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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 852/2008**of 29 August 2008****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 August 2008.

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

Done at Brussels, 29 August 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 350, 31.12.2007, p. 1. Regulation as last amended by Regulation (EC) No 590/2008 (OJ L 163, 24.6.2008, p. 24).

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	23,3
	ZZ	23,3
0707 00 05	JO	162,5
	MK	21,6
	TR	128,2
	ZZ	104,1
0709 90 70	TR	99,6
	ZZ	99,6
0805 50 10	AR	60,1
	CL	65,6
	UY	66,2
	ZA	63,5
	ZZ	63,9
0806 10 10	EG	190,0
	TR	157,4
	ZZ	173,7
0808 10 80	AR	89,1
	BR	95,9
	CL	87,5
	CN	78,0
	NZ	107,7
	US	93,3
	ZA	79,9
	ZZ	90,2
0808 20 50	AR	123,5
	CN	53,0
	TR	145,5
	ZA	91,9
	ZZ	103,5
0809 30	TR	140,5
	ZZ	140,5
0809 40 05	IL	129,9
	MK	62,1
	TR	107,3
	XS	62,1
	ZZ	90,4

⁽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'.

COMMISSION REGULATION (EC) No 853/2008**of 18 August 2008****amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on apples and tomatoes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143(b) thereof, in conjunction with Article 4,

Whereas:

- (1) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾ provides for surveillance of imports of the products listed in Annex XVII thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of

multilateral trade negotiations and in the light of the latest data available for 2005, 2006 and 2007, the trigger levels for additional duties of apples and tomatoes should be adjusted.

- (3) As a result, Regulation (EC) No 1580/2007 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1580/2007 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 September 2008.

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

Done at Brussels, 18 August 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 350, 31.12.2007, p. 1. Regulation as last amended by Regulation (EC) No 590/2008 (OJ L 163, 24.6.2008, p. 24).

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX XVII

ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER II, SECTION 2

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	— 1 October to 31 May	594 495
78.0020			— 1 June to 30 September	108 775
78.0065	0707 00 05	Cucumbers	— 1 May to 31 October	70 873
78.0075			— 1 November to 30 April	46 491
78.0085	0709 90 80	Artichokes	— 1 November to 30 June	19 799
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	117 360
78.0110	0805 10 20	Oranges	— 1 December to 31 May	454 253
78.0120	0805 20 10	Clementines	— 1 November to end of February	606 155
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	104 626
78.0155	0805 50 10	Lemons	— 1 June to 31 December	335 545
78.0160			— 1 January to 31 May	64 453
78.0170	0806 10 10	Table grapes	— 21 July to 20 November	89 754
78.0175	0808 10 80	Apples	— 1 January to 31 August	875 884
78.0180			— 1 September to 31 December	106 430
78.0220	0808 20 50	Pears	— 1 January to 30 April	257 029
78.0235			— 1 July to 31 December	37 083
78.0250	0809 10 00	Apricots	— 1 June to 31 July	4 199
78.0265	0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	151 059
78.0270	0809 30	Peaches, including nectarines	— 11 June to 30 September	39 144
78.0280	0809 40 05	Plums	— 11 June to 30 September	7 658'

COMMISSION REGULATION (EC) No 854/2008**of 29 August 2008****providing for exceptional measures regarding export licences for pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

that, according to the Russian competent authorities, are not permissible.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 161(3) in conjunction with Article 4 thereof,

Whereas:

(1) Article 2(1) of Commission Regulation (EC) No 1518/2003 of 28 August 2003 laying down detailed rules for implementing the system of export licences in the pigmeat sector ⁽²⁾ provides that export licences shall be valid for 90 days from their actual day of issue.

(2) Article 7(1) of Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽³⁾ provides that the import or export licence shall constitute authorisation and give rise to an obligation respectively to import or to export under the licence, and, except in cases of *force majeure*, during its period of validity, the specified quantity of the products or goods concerned.

(3) In accordance with Articles 31 and 34(2) of Regulation (EC) No 376/2008, where the obligation to import or export has not been met, the security shall be forfeit in an amount equal to the difference between 95 % of the quantity indicated in the licence or certificate and the quantity actually imported or exported.

(4) As of 25 April 2008 the Russian veterinary authorities have notified the Commission about health measures they have taken as regards exports of products from certain meat establishments in the Community. These health measures were introduced following findings of certain residues of antibiotics in the meat products

(5) The health measures have negatively affected the possibilities for exportation of pigmeat under the terms of Regulation (EC) No 1518/2003 and consequently the measures have seriously affected the activity of the exporters concerned and the possibilities in due time to fulfil their obligations as regard the Community rules.

(6) Therefore, in order to limit the adverse impact on exporters, it is necessary to provide that, under certain conditions, derogation should be made from Regulation (EC) No 1518/2003 and the validity of export licences should be prolonged by 120 days and that, at the request of interested parties, and pursuant to Article 40 of Regulation (EC) No 376/2008, the security should be released by the Member States on a case-by-case basis.

(7) The exceptional measures proposed in this Regulation should apply only to export licences that were valid at least one of the days from 25 April 2008 to 7 May 2008. All exporters of pigmeat should have become aware, by 2 May 2008, of the practical difficulties that exports to Russia were facing.

(8) On the date of entering into force of this Regulation, part of licences that were valid at least one of the days from 25 April 2008 to 7 May 2008 has already expired. In order to ensure an equal treatment of the interested parties, it should be provided for the retroactive application to all licences valid in this period.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. For export licences issued in accordance with Article 3(3) of Regulation (EC) No 1518/2003 that were valid at least one of the days from 25 April 2008 to 7 May 2008:

(a) by way of derogation from Article 2(1) of Regulation (EC) No 1518/2003, the period of validity shall be prolonged by 120 days;

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 217, 29.8.2003, p. 35. Regulation as last amended by Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 11).

⁽³⁾ OJ L 114, 26.4.2008, p. 3. Regulation as amended by Regulation (EC) No 514/2008 (OJ L 150, 10.6.2008, p. 7).

(b) pursuant to Article 40 of Regulation (EC) No 376/2008, at the request of interested parties made no later than 30 November 2008, the export licences shall be cancelled and the securities released proportionally by the competent authorities of the Member States.

2. The measure provided for in paragraph 1(b) shall only apply in cases where the exporter invokes rules imposed by a third country that are considered by the competent authorities of the Member State to constitute *force majeure* in accordance with Articles 39 and 40 of Regulation (EC) No 376/2008. The

exporter shall demonstrate, to the satisfaction of the competent authorities, that he was unable to export owing to the introduction of health measures by the Russian authorities, and that a reasonably prudent trader could not have anticipated the introduction of these measures at the time of applying for the export licence.

