ISSN 1725-2555

Official Journal of the European Union

L 203

English edition

Legislation

Volume 52

5 August 2009

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 703/2009

of 27 July 2009

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of wire rod originating in the People's Republic of China and terminating the proceeding concerning imports of wire rod originating in the Republic of Moldova and Turkey

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1] (the basic Regulation), and in particular Article 9 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Provisional measures

(1) The Commission, by Regulation (EC) No 112/2009 [2] (the provisional Regulation) imposed a provisional anti-dumping duty on imports of wire rod originating in the People's Republic of China (PRC) and the Republic of Moldova (RM).

(2) It is noted that the proceeding was initiated following a complaint lodged by Eurofer (the complainant) on behalf of producers representing a major proportion, in this case more than 25 %, of the total Community production of wire rod.

2. Subsequent procedure

(3) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional anti-dumping measures (provisional disclosure), several interested parties made written submissions making known their views on the provisional findings. The parties who so requested were granted an opportunity to be heard. The Commission continued to seek and verify all information it deemed necessary for its definitive findings. To this end an additional verification visit was carried out at the following company:

Producer in the Community:

— Celsa UK Holding Limited, Cardiff, United Kingdom

(4) The Commission also continued its investigation with regard to Community interest aspects and carried out analysis of data contained in the questionnaire replies provided by some users in the Community.

(5) It is recalled that as set out in recital (13) of the provisional Regulation the investigation of dumping and injury covered the period from 1 April 2007 to 31 March 2008 (investigation period or IP). With respect to the trends relevant for the injury assessment, the Commission analysed data covering the period from 2004 to the end of the IP (period considered).

(6) Some interested parties argued that the choice of the year 2004 which was taken into account for the injury assessment was flawed because allegedly the year 2004 was an exceptionally good year in terms of high demand and profit margins. They therefore claimed that 2004 should be excluded from the period considered.

(7) It should be noted that according to Article 6(1) of the basic Regulation, the investigation period should cover a period immediately prior to the initiation of the proceeding. It is recalled that the present investigation was initiated on 8 May 2008. As to the examination of trends relevant for the assessment of injury, this normally covers three or four years prior to initiation, ending in line with the dumping investigation period. In the present proceeding this practice was applied. Therefore, whether the year 2004, or any other year falling within the period considered, was exceptional or not does not seem to be relevant to the choice of this period.

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 38, 7.2.2009, p. 3.

(8) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping measures on imports of wire rod originating in the PRC and the definitive collection of the amounts secured by way of the provisional duty, and the termination of the proceeding concerning imports of wire rod originating in the RM and Turkey. They were also granted a period within which they could make representations subsequent to this disclosure.

(9) The oral and written comments submitted by the interested parties were considered and, where appropriate, the provisional findings were modified accordingly.

B. **PRODUCT CONCERNED AND LIKE PRODUCT**

(10) The product concerned is bars and rods, hot-rolled, in irregularly wound coils, of iron, non-alloy steel or alloy steel other than of stainless steel originating in the PRC, the RM and Turkey (the product concerned or wire rod), normally declared within CN codes 7213 10 00, 7213 20 00, 7213 91 10, 7213 91 20, 7213 91 41, 7213 91 49, 7213 91 70, 7213 91 90, 7213 99 10, 7213 99 90, 7227 10 00, 7227 20 00, 7227 90 10, 7227 90 50 and 7227 90 95. The product concerned does not include stainless steel wire rod.

(11) Following the provisional disclosure, one interested party claimed that wire rod falling under CN code 7213 91 90 should not be included in the definition of the product concerned because the powers of attorney issued to the complainant and its legal representative did not cover this specific product type.

(12) In this respect it should be noted, firstly, that the complaint included the abovementioned CN code. Secondly, the product concerned is defined, at the outset of the investigation, based primarily on the basic physical, chemical and technical characteristics. The relevant CN codes under which imports of the product concerned are declared are finally determined only during the investigation, and in particular when imposing final duties. This is also clear from the text of the notice of initiation which states that the relevant CN codes are only given for information [1]. In addition, it was concluded that the wire rod declared under the above mentioned CN code does have the basic characteristics which are set out in the notice of initiation, and that it therefore does fall within the scope of the product concerned. Consequently this claim was rejected.

(13) One exporting producer and one user alleged that a specific type of wire rod, namely 'tire cord', classified under the CN code 7213 91 20, would differ significantly from other types of wire rod with respect to the physical and technical characteristics, end uses, interchangeability and consumer perceptions. Consequently, they claimed that tire cord should be excluded from the scope of this investigation.

(14) The abovementioned claim and specific arguments have been analysed in detail. Firstly, it was established that the different types of wire rod, including tire cord, included in the product definition share the same basic physical, chemical and technical characteristics, which means that they belong to the same product category.

(15) Secondly, even if it can be argued that tire cord is a relatively more sophisticated and expensive type compared to other types of wire rod covered within the scope of the current investigation, it does not mean that tire cords imported from the PRC have characteristics which are significantly different from tire cords produced in the Community.

(16) Furthermore the investigation showed that there were imports of tire cord from the country concerned during the period considered. Although these imports were made in limited quantities, it showed that exporting producers concerned by the current investigation had the capability to produce this type of wire rod.

(17) Hence, based on the above facts and considerations, the exclusion of tire cord from the scope of the investigation was not considered to be warranted. The claim had therefore to be rejected.

(18) In the absence of any other comments concerning the product concerned or the like product, recitals (13) to (14) of the provisional Regulation are hereby confirmed.

C. **DUMPING**

1. **Market Economy Treatment (MET)**

1.1. *PRC*

(19) In the absence of any other comments with regard to the MET status of Chinese exporting producers, the conclusions of recitals (27) to (31) of the provisional Regulation are hereby confirmed.

1.2. *RM*

(20) It is recalled that the sole cooperating Moldovan exporter failed to meet any of the five MET criteria. Following the provisional disclosure, the company reiterated its previous comments on the Commission's decision not to grant it MET, which had already been analysed and addressed in the MET and provisional disclosures. The Moldovan exporter disputed the findings regarding all five MET criteria, but did not support its claims by providing any evidence in support thereof.

[1] OJ C 113, 8.5.2008, p. 20.

(21) In particular, the exporter claims that the Commission contradicts itself when considering that the so called authorities of the Transnistrian region of the RM are considered as playing the role of 'the State' when assessing criterion 1, and not so when assessing criterion 4. In this respect, it is noted that the so called authorities of the Transnistrian region of the RM are clearly in a position to interfere in the company's management. Therefore this has a direct impact in the assessment of criterion 1. On the other hand, the so called authorities of the Transnistrian region of the RM, as they are not recognised, do not ensure a legal stability and certainty as required under criterion 4. Therefore this claim had to be rejected.

(22) Regarding criterion 1, the exporter argued, in particular, that its management is composed of private persons and that no connection has been established between its top management and the so called authorities of the Transnistrian region of the RM. However, the investigation revealed that the President and other management staff of the company actively participate in the legislative bodies of the so called authorities of the Transnistrian region of the RM. Therefore this claim had to be rejected.

(23) Regarding criterion 2 the company argued, in particular, that the reserved opinion of the audit report on the company's financial statements was immaterial. However, this reserved opinion refers to the value of all fixed assets and cannot therefore be considered as immaterial. During the verification the company was not able to clarify this reserve. No additional evidence has been provided in this respect. Therefore this claim had to be rejected.

(24) Regarding criterion 3, the company repeated its argument that, following its privatisation, it was subsequently re-sold to its current holders at arm's length and therefore any previous distortions would have been eliminated. No evidence supporting this claim was however provided and the conclusion in recital (45) of the provisional Regulation is therefore confirmed.

(25) Regarding criterion 5, the company, claimed in particular that the fact that its financial statements are in US dollars, and not in the so called Transnistrian rouble currency (TMR rouble) makes the issue irrelevant. However, the fact remains that the TMR rouble is used in several of the company's daily operations, and therefore the conversion rate of the TMR rouble into other currencies is not irrelevant for assessment under this criterion. Therefore this claim had to be rejected.

(26) Therefore these claims did not change the provisional conclusions not to grant MET to the Moldovan cooperating exporting producer, and the conclusions of recitals (32) to (49) of the provisional Regulation are hereby confirmed.

2. **Individual treatment (IT)**

(27) In the absence of any comments on IT, recitals (50) to (53) of the provisional Regulation are hereby confirmed.

3. **Normal value**

3.1. *Turkey*

(28) One exporting producer pointed out that revised and verified data regarding its domestic sales had not been taken into consideration in the establishment of normal value. Another exporting producer argued that the constructed normal value had been incorrectly calculated due to a clerical error. These claims were verified and corrections were made, when appropriate.

(29) Another exporting producer argued that its export sales consisted only of a 'non-standard' type of the product concerned, whereas domestic sales were a mix of 'standard' and 'non-standard' types. It claimed that this methodology resulted in an unfair comparison and that the normal value should be calculated by comparing only the prices of 'non-standard' export and domestic sales.

(30) The investigation, however, could not demonstrate sufficient differences between 'standard' and 'non-standard' products, as claimed by the exporting producer, that would affect their comparability. Both categories fall under the product description of the like product. Additionally the investigation revealed that both types were sold by the company at the same price. Accordingly, this claim had to be disregarded.

(31) In the absence of any other comments with regard to the methodology for calculating normal value for Turkey, the provisional conclusions as outlined in recitals (54) to (63) of the provisional Regulation are hereby confirmed.

3.2. *PRC and RM*

(32) No comments were received concerning the normal value for the PRC and the RM established as described in recital (64) of the provisional Regulation. Therefore the provisional conclusions are confirmed.

4. **Analogue country**

(33) Turkey was provisionally chosen as analogue country for the reasons set out in recitals (65) to (74) of the provisional Regulation. Following provisional disclosure, the complainant, argued against the use of Turkey as analogue country, instead of Brazil as initially envisaged. The complainant re-stated the arguments submitted at the provisional stage (a) claiming that there is sufficient competition in the Brazilian market and (b) alleging that the subsidisation of the Turkish steel industry makes it inappropriate for establishing normal value. Moreover, the complainant argued that since the investigation has established the existence of dumping for Turkey, as per the Commission's practice it should not be used as analogue country.

(34) It is recalled that the domestic prices in Brazil were found to be above published world prices. Also, the level of profits of the Brazilian producer in the domestic market was found to be very high compared, in particular, with the level of profit considered reasonable for the Community industry. As stated in the provisional Regulation, this is considered as an indication of the insufficient level of competition in the Brazilian market.

(35) Regarding Turkey, there appears to be clearly more competition in the domestic market than in the case of Brazil. The fact that Turkish exporters have been found to be dumping does not necessarily mean that the normal value established for that country is not reliable.

(36) The complainant also argued that as Turkish companies are allegedly subsidised, Turkey would not be a suitable choice as analogue country. However, no evidence was provided in support of this allegation.

(37) In view of the above, the conclusions of recitals (65) to (74) of the provisional Regulation are confirmed, and Turkey has been used as analogue country for the purpose of this proceeding, in accordance with Article 2(7)(a) of the basic Regulation.

5. **Export Price**

(38) One exporting producer argued that the export price should not have been constructed as set out in recital (76) of the provisional Regulation. Having examined this claim, it was found to be warranted in particular because the functions of the company, which has its operations outside the Community, did not warrant the application of Article 2(9) of the basic Regulation.

(39) Another exporting producer claimed that deductions for commissions made for sales through a related company were not justified. Having examined this claim, it was found to be warranted as the related company did not perform functions similar to those of an agent. The export prices were therefore corrected accordingly.

(40) In the absence of any other comments with regard to the methodology for establishing export prices, the provisional conclusions as outlined in recital (75) of the provisional Regulation are hereby confirmed.

6. **Comparison**

(41) The comparison between normal value and export price was made on an ex-works basis. For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation.

(42) As described in recital (79) of the provisional Regulation allowances for differences in transport costs, freight and insurance costs, bank charges, packing costs, credit costs and commissions were granted where applicable and justified.

(43) Several exporters disputed the calculation of adjustments for inland transport, freight costs, bank charges, credit costs and commissions and proposed alternative calculations. In view of the evidence provided in their questionnaire replies and information and evidence collected during the verification visits, most of these claims were not considered justified and the adjustments as calculated at the provisional stage were therefore maintained. However, some of the claims have been accepted, where justified, and corrections were made for the adjustments corresponding to credit costs, commissions and customs charges on export sales.

7. **Dumping margins**

(44) The weighted average normal value was compared with the weighted average export price as provided for in Article 2(11) and (12) of the basic Regulation.

7.1. *PRC*

(45) Following the corrections to the normal values in the analogue country, the definitive dumping margins for the Chinese exporting producers are as follows:

Company	Dumping margin
Valin Group	38,6 %
All others	52,3 %

7.2. *RM*

(46) Following the imposition of provisional measures, it was considered that using all available export data for the RM would provide a more accurate picture of the dumping practised by that country. Accordingly, the country wide definitive dumping margin was calculated on the basis of the export prices of all known producers.

(47) Following the corrections to the normal values of the analogue country, export price and adjustments as described above, the country wide definitive dumping margin for the RM was established at 16,2 %.

7.3. *Turkish exporting producers*

(48) In light of the above, the definitive dumping margins for the Turkish exporting producers are as follows:

Company name	Dumping margin
Kroman Çelik Sanayli AS	18,8 %
Çolakoglu Metalurji AS	7,6 %
Iskenderun Demir ve Çelik AŞ	10,5 %
Habas Sinai ve Tibbi Gazlar Istihsal Endustri AS	7,1 %
Icdas Celik Enerji Tersane ve Ulasim Sanayii AS	3,9 %
All others	18,8 %

D. **INJURY**

1. **Community production**

(49) In the absence of any comments concerning the Community production or cooperation by the silent producers as mentioned in recital (91) of the provisional Regulation, recitals (89) to (92) of the provisional Regulation are hereby confirmed.

2. **Definition of the Community industry**

(50) In the absence of any comments concerning the definition of the Community industry, recital (93) of the provisional Regulation is hereby confirmed.

(51) It is recalled that no sampling was applied for the injury analysis, since the 20 cooperating producers consisted of four groups of companies and two independent producers. Further to the imposition of provisional measures, as mentioned in recital (3) above, an on-spot verification was carried out at the premises of one additional Community producer, in order to verify the data provided in its questionnaire reply.

3. **Community consumption**

(52) It is recalled that the Community consumption was established on the basis of the total imports, derived from Eurostat, and the total sales on the Community market of the Community industry and of the other Community producers, including an estimate based on complaint data for the sales of the silent producers.

(53) One interested party disputed the method used for the determination of the Community consumption, claiming that the production by the Community industry destined for captive use and captive sales should be included in the Community consumption and the injury assessment, since captive use and captive sales were in direct competition with sales on the free market, including imports.

(54) It should be noted that as explained in recitals (119) to (143) of the provisional Regulation, the captive production of the Community industry has been analysed in the injury assessment. However, in accordance with the consistent practice of the Commission, captive use, i.e. internal transfers of the like product within the integrated Community producers for further processing, has not been included in the Community consumption figure, because these internal transfers are not in competition with sales from independent suppliers in the free market.

(55) As regards the claim to include captive sales, i.e. the sales to related companies, in the Community consumption figure, this claim was found to be warranted, since according to the data collected during the investigation, the related companies of the Community producers were free to purchase wire rod also from other sources. In addition, the Community producers' average sales prices to related parties were found to be in line with the average sales prices to unrelated parties.

(56) Following the verification of the data provided by one additional Community producer, as referred to in recitals (3) and (51) above, the total sales on the Community market of the Community industry were slightly revised. As a result, the Community consumption figures provided in table 1 of the provisional Regulation were adjusted as follows:

Table 1

Community consumption	2004	2005	2006	2007	IP
Tonnes	22 510 446	21 324 498	23 330 122	23 919 163	23 558 858
Index	*100*	*95*	*104*	*106*	*105*

Source: Eurostat, complaint data and questionnaire replies.

(57) Overall, Community consumption expanded by 5 % over the period considered. The expansion started in 2006, after a temporary decrease of 5 % in 2005. After that, consumption recovered and increased up to 2007, followed by a slight decrease during the IP. The downturn in consumption in 2005 was mainly a result of a lower demand in the construction industry.

4. **Imports into the Community from the PRC, the RM and Turkey**

4.1. *Cumulation*

(58) In order to make the definitive assessment of the conditions for cumulation of the imports from the countries concerned, the same methodology as explained in recital (99) of the provisional Regulation was applied in the light of the comments received by parties after the imposition of provisional measures. For the RM account was also taken of the fact that, as explained in recital (46) above, other Moldovan producers were exporting the product concerned to the Community.

(59) As explained in recital (101) of the provisional Regulation, the imports from Turkey were not cumulated with the imports from the PRC and the RM since it was considered that the conditions of competition between the Turkish and other relevant operators were not similar, in particular as regards their price behaviour. Indeed, the sale prices of all cooperating exporting producers in Turkey were not below Community industry prices and were relatively high compared to other operators in the Community market.

(60) One interested party claimed that the arguments put forward in recital (101) of the provisional Regulation were not consistent with the basic Regulation. It argued that it sufficed that the dumping margin of the Turkish imports were significantly above the *de minimis* threshold and that the volume of the imports was not negligible to cumulate those imports with other dumped imports from the RM and the PRC. It also claimed that the non-imposition of measures would lead to a surge of dumped imports from Turkey to the Community market.

(61) It should be stressed that Article 3(4) of the basic Regulation specifically requires that the conditions of competition between the relevant operators in the Community market should be carefully examined in the context of a cumulative assessment of the imports from countries concerned by an anti-dumping investigation. In addition, the level of prices of the Turkish operators was in all cases above the non-injurious prices established according to the methodology described in recital (179) of the provisional Regulation. Hence, there was no ground to allow a cumulative assessment of Turkish imports with imports from the PRC and the RM or to impose anti-dumping measures to prevent any alleged surge of imports from that country. On this basis the claims had to be rejected.

(62) Another interested party disputed the provisional finding that imports from the RM were cumulated with those of the PRC arguing that, contrary to imports from the PRC, the import volumes from the RM were very low and were basically not undercutting the prices of the Community industry during the IP.

(63) Subsequent to the provisional disclosure, additional information was received concerning the Moldovan exports to the Community which resulted in revised calculations of the undercutting and injury margins for the RM as explained in more detail in recitals (71) and (107) below.

(64) The revised calculations showed that imports from the RM did not undercut the prices of the Community industry on the Community market in the IP. Moreover, the injury margin was found to be below the *de minimis* injury threshold applied by analogy to Article 9(3) of the basic Regulation. In view of the above, it was concluded that the imports of wire rod originating in the RM should be assessed separately.

4.2. *Dumped imports from the PRC*

(65) It is recalled that since the consumption figures were slightly adapted as explained in recital (56) above, the market share of the imports from the PRC was revised accordingly. Hence the imports from the PRC developed as follows during the period considered.

Table 2

Total dumped imports from the PRC	2004	2005	2006	2007	IP
Volumes (tonnes)	70 816	134 176	633 631	1 459 968	1 174 556
Index	*100*	*189*	*895*	*2 062*	*1 659*
Market share	0,3 %	0,6 %	2,7 %	6,1 %	5,0 %
Index	*100*	*200*	*863*	*1 940*	*1 585*
Prices (EUR/tonne)	374	430	378	409	419
Index	*100*	*115*	*101*	*109*	*112*

Source: Eurostat.

(66) The dumped imports from the PRC increased significantly from around 0,07 million tonnes in 2004 to 1,1 million tonnes in the IP, i.e. by almost 17 times. These imports peaked in 2007, after which they showed a slightly declining trend in line with the evolution of Community consumption.

(67) Although the average prices of the dumped imports from the PRC increased by 12 % over the period considered, it was found that they were undercutting those of the Community industry, in particular during the IP. As a result, the market share significantly increased from 0,3 % in 2004 to 5,0 % in the IP, corresponding to a gain of 4,7 percentage points.

4.3. *Price undercutting*

(68) The methodology described in recital (106) of the provisional Regulation to establish price undercutting is confirmed. However, following the verification visit at the premises of one Community producer as mentioned in recital (3), the average price of the Community industry was reassessed to take account of the verified data obtained from this Community producer.

(69) One party claimed that since no producer in the RM was granted MET or IT, the Commission should calculate the undercutting and the injury elimination level for the RM using Eurostat data rather than the data obtained from exporting producers in the RM.

