

Official Journal of the European Union

L 214



English edition

Legislation

Volume 57

19 July 2014

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⁽¹⁾ Text with EEA relevance

EN

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the entry into force of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime ⁽¹⁾ will enter into force on 3 April 2014.

⁽¹⁾ OJ L 89, 25.3.2014, p. 7.

REGULATIONS

COUNCIL REGULATION (EU) No 783/2014

of 18 July 2014

amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine ⁽¹⁾,

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

Whereas:

- (1) Council Regulation (EU) No 269/2014 ⁽²⁾ gives effect to certain measures provided for in Decision 2014/145/CFSP and provides for the freezing of funds and economic resources of certain natural persons responsible for, actively supporting or implementing, actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine, or which obstruct the work of international organisations in Ukraine, and of natural or legal persons, entities or bodies associated with them, or legal persons, entities or bodies in Crimea or Sevastopol whose ownership has been transferred contrary to Ukrainian law, or legal persons, entities or bodies which have benefited from such a transfer.
- (2) On 16 July 2014, the European Council agreed to expand restrictive measures, with a view to targeting entities, including from the Russian Federation, that are materially or financially supporting actions undermining or threatening Ukraine's sovereignty, territorial integrity and independence.
- (3) On 18 July 2014, the Council adopted Decision 2014/475/CFSP ⁽³⁾ which amends Decision 2014/145/CFSP and provides for amended listing criteria to allow for the listing of legal persons, entities or bodies that are materially or financially supporting actions undermining or threatening Ukraine's sovereignty, territorial integrity and independence.
- (4) This amendment falls within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (5) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

⁽¹⁾ OJ L 78, 17.3.2014, p. 16.

⁽²⁾ Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 6).

⁽³⁾ Council Decision 2014/475/CFSP of 18 July 2014 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (see page 28 of this Official Journal).

HAS ADOPTED THIS REGULATION:

Article 1

Article 3(1) of Regulation (EU) No 269/2014 is replaced by the following:

‘1. Annex I shall include:

- (a) natural persons responsible for, actively supporting or implementing, actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine or which obstruct the work of international organisations in Ukraine, and natural or legal persons, entities or bodies associated with them;
- (b) legal persons, entities or bodies supporting, materially or financially, actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine; or
- (c) legal persons, entities or bodies in Crimea or Sevastopol whose ownership has been transferred contrary to Ukrainian law, or legal persons, entities or bodies which have benefited from such a transfer.’

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 July 2014.

For the Council

The President

S. GOZI

COMMISSION REGULATION (EU) No 784/2014**of 15 July 2014****establishing a prohibition of fishing for haddock in Union and international waters of VIb, XII and XIV by vessels flying the flag of Ireland**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 15 July 2014.

For the Commission

On behalf of the President,

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

ANNEX

| | |
|--------------|----------------------------------------------------|
| No | 12/TQ43 |
| Member State | Ireland |
| Stock | HAD/6B1214 |
| Species | Haddock (<i>Melanogrammus aeglefinus</i>) |
| Zone | Union and international waters of VIb, XII and XIV |
| Closing date | 25.6.2014 |

COMMISSION REGULATION (EU) No 785/2014
of 15 July 2014
establishing a prohibition of fishing for cod in Skagerrak by vessels flying the flag of the Netherlands

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 15 July 2014.

For the Commission
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

ANNEX

| | |
|--------------|-----------------------------|
| No | 13/TQ43 |
| Member State | The Netherlands |
| Stock | COD/03AN. |
| Species | Cod (<i>Gadus morhua</i>) |
| Zone | Skagerrak |
| Closing date | 26.6.2014 |

COMMISSION REGULATION (EU) No 786/2014**of 15 July 2014****establishing a prohibition of fishing for greater silver smelt in Union and international waters of V, VI and VII by vessels flying the flag of Ireland**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 15 July 2014.

For the Commission,

On behalf of the President,

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

ANNEX

| | |
|--------------|-------------------------------------------------|
| No | 11/TQ43 |
| Member State | Ireland |
| Stock | ARU/567. |
| Species | Greater silver smelt (<i>Argentina silus</i>) |
| Zone | Union and international waters of V, VI and VII |
| Closing date | 25.6.2014 |

COMMISSION REGULATION (EU) No 787/2014**of 16 July 2014****establishing a prohibition of fishing for horsemackerel and associated by-catches in Union waters of IVb, IVc and VIId by vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 16 July 2014.

For the Commission

On behalf of the President,

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

ANNEX

| | |
|--------------|------------------------------------------------------------------|
| No | 14/TQ43 |
| Member State | Belgium |
| Stock | JAX/4BC7D |
| Species | Horsemackerel and associated by-catches (<i>Trachurus</i> spp.) |
| Zone | Union waters of IVb, IVc and VIId |
| Closing date | 28.6.2014 |

COMMISSION REGULATION (EU) No 788/2014**of 18 July 2014****laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) No 391/2009 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 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations ⁽¹⁾, and in particular Article 14(2) thereof,

Whereas:

- (1) Articles 6 and 7 of Regulation (EC) No 391/2009 empower the Commission to impose fines and periodic penalty payments on recognised organisations, as defined in Article 2 of that Regulation, or to withdraw their recognition, in order to ensure the enforcement of the criteria and obligations established under that Regulation with a clear view to removing any potential threat to safety or the environment.
- (2) It is in the interest of transparency to lay down, in accordance with Article 14(2) of Regulation (EC) No 391/2009, detailed rules of procedure for decision-making, as well as the methodology for the calculation of fines and periodic penalty payments by the Commission so that it is known in advance by the organisations concerned, including specific criteria for the Commission to appraise the gravity of the case and the extent to which safety or the protection of the environment has been compromised.
- (3) Through the introduction of fines and periodic penalty payments the Commission should have a supplementary tool, allowing it to give a more nuanced, flexible and graduated response to a breach of the rules contained in Regulation (EC) No 391/2009 by a recognised organisation, compared to the withdrawal of its recognition.
- (4) Periodic penalty payments should be effective in ensuring that any breach of the obligations and requirements laid down in Regulation (EC) No 391/2009 is promptly and appropriately remedied. Therefore Regulation (EC) No 391/2009 empowers the Commission to apply periodic penalty payments where a recognised organisation has failed to undertake the preventive and remedial actions required by the Commission, after a reasonable period and until such time as the required actions have been taken by the recognised organisation concerned. If necessary, in light of the circumstances of the case, the daily amount of the periodic penalty payments may gradually be increased to reflect the urgency of the requested actions.
- (5) The calculation of fines and periodic penalty payments as a fraction of the turnover of the organisation, bearing in mind the maximum ceiling established in accordance with Regulation (EC) No 391/2009, is a simple method to make the fines and periodic penalty payments dissuasive while remaining proportionate to both the gravity of the case and the economic capacity of the organisation concerned, in light of the diverse sizes of recognised organisations.
- (6) The application of the maximum aggregate amount ceiling to the fines and periodic penalty payments should be clearly set out taking into account the different circumstances where this would apply, in the interests of transparency and legal certainty. For the same reasons, the way in which the total average turnover in the preceding three business years for the activities falling under the scope of Regulation (EC) No 391/2009 is calculated for each recognised organisation should also be laid down.
- (7) It is appropriate that a decision to withdraw the recognition of an organisation on the basis of the conditions laid down in Article 7(1) of Regulation (EC) No 391/2009 should consider all factors linked to the overarching objective of monitoring the recognised organisations' operations and overall performance, including the effectiveness of any fines and periodic penalty payments already imposed for repeated and serious breaches of that Regulation.

⁽¹⁾ OJ L 131, 28.5.2009, p. 11.

- (8) A specific procedure should be laid down in order to enable the Commission, be it at its own initiative or at the request of Member State(s), to withdraw the recognition of an organisation pursuant to Regulation (EC) No 391/2009, further to the Commission's powers to assess recognised organisations and to impose fines and periodic penalty payments with the associated procedures set out in this Regulation.
- (9) It is important that a decision to impose fines, periodic penalty payments or the withdrawal of recognition in accordance with this Regulation is based exclusively on grounds on which the recognised organisation concerned has been able to comment.
- (10) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right of defence and the principles of confidentiality and *ne bis in idem*, in accordance with the general principles of law and the case law of the Court of Justice of the European Union.
- (11) Decisions imposing fines and periodic penalty payments in accordance with this Regulation should be enforceable in accordance with Article 299 of the Treaty on the Functioning of the European Union and can be subject to review by the Court of Justice of the European Union.
- (12) For the purpose of ensuring fairness and legal certainty in the conduct of the procedure, it is necessary to lay down detailed rules for the calculation of time limits set by the Commission in the course of the procedure and of the limitation periods that apply to the Commission for the imposition and enforcement of fines and periodic penalty payments, taking into account also the date of entry into force of Regulation (EC) No 391/2009.
- (13) The enforcement of this Regulation requires an effective cooperation between the Member States concerned, the Commission and the European Maritime Safety Agency. For that purpose, it is necessary to clarify the rights and obligations of each of these parties in the procedures laid down in this Regulation, in order to ensure the effective conduct of the inquiry, decision-making and follow-up process pursuant to Articles 6 and 7 of Regulation (EC) No 391/2009.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules for the implementation of Articles 6 and 7 of Regulation (EC) No 391/2009 by the Commission.

It sets out the criteria for establishing the amount of fines and periodic penalty payments, the decision-making procedure to impose a fine and a periodic penalty payment or to withdraw the recognition of a recognised organisation on the Commission's own initiative or at the request of a Member State.

Article 2

Definitions

For the purposes of this Regulation, the definitions set out in Article 2 of Regulation (EC) No 391/2009 shall apply.

⁽¹⁾ OJ L 324, 29.11.2002, p. 1.

In addition the following definition shall apply:

'Member State concerned' means any Member State that has entrusted a recognised organisation with the inspection, survey and certification of ships flying its flag for compliance with the international conventions, in accordance with Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations ⁽¹⁾, including the Member State that has submitted the request for recognition of that organisation to the Commission, in accordance with Article 3 of Regulation (EC) No 391/2009.

CHAPTER II

FINES AND PERIODIC PENALTY PAYMENTS

Article 3

Identification of infringements

1. The Commission shall identify an infringement under Article 6(1) of Regulation (EC) No 391/2009 where:
 - (a) the serious or repeated failure by a recognised organisation to fulfil one of the minimum criteria set out in Annex I of Regulation (EC) No 391/2009 or its obligations under Articles 8(4), 9, 10 and 11 of Regulation (EC) No 391/2009 reveals serious shortcomings in a recognised organisation's structure, systems, procedures or internal controls;
 - (b) a recognised organisation's worsening performance, taking into account Commission Decision No 2009/491/EC ⁽²⁾, reveals serious shortcomings in that organisation's structure, systems, procedures or internal controls;
 - (c) a recognised organisation has deliberately provided incorrect, incomplete or misleading information to the Commission in the course of its assessment or otherwise obstructed that assessment.
2. In any infringement procedure under this Regulation, the burden of proving an infringement shall rest on the Commission.

Article 4

Calculation of fines

1. A basic fine of 0,6 % of the total average turnover of the recognised organisation, as determined in accordance with Article 9, shall be initially assigned to each infringement established on the basis of Article 6(1) of Regulation (EC) No 391/2009.
2. For the calculation of the individual fine for each infringement the basic fine referred to in paragraph 1 shall be increased or reduced, on the basis of the seriousness and of the effects of the infringement, in particular the extent to which safety or the protection of the environment have been compromised, in accordance with Articles 5 and 6 respectively.
3. The maximum amount of each individual fine shall not exceed 1,8 % of the total average turnover of the recognised organisation.
4. Where one action or omission of the recognised organisation forms the sole basis of two or more infringements under Article 6(1)(a) of Regulation (EC) No 391/2009 identified in accordance with Article 3(1)(a) of this Regulation, the concurrent individual fine shall be the highest of the individual fines calculated for the underlying infringements.
5. The total fine imposed on a recognised organisation in one decision shall be the sum of all individual fines resulting from the application of paragraphs 1 to 4 of this Article, without prejudice to the maximum ceiling established under Article 6(3) of Regulation (EC) No 391/2009, as detailed Article 8 of this Regulation.

⁽¹⁾ OJ L 131, 28.5.2009, p. 47.

⁽²⁾ OJ L 162, 25.6.2009, p. 6.

*Article 5***Assessment of the seriousness of an infringement**

When assessing the seriousness of each infringement the Commission shall take into account all relevant aggravating and mitigating circumstances, in particular the following:

- (a) whether the organisation has acted with negligence or intent;
- (b) the number of actions or omissions of the recognised organisation which give rise to the infringement;
- (c) whether the infringement affects isolated offices, geographical areas or the entire organisation;
- (d) the recurrence of the actions or omissions of the recognised organisation giving rise to the infringement;
- (e) the duration of the infringement;
- (f) a misrepresentation of the actual condition of ships in the certificates and documents of compliance delivered by the recognised organisation, or the inclusion of incorrect or misleading information therein;
- (g) prior sanctions, including fines, imposed on the same recognised organisation;
- (h) whether the infringement results from an agreement between recognised organisations or a concerted practice, which have as their object or effect the breach of the criteria and obligations provided in Regulation (EC) No 391/2009;
- (i) the degree of diligence and cooperation of the recognised organisation in the discovery of the relevant actions or omissions, as well as in the determination of the infringements by the Commission.

*Article 6***Assessment of the effects of an infringement**

When assessing the effects of each infringement, in particular the extent to which safety and the protection of the environment have been compromised, the Commission shall take into account all relevant aggravating and mitigating circumstances, in particular the following:

- (a) the nature and extent of the deficiencies actually or potentially affecting the fleet certified by the organisation, which the said organisation, as a result of the infringement, has failed to detect or may not be able to detect, or has failed to or may not be able to request the timely correction of, taking into account in particular the criteria for the detention of a ship laid down in Annex X of Directive 2009/16/EC of the European Parliament and of the Council ⁽¹⁾ on port State control;
- (b) the proportion of the fleet certified by the organisation actually or potentially affected;
- (c) any other circumstances posing specific identifiable risks, such as the type of the ships actually or potentially affected.

*Article 7***Periodic penalty payments**

1. Periodic penalty payments as referred to in Article 6(2) of Regulation (EC) No 391/2009 may be imposed by the Commission on the organisation concerned, without prejudice to the fines imposed pursuant to Article 3, in order to ensure that preventive and remedial action is taken as required by the Commission in the course of its assessment of the recognised organisation.

