6.3. The competent authority issuing the extension of approval shall assign a series number for such an extension and inform thereof the other Parties to the 1958 Agreement applying this Regulation by means of a communication form conforming to the model in Annex II to this Regulation.

7. CONFORMITY OF PRODUCTION

7.1. Every vehicle bearing an approval mark as prescribed under this Regulation shall conform to the vehicle type approved.

7.2. In order to verify conformity as prescribed in paragraph 7.1 above, a vehicle bearing the approval mark required by this Regulation shall be taken from the series.

7.3. Production shall be deemed to conform to the requirements of this Regulation if the requirements of paragraph 5 above are met.

8. PENALTIES FOR NON-CONFORMITY OF PRODUCTION

8.1. The approval granted in respect of a vehicle type pursuant to this Regulation, may be withdrawn if the requirement laid down in paragraph 7 above is not complied with, or if the vehicle fails to pass the checks prescribed in paragraph 7 above.

8.2. If a Party to the Agreement which applies this Regulation withdraws an approval it has previously granted, it shall forthwith so notify the other Contracting Parties applying this Regulation by means of a communication form conforming to the model in Annex II to this Regulation.

9. PRODUCTION DEFINITELY DISCONTINUED

If the holder of the approval completely ceases to manufacture a type of vehicle under this Regulation, he shall inform thereof the authority which granted the approval. Upon receiving the relevant communication that authority shall inform the other Parties to the Agreement which apply this Regulation thereof by means of a communication form conforming to the model in Annex II to this Regulation.

10. NAMES AND ADDRESSES OF TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS, AND OF ADMINISTRATIVE DEPARTMENTS

The Parties to the Agreement applying this Regulation shall communicate to the United Nations Secretariat the names and addresses of the technical services responsible for conducting approval tests and of the administrative departments which grant approval and to which forms certifying approval or refusal or withdrawal of approval, issued in other countries, are to be sent.

ANNEX I

Determination of the head-impact zone

1. The head-impact zone comprises all the non-glazed surfaces of the interior of a vehicle which are capable of entering into static contact with a spherical head 165 mm in diameter that is an integral part of a measuring apparatus whose dimension from the pivotal point of the hip to the top of the head is continuously adjustable between 736 mm and 840 mm.

2. The aforesaid zone shall be determined by the following procedure or its graphic equivalent:

2.1. The pivotal point of the measuring apparatus shall be placed as follows for each seating position for which the manufacturer has made provision:

2.1.1. in the case of sliding seats

2.1.1.1. at the 'H' point (see Annex V), and

2.1.1.2. at a point situated horizontally 127 mm forward of the 'H' point and either at a height resulting from the variation in the height of the 'H' point caused by a forward shift of 127 mm or of 19 mm. (see Annex X, explanatory notes to paragraph 2.1.1.2 of Annex I).

2.1.2. in the case of non-sliding seats:

2.1.2.1. at the 'H' point of the seat considered.

2.2. All points of contact situated forward of the 'H' point shall be determined for each dimension from the pivoted point to the top of the head capable of being measured by the measuring apparatus within the interior dimensions of the vehicle. (see Annex X, explanatory notes to paragraph 2.2 of Annex I).

2.2.1. In the case where the headform, with the arm set at minimum length, overlaps the front seat, from the rear 'H' point, no contact point is established for this particular operation.

2.3. With the measuring apparatus vertical, possible points of contact shall he determined by pivoting it forwards and downwards through all arcs of vertical planes as far as 90° on either side of the longitudinal vertical plane of the vehicle which passes through the 'H' point.

2.3.1. To determine the points of contact, the length of the arm of the measuring apparatus shall not be changed during any given excursion. Each excursion shall start from a vertical position.

3. A 'point of contact' is a point at which the head of the apparatus touches a part of the interior of the vehicle. The maximum downward movement shall be downward movement to a position where the head is tangential to a horizontal plane situated 25,4 mm above the 'H' point.

ANNEX II

COMMUNICATION

(maximum format: A4 (210 × 297 mm))

issued by: Name of administration:

.....

.....

.....

concerning (2): APPROVAL GRANTED
APPROVAL EXTENDED
APPROVAL REFUSED
APPROVAL WITHDRAWN
PRODUCTION DEFINITELY DISCONTINUED

of a vehicle type with regard to its interior fittings, pursuant to Regulation No 21.

Approval No ..... Extension No .....

1. Trade name or mark of the vehicle .....
2. Vehicle type .....
3. Manufacturer's name and address .....
4. If applicable, name and address of manufacturer's representative .....
   .....
5. Vehicle submitted for approval on .....
6. Technical service responsible for conducting approval tests .....
   .....
7. Date of test report .....
8. Number of report .....
9. Remarks: Type of vehicle (sedan, station wagon) .....
10. Position of approval mark .....
11. Approval granted/refused/extended/withdrawn (2) .....
12. Reason(s) of extension (if applicable) .....
13. Place .....
14. Date .....
15. Signature .....

The list of documents deposited with the Administrative Service which has granted approval is annexed to this communication and may be obtained on request.

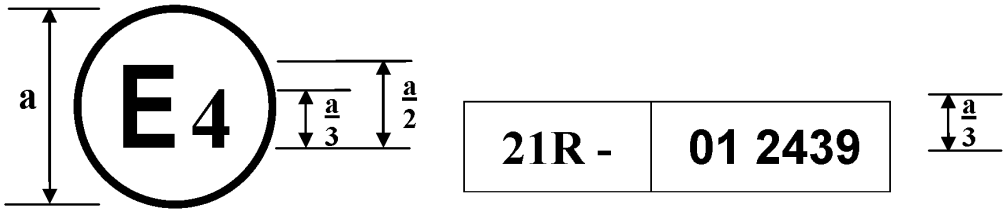
(1) Distinguishing number of the country which has granted/extended/refused/withdrawn approval (see approval provisions in the Regulation).
(2) Strike out what does not apply.

ANNEX III

ARRANGEMENTS OF APPROVAL MARKS

MODEL A

(See paragraph 4.4 of this Regulation)

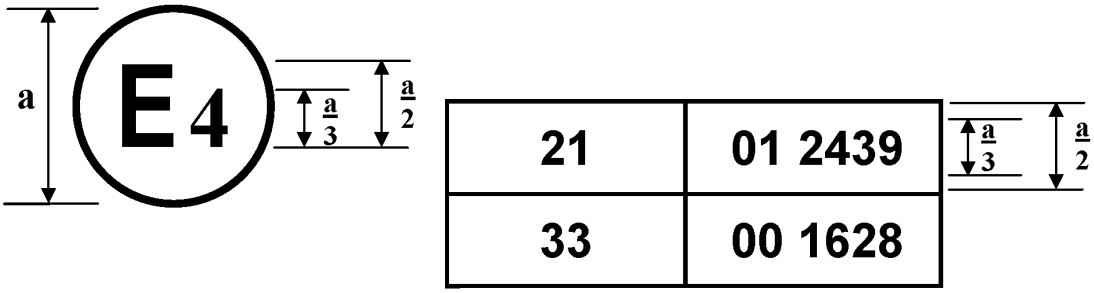


a = 8 mm min.

The above approval mark affixed to a vehicle shows that the vehicle type concerned has, with regard to its interior fittings, been approved in the Netherlands (E4) under the number 012349. The first two digits of the approval number indicate that the approval was granted in accordance with the requirements of Regulation No 21 as amended by the 01 series of amendments.

MODEL B

(See paragraph 4.5 of this Regulation)



a = 8 mm min.

The above approval mark affixed to a vehicle shows that the vehicle type concerned has been approved in the Netherlands (E4) pursuant to Regulations Nos 21 and 33 [1]. The first two digits of the approval numbers indicate that, on the date on which these approvals were granted, Regulation No 21 included the 01 series of amendments and Regulation No 33 was still in its original form.

[1] The second number is given merely as an example.

ANNEX IV

Procedure for testing energy dissipating materials

1. SETTING UP; TEST APPARATUS; PROCEDURE

1.1. **Setting up**

1.1.1. The component made of energy-dissipating materials shall be mounted and tested on the structural supporting member on which it is to be installed on the vehicle. The test shall preferably be carried out, where possible, directly on the body. The structural member, or the body, shall be firmly attached to the test bench so that it does not move under impact.

1.1.2. However, at the manufacturer's request, the item may be mounted on a fitting simulating installation on the vehicle, on condition that the assembly comprising the component and the fitting has the same geometrical arrangement as, and a degree of rigidity not lower and an energy-dissipating capacity not higher than those of the real assembly comprising the component and the structural supporting member.

1.2. **Test apparatus**

1.2.1. This apparatus consists of a pendulum whose pivot is supported by ball-bearings and whose reduced mass ([1]) at its centre of percussion is 6,8 kg. The lower extremity of the pendulum consists of a rigid headform 165 mm in diameter whose centre is identical with the centre of percussion of the pendulum.

1.2.2. The headform shall be fitted with two accelerometers and a speed transducer, all capable of measuring values in the direction of impact.

1.3. **Recording instruments**

The recording instruments used shall be such that measurements can be made with the following degrees of accuracy:

1.3.1. Acceleration:

accuracy = ± 5 % of the real value;

frequency response = up to 1 000 Hz

cross axis sensitivity = > 5 % of the lowest point on the scale.

1.3.2. Speed:

accuracy = ± 2,5 % of the real value

sensitivity = 0,5 km/h

1.3.3. Time recording:

the instrumentation shall enable the action to be recorded throughout its duration and readings to be made to within one thousandth of a second;

the beginning of the impact at the moment of first contact between the headform and the test component shall be noted on the recordings used for analysing the test.

1.4. **Test procedure (see Annex X, explanatory notes to paragraph 1.4 of Annex IV)**

1.4.1. At every point of impact on the surface to be tested, the direction of impact is the tangent to the trajectory of the headform of the measuring apparatus described in Annex I.

([1]) The relationship of the reduced mass 'm'$_r$ of the pendulum to the total mass 'm' of the pendulum at a distance 'a' between the centre of percussion and the axis of rotation and at a distance 'l' between the centre of gravity and the axis of rotation is given by the formula: $M_r = (m.l)/a$.