(70) In an anti-dumping investigation and in particular for the price comparison exercise, it is the institution's practice to use the most reliable data available, which in general is the data collected and verified at the premises of the cooperating parties. In this case, price data collected at the premises of the cooperating producer in the RM was available and was used to establish the provisional price undercutting margin for the cooperating producer in the RM. The claim to use Eurostat data is therefore rejected.

(71) It was however considered that price data available for all the imports from the RM to the Community, including imports of other Moldovan producers as mentioned in recital (46) above, should be taken into account in the calculation of the definitive undercutting margin for the RM. Hence, all price data available duly adjusted to reflect the weighted average export prices to the first independent customer, on a cif basis, was used. On this basis it was found that imports from the RM were not undercutting Community industry's prices; indeed the definitive price undercutting margin is a negative one, namely -1,2 % on average for the RM.

(72) As regards imports from the PRC, it is recalled that only one Chinese exporting producer cooperated in the investigation. Based on the same methodology and adjustments to the Community industry's data as described above and on the basis of comparable product types, an average price undercutting margin of 4,2 % was found for the sole cooperating Chinese exporter. For all other producers in the PRC, price undercutting was established as explained in recital (108) of the provisional Regulation. On this basis, an average price undercutting margin of 7,3 % was found for the Chinese imports.

5. **Economic situation of the Community industry**

(73) Following the conclusion that imports from the RM should not be cumulated with the imports from the PRC and should be assessed separately, as described in recital (64), the examination of the impact of the dumped imports on the Community industry's economic situation, refers to the imports originating in the PRC.

(74) As mentioned in recital (3), one additional Community producer was verified on the spot. As a result, some injury indicators were adjusted accordingly. These concern the sales volumes to the first independent customer on the Community market, average ex-works sales prices of the Community industry to unrelated customers, stock figures, profitability, cash flow, return on investment and employment.

(75) Table 3 below shows the revised volume sold to the first independent customer on the Community market. It should be noted that, despite the revised figures, the trend is similar to the one provided in the provisional Regulation.

Table 3

	2004	2005	2006	2007	IP
Sales volume (tonnes)	7 505 684	6 738 112	7 522 435	7 548 130	7 489 831
Index	*100*	*90*	*100*	*101*	*100*
Market share	33,4 %	31,6 %	32,2 %	31,6 %	31,8 %
Index	*100*	*95*	*97*	*95*	*95*

Source: Questionnaire replies.

(76) Following the above, the average unit sales prices of the Community industry to unrelated customers on the Community market were revised accordingly. As a result, the average sales prices for the years 2006 to the IP were marginally revised compared to the figures provided in the provisional Regulation.

Table 4

	2004	2005	2006	2007	IP
Average price (EUR/tonne)	414	409	434	468	475
Index	*100*	*99*	*105*	*113*	*115*

Source: Questionnaire replies.

(77) As regards the stock figures, it should be noted that the minor revisions made in the Community industry's data for the years 2006 to IP did not change the trend analysis as provided in recital (119) of the provisional Regulation.

Table 5

	2004	2005	2006	2007	IP
Stocks (tonnes)	657 667	530 578	691 338	699 511	594 420
Index	*100*	*81*	*105*	*106*	*90*

Source: Questionnaire replies.

(78) Subsequent to the provisional Regulation, also the employment figures were slightly amended for the years 2004 to IP. In the absence of any further comments received from interested parties, recitals (120) to (122) of the provisional Regulation are hereby confirmed.

Table 6

	2004	2005	2006	2007	IP
Employment — full-time equivalent (FTE)	4 216	4 029	3 920	4 195	4 310
Index	*100*	*96*	*93*	*100*	*102*
Labour cost (EUR/FTE)	41 300	43 200	45 400	45 300	44 700
Index	*100*	*104*	*110*	*110*	*108*
Productivity (*Index*)	*100*	*95*	*107*	*98*	*95*

Source: Questionnaire replies.

(79) Profitability of the Community industry was established using the same methodology as explained in recital (123) of the provisional Regulation. Subsequent to revisions made to the Community industry's data following the on-spot verification of one additional Community producer, as described in recital (3), also these figures were slightly revised. Over the period considered, the profitability of the Community industry decreased from 14,2 % in 2004 to 7,3 % in the IP. In the absence of any further comments received, recitals (124) to (126) of the provisional Regulation are hereby confirmed.

Table 7

	2004	2005	2006	2007	IP
Profitability	14,2 %	8,0 %	8,4 %	7,9 %	7,3 %
Index	*100*	*56*	*59*	*55*	*51*
Cash flow '000 euro	493 954	272 166	361 573	286 917	278 604
Index	*100*	*55*	*73*	*55*	*56*
Investments '000 euro	147 897	136 031	231 726	221 808	200 126
Index	*100*	*92*	*157*	*150*	*135*
Return on investments	68 %	49 %	50 %	46 %	47 %
Index	*100*	*72*	*74*	*68*	*68*

Source: Questionnaire replies.

5.1. *Growth*

(80) Following the above, it can be considered that the sales volume of the Community industry stagnated between 2004 and the IP, thus preventing the Community industry from taking advantage of the expansion of the Community consumption which increased by 5 % between 2004 and the IP. As a consequence, its market share decreased by 1,6 percentage points during the same period.

5.2. *Magnitude of the actual margin of dumping*

(81) In the absence of any other comments received, recital (128) of the provisional Regulation is hereby confirmed.

6. **Conclusion on injury**

(82) It can be concluded that the minor revisions made to some injury indicators following the on-spot verification of one additional Community producer, as provided in tables 2 to 7 above, did not alter the conclusion made in recital (132) of the provisional Regulation.

(83) Based on the above, it can be concluded that the Community industry suffered material injury within the meaning of Article 3(5) of the basic Regulation.

E. **CAUSALITY**

1. **Effect of the dumped imports from the PRC**

(84) It was examined whether the dumped imports of the product concerned originating in the PRC caused injury to the Community industry to a degree that can be considered material.

(85) The investigation showed that dumped imports from the PRC increased significantly, by almost 17 times, over the period considered, increasing by 1,1 million tonnes between 2004 and the IP. This increase was particularly marked between 2006 and the IP. In terms of market share, dumped imports from the PRC increased their share of the Community market from 0,3 % in 2004 to 5,0 % in the IP. In practice this corresponded to the entire increase in the Community consumption that took place during the period considered.

(86) During the same period, although its sales volume on the Community market remained stable, the Community industry lost market share from 33,4 % in 2004 to 31,8 % in the IP, namely 1,6 percentage points.

(87) As regards prices, despite the fact that the prices of dumped imports increased by 12 % during the period considered in line with the increased raw material prices, they were still undercutting the prices charged by the Community industry on the Community market. Consequently, the Community industry was prevented from increasing its prices to cover the full increase in raw material prices. The profitability of the Community industry's sales on the Community market thus decreased from 14,2 % in 2004 to 7,3 % during the IP.

(88) It is considered that the continued pressure exercised by the low-priced dumped imports from the PRC on the Community market did not allow the Community industry to adapt its sales prices to the increased cost of production. It is therefore concluded that the surge of low-priced dumped imports from the PRC had a considerable negative impact on the economic situation of the Community industry.

2. **Effect of other factors**

(89) In the absence of any comments concerning development of demand, captive production, sales of high-end products, imports from third countries and other producers in the Community, recitals (139), (143) to (149) and (151) to (155) of the provisional Regulation are hereby confirmed.

(90) One party claimed that the assessment of the increase in raw material prices, mentioned in recital (142) of the provisional Regulation was not correct. It argued that it is difficult to fully pass on the cost increases to the customers. Furthermore, it claimed that the negative export performance of the Community industry would explain the deterioration of the economic situation of the Community industry.

(91) As regards the impact of the raw material prices, it is recalled that the investigation showed an increase of 25 % of the cost of production for the Community industry to produce wire rod. This should be seen in relation to an increase of only 15 % of average sales prices of the Community industry. Indeed, it can very well be difficult in some markets to be able to fully pass on the increase in costs to the customers, however, the current investigation did not show any evidence that this was the case in the wire rod market. On the contrary, the wire rod market can be considered as a commodity product sold in a transparent market where all operators are aware of the price level. Hence effective trade conditions should allow cost price increases to be reflected in the sales price of wire rod. Therefore, it is considered that the conclusion made in recital (142) is valid and therefore this claim had to be rejected.

(92) As regards the export performance, there was indeed a declining trend in the export sales of the Community industry for reasons provided in recital (150) of the provisional Regulation. In view of the fact that the share of export sales in relation to the sales to customers within the Community is relatively low and, in addition, the sales prices of the latter were relatively lower, it is considered that the decrease in export volume can not justify the level of injury suffered. No substantiated evidence invalidating this conclusion was provided and therefore the conclusions made in recital (150) of the provisional Regulation are hereby confirmed.

(93) In view of the above and in absence of any other comments, recitals (156) to (159) of the provisional Regulation are hereby confirmed.

3. **Imports from Turkey**

(94) Following recitals (60) and (61) and in the absence of any further comments concerning imports from Turkey, the conclusions made in recitals (160) to (162) of the provisional Regulation are hereby confirmed.

4. **Imports from the RM**

(95) Further to revisions of the Community industry's data, based on the verification of the reply of one additional Community producer and taking into account all import sales originating in the RM, it was found that imports from the RM did nor undercut the prices of the Community industry in the IP. Moreover, in line with recital (64) above, the comparison of the Moldovan export price with the non-injurious price of the Community industry showed a *de minimis* injury margin.

(96) In view of the above it was concluded that there is no clear causal link between imports from the RM and the injury suffered by the Community industry.

F. **COMMUNITY INTEREST**

1. **Preliminary remark**

(97) In view of the above, it should be noted that only the impact of the imposition of anti-dumping duties on imports originating in the PRC has been assessed for the Community interest analysis.

2. **Community industry**

(98) Subsequent to the provisional Regulation, it was re-assessed whether the imposition of anti-dumping measures to imports originating from PRC would be in the interest of the Community industry.

(99) In view of the above and in the absence of any comments concerning the interest of the Community industry, recitals (164) to (167) of the provisional Regulation are confirmed.

3. **Importers**

(100) In the absence of any comments concerning the importers, recitals (168) and (169) of the provisional Regulation are hereby confirmed.

4. **Users**

(101) One interested party questioned whether all imports to the Community market from countries subject to this investigation were taken into account in the percentage provided in recital (171) of the provisional Regulation which represents the imports of wire rods by certain users. Furthermore, some interested parties argued that there would be no alternative sources available should anti-dumping measures be imposed and that this would lead to a shortage of supply.

(102) Further to the claim on the total imports, a re-assessment has been made regarding the total imports of wire rod. Indeed, analyses showed that the actual amount of imports of wire rod consumed by the cooperating users is higher than previously assessed at the provisional stage. As a result, the total imports of the users mentioned in recital (171) of the provisional Regulation increased by 30 %. As a result, it can be concluded that during the IP, the users mentioned in recital (171) of the provisional Regulation accounted together for around 20 % of all imports of wire rod from the PRC.

(103) As regards the claim that there would be no alternative sources of supply in case of imposition of anti-dumping measures, the investigation showed indeed some irregularities in supplies by Community producers to certain users. However, the analysis did not show any evidence that these irregularities were on a continued basis. Moreover, it should be noted that other sources of supply, taking into account other third countries which are not subject to measures, are available. Therefore this claim was rejected.

(104) Based on the above and in the absence of any further comments recitals (173) to (175) of the provisional Regulation are hereby confirmed.

5. **Conclusion on Community Interest**

(105) Based on the above, it was concluded that there are no compelling reasons against the imposition of anti-dumping duties against imports of wire rod originating in the PRC in the present case.

G. **DEFINITIVE ANTI-DUMPING MEASURES**

1. **Injury Elimination Level**

(106) In the absence of comments, the methodology mentioned in recital (179) of the provisional Regulation used to obtain the non-injurious prices of the Community industry was confirmed. However, the same revisions as those described in recitals (68) and (72) above were applied for the definitive assessment of the injury elimination levels. In addition, the profit margin used in the injury margin calculations was established at ex-works level in order to obtain the non-injurious prices of the Community industry at ex-works level during the IP.

(107) Concerning the RM, in line with the contents of recital (71) above, it was considered appropriate to use price data available for all the exports from the RM to the Community, in the calculation of the definitive injury elimination level. Hence, all price data available duly adjusted to reflect the weighted average export prices to the first independent customer in the Community, on a cif basis, was used. On that basis the definitive injury elimination level for imports from the RM was found to be below the *de minimis* threshold as mentioned in recital (64) above.

(108) In view of the conclusions reached with regard to dumping, injury, causation and Community interest, definitive anti-dumping measures against imports from the PRC should be imposed in order to prevent further injury being caused to the Community industry.

(109) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties. They were also granted a period within which they could make representations subsequent to this disclosure. The comments submitted by the parties were duly considered, and, where appropriate, the findings have been modified accordingly.

2. **Definitive measures**

(110) In the light of the foregoing, it is considered that, in accordance with Article 7(2) of the basic Regulation, definitive anti-dumping duties should be imposed on imports originating in the PRC at the level of the lower of the dumping and the injury margins, in accordance with the lesser duty rule. In this case, all duty rates should accordingly be set at the level of the injury margins found. By analogy with Article 9(3) of the basic Regulation, given that the injury margin for the RM and Turkey is below a *de minimis* level, the investigation in respect of these countries should be terminated.

(111) No definitive anti-dumping duties are to be imposed on imports originating in the RM and Turkey.

(112) The proposed anti-dumping duties are the following:

Company	Injury elimination margin	Dumping margin	Anti-dumping duty rate
Valin Group (PRC)	7,9 %	38,6 %	7,9 %
PRC residual duty	24,0 %	52,3 %	24,0 %

3. **Definitive collection of provisional duties**

(113) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation should be definitively collected to the extent of the amount of the definitive duties imposed. Where the definitive duties are lower than the provisional duties, amounts provisionally secured in excess of the definitive rate of anti-dumping duties shall be released. Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties shall be definitively collected.

H. **TERMINATION OF THE PROCEEDING**

(114) In view of the findings regarding imports originating in the RM and Turkey, the proceeding with respect to these two countries should be terminated,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of bars and rods, hot-rolled, in irregularly wound coils, of iron, non-alloy steel or alloy steel other than of stainless steel originating in the People's Republic of China, falling within CN codes 7213 10 00, 7213 20 00, 7213 91 10, 7213 91 20, 7213 91 41, 7213 91 49, 7213 91 70, 7213 91 90, 7213 99 10, 7213 99 90, 7227 10 00, 7227 20 00, 7227 90 10, 7227 90 50 and 7227 90 95.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, of the products described in paragraph 1 and produced by the companies below shall be as follows:

Country	Company	Duty	TARIC additional codes
People's Republic of China	Valin Group	7,9 %	A930
	All other companies	24,0 %	A999

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The anti-dumping proceeding concerning imports of wire rod originating in the Republic of Moldova and Turkey is hereby terminated.

Article 3

The amounts secured by way of the provisional anti-dumping duty pursuant to Regulation (EC) No 112/2009 on imports of wire rod originating in the People's Republic of China shall be definitively collected at the rate of the definitive duty imposed pursuant to Article 1. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released. Amounts secured by way of the provisional anti-dumping duty pursuant to Commission Regulation (EC) No 112/2009 on imports of wire rod originating in the Republic of Moldova shall be released.

Article 4

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, 27 July 2009.

For the Council
The President
C. BILDT

COMMISSION REGULATION (EC) No 704/2009

of 4 August 2009

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 5 August 2009.

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

Done at Brussels, 4 August 2009.

For the Commission
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

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[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	MK	27,8
	XS	22,4
	ZZ	25,1
0707 00 05	MK	23,0
	TR	89,6
	ZZ	56,3
0709 90 70	TR	100,0
	ZZ	100,0
0805 50 10	AR	57,6
	UY	66,6
	ZA	58,9
	ZZ	61,0
0806 10 10	EG	163,3
	MA	135,1
	TR	155,7
	ZA	125,8
	ZZ	145,0
0808 10 80	AR	109,5
	BR	68,7
	CL	79,4
	CN	81,7
	NZ	95,4
	ZA	83,1
	ZZ	86,3
0808 20 50	AR	79,7
	CL	73,4
	TR	147,2
	ZA	102,6
	ZZ	100,7
0809 20 95	TR	279,8
	US	318,7
	ZZ	299,3
0809 30	TR	145,3
	ZZ	145,3
0809 40 05	BA	39,5
	ZZ	39,5

(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 705/2009

of 4 August 2009

amending Regulation (EC) No 696/2009 fixing the import duties in the cereals sector applicable from 1 August 2009

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) The import duties in the cereals sector applicable from 1 August 2009 were fixed by Commission Regulation (EC) No 696/2009 [3].

(2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EC) No 696/2009.

(3) Regulation (EC) No 696/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 696/2009 are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 5 August 2009.

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

Done at Brussels, 4 August 2009.

For the Commission
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

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[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 161, 29.6.1996, p. 125.
[3] OJ L 201, 1.8.2009, p. 3.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 5 August 2009

CN code	Description	Import duties [1] (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	65,86
1005 10 90	Maize seed other than hybrid	27,91
1005 90 00	Maize, other than seed [2]	27,91
1007 00 90	Grain sorghum other than hybrids for sowing	70,85

[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] 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

31.7.2009-3.8.2009

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	169,99	96,54	—	—	—	—
Fob price USA	—	—	170,60	160,60	140,60	71,58
Gulf of Mexico premium	—	16,48	—	—	—	—
Great Lakes premium	6,22	—	—	—	—	—

(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:	21,10 EUR/t
Freight costs: Great Lakes–Rotterdam:	19,60 EUR/t

DIRECTIVES

DIRECTIVE 2009/61/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 July 2009

relating to the installation of lighting and light-signalling devices on wheeled agricultural and forestry tractors

(Codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee [1],

Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],

Whereas:

(1) Council Directive 78/933/EEC of 17 October 1978 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on wheeled agricultural or forestry tractors [3] has been substantially amended several times [4]. In the interests of clarity and rationality the said Directive should be codified.

(2) Directive 78/933/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 74/150/EEC as replaced by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units [5], and lays down technical prescriptions concerning the design and construction of wheeled agricultural or forestry tractors as regards the installation of lighting and light-signalling devices. Those technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in Directive 2003/37/EC to be applied in respect of each type of tractor. Consequently, the provisions laid down in Directive 2003/37/EC relating to agricultural and forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units, apply to this Directive.

(3) This Directive should be without prejudice to the obligations of the Member States concerning the time-limits for transposition into national law and application of the Directives set out in Annex III, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. 'Tractor' (agricultural or forestry) means any motor vehicle, fitted with wheels or endless tracks, having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.

2. This Directive shall apply only to tractors defined in paragraph 1 which are equipped with pneumatic tyres and have a maximum design speed of between 6 and 40 km/h.

Article 2

1. No Member State may refuse to grant EC type-approval or national type-approval of a type of tractor on grounds relating to the installation of lighting and light-signalling devices, whether mandatory or optional, listed in points 1.5.7 to 1.5.21 of Annex I if these are installed in accordance with the requirements set out in that Annex.

[1] OJ C 175, 27.7.2007, p. 40.
[2] Opinion of the European Parliament of 19 February 2008 (not yet published in the Official Journal) and Council decision of 22 June 2009.
[3] OJ L 325, 20.11.1978, p. 16.
[4] See Annex III, Part A.
[5] OJ L 171, 9.7.2003, p. 1.

2. With respect to vehicles which do not comply with the requirements laid down in this Directive, and on grounds relating to the subject-matter of this Directive, Member States:

— shall no longer grant EC type-approval;

— may refuse to grant national type-approval.

3. With respect to new vehicles which do not comply with the requirements laid down in this Directive, and on grounds relating to the subject-matter of this Directive, Member States:

— shall consider certificates of conformity which accompany those new vehicles in accordance with the provisions of Directive 2003/37/EC to be no longer valid for the purposes of Article 7(1) of that Directive;

— may refuse the registration, sale or entry into service of those new vehicles.

Article 3

No Member State may refuse the registration, or prohibit the sale, entry into service or use of tractors on grounds relating to the installation of lighting and light-signalling devices, whether mandatory or optional, listed in points 1.5.7 to 1.5.21 of Annex I if these are installed in accordance with the requirements set out in that Annex.