Article 2

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

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

Done at Brussels, 29 August 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 855/2008**of 29 August 2008****fixing the import duties in the cereals sector applicable from 1 September 2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, represen-

tative cif import prices are to be established on a regular basis for the products in question.

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

(4) Import duties should be fixed for the period from 1 September 2008 and should apply until new import duties are fixed and enter into force.

(5) However, in accordance with Commission Regulation (EC) No 608/2008 of 26 June 2008 temporarily suspending customs duties on imports of certain cereals for the 2008/2009 marketing year ⁽³⁾, the application of certain duties set by this Regulation is suspended,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 September 2008, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 30 August 2008.

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

Done at Brussels, 29 August 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1816/2005 (OJ L 292, 8.11.2005, p. 5).

⁽³⁾ OJ L 166, 27.6.2008, p. 19.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 September 2008

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00 ⁽²⁾
	medium quality	0,00 ⁽²⁾
	low quality	0,00 ⁽²⁾
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00 ⁽²⁾
1002 00 00	Rye	0,00 ⁽²⁾
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize, other than seed ⁽³⁾	0,00 ⁽²⁾
1007 00 90	Grain sorghum other than hybrids for sowing	0,00 ⁽²⁾

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ In accordance with Regulation (EC) No 608/2008, application of this duty is suspended.

⁽³⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

15.8.2008-28.8.2008

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	242,14	152,54	—	—	—	—
Fob price USA	—	—	322,04	312,04	292,04	129,59
Gulf of Mexico premium	—	14,84	—	—	—	—
Great Lakes premium	9,89	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 38,41 EUR/t

Freight costs: Great Lakes–Rotterdam: 36,00 EUR/t

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 18 August 2008

concerning the financial contribution by the Community, for the year 2008, towards a study covering the area of animal transport

(2008/694/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

will also support the actions identified in the Community Action Plan on the Protection and Welfare of Animals 2006-2010 ⁽²⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 17 thereof,

Whereas:

(1) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution towards specific veterinary measures.

(2) In particular, the Community may avail itself of studies necessary for the development of Community veterinary legislation in the field of animal welfare.

(3) Studies, impact assessments and evaluations covering the areas of animal health, animal welfare and food safety

(4) This Action Plan identified several areas of action in particular the upgrading of existing minimum standards for animal protection and welfare and introducing standardised animal welfare indicators. Concerning animal transport, advice from scientific experts indicates that new appropriate rules on travelling times and loading densities are needed.

(5) In order to perform an Impact Assessment, and in particular in order to evaluate the animal welfare and health, public health, economic, social, environmental or administrative impacts that an amendment of Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 ⁽³⁾ as regards travelling times and space allowances is likely to provoke, a study is needed.

(6) It is therefore appropriate for the Community to fund for the year 2008 a study which is to evaluate the different policy options linked to identified scenarios as regards travelling times and space allowances for the transported animals and to assess their respective animal welfare and health, public health, economic, social, environmental and administrative impacts. The maximum amount to be allocated to this action should be specified.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Council Decision 2006/965/EC (OJ L 397, 30.12.2006, p. 22).

⁽²⁾ Communication from the Commission to the European Parliament and the Council on a Community Action Plan on the Protection and Welfare of Animals 2006-2010, COM(2006) 13 final.

⁽³⁾ OJ L 3, 5.1.2005, p. 1.

- (7) The action will be performed by a service contract in accordance with procurement procedures for negotiated procedures as laid down in Article 91(1)(d) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽¹⁾ and Articles 126 and 129(1) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁽²⁾.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS DECIDED AS FOLLOWS:

Article 1

A Community financial contribution for the performance of a study on travelling times and space allowances during animal transport up to a maximum of EUR 58 000 is hereby approved.

Article 2

The granting of the contribution referred to in Article 1 shall be governed by public procurement rules and shall be carried out through a negotiated procedure according to Article 91(1)(d) of Council Regulation (EC, Euratom) No 1605/2002.

The financial contribution provided for in Article 1 shall be financed through the budget line 17 04 02 01 of the budget of the European Communities for 2008.

Done at Brussels, 18 August 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 248, 16.9.2002, p. 1 as last amended by Council Regulation (EC) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).

⁽²⁾ OJ L 357, 31.12.2002, p. 1 as last amended by Commission Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).

COMMISSION DECISION**of 29 August 2008****declaring operational the Regional Advisory Council for Mediterranean Sea under the Common Fisheries Policy**

(2008/695/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2004/585/EC of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy ⁽¹⁾, and in particular Article 3(3) thereof,

Having regard to the recommendation transmitted by Italy on 16 May 2008 on behalf of Spain, France, Greece, Malta, Slovenia and Cyprus,

Whereas:

- (1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽²⁾ and Decision 2004/585/EC provide the framework for the establishment and operation of Regional Advisory Councils.
- (2) Article 2 of Decision 2004/585/EC establishes a Regional Advisory Council to cover the Mediterranean Sea.
- (3) In accordance with Article 3(1) of Decision 2004/585/EC, representatives of the fisheries sector and other interests groups submitted a request concerning the operation of that Regional Advisory Council to Greece, Spain, France, Cyprus, Malta, and Slovenia.

(4) As required by Article 3(2) of Decision 2004/585/EC, the Member States concerned determined whether the application concerning the Regional Advisory Council for the Mediterranean Sea was in conformity with the provisions laid down in that Decision. On 16 May 2008, the Member States concerned transmitted a recommendation on that Regional Advisory Council to the Commission.

(5) The Commission has evaluated the application by the interested parties and the recommendation in the light of Decision 2004/585/EC and the aims and principles of the Common Fisheries Policy, and considers that the Regional Advisory Council for the Mediterranean Sea is ready to become operational,

HAS DECIDED AS FOLLOWS:

Sole Article

The Regional Advisory Council for the Mediterranean Sea, established by Article 2(1)(b) of Decision 2004/585/EC, shall be operational as from 15 September 2008.

Done at Brussels, 29 August 2008.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 256, 3.8.2004, p. 17. Decision as amended by Decision 2007/409/EC (OJ L 155, 15.6.2007, p. 68).

⁽²⁾ OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

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/wp29fdocsts.html>

Regulation No 58 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the approval of:

I. Rear Underrun Protection Devices (RUPDs)

II. Vehicles with regard to the Installation of an RUPD of an approved type

III. Vehicles with regard to their Rear Underrun Protection (RUP)

Revision 2

Incorporating all valid text up to:

02 series of amendments — Date of entry into force: 11 July 2008

1. SCOPE

1.1. This Regulation applies to:

1.1.1. PART I: the RUPDs which are intended to be fitted to vehicles of categories N₂, N₃, O₃ and O₄ ⁽¹⁾;

1.1.2. PART II: the installation on vehicles of categories N₂, N₃, O₃ and O₄ ⁽¹⁾ of RUPDs which have been type approved to Part I of this Regulation;

1.1.3. PART III: vehicles of categories N₂, N₃, O₃ and O₄ ⁽¹⁾ equipped with an RUPD which has not been separately approved according to Part I of this Regulation or so designed and or equipped that its component parts can be regarded as totally or partially fulfilling the function of the RUPD.

