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## Legislation

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

## I

(Legislative acts)

## DIRECTIVES

**DIRECTIVE (EU) 2016/1919 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 26 October 2016****on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (b) of Article 82(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) The purpose of this Directive is to ensure the effectiveness of the right of access to a lawyer as provided for under Directive 2013/48/EU of the European Parliament and of the Council <sup>(3)</sup> by making available the assistance of a lawyer funded by the Member States for suspects and accused persons in criminal proceedings and for requested persons who are the subject of European arrest warrant proceedings pursuant to Council Framework Decision 2002/584/JHA <sup>(4)</sup> (requested persons).
- (2) By establishing common minimum rules concerning the right to legal aid for suspects, accused persons and requested persons, this Directive aims to strengthen the trust of Member States in each other's criminal justice systems and thus to improve mutual recognition of decisions in criminal matters.
- (3) The third paragraph of Article 47 of the Charter of Fundamental Rights of the European Union (the Charter), Article 6(3)(c) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Article 14(3)(d) of the International Covenant on Civil and Political Rights (ICCPR) enshrine the right to legal aid in criminal proceedings in accordance with the conditions laid down in those provisions. The Charter has the same legal value as the Treaties, and the Member States are parties to the ECHR and the ICCPR. However, experience has shown that this in itself does not always provide a sufficient degree of trust in the criminal justice systems of other Member States.

<sup>(1)</sup> OJ C 226, 16.7.2014, p. 63.

<sup>(2)</sup> Position of the European Parliament of 4 October 2016 (not yet published in the Official Journal) and Council decision of 13 October 2016.

<sup>(3)</sup> Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).

<sup>(4)</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

- (4) On 30 November 2009, the Council adopted a Resolution on a Roadmap for strengthening the procedural rights of suspected or accused persons in criminal proceedings <sup>(1)</sup> ('the Roadmap'). Taking a step-by-step approach, the Roadmap calls for the adoption of measures regarding the right to translation and interpretation (measure A), the right to information on rights and information about the charges (measure B), the right to legal advice and legal aid (measure C), the right to communicate with relatives, employers and consular authorities (measure D), and special safeguards for suspects or accused persons who are vulnerable (measure E).
- (5) On 11 December 2009, the European Council welcomed the Roadmap and made it part of the Stockholm programme — 'An open and secure Europe serving and protecting citizens' <sup>(2)</sup> (point 2.4). The European Council underlined the non-exhaustive character of the Roadmap by inviting the Commission to examine further elements of minimum procedural rights for suspects and accused persons, and to assess whether other issues, for instance the presumption of innocence, need to be addressed, in order to promote better cooperation in that area.
- (6) Five measures on procedural rights in criminal proceedings have been adopted pursuant to the Roadmap to date, namely Directives 2010/64/EU <sup>(3)</sup>, 2012/13/EU <sup>(4)</sup>, 2013/48/EU, (EU) 2016/343 <sup>(5)</sup> and (EU) 2016/800 <sup>(6)</sup> of the European Parliament and of the Council.
- (7) This Directive relates to the second part of measure C of the Roadmap, regarding legal aid.
- (8) Legal aid should cover the costs of the defence of suspects, accused persons and requested persons. When granting legal aid, the competent authorities of the Member States should be able to require that suspects, accused persons or requested persons bear part of those costs themselves, depending on their financial resources.
- (9) Without prejudice to Article 6 of Directive (EU) 2016/800, this Directive should not apply where suspects or accused persons, or requested persons, have waived their right of access to a lawyer in accordance with, respectively, Article 9 or Article 10(3) of Directive 2013/48/EU, and have not revoked such waiver, or where Member States have applied the temporary derogations in accordance with Article 3(5) or (6) of Directive 2013/48/EU, for the time of such derogation.
- (10) Where a person who was initially not a suspect or an accused person, such as a witness, becomes a suspect or an accused person, that person should have the right not to incriminate him or herself and the right to remain silent, in accordance with Union law and the ECHR, as interpreted by the Court of Justice of the European Union (Court of Justice) and by the European Court of Human Rights (ECtHR). This Directive therefore makes express reference to the practical situation where such a person becomes a suspect or an accused person during questioning by the police or by another law enforcement authority in the context of criminal proceedings. Where, in the course of such questioning, a person other than a suspect or an accused person becomes a suspect or an accused person, questioning should be suspended immediately. However, it should be possible to continue questioning where the person concerned has been made aware that he or she has become a suspect or an accused person and that person is able to fully exercise the rights provided for in this Directive.
- (11) In some Member States an authority other than a court having jurisdiction in criminal matters has competence for imposing sanctions other than deprivation of liberty in relation to relatively minor offences. That may be the case, for example, in relation to traffic offences which are committed on a large scale and which might be established following a traffic control. In such situations, it would be unreasonable to require that the competent authorities ensure all the rights under this Directive. Where the law of a Member State provides for the imposition of a sanction regarding minor offences by such an authority and there is either a right of appeal or the possibility for the case to be otherwise referred to a court having jurisdiction in criminal matters, this Directive should therefore apply only to the proceedings before that court following such an appeal or referral.

<sup>(1)</sup> OJ C 295, 4.12.2009, p. 1.

<sup>(2)</sup> OJ C 115, 4.5.2010, p. 1.

<sup>(3)</sup> Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

<sup>(4)</sup> Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).

<sup>(5)</sup> Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).

<sup>(6)</sup> Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).