Article 4

A Member State which has granted EC type-approval shall take the necessary measures to ensure that it is informed of any modification to any of the parts or characteristics referred to in point 1.1 of Annex I. The competent authorities of that Member State shall determine whether further tests should be carried out on the modified tractor type and a fresh report drawn up. Where such tests reveal failure to comply with the requirements of this Directive, the modification shall not be approved.

Article 5

Any amendments necessary to adapt to technical progress the requirements of Annexes I and II shall be adopted in accordance with the procedure referred to in Article 20(3) of Directive 2003/37/EC.

Article 6

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

Article 7

Directive 78/933/EEC, as amended by the Directives listed in Annex III, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex III, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

Article 8

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

It shall apply from 1 January 2010.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 13 July 2009.

For the European Parliament	*For the Council*
The President	*The President*
H.-G. PÖTTERING	E. ERLANDSSON

ANNEX I

INSTALLATION OF LIGHTING AND LIGHT-SIGNALLING DEVICES

1. DEFINITIONS

1.1. **Tractor type with regard to the installation of lighting and light-signalling devices**

'Tractor type with regard to the installation of lighting and light-signalling devices' means tractors which do not differ in such essential respects as:

1.1.1. the dimensions and exterior shape of the tractor;

1.1.2. the number and positioning of the devices.

The following are likewise considered not to be tractors of a different type: tractors which differ within the meaning of points 1.1.1 and 1.1.2 above, but not in such a way as to entail a change in the type, number, positioning and geometric visibility of the lamps prescribed for the tractor type in question, and tractors on which optional lamps are fitted or are absent.

1.2. **Transverse plane**

'Transverse plane' means a vertical plane perpendicular to the median longitudinal plane of the tractor.

1.3. **Unladen tractor**

'Unladen tractor' means the tractor in running order, as defined in point 2.1.1 of Annex I, model information document, to Directive 2003/37/EC.

1.4. **Laden tractor**

'Laden tractor' means the tractor loaded to its technically permissible maximum weight, as stated by the manufacturer, who shall also fix the distribution of this weight between the axles.

1.5. **Lamp**

'Lamp' means a device designed to illuminate the road (headlamp) or to emit a light signal. Rear registration-plate lamps and reflex reflectors shall likewise be regarded as lamps.

1.5.1. *Equivalent lamps*

'Equivalent lamps' means lamps having the same function and authorised in the country in which the tractor is registered; such lamps may have different characteristics from those installed on the tractor when it is approved, on condition that they satisfy the requirements of this Annex.

1.5.2. *Independent lamps*

'Independent lamps' means lamps having separate lenses, separate light sources, and separate lamp bodies.

1.5.3. *Grouped lamps*

'Grouped lamps' means devices having separate lenses and separate light sources, but a common lamp body.

1.5.4. *Combined lamps*

'Combined lamps' means devices having separate lenses but a common light source and a common lamp body.

1.5.5. *Reciprocally incorporated lamps*

'Reciprocally incorporated lamps' means devices having separate light sources (or a single light source operating under different conditions), totally or partially common lenses and a common lamp body.

1.5.6. *Concealable illuminating lamp*

'Concealable illuminating lamp' means a headlamp capable of being partly or completely hidden when not in use. This result may be achieved by means of a movable cover, by displacement of the headlamp or by any other suitable means. The term 'retractable' is used more particularly to describe a concealable lamp the displacement of which enables it to be inserted within the bodywork.

1.5.6.1. Variable-position lamps

'Variable position lamps' means lamps installed on the tractor which can move in relation to it and whose lenses cannot be concealed.

1.5.7. *Main-beam headlamp*

'Main-beam headlamp' means the lamp used to illuminate the road over a long distance ahead of the tractor.

1.5.8. *Dipped-beam headlamp*

'Dipped-beam headlamp' means the lamp used to illuminate the road ahead of the tractor without causing undue dazzle or discomfort to oncoming drivers and other road-users.

1.5.9. *Front fog-lamp*

'Front fog-lamp' means the lamp used to improve the illumination of the road in case of fog, snowfall, rainstorms or dust clouds.

1.5.10. *Reversing lamp*

'Reversing lamp' means the lamp used to illuminate the road to the rear of the tractor and to warn other road-users that the tractor is reversing or about to reverse.

1.5.11. *Direction-indicator lamp*

'Direction-indicator lamp' means the lamp used to indicate to other road-users that the driver intends to change direction to the right or to the left.

1.5.12. *Hazard-warning signal*

'Hazard-warning signal' means the device permitting the simultaneous operation of all of a tractor's direction indicator lamps to draw attention to the fact that the tractor temporarily constitutes a special danger to other road-users.

1.5.13. *Stop lamp*

'Stop lamp' means the lamp used to indicate to other road-users to the rear of the tractor that the latter's driver is applying the service brake.

1.5.14. *Rear registration-plate lamp*

'Rear registration-plate lamp' means the device used to illuminate the space intended to accommodate the rear registration plate; it may consist of different optical elements.

1.5.15. *Front position (side) lamp*

'Front position (side) lamp' means the lamp used to indicate the presence and the width of the tractor when the latter is viewed from the front.

1.5.16. *Rear position (side) lamp*

'Rear position (side) lamp' means the lamp used to indicate the presence and the width of the tractor when the latter is viewed from the rear.

1.5.17. *Rear fog-lamp*

'Rear fog-lamp' means the lamp used to render the tractor more readily visible from the rear in dense fog.

1.5.18. *Parking lamp*

'Parking lamp' means the lamp used to draw attention to the presence of a stationary tractor, without a trailer, in a built-up area. In such circumstances it replaces the front and rear position (side) lamps.

1.5.19. *End-outline marker lamp*

'End-outline marker lamp' means the lamps fitted to the extreme outer edge as close as possible to the top of the tractor and intended clearly to indicate the tractor's overall width. This signal is intended, for certain tractors, to complement the tractor's front and rear position (side) lamps by drawing particular attention to its bulk.

1.5.20. *Reflex reflector*

'Reflex reflector' means a device used to indicate the presence of a tractor by the reflection of light emanating from a light source not connected to the tractor, the observer being situated near the source.

For the purposes of this Directive the following are not considered as reflex reflectors:

— retro-reflecting number plates,

— other plates and retro-reflecting signals which must be used to comply with a Member State's specifications for use as regards certain categories of vehicles or certain methods of operation.

1.5.21. *Work lamp*

'Work lamp' means a device for illuminating a working area or process.

1.6. **Illuminating surface of a lamp**

1.6.1. *Illuminating surface of a lighting device*

'Illuminating surface of a lighting device' (points 1.5.7 to 1.5.10) means the orthogonal projection of the full aperture of the reflector in a transverse plane. If the lamp glass (or glasses) extend(s) over part only of the full aperture of the reflector, then the projection of that part only is taken into account. In the case of a dipped-beam headlamp, the illuminating surface is limited on the side of the cut-off by the apparent projection of the line of the cut-off on to the lens. If the reflector and glass are adjustable, the mean adjustment should be used.

1.6.2. *Illuminating surface of a signalling lamp other than a reflex reflector*

'Illuminating surface of a signalling lamp other than a reflex reflector' (points 1.5.11 to 1.5.19) means the orthogonal projection of the lamp in a plane perpendicular to its axis of reference and in contact with the exterior light-emitting surface of the lamp, this projection being bounded by the edges of screens situated in this plane, each allowing only 98 % of the total luminous intensity of the light to persist in the direction of the axis of reference. To determine the lower, upper and lateral limits of the illuminating surface, only screens with horizontal or vertical edges shall be used.

1.6.3. *Illuminating surface of a reflex reflector*

'Illuminating surface of a reflex reflector' (point 1.5.20) means the orthogonal projection of the reflecting surface of the reflex reflector in a plane perpendicular to its axis of reference and bounded by planes touching the outer edges of the light projection surface of the reflex reflector and parallel to this axis. To determine the lower, upper and lateral limits of the illuminating surface, only vertical and horizontal planes shall be used.

1.6.4. *Exterior light-emitting surfaces*

'Exterior light-emitting surfaces', for a defined direction of observation, means the orthogonal projection of the surface of light emission in a plane perpendicular to the direction of observation (see drawing in Appendix 1).

1.7. **Axis of reference**

'Axis of reference' means the characteristic axis of the light signal determined by the manufacturer of the lamp for use as the direction of reference (H = 0°, V = 0°) for photometric measurements and when fitting the lamp on the tractor.

1.8. **Centre of reference**

'Centre of reference' means the intersection of the axis of reference with the exterior light-emitting surface, specified by the manufacturer of the lamp.

1.9. **Angles of geometric visibility**

'Angles of geometric visibility' means the angles which determine the field of the minimum solid angle in which the exterior light-emitting surface of the lamp must be visible. That field of the solid angle is determined by the segments of a sphere of which the centre coincides with the centre of reference of the lamp and the equator is parallel with the ground. These segments are determined in relation to the axis of reference. The horizontal angles β correspond to the longitude and the vertical angles α to the latitude. There must be no obstacle on the inside of the angles of geometric visibility to the propagation of light from any part of the exterior light-emitting surface of the lamp.

This shall not apply to any obstacles existing at the time when the lamp is approved if approval is required.

1.10. **Extreme outer edge**

'Extreme outer edge' on either side of the tractor means the plane parallel with the median longitudinal plane of the tractor and coinciding with its lateral outer edge, disregarding the projection:

1.10.1. of tyres near their point of contact with the ground and connections for tyre-pressure gauges;

1.10.2. of any anti-skid devices which may be mounted on the wheels;

1.10.3. of rear-view mirrors;

1.10.4. of side direction indicator lamps, end-outline marker lamps, front and rear position (side) lamps and parking lamps;

1.10.5. of customs seals affixed to the tractor and devices for securing and protecting such seals.

1.11. **Overall width**

'Overall width' means the distance between the two vertical planes defined in point 1.10 above.

1.12. **A single lamp**

'A single lamp' means any combination of two or more lamps, whether identical or not, having the same function and colour, if it comprises devices, the projection of whose aggregate light-emitting surfaces in a given transverse plane occupies 60 % or more of the area of the smallest rectangle circumscribing the projections of the light-emitting surfaces of the aforementioned lamps, provided that such combination is, where approval is required, approved as a single lamp.

This possible combination does not apply to main-beam headlamps, dipped-beam headlamps and front fog lamps.

1.13. **Two lamps or an even number of lamps**

'Two lamps' or 'an even number of lamps' means a single light-emitting surface in the shape of a band, if placed symmetrically in relation to the median longitudinal plane of the tractor and extending on both sides to within not less than 400 mm of the extreme outer edge of the tractor, and being not less than 800 mm long. The illumination of such a surface shall be provided by not less than two light sources placed as close as possible to its ends. The light-emitting surface may be constituted by a number of juxtaposed elements on condition that the projections of the several individual light-emitting surfaces in the same transverse plane occupy not less than 60 % of the area of the smallest rectangle circumscribing the projections of those individual light-emitting surfaces.

1.14. **Distance between two lamps**

'Distance between two lamps' which face in the same direction, means the distance between the orthogonal projections in a plane perpendicular to the direction in question of the outlines of the two illuminating surfaces as defined according to the case mentioned in point 1.6.

1.15. **Optional lamp**

'Optional lamp' means a lamp the presence of which is left to the discretion of the manufacturer.

1.16. **Operational tell-tale**

'Operational tell-tale' means a tell-tale showing whether a device that has been actuated is operating correctly or not.

1.17. **Circuit-closed tell-tale**

'Circuit-closed tell-tale' means a tell-tale showing that a device has been switched on but not showing whether it is operating correctly or not.

2. APPLICATION FOR EC TYPE-APPROVAL

2.1. The application for EC approval of a tractor type with regard to the installation of its lighting and light-signalling devices shall be submitted by the tractor manufacturer or his representative.

2.2. It shall be accompanied by the following documents in triplicate, and by the following particulars:

2.2.1. a description of the tractor type as regards the particulars referred to in point 1.1;

2.2.2. a list of devices prescribed by the manufacturer for the lighting and light-signalling assembly. The list may include several types of device for each operation. Each type must be duly identified (for example component type-approval mark, name and address of manufacturer, etc.). The list may also include the following additional particulars in respect of each operation: 'or equivalent devices';

2.2.3. layout drawing of the lighting and light-signalling equipment as a whole, showing the position of the various lamps of the tractor;

2.2.4. layout drawing(s) for each individual lamp showing the illuminating surfaces as defined in point 1.6.

2.3. An unladen tractor fitted with lighting and light-signalling equipment as described in point 2.2.2 and representative of the tractor type to be approved, must be submitted to the technical authority conducting approval tests.

2.4. The document provided for in Annex II shall be attached to the type-approval document.

3. GENERAL SPECIFICATIONS

3.1. The lighting and light-signalling devices must be so fitted that under normal conditions of use, and notwithstanding any vibration to which they may be subjected, they retain the characteristics laid down in this Annex and enable the tractor to comply with the requirements of this Annex. In particular, it shall not be possible for the adjustment of the lamps to be inadvertently disturbed.

3.1.1. Tractors must be equipped with electrical connectors to enable a detachable light-signalling system to be used. In particular tractors must be fitted with the permanently connected socket outlet recommended in standard ISO R 1724 (Electrical connections for vehicles with 6 or 12 volt electrical systems applying more specifically to private motor cars and lightweight trailers or caravans) (first edition, April 1970) or ISO R 1185 (Electrical connections between towing and towed vehicles having 24 volt electrical systems used for international commercial transport purposes) (first edition, March 1970). In the case of standard ISO R 1185, the function of contact 2 shall be restricted to the rear position (side) lamp and to the end-outline marker lamp on the left-hand side.

3.2. The illuminating lamps described in points 1.5.7, 1.5.8 and 1.5.9 must be so fitted that a correct setting of their alignment can easily be performed.

3.3. For all light-signalling devices, the reference axis of the lamp when fitted to the tractor must be parallel with the bearing plane of the tractor on the road and with the longitudinal plane of the tractor. In each direction a tolerance of ± 3° shall be allowed. In addition, any specific instructions as regards fitting laid down by the manufacturer must be complied with.

3.4. In the absence of specific instructions, the height and alignment of the lamps shall be checked with the unladen tractor placed on a flat, horizontal surface.

3.5. In the absence of specific requirements, lamps constituting a pair shall:

3.5.1. be fitted to the tractor symmetrically in relation to the median longitudinal plane;

3.5.2. be symmetrical to one another in relation to the median longitudinal plane;

3.5.3. satisfy the same colorimetric characteristics;

3.5.4. have substantially identical photometric characteristics.

3.6. On tractors whose external shape is asymmetrical, the requirements of points 3.5.1 and 3.5.2 shall be satisfied as far as possible. These requirements shall be regarded as having been met if the distance of the two lamps from the median longitudinal plane and from the bearing plane on the ground is the same.

3.7. Lamps having different functions may be independent or be grouped, combined or reciprocally incorporated in one device, provided that each such lamp complies with the requirements applicable to it.

3.8. The maximum height above ground shall be measured from the highest point and the minimum height from the lowest point of the illuminating surface.

3.9. In the absence of specific requirements no lamps other than direction indicator lamps and the hazard warning signal may emit a flashing light.

3.10. No red light shall be visible towards the front and no white light other than that from the reversing lamp or work lamps shall be visible towards the rear.

This requirement is considered to have been met if:

3.10.1. for the visibility of a red light towards the front: there is no direct visibility of a red light if viewed by an observer moving within zone 1 in a transverse plane situated 25 m in front of the tractor (see Appendix 2, Figure 1);

3.10.2. for the visibility of a white light towards the rear: there is no direct visibility of a white light if viewed by an observer moving within zone 2 in a transverse plane situated 25 m behind the tractor (see Appendix 2, Figure 2).

3.10.3. Zones 1 and 2, as seen by the observer, are limited in their respective planes as follows:

3.10.3.1. as regards height, by two horizontal planes which are 1 m and 2,2 m respectively above the ground;

3.10.3.2. as regards width, by two vertical planes which make an angle of 15° towards the front and rear respectively, and towards the outside by reference to the median plane of the tractor, passing through the point (or points) of contact of vertical planes which are parallel with the median longitudinal plane of the tractor, and limiting the overall width of the tractor when on wide track.

If there are several points of contact, the one furthest towards the front shall be selected for zone 1 and the one furthest towards the rear shall be selected for zone 2.

3.11. The electrical connections must be such that the front and rear position (side) lamps, the end-outline marker lamps if they exist, and the rear registration-plate lamp can only be switched on and off simultaneously.

3.12. The electrical connections must be such that the main-beam and dipped-beam headlamps, and the front and rear fog lamps cannot be switched on unless the lamps referred to in point 3.11 are also switched on. This requirement shall not apply, however, to main-beam or dipped-beam headlamps when their luminous warnings consist of the intermittent lighting up at short intervals of the dipped-beam headlamps or the intermittent lighting up of the main-beam headlamps or the alternate lighting up at short intervals of the dipped-beam and main-beam headlamps.

3.13. The colours of the light emitted by the lamps or reflectors are as follows:

— main-beam headlamp: white,

— dipped-beam headlamp: white,

— front fog-lamp: white or yellow,

— reversing lamp: white,

— direction indicator lamp: amber,

— hazard-warning signal: amber,

— stop lamp: red,

— rear registration-plate lamp: white,

— front position (side) lamp: white,

— rear position (side) lamp: red,

— rear fog-lamp: red,

— parking lamp: white in front, red at the rear, amber if incorporated in the side direction indicator lamps,

— work lamp: no specifications,

— end-outline marker lamp: white in front, red at the rear,

— rear reflex reflector, non-triangular: red.

3.14. The function of the circuit-closed tell-tales may be fulfilled by operational tell-tales.

3.15. **Concealable lamps**

3.15.1. The concealment of lamps shall be prohibited, with the exception of main-beam headlamps, dipped-beam headlamps and front fog-lamps, which may be concealed when not in use.

3.15.2. An illuminating device in the position of use shall remain in that position if the malfunction referred to in point 3.15.2.1 occurs alone or in conjunction with one of the malfunctions described in point 3.15.2.2.

3.15.2.1. The absence of power for manipulating the lamp.

3.15.2.2. A break, impedance, or short-circuit to earth in the electrical circuit, defects in the hydraulic or pneumatic leads, Bowden cables, solenoids or other components controlling or transmitting the energy intended to activate the concealment device.

3.15.3. In the event of a defect in the concealment control, a concealed lighting device shall be capable of being moved into the position of use without the aid of tools.

3.15.4. It must be possible to move illuminating devices into the position of use and to switch them on by means of a single control, without excluding the possibility of moving them into the position of use without switching them on. However, in the case of grouped-main-beam and dipped-beam headlamps, the control referred to above is required only to activate the dipped-beam headlamps.

3.15.5. It must not be possible deliberately, from the driver's seat, to stop the movement of switched-on headlamps before they reach the position of use. If there is a danger of dazzling other road users by the movement of headlamps, they may light up only when they have reached their final position.

3.15.6. At temperatures of – 30 to + 50 °C an illuminating device must be capable of reaching the fully-open position within three seconds of initial operation of the control.

3.16. **Variable position lamps**

3.16.1. In the case of tractors having a track width of 1 150 mm or less, the position of the direction indicator lamps, the front and rear position (side) lamps and the stop lamps may be varied, provided that:

3.16.1.1. these lamps remain visible even when their position is altered;

3.16.1.2. these lamps may be locked in the position required by traffic conditions. Locking must be automatic.

4. INDIVIDUAL SPECIFICATIONS

4.1. **Main-beam headlamp**

4.1.1. *Presence*

Optional.

4.1.2. *Number*

Two or four.

4.1.3. *Arrangement*

No individual specifications.

4.1.4. *Position*

4.1.4.1. Width:

The outer edges of the illuminating surface must in no case be closer to the extreme outer edge of the tractor than the outer edges of the illuminating surface of the dipped-beam headlamps.

4.1.4.2. Height:

No individual specifications.

4.1.4.3. Length:

As near to the front of the tractor as possible; however, the light emitted must not in any circumstances cause discomfort to the driver either directly, or indirectly through the rearview mirrors and/or other reflecting surfaces of the tractor.

4.1.5. *Geometric visibility*

The visibility of the illuminating surface, including its visibility in areas which do not appear to be illuminated in the direction of observation considered, must be ensured within a divergent space defined by generating lines based on the perimeter of the illuminating surface and forming an angle of not less than 5° with the axis of reference of the headlamp.

4.1.6. *Alignment*

Towards the front.

Apart from the devices necessary to maintain correct adjustment, and when there are two pairs of main-beam headlamps, one pair consisting of headlamps functioning as main-beam only, may swivel, according to the angle of lock of the steering, about an axis very near the vertical.

