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Price: EUR 4

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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 8 November 2010

on the signing, on behalf of the Union, of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products reached on the basis of Article 19 of the Agreement on the European Economic Area

(2010/676/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 19 of the Agreement on the European Economic Area foresees that the contracting parties undertake to continue their efforts with a view to achieving progressive liberalisation of agricultural trade between them.
- (2) In September 2005 the Council authorised the Commission to open negotiations with Norway with a view to achieving greater liberalisation of bilateral trade in agricultural products, in the framework of Article 19 of the Agreement on the European Economic Area. The negotiations were successfully concluded and an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products reached on the basis of Article 19 of the Agreement on the European Economic Area ('the Agreement') was initialled on 28 January 2010.
- (3) The Agreement should be signed on behalf of the Union, subject to its conclusion,

Article 1

The signing of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products reached on the basis of Article 19 of the Agreement on the European Economic Area ('the Agreement') is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement ⁽¹⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union, subject to its conclusion.

Article 3

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

Done at Brussels, 8 November 2010.

For the Council
The President
M. WATHELET

⁽¹⁾ The text of the Agreement will be published with the Decision on its conclusion.

REGULATIONS

COMMISSION REGULATION (EU) No 1008/2010

of 9 November 2010

concerning type-approval requirements for windscreen wiper and washer systems of certain motor vehicles and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor

(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 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor ⁽¹⁾, and in particular Article 14(1)(a) thereof,

Whereas:

- (1) Regulation (EC) No 661/2009 is a separate Regulation for the purposes of the type-approval procedure provided for by Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) ⁽²⁾.
- (2) Regulation (EC) No 661/2009 repeals Council Directive 78/318/EEC of 21 December 1977 on the approximation of the laws of the Member States relating to the wiper and washer systems of motor vehicles ⁽³⁾. The requirements set out in that Directive should be carried over to this Regulation and, where necessary, amended in order to adapt them to the development of scientific and technical knowledge.
- (3) The scope of this Regulation should be in line with that of Directive 78/318/EEC and thus limited to vehicles of category M₁.
- (4) Regulation (EC) No 661/2009 lays down fundamental provisions on requirements for the type-approval of motor vehicles with regard to their windscreen wiper and washer systems and the type-approval of windscreen

washer systems as separate technical units. Therefore, it is necessary to set out the specific procedures, tests and requirements for such type-approval.

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

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to motor vehicles of category M₁, as defined in Annex II to Directive 2007/46/EC, which are fitted with a windscreen, as well as to windscreen washer systems intended for fitment to motor vehicles of category M₁.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'vehicle type with regard to the windscreen wiper and washer system' means vehicles which do not differ in such essential respects as: the characteristics of the wiper and washer system or the shape, size and characteristics of the windscreen and its mounting;
- (2) 'type of windscreen washer system' means a group of windscreen washer systems which do not differ in such essential respects as the pump performance, materials used, storage capacity, number of nozzles, sizes, wall thicknesses or shape of the washer system;
- (3) 'engine' means a combustion engine running on either liquid or gaseous fuel;
- (4) 'windscreen wiper system' means the system consisting of a device for wiping the outer face of the windscreen, together with the accessories and controls necessary for starting and stopping the device;

⁽¹⁾ OJ L 200, 31.7.2009, p. 1.

⁽²⁾ OJ L 263, 9.10.2007, p. 1.

⁽³⁾ OJ L 81, 28.3.1978, p. 49.

- (5) 'wiper field' means the area(s) on the windscreen which is wiped by the wiper blade(s) when the wiper system is operating under normal conditions.
- (6) 'intermittent operation of the wiper system' means an automatic non-continuous mode of operation of the wiper system, where after each full cycle there is a period during which the wipers are stationary in one specific designated halting position;
- (7) 'windscreen washer system' means the system consisting of devices for storing, transferring and aiming fluid towards the outer face of the windscreen, together with the controls necessary for starting and stopping the device;
- (8) 'washer control' means the device by which the washer system is manually activated and deactivated;
- (9) 'washer pump' means a device for transferring fluid from the washer system storage reservoir to the outer face of the windscreen;
- (10) 'nozzle' means a device which serves to direct fluid onto the windscreen;
- (11) 'fully primed system' means a system which has been activated normally for a period of time and where fluid has been transferred through the pump, tubing and has exited the nozzle(s);
- (12) 'cleaned area' means the previously soiled area which does not have any traces of drops and remaining dirt after it has dried completely;
- (13) 'vision area A' means test area A as defined in paragraph 2.2. of Annex 18 to UNECE Regulation No 43 ⁽¹⁾;
- (14) 'vision area B' means reduced test area B as defined in paragraph 2.4. of Annex 18 to UNECE Regulation No 43, without the exclusion of the area defined in paragraph 2.4.1. thereof;
- (15) 'design torso angle' means the angle measured between a vertical line through the R-point or seating reference point and the torso line in a position which corresponds to the design position of the seat-back as declared by the vehicle manufacturer;
- (16) 'R-point' or seating reference point means the design point defined by the vehicle manufacturer for each seating position with respect to the three-dimensional reference system;
- (17) 'three-dimensional reference system' means a reference grid which consists of a vertical longitudinal plane X-Z, a horizontal plane X-Y and a vertical transverse plane Y-Z in accordance with the provisions of Appendix 2 of Annex III to this Regulation;
- (18) 'primary reference marks' means holes, surfaces, marks or other identification signs on the vehicle body or chassis of which the X, Y and Z coordinates within the three-dimensional reference grid are specified by the vehicle manufacturer;
- (19) 'vehicle master control switch' means the device by which the vehicle's on-board electronics system is brought from being switched off, as is the case when a vehicle is parked without the driver being present, to normal operation mode;

Article 3

EC type-approval of a vehicle with regard to its windscreen wiper and washer systems

1. The manufacturer or his representative shall submit to the type-approval authority the application for EC type-approval of a vehicle with regard to its windscreen wiper and washer systems.

2. The application shall be drawn up in accordance with the model of the information document set out in Part 1 of Annex I.

3. If the relevant requirements set out in Annex III to this Regulation are met, the approval authority shall grant an EC type-approval and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

A Member State may not assign the same number to another vehicle type.

4. For the purposes of paragraph 3, the type-approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 2 of Annex I.

Article 4

EC separate technical unit type-approval of windscreen washer systems

1. The manufacturer or his representative shall submit to the type-approval authority the application for EC separate technical unit type-approval for a type of windscreen washer system.

The application shall be drawn up in accordance with the model of the information document set out in Part 1 of Annex II.

2. If the relevant requirements set out in Annex III to this Regulation are met, the approval authority shall grant an EC separate technical unit type-approval and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

⁽¹⁾ OJ L 230, 31.8.2010, p. 119.

A Member State may not assign the same number to another type of separate technical unit.

3. For the purposes of paragraph 2, the type-approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 2 of Annex II.

Article 5

EC separate technical unit type-approval mark

Every separate technical unit conforming to a type in respect of which EC separate technical unit type-approval has been granted pursuant to this Regulation shall bear an EC separate technical unit type-approval mark as set out in Part 3 of Annex II.

Article 6

Validity and extension of approvals granted under Directive 78/318/EEC

National authorities shall permit the sale and entry into service of vehicles and separate technical units type-approved before the date referred to in Article 13(2) of Regulation (EC) No 661/2009, and continue to grant extension of approvals to those vehicles and separate technical units under the terms of Directive 78/318/EEC.

Article 7

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, 9 November 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Administrative documents for EC type-approval of motor vehicles with regard to their windscreen wiper and washer systems

PART 1

Information document

MODEL

Information document No ... relating to the EC type-approval of a motor vehicle with regard to its windscreen wiper and washer systems.

The following information shall be supplied in triplicate and include a list of contents. Any drawings shall be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, shall show sufficient detail.

If the systems, components or separate technical units referred to in this information document have electronic controls, information concerning their performance shall be supplied.

0. GENERAL
 - 0.1. Make (trade name of manufacturer):
 - 0.2. Type:
 - 0.2.1. Commercial name(s) (if available):
 - 0.3. Means of identification of type, if marked on the vehicle ^(b):
 - 0.3.1. Location of that marking:
 - 0.4. Category of vehicle ^(c):
 - 0.5. Name and address of manufacturer:
 - 0.8. Name(s) and address(es) of assembly plant(s):
 - 0.9. Name and address of the manufacturer's representative (if any):
1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE
 - 1.1. Photographs and/or drawings of a representative vehicle:
3. POWER PLANT ^(k)
 - 3.2. Internal combustion engine
 - 3.2.1.8. Maximum net power ⁽ⁿ⁾: kW at min⁻¹ (manufacturer's declared value)
 - 3.2.5. Electrical system
 - 3.2.5.1. Rated voltage: V, positive/negative ground ^(l)
 - 3.2.5.2. Generator
 - 3.2.5.2.1. Type:
 - 3.2.5.2.2. Nominal output: VA
 - 3.3. Electric motor
 - 3.3.1.1. Maximum hourly output: kW
 - 3.3.1.2. Operating voltage: V
 - 3.3.2. Battery
 - 3.3.2.3. Capacity: Ah (Amp-hours)
 - 3.4. Engine or motor combination
 - 3.4.1. Hybrid electric vehicle: yes/no ⁽¹⁾
 - 3.4.2. Category of hybrid electric vehicle: off-vehicle charging/not off-vehicle charging: ⁽¹⁾
 - 3.4.4. Description of the energy storage device: (battery, capacitor, flywheel/generator)

- 3.4.4.5. Energy:
(for battery: voltage and capacity Ah in 2 h, for capacitor: J,).
- 3.4.4.6. Charger: on board/external/without ⁽¹⁾
4. TRANSMISSION ^(p)
- 4.7. Maximum vehicle design speed (in km/h) ^(q):
9. BODYWORK
- 9.2. Materials used and methods of construction:
- 9.4. Field of vision
- 9.4.1. Particulars of the primary reference marks in sufficient detail to enable them to be readily identified and the position of each in relation to the others and to the R-point to be verified:
- 9.5. Windscreen and other windows
- 9.5.1. Windscreen
- 9.5.1.1. Materials used:
- 9.5.1.2. Method of mounting:
- 9.5.1.3. Angle of inclination:
- 9.5.1.4. Type-approval number(s):
- 9.5.1.5. Windscreen accessories and the position in which they are fitted together with a brief description of any electrical/electronic components involved:
- 9.6. Windscreen wiper system
- 9.6.1. Detailed technical description (including photographs or drawings):
- 9.7. Windscreen washer system
- 9.7.1. Detailed technical description (including photographs or drawings) or, if approved as separate technical unit, type-approval number:
- 9.8. Defrosting and demisting
- 9.8.2. Maximum electrical consumption:kW
- 9.10. Interior arrangement
- 9.10.3. Seats
- 9.10.3.5. Coordinates or drawing of the R-point
- 9.10.3.5.1. Driver's seat:
- 9.10.3.6. Design torso angle
- 9.10.3.6.1. Driver's seat:

Explanatory notes

⁽¹⁾ Delete where not applicable.

^(p) If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).

^(c) Classified according to the definitions set out in Directive 2007/46/EC Part A of Annex II.

^(k) In the case of a vehicle that can run either on petrol, diesel, etc., or also in combination with another fuel, items shall be repeated. In the case of non-conventional engines and systems, particulars equivalent to those referred to here shall be supplied by the manufacturer.

⁽ⁿ⁾ Determined in accordance with the requirements of Council Directive 80/1269/EEC (OJ L 375, 31.12.1980, p. 46).