- (12) In some Member States certain minor offences, in particular minor traffic offences, minor offences in relation to general municipal regulations and minor public order offences, are considered to be criminal offences. In such situations, it would be unreasonable to require that the competent authorities ensure all the rights under this Directive. Where the law of a Member State provides in respect of minor offences that deprivation of liberty cannot be imposed as a sanction, this Directive should therefore apply only to the proceedings before a court having jurisdiction in criminal matters.
- (13) The application of this Directive to minor offences is subject to the conditions set out in this Directive. Member States should be able to apply a means test, a merits test, or both in order to determine whether legal aid is to be granted. Provided that this complies with the right to a fair trial, the merits test may be deemed not to have been met in respect of certain minor offences.
- (14) The scope of application of this Directive in respect of certain minor offences should not affect the obligations of Member States under the ECHR to ensure the right to a fair trial, including obtaining the assistance of a lawyer.
- (15) Provided that this complies with the right to a fair trial, the following situations do not constitute a deprivation of liberty within the meaning of this Directive: identifying the suspect or accused person; determining whether an investigation should be started; verifying the possession of weapons or other similar safety issues; carrying out investigative or evidence-gathering acts other than those specifically referred to in this Directive, such as body checks, physical examinations, blood, alcohol or similar tests, or the taking of photographs or fingerprints; bringing the suspect or accused person to appear before a competent authority, in accordance with national law.
- (16) This Directive lays down minimum rules. Member States should be able to grant legal aid in situations which are not covered by this Directive, for example when investigative or evidence-gathering acts other than those specifically referred to in this Directive are carried out.
- (17) In accordance with Article 6(3)(c) ECHR, suspects and accused persons who lack sufficient resources to pay for the assistance of a lawyer are to have the right to legal aid when the interests of justice so require. This minimum rule allows Member States to apply a means test, a merits test, or both. The application of those tests should not limit or derogate from the rights and procedural safeguards that are ensured under the Charter and the ECHR, as interpreted by the Court of Justice and by the ECtHR.
- (18) Member States should lay down practical arrangements regarding the provision of legal aid. Such arrangements could determine that legal aid is granted following a request by a suspect, an accused person or a requested person. Given in particular the needs of vulnerable persons, such a request should not, however, be a substantive condition for granting legal aid.
- (19) The competent authorities should grant legal aid without undue delay and at the latest before questioning of the person concerned by the police, by another law enforcement authority or by a judicial authority, or before the specific investigative or evidence-gathering acts referred to in this Directive are carried out. If the competent authorities are not able to do so, they should at least grant emergency or provisional legal aid before such questioning or before such investigative or evidence-gathering acts are carried out.
- (20) Given the specificity of European arrest warrant proceedings, the interpretation of the provisions of this Directive relating only to requested persons should take into account this specificity and should not in any way prejudice the interpretation of the other provisions of this Directive.
- (21) Requested persons should have the right to legal aid in the executing Member State. In addition, requested persons who are the subject of European arrest warrant proceedings for the purpose of conducting a criminal prosecution and who exercise their right to appoint a lawyer in the issuing Member State in accordance with Directive 2013/48/EU should have the right to legal aid in that Member State for the purpose of such proceedings in the executing Member State, in so far as legal aid is necessary to ensure effective access to justice, as laid down in Article 47 of the Charter. This would be the case where the lawyer in the executing Member State cannot fulfil his or her tasks as regards the execution of a European arrest warrant effectively and efficiently without the assistance of a lawyer in the issuing Member State. Any decision regarding the granting of legal aid in the issuing Member State should be taken by an authority that is competent for taking such decisions in that Member State, on the basis of criteria that are established by that Member State when implementing this Directive.

- (22) To ensure effective access to a lawyer by requested persons, Member States should ensure that requested persons have a right to legal aid until they are surrendered, or until the decision not to surrender them becomes final.
- (23) When implementing this Directive, Member States should ensure respect for the fundamental right to legal aid as provided for by the Charter and by the ECHR. In doing so, they should respect the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.
- (24) Without prejudice to provisions of national law concerning the mandatory presence of a lawyer, a competent authority should decide, without undue delay, whether or not to grant legal aid. The competent authority should be an independent authority that is competent to take decisions regarding the granting of legal aid, or a court, including a judge sitting alone. In urgent situations the temporary involvement of the police and the prosecution should, however, also be possible in so far as this is necessary for granting legal aid in a timely manner.
- (25) Where legal aid has been granted to a suspect, an accused person or a requested person, one way of ensuring its effectiveness and quality is to facilitate continuity in his or her legal representation. In that respect, Member States should facilitate continuity of legal representation throughout the criminal proceedings, as well as — where relevant — in European arrest warrant proceedings.
- (26) Adequate training should be provided to staff involved in the decision-making on legal aid in criminal proceedings and in European arrest warrant proceedings. Without prejudice to the judicial independence and differences in the organisation of the judiciary across the Member States, Member States should request that those responsible for the training of judges provide such training to courts and judges that take decisions regarding the granting of legal aid.
- (27) The principle of effectiveness of Union law requires that Member States put in place adequate and effective remedies in the event of a breach of a right conferred upon individuals by Union law. An effective remedy should be available where the right to legal aid is undermined or the provision of legal aid is delayed or refused in full or in part.
- (28) In order to monitor and evaluate the effectiveness of this Directive, there is a need for collection of relevant data, from available data, with regard to the implementation of the rights set out in this Directive. Such data include, where possible, the number of requests for legal aid in criminal proceedings, as well as in European arrest warrant proceedings where the Member State concerned acts as an issuing or executing Member State, the number of cases where legal aid was granted, and the number of cases where a request for legal aid was refused. Data on the costs of providing legal aid to suspects or accused persons and to requested persons should also be collected in so far as possible.
- (29) This Directive should apply to suspects, accused persons and requested persons regardless of their legal status, citizenship or nationality. Member States should respect and guarantee the rights set out in this Directive, without any discrimination based on any ground such as race, colour, sex, sexual orientation, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability or birth. This Directive upholds the fundamental rights and principles recognised by the Charter and by the ECHR, including the prohibition of torture and inhuman or degrading treatment, the right to liberty and security, respect for private and family life, the right to the integrity of the person, the rights of the child, the integration of persons with disabilities, the right to an effective remedy and the right to a fair trial, the presumption of innocence, and the rights of the defence. This Directive should be implemented in accordance with those rights and principles.
- (30) This Directive lays down minimum rules. Member States should be able to extend the rights laid down in this Directive in order to provide a higher level of protection. Such higher level of protection should not constitute an obstacle to the mutual recognition of judicial decisions that those minimum rules are designed to facilitate. The level of protection provided for by Member States should never fall below the standards provided by the Charter or by the ECHR, as interpreted by the Court of Justice and by the ECtHR.
- (31) Since the objective of this Directive, namely setting common minimum rules concerning the right to legal aid for suspects, accused persons and requested persons, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

