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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.

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2016/402

of 15 January 2016

concerning the signing and conclusion of the Agreement between the Council of Ministers of the Republic of Albania and the European Union on security procedures for exchanging and protecting classified information

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, in particular Article 37 thereof, and the Treaty on the Functioning of the European Union, in particular Article 218(5) and the first subparagraph of Article 218(6) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) At its meeting on 20 January 2014, the Council decided to authorise the High Representative of the Union for Foreign Affairs and Security Policy (HR) to open negotiations pursuant to Article 37 of the Treaty on European Union and in accordance with the procedure laid down in Article 218(3) of the Treaty on the Functioning of the European Union in order to conclude an Agreement on the security of information between the Council of Ministers of the Republic of Albania and the European Union.
- (2) Following that authorisation, the HR negotiated an Agreement with the Council of Ministers of the Republic of Albania on security procedures for exchanging and protecting classified information.
- (3) That Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the Council of Ministers of the Republic of Albania and the European Union on security procedures for exchanging and protecting classified information is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Union.

Article 3

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

Done at Brussels, 15 January 2016.

For the Council
The President
J.R.V.A. DIJSSELBLOEM

AGREEMENT**between the Council of Ministers of the Republic of Albania and the European Union on security procedures for exchanging and protecting classified information**

The Council of Ministers of the Republic of Albania, hereafter referred to as 'Albania';

and

the European Union, hereafter referred to as 'the EU';

hereafter referred to as 'the Parties';

CONSIDERING that the Parties share the objectives of strengthening their own security in all ways;

CONSIDERING that the Parties agree that cooperation should be developed between them on questions of common interest relating to security;

CONSIDERING that, in this context, a permanent need therefore exists to exchange classified information between the Parties;

RECOGNISING that full and effective cooperation and consultation may require access to and exchange of classified information and related material of the Parties;

AWARE that such access to and exchange of classified information and related material require that appropriate security measures be taken,

HAVE AGREED AS FOLLOWS:

Article 1

1. In order to fulfil the objectives of strengthening the security of each of the Parties in all ways, this Agreement between Albania and the European Union on security procedures for exchanging and protecting classified information (hereafter the 'Agreement') shall apply to classified information or material in any form either provided or exchanged between the Parties.
2. Each Party shall protect classified information received from the other Party from loss or unauthorised disclosure in accordance with the terms set out herein and in accordance with the Parties' respective laws and regulations.

Article 2

For the purposes of this Agreement, 'classified information' shall mean any information or material, in any form, which:

- (a) is determined by either of the Parties to require protection, as its loss or unauthorised disclosure could cause varying degrees of damage or harm to the interests of Albania, or of the EU or one or more of its Member States; and
- (b) bears a security classification marking as set out in Article 7.

Article 3

1. The EU institutions and entities to which this Agreement applies shall be: the European Council, the Council of the European Union (hereafter 'the Council'), the General Secretariat of the Council, the High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service (hereafter 'the EEAS') and the European Commission. For the purposes of this Agreement, those institutions and entities shall be referred to hereinafter as 'the EU'.

2. Those EU institutions and entities may share classified information received under this Agreement with other EU institutions and entities, subject to the prior written consent of the providing party and subject to appropriate assurances that the receiving entity will protect the information adequately.

Article 4

Each of the Parties shall ensure that it has appropriate security systems and measures in place, based on the basic principles and minimum standards of security laid down in their respective laws or regulations, and reflected in the security arrangements to be established pursuant to Article 12, in order to ensure that an equivalent level of protection is applied to classified information subject to this Agreement.

Article 5

Each of the Parties shall:

- (a) protect classified information provided by or exchanged with the other Party under this Agreement to a level at least equivalent to that afforded by the providing Party;
- (b) ensure that classified information provided or exchanged under this Agreement keeps the security classification marking given to it by the providing Party, and that it is not downgraded or declassified without the prior written consent of the providing Party. The receiving Party shall protect the classified information according to the provisions set out in its own security regulations for information holding an equivalent security classification as specified in Article 7;
- (c) not use such classified information for purposes other than those established by the originator or those for which the information is provided or exchanged;
- (d) not disclose such classified information to third parties without the prior written consent of the providing Party;
- (e) not allow individuals access to such classified information unless they have a need to know and have been granted security clearance as appropriate in accordance with the applicable laws and regulations of the receiving Party;
- (f) ensure that facilities where classified information provided is handled and stored are appropriately security certified; and
- (g) ensure that all individuals with access to classified information are informed of their responsibility to protect it in accordance with the applicable laws and regulations.

Article 6

1. Classified information shall be disclosed or released in accordance with the principle of originator consent.
2. For release to recipients other than the Parties, a decision on disclosure or release of classified information will be made by the receiving Party on a case-by-case basis subject to the prior written consent of the providing Party and in accordance with the principle of originator consent.
3. No generic release shall be possible unless procedures are agreed upon between the Parties regarding certain categories of information which are relevant to their specific requirements.
4. Nothing in this Agreement shall be regarded as a basis for mandatory release of classified information between the Parties.

5. Classified information subject to this Agreement may be provided to a contractor or prospective contractor only with the prior written consent of the providing Party. Prior to such release, the receiving Party shall ensure that the contractor or prospective contractor and the contractor's facility are able to protect the information and have an appropriate security clearance.

Article 7

In order to establish an equivalent level of protection for classified information provided by or exchanged between the Parties, the security classifications shall correspond as follows:

EU	Albania
TRES SECRET UE/EU TOP SECRET	TEPËR SEKRET
SECRET UE / EU SECRET	SEKRET
CONFIDENTIEL UE / EU CONFIDENTIAL	KONFIDENCIAL
RESTREINT UE / EU RESTRICTED	I KUFIZUAR

Article 8

1. The Parties shall ensure that all persons who, in the conduct of their official duties require access, or whose duties or functions may afford them access, to information classified CONFIDENTIEL UE / EU CONFIDENTIAL or KONFIDENCIAL or above provided or exchanged under this Agreement are security-cleared as appropriate before they are granted access to such information in addition to the need-to-know requirement provided for in Article 5(e).

2. Security clearance procedures shall be designed to determine whether an individual, taking into account his or her loyalty, trustworthiness and reliability, may have access to classified information.

Article 9

The Parties shall provide mutual assistance with regard to the security of classified information subject to this Agreement and matters of common security interest. Reciprocal security consultations and assessment visits shall be conducted by the authorities referred to in Article 12 to assess the effectiveness of the security arrangements within their respective responsibility to be established pursuant to that Article.

Article 10

1. For the purposes of this Agreement:

- (a) as regards the EU, all correspondence shall be sent through the Chief Registry Officer of the Council and shall be forwarded by him to the Member States and to the institutions or entities referred to in Article 3, subject to paragraph 2 of this Article;
- (b) as regards Albania, all correspondence shall be sent to the Central Registry of the Classified Information Security Directorate via the EU delegation to Albania.

2. Exceptionally, correspondence from one Party which is accessible only to specific competent officials, organs or services of that Party may, for operational reasons, be addressed and be accessible only to specific competent officials,

organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the need-to-know principle. As far as the EU is concerned, such correspondence shall be transmitted through the Chief Registry Officer of the Council, the Chief Registry Officer of the EEAS, or the Chief Registry Officer of the European Commission, as appropriate. As far as Albania is concerned, such correspondence shall be transmitted through the Central Registry of the Classified Information Security Directorate.

Article 11

The Classified Information Security Directorate, the Secretary-General of the Council, the Member of the European Commission responsible for security matters and the High Representative of the Union for Foreign Affairs and Security Policy shall oversee the implementation of this Agreement.

Article 12

1. In order to implement this Agreement, security arrangements shall be established between the competent security authorities designated below, each acting under the direction and on behalf of its organisational superiors, in order to lay down the standards for the reciprocal protection of classified information under this Agreement:

— on the one hand, the Classified Information Security Directorate of Albania;

— and on the other

- (i) the Security Office of the General Secretariat of the Council;
- (ii) Directorate HR.DS — the Security Directorate of the European Commission; and
- (iii) the Security Department of the EEAS.