2. In the decision imposing fines pursuant to Article 3 the Commission may also establish periodic penalty payments to be imposed on the recognised organisation if, and for as long as, it fails to undertake remedial action or incurs unjustified delays in bringing the infringement to an end.

3. The decision imposing the periodic penalty payments shall determine the time limit within which the recognised organisation has to comply with the required action.

⁽¹⁾ OJ L 131, 28.5.2009, p. 57.

4. Periodic penalty payments shall apply as from the day following the expiry of the time limit established in accordance with paragraph 3 until the day on which appropriate remedial action has been undertaken by the organisation, provided that the remedial action is considered satisfactory by the Commission.

5. The basic amount per day of the periodic penalty payments for each infringement shall be 0,0033 % of the total average turnover of the recognised organisation calculated in accordance with Article 9. For the calculation of the individual amount of periodic penalty payments for each infringement, the basic amount shall be adjusted based on the seriousness of the infringement and taking into account the extent to which safety or the protection of the environment has been compromised, in the light of Articles 5 and 6 of this Regulation.

6. The Commission may decide, in light of the circumstances of the case, and in particular in view of the urgency of the remedial action to be undertaken by the organisation concerned, to increase the daily amount for periodic penalty payments up to the following limits:

- (a) when the recognised organisation exceeds the time limit established pursuant to paragraph 3 by more than 120 days, from the 121st to the 300th day from the expiry of the time limit, 0,005 % per day of the organisation's total average turnover, calculated in accordance with Article 9;
- (b) when the recognised organisation exceeds the time limit established pursuant to paragraph 3 by more than 300 days, from the 301st day from the expiry of the time limit, 0,01 % per day of the organisation's total average turnover, calculated in accordance with Article 9.

7. The total amount of periodic penalty payments imposed under this Article, individually or in addition to fines, shall not exceed the maximum ceiling established under Article 6(3) of Regulation (EC) No 391/2009, as detailed in Article 8 of this Regulation.

Article 8

Determination of maximum aggregate amount of fines and periodic penalty payments

The maximum aggregate amount of fines and periodic penalty payments imposed to the recognised organisation, as established in Article 6(3) of Regulation (EC) No 391/2009, shall be determined as follows:

- (a) the aggregate amount of the fines imposed on a recognised organisation in accordance with Article 4 within one business year for that organisation, taking into account the date of the decision to impose the fines and, in case of more than one decision imposing fines to that organisation, the date of the first decision imposing a fine on that organisation, shall not exceed 5 % of the total average turnover of that organisation calculated in accordance with Article 9;
- (b) the aggregate amount of the fines imposed on a recognised organisation in accordance with Article 4 within one business year for that organisation, determined in accordance with paragraph 1, and the periodic penalty payments imposed in the same decisions in accordance with Article 7(2) and accrued for as long as appropriate remedial action is not undertaken by the organisation shall not exceed 5 % of the total average turnover of that organisation calculated in accordance with Article 9. Without prejudice to Article 21, recovery by the Commission of the periodic penalty payments shall not exceed the 5 % ceiling;
- (c) the aggregate amount of the periodic penalty payments imposed on a recognised organisation in accordance with Article 7(1) and accrued for as long as appropriate preventive or remedial action is not undertaken by the organisation shall not exceed 5 % of the total average turnover of that organisation calculated in accordance with Article 9. Without prejudice to Article 21, recovery by the Commission of the periodic penalty payments shall not exceed the 5 % ceiling.

Article 9

Calculation of turnover

1. For the purposes of this Regulation the total average turnover of the recognised organisation concerned shall be one third of the amount obtained by adding, over the three business years preceding the Commission's decision, the aggregate turnover of the parent entity holding the recognition and all legal entities which are encompassed in that recognition at the end of each year.

2. In the case of a group with certified consolidated accounts, the turnover referred to in paragraph 1 shall be, as regards the parent entity and all legal entities included in that group which are encompassed in the recognition at the end of each business year, the consolidated revenue of those entities.

3. In the application of paragraphs 1 and 2 only the activities falling under the scope of Regulation (EC) No 391/2009 shall be taken into account.

CHAPTER III

WITHDRAWAL OF RECOGNITION

Article 10

Withdrawal of recognition

1. Upon its own initiative or at the request of a Member State, the Commission may adopt a decision to withdraw the recognition of an organisation, in the cases referred to in Article 7(1) points (a) to (e) of Regulation (EC) No 391/2009.

2. In order to determine whether a repeated and serious failure constitutes an unacceptable threat to safety or the environment in accordance with Article 7(1)(a) and (b) of Regulation (EC) No 391/2009, the following elements shall be taken into account:

(a) the information and circumstances referred to in Article 7(2) of Regulation (EC) No 391/2009, particularly in light of the circumstances referred to in Articles 5 and 6 of this Regulation;

(b) the criteria and, as the case may be, thresholds defined in Commission Decision 2009/491/EC.

3. When fines and periodic penalty payments imposed on a recognised organisation reach the maximum ceiling established in accordance with Article 6(3) of Regulation (EC) No 391/2009 and appropriate corrective action has not been taken by the recognised organisation, the Commission may consider that these measures have not attained their objective of removing any potential threat to safety or the environment.

Article 11

Procedure to withdraw recognition at the request of a Member State

1. Where a Member State requests the Commission to withdraw the recognition of an organisation in accordance with Article 7(3) of Regulation (EC) No 391/2009, it shall address that request in writing to the Commission.

2. The requesting Member State shall explain the reasons for its request in full detail and by reference, as appropriate, to the criteria listed in Article 7(1) and the circumstances listed in Article 7(2) of Regulation (EC) No 391/2009, as well as the circumstances listed in paragraphs 2 and 3 of Article 10 of this Regulation.

3. The requesting Member State shall provide the Commission with all necessary documentary evidence supporting its request, duly classified and numbered.

4. The Commission shall acknowledge receipt of the Member State's request in writing.

5. Where the Commission considers that additional information, clarification or evidence is necessary in order to take a decision, it shall inform the requesting Member State and invite it to supplement its submission as appropriate within a designated time limit, which shall not be less than four weeks. The Member State's request shall not be considered complete until all necessary information has been provided.

6. Within one year of receipt of a complete request, the Commission shall, if it concludes that the Member State's request is justified, address a statement of objections to the organisation concerned in accordance with Article 12, with a view to withdrawing its recognition in accordance with this Regulation. In this case, the requesting Member State shall be granted the consideration and rights of a Member State concerned under Chapter IV of this Regulation.

If, within the same time limit, the Commission concludes that the Member State's request is unjustified, it shall inform the requesting Member State, stating the reasons thereof and inviting that to submit its observations within a designated time limit, which shall not be less than three months. Within six months of receipt of these observations, the Commission shall either confirm that the request is unjustified or issue a statement of objections in accordance with the first subparagraph.

7. If the Commission concludes that the Member State's request is unjustified or that it remains incomplete after the expiry of the time limit referred to in paragraph 5, the Commission may choose to incorporate all or part of that request and its accompanying evidence into the assessment of the recognised organisation undertaken in accordance with Article 8 of Regulation (EC) No 391/2009.

8. The Commission shall report yearly to the COSS on the requests for withdrawal submitted by the Member States as well as the on-going withdrawal procedures initiated by the Commission.

CHAPTER IV

COMMON PROVISIONS

Article 12

Statement of objections

1. Where the Commission considers that there are grounds to impose a fine and periodic penalty payments on a recognised organisation in accordance with Article 6 of Regulation (EC) No 391/2009, or to withdraw an organisation's recognition in accordance with Article 7 of that Regulation, it shall address a statement of objections to the organisation and notify the Member States concerned.

2. The statement of objections shall include:

- (a) a detailed account of the recognised organisation's actions and omissions, including the description of the relevant facts and the identification of the provisions of Regulation (EC) No 391/2009, which the Commission considers to have been breached by the recognised organisation;
- (b) an identification of the evidence on which the relevant findings are based, including by reference to inspection reports, assessment reports, or any other relevant documents which have been previously communicated to the organisation concerned by the Commission or by the European Maritime Safety Agency acting on the Commission's behalf;
- (c) a notice that fines and periodic penalty payments or the withdrawal of recognition may be imposed by the Commission in accordance with Articles 6 or 7 of Regulation (EC) No 391/2009.

3. When notifying the statement of objections, the Commission shall invite the recognised organisation and the Member States concerned to submit written observations within a designated time limit, which shall not, in any event, be less than six weeks of the date of receipt of the statement of objections. The Commission shall not be obliged to take into account submissions received after the expiry of that time limit, without prejudice to the provisions of Article 24 paragraph 4 of this Regulation.

4. The notification of a statement of objections shall not suspend the assessment of the organisation concerned. At any moment prior to the adoption of a decision to impose a fine and periodic penalty payments, or the withdrawal of recognition in accordance with this Regulation, the Commission may decide to carry out additional inspections of an organisation's offices and facilities, to visit ships certified by the organisation or to request the recognised organisation in writing to provide additional information relating to its compliance with the criteria and obligations under Regulation (EC) No 391/2009.

5. At any moment prior to the adoption of a decision to impose a fine and periodic penalty payments, or the withdrawal of recognition in accordance with this Regulation, the Commission may amend its assessment of the recognised organisation concerned. If the new assessment is different to the assessment which gave rise to the statement of objections, because new facts have been discovered, or because new infringements or new circumstances concerning the seriousness of an infringement or its effects on safety and the environment have been identified, the Commission shall issue a new statement of objections.

Article 13

Requests for information

In order to clarify the facts for the purposes of Article 12, the Commission may request in writing the recognised organisation to provide written or oral explanations, or particulars or documents, within a designated time limit, which shall not, in any event, be less than 4 weeks. In such a case the Commission shall inform the recognised organisation of the periodic penalty payments and fines that may be imposed for failing to comply with the request or when incurring unjustified delays in the provision of information or providing deliberately incorrect, incomplete or misleading information to the Commission.

*Article 14***Oral hearing**

1. At the request of the recognised organisation to which a statement of objections has been addressed, the Commission shall offer that organisation the opportunity to present its arguments at an oral hearing.
2. The Commission shall invite the competent authorities of Member States concerned, and may, on its own initiative or at the request of Member States concerned, invite any other persons with a legitimate interest in the infringements to take part in the oral hearing. The Commission may choose to be assisted by the European Maritime Safety Agency.
3. Natural or private legal persons invited to attend shall either appear in person or be represented by legal or authorised representatives. Member States shall be represented by officials of that Member State.
4. The oral hearing shall not be public. Each person invited to attend may be heard separately or in the presence of other persons invited to attend, having regard to the legitimate interest of the recognised organisation and other parties in the protection of their business secrets and other confidential information.
5. The statements made by each person heard shall be recorded. Upon request, the recording of the hearing shall be made available to the persons who attended the hearing and to Member States concerned.

*Article 15***Periodic penalty payments for non-cooperation**

1. Where the Commission intends to adopt a decision imposing periodic penalty payments as referred to in Article 7(1) to a recognised organisation that has failed to undertake or incurs unjustified delays in undertaking preventive and remedial action requested by the Commission, it shall first notify the recognised organisation in writing.
2. The notification by the Commission in accordance with paragraph 1 shall make reference to the specific preventive and remedial action that has not been undertaken by the recognised organisation and the supporting evidence, as well as inform the recognised organisation of the periodic penalty payments that are being considered by the Commission thereon.
3. The Commission shall set a time limit in which the recognised organisation may submit written observations to the Commission. The Commission shall not be obliged to take into account written observations received after the expiry of the time limit.

*Article 16***Access to the file**

1. At the request of the recognised organisation to which a statement of objections has been addressed, the Commission shall grant access to the file containing documents and other evidence compiled by the Commission on the alleged infringement.
2. The Commission shall set the date and make the relevant practical arrangements for the recognised organisation's access to the file, which may be granted in electronic form only.
3. The Commission shall make available to the recognised organisation concerned, upon request, a list of all the documents contained in the file.
4. The recognised organisation concerned shall have the right to access the documents and information contained in the file. When granting such access, the Commission shall have due regard to business secrets, confidential information or the internal character of documents issued by the Commission or the European Maritime Safety Agency.
5. For the purposes of paragraph 4, internal documents of the Commission and the European Maritime Safety Agency may include:
 - (a) documents or parts of documents pertaining to the internal deliberations of the Commission and its services and of the European Maritime Safety Agency, including the opinions and recommendations of the European Maritime Safety Agency addressed to the Commission;
 - (b) documents or parts of documents forming part of the correspondence between the Commission and the European Maritime Safety Agency or between the Commission and Member States.

*Article 17***Legal representation**

The recognised organisation shall have the right to legal representation at all stages of the proceedings under this Regulation.

*Article 18***Confidentiality, professional secrecy and the right to remain silent**

1. Proceedings under this Regulation shall be carried out subject to the principles of confidentiality and of professional secrecy.
2. The Commission, the European Maritime Safety Agency, and the authorities of the Member States concerned, as well as their officials, servants and other persons working under their supervision shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy and confidentiality.
3. Any recognised organisation or other person who submits information or observations pursuant to this Regulation shall clearly identify any material considered to be confidential, giving the reasons for it, and provide a separate non-confidential version by the date set by the Commission.
4. The Commission may also require recognised organisations and other interested parties to identify any part of a report, of the statement of objections or of a decision by the Commission, which in their view contains business secrets.
5. In the absence of the identification referred to in paragraphs 3 and 4, the Commission may assume that the documents or observations concerned do not contain confidential information.
6. Without prejudice to Article 9 of Regulation (EC) No 391/2009, recognised organisations shall have the right to remain silent in situations where it would otherwise be compelled to provide answers which might involve an admission on their part of the existence of a breach.