4.1.7. *May be 'grouped'*

with the dipped-beam headlamp and the other front lamps.

4.1.8. *May not be 'combined'*

with any other lamp.

4.1.9. *May be 'reciprocally incorporated'*

4.1.9.1. with the dipped-beam headlamp, unless the main-beam headlamp swivels according to the angle of lock of the steering;

4.1.9.2. with the front position (side) lamp;

4.1.9.3. with the front fog-lamp;

4.1.9.4. with the parking lamp.

4.1.10. *Electrical connections*

4.1.10.1 The main-beam headlamps may be switched on either simultaneously or in pairs. For changing over from the dipped to the main beam at least one pair of main beams must be switched on. For changing over from the main to the dipped beam all main-beam headlamps must be switched off simultaneously.

4.1.10.2. The dipped beams may remain switched on at the same time as the main beams.

4.1.11. *Circuit-closed tell-tale*

Mandatory.

4.1.12. *Other requirements*

4.1.12.1. The aggregate maximum intensity of the main beams which can be switched on simultaneously must not exceed 225 000 cd.

4.1.12.2. This maximum intensity shall be obtained by adding together the individual maximum intensities measured at the time of component type-approval and shown on the relevant approval certificates.

4.2. **Dipped-beam headlamps**

4.2.1. *Presence*

Mandatory.

4.2.2. *Number*

Two.

4.2.3. *Arrangement*

No individual specifications.

4.2.4. *Position*

4.2.4.1. Width:

No individual specifications.

4.2.4.2. Height above the ground:

4.2.4.2.1. if only two dipped-beam headlamps are fitted:

— minimum 500 mm,

— maximum 1 200 mm.

This distance may be increased to 1 500 mm, if the height of 1 200 mm cannot be observed due to the design, taking account of the conditions of use of the tractor and its working equipment;

4.2.4.2.2. in the case of tractors equipped for the fitting of portable devices at the front, two dipped-beam headlamps in addition to the lamps mentioned in point 4.2.4.2.1 shall be allowed at a height not exceeding 3 000 mm, if the electrical connections are such that two pairs of dipped-beam headlamps cannot be switched on at the same time.

4.2.4.3. Length:

As near to the front of the tractor as possible; however, the light emitted must not in any circumstances cause discomfort to the driver either directly or indirectly through the rearview mirrors and/or other reflecting surfaces of the tractor.

4.2.5. *Geometric visibility*

Defined by angels α and β as specified in point 1.9:

α = 15° upwards and 10° downwards,

β = 45° outwards and 5° inwards.

Within this field, almost the whole of the light-emitting surface of the light must be visible.

The presence of panels or other items of equipment near the lamp must not give rise to secondary effects causing discomfort to other road users.

4.2.6. *Alignment*

4.2.6.1. The alignment of the dipped-beam headlamps must not vary according to the angle of lock of the steering.

4.2.6.2. If the height of the dipped-beam headlamps is equal to or greater than 500 mm and equal to or less than 1 200 mm, it must be possible to lower the dipped beam by between 0,5 and 4 %;

4.2.6.3. If the height of the dipped-beam headlamps is greater than 1 200 but not greater than 1 500 mm, the limit of 4 % laid down in point 4.2.6.2 shall be increased to 6 %; the dipped-beam headlamps referred to in point 4.2.4.2.2 must be aligned in such a way that, measured at 15 m from the lamp, the horizontal line separating the lit zone from the unlit zone is situated at a height equivalent to only half the distance between the ground and the centre of the lamp.

4.2.7. *May be 'grouped'*

with the main-beam headlamp and the other front lamps.

4.2.8. *May not be 'combined'*

with any other lamp.

4.2.9. *May be 'reciprocally incorporated'*

4.2.9.1. with the main-beam headlamp, unless the latter swivels according to the angle of lock of the steering;

4.2.9.2. with the other front lamps.

4.2.10. *Electrical connections*

The control for changing over to the dipped beam must switch off all main-beam headlamps simultaneously.

The dipped beams may remain switched on at the same time as the main beams.

4.2.11 *Circuit-closed tell-tale*

Optional.

4.2.12. *Other requirements*

The requirements of point 3.5.2 shall not apply to dipped beam headlamps.

4.3. **Front fog-lamp**

4.3.1. *Presence*

Optional.

4.3.2. *Number*

Two.

4.3.3. *Arrangement*

No individual specifications.

4.3.4. *Position*

4.3.4.1. W i d t h :

No individual specifications.

4.3.4.2. Height:

Not less than 250 mm above the ground.

No point on the illuminating surface must be higher than the highest point on the illuminating surface of the dipped-beam headlamp.

4.3.4.3. Length:

As near to the front of the tractor as possible; however, the light emitted must not in any circumstances cause discomfort to the driver either directly or indirectly through the rearview mirrors and/or other reflecting surfaces of the tractor.

4.3.5. *Geometric visibility*

Defined by angles α and β as specified in point 1.9:

α = 5° upwards and downwards,

β = 45° outwards and 5° inwards.

4.3.6. *Alignment*

The alignment of the front fog-lamps must not vary according to the angle of lock of the steering.

They must be directed forwards without causing undue dazzle or discomfort to oncoming drivers and other road users.

4.3.7. *May be 'grouped'*

with other front lamps.

4.3.8. *May not be 'combined'*

with other front lamps.

4.3.9. *May be 'reciprocally incorporated':*

4.3.9.1. with main-beam headlamps which do not swivel according to the angle of lock of the steering when there are four headlamps;

4.3.9.2. with the front position (side) lamps;

4.3.9.3. with the parking lamp.

4.3.10. *Electrical connections*

It must be possible to switch the fog-lamp on and off independently of the main-beam or dipped-beam headlamps and vice versa.

4.3.11. *Circuit-closed tell-tale*

Optional.

4.4. **Reversing lamps**

4.4.1. *Presence*

Optional.

4.4.2. *Number*

One or two.

4.4.3. *Arrangement*

No individual specifications.

4.4.4. *Position*

4.4.4.1. W i d t h :

No individual specifications.

4.4.4.2. H e i g h t :

Not less than 250 mm and not more than 1 200 mm above the ground.

4.4.4.3. L e n g t h :

At the back of the tractor.

4.4.5. *Geometric visibility*

Defined by angles α and β as specified in point 1.9:

α = 15° upwards and 5° downwards,

β = 45° to right and left if there is only one lamp,

β = 45° outwards and 30° inwards if there are two.

4.4.6. *Alignment*

Rearwards.

4.4.7. *May be 'grouped'*

with any other rear lamp.

4.4.8. *May not be 'combined'*

with other lamps.

4.4.9. *May not be 'reciprocally incorporated'*

with other lamps.

4.4.10. *Electrical connections*

It can only light up if the reverse gear is engaged and if the device which controls the starting or stopping of the engine is in such a position that operation of the engine is possible.

It must not light up or remain lit up if either of the above conditions is not satisfied.

4.4.11. *Tell-tale*

Optional.

4.5. **Direction-indicator lamp**

4.5.1. *Presence* (see Appendix 3)

Mandatory. Types of indicators fall into categories (1, 2 and 5) the assembly of which on one tractor constitutes an arrangement (A to D).

Arrangement A shall be allowed only on tractors whose overall length does not exceed 4,60 m and in the case of which the distance between the outer edges of the illuminating surfaces is not more than 1,60 m.

Arrangements B, C and D shall apply to all tractors.

Additional direction-indicator lamps optional.

4.5.2. *Number*

The number of devices shall be such that they can emit signals which correspond to one of the arrangements referred to in point 4.5.3.

4.5.3. *Arrangement* (see Appendix 3).

A — Two front direction indicator lamps (category 1),

— Two rear direction indicator lamps (category 2).

These lamps may be independent, grouped or combined.

B — Two front direction indicator lamps (category 1),

— Two repeating side direction indicator lamps (category 5),

— Two rear direction indicator lamps (category 2).

The front and repeating side lamps may be independent, grouped, or combined.

C — Two front, direction indicator lamps (category 1),

— Two rear direction indicator lamps (category 2),

— Two repeating side indicator lamps (category 5).

D — Two front direction-indicator lamps (category 1),

— Two rear direction-indicator lamps (category 2).

4.5.4. *Position*

4.5.4.1. Width:

The edge of the illuminating surface furthest from the median longitudinal plane of the tractor must not be more than 400 mm from the extreme outer edge of the tractor.

The distance between the inner edges of the two illuminating surfaces shall be not less than 500 mm.

Where the vertical distance between the rear direction-indicator lamp and the corresponding rear position (side) lamp is not more than 300 mm, the distance between the extreme outer edge of the tractor and the outer edge of the rear direction-indicator lamp must not exceed by more than 50 mm the distance between the extreme outer edge of the tractor and the outer edge of the corresponding rear position (side) lamp.

For front direction-indicator lamps the illuminating surface must be not less than 40 mm from the illuminating surface of the dipped-beam headlamps or front fog-lamps, if any. A smaller distance is permitted if the luminous intensity in the reference axis of the direction-indicator lamp is equal to at least 400 cd.

4.5.4.2. Height:

Above the ground:

— not less than 500 mm for direction-indicator lamps in category 5,

— not less than 400 mm for direction-indicator lamps in categories 1 and 2,

— not more than 1 900 mm for all categories.

If the structure of the tractor makes it impossible to keep to this maximum figure, the highest point on the illuminating surface may be at 2 300 mm for direction-indicator lamps in category 5, for those in categories 1 and 2 of arrangement A, for those in categories 1 and 2 of arrangement B and for those in categories 1 and 2 of arrangement D; it may be at 2 100 mm for those in categories 1 and 2 of the other arrangements.

— up to 4 000 mm for optional direction-indicator lamps.

4.5.4.3. Length:

The distance between the centre of reference of the illuminating surface of the side direction-indicator lamp (arrangements B and C) and the transverse plane which marks the forward boundary of the tractor's overall length shall not exceed 1 800 mm. If the structure of the tractor makes it impossible to comply with the minimum angles of visibility, this distance may be increased to 2 600 mm.

4.5.5. *Geometric visibility*

Horizontal angle

See Appendix 3.

Vertical angle

15° above and below the horizontal. The vertical angle below the horizontal may be reduced to 10° in the case of side repeating direction-indicator lamps of arrangements B and C if their height is less than 1 500 mm. The same applies in the case of direction indicator lamps in category 1 of arrangements B and D.

4.5.6. *Alignment*

If individual specifications for installation are laid down by the manufacturer they must be observed.

4.5.7. *May be 'grouped'*

with one or more lamps, which may not be concealed.

4.5.8. *May not be 'combined'*

with another lamp, save in accordance with the arrangements referred to in point 4.5.3.

4.5.9. *May be 'reciprocally incorporated'*

with a parking lamp only, but solely in the case of direction-indicator lamps in category 5.

4.5.10. *Electrical connections*

Direction-indicator lamps shall switch on independently of the other lamps. All direction-indicator lamps on one side of a tractor shall be switched on and off by means of one control and must flash in phase.

4.5.11. *Operational tell-tale*

Mandatory for all direction indicator lamps not directly visible to the driver. It may be optical or auditory or both.

If it is optical, it shall be a flashing light which, in the event of the malfunction of any of the direction indicator lamps other than the repeating side direction-indicator lamps, is either extinguished, or remains alight without flashing, or shows a marked change of frequency. If it is entirely auditory, it shall be clearly audible and shall show a marked change of frequency in the event of any malfunction.

If a tractor is equipped to draw a trailer, it must be equipped with a special optical operational tell-tale for the direction-indicator lamps on the trailer unless the tell-tale of the drawing vehicle allows the failure of any one of the direction-indicator lamps on the tractor combination thus formed to be detected.

4.5.12. *Other requirements*

The light shall be a flashing light flashing 90 ± 30 times per minute.

Operation of the light-signal control shall be followed within not more than one second by the appearance of the light and within not more than one and one-half seconds by its first extinction.

If a tractor is authorised to draw a trailer, the control of the direction-indicator lamps on the tractor shall also operate the indicator lamps of the trailer.

In the event of failure, other than a short-circuit, of one direction-indicator lamp, the others must continue to flash but the frequency under this condition may be different from that specified.

4.6. **Hazard-warning signal**

4.6.1. *Presence*

Mandatory.

4.6.2.	*Number*	As specified in the corresponding headings of point 4.5.
4.6.3.	*Arrangement*	
4.6.4.	*Position*	
4.6.4.1.	W i d t h	
4.6.4.2.	H e i g h t	
4.6.4.3.	L e n g t h	
4.6.5.	*Geometric visibility*	
4.6.6.	*Alignment*	
4.6.7.	*May/may not be 'grouped'*	
4.6.8.	*May/may not be 'combined'*	
4.6.9.	*May/may not be 'reciprocally incorporated'*	

4.6.10. *Electrical connections*

The signal shall be operated by means of a separate control enabling all the direction-indicator lamps to function in phase.

4.6.11. *Circuit-closed tell-tale*

Mandatory. Flashing warning light, which can operate in conjunction with the tell-tale(s) specified in point 4.5.11.

4.6.12. *Other requirements*

As specified in point 4.5.12. If a tractor is equipped to draw a trailer the hazard-warning signal control must be also capable of bringing the direction-indicator lamps on the trailer into action. The hazard-warning signal must be able to function even if the device which starts or stops the engine is in a position which makes it impossible to start the engine.

4.7. **Stop lamps**

4.7.1. *Presence*

Mandatory.

4.7.2. *Number*

Two.

4.7.3. *Arrangement*

No individual specifications.

4.7.4. *Position*

4.7.4.1. Width:

Not less than 500 mm apart. This distance may be reduced to 400 mm if the overall width of the vehicle is less than 1 400 mm.

4.7.4.2. Height:

Above the ground: not less than 400 mm, not more than 1 900 mm or 2 300 mm if the shape of the bodywork makes it impossible to keep to 1 900 mm.

4.7.4.3. Length:

At rear of tractor.

4.7.5. *Geometric visibility*

Horizontal angle

45° outwards and inwards.

Vertical angle

15° above and below the horizontal. The vertical angle below the horizontal may be reduced to 10° in the case of lamps less than 1 500 mm above the ground; to 5° in the case of lamps less than 750 mm above the ground.

4.7.6. *Alignment*

Towards the rear of the tractor.

4.7.7. *May be 'grouped'*

with one or more other rear lamps.

4.7.8. *May not be 'combined'*

with another lamp.

4.7.9. *May be 'reciprocally incorporated'*

with the rear position (side) lamp or the parking lamp.

4.7.10. *Electrical connections*

must light up when the service brake is applied.

4.7.11. *Operational tell-tale*

Optional. If it exists, it should be a non-flashing warning light which comes on in the event of the malfunctioning of the stop lamps.

4.7.12. *Other requirements*

The luminous intensity of the stop lamps must be markedly greater than that of the rear position (side) lamps.

4.8. **Rear registration-plate lamp**

4.8.1. *Presence*

Mandatory.

4.8.2. *Number*

4.8.3. *Arrangement*

4.8.4. *Position*

4.8.4.1. Width

4.8.4.2. Height

4.8.4.3. Length

4.8.5. *Geometric visibility*

4.8.6. *Alignment*

Such that the device is capable of illuminating the space for the registration plate.

4.8.7. *May be 'grouped'*

with one or more rear lamps.

4.8.8. *May be 'combined'*

with the rear position (side) lamps.

4.8.9. *May not be 'reciprocally incorporated'*

with another lamp.

4.8.10. *Electrical connections*

The device must light up only at the same time as the rear position (side) lamps.

4.8.11. *Circuit-closed tell-tale*

Optional. If it exists, its function should be performed by the tell-tale required for the front and rear position (side) lamps.

4.9. **Front position (side) lamps**

4.9.1. *Presence*

Mandatory.

4.9.2. *Number*

Two or four (see point 4.2.4.2.2).

4.9.3. *Arrangement*

No individual specifications.

4.9.4. *Position*

4.9.4.1. Width:

The point on the illuminating surface which is farthest from the tractor's median longitudinal plane must not be more than 400 mm from the extreme outer edge of the tractor.

The clearance between the respective inner edges of the two illuminating surfaces must not be less than 500 mm.

4.9.4.2. Height:

Above the ground: not less than 400 mm, not more than 1 900 mm or not more than 2 300 mm if the shape of the bodywork makes it impossible to keep within the 1 900 mm prescribed above.

4.9.4.3. Length:

No specifications provided that the lamps are aligned forwards and the angles of geometrical visibility specified in point 4.9.5 are complied with.

4.9.5. *Geometric visibility*

Horizontal angle

For the two front position (side) lamps: 10° inwards and 80° outwards. However, the angle of 10° inward may be reduced to 5° if the shape of the bodywork makes it impossible to keep to 10°. For tractors with an overall width not exceeding 1 400 mm this angle may be reduced to 3° if the shape of the bodywork makes it impossible to keep to 10°.

Vertical angle

15° above and below the horizontal. The vertical angle below the horizontal may be reduced to 10° if the height of the lamp above the ground is less than 1 500 mm, and to 5° if this height is less than 750 mm.

4.9.6. *Alignment*

Towards the front.

4.9.7. *May be 'grouped'*

with any other front lamp.

4.9.8. *May not be 'combined'*

with any other lamps.

4.9.9. *May be 'reciprocally incorporated'*

with any other front lamp.

4.9.10. *Electrical connections*

No individual specifications.

4.9.11. *Tell-tale*

Mandatory. This tell-tale shall be non-flashing. It shall not be required if the instrument panel lighting can only be turned on simultaneously with the front position (side) lamps.

4.10. **Rear position (side) lamps**

4.10.1. *Presence*

Mandatory.

4.10.2. *Number*

Two.

4.10.3. *Arrangement*

No individual specifications.

4.10.4. *Position*

4.10.4.1. Width:

The point on the illuminating surface which is farthest from the tractor's median longitudinal plane must not be more than 400 mm from the extreme outer edge of the tractor.

The distance between the inner edges of the two illuminating surfaces shall be not less than 500 mm. This distance may be reduced to 400 mm where the overall width of the tractor is less than 1 400 mm.

4.10.4.2. Height:

Above the ground: not less than 400 mm, not more than 1 900 mm, or not more than 2 300 mm if the shape of the bodywork makes it impossible to keep within 1 900 mm.

4.10.4.3. Length:

At rear of tractor.

4.10.5. *Geometric visibility*

Horizontal angle

For the two rear position (side) lamps:

— either 45° inwards and 80° outwards,

— or 80° inwards and 45° outwards.

Vertical angle

15° above and below the horizontal. The angle below the horizontal may be reduced to 10° if the height of the lamp above the ground is less than 1 500 mm, and to 5° if this height is less than 750 mm.

4.10.6. *Alignment*

Towards the rear.

4.10.7. *May be 'grouped'*

with any other rear lamp.

4.10.8. *May be 'combined'*

with the rear registration-plate lamp.

4.10.9. *May be 'reciprocally incorporated'*

with the stop lamp, the rear fog-lamp or the parking lamp.

4.10.10. *Electrical connections*

No individual specifications.

4.10.11. *Circuit-closed tell-tale*

Mandatory. It must be combined with that of the front position (side) lamps.

4.11. **Rear fog lamp**

4.11.1. *Presence*

Optional.

4.11.2. *Number*

One or two.

4.11.3. *Arrangement*

This must satisfy the conditions of geometric visibility.

4.11.4. *Position*

4.11.4.1. Width:

If there is only one rear fog lamp, it must be on the opposite side of the median longitudinal plane of the tractor to the direction of traffic prescribed in the country of registration.

In all cases the distance between the rear fog-lamp and the stop lamp must be greater than 100 mm.

4.11.4.2. Height:

Above the ground: not less than 400 mm, not more than 1 900 mm, or not more than 2 100 mm if the shape of the bodywork makes it impossible to keep within 1 900 mm.

4.11.4.3. Length:

At rear of tractor.

4.11.5. *Geometric visibility*

Horizontal angle

25° inwards and outwards.

Vertical angle

5° above and below the horizontal.

4.11.6. *Alignment*

Towards the rear.

4.11.7. *May be 'grouped'*

with any other rear lamps.

4.11.8. *May not be 'combined'*

with other lamps.

4.11.9. *May be 'reciprocally incorporated'*

with rear position (side) lamps or the parking lamp.

4.11.10. *Electrical connections*

Must be such that the rear fog lamp can light up only when the dipped-beam headlamps or the front fog-lamps are in use.

If there are front fog-lamps, it must be possible to extinguish the rear fog-lamp independently of the front fog-lamps.