2. Before classified information is provided or exchanged between the Parties under this Agreement, the competent security authorities referred to in paragraph 1 shall agree that the receiving Party is able to protect the information in a way consistent with the security arrangements to be established pursuant to that paragraph.

Article 13

1. The competent authority of either of the Parties referred to in Article 12 shall immediately inform the competent authority of the other Party of any proven or suspected cases of unauthorised disclosure or loss of classified information provided by that Party. The competent authority shall conduct an investigation, with assistance from the other Party if required, and shall report the results to the other Party.

2. The authorities referred to in Article 12 shall establish procedures to be followed in such cases.

Article 14

Each Party shall bear its own costs incurred in implementing this Agreement.

Article 15

Nothing in this Agreement shall alter existing agreements or arrangements between the Parties or agreements between Albania and Member States of the EU. This Agreement shall not preclude the Parties from concluding other agreements relating to the provision or exchange of classified information subject to this Agreement provided they are not incompatible with the obligations under this Agreement.

Article 16

Any disputes between the Parties arising out of the interpretation or application of this Agreement shall be addressed by negotiation between the Parties. During the negotiation both Parties shall continue to fulfil all of their obligations under this Agreement.

Article 17

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. Each Party shall notify the other Party of any changes in its laws and regulations that could affect the protection of classified information referred to in this Agreement.
3. This Agreement may be reviewed for consideration of possible amendments at the request of either of the Parties.
4. Any amendment to this Agreement shall be made in writing only and by common agreement of the Parties. It shall enter into force upon mutual notification as provided for in paragraph 1.

Article 18

This Agreement may be terminated by one Party by written notice of termination given to the other Party. Such termination shall take effect six months after receipt of notification by the other Party, but shall not affect obligations already entered into under this Agreement. In particular, all classified information provided or exchanged pursuant to this Agreement shall continue to be protected in accordance with the provisions set out herein.

IN WITNESS WHEREOF the undersigned, respectively duly authorised, have signed this Agreement.

Done at Tirana, this third day of March in the year two thousand and sixteen in two copies: one in the English language and one in the Albanian language. In the event of dispute the English language text shall prevail.

For the European Union



*For the Council of Ministers of the Republic of
Albania*



REGULATIONS

COMMISSION REGULATION (EU) 2016/403

of 18 March 2016

supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator, and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC ⁽¹⁾, and in particular Article 6(2) thereof,

Having regard to Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC ⁽²⁾, and in particular Article 9(3) thereof,

Whereas:

- (1) The Commission is required by Article 6(2)(b) of Regulation (EC) No 1071/2009 to draw up a list of categories, types and degrees of seriousness of serious infringements of Union rules, which in addition to those set out in Annex IV to that Regulation, may lead to the loss of good repute of the road transport undertaking or the transport manager.
- (2) To this end, the Commission should define the degree of seriousness of infringements by reference to the risk of fatalities or serious injuries and should provide the frequency of occurrence beyond which repeated infringements shall be regarded as more serious.
- (3) The list of categories, types and degrees of seriousness of serious infringements to be established should contain infringements of the Union rules relating to the areas outlined in Article 6(1)(b) of Regulation (EC) No 1071/2009.
- (4) Member States should take into account information on those infringements when setting priorities for the checks targeting undertakings which are classified as posing increased risk, as required by Article 12(1) of Regulation (EC) No 1071/2009.
- (5) The measures to be adopted are necessary to ensure transparency, fairness and legal certainty in appraising the seriousness of infringements and their implications for good repute of the transport undertaking or the transport manager.
- (6) However, it is the responsibility of the Member State's competent authority to carry out a complete national administrative procedure to determine whether a loss of good repute would constitute a proportionate response in an individual case. Such a national examination procedure should include, where appropriate, checks at the premises of the undertaking concerned. In assessing the good repute Member States should consider the conduct of the undertaking, of its managers and of any other relevant person.

⁽¹⁾ OJ L 300, 14.11.2009, p. 51.

⁽²⁾ OJ L 102, 11.4.2006, p. 35.

- (7) The harmonised categorisation of serious infringements should provide the basis for extending the national risk rating system established by each Member State pursuant to Article 9 of Directive 2006/22/EC, in order to cover all serious infringements of the Union road transport rules, indicated in Article 6(1)(b) of Regulation (EC) No 1071/2009, which may affect the good repute of the transport undertaking or the transport manager.
- (8) Article 16(2) of Regulation (EC) No 1071/2009 also provides that Member States should include those serious infringements in the national electronic register of road transport undertakings on 1 January 2016 at the latest. The harmonised categorisation of infringements is thus an important step forward ensuring fair competition between undertakings, more harmonised enforcement and an effective functioning of the European Register of Road Transport Undertaking system of exchange of information.
- (9) In the interest of transparency and fair competition a common method should be established for the calculation of a frequency of occurrence beyond which repeated infringements shall be regarded as more serious by the competent authority of the Member State of establishment. Such repeated infringements may lead to launching the national administrative procedure, which, subject to the discretion of the competent authority, may result in the loss of good repute by a transport operator.
- (10) As a general rule, the frequency should be determined by taking into account the seriousness of the infringement, the time and the average number of drivers. It shall be seen as the maximum threshold, whilst leaving Member States a possibility to apply lower thresholds, as envisaged in their national administrative procedure for assessing good repute.
- (11) To ensure the legal consistency and transparency it is also necessary to amend Annex III to Directive 2006/22/EC by changing the level of seriousness of certain infringements set out therein in accordance with the list of most serious infringements set out in Annex IV to Regulation (EC) No 1071/2009.
- (12) The list of categories, types and degrees of seriousness of serious infringements has been determined in consultation with Member States and the Union stakeholders, where the assessment of the level of seriousness has been based on best practice and experience in the enforcement of the relevant legislative provisions in Member States. The most serious infringements established in Annex IV to Regulation (EC) No 1071/2009 constituted the reference upper threshold for the assessment of the level of seriousness of other relevant infringements.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Road Transport set up by Article 18(1) of Council Regulation (EEC) No 3821/85 ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation establishes a common list of categories, types and degrees of serious infringements of the Union rules in the commercial road transport, as laid down in Annex I to this Regulation, which, in addition to those set out in Annex IV to Regulation (EC) No 1071/2009, may lead to the loss of good repute of a road transport operator.
2. This Regulation provides for the maximum frequency of occurrence beyond which repeated serious infringements shall be regarded as more serious, by taking into account the number of drivers used for the transport activities managed by the transport manager, as laid down in Annex II.
3. Member States shall take into account information on the serious infringements referred to in paragraphs 1 and 2 when carrying out the national administrative procedure on assessing good repute.

Article 2

Annex III to Directive 2006/22/EC is amended as set out in Annex III to this Regulation.

⁽¹⁾ Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8).

Article 3

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

It shall apply from 1 January 2017.

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

Done at Brussels, 18 March 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Categorisation of serious infringements

(referred to in Article 1)

The following tables contain categories and types of serious infringements against the Union rules in commercial road transport, divided into three categories of seriousness according to their potential to create a risk of fatalities or serious injuries.