1.4.1.1. For testing the parts, as referred to in paragraphs 5.3.4.1 and 5.4.2.2 of this Regulation, the arm of the measuring apparatus shall be lengthened until contact is made with the part to be considered, up to a limit of 1 000 mm between the pivot point and the top of the head of the apparatus. However, any roof sticks or ribs referred to in paragraph 5.4.2.2 which cannot be contacted shall remain subject to the requirements of paragraph 5.4.2.1 of this Regulation, with the exception of that relating to the height of the projection.

1.4.2. Where the angle between the direction of impact and the perpendicular to the surface at the point of impact is 5 ° or less, the test shall be carried out in such a way that the tangent to the trajectory of the centre of percussion of the pendulum coincides with the direction of impact. The headform shall strike the test component at a speed of 24,1 km/h or, in the case of components which cover an uninflated airbag, at a speed of 19,3 km/h; this speed shall be achieved either by the mere energy of propulsion or by using an additional impelling device.

1.4.3. Where the angle between the direction of impact and the perpendicular to the surface at the point of impact is more than 5 °, the test may be carried out in such a way that the tangent to the trajectory of the centre of percussion of the pendulum coincides with the perpendicular to the point of impact. The test speed shall then be reduced to the value of the normal component of the speed prescribed in paragraph 1.4.2.

2. RESULTS

2.1. In tests carried out according to the above procedures, the deceleration of the headform shall not exceed 80 g continuously for more than 3 milliseconds. The deceleration rate taken shall be the average of the readings of the two decelerometers.

3. EQUIVALENT PROCEDURES

3.1. Equivalent test procedures shall be permitted, on condition that the results required in paragraph 2 above can be obtained.

3.2. Responsibility for demonstrating the equivalence of a method other than that described in paragraph 1 shall rest with the person using such a method.

ANNEX V

Procedure for determining the 'H' point and the actual torso angle for seating positions in motor vehicles

1. PURPOSE

The procedure described in this Annex is used to establish the 'H' point location and the actual torso angle for one or several seating positions in a motor vehicle and to verify the relationship of measured data to design specifications given by the vehicle manufacturer [1]

2. DEFINITIONS

For the purposes of this Annex:

2.1. 'Reference data' means one or several of the following characteristics of a seating position:

2.1.1. the 'H' point and the 'R' point and their relationship,

2.1.2. the actual torso angle and the design torso angle and their relationship.

2.2. 'Three-dimensional "H" point machine' (3-D H machine) means the device used for the determination of 'H' points and actual torso angles. This device is described in Appendix 1 to this Annex;

2.3. '"H" point' means the pivot centre of the torso and the thigh of the 3-D H machine installed in the vehicle seat in accordance with paragraph 4 below. The 'H' point is located in the centre of the centreline of the device which is between the 'H' point sight buttons on either side of the 3-D H machine. The 'H' point corresponds theoretically to the 'R' point (for tolerances see paragraph 3.2.2. below). Once determined in accordance with the procedure described in paragraph 4, the 'H' point is considered fixed in relation to the seat-cushion structure and to move with it when the seat is adjusted;

2.4. '"R" point' or 'seating reference point' means a design point defined by the vehicle manufacturer for each seating position and established with respect to the three-dimensional reference system;

2.5. 'Torso-line' means the centreline of the probe of the 3-D H machine with the probe in the fully rearward position;

2.6. 'Actual torso angle' means the angle measured between a vertical line through the 'H' point and the torso line using the back angle quadrant on the 3-D H machine. The actual torso angle corresponds theoretically to the design torso angle (for tolerances see paragraph 3.2.2. below);

2.7. 'Design torso angle' means the angle measured between a vertical line through the 'R' point and the torso line in a position which corresponds to the design position of the seat-back established by the vehicle manufacturer;

2.8. 'Centreplane of occupant' (C/LO) means the median plane of the 3-D H machine positioned in each designated seating position; it is represented by the coordinate of the 'H' point on the 'Y' axis. For individual seats, the centreplane of the seat coincides with the centreplane of the occupant. For other seats, the centreplane of the occupant is specified by the manufacturer;

2.9. 'Three-dimensional reference system' means a system as described in Appendix 2 to this Annex;

2.10. 'Fiducial marks' are physical points (holes, surfaces, marks or indentations) on the vehicle body as defined by the manufacturer;

2.11. 'Vehicle measuring attitude' means the position of the vehicle as defined by the coordinates of fiducial marks in the three-dimensional reference system.

[1] In any seating position other than front seats where the 'H' point cannot be determined using the 'Three-dimensional "H" point machine' or procedures, the 'R' point indicated by the manufacturer may be taken as a reference at the discretion of the competent authority.

3. REQUIREMENTS

3.1. Data presentation

For each seating position where reference data are required in order to demonstrate compliance with the provisions of the present Regulation, all or an appropriate selection of the following data shall be presented in the form indicated in Appendix 3 to this Annex:

3.1.1. the coordinates of the 'R' point relative to the three-dimensional reference system;

3.1.2. the design torso angle;

3.1.3. all indications necessary to adjust the seat (if it is adjustable) to the measuring position set out in paragraph 4.3. below.

3.2. Relationship between measured data and design specifications

3.2.1. The coordinates of the 'H' point and the value of the actual torso angle obtained by the procedure set out in paragraph 4. below shall be compared, respectively, with the coordinates of the 'R' point and the value of the design torso angle indicated by the vehicle manufacturer.

3.2.2. The relative positions of the 'R' point and the 'H' point and the relationship between the design torso angle and the actual torso angle shall be considered satisfactory for the seating position in question if the 'H' point, as defined by its coordinates, lies within a square of 50 mm side length with horizontal and vertical sides whose diagonals intersect at the 'R' point, and if the actual torso angle is within 5° of the design torso angle.

3.2.3. If these conditions are met, the 'R' point and the design torso angle, shall be used to demonstrate compliance with the provisions of this Regulation.

3.2.4. If the 'H' point or the actual torso angle does not satisfy the requirements of paragraph 3.2.2. above, the 'H' point and the actual torso angle shall be determined twice more (three times in all). If the results of two of these three operations satisfy the requirements, the conditions of paragraph 3.2.3. above shall apply.

3.2.5. If the results of at least two of the three operations described in paragraph 3.2.4. above do not satisfy the requirements of paragraph 3.2.2. above, or if the verification cannot take place because the vehicle manufacturer has failed to supply information regarding the position of the 'R' point or regarding the design torso angle, the centroid of the three measured points or the average of the three measured angles shall be used and be regarded as applicable in all cases where the 'R' point or the design torso angle is referred to in this Regulation.

4. PROCEDURE FOR 'H' POINT AND ACTUAL TORSO ANGLE DETERMINATION (see Annex X, explanatory notes to paragraph 4. of Annex V)

4.1. The vehicle shall be preconditioned at the manufacturer's discretion, at a temperature of 20 ± 10 °C to ensure that the seat material reached room temperature. If the seat to be checked has never been sat upon, a 70 to 80 kg person or device shall sit on the seat twice for one minute to flex the cushion and back. At the manufacturer's request, all seat assemblies shall remain unloaded for a minimum period of 30 min. prior to installation of the 3-D H machine.

4.2. The vehicle shall be at the measuring attitude defined in paragraph 2.11. above.

4.3. The seat, if it is adjustable, shall be adjusted first to the rearmost normal driving or riding position, as indicated by the vehicle manufacturer, taking into consideration only the longitudinal adjustment of the seat, excluding seat travel used for purposes other than normal driving or riding positions. Where other modes of seat adjustment exist (vertical, angular, seat-back, etc.) these will then be adjusted to the position specified by the vehicle manufacturer. For suspension seats, the vertical position shall be rigidly fixed corresponding to a normal driving position as specified by the manufacturer.

4.4. The area of the seating position contacted by the 3-D H machine shall be covered by a muslin cotton, of sufficient size and appropriate texture, described as a plain cotton fabric having 18,9 threads per cm and weighing 0,228 kg/m^2 or knitted or non-woven fabric having equivalent characteristics. If test is run on a seat outside the vehicle, the floor on which the seat is placed shall have the same essential characteristics [1] as the floor of the vehicle in which the seat is intended to be used.

4.5. Place the seat and back assembly of the 3-D H machine so that the centreplane of the occupant (C/LO) coincides with the centreplane of the 3-D H machine. At the manufacturer's request, the 3-D H machine may be moved inboard with respect to the C/LO if the 3-D H machine is located so far outboard that the seat edge will not permit levelling of the 3-D H machine.

4.6. Attach the foot and lower leg assemblies to the seat pan assembly, either individually or by using the T-bar and lower leg assembly. A line through the 'H' point sight buttons shall be parallel to the ground and perpendicular to the longitudinal centreplane of the seat.

4.7. Adjust the feet and leg positions of the 3-D H machine as follows:

4.7.1. Designated seating position: driver and outside front passenger

4.7.1.1. Both feet and leg assemblies shall be moved forward in such a way that the feet take up natural positions on the floor, between the operating pedals if necessary. Where possible the left foot shall be located approximately the same distance to the left of the centreplane of the 3-D H machine as the right foot is to the right. The spirit level verifying the transverse orientation of the 3-D H machine is brought to the horizontal by readjustment of the seat pan if necessary, or by adjusting the leg and foot assemblies towards the rear. The line passing through the 'H' point sight buttons shall be maintained perpendicular to the longitudinal centreplane of the seat.

4.7.1.2. If the left leg cannot be kept parallel to the right leg and the left foot cannot be supported by the structure, move the left foot until it is supported. The alignment of the sight buttons shall be maintained.

4.7.2. Designated seating position: outboard rear

For rear seats or auxiliary seats, the legs are located as specified by the manufacturer. If the feet then rest on parts of the floor which are at different levels, the foot which first comes into contact with the front seat shall serve as a reference and the other foot shall be so arranged that the spirit level giving the transverse orientation of the seat of the device indicates the horizontal.

4.7.3. Other designated seating positions:

The general procedure indicated in paragraph 4.7.1 above shall be followed except that the feet shall be placed as specified by the vehicle manufacturer.