4.11.11. *Circuit-closed tell tale*

Mandatory. An independent, fixed-intensity warning light.

4.12. **Parking lamp**

4.12.1. *Presence*

Optional.

4.12.2. *Number*

Dependent upon the arrangement.

4.12.3. *Arrangement*

— either two front lamps and two rear lamps,

— or one lamp on each side.

4.12.4. *Position*

4.12.4.1. Width:

The point on the illuminating surface which is farthest from the median longitudinal plane of the tractor must not be more than 400 mm from the extreme outer edge of the tractor. Furthermore, in the case of a pair of lamps, the lamps must be on the sides of the tractor.

4.12.4.2. Height:

Above the ground: not less than 400 mm, not more than 1 900 mm or not more than 2 100 mm if the shape of the bodywork makes it impossible to keep within 1 900 mm.

4.12.4.3. Length:

No individual specifications.

4.12.5. *Geometric visibility*

Horizontal angle

45° outwards, towards, the front and towards the rear.

Vertical angle

15° above and below the horizontal. The vertical angle below the horizontal may be reduced to 10° if the height of the lamp above the ground is less than 1 500 mm; and to 5° if this height is less than 750 mm.

4.12.6. *Alignment*

Such that the lamps meet the conditions concerning visibility towards the front and towards the rear.

4.12.7. *May be 'grouped'*

with any other lamp.

4.12.8. *May not be 'combined'*

with other lamps.

4.12.9. *May be 'reciprocally incorporated'*

— at the front: with the position (side) lamps, the dipped-beam headlamps, the main-beam headlamps and the front fog-lamps,

— at the rear: with the position (side) lamps, the stop lamps and the rear fog-lamps.

— with the direction indicator lamps in category 5.

4.12.10. *Electrical connections*

The connections must allow the parking lamp(s) on the same side of the tractor to be lit independently of any other lamps.

4.12.11. *Tell-tale*

Optional. If there is one, it must not be possible to confuse it with the tell-tale for the position (side) lamps.

4.12.12. *Other requirements*

The function of this lamp may also be performed by simultaneously switching on the front and rear position (side) lamps on the same side of the tractor.

4.13. **End-outline marker lamp**

4.13.1. *Presence*

Optional on tractors exceeding 2,10 m in width.

Prohibited on all other tractors.

4.13.2. *Number*

Two visible from the front and two visible from the rear.

4.13.3. *Arrangement*

No individual specifications.

4.13.4. *Position*

4.13.4.1. Width:

As close as possible to the extreme outer edge of the tractor.

4.13.4.2. Height:

At the maximum height compatible with the requirements relating to the position as regards width and to the symmetry of the lamps.

4.13.4.3. Length:

No individual specifications.

4.13.5. *Geometric visibility*

Horizontal angle

80° outwards.

Vertical angle

5° above and 20° below the horizontal.

4.13.6. *Alignment*

Such that the lamps meet the visibility requirements towards the front and towards the rear.

4.13.7. *May not be 'grouped'*

4.13.8. *May not be 'combined'*

4.13.9. *May not be 'reciprocally incorporated'*

} with other lamps, except for the case referred to in point 4.2.4.2.2.

4.13.10. *Electrical connections*

No individual specifications.

4.13.11. *Tell-tale*

Optional.

4.13.12. *Other requirements*

Subject to all the other conditions being met, the lamp visible from the front and the lamp visible from the rear, on the same side of the tractor, may be combined in one device.

The position of an end-outline marker lamp in relation to the corresponding position (side) lamp shall be such that the distance between the projections on a transverse vertical plane of the points nearest to the illuminating surfaces of the two lamps considered is not less than 200 mm.

4.14. **Rear reflex reflector, non triangular**

4.14.1. *Presence*

Mandatory.

4.14.2. *Number*

Two or four (see point 4.14.5.2.).

4.14.3. *Arrangement*

No individual specifications.

4.14.4. *Position*

4.14.4.1. Width:

The point on the illuminating surface which is farthest from the tractor's median longitudinal plane must be not more than 400 mm from the extreme outer edge of the tractor.

The distance between the interior edges of the reflex reflectors shall be 600 mm minimum. This distance may be reduced to 400 mm if the overall width of the tractor is less than 1 300 mm.

4.14.4.2. Height:

Above the ground: not less than 400 mm and not more than 900 mm. The upper limit may be increased to 1 200 mm if it is not possible to keep within the height of 900 mm without having to use fixing devices liable to be easily damaged or bent.

4.14.4.3. Length:

No individual specifications.

4.14.5. *Geometric visibility*

4.14.5.1. Horizontal angle

30° inwards and outwards.

Vertical angle

15° above and below the horizontal. The vertical angle below the horizontal may be reduced to 5° if the height of the lamp is less than 750 mm.

4.14.5.2. If it is impossible to observe the above position and visibility requirements, four reflex reflectors may be fitted in accordance with the following installation specifications:

4.14.5.2.1. two reflex reflectors must keep within the maximum height of 900 mm above the ground, observe a distance between the interior edges of at least 400 mm and have a vertical angle of visibility above the horizontal of 15°.

4.14.5.2.2. the other two shall keep within a maximum height of 2 300 mm above the ground and shall be bound by the requirements of points 4.14.4.1 and 4.14.5.1.

4.14.6. *Alignment*

Towards the rear.

4.14.7. *May be 'grouped'*

with any other lamp.

4.14.8. *Other requirements*

The illuminating surface of the reflex reflector may have parts in common with that of any other rear lamp.

4.15. **Work lamp**

4.15.1. *Presence*

Optional.

4.15.2. *Number*

No individual specifications.

4.15.3.	*Arrangement*	No individual specifications.
4.15.4.	*Position*	
4.15.4.1.	W i d t h	
4.15.4.2.	H e i g h t	
4.15.4.3.	L e n g t h	
4.15.5.	*Geometric visibility*	
4.15.6.	*Alignment*	
4.15.7.	*May be 'grouped'*	with another lamp.
4.15.8	*May not be 'combined'*	
4.15.9.	*May not be 'reciprocally incorporated'*	

4.15.10. *Electrical connections*

This lamp must be illuminated independently of all other lamps in view of the fact that it does not illuminate the road or act as a signalling device on the road.

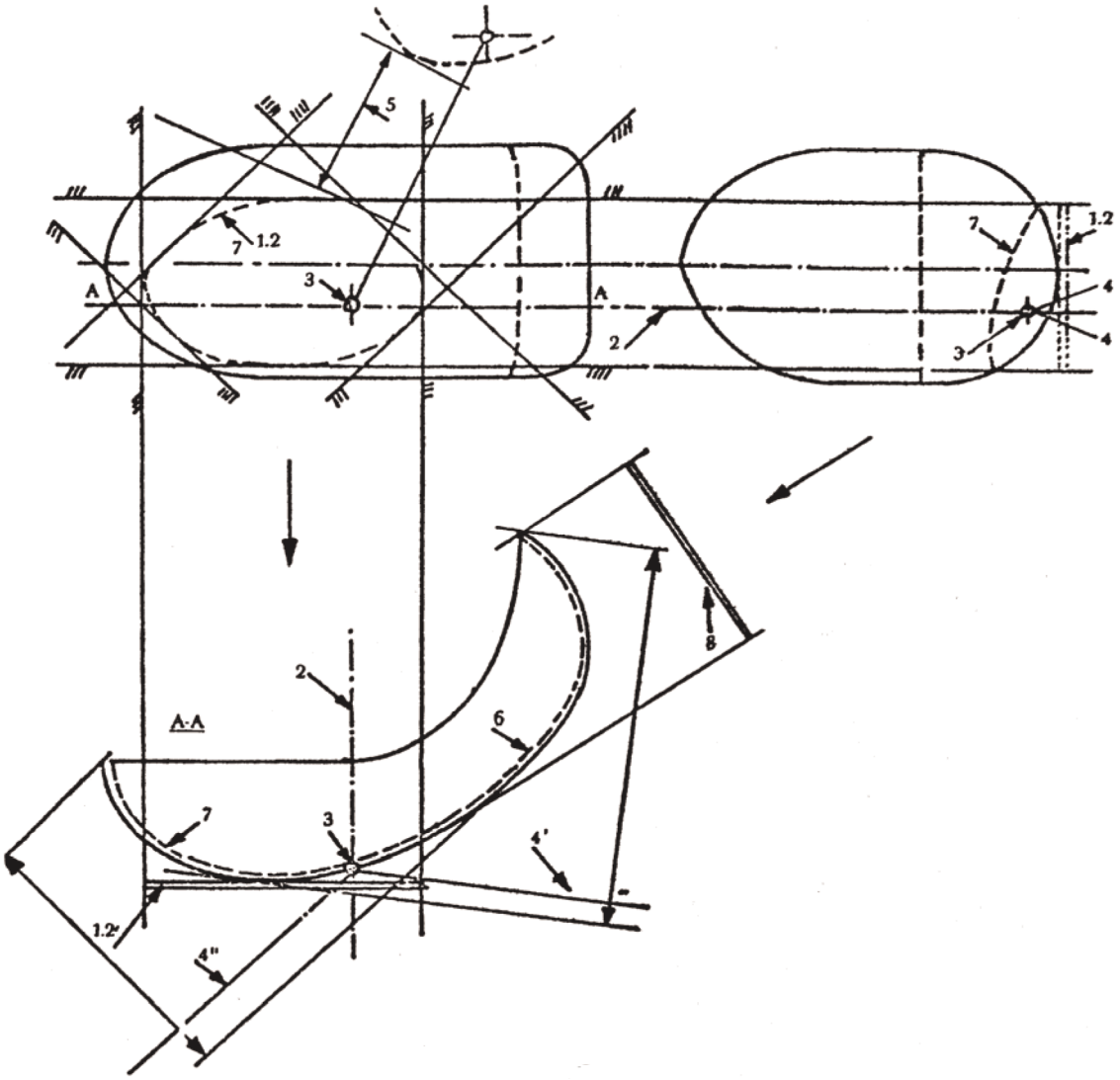
4.15.11. *Tell-tale*

Optional.

5. CONFORMITY OF PRODUCTION

5.1. Every series-produced tractor shall conform to the tractor type which received type approval as regards the installation of lighting and light-signalling devices and their characteristics as specified by this Directive.

Appendix 1



KEY

1.2 — Illuminating surface
2 — Axis of reference
3 — Centre of reference
4 — Geometric visibility
5 — Distance between lamps
6 — Emission surface
7 — Operational surface
8 — Exterior light-emitting surface
↔ — Geometric visibility in directions 4′ and 4″

Appendix 2

The visibility test must be carried out at maximum track width.

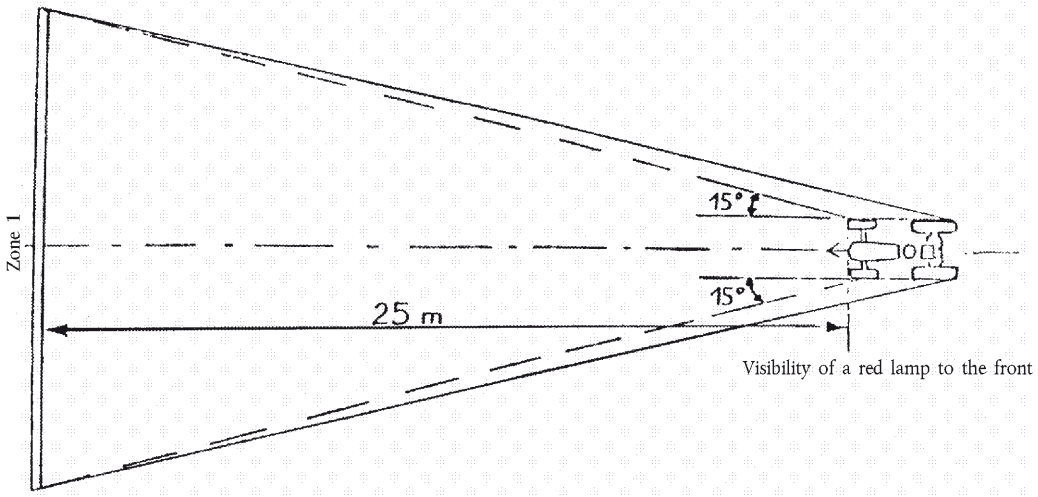


Figure 1

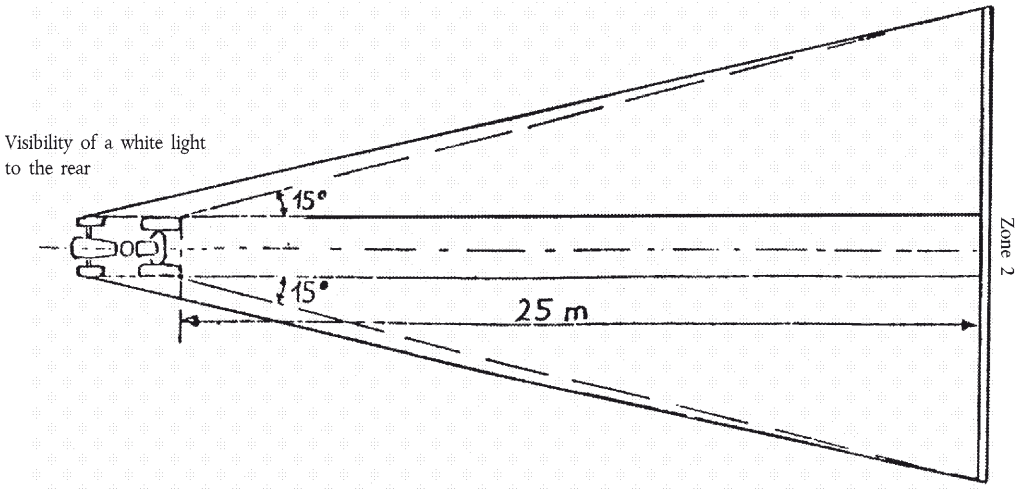
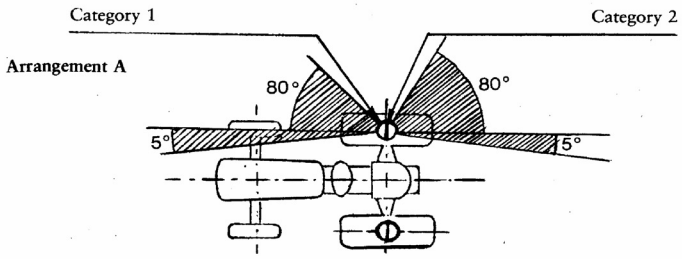
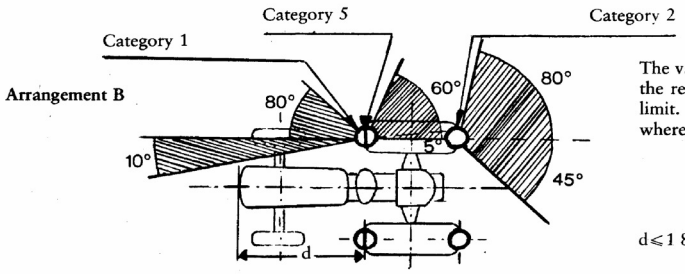


Figure 2

Appendix 3

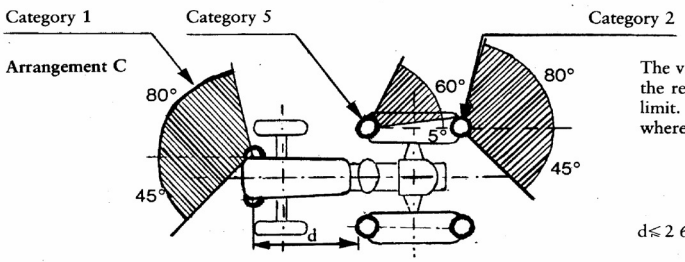
Direction-Indicator Lamp: Geometrical Visibility





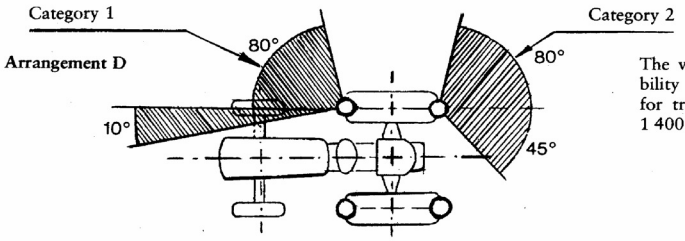
The value 5° given for the dead angle of visibility to the rear of the repeating side indicator is an upper limit. This value may be increased to 10°, however, where it is impossible to adhere to the 5° limit.

$d \leq 1\,800$ mm



The value 5° given for the dead angle of visibility to the rear of the repeating side indicator is an upper limit. This value may be increased to 10°, however, where it is impossible to adhere to the 5° limit.

$d \leq 2\,600$ mm



The value 10° given for the inward angle of visibility of the front indicator may be reduced to 3° for tractors with an overall width not exceeding 1 400 mm.

ANNEX II

MODEL

Name of administration

ANNEX TO THE EC TYPE-APPROVAL CERTIFICATE FOR A TRACTOR TYPE WITH REGARD TO THE INSTALLATION OF LIGHTING AND LIGHT-SIGNALLING DEVICES

Article 4(3) of Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units

EC type-approval No .....

1. Make (trade name): .....

2. Vehicle type and commercial description classification: .....

3. Manufacturer's name and address: .....

.....

4. If applicable, name and address of manufacturer's representative: .....

.....

.....

5. Lighting equipment installed on the tractor submitted for approval (1): .....

5.1. Main-beam headlamps: yes/no (2)

5.2. Dipped-beam headlines: yes/no (2)

5.3. Front fog-lamps: yes/no (2)

5.4. Reversing lamps: yes/no (2)

5.5. Front direction-indicator lamps: yes/no (2)

5.6. Rear direction-indicator lamps: yes/no (2)

5.7. Repeating side indicator lamps: yes/no (2)

5.8. Hazard-warning device: yes/no (2)

5.9. Stop lamps: yes/no (2)

5.10. Rear registration-plate lamp: yes/no (2)

5.11. Front position (side) lamps: yes/no (2)

5.12. Rear position (side) lamps: yes/no (2)

5.13. Rear fog-lamps: yes/no (2)

5.14. Parking lamps: yes/no (2)

5.15. End-outline marker lamps: yes/no (2)

5.16. Rear reflex reflectors, non triangular: yes/no (2)

5.17. Work lamp: yes/no (2)

6. Equivalent lamps: yes/no (2) (see point 15)

.....

.....

7. Tractor submitted for approval on:

.....

8. Technical service conducting the EC type-approval tests:

.....

.....

9. Date of report issued by that service: .....

10. Number of report issued by that service: .....

11. EC type-approval with regard to the lighting and light signalling devices is granted/refused (2)

12. Place: .....

13. Date: .....

14. Signature

15. The following document, bearing the type-approval mark indicated above, is annexed to this type-approval certificate: ..... list(s) of devices presented by the manufacturer for the lighting and light-signalling assembly; for each device the manufacturer's mark and the component type-approval mark are indicated.

This (these) list(s) include(s) a schedule of equivalent lamps (2)

16. Remarks:

.....

.....

.....

(1) Annex the layout drawing for the tractor, as mentioned in point 2.2.3 of Annex I to Directive [2009/61/EC] of the European Parliament and of the Council of 13 July 2009 relating to the installation of lighting and light-signalling devices on wheeled agricultural and forestry tractors.

(2) Delete where inapplicable.

ANNEX III

PART A

Repealed Directive with list of its successive amendments

(referred to in Article 7)

Council Directive 78/933/EEC (OJ L 325, 20.11.1978, p. 16)	
Council Directive 82/890/EEC (OJ L 378, 31.12.1982, p. 45)	Only the references made by Article 1(1) to the provisions of Directive 78/933/EEC
Directive 97/54/EC of the European Parliament and of the Council (OJ L 277, 10.10.1997, p. 24)	Only the references made by Article 1(1) to the provisions of Directive 78/933/EEC
Commission Directive 1999/56/EC (OJ L 146, 11.6.1999, p. 31)	
Commission Directive 2006/26/EC (OJ L 65, 7.3.2006, p. 22)	Only the references made by Article 3 and Annex III to the provisions of Directive 78/933/EEC

PART B

Time-limits for transposition into national law and application

(referred to in Article 7)

Directive	Time-limit for transposition	Date of application
78/933/EEC	25 April 1980	—
82/890/EEC	22 June 1984	—
97/54/EC	22 September 1998	23 September 1998
1999/56/EC	30 June 2000 [1]	—
2006/26/EC	31 December 2006 [2]	—

[1] In accordance with Article 2 of Directive 1999/56/EC:

'1. From 1 July 2000, Member States may not:

— refuse to grant EC type-approval, to issue the document provided for in the third indent of Article 10(1) of Directive 74/150/EEC, or to grant national type-approval, in respect of a type of tractor, or

— prohibit the entry into service of tractors,

if the tractors in question meet the requirements of Directive 78/933/EEC, as amended by this Directive.