1. Groups of infringements against Regulation (EC) No 561/2006 of the European Parliament and of the Council ⁽¹⁾ (Driving and resting time)

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS ⁽¹⁾		
			MSI	VSI	SI
Crew					
1.	Article 5.1	Not respecting minimum ages for conductors			X
Driving periods					
2.	Article 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	10h ≤ ... < 11h		X
3.			11h ≤ ...		X
4.		Exceed daily driving time of 9h by 50 % or more without taking a break or without any rest of at least 4,5 hours	13h30 ≤ ... and no break/rest	X	
5.			Exceed extended daily driving time of 10h if extension allowed	11h ≤ ... < 12h	
6.		12h ≤ ...			X
7.		Exceed daily driving time of 10h by 50 % or more without taking a break of or without any rest of at least 4,5 hours	15h ≤ ... and no break/rest	X	
8.		Article 6.2	Exceed weekly driving time	60h ≤ ... < 65h	
9.	65h ≤ ... < 70				X
10.	Exceed weekly driving time by 25 % or more		70h ≤ ...	X	
11.	Article 6.3	Exceed maximum total driving time during 2 consecutive weeks	100h ≤ ... < 105h		X
12.			105h ≤ ... < 112h30		X
13.		Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X	

⁽¹⁾ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS (1)			
			MSI	VSI	SI	
Breaks						
14.	Article 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	5h ≤ ... < 6h			X
15.			6h ≤ ...		X	
Rest Periods						
16.	Article 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	8h30 ≤ ... < 10h			X
17.			... < 8h30		X	
18.		Insufficient reduced daily rest period of less than 9h if reduce allowed	7h ≤ ... < 8h			X
19.			... < 7h		X	
20.		Insufficient split daily rest period of less than 3h + 9h	3h + [7h ≤ ... < 8h]			X
21.			3h + [... < 7h]		X	
22.	Article 8.5	Insufficient daily rest period of less than 9h for multi-manning	7h ≤ ... < 8h			X
23.			... < 7h		X	
24.	Article 8.6	Insufficient reduced weekly resting period of less than 24 h	20h ≤ ... < 22h			X
25.			... < 20h		X	
26.		Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	36h ≤ ... < 42h			X
27.			... < 36h		X	
28.	Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	3h ≤ ... < 12h			X
			12h ≤ ...		X	
12-day rule derogation						
29.	Article 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	3h ≤ ... < 12h			X
			12h ≤ ...		X	
30.	Article 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h			X
			... ≤ 65h		X	

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS ⁽¹⁾			
			MSI	VSI	SI	
31.	Article 8.6a. (d)	Driving period, between 22.00 and 6.00, of more than 3 hours before the break, if the vehicle is not multi-manned	3h < ... < 4,5 h			X
			4,5 h ≤ ...		X	
Work organisation						
32.	Article 10.1	Link between wage and distance travelled or amount of goods carried		X		
33.	Article 10.2	No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law		X		

(¹) MSI = most serious infringements/VSI = very serious infringement/SI = serious infringement.

2. Groups of infringements against Regulation (EU) No 165/2014 of the European Parliament and of the Council ⁽¹⁾ (Tachograph)

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Installation of tachograph					
1.	Article 3.1 and Article 22	Not having type-approved tachograph installed and used (e.g.: not having a tachograph installed by fitters, workshops or vehicle manufacturers approved by the competent authorities of the Member States, using a tachograph without the necessary seals placed or replaced by an approved fitter, workshop or vehicle manufacturer or using a tachograph without the installation plaque)	X		
Use of tachograph, driver card or record sheet					
2.	Article 23.1	Using a tachograph not inspected by an approved workshop		X	
3.	Article 27	Driver holding and/or using more than one own driver card		X	
4.		Driving with a driver card that has been falsified (considered as driving without driver card)	X		
5.		Driving with a driver card of which the driver is not the holder (considered as driving without driver card)	X		
6.		Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents (considered as driving without driver card)	X		
7.	Article 32.1	Tachograph not correctly functioning (e.g.: tachograph not properly inspected, calibrated and sealed)		X	

(¹) Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
8.	Article 32.1 and Article 33.1	Tachograph improperly used (e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.)		X	
9.	Article 32.3	Using a fraudulent device able to modify the records of the tachograph	X		
10.		Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X		
11.	Article 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X	
12.		Recorded and stored data not available for at least a year		X	
13.	Article 34.1	Incorrect use of record sheets/driver card		X	
14.		Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X	
15.		Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X	
16.	Article 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X	
17.	Article 34.3	Not using manual input when required to do so		X	
18.	Article 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X
19.	Article 34.5	Incorrect use of switch mechanism		X	

Producing information

20.	Article 36	Refusing to be checked		X	
21.	Article 36	Unable to produce records of current day and the previous 28 days		X	
22.		Unable to produce records of the driver card if the driver holds one		X	
23.	Article 36	Unable to produce manual records and printouts made during the current day and the previous 28 days		X	
24.	Article 36	Unable to produce a driver card, if the driver holds one		X	

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Malfunctioning					
25.	Article 37.1 and Article 22.1	Tachograph not repaired by an approved fitter or workshop		X	
26.	Article 37.2	Driver not marking all required information for the periods of time which are no longer recorded while tachograph is unserviceable or malfunctioning		X	

3. Groups of infringements against Directive 2002/15/EC of the European Parliament and of the Council ⁽¹⁾ (Working time rules)

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	
Maximum weekly working time						
1.	Article 4	Exceeding maximum weekly working time of 48h if possibilities to extend to 60h already consumed	56h ≤ ... 60h			X
2.			60h ≤ ...		X	
3.		Exceeding maximum weekly working time of 60h if no derogation under Article 8 granted	65 ≤ ... < 70h			X
4.			70h ≤ ...		X	
Breaks						
5.	Article 5.1	Insufficient obligatory break taken when working time between 6 and 9 hours	10 < ... ≤ 20 min			X
6.			... ≤ 10 min		X	
7.		Insufficient obligatory break taken when working time over 9 hours	20 < ... ≤ 30min			X
8.			... ≤ 20 min		X	
Night work						
9.	Article 7.1	Daily working time in each 24h when night work performed if no derogation under Article 8 granted	11h ≤ ... < 13h			X
10.			13h ≤ ...		X	
Records						
11.	Article 9	Employers falsifying working time records or refusing to provide records to inspection officer		X		
12.		Employed/self-employed drivers falsifying records or refusing to provide records to inspection officer		X		

⁽¹⁾ Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

4. Groups of infringements against Council Directive 96/53/EC ⁽¹⁾ (Weight and dimension rules)

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	
Weights						
1.	Article 1	Exceed maximum permissible weight for N3 vehicles	5 % ≤ ... < 10 %			X
2.			10 % ≤ ... < 20 %		X	
3.			20 % ≤ ...	X		
4.		Exceed maximum permissible weight for N2 vehicles	5 % ≤ ... < 15 %			X
5.			15 % ≤ ... < 25 %		X	
6.			25 % ≤ ...	X		
Lengths						
7.	Article 1	Exceed maximum permissible length	2 % < ... < 20 %			X
8.			20 % ≤ ...		X	
Width						
9.	Article 1	Exceed maximum permissible width	2,65 ≤ ... < 3,10 metres			X
10.			3,10 metres ≤ ...		X	

5. Groups of infringements against Directive 2014/45/EU of the European Parliament and of the Council ⁽²⁾ (Periodic roadworthiness tests) and Directive 2014/47/EU of the European Parliament and of the Council ⁽³⁾ (Technical roadside inspection)

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Roadworthiness					
1.	Article 8 and 10 Directive 2014/45/EU and Article 7.1 of Directive 2014/47/EU	Driving without a valid proof of roadworthiness tests passed, as required by the EU law	X		
2.	Article 12.2 of Directive 2014/47/EU	Not keeping a vehicle in a safe and roadworthy condition resulting in a very serious deficiency of the braking system, the steering linkages, the wheels/tires, the suspension or chassis or other equipment that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle	X		

⁽¹⁾ Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59). The Directive has been amended by Directive (EU) 2015/719 of the European Parliament and of the Council (OJ L 115, 6.5.2015, p. 1), which shall be transposed by Member States by 7 May 2017.

⁽²⁾ Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).

⁽³⁾ Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC (OJ L 127, 29.4.2014, p. 134).

Directive 2014/47/EU on technical roadside inspection of the roadworthiness of commercial vehicles contains in its Annex II a detailed classification of technical deficiencies divided, according to their level of severity, into minor, major and dangerous deficiencies. Article 12.2 of this Directive provides for the following definitions:

- (a) **minor** deficiencies having no significant effect on the safety of the vehicle or impact on the environment, and other minor non-compliances;
- (b) **major** deficiencies that may prejudice the safety of the vehicle or have an impact on the environment or put other road users at risk, or other more significant non-compliances;
- (c) **dangerous** deficiencies constituting a direct and immediate risk to road safety or having an impact on the environment.

The level of infringements against the provisions of the roadworthiness directives shall reflect the classification of deficiencies contained in Annex II of Directive 2014/47/EU, namely: SI = major deficiencies; VSI = dangerous deficiencies; MSI = driving with deficiencies, which creates immediate risk to road safety. Minor deficiencies would be equal to the level of minor infringements.

