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[1] Text with EEA relevance

EN

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

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 371/2010

of 16 April 2010

replacing Annexes V, X, XV and XVI to Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) [1], and in particular Articles 41(6), 11(5) and 39(2) thereof,

Whereas:

(1) Directive 2007/46/EC establishes a harmonised framework containing the administrative provisions and general technical requirements for all new vehicles, systems, components and separate technical units. In particular it includes a description of the procedures to be followed with respect to type-approval including the practical measures to be taken in order to ensure that vehicles are produced in accordance with their type-approval documentation as well provisions concerning how tests must be conducted in order to be granted type-approval.

(2) When examining the major policy areas which impact the competitiveness of the European automotive industry the CARS 21 High Level Group, set up by the Commission in 2005 to chart the way towards sustainable development of a competitive European automotive industry, agreed on a number of recommendations aiming at enhancing the industry's global competitiveness and employment while sustaining further progress in safety and environmental performance. In the area of simplification the Group recommended the introduction of the possibility for a manufacturer to conduct himself tests required for approval, which implies his designation as technical service (hereinafter 'self-testing'). It also recommended the possibility to use computer simulations instead of conducting physical tests (hereinafter 'virtual testing').

(3) One of the main features of the type-approval system lies in the high level of confidence which must exist between the approval authority and the technical services it has appointed. It is therefore important that the documents exchanged between technical services and approval authority ensure transparency and clarity. For this reason, the format of the test reports as well the information which needs to be included therein should be clearly specified in Annex V to Directive 2007/46/EC related to the procedures to be followed with respect to type-approval.

(4) The verification of the conformity of the vehicles, components or separate technical units throughout the whole production process is an essential mechanism of the type-approval system. One of the ways of verifying conformity of production consists in conducting physical tests on vehicles, components or separate technical units taken from the production in order to ensure that they continue to meet the technical requirements. Even when virtual test methods have been used for the purposes of type-approval it should be clarified that only physical tests may be performed when the authority selects samples at random.

(5) Tests required with a view to granting type-approval are conducted by technical services duly notified by the approval authorities of the Member States after their skills and competence have been assessed under relevant international standards. Those standards

[1] OJ L 263, 9.10.2007, p. 1.

contain the necessary requirements to allow a manufacturer or a subcontractor acting on his behalf to be designated as technical service by the approval authority in the meaning of Directive 2007/46/EC. It is however important to specify what the responsibilities of the manufacturers are in order to prevent potential conflict of interests in particular when tests are subcontracted.

(6) A list of the regulatory acts for which a manufacturer may be designated as technical service is included in Annex XV to Directive 2007/46/EC. To conform to the recommendations of the CARS 21 High Level Group it is necessary to amend that list.

(7) Computer-aided techniques, in particular Computer-Aided-Design, are used widely throughout the engineering process from conceptual design and layout of components and equipments, through strength and dynamic analysis of assemblies to definition of manufacturing methods. Available software makes possible the use of virtual testing methods based on those techniques, the introduction of which was identified by the CARS 21 High Level Group as a means of reducing costs for manufacturers by removing the obligation of building prototypes for the purposes of type-approval. To conform to the recommendations of the Group, it is necessary to establish a list of the regulatory acts for which virtual testing is permitted.

(8) A virtual testing method should provide for the same level of confidence in the results as a physical test. Therefore, it is appropriate to lay down relevant conditions to ensure that proper validation of the mathematical models is conducted.

(9) It is appropriate with a view to ensuring the proper operation of the type-approval system to update the Annexes to Directive 2007/46/EC in order to adapt them to the development of scientific and technical knowledge. Since the provisions of those Annexes are sufficiently detailed and need not further transposition measures by Member States, it is therefore appropriate to replace them by means of a Regulation in accordance with Article 39(8) of Directive 2007/46/EC.

(10) Annexes V, X, XV and XVI to Directive 2007/46/EC should be amended accordingly.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Directive 2007/46/EC shall be amended as follows:

1. Annex V is replaced by the text set out in Annex I to this Regulation.

2. Annex X is replaced by the text set out in Annex II to this Regulation.

3. Annex XV is replaced by the text set out in Annex III to this Regulation.

4. Annex XVI is replaced by the text set out in Annex IV to this Regulation.

Article 2

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

It shall apply from 29 April 2010.

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

Done at Brussels, 16 April 2010.

For the Commission
The President
José Manuel BARROSO

ANNEX I

'ANNEX V

PROCEDURES TO BE FOLLOWED WITH RESPECT TO EC TYPE-APPROVAL

0. **Objectives and scope**

0.1. This Annex establishes the procedures for the proper operation of the vehicle type-approval in accordance with the provisions of Article 9.

0.2. It also includes:

(a) the list of international standards which are of relevance for the designation of the technical services in accordance with Article 41;

(b) the description of the procedure to be followed for the assessment of the skills of technical services in accordance with Article 42;

(c) the general requirements for the drafting of test reports by technical services.

1. **Type-approval process**

When receiving an application for vehicle type-approval, the approval authority shall:

(a) verify that all EC type-approval certificates issued pursuant to the regulatory acts which are applicable for vehicle type-approval cover the vehicle type and correspond to the prescribed requirements;

(b) by reference to the documentation make sure that the vehicle specifications and data contained in Part I of the vehicle information document are included in the data in the information packages and in the EC type-approval certificates in respect of the relevant regulatory acts;

(c) when an item number in Part I of the information document is not included in the information package of any of the regulatory acts, confirm that the relevant part or characteristic conforms to the particulars in the information folder;

(d) on a selected sample of vehicles from the type to be approved carry out or arrange to be carried out inspections of vehicle parts and systems to verify that the vehicle(s) is/are built in accordance with the relevant data contained in the authenticated information package in respect of the relevant EC type-approval certificates;

(e) carry out or arrange to be carried out relevant installation checks in respect of separate technical units where applicable;

(f) carry out or arrange to be carried out necessary checks in respect of the presence of the devices provided for in footnotes (1) and (2) of Part I of Annex IV where applicable;

(g) carry out or arrange to be carried out necessary checks in order to ensure that the requirements provided for in footnote (5) of Part I of Annex IV are fulfilled.

2. **Combination of technical specifications**

The number of vehicles to be submitted shall be sufficient to permit the proper check of the various combinations to be type-approved according to the following criteria:

Technical specifications	Vehicle category									
	M_1	M_2	M_3	N_1	N_2	N_3	O_1	O_2	O_3	O_4
Engine	X	X	X	X	X	X	—	—	—	—
Gear box	X	X	X	X	X	X	—	—	—	—
Number of axles	—	X	X	X	X	X	X	X	X	X
Powered axles (number, position and interconnection)	X	X	X	X	X	X	—	—	—	—
Steered axles (number and position)	X	X	X	X	X	X	X	X	X	X
Body styles	X	X	X	X	X	X	X	X	X	X
Number of doors	X	X	X	X	X	X	X	X	X	X
Hand of drive	X	X	X	X	X	X	—	—	—	—
Number of seats	X	X	X	X	X	X	—	—	—	—
Level of equipment	X	X	X	X	X	X	—	—	—	—

3. **Specific provisions**

Where no approval certificates for any of the relevant regulatory acts are available, the approval authority shall:

(a) arrange for the necessary tests and checks as required by each of the relevant regulatory acts;

(b) verify that the vehicle conforms to the particulars in the vehicle information folder and that it meets the technical requirements of each of the relevant regulatory acts;

(c) carry out or arrange to be carried out relevant installation checks in respect of separate technical units where applicable;

(d) carry out or arrange to be carried out necessary checks in respect of the presence of the devices provided for in footnotes (1) and (2) of Part I of Annex IV where applicable;

(e) carry out or arrange to be carried out necessary checks in order to ensure that the requirements provided for in footnote (5) of Part I of Annex IV are fulfilled.