- (32) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Directive and are not bound by it or subject to its application.
- (33) 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 Directive, and is not bound by it or subject to its application,

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

##### **Subject matter**

1. This Directive lays down common minimum rules concerning the right to legal aid for:
  - (a) suspects and accused persons in criminal proceedings; and
  - (b) persons who are the subject of European arrest warrant proceedings pursuant to Framework Decision 2002/584/JHA (requested persons).
2. This Directive complements Directives 2013/48/EU and (EU) 2016/800. Nothing in this Directive shall be interpreted as limiting the rights provided for in those Directives.

#### *Article 2*

##### **Scope**

1. This Directive applies to suspects and accused persons in criminal proceedings who have a right of access to a lawyer pursuant to Directive 2013/48/EU and who are:
  - (a) deprived of liberty;
  - (b) required to be assisted by a lawyer in accordance with Union or national law; or
  - (c) required or permitted to attend an investigative or evidence-gathering act, including as a minimum the following:
    - (i) identity parades;
    - (ii) confrontations;
    - (iii) reconstructions of the scene of a crime.
2. This Directive also applies, upon arrest in the executing Member State, to requested persons who have a right of access to a lawyer pursuant to Directive 2013/48/EU.
3. This Directive also applies, under the same conditions as provided for in paragraph 1, to persons who were not initially suspects or accused persons but become suspects or accused persons in the course of questioning by the police or by another law enforcement authority.
4. Without prejudice to the right to a fair trial, in respect of minor offences:
  - (a) where the law of a Member State provides for the imposition of a sanction by an authority other than a court having jurisdiction in criminal matters, and the imposition of such a sanction may be appealed or referred to such a court; or
  - (b) where deprivation of liberty cannot be imposed as a sanction;

this Directive applies only to the proceedings before a court having jurisdiction in criminal matters.

In any event, this Directive applies when a decision on detention is taken, and during detention, at any stage of the proceedings until the conclusion of the proceedings.

*Article 3***Definition**

For the purposes of this Directive, 'legal aid' means funding by a Member State of the assistance of a lawyer, enabling the exercise of the right of access to a lawyer.

*Article 4***Legal aid in criminal proceedings**

1. Member States shall ensure that suspects and accused persons who lack sufficient resources to pay for the assistance of a lawyer have the right to legal aid when the interests of justice so require.
2. Member States may apply a means test, a merits test, or both to determine whether legal aid is to be granted in accordance with paragraph 1.
3. Where a Member State applies a means test, it shall take into account all relevant and objective factors, such as the income, capital and family situation of the person concerned, as well as the costs of the assistance of a lawyer and the standard of living in that Member State, in order to determine whether, in accordance with the applicable criteria in that Member State, a suspect or an accused person lacks sufficient resources to pay for the assistance of a lawyer.
4. Where a Member State applies a merits test, it shall take into account the seriousness of the criminal offence, the complexity of the case and the severity of the sanction at stake, in order to determine whether the interests of justice require legal aid to be granted. In any event, the merits test shall be deemed to have been met in the following situations:
  - (a) where a suspect or an accused person is brought before a competent court or judge in order to decide on detention at any stage of the proceedings within the scope of this Directive; and
  - (b) during detention.
5. Member States shall ensure that legal aid is granted without undue delay, and at the latest before questioning by the police, by another law enforcement authority or by a judicial authority, or before the investigative or evidence-gathering acts referred to in point (c) of Article 2(1) are carried out.
6. Legal aid shall be granted only for the purposes of the criminal proceedings in which the person concerned is suspected or accused of having committed a criminal offence.