6. Groups of infringements against Council Directive 92/6/EEC ⁽¹⁾ (Speed limitation devices)

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Article 2 and 3	Speed limitation device not fitted	X		
2.	Article 5	Speed limitation device not satisfying the applicable technical requirements		X	
3.	Article 5	Speed limitation device not fitted by an approved workshop			X
4.		Using a fraudulent device able to falsify data of speed limitation device or using a fraudulent speed limitation device	X		

7. Groups of infringements against Directive 2003/59/EC of the European Parliament and of the Council ⁽²⁾ (Initial qualification and periodic training of drivers)

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Training and licence					
1.	Article 3	Carrying goods or passengers without a compulsory initial qualification and/or compulsory periodic training		X	
2.	Article 10 and Annex II	Driver unable to present the valid qualification card or the driving licence with the marking, as required by the national law (<i>e.g.: lost, forgotten, damaged, unreadable</i>)			X

⁽¹⁾ Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27).

⁽²⁾ Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

**8. Groups of infringements against Directive 2006/126/EC of the European Parliament and of the Council ⁽¹⁾
(Driving licences requirements)**

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Articles 1 and 4 of Directive 2006/126/EC	Carrying passengers or goods without holding a valid driving licence	X		
2.	Article 1 Annex I	Using a driving licence which is damaged or unreadable or not in line with common model			X

**9. Groups of infringements against Directive 2008/68/EC of the European Parliament and of the Council ⁽²⁾
(Transport of dangerous goods by road)**

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex I, Section I.1 to Directive 2008/68/EC	Transporting dangerous goods that are prohibited for transport	X		
2.		Transporting dangerous goods in a prohibited or non-approved means of containment, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle	X		
3.		Transporting dangerous goods without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle	X		
4.		Leakage of dangerous substances		X	
5.		Carriage in bulk in a container which is not structurally serviceable		X	
6.		Carriage in a vehicle without an appropriate certificate of approval		X	
7.		Vehicle no longer complies with the approval standards and presents an immediate danger		X	
8.		The rules governing the securing and stowage of the load have not been complied with		X	
9.		The rules governing mixed loading of packages have not been complied with		X	
10.		The provisions limiting the quantities carried in one transport unit have not been complied with, including permissible degrees of filling tanks or packages;		X	

⁽¹⁾ Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).

⁽²⁾ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
11.		Information relevant to the substance being carried enabling determination of level of seriousness of offence is missing (e.g. <i>UN number, proper shipping name, packing group</i>)		X	
12.		Driver does not hold a valid vocational training certificate		X	
13.		Fire or an unprotected light is being used		X	
14.		The ban on smoking is not being observed.		X	
15.		The vehicle is not properly supervised or parked			X
16.		The transport unit comprises more than one trailer/semi-trailer			X
17.		Vehicle no longer complies with the approval standards but does not present an immediate danger			X
18.		The vehicle is not carrying operational fire extinguishers as required			X
19.		The vehicle does not carry the equipment required in the ADR or in the instructions in writing			X
20.		Packages with damaged packaging, IBCs or large packaging or damaged uncleaned empty packaging are being carried			X
21.		Carriage of packaged goods in a container which is not structurally serviceable			X
22.		Tanks/tank containers (including ones that are empty and uncleaned) have not been closed properly			X
23.		Incorrect labelling, marking or placarding on the vehicle and/or containment			X
24.		There are no instructions in writing conforming to the ADR, or the instructions in writing are not relevant to the goods carried			X

Commission Directive 2004/112/EC ⁽¹⁾, adapting Council Directive 95/50/EC ⁽²⁾ on uniform procedures for checks on the transport of dangerous goods by road, contains in its Annex II a detailed classification of infringements against the relevant provisions, divided, according to their level of severity, into three risk categories: risk category I, risk category II, risk category III.

The level of infringements against the provisions shall reflect the risk categories provided in Annex II to Directive 2004/112/EC, in such a way that **risk category I = VSI** (except those infringements which are already defined as MSI in Annex IV to Regulation (EC) No 1071/2009); **risk category II = SI**. Risk category III is equal to the level of minor infringement.

This table covers only those infringements for which a carrier shall be held fully or partially liable. The level of liability of a carrier for the infringement shall be assessed in accordance with the Member State's national enforcement procedure.

⁽¹⁾ Commission Directive 2004/112/EC of 13 December 2004 adapting to technical progress Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road (OJ L 367, 14.12.2004, p. 23).

⁽²⁾ Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p.35).

10. Groups of infringements against Regulation (EC) No 1072/2009 of the European Parliament and of the Council ⁽¹⁾ (Access to the international road haulage market)

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Community licence					
1.	Article 3	Carrying goods without holding a valid Community licence (<i>i.e.: a licence is non-existent, falsified, withdrawn, expired, etc.</i>)	X		
2.	Article 4	The haulage undertaking or the driver unable to present a valid Community licence or a valid certified true copy of the Community licence to the inspecting officer (<i>i.e.: Community licence or certified true copy of the Community licence lost, forgotten, damaged, etc.</i>)		X	
Driver attestation					
3.	Article 3 and 5	Carrying goods without holding a valid driver attestation (<i>i.e. driver's attestation is non-existent, falsified; withdrawn, expired, etc.</i>)		X	
4.		The driver or the haulage undertaking unable to present a valid driver attestation or a valid certified true copy of the driver attestation to the inspecting officer (<i>i.e. driver attestation or certified true copy of the driver attestation lost, forgotten, damaged, etc.</i>)			X

11. Groups of infringements against Regulation (EC) No 1073/2009 of the European Parliament and of the Council ⁽²⁾ (Access to the market for coach and bus services)

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Community licence					
1.	Article 4	Carrying passengers without holding a valid Community licence (<i>i.e.: a licence is non-existent, falsified, withdrawn, expired, etc.</i>)	X		
2.	Article 4.3	The carrier or the driver unable to present a valid Community licence or a valid certified true copy of the Community licence to the inspecting officer (<i>i.e. licence or certified true copy lost, forgotten, damaged, etc.</i>)		X	
Authorisation for regular services					
3.	Article 5 and 6	Regular services without a valid authorisation (<i>i.e.: authorisation is non-existent, falsified, withdrawn, expired, misused, etc.</i>)		X	
4.	Article 19	The driver unable to present the authorisation to the inspecting officer (<i>i.e. authorisation is lost, forgotten, damaged, etc.</i>)			X
5.	Article 5 and 6	Stops of regular services in a Member State do not correspond to the issued authorisation			X

⁽¹⁾ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

⁽²⁾ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI

Journey form for occasional services and other services exempt from authorisation

6.	Article 12	Driving without holding a required journey form (<i>i.e. journey form is non-existent, falsified, not containing the required information, etc.</i>)			X
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12. Groups of infringements against Council Regulation (EC) No 1/2005 ⁽¹⁾ (Animal transport)

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex I, Chapter II,	Partitions are not strong enough to withstand the weight of animals		X	
2.	Annex I, Chapter III	Using loading or unloading ramps that has slippery surfaces, that lack lateral protections or that are too steep			X
3.		Using lifting platforms or upper floors that do not have safety barriers preventing animals from falling or escaping during loading and unloading operations			X
4.	Article 7	Means of transport not approved for long journeys, or not approved for the type of animals being transported.			X
5.	Article 4, 5 and 6	Transporting without valid required documentation, journey log or transporter authorisation or certificate of competence			X

⁽¹⁾ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).