^(p) The specified particulars are to be given for any proposed variants.

^(q) With respect to trailers, maximum speed permitted by the manufacturer.

PART 2

EC type-approval certificate**MODEL**

Format: A4 (210 × 297 mm)

EC TYPE-APPROVAL CERTIFICATE

Stamp of type-approval authority

Communication concerning:

- | | | |
|---|---|---|
| — EC type-approval ⁽¹⁾ | } | of a type of vehicle with regard to its windscreen wiper and washer systems |
| — extension of EC type-approval ⁽¹⁾ | | |
| — refusal of EC type-approval ⁽¹⁾ | | |
| — withdrawal of EC type-approval ⁽¹⁾ | | |

with regard to Regulation (EU) No 1008/2010, as last amended by Regulation (EU) No .../... ⁽¹⁾

EC type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type:
- 0.2.1. Commercial name(s) (if available):
- 0.3. Means of identification of type, if marked on the vehicle ⁽²⁾:
- 0.3.1. Location of that marking:
- 0.4. Category of vehicle ⁽³⁾:
- 0.5. Name and address of manufacturer:
- 0.8. Name(s) and address(es) of assembly plant(s):
- 0.9. Name and address of the manufacturer's representative (if any):

SECTION II

1. Additional information: see Addendum.
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any): see Addendum.
6. Place:
7. Date:
8. Signature:

Attachments: Information package

Test report

⁽¹⁾ Delete where not applicable.⁽²⁾ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).⁽³⁾ As defined in Directive 2007/46/EC, Annex II, Section A.

Addendum
to EC type-approval certificate No ...

1. Additional information:
 - 1.1. Brief description of the vehicle type as regards its structure, dimensions, lines and constituent materials:
 - 1.2. Description of the method of operation of the wiper and washing systems:
 - 1.3. Detailed description of the wiper system (i.e. number of blades, blade lengths, wiper arm dimensions, etc.):
 - 1.4. Detailed description of the washer system (i.e. number of nozzles, number of outlet ports per nozzle, washer pump, fluid storage container, washer line hoses and their mounting to pump and nozzles, etc.)
 - 1.5. Fluid storage capacity (litre):
 - 1.6. Maximum vehicle design speed (km/h):
2. Hand of drive: left/right ⁽¹⁾
3. Left hand drive and mirror-opposite right hand drive systems: yes/no ⁽¹⁾
4. Aerodynamic spoiler fitted onto the wiper arm/wiper blade ⁽¹⁾ at driver side/centre/passenger side/..... ⁽¹⁾
5. Remarks:

⁽¹⁾ Delete as appropriate.

ANNEX II

Administrative documents for EC type-approval of windscreen washer systems as separate technical units

PART 1

Information document**MODEL**

Information document No ... relating to the EC type-approval as a separate technical unit of windscreen washer systems.

The following information shall be supplied in triplicate and include a list of contents. Any drawings shall be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, shall show sufficient detail.

If the systems, components or separate technical units referred to in this information document have electronic controls, information concerning their performance shall be supplied.

0. GENERAL

0.1. Make (trade name of manufacturer):

0.2. Type:

0.3. Means of identification of type, if marked on the separate technical unit ^(b):

0.3.1. Location of that marking:

0.5. Name and address of manufacturer:

0.7. In case of separate technical units, location and method of affixing the EC approval mark:

0.8. Name(s) and address(es) of assembly plant(s):

0.9. Name and address of the manufacturer's representative (if any):

9.7. Windscreen washer

9.7.1. Detailed technical description (including photographs or drawings):

Explanatory notes

^(b) If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).

PART 2

EC type-approval certificate**MODEL**

Format: A4 (210 × 297 mm)

EC TYPE-APPROVAL CERTIFICATE

Stamp of type-approval authority

Communication concerning:

- | | | |
|---|---|--|
| — EC type-approval ⁽¹⁾ | } | of a type of windscreen washer system as a separate technical unit |
| — extension of EC type-approval ⁽¹⁾ | | |
| — refusal of EC type-approval ⁽¹⁾ | | |
| — withdrawal of EC type-approval ⁽¹⁾ | | |

with regard to Regulation (EU) No 1008/2010, as last amended by Regulation (EU) No .../... ⁽¹⁾

EC type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type:
- 0.3. Means of identification of type, if marked on the separate technical unit ⁽²⁾:
- 0.3.1. Location of that marking:
- 0.5. Name and address of manufacturer:
- 0.7. Location and method of affixing of the EC approval mark:
- 0.8. Name(s) and address(es) of assembly plant(s):
- 0.9. Name and address of the manufacturer's representative (if any):

SECTION II

1. Additional information: see Addendum.
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any): see Addendum.
6. Place:
7. Date:
8. Signature:

Attachments: Information package

Test report

⁽¹⁾ Delete where not applicable.⁽²⁾ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).

Addendum
to EC type-approval certificate No ...

1. Additional information:
 - 1.1. Brief description of the type of separate technical unit:
 - 1.2. Detailed description of the washer system:
 - 1.2.1. Number of nozzles:
 - 1.2.2. Number of outlet ports per nozzle:
 - 1.2.3. Description of washer line hoses and its mounting to pump and nozzles:
 - 1.2.4. Description of washer pump:
 - 1.2.5. Fluid storage capacity (litre):
2. Suitable for hand of drive: left/right ⁽¹⁾
3. Any part of the system may be situated in the engine compartment: yes/no ⁽¹⁾
4. Separate technical unit: universal/vehicle specific ⁽¹⁾
5. Remarks:
6. List of vehicle types for which the separate technical unit has been approved (if applicable):

⁽¹⁾ Delete as appropriate.

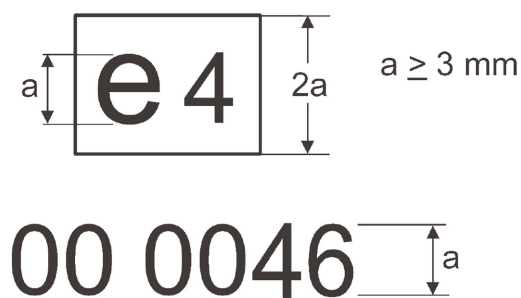
PART 3

EC separate technical unit type-approval mark

1. The EC separate technical unit type-approval mark shall consist of:
 - 1.1. A rectangle surrounding the lower-case letter 'e' followed by the distinguishing number of the Member State which has granted the EC separate technical unit type-approval:

1 for Germany	11 for the United Kingdom	24 for Ireland
2 for France	12 for Austria	26 for Slovenia
3 for Italy	13 for Luxembourg	27 for Slovakia
4 for The Netherlands	17 for Finland	29 for Estonia
5 for Sweden	18 for Denmark	32 for Latvia
6 for Belgium	19 for Romania	34 for Bulgaria
7 for Hungary	20 for Poland	36 for Lithuania
8 for the Czech Republic	21 for Portugal	49 for Cyprus
9 for Spain	23 for Greece	50 for Malta
 - 1.2. In the vicinity of the rectangle the 'base approval number' contained in Section 4 of the type-approval number preceded by the two figures indicating the sequence number assigned to this Regulation or latest major technical amendment to this Regulation. The sequence number is '00' at present.
 2. The EC separate technical unit type-approval mark shall be affixed to the windscreen washer fluid storage container in such a way as to be indelible as well as clearly and easily legible even if the device is fitted to a vehicle.
 3. An example of an EC separate technical unit type-approval mark is shown in Figure 1.

Figure 1

Example of EC separate technical unit type-approval mark*Explanatory note*

Legend The EC separate technical unit type-approval was issued by The Netherlands under number 0046. The first two digits '00' indicate that the separate technical unit was approved according to this Regulation.

ANNEX III

Requirements for windscreen wiper and washer systems

1. SPECIFIC REQUIREMENTS
- 1.1. Windscreen wiper system.
 - 1.1.1. Every vehicle shall be equipped with a windscreen wiper system which is able to function when the vehicle master control switch has been activated, without any action by the driver other than switching the operating control, needed for starting and stopping the windscreen wiper system, to the on position.
 - 1.1.1.1. The windscreen wiper system shall consist of one or more wiper arms which shall have wiper blades that are easily replaceable.
 - 1.1.2. The windscreen wiper field shall cover at least 98 % of vision area A, as determined in accordance with Appendix 3 to Annex III.
 - 1.1.3. The windscreen wiper field shall cover at least 80 % of vision area B, as determined in accordance with Appendix 3 to Annex III.
 - 1.1.4. The windscreen wiper field shall meet the requirements of paragraph 1.1.2. and 1.1.3. when the system is operating at a sweep frequency corresponding to paragraph 1.1.5.1. and shall be tested under the conditions as set out in paragraph 2.1.10. to 2.1.10.3. of this Annex.
 - 1.1.5. The windscreen wiper system shall have at least two sweep frequency settings:
 - 1.1.5.1. One frequency of not less than 10 and not more than 55 cycles per minute.
 - 1.1.5.2. One frequency of not less than 45 complete cycles per minute.
 - 1.1.5.3. The difference between the highest and a lower sweep frequency setting shall be at least 15 cycles per minute.
 - 1.1.5.4. Intermittent operation of the windscreen wiper system may be used to comply with the requirements of paragraph 1.1.5.1. to 1.1.5.3. of this Annex.
 - 1.1.6. The frequencies referred to in paragraph 1.1.5. to 1.1.5.3. shall be tested under the conditions as set out in paragraph 2.1.1. to 2.1.6 and 2.1.8. of this Annex.
 - 1.1.7. When the windscreen wiper system is stopped as a result of switching the operating control to the off position, the wiper arm(s) and blade(s) shall return to their position of rest.
 - 1.1.8. The windscreen wiper system shall be capable of withstanding stalling for at least 15 seconds. The use of automatic circuit protection devices is allowed, provided that for possible resetting no action is required other than operation of the windscreen wiper operating control.
 - 1.1.9. The capability to withstand stalling of the windscreen wiper system referred to in paragraph 1.1.8. shall be tested under the conditions as set out in paragraph 2.1.7. of this Annex.
 - 1.1.10. If the position of rest of the windscreen wiper arm(s) or blade(s) is not outside of vision area B, as determined in accordance with Appendix 3 to Annex III, it shall be possible to manually displace the wiper arm(s) in such a manner that the wiper blade(s) can be lifted from its position on the windscreen to allow that the windscreen is manually cleaned.
 - 1.1.11. The windscreen wiper system shall be capable of operating for two minutes on a dry windscreen in an ambient temperature of – 18 °C, without degradation of performance.
 - 1.1.12. The performance of the windscreen wiper system at – 18 °C shall be tested under the conditions as set out in paragraph 2.1.11. of this Annex.
 - 1.1.13. The windscreen wiper system shall continue to meet the requirements of paragraph 1.1.2. of this Annex without any degradation of efficiency, when it is operating at maximum frequency and when the vehicle is subjected to a relative air speed equal to 80 % of the vehicle's maximum design speed or 160 km/h, whichever is lower. Vision area A of the windshield shall be prepared in accordance with paragraph 2.1.8. and 2.1.9. of this Annex. The aerodynamic effects associated with the size and shape of the windscreen, wiper arm(s) and wiper blade(s) shall be verified under these conditions, also taking into account paragraph 2.1.9.1. During the test, the wiper blade(s) shall remain in contact with the windscreen and complete lift-off shall not be permitted. The wiper blade(s) shall stay in full contact with the windscreen in the area as established in paragraph 1.1.2. for each complete cycle and any partial lift-off during upwards as well as downwards stroke shall not be permitted.