*Article 5***Legal aid in European arrest warrant proceedings**

1. The executing Member State shall ensure that requested persons have a right to legal aid upon arrest pursuant to a European arrest warrant until they are surrendered, or until the decision not to surrender them becomes final.
2. The issuing Member State shall ensure that requested persons who are the subject of European arrest warrant proceedings for the purpose of conducting a criminal prosecution and who exercise their right to appoint a lawyer in the issuing Member State to assist the lawyer in the executing Member State in accordance with Article 10(4) and (5) of Directive 2013/48/EU have the right to legal aid in the issuing Member State for the purpose of such proceedings in the executing Member State, in so far as legal aid is necessary to ensure effective access to justice.
3. The right to legal aid referred to in paragraphs 1 and 2 may be subject to a means test in accordance with Article 4(3), which shall apply *mutatis mutandis*.



*Article 6***Decisions regarding the granting of legal aid**

1. Decisions on whether or not to grant legal aid and on the assignment of lawyers shall be made, without undue delay, by a competent authority. Member States shall take appropriate measures to ensure that the competent authority takes its decisions diligently, respecting the rights of the defence.
2. Member States shall take necessary measures to ensure that suspects, accused persons and requested persons are informed in writing if their request for legal aid is refused in full or in part.

*Article 7***Quality of legal aid services and training**

1. Member States shall take necessary measures, including with regard to funding, to ensure that:
  - (a) there is an effective legal aid system that is of an adequate quality; and
  - (b) legal aid services are of a quality adequate to safeguard the fairness of the proceedings, with due respect for the independence of the legal profession.
2. Member States shall ensure that adequate training is provided to staff involved in the decision-making on legal aid in criminal proceedings and in European arrest warrant proceedings.
3. With due respect for the independence of the legal profession and for the role of those responsible for the training of lawyers, Member States shall take appropriate measures to promote the provision of adequate training to lawyers providing legal aid services.
4. Member States shall take the necessary measures to ensure that suspects, accused persons and requested persons have the right, upon their request, to have the lawyer providing legal aid services assigned to them replaced, where the specific circumstances so justify.

*Article 8***Remedies**

Member States shall ensure that suspects, accused persons and requested persons have an effective remedy under national law in the event of a breach of their rights under this Directive.

*Article 9***Vulnerable persons**

Member States shall ensure that the particular needs of vulnerable suspects, accused persons and requested persons are taken into account in the implementation of this Directive.

*Article 10***Provision of data and report**

1. By 25 May 2021, and every three years thereafter, Member States shall submit available data to the Commission showing how the rights laid down in this Directive have been implemented.
2. By 25 May 2022, and every three years thereafter, the Commission shall submit a report on the implementation of this Directive to the European Parliament and to the Council. In its report, the Commission shall assess the implementation of this Directive as regards the right to legal aid in criminal proceedings and in European arrest warrant proceedings.

*Article 11***Non-regression**

Nothing in this Directive shall be construed as limiting or derogating from any of the rights and procedural safeguards that are ensured under the Charter, the ECHR, or other relevant provisions of international law or the law of any Member State which provides a higher level of protection.

*Article 12***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 25 May 2019. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.

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

*Article 13***Entry into force**

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

*Article 14***Addressees**

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg, 26 October 2016.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

I. LESAY

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## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2016/1920

of 19 October 2016

**entering a name in the register of protected designations of origin and protected geographical indications (Hånnlamb (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Sweden's application to register the name 'Hånnlamb' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Hånnlamb' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Hånnlamb' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.1. Fresh meat (and offal), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.

*Article 2*

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

<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 239, 1.7.2016, p. 22.

<sup>(3)</sup> Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 19 October 2016.

*For the Commission,  
On behalf of the President,  
Phil HOGAN  
Member of the Commission*

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**COMMISSION IMPLEMENTING REGULATION (EU) 2016/1921****of 20 October 2016****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Štajersko prekmursko bučno olje (PGI)]**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission examined Slovenia's application for the approval of amendments to the specification for the protected geographical indication 'Štajersko prekmursko bučno olje', registered under Commission Implementing Regulation (EU) No 901/2012 <sup>(2)</sup>.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* <sup>(3)</sup> as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Štajersko prekmursko bučno olje' (PGI) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 20 October 2016.

*For the Commission,*  
*On behalf of the President,*  
Phil HOGAN  
*Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 901/2012 of 2 October 2012 entering a name in the register of protected designations of origin and protected geographical indications (Štajersko prekmursko bučno olje (PGI)) (OJ L 268, 3.10.2012, p. 3).

<sup>(3)</sup> OJ C 225, 22.6.2016, p. 11.

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/1922**  
**of 20 October 2016**

**entering a name in the register of protected designations of origin and protected geographical indications [Poularde du Périgord (PGI)]**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, France's application to register the name 'Poularde du Périgord' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Poularde du Périgord' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Poularde du Périgord' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.1. Fresh meat (and offal), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.

*Article 2*

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

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

Done at Brussels, 20 October 2016.

*For the Commission,*  
*On behalf of the President,*  
Phil HOGAN  
*Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 228, 24.6.2016, p. 3.

<sup>(3)</sup> Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/1923****of 24 October 2016****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Karp zatorski (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission examined Poland's application for the approval of amendments to the specification for the protected designation of origin 'Karp zatorski', registered under Commission Implementing Regulation (EU) No 485/2011 <sup>(2)</sup>.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* <sup>(3)</sup> as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Karp zatorski' (PDO) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 24 October 2016.

*For the Commission,  
On behalf of the President,  
Phil HOGAN  
Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 485/2011 of 18 May 2011 entering a name in the register of protected designations of origin and protected geographical indications (Karp zatorski (PDO)) (OJ L 133, 20.5.2011, p. 6).