1.2. This Regulation does not apply to:

1.2.1. tractive units for articulated vehicles;

1.2.2. trailers specially designed and constructed for the carriage of very long loads of indivisible length, such as timber, steel bars, etc.;

1.2.3. vehicles where any RUPD is incompatible with their use.

2. PURPOSE

The purpose of this Regulation is to offer effective protection against under-running of vehicles mentioned in paragraph 1 of this Regulation in the event of rear collision with vehicles of category M₁ and N₁ ⁽¹⁾.

⁽¹⁾ As defined in Annex 7 to the Consolidated Resolution on the Construction of Vehicles (R.E.3), (document TRANS/WP.29/78/Rev.1/Amend.2 as last amended by Amend.4).

3. DEFINITIONS COMMON TO PARTS I, II AND III

3.1. For the purpose of this Regulation:

- 3.1.1. 'unladen mass' means the mass of the vehicle in running order, unoccupied and unladen but complete with fuel, coolant, lubricant, tools and a spare wheel (if provided as standard equipment by the vehicle manufacturer);
- 3.1.2. 'maximum mass' means the mass stated by the vehicle manufacturer to be technically permissible (this mass may be higher than the 'permissible maximum mass' laid down by the national administration);
- 3.1.3. an 'RUPD' normally consists of a cross-member and links to the chassis side members or other structural members of the vehicle.

PART I: APPROVAL OF RUPDs

4. DEFINITIONS

4.1. For the purpose of Part I of this Regulation:

- 4.1.1. 'approval of an RUPD' means the approval of such a type of RUPD with respect to the requirements laid down in paragraph 7 below;
- 4.1.2. 'type of RUPD' means RUPDs which do not differ with respect to the essential characteristics such as shape, dimensions, attachment, materials and the markings cited in paragraph 5.2.2 below.

5. APPLICATION FOR APPROVAL

- 5.1. The application for approval of an RUPD shall be submitted by the manufacturer of the RUPD or by his duly accredited representative.
- 5.2. For each type of RUPD the application must be accompanied by:
- 5.2.1. documentation in triplicate giving a description of the technical characteristics of the RUPD: its dimensions, lines and constituent materials and the method of its installation;
- 5.2.2. a sample of the type of RUPD: the sample must be clearly and indelibly marked on all its main components with the applicant's trade name or mark and the type designation.
- 5.3. An RUPD representative of the type to be approved shall be submitted to the technical service responsible for conducting the approval tests.
- 5.4. The competent authority shall verify the existence of satisfactory arrangements for ensuring effective control of the conformity of production before type approval is granted.

6. APPROVAL

- 6.1. If the RUPD submitted for approval pursuant to this Regulation meets the requirements of paragraph 7 below, approval of that type of RUPD shall be granted.
- 6.2. An approval number shall be assigned to each type approved. Its first two digits (at present 02 corresponding to the 02 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 may not assign the same number to another type of rear underrun protective device.

- 6.3. Notice of approval, or of extension or of refusal of approval of a type of RUPD pursuant to this Regulation shall be communicated to the Parties to the 1958 Agreement which apply this Regulation, by means of a form conforming to the model in Annex 1 to this Regulation.
- 6.4. There shall be affixed, conspicuously and in a readily accessible place specified on the approval form, to every RUPD conforming to a type of RUPD approved under this Regulation an international approval mark consisting of:
- 6.4.1. a circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted approval ⁽²⁾;
- 6.4.2. 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 6.4.1.
- 6.5. The approval mark shall be clearly legible and be indelible.
- 6.6. Annex 4 to this Regulation gives examples of arrangements of approval marks.
7. REQUIREMENTS
- 7.1. The section height of the cross-member must not be less than 100 mm. The lateral extremities of the cross-member must not bend to the rear or have a sharp outer edge; this condition is fulfilled when the lateral extremities of the cross-member are rounded on the outside and have a radius of curvature of not less than 2,5 mm.
- 7.2. The RUPD may be so designed to have several positions at the rear of the vehicle. In this event, there must be a guaranteed method of securing it in the service position so that any unintentional change of position is precluded. The force applied by the operator to vary the position of the device must not exceed 40 daN.
- 7.3. The RUPD must offer adequate resistance to forces applied parallel to the longitudinal axis of the vehicle. (This shall be demonstrated in accordance with the test procedure and test conditions specified in Annex 5 to this Regulation.) The maximum horizontal deflection of the RUPD observed during and after the application of the test forces specified in Annex 5 shall be recorded on the type approval communication (Annex 1, item 8).
- 7.4. For vehicles fitted with a platform lift at the rear, the underrun device may be interrupted for the purposes of the mechanism. In this case, the following special requirements apply:
- 7.4.1. the maximum lateral clearance measured between the elements of the underrun device and the elements of the platform lift, which move through the interruption when the lift is operated and which make the interruption necessary, may amount to no more than 2,5 cm;

⁽²⁾ 1 for Germany, 2 for France, 3 for Italy, 4 for the Netherlands, 5 for Sweden, 6 for Belgium, 7 for Hungary, 8 for the Czech Republic, 9 for Spain, 10 for Serbia, 11 for the United Kingdom, 12 for Austria, 13 for Luxembourg, 14 for Switzerland, 15 (vacant), 16 for Norway, 17 for Finland, 18 for Denmark, 19 for Romania, 20 for Poland, 21 for Portugal, 22 for the Russian Federation, 23 for Greece, 24 for Ireland, 25 for Croatia, 26 for Slovenia, 27 for Slovakia, 28 for Belarus, 29 for Estonia, 30 (vacant), 31 for Bosnia and Herzegovina, 32 for Latvia, 33 (vacant), 34 for Bulgaria, 35 (vacant), 36 for Lithuania, 37 for Turkey, 38 (vacant), 39 for Azerbaijan, 40 for The former Yugoslav Republic of Macedonia, 41 (vacant), 42 for the European Community (Approvals are granted by its Member States using their respective ECE symbol), 43 for Japan, 44 (vacant), 45 for Australia, 46 for Ukraine, 47 for South Africa, 48 for New Zealand, 49 for Cyprus, 50 for Malta, 51 for the Republic of Korea, 52 for Malaysia, 53 for Thailand, 54 and 55 vacant and 56 for Montenegro. Subsequent numbers shall be assigned to other countries in the chronological order in which they ratify or accede to the Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, and the numbers thus assigned shall be communicated by the Secretary-General of the United Nations to the Contracting Parties to the Agreement.