Appendix 1

Standards with which the entities referred to in Article 41 have to comply

1. Activities related to testing for type-approval, to be carried out in accordance with the regulatory acts listed in Annex IV:

1.1. Category A (tests performed in own facilities):

EN ISO/IEC 17025:2005 on the general requirements for the competence of testing and calibration laboratories.

A technical service designated for category A activities may carry out or supervise the tests provided for in the regulatory acts for which it has been designated, in the facilities of a manufacturer or of a third party.

1.2. Category B (supervising of tests performed in the manufacturer's facilities or in the facilities of a third party):

EN ISO/IEC 17020:2004 on the general criteria for the operation of various types of bodies performing inspection.

Before performing or supervising any test in the facilities of a manufacturer or of a third party, the technical service shall check that the tests facilities and measurement devices comply with the appropriate requirements of the standard referred to in point 1.1.

2. Activities related to Conformity of Production

2.1. Category C (procedure for the Initial Assessment and surveillance audits of the manufacturer's quality management system):

EN ISO/IEC 17021:2006 on the requirements for bodies providing audit and certification of management systems.

2.2. Category D (inspection or testing of production samples or supervision thereof):

EN ISO/IEC 17020:2004 on the general criteria for the operation of various types of bodies performing inspection.

Appendix 2

Procedure for the assessment of the technical services

1. **Purpose of this Appendix**

1.1. This Appendix establishes the conditions according to which the assessment procedure of the technical services shall be conducted by the competent authority referred to in Article 42.

1.2. These requirements shall apply *mutatis mutandis* to all technical services, irrespective of their legal status (independent organisation, manufacturer or approval authority acting as technical service).

2. **Principles of assessing**

Assessing shall be characterised by reliance on a number of principles:

— independence which is the basis for the impartiality and objectivity of the conclusions,

— an evidence-based approach which guarantees reliable and reproducible conclusions.

Auditors shall show trust and integrity. They shall respect confidentiality and discretion.

They shall report truthfully and accurately findings and conclusions.

3. **Skills required of the auditors**

3.1. The assessments may only be conducted by auditors having the technical and administrative knowledge necessary for such purposes.

3.2. The auditors shall have been trained specifically for assessment activities. In addition, they shall have the specific knowledge of the technical area in which the technical service will exercise its activities.

3.3. Without prejudice to points 3.1 and 3.2 of this Appendix, the assessment referred to in Article 42 shall be conducted by auditors independent of the activities for which the assessment is conducted.

4. **Application for designation**

4.1. A duly authorised representative of the applicant technical service shall make a formal application to the competent authority that includes the following:

(a) general features of the technical service, including corporate entity, name, addresses, legal status and technical resources;

(b) a detailed description including curriculum vitae of the personnel in charge of testing and of the managerial staff as evidenced by the skills both educational and professional;

(c) in addition to the above, technical services which use virtual testing methods shall provide evidence of their ability to work in a Computer-Aided-x environment;

(d) general information concerning the technical service such as its activities, its relationship in a larger corporate entity if any, and addresses of all its physical location(s) to be covered by the scope of designation;

(e) an agreement to fulfil the requirements for designation and the other obligations of the technical service as applicable in the relevant Directives;

(f) a description of the conformity assessment services that the technical service undertakes in the framework of the applicable regulatory acts and a list of the regulatory acts for which the technical service applies for designation, including limits of capability where applicable;

(g) a copy of the quality manual of the technical service.

4.2. The competent authority shall review for adequacy the information supplied by the technical service.

5. **Resource review**

The competent authority shall review its ability to carry out the assessment of the technical service, in terms of its own policy, its competence and the availability of suitable auditors and experts.

6. **Subcontracting the assessment**

6.1. The competent authority may subcontract parts of the assessment to another designation authority or ask for support from technical experts provided by other competent authorities. The subcontractors and experts have to be accepted by the applicant technical service.

6.2. The competent authority shall take into account accreditation certificates with adequate scope in order to complete its global assessment of the technical service.

7. **Preparation for assessment**

7.1. The competent authority shall formally appoint an assessment team. The former shall ensure that the expertise brought to each assignment is appropriate. In particular, the team as a whole:

(a) shall have appropriate knowledge of the specific scope for which designation is sought; and

(b) shall have understanding sufficient to make a reliable assessment of the competence of the technical service to operate within its scope of designation.

7.2. The competent authority shall clearly define the assignment given to the assessment team. The task of the assessment team is to review the documents collected from the applicant technical service and to conduct the on-site assessment.

7.3. The competent authority shall agree, together with the technical service and the assigned assessment team, to the date and schedule for the assessment. However, it remains the responsibility of the competent authority to pursue a date that is in accordance with the surveillance and reassessment plan.

7.4. The competent authority shall ensure that the assessment team is provided with the appropriate criteria documents, previous assessment records, and the relevant documents and records of the technical service.

8. **On-site assessment**

The assessment team shall conduct the assessment of the technical service at the premises of the technical service from which one or more key activities are performed and, where relevant, shall perform witnessing at other selected locations where the technical service operates.

9. **Analysis of findings and assessment report**

9.1. The assessment team shall analyse all relevant information and evidence gathered during the document and record review and the on-site assessment. This analysis shall be sufficient to allow the team to determine the extent of competence and conformity of the technical service with the requirements for designation.

9.2. The competent authority's reporting procedures shall ensure that the following requirements are fulfilled.

9.2.1. A meeting shall take place between the assessment team and the technical service prior to leaving the site. At this meeting, the assessment team shall provide a written and/or oral report on its findings obtained from the analysis. An opportunity shall be provided for the technical service to ask questions about the findings, including non-conformities, if any, and their basis.

9.2.2. A written report on the outcome of the assessment shall be promptly brought to the attention of the technical service. This assessment report shall contain comments on competence and conformity, and shall identify non-conformities, if any, to be resolved in order to conform to all of the requirements for designation.

9.2.3. The technical service shall be invited to respond to the assessment report and to describe the specific actions taken or planned to be taken, within a defined time, to resolve any identified non-conformities.

9.3. The competent authority shall ensure that the responses of the technical service to resolve non-conformities are reviewed to see if the actions appear to be sufficient and effective. If the technical service responses are found not to be sufficient, further information shall be requested. Additionally, evidence of effective implementation of actions taken may be requested, or a follow-up assessment may be carried out to verify effective implementation of corrective actions.

9.4. The assessment report shall include, as a minimum the following:

(a) unique identification of the technical service;

(b) date(s) of the on-site assessment;

(c) name(s) of the auditors(s) and/or experts involved in the assessment;

(d) unique identification of all premises assessed;

(e) proposed scope of designation that was assessed;

(f) a statement on the adequacy of the internal organisation and procedures adopted by the technical service to give confidence in its competence, as determined through its fulfilment of the requirements for designation;

(g) information on the resolution of all non-conformities;

(h) a recommendation of whether the applicant should be designated or confirmed as technical service and, if so, the scope of designation.