- 1.2. Windscreen washer system.
- 1.2.1. Every vehicle shall be fitted with a windscreen washer system which is able to function when the vehicle master control switch has been activated, and which is capable of withstanding the loads and pressures resulting when the nozzles are plugged and the system is actuated in accordance with the procedure set out in paragraph 2.2.1.1. to 2.2.1.1.2. of this Annex.
- 1.2.2. The performance of the windscreen washer system shall not be adversely affected by exposure to the temperature cycles in accordance with paragraph 2.2.1. to 2.2.5. of this Annex.
- 1.2.3. The windscreen washer system shall have the ability to spray fluid onto the target area of the windscreen, without any trace of leakage, disconnection of any tubing and malfunctioning of any nozzle, at normal conditions when subjected to ambient temperatures between -18°C and 80°C . In addition, when the nozzles are blocked, the system shall also show no signs of leakage and disconnection of any tubing.
- 1.2.4. The windscreen washer system shall be capable of delivering sufficient fluid to clear at least 60 % of vision area A, as determined in accordance with Appendix 3 to Annex III, under the conditions as set out in paragraph 2.2.6. to 2.2.6.4. of this Annex.
- 1.2.5. The windscreen washer system shall be capable of being manually activated by means of the washer control. In addition, activation and deactivation of the system may also be coordinated and combined with any other vehicle system.
- 1.2.6. The capacity of the reservoir containing the liquid shall not be less than 1,0 litre.
2. TEST PROCEDURE
- 2.1. Windscreen wiper system test conditions.
- 2.1.1. The tests described below shall be carried out under the conditions as stated in paragraph 2.1.2. to 2.1.5. unless specified otherwise.
- 2.1.2. The ambient temperature shall be between 5°C and 40°C .
- 2.1.3. The windscreen shall be kept constantly wet.
- 2.1.4. In the case of an electric windscreen wiper system, the following additional conditions shall be met.
- 2.1.4.1. All batteries shall be fully charged at the start of the test.
- 2.1.4.2. The engine, if fitted, shall run at a speed not exceeding 30 % of the speed corresponding to its maximum power output. However, if this is proven not to be practicable due to specific engine control strategies, for instance in the case of electric hybrid vehicles, a realistic scenario taking into account the engine speeds, periodical absence or complete absence of a running engine during normal driving conditions, shall be determined. If the windscreen wiper system can meet the requirements without a running engine, the engine does not have to run at all.
- 2.1.4.3. The passing beam headlamps shall be switched on.
- 2.1.4.4. All fitted heating, ventilation, defrosting and demisting systems (regardless of the location in the vehicle) shall be operating at maximum electrical consumption.
- 2.1.5. Compressed air or vacuum operated windscreen wiper systems shall be able to function continuously at the prescribed sweep frequencies whatever the engine speed and engine load or minimum and maximum battery charge levels specified by the manufacturer for normal operation.
- 2.1.6. The sweep frequencies of the windscreen wiper system shall comply with the requirements of paragraph 1.1.5. to 1.1.5.3. of this Annex after a preliminary operating time of 20 minutes on a wet windshield.
- 2.1.7. The requirements of paragraph 1.1.8. of this Annex shall be satisfied when the wiper arms are restrained in a position corresponding to half a cycle, for a period of 15 seconds with the windscreen wiper control set at the maximum sweep frequency.
- 2.1.8. The outer face of the windscreen shall be thoroughly degreased by means of methylated spirit or an equivalent degreasing agent. After drying, a solution of ammonia of not less than 3 % and not more than 10 % shall be applied. The surface shall be allowed to dry again and shall then be wiped with a dry cotton cloth.
- 2.1.9. A coating of the test mixture, in accordance with the specifications as laid down in Appendix 4 to Annex III, shall be applied uniformly to the outer surface of the windscreen and allowed to dry.

- 2.1.9.1. Where the outer face of the windscreen has been prepared in accordance with paragraph 2.1.8. and 2.1.9., the windscreen washer system may be used during the applicable tests.
- 2.1.10. The wiper field of the windscreen wiper system, as prescribed in paragraph 1.1.4. of this Annex, shall be determined as follows.
 - 2.1.10.1. The outer face of the windscreen shall be treated in accordance with paragraph 2.1.8. and 2.1.9.
 - 2.1.10.2. In order to verify that the requirements of paragraph 1.1.2. and 1.1.3. of this Annex are met, the windscreen wiper system shall be activated, taking into account paragraph 2.1.9.1., and a trace of the wiper field shall be made and compared to a trace of the vision areas A and B, as determined in accordance with Appendix 3 to Annex III.
 - 2.1.10.3. The technical service may agree to an alternative test procedure (eg. virtual testing) to verify that the requirements of paragraph 1.1.2. and 1.1.3. of this Annex are met.
 - 2.1.11. The requirements of paragraph 1.1.11. shall be met at an ambient temperature of -18 ± 3 °C at which the vehicle has been stored for a minimum of four hours. The vehicle shall be prepared to operate under the conditions as set out in paragraph 2.1.4. to 2.1.5. During the test, the wiper system shall be operating normally, but at the maximum sweep frequency. The wiper field does not have to be observed.
- 2.2. Windscreen washer system test conditions.
 - 2.2.1. Test No 1. The windscreen washer system shall be filled with water, fully primed, and placed in an ambient temperature of 20 ± 2 °C for a minimum of four hours. The water shall be stabilized at this temperature.
 - 2.2.1.1. All nozzle outlets shall be plugged and the windscreen washer control shall be actuated six times in one minute, each time for at least three seconds.
 - 2.2.1.1.1. If the windscreen washer system is powered by the muscular energy of the driver, the force applied shall be 11,0 to 13,5 daN in case of a hand operated pump. The force applied shall be 40,0 to 44,5 daN in case of a foot operated pump.
 - 2.2.1.1.2. In case of electric pumps, the test voltage shall not be less than the rated voltage and not more than the rated voltage plus 2 Volt.
 - 2.2.1.2. The performance of the windscreen washer system at the end of the test shall be in compliance with paragraph 1.2.3. of this Annex.
 - 2.2.2. Test No 2. The windscreen washer system shall be filled with water, fully primed, and placed in an ambient temperature of -18 ± 3 °C for a minimum of four hours. The water does not have to be stabilized at this temperature.
 - 2.2.2.1. The windscreen washer control shall be actuated six times in one minute, each time for at least three seconds, in accordance with paragraph 2.2.1.1. and 2.2.1.2. The system shall then be placed in an ambient temperature of 20 ± 2 °C until the ice has completely thawed. The water does not have to be stabilized at this temperature. The performance of the windscreen washer system shall then be verified by actuating the system in accordance with paragraph 2.2.1.1. to 2.2.1.2.
 - 2.2.3. Test No 3. Low temperature cycle exposure test.
 - 2.2.3.1. The windscreen washer system shall be filled with water, fully primed, and placed in an ambient temperature of -18 ± 3 °C for a minimum of four hours so that the total mass of the water in the washer system is frozen. The system shall then be placed in an ambient temperature of 20 ± 2 °C until the ice has completely thawed, but in any case no longer than four hours. This freeze/thaw cycle shall be repeated six times. Finally, when the windscreen washer system is placed in the ambient temperature of 20 ± 2 °C and the ice has completely thawed, although the water does not have to be stabilized at this temperature, the performance of the windscreen washer system shall be verified by actuating the system in accordance with paragraph 2.2.1.1. to 2.2.1.2.
 - 2.2.3.2. The windscreen washer system shall be filled and fully primed with a low-temperature windscreen washer fluid consisting of a 50 % solution of methanol, or alternatively isopropyl alcohol, in water with a hardness not exceeding 205 mg/l (Ca). The system shall be placed in an ambient temperature of -18 ± 3 °C for a minimum of four hours. The fluid does not have to be stabilized at this temperature. The performance of the windscreen washer system shall then be verified by actuating the system in accordance with paragraph 2.2.1.1. to 2.2.1.2.
 - 2.2.4. Test No 4. High temperature cycle exposure test.
 - 2.2.4.1. If any part of the windscreen washer system is situated in the engine compartment, the system shall be filled with water, fully primed, and placed in an ambient temperature of 80 ± 3 °C for a minimum of eight hours. The water does not have to be stabilized at this temperature. The performance of the windscreen washer system shall then be verified by actuating the system in accordance with paragraph 2.2.1.1. to 2.2.1.2.

- 2.2.4.2. If no part of the windscreen washer system is situated in the engine compartment, the system shall be filled with water, fully primed, and placed in an ambient temperature of 80 ± 3 °C for a minimum of eight hours. The water does not have to be stabilized at this temperature. Subsequently, the system is placed in an ambient temperature of 20 ± 2 °C. When the temperature of the water has stabilized, the performance of the windscreen washer system shall be verified by actuating the system in accordance with paragraph 2.2.1.1. to 2.2.1.2. After this, the system shall be filled with water, fully primed, and placed in an ambient temperature of 60 ± 3 °C for a minimum of eight hours. The water does not have to be stabilized at this temperature. The performance of the windscreen washer system shall then be verified by actuating the system in accordance with paragraph 2.2.1.1. to 2.2.1.2. Alternatively, the manufacturer may request that the windscreen washer system is tested under the conditions as set out in paragraph 2.2.4.1.
- 2.2.5. The windscreen washer tests as set out in paragraph 2.2.1. to 2.2.4.2. shall be carried out in sequence on the same windscreen washer system. The system may be either tested as installed on the vehicle type for which EC type-approval is sought, or separately. In case EC type-approval is sought for a separate technical unit, the system shall be tested separately.
- 2.2.6. Test No 5. Windscreen washer system capability test
- 2.2.6.1. The windscreen washer system shall be filled with water and fully primed. With the vehicle stationary and no significant wind effect, the nozzle(s) may, if possible, be adjusted as to being pointed towards the target area on the outer face of the windscreen.
- 2.2.6.2. The outer face of the windscreen shall be treated as prescribed in paragraph 2.1.8 and 2.1.9. of this Annex.
- 2.2.6.3. The windscreen washer system shall be actuated according to the manufacturer's instructions, taking into account paragraph 2.2.1.1.1 and 2.2.1.1.2. of this Annex. The total duration of the test shall not exceed 10 complete cycles of automatic operation of the windscreen wiper system operating at the maximum sweep frequency.
- 2.2.6.4. In order to verify that the requirements of paragraph 1.2.4. of this Annex are met, a trace of the relevant cleaned area shall be made and compared to a trace of the vision area A, as determined in accordance with Appendix 3 to Annex III. If it is clearly obvious to the observer that the requirements are met, it is not required that the traces are prepared.
- 2.2.7. The test as set out in paragraph 2.2.6. to 2.2.6.4. shall always be performed on the vehicle type for which EC type-approval is sought, even in the case when an approved separate technical unit is installed on the vehicle.

Appendix 1

Procedure for verification of the R-point or seating reference point

The R-point or seating reference point is established in accordance with the provisions laid down in Annex 3 to UNECE Regulation No 17 ⁽¹⁾.

⁽¹⁾ OJ L 373, 27.12.2006, p. 1.

*Appendix 2***Procedure for determining primary reference marks in the three-dimensional reference system**

The dimensional relationships between primary reference marks on drawings and their position on the actual vehicle are established in accordance with the provisions laid down in Annex 4 to UNECE Regulation No 125 ⁽¹⁾.

⁽¹⁾ OJ L 200, 31.7.2010, p. 38.