- 7.4.2. the individual elements of the underrun protection, including those outboard of the lift mechanism, where provided, must have an effective surface area, in each case, of at least 350 cm².

However, in the case of vehicles having a width of less than 2 000 mm and where it is impossible to achieve the above requirement, the effective surface may be reduced on the condition that the resistance criteria are met.

8. CONFORMITY OF PRODUCTION

The conformity of production procedures shall comply with those set out in the Agreement, Appendix 2 (E/ECE/324-E/ECE/TRANS/505/Rev.2), with the following requirements:

- 8.1. Every rear underrun protective device approved under this Regulation shall be so manufactured as to conform to the type approved by meeting the requirements set out in paragraph 7 above.

- 8.2. The authority that has granted type approval may at any time verify the conformity control methods applied in each production facility. The normal frequency of these verifications shall be one every two years.

9. PENALTIES FOR NON-CONFORMITY OF PRODUCTION

- 9.1. The approval granted in respect of a type of RUPD pursuant to this Regulation may be withdrawn if the requirements set forth above are not met or if the protective device has failed to pass the test prescribed in Annex 5.

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

10. MODIFICATION AND EXTENSION OF APPROVAL OF AN RUPD TYPE

- 10.1. Every modification of the RUPD type shall be notified to the administrative department which approved the RUPD type. The department may then either:

- 10.1.1. consider that the modifications made are unlikely to have an appreciable adverse effect and that in any case the RUPD still complies with the requirements; or

- 10.1.2. require a further test report from the technical service responsible for conducting the tests.

- 10.2. Confirmation or refusal of approval, specifying the alterations shall be communicated by the procedure specified in paragraph 6.3 above to the Parties to the Agreement applying this Regulation.

- 10.3. The competent authority issuing the extension of approval shall assign a series number of such an extension and inform thereof the other Parties to the 1958 Agreement applying this Regulation by means of a communication form conforming to the model in Annex 1 to this Regulation.

11. PRODUCTION DEFINITELY DISCONTINUED

If the holder of the approval completely ceases to manufacture a type of rear underrun protective device approved in accordance with this Regulation, he shall so inform the authority which granted the approval. Upon receiving the relevant communication that authority shall inform thereof the other Parties to the 1958 Agreement applying this Regulation by means of a communication form conforming to the model in Annex 1 to this Regulation.

12. NAMES AND ADDRESSES OF TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS, AND OF ADMINISTRATIVE DEPARTMENTS

The Parties to the 1958 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 administrative departments which grant approval and to which forms certifying approval or extension or refusal or withdrawal of approval, issued in other countries, are to be sent.

PART II: APPROVAL OF A VEHICLE WITH REGARD TO THE INSTALLATION OF AN RUPD OF AN APPROVED TYPE

13. DEFINITIONS

- 13.1. For the purposes of Part II of this Regulation:

- 13.1.1. 'approval of a vehicle' means the approval of a vehicle type with regard to the installation of an RUPD of an approved type according to Part I of this Regulation;

- 13.1.2. 'vehicle type' means vehicles which do not differ in such essential aspects as:

- the width of the rear axle,
- the structure, the dimensions, the shape and the height from the ground of the rear part of the vehicle and the characteristics of the suspension, in so far as they have a bearing on the requirements specified in paragraph 19 of this Regulation,
- the approved RUPDs fitted to the vehicle.

- 13.2. Other definitions applicable to this Part II are contained in paragraph 3 of this Regulation.

14. APPLICATION FOR APPROVAL

- 14.1. The application for approval of a vehicle type with regard to the installation of an RUPD(s) of an approved type shall be submitted by the vehicle manufacturer or by his duly accredited representative.

- 14.2. It shall be accompanied by the under-mentioned documents in triplicate and by the following particulars:

- 14.2.1. drawings of the vehicle showing, according to the criteria referred to in paragraph 13.1.2 of this Regulation, the vehicle type in side and rear elevation with the indication of the position of the approved RUPD(s) and design details of its (their) fixing elements to the chassis of the vehicle;

- 14.2.2. the maximum mass of the vehicle;

- 14.2.3. a list of the RUPDs intended to be fitted to the vehicle;

- 14.2.4. at the request of the competent authority the type approval communication form (i.e. Annex 1 of this Regulation) of each RUPD shall also be supplied.

- 14.3. A vehicle representative of the type to be approved and fitted with an approved RUPD shall be submitted to the technical service responsible for conducting the approval tests.

- 14.3.1. A vehicle not comprising all the components proper to the type may be accepted for test provided that it can be shown by the applicant to the satisfaction of the competent authority that the absence of the components omitted has no effect on the results of the verifications, so far as the requirements of this Regulation are concerned.

- 14.4. The competent authority shall verify the existence of satisfactory arrangements for ensuring effective checks on conformity of production before type approval is granted.
15. APPROVAL
- 15.1. If the vehicle submitted for approval pursuant to this Regulation is provided with an approved RUPD and meets the requirements of paragraph 16 below, approval of that vehicle type shall be granted.
- 15.2. An approval number shall be assigned to each type approved. Its first two digits (at present 02 corresponding to the 02 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 may not assign the same number to another vehicle type.
- 15.3. Notice of approval or of extension or of refusal of approval of a vehicle type pursuant to this Regulation shall be communicated to the Parties to the 1958 Agreement which apply this Regulation, by means of a form conforming to the model in Annex 2 to this Regulation.
- 15.4. 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 consisting of:
- 15.4.1. a circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted approval ⁽³⁾;
- 15.4.2. 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 15.4.1.
- 15.5. 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 15.4.1 need not be repeated; in such a case the Regulation and approval numbers and the additional symbols of all the Regulations under which approval has been granted in the country which has granted approval under this Regulation shall be placed in vertical columns to the right of the symbol prescribed in paragraph 15.4.1.
- 15.6. The approval mark shall be clearly legible and be indelible.
- 15.7. The approval mark shall be placed close to or on the vehicle data plate affixed by the manufacturer.
- 15.8. Annex 4 to this Regulation gives examples of arrangements of approval marks.
16. REQUIREMENTS FOR INSTALLATION OF AN APPROVED RUPD
- 16.1. The ground clearance with respect to the underside of the protective device, even when the vehicle is unladen, must not exceed 550 mm over its entire width and shall be such that the height above the ground of the points of application of the test forces applied to the device according to Part I of this Regulation and recorded in the type approval communication form (Annex 1, item 7) does not exceed 600 mm.
- 16.2. The width of the rear protective device must at no point exceed the width of the rear axle measured at the outermost points of the wheels, excluding the bulging of the tyres close to the ground, nor must it be more than 100 mm shorter on either side. Where there is more than one rear axle, the width to be considered is that of the widest rear axle. In addition the requirements of paragraphs 3.1.2 and 3.1.3 of Annex 5 relating the distance of the points of application of the test forces from the outer edges of the rear wheels (Annex 1, paragraph 7) must be verified and recorded in the type approval communication form.