10. **Granting/confirming a designation**

10.1. The approval authority shall, without undue delay, make the decision on whether to grant, confirm or extend designation on the basis of the report(s) and any other relevant information.

10.2. The approval authority shall provide a certificate to the technical service. This certificate shall identify the following:

(a) the identity and logo of the approval authority;

(b) the unique identity of the designated technical service;

(c) the effective date of granting of designation and the expiry date;

(d) a brief indication of or a reference to the scope of designation (applicable directives, regulations or part of them);

(e) a statement of conformity and a reference to the present Directive.

11. **Reassessment and surveillance**

11.1. Reassessment is similar to an initial assessment except that experience gained during previous assessments shall be taken into account. Surveillance on-site assessments are less comprehensive than reassessments.

11.2. The competent authority shall design its plan for reassessment and surveillance of each designated technical service so that representative samples of the scope of designation are assessed on a regular basis.

The interval between on-site assessments, whether reassessment or surveillance, depends on the proven stability that the technical service has reached.

11.3. When, during surveillance or reassessments, non-conformities are identified, the competent authority shall define strict time limits for corrective actions to be implemented.

11.4. When the corrective or improvement actions have not been taken within the agreed timeframe or are not deemed to be sufficient, the competent authority shall adopt appropriate measures, such as conducting a further assessment or suspending/withdrawing the designation for one or more of the activities for which the technical service has been designated.

11.5. When the competent authority decides to suspend or withdraw the designation of a technical service, it shall inform the latter by registered mail. In any case, the competent authority shall adopt all the necessary measures to ensure the continuity of the activities already undertaken by the technical service.

12. **Records on designated technical services**

12.1. The competent authority shall maintain records on technical services to demonstrate that requirements for designation, including competence, have been effectively fulfilled.

12.2. The competent authority shall keep the records on technical services secure to ensure confidentiality.

12.3. Records on technical services shall include at least the following:

(a) relevant correspondence;

(b) assessment records and reports;

(c) copies of designation certificates.

Appendix 3

General requirements concerning the format of the test reports

1. For each of the regulatory acts listed in Part I of Annex IV, the test report shall comply with the provisions of Standard EN ISO/IEC 17025:2005. In particular it shall include the information mentioned in point 5.10.2, including footnote (1) of that Standard.

2. The template of the test reports shall be laid down by the approval authority in accordance with its rules of good practice.

3. The test report shall be drafted in the official language of the Community determined by the approval authority.

4. Moreover it shall include at least the following information:

   (a) the identification of the vehicle, component or separate technical unit tested;

   (b) a detailed description of the vehicle, component or separate technical unit characteristics in connection with the regulatory act;

   (c) the results of the measurements specified in the relevant regulatory acts and, when required, the limits or thresholds which are to be met;

   (d) in regard to each measurement mentioned in point 4(c) the relevant decision: passed or failed;

   (e) a detailed statement of compliance with the various provisions which are to be met, i.e. such provisions for which it is not required to make measurements.

   Example from Section 3.2.2 of Annex I to Council Directive 76/114/EEC [1]:

   "Check that the vehicle identification number is placed in such a way that it cannot be obliterated or deteriorate";

   the report shall include a statement such as: "the place of stamping the vehicle identification number fulfils the requirements of Section 3.2.2 of Annex I";

   (f) when test methods other than those prescribed in the regulatory acts are permitted the report shall include a description of the test method used for performing the test.

   The same applies when alternative provisions in the regulatory acts may be used;

   (g) pictures taken during testing, the number of which shall be decided by the approval authority.

   In the case of virtual testing, screen prints or other suitable evidence may replace pictures;

   (h) conclusions drawn up;

   (i) when opinions and interpretations have been made, they shall be documented properly and marked as such in the test report.

5. When the tests are conducted on a vehicle, component or technical unit that combines a number of most unfavourable features with regard to the required level of performance to be achieved (i.e. the worst-case), the test report shall include a reference stating how the selection has been made by the manufacturer in agreement with the approval authority.

[1] OJ L 24, 30.1.1976, p. 1.'

ANNEX II

'ANNEX X

CONFORMITY OF PRODUCTION PROCEDURES

0. **Objectives**

0.1. The conformity of production procedure aims to ensure that each produced vehicle, system, component and technical separate unit is in conformity with the approved type.

0.2. Procedures include inseparably the assessment of quality management systems, referred to below as "initial assessment" and verification of the approval subject and product-related controls, referred to as "product conformity arrangements".

1. **Initial assessment**

1.1. The approval authority of a Member State shall verify the existence of satisfactory arrangements and procedures for ensuring effective control so that components, systems, separate technical units or vehicles when in production conform to the approved type.

1.2. Guidance for conducting assessments may be found in Standard EN ISO 19011:2002 — Guidelines for quality and/or environmental management systems auditing.

1.3. The requirements referred to in point 1.1 shall be verified to the satisfaction of the authority granting type-approval.

That authority shall be satisfied with the initial assessment and the product conformity arrangements at section 2 below, taking account as necessary of one of the arrangements described in points 1.3.1 to 1.3.3, or a combination of those arrangements in full or in part as appropriate.

1.3.1. The actual initial assessment and/or verification of product conformity arrangements shall be carried out by the approval authority granting the approval or an appointed body acting on behalf of the approval authority.

1.3.1.1. When considering the extent of the initial assessment to be carried out, the approval authority may take account of available information relating to:

(a) the manufacturer's certification described in point 1.3.3 below, which has not been qualified or recognised under that point;

(b) in the case of component or separate technical unit type-approval, quality system assessments performed in the component or separate technical unit manufacturer's premises by vehicle manufacturer(s), according to one or more of the industry sector specifications satisfying the requirements in harmonised standard EN ISO 9001:2008.

1.3.2. The actual initial assessment and/or verification of product conformity arrangements may also be carried out by the approval authority of another Member State or the appointed body designated for this purpose by the approval authority.

1.3.2.1. In such a case, the approval authority of the other Member State shall prepare a statement of compliance outlining the areas and production facilities it has covered as relevant to the product(s) to be type-approved and to the regulatory acts according to which these products are to be type-approved.

1.3.2.2. On receiving an application for a compliance statement from the approval authority of a Member State granting type-approval, the approval authority of another Member State shall send forthwith the statement of compliance or advise that it is not in a position to provide such a statement.

1.3.2.3. The statement of compliance shall include at least the following:

(a) Group or company	(e.g. XYZ Automotive)
(b) Particular organisation	(e.g. European Division)
(c) Plants/Sites	(e.g. Engine Plant 1 (United Kingdom) — Vehicle Plant 2 (Germany))
(d) Vehicle/Component range	(e.g. All Category M_1 models)
(e) Areas assessed	(e.g. Engine assembly, body pressing and assembly, vehicle assembly)
(f) Documents examined	(e.g. Company and site quality manual and procedures)
(g) Date of the assessment	(e.g. Audit conducted from 18 to 30.5.2009)
(h) Planned monitoring visit	(e.g. October 2010)

1.3.3. The approval authority shall also accept the manufacturer's suitable certification to harmonised standard EN ISO 9001:2008 or an equivalent harmonised standard as satisfying the initial assessment requirements of point 1.3. The manufacturer shall provide details of the certification and undertake to inform the approval authority of any revisions to its validity or scope.