*Article 19***Decision**

1. A decision to impose fines, periodic penalty payments, or the withdrawal of recognition in accordance with this Regulation shall be based exclusively on the grounds on which the recognised organisation concerned has been able to submit its observations.
2. The decision to impose a fine or a periodic penalty payment and the determination of the appropriate amount shall take into account the principles of effectiveness, proportionality and dissuasiveness.
3. When taking measures in accordance with this Regulation and deciding on the seriousness and effect of the relevant actions or omissions on safety and the environment the Commission shall take into account national measures already taken on the basis of the same facts against the recognised organisation concerned, in particular where that organisation has already been subject to judicial or enforcement proceedings.
4. Actions or omissions of a recognised organisation on the basis of which measures have been taken in accordance with this Regulation shall not be subject to further measures. However, these actions or omissions may be taken into account in subsequent decisions adopted in accordance with this Regulation in order to assess recurrence.
5. A decision to impose periodic penalty payments or a decision imposing fines and periodic penalty payments shall be adopted by the Commission in accordance with the procedure applicable pursuant to Article 12(2) of Regulation (EC) No 391/2009.
6. A decision to withdraw the recognition of a recognised organisation shall be adopted by the Commission in accordance with the procedure applicable pursuant to Article 12(3) of Regulation (EC) No 391/2009.

*Article 20***Judicial remedies, notification and publication**

1. The Commission shall inform the recognised organisation concerned of the judicial remedies available to it.
2. The Commission shall notify its decision to the European Maritime Safety Agency and to the Member States for information.
3. When justified, in particular on grounds of safety or protection of the environment, the Commission may make its decision public. When publishing details of its decision or informing the Member States, the Commission shall have regard to the legitimate interests of the recognised organisation concerned and other interested persons.

*Article 21***Recovery of fines and penalty payments**

The Commission shall proceed with the recovery of the fines and the penalty payments by establishing a recovery order and issuing a debit note addressed to the recognised organisation concerned in accordance with Articles 78 to 80 and 83 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽¹⁾ and Articles 80 to 92 of Commission Delegated Regulation (EU) No 1268/2012 ⁽²⁾.

*Article 22***Limitation periods for the imposition of fines and periodic penalty payments**

1. The right of the Commission to impose fines and/or periodic penalty payments to a recognised organisation in accordance with this Regulation shall expire after five years from the date when the action or omission of the recognised organisation giving rise to an infringement identified in accordance with Article 3 of this Regulation was committed. However, in case of continuing or repeated actions or omissions giving rise to an infringement, time shall begin to run on the day on which the action or omission ceases.

The right of the Commission to impose periodic penalty payments to a recognised organisation in accordance with Article 15 of this Regulation shall expire after three years from the date when the action or omission of the recognised organisation, for which the Commission requested appropriate preventive and remedial action, was committed.

2. Any action taken by the Commission or the European Maritime Safety Agency for the purpose of the assessment or the infringement procedure in relation to an action or omission of the recognised organisation shall interrupt the relevant limitation period established under paragraph 1. The limitation period shall be interrupted with effect from the date on which the action of the Commission or the Agency is notified to the recognised organisation.
3. Each interruption shall start time running afresh. The limitation period shall, however, not exceed a period equal to twice the initial limitation period, except where limitation is suspended pursuant to paragraph 4.
4. The limitation period for the imposition of periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.

*Article 23***Limitation periods for the collection of fines and periodic penalty payments**

1. The right to start a recovery procedure for fines and/or periodic penalty payments shall expire one year after the Decision pursuant to Article 19 has become final.
2. The limitation period referred to in paragraph 1 shall be interrupted by any action of the Commission or of a Member State acting at the request of the Commission, aimed at enforcing payment of the fines and/or periodic penalty payments.
3. Each interruption shall start time running afresh.
4. The limitation periods referred to in paragraphs 1 and 2 shall be suspended for as long as:
 - (a) time to pay is allowed;
 - (b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

⁽²⁾ OJ L 362, 31.12.2012, p. 1.

*Article 24***Application of time limits**

1. The time limits laid down in this Regulation shall run from the day following receipt of the Commission's communication or delivery thereof by hand.
2. In the case of a communication addressed to the Commission, the relevant time limits shall be deemed to have been met when that communication has been dispatched by registered post before the relevant time limit expires.
3. In setting the time limits, the Commission shall have regard both to due process rights and the specific circumstances of each decision-making procedure under this Regulation.
4. Where appropriate and upon reasoned request made before the expiry of the original time limit, time limits may be extended.

*Article 25***Cooperation with national competent authorities**

Information provided by the national competent authorities in response to a request from the Commission shall be used by the Commission only for the following purposes:

- (a) to carry out the tasks entrusted to it for the recognition and supervision of recognised organisations under Regulation (EC) No 391/2009;
- (b) as evidence for the purposes of decision-making under this Regulation, without prejudice to Articles 16 and 18 of this Regulation.

CHAPTER V

FINAL PROVISIONS*Article 26***Application**

Events which occurred before the date of entry into force of Regulation (EC) No 391/2009 shall not give rise to any measures in accordance with this Regulation.

*Article 27***Entry into force**

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, 18 July 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

The first column of this table refers to the relevant provisions of Regulation (EC) No 391/2009 and Annex I thereof, which for the purposes of this Regulation have formed groups of criteria and obligations each giving rise to one infringement. For obligations laid down in the main body of Regulation (EC) No 391/2009, the first column refers to the relevant article and paragraph. In the case of criteria listed in Annex I of that Regulation, the first column refers to the relevant part, criterion, sub-criterion and clause.

The second column contains a generic description of each group for the sole purpose of ease of reference.

| Provisions of Regulation (EC) No 391/2009 | Subject matter of corresponding groups |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Article 8(4) | Disclosure of results of its quality system management review |
| Article 9(1) and criterion B.4 | Access to information and ship files |
| Article 9(2) | Access to ships |
| Article 10(1), first part | Consultation for equivalence and harmonisation of rules and procedures, and for common interpretations of the international conventions |
| Article 10(1), second part | Mutual recognition |
| Article 10(3) | Cooperation with port State control administrations |
| Article 10(4) | Information to the Commission, the Member States and other parties concerned as regards, inter alia, classed fleet, transfers, changes, suspensions and withdrawals of class |
| Article 10(5) | Opportunity for the flag State to advise as to the need for a full inspection on a 'declassified' or 'class-changing' ship, prior to the issuing of statutory certificates by the organisation |
| Article 10(6) | Requirements in cases of transfer of class |
| Article 11(1), (2), (3) and (5) | Taking all necessary measures to establish, maintain and ensure effective operation of an independent quality assessment and certification entity in accordance with the requirements of the Regulation |
| Criterion A.1 | Legal personality and audit requirements |
| Criterion A.2 | Documented adequate experience in assessing the design and construction of merchant ships |
| Criteria A.3, B.1 and B.7(g) | Sufficient and adequate staff, worldwide coverage of services, exclusive surveyors. |
| Criteria A.4 and B.7(a) | Establish and maintain a set of comprehensive class rules and procedures |
| Criterion A.5 | Register of ships |
| Criterion A.6 | Independence, impartiality and conflict of interest |
| Criteria A.7, B.7(c) first part and B.7(k) | Statutory work requirements except ISM |
| Criterion B.2 | Code of ethics |
| Criterion B.3 | Confidentiality of relevant information required by the administration |

| Provisions of Regulation (EC) No 391/2009 | Subject matter of corresponding groups |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Criterion B.5 | IP rights of shipyards, equipment suppliers, and shipowners |
| Criteria B.6, B.7(b) second part, B.7(c) second part, B.7(i) and B.8 | Quality management system including records |
| Criterion B.7(b) first part | Implementation of class rules and procedures |
| Criterion B.7(d) | Lines of responsibility, powers and interrelation of personnel |
| Criterion B.7(e) | Operate under controlled conditions |
| Criterion B.7(f) | Supervision of work carried out by surveyors and other staff |
| Criterion B.7(h) | System of training and qualification of surveyors |
| Criterion B.7(j) | Comprehensive internal audit system in all locations |
| Criterion B.7(l) | Responsibility and control over regional offices and surveyors |
| Criterion B.9 | Direct knowledge and judgement |
| Criterion B.10 | ISM Code |
| Criterion B.11 | Participation of parties concerned in the development of rules and procedures |

COMMISSION IMPLEMENTING REGULATION (EU) No 789/2014**of 18 July 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission 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 July 2014.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽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 | MK | 59,9 |
| | TR | 65,0 |
| | ZZ | 62,5 |
| 0707 00 05 | AL | 74,4 |
| | MK | 27,7 |
| | TR | 76,0 |
| 0709 93 10 | ZZ | 59,4 |
| | TR | 90,3 |
| | ZZ | 90,3 |
| 0805 50 10 | AR | 128,4 |
| | BO | 100,6 |
| | CL | 123,3 |
| | EG | 75,0 |
| | NZ | 145,2 |
| | TR | 148,4 |
| | UY | 123,0 |
| | ZA | 126,8 |
| | ZZ | 121,3 |
| 0808 10 80 | AR | 202,7 |
| | BR | 109,0 |
| | CL | 104,0 |
| | NZ | 128,5 |
| | PE | 57,3 |
| | US | 145,1 |
| | ZA | 131,9 |
| | ZZ | 125,5 |
| 0808 30 90 | AR | 161,6 |
| | CL | 81,9 |
| | NZ | 97,5 |
| | ZA | 112,3 |
| | ZZ | 113,3 |
| 0809 10 00 | BA | 82,8 |
| | TR | 231,6 |
| | XS | 80,5 |
| | ZZ | 131,6 |
| 0809 29 00 | TR | 375,8 |
| | ZZ | 375,8 |

| (EUR/100 kg) | | |
|--------------|-----------------------------------|-----------------------|
| CN code | Third country code ⁽¹⁾ | Standard import value |
| 0809 30 | MK | 70,6 |
| | TR | 147,8 |
| | XS | 50,2 |
| | ZZ | 89,5 |
| 0809 40 05 | BA | 71,2 |
| | MK | 53,5 |
| | ZZ | 62,4 |

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

DECISIONS

COUNCIL DECISION 2014/475/CFSP

of 18 July 2014

amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 17 March 2014, the Council adopted Decision 2014/145/CFSP ⁽¹⁾.
- (2) In view of the gravity of the situation in Ukraine, the conditions for freezing of funds and economic resources should be expanded to target legal persons, entities or bodies materially or financially supporting actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine.
- (3) Further action by the Union is needed in order to implement these measures.
- (4) Decision 2014/145/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 2(1) of Decision 2014/145/CFSP is replaced by the following:

- ‘1. All funds and economic resources belonging to, or owned, held or controlled by:
- natural persons responsible for, actively supporting or implementing, actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine, or which obstruct the work of international organisations in Ukraine, and natural or legal persons, entities or bodies associated with them;
 - legal persons, entities or bodies supporting, materially or financially, actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine; or
 - legal persons, entities or bodies in Crimea or Sevastopol whose ownership has been transferred contrary to Ukrainian law, or legal persons, entities or bodies which have benefited from such a transfer,
- as listed in the Annex, shall be frozen.’

Article 2

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

Done at Brussels, 18 July 2014.

For the Council
The President
S. GOZI

⁽¹⁾ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p.16).

COMMISSION IMPLEMENTING DECISION**of 17 July 2014****authorising methods for grading pig carcasses in Sweden and repealing Decision 97/370/EC***(notified under document C(2014) 4946)***(Only the Swedish text is authentic)**

(2014/476/EU)

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 20 (p) thereof,

Whereas:

- (1) Point 1 of Section B.IV of Annex IV to Regulation (EU) No 1308/2013 provides that, for the classification of pig carcasses, the lean-meat content has to be assessed by means of grading methods authorised by the Commission, and only statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass may be authorised. The authorisation of grading methods should be subject to compliance with a maximum tolerance for statistical error in assessment. That tolerance is defined in Article 23(3) of Commission Regulation (EC) No 1249/2008 ⁽²⁾.
- (2) By Commission Decision 97/370/EC ⁽³⁾, the use of three methods for grading pig carcasses in Sweden was authorised.
- (3) As the authorised grading methods need technical adaptation, Sweden has requested the Commission to authorise the replacement of the formula used in the 'Intra-scope (Optical Probe)', 'Hennessy Grading Probe (HGP II)' and 'AutoFom' methods, as well as to authorise two new methods 'Fat-O-Meat'er II (FOM II)' and 'Hennessy Grading Probe 7 (HGP 7)' for grading pig carcasses on its territory. Sweden has presented a detailed description of the dissection trial, indicating the principles on which the new formula are based, the result of its dissection trial and the equations used for assessing the percentage of lean meat in the protocol provided for in Article 23(4) of Regulation (EC) No 1249/2008.
- (4) Examination of that request has revealed that the conditions for authorising those new formula and methods are fulfilled. Those formula and methods should therefore be authorised in Sweden.
- (5) Modifications of the apparatuses or grading methods should not be allowed, unless they are explicitly authorised by Commission Implementing Decision.
- (6) For reasons of clarity and legal certainty, a new decision should be adopted. Decision 97/370/EC should therefore be repealed.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 1249/2008 of 10 December 2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof (OJ L 337, 16.12.2008, p. 3).

⁽³⁾ Commission Decision 97/370/EC of 30 May 1997 authorizing methods for grading pig carcasses in Sweden (OJ L 157, 14.6.1997, p. 19).

HAS ADOPTED THIS DECISION:

Article 1

The use of the following methods is authorised for grading pig carcasses pursuant to point 1 of Section B.IV of Annex IV to Regulation (EU) No 1308/2013 in Sweden:

- (a) the 'Intra-scope (Optical Probe)' apparatus and the assessment methods related thereto, details of which are given in Part I of the Annex;
- (b) the 'Hennessy Grading Probe 2 (HGP 2)' apparatus and the assessment methods related thereto, details of which are given in Part II of the Annex;
- (c) the 'AutoFom III' apparatus and the assessment methods related thereto, details of which are given in Part III of the Annex;
- (d) the 'Fat-O-Meat'er II (FOM II)' apparatus and the assessment methods related thereto, details of which are given in Part IV of the Annex;
- (e) the 'Hennessy Grading Probe 7 (HGP 7)' apparatus and the assessment methods related thereto, details of which are given in Part V of the Annex.

Article 2

Modifications of the authorised apparatus or grading methods shall not be allowed, unless those modifications are explicitly authorised by Commission Implementing Decision.

Article 3

Decision 97/370/EC is repealed.

Article 4

This Decision shall apply from 1 July 2014.

Article 5

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 17 July 2014.