2. From 1 January 2001, Member States:

— may no longer issue the document provided for in the third indent of Article 10(1) of Directive 74/150/EEC in respect of a type of tractor which does not meet the requirements of Directive 78/933/EEC, as amended by this Directive,

— may refuse to grant national type-approval in respect of a type of tractor which does not meet the requirements of Directive 78/933/EEC, as amended by this Directive.'

[2] In accordance with Article 5 of Directive 2006/26/EC:

'1. With effect from 1 January 2007, with respect to vehicles which comply with the requirements laid down respectively in Directives 74/151/EEC, 78/933/EEC, 77/311/EEC and 89/173/EEC as amended by this Directive, Member States shall not, on grounds relating to the subject-matter of the Directive concerned:

(a) refuse to grant EC type-approval or to grant national type-approval;

(b) prohibit the registration, sale or entry into service of such a vehicle.

2. With effect from 1 July 2007, with respect to vehicles which do not comply with the requirements laid down respectively in Directives 74/151/EEC, 78/933/EEC, 77/311/EEC and 89/173/EEC as amended by this Directive, and on grounds relating to the subject-matter of the Directive concerned, Member States:

(a) shall no longer grant EC type-approval;

(b) may refuse to grant national type-approval.

3. With effect from 1 July 2009, with respect to vehicles which do not comply with the requirements laid down respectively in Directives 74/151/EEC, 78/933/EEC, 77/311/EEC and 89/173/EEC as amended by this Directive, and on grounds relating to the subject-matter of the Directive concerned, Member States:

(a) shall consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 2003/37/EC to be no longer valid for the purposes of Article 7(1);

(b) may refuse the registration, sale or entry into service of those new vehicles.'

ANNEX IV

Correlation table

Directive 78/933/EEC	Directive 2006/26/EC	This Directive
Article 1		Article 1
Article 2		—
—	Article 5	Article 2
Articles 3 to 5		Articles 3 to 5
Article 6		—
Article 7(1)		—
Article 7(2)		Article 6
—		Article 7
—		Article 8
Article 8		Article 9
Annex I		Annex I
Annex II		Annex II
—		Annex III
—		Annex IV

DIRECTIVE 2009/68/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 July 2009

on the component type-approval of lighting and light-signalling devices on wheeled agricultural or forestry tractors

(Codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee [1],

Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],

Whereas:

(1) Council Directive 79/532/EEC of 17 May 1979 on the approximation of the laws of the Member States relating to the component type-approval of lighting and light-signalling devices on wheeled agricultural or forestry tractors [3] has been substantially amended several times [4]. In the interests of clarity and rationality the said Directive should be codified.

(2) Directive 79/532/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 74/150/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors, as replaced by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units [5], and lays down technical prescriptions concerning the design and construction of agricultural or forestry tractors as regards the lighting and light-signalling devices. Those technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in Directive 2003/37/EC to be applied in respect of each type of tractor. Consequently, the provisions laid down in Directive 2003/37/EC relating to agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units, apply to this Directive.

(3) In Directive 2009/61/EC of the European Parliament and of the Council of 13 July 2009 relating to the installation of lighting and light-signalling devices on wheeled agricultural and forestry tractors [6] common requirements were laid down for the installation of lighting and light-signalling devices on wheeled agricultural or forestry tractors. Such lighting and light-signalling devices possess the same characteristics as those fitted to motor vehicles. Therefore, devices having received an EC component type-approval mark in accordance with the Directives already adopted on this subject in connection with the EC type-approval of motor vehicles and their trailers may also be used on tractors.

(4) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Part B of Annex II,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. For the purposes of this Directive, 'tractor' (agricultural or forestry) means any motor vehicle, fitted with wheels or endless tracks and having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.

2. This Directive shall apply only to tractors defined in paragraph 1 which are equipped with pneumatic tyres and have a maximum design speed of between 6 and 40 km/h.

[1] OJ C 162, 25.6.2008, p. 40.
[2] Opinion of the European Parliament of 17 June 2008 (not yet published in the Official Journal) and Council Decision of 22 June 2009.
[3] OJ L 145, 13.6.1979, p. 16.
[4] See Annex II, Part A.
[5] OJ L 171, 9.7.2003, p. 1.
[6] See page 19 of this Official Journal.

Article 2

No Member State may refuse to grant EC type-approval or national type-approval of a tractor on grounds relating to the following lamps or reflectors, if these bear the EC component type-approval mark as provided for in Annex I and are installed in accordance with the requirements laid down in Directive 2009/61/EC:

(a) headlamps which function as main-beam and/or dipped-beam headlamps or incandescent electric filament lamps for such headlamps;

(b) end-outline marker lamps;

(c) front position (side) lamps;

(d) rear position (side) lamps;

(e) stop lamps;

(f) direction indicator lamps;

(g) reflex reflectors;

(h) rear registration-plate lamps;

(i) front fog lamps and filament lamps for such lamps;

(j) rear fog lamps;

(k) reversing lamps;

(l) parking lamps.

Article 3

No Member State may refuse the registration, or prohibit the sale, entry into service or use, of a tractor on grounds relating to the following lamps or reflectors, if these bear the EC component type-approval mark as provided for in Annex I and are installed in accordance with the requirements laid down in Directive 2009/61/EC:

(a) headlamps which function as main-beam and/or dipped-beam headlamps or incandescent electric filament lamps for such headlamps;

(b) end-outline marker lamps;

(c) front position (side) lamps;

(d) rear position (side) lamps;

(e) stop lamps;

(f) direction indicator lamps;

(g) reflex reflectors;

(h) rear registration-plate lamps;

(i) front fog lamps and filament lamps for such lamps;

(j) rear fog lamps;

(k) reversing lamps;

(l) parking lamps.

Article 4

The amendments necessary to adapt to technical progress the requirements of Annex I shall be adopted in accordance with the procedure referred to in Article 20(3) of Directive 2003/37/EC.

Article 5

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

Article 6

Directive 79/532/EEC, as amended by the Directives listed in Part A of Annex II, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Part B of Annex II.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

Article 7

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

It shall apply from 1 January 2010.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 13 July 2009.

For the European Parliament	*For the Council*
The President	*The President*
H.-G. PÖTTERING	E. ERLANDSSON

ANNEX I

1. Headlamps which function as main-beam and/or dipped-beam headlamps and incandescent electric filament lamps for such headlamps:

   The EC component type-approval mark is that laid down in Council Directive 76/761/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to motor-vehicle headlamps which function as main-beam and/or dipped-beam headlamps and to light sources (filament lamps and others) for use in approved lamp units of motor vehicles and of their trailers ([1]).

   The provisions of Directive 76/761/EEC also apply to the component type-approval of special headlamps for agricultural or forestry tractors designed to provide both a main beam and a dipped beam of less than 160 mm, diameter D, with the following amendments:

   (a) the minimum illumination values fixed in point 2.1 of Annexes II to VI, VIII and IX to Directive 76/761/EEC are reduced according to the ratio

   $$((D - 45)/(160 - 45))^2$$

   subject to the following absolute lower limits:

   — 3 lux, either at point 75 R or at point 75 L,

   — 5 lux, either at point 50 R or at point 50 L,

   — 1,5 lux, in Zone IV.

   Note: If the apparent surface of the reflector is not circular, the diameter is that of a circle with the same area as the apparent useful surface of the reflector.

   (b) the symbol M inside an inverted triangle is affixed on the headlamp instead of the symbol CR provided for in point 5.2.3.5 of Annex I to Directive 76/761/EEC.

2. End-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps:

   The EC component type-approval mark is that laid down in Council Directive 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps for motor vehicles and their trailers ([2]).

3. Direction indicator lamps:

   The EC component type-approval mark is that laid down in Council Directive 76/759/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to direction indicator lamps for motor vehicles and their trailers ([3]).

4. Reflex reflectors:

   The EC component type-approval mark is that laid down in Council Directive 76/757/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to retro-reflectors for motor vehicles and their trailers ([4]).

5. Rear registration-plate lamps:

   The EC component type-approval mark is that laid down in Council Directive 76/760/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to rear registration plate lamps for motor vehicles and their trailers ([5]).

([1]) OJ L 262, 27.9.1976, p. 96.
([2]) OJ L 262, 27.9.1976, p. 54.
([3]) OJ L 262, 27.9.1976, p. 71.
([4]) OJ L 262, 27.9.1976, p. 32.
([5]) OJ L 262, 27.9.1976, p. 85.

6. Front fog lamps:

The EC component type-approval mark is that laid down in Council Directive 76/762/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to front fog lamps for motor vehicles [1].

7. Rear fog lamps:

The EC component type-approval mark is that laid down in Council Directive 77/538/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to rear fog lamps for motor vehicles and their trailers [2].

8. Reversing lamps:

The EC component type-approval mark is that laid down in Council Directive 77/539/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to reversing lamps for motor vehicles and their trailers [3].

9. Parking lamps:

The EC component type-approval mark is that laid down in Council Directive 77/540/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to parking lamps for motor vehicles [4].

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[1] OJ L 262, 27.9.1976, p. 122.
[2] OJ L 220, 29.8.1977, p. 60.
[3] OJ L 220, 29.8.1977, p. 72.
[4] OJ L 220, 29.8.1977, p. 83.

ANNEX II

PART A

Repealed Directive with list of its successive amendments

(referred to in Article 6)

Council Directive 79/532/EEC
(OJ L 145, 13.6.1979, p. 16)

Council Directive 82/890/EEC (OJ L 378, 31.12.1982, p. 45)	Only as regards the reference to Directive 79/532/EEC in Article 1(1)
Directive 97/54/EC of the European Parliament and of the Council (OJ L 277, 10.10.1997, p. 24)	Only as regards the reference to Directive 79/532/EEC in Article 1, first indent

PART B

List of time-limits for transposition into national law and application

(referred to in Article 6)

Directive	Time-limit for transposition	Date of application
79/532/EEC	21 November 1980	—
82/890/EEC	21 June 1984	—
97/54/EC	22 September 1998	23 September 1998

ANNEX III

CORRELATION TABLE

Directive 79/532/EEC	This Directive
Article 1	Article 1
Article 2, introductory sentence and final wording	Article 2, introductory sentence
Article 2, indents	Article 2(a)-(l)
Article 3, introductory sentence and final wording	Article 3, introductory sentence
Article 3, indents	Article 3(a)-(l)
Article 4	Article 4
Article 5(1)	—
Article 5(2)	Article 5
—	Article 6
—	Article 7
Article 6	Article 8
Annex	Annex I
—	Annex II
—	Annex III

COMMISSION DIRECTIVE 2009/98/EC

of 4 August 2009

amending Directive 98/8/EC of the European Parliament and of the Council to include boric oxide as an active substance in Annex I thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market [1], and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market [2] establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes boric oxide.

(2) Pursuant to Regulation (EC) No 1451/2007, boric oxide has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC.

(3) The Netherlands was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 7 July 2006 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 20 February 2009, in an assessment report.

(5) It appears from the examinations made that biocidal products used as wood preservatives and containing boric oxide may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include boric oxide in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as wood preservatives and containing boric oxide can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

(6) However, unacceptable risks were identified for the *in situ* treatment of wood outdoors and for treated wood exposed to weathering. Therefore, authorisations for these uses should not be granted unless data have been submitted in order to demonstrate that the products can be used without unacceptable risks to the environment.

(7) Not all potential uses have been evaluated at the Community level. It is therefore appropriate that Member States assess those risks to the compartments and populations that have not been representatively addressed in the Community level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to mitigate the identified risks to acceptable levels.

(8) In the light of the findings of the assessment report, it is appropriate to require that specific risk mitigation measures are applied at product authorisation level to products containing boric oxide and used as wood preservatives. In particular, appropriate measures should be taken to protect the soil and aquatic compartments since unacceptable risks to these compartments have been identified during the evaluation. Products should also be used with appropriate protective equipment if the risk identified for professional and industrial users cannot be reduced by other means.

(9) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance boric oxide and also to facilitate the proper operation of the biocidal products market in general.

(10) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

[1] OJ L 123, 24.4.1998, p. 1.
[2] OJ L 325, 11.12.2007, p. 3.

(11) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product-type 8 containing boric oxide to ensure that they comply with Directive 98/8/EC.

(12) Directive 98/8/EC should therefore be amended accordingly.

(13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 31 August 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 September 2011.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 4 August 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 23' is inserted in Annex I to Directive 98/8/EC:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'23	boric oxide	Diboron trioxide EC No: 215-125-8 CAS No: 1303-86-2	975 g/kg	1 September 2011	31 August 2013	31 August 2021	8	When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, when relevant for the particular product, the populations that may be exposed to the product and the use or exposure scenarios that have not been representatively addressed at the Community level risk assessment. When granting product authorisation, Member States shall assess the risks and subsequently ensure that appropriate measures are taken or specific conditions imposed in order to mitigate the identified risks. Product authorisation can only be granted where the application demonstrates that risks can be reduced to acceptable levels. Member States shall ensure that authorisations are subject to the following conditions: 1. Products authorised for industrial and professional use must be used with appropriate personal protective equipment, unless it can be demonstrated in the application for product authorisation that risks to industrial and/or professional users can be reduced to an acceptable level by other means.

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
								2. In view of the risks identified for the soil and aquatic compartments, products shall not be authorised for the in situ treatment of wood outdoors or for wood that will be exposed to weathering, unless data is submitted to demonstrate that the product will meet the requirements of Article 5 and Annex VI, if necessary by the application of appropriate risk mitigation measures. In particular, labels and/or safety-data sheets of products authorised for industrial use shall indicate that freshly treated timber must be stored after treatment under shelter and/or on impermeable hard standing to prevent direct losses to soil or water and that any losses must be collected for reuse or disposal.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: http://ec.europa.eu/comm/environment/biocides/index.htm

COMMISSION DIRECTIVE 2009/99/EC

of 4 August 2009

amending Directive 98/8/EC of the European Parliament and of the Council to include chlorophacinone as an active substance in Annex I thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market [1], and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market [2] establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes chlorophacinone.

(2) Pursuant to Regulation (EC) No 1451/2007, chlorophacinone has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 14, rodenticides, as defined in Annex V to Directive 98/8/EC.

(3) Spain was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 31 January 2006 in accordance with 14(4) and (6) of Regulation (EC) No 1451/2007.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 20 February 2009, in an assessment report.

(5) It appears from the examinations made that biocidal products used as rodenticides and containing chlorophacinone may be expected not to present a risk to humans except for accidental incidents with children. A risk has been identified regarding non-target animals. However, chlorophacinone is for the time being considered essential for reasons of public health and hygiene. It is therefore justified to include chlorophacinone in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as rodenticides and containing chlorophacinone can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

(6) In the light of the findings of the assessment report, it is necessary to require that specific risk mitigation measures are applied at product authorisation level to products containing chlorophacinone and used as rodenticides. Such measures should be aimed at limiting the risk of primary and secondary exposure of humans, non-target animals and the environment. To this end, certain constraints such as the maximum concentration, the prohibition on marketing the active substance in products which are not ready to use and the use of aversive agents should be imposed across the board, while other conditions should be imposed by the Member States on a case by case basis.

(7) In view of the identified risks, chlorophacinone should be included in Annex I for five years only and should be made subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in Annex I is renewed.

(8) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance chlorophacinone and also to facilitate the proper operation of the biocidal products market in general.

(9) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

(10) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product-type 14 containing chlorophacinone to ensure that they comply with Directive 98/8/EC.

(11) Directive 98/8/EC should therefore be amended accordingly.

[1] OJ L 123, 24.4.1998, p. 1.
[2] OJ L 325, 11.12.2007, p. 3.

(12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 30 June 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 July 2011.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 4 August 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 12' is inserted in Annex I to Directive 98/8/EC:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'12	Chlorophacinone	Chlorophacinone EC No: 223-003-0 CAS No: 3691-35-8	978 g/kg	1 July 2011	30 June 2013	30 June 2016	14	In view of the identified risks for non-target animals, the active substance shall be subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in this Annex is renewed. Member States shall ensure that authorisations are subject to the following conditions: 1. The nominal concentration of the active substance in products other than tracking powder shall not exceed 50 mg/kg and only ready-for use products shall be authorised. 2. Products to be used as tracking powder shall only be placed on the market for use by trained professionals. 3. Products shall contain an aversive agent and, where appropriate, a dye. 4. Primary as well as secondary exposure of humans, non-target animals and the environment are minimised, by considering and applying all appropriate and available risk mitigation measures. These include, amongst others, the restriction to professional use only, setting an upper limit to the package size and laying down obligations to use tamper resistant and secured bait boxes.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: http://ec.europa.eu/comm/environment/biocides/index.htm

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 9 July 2009

establishing the ecological criteria for the award of the Community Ecolabel for bed mattresses

(Notified under document C(2009) 4597)

(Text with EEA relevance)

(2009/598/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme [1], and in particular the second subparagraph of Article 6(1) thereof,

After consulting the European Union Ecolabelling Board,

Whereas:

(1) Under Regulation (EC) No 1980/2000 the Community Ecolabel may be awarded to a product possessing characteristics which enable it to contribute significantly to improvements in relation to key environmental aspects.

(2) Regulation (EC) No 1980/2000 provides that specific Ecolabel criteria, drawn up on the basis of the criteria drafted by the European Union Ecolabelling Board, are to be established according to product groups.

(3) It also provides that the review of the Ecolabel criteria, as well as of the assessment and verification requirements related to those criteria, is to take place in due time before the end of the period of validity of the criteria specified for the product group concerned.

(4) Pursuant to Regulation (EC) No 1980/2000, a timely review has been carried out of the ecological criteria, as well as of the related assessment and verification requirements established by Commission Decision 2002/740/EC of 3 September 2002 establishing revised ecological criteria for the award of the Community eco-label to bed mattresses [2]. Those ecological criteria and the related assessment and verification requirements are valid until 31 March 2010.

(5) In the light of that review, it is appropriate, in order to take account of scientific and market developments, to modify the definition of the product group and to establish new ecological criteria.

(6) The ecological criteria, as well as the related assessment and verification requirements, should be valid for four years from the date of adoption of this Decision.

(7) Decision 2002/740/EC should therefore be replaced.

(8) A transitional period should be allowed for producers whose products have been awarded the Ecolabel for bed mattresses based on the criteria contained in Decision 2002/740/EC, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements. Producers should also be allowed to submit applications set out under the criteria set in Decision 2002/740/EC or set out under the criteria set in this Decision until the lapse of validity of that Decision.

[1] OJ L 237, 21.9.2000, p. 1.

[2] OJ L 236, 4.9.2002, p. 10.

(9) Measures provided for in this Decision are in accordance with the opinion of the Committee instituted by Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

Article 1

1. The product group 'bed mattresses' shall comprise:

(a) bed mattresses, which are defined as products that provide a surface to sleep or rest upon for indoor use. The products consist of a cloth cover that is filled with materials, and that can be placed on an existing supporting bed structure;

(b) the materials filling the bed mattresses, which may include: latex form, polyurethane foam and springs;

(c) wooden bed bases that support the bed mattresses.

2. The product group shall include spring mattresses, which are defined as an upholstered bed base consisting of springs, topped with fillings, as well as mattresses fitted with removable and/or washable covers.

3. The product group shall not comprise inflatable mattresses and water mattresses, as well as mattresses classified under Council Directive 93/42/EEC [1].

Article 2

In order to be awarded the Community Ecolabel for products falling within the product group bed mattresses under Regulation (EC) No 1980/2000, a bed mattress shall comply with the criteria set out in the Annex to this Decision.

Article 3

The ecological criteria for the product group 'bed mattresses', as well as the related assessment and verification requirements, shall be valid for four years from the date of adoption of this Decision.

Article 4

For administrative purposes the code number assigned to the product group 'bed mattresses' shall be '014'.

Article 5

Decision 2002/740/EC is repealed.

Article 6

1. Applications for Ecolabel for products falling within the product group bed mattresses submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2002/740/EC.