1.4. For the purpose of vehicle type-approval, the initial assessments carried out for granting approvals for systems, components and technical units of the vehicle need not be repeated but shall be completed by an assessment covering the locations and activities relating to the assembly of the whole vehicle not covered by the former assessments.

2. **Product conformity arrangements**

2.1. Every vehicle, system, component or separate technical unit approved pursuant to this Directive or a separate Directive or Regulation shall be so manufactured as to conform to the type approved by meeting the requirements of this Directive or the applicable regulatory acts listed in Annex IV.

2.2. The approval authority of a Member State shall verify the existence of adequate arrangements and documented control plans, to be agreed with the manufacturer for each approval, to carry out at specified intervals those tests or associated checks necessary to verify continued conformity with the approved type including specifically physical tests specified in the regulatory acts.

2.3. The holder of the type-approval shall, in particular:

2.3.1. ensure the existence and application of procedures for effective control of the conformity of products (vehicles, systems, components or separate technical units) to the approved type;

2.3.2. have access to the testing or other appropriate equipment necessary for checking the conformity to each approved type;

2.3.3. ensure that test or check results data are recorded and that annexed documents remain available for a period to be determined in agreement with the approval authority. This period shall not exceed 10 years;

2.3.4. analyse the results of each type of test or check, in order to verify and ensure the stability of the product characteristics, making allowance for variation of an industrial production;

2.3.5. ensure that for each type of product, at least the checks prescribed in this Directive and the tests prescribed in the applicable regulatory acts listed in Annex IV are carried out;

2.3.6. ensure that any set of samples or test pieces, giving evidence of non-conformity in the type of test or check in question gives rise to a further sampling and test or check. All the necessary steps shall be taken to restore conformity of the corresponding production;

2.3.7. in the case of vehicle type-approval, the checks referred to in point 2.3.5 shall at least consist in verifying the correct built specifications in relation to the approval and the information required for certificates of conformity given in Annex IX.

3. **Continued verification arrangements**

3.1. The authority which has granted type-approval may at any time verify the conformity control methods applied in each production facility.

3.1.1. The normal arrangements shall be to monitor the continued effectiveness of the procedures laid down in Sections 1 and 2 (initial assessment and product conformity arrangements) of this Annex.

3.1.1.1. Surveillance activities carried out by the technical services (qualified or recognised as required in point 1.3.3) shall be accepted as satisfying the requirements of point 3.1.1 with regard to the procedures established at initial assessment.

3.1.1.2. The normal frequency of verifications by the approval authority (other than those referred to in point 3.1.1.1) shall be such as to ensure that the relevant controls applied in accordance with Sections 1 and 2 are reviewed over a period consistent with the climate of trust established by the approval authority.

3.2. At every review, records of tests or checks and records of production shall be made available to the inspector; in particular, records of those tests or checks documented as required in point 2.2.

3.3. The inspector may select samples at random to be tested in the manufacturer's laboratory or in the facilities of the technical service. In such a case only physical test shall be carried out. The minimum number of samples may be determined according to the results of the manufacturer's own verification.

3.4. Where the level of control appears unsatisfactory, or when it seems necessary to verify the validity of the tests carried out in accordance with point 3.2, the inspector shall select samples to be sent to a technical service to perform physical tests.

3.5. Where unsatisfactory results are found during an inspection or a monitoring review, the approval authority shall ensure that all necessary steps are taken to restore conformity of production as rapidly as possible.'

ANNEX III

'ANNEX XV

REGULATORY ACTS FOR WHICH A MANUFACTURER MAY BE DESIGNATED AS TECHNICAL SERVICE

0. **Objectives and scope**

0.1. This Annex lays down the list of the regulatory acts for which a manufacturer may be designated as technical service in accordance with Article 41(6).

0.2. It also includes appropriate provisions concerning the designation of a manufacturer as technical service, to be applied in the framework of the type-approval of vehicles, components and separate technical units concerned by Part I of Annex IV.

0.3. However it does not apply to manufacturers which apply for small series approval in accordance with Article 22.

1. **Appointment of a manufacturer as technical service**

1.1. A manufacturer appointed as technical service is a manufacturer who has been designated by the approval authority as a testing laboratory to carry out approval tests on its behalf in the meaning of point 31 of Article 3.

In accordance with Article 41(6), a manufacturer may only be designated as technical service for category A activities.

1.2. The expression "to carry out test" is not restricted to the measurement of performances but covers also the registration of test results and the submission of a report to the approval authority including the relevant conclusions.

It covers the checking of compliance with those provisions which do not necessarily require measurement. This is the case for the assessment of the design against legislative requirements.

For example, "check compliance of the location of the fuel tank in a vehicle with the provisions of point 5.10 of Annex I to Directive 70/221/EEC" has to be understood as part of "to carry out test".

2. **List of regulatory acts and restrictions**

	Regulatory act reference	Subject
4.	Directive 70/222/EEC	Rear registration plate space
7.	Directive 70/388/EEC	Audible warning
18.	Directive 76/114/EEC	Plates (statutory)
20.	Directive 76/756/EEC	Installation of lighting and light signalling devices
27.	Directive 77/389/EEC	Towing hooks
33.	Directive 78/316/EEC	Identification of controls, tell-tales and indicators
34.	Directive 78/317/EEC	Defrost/demist
35.	Directive 78/318/EEC	Wash/wipe
36.	Directive 2001/56/EC	Heating systems Except the provisions in Annex VIII relating to installation requirements of LPG heating systems in vehicle.
37.	Directive 78/549/EEC	Wheel guards
44.	Directive 92/21/EEC	Masses and dimensions (cars)

	Regulatory act reference	Subject
45.	Directive 92/22/EEC	Safety glazing Restricted to the provisions included in Annex 21 to UNECE Regulation 43.
46.	Directive 92/23/EEC	Tyres
48.	Directive 97/27/EC	Masses and dimensions (other than vehicles referred to in item 44)
49.	Directive 92/114/EEC	External projections of cabs
50.	Directive 94/20/EC	Couplings Restricted to the provisions included in Annexes V (up to and including Section 8) and VII.
61.	Directive 2006/40/EC	Air-conditioning system

Appendix

Designation of a manufacturer as technical service

1. **General**

1.1. The designation and notification of a manufacturer as technical service shall be made in accordance with the provisions of Articles 41, 42 and 43 as well with the practical measures included in this Appendix.

1.2. The manufacturer shall be accredited under Standard EN ISO/IEC 17025:2005 — General requirements for the competence of testing and calibration laboratories.

2. **Subcontracting**

2.1. In accordance with the provisions of Article 41(6) first subparagraph, a manufacturer may nominate a subcontractor for performing tests on his behalf.

By subcontractor it shall be understood:

a) either a subsidiary which is entrusted with testing activities by the manufacturer inside its own organisation; or

b) a third party under contract with the manufacturer to perform test activities.

2.2. Turning to the services of a subcontractor does not remove the obligation for the manufacturer to comply with the provisions of Article 41 in particular those concerning the skills of the technical services and compliance with Standard EN ISO/IEC 17025:2005.

2.3. Section 1 of Annex XV shall apply to the subcontractor.

3. **Test report**

Test reports shall be drafted in accordance with the general requirements set out in Appendix 3 of Annex V to Directive 2007/46/EC.'