For the Commission
Dacian CIOLOŞ
Member of the Commission

ANNEX

METHODS FOR GRADING PIG CARCASSES IN SWEDEN

PART I

Intrascopes (Optical Probe)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus termed 'Intrascopes' (Optical Probe).
2. The Intrascopes shall be equipped with a hexagonal shaped probe with a maximum width of 12 mm (and of 19 mm at the blade on top of the probe) containing a viewing window and light source together with a sliding barrel.
3. The lean meat content of the carcass shall be calculated according to the following formula:

$$Y = 68,1839 - 0,55266 \times SP_F1$$

where:

SP_F1: The thickness of the back fat including rind in mm, measured at 8 cm off the midline immediately behind the last rib

4. The formula shall be valid for carcasses weighing between 50 and 120 kg.

PART II

Hennessy Grading Probe 2 (HGP 2)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus termed 'Hennessy Grading Probe 2 (HGP 2)'.
2. Hennessy probe reflectance spectroscopy records profiles of the measurements generated from recording in fractions of millimeters, distances of penetration together with back scattered light signals.
3. Specific optical band widths are selected to provide the optimum information obtainable between and within the various tissues of the species being objectively analyzed.
4. The apparatus Hennessy Grading probe shall be equipped with a probe of 5,95 mm diameter with an abutting blade of 6,3 mm containing a photodiode (Siemens LED of the type LYU 260-EO and photo detector of the type 58 MR) and having an operational distance between 0 and 120 mm.
5. The results of the measurements shall be transformed in terms of estimated lean meat content by means of the HGP2 itself as well as a computer linked to it.
6. The lean meat content of the carcass shall be calculated according to the following formula:

$$Y = 68,9849 - 0,61123 \times GP2_F1 - 0,28522 \times GP2_F2 + 0,0242 \times GP2_M$$

where:

GP2_F1: The thickness of back fat including rind in mm, measured at 8 cm off the midline immediately behind the last rib

GP2_F2: The thickness of back fat including rind in mm measured at 6 cm off the midline 12 cm towards the head compared with F1.

GP2_M: The thickness of the muscle in mm measured at the same time and in the same place as F2.

7. The formula shall be valid for carcasses weighing between 50 and 120 kg.

PART III

AutoFom III

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus termed 'AutoFom III'.
2. The AutoFom III is based on ultrasound technology and provides a digitized 3-D scan of the carcass. The ultrasonic image is generated by 16 transducers embedded in a stainless steel array.
3. The lean meat content in a pig carcass according to the Union reference method is predicted by a formula on the basis of online variables extracted from an image made by ultrasound. More than 50 online variables are obtained from the image analysis. The statistical analysis reduces the information to two components, each of which is a linear combination of the same six online variables. The final formula is expressed by online variables:

$$Y = 55,2971 - 0,27747 \times R2P4 - 0,24594 \times R2P11 + 4,59557 \times R2P12 - 0,22981 \times R2P15 + 0,11882 \times R3P5 - 0,11719 \times R4P3$$

where:

R2P4: p2_selected_fat_mm. The P2 fat measure at the selected position in mm.

R2P11: minpair_value. A filter mask that selects two regions 14 cm apart is applied to the cross-section vector. This is the minimum of the filter result vector.

R2P12: P2_skew. Relation of the selected P2 and the unselected P2. The actual point used is a little closer to the center, to make the value more tolerant to very tilted carcasses. Value is always greater than or equal to 1,0.

R2P15: minpair_value v2. A second version of the minpair value.

Meat/Rib interface

R3P5: max_meat_mm. The maximum meat measure. Maximum rib position minus minimum fat position converted to mm.

Fat 1 Inter-fat interface.

The fat1 layer is measured at the ham and at 5.- 6. rib. These are called B points.

R4P3: fat1_p2_selected. The fat 1 measurements in the selected P2 point.

4. The formula shall be valid for carcasses weighing between 50 and 120 kg.

PART IV

Fat-O-Meat'er II (FOM II)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus termed 'Fat-O-Meat'er II' (FOM II).
2. The apparatus is a new version of the Fat-O-Meat'er measurement system. The FOM II consists of an optical probe with a knife, a depth measurement device having an operating distance of between 0 and 125 millimetres and a data acquisition and analysis board — Carometec Touch Panel i15 computer (Ingress Protection IP69K). The results of the measurements are converted into estimated lean meat content by the FOM II apparatus itself.
3. The lean meat content of the carcass shall be calculated according to the following formula:

$$Y = 68,5549 - 0,5485 \times FOM_F1 - 0,26491 \times FOM_F2 + 0,0153 \times FOM_M$$

where:

FOM_F1: the thickness of backfat in mm, measured at 8 cm off the midline of the carcass between the third and fourth last lumbar vertebrae.

FOM_F2: the thickness of backfat in mm, measured at 6 cm off the midline of the carcass between the third and fourth last ribs.

FOM_M: the thickness of muscle in mm, measured at the same time and in the same place as F2

4. The formula shall be valid for carcasses weighing between 50 and 120 kg.

PART V

Hennessy Grading Probe 7 (HGP 7)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus termed 'Hennessy Grading Probe 7 (HGP 7)'.
2. Hennessy probe reflectance spectroscopy records profiles of the measurements generated from recording in fractions of millimeters, distances of penetration together with back scattered light signals.
3. Specific optical band widths are selected to provide the optimum information obtainable between and within the various tissues of the species being objectively analyzed.
4. The apparatus Hennessy Grading probe shall be equipped with a probe of 5,95 mm diameter with an abutting blade of 6,3 mm containing a photodiode (Siemens LED of the type LYU 260-EO and photo detector of the type 58 MR) and having an operational distance between 0 and 120 mm.
5. The results of the measurements shall be transformed in terms of estimated lean meat content by means of the HGP7 itself as well as a computer linked to it.
6. The evaluation of the measuring curve slightly differs between HGP 2 and HGP 7.
7. The lean meat content of the carcass shall be calculated according to the following formula:

$$Y = 69,199 - 0,70871 \times GP7_F1 - 0,20261 \times GP7_F2 + 0,0272 \times GP7_M$$

where:

GP7_F1: The thickness of back fat including rind in mm, measured at 8 cm off the midline immediately behind the last rib

GP7_F2: The thickness of back fat including rind in mm measured at 6 cm off the midline 12 cm towards the head compared with F1.

GP7_M: The thickness of the muscle in mm measured at the same time and in the same place as F2.

8. The formula shall be valid for carcasses weighing between 50 and 120 kg.
-

DECISION OF THE EUROPEAN CENTRAL BANK**of 2 July 2014****on the provision to the European Central Bank of supervisory data reported to the national competent authorities by the supervised entities pursuant to Commission Implementing Regulation (EU) No 680/2014****(ECB/2014/29)****(2014/477/EU)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular Article 6(2) thereof,

Having regard to Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17) ⁽²⁾, and in particular Article 21 and Article 140(4) thereof,

Having regard to the proposal of the Supervisory Board,

Whereas:

- (1) Credit institutions are subject to regular reporting requirements in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽³⁾ and Commission Implementing Regulation (EU) No 680/2014 ⁽⁴⁾.
- (2) Within the framework of Article 6 of Regulation (EU) No 1024/2013, the European Central Bank (ECB) is exclusively competent to carry out, for prudential supervisory purposes, the tasks set out in Article 4 of that Regulation. The ECB will, in the exercise of those tasks, ensure compliance with the provisions of Union law that impose prudential requirements on credit institutions as regards reporting.
- (3) In accordance with Article 6(2) of Regulation (EU) No 1024/2013, and Article 21 of the SSM Framework Regulation, both the ECB and national competent authorities are subject to an obligation to exchange information. Without prejudice to the ECB's power to directly receive reported information from credit institutions, or to have direct access to that information on an ongoing basis, the national competent authorities will specifically provide the ECB with all information necessary for the purposes of carrying out the tasks conferred on the ECB by Regulation (EU) No 1024/2013.
- (4) In accordance with Article 140(3) of the SSM Framework Regulation, supervised entities are obliged to communicate to their relevant national competent authority any information to be reported on a regular basis, in accordance with relevant Union law. Unless specifically provided otherwise, all information reported by the supervised entities will be submitted to the national competent authorities. These authorities will perform the initial data checks and make the information reported by supervised entities available to the ECB.
- (5) For the exercise of the ECB's tasks in respect of supervisory reporting, the manner in which national competent authorities submit to the ECB the information they receive from supervised entities needs to be further specified. In particular, the formats, frequency and timing of such submission of information, as well as the details of the quality checks that national competent authorities should perform before submitting information to the ECB should be further specified.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ OJ L 141, 14.5.2014, p. 1.

⁽³⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 191, 28.6.2014, p. 1).

- (6) In accordance with Article 27 of Regulation (EU) No 1024/2013, members of the Supervisory Board, staff of the ECB and staff seconded by participating Member States carrying out supervisory duties are subject to professional secrecy requirements set out in Article 37 of the Statute of the European System of Central Banks and of the European Central Bank and relevant Union law. In particular, the ECB and national competent authorities are subject to the provisions regarding the exchange of information and professional secrecy set out in Directive 2013/36/EU of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS DECISION:

Article 1

Scope

Pursuant to Article 21 of the SSM Framework Regulation, this Decision lays down procedures concerning the submission to the ECB of data reported to the national competent authorities by the supervised entities on the basis of Implementing Regulation (EU) No 680/2014.

Article 2

Definitions

For the purpose of this Decision, the definitions contained in the SSM Framework Regulation shall apply.

Article 3

Remittance dates

National competent authorities shall submit to the ECB the data referred to in Article 1 and reported to them by the supervised groups and supervised entities on the following remittance dates:

- (1) by 12 noon Central European Time (CET) ⁽²⁾ on the 10th working day following the remittance dates referred to in Implementing Regulation (EU) No 680/2014 with respect to:
 - (a) significant supervised groups at the highest level of consolidation within the participating Member States;
 - (b) significant supervised entities that are not part of a supervised group;
 - (c) supervised groups at sub-consolidated level and supervised entities that are part of a supervised group when they are classified as significant in accordance with the three most significant credit institutions criterion in their Member State;
 - (d) other supervised groups and supervised entities that are included in the list of institutions covered by the reporting to the European Banking Authority (EBA) in accordance with Article 3 of Decision EBA/DC/090 ⁽³⁾;
- (2) by close of business on the 25th working day following the remittance dates referred to in Implementing Regulation (EU) No 680/2014 with respect to:
 - (a) significant supervised groups at sub-consolidated level in so far as these data have not been submitted in accordance with subparagraph 1;
 - (b) significant supervised entities that are part of a supervised group in so far as these data have not been submitted in accordance with subparagraph 1;
- (3) by close of business on the 25th working day following the remittance dates referred to in Implementing Regulation (EU) No 680/2014 with respect to:
 - (a) less significant supervised groups at the highest level of consolidation within the participating Member States in so far as these data have not been submitted in accordance with subparagraph 1;
 - (b) less significant supervised entities that are not part of a supervised group in so far as these data have not been submitted in accordance with subparagraph 1;

⁽¹⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

⁽²⁾ CET takes account of the change to Central European Summer Time.

⁽³⁾ Decision EBA/DC/090 of 24 January 2014 of the European Banking Authority on reporting by competent authorities to the EBA. Available on the EBA's website at www.eba.europa.eu

- (4) by close of business on the 35th working day following the remittance dates referred to in Implementing Regulation (EU) No 680/2014 with respect to:
- (a) less significant supervised groups at sub-consolidated level in so far as these data have not been submitted in accordance with subparagraph 1;
 - (b) less significant supervised entities that are part of a supervised group in so far as these data have not been submitted in accordance with subparagraph 1.

Article 4

Data quality checks

1. National competent authorities shall monitor and ensure the quality and reliability of the data made available to the ECB. National competent authorities shall apply the validation rules specified in Annex XV of Implementing Regulation (EU) No 680/2014 developed and maintained by the EBA and they shall apply the additional data quality checks defined by the ECB in cooperation with the national competent authorities.
2. Further to the compliance with the validation rules and quality checks, the data shall be submitted in accordance with the following additional minimum standards for accuracy:
 - (a) national competent authorities shall provide information, if applicable, on the developments implied by the data submitted; and
 - (b) the information must be complete: existing gaps must be acknowledged, explained to the ECB and, if applicable, filled in without undue delay.

Article 5

Qualitative information

1. National competent authorities shall submit to the ECB without undue delay the corresponding explanations in the event that the data quality for a given table in the taxonomy cannot be warranted.
2. In addition, national competent authorities shall communicate to the ECB the reasons for any significant revisions submitted.

Article 6

Specification of the transmission format

1. National competent authorities shall submit the data specified in this Decision according to the eXtensible Business Reporting Language taxonomy in order to provide a uniform technical format for the exchange of data regarding Implementing Regulation (EU) No 680/2014.
2. The supervised entities shall be identified in the corresponding transmission by the use of the (pre-) Legal Entity Identifier.

Article 7

First reporting reference dates

1. The first reference dates for the reporting described in Article 3(1) shall be the ones specified in Article 8.8.1 of Decision EBA/DC/090.
2. The first reference date for the reporting described in Article 3(2), (3) and (4) shall be 31 December 2014.

Article 8

Transitional provision

1. For the reporting reference date in 2014, the remittance dates for the reporting by national competent authorities described in Article 3(1) shall be the ones specified in Article 8.8.2 of Decision EBA/DC/090.

2. From reporting reference date 31 December 2014 to reporting reference date 31 December 2015, the remittance dates for reporting by national competent authorities described in Article 3(3) shall be close of business of the 30th working day following the day on which supervised entities have submitted data to the national competent authority.
3. Prior to 4 November 2014, national competent authorities shall submit to the ECB the data referred to in Article 1 regarding:
 - (a) supervised groups and supervised entities subject to the comprehensive assessment in accordance with Decision ECB/2014/3 ⁽¹⁾;
 - (b) other supervised groups and supervised entities established in a participating Member State when included in the list of institutions covered by the reporting to the EBA in accordance with Article 3 of Decision EBA/DC/090.

Article 9

Addressees

This Decision is addressed to national competent authorities of the participating Member States.

Done at Frankfurt am Main, 2 July 2014.

The President of the ECB
Mario DRAGHI

⁽¹⁾ Decision ECB/2014/3 of the European Central Bank of 4 February 2014 identifying the credit institutions that are subject to the comprehensive assessment (OJ L 69, 8.3.2014, p. 107).