ANNEX II

Frequency of occurrence of serious infringements

1. The serious (SI) and very serious (VSI) infringements listed in Annex I, when committed repeatedly shall be regarded as more serious by the competent authority of a Member State of establishment. When calculating the frequency of occurrence of repeated infringements Member States shall take into account the following factors:
 - (a) seriousness of infringement (SI or VSI);
 - (b) time (at least one rolling year from the date of a control);
 - (c) number of drivers used for the transport activities managed by the transport manager (average per year)
 2. Taking into account the potential of creating a risk to road safety the maximum frequency of serious infringements beyond which they should be considered as more serious shall be established as follows:

$$3 \text{ SI/per driver/per year} = 1 \text{ VSI}$$
$$3 \text{ VSI/per driver/per year} = \text{launch of a national procedure on good repute}$$
 3. The number of infringements per driver per year is an average figure calculated by dividing the total number of all infringements of the same level of seriousness (SI or VSI) by the average number of drivers employed during the year. The frequency formula provides for a maximum threshold for occurrence of serious infringements beyond which they shall be considered more serious. Member States may establish stricter thresholds if envisaged in their national administrative procedure for assessing good repute.
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ANNEX III

Annex III to Directive 2006/22/EC is replaced by the following:

‘ANNEX III

1. Groups of infringements against Regulation (EC) no 561/2006

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS (!)			
			MSI	VSI	SI	MI
A	Crew					
A1	Art 5.1	Not respecting minimum ages for conductors			X	
B	Driving periods					
B1	Article 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X
B2			10h ≤ ... < 11h			X
B3			11h ≤ ...		X	
B4		Exceed daily driving time of 9h by 50 % or more without taking a break or without any rest of at least 4,5 hours	13h30 ≤ ... and no break/rest	X		
B5		Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h			X
B6			11h ≤ ... < 12h			X
B7			12h ≤ ...		X	
B8		Exceed daily driving time of 10h by 50 % or more without taking a break of or without any rest of at least 4,5 hours	15h ≤ ... and no break/rest	X		
B9	Article 6.2	Exceed weekly driving time	56h < ... < 60h			X
B10			60h ≤ ... < 65h			X
B11			65h ≤ ... < 70h		X	
B12		Exceed weekly driving time by 25 % or more	70h ≤ ...	X		
B13	Art 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h			X
B14			100h ≤ ... < 105h			X
B15			105h ≤ ... < 112h30		X	
B16		Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X		

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS (1)			
			MSI	VSI	SI	MI
C	Breaks					
C1	Article 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h			X
C2			5h ≤ ... < 6h		X	
C3			6h ≤ ...		X	
D	Rest Periods					
D1	Article 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h			X
D2			8h30 ≤ ... < 10h		X	
D3			... < 8h30		X	
D4		Insufficient reduced daily rest period of less than 9h if reduce allowed	8h ≤ ... < 9h			X
D5			7h ≤ ... < 8h		X	
D6			... < 7h		X	
D7		Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]			X
D8			3h + [7h ≤ ... < 8h]		X	
D9			3h + [... < 7h]		X	
D10	Article 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h			X
D11			7h ≤ ... < 8h		X	
D12			... < 7h		X	
D13	Article 8.6	Insufficient reduced weekly resting period of less than 24 h	22h ≤ ... < 24h			X
D14			20h ≤ ... < 22h		X	
D15			... < 20h		X	
D16		Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	42h ≤ ... < 45h			X
D17			36h ≤ ... < 42h		X	
D18			... < 36h		X	
D19	Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	... < 3h			X
D20			3h ≤ ... < 12h		X	
D21			12h ≤ ...		X	

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS ⁽¹⁾			
			MSI	VSI	SI	MI
E	12-day rule derogation					
E1	Article 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	... < 3h			X
E2			3h ≤ ... < 12h		X	
E3			12h ≤ ...	X		
E4	Article 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	65h < ... ≤ 67h		X	
E5			... ≤ 65h	X		
E6	Article 8.6a. (d)	Driving period, between 22.00 and 6.00, of more than 3 hours before the break, if the vehicle is not multi-manned	3h < ... < 4,5 h		X	
E7			4,5 h ≤ ...	X		
F	Work organisation					
F1	Article 10.1	Link between wage and distance travelled or amount of goods carried		X		
F2	Article 10.2	No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law		X		

⁽¹⁾ MSI = most serious infringements/VSI = very serious infringement/SI = serious infringement/MI = minor infringement.

2. Groups of infringements against Regulation (EU) no 165/2014 of the European Parliament and of the Council ⁽¹⁾ (Tachograph)

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	MI
G	Installation of tachograph					
G1	Article 3.1 and Article 22.2	Not having type-approved tachograph installed and used (e.g.: not having a tachograph installed by fitters, workshops or vehicle manufacturers approved by the competent authorities of the Member States, using a tachograph without the necessary seals placed or replaced by an approved fitter, workshop or vehicle manufacturer or using a tachograph without the installation plaque)	X			
H	Use of tachograph, driver card or record sheet					
H1	Article 23.1	Using a tachograph not inspected by an approved workshop		X		

⁽¹⁾ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	MI
H2	Article 27	Driver holding and/or using more than one own driver card		X		
H3		Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X			
H4		Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X			
H5		Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents (<i>considered as driving without driver card</i>)	X			
H6	Article 32.1	Tachograph not correctly functioning (<i>e.g.: tachograph not properly inspected, calibrated and sealed</i>)		X		
H7	Article 32.1 and Article 33.1	Tachograph improperly used (<i>e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.</i>)		X		
H8	Article 32.3	Using a fraudulent device able to modify the records of the tachograph	X			
H9		Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X			
H10	Article 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X		
H11		Recorded and stored data not available for at least a year		X		
H12	Art 34.1	Incorrect use of record sheets/driver card		X		
H13		Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X		
H14		Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X		
H15	Article 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X		
H16	Article 34.3	Not using manual input when required to do so		X		
H17	Article 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X	
H18	Article 34.5	Incorrect use of switch mechanism		X		

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	MI
I	Producing information					
I1	Article 36	Refusing to be checked		X		
I2	Article 36	Unable to produce records of current day and the previous 28 days		X		
I3		Unable to produce records of the driver card if the driver holds one		X		
I4	Article 36	Unable to produce manual records and printouts made during the current day and the previous 28 days		X		
I5	Article 36	Unable to produce a driver card, if the driver holds one		X		
J	Malfunctioning					
J1	Article 37.1 and Article 22.1	Tachograph not repaired by an approved fitter or workshop		X		
J2	Article 37.2	Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is unserviceable or malfunctioning		X		

COMMISSION IMPLEMENTING REGULATION (EU) 2016/404**of 18 March 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 18 March 2016.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	171,7
	MA	92,1
	TN	107,9
	TR	107,6
	ZZ	119,8
0707 00 05	MA	83,0
	TR	143,5
	ZZ	113,3
0709 93 10	MA	58,5
	TR	160,0
	ZZ	109,3
0805 10 20	EG	45,8
	IL	77,4
	MA	53,7
	TN	67,6
	TR	65,5
	ZZ	62,0
0805 50 10	MA	141,2
	TR	96,8
	ZZ	119,0
0808 10 80	BR	75,2
	US	145,5
	ZZ	110,4
0808 30 90	AR	99,6
	CL	151,6
	CN	72,0
	TR	153,6
	ZA	106,7
	ZZ	116,7

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

COMMISSION IMPLEMENTING REGULATION (EU) 2016/405**of 18 March 2016****determining the quantities to be added to the quantity fixed for the subperiod from 1 July to 30 September 2016 under the tariff quotas opened by Implementing Regulation (EU) 2015/2077 for eggs, egg products and egg albumin originating in Ukraine**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2015/2077 ⁽²⁾ opened annual tariff quotas for imports of eggs and egg albumin originating in Ukraine.
- (2) The quantities covered by the applications for import licences lodged from 1 to 7 March 2016 for the subperiod from 1 April to 30 June 2016 are less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the next quota subperiod.
- (3) In order to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged pursuant to Implementing Regulation (EU) 2015/2077, to be added to the subperiod from 1 July to 30 September 2016, are 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, 18 March 2016.