4.8. Apply lower leg and thigh weights and level the 3-D H machine.

4.9. Tilt the back pan forward against the forward stop and draw the 3-D H machine away from the seat-back using the T-bar. Reposition the 3-D H machine on the seat by one of the following methods:

4.9.1. If the 3-D H machine tends to slide rearward, use the following procedure. Allow the 3-D H machine to slide rearward until a forward horizontal restraining load on the T-bar is no longer required i.e. until the seat pan contacts the seat-back. If necessary, reposition the lower leg.

4.9.2. If the 3-D H machine does not tend to slide rearward, use the following procedure. Slide the 3-D H machine rearwards by applying a horizontal rearward load to the T-bar until the seat pan contacts the seat-back (see figure 2 of Appendix 1 to this Annex).

[1] Tilt angle, height difference with a seat mounting, surface texture etc.

4.10. Apply a 100 ± 10 N load to the back and pan assembly of the 3-D H machine at the intersection of the hip angle quadrant and the T-bar housing. The direction of load application shall be maintained along a line passing by the above intersection to a point just above the thigh bar housing (see figure 2 of Appendix 1 to this Annex). Then carefully return the back pan to the seat-back. Care must be exercised throughout the remainder of the procedure to prevent the 3-D H machine from sliding forward.

4.11. Install the right and left buttock weights and then, alternately, the eight torso weights. Maintain the 3-D H machine level.

4.12. Tilt the back pan forward to release the tension on the seat-back. Rock the 3-D H machine from side to side through a 10° arc (5° to each side of the vertical centreplane) for three complete cycles to release any accumulated friction between the 3-D H machine and the seat.

During the rocking action, the T-bar of the 3-D H machine may tend to diverge from the specified horizontal and vertical alignment. The T-bar must therefore be restrained by applying an appropriate lateral load during the rocking motions. Care shall be exercised in holding the T-bar and rocking the 3-D H machine to ensure that no inadvertent exterior loads are applied in a vertical or fore and aft direction.

The feet of the 3-D H machine are not to be restrained or held during this step. If the feet change position, they should be allowed to remain in that attitude for the moment.

Carefully return the back pan to the seat-back and check the two spirit levels for zero position. If any movement of the feet has occurred during the rocking operation of the 3-D H machine, they must be repositioned as follows:

Alternately, lift each foot off the floor the minimum necessary amount until no additional foot movement is obtained. During this lifting, the feet are to be free to rotate; and no forward or lateral loads are to be applied. When each foot is placed back in the down position, the heel is to be in contact with the structure designed for this.

Check the lateral spirit level for zero position; if necessary, apply a lateral load to the top of the back pan sufficient to level the 3-D H machine's seat pan on the seat.

4.13. Holding the T-bar to prevent the 3-D H machine from sliding forward on the seat cushion, proceed as follows:

(a) return the back pan to the seat-back;

(b) alternately apply and release a horizontal rearward load, not to exceed 25 N, to the back angle bar at a height approximately at the centre of the torso weights until the hip angle quadrant indicates that a stable position has been reached after load release. Care shall be exercised to ensure that no exterior downward or lateral loads are applied to the 3-D H machine. If another level adjustment of the 3-D H machine is necessary, rotate the back pan forward, re-level, and repeat the procedure from paragraph 4.12.

4.14. Take all measurements:

4.14.1. The coordinates of the 'H' point are measured with respect to the three-dimensional reference system.

4.14.2. The actual torso angle is read at the back angle quadrant of the 3-D H machine with the probe in its fully rearward position.

4.15. If a re-run of the installation of the 3-D H machine is desired, the seat assembly should remain unloaded for a minimum period of 30 min. prior to the re-run. The 3-D H machine should not be left loaded on the seat assembly longer than the time required to perform the test.

4.16. If the seats in the same row can be regarded as similar (bench seat, identical seats, etc.) only one 'H' point and one 'actual torso angle' shall be determined for each row of seats, the 3-D H machine described in Appendix 1 to this Annex being seated in a place regarded as representative for the row. This place shall be:

4.16.1. in the case of the front row, the driver's seat;

4.16.2. in the case of the rear row or rows, an outer seat.

Appendix 1

Description of the three dimensional 'H' point machine [1]

(3-D H machine)

1. **Back and seat pans**

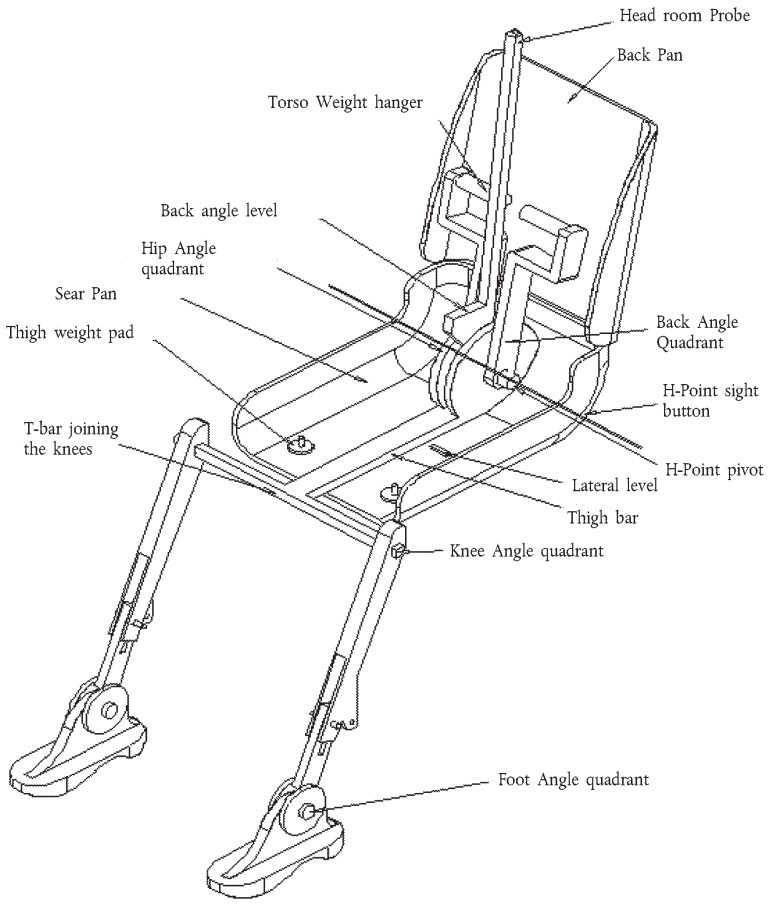
The back and seat pans are constructed of reinforced plastic and metal; they simulate the human torso and thigh and are mechanically hinged at the 'H' point. A quadrant is fastened to the probe hinged at the 'H' point to measure the actual torso angle. An adjustable thigh bar, attached to the seat pan, establishes the thigh centreline and serves as a baseline for the hip angle quadrant.

2. **Body and leg elements**

Lower leg segments are connected to the seat pan assembly at the T-bar joining the knees, which is a lateral extension of the adjustable thigh bar. Quadrants are incorporated in the lower leg segments to measure knee angles. Shoe and foot assemblies are calibrated to measure the foot angle. Two spirit levels orient the device in space. Body element weights are placed at the corresponding centres of gravity to provide seat penetration equivalent to a 76 kg male. All joints of the 3-D H machine should be checked for free movement without encountering noticeable friction.

Figure 1

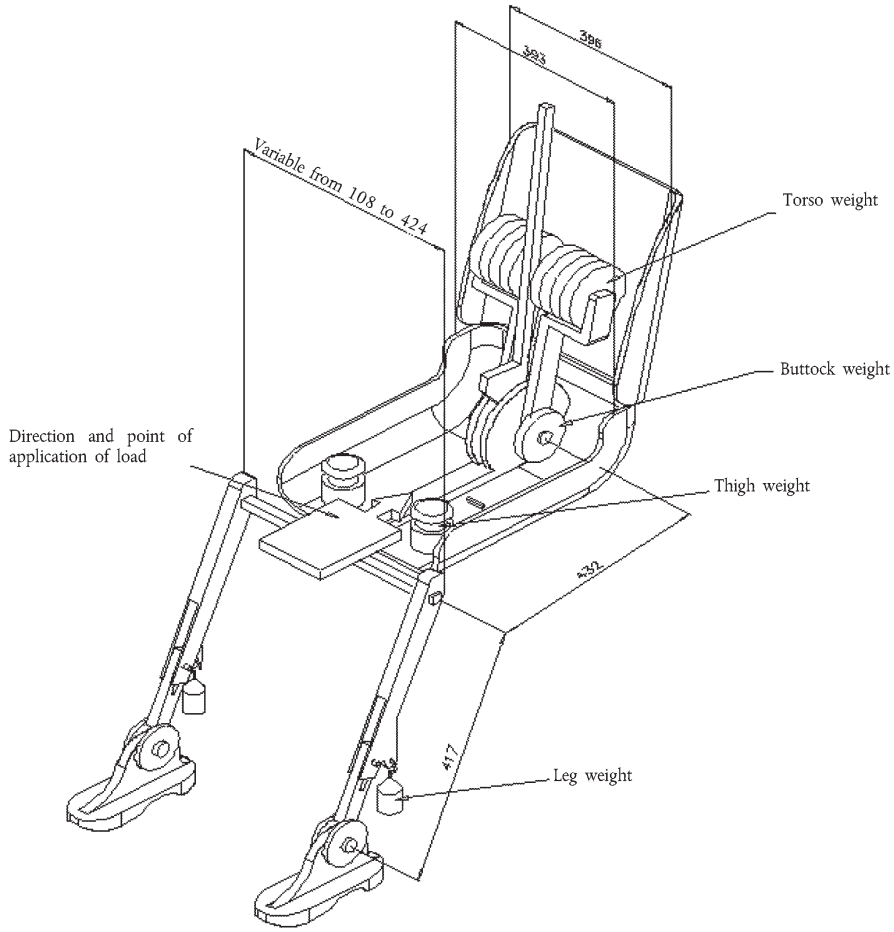
3-D H machine elements designation



[1] For details of the construction of the 3-D H machine refer to Society of Automobile Engineers (SAE), 400 Commonwealth Drive, Warrendale, Pennsylvania 15096, United States of America.
The machine corresponds to that described in ISO Standard 6549-1980.