2. Applications for Ecolabel for products falling within the product group bed mattresses submitted from the date of adoption of this Decision but by 31 March 2010 at the latest may be based either on the criteria set out in Decision 2002/740/EC or on the criteria set out in this Decision.

Those applications shall be evaluated in accordance with the criteria on which they are based.

3. Where the Ecolabel is awarded on the basis of an application evaluated according to the criteria set out in Decision 2002/740/EC, that Ecolabel may be used for twelve months from the date of adoption of this Decision.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2009.

For the Commission
Stavros DIMAS
Member of the Commission

[1] OJ L 169, 12.7.1993, p. 1.

ANNEX

FRAMEWORK

The aims of the criteria

These criteria aim in particular at:

— the use of materials produced in a more sustainable way (considering a life cycle analysis approach),

— limiting the use of eco-toxic compounds,

— limiting the levels of toxic residues,

— limiting the contribution of mattresses to indoor air pollution,

— promoting a more durable product and one that follows the six RE principles (UNEP 2007):

  — RE-think the product and its functions. For example, the product may be used more efficiently,

  — RE-duce energy, material consumption and socio-economic impacts throughout a product's life cycle,

  — RE-use. Design the product for disassembly so parts can be reused,

  — RE-cycle. Select materials that can be recycled,

  — RE-pair. Make the product easy to repair e.g. via modules that can easily be changed,

  — RE-place harmful substances with safer alternatives.

The criteria are set at levels that promote the labelling of bed mattresses that are produced with a low environmental impact.

Assessment and verification requirements

The specific assessment and verification requirements are indicated within each criterion.

Where the applicant is required to provide documentation, analyses test reports, or other evidence to show compliance with the criteria, it is understood that these may originate from the applicant and/or his supplier(s) and/or their supplier(s), etc. as appropriate.

Where possible, conformity assessment should be performed by appropriate accredited laboratories that meet the general requirements of EN ISO 17025.

Where appropriate, Competent Bodies may require supporting documentation and may carry out independent verifications.

The Competent Bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, and Environmental Product Declarations when assessing applications and monitoring compliance with the criteria (*note:* it is not required to implement these declarations and management schemes).

ECOLOGICAL CRITERIA

Note: Specific criteria are set for the following materials: latex and polyurethane foam, wire and springs, coconut fibres, wood and textile fibres and fabrics. Other materials for which no material specific criteria are set are allowed. The criteria for latex foam, polyurethane foam, or coconut fibres need only be met if that material contributes to more than 5 % of the total weight of the mattress.

Assessment and verification: The applicant shall supply detailed information as to the material composition of the mattresses.

1. **Latex foam**

Note: The following criteria need only be met if latex contributes to more than 5 % of the total weight of the mattress.

1.1. **Extractable heavy metals**

The concentrations of the following metals shall not exceed the following values:

— Antimony 0,5 ppm

— Arsenic 0,5 ppm

— Lead 0,5 ppm

— Cadmium 0,1 ppm

— Chromium (total) 1,0 ppm

— Cobalt 0,5 ppm

— Copper 2,0 ppm

— Nickel 1,0 ppm

— Mercury 0,02 ppm

Assessment and verification: The applicant shall provide a test report, using the following test method: Milled sample extracted according to DIN 38414-S4, L/S = 10. Filtration with 0,45 µm membrane filter. Analysis by means of atomic emission spectroscopy with inductive coupled plasma (ICP-AES) or with hydride or cold vapour technique.

1.2. **Formaldehyde**

The concentration of formaldehyde shall not exceed 20 ppm as measured with EN ISO 14184-1. Alternatively, it shall not exceed 0,005 mg/m^3 as measured with the chamber test.

Assessment and verification: The applicant shall provide a test report, using the following test method: EN ISO 14184-1. Sample of 1 g with 100 g water heated to 40 °C for 1 hour. Formaldehyde in extract analysed with acetylacetone, photometric.

Alternatively, the emission chamber test may be used: ENV 13419-1, with EN ISO 16000-3 or VDI 3484-1 for air sampling and analysis. The sample shall be taken less than one week after production of the foam. Packaging of sample: air tight wrapped, individually, in aluminium foil and PE foil. Conditioning: The wrapped sample shall be stored at room temperature for at least 24 hours, after which the sample is unwrapped and immediately transferred into the test chamber. Testing conditions: sample placed on sample holder which allows access of air from all sides; climatic factors as in ENV 13419-1; for comparison of test results the area specific ventilation rate (q = n/l) shall be 1; the ventilation rate shall be between 0,5 and 1; the air sampling shall be started 24 hours after chamber loading and finished at the latest 30 hours after loading.

1.3. **Volatile organic compounds (VOCs)**

The concentration of VOCs shall not exceed 0,5 mg/m^3. In this context, VOCs are any organic compound having at 293,15 K, a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use.

Assessment and verification: The applicant shall provide a test report, using the following test method: chamber test (with the same conditions as in the criterion set out in point 1(2) on formaldehyde) with DIN ISO 16000-6 for air sampling and analysis.

1.4. **Dyes, pigments, flame retardants and auxiliary chemicals**

Any dyes, pigments, flame retardants and auxiliary chemicals used shall comply with the corresponding criteria (listed below):

(a) *Impurities in dyes: Colour matter with fibre affinity (soluble or insoluble)*

The levels of ionic impurities in the dyes used shall not exceed the following: Ag 100 ppm; As 50 ppm; Ba 100 ppm; Cd 20 ppm; Co 500 ppm; Cr 100 ppm; Cu 250 ppm; Fe 2 500 ppm; Hg 4 ppm; Mn 1 000 ppm; Ni 200 ppm; Pb 100 ppm; Se 20 ppm; Sb 50 ppm; Sn 250 ppm; Zn 1 500 ppm.

Any metal that is included as an integral part of the dye molecule (e.g. metal complex dyes, certain reactive dyes, etc.) shall not be considered when assessing compliance with these values, which only relate to impurities.

Assessment and verification: The applicant shall provide a declaration of compliance.

(b) *Impurities in pigments: Insoluble colour matter without fibre affinity*

The levels of ionic impurities for pigments used shall not exceed the following: As 50 ppm; Ba 100 ppm, Cd 50 ppm; Cr 100 ppm; Hg 25 ppm; Pb 100 ppm; Se 100 ppm Sb 250 ppm; Zn 1 000 ppm.

Assessment and verification: The applicant shall provide a declaration of compliance.

(c) *Chrome mordant dyeing*

Chrome mordant dyeing is not allowed.

Assessment and verification: The applicant shall provide a declaration of non-use.

(d) *Azo dyes*

Azo dyes shall not be used that may cleave to any one of the following aromatic amines:

4-aminodiphenyl	(92-67-1)
Benzidine	(92-87-5)
4-chloro-o-toluidine	(95-69-2)
2-naphthylamine	(91-59-8)
o-amino-azotoluene	(97-56-3)
2-amino-4-nitrotoluene	(99-55-8)
p-chloroaniline	(106-47-8)
2,4-diaminoanisol	(615-05-4)
4,4′-diaminodiphenylmethane	(101-77-9)
3,3′-dichlorobenzidine	(91-94-1)
3,3′-dimethoxybenzidine	(119-90-4)
3,3′-dimethylbenzidine	(119-93-7)
3,3′-dimethyl-4,4′-diaminodiphenylmethane	(838-88-0)
p-cresidine	(120-71-8)
4,4′-oxydianiline	(101-80-4)
4,4′-thiodianiline	(139-65-1)
o-toluidine	(95-53-4)
2,4-diaminotoluene	(95-80-7)
2,4,5-trimethylaniline	(137-17-7)
4-aminoazobenzene	(60-09-3)
o-anisidine	(90-04-0)
2,4-Xylidine	
2,6-Xylidine	

Assessment and verification: The applicant shall provide a declaration of non-use of these dyes. Should this declaration be subject to verification the following standard shall be used = EN 14 362-1 and 2. (*Note:* false positives may be possible with respect to the presence of 4-aminoazobenzene, and confirmation is therefore recommended.)

(e) *Dyes that are carcinogenic, mutagenic or toxic to reproduction*

The following dyes shall not be used:

— C.I. Basic Red 9,

— C.I. Disperse Blue 1,

— C.I. Acid Red 26,

— C.I. Basic Violet 14,

— C.I. Disperse Orange 11,

— C.I. Direct Black 38,

— C.I. Direct Blue 6,

— C.I. Direct Red 28,

— C.I. Disperse Yellow 3.

Assessment and verification: The applicant shall provide a declaration of non-use of such dyes.

No use is allowed of dye substances or of dye preparations containing more than 0,1 % by weight of that at the time of application fulfil the classification criteria of any of the following risk phrases (or combinations thereof):

— R40 (limited evidence of a carcinogenic effect),

— R45 (may cause cancer),

— R46 (may cause heritable genetic damage),

— R49 (may cause cancer by inhalation),

— R60 (may impair fertility),

— R61 (may cause harm to the unborn child),

— R62 (possible risk of impaired fertility),

— R63 (possible risk of harm to the unborn child),

— R68 (possible risk of irreversible effects),

as laid down in Council Directive 67/548/EEC [1].

Alternatively, classification may be considered according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 [2]. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with and of the following hazard statements (or combinations thereof): H351, H350, H340, H350i, H360F, H360D, H361f, H361d H360FD, H361fd, H360Fd, H360Df, H341.

Assessment and verification: The applicant shall provide a declaration of non-use of such dyes.

(f) *Potentially sensitising dyes*

The following dyes shall not be used:

— C.I. Disperse Blue 3	C.I. 61 505
— C.I. Disperse Blue 7	C.I. 62 500

[1] OJ 196, 16.8.1967, p. 1.
[2] OJ L 353, 31.12.2008, p. 1.

— C.I. Disperse Blue 26	C.I. 63 305
— C.I. Disperse Blue 35	
— C.I. Disperse Blue 102	
— C.I. Disperse Blue 106	
— C.I. Disperse Blue 124	
— C.I. Disperse Brown 1	
— C.I. Disperse Orange 1	C.I. 11 080
— C.I. Disperse Orange 3	C.I. 11 005
— C.I. Disperse Orange 37	
— C.I. Disperse Orange 76 (previously designated Orange 37)	
— C.I. Disperse Red 1	C.I. 11 110
— C.I. Disperse Red 11	C.I. 62 015
— C.I. Disperse Red 17	C.I. 11 210
— C.I. Disperse Yellow 1	C.I. 10 345
— C.I. Disperse Yellow 9	C.I. 10 375
— C.I. Disperse Yellow 39	
— C.I. Disperse Yellow 49	

Assessment and verification: The applicant shall provide a declaration of non-use of these dyes.

1.5. **Metal complex dyes**

Metal complex dyes based on copper, lead, chromium or nickel shall not be used.

Assessment and verification: The applicant shall provide a declaration of non-use.

1.6. **Chlorophenols**

No chlorophenol (salts and esters) shall be present in concentrations exceeding 0,1 ppm, except mono- and di-chlorinated phenols (salts and esters) which shall not exceed 1 ppm.

Assessment and verification: The applicant shall provide a test report, using the following test method: Milling of 5 g sample, extraction of the chlorophenol or sodium salt. Analysis by means of gas chromatography (GC), detection with mass spectrometer or ECD.

1.7. **Butadiene**

The concentration of butadiene shall not exceed 1 ppm.

Assessment and verification: The applicant shall provide a test report, using the following test method: Milling and weighing of sample. Sampling by headspace sampler. Analysis by gas chromatography, detection by flame-ionisation detector.

1.8. **Nitrosamines**

The concentration of N-nitrosamines shall not exceed 0,0005 mg/m^3 as measured with the chamber test.

Assessment and verification: The applicant shall provide a test report, using the following test method: the chamber test (with conditions as in criterion 1(2) on formaldehyde) with Hauptverband der gewerblichen Berufsgenossenschaften ZH 1/120.23 (or equivalent) for air sampling and analysis.

2. **PUR Foam**

Note: The following criteria need only be met if PUR foam contributes to more than 5 % of the total weight of the mattress.

2.1. **Extractable heavy metals**

The concentrations of the following metals shall meet the corresponding requirement for latex foam detailed in the criterion set out in point 1(1).

Assessment and verification: same requirements as in the criterion set out in point 1(1).

2.2. **Formaldehyde**

The concentration of formaldehyde shall meet the corresponding requirement for latex foam detailed in the criterion set out in point 1(2).

Assessment and verification: same requirements as in the criterion set out in point 1(2).

2.3. **Volatile organic compounds** (VOCs)

PUR foam shall meet the corresponding requirement for latex foam detailed in the criterion set out in point 1(3).

Assessment and verification: same requirements as in the criterion set out in point 1(3).

2.4. **Dyes, pigments, flame retardants and auxiliary chemicals**

PUR foam shall meet the corresponding requirement for latex foam detailed in the criterion set out in point 1(4).

Assessment and verification: same requirements as in the criterion set out in point 1(4).

2.5. **Metal complex dyes**

PUR foam shall meet the corresponding requirement for latex foam detailed in the criterion set out in point 1(5).

Assessment and verification: same requirements as in the criterion set out in point 1(5).

2.6. **Organic tin**

Mono and di-organic, tri-organic tin compounds shall not be used.

Assessment and verification: The applicant shall provide a declaration of non-use. Testing is not required. Should, however (e.g. for purposes of verification or monitoring), testing be carried out, the following test method shall be used: any method that specifically measures an organic tin compound without measuring the presence of any inorganic tin compound such as tin octoate.

2.7. **Blowing agents**

Halogenated organic compounds shall not be used as blowing agents or as auxiliary blowing agents.

Assessment and verification: The applicant shall provide a declaration that these blowing agents have not been used.

3. **Wire and springs**

Note: The following criteria need only be met if PUR foam contributes to more than 5 % of the total weight of the mattress.

3.1. **Degreasing**

If degreasing and/or cleaning of wire and/or springs is carried out with organic solvents, use shall be made of a closed cleaning/degreasing system.

Assessment and verification: The applicant shall provide a corresponding declaration.

3.2. **Galvanisation**

The surface of springs shall not be covered with a galvanic metallic layer.

Assessment and verification: The applicant shall provide a corresponding declaration.

4. **Coconut fibres**

If the coconut fibre material is rubberised, it shall comply with the criteria applicable to latex foam.

Note: This criterion only needs to be met if coconut fibres contribute to more than 5 % of the total weight of the mattress.

Assessment and verification: The applicant shall either provide a declaration that rubberised coconut fibres are not used, or provide the test reports required in point 1 for latex foam.

5. **Wooden material**

5.1. **Sustainable forest management**

If degreasing and/or cleaning of wire and/or springs is carried out with organic solvents, use shall be made of a closed cleaning/degreasing system.

Assessment and verification: The applicant shall provide a corresponding declaration.

(a) All virgin solid wood from forests shall originate from forests that are managed so as to implement the principles and measures aimed at ensuring sustainable Forest management. In Europe, the principles and measures referred to above shall at least correspond to the definition of sustainable forest management (SFM) that was adopted in Resolution 1 of the 2nd Ministerial Conference on the Protection of Forests in Europe (Helsinki, 16-17 June 1993), the Pan-European Operational Level Guidelines for Sustainable Forest Management, as endorsed by the 3rd Ministerial Conference on the Protection of Forests in Europe (Lisbon, 2-4 June 1998) and the Improved Pan-European Indicators for SFM, adopted at the MCPFE Expert Level Meeting of 7-8 October 2002 that were endorsed at 4th Ministerial Conference on the Protection of Forests in Europe (Vienna, 28-30 April 2003). Outside Europe they shall at least correspond to the UNCED Forest Principles (Rio de Janeiro, June 1992) and, where applicable, to the criteria or guidelines for sustainable Forest management as adopted under the respective international and regional initiatives (ITTO, Montreal Process, Tarapoto Process, UNEP/FAO Dry-Zone Africa Initiative).

(b) At least 60 % of the virgin solid wood from forests, as specified under the criterion set out in point (a), shall originate from sustainably managed forests which are certified by independent third party forest certification schemes based on the criteria listed in paragraph 15 of the Council Resolution of 15 December 1998 on a Forestry Strategy for the EU and further development thereof.

(c) Wood from forests that are not certified as being sustainably managed forests shall not originate from:

— disputed land-rights or primary old growth forests,

— illegal harvesting: wood that is harvested, traded or transported in a way that is in breach of applicable national regulations and international treaties (such regulations can for example address CITES species, money laundering, corruption and bribery [1]), and other relevant national regulations),

— uncertified high conservation value forests: forests designated for nature protection where forestry activities may not be practiced, i.e. forests where forestry cannot be practiced due to some regimes of protection.

Assessment and verification: The applicant shall indicate types, quantities and origins of the wood used in the Ecolabelled product. The origin of virgin solid wood shall be indicated with sufficient precision to allow checks, where appropriate.

— For virgin solid wood from certified sustainably managed forests the control of a chain of custody is required as a proof of supply of sustainable forestry resources. The manufacturer shall provide evidence that measures have been taken to obtain a credible certificate of chain of custody, i.e. a traceability procedure, letter of application for membership of a scheme, letter of control chain request with third part audit.

— For virgin solid wood from uncertified sustainably managed forests, the applicant and/or his supplier shall indicate the species, quantity and origin of the timber used. The origin shall be indicated with sufficient precision to verify that the timber is from well managed forests. The appropriate declarations, charter, code of conduct or statement, providing evidence that the requirements of the criterion set out in points (a) and (c) are met shall be made available. References from existing forestry certification schemes, showing implementation of requirements intended to avoid the use of raw material from controversial sources shall be supplied.

[1] These are the topics addressed in the Commission communication on the EU Action plan on Forest Law Enforcement, Governance and Trade (FLEGT).

5.2. **Formaldehyde emission from untreated raw wood-based materials**

Wood-based materials are allowed in a mattress if they comply with the following requirements:

— Particleboard: the emission of formaldehyde from particle boards in their raw state, i.e. prior to machining or coating, shall not exceed 50 % of the threshold value that would allow it to be classified as E1 according to standard EN 312-1.

Assessment and verification: The applicant and/or his supplier shall provide evidence that the wood-based materials comply with this requirement according to the European standard EN 312-1.

— Fibreboard: The formaldehyde measured in any fibreboard used shall not exceed 50 % of the threshold value that would allow it to be classified as class A quality according to EN 622-1. However fibreboards classified as Class A will be accepted if they do not represent more than 50 % of the total wood and wood-based materials used in the product.

Assessment and verification: The applicant and/or his supplier shall provide evidence that the wood-based materials comply with this requirement according to the European standard EN 13986 (April 2005).

6. **Textiles (fibres and fabric)**

Textiles used to cover the mattress shall meet the following criteria for dyes and other chemical products as well as for fitness for use (textiles which have been awarded the Community Ecolabel are in compliance with these criteria):

6.1. **biocides**

Chlorophenols (their salts and esters), PCB and organotin compounds shall not be used during transportation or storage of mattresses and semi-manufactured mattresses.

Assessment and verification: The applicant shall provide a declaration of non-use of these substances or compounds on the yarn, fabric and final product. Should this declaration be subject to verification the following test method and threshold shall be used: extraction as appropriate, derivatisation with acetic anhydride, determination by capillary gas-liquid chromatography with electron capture detection, limit value 0,05 ppm.

6.2. **Auxiliary chemicals**

Alkylphenolethoxylates (APEOs), linear alkylbenzene sulfonates (LAS), bis(hydrogenated tallow alkyl) dimethyl ammonium chloride (DTDMAC), distearyl dimethyl ammonium chloride (DSDMAC), di(hardened tallow) dimethyl ammonium chloride (DHTDMAC), ethylene diamine tetra acetate (EDTA), and diethylene triamine penta acetate (DTPA) shall not be used and shall not be part of any preparations or formulations used.

Assessment and verification: The applicant shall provide a declaration of non-use.

6.3. **Detergent, fabric softeners and complexing agents**

At each wet-processing site, at least 95 % by weight of fabric softeners, complexing agents and detergents by weight shall be sufficiently degradable or eliminable in wastewater treatment plants.

This is with the exception of surfactants in detergents at each wet processing site, which shall be ultimately aerobically biodegradable.

Assessment and verification: 'Sufficiently biodegradable or eliminable' is as defined above in the criterion related to auxiliaries and finishing agents for fibres and yarns. The applicant shall provide appropriate documentation, safety data sheets, test reports and/or declarations, indicating the test methods and results as above, and showing compliance with this criterion for all detergents, fabric softeners and complexing agents used.