⁽³⁾ See footnote 2.

- 16.3. The device must be so fitted that the horizontal distance between the rear of the device and the rear extremity of the vehicle, including any platform lift mechanism, does not exceed 400 mm diminished by the recorded deformation (paragraph 7.3 of Part I) measured at any of the points where the test forces have been applied (Annex 1, item 8) during the type approval of the rear underrun protective device in conformity with the provisions of Part I of this Regulation and recorded in the type approval communication form. In measuring this distance, any part of the vehicle which is more than 2 m above the ground when the vehicle is unladen shall be excluded.
- 16.4. The maximum mass of a vehicle type for which approval is requested shall not exceed the value indicated on the type approval communication form of each approved RUPD intended to be installed on that vehicle.
17. CONFORMITY OF PRODUCTION
- The conformity of production procedures shall comply with those set out in the Agreement, Appendix 2 (E/ECE/324-E/ECE/TRANS/505/Rev.2), with the following requirements:
- 17.1. Every vehicle approved under this Regulation shall be so manufactured as to conform to the type approved by meeting the requirements set out in paragraph 16 above.
- 17.2. The authority that has granted type approval may at any time verify the conformity control methods applied in each production facility. The normal frequency of these verifications shall be one every two years.
18. PENALTIES FOR NON-CONFORMITY OF PRODUCTION
- 18.1. The approval granted in respect of a vehicle type pursuant to this Regulation may be withdrawn if the requirements set forth above are not met.
- 18.2. If a Contracting Party to the Agreement applying this Regulation withdraws an approval it has previously granted, it shall forthwith so notify the other Contracting Parties applying this Regulation, by means of a communication form conforming to the model in Annex 2 to this Regulation.
19. MODIFICATION AND EXTENSION OF APPROVAL OF A VEHICLE TYPE
- 19.1. Every modification of the vehicle type shall be notified to the administrative department which approved the vehicle type. The department may then either:
- 19.1.1. consider that the modifications made are unlikely to have an appreciable adverse effect and that in any case the vehicle still complies with the requirements; or
- 19.1.2. require a further test report from the technical service responsible for conducting the tests.
- 19.2. Confirmation or refusal of approval, specifying the alteration, shall be communicated by the procedure specified in paragraph 15.3 above to the Parties to the Agreement applying this Regulation.
- 19.3. The competent authority issuing the extension of approval shall assign a series number for such an extension and inform thereof the other Parties to the 1958 Agreement applying this Regulation by means of a communication form conforming to the model in Annex 2 to this Regulation.
20. PRODUCTION DEFINITELY DISCONTINUED
- If the holder of the approval completely ceases to manufacture a type vehicle approved in accordance with this Regulation, he shall so inform the authority which granted the approval. Upon receiving the relevant communication, that authority shall inform thereof the other Parties to the 1958 Agreement applying this Regulation by means of a communication form conforming to the model in Annex 2 to this Regulation.

21. NAMES AND ADDRESSES OF TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS, AND OF ADMINISTRATIVE DEPARTMENTS

The Parties to the 1958 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 administrative departments which grant approval and to which forms certifying approval or extension or refusal or withdrawal of approval, issued in other countries, are to be sent.

PART III: APPROVAL OF A VEHICLE WITH REGARD TO ITS REAR UNDERRUN PROTECTION (RUP)

22. DEFINITIONS

- 22.1. For the purposes of Part III of this Regulation:

- 22.1.1. 'approval of a vehicle' means the approval of a vehicle type with regard to its RUP;

- 22.1.2. 'vehicle type' means a category of vehicles which do not differ with respect to the essential points as the width of the rear axle, the structure, the dimensions, the shape and the materials of the rear part of the vehicle, the characteristics of the suspension in so far as they have a bearing on the requirements specified in paragraph 25 of this Regulation;

- 22.1.3. 'rear underrun protection (RUP)' means the presence at the rear of the vehicle of either:

- 22.1.3.1. a special RUPD; or

- 22.1.3.2. body work, chassis parts or other components, such that, by virtue of their shape and characteristics, these elements can be regarded as totally or partially fulfilling the function of the RUPD.

- 22.2. Other definitions applicable to this Part III are contained in paragraph 3 of this Regulation.

23. APPLICATION FOR APPROVAL

- 23.1. The application for approval of a vehicle type with regard to the protection afforded by the RUP shall be submitted by the vehicle manufacturer or by his duly accredited representative.

- 23.2. It shall be accompanied by the under-mentioned documents in triplicate and by the following particulars:

- 23.2.1. a detailed description of the vehicle type with respect to its structure, dimensions, lines and constituent materials in so far as required for the purpose of this Regulation;

- 23.2.2. drawings of the vehicle showing the vehicle type in side and rear elevation and design details of the rear parts of the structure;

- 23.2.3. the maximum mass of the vehicle;

- 23.2.4. a detailed description of the RUP: its dimensions, lines, constituent materials and position on the vehicle.

- 23.3. A vehicle representative of the type to be approved shall be submitted to the technical service responsible for conducting the approval tests.

- 23.3.1. a vehicle not comprising all the components proper to the type may be accepted for test provided that it can be shown by the applicant to the satisfaction of the competent authority that the absence of the components omitted has no effect on the results of the verification, so far as the requirements of this Regulation are concerned.
- 23.4. The competent authority shall verify the existence of satisfactory arrangements for ensuring effective checks on conformity of production before type approval is granted.
24. APPROVAL
- 24.1. If the vehicle submitted for approval pursuant to this Regulation meets the requirements of paragraph 25 below, approval of that vehicle type shall be granted.
- 24.2. An approval number shall be assigned to each type approved. Its first two digits (at present 02 corresponding to the 02 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 may not assign the same number to another vehicle type.
- 24.3. Notice of approval or of extension or of refusal of approval of a vehicle type pursuant to this Regulation shall be communicated to the Parties to the 1958 Agreement which apply this Regulation, by means of a form conforming to the model in Annex 3 to this Regulation.
- 24.4. 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 consisting of:
- 24.4.1. a circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted approval ⁽⁴⁾;
- 24.4.2. 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 24.4.1.
- 24.5. 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 24.4.1 need not be repeated; in such a case the Regulation and approval numbers and the additional symbols of all the Regulations under which approval has been granted in the country which has granted approval under this Regulation shall be placed in vertical columns to the right of the symbol prescribed in paragraph 24.4.1.
- 24.6. The approval mark shall be clearly legible and be indelible.
- 24.7. The approval mark shall be placed close to or on the vehicle data plate affixed by the manufacturer.
- 24.8. Annex 4 to this Regulation gives examples of arrangements of approval marks.
25. REQUIREMENTS FOR RUP
- 25.1. The ground clearance with respect to the underside of the RUP, even when the vehicle is unladen, must not exceed 550 mm over its entire width.
- 25.2. The RUP must be situated as close to the rear of the vehicle as possible.