Figure 2

Dimensions of the 3-D H machine elements and load distribution



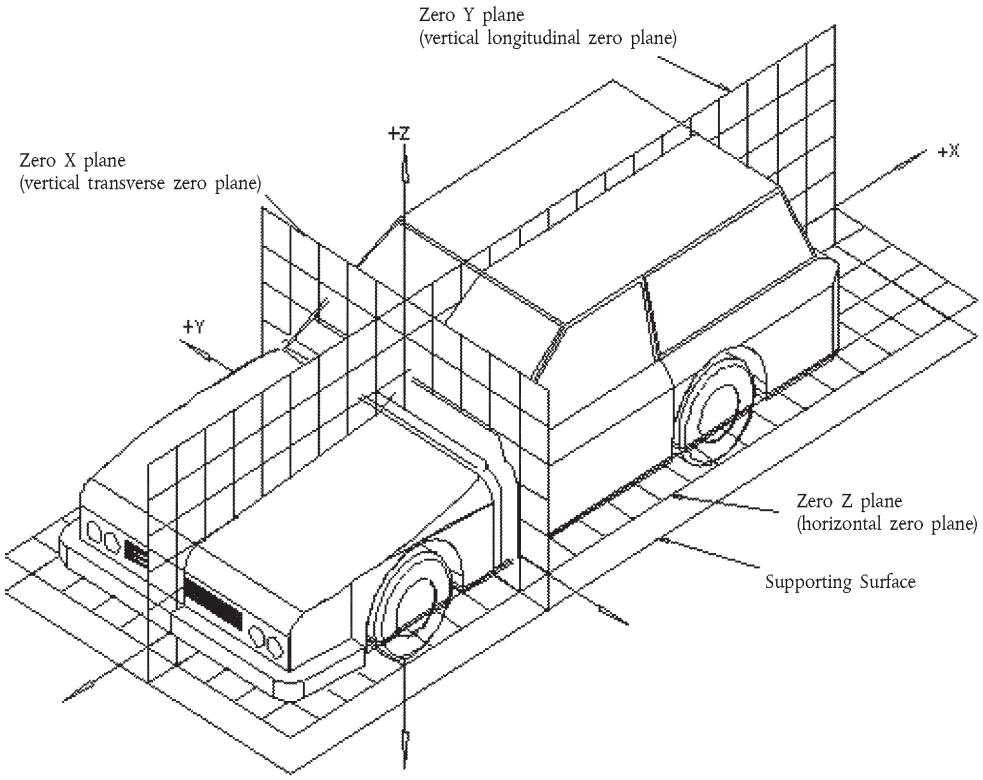
Appendix 2

Three-dimensional reference system

1. The three-dimensional reference system is defined by three orthogonal planes established by the vehicle manufacturer (see figure) ([1]).
2. The vehicle measuring attitude is established by positioning the vehicle on the supporting surface such that the coordinates of the fiducial marks correspond to the values indicated by the manufacturer.
3. The coordinates of the 'R' point and the 'H' point are established in relation to the fiducial marks defined by the vehicle manufacturer.

Figure

Three-dimensional reference system



([1]) The reference system corresponds to ISO standard 4130, 1978.

Appendix 3

REFERENCE DATA CONCERNING SEATING POSITIONS

1. **Coding of reference data**

Reference data are listed consecutively for each seating position. Seating positions are identified by a two-digit code. The first digit is an Arabic numeral and designates the row of seats, counting from the front to the rear of the vehicle. The second digit is a capital letter which designates the location of the seating position in a row, as viewed in the direction of forward motion of the vehicle; the following letters shall be used:

L = left

C = centre

R = right

2. **Description of vehicle measuring attitude:**

2.1. Coordinates of fiducial marks

X .....

Y .....

Z .....

3. **List of reference data:**

3.1. Seating position: .....

3.1.1. Coordinates of 'R' point

X .....

Y .....

Z .....

3.1.2. Design torso angle: .....

3.1.3. Specifications for seat adjustment [1]:

horizontal: .....

vertical: .....

angular: .....

torso angle: .....

Note: List reference data for further seating positions under 3.2., 3.3., etc.

[1] Strike out what does not apply.

ANNEX VI

Method of measuring projections

1. To determine the amount by which an item projects in relation to the panel on which it is mounted, a 165 mm sphere shall be moved along and be kept in contact with the component under consideration, starting from the initial position of contact with the component under consideration. The projections value is the largest of all possible variations 'y', the variation measured from the centre of the sphere perpendicular to the panel and the 'x' variation measured from the centre of the sphere perpendicular to the panel.

1.1. If the panels and components, etc., are covered with materials softer than 50 shore A hardness, the procedure for measuring the projections described above shall apply only after removal of such materials.

2. The projection of switches, pull-knobs, etc., situated in the reference area shall be measured by using the test apparatus and procedure described below:

2.1. Apparatus

2.1.1. The apparatus for measuring projections shall consist of a hemispherical headform 165 mm in diameter, in which there is a sliding ram of 50 mm diameter.

2.1.2. Relative positions of the flat end of the ram and the edge of the headform shall be shown on a graduated scale, on which a mobile index shall register the maximum measurement achieved when the apparatus is moved away from the item tested. A minimum distance of 30 mm shall be measurable; the measuring scale shall be graduated in half-millimeters to make possible an indication of the extent of the projections in question.

2.1.3. Gauging procedure:

2.1.3.1. The apparatus shall be placed on a flat surface so that its axis is perpendicular to that surface. When the flat end of the ram contacts the surface, the scale shall be set at zero.

2.1.3.2. A 10 mm strut shall be inserted between the flat end of the ram and the retaining surface; a check shall be made to ensure that the mobile index records this measurement.

2.1.4. The apparatus for measuring projections is illustrated in figure of the Appendix to this Annex.

2.2. Test procedure

2.2.1. A cavity shall be formed in the headform by pulling back the ram and the mobile index shall be placed against the ram.

2.2.2. The apparatus shall be applied to the projection to be measured so that the headform contacts the maximum surrounding surface area, with a force not exceeding 2 daN.

2.2.3. The ram shall be pushed forward until it makes contact with the projection to be measured and the amount of the projection shall be observed on the scale.

2.2.4. The headform shall be adjusted to obtain maximum projection. The amount of the projection shall be recorded.

2.2.5. If two or more controls are situated sufficiently close for the ram or the headform to contact them simultaneously, they shall be treated as follows:

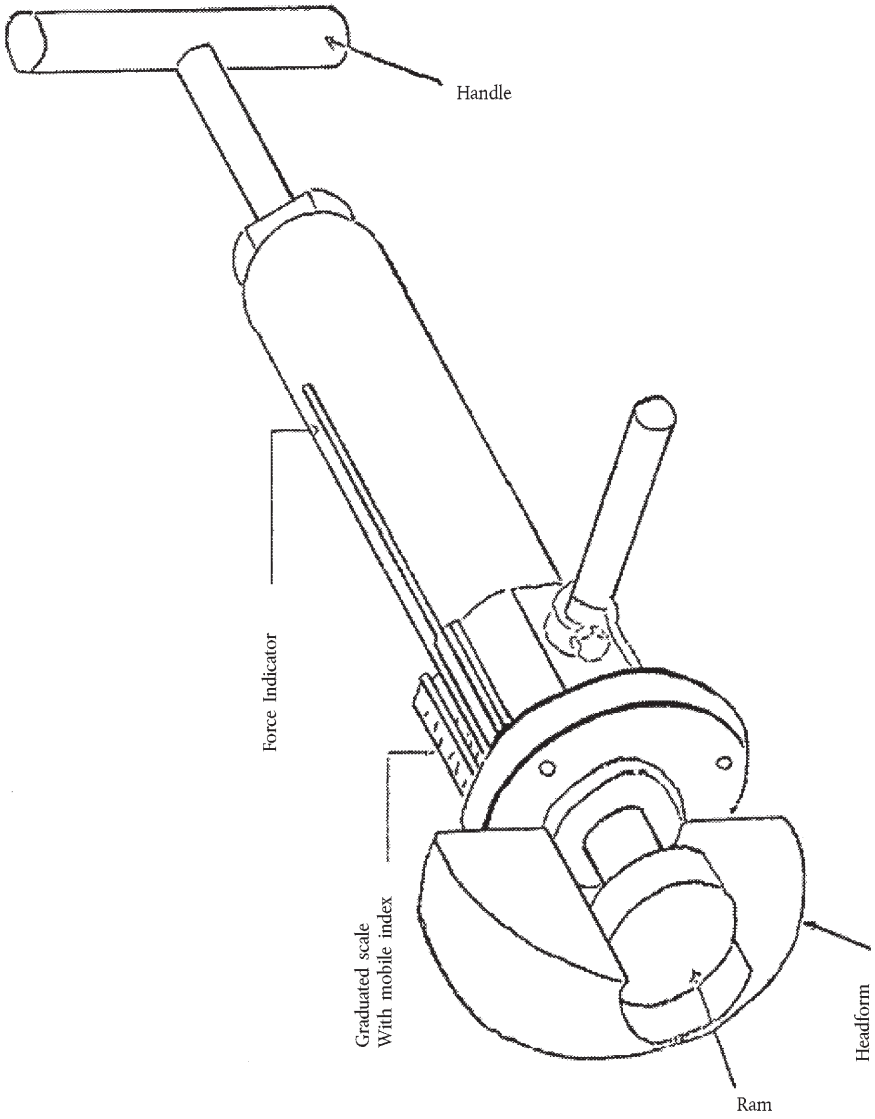
2.2.5.1. Multiple controls, all of which can be contained in the headform cavity; shall be regarded as forming a single projection.

2.2.5.2. If other controls prevent normal testing by contacting the headform, they shall be removed and the test shall be conducted without them. They may subsequently be re-installed and tested in their turn with other controls that have been removed to facilitate the procedure.