ANNEX IV

'ANNEX XVI

SPECIFIC CONDITIONS REQUIRED FROM VIRTUAL TESTING METHODS AND REGULATORY ACTS FOR WHICH VIRTUAL TESTING METHODS MAY BE USED BY A MANUFACTURER OR A TECHNICAL SERVICE

0. **Objectives and scope**

This Annex lays down appropriate provisions concerning virtual testing in accordance with Article 11(3).

It shall not apply to the second subparagraph of Article 11(2).

1. **List of regulatory acts**

No	Regulatory act reference	Subject
3.	Directive 70/221/EEC	Fuel tanks/rear protective devices
6.	Directive 70/387/EEC	Door latches and hinges
8.	Directive 2003/97/EC	Indirect vision devices
12.	Directive 74/60/EEC	Interior fittings
16.	Directive 74/483/EEC	Exterior projections
20.	Directive 76/756/EEC	Installation of lighting and light signalling devices
27.	Directive 77/389/EEC	Towing hooks
32.	Directive 77/649/EEC	Forward vision
35.	Directive 78/318/EEC	Wash/wipe
37.	Directive 78/549/EEC	Wheel guards
42.	Directive 89/297/EEC	Lateral protection
49.	Directive 92/114/EEC	External projections of cabs
50.	Directive 94/20/EC	Couplings
52.	Directive 2001/85/EC	Buses and coaches
57.	Directive 2000/40/EC	Front underrun protection

Appendix 1

General conditions required from virtual testing methods

1. **Virtual test pattern**

The following scheme shall be used as basis structure for describing and conducting virtual testing:

(a) purpose;

(b) structure model;

(c) boundary conditions;

(d) load assumptions;

(e) calculation;

(f) assessment;

(g) documentation.

2. **Fundamentals of computer simulation and calculation**

2.1. *Mathematical model*

The mathematical model shall be supplied by the manufacturer. It shall reflect the complexity of the structure of the vehicle, system and components to be tested in relation to the requirements of the regulatory act and its boundary conditions.

The same provisions shall apply *mutatis mutandis* for testing components or technical units independently from the vehicle.

2.2. *Validation process of the mathematical model*

The mathematical model shall be validated in comparison with the actual test conditions.

To that effect a physical test shall be conducted for the purposes of comparing the results obtained when using the mathematical model with the results of a physical test. Comparability of the test results shall be proven. A validation report shall be drafted by the manufacturer or by the technical service and submitted to the approval authority.

Any change made to the mathematical model or to the software likely to invalidate the validation report shall be brought to the attention of the approval authority which may require that a new validation process is conducted.

The flow chart of the validation process is shown in Appendix 3.

2.3. *Documentation*

The data and auxiliary tools used for the simulation and calculation shall be made available by the manufacturer and be documented in a suitable way.

3. **Tools and support**

At the request of the technical service, the manufacturer shall supply or provide access to the necessary tools including appropriate software.

In addition he shall provide appropriate support to the technical service.

Providing access and support to a technical service does not remove any obligation of the technical service regarding the skills of its personnel, the payment of licence rights and respect of confidentiality.

Appendix 2

Specific conditions concerning virtual testing methods

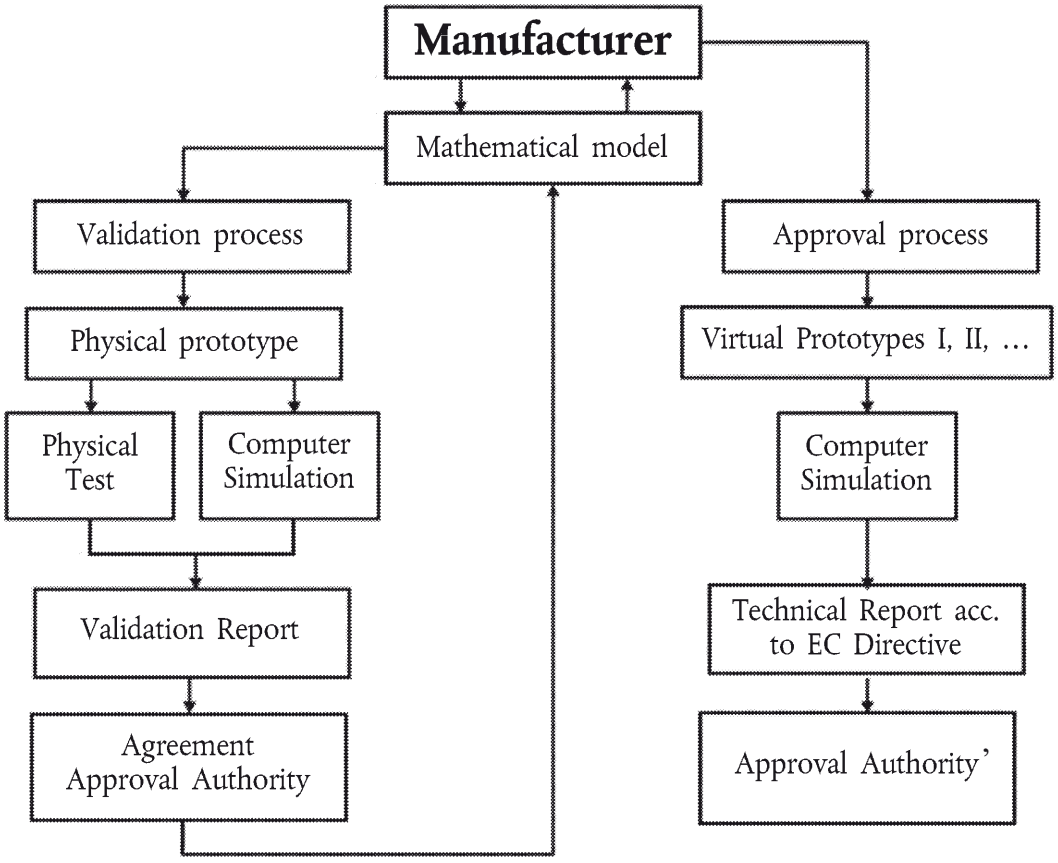
1. **List of regulatory acts**

	Regulatory act reference	Annex and paragraph	Specific conditions
3.	Directive 70/221/EEC	Annex II (Rear underrun protection) Point 5.4.5.	
6.	Directive 70/387/EEC	Annex II Point 4.3.	
8.	Directive 2003/97/EC	Annex III All provisions in Sections 3, 4 and 5.	Prescribed fields of vision of rear-view mirrors.
12.	Directive 74/60/EEC	Annex I All provisions in Section 5 (Specifications).	Measurement of all radii of curvature and of all projections except for those requirements where a force has to be applied in order to check compliance with the provisions.
		Annex II	Determination of the head-impact zone.
16.	Directive 74/483/EEC	Annex I All provisions in Section 5 (General specifications) and Section 6 (Particular specifications).	Measurement of all radii of curvature and of all projections except for those requirements where a force has to be applied in order to check compliance with the provisions.
20.	Directive 76/756/EEC	Section 6 (Individual specifications) of UNECE Regulation No 48.	The test drive provided for in Point 6.22.9.2.2 shall be performed on a real vehicle.
		Provisions of Annexes 4, 5 and 6 to UNECE Regulation No 48.	
27.	Directive 77/389/EEC	Annex II, Section 2	
32.	Directive 77/649/EEC	Section 5 (Specifications) of Annex I.	
35.	Directive 78/318/EEC	Annex I	Point 5.1.2. Measurement of the swept area only.
37.	Directive 78/549/EEC	Section 2 (Special requirements) of Annex I	
42.	Directive 89/297/EEC	Annex I Point 2.8.	Resistance under a horizontal force and deflection measurement.
49.	Directive 92/114/EEC	Annex I All provisions in Section 4 (Specific requirements). Regarding N_1 vehicles, the provisions referred to in item 16 of this Appendix shall apply.	Measurement of all radii of curvature and of all projections except for those requirements where a force has to be applied in order to check compliance with the provisions.