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

Jerzy PLEWA

Director-General for Agriculture and Rural Development⁽¹⁾ OJ L 347, 20.12.2013, p. 671.⁽²⁾ Commission Implementing Regulation (EU) 2015/2077 of 18 November 2015 opening and providing for the administration of Union import tariff quotas for eggs, egg products and albumins originating in Ukraine (OJ L 302, 19.11.2015, p. 57).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod from 1 July to 30 September 2016 (shell egg equivalent weight in kg)
09.4275	750 000
09.4276	1 500 000

COMMISSION IMPLEMENTING REGULATION (EU) 2016/406**of 18 March 2016****determining the quantities to be added to the quantity fixed for the subperiod from 1 July to 30 September 2016 under the tariff quotas opened by Regulation (EC) No 1384/2007 for poultrymeat originating in Israel**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1384/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products originating in Israel.
- (2) The quantities covered by the applications for import licences lodged from 1 to 7 March 2016 for the subperiod from 1 April to 30 June 2016 are less than those available. The quantities for which applications have not been lodged should therefore be determined, and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficiency of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 1384/2007, to be added to the subperiod from 1 July to 30 September 2016, are 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, 18 March 2016.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 1384/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 2398/96 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Israel (OJ L 309, 27.11.2007, p. 40).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod from 1 July to 30 September 2016 (in kg)
09.4091	280 000
09.4092	1 800 000

DECISIONS

DECISION (EU) 2016/407 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 March 2016

on the mobilisation of the European Globalisation Adjustment Fund (application from Belgium EGF/2015/007 — BE/Hainaut-Namur Glass)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 ⁽¹⁾, and in particular Article 15(4) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽²⁾, and in particular point 13 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) aims to provide support for workers made redundant and self-employed persons whose activity has ceased as a result of major structural changes in world trade patterns due to globalisation, as a result of a continuation of the global financial and economic crisis, or as a result of a new global financial and economic crisis, and to assist them with their reintegration into the labour market.
- (2) The EGF is not to exceed a maximum annual amount of EUR 150 million (2011 prices), as laid down in Article 12 of Council Regulation (EU, Euratom) No 1311/2013 ⁽³⁾.
- (3) On 19 August 2015, Belgium submitted an application to mobilise the EGF in respect of redundancies and cessations of activities in the economic sector classified under the NACE Revision 2 Division 23 (Manufacture of other non-metallic mineral products) in the NUTS level 2 regions of Hainaut (B32) and Namur (B35) in Belgium. It was supplemented by additional information provided in accordance with Article 8(3) of Regulation (EU) No 1309/2013. That application complies with the requirements for determining a financial contribution from the EGF as laid down in Article 13 of Regulation (EU) No 1309/2013.
- (4) In accordance with Article 6(2) of Regulation (EU) No 1309/2013, Belgium has decided to provide personalised services co-financed by the EGF also to 100 young people not in employment, education or training (NEETs).
- (5) In accordance with Article 4(2) of Regulation (EU) No 1309/2013, the application from Belgium is considered admissible since the redundancies have a serious impact on employment and the local, regional and national economy.
- (6) The EGF should, therefore, be mobilised in order to provide a financial contribution of EUR 1 095 544 in respect of the application submitted by Belgium.
- (7) In order to minimise the time taken to mobilise the EGF, this decision should apply from the date of its adoption,

⁽¹⁾ OJ L 347, 20.12.2013, p. 855.

⁽²⁾ OJ C 373, 20.12.2013, p. 1.

⁽³⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2016, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 1 095 544 in commitment and payment appropriations.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*. It shall apply from 9 March 2016.

Done at Strasbourg, 9 March 2016.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

J.A. HENNIS-PLASSCHAERT

COUNCIL IMPLEMENTING DECISION (EU) 2016/408**of 10 March 2016****on the temporary suspension of the relocation of 30 % of applicants allocated to Austria under Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece ⁽¹⁾, and in particular Article 4(5) and (7) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On the basis of Article 78(3) of the Treaty on the Functioning of the European Union (TFEU), the Council adopted two Decisions establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Under Council Decision (EU) 2015/1523 ⁽²⁾, 40 000 applicants for international protection are to be relocated from Italy and Greece to the other Member States. Under Decision (EU) 2015/1601, 120 000 applicants for international protection are to be relocated from Italy and Greece to the other Member States.
- (2) Decision (EU) 2015/1601 was adopted because of an emergency situation characterised by a sudden inflow of nationals of third countries into Italy and Greece and because of an urgent necessity to provide those Member States with swift relief, in accordance with the principle of solidarity and fair sharing of responsibility between Member States. It follows that each Member State of relocation should ensure that relocation takes place regularly, without delay and at a sufficient level.
- (3) Article 4(5) of Decision (EU) 2015/1601 provides that a Member State may, in exceptional circumstances, by 26 December 2015, notify the Council and the Commission that it is temporarily unable to take part in the relocation process of up to 30 % of applicants allocated to it in accordance with paragraph 1 of that Article, giving duly justified reasons compatible with the fundamental values of the Union enshrined in Article 2 of the Treaty on European Union (TEU). The Commission should assess the reasons given and submit proposals to the Council regarding a temporary suspension of the relocation of up to 30 % of applicants allocated to the Member State concerned in accordance with Article 4(1) of that Decision. Where justified, the Commission may propose to extend the time limit for relocating the applicants in the remaining allocation by up to 12 months beyond the date referred to in Article 13(2) of that Decision.
- (4) Austria faces exceptional circumstances, with an emergency situation characterised by a sudden inflow of nationals of third countries into its territory.
- (5) The considerable rise in irregular border-crossing into the Union and in secondary movements across the Union has led to a sharp increase in Austria in the number of applicants for international protection.
- (6) Eurostat figures confirm that there has been a sharp increase in applicants for international protection in Austria. The number of applicants for international protection increased by more than 230 % from 23 835 applicants for the period 1 January to 30 November 2014 to 80 880 applicants for the period 1 January to 30 November 2015, with more than 10 000 applicants for international protection per month since September 2015. Although European Asylum Support Office (EASO) data show a decrease in the number of applicants in December 2015 and January 2016 in comparison with the previous months, the number of applicants remains high.
- (7) In 2015, Austria had the second highest number, after Sweden, of applicants for international protection per capita in the Union (9 421 applicants per million inhabitants, according to available Eurostat data).
- (8) The current situation has put a significant strain on the Austrian asylum system, with serious practical consequences on the ground as regards reception conditions and the ability of the asylum system to deal with the applications.

⁽¹⁾ OJ L 248, 24.9.2015, p. 80.

⁽²⁾ Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece (OJ L 239, 15.9.2015, p. 146).

- (9) The current migratory situation in Austria and the strain on its capacity to process applications for international protection and to provide adequate reception conditions to persons in clear need of international protection therefore justifies a temporary suspension of the relocation of 30 % of applicants allocated to Austria under Decision (EU) 2015/1601, which corresponds to 1 065 applicants, for a period of one year.
- (10) During the period of temporary suspension, Austria remains obliged to continue to relocate swiftly and regularly the remaining allocation of applicants.
- (11) The suspension of the relocation of 30 % of applicants for one year constitutes a sufficient and proportionate measure in response to the situation in Austria. An extension of the time limit for relocating the applicants in the remaining allocation beyond the date referred to in Article 13(2) of Decision (EU) 2015/1601 would not be justified. It is essential that relocation from Italy and Greece take place swiftly and regularly until 26 September 2017, in order to support Italy and Greece effectively with regard to the ongoing emergency situation.
- (12) Since the objectives of this Decision cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (13) This Decision respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.
- (14) The United Kingdom is not taking part in Decision (EU) 2015/1601. Therefore, the United Kingdom is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (15) Ireland is bound by Decision (EU) 2015/1601 and is therefore taking part in the adoption and application of this Decision, which implements Decision (EU) 2015/1601.
- (16) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (17) In view of the urgency of the situation, this Decision should enter into force on the date following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

Article 1

The relocation to Austria of 1 065 of the applicants allocated to that Member State under Decision (EU) 2015/1601 shall be suspended until 11 March 2017.

Article 2

This Decision shall enter into force on the date following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 10 March 2016.

For the Council
The President
K.H.D.M. DIJKHOFF

COUNCIL DECISION (EU) 2016/409**of 14 March 2016****appointing a member and an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Spanish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Ms Luisa Fernanda RUDÍ ÚBEDA.
- (3) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Roberto Pablo BERMÚDEZ DE CASTRO Y MUR,

HAS ADOPTED THIS DECISION:

Article 1

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

(a) as a member:

— Sr. D. Francisco Javier LAMBÁN MONTAÑÉS, *Presidente de Aragón*;

and

(b) as an alternate member:

— Sr. D. Vicente GUILLÉN IZQUIERDO, *Consejero de Presidencia del Gobierno de Aragón*.

Article 2

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

Done at Brussels, 14 March 2016.