<sup>(3)</sup> OJ C 225, 22.6.2016, p. 6.

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/1924****of 3 November 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 3 November 2016.

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

*Director-General for Agriculture and Rural Development*

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

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



## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	104,9
	ZZ	104,9
0707 00 05	TR	142,5
	ZZ	142,5
0709 93 10	MA	91,2
	TR	148,9
	ZZ	120,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	PE	132,9
	TR	74,7
	ZZ	103,8
0805 50 10	AR	67,2
	BR	79,0
	CL	77,0
	TR	87,7
	ZA	65,7
	ZZ	75,3
	0806 10 10	BR
0808 10 80	PE	304,9
	TR	151,1
	ZZ	254,5
	AR	260,6
	AU	236,5
0808 30 90	CL	139,2
	NZ	145,3
	ZA	126,7
	ZZ	181,7
	TR	176,8
	ZZ	176,8

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

# DECISIONS

## COMMISSION IMPLEMENTING DECISION (EU) 2016/1925

of 31 October 2016

**repealing Implementing Decision (EU) 2016/17 authorising the United Kingdom to prohibit on its territory the marketing of a variety of hemp listed in the Common Catalogue of varieties of agricultural plant species, pursuant to Council Directive 2002/53/EC**

*(notified under document C(2016) 6860)*

**(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species <sup>(1)</sup>, and in particular Article 18 thereof,

Whereas:

- (1) Article 32(6) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council <sup>(2)</sup> provides that in order to prevent support being granted for illegal crops, areas used for the production of hemp may only be eligible if the varieties used have a tetrahydrocannabinol (THC) content not exceeding 0,2 %.
- (2) Article 45(3) of Commission Implementing Regulation (EU) No 809/2014 <sup>(3)</sup> lays down that, if for the second year the average of all the samples of a given hemp variety exceeds the THC content as laid down in Article 32(6) of Regulation (EU) No 1307/2013, the Member State is to request authorisation to prohibit the marketing of such variety in accordance with Article 18 of Directive 2002/53/EC.
- (3) On 28 April 2015, the Commission received a request from the United Kingdom for the authorisation to prohibit the marketing of the hemp variety Finola, as its THC content exceeded the authorised content of 0,2 % for the second year in a row.
- (4) Following that request, the Commission adopted Implementing Decision (EU) 2016/17 <sup>(4)</sup> and authorised the United Kingdom to prohibit on its territory the marketing of that hemp variety.
- (5) On 15 March 2016, the United Kingdom officially informed the Commission that, following further testing of samples of the hemp variety Finola, it has been discovered that the THC content for 2014 did not exceed the threshold of 0,2 % as laid down in Article 32(6) of Regulation (EU) No 1307/2013.
- (6) In this regard, the United Kingdom has requested the repeal of Implementing Decision (EU) 2016/17.
- (7) That Implementing Decision should therefore be repealed.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

<sup>(1)</sup> OJ L 193, 20.7.2002, p. 1.

<sup>(2)</sup> Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

<sup>(3)</sup> Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

<sup>(4)</sup> Commission Implementing Decision (EU) 2016/17 of 7 January 2016 authorising the United Kingdom to prohibit on its territory the marketing of a variety of hemp listed in the Common Catalogue of varieties of agricultural plant species, pursuant to Council Directive 2002/53/EC (OJ L 5, 8.1.2016, p. 7).

HAS ADOPTED THIS DECISION:

*Article 1*

**Repeal of Implementing Decision (EU) 2016/17**

Implementing Decision (EU) 2016/17 is repealed.

*Article 2*

**Addressee**

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 31 October 2016.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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**COMMISSION IMPLEMENTING DECISION (EU) 2016/1926****of 3 November 2016****on the approval of the battery-charging photovoltaic roof as an innovative technology for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 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 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emissions performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles <sup>(1)</sup>, and in particular Article 12(4) thereof,

Having regard to Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council <sup>(2)</sup>, and in particular Article 10(2) thereof,

Whereas:

- (1) The application submitted by the supplier a2solar Advanced and Automotive Solar Systems GmbH ('the applicant') on 4 February 2016 for the approval of the battery charging photovoltaic roof as an eco-innovation has been assessed in accordance with Article 12 of Regulation (EC) No 443/2009, Implementing Regulation (EU) No 725/2011 and the Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009 <sup>(3)</sup>.
- (2) The information provided in the application demonstrates that the conditions and the criteria referred to in Article 12 of Regulation (EC) No 443/2009 and in Articles 2 and 4 of Implementing Regulation (EU) No 725/2011 have been met. As a consequence, the battery charging photovoltaic roof proposed by the applicant should be approved as an innovative technology.
- (3) By Implementing Decisions 2014/806/EU <sup>(4)</sup> and (EU) 2015/279 <sup>(5)</sup> the Commission has approved two applications concerning battery charging photovoltaic roofs. Based on the experience gained from the assessment of those applications as well as the current application, it has been satisfactorily and conclusively demonstrated that a battery charging photovoltaic roof meets the eligibility criteria referred to in Article 12 of Regulation (EC) No 443/2009 and Implementing Regulation (EU) No 725/2011 and provides a reduction in CO<sub>2</sub> emissions of at least 1 g CO<sub>2</sub>/km compared to a baseline vehicle. It is therefore appropriate to generally acknowledge and, in accordance with Article 12(4) of Regulation (EC) No 443/2009, attest the capacity of this innovative technology to reduce CO<sub>2</sub> emissions and provide a generic testing methodology for the certification of the CO<sub>2</sub> savings.
- (4) It is therefore appropriate to provide manufacturers with the possibility to certify the CO<sub>2</sub> savings from battery charging photovoltaic roofs that meet those conditions. In order to ensure that only photovoltaic roofs that are compliant with those conditions are proposed for certification, the manufacturer should provide a verification report from an independent and certified body confirming the compliance of the component with the conditions specified in this Decision together with the application for certification submitted to the type approval authority.
- (5) If the type approval authority finds that the battery charging photovoltaic roof does not satisfy the conditions for certification, the application for certification of the savings should be rejected.