	Regulatory act reference	Annex and paragraph	Specific conditions
50.	Directive 94/20/EC	Annex V "Requirements for mechanical coupling Devices"	All provisions of Sections 1 to 8 included.
		Annex VI Point 1.1.	Strength tests on mechanicals couplings of simple design may be replaced by virtual tests.
		Section 4 of Annex VI "Testing of mechanical coupling devices"	Points 4.5.1. (Strength test), 4.5.2. (Resistance to buckling) and 4.5.3. (Resistance to bending moment) only.
52.	Directive 2001/85/EC	Annex I	Point 7.4.5. Stability test under the conditions specified in the Appendix to Annex I.
		Annex IV Strength of superstructure	Appendix 4 — Verification of strength of the superstructure by calculation.
57.	Directive 2000/40/EC	Section 3 of Annex 5 to UNECE Regulation 93.	Resistance under a horizontal force and deflection measurement.

Appendix 3

Validation process



COMMISSION REGULATION (EU) No 372/2010

of 30 April 2010

amending for the 126th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, [1] and in particular Article 7(1)(a) and 7a(1) [2] thereof,

Whereas:

(1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

(2) On 22 April 2010 the Sanctions Committee of the United Nations Security Council decided to add two natural persons to its list of persons, groups and entities to whom the freezing of funds and economic resources should apply and to remove one natural person from the list.

(3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 30 April 2010.

For the Commission,
On behalf of the President,
João VALE DE ALMEIDA
Director-General for External Relations

[1] OJ L 139, 29.5.2002, p. 9.
[2] Article 7a was inserted by Regulation (EU) No 1286/2009 (OJ L 346, 23.12.2009, p. 42).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

1. The following entries shall be added under the heading 'Natural persons':

   (a) 'Mohamed **Belkalem** (*alias* (a) Abdelali Abou Dher, (b) El Harrachi). Date of birth: 19.12.1969. Place of birth: Hussein Dey, Algiers, Algeria. Nationality: Algerian. Other information: (a) Believed to be in Mali, (b) Father's name is Ali Belkalem, mother's name is Fatma Saadoudi; (c) Member of The Organization of Al-Qaida in the Islamic Maghreb. Date of designation referred to in Article 2a (4) (b): 22.4.2010.'

   (b) 'Tayeb **Nail** (*alias* (a) Djaafar Abou Mohamed, (b) Abou Mouhadjir, (c) Mohamed Ould Ahmed Ould Ali). Date of birth: (a) Approximately 1972, (b) 1976 (Mohamed Ould Ahmed Ould Ali). Place of birth: Faidh El Batma, Djelfa, Algeria. Nationality: Algerian. Other information: (a) Believed to be in Mali, (b) Father's name was Benazouz Nail, mother's name is Belkheiri Oum El Kheir; (c) Member of The Organization of Al-Qaida in the Islamic Maghreb. Date of designation referred to in Article 2a (4) (b): 22.4.2010.'

2. The following entry shall be deleted from the heading 'Natural persons':

   'Ahmed Said Zaki **Khedr** (*alias* (a) Ahmed Said Al Kader, (b) Abdul Rehman Khadr Al-Kanadi, (c) Shaikh Said Abdul Rehman, (d) Al-Kanadi, Abu Abd Al-Rahman). Date of birth: 1.3.1948. Place of birth: Cairo, Egypt. Nationality: Canadian. Other information: reportedly deceased in October 2003.'

COMMISSION REGULATION (EU) No 373/2010

of 30 April 2010

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

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission 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 1 May 2010.

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

Done at Brussels, 30 April 2010.

For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

[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	JO	82,9
	MA	90,4
	TN	107,3
	TR	91,6
	ZZ	93,1
0707 00 05	MA	64,9
	TR	120,2
	ZZ	92,6
0709 90 70	TR	91,1
	ZZ	91,1
0805 10 20	EG	45,5
	IL	61,6
	MA	54,7
	TN	47,1
	TR	60,5
	ZZ	53,9
0805 50 10	TR	70,0
	ZA	67,9
	ZZ	69,0
0808 10 80	AR	90,7
	BR	79,3
	CA	80,5
	CL	81,4
	CN	76,5
	MK	22,1
	NZ	117,0
	US	126,4
	UY	93,0
	ZA	89,8
	ZZ	85,7

(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 (EU) No 374/2010

of 30 April 2010

fixing the import duties in the cereals sector applicable from 1 May 2010

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

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

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

(4) Import duties should be fixed for the period from 1 May 2010 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 May 2010, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 May 2010.

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

Done at Brussels, 30 April 2010.

For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

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

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 May 2010

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	31,76
1005 10 90	Maize seed other than hybrid	16,00
1005 90 00	Maize, other than seed [2]	16,00
1007 00 90	Grain sorghum other than hybrids for sowing	31,76

[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 on the Black Sea,

— 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

16.4.2010-29.4.2010

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	Minneapolis	Chicago	—	—	—	—
Quotation	157,20	105,53	—	—	—	—
Fob price USA	—	—	133,24	123,24	103,24	72,80
Gulf of Mexico premium	—	14,06	—	—	—	—
Great Lakes premium	18,66	—	—	—	—	—

(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:	26,43 EUR/t
Freight costs: Great Lakes–Rotterdam:	57,46 EUR/t

DECISIONS

COUNCIL DECISION

of 26 April 2010

appointing nine members of the Court of Auditors

(2010/246/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 286(2) thereof,

Having regard to the opinions of the European Parliament [1],

Whereas:

(1) The terms of office of Mr Jan KINŠT, Ms Kersti KALJULAID, Mr Igors LUDBORŽS, Ms Irena PETRUŠKEVIČIENĖ, Mr Gejza HALÁSZ, Mr Josef BONNICI, Mr Jacek UCZKIEWICZ, Mr Vojko Anton ANTONČIČ and Mr Július MOLNÁR expire on 6 May 2010.

(2) New appointments should therefore be made,

HAS ADOPTED THIS DECISION:

Sole Article

The following are hereby appointed members of the Court of Auditors for the period from 7 May 2010 to 6 May 2016:

— Mr Jan KINŠT,

— Ms Kersti KALJULAID,

— Mr Igors LUDBORŽS,

— Ms Rasa BUDBERGYTĖ,

— Mr Szabolcs FAZAKAS,

— Mr Louis GALEA,

— Mr Augustyn KUBIK,

— Mr Milan Martin CVIKL,

— Mr Ladislav BALKO.

Done at Luxembourg, 26 April 2010.

For the Council
The President
M. Á. MORATINOS

[1] Opinions delivered on 25 March 2010 (not yet published in the Official Journal).

COUNCIL DECISION

of 26 April 2010

appointing one Polish member and one Polish alternate member of the Committee of the Regions

(2010/247/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Polish Government,

Whereas:

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU and 2010/29/EU appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015 [1].