For the Council
The President
M.H.P. VAN DAM

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

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

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

COUNCIL DECISION (EU) 2016/410**of 14 March 2016****appointing an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Spanish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 5 October 2015, by Council Decision (EU) 2015/1792 ⁽⁴⁾, Mr Juan Luís SÁNCHEZ DE MUNIÁIN LACASA was replaced by Ms Ana OLLO HUALDE as an alternate member.
- (2) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Ms Ana OLLO HUALDE,

HAS ADOPTED THIS DECISION:

Article 1

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

— Sr. D. Mikel IRUJO AMEZAGA, *Delegado del Gobierno de Navarra en Bruselas.*

Article 2

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

Done at Brussels, 14 March 2016.

For the Council

The President

M.H.P. VAN DAM

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

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

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

⁽⁴⁾ Council Decision (EU) 2015/1792 of 5 October 2015 appointing five Spanish members and five Spanish alternate members of the Committee of the Regions (OJ L 260, 7.10.2015, p. 28).

COUNCIL DECISION (CFSP) 2016/411
of 18 March 2016
amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 21 March 2011, the Council adopted Decision 2011/172/CFSP ⁽¹⁾ concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt.
- (2) On the basis of a review of Decision 2011/172/CFSP, the restrictive measures should be renewed until 22 March 2017.
- (3) Decision 2011/172/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Decision 2011/172/CFSP, the second paragraph is replaced by the following:

‘This Decision shall apply until 22 March 2017.’.

Article 2

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

Done at Brussels, 18 March 2016.

For the Council
The President
A.G. KOENDERS

⁽¹⁾ Council Decision 2011/172/CFSP of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (OJ L 76, 22.3.2011, p. 63).

COMMISSION IMPLEMENTING DECISION (EU) 2016/412**of 17 March 2016****authorising Member States to provide for a temporary derogation from certain provisions of Council Directive 2000/29/EC in respect of ash wood originating or processed in Canada***(notified under document C(2016) 1635)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the first indent of Article 15(1) thereof,

Whereas:

- (1) Article 5(1) of Directive 2000/29/EC, in conjunction with point 2.3 of Section I of Part A of Annex IV to that Directive, provides for special requirements concerning the introduction into the Union of ash (*Fraxinus* L.) wood originating in Canada.
- (2) Canada has requested the recognition of a combination of procedures that together attain the same phytosanitary robustness as that ensured pursuant to point 2.3 of Section I of Part A of Annex IV of Directive 2000/29/EC.
- (3) It appears from the official information submitted by Canada that, through an integrated systems approach applied during wood processing the risk of infestation from *Agrilus planipennis* Fairmaire is eliminated.
- (4) That approach should be complemented by certain requirements for facilities, pre-export inspections and labelling to ensure the elimination of such risk.
- (5) Those procedures should therefore be recognized as an alternative option to point 2.3 of Section I of Part A of Annex IV of Directive 2000/29/EC for imports from Canada.
- (6) In order to ensure effective controls, as well as an overview of imports of ash wood and of non-compliances related to those imports, requirements should be set out concerning phytosanitary certificates, reporting of importation and notification of non-compliances.
- (7) Taking into account the spread of the harmful organism *Agrilus planipennis* Fairmaire in North America, it is appropriate to limit the duration of the derogation to 31 December 2017.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

*Article 1***Authorisation to provide for derogation**

By way of derogation from Article 5(1) of Directive 2000/29/EC in conjunction with point 2.3 of Section I of Part A of Annex IV to that Directive, Member States may authorise the introduction into their territory of wood of *Fraxinus* L. originating or processed in Canada (hereinafter: 'specified wood') which, prior to its movement out of Canada, satisfies the conditions set out in the Annex to this Decision.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

*Article 2***Phytosanitary certificate**

1. The specified wood shall be accompanied by a phytosanitary certificate issued in Canada, in accordance with Article 13a(3) and (4) of Directive 2000/29/EC, certifying freedom from harmful organisms after inspection.
2. The phytosanitary certificate shall include under the heading 'Additional declaration' the following elements:
 - (a) the statement 'In accordance with European Union requirements laid down in Commission Implementing Decision (EU) 2016/412';
 - (b) the bundle number(s);
 - (c) the name of the approved facility(ies) in Canada.

*Article 3***Reporting of importation**

The Member State of importation shall provide the Commission and the other Member States, by 31 December of each year, with information on the amounts of consignments of specified wood imported during the previous 12 months pursuant to this Decision.

*Article 4***Notification of non-compliance**

Member States shall notify the Commission and the other Member States of each consignment not complying with this Decision. That notification shall take place no later than three working days after the date of the interception of such a consignment.

*Article 5***Date of expiry**

This Decision shall expire on 31 December 2017.

*Article 6***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 17 March 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

1. Processing requirements

The processing of the specified wood, as referred to in Article 1 must fulfil all the following requirements:

(a) Debarking

The specified wood is debarked, with the exception of any number of visually separate and clearly distinct small pieces of bark which comply with one of the following requirements:

- (a) they are less than 3 cm in width (regardless of length) or
- (b) if they are greater than 3 cm in width, the total surface area of each individual piece of bark is less than 50 cm².

(b) Sawing

The specified sawn wood is produced from debarked round wood.

(c) Heat treatment

The specified wood is heated through its profile to at least 71 °C for 1 200 minutes in a heat chamber approved by the Canadian Food Inspection Agency (CFIA), or an agency approved by CFIA.

(d) Drying

The specified wood is dried following industrial drying schedules of at least two-week duration, recognised by CFIA.

The final moisture content of the wood shall not exceed 10 % expressed as a percentage of dry matter.

2. Requirements for facilities

The specified wood must be produced, handled or stored in a facility which fulfils all the following requirements:

- (a) it is officially approved by CFIA pursuant to its certification programme concerning the harmful organism *Agrilus planipennis* Fairmaire;
- (b) it is registered in a database published on the CFIA website;
- (c) it is audited by CFIA, or an agency approved by CFIA, at least once per month and it has been concluded that it complies with the requirements of this Annex;
- (d) it uses equipment for the treatment of wood which has been calibrated consistently with the equipment's manual of operation;
- (e) it keeps records of its procedures for verification by CFIA or an agency approved by CFIA, including the duration of treatment, temperatures during treatment and the final moisture content for each specific bundle to be exported.

3. Labelling

Each bundle of the specified wood must visibly display both a bundle number and a label with the words 'HT-KD' or 'Heat Treated-Kiln Dried'. That label must be issued by, or under the supervision of, a designated officer of the approved facility after verifying that the processing requirements set out in point 1 and the requirements for facilities set out in point 2 have been complied with.

4. Pre-export inspections

The specified wood destined for the Union must be inspected by CFIA, or an agency officially approved by CFIA, to verify that it has undergone, before export, all phytosanitary procedures and measures allowing to conclude that it is free from the harmful organism *Agrilus planipennis* Fairmaire.

COMMISSION IMPLEMENTING DECISION (EU) 2016/413**of 18 March 2016****determining the location of the ground-based infrastructure of the system established under the Galileo programme and setting out the necessary measures to ensure that it functions smoothly, and repealing Implementing Decision 2012/117/EU****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council ⁽¹⁾, and in particular Article 12(3)(c) thereof,

Whereas:

- (1) Article 12 of Regulation (EU) No 1285/2013 provides that the Commission shall have overall responsibility for the Galileo programme and grants it implementing powers to determine the location of the ground-based infrastructure of the system under this programme and ensure that it functions smoothly. This infrastructure comprises ground-based centres and stations.
- (2) In its Implementing Decision 2012/117/EU ⁽²⁾, the Commission already largely determined the location of the ground-based infrastructure of the system established under the Galileo programme.
- (3) Implementing Decision 2012/117/EU was taken on the basis of Article 12(3) of Regulation (EC) No 683/2008 of the European Parliament and of the Council ⁽³⁾, which was repealed and replaced by Regulation (EU) No 1285/2013. In order to ensure the continuity of the programme and take account of the constraints and new needs which have arisen with its development, the location of the ground-based infrastructure of the system established under the Galileo programme should be determined again, and provision should be made for the necessary measures to ensure that it functions smoothly. It must be pointed out here that the number and siting of the centres and stations referred to in Implementing Decision 2012/117/EU take account of the geographical and technical constraints of ensuring optimum distribution around the world, the possible presence of pre-existing installations and equipment suited to the assigned tasks, compliance with the safety requirements specific to each centre and station, and the national safety requirements of each Member State.
- (4) However, account should be taken of the constraints and new needs arising with the development of the programme, with respect to certain elements relating to the centres and stations referred to in Implementing Decision 2012/117/EU.
- (5) For instance, with regard primarily to the centres, and to facilitate the improved operation of the system, it became necessary to establish a seventh centre, the integrated logistical support centre (hereinafter the 'ILS centre'), which ensures the central storage of the various items of equipment and replacement parts for the infrastructure.
- (6) The choice of location for the ILS centre was the subject of an open, transparent procedure in two stages. First of all, the Commission sent the Member States a call for expression of interest, and the applications from Belgium and the Czech Republic were selected. Subsequently, to decide between these two applications, the two Member States were invited to submit detailed proposals. After an evaluation of these proposals against criteria relating to

⁽¹⁾ OJ L 347, 20.12.2013, p. 1.