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 14 July 2014

on principles for the protection of consumers and players of online gambling services and for the prevention of minors from gambling online

(Text with EEA relevance)

(2014/478/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) In 2011, the Commission held a public consultation on its 'Green Paper on online gambling in the internal market' ⁽¹⁾. It identified common objectives of the Member States regarding the regulation of online gambling services and helped to identify the key priority areas for Union action.
- (2) In its Communication 'Towards a comprehensive European Framework for online gambling' adopted on 23 October 2012 ⁽²⁾, the Commission proposed a series of actions which seek to respond to the regulatory, societal and technical challenges of online gambling. In particular, the Commission announced that it would present Recommendations on the protection of consumers in the area of online gambling services, including the protection of minors, and on responsible commercial communication of online gambling services. This Recommendation is designed to combine both those subject matters and to improve the protection of consumers, players and to prevent minors from gambling online. This Recommendation aims to ensure that gambling remains a source of entertainment, consumers are provided a safe gambling environment and measures are in place to counter the risk of financial or social harm as well as to set out action needed to prevent minors from gambling online.
- (3) In its Resolution of 10 September 2013 on online gambling in the internal market, the European Parliament ⁽³⁾ called on the Commission to explore the possibility of interoperability between national self-exclusion registers, to raise awareness about the risks of gambling addiction and to consider compulsory third-party identification checks. It also called for online gambling operators to be obliged to provide on the gambling website information on regulatory authorities and warnings to minors and the use of self-restrictions. In addition, the European Parliament called for common principles for responsible commercial communications. It recommended that commercial communications should contain clear warnings as to the consequences of compulsive gambling and the risks of gambling addiction. Commercial communications should be neither excessive nor displayed on content specifically targeted at minors or where there is a higher risk of targeting minors.
- (4) The European Economic and Social Committee has also called on the Commission to intervene to improve consumer protection as regards online gambling, and to protect minors ⁽⁴⁾.
- (5) In the absence of harmonisation at Union level, Member States are in principle free to set the objectives of their policy on games of chance and to define the level of protection sought for the purpose of protecting the health of consumers. The Court of Justice of the European Union has provided general guidance on the interpretation of the fundamental freedoms of the internal market in the area of (online) gambling, taking into account the specific

⁽¹⁾ COM (2011) 128 final.

⁽²⁾ COM (2012) 596 final.

⁽³⁾ P7_TA(2013)0348.

⁽⁴⁾ 2012/2322(INI).

nature of gambling activities. While Member States may restrict or limit the cross-border supply of online gambling services on the basis of public interest objectives that they seek to protect, they are nonetheless to demonstrate the suitability and necessity of the measure in question. Member States have a duty to demonstrate that the public interest objectives are being pursued in a consistent and systematic manner ⁽¹⁾.

- (6) The Court of Justice of the European Union has also established ground rules for commercial communications on gambling services and, in particular, for those provided under monopoly conditions. Advertising by the holder of a public monopoly is to be measured and strictly limited to what is necessary in order to channel consumers towards controlled gaming networks. Such advertising cannot aim to encourage consumers' natural propensity to gamble by stimulating their active participation in it, for example by trivialising gambling, or increasing the attractiveness of gambling by means of enticing advertising messages holding out the prospect of major winnings. In particular, a distinction should be drawn between strategies of the holder of a monopoly that are intended solely to inform potential customers of the existence of products and serve to ensure regular access to games of chance by channelling gamblers into controlled circuits, and those which invite and encourage active participation in such games ⁽²⁾.
- (7) Protection of consumers and health are the main public interest objectives of Member States in the context of their national gambling frameworks addressing the prevention of problem gambling and the protection of minors.
- (8) The rules and policies that Member States have introduced to pursue public interest objectives vary considerably. Action at Union level encourages Member States to provide a high level of protection throughout the Union, in particular in light of risks associated with gambling that include the development of a gambling disorder or to other negative personal and social consequences.
- (9) The aim of this Recommendation is to safeguard the health of consumers and players and thus also to minimise eventual economic harm that may result from compulsive or excessive gambling. To that end, it recommends principles for a high level of protection of consumers, players and minors as regards online gambling services. In preparing this Recommendation, the Commission has drawn from good practices in the Member States.
- (10) Online gambling services are widely offered and used. Online gambling is a service activity with annual EU revenues of EUR 10,54 billion in 2012. Technological developments, the increase of internet availability and the convenience of mobile technologies are driving the accessibility and growth of online gambling. However, misinformed choices can be made where information is not sufficiently clear or transparent. In addition, online players look for competing gambling opportunities whenever they perceive a lack of attractive offers.
- (11) A wide range of media contributing to exposure to commercial communications relating to gambling exists, for example print media, direct mail, audiovisual media and outdoor advertising, as well as sponsorship. This may result in vulnerable groups such as minors being attracted to gambling. At the same time, commercial communication of online gambling services can play an important role in directing consumers to an offer which has been allowed and is supervised, for example by showing the identity of the operator and by carrying correct information about gambling including the risks of problem gambling, as well as appropriate warning messages.
- (12) Some individuals who engage in gambling experience problems as a result of their behaviour to a degree which impacts on person or family, others are severely harmed for reasons of pathological gambling. It is estimated that between 0,1-0,8 % of the general adult population suffers from a gambling disorder and an additional 0,1-2,2 % demonstrate potentially problematic gambling involvement. ⁽³⁾ Therefore, a preventive approach is necessary for online gambling services to be offered and promoted in a manner that is socially responsible, in particular to ensure that gambling remains a source of recreational and leisure activity.
- (13) Minors are frequently exposed to gambling as they use the internet and mobile applications and media that display gambling advertising as well as outdoor gambling advertising. They also watch or attend sports competitions sponsored by gambling interests or carrying advertising focused on gambling activities. Therefore, this Recommendation is also intended to prevent minors from being harmed or exploited by gambling.

⁽¹⁾ Cases C-186/11 and C-209/11 *Stanleybet International*, C-316/07 *Stoss & Others* and case-law cited.

⁽²⁾ Case C-347/09 *Dickinger and Omer* and case-law cited.

⁽³⁾ ALICE-RAP policy paper series: 'Gambling: two sides of the same coin — recreational activity and public health problem'. ALICE RAP is a research project funded under the 7th Framework Programme for research and development (www.alicerap.eu).

- (14) Online gambling operators established in the Union increasingly hold multiple licences across several Member States which have chosen license-based systems in relation to gambling regulation. They could benefit from a more common approach. Furthermore, the multiplication of compliance requirements can create unnecessary duplication of infrastructure and costs, resulting in an unnecessary administrative burden on regulators.
- (15) It is appropriate to invite Member States to put forward rules providing consumers with information about online gambling. Such rules should prevent the development of gambling related disorders and prevent minors from accessing gambling facilities and discourage consumers from availing of offers which are not allowed and therefore potentially harmful.
- (16) Where appropriate, the principles of this Recommendation should not only be addressed to operators but also to third parties, including so-called 'affiliates', who are allowed to promote online gambling services on behalf of the operator.
- (17) It is appropriate to better inform consumers and players about online gambling services which, consistently with Union law, are not allowed according to the law of the Member State where the online gambling service is received and also to act against such services. Within that framework, Member States that do not allow a specific online gambling service should not allow commercial communication for such a service.
- (18) The registration process to open a player account serves the purpose of verifying the identity of the person and enabling the tracking of player behaviour. It is essential that such registration be designed in such a way as to also prevent consumers from dropping out of the registration process and turning to gambling websites that are not regulated.
- (19) Whilst the registration process has been introduced differently across the Member States, at times with offline or manual steps in the verification process, Member States should ensure that the identification details can be effectively checked to facilitate the completion of the registration process.
- (20) It is important that player accounts only be made permanent once the identity details provided by the players are validated. Before the account becomes a permanent one, it is desirable that players be allowed to use temporary accounts. In light of their nature, temporary accounts should be for a fixed nominal value and players should not be able to withdraw deposits or winnings.
- (21) In order to protect players and their funds as well as ensure transparency there should be procedures in place to verify player accounts that have not been active for a determined period, and for closing or suspending a player account. Furthermore, where the person is found to be a minor the player account should be cancelled.
- (22) In respect of information alerts, where appropriate, the option of a timer should be visibly available to the player during a gambling session.
- (23) In respect of player support, in addition to the setting of deposit limits, players could be provided with additional protection measures, such as the possibility to set wager or loss limits.
- (24) In order to prevent the development of a gambling disorder, an operator should also be able, in the event of disconcerting changes in gambling behaviour, to direct the player to take time out or to exclude the player. The operator should, in such circumstances, communicate the reasons to the player, and guide the player to assistance or treatment.
- (25) Operators are significant sponsors of sports teams and events in Europe. In order to improve accountability of sponsorship by online gambling service providers, requirements should be clear that sponsorship is to be transparent and carried out in a responsible manner. In particular, clearer requirements should be set out to prevent sponsorship by gambling operators from adversely affecting or influencing minors.
- (26) It is also necessary to create awareness about the inherent risks of prevailing gambling websites, such as fraud, that are outside any form of control at the level of the Union.

- (27) Effective supervision is necessary for the appropriate protection of public interest objectives. Member States should designate competent authorities, lay down clear guidance for operators and provide easily accessible information for consumers, players and vulnerable groups including minors
- (28) Codes of conduct can play an important role in the effective application, and monitoring, of the principles on commercial communication of this Recommendation.
- (29) This Recommendation does not interfere with Directive 2005/29/EC of the European Parliament and of the Council ⁽¹⁾ and Council Directive 93/13/EEC ⁽²⁾.
- (30) Application of the principles laid down in this Recommendation implies the processing of personal data. Directive 95/46/EC of the European Parliament and of the Council ⁽³⁾ and Directive 2002/58/EC of the European Parliament and of the Council ⁽⁴⁾ therefore apply,

HAS ADOPTED THIS RECOMMENDATION:

I. PURPOSE

- 1. Member States are recommended to achieve a high level of protection for consumers, players and minors through the adoption of principles for online gambling services and for responsible commercial communications of those services, in order to safeguard health and to also minimise the eventual economic harm that may result from compulsive or excessive gambling.
- 2. This Recommendation does not interfere with the right of Member States to regulate gambling services.

II. DEFINITIONS

- 3. For the purposes of this Recommendation the following definitions apply:
 - (a) 'online gambling service' means any service which involves wagering a stake with monetary value in games of chance, including those with an element of skill, such as lotteries, casino games, poker games and betting transactions that are provided by any means at a distance, by electronic means or any other technology for facilitating communication, and at the individual request of a recipient of services;
 - (b) 'consumer' means any natural person who is acting outside own trade, business, craft or profession;
 - (c) 'player' means any natural person who holds a player account with the operator and participates in the online gambling service;
 - (d) 'player account' means the account opened by the player in which all transactions with the operator are registered;
 - (e) 'minor' means any person under the minimum age set, in accordance with the applicable national law, for participating in an online gambling service due to age;
 - (f) 'operator' means any natural or any legal person allowed to provide an online gambling service and anyone acting in the name of or on behalf of such person;

⁽¹⁾ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22).

⁽²⁾ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in Consumer contracts (OJ L 95, 21.4.1993, p. 29).

⁽³⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽⁴⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37).

- (g) 'commercial communication' means any form of communication designed to promote, directly or indirectly, the goods, services, or image of an operator;
- (h) 'sponsorship' means a contractual relationship between an operator and a sponsored party under which the operator provides financing or other support to any sporting or artistic event, organisation, team or individual in order to establish an association between the operator's image, brands or products and a sponsorship property, in return for commercial communications or other benefits.

III. INFORMATION REQUIREMENTS

4. The following information should be displayed prominently on the landing page of the operator's gambling website and be accessible from all pages on the website:
 - (a) the company details, or other means that ensures the operator is identifiable and can be contacted, including:
 - (i) company name;
 - (ii) place of registration;
 - (iii) e-mail address;
 - (b) a 'no underage gambling' sign, which shows the minimum age below which gambling is not permissible;
 - (c) a 'responsible gambling' message, which no more than one click away provides:
 - (i) information that gambling can be harmful if not controlled;
 - (ii) information about the player support measures on the website;
 - (iii) self-assessment tests for the players to check their gambling behaviour;
 - (d) a link to at least one organisation providing information and assistance in respect of gambling disorders.
5. The terms and conditions of the contractual relationship between the operator and the consumer should be provided in a concise and legible manner. They should:
 - (a) contain information at least about timeframes and limits regarding withdrawals from the player account, any charges concerning the player account transactions and a link to the applicable payout percentages for every game;
 - (b) be accepted and confirmed by the consumer during the registration process referred to in Section V;
 - (c) be made available by electronic means in a way that allows the consumer to store and retrieve them, and any changes communicated to the consumer.
6. Member States should ensure that information is available to the consumer about the rules concerning the games and bets available on the operator's gambling website.
7. Member States should ensure that the operator's gambling website displays the details of the gambling regulatory authority to show that the operator is authorised.

IV. MINORS

8. No minor should be able to play on a gambling website or hold a player account.
9. Member States should ensure that the operator has procedures in place designed to prevent minors from gambling, including age verification checks during the registration procedure referred to in Section V.
10. To prevent minors from having access to gambling websites, Member States should encourage the display of links to parental control programmes on gambling websites.

11. Member States should ensure that commercial communications for online gambling services do not harm minors or induce them to view gambling as a natural element of their leisure time activities.
12. Commercial communications should carry a clear 'no underage gambling' message indicating the minimum age below which gambling is not permissible.
13. Member States should encourage that commercial communications are not broadcast, displayed or facilitated:
 - (a) in media, or around programmes, where minors are expected to be the main audience;
 - (b) on websites with minors as the audience profile;
 - (c) in close proximity of places where minors normally spend time and are expected to be the main audience including at least schools.
14. Commercial communications should not:
 - (a) exploit the inexperience or lack of knowledge of minors;
 - (b) use images of minors or young persons or campaigns that particularly appeal to minors;
 - (c) appeal to minors, or to young persons by reflecting or associating gambling with youth culture activities;
 - (d) suggest that to gamble marks the transition from adolescence to adulthood.