(2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Tadeusz WRONA, member of the Committee of the Regions. An alternate member's seat has become vacant following the appointment of Mr Jan BRONŚ as a member of the Committee of the Regions,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

(a) as member:

— Mr Jan BRONŚ, Mayor of Oleśnica (change of mandate);

and

(b) as alternate member:

— Mr Zbigniew PODRAZA, Mayor of Dąbrowa Górnicza.

Article 2

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

Done at Luxembourg, 26 April 2010.

For the Council
The President
M. Á. MORATINOS

[1] OJ L 348, 29.12.2009, p. 22 and OJ L 12, 19.1.2010, p. 11.

COUNCIL DECISION

of 26 April 2010

adjusting the allowances provided for in Decision 2003/479/EC and Decision 2007/829/EC concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council

(2010/248/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 41(1) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(2) thereof,

Whereas:

(1) Article 15(7) of Council Decision 2003/479/EC [1] and Article 15(6) of Council Decision 2007/829/EC [2] provide that the daily and monthly allowances are to be adjusted each year without retroactive effect on the basis of the adaptation of the basic salaries of European Union officials in Brussels and Luxembourg.

(2) On 23 December 2009, the Council adopted Regulation (EU, Euratom) No 1296/2009 adjusting with effect from 1 July 2009 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto [3], which applies an adjustment of 1,85 %,

HAS ADOPTED THIS DECISION:

Article 1

1. In Article 15(1) of Decision 2003/479/EC and Article 15(1) of Decision 2007/829/EC, the amounts EUR 30,75 and EUR 122,97 shall be replaced by EUR 31,32 and EUR 125,25 respectively.

2. In Article 15(2) of Decision 2003/479/EC and in Article 15(2) of Decision 2007/829/EC the table shall be replaced by the following:

'Distance between place of origin and place of secondment (in km)	Amount in EUR
0-150	0,00
> 150	80,50
> 300	143,12
> 500	232,59
> 800	375,71
> 1 300	590,40
> 2 000	706,72'

3. In Article 15(4) of Decision 2003/479/EC the amount EUR 30,75 shall be replaced by EUR 31,32.

Article 2

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

Done at Luxembourg, 26 April 2010.

For the Council
The President
M. Á. MORATINOS

[1] OJ L 160, 28.6.2003, p. 72.
[2] OJ L 327, 13.12.2007, p. 10.
[3] OJ L 348, 29.12.2009, p. 10.

COMMISSION DECISION

of 30 April 2010

concerning the adoption of a financing decision towards a preparatory action on control posts for 2010

(2010/249/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities [1], and in particular the introductory phrase and Article 49(6)(b) and Article 75(2) thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities [2] (hereinafter referred to as the Implementing Rules), and in particular Article 90 thereof,

Whereas:

(1) The communication from the Commission to the European Parliament and the Council on a Community action plan on the protection and welfare of animals 2006-2010 [3] identifies as one area of action the upgrading of existing minimum standards for animal protection and welfare in line with new scientific evidence and socioeconomic assessments as well as securing efficient enforcement.

(2) In order to improve the welfare of certain categories of transported animals, Union legislation lays down requirements concerning maximum journey times after which the animals are to be unloaded, fed and watered and rested. Such obligatory breaks in the long-distance transport of animals take place at control posts, as defined in Article 1(1) of Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for control posts [4].

(3) The increase in the number of animals being transported by road over long journeys has led to the need for improved control posts. It is necessary to determine, by consulting stakeholders and using their technical expertise, quality criteria for control posts and to determine which strategies should be developed within the Union.

(4) In addition, there is a lack of control posts in certain locations and a number of existing control posts are of poor quality. A preparatory action, including the building or renovating of certain control posts, should therefore be carried out.

(5) In 2008, a call for proposals was published by the Commission for a similar preparatory action, but none of the proposals received met the minimum criteria of the call, due to the lack of sufficient information regarding the economic viability of the projects as well as the source of co-financing.

(6) Commission Decision 2009/755/EC of 13 October 2009 concerning the adoption of a financing decision towards a preparatory action on control posts for 2009 [5] established two phases of the preparatory action for 2009: firstly a preliminary study by a procurement procedure and another one by grants.

(7) In 2009, the preliminary study provided for in Decision 2009/755/EC was initiated to collect information on the current status of control posts as well as to define quality criteria for high quality control posts. That study will also establish economic criteria for providing subsidies to properly renovate or build high quality control posts. The results of the study are expected by May 2010 and the procedure for grants provided for by Decision 2009/755/EC will be initiated on the basis of the criteria established in the study.

(8) It is appropriate to maintain financing by the Union for that preparatory action. In the general budget of the European Union for 2010, the budgetary authority allocated EUR 2 000 000 to a preparatory action on control posts.

[1] OJ L 248, 16.9.2002, p. 1.
[2] OJ L 357, 31.12.2002, p. 1.
[3] COM(2006) 13 final.
[4] OJ L 174, 2.7.1997, p. 1.
[5] OJ L 269, 14.10.2009, p. 26.

(9) This Decision constitutes a financing decision within the meaning of Article 75(2) of Regulation (EC, Euratom) No 1605/2002 and Article 90 of Regulation (EC, Euratom) No 2342/2002.

(10) Pursuant to Article 83 of Regulation (EC, Euratom) No 1605/2002, the validation, authorisation and payment of expenditure should be completed within the time limits laid down in the Implementing Rules.

(11) For the application of this Decision, it is appropriate to define the term 'substantial change', within the meaning of Article 90(4) of Regulation (EC, Euratom) No 2342/2002,

HAS ADOPTED THIS DECISION:

Article 1

The preparatory action, as set out in the Annex, (the preparatory action) is hereby adopted.

Article 2

For the purposes of this Decision, the definition of 'control post' in Article 1(1) of Regulation (EC) No 1255/97 shall apply.

Article 3

The maximum contribution of the European Union for the implementation of the preparatory action is set at EUR 2 000 000, to be financed from budget line 17 04 03 03 of the general budget of the European Union for 2010.

Article 4

1. The authorising officer may adopt any changes to this Decision which are not considered substantial within the meaning of Article 90(4) of Regulation (EC, Euratom) No 2342/2002, in accordance with the principles of sound financial management and of proportionality.

2. Cumulated changes of the allocations to the actions covered by the preparatory action not exceeding 10 % of the maximum contribution provided for in Article 3 of this Decision shall not be considered to be substantial within the meaning of Article 90(4) of Regulation (EC, Euratom) No 2342/2002, provided that they do not significantly affect the nature and objective of the preparatory action.

Done at Brussels, 30 April 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

PREPARATORY ACTION FOR CONTROL POSTS FOR 2010

1.1. **Introduction**

This preparatory action contains one implementing measure for 2010.

On the basis of the objectives given in the preparatory action, the allocation of the budget is for grants for the building or the renovation of control posts (to be implemented in direct centralised management) and is set at: EUR 2 000 000.

1.2. **Grants for the building or the renovation of control posts**

Grants shall be awarded by means of a written agreement (grant agreement).

LEGAL BASIS

Preparatory action within the meaning of Article 49(6)(b) of Regulation (EC, Euratom) No 1605/2002.