⁽⁴⁾ See footnote 2.

- 25.3. The width of the RUP must at no point exceed the width of the rear axle measured at the outermost points of the wheels, excluding the bulging of the tyres close to the ground, nor must it be more than 100 mm shorter on either side. Where there is more than one rear axle, the width to be considered is that of the widest rear axle. Where the device is contained in or comprised by the vehicle bodywork which itself extends beyond the width of the rear axle the requirement that the width of the RUP must not exceed that of the rear axle shall not apply.
- 25.4. The section height of the RUP must not be less than 100 mm. The lateral extremities of the RUP must not bend to the rear or have a sharp outer edge, this condition is fulfilled when the lateral extremities of the RUP are rounded on the outside and have a radius of curvature of not less than 2,5 mm.
- 25.5. The RUP may be so designed to have several positions at the rear of the vehicle. In this event, there must be a guaranteed method of securing it in the service position so that any unintentional change of position is precluded. The force applied by the operator to vary the position of the RUP must not exceed 40 daN.
- 25.6. The RUP must offer adequate resistance to forces applied parallel to the longitudinal axis of the vehicle and be connected, when in the service position, with the chassis side-members or whatever replaces them. This requirement will be satisfied if it is shown that both during and after the application of the forces described in Annex 5 the horizontal distance between the rear of the RUP and the rear extremity of the vehicle, including any platform lift mechanism, does not exceed 400 mm at any of the points where the test forces are applied. In measuring this distance, any part of the vehicle which is more than 2 m above the ground when the vehicle is unladen must be excluded.
- 25.7. A practical test shall not be required where it can be shown by calculation that the requirements of Annex 5, paragraph 3, are met. Where a practical test is carried out, the device must be connected to the chassis side-members of the vehicle or to a significant part of these or to other structural members.
- 25.8. For vehicles fitted with a platform lift at the rear, the underrun device may be interrupted for the purposes of the mechanism. In this case, the following special requirements apply:
- 25.8.1. the maximum lateral clearance measured between the elements of the underrun device and the elements of the platform lift, which move through the interruption when the lift is operated and which make the interruption necessary, may amount to no more than 2,5 cm;
- 25.8.2. the individual elements of the underrun protection, including those outboard of the lift mechanism, where provided, must have an effective surface area, in each case, of at least 350 cm².

However, in the case of vehicles having a width of less than 2 000 mm and where it is impossible to achieve the above requirement, the effective surface may be reduced on the condition that the resistance criteria are met.

26. CONFORMITY OF PRODUCTION

The conformity of production procedures shall comply with those set out in the Agreement, Appendix 2 (E/ECE/324-E/ECE/TRANS/505/Rev.2), with the following requirements:

- 26.1. Every vehicle approved under this Regulation shall be so manufactured as to conform to the type approved by meeting the requirements set out in paragraph 25 above;
- 26.2. The authority that has granted type approval may at any time verify the conformity control methods applied in each production facility. The normal frequency of these verifications shall be one every two years.

27. PENALTIES FOR NON-CONFORMITY OF PRODUCTION

27.1. The approval granted in respect of a vehicle type pursuant to this Regulation may be withdrawn if the requirements set forth above are not met or if the vehicle has failed to pass the test prescribed in Annex 5.

27.2. If a Contracting Party to the Agreement applying this Regulation withdraws an approval it has previously granted, it shall forthwith so notify the other Contracting Parties applying this Regulation, by means of a communication form conforming to the model in Annex 3 to this Regulation.

28. MODIFICATION AND EXTENSION OF APPROVAL OF A VEHICLE TYPE

28.1. Every modification of the vehicle type shall be notified to the administrative department which approved the vehicle type. The department may then either:

28.1.1. consider that the modifications made are unlikely to have an appreciable adverse effect and that in any case the vehicle still complies with the requirements; or

28.1.2. require a further test report from the technical service responsible for conducting the tests.

28.2. Confirmation or refusal of approval, specifying the alterations shall be communicated by the procedure specified in paragraph 24.3 above to the Parties to the Agreement applying this Regulation.

28.3. The competent authority issuing the extension of approval shall assign a series number for such an extension and inform thereof the other Parties to the 1958 Agreement applying this Regulation by means of a communication form conforming to the model in Annex 3 to this Regulation.

29. PRODUCTION DEFINITELY DISCONTINUED

If the holder of the approval completely ceases to manufacture a vehicle type approved in accordance with this Regulation, he shall so inform the authority which granted the approval. Upon receiving the relevant communication that authority shall inform thereof the other Parties to the 1958 Agreement applying this Regulation by means of a communication form conforming to the model in Annex 3 to this Regulation.

30. NAMES AND ADDRESSES OF TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS, AND OF ADMINISTRATIVE DEPARTMENTS

The Parties to the 1958 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 administrative departments which grant approval and to which forms certifying approval or extension or refusal or withdrawal of approval, issued in other countries, are to be sent.

PART IV: TRANSITIONAL PROVISIONS

31. TRANSITIONAL PROVISIONS

31.1. As from the official date of entry into force of the 02 series of amendments, no Contracting Party applying this Regulation shall:

(a) refuse to grant approval under Parts I, II and III of this Regulation as amended by the 02 series of amendments;