V. PLAYER REGISTRATION AND ACCOUNT

15. Member States should ensure that a person is only permitted to participate in an online gambling service when registered as a player and holding an account with the operator.
16. The following information should be required in the registration process in order to open a player account:
 - (a) name;
 - (b) address;
 - (c) date of birth;
 - (d) electronic mail address or mobile telephone number.
17. The electronic mail address or mobile telephone number provided should be validated by the player or verified by the operator. These should allow contact and communication between the operator and player in a direct and effective manner.
18. The identity details of the player should be verified. Where direct electronic verification is not possible or in place, Member States are encouraged to facilitate access to national registers, databases or other official documents against which operators should verify the identity details.
19. Member States should ensure that whenever the identity or the age of the person cannot be successfully verified, the registration process to open a player account, including the temporary account, should be cancelled.
20. Member States are encouraged to adopt electronic identification systems in the registration process.
21. Member States should ensure that:
 - (a) the registration process enables identity verification to be completed in a reasonable period and is not unnecessarily burdensome for consumers or for operators;
 - (b) the registration systems allow for alternative means to verify identification, in particular when the consumer does not have a national identification number of that Member State where this is required, or in the event of temporary unavailability of databases.

22. Member States should ensure that players have:
- (a) access to a temporary account with the operator with whom the account is held until the identity verification is successfully completed;
 - (b) a unique identification username and a password or other access security feature with the operator with whom the account is held.
23. Member States should have rules in place:
- (a) to ensure that the players' funds are protected and can only be paid out to the player, and are kept separate from the operator's own funds;
 - (b) to avoid collusion by players and money transfers between them including rules regarding annulment of transfers or recovery of funds from player accounts where collusion or fraud is detected.

VI. PLAYER ACTIVITY AND SUPPORT

24. Member States should ensure that at the registration stage on the operator's gambling website a player can by default set monetary deposit limits, as well as temporal limits.
25. Member States should ensure that a player can at all times easily access the following on the operator's gambling website:
- (a) the balance on the player's account;
 - (b) the player support function concerning responsible gambling via online forms or personal contact including at least live chat or telephone;
 - (c) helplines to information and assistance organisations as referred to in point 4(d).
26. Member States should ensure that on an operator's website, a player can receive by default information alerts at regular intervals about winnings and losses during a game or bet and how long the player has been playing. The player should confirm the information alert and be able to suspend or to continue gambling.
27. Member States should ensure that on the operator's gambling website a player cannot:
- (a) make deposits beyond the monetary deposit limit for the specified time period;
 - (b) participate in gambling unless the player account has the necessary funds to cover the game or bet.
28. Member States should not allow for credit to be provided to the player by the operator.
29. Member States should ensure that on the operator's website a player can:
- (a) reduce the deposit limit, with immediate effect;
 - (b) increase the deposit limit. The request should only come into effect at least twenty-four hours after the player's request;
 - (c) take time out and self-exclude.
30. Member States should ensure that the operator has policies and procedures in place which facilitate interaction with players whenever their gambling behaviour indicates a risk of the development of a gambling disorder.
31. Member States should ensure that the operator keeps a record at least of the deposits and winnings by the player for a determined period of time. These should be made available to the player upon request.

VII. TIME OUT AND SELF EXCLUSION

32. Member States should ensure that the player can at any time on the operator's website activate time out or self-exclusion from a specific online gambling service, or from all types of online gambling services.

33. Member States should provide that:
 - (a) time out serves to suspend gambling for at least twenty four hours;
 - (b) self-exclusion with an operator is possible for not less than six months.
34. Member States should ensure that in the case of self-exclusion the player account is closed.
35. Member States should ensure that the re-registration of a player is only possible upon request by the player, in written or electronic form, and in any event only after the self-exclusion period has elapsed.
36. Member States should have rules regarding requests by interested third parties to an operator for player exclusion from a gambling website.
37. Member States are encouraged to establish a national registry of self-excluded players.
38. Where established, Member States should facilitate the access of operators to national registries of self-excluded players and ensure that operators regularly consult these registries so as to prevent self-excluded players from continuing to gamble.

VIII. COMMERCIAL COMMUNICATION

39. Member States should ensure that the operator on whose behalf the commercial communication is made is clearly identifiable.
40. Where appropriate, Member States should ensure that commercial communications of online gambling services carry messages including at least the risks for health of problem gambling, in a practical and transparent manner.
41. Commercial communications should not:
 - (a) make unfounded statements about chances of winning or the return that players can expect from gambling;
 - (b) suggest that skill can influence the outcome of a game, when this is not the case;
 - (c) exert pressure to gamble or disparage abstention through timing, location or nature of the commercial communication;
 - (d) portray gambling as socially attractive or contain endorsements by well-known personalities or celebrities that suggest gambling contributes to social success;
 - (e) suggest that gambling can be a resolution to social, professional or personal problems;
 - (f) suggest that gambling can be an alternative to employment, a solution to financial concerns or a form of financial investment.
42. Member States should ensure that play-for-fun games used in commercial communications are subject to the same rules and technical conditions as the corresponding play-for-money games.
43. Commercial communications should not target vulnerable players in particular by making use of unsolicited commercial communications addressed to players who have self-excluded from gambling or have been excluded from receiving online gambling services on reasons of problem gambling.
44. Member States that permit unsolicited commercial communication by electronic mail should ensure:
 - (a) that such commercial communication is identifiable clearly and unambiguously;
 - (b) that the operator respects the opt-out registers in which natural persons not wishing to receive such commercial communications can register.
45. Member States should ensure that commercial communications take into account the risk potential of the online gambling service promoted.

IX. SPONSORSHIP

46. Member States should ensure that sponsorship by operators is transparent and that the operator is clearly identifiable as the sponsoring party.
47. Sponsorship should not adversely affect or influence minors. Member States are encouraged to ensure that:
- (a) no sponsorship is allowed of events designated for or mainly aimed at minors;
 - (b) promotional material of the sponsoring party is not used in merchandising designed for or mainly aimed at minors.
48. Member States should encourage sponsored parties to verify if the sponsorship is authorised, in accordance with national law, in the Member State where the sponsorship should take effect.

X. EDUCATION AND AWARENESS

49. Member States, where appropriate with consumer organisations and with operators, are invited to organise or promote regular education and public awareness-raising campaigns to raise awareness of consumers and vulnerable groups including minors about online gambling.
50. Member States should ensure that operators and the gambling regulatory authority are required to inform their respective employees working with gambling related activities about the risks associated with online gambling. Employees interacting directly with players should be trained to ensure they understand problem gambling issues and know how to respond to them.

XI. SUPERVISION

51. Member States are invited to designate competent gambling regulatory authorities when applying the principles laid down in this Recommendation to ensure and monitor in an independent manner effective compliance with national measures taken in support of the principles set out in this Recommendation.

XII. REPORTING

52. Member States are invited to notify the Commission of any measures taken pursuant to this Recommendation by 19 January 2016 in order for the Commission to be able to evaluate the implementation of this Recommendation.
53. Member States are invited to collect reliable annual data for statistical purposes on:
- (a) the applicable protection measures in particular the number of player accounts (opened and closed), the number of self-excluded players, those experiencing a gambling disorder and complaints by players;
 - (b) commercial communication by category and by type of breaches of the principles;
- Member States are invited to communicate this information to the Commission, for the first time by 19 July 2016.
54. The Commission should evaluate the implementation of the Recommendation by 19 January 2017.

Done at Brussels, 14 July 2014.

For the Commission
Michel BARNIER
Vice-President

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

Only the original UN/ECE texts have legal effect under international public law. The status and date of entry into force of this Regulation should be checked in the latest version of the UN/ECE status document TRANS/WP.29/343, available at:

<http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29fdocstts.html>

Regulation No 131 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the approval of motor vehicles with regard to the Advanced Emergency Braking Systems (AEBS)

Incorporating all valid text up to:

Supplement 1 to 01 series of amendments — Date of entry into force: 13 February 2014

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Introduction (for information)

The intention of this Regulation is to establish uniform provisions for advanced emergency braking systems (AEBS) fitted to motor vehicles of the categories M₂, M₃, N₂ and N₃ ⁽¹⁾ primarily used under highway conditions.

While, in general, those vehicle categories will benefit from the fitment of an advanced emergency braking system, there are sub-groups where the benefit is rather uncertain because they are primarily used in other conditions than highway conditions (e.g. buses with standing passengers i.e. Classes I, II and A ⁽¹⁾). Regardless from the benefit, there are other sub-groups where the installation of AEBS would be technically difficult (e.g. position of the sensor on vehicles of category G and special purpose vehicles, etc.).

In addition, systems intended for vehicles not equipped with a pneumatic rear-axle suspension require the integration of advanced sensor technology to take into account the variation of the pitch angle of the vehicle. Contracting Parties wishing to apply this Regulation to these vehicles should provide adequate time for this.

The system shall automatically detect a potential forward collision, provide the driver with a warning and activate the vehicle braking system to decelerate the vehicle with the purpose of avoiding or mitigating the severity of a collision in the event that the driver does not respond to the warning.

The system shall only operate in driving situations where braking will avoid or mitigate the severity of an accident, and shall take no action in normal driving situations.

In the case of a failure in the system, the safe operation of the vehicle shall not be endangered.

The system shall provide as a minimum an acoustic or haptic warning, which may also be a sharp deceleration, so that an inattentive driver is made aware of a critical situation.

During any action taken by the system (the warning and emergency braking phases), the driver can, at any time through a conscious action, e.g. by a steering action or an accelerator kick-down, take control and override the system.

The Regulation cannot include all the traffic conditions and infrastructure features in the type-approval process. Actual conditions and features in the real world should not result in false warnings or false braking to the extent that they encourage the driver to switch the system off.

1. SCOPE AND PURPOSE

This Regulation applies to the approval of vehicles of category M₂, N₂, M₃ and N₃ ⁽¹⁾ with regard to an on-board system to avoid or mitigate the severity of a rear-end in lane collision.

2. DEFINITIONS

2.1. 'Advanced Emergency Braking System (AEBS)' means a system which can automatically detect a potential forward collision and activate the vehicle braking system to decelerate the vehicle with the purpose of avoiding or mitigating a collision.

2.2. 'Vehicle type with regard to its Advanced Emergency Braking System' means a category of vehicles which do not differ in such essential respects as:

- (a) The manufacturer's trade name or mark;
- (b) Vehicle features which significantly influence the performances of the Advanced Emergency Braking System;
- (c) The type and design of the Advanced Emergency Braking System.

2.3. 'Subject vehicle' means the vehicle being tested.

⁽¹⁾ As defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.3, para. 2.

- 2.4. 'Target' means a high volume series production passenger car of category M₁ AA saloon ⁽¹⁾ or in the case of a soft target an object representative of such a vehicle in terms of its detection characteristics applicable to the sensor system of the AEBS under test.
- 2.5. 'Moving target' means a target travelling at a constant speed in the same direction and in the centre of the same lane of travel as the subject vehicle.
- 2.6. 'Stationary target' means a target at standstill facing the same direction and positioned on the centre of the same test lane of travel as the subject vehicle.
- 2.7. 'Soft target' means a target that will suffer minimum damage and cause minimum damage to the subject vehicle in the event of a collision.
- 2.8. 'Collision warning phase' means the phase directly preceding the emergency braking phase, during which the AEBS warns the driver of a potential forward collision.
- 2.9. 'Emergency braking phase' means the phase starting when the AEBS emits a braking demand for at least 4 m/s² deceleration to the service braking system of the vehicle.
- 2.10. 'Common space' means an area on which two or more information functions (e.g. symbol) may be displayed, but not simultaneously.
- 2.11. 'Self-check' means an integrated function that checks for a system failure on a semi-continuous basis at least while the system is active.
- 2.12. 'Time to collision (TTC)' means the value of time obtained by dividing the distance between the subject vehicle and the target by the relative speed of the subject vehicle and the target, at an instant in time.

3. APPLICATION FOR APPROVAL

- 3.1. The application for approval of a vehicle type with regard to the Advanced Emergency Braking System shall be submitted by the vehicle manufacturer or by his authorised representative.
- 3.2. It shall be accompanied by the documents mentioned below in triplicate:
 - 3.2.1. A description of the vehicle type with regard to the items mentioned in paragraph 2.2, together with a documentation package which gives access to the basic design of the AEBS and the means by which it is linked to other vehicle systems or by which it directly controls output variables. The numbers and/or symbols identifying the vehicle type shall be specified.
- 3.3. A vehicle representative of the vehicle type to be approved shall be submitted to the Technical Service conducting the approval tests.

4. APPROVAL

- 4.1. If the vehicle type submitted for approval pursuant to this Regulation meets the requirements of paragraph 5 below, approval of that vehicle shall be granted.
- 4.2. An approval number shall be assigned to each type approved; its first two digits (at present 01 corresponding to the 01 series of amendments) shall indicate the series of amendments incorporating the most recent major technical amendments made to the Regulation at the time of issue of the approval. The same Contracting Party shall not assign the same number to the same vehicle type equipped with another type of AEBS, or to another vehicle type.
- 4.3. Notice of approval or of refusal or withdrawal of approval pursuant to this Regulation shall be communicated to the Parties to the Agreement which apply this Regulation by means of a form conforming to the model in Annex 1 and documentation supplied by the applicant being in a format not exceeding A4 (210 × 297 mm), or folded to that format, and on an appropriate scale or electronic format.

⁽¹⁾ As defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.3, para. 2.

- 4.4. There shall be affixed, conspicuously and in a readily accessible place specified on the approval form, to every vehicle conforming to a vehicle type approved under this Regulation, an international approval mark conforming to the model described in Annex 2, consisting of:
- 4.4.1. A circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted approval ⁽¹⁾;
- 4.4.2. The number of this Regulation, followed by the letter 'R', a dash and the approval number to the right of the circle prescribed in paragraph 4.4.1 above.
- 4.5. If the vehicle conforms to a vehicle type approved under one or more other Regulations, annexed to the Agreement, in the country which has granted approval under this Regulation, the symbol prescribed in paragraph 4.4.1 above need not be repeated; in such a case, the Regulation and approval numbers and the additional symbols shall be placed in vertical columns to the right of the symbol prescribed in paragraph 4.4.1 above.
- 4.6. The approval mark shall be clearly legible and be indelible.
- 4.7. The approval mark shall be placed close to or on the vehicle data plate.
5. SPECIFICATIONS
- 5.1. General
- 5.1.1. Any vehicle fitted with an AEBS complying with the definition of paragraph 2.1 above shall meet the performance requirements contained in paragraphs 5.1 to 5.6.2 of this Regulation and shall be equipped with an anti-lock braking function in accordance with the performance requirements of Annex 13 to Regulation No 13.
- 5.1.2. The effectiveness of the AEBS shall not be adversely affected by magnetic or electrical fields. This shall be demonstrated by compliance with Regulation No 10, 03 Series of amendments to the Regulation.
- 5.1.3. Conformity with the safety aspects of complex electronic control systems shall be shown by meeting the requirements of Annex 4.
- 5.2. Performance requirements
- 5.2.1. The system shall provide the driver with appropriate warning(s) as below:
- 5.2.1.1. A collision warning when the AEBS has detected the possibility of a collision with a preceding vehicle of category M, N or O in the same lane which is travelling at a slower speed, has slowed to a halt or is stationary having not being identified as moving. The warning shall be as specified in paragraph 5.5.1 above.
- 5.2.1.2. A failure warning when there is a failure in the AEBS that prevents the requirements of this Regulation of being met. The warning shall be as specified in paragraph 5.5.4 below.
- 5.2.1.2.1. There shall not be an appreciable time interval between each AEBS self-check, and subsequently there shall not be an appreciable delay in illuminating the warning signal, in the case of an electrically detectable failure.
- 5.2.1.3. A deactivation warning, if the vehicle is equipped with a means to manually deactivate the AEBS, shall be given when the system is deactivated. This shall be as specified in paragraph 5.4.2 below.
- 5.2.2. Subsequent to the warning(s) of paragraph 5.2.1.1 above, and subject to the provisions of paragraphs 5.3.1 to 5.3.3 below, there shall be an emergency braking phase having the purpose of significantly decreasing the speed of the subject vehicle. This shall be tested in accordance with paragraphs 6.4 and 6.5 of this Regulation.