*Appendix 3***Procedure for determining vision areas on windcreens of vehicles**

The vision areas A and B are established in accordance with the provisions laid down in Annex 18 to UNECE Regulation No 43.

*Appendix 4***Specifications of the test mixture for testing the windscreen wiper and washer systems**

1. The test mixture referred to in paragraph 2.1.9. of Annex III shall consist of the following:
 - 1.1. Water, with a hardness of less than 205 mg/l (Ca): 92,5 % by volume.
 - 1.2. Aqueous saturated salt (sodium chloride), solution: 5,0 % by volume.
 - 1.3. Dust, in accordance with the specifications of paragraph 1.3.1. to 1.3.2.6. below: 2,5 % by volume.
 - 1.3.1. Specifications of the test dust analysis
 - 1.3.1.1. 68 ± 1 % SiO_2 by mass
 - 1.3.1.2. 4 ± 1 % Fe_2O_3 by mass
 - 1.3.1.3. 16 ± 1 % Al_2O_3 by mass
 - 1.3.1.4. 3 ± 1 % CaO by mass
 - 1.3.1.5. $1,0 \pm 0,5$ % MgO by mass
 - 1.3.1.6. 4 ± 1 % Alkalis by mass
 - 1.3.1.7. $2,5 \pm 0,5$ % Ignition loss by mass
 - 1.3.2. Specifications of the particle-size distribution in course-grade dust
 - 1.3.2.1. 12 ± 2 % of 0 to 5 μm particle-size
 - 1.3.2.2. 12 ± 3 % of 5 to 10 μm particle-size
 - 1.3.2.3. 14 ± 3 % of 10 to 20 μm particle-size
 - 1.3.2.4. 23 ± 3 % of 20 to 40 μm particle-size
 - 1.3.2.5. 30 ± 3 % of 40 to 80 μm particle-size
 - 1.3.2.6. 9 ± 3 % of 80 to 200 μm particle-size

COMMISSION REGULATION (EU) No 1009/2010**of 9 November 2010**

concerning type-approval requirements for wheel guards of certain motor vehicles and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor

(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 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor⁽¹⁾, and in particular Article 14 (1)(a) thereof,

Whereas:

- (1) Regulation (EC) No 661/2009 is a separate Regulation for the purposes of the type-approval procedure provided for by Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)⁽²⁾.
- (2) Regulation (EC) No 661/2009 repeals Council Directive 78/549/EEC of 12 June 1978 on the approximation of the laws of the Member States relating to the wheel guards of motor vehicles⁽³⁾. The requirements set out in that Directive should be carried over to this Regulation and, where necessary, amended in order to adapt them to the development of scientific and technical knowledge.
- (3) The scope of this Regulation should be in line with that of Directive 78/549/EEC and thus limited to vehicles of category M₁.
- (4) Regulation (EC) No 661/2009 lays down fundamental provisions on requirements for the type-approval of certain motor vehicles with regard to wheel guards. Therefore it is necessary to also set out the specific procedures, tests and requirements for such type-approval.

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

HAS ADOPTED THIS REGULATION:

Article 1**Scope**

This Regulation applies to motor vehicles of category M₁, as defined in Annex II to Directive 2007/46/EC.

Article 2**Definitions**

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'vehicle type with regard to wheel guards' means vehicles which do not differ in such essential respects as the characteristics of the wheel guards or the minimum and maximum tyre and wheel sizes suitable for fitment, taking into account the applicable tyre envelopes, rim sizes and wheel off-sets;
- (2) 'tyre envelope' means the maximum section width and outer-diameter of a tyre, including tolerances, as permitted and specified according to its component approval;
- (3) 'snow traction device' means a snow chain or other equivalent device providing traction in snow, which shall be able to be mounted onto the vehicle's tyre/wheel combination and which is not a snow tyre, winter tyre, all-season tyre or any other tyre by itself.

Article 3**Provisions for EC type-approval of a vehicle with regard to wheel guards**

1. The manufacturer or his representative shall submit to the type-approval authority the application for EC type-approval of a vehicle with regard to wheel guards.

⁽¹⁾ OJ L 200, 31.7.2009, p. 1.

⁽²⁾ OJ L 263, 9.10.2007, p. 1.

⁽³⁾ OJ L 168, 26.6.1978, p. 45.

2. The application shall be drawn up in accordance with the model of the information document set out in Part 1 of Annex I.

3. If the relevant requirements set out in Annex II to this Regulation are met, the approval authority shall grant an EC type-approval and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

A Member State may not assign the same number to another vehicle type.

4. For the purposes of paragraph 3, the type-approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 2 of Annex I.

Article 4

Validity and extension of approvals granted under Directive 78/549/EEC

National authorities shall permit the sale and entry into service of vehicles type-approved before the date referred to in Article 13(2) of Regulation (EC) No 661/2009 and continue to grant extension of approvals to those vehicles under the terms of Directive 78/549/EEC.

Article 5

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, 9 November 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Administrative documents for EC type-approval of motor vehicles with regard to wheel guards

PART 1

Information document

MODEL

Information document No ... relating to the EC type-approval of a motor vehicle with regard to wheel guards.

The following information shall be supplied in triplicate and include a list of contents. Any drawings shall be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, shall show sufficient detail.

If the systems, components or separate technical units referred to in this information document have electronic controls, information concerning their performance shall be supplied.

0. GENERAL

0.1. Make (trade name of manufacturer):

0.2. Type:

0.2.1. Commercial name(s) (if available):

0.3. Means of identification of type, if marked on the vehicle ^(b):

0.3.1. Location of that marking:

0.4. Category of vehicle ^(c):

0.5. Name and address of manufacturer:

0.8. Name(s) and address(es) of assembly plant(s):

0.9. Name and address of the manufacturer's representative (if any):

1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE

1.1. Photographs and/or drawings of a representative vehicle:

1.3. Number of axles and wheels:

1.3.1. Number and position of axles with twin wheels:

1.3.2. Number and position of steered axles:

1.3.3. Powered axles (number, position, interconnection):

2. MASSES AND DIMENSIONS ^(f) ^(g)

2.3. Axle track(s) and width(s):

2.3.1. Track of each steered axle: ^(g4)2.3.2. Track of all other axles: ^(g4)

2.3.3. Width of the widest rear axle:

2.3.4. Width of the foremost axle (measured at the outermost part of the tyres excluding the bulging of the tyres close to the ground):

2.4. Range of vehicle dimensions (overall)

2.4.1. For chassis without bodywork

- 2.4.1.2. Width ^(g7):
- 2.4.1.3. Height (in running order) ^(g8) (for suspensions adjustable for height, indicate normal running position):
- 2.4.2. For chassis with bodywork
- 2.4.2.2. Width ^(g7):
- 2.4.2.3. Height (in running order) ^(g8) (for suspensions adjustable for height, indicate normal running position):
- 2.6. Mass in running order
- Mass of the vehicle with bodywork and, in the case of a towing vehicle of category other than M₁, with coupling device, if fitted by the manufacturer, in running order, or mass of the chassis or chassis with cab, without bodywork and/or coupling device if the manufacturer does not fit the bodywork and/or coupling device (including liquids, tools, spare wheel, if fitted, and driver and, for buses and coaches, a crew member if there is a crew seat in the vehicle) ^(h) (maximum and minimum for each variant):
6. SUSPENSION
- 6.2.1. Level adjustment: yes/no/optional ⁽¹⁾
- 6.6. Tyres and wheels
- 6.6.1. Tyre/wheel combination(s)
- (a) for tyres indicate size designation;
- (b) for wheels indicate rim size(s) and off-set(s)
- 6.6.1.1. Axles
- 6.6.1.1.1. Axle 1:
- 6.6.1.1.2. Axle 2:
- etc.
- 6.6.4. Description of the snow traction device(s) and the tyre/wheel combination(s) on the front and/or rear axle(s) suitable for the type of vehicle, as recommended by the manufacturer:
- 9.16. Wheel guards
- 9.16.1. Brief description of the vehicle with regard to its wheel guards:
- 9.16.2. Detailed drawings of the wheel guards and their position on the vehicle showing the dimensions specified in Figure 1 of Annex II of this Regulation and taking account of the extremes of tyre/wheel combinations:

Explanatory notes

⁽¹⁾ Delete where not applicable.

^(b) If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).

^(c) Classified according to the definitions set out in Directive 2007/46/EC Part A of Annex II.

^(f) Where there is one version with a normal cab and another with a sleeper cab, both sets of masses and dimensions are to be stated.

^(g) Standard ISO 612: 1978 - Road vehicles - Dimensions of motor vehicles and towed vehicles - terms and definitions.

^(g4) Term No 6.5.

^(g7) Term No 6.2.

^(g8) Term No 6.3.

^(h) The mass of the driver and, if applicable, of the crew member is assessed at 75 kg (subdivided into 68 kg occupant mass and 7 kg luggage mass according to ISO Standard 2416 - 1992), the fuel tank is filled to 90 % and the other liquid containing systems (except those for used water) to 100 % of the capacity specified by the manufacturer.

PART 2

EC type-approval certificate

MODEL

Format: A4 (210 × 297 mm)

EC TYPE-APPROVAL CERTIFICATE

Stamp of type-approval authority

Communication concerning:

- | | | |
|---|---|--|
| — EC type-approval ⁽¹⁾ | } | of a type of vehicle with regard to wheel guards |
| — extension of EC type-approval ⁽¹⁾ | | |
| — refusal of EC type-approval ⁽¹⁾ | | |
| — withdrawal of EC type-approval ⁽¹⁾ | | |

with regard to Regulation (EU) No 1009/2010 as last amended by Regulation (EU) No .../... ⁽¹⁾

EC type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type:
- 0.2.1. Commercial name(s) (if available):
- 0.3. Means of identification of type, if marked on the vehicle ⁽²⁾:
- 0.3.1. Location of that marking:
- 0.4. Category of vehicle ⁽³⁾:
- 0.5. Name and address of manufacturer:
- 0.8. Name(s) and address(es) of assembly plant(s):
- 0.9. Name and address of the manufacturer's representative (if any):

SECTION II

1. Additional information: see Addendum.
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any): see Addendum.
6. Place:
7. Date:
8. Signature:

Attachments: Information package

Test report

⁽¹⁾ Delete where not applicable.⁽²⁾ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).⁽³⁾ As defined in Directive 2007/46/EC, Annex II, Section A.

Addendum
to EC type-approval certificate No ...

1. Additional information:
 - 1.1. Brief description of the vehicle type as regards its structure, dimensions, lines and constituent materials:
 - 1.2. Description of the wheel guards:
 - 1.3. Tyre/wheel combination(s) (including tyre size, rim size and wheel off-set):
 - 1.4. Description of the type of snow traction device(s) which may be used:
 - 1.5. Tyre/wheel combination(s) (including tyre size, rim size and wheel off-set) to be used with the snow traction device(s):
2. Permanently driven axle(s): axle 1/axle 2/... ⁽¹⁾
3. Suspension height adjustable: yes/no ⁽¹⁾
4. Wheel guards detachable/not detachable ⁽¹⁾ as a unit/in parts ⁽¹⁾
5. Remarks:

⁽¹⁾ Delete as appropriate.

ANNEX II

Requirements for wheel guards**1. GENERAL REQUIREMENTS**

- 1.1. The motor vehicle shall be provided with a wheel guard for each wheel.
- 1.2. The wheel guard may consist of parts of the bodywork or separate mudguards and shall be so designed as to protect road users, as far as possible, against thrown-up stones, mud, ice, snow and water and to reduce the dangers due to contact with rotating wheels.