⁽²⁾ Commission Implementing Decision 2012/117/EU of 23 February 2012 establishing a list of key decision points to evaluate the implementation of the Galileo programme with regard to the ground-based centres and stations to be created as part of the programme development and deployment (OJ L 52, 24.2.2012, p. 28).

⁽³⁾ Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo) (OJ L 196, 24.7.2008, p. 1).

safety, risks, timing and costs by a committee composed of representatives of the European Commission, the European Space Agency and the European GNSS Agency, Belgium's proposal was found to be the most suitable, since the architecture and design of the building on the Transinne site had indeed been entirely optimised to ensure the logistics of the system under the Galileo programme. The centre is due to be set up in 2016 and should be the subject of an agreement with Belgium.

- (7) Furthermore, the creation of the two control centres (GCC) was completed in 2014 and these centres are to be the subject of agreements with Germany and Italy; the creation of the Galileo Security Centre (GSMC) started in 2013 and was the subject of agreements signed in 2013 with France and the UK, but it was to be completed in 2017 and not in 2015; the creation of the GNSS service centre (GSC) was the subject of an agreement signed with Spain on 30 June 2014, and not in 2013; the SAR service centre was set up between 2012 and 2014 and should be subject to a service framework contract with the *Centre National d'Etudes Spatiales* (CNES) [National Centre for Space Studies], and not an agreement with France; the creation of the Galileo reference centre (GRC), situated in Noordwijk in the Netherlands, close to the ESTEC but not at the ESTEC itself, was to run from 2015 to 2017 and not from 2013 to 2016, and be the subject of an agreement with the Netherlands in 2016; the creation of the in-orbit testing station in Redu was not covered by the contract concluded with the company Spaceopal.
- (8) Secondly, with regard to the stations, the TTC stations in Réunion and Nouméa were set up between 2012 and 2014, but the TTC station of Papeete in Tahiti should be established only in 2016-2017. Furthermore, while the GSS stations of Kiruna, Jan Mayen, the Azores, Kerguelen, Saint Pierre and Miquelon, Ascension and the Falkland Islands came into operation between 2012 and 2014, the creation of the GSS stations of the Canary Islands and Madeira was cancelled, the creation of the GSS station of Wallis was postponed until 2016-2017 and the possible creation of the GSS stations of Tokyo, Adélie Land and Diego Garcia is still under consideration, while a GSS station has been set up in Redu.
- (9) Lastly, while the creation of the SAR stations took place as planned and was the subject of contracts and a memorandum of understanding, it should be pointed out that there are two types of stations: firstly, 'Meolut' ('Medium earth orbit local user terminal') stations, which receive distress signals relayed by satellites and which are situated in Makarios, Maspalomas and Svalbard; secondly, stations with an SAR reference beacon emitting reference distress signals which can be used to calibrate the system and measure its performance, and which are also situated in Makarios, Maspalomas and Svalbard, and also in Toulouse and Santa Maria in the Azores.
- (10) Furthermore, once this Decision has replaced Implementing Decision 2012/117/EU, the latter Decision should be repealed. With a view to ensuring legal clarity and good administrative management, the details included in the Annex to Implementing Decision 2012/117/EU and the new information set out in this Decision shall be consolidated in the Annex.
- (11) The measures set out in this Decision are in accordance with the opinion of the committee set up pursuant to Article 36(1) of Regulation (EU) No 1285/2013,

HAS ADOPTED THIS DECISION:

Article 1

The location of the ground-based infrastructure of the system established under the Galileo programme and the necessary measures to ensure that it functions correctly shall be set out in the Annex.

Article 2

Implementing Decision 2012/117/EU shall be repealed.

Article 3

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

Done at Brussels, 18 March 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Title	Location and measures taken to ensure smooth functioning
Ground-based centres	
Two Galileo Control Centres (GCC)	The two control centres were created between 2009 and 2014 in Oberpfaffenhofen (Germany) and Fucino (Italy) respectively. They should be the subject of two agreements, to be signed with Germany and Italy, respectively.
Galileo Security Monitoring Centre (GSMC)	The Galileo security centre, split into two locations, will be developed in stages in France and the United Kingdom. Work started in 2013 and should end in 2017. It was the subject of an agreement signed in 2013 with France and the United Kingdom.
GNSS Service Centre (GSC)	The GNSS Service Centre is being developed in stages in Madrid (Spain). Work started in 2011 and should end in 2016. It was the subject of an agreement signed with Spain in 2014.
SAR Service Centre	The SAR Service Centre was set up in Toulouse (France) between 2012 and 2014. It should be the subject of a framework service contract with the <i>Centre National d'Etudes Spatiales</i> (CNES).
Galileo Reference Centre (GRC)	The Galileo Reference Centre is being developed in stages in Noordwijk (Netherlands). Work started in 2015 and should end in 2017. It should be the subject of an agreement to be signed with the Netherlands in 2016.
ILS Centre	The Integrated Logistics Centre (<i>centre ILS</i>) is to come into operation in Transinne (Belgium) in the course of 2016 and is to be the subject of an agreement with Belgium.
In-orbit testing station	The in-orbit testing station was set up in 2010 in Redu (Belgium).
Remote ground-based stations	
TTC stations	TTC stations were set up between 2010 and 2014 in Kiruna (Sweden), Kourou (France), Réunion (France) and Nouméa (New Caledonia). A TTC station is to be set up in Papeete (French Polynesia) in 2016-2017. The creation of these TTC stations is the subject of contracts concluded between the European Space Agency and service providers.
GSS stations	GSS stations were created between 2009 and 2014 in the Azores (Portugal), Ascension, Fucino (Italy), Jan Mayen (Norway), Kerguelen, Kiruna (Sweden), Kourou (France), Réunion (France), the Falkland Islands, Nouméa (New Caledonia), Papeete (French Polynesia), Redu (Belgium), Saint Pierre and Miquelon, Svalbard (Norway), and Troll (Norway). A GSS station is to be set up in Wallis in 2016-2017. The creation of these GSS stations is the subject of contracts concluded between the European Space Agency and service providers.

Title	Location and measures taken to ensure smooth functioning
ULS stations	<p>ULS stations were created,between 2009 and 2011 in Tahiti (French Polynesia), Kourou (France), Réunion (France), New Caledonia and Svalbard (Norway).</p> <p>The creation of these ULS stations was the subject of contracts concluded between the European Space Agency and service providers.</p>
SAR stations	<p>'Meolut' SAR stations were created in 2012 and 2013 in Makarios (Cyprus), Maspalomas (Spain) and Svalbard (Norway). SAR stations with an SAR reference beacon were created in Makarios (Cyprus), Maspalomas (Spain), Santa Maria (Portugal), Toulouse (France) and Svalbard (Norway).</p> <p>The creation of these SAR stations was the subject of contracts between the European Space Agency and service providers for the stations of Maspalomas, Santa Maria and Svalbard, of a Memorandum of Understanding between the European Commission and Cyprus for the station of Makarios, and of a contract between the European Commission and a service provider for the station of Toulouse.</p>

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