Appendix

Figure

Apparatus for measuring projections



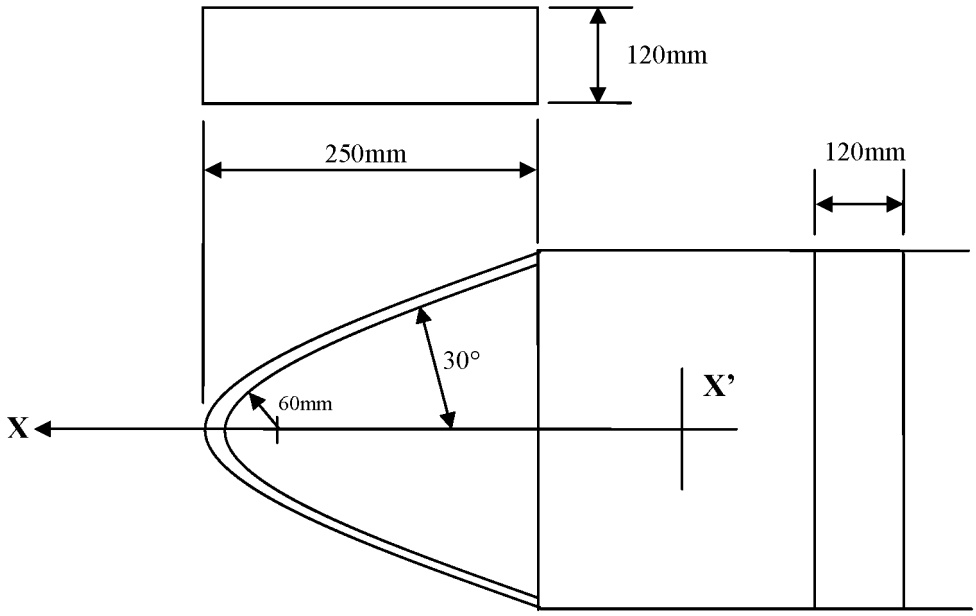
ANNEX VII

Apparatus and procedure for application of paragraph 5.2.1 of this Regulation I

Those parts (switches, pull-knobs etc.) which can be contacted by using the apparatus and procedure described below shall be considered being likely to be contacted by the knees of an occupant. Foot-operated controls are fitted as foot pedals.

1. **Apparatus**

1.1. Diagram of apparatus



2. **Procedure**

The apparatus may be placed in any position below the instrument panel so that:

2.1. the plane XX' remains parallel to the median longitudinal plane of the vehicle;

2.2. the axis X can be rotated above and below the horizontal through angles up to 30°.

3. In carrying out the above test, all materials of less than 50 shore A hardness shall be removed.

ANNEX VIII

Determination of a dynamically determined head impact zone

1. Determination of the dynamically determined head impact zone with regard to the protective system.

1.1. Differing from the procedure described in Annex I the applicant may prove, by a procedure accepted by the technical service responsible for conducting the tests, that a dynamically determined head impact zone is relevant for this vehicle type.

1.2. A suitable method to prove a dynamically determined head impact zone may be either:

1.2.1. Vehicle impact tests

to determine the sequence of movement of the occupants with regard to the protective system installed in the vehicle type, using the frontal impact conditions in the range of ± 30° against a fixed rigid barrier with an impact speed of at least 48.3 km/h. Normally it will be sufficient to test at 0°, + 30° and – 30°.

The dynamically determined head impact zone has to be evaluated for the occupants represented by adult dummies of the types 5th percentile female, 50th percentile male and 95th percentile male, each placed in its recommended seating position before the test as defined by the manufacturer, or

1.2.2. Sled tests

The sequence of movement shall be investigated under the effect of the deceleration-time diagram as shown in Annex VIII of Regulation No 16 (change of velocity 50 km/h) respecting the above prescribed dummy family and producing a direction of a forward displacement of the respective dummies corresponding to the movement of the dummies during real frontal impact tests according to paragraph 1.2.1.

The direction of the forward displacement of the dummies is deemed satisfactory, if the centre line of the test object, normally a body shell, covers the range of ± 18° from the longitudinal centreline of the sled. Normally it will be sufficient to test at 0°, + 18° and – 18°, or

1.2.3. Simulated impact testing

The sequence of movements of the occupants, represented by the dummy family described in paragraph 1.2.1. above shall be investigated as described in paragraphs 1.2.1. or 1.2.2. above. The simulation method shall be validated by at least three of the impact conditions as prescribed in paragraphs 1.2.1. or 1.2.2. above.

2. The dynamically determined head impact zone includes all areas of the instrument panel that may be contacted by the head of restraint occupants using the protective system installed in the vehicle type.

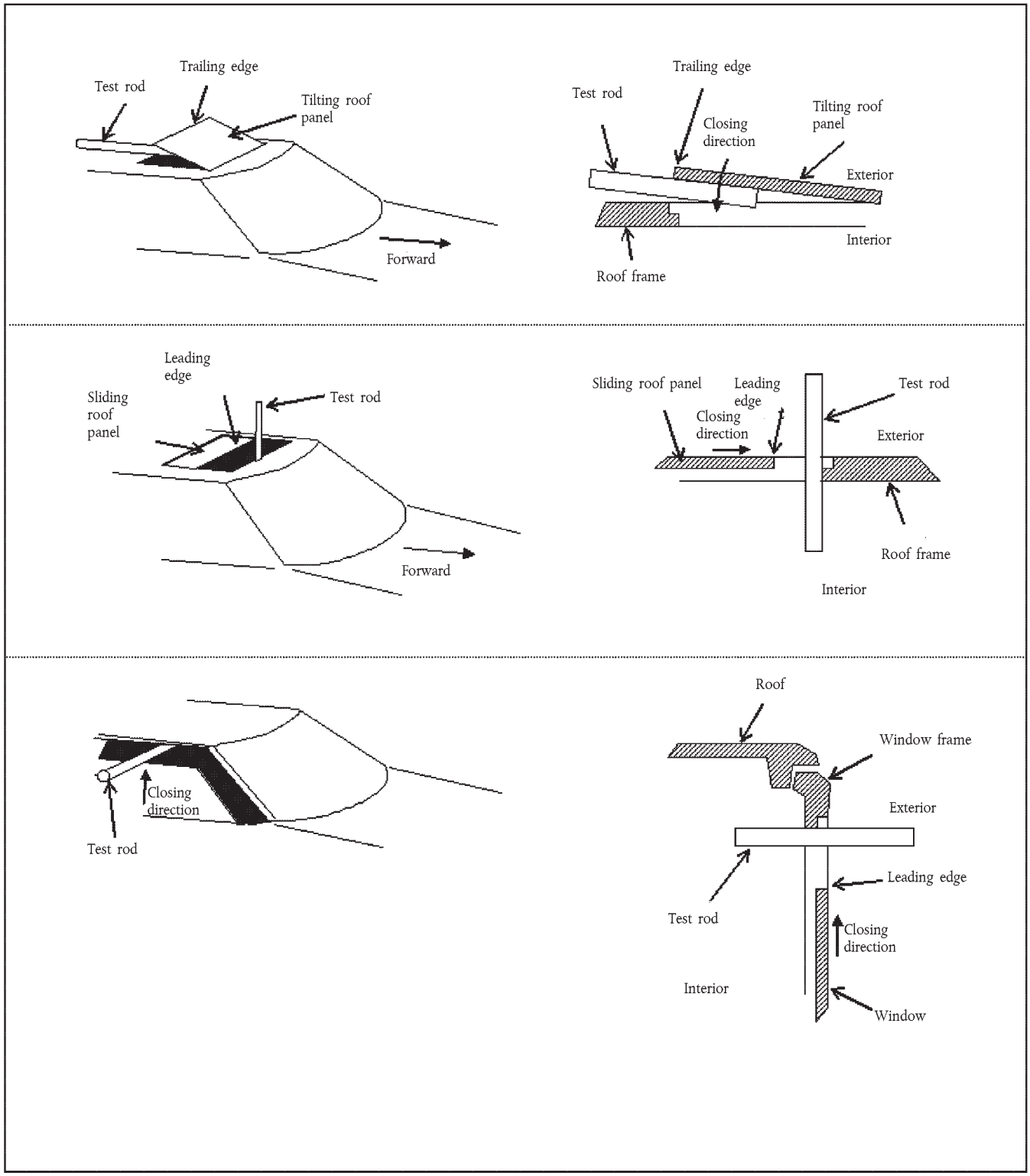
3. If the vehicle type can be fitted with different protective systems it is sufficient to investigate the protective system with the minimum performance. However, protective systems that can be deactivated by the driver or the occupant have to be set as recommended and indicated by the manufacturer in the owners handbook.

If the manufacturer provide for permanent deactivation of a part of the protective system, then this part has to be set to the deactivated configuration.

4. The manufacturer or his representative is entitled to present calculations, simulations, test data or test results which sufficiently prove the dynamically determined head impact zone.

ANNEX IX

Typical position of cylindrical test rod in the opening roof and window openings



Examples of symbols for driver controlled switch

Figure 2

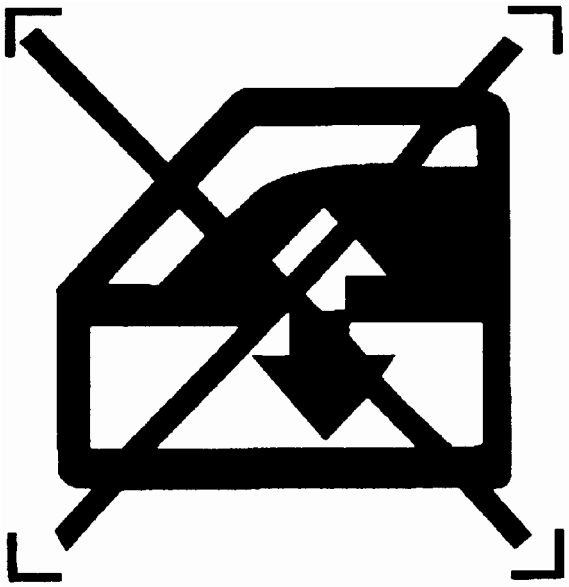
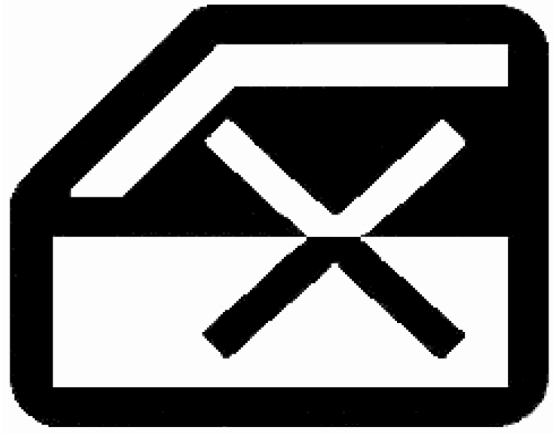


Figure 3

(ISO 2575:1998)



ANNEX X

Explanatory notes

Paragraph 2.3.