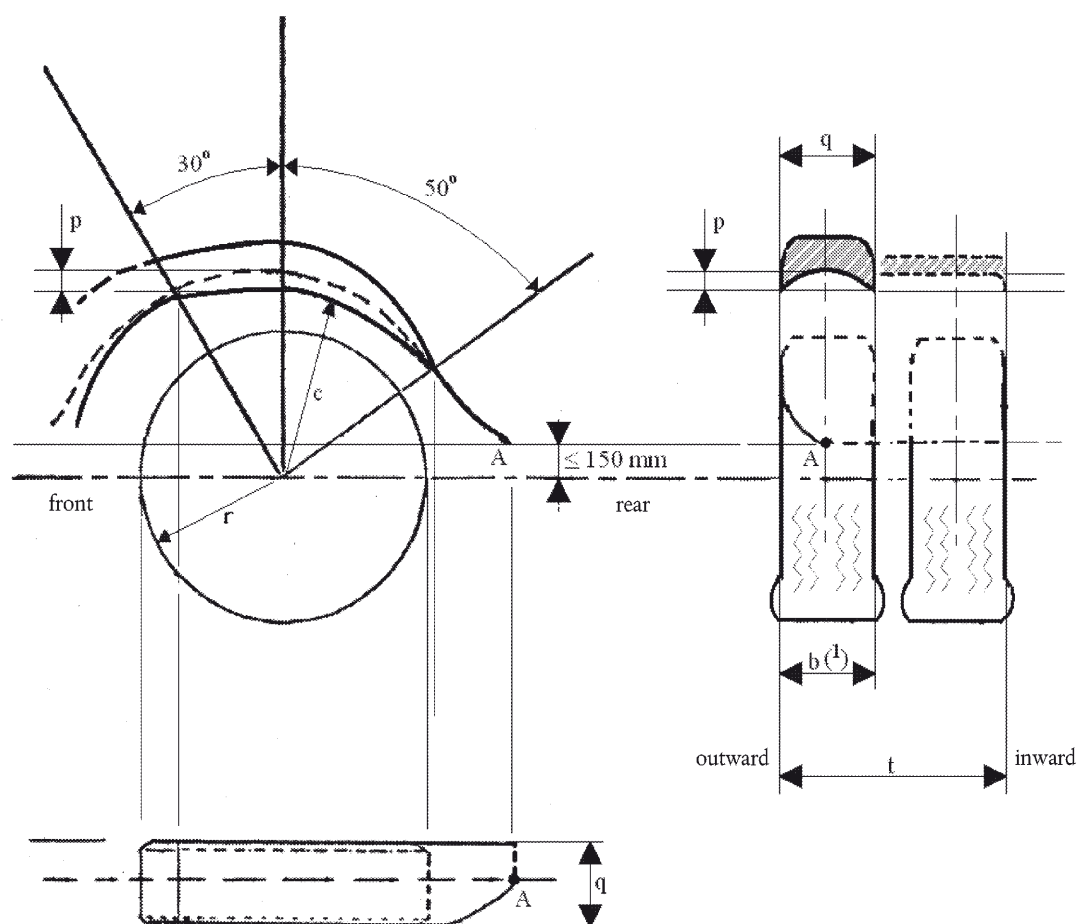
2. SPECIFIC REQUIREMENTS

- 2.1. The wheel guards shall meet the following requirements with the vehicle's mass adjusted to that of the manufacturer's declared mass in running order with one additional passenger on the first seating row and the steered wheels in the straight ahead position.
 - 2.1.1. In the part formed by radial planes at an angle of 30° towards the front and 50° towards the rear of the centre of the wheels (see Figure 1), the overall width (q) of the wheel guard shall be at least sufficient to cover the total tyre width (b) taking into account the tyre envelope as well as the extremes of the tyre/wheel combination(s) as specified by the manufacturer. In the case of twin wheels, the tyre envelopes and total width over the two tyres (t) shall be taken into account.
 - 2.1.1.1. For the purposes of determining the widths referred to in paragraph 2.1.1, the labelling (marking) and decorations, protective bands or ribs on tyre walls are not taken into account.
 - 2.1.2. The rear of the wheel guard shall not terminate above a horizontal plane 150 mm above the axis of rotation of the wheels, furthermore:
 - 2.1.2.1. In case of single wheels, the intersection of the rear edge of the wheel guard with the horizontal plane as defined in paragraph 2.1.2 (see Figure 1, point A) shall lie outwards of the median longitudinal plane of the tyre.
 - 2.1.2.2. In the case of twin wheels, the intersection of the rear edge of the wheel guard with the horizontal plane as defined in paragraph 2.1.2 (see Figure 1, point A) at the outside wheel shall lie outwards of the median longitudinal plane of the outermost tyre.
 - 2.1.3. The contour and location of each wheel guard shall be such that they are as close to the tyres as possible. In particular within the part formed by the radial planes referred to in paragraph 2.1.1, the following requirements shall be satisfied:
 - 2.1.3.1. The depth (p) of the recess situated in the vertical plane of the tyre axis, measured from the outward and inward edges of the wheel guard at the vertical longitudinal plane passing through the centre of the tyre inside the wheel guard, shall be at least 30 mm. This depth (p) may be reduced progressively to zero towards the radial planes specified in paragraph 2.1.1.
 - 2.1.3.2. The distance (c) between the lower edges of the wheel guard and the axis passing through the centre of rotation of the wheels shall not exceed $2 \times r$, where the radius (r) is the static radius of the tyre.
 - 2.1.4. In the case of vehicles having an adjustable suspension height, the abovementioned requirements shall be met when the vehicle is in the normal running position as specified by the vehicle manufacturer.
 - 2.2. The wheel guards may consist of several components, provided that no gaps exist between or within the individual parts when assembled.
 - 2.3. The wheel guards shall be firmly attached. However, they may be detachable either as a unit or in parts.
- 3. USE OF SNOW TRACTION DEVICES**
- 3.1. In the case of vehicles where only two wheels are driven, the manufacturer shall certify that the vehicle is so designed that at least one type of snow traction device can be used on at least one of the tyre and wheel combinations approved for the driven axle of the vehicle. The snow traction device and tyre/wheel combination(s) suitable for the vehicle type shall be specified by the manufacturer under item 6.6.4 in the information document.

- 3.2. In the case of vehicles where all wheels are driven, including vehicles where drive axles can be disengaged either manually or automatically, the manufacturer shall certify that the vehicle is so designed that at least one type of snow traction device can be used on at least one of the tyre and wheel combinations approved for the driven axle, which cannot be disengaged, of the vehicle. The snow traction device and tyre/wheel combination(s) suitable for the vehicle type shall be specified by the manufacturer under item 6.6.4 in the information document.
- 3.3. The vehicle manufacturer shall include relevant instructions regarding the correct use of the specified snow traction devices in the vehicle handbook and this information shall be given in the national language, or at least one of the national languages, of the country in which the vehicle is offered for sale.

Figure 1

Diagram of wheel guard



Explanatory note

- (1) The tyre width (b) is determined at the top part of the tyre (tyre section width between the radial planes as referred to in paragraph 2.1.1).

COMMISSION REGULATION (EU) No 1010/2010**of 8 November 2010****establishing a prohibition of fishing for redfish in NAFO 3M by vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

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,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required ⁽²⁾, lays down quotas for 2010.

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.

(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 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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, 8 November 2010.

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

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 21, 26.1.2010, p. 1.

ANNEX

No	8/T&Q
Member State	Spain
Stock	RED/03M.
Species	Redfish (<i>Sebastes</i> spp.)
Zone	NAFO 3M
Date	13.4.2010

COMMISSION REGULATION (EU) No 1011/2010**of 9 November 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 November 2010.

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

Done at Brussels, 9 November 2010.

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

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	46,8
	MA	75,9
	MK	35,0
	TR	95,0
	ZZ	63,2
0707 00 05	EG	161,4
	MK	59,4
	TR	146,1
	ZA	121,6
	ZZ	122,1
0709 90 70	MA	78,8
	TR	143,6
	ZZ	111,2
0805 20 10	MA	71,5
	ZA	149,8
	ZZ	110,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	AR	100,3
	HR	47,9
	TR	62,2
	UY	54,2
	ZA	60,7
	ZZ	65,1
0805 50 10	AR	54,2
	BR	83,8
	CL	81,9
	EC	92,5
	TR	69,3
	UY	61,0
	ZA	109,5
	ZZ	78,9
0806 10 10	BR	227,9
	PE	182,7
	TR	157,9
	US	227,8
	ZA	79,2
	ZZ	175,1
0808 10 80	AR	75,7
	AU	149,8
	CA	73,1
	CL	84,2
	CN	82,6
	MK	22,1
	NZ	116,8
	US	118,9
	ZA	83,9
	ZZ	89,7
0808 20 50	CN	41,7
	US	48,2
	ZZ	45,0

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

COMMISSION REGULATION (EU) No 1012/2010**of 9 November 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 1007/2010 ⁽⁴⁾

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 November 2010.

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

Done at Brussels, 9 November 2010.

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

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 291, 9.11.2010, p. 45.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 10 November 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	63,80	0,00
1701 11 90 ⁽¹⁾	63,80	0,00
1701 12 10 ⁽¹⁾	63,80	0,00
1701 12 90 ⁽¹⁾	63,80	0,00
1701 91 00 ⁽²⁾	55,14	0,93
1701 99 10 ⁽²⁾	55,14	0,00
1701 99 90 ⁽²⁾	55,14	0,00
1702 90 95 ⁽³⁾	0,55	0,19

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

DIRECTIVES

COMMISSION DIRECTIVE 2010/74/EU

of 9 November 2010

amending Directive 98/8/EC of the European Parliament and of the Council to extend the inclusion in Annex I thereto of the active substance carbon dioxide to product type 18

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes carbon dioxide.
- (2) Commission Directive 2008/75/EC of 24 July 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include carbon dioxide as an active substance in Annex I thereto⁽³⁾ included carbon dioxide as an active substance in Annex I to Directive 98/8/EC for use in product type 14, rodenticides, as defined in Annex V to Directive 98/8/EC.
- (3) Pursuant to Regulation (EC) No 1451/2007, carbon dioxide has now been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 18, insecticides, acaricides and products to control other arthropods, as defined in Annex V to that Directive.
- (4) France was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 19 February 2008 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

- (5) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 27 May 2010, in an assessment report.
- (6) It appears from the examinations made that biocidal products used as insecticides, acaricides and products to control other arthropods and containing carbon dioxide may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to extend the inclusion of carbon dioxide in Annex I to that Directive to such products.
- (7) Not all potential uses have been evaluated at the European level. It is therefore appropriate that Member States assess those uses or exposure scenarios and those risks to the compartments and populations that have not been representatively addressed in the European level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to reduce the identified risks to acceptable levels.
- (8) In the light of the findings of the assessment report, it is appropriate to require that risk mitigation measures are applied at product authorisation level to products containing carbon dioxide and used as insecticides, acaricides and products to control other arthropods to ensure that risks are reduced to an acceptable level in accordance with Article 5 of Directive 98/8/EC and Annex VI thereto. In particular, it is appropriate to require that products are only sold to and used by trained professionals, that appropriate measures to protect operators are taken to ensure minimum risk, including the availability of personal protective equipment if necessary, and that appropriate measures are taken to protect bystanders, such as exclusion from the treatment area during fumigation.
- (9) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance carbon dioxide and also to facilitate the proper operation of the biocidal products market in general.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

⁽³⁾ OJ L 197, 25.7.2008, p. 54.