⁽¹⁾ The distinguishing numbers of the Contracting Parties to the 1958 Agreement are reproduced in Annex 3 to the Consolidated Resolution on the Construction of Vehicles (R.E.3), document ECE/TRANS/WP.29/78/Rev.3 — www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html

- 5.2.3. The system shall be active at least within the vehicle speed range of 15 km/h up to the maximum design speed of the vehicle, and at all vehicle load conditions, unless manually deactivated as per paragraph 5.4 below.
- 5.2.4. The system shall be designed to minimise the generation of collision warning signals and to avoid autonomous braking in situations where the driver would not recognise an impending forward collision. This shall be demonstrated in accordance with paragraph 6.8 of this Regulation.
- 5.3. Interruption by the driver
- 5.3.1. The AEBS may provide the means for the driver to interrupt the collision warning phase. However, when a vehicle braking system is used to provide a haptic warning, the system shall provide the driver with a means to interrupt the warning braking.
- 5.3.2. The AEBS shall provide the means for the driver to interrupt the emergency braking phase.
- 5.3.3. In both cases above, this interruption may be initiated by any positive action (e.g. kick-down, operating the direction indicator control) that indicates that the driver is aware of the emergency situation. The vehicle manufacturer shall provide a list of these positive actions to the technical service at the time of type approval and it shall be annexed to the test report.
- 5.4. When a vehicle is equipped with a means to deactivate the AEBS function, the following conditions shall apply as appropriate:
- 5.4.1. The AEBS function shall be automatically reinstated at the initiation of each new ignition cycle.
- 5.4.2. A constant optical warning signal shall inform the driver that the AEBS function has been deactivated. The yellow warning signal specified in paragraph 5.5.4 below may be used for this purpose.
- 5.5. Warning indication
- 5.5.1. The collision warning referred to in paragraph 5.2.1.1 above shall be provided by at least two modes selected from acoustic, haptic or optical.
- The timing of the warning signals shall be such that they provide the possibility for the driver to react to the risk of collision and take control of the situation, and shall also avoid nuisance for the driver by too early or too frequent warnings. This shall be tested in accordance with the provisions of paragraphs 6.4.2 and 6.5.2 of this Regulation
- 5.5.2. A description of the warning indication and the sequence in which the collision warning signals are presented to the driver shall be provided by the vehicle manufacturer at the time of type-approval and recorded in the test report.
- 5.5.3. Where an optical means is used as part of the collision warning, the optical signal may be the flashing of the failure warning signal specified in paragraph 5.5.4 below.
- 5.5.4. The failure warning referred to in paragraph 5.2.1.2 above shall be a constant yellow optical warning signal.
- 5.5.5. Each AEBS optical warning signal shall be activated either when the ignition (start) switch is turned to the 'on' (run) position or when the ignition (start) switch is in a position between the 'on' (run) and 'start' that is designated by the manufacturer as a check position (initial system (power-on)). This requirement does not apply to warning signals shown in a common space.
- 5.5.6. The optical warning signals shall be visible even by daylight; the satisfactory condition of the signals must be easily verifiable by the driver from the driver's seat.
- 5.5.7. When the driver is provided with an optical warning signal to indicate that the AEBS is temporarily not available, for example due to inclement weather conditions, the signal shall be constant and yellow in colour. The failure warning signal specified in paragraph 5.5.4 above may be used for this purpose.

- 5.6. Provisions for the periodic technical inspection
- 5.6.1. At a periodic technical inspection it shall be possible to confirm the correct operational status of the AEBS by a visible observation of the failure warning signal status, following a 'power-ON' and any bulb check.
- In the case of the failure warning signal being in a common space, the common space must be observed to be functional prior to the failure warning signal status check.
- 5.6.2. At the time of type approval, the means to protect against simple unauthorised modification of the operation of the failure warning signal chosen by the manufacturer shall be confidentially outlined.
- Alternatively, this protection requirement is fulfilled when a secondary means of checking the correct operational status of the AEBS is available.
6. TEST PROCEDURE
- 6.1. Test conditions
- 6.1.1. The test shall be performed on a flat, dry concrete or asphalt surface affording good adhesion.
- 6.1.2. The ambient temperature shall be between 0 °C and 45 °C.
- 6.1.3. The horizontal visibility range shall allow the target to be observed throughout the test.
- 6.1.4. The tests shall be performed when there is no wind liable to affect the results.
- 6.2. Vehicle conditions
- 6.2.1. Test weight
- The vehicle shall be tested in a condition of load to be agreed between the manufacturer and the Technical Service. No alteration shall be made once the test procedure has begun.
- 6.3. Test targets
- 6.3.1. The target used for the tests shall be a regular high volume series production passenger car of category M₁ AA saloon, or alternatively a 'soft target' representative of such a vehicle in terms of its identification characteristics applicable to the sensor system of the AEBS under test ⁽¹⁾.
- 6.3.2. Details that enable the target(s) to be specifically identified and reproduced shall be recorded in the vehicle type approval documentation.
- 6.4. Warning and activation test with a stationary target
- 6.4.1. The subject vehicle shall approach the stationary target in a straight line for at least two seconds prior to the functional part of the test with a subject vehicle to target centreline offset of not more than 0,5 m.
- The functional part of the test shall start when the subject vehicle is travelling at a speed of 80 ± 2 km/h and is at a distance of at least 120 m from the target.
- From the start of the functional part until the point of collision there shall be no adjustment to any control of the subject vehicle by the driver other than slight adjustments to the steering control to counteract any drifting.
- 6.4.2. The timing for the collision warning modes referred to in paragraph 5.5.1 above shall comply with the following:
- 6.4.2.1. At least one warning mode shall be provided no later than specified in Table I, Column B of Annex 3.
- In the case of the vehicles referred to in Table I, row 1 of Annex 3, the warning shall be haptic or acoustic.
- In the case of the vehicles referred to in Table I, row 2 of Annex 3, the warning shall be haptic, acoustic or optical.

⁽¹⁾ The identification characteristics of the soft target shall be agreed upon between the Technical Service and the vehicle manufacturer as being equivalent to a passenger car of category M₁ AA saloon

- 6.4.2.2. At least two warning modes shall be provided no later than specified in Table I, Column C of Annex 3.
- 6.4.2.3. Any speed reduction during the warning phase, shall not exceed either 15 km/h or 30 per cent of the total subject vehicle speed reduction, whichever is higher.
- 6.4.3. The collision warning phase shall be followed by the emergency braking phase.
- 6.4.4. The total speed reduction of the subject vehicle at the time of the impact with the stationary target shall be not less than the value specified in Table I, column D of Annex 3.
- 6.4.5. The emergency braking phase shall not start before a TTC equal to or less than 3,0 seconds.

Compliance shall be verified by either actual measurement during the test or using documentation provided by the vehicle manufacturer, as agreed between the Technical Service and the vehicle manufacturer.

6.5. Warning and activation test with a moving target

- 6.5.1. The subject vehicle and the moving target shall travel in a straight line, in the same direction, for at least two seconds prior to the functional part of the test, with a subject vehicle to target centreline offset of not more than 0,5 m.

The functional part of the test shall start with the subject vehicle travelling at a speed of 80 ± 2 km/h, the moving target at speed of the value specified in Table I, column H of Annex 3, and a separation distance of at least 120 m between them.

From the start of the functional part of the test until the subject vehicle comes to a speed equal to that of the target there shall be no adjustment to any subject vehicle control by the driver other than slight steering adjustments to counteract any drifting.

- 6.5.2. The timing for the collision warning modes referred to in paragraph 5.5.1 above shall comply with the following:
 - 6.5.2.1. At least one haptic or acoustic warning mode shall be provided no later than specified in Table I Column E of Annex 3.
 - 6.5.2.2. At least two warning modes shall be provided no later than specified in Table I Column F of Annex 3.
 - 6.5.2.3. Any speed reduction during the warning phase shall not exceed either 15 km/h or 30 per cent of the total subject vehicle speed reduction, whichever is higher.
- 6.5.3. The emergency braking phase shall result in the subject vehicle not impacting the moving target.
- 6.5.4. The emergency braking phase shall not start before a TTC equal to or less than 3,0 seconds.

Compliance shall be verified by either actual measurement during the test or using documentation provided by the vehicle manufacturer, as agreed between the Technical Service and the vehicle manufacturer.

6.6. Failure detection test

- 6.6.1. Simulate an electrical failure, for example by disconnecting the power source to any AEBS component or disconnecting any electrical connection between AEBS components. When simulating an AEBS failure, neither the electrical connections for the driver warning signal of paragraph 5.5.4 above nor the optional manual AEBS deactivation control of paragraph 5.4 shall be disconnected.
- 6.6.2. The failure warning signal mentioned in paragraph 5.5.4 above shall be activated and remain activated not later than 10 seconds after the vehicle has been driven at a speed greater than 15 km/h and be reactivated immediately after a subsequent ignition 'off' ignition 'on' cycle with the vehicle stationary as long as the simulated failure exists.

6.7. Deactivation test

- 6.7.1. For vehicles equipped with means to deactivate the AEBS, turn the ignition (start) switch to the 'on' (run) position and deactivate the AEBS. The warning signal mentioned in paragraph 5.4.2 above shall be activated. Turn the ignition (start) switch to the 'off' position. Again, turn the ignition (start) switch to the 'on' (run) position and verify that the previously activated warning signal is not reactivated, thereby indicating that the AEBS has been reinstated as specified in paragraph 5.4.1 above. If the ignition system is activated by means of a 'key', the above requirement shall be fulfilled without removing the key.

6.8. False reaction test

- 6.8.1. Two stationary vehicles, of category M₁ AA saloon, shall be positioned:

- (a) So as to face in the same direction of travel as the subject vehicle,
- (b) With a distance of 4,5 m between them ⁽¹⁾,
- (c) With the rear of each vehicle aligned with the other.

- 6.8.2. The subject vehicle shall travel for a distance of at least 60 m, at a constant speed of 50 ± 2 km/h to pass centrally between the two stationary vehicles.

During the test there shall be no adjustment of any subject vehicle control other than slight steering adjustments to counteract any drifting.

- 6.8.3. The AEBS shall not provide a collision warning and shall not initiate the emergency braking phase.

7. MODIFICATION OF VEHICLE TYPE AND EXTENSION OF APPROVAL

- 7.1. Every modification of the vehicle type as defined in paragraph 2.2 above shall be notified to the Type Approval Authority which approved the vehicle type. The Type Approval Authority may then either:

- 7.1.1. Consider that the modifications made do not have an adverse effect on the conditions of the granting of the approval and grant an extension of approval;
- 7.1.2. Consider that the modifications made affect the conditions of the granting of the approval and require further tests or additional checks before granting an extension of approval.

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

- 7.3. The Type Approval Authority shall inform the other Contracting Parties of the extension by means of the communication form which appears in Annex 1 to this Regulation. It shall assign a serial number to each extension, to be known as the extension number.

8. CONFORMITY OF PRODUCTION

- 8.1. Procedures concerning conformity of production shall conform to the general provisions defined in Appendix 2 to the Agreement (E/ECE/324-E/ECE/TRANS/505/Rev.2) and meet the following requirements:

- 8.2. A vehicle approved pursuant to this Regulation shall be so manufactured as to conform to the type approved by meeting the requirements of paragraph 5 above;

- 8.3. The Type Approval Authority which has granted approval may at any time verify the conformity of control methods applicable to each production unit. The normal frequency of such inspections shall be once every two years.

⁽¹⁾ The point of reference of each stationary vehicle for establishing the distance between the two stationary vehicles, shall be determined in accordance with ISO 612-1978.

9. PENALTIES FOR NON-CONFORMITY OF PRODUCTION

9.1. The approval granted in respect of a vehicle type pursuant to this Regulation may be withdrawn if the requirements laid down in paragraph 8 above are not complied with.

9.2. If a Contracting Party withdraws an approval it had previously granted, it shall forthwith so notify the other Contracting Parties applying this Regulation by sending them a communication form conforming to the model in Annex 1 to this Regulation.

10. PRODUCTION DEFINITELY DISCONTINUED

If the holder of the approval completely ceases to manufacture a type of vehicle approved in accordance with this Regulation, he shall so inform the Type Approval Authority which granted the approval, which in turn shall forthwith inform the other Contracting Parties to the Agreement applying this Regulation by means of a communication form conforming to the model in Annex 1 to this Regulation.

11. NAMES AND ADDRESSES OF THE TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS AND OF TYPE APPROVAL AUTHORITIES

The Contracting Parties to the Agreement applying this Regulation shall communicate to the United Nations Secretariat the names and addresses of the Technical Services responsible for conducting approval tests and of the Type Approval Authorities which granted approval and to which forms certifying approval or extension or refusal or withdrawal of approval are to be sent.

12. TRANSITIONAL PROVISIONS

12.1. As from the official date of entry into force of the 01 series of amendments, no Contracting Party applying the 01 series of amendments to this Regulation, shall refuse to grant type approvals in accordance with the 01 series of amendments of this Regulation.