<sup>(1)</sup> OJ L 140, 5.6.2009, p. 1.

<sup>(2)</sup> OJ L 194, 26.7.2011, p. 19.

<sup>(3)</sup> <https://circabc.europa.eu/w/browse/f3927eae-29f8-4950-b3b3-d2e700598b52>

<sup>(4)</sup> Commission Implementing Decision 2014/806/EU of 18 November 2014 on the approval of the battery charging Webasto solar roof as an innovative technology for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 332, 19.11.2014, p. 34).

<sup>(5)</sup> Commission Implementing Decision (EU) 2015/279 of 19 February 2015 on the approval of the battery charging Asola solar roof as an innovative technology for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 47, 20.2.2015, p. 26).

- (6) It is appropriate to approve the testing methodology for determining the CO<sub>2</sub> savings from battery charging photovoltaic roofs.
- (7) In order to determine the CO<sub>2</sub> savings from a battery charging photovoltaic roof it is necessary to define the baseline vehicle against which the efficiency of the vehicle equipped with the innovative technology should be compared as provided for in Articles 5 and 8 of Implementing Regulation (EU) No 725/2011. The Commission finds that the baseline vehicle should be a variant that in all aspects is identical to the eco-innovation vehicle with the exception of the photovoltaic roof and, where applicable, without the additional battery and other appliances needed specifically for the conversion of the solar energy into electricity and its storage.
- (8) In accordance with Article 2(2)(b) of Implementing Regulation (EU) No 725/2011 it is to be demonstrated that the battery-charging photovoltaic roof is intrinsic to the efficient operation of the vehicle. This means that the energy generated by the photovoltaic roof should not for example be solely devoted to a comfort-enhancing appliance.
- (9) In order to facilitate a wider deployment of battery-charging photovoltaic roofs in new vehicles, a manufacturer should also have the possibility to apply for the certification of the CO<sub>2</sub> savings from several photovoltaic roof systems by a single certification application. It is however appropriate to ensure that where this possibility is used a mechanism is applied that incentivises the deployment of only those photovoltaic roofs systems that offer the highest efficiency.
- (10) For the purposes of determining the general eco-innovation code to be used in the relevant type approval documents in accordance with Annexes I, VIII and IX to Directive 2007/46/EC of the European Parliament and of the Council <sup>(1)</sup>, the individual code to be used for the innovative technology should be specified,

HAS ADOPTED THIS DECISION:

*Article 1*

**Approval**

The battery-charging photovoltaic roof as described in the application by a2solar Advanced and Automotive Solar Systems GmbH is approved as an innovative technology within the meaning of Article 12 of Regulation (EC) No 443/2009.

*Article 2*

**Application for certification of CO<sub>2</sub> savings**

1. The manufacturer may apply for certification of the CO<sub>2</sub> savings from a battery charging photovoltaic roof system intended for use in conventional combustion-engine-powered M<sub>1</sub> vehicles which comprises all of the following elements:
  - (a) a photovoltaic roof;
  - (b) an appliance needed for the conversion of the solar energy into electricity and its storage;
  - (c) a dedicated storage capacity.
2. The total mass of those components shall be verified and confirmed in a report from an independent and certified body.

*Article 3*

**Certification of CO<sub>2</sub> savings**

1. The reduction in CO<sub>2</sub> emissions from the use of battery charging photovoltaic roof systems referred to in Article 2(1) shall be determined using the methodology set out in the Annex.

<sup>(1)</sup> Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

2. Where a manufacturer applies for the certification of the CO<sub>2</sub> savings from more than one battery charging photovoltaic roof system in relation to one vehicle version, the type approval authority shall determine which of the roofs tested delivers the lowest CO<sub>2</sub> savings, and record the lowest value in the relevant type approval documentation. That value shall be indicated in the certificate of conformity in accordance with Article 11(2) of Implementing Regulation (EU) No 725/2011.

*Article 4*

**Eco-innovation code**

The eco-innovation code No 21 shall be entered into the type approval documentation where reference is made to this Decision in accordance with Article 11(1) of Implementing Regulation (EU) No 725/2011.

*Article 5*

**Entry into force**

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, 3 November 2016.

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

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## ANNEX

METHODOLOGY TO DETERMINE THE CO<sub>2</sub> SAVINGS OF BATTERY CHARGING PHOTOVOLTAIC ROOFS

## 1. INTRODUCTION

In order to determine the CO<sub>2</sub> emission reductions that can be attributed to a battery charging photovoltaic (PV) roof for use in an M<sub>1</sub> vehicle, it is necessary to establish the following:

- (1) the testing conditions
- (2) the test equipment;
- (3) the determination of the peak power output;
- (4) the calculation of the CO<sub>2</sub> savings;
- (5) the calculation of the statistical margin of the CO<sub>2</sub> savings.