- (10) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.
- (11) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC.
- (12) Directive 98/8/EC should therefore be amended accordingly.
- (13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 October 2011 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 November 2012.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 9 November 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

The following is added to entry 'No 7' in Annex I to Directive 98/8/EC:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
			'990 ml/l	1 November 2012	31 October 2014	31 October 2022	18	When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, when relevant for the particular product, those uses or exposure scenarios and those risks to compartments and populations that have not been representatively addressed in the European level risk assessment. When granting product authorisation, Member States shall assess the risks and subsequently ensure that appropriate measures are taken or specific conditions imposed in order to mitigate the identified risks. Member States shall ensure that authorisations are subject to the following conditions: (1) Product shall only be sold to and used by professionals trained to use them. (2) Appropriate measures to protect operators shall be taken to ensure minimum risk, including the availability of personal protective equipment if necessary. (3) Appropriate measures shall be taken to protect bystanders, such as exclusion from the treatment area during fumigation.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

DECISIONS

COUNCIL DECISION 2010/677/CFSP

of 8 November 2010

repealing Common Position 98/409/CFSP concerning Sierra Leone

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 29 June 1998, the Council adopted Common Position 98/409/CFSP concerning Sierra Leone⁽¹⁾ in order to implement the measures imposed by United Nations Security Council Resolution (hereinafter 'UNSCR') 1171(1998).
- (2) On 28 January 2008, the Council adopted Common Position 2008/81/CFSP amending Common Position 98/409/CFSP⁽²⁾ in order to implement the measures imposed by UNSCR 1793(2007) providing for an exemption to the measures imposed by paragraph 5 of UNSCR 1171(1998).
- (3) On 29 September 2010, the United Nations Security Council adopted UNSCR 1940(2010) repealing UNSCR 1171(1998).

- (4) Common Position 98/409/CFSP should therefore be repealed,

HAS ADOPTED THIS DECISION:

Article 1

Common Position 98/409/CFSP is hereby repealed.

Article 2

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

Done at Brussels, 8 November 2010.

For the Council
The President
M. WATHELET

⁽¹⁾ OJ L 187, 1.7.1998, p. 1.

⁽²⁾ OJ L 24, 29.1.2008, p. 54.

COMMISSION DECISION

of 5 November 2010

concerning a financial contribution from the Union towards a coordinated monitoring programme on the prevalence of *Listeria monocytogenes* in certain ready-to-eat foods to be carried out in the Member States

(notified under document C(2010) 7516)

(2010/678/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 66 thereof,

Having regard to Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents ⁽²⁾, and in particular Article 5 thereof,

Whereas:

(1) Regulation (EC) No 882/2004 lays down, among others, procedures governing a financial support from the Union to conduct measures necessary to ensure the application of Regulation (EC) No 882/2004.

(2) Directive 2003/99/EC provides that coordinated monitoring programmes may be established, especially when specific needs are identified, to assess risks and to establish baseline values related to zoonoses and zoonotic agents.

(3) Reports on trends and sources of zoonoses, zoonotic agents and antimicrobial resistance in the Union were issued by the European Food Safety Authority (EFSA) and the European Centre for Disease Prevention and Control in 2006 ⁽³⁾ and 2007 ⁽⁴⁾ (EFSA-ECDC reports). According to those reports, a total of 1 588 cases of listeriosis (*Listeria monocytogenes*) in humans were

registered in 25 Member States in 2006. In addition, 1 558 such cases were registered in 26 Member States in 2007. The reports further demonstrated a significant increase in the incidence of such cases in humans over the period 2001-2006. Illness is often severe and mortality is high.

(4) The fact that *Listeria monocytogenes* is able to multiply in various foods at temperatures as low as 2 to 4 °C makes the occurrence of *Listeria monocytogenes* in ready-to-eat foods with a relatively long shelf-life of particular concern.

(5) Pursuant to Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs ⁽⁵⁾, food business operators are to comply with *Listeria monocytogenes* food safety criteria for ready-to-eat foods within the framework of good hygiene practices and hazard analysis of critical control point (HACCP) programmes.

(6) The EFSA-ECDC reports showed that the highest proportions of non-compliance with the *Listeria monocytogenes* criteria were registered in ready-to-eat cheese and in ready-to-eat fishery and heat-treated meat products.

(7) The exposure of humans to *Listeria monocytogenes* is mainly food-borne. Therefore the prevalence and level of *Listeria monocytogenes* contamination in ready-to-eat fishery products, cheeses and heat-treated meat products should be estimated in a harmonised and comparable way by means of a coordinated monitoring programme at retail level in all Member States.

(8) The growth of *Listeria monocytogenes* in a ready-to-eat product is influenced significantly by the pH, water activity and storage temperature of the product. A modelling can be used for the estimation of the growth of *Listeria monocytogenes* in a ready-to-eat product under various temperature conditions.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 325, 12.12.2003, p. 31.

⁽³⁾ *The EFSA Journal* (2007), 130.

⁽⁴⁾ *The EFSA Journal* (2009), 223.

⁽⁵⁾ OJ L 338, 22.12.2005, p. 1.

- (9) Where there are no relevant definitions in the Union legislation, the definitions in the Codex General Standard for Cheese (CODEX STAN 283-1978, amendment 2008) and in the Codex Group Standard for Unripened Cheese including Fresh Cheese (CODEX STAN 221-2001, amendment 2008) issued by the Codex Alimentarius Commission should be used to guarantee the harmonised approach in defining ready-to-eat cheeses.
- (10) In May 2009, the Task Force on Monitoring of Zoonoses Data Collection of EFSA adopted a Report on proposed technical specifications for a coordinated monitoring programme for *Listeria monocytogenes* in certain categories of RTE foods at retail in the EU ⁽¹⁾.
- (11) In order to further harmonise the sampling stage the samples shall be taken at retail level covering shops, supermarkets and other similar outlets that sell directly to the final consumer.
- (12) Data collected within the frame of the coordinated monitoring programme should not be used for other purposes than this programme without a prior agreement of the Member States in order to guarantee confidentiality of the data.
- (13) Given the importance of collecting comparable data on the prevalence of *Listeria monocytogenes* in ready-to-eat foods, a financial contribution from the Union for carrying out such coordinated monitoring programme should be granted.
- (14) In order to allow the sampling and analyses within the frame of the coordinated programme to be performed in a harmonised way but taking into account the possible differences in the time frame of it between the Member States it is appropriate to lay down the starting time and duration of the programme.
- (15) A financial contribution from the Union should be granted insofar as the coordinated monitoring programme is carried out in accordance with this Decision and provided that the competent authorities furnish all the necessary information within the time limits provided for therein.
- (16) For reasons of administrative efficiency all expenditure presented for a financial contribution from the Union should be expressed in euro. In accordance with Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽²⁾, the conversion rate for expenditure in a currency other than euro should be the rate most recently set by the European Central Bank prior to the first day of the month in which the application for reimbursement is submitted by the Member State concerned.
- (17) The present Decision constitutes a financing Decision within the meaning of Article 75 of the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ (Financial Regulation), Article 90 of the detailed rules for the implementation of the Financial Regulation, and Article 15 of the Internal Rules on the Implementation of the general budget of the European Communities.
- (18) 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 ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision establishes a coordinated monitoring programme on the prevalence of *Listeria monocytogenes* in certain ready-to-eat food categories provided for in Article 2 at retail level, and lays down rules on a financial contribution from the Union to the Member States for its implementation.

Article 2

Scope and duration of the coordinated monitoring programme

1. The Member States shall carry out a coordinated monitoring programme to assess the prevalence of *Listeria monocytogenes* in the following ready-to-eat food categories in samples selected at random at retail level:

- (a) packaged (not frozen) hot or cold smoked or gravad fish;
- (b) soft or semi-soft cheeses, excluding fresh cheeses;
- (c) packaged heat-treated meat products.

2. The sampling activities in the framework of the coordinated monitoring programme provided for in paragraph 1 shall be carried out starting in 2010 and covering at least 12 months.

Article 3

Definitions

For the purposes of this Decision, the following definitions shall apply:

- 1. 'ready-to-eat food' means ready-to-eat food as defined in Article 2(g) of Regulation (EC) No 2073/2005.
- 2. 'shelf-life' means shelf-life as defined in Article 2(f) of Regulation (EC) No 2073/2005.

⁽¹⁾ The EFSA Journal (2009) 300, 1-66.

⁽²⁾ OJ L 209, 11.8.2005, p. 1.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

3. 'batch' means batch as defined in Article 2(e) of Regulation (EC) No 2073/2005.
4. 'retail' means retail as defined in Article 3(7) of Regulation (EC) No 178/2002 of the European Parliament and the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾; however, for the purposes of this Decision, retail covers only shops, supermarkets and other similar outlets that sell directly to the final consumer; it does not include distribution terminals or centres, catering operations, institutional catering, factory canteens, restaurants and other similar food service operations and wholesale outlets.
5. 'processing' means processing as defined in Article 2(1)(m) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽²⁾.
6. 'meat products' means meat products as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽³⁾.
7. 'country of production' means the country indicated on the identification mark as provided for in point 6 of part B of Section I of Annex II to Regulation (EC) No 853/2004.
8. 'packaged food' means food that has its entire surface covered in order to prevent direct contact of the food with the environment, either by permeable or impermeable wrapping.
9. 'modified atmosphere packaged food' means food that was packaged and hermetically sealed after the removal of air from the package and the replacement of that air with a strictly controlled gaseous mixture of carbon dioxide, oxygen, and/or nitrogen.
10. 'vacuum packaged food' means food that was packaged and hermetically sealed after the removal of the air from the package.
11. 'smoked fish' means fish cured by smoking.
12. 'gravad fish' means fish that has been cured in salt and sugar without thermal treatment.
13. 'ripened cheeses' means cheeses which are not ready for consumption shortly after manufacture but which must be held for such time, at such temperature, and under such other conditions as will result in the necessary biochemical and physical changes characterising the cheese in question.
14. 'soft cheeses' means cheeses that have a percentage moisture, on a fat-free basis, higher than 67 %.
15. 'semi-soft cheeses' means cheeses that have a texture which is only slightly harder than the soft cheese category. These cheeses have a percentage moisture, on a fat-free basis, ranging from 62 to 67 %. Semi-soft cheeses are characterised by their firm but elastic feel.
16. 'mould-ripened cheeses' means cheeses in which the ripening has been accomplished primarily by the development of characteristic mould growth throughout the interior and/or on the surface of the cheese.
17. 'smear-ripened cheeses' means cheeses in which during or after ripening, the cheese rind is treated or naturally colonised with desired cultures of micro-organisms, for instance *Penicillium candidum* or *Brevibacterium linens*. The resulting layer or smear forms a part of the rind.
18. 'brine-matured cheeses' means cheeses matured and stored in brine until they are sold or packed.
19. 'fresh cheeses' means curd-style cheeses which do not undergo any ripening, for example cottage cheese, mozzarella, ricotta and quark. Fresh cheeses are not included in this coordinated monitoring programme.

Article 4

Sampling, analyses and recording of data by the Member States

1. Sampling shall be performed by the competent authority or under its supervision.
2. National reference laboratories for *Listeria monocytogenes* shall perform the *Listeria monocytogenes*, pH and water activity analyses.
3. The competent authority may designate other laboratories than the national reference laboratories which are accredited for and involved in official controls of *Listeria monocytogenes* to perform the *Listeria monocytogenes*, pH and water activity analyses.
4. The sampling and analyses provided for in paragraphs 1, 2 and 3, as well as recording of all relevant data, shall be performed in accordance with the technical specifications set out in Annex I.
5. The number of samples to be taken per ready-to-eat food category in each Member State is set out in Annex II.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 1.