- (b) refuse a type of component or separate technical unit approved under Part I of this Regulation as amended by the 02 series of amendments;
 - (c) prohibit the fitting on a vehicle of a component or separate technical unit approved under Parts I and II of this Regulation as amended by the 02 series of amendments.
- 31.2. Until 18 months after the date of entry into force of this Regulation as amended by the 02 series of amendments, Contracting Parties applying this Regulation shall:
 - (a) not refuse a type of component or separate technical unit approved under Part I of this Regulation as amended by the 01 series of amendments;
 - (b) not refuse to grant approvals to those types of component or separate technical unit which comply with the requirements of Part I of this Regulation as amended by the 01 series of amendments;
 - (c) not refuse to grant extensions of approval for components or separate technical units which comply with Part I of this Regulation as amended by the 01 series of amendments;
 - (d) continue to allow the fitting on a vehicle of a component or separate technical unit approved under Parts I and II of this Regulation as amended by the 01 series of amendments.
- 31.3. Starting 18 months after the date of entry into force of this Regulation as amended by the 02 series of amendments, Contracting Parties applying this Regulation shall:
 - (a) refuse a type of component or separate technical unit which does not meet the requirements of Part I of this Regulation as amended by the 02 series of amendments;
 - (b) grant approvals only if the type of component or separate technical unit to be approved meets the requirements of Part I of this Regulation as amended by the 02 series of amendments;
 - (c) prohibit the fitting of a component or separate technical unit which does not meet the requirements of Parts I and II of this Regulation as amended by the 02 series of amendments;
 - (d) consider approvals in the case of types of component or separate technical unit to be invalid, except where they comply with the requirements of Part I of this Regulation as amended by the 02 series of amendments.
- 31.4. Until 48 months following the date of entry into force of this Regulation as amended by the 02 series of amendments Contracting Parties applying this Regulation shall:
 - (a) continue to grant approvals to those types of vehicles which comply with the requirements of Part III of this Regulation as amended by the 01 series of amendments;
 - (b) continue to accept national or regional type-approval of a vehicle type-approved under Part III of this Regulation as amended by the 01 series of amendments.
- 31.5. As from 48 months after the date of entry into force of this Regulation as amended by the 02 series of amendments, Contracting Parties applying this Regulation shall:
 - (a) grant approvals only if the vehicle type to be approved meets the requirements of Part III of this Regulation as amended by the 02 series of amendments;

- (b) refuse national or regional type-approval and shall refuse first national or regional registration (first entry into service) of a vehicle which does not meet the requirements of Part III of this Regulation as amended by the 02 series of amendments;
 - (c) consider approvals to this Regulation to be invalid, except in the case of vehicle types which comply with the requirements of Part III of this Regulation as amended by the 02 series of amendments.
- 31.6. Notwithstanding the transitional provisions above, Contracting Parties whose application of this Regulation comes into force after the date of entry into force of the most recent series of amendments are not obliged to accept approvals which were granted in accordance with any of the preceding series of amendments to this Regulation.
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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 DEFINITELY DISCONTINUED

of a type of rear underrun protective device (RUPD), pursuant to Regulation No 58.

Approval No Extension No

1. Trade name or mark of device
2. Type of device
3. Name and address of manufacturer
4. If applicable, name and address of manufacturer's representative

5. Characteristics of the device (dimensions and its fixing elements)

6. Test conducted on a rigid bench on a vehicle on a representative part of the chassis of a vehicle ⁽²⁾

7. Position on the device of the points of application of the test forces

8. Maximum horizontal deflection observed during and after the application of the test forces in Annex 5

9. Vehicles on which the device may be installed (if applicable)

10. Maximum mass of vehicle on which the device may be installed

11. Device submitted for approval on
12. Technical service responsible for conducting approval tests

13. Date of report issued by that service
14. Number of report issued by that service

15. Approval has been granted/refused/extended/withdrawn in respect of the RUPD ⁽²⁾
16. Position of approval mark on the device
17. Place
18. Date
19. Signature
20. The following documents, bearing the approval number shown above, are available upon request:
- Drawings, diagrams and layout plans of the components of the structure considered to be of importance for the purposes of this Regulation;
 - Where applicable drawings of the protective devices and their position on the vehicle.
- _____

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

⁽²⁾ Strike out what does not apply.

ANNEX 2

COMMUNICATION

(maximum format: A4 (210 × 297 mm))



issued by:

Name of administration:

.....

.....

.....

concerning ⁽²⁾: APPROVAL GRANTED
APPROVAL EXTENDED
APPROVAL REFUSED
APPROVAL WITHDRAWN
PRODUCTION DEFINITELY DISCONTINUED

of a type of a vehicle type with regard to the installation of a rear underrun protective device (RUPD) of an approved type, pursuant to Regulation No 58.

Approval No Extension No

1. Trade name or mark of device
2. Vehicle type
3. Manufacturer's name and address
.....
4. If applicable, name and address of manufacturer's representative
.....
5. Brief description of the vehicle type as regards its dimensions and lines
.....
6. Trade name or mark of the RUPD(s) and its their approval number(s)
.....
7. Maximum mass of vehicle
.....
8. Vehicle submitted for approval on
.....
9. Technical service responsible for conducting approval tests
.....
10. Date of report issued by that service
11. Number of report issued by that service
12. Approval granted/refused/extended/withdrawn ⁽²⁾
13. Position of approval mark on the vehicle

14. Place

15. Date

16. Signature

17. The following documents, bearing the approval number shown above, are available upon request:

- Drawings, diagrams and layout plans of the components of the structure considered to be of importance for the purposes of this Regulation.
- Where applicable drawings of the protective devices and their position on the vehicle.

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

⁽²⁾ Strike out what does not apply.

ANNEX 3

COMMUNICATION

(maximum format: A4 (210 × 297 mm))



issued by:

Name of administration:

.....

.....

.....

concerning ⁽²⁾: APPROVAL GRANTED
APPROVAL EXTENDED
APPROVAL REFUSED
APPROVAL WITHDRAWN
PRODUCTION DEFINITELY DISCONTINUED

of a type of a vehicle type with regard to its rear underrun protection (RUP), pursuant to Regulation No 58.

Approval No Extension No

1. Trade name or mark of vehicle
2. Vehicle type
3. Manufacturer's name and address
.....
4. If applicable, name and address of manufacturer's representative
.....
5. Brief description of the vehicle type as regards its dimensions and lines
.....
6. Brief description of the RUP, as regards its dimensions and constituent materials
.....
7. Maximum mass of vehicle
8. Value of force applied in test
9. Vehicle submitted for approval on
10. Technical service responsible for conducting approval tests
.....
11. Date of report issued by that service
12. Number of report issued by that service
13. Approval granted/refused/extended/withdrawn ⁽²⁾

14. Position of approval mark on the vehicle
15. Place
16. Date
17. Signature
18. The following documents, bearing the approval number shown above, are available upon request:
- Drawings, diagrams and layout plans of the components of the structure considered to be of importance for the purposes of this Regulation,
 - Where applicable drawings of the protective devices and their position on the vehicle.
- _____

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

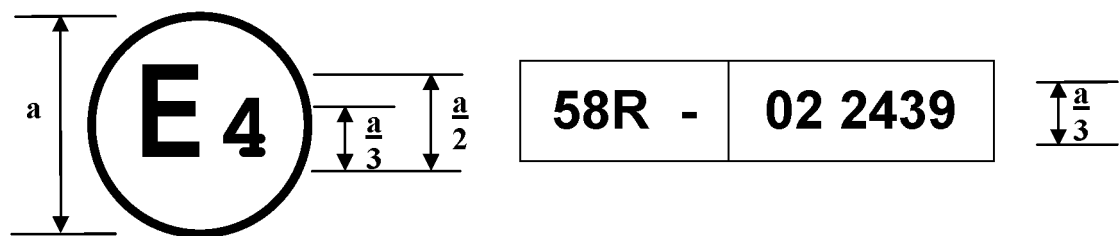
⁽²⁾ Strike out what does not apply.