## 2. SYMBOLS, PARAMETERS AND UNITS

*Latin symbols*

$C_{CO_2}$	— CO <sub>2</sub> savings [g CO <sub>2</sub> /km]
CO <sub>2</sub>	— Carbon dioxide
CF	— Conversion factor (l/100 km) — (g CO <sub>2</sub> /km) [gCO <sub>2</sub> /l] as defined in Table 3
M	— Mean annual mileage [km/year] as defined in Table 4
$\overline{mP}_p$	— Measured average solar PV roof peak power output [W]
n	— Number of measurements of the solar PV roof peak power output, which is at least 5
SCC	— Solar correction coefficient [-] as defined in Table 1
$s_{C_{CO_2}}$	— Statistical margin of the total CO <sub>2</sub> savings [g CO <sub>2</sub> /km]
$S_{IR}$	— Yearly European mean solar irradiation [W/m <sup>2</sup> ], which is 120 W/m <sup>2</sup>
$S_{IR\_STC}$	— Global irradiation at Standard Test Conditions (STC) [W/m <sup>2</sup> ], which is 1 000 W/m <sup>2</sup>
$s_{\overline{mP}_p}$	— Standard deviation of the arithmetic mean of the solar PV roof peak power output [W]
UF <sub>IR</sub>	— Usage factor (shading effect), which is 0,51
$V_{pe}$	— Consumption of effective power [l/kWh] as defined in Table 2
$\frac{\partial C_{CO_2}}{\partial \overline{mP}_p}$	— Sensitivity of calculated CO <sub>2</sub> savings related to the average solar PV roof peak power output

*Greek symbols*

$\Delta CO_{2m}$	— CO <sub>2</sub> correction coefficient due to the extra mass of the solar system [g CO <sub>2</sub> /km] as defined in Table 5
$\Delta m$	— Extra mass due to the installation of the solar system [kg]
$\eta_A$	— Alternator efficiency [%], which is 67 %
$\eta_{SS}$	— Solar system efficiency [%], which is 76 %
$\Phi$	— Lengthwise inclination of the solar panel [°]

*Subscripts*

Index (i) refers to measurement of the PV roof peak power output

## 3. MEASUREMENTS AND DETERMINATION OF THE PEAK POWER OUTPUT

The measured average peak power output ( $\overline{mP_p}$ ) of the PV roof is to be determined experimentally for each vehicle variant. Initial stabilisation of the tested device is to be done in accordance with the methodology specified in the international standard IEC 61215-2:2016 <sup>(1)</sup>. The measurements of the peak power output shall be performed at standard test conditions as defined in the international standard IEC/TS 61836:2007 <sup>(2)</sup>.

A dismantled complete PV roof is to be used. The four corner points of the panel are to touch the measurement plane.

The measurements of the peak power output shall be performed at least five times and the arithmetic mean ( $\overline{mP_p}$ ) has to be calculated.

4. CALCULATION OF THE CO<sub>2</sub> SAVINGS

The CO<sub>2</sub> savings of the PV roof are to be calculated by Formula 1 <sup>(3)</sup>.

Formula 1

$$C_{CO_2} = S_{IR} \cdot UF_{IR} \cdot \eta_{SS} \cdot \frac{\overline{mP_p}}{S_{IR\_STC}} \cdot SCC \cdot \frac{V_{Pe}}{\eta_A} \cdot \frac{CF}{M} \cdot \cos\Phi - \Delta CO_{2m}$$

Where:

$C_{CO_2}$ : CO<sub>2</sub> savings [g CO<sub>2</sub>/km]

$S_{IR}$ : Yearly European mean solar irradiation [W/m<sup>2</sup>], which is 120 W/m<sup>2</sup>

$UF_{IR}$ : Usage factor (shading effect) [-], which is 0,51

$\eta_{SS}$ : Efficiency of the photovoltaic system [%], which is 76 %

$\overline{mP_p}$ : Measured average PV roof peak power output [W]

$S_{IR\_STC}$ : Global irradiation at Standard Test Conditions (STC) [W/m<sup>2</sup>], which is 1 000 W/m<sup>2</sup>

SCC: Solar correction coefficient [-] as defined in Table 1. Total available storage capacity of the battery system or the SCC value is to be supplied by the vehicle manufacturer.

Table 1

**Solar correction coefficient**

Total available storage capacity of (12 V) battery system/average PV roof peak power output [Ah/W] <sup>(1)</sup>	0,10	0,20	0,30	0,40	0,50	0,60	> 0,666
Solar correction coefficient (SCC)	0,481	0,656	0,784	0,873	0,934	0,977	1

<sup>(1)</sup> The total storage capacity includes a mean usable storage capacity of the starter battery of 10 Ah (12 V). All values refer to a mean annual solar radiation of 120 W/m<sup>2</sup>, a shading share of 0,49 and a mean vehicle driving time of 1 hour per day at 750 W electric power requirement.