⁽³⁾ OJ L 139, 30.4.2004, p. 55.

*Article 5***Collection, assessment, reporting and use of data at Union level**

1. Member State shall collect and assess the results of the sampling and *Listeria monocytogenes*, pH and water activity analyses provided for in Article 4(1), (2) and (3) of this Decision.

Those results and their assessment, together with all relevant data, shall be included in a final report on the completion of the coordinated monitoring programme that shall be transmitted to the Commission before 31 May 2012.

2. The Commission shall establish by the 30 November 2010 the format of the Data Dictionary and data collection forms to be used in the drawing up of the report referred to in paragraph 1 by the competent authorities.

3. The Commission shall forward the final reports provided for in paragraph 1 to the European Food Safety Authority (EFSA), which shall examine them, develop predictive models for the compliance with the *Listeria monocytogenes* food safety criteria and for the microbial growth under various storage conditions and issue a Summary Report within 6 months.

4. Any use of the data submitted by the Member States for purposes other than the coordinated monitoring programme shall be subject to prior agreement of the Member States.

5. Data and results shall be made publicly available in a form that ensures confidentiality of the individual results.

*Article 6***Conditions for granting a Union financial contribution**

1. A financial contribution from the Union of a total amount of 1 555 300 euro from budget line 17 04 07 01 towards the costs of collection, assessment and reporting provided for in Article 5(1) which are related to the analyses of Article 4(2) shall be granted to the Member States up to the maximum total amount for co-financing set out in Annex III.

2. The financial contribution from the Union provided for in paragraph 1 shall be paid to the Member States provided that the coordinated monitoring programme is carried out in accordance with the relevant provisions of Union law, including rules on competition and on the award of public contracts, and subject to compliance with the following conditions:

A final report on the completion of the coordinated monitoring programme must be submitted to the Commission before 31 May 2012; that report must contain:

(i) all the information set out in Part D of Annex I;

(ii) supporting evidence for the costs incurred by the Member States for the analyses; that evidence must comprise at least the information set out in Annex IV.

3. In the case of late submission of the final report referred to in paragraph 2 the financial contribution from the Union shall be reduced by 25 % on 1 July 2012, 50 % on 1 August 2012 and 100 % on 1 September 2012.

*Article 7***Maximum amounts to be reimbursed**

The maximum amounts of the financial contribution from the Union towards the costs to be reimbursed to the Member States for the collection, assessment and reporting provided for in Article 5(1) shall not exceed the following:

(a) up to EUR 60 for each sample collected, assessed and reported of for the detection of *Listeria monocytogenes*;

(b) up to EUR 60 for each sample collected, assessed and reported of for the enumeration of *Listeria monocytogenes*;

(c) up to EUR 15 for each sample collected, assessed and reported related to the pH level analysis;

(d) up to EUR 20 for each sample collected, assessed and reported for the water activity (a_w) analysis.

*Article 8***Conversion rate for expenditure**

Where a Member State's expenditure is in a currency other than euro, the Member State concerned shall convert it into euro by applying the most recent exchange rate set by the European Central Bank prior to the first day of the month in which the application is submitted by the Member State.

*Article 9***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 5 November 2010.

For the Commission

John DALLI

Member of the Commission

ANNEX I

(referred to in Article 4(4))

PART A**SAMPLING FRAME****1. The products to be sampled**

The following categories of ready-to-eat food shall be sampled at retail level:

1.1. *Packaged (not frozen) hot or cold smoked or gravad fish*

Products belonging to this category must be vacuum packaged or modified atmosphere packaged.

The fish may be sliced or not. The package may contain a whole fish, or half or a part of a fish. The skin of the fish may be present or absent.

1.2. *Soft or semi-soft cheeses, excluding fresh cheeses*

This category shall include cheese made from raw, thermised or pasteurised milk of any animal species. The cheese can be ripened, smear-ripened, mould-ripened or brine-matured.

The cheese may be packaged including wrapped in muslin, or may be unpackaged at retail but packaged at the point of sale for the consumer.

1.3. *Packaged heat-treated meat products***1.3.1. Products belonging to this category must have undergone heat treatment and after that must have been handled and vacuum or modified atmosphere packaged.****1.3.2. Products belonging to this category cover both exposed meat products and meat products in a permeable skin that have been sliced or otherwise handled between heat treatment and packaging. Products may have been smoked after the heat treatment.**

This category includes in particular:

(a) cold, cooked meat products; meat products typically made with whole or large parts of anatomical or reformed structures (such as cooked sliced ham and cooked chicken fillet);

(b) sausages;

(c) pâtés.

1.3.3. This category does not include:

(a) meat products dried after heat treatment, such as jerky products;

(b) meat products heat-treated in an impermeable package which are not handled thereafter;

(c) fermented meat products, including fermented sausages.

2. Sampling design

A proportionate stratified sampling scheme is used for the coordinated monitoring programme whereby the samples are allocated to every Member State proportionally to the size of the human population in that Member State.

2.1. *Sampling plan***2.1.1. Each Member State must have a sampling plan, based on a multistage cluster design:**

(a) the first level is composed of the major cities/towns to be sampled;

- (b) the second level is composed of the retail outlets to be sampled;
- (c) the third level is composed of the different food products within the three ready-to-eat food categories to be sampled.

2.1.2. The sampling plan must be drawn up by the competent authority and must include the following:

- (a) the cities/towns included in the coordinated monitoring programme;
- (b) the types of retail outlets covered and the percentage of samples taken from each category;
- (c) the timing of the sampling throughout the year.

2.1.3. Where relevant marketing data is available, the sampling plan must also include:

- (a) the types of products to be sampled within each of the three ready-to-eat food categories;
- (b) the number of samples to be taken from each type of product referred to in (a).

2.1.4. Member States shall draw up a sampling plan following the rules described below and based on the best marketing data available. These marketing data, or assistance with how to obtain the data, may often be available from a national trade association. In the absence of marketing data, the best estimate of market shares shall be used to inform the sampling plan at a central level. In the absence of any reliable marketing information it may be necessary for competent authorities to devolve the selection of the type of product to sample within a category to the sampler in the field.

2.2. *Selection of the retail outlet categories to be targeted*

The competent authorities shall choose the retail outlets from which samples are to be taken. Typical types of retail outlets that shall be included for sampling are: supermarkets, small shops, speciality delis, and street markets (such as farmers' or country markets).

If the biggest category of outlets (for example supermarkets) supply at least 80 % of the market of a ready-to-eat food category then samples only need to be taken from those outlets. Where that is not the case, the second largest outlet category shall be added until at least 80 % of the market is covered.

When sampling is performed according to a sampling plan, the number of samples that shall be taken for each category of ready-to-eat food from each retail outlet type shall be proportionate to the market share of that outlet type within the targeted outlet types.

2.3. *Selection of the cities or towns to be sampled*

The sampling shall take place in large cities/towns. At least two large cities/towns in each Member State must be sampled.

The cities/towns in which sampling is performed must, taken together, cover at least 30 % of the human population in the Member State. However, if the eight largest cities/towns are included in the plan, the human population coverage may be less than 30 %.

2.4. *Selection of sample timing*

The contamination level of *Listeria monocytogenes* in ready-to-eat food may vary over the year. In order to ensure accurate results of the coordinated monitoring programme, its duration is divided in 12 periods of 1 month during which equal numbers of samples must be taken.

2.5. *Selection of the ready-to-eat foods within the three main categories to be sampled*

The ready-to-eat foods within the three ready-to-eat food categories to be sampled shall be selected based on the marketing data and detailed in the sampling plan.

The competent authorities may choose to instruct samplers to select cheeses for sampling based upon an estimated contribution to market share, according to the national sampling plan. The competent authorities should also provide some direction on approximate market share of major types of food within categories to best approach a sample representative of market, e.g. raw/pasteurised milk cheeses.

PART B**SAMPLE COLLECTION AND TRANSPORT****1. Type and detail of sample**

Samples shall be taken at random from the customer display and must weight at least 100 g each. It is possible to take more than one sample from each three ready-to-eat food category during the same visit to the retail outlet. However, no more than five batches from each category should be sampled at the same visit.

Only packaged and intact (sealed) packages, packaged by the manufacturer, shall be collected for sampling. However, in case of cheeses and meat products, products packaged at the retail outlet may also be collected for sampling.

The products collected for sampling must be labelled in order to make it possible to record information concerning the products. Information on the label shall include the following:

- (a) details of the country of production;
- (b) batch number;
- (c) durability date;
- (d) instructions on temperature storage conditions, if available;
- (e) other information which is normally on the label of packaged ready-to-eat food.

If not all the information referred to in points (a) to (d) is present on the label, the sampler shall ask the owner or manager of the retail outlet for the missing information on the product and labelling details and/or refer to the wholesale pack for that information.

If the label on the ready-to-eat food is not clear or is otherwise damaged, then the product shall not be collected for sampling. Two samples shall be collected from each batch of smoked or gravad fish sampled. Labelling information, such as batch numbers, date until which the product may be sold must be examined to ensure that the two samples are from the same batch. One of those two samples must be analysed on the day of receipt of the sample at the laboratory and the other at the end of shelf-life.

For soft and semi-soft cheeses and heat-treated meat products, only one sample is taken from a batch that must be analysed at the end of shelf-life.

The samples must be placed in a separate sampling bag and sent immediately to the laboratory for analysis.

Precautions must be taken at all stages to ensure that the equipment used during sampling, transport and storage is not contaminated with *Listeria monocytogenes*.

2. Sample information

All relevant information available concerning the sample shall be recorded on a sampling form, the model of which shall be drawn up by the competent authority. The sampling form shall accompany the sample at all times. In the case of cheese samples packaged at the retail outlet, it may be necessary to ask for the information on the required product and labelling details and/or refer to the wholesale pack for this information.

When samples are collected, the surface temperature of the packaged samples shall be measured and recorded on the sampling form.

Each sample and its sample form shall be labelled with a unique number which shall be used from sampling to testing. The competent authority shall use for this purpose a unique numbering system.

3. Transport of samples

The samples shall be transported in refrigerated containers and must be kept at between 2 to 8 °C and free from external contamination during transportation.

All ready-to-eat food samples must reach the laboratory within 24 hours of the time of sampling.

In exceptional circumstances the transportation time may exceed 24 hours. However, the transportation time shall not be longer than 48 hours and shall in no circumstances lead to testing being carried out after the sell by date of the product collected for sampling.

PART C

SAMPLE PREPARATION AND ANALYTICAL METHODS

1. Receipt of samples

1.1. General rules

On receipt of the samples, laboratories shall check the information recorded by the sampler on the sampling form and complete the relevant sections of that form. All samples received shall be examined to ensure that the packaging used for transportation is intact before storing. Samples received at a temperature higher than 8 °C shall be rejected unless the temperature at retail was higher than 8 °C.

Without prejudice to point 1.2, all samples are kept refrigerated until the end of their shelf-life.

In cases where samples must be stored until the end of their shelf-life, they shall be refrigerated:

- (a) at the storage temperature indicated on the label of the packaging. If the label indicates a temperature interval, the sample must be stored at the upper limit of the temperature interval;
- (b) if there is no specific storage temperature indicated on the label of the packaging, the sample must be kept at:
 - (i) the maximum refrigeration temperatures defined by the legislation or guidance in force in the Member State where the sample is collected, with a tolerance of ± 2 °C;
 - (ii) 8 °C (± 2 °C) where no such legislation or guidance exists.