12.2. As from the date of entry into force of the 01 series of amendments to this Regulation, Contracting Parties applying this Regulation may continue granting type approvals and extensions of type approvals to the 00 series of amendments to this Regulation.

In accordance with Article 12 of the 1958 Agreement, the 00 series of amendments may be used as an alternative to the 01 series. Contracting Parties shall notify to the Secretariat-General which alternative they apply. In the absence of notification of Contracting Parties to the United Nations Secretary-General, Contracting Parties will be considered to apply the 01 series.

12.3. As from the date of entry into force of the 01 series of amendments, no Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the 01 series of amendments to this Regulation.

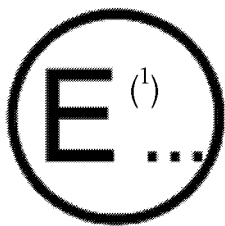
12.4. Until 1 November 2016, no Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the 00 series of amendments to this Regulation.

12.5. As from 1 November 2016, Contracting Parties applying the 01 series of amendments to this Regulation shall not be obliged to accept, for the purpose of national or regional type approval, a vehicle type approved to the 00 series of amendments to this Regulation.

ANNEX 1

COMMUNICATION

(maximum format: A4 (210 × 297 mm))



issued by: Name of administration

.....

.....

.....

Concerning ⁽²⁾: Approval granted

Approval extended

Approval refused

Approval withdrawn

Production definitively discontinued

of a type of vehicle with regard to the advanced emergency braking system pursuant to Regulation No 131

Approval No: Extension No

1. Trademark:
2. Type and trade name(s):
3. Name and address of manufacturer:
4. If applicable, name and address of manufacturer's representative:
5. Brief description of vehicle:
6. Data to enable the identification of the type of AEBS:
7. Date of submission of vehicle for approval:
8. Technical Service performing the approval tests:
9. Date of report issued by that Service:
10. Number of report issued by that Service:
11. Approval with regard to the AEBS is granted/refused ⁽²⁾:
12. Place:
13. Date:
14. Signature:
15. Annexed to this communication are the following documents, bearing the approval number indicated above:
 - List of the positive actions enabling the driver to interrupt the braking phase
 - Description of the AEBS warning strategy
 - Details which enable the targets to be specifically identified
16. Any remarks:

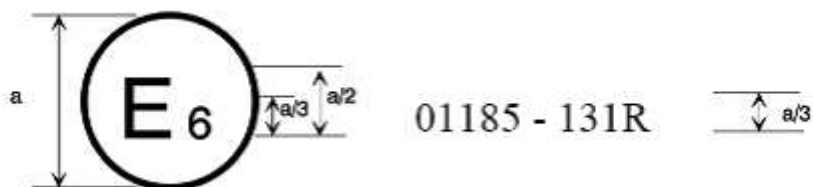
⁽¹⁾ Distinguishing number of the country which has granted/extended/refused/withdrawn an approval (see approval provisions in the Regulation).

⁽²⁾ Delete what does not apply.

ANNEX 2

ARRANGEMENTS OF APPROVAL MARKS

(See paragraphs 4.4 to 4.4.2 of this Regulation)



$a = 8 \text{ mm min}$

The above approval mark affixed to a vehicle shows that the vehicle type concerned has been approved in Belgium (E 6) with regard to the Advanced Emergency Braking Systems (AEBS) pursuant to Regulation No 131. The first two digits of the approval number indicate that the approval was granted in accordance with the requirements of the 01 series of amendments to the Regulation No 131.

WARNING AND ACTIVATION TEST REQUIREMENTS — PASS/FAIL VALUES

| A | B | C | D | E | F | G | H | Row |
|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------|----------------------------------------|-----|
| | Stationary target | | | Moving target | | | | |
| | Timing of warning modes | | Speed reduction (ref. paragraph 6.4.4) | Timing of warning modes | | Speed reduction (ref. paragraph 6.5.3) | Target speed (ref. paragraph 6.5.1) | |
| | At least 1 (ref. paragraph 6.4.2.1) | At least 2 (ref. paragraph 6.4.2.2) | | At least 1 (ref. paragraph 6.5.2.1) | At least 2 (ref. paragraph 6.5.2.2) | | | |
| M ₃ ⁽¹⁾ , N ₂ > 8 t and N ₃ | Not later than 1,4 s. before the start of emergency braking phase | Not later than 0,8 s. before the start of emergency braking phase | Not less than 20 km/h | Not later than 1,4 s. before the start of emergency braking phase | Not later than 0,8 s. before the start of emergency braking phase | No impact | 12 ± 2 km/h | 1 |
| N ₂ ≤ 8 t ⁽²⁾ , ⁽⁴⁾ and M ₂ ⁽²⁾ , ⁽⁴⁾ | Not later than 0,8 s before the start of the emergency braking phase | Before the start of the emergency braking phase ⁽³⁾ | Not less than 10 km/h | Not later than 0,8 s before the start of the emergency braking phase | Before the start of the emergency braking phase ⁽³⁾ | No impact | 67 ± 2 km/h ⁽⁵⁾ | 2 |

⁽¹⁾ Vehicles of category M_3 with hydraulic braking system are subject to the requirements of row 2.

⁽²⁾ Vehicles with pneumatic braking systems are subject to the requirements of row 1.

⁽³⁾ Values shall be specified by the vehicle manufacturer at the time of Type Approval (Annex 1, paragraph 15).

⁽⁴⁾ Manufacturers of vehicles covered by row 2 may elect to gain vehicle Type Approval to the values specified in row 1; in this instance compliance shall be demonstrated with all the values contained in row 1.

⁽⁵⁾ The values for the target speed in cell H2 shall be reviewed before 1 November 2021.

ANNEX 4

SPECIAL REQUIREMENTS TO BE APPLIED TO THE SAFETY ASPECTS OF COMPLEX ELECTRONIC VEHICLE CONTROL SYSTEMS

1. GENERAL

This annex defines the special requirements for documentation, fault strategy and verification with respect to the safety aspects of Complex electronic vehicle control systems (definition 2.3 below) as far as this Regulation is concerned.

This annex may also be called, by special paragraphs in this Regulation, for safety related functions which are controlled by electronic system(s).

This annex does not specify the performance criteria for 'The System' but covers the methodology applied to the design process and the information which must be disclosed to the Technical Service, for type approval purposes.

This information shall show that 'The System' respects, under normal and fault conditions, all the appropriate performance requirements specified elsewhere in this Regulation.

2. DEFINITIONS

For the purposes of this annex:

- 2.1. 'Safety concept' is a description of the measures designed into the system, for example within the electronic units, so as to address system integrity and thereby ensure safe operation even in the event of an electrical failure.

The possibility of a fall-back to partial operation or even to a back-up system for vital vehicle functions may be a part of the safety concept.

- 2.2. 'Electronic control system' means a combination of units, designed to cooperate in the production of the stated vehicle control function by electronic data processing.

Such systems, often controlled by software, are built from discrete functional components such as sensors, electronic control units and actuators and connected by transmission links. They may include mechanical, electro-pneumatic or electro-hydraulic elements.

'The System', referred to herein, is the one for which type approval is being sought.

- 2.3. 'Complex electronic vehicle control systems' are those electronic control systems which are subject to a hierarchy of control in which a controlled function may be over-ridden by a higher level electronic control system/function.

A function which is over-ridden becomes part of the complex system.

- 2.4. 'Higher-level control' systems/functions are those which employ additional processing and/or sensing provisions to modify vehicle behaviour by commanding variations in the normal function(s) of the vehicle control system.

This allows complex systems to automatically change their objectives with a priority which depends on the sensed circumstances.

- 2.5. 'Units' are the smallest divisions of system components which will be considered in this annex, since these combinations of components will be treated as single entities for purposes of identification, analysis or replacement.

- 2.6. 'Transmission links' are the means used for inter-connecting distributed units for the purpose of conveying signals, operating data or an energy supply.

This equipment is generally electrical but may, in some part, be mechanical, pneumatic, hydraulic or optical.

- 2.7. 'Range of control' refers to an output variable and defines the range over which the system is likely to exercise control.
- 2.8. 'Boundary of functional operation' defines the boundaries of the external physical limits within which the system is able to maintain control.

3. DOCUMENTATION

3.1. Requirements

The manufacturer shall provide a documentation package which gives access to the basic design of 'The System' and the means by which it is linked to other vehicle systems or by which it directly controls output variables.

The function(s) of 'The System' and the safety concept, as laid down by the manufacturer, shall be explained.

Documentation shall be brief, yet provide evidence that the design and development has had the benefit of expertise from all the system fields which are involved.

For periodic technical inspections, the documentation shall describe how the current operational status of 'The System' can be checked.

3.1.1. Documentation shall be made available in two parts:

- (a) The formal documentation package for the approval, containing the material listed in paragraph 3 of this annex (with the exception of that of paragraph 3.4.4 below) which shall be supplied to the Technical Service at the time of submission of the type approval application. This will be taken as the basic reference for the verification process set out in paragraph 4 of this annex.
- (b) Additional material and analysis data of paragraph 3.4.4 below, which shall be retained by the manufacturer, but made open for inspection at the time of type approval.

3.2. Description of the functions of 'The System'

A description shall be provided which gives a simple explanation of all the control functions of 'The System' and the methods employed to achieve the objectives, including a statement of the mechanism(s) by which control is exercised.

3.2.1. A list of all input and sensed variables shall be provided and the working range of these defined.

3.2.2. A list of all output variables which are controlled by 'The System' shall be provided and an indication given, in each case, of whether the control is direct or via another vehicle system. The range of control (see paragraph 2.7 of this annex) exercised on each such variable shall be defined.

3.2.3. Limits defining the boundaries of functional operation (see paragraph 2.8 of this annex) shall be stated where appropriate to system performance.

3.3. System layout and schematics

3.3.1. Inventory of components

A list shall be provided, collating all the units of 'The System' and mentioning the other vehicle systems which are needed to achieve the control function in question.

An outline schematic showing these units in combination shall be provided with both the equipment distribution and the interconnections made clear.

3.3.2. Functions of the units

The function of each unit of 'The System' shall be outlined and the signals linking it with other Units or with other vehicle systems shall be shown. This may be provided by a labelled block diagram or other schematic, or by a description aided by such a diagram.

3.3.3. Interconnections

Interconnections within 'The System' shall be shown by a circuit diagram for the electric transmission links, by an optical-fiber diagram for optical links, by a piping diagram for pneumatic or hydraulic transmission equipment and by a simplified diagrammatic layout for mechanical linkages.

3.3.4. Signal flow and priorities

There shall be a clear correspondence between these transmission links and the signals carried between units.

Priorities of signals on multiplexed data paths shall be stated, wherever priority may be an issue affecting performance or safety as far as this Regulation is concerned.

3.3.5. Identification of units

Each unit shall be clearly and unambiguously identifiable (e.g. by marking for hardware and marking or software output for software content) to provide corresponding hardware and documentation association.

Where functions are combined within a single Unit or indeed within a single computer, but shown in multiple blocks in the block diagram for clarity and ease of explanation, only a single hardware identification marking shall be used.

The manufacturer shall, by the use of this identification, affirm that the equipment supplied conforms to the corresponding document.

- 3.3.5.1. The identification defines the hardware and software version and, where the latter changes such as to alter the function of the unit as far as this Regulation is concerned, this identification shall also be changed.

3.4. Safety concept of the manufacturer

- 3.4.1. The manufacturer shall provide a statement which affirms that the strategy chosen to achieve 'The System' objectives will not, under non-fault conditions, prejudice the safe operation of systems which are subject to the prescriptions of this Regulation.

- 3.4.2. In respect of software employed in 'The System', the outline architecture shall be explained and the design methods and tools used shall be identified. The manufacturer shall be prepared, if required, to show some evidence of the means by which they determined the realisation of the system logic, during the design and development process.

- 3.4.3. The manufacturer shall provide the technical authorities with an explanation of the design provisions built into 'The System' so as to generate safe operation under fault conditions. Possible design provisions for failure in 'The System' are for example:

- (a) Fall-back to operation using a partial system.
- (b) Change-over to a separate back-up system.
- (c) Removal of the high level function.

In case of a failure, the driver shall be warned for example by warning signal or message display. When the system is not deactivated by the driver, e.g. by turning the Ignition (run) switch to 'off', or by switching off that particular function if a special switch is provided for that purpose, the warning shall be present as long as the fault condition persists.

- 3.4.3.1. If the chosen provision selects a partial performance mode of operation under certain fault conditions, then these conditions shall be stated and the resulting limits of effectiveness defined.

- 3.4.3.2. If the chosen provision selects a second (back-up) means to realise the vehicle control system objective, the principles of the change-over mechanism, the logic and level of redundancy and any built in back-up checking features shall be explained and the resulting limits of back-up effectiveness defined.

- 3.4.3.3. If the chosen provision selects the removal of the higher level function, all the corresponding output control signals associated with this function shall be inhibited, and in such a manner as to limit the transition disturbance.

- 3.4.4. The documentation shall be supported, by an analysis which shows, in overall terms, how the system will behave on the occurrence of any one of those specified faults which will have a bearing on vehicle control performance or safety.

This may be based on a Failure Mode and Effect Analysis (FMEA), a Fault Tree Analysis (FTA) or any similar process appropriate to system safety considerations.

The chosen analytical approach(es) shall be established and maintained by the manufacturer and shall be made open for inspection by the technical service at the time of the type approval.

- 3.4.4.1. This documentation shall itemise the parameters being monitored and shall set out, for each fault condition of the type defined in paragraph 3.4.4 above, the warning signal to be given to the driver and/or to service/technical inspection personnel.

4. VERIFICATION AND TEST

- 4.1. The functional operation of 'The System', as laid out in the documents required in paragraph 3 above, shall be tested as follows:

4.1.1. Verification of the function of 'The System'

As the means of establishing the normal operational levels, verification of the performance of the vehicle system under non-fault conditions shall be conducted against the manufacturer's basic benchmark specification unless this is subject to a specified performance test as part of the approval procedure of this or another Regulation.

4.1.2. Verification of the safety concept of paragraph 3.4 above

The reaction of 'The System' shall, at the discretion of the Type Approval Authority, be checked under the influence of a failure in any individual unit by applying corresponding output signals to electrical units or mechanical elements in order to simulate the effects of internal faults within the unit.

The verification results shall correspond with the documented summary of the failure analysis, to a level of overall effect such that the safety concept and execution are confirmed as being adequate.