<sup>(1)</sup> The International Electrotechnical Commission (IEC), IEC 61215-2:2016 standard for 'Terrestrial photovoltaic (PV) modules — Design qualification and type approval'

<sup>(2)</sup> The International Electrotechnical Commission (IEC), IEC 61836-2007 standard for 'Solar photovoltaic energy systems — Terms, definitions and symbols'

<sup>(3)</sup> Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009 and Regulation (EU) No 510/2011 <https://circabc.europa.eu/sd/a/bbf05038-a907-4298-83ee-3d6cce3b4231/Technical%20Guidelines%20October%202015.pdf>



$V_{pe}$ : Consumption of effective power [l/kWh] as defined in Table 2

Table 2

**Consumption of effective power**

Type of engine	Consumption of effective power ( $V_{pe}$ ) [l/kWh]
Petrol	0,264
Petrol Turbo	0,280
Diesel	0,220

$\eta_A$ : Efficiency of the alternator [%], which is 67 %;

CF: Conversion factor (l/100km) — (g CO<sub>2</sub>/km) [gCO<sub>2</sub>/l] as defined in Table 3

Table 3

**Fuel conversion factor**

Type of fuel	Conversion factor (l/100 km) — (g CO <sub>2</sub> /km) (CF) [gCO <sub>2</sub> /l]
Petrol	2 330
Diesel	2 640

M: Mean annual mileage [km/year] as defined in Table 4

Table 4

**Mean annual mileage for M<sub>1</sub> vehicles**

Type of fuel	Mean annual mileage (M) [km/year]
Petrol	12 700
Diesel	17 000

$\Phi$ : Lengthwise inclination of the solar panel [°]. This value is to be supplied by the vehicle manufacturer

$\Delta CO_{2m}$ : CO<sub>2</sub> correction coefficient due to the extra mass of the solar roof and, where applicable, the additional battery and other appliances needed specifically for the conversion of the solar energy into electricity and its storage [g CO<sub>2</sub>/km] as defined in Table 5.

Table 5

**CO<sub>2</sub> correction coefficient due to the extra mass**

Type pf fuel	CO <sub>2</sub> correction coefficient due to the extra mass ( $\Delta CO_{2m}$ ) [g CO <sub>2</sub> /km]
Petrol	0,0277 · $\Delta m$
Diesel	0,0383 · $\Delta m$

In Table 5  $\Delta m$  is the extra mass due to the installation of the photovoltaic system, composed by the PV roof and, where applicable, the additional battery and other appliances needed specifically for the conversion of the solar energy into electricity and its storage.

In particular,  $\Delta m$  is the positive difference between the mass of the photovoltaic system mass and the mass of a standard steel roof. The mass of a standard steel roof is assumed equal to 12 kg. In case the weight of the solar system is lower than 12 kg, no correction for the change in mass has to be made.

#### 5. CALCULATION OF THE STATISTICAL MARGIN

The standard deviation of the arithmetic mean of the peak power output is to be calculated by Formula 2.

Formula 2

$$s_{\overline{mP_p}} = \sqrt{\frac{\sum_{i=1}^n (mP_{p_i} - \overline{mP_p})^2}{n(n-1)}}$$

Where:

$s_{\overline{mP_p}}$ : Standard deviation of the arithmetic mean of the peak power output [W]

$mP_{p_i}$ : Measurement value of the peak power output [W]

$\overline{mP_p}$ : Arithmetic mean of the peak power output [W]

$n$ : Number of measurements of the peak power output, which is at least 5

The standard deviation of arithmetic mean of the PV roof peak power output leads to a statistical margin in the CO<sub>2</sub> savings ( $s_{c_{CO_2}}$ ). This value is to be calculated in accordance with Formula 3.

Formula 3

$$s_{c_{CO_2}} = \sqrt{\left(\frac{\partial C_{CO_2}}{\partial mP_p} \cdot s_{\overline{mP_p}}\right)^2} = S_{ir} \cdot \frac{1}{S_{IR\_STC}} \cdot U_{FIR} \cdot \eta_{SS} \cdot SCC \cdot \frac{V_{Pe}}{\eta_A} \cdot \frac{CF}{M} \cdot \cos \Phi \cdot s_{\overline{mP_p}}$$

#### 6. STATISTICAL SIGNIFICANCE

It has to be demonstrated for each type, variant and version of a vehicle fitted with the battery charging PV roof that the minimum threshold of 1 gCO<sub>2</sub>/km is exceeded in a statistically significant way, as specified in Article 9(1) of Implementing Regulation (EU) No 725/2011. As a consequence, Formula 4 is to be used.

Formula 4

$$MT \leq C_{CO_2} - s_{c_{CO_2}}$$

Where:

MT: Minimum threshold [g CO<sub>2</sub>/km], which is 1 g CO<sub>2</sub>/km

$s_{c_{CO_2}}$ : Statistical margin of the total CO<sub>2</sub> savings [g CO<sub>2</sub>/km]

Where the CO<sub>2</sub> emission savings, as a result of the calculation using Formula 4, are below the threshold specified in Article 9(1) of Implementing Regulation (EU) No 725/2011, the second subparagraph of Article 11(2) of that Regulation shall apply.

**CORRIGENDA****Corrigendum to Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters**

*(Official Journal of the European Union L 174 of 27 June 2001)*

On page 30, Article 15, paragraphs 4 and 5 are renumbered as paragraphs 3 and 4 respectively.

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**Corrigendum to Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000**

*(Official Journal of the European Union L 338 of 23 December 2003)*

On page 13, Article 42(1), second subparagraph:

*for:* ‘... mentioned in Article 11 (b)(8)’,

*read:* ‘... mentioned in Article 11(8)’.

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