The reference zone is outlined without rear view mirror. The energy-dissipation test is accomplished without the rear view mirror. The pendulum shall not impact the mirror mounting.

Paragraphs 2.3 and 2.3.1.

The exempted area behind the steering wheel as defined by these paragraphs is also valid for the head impact area of the front passengers.

In the case of adjustable steering wheels the zone finally exempted is reduced to the common area of the exempted zones for each of the driving positions which the steering wheel may assume.

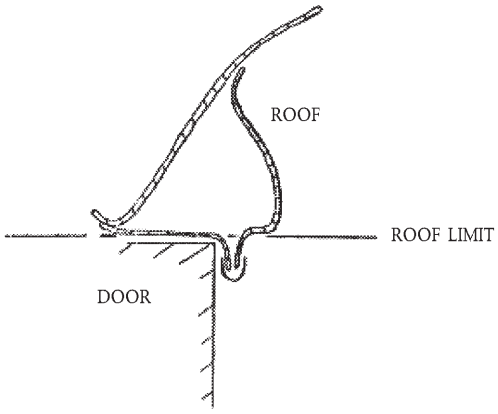
In the case where it is possible to choose between various steering wheels the exempted zone is determined by the use of the least favourable steering wheel having the smallest diameter.

Paragraph 2.4.

The level of the instrument panel extends over the entire width of the passenger compartment and is defined by the rearmost points of contact of a vertical line with the surface of the instrument panel when the line is moved across the width of the vehicle. Where two or more points of contact occur simultaneously, the lower point of contact shall be used to establish the level of the instrument panel. In the case of consoles, if it is not possible to determine the level of the instrument panel by reference to the points of contact of a vertical line the level of the instrument panel shall be where a horizontal line 25.4 mm above the 'H' point of the front seats intersects the console.

Paragraph 2.5.

At the vehicle sides the roof shall commence at the upper edge of the door aperture. In the normal case, the lateral roof limits will be represented by the contours formed by the bottom edge (lateral view) of the remaining body when the door has been opened. In the case of windows, the lateral limitation of the roof will be the continuous transparent line (penetration point of the lateral windowpanes). At the posts, the lateral roof limitation will pass through the connecting line between the transparent lines. The definition of paragraph 2.5 is also valid for any opening for the roof, in the closed position, of a vehicle as defined in paragraphs 2.7 or 2.8. For measuring purposes, downward facing flanges shall be ignored. These will be considered as forming part of the vehicle sidewall.



Paragraph 2.7.

A non-removable rear window is understood to be a rigid structural element.

Cars with non-removable rear windows of rigid material are considered to be cars with opening roofs as defined under paragraph 2.8.

Paragraph 2.18.

In case of a gap between the edge of a rigid material and the panel, this edge shall be rounded to a minimum radius of curvature depending on the gap shown in the table in the explanatory note to paragraph 5.1.1. This also applies, if the height of the projection, determined according to the procedure described in paragraph 1 of Annex VI, is equal or less than 3,2 mm.

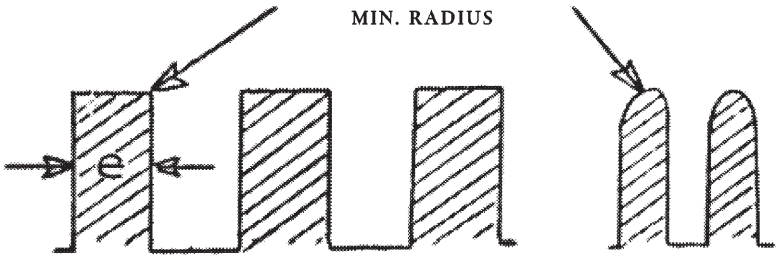
If the gap is located in a zone where a head impact test has to be carried out, the edges which can be contacted during the test(s) resulting from displacement of parts shall be protected by a minimum radius of 2,5 mm.

Paragraph 5.1.1.

A sharp edge is an edge of a rigid material having a radius of curvature of less than 2,5 mm except in the case of projections of less than 3,2 mm, measured from the panel. In this case, the minimum radius of curvature shall not apply provided the height of the projection is not more than half its width and its edges are blunted.

Grills are considered to comply with the regulations if they meet the minimum requirements of the following table:

Gap between elements [mm]	Flat elements		Rounded elements min. radius [mm]
	e/min. [mm]	min. radius [mm]	
0-10	1,5	0,25	0,5
10-15	2,0	0,33	0,75
15-20	3,0	0,50	1,25



Paragraph 5.1.2.

During the test, it is determined whether parts within the impact zone used for reinforcement may be displaced or protrude so as to increase the hazards to passengers or the severity of injuries.

Paragraph 5.1.3.

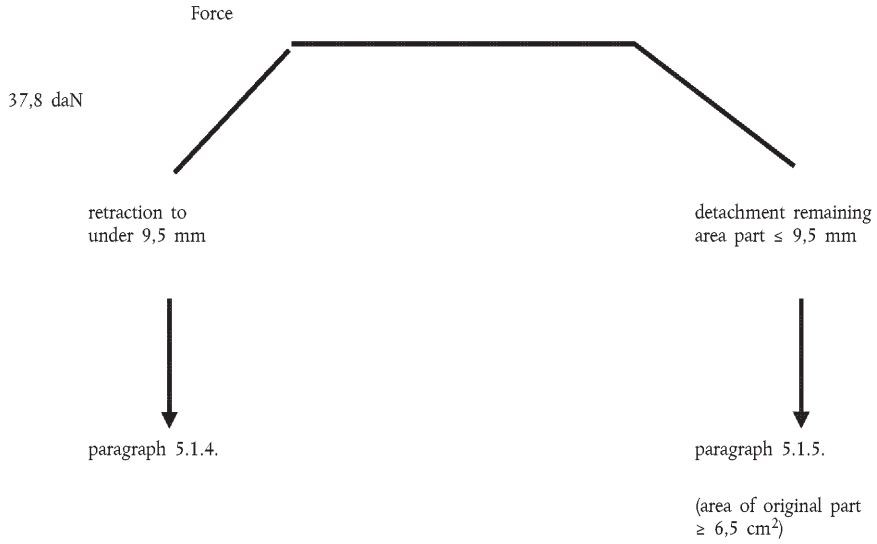
These two concepts (level and lower edge of the instrument panel) may be distinct. However, this point is included in paragraph 5.1 (… above the level of the instrument panel …) and, therefore is applicable only where these two concepts are combined. In the case where the two concepts are not combined, i.e. where the bottom edge of the instrument panel is located below the level of the instrument panel, it will be considered under paragraph 5.3.2.1 by reference to paragraph 5.8.

Paragraph 5.1.4.

If a pull handle or knob has a width dimension equal to or more than 50 mm and is located in a zone such that if it were less than 50 mm in width the maximum projection would be determined using the headform measuring apparatus of Annex VI, paragraph 2. The maximum projection shall be determined in accordance with Annex VI, paragraph 1, i.e. by using a 165 mm diameter sphere and determining the maximum variation in height of the 'y' axis. The cross-sectional area shall be measured in a plane parallel to the surface on which the component is mounted.

Paragraph 5.1.5.

Paragraphs 5.1.4 and 5.1.5 complement each other; the first sentence of paragraph 5.1.5 (i.e. a force of 37,8 daN for retraction or detachment) is applied and then paragraph 5.1.4 in case of retraction up to a protrusion between 3,2 and 9,5 mm or, in the case of detachment, the two last sentences of paragraph 5.1.5 (the cross-section area is measured before the force is applied). However, if, under practical circumstances paragraph 5.1.4 must be applied (retraction to under 9,5 mm and over 3,2 mm) it could be more convenient, at the manufacturer's discretion, to verify the specifications of paragraph 5.1.4 before applying the force of 37,8 daN specified in paragraph 5.1.5.



Paragraph 5.1.6.

Since, in the presence of soft materials, the requirements apply only to the rigid support, the projection is measured for the rigid support only.

The shore hardness measurement is made on samples of the test subject itself. Where, due to the condition of the material, it is impossible to carry out a hardness measurement by the shore A procedure, comparable measurements shall be used for evaluation.

Paragraph 5.2.1.

Foot pedals, their arms and immediate pivotal mechanism, but not the surrounding support metal, shall be excluded from consideration.

The ignition key is deemed to satisfy the requirements of this paragraph if the protruding part of its shank consists of a material of between 60 and 80 shore A hardness and a thickness of at least 5 mm, or is covered with such a material of 2 mm minimum thickness on all surfaces.

Paragraph 5.2.2.

The criterion to determine whether the parking brake control can be contacted is the use of:

the simulated head specified in Annex I, if the control is located above or on the level of the instrument panel (to be tested in accordance with paragraph 5.1 and within the impact zone);

the knee specified in Annex VII if the control element is located below the level of the instrument panel (in this case the control lever is tested in accordance with paragraph 5.3.2.3).

Paragraph 5.2.3.

The technical specifications listed in paragraph 5.2.3 apply also to shelves and those parts of consoles below the level of the instrument panel located between the front seats, provided that these are located in front of the 'H' point. If a cavity is closed it will be treated as a glove compartment and not be subject to these specifications.

Paragraph 5.2.3.1.