BUDGETARY LINE

17 04 03 03

PRIORITIES OF THE YEAR, OBJECTIVES TO BE FULFILLED AND PLANNED RESULTS

The increased number of animals being transported by road over long journeys has increased the need for improved control posts where animals are to rest. In the interest of animal health and welfare, it has been necessary to introduce specific measures to avoid stress to the animals and the spread of infectious diseases. The objective of the preparatory action is to increase the use of control posts and promote high quality control posts. This preparatory action is a follow up of a previous preparatory action provided for in Decision 2009/755/EC.

DESCRIPTION AND OBJECTIVE OF THE IMPLEMENTING MEASURE

The preparatory action shall consist in building or renovating high quality control posts in order to validate an experimental certification scheme based on the results of the feasibility study launched in 2009 pursuant to Decision 2009/755/EC. The preparatory action is expected to encourage an economically viable certification scheme for high quality control posts in order to improve the welfare of animals transported over long journeys.

IMPLEMENTATION

The implementation shall be carried out directly by the Directorate-General for Health and Consumers.

TIMETABLE AND INDICATIVE AMOUNT OF THE CALL FOR PROPOSALS/DIRECT AWARD

A single call for proposals of EUR 2 000 000 shall be published.

The preparatory action shall be performed within 24 months from the date of the signature of the grant agreement.

The call for proposals shall be launched after the completion of the study on the evaluation of the feasibility as referred to in Section 1.2 of Decision 2009/755/EC foreseen by the end of May 2010.

MAXIMUM POSSIBLE RATE OF CO-FINANCING

70 %

ESSENTIAL SELECTION AND AWARD CRITERIA

Selection criteria

— Financial capacity of the applicant:

  — applicants must show that they have the financial capacity to carry out the action to be financed,

  — applicants must provide evidence that they have available own resources needed for the Union co-financing requested and to manage the necessary cash-flow for the management of the project. The amount of the grant given to a beneficiary must not exceed the total amount of his/her own capital and long-term debt.

— Technical and professional capacity of the applicant:

  — applicants must have the technical capacity and the professional capability to carry out the action to be co-financed. They must provide evidence of their knowledge and experience in the field of animal-related infrastructure and animal transport operations. They must provide certification and descriptions of projects and activities undertaken by them three years before the date of their application and more particularly of projects related to related issues (transport or keeping of animals, building of infrastructure related to animals). They must provide detailed curriculum vitae of each member of their team and demonstrate the managerial capabilities of the project director and manager, including his or her educational background, degrees and diplomas, professional experience, research work and publications,

  — applicants must demonstrate that organisations applying for the action are committed to the objectives of the project and support the principle of introducing a certification scheme for control posts which is to be implemented by the action. They must provide evidence of the contacts and international stakeholders that they intend to consult, in particular as regards certification, and whose resources they intend to draw upon in the course of the execution of the preparatory action.

Award criteria

The following general award criteria shall apply:

— soundness of the approach (20 %),

— organisation of work and degree of involvement of competent authorities/organisations in the Member States covered by the action (30 %),

— relevance of the project at Union level and multiplier effect (30 %),

— cost-effectiveness ratio of the project (20 %).

FORM OF THE GRANT

Written agreement.

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 28 April 2010

on the research joint programming initiative 'A healthy diet for a healthy life'

(2010/250/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 181(2) thereof,

Whereas:

(1) Health of the citizens is essential for growth and prosperity in the Union.

(2) In the last 3 decades the levels of overweight and obesity in the population of the Union have risen dramatically, particularly among children.

(3) The trend of poor diet and low physical activity across the population of the Union is worsening.

(4) The prevalence of a number of chronic conditions such as cardiovascular disease, hypertension, type 2 diabetes, strokes, certain cancers, musculo-skeletal disorders and even a range of mental health conditions, is increasing.

(5) If common lifestyle risk factors, among others diet-related ones, were eliminated, around 80 % of cases of heart disease, strokes and type 2 diabetes, and 40 % of cancers, could be avoided.

(6) At its meeting on 3 December 2009, the Competitiveness Council recognised 'Health, food and prevention of diet-related diseases' (the title was later changed to 'A healthy diet for a healthy life') as an area where joint programming would provide a major added value to the current, fragmented research efforts by Member States. It therefore adopted conclusions recognising the need to launch a joint programming initiative on the subject and inviting the Commission to contribute to the preparation of that initiative. The Council also reaffirmed that joint programming is a process led by Member States, with the Commission acting as a facilitator.

(7) Joint programming of research in the field of food and health would provide for coordination of research on the impact of lifestyles and diet on health, contributing significantly to construction of a fully operational European Research Area on prevention of diet-related diseases and strengthening leadership and competitiveness of the research activities in this field.

(8) In order to ensure the efficiency of the joint efforts of Member States in the field of food and health, Member States should develop and implement a strategic research agenda based on a common approach to prevention of diet-related diseases.

(9) With a view to ensuring effective management of the joint action to be taken, Member States should set up a common management structure with a mandate to establish common conditions, rules and procedures for cooperation and coordination and to monitor implementation of the strategic research agenda.

(10) In order to achieve the goals set by this Recommendation, Member States should cooperate with the Commission on exploring possible Commission initiatives to assist Member States with developing and implementing the strategic research agenda.

(11) In order for the Commission to be able to report to the European Parliament and to the Council, Member States should report regularly to the Commission on the progress made on this joint programming,

HAS ADOPTED THIS RECOMMMENDATION:

1. Member States are encouraged to develop a common vision on how cooperation and coordination in the field of research at Union level can help to improve prevention of diet-related diseases.

2. Member States are encouraged to develop a strategic research agenda establishing medium- to long-term research needs and objectives in the area of prevention of diet-related diseases. The strategic research agenda should contain an implementation plan establishing priorities and timelines and specifying the action, instruments and resources required for the implementation for the strategic research agenda.

3. Member States are encouraged to include the following actions, as part of the strategic research agenda and of the implementation plan:

   (a) identifying and exchanging information on relevant national programmes and research activities;

   (b) identifying areas or research activities that would benefit from coordination or joint calls for proposals or pooling of resources;

   (c) exchanging information, resources, best practices, methods and guidelines, particularly while establishing large cohorts and clinical studies;

   (d) defining the procedure, including quality criteria, for research to be undertaken jointly, in the areas referred to in point (b);

   (e) sharing, where appropriate, existing research infrastructure or developing new facilities such as coordinated databases, biobanks or models for data extrapolation to humans;

   (f) exporting and disseminating knowledge, innovation and interdisciplinary approaches and ensuring the effective use of research outputs to enhance European competitiveness and policy making;

   (g) encouraging and supporting closer collaboration between the public and private sectors, together with open innovation between different business sectors;

   (h) creating a network between existing centres specialising particularly in consumer science, nutrition and processing technologies.

4. Member States are encouraged to set up a common management structure in the field of prevention of diet-related diseases with a mandate to establish common conditions, rules and procedures for cooperation and coordination and to monitor implementation of the strategic research agenda.

5. Member States are encouraged to jointly implement the strategic research agenda, including via their national research programmes or other national research activities.

6. Member States are encouraged to cooperate with the Commission with a view to exploring possible Commission initiatives to assist Member States in developing and implementing the strategic research agenda and with a view to coordinating the joint programmes with other Union initiatives in this field.

7. Member States are encouraged to report regularly to the Commission on the progress made on this joint programming initiative.

Done at Brussels, 28 April 2010.

For the Commission

Máire GEOGHEGAN-QUINN

Member of the Commission

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