ANNEX 4

ARRANGEMENTS OF APPROVAL MARKS

Model A

(See paragraphs 6.4, 15.4, 24.4 of this Regulation)

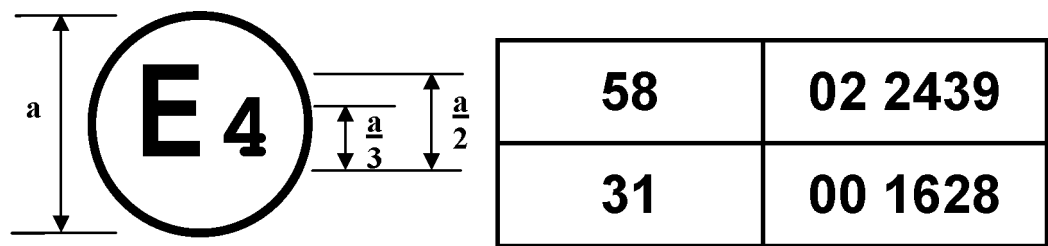


a = 8 mm min.

The above approval mark affixed to a vehicle or to an RUPD shows that the vehicle type or RUPD type concerned has, with regard to the rear underrun protection in the event of a collision, been approved in the Netherlands (E 4) pursuant to Regulation No 58 under approval number 022439. The first two digits of the approval number indicate that the approval was granted in accordance with the requirements of Regulation No 58 as amended by the 02 series of amendments.

Model B

(See paragraphs 6.5, 15.5, 24.5 of this Regulation)



a = 8 mm min.

The above approval mark affixed to a vehicle shows that the vehicle type concerned has been approved in the Netherlands (E 4) pursuant to Regulations Nos 58 and 31 ⁽¹⁾. The approval numbers indicate that, at the dates when the respective approvals were given, Regulation No 58 included the 02 series of amendments and Regulation No 31 was still in its original form.

⁽¹⁾ The latter number is given as an example only.

ANNEX 5

TEST CONDITIONS AND PROCEDURES**1. TEST CONDITIONS FOR RUPDs**

- 1.1. At the request of the manufacturer the test may be conducted either:
 - 1.1.1. on a vehicle of the type for which RUPD is intended; in this case the conditions set out in paragraph 2 shall be observed; or
 - 1.1.2. on a part of the chassis of the vehicle type for which the RUPD is intended; this part shall be representative of the vehicle type(s) in question; or
 - 1.1.3. on a rigid test bench.
- 1.2. In the case of paragraphs 1.1.2 and 1.1.3 the parts used to connect the RUPD to part of the vehicle chassis or to the rigid test bench shall be equivalent to those which are used to secure the RUPD when it is installed on the vehicle.
- 1.3. At the request of the manufacturer and with the consent of the technical service the test procedure described in paragraph 3 may be simulated by calculation.

2. TEST CONDITIONS FOR VEHICLES

- 2.1. The vehicle shall be at rest on a level, flat, rigid and smooth surface.
- 2.2. The front wheels shall be in the straight-ahead position.
- 2.3. The tyres shall be inflated to the pressure recommended by the vehicle manufacturer.
- 2.4. The vehicle may, if necessary to achieve the test forces required in paragraph 3.1 below, be restrained by any method, this method to be specified by the vehicle manufacturer.
- 2.5. Vehicles equipped with hydropneumatic, hydraulic or pneumatic suspension or a device for automatic levelling according to load shall be tested with the suspension or device in the normal running condition specified by the manufacturer.

3. TEST PROCEDURE

- 3.1. The requirements of paragraphs 7.3 and 25.6 of this Regulation shall be verified by means of suitable test mandrels; the forces for tests prescribed in paragraphs 3.1.1 and 3.1.2 below shall be applied separately and consecutively, via a surface not more than 250 mm in height (the exact height must be indicated by the manufacturer) and 200 mm wide, with a radius of curvature of 5 ± 1 mm at the vertical edges. The height above the ground of the centre of the surface must be defined by the manufacturer within the lines that bound the device horizontally. When the test is carried out on a vehicle the height must not, however, exceed 600 mm when the vehicle is unladen. The order in which the forces are applied may be specified by the manufacturer.
 - 3.1.1. A horizontal force of 100 kN or 50 % of the force generated by the maximum mass of the vehicle, whichever is the lesser, shall be applied consecutively to two points situated symmetrically about the centre line of the device or of the vehicle whichever is applicable at a minimum distance apart of 700 mm and a maximum of 1 m. The exact location of the points of application shall be specified by the manufacturer.
 - 3.1.2. In the cases defined in paragraphs 1.1.1 and 1.1.2 of this Annex a horizontal force of 50 kN or 25 per cent of the force generated by the maximum mass of the vehicle, whichever is the lesser, shall be applied consecutively to two points located 300 ± 25 mm from the longitudinal planes tangential to the outer edges of the wheels on the rear axle and to a third point located on the line joining these two points, in the median vertical plane of the vehicle.

- 3.1.3. In the cases defined in paragraph 1.1.3 of this Annex a horizontal force of 50 kN or 25 per cent of the force generated by the maximum mass of the vehicle for which the device is intended, whichever is the lesser, shall be applied consecutively to two points located at the discretion of the manufacturer of the rear underrun protective device and to a third point located on the line joining these two points, in the median vertical plane of the device.
- 3.2. Replacement force application points
- If any point defined under paragraph 3.1 is located within the interruption area of the underrun protection device as mentioned in paragraphs 7.4 or 25.8 of this Regulation, the test forces shall be applied at replacement points located:
- 3.2.1. for the requirement under paragraph 3.1.1, on the horizontal centerline and within 50 mm of each vertical edge closest to the intended points of force application, as defined in that paragraph; and
- 3.2.2. for the requirement under paragraph 3.1.2, at the intersection of the horizontal and vertical centerlines of each element furthest from the vertical centerline of the device or of the vehicle, whichever is applicable. These points should be a maximum of 325 mm from the longitudinal planes tangential to the outer edges of the wheels on the rear axle.
-