The dimensions specified refer to the surface before the addition of material of less than 50 shore A hardness (see paragraph 5.2.4). Energy-dissipating tests shall be conducted in the spirit of Annex IV.

Paragraph 5.2.3.2.

If a shelf becomes detached or breaks up, no dangerous features must result; this applies not only to the rim but also to other edges facing into the passenger compartment as a result of the applied force.

The strongest part of the shelf shall be considered to be adjacent to a fixture. Also, 'substantially distorted' shall mean that, under the effect of the applied force, the deflection of the shelf, measured from the initial point of contact with the test cylinder, must be a fold or a deformation visible to the naked eye. Elastic deformation shall be admissible.

The length of the test cylinder shall be at least 50 mm.

Paragraph 5.3.

'Other parts' shall include such parts as window catches, seat belt upper anchorages and other parts located in the foot space and at the door side, unless these parts have been treated previously or are exempted in the text.

Paragraph 5.3.2.

The space between the forward bulkhead and the instrument panel which is located higher than the bottom edge of the instrument panel is not subject to the specifications of paragraph 5.3.

Paragraph 5.3.2.1.

The 3,2 mm radius applies to all contactable components covered by paragraph 5.3 when considered in all positions of use.

As exceptions, glove compartments shall be considered only in the closed position; seat belts will normally be considered only in the fastened position, but any part which has a fixed stowage position shall also comply with the 3,2 mm radius requirement in that stowed position.

Paragraph 5.3.2.2.

The reference surface is found by application of the device described in Annex VI, paragraph 2, with a force of 2 daN. Where this is not possible, the method described in Annex VI, paragraph 1, shall be used with a force of 2 daN.

The evaluation of dangerous projections is subject to the discretion of the authority responsible for the tests.

The force of 37,8 daN is applied even if the original projection is less than 35 or 25 mm, as applicable. The projection is measured under the applied load.

The horizontal, longitudinal force of 37,8 daN is normally applied by means of a flat-ended ram of not more than 50 mm diameter but, where this is not possible, an equivalent method may be used; for instance, by removing obstacles.

With new modern door designs, window winders handle is sometimes surrounded by the form of the door panel. It is often difficult or impossible for an occupant to touch the handle with his knees. It is up to the Technical Services to decide in this case with the agreement of the manufacturer whether or not to carry out the push test as described or not.

Paragraph 5.3.2.3.

The furthest projecting part, in the case of a gear lever, is that part of the grip or knob first contacted by a vertical transverse plane moved in a longitudinal, horizontal direction. If any part of a gear lever or handbrake lies above the 'H' point level, that lever will have to be considered as if the whole of it were above the 'H' point level.

Paragraph 5.3.4.

Where the horizontal plane(s) passing through the 'H' point of the lowest front and rear seats do not coincide, then a vertical plane perpendicular to the vehicle's longitudinal axis shall be determined, passing through the front seat 'H' point. The exempted zone will then be considered separately for both the front and rear passenger compartments, relative to their respective 'H' point and up to the vertical plane defined above.

Paragraph 5.3.4.1.

Movable sun visors shall be considered in all positions of use. The frames of sun visors shall not be regarded as rigid supports (see para. 5.3.5).

Paragraph 5.4.

When the roof is tested to measure those protrusions and parts which can be contacted by a ball having a diameter of 165 mm, the roof lining must be removed. When evaluating the specified radii the proportions and properties attributable to the materials of the roof lining shall be taken into consideration. The roof testing area shall extend in front of and above the transverse plane limited by the torso reference line of the manikin placed on the rearmost seat.

Paragraph 5.4.2.1.

(See para. 5.1.1 for definition of 'sharp edges').

The downward projection shall be measured normal to the roof in accordance with Annex VI, paragraph 1.

The width of the projecting part shall be measured at right angles to the line of the projection. In particular the rigid roof sticks or ribs shall not project away from the inner surface of the roof more than 19 mm.

Paragraph 5.5.

Any roof ribs on opening roofs must meet paragraph 5.4 if they are contactable by a 165 mm diameter sphere;

Paragraphs 5.5.1.2, 5.5.1.2.1, 5.5.1.2.2.

The opening and operating devices when in a position of rest and with the roof closed must meet all of the specified conditions.

Paragraph 5.5.1.2.3.

The force of 37,8 daN is applied even if the original projection is 25 mm or less. The projection is measured under the applied load.

The force of 37,8 daN applied in the direction of impact defined in Annex IV as the tangent to the trajectory of the headform is normally applied by means of a flat-ended ram of not more than 50 mm diameter, but where this is not possible an equivalent method may be used; for instance, by removing obstacles.

The 'position of rest' means the position of the operating device when it is in the locked position.

Paragraph 5.6.

The rod system of convertible tops does not represent a roll-over bar.

Paragraph 5.6.1.

The top part of the windscreen frame starts above the transparent contour of the windscreen.

Paragraph 5.7.1.1.

See paragraph 5.1.1 for definition of 'sharp edge'.

Paragraph 5.7.1.2.

In defining the head impact zone of the back of the front seats any structure necessary to support the seat back shall be considered as a component of this seat back.

Paragraph 5.7.1.2.3.

The padding of the seat frame structure shall also avoid dangerous roughness and sharp edges likely to increase the risk of serious injuries to the occupants.

ANNEX I

Determination of the head-impact zone

Paragraph 2.1.1.2.

The choice between the two procedures for determining height is to be left to the manufacturer.

Paragraph 2.2.

When determining points of contact, the length of the arm of the measuring apparatus is not changed during a particular operation. Each operation starts from the vertical position

Paragraph 3.

The 25,4 mm dimension means the measurement from a horizontal plane passing through the 'H' point to the horizontal tangent to the lower profile of the headform.

ANNEX IV

Procedure for testing energy-dissipating materials

Paragraph 1.4.

The breakage of any component during the energy-dissipation test, see Note on paragraph 5.1.2.

ANNEX V

Procedure for determining the 'H' point and the actual torso angle for seating positions in motor vehicles

Paragraph 4.

For determining the 'H' point of any seat, other seats may be removed if necessary.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL COMMON POSITION 2008/586/CFSP

of 15 July 2008

updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2007/871/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

(1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism [1].

(2) On 20 December 2007, the Council adopted Common Position 2007/871/CFSP updating Common Position 2001/931/CFSP [2].

(3) In accordance with Common Position 2001/931/CFSP the Council has carried out a complete review of the list of persons, groups and entities to which Common Position 2007/871/CFSP applies.

(4) In the case of one group, the Council has taken account of the fact that new information has been brought to its attention, which warrants the group's inclusion on the list.

(5) The Council has determined that one person should be removed from the list of persons, groups and entities to which Common Position 2001/931/CFSP applies.

(6) Following that review, the Council has concluded that with the exception of the person mentioned in recital (5), the other persons, groups and entities listed in the Annex to Common Position 2007/871/CFSP [3] have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that Common Position, and that they should continue to be subject to the specific restrictive measures provided for therein.

(7) The list of the persons, groups and entities to which Common Position 2001/931/CFSP applies should be updated accordingly,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The list of persons, groups and entities to which Common Position 2001/931/CFSP applies shall be that set out in the Annex to this Common Position.

Article 2

Common Position 2007/871/CFSP is hereby repealed.

Article 3

This Common Position shall take effect on the date of its adoption.

[1] OJ L 344, 28.12.2001, p. 93.

[2] OJ L 340, 22.12.2007, p. 109. Common Position as last amended by Common Position 2008/347/CFSP (OJ L 116, 30.4.2008, p. 55).

[3] As amended by Council Common Position 2008/346/CFSP of 29 April 2008 (OJ L 116, 30.4.2008, p. 53).

Article 4

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

Done at Brussels, 15 July 2008.

For the Council
The President
M. BARNIER

ANNEX

List of persons, groups and entities referred to in Article 1 [1]

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza, a.k.a. Mihoubi Faycal, a.k.a. Fellah Ahmed, a.k.a. Dafri Rèmi Lahdi), born 1.2.1966 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria), — member of 'al-Takfir' and 'al-Hijra'

3. * ALBERDI URANGA, Itziar, born 7.10.1963 in Durango, Biscay (Spain), identity card No 78.865.693 — 'E.T.A.' activist

4. * ALBISU IRIARTE, Miguel, born 7.6.1961 in San Sebastián, Guipúzcoa (Spain), identity card No 15.954.596 — 'E.T.A.' activist, member of 'Gestoras Pro-amnistía'

5. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN, a.k.a. AL-MUGHASSIL, Ahmed Ibrahim), born 26.6.1967 in Qatif-Bab al Shamal (Saudi Arabia), citizen of Saudi Arabia

6. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia

7. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia

8. * APAOLAZA SANCHO, Iván, born 10.11.1971 in Beasain, Guipúzcoa (Spain), identity card No 44.129.178 — 'E.T.A.' activist, member of 'K. Madrid'

9. ARIOUA, Azzedine, born 20.11.1960 in Constantine (Algeria) — member of 'al-Takfir' and 'al-Hijra'

10. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Constantine (Algeria) — member of 'al-Takfir' and 'al-Hijra'

11. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) — member of 'al-Takfir' and 'al-Hijra'

12. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) — member of 'al-Takfir' and 'al-Hijra'

13. * ARZALLUS TAPIA, Eusebio, born 8.11.1957 in Regil, Guipúzcoa (Spain), identity card No 15.927.207 — 'E.T.A.' activist

14. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour, a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon, citizen of Lebanon

15. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) — member of the 'Hofstadgroep'

16. DARIB, Noureddine (a.k.a. Carreto, a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria — member of 'al-Takfir' and 'al-Hijra'

17. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria — member of 'al-Takfir' and 'al-Hijra'

18. * ECHEBERRIA SIMARRO, Leire, born 20.12.1977 in Basauri, Biscay, identity card No 45.625.646 — 'E.T.A.' activist

19. * ECHEGARAY ACHIRICA, Alfonso, born 10.1.1958 in Plencia, Biscay (Spain), identity card No 16.027.051 — 'E.T.A.' activist

20. EL FATMI, Nouredine (a.k.a. Nouriddin EL FATMI, a.k.a. Nouriddine EL FATMI, a.k.a. Noureddine EL FATMI, a.k.a. Abu AL KA'E KA'E, a.k.a. Abu QAE QAE, a.k.a. FOUAD, a.k.a. FZAD, a.k.a. Nabil EL FATMI, a.k.a. Ben MOHAMMED, a.k.a. Ben Mohand BEN LARBI, a.k.a. Ben Driss Muhand IBN LARBI, a.k.a. Abu TAHAR, a.k.a. EGGIE), born 15.8.1982 in Midar (Morocco), passport (Morocco) No. N829139 — member of the 'Hofstadgroep'

[1] Persons, groups and entities marked with an * shall be the subject of Article 4 of Common Position 2001/931/CFSP only.

21. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali, a.k.a. EL-HOURI, Ali Saed Bin Ali), born 10.7.1965 or 11.7.1965 in El Dibabiya (Saudi Arabia), citizen of Saudi Arabia

22. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

23. * GOGEASCOECHEA ARRONATEGUI, Eneko, born 29.4.1967 in Guernica, Biscay (Spain), identity card No 44.556.097 — 'E.T.A.' activist

24. * IPARRAGUIRRE GUENECHEA, Ma Soledad, born 25.4.1961 in Escoriaza (Navarra), identity card No 16.255.819 — 'E.T.A.' activist

25. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon

26. LASSASSI, Saber (a.k.a. Mimiche), born 30.11.1970 in Constantine (Algeria) — member of 'al-Takfir' and 'al-Hijra'

27. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Adbul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555

28. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) — member of 'al-Takfir' and 'al-Hijra'

29. * MORCILLO TORRES, Gracia, born 15.3.1967 in San Sebastián, Guipúzcoa (Spain), identity card No 72.439.052 — 'E.T.A.' activist; member of 'K.a.s.'/'Ekin'

30. * NARVÁEZ GOÑI, Juan Jesús, born 23.2.1961 in Pamplona, Navarra (Spain), identity card No 15.841.101 — 'E.T.A.' activist

31. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria), — member of 'al-Takfir' and 'al-Hijra'

32. * ORBE SEVILLANO, Zigor, born 22.9.1975 in Basauri, Biscay (Spain), identity card No 45.622.851 — 'E.T.A.' activist, member of 'Jarrai–Haika–Segi'

33. * PALACIOS ALDAY, Gorka, born 17.10.1974 in Baracaldo, Biscay (Spain), identity card No 30.654.356 — 'E.T.A.' activist, member of 'K. Madrid'

34. * PEREZ ARAMBURU, Jon Iñaki, born 18.9.1964 in San Sebastián, Guipúzcoa (Spain), identity card No 15.976.521 — 'E.T.A.' activist, member of 'Jarrai–Haika–Segi'

35. * QUINTANA ZORROZUA, Asier, born 27.2.1968 in Bilbao, Biscay (Spain), identity card No 30.609.430 — 'E.T.A.' activist, member of 'K. Madrid'

36. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

37. * RUBENACH ROIG, Juan Luis, born 18.9.1963 in Bilbao, Biscay (Spain), identity card No 18.197.545 — 'E.T.A.' activist, member of 'K. Madrid'

38. SEDKAOUI, Noureddine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

39. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) — member of 'al-Takfir' and 'al-Hijra'

40. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) — member of 'al-Takfir' and 'al-Hijra'

41. SISON, Jose Maria (a.k.a Armando Liwanag, a.k.a Joma), born 8.2.1939 in Cabugao (Philippines) — person playing a leading role in the 'Communist Party of the Philippines', including 'NPA'

42. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) — member of 'al-Takfir' and 'al-Hijra'

43. * URANGA ARTOLA, Kemen, born 25.5.1969 in Ondarroa, Biscay (Spain), identity card No 30.627.290 — 'E.T.A.' activist, member of 'Herri Batasuna'/'Euskal Herritarrok'/'Batasuna')

44. * VALLEJO FRANCO, Iñigo, born 21.5.1976 in Bilbao, Biscay (Spain), identity card No 29.036.694 — 'E.T.A. ' activist

45. * VILA MICHELENA, Fermín, born 12.3.1970 in Irún, Guipúzcoa (Spain), identity card No 15.254.214; 'E.T.A.' activist, member of Kas/Ekin

46. WALTERS, Jason Theodore James (a.k.a. Abdullah, a.k.a. David), born 6.3.1985 in Amersfoort (The Netherlands), passport (The Netherlands) No. NE8146378 — member of the 'Hofstadgroep'

2. GROUPS AND ENTITIES

1. 'Abu Nidal Organisation' — 'ANO' (a.k.a. 'Fatah Revolutionary Council', a.k.a. 'Arab Revolutionary Brigades', a.k.a. 'Black September', a.k.a. 'Revolutionary Organisation of Socialist Muslims')

2. 'Al-Aqsa Martyr's Brigade'

3. 'Al-Aqsa e.V.'

4. 'Al-Takfir' and 'Al-Hijra'

5. * 'Cooperativa Artigiana Fuoco ed Affini — Occasionalmente Spettacolare' ('Artisans' Cooperative Fire and Similar — Occasionally Spectacular')

6. * 'Nuclei Armati per il Comunismo' ('Armed Units for Communism')

7. 'Aum Shinrikyo' (a.k.a. 'AUM', a.k.a. 'Aum Supreme Truth', a.k.a. 'Aleph')

8. 'Babbar Khalsa'

9. * 'Cellula Contro Capitale, Carcere i suoi Carcerieri e le sue Celle' — 'CCCCC' ('Cell Against Capital, Prison, Prison Warders and Prison Cells')

10. 'Communist Party of the Philippines', including 'New People's Army' — 'NPA', Philippines, linked to SISON, Jose Maria (a.k.a Armando Liwanag, a.k.a Joma, who plays a leading role in the 'Communist Party of the Philippines', including 'NPA')

11. * 'Continuity Irish Republican Army' — 'CIRA'

12. * 'EPANASTATIKOS AGONAS' ('Revolutionary Struggle')

13. * 'Euskadi Ta Askatasuna'/'Tierra Vasca y Libertad' — 'E.T.A.' ('Basque Fatherland and Liberty'; the following organisations are part of the terrorist group 'E.T.A.': 'K.a.s. ', 'Xaki', 'Ekin', 'Jarrai-Haika-Segi', 'Gestoras pro-amnistía', 'Askatasuna', 'Batasuna' (a.k.a. 'Herri Batasuna', a.k.a. 'Euskal Herritarrok'))

14. 'Gama'a al-Islamiyya' (a.k.a. 'Al-Gama'a al-Islamiyya') ('Islamic Group' — 'IG')

15. 'İslami Büyük Doğu Akıncılar Cephesi' — 'IBDA-C' ('Great Islamic Eastern Warriors Front')

16. * 'Grupos de Resistencia Antifascista Primero de Octubre' — 'G.R.A.P.O.' ('Antifascist Resistance Groups First of October')

17. 'Hamas', including 'Hamas-Izz al-Din al-Qassem'

18. 'Hizbul Mujahideen' — 'HM'

19. 'Hofstadgroep'

20. 'Holy Land Foundation for Relief and Development'

21. 'International Sikh Youth Federation' — 'ISYF'

22. * 'Solidarietà Internazionale' ('International Solidarity')

23. 'Kahane Chai' (a.k.a. 'Kach')

24. 'Khalistan Zindabad Force' — 'KZF'

25. 'Kurdistan Workers' Party' — 'PKK', (a.k.a. 'KADEK', a.k.a. 'KONGRA-GEL')

26. 'Liberation Tigers of Tamil Eelam' — 'LTTE'

27. * 'Loyalist Volunteer Force' — 'LVF'

28. 'Mujahedin-e Khalq Organisation' — 'MEK' or 'MKO', excluding the 'National Council of Resistance of Iran' — 'NCRI' (a.k.a. 'The National Liberation Army of Iran' — 'NLA' (the militant wing of the 'MEK'), a.k.a. the 'People's Mujahidin of Iran' — 'PMOI', a.k.a. 'Muslim Iranian Student's Society')

29. 'Ejército de Liberación Nacional' ('National Liberation Army')

30. * 'Orange Volunteers' — 'OV'

31. 'Palestine Liberation Front' — 'PLF'

32. 'Palestinian Islamic Jihad' — 'PIJ'

33. 'Popular Front for the Liberation of Palestine' — 'PFLP'

34. 'Popular Front for the Liberation of Palestine-General Command' (a.k.a. 'PFLP — General Command')

35. * 'Real IRA'

36. * 'Brigate Rosse per la Costruzione del Partito Comunista Combattente' ('Red Brigades for the Construction of the Fighting Communist Party')

37. * 'Red Hand Defenders' — 'RHD'

38. 'Fuerzas armadas revolucionarias de Colombia' — 'FARC' ('Revolutionary Armed Forces of Colombia')

39. * 'Epanastatiki Pirines' ('Revolutionary Nuclei')

40. * 'Dekati Evdomi Noemvri' ('Revolutionary Organisation 17 November')

41. 'Devrimci Halk Kurtuluş Partisi-Cephesi' — 'DHKP/C' (a.k.a. 'Devrimci Sol' ('Revolutionary Left'), a.k.a. 'Dev Sol') ('Revolutionary People's Liberation Army/Front/Party')

42. 'Sendero Luminoso' — 'SL' ('Shining Path')

43. 'Stichting Al Aqsa' (a.k.a. 'Stichting Al Aqsa Nederland', a.k.a. 'Al Aqsa Nederland')

44. 'Teyrbazen Azadiya Kurdistan' — 'TAK' (a.k.a. 'Kurdistan Freedom Falcons', a.k.a. 'Kurdistan Freedom Hawks')

45. * 'Brigata XX Luglio' ('Twentieth of July Brigade')

46. * 'Ulster Defence Association/Ulster Freedom Fighters' — 'UDA/UFF'

47. 'Autodefensas Unidas de Colombia' — 'AUC' ('United Self-Defense Forces/Group of Colombia')

48. * 'Federazione Anarchica Informale' — 'F.A.I.' ('Unofficial Anarchist Federation')