'Ultimate aerobic biodegradation' has to be interpreted as laid down in Annex III to Regulation (EC) No 648/2004 of the European Parliament and of the Council [1]. The applicant shall provide appropriate documentation, safety data sheets, test reports and/or declarations, indicating the test methods and results as above, and showing compliance with this criterion for all detergents, fabric softeners and complexing agents used.

6.4. **Bleaching agents**

Chlorine agents are excluded for bleaching yarns, fabrics and end products.

This requirement does not apply to the production of man-made cellulose fibres.

Assessment and verification: The applicant shall provide a declaration of non-use of chlorinated bleaching agents.

[1] OJ L 104, 8.4.2004, p. 1.

6.5. **Impurities in dyes**

Colour matter with fibre affinity (soluble or insoluble).

The levels of ionic impurities in the dyes used shall not exceed the following: Ag 100 ppm; As 50 ppm; Ba 100 ppm; Cd 20 ppm; Co 500 ppm; Cr 100 ppm; Cu 250 ppm; Fe 2 500 ppm; Hg 4 ppm; Mn 1 000 ppm; Ni 200 ppm; Pb 100 ppm; Se 20 ppm; Sb 50 ppm; Sn 250 ppm; Zn 1 500 ppm.

Any metal that is included as an integral part of the dye molecule (e.g. metal complex dyes, certain reactive dyes, etc.) shall not be considered when assessing compliance with these values, which only relate to impurities.

Assessment and verification: The applicant shall provide a declaration of compliance.

6.6. **Impurities in pigments**

Insoluble colour matter without fibre affinity.

The levels of ionic impurities for pigments used shall not exceed the following: As 50 ppm; Ba 100 ppm, Cd 50 ppm; Cr 100 ppm; Hg 25 ppm; Pb 100 ppm; Se 100 ppm Sb 250 ppm; Zn 1 000 ppm.

Assessment and verification: The applicant shall provide a declaration of compliance.

6.7. **Chrome mordant dyeing**

Chrome mordant dyeing is not allowed.

Assessment and verification: The applicant shall provide a declaration of non-use.

6.8. **Metal complex dyes**

If metal complex dyes based on copper, chromium or nickel are used:

— In case of cellulose dyeing, where metal complex dyes are part of the dye recipe, less than 20 % of each of those metal complex dyes applied (input to the process) shall be discharged to waste water treatment (whether on-site or off-site).

  In case of all other dyeing processes, where metal complex dyes are part of the dye recipe, less than 7 % of each of those metal complex dyes applied (input to the process) shall be discharged to waste water treatment (whether on-site or off-site).

  Assessment and verification: The applicant shall either provide a declaration of non-use or documentation and test reports using the following test methods: ISO 8288 for Cu, Ni; EN 1233 for Cr.

— The emissions to water after treatment shall not exceed: Cu 75 mg/kg (fibre, yarn or fabric); Cr 50 mg/kg; Ni 75 mg/kg.

  Assessment and verification: The applicant shall either provide a declaration of non-use or documentation and test reports using the following test methods: ISO 8288 for Cu, Ni; EN 1233 for Cr.

6.9. **Azo dyes**

Azo dyes shall not be used that may cleave to any one of the following aromatic amines:

4-aminodiphenyl	(92-67-1)
Benzidine	(92-87-5)
4-chloro-o-toluidine	(95-69-2)
2-naphthylamine	(91-59-8)
o-amino-azotoluene	(97-56-3)
2-amino-4-nitrotoluene	(99-55-8)

p-chloroaniline	(106-47-8)
2,4-diaminoanisol	(615-05-4)
4,4′-diaminodiphenylmethane	(101-77-9)
3,3′-dichlorobenzidine	(91-94-1)
3,3′-dimethoxybenzidine	(119-90-4)
3,3′-dimethylbenzidine	(119-93-7)
3,3′-dimethyl-4,4′-diaminodiphenylmethane	(838-88-0)
p-cresidine	(120-71-8)
4,4′-oxydianiline	(101-80-4)
4,4′-thiodianiline	(139-65-1)
o-toluidine	(95-53-4)
2,4-diaminotoluene	(95-80-7)
2,4,5-trimethylaniline	(137-17-7)
4-aminoazobenzene	(60-09-3)
o-anisidine	(90-04-0)
2,4-Xylidine	
2,6-Xylidine	

Assessment and verification: The applicant shall provide a declaration of non-use of these dyes. Should this declaration be subject to verification the following standard shall be used = EN 14 362-1 and 2. (*Note*: false positives may be possible with respect to the presence of 4-aminoazobenzene, and confirmation is therefore recommended.)

6.10. **Dyes that are carcinogenic, mutagenic or toxic to reproduction**

(a) The following dyes shall not be used:

— C.I. Basic Red 9,

— C.I. Disperse Blue 1,

— C.I. Acid Red 26,

— C.I. Basic Violet 14,

— C.I. Disperse Orange 11,

— C.I. Direct Black 38,

— C.I. Direct Blue 6,

— C.I. Direct Red 28,

— C.I. Disperse Yellow 3.

Assessment and verification: The applicant shall provide a declaration of non-use of such dyes.

(b) No use is allowed of dye substances or of dye preparations containing more than 0,1 % by weight of substances that at the time of application fulfil the classification criteria of any of the following risk phrases (or combinations thereof):

— R40 (limited evidence of a carcinogenic effect),

— R45 (may cause cancer),

— R46 (may cause heritable genetic damage),

— R49 (may cause cancer by inhalation),

— R60 (may impair fertility),

— R61 (may cause harm to the unborn child),

— R62 (possible risk of impaired fertility),

— R63 (possible risk of harm to the unborn child),

— R68 (possible risk of irreversible effects),

as laid down in Directive 67/548/EEC.

Alternatively, classification may be considered according to Regulation (EC) No 1272/2008. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with and of the following hazard statements (or combinations thereof): H351, H350, H340, H350i, H360F, H360D, H361f, H361d H360FD, H361fd, H360Fd, H360Df, H341.

Assessment and verification: The applicant shall provide a declaration of non-use of such dyes.

6.11. **Potentially sensitising dyes**

The following dyes shall not be used:

— C.I. Disperse Blue 3	C.I. 61 505
— C.I. Disperse Blue 7	C.I. 62 500
— C.I. Disperse Blue 26	C.I. 63 305
— C.I. Disperse Blue 35	
— C.I. Disperse Blue 102	
— C.I. Disperse Blue 106	
— C.I. Disperse Blue 124	
— C.I. Disperse Brown 1	
— C.I. Disperse Orange 1	C.I. 11 080
— C.I. Disperse Orange 3	C.I. 11 005
— C.I. Disperse Orange 37	
— C.I. Disperse Orange 76 (previously designated Orange 37)	
— C.I. Disperse Red 1	C.I. 11 110
— C.I. Disperse Red 11	C.I. 62 015
— C.I. Disperse Red 17	C.I. 11 210
— C.I. Disperse Yellow 1	C.I. 10 345
— C.I. Disperse Yellow 9	C.I. 10 375
— C.I. Disperse Yellow 39	
— C.I. Disperse Yellow 49	

Assessment and verification: The applicant shall provide a declaration of non-use of such dyes.

6.12. **Colour fastness to perspiration (acid, alkaline)**

The colour fastness to perspiration (acid and alkaline) shall be at least level 3-4 (colour change and staining).

A level of 3 is nevertheless allowed when fabrics are both dark coloured (standard depth > 1/1) and made of regenerated wool or more than 20 % silk.

This criterion does not apply to white products, to products that are neither dyed nor printed.

Assessment and verification: The applicant shall provide test reports using the following standard EN: ISO 105 E04 (acid and alkaline, comparison with multi-fibre fabric).

6.13. **Colour fastness to web rubbing**

The colour fastness to wet rubbing shall be at least level 2-3. A level of 2 is nevertheless allowed for indigo dyed denim.

This criterion does not apply to white products or products that are neither dyed nor printed.

Assessment and verification: The applicant shall provide test reports using the following standard EN: ISO 105 X12.

6.14. **Colour fastness to dry rubbing**

The colour fastness to dry rubbing shall be at least level 4.

A level of 3-4 is nevertheless allowed for indigo dyed denim.

This criterion does not apply to white products or products that are neither dyed nor printed.

Assessment and verification: The applicant shall provide test reports using the following standard EN: ISO 105 X12.

7. **Glues**

The glues containing organic solvents shall not be used. (This criterion does not apply to glues used for occasional repairs). In this context, VOCs are any organic compound having at 293,15 K, a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use.

The adhesive shall not be used that at the time of application fulfil the classification criteria of any of the following risk phrases (or combinations thereof):

— Carcinogenic (R45, R49, R40),

— Harmful to the reproduction system (R46, R40),

— Genetically harmful (R60-R63),

— Toxic (R23-R28),

in accordance with regulations on classification and labelling of hazardous chemicals in any EU's classification system Directive 1999/45/EC of the European Parliament and of the Council [1].

Alternatively, classification may be considered according to Regulation (EC) No 1272/2008. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with and of the following hazard statements (or combinations thereof): H351, H350, H340, H350i, H360F, H360D, H361f, H361d H360FD, H361fd, H360Fd, H360Df, H331, H330, H311, H301, H310, H300, H370, H372.

Assessment and verification: The applicant shall provide a declaration that the glues used comply with this criterion, together with supporting documentation.

8. **VOC and SVOCs on the entire mattress**

The VOC emission of the entire mattress shall not exceed the following emissions values in the test chamber by analogy with the 'health risk assessment process for emissions of volatile organic compounds (VOC) from building products' developed in 2005 by the AgBB. (available on www.umweltbundesamt.de/building-products/agbb.htm).

[1] OJ L 200, 30.7.1999, p. 1.

Substance	Final value 7th day	Final Value 28th day
Formaldehyde	< 60 µg/m^3 (< 0,05 ppm)	< 60 µg/m^3 (< 0,05 ppm)
Other aldehydes	< 60 µg/m^3 (< 0,05 ppm)	< 60 µg/m^3 (< 0,05 ppm)
Total Organic Compounds (retention range: C6-C16)	< 500 µg/m^3	< 200 µg/m^3
Total Organic Compounds (retention range above C16)	< 100 µg/m^3	< 40 µg/m^3

Assessment and verification: The applicant shall provide a test chamber analysis, based on the standards EN 13419-1 and EN 13419-2. The analysis of the VOC should comply with the ISO 16000-6.

9. **Flame retardants used in the entire mattress**

Only flame retardants that are chemically bound into mattress materials or onto the materials surfaces (reactive flame retardants) may be used in the product. If the flame retardants used have any of the R-phrases listed below, these reactive flame retardants should, on application, change their chemical nature to no longer warrant classification under any of these R-phrases. (Less than 0,1 % of the flame retardant may remain in the form as before application.)

— R40 (limited evidence of a carcinogenic effect),

— R45 (may cause cancer),

— R46 (may cause heritable genetic damage),

— R49 (may cause cancer by inhalation),

— R50 (very toxic to aquatic organisms),

— R51 (toxic to aquatic organisms),

— R52 (harmful to aquatic organisms),

— R53 (may cause long-term adverse effects in the aquatic environment),

— R60 (may impair fertility),

— R61 (may cause harm to the unborn child),

— R62 (possible risk of impaired fertility),

— R63 (possible risk of harm to the unborn child),

— R68 (possible risk of irreversible effects),

as laid down in Council Directive 67/548/EEC.

Flame retardants which are only physically mixed into the mattress materials or coatings are excluded (additive flame retardants).

Alternatively, classification may be considered according to Regulation (EC) No 1272/2008. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with and of the following hazard statements (or combinations thereof): H351, H350, H340, H350i, H400, H410, H411, H412, H413, H360F, H360D, H361f, H361d H360FD, H361fd, H360Fd, H360Df, H341.

Assessment and verification: The applicant shall provide a declaration that additive flame retardants have not been used and indicate which reactive flame retardants, if any, have been used and provide documentation (such as safety data sheets) and/or declarations indicating that those flame retardants comply with this criterion.

10. **Biocides in the final product**

Only biocidal products containing biocidal active substances included in Annex I, IA and IB to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ([1]), and only those where the active substance is authorised for use in bed mattresses according to Annex V to Directive 98/8/EC, shall be allowed.

Assessment and verification: The applicant shall provide a declaration of non-use of biocidal products or a list of biocidal products used.

11. **Durability**

The lifetime of a household bed mattress is expected to be 10 years. The life expectancy of a mattress will vary though for bed mattresses used in other applications i.e. prisons, hotels.

— Adult mattress:

  — loss of height: < 15 %

  — loss of firmness: < 20 %

— Baby mattress:

  — loss of height: < 15 %

  — Loss of firmness: < 20 %

Assessment and verification: The applicant shall provide a test report using the following test method: EN 1957. The losses of height and firmness refer to the difference between the measurements made initially (at 100 cycles) and after the completion (30 000 cycles) of the durability test.

12. **Packaging requirements**

The packaging used shall be:

— made from recyclable material,

— marked to identify plastic type in accordance with ISO 11469.

The following text shall appear on the packaging:

> 'For more information as to why this product has been awarded the Flower, please visit the website: http://www.ecolabel.eu
>
> Please consult your local authority on the best way to dispose of your old mattress.'

Assessment and verification: The applicant shall provide a sample of the product packaging and of the information supplied with the product, together with a declaration of compliance with this criterion.

13. **Information appearing on the Ecolabel**

Box 2 of the Ecolabel shall contain the following text:

— 'Minimises indoor air pollution',

— 'Hazardous substances restricted',

— 'Durable and high quality'.

Assessment and verification: The applicant shall provide a sample of the product packaging showing the label, together with a declaration of compliance with this criterion.

([1]) OJ L 123, 24.4.1998, p. 1.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2009/599/CFSP

of 4 August 2009

implementing Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea [1], and in particular Article 6(1) thereof, in conjunction with Article 23(2) of the Treaty on European Union,

Whereas:

(1) On 20 November 2006, the Council adopted Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea ('DPRK') which implemented United Nations Security Council Resolution 1718 (2006) ('UNSCR 1718 (2006)').

(2) On 27 July 2009, the Council adopted Common Position 2009/573/CFSP [2] which amended Common Position 2006/795/CFSP and implemented United Nations Security Council Resolution 1874 (2009).

(3) On 24 April and 16 July 2009, the Sanctions Committee established pursuant to UNSCR 1718 (2006) designated persons and entities to be subject to restrictive measures.

(4) The lists of persons and entities which are subject to restrictive measures in Annex I to Common Position 2006/795/CFSP should be replaced accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The lists of persons and entities set out in Annex I to Common Position 2006/795/CFSP shall be replaced by the lists set out in the Annex to this Decision.

Article 2

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

Article 3

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

Done at Brussels, 4 August 2009.

For the Council
The President
C. BILDT

[1] OJ L 322, 22.11.2006, p. 32.
[2] OJ L 197, 29.7.2009, p. 111.

ANNEX

'ANNEX I

(a) **List of persons referred to in Articles 3(1)(a) and 4(1)(a)**

	Name	Alias	Date of birth	Date of designation	Other information
1.	Yun Ho-jin	a.k.a. Yun Ho-chin	13.10.1944	16.7.2009	Director of Namchongang Trading Corporation; oversees the import of items needed for the uranium enrichment programme.
2.	Ri Je-son	a.k.a. Ri Che-son	1938	16.7.2009	Director of the General Bureau of Atomic Energy (GBAE), chief agency directing the Democratic People's Republic of Korea's nuclear programme; Facilitates several nuclear endeavours, including GBAE's management of Yongbyon Nuclear Research Centre and Namchongang Trading Corporation.
3.	Hwang Sok-hwa			16.7.2009	Director in the General Bureau of Atomic Energy (GBAE); involved in the Democratic People's Republic of Korea's nuclear programme; as Chief of the Scientific Guidance Bureau in the GBAE, served on the Science Committee inside the Joint Institute for Nuclear Research.
4.	Ri Hong-sop		1940	16.7.2009	Former director, Yongbyon Nuclear Research Centre, oversaw three core facilities that assist in the production of weapons-grade plutonium: the Fuel Fabrication Facility, the Nuclear Reactor, and the Reprocessing Plant.
5.	Han Yu-ro			16.7.2009	Director of Korea Ryongaksan General Trading Corporation; involved in the Democratic People's Republic of Korea's ballistic missile programme.

(b) **List of entities referred to in Article 4(1)(a)**

	Name	Alias	Location	Date of designation	Other information
1.	Korea Mining Development Trading Corporation	a.k.a. CHANGGWANG SINYONG CORPORATION; a.k.a. EXTERNAL TECHNOLOGY GENERAL CORPORATION; a.k.a. DPRKN MINING DEVELOPMENT TRADING COOPERATION; a.k.a. "KOMID"	Central District, Pyongyang, DPRK.	24.4.2009	Primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

	Name	Alias	Location	Date of designation	Other information
2.	Korea Ryonbong General Corporation	a.k.a. KOREA YONBONG GENERAL CORPORATION; f.k.a. LYONGAKSAN GENERAL TRADING CORPORATION	Pot'onggang District, Pyongyang, DPRK; Rakwon-dong, Pothonggang District, Pyongyang, DPRK.	24.4.2009	Defence conglomerate specialising in acquisition for DPRK defence industries and support to that country's military-related sales.
3.	Tanchon Commercial Bank	f.k.a. CHANGGWANG CREDIT BANK; f.k.a. KOREA CHANGGWANG CREDIT BANK	Saemul 1-Dong Pyongchon District, Pyongyang, DPRK.	24.4.2009	Main DPRK financial entity for sales of conventional arms, ballistic missiles, and goods related to the assembly and manufacture of such weapons.
4.	Namchongang Trading Corporation	a.k.a. NCG; a.k.a. NAMCHONGANG TRADING; a.k.a. NAM CHON GANG CORPORATION; a.k.a. NOMCHONGANG TRADING CO.; a.k.a. NAM CHONG GAN TRADING CORPORATION	Pyongyang, DPRK.	16.7.2009	Namchongang is a DPRK trading company subordinate to the General Bureau of Atomic Energy (GBAE). Namchongang has been involved in the procurement of Japanese-origin vacuum pumps that were identified at a DPRK nuclear facility, as well as nuclear-related procurement associated with a German individual. It has further been involved in the purchase of aluminium tubes and other equipment specifically suitable for a uranium enrichment programme from the late 1990s. Its representative is a former diplomat who served as DPRK's representative for the International Atomic Energy Agency (IAEA) inspection of the Yongbyon nuclear facilities in 2007. Namchongang's proliferation activities are of grave concern given the DPRK's past proliferation activities.
5.	Hong Kong Electronics	a.k.a. HONG KONG ELECTRONICS KISH CO	Sanaee St., Kish Island, Iran.	16.7.2009	Owned or controlled by, or acts or purports to act for or on behalf of Tanchon Commercial Bank and KOMID. Hong Kong Electronics has transferred millions of dollars of proliferation-related funds on behalf of Tanchon Commercial Bank and KOMID (both designated by the Committee in April 2009) since 2007. Hong Kong Electronics has facilitated the movement of money from Iran to the DPRK on behalf of KOMID.
6.	Korea Hyoksin Trading Corporation	a.k.a. KOREA HYOKSIN EXPORT AND IMPORT CORPORATION	Rakwon-dong, Pothonggang District, Pyongyang, DPRK.	16.7.2009	A DPRK company based in Pyongyang that is subordinate to Korea Ryonbong General Corporation (designated by the Committee in April 2009) and is involved in the development of weapons of mass destruction.

	Name	Alias	Location	Date of designation	Other information
7.	General Bureau of Atomic Energy (GBAE)	a.k.a. General Department of Atomic Energy (GDAE)	Haeudong, Pyongchen District, Pyongyang, DPRK.	16.7.2009	The GBAE is responsible for the DPRK's nuclear programme, which includes the Yongbyon Nuclear Research Centre and its 5 MWe (25 MWt) plutonium production research reactor, as well as its fuel fabrication and reprocessing facilities. The GBAE has held nuclear-related meetings and discussions with the International Atomic Energy Agency. GBAE is the primary DPRK Government agency that oversees nuclear programmes, including the operation of the Yongbyon Nuclear Research Centre.
8.	Korean Tangun Trading Corporation		Pyongyang, DPRK.	16.7.2009	Korea Tangun Trading Corporation is subordinate to DPRK's Second Academy of Natural Sciences and is primarily responsible for the procurement of commodities and technologies to support DPRK's defence research and development programmes, including, but not limited to, weapons of mass destruction and delivery system programmes and procurement, including materials that are controlled or prohibited under relevant multilateral control regimes.'

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