If the shelf-life of the product sampled ends during a weekend or a national holiday, the sample must be analysed on the last working day before the end of the shelf-life.

1.2. Special rules concerning smoked and gravad fish

One of the two samples is analysed within 24 hours from the time of arrival at the laboratory. If that sample is not analysed immediately upon arrival, it must be kept refrigerated at 3 °C (± 2 °C) in the laboratory before analysis.

The second sample shall be kept refrigerated until the end of its shelf-life.

2. Sample preparation and initial suspension preparation

Cross contamination between samples and from the surrounding environment shall be avoided at all stages. Samples are discarded once laboratory analyses have been initiated. If the analysis is stopped, for example due to unacceptable deviations in the analysis process, new samples must be obtained.

Either the entire product, or a representative test portion of 100 to 150 g, shall be taken to the initial dilution. Food shall be sampled to include surfaces reflecting the proportion that would be consumed (such as 20 % rind/surface and 80 % inside). When a packaged product is sliced, the respective sample is taken from more than one slice of the product. The test portion shall be cut in small pieces and placed into a stomacher bag, using a sterile instrument and an aseptic technique. From that mixture, a test portion of 10 g shall be taken for enumeration and a test portion of 25 g shall be taken for detection.

To the volume of the test portion (10 g), 9 volumes (90 ml) of diluent are added and subsequently the mixture is homogenised using a stomacher or a pulsifier for 1 to 2 min.

Buffered peptone water, as described in EN ISO 11290-2 'Microbiology of food and animal feeding stuffs — Horizontal method for detection and enumeration of *Listeria monocytogenes* — Part 2: Colony-count technique', may be applied as a diluent for general use.

For the dilution of cheese, a sodium citrate solution, as described in EN ISO 6887-5 'Microbiology of food and animal feeding stuffs — Preparation of test samples, initial suspension and decimal dilutions for microbiological examination — Part 5: Specific rules for the preparation of milk and milk products' may be used instead of buffered peptone water.

Detection and enumeration analyses of *Listeria monocytogenes* shall be performed in accordance with the following:

- (a) for smoked and gravad fish samples two sets of analyses must be carried out:
 - (i) immediately after sample collection at retail level; and
 - (ii) at the end of shelf-life;
- (b) for soft and semi-soft cheese samples and heat-treated meat product samples the analyses must be carried out only at the end of shelf-life.

2.1. Detection of *Listeria monocytogenes*

Detection of *Listeria monocytogenes* shall be performed according to the amended version of EN ISO 11290-1:1996 'Microbiology of food and animal feeding stuffs — Horizontal method for the detection and enumeration of *Listeria monocytogenes* — Part 1: Detection method'.

2.2. Enumeration of *Listeria monocytogenes*

The enumeration of *Listeria monocytogenes* shall be performed according to EN ISO 11290-2:1998 'Microbiology of food and animal feeding stuffs — Horizontal method for the detection and enumeration of *Listeria monocytogenes* — Part 2: Enumeration method' and its modification EN ISO 11290-2:1998/Amd 1:2004 'Modification of the enumeration medium'.

If the sample is found to be contaminated, it is assumed that the majority of products would contain low contamination levels of *Listeria monocytogenes*. To enable the estimation of low numbers in samples (between 10 and 100 cfu/g), 1 ml of the primary dilution shall be tested in duplicate as indicated in EN ISO 11290-2:1998/Amd 1:2004:

- (a) spread onto the surface of three 90-mm diameter plates; or
- (b) spread onto the surface of one 140-mm diameter plate.

Because of the possibility of higher contamination levels of *Listeria monocytogenes*, 0,1 ml of the primary dilution must be spread onto the surface of one plate to allow the enumeration of up to $1,5 \times 10^4$ cfu/g. This plating must be performed in single as provided in ISO 7218:2007 'Microbiology of food and animal feeding stuffs — General requirements and guidance for microbiological examinations'.

3. pH and water activity (a_w) analyses of smoked and gravad fish

3.1. Determination of the pH

The determination of the pH of the sample shall be performed according to EN ISO 2917:1999 'Meat and meat products — Measurement of pH — Reference method'.

The analysis must be carried out on the sample tested on the arrival at the laboratory. The non-destructive technique listed in the ISO method is recommended for measuring the pH of the sample.

The result must be reported to the nearest 0,05 unit of pH.

3.2. Determination of the water activity (a_w)

The determination of the water activity (a_w) of the sample shall be performed according to EN ISO 21807:2004 'Microbiology of food and animal feeding stuffs — Determination of water activity'.

The analysis must be carried out on the sample tested on the arrival at the laboratory. The method shall be able of operating in the range 0,999 to 0,9000 and the repeatability limit shall correspond to a standard deviation of 0,002.

The reported value should contain at least two significant figures.

4. **Storage of isolates**

One confirmed *Listeria monocytogenes* strain per positive sample shall be stored for possible further typing studies. If *Listeria monocytogenes* strains are recovered both from the detection and enumeration methods, only the isolates from the enumeration method shall be stored.

Isolates shall be stored by the national reference laboratories using appropriate methods for culture collection as long as it ensures viability of the strains for a minimum of 2 years for the typing.

PART D

REPORTING

1. **General provisions**

The information to be reported by Member States, as far as it is available or accessible, consists of two broad categories:

- (a) an overview of the coordinated monitoring programme and results; the overview must take the form of a textual account;
- (b) individual detailed data for each sample tested as part of the sampling plan; that information must be submitted in as raw data using the 'Data Dictionary' and the data collection forms provided for in Article 5(2).

2. **Information to be included in the overview of the coordinated monitoring programme and results**

- (a) Member State name;
- (b) Date of start and end of the sampling and analysis;
- (c) Number of ready-to-eat food samples collected and analysed from retail outlets:
 - (i) soft and semi-soft cheeses;
 - (ii) packaged smoked and gravad fish;
 - (iii) packaged heat-treated meat products;
- (d) Overall results:

prevalence and proportion of samples exceeding the limit of 100 cfu/g of *Listeria monocytogenes* in soft and semi-soft cheeses, smoked and gravad fish as well as in heat-treated meat products covered by the coordinated monitoring programme;
- (e) Description of the markets in soft and semi-soft cheeses, smoked and gravad fish as well as in heat-treated meat products in the Member State:
 - (i) overall absolute market size (if available),
 - (ii) market share of different types of retail outlets, such as supermarket, small shops, speciality delis, street markets (if available),
 - (iii) market share of imported (trade within the Union and imports from third countries) and domestic production (if available),
 - (iv) market share of different types of products (if available);
- (f) Retail outlets sampled:

type of outlet categories covered: e.g. supermarkets, small shops etc.;
- (g) Geographical distribution of sampling — cities/towns covered (% of human population covered);

(h) Description of randomisation procedure for retail sampling:

month randomisation;

(i) Comment on overall representativeness of the sampling programme;

(j) Preparation of test sample used for pH measurement;

(k) Analytical method used for water activity (a_w) determination.

3. **Information to be included in the individual detailed data for each sample**

(a) Type of sample:

(i) packaged soft and semi-soft cheeses;

(ii) packaged smoked and gravad fish;

(iii) packaged heat-treated meat products;

(b) Subtype of the sample:

(i) cheeses made from raw/thermised/pasteurised milk;

(ii) cheeses made from cow/goat/sheep/buffalo/mixed milk;

(iii) smear-ripened, mould-ripened, brine-matured or other ripened cheeses;

(iv) sliced and non-sliced products;

(v) cold/hot smoked or gravad fish;

(vi) species of the fish;

(c) Preservatives used in smoked or gravad fish (as indicated in the label);

(d) Cheese rind included in the specimen analyses (yes/no, if yes then also proportion if available);

(e) Date of sample collection;

(f) Use by date of the sampled product;

(g) Production/packaging date (if available);

(h) Surface temperature of the sample in the retail outlet;

(i) Storage temperature in the laboratory up to the end of shelf-life;

(j) Analysis immediately after sampling (only for smoked and gravad fish)/end of shelf-life;

(k) Date of beginning of the analysis at the laboratory;

(l) Detection of *Listeria monocytogenes*:

qualitative results (absence/presence in 25 g);

(m) Quantification of *Listeria monocytogenes*:

quantitative results (cfu/g);

(n) pH (only smoked and gravad fish);

- (o) Water activity (a_w) (only smoked and gravad fish);
 - (p) Code of the city/town;
 - (q) Code of the outlet;
 - (r) Type of retailer:
 - (i) supermarket;
 - (ii) small shop/independent retailer;
 - (iii) speciality delis;
 - (iv) street market/farmers' market;
 - (s) Country of production:
 - as ascertained with reference to the identification mark on packaging or commercial documentation;
 - (t) Pre-packaged:
 - (i) modified atmosphere packaged;
 - (ii) vacuum packaged;
 - (iii) packed at retail level (only for cheeses and meat products);
 - (u) Organoleptic quality of the sample.
-

ANNEX II

Number of samples to be taken per ready-to-eat food category in the Member States

(referred to in Article 4(5))

Member State	Population on 1.1.2008 (Eurostat data)		Harmonised stratified sample size	
	N (million)	%	Per food category and analysis stage (*)	Total sample size
Belgium — BE	10,7	2,1	60	240
Bulgaria — BG	7,6	1,5	60	240
Czech Republic — CZ	10,4	2,1	60	240
Denmark — DK	5,576	1,1	60	240
Germany — DE	82,2	16,5	400	1 600
Estonia — EE	1,3	0,3	30	120
Ireland — IE	4,4	0,9	30	120
Greece — EL	11,2	2,3	60	240
Spain — ES	45,3	9,1	200	800
France — FR	63,8	12,8	400	1 600
Italy — IT	59,6	12,0	400	1 600
Cyprus — CY	0,8	0,2	30	120
Latvia — LV	2,3	0,5	30	120
Lithuania — LT	3,4	0,7	30	120
Luxembourg — LU	0,5	0,1	30	120
Hungary — HU	10,0	2,0	60	240
Malta — MT	0,4	0,1	30	120
Netherlands — NL	16,4	3,3	60	240
Austria — AT	8,3	1,7	60	240
Poland — PL	38,1	7,7	200	800
Portugal — PT	10,6	2,1	60	240
Romania — RO	21,5	4,3	60	240
Slovenia — SI	2,0	0,4	30	120
Slovakia — SK	5,4	1,1	60	240
Finland — FI	5,3	1,1	60	240
Sweden — SE	9,2	1,8	60	240
United Kingdom — UK	61,2	12,3	400	1 600
Total EU	497,5	100,0	3 020	12 080

(*) For smoked and gravad fish: two samples are collected from each batch. One of these samples is analysed on the day of receipt at the laboratory and the other one is analysed at the end of the shelf-life (see point 1.2 of part C of Annex I).

ANNEX III

Maximum financial contribution from the Union to the Member States

(in EUR)

Member State	Maximum total amount for co-financing of				
	<i>Listeria monocytogenes</i> detection	<i>Listeria monocytogenes</i> enumeration	pH	Water activity	Total
Belgium — BE	14 400	14 400	900	1 200	30 900
Bulgaria — BG	14 400	14 400	900	1 200	30 900
Czech Republic — CZ	14 400	14 400	900	1 200	30 900
Denmark — DK	14 400	14 400	900	1 200	30 900
Germany — DE	96 000	96 000	6 000	8 000	206 000
Estonia — EE	7 200	7 200	450	600	15 450
Ireland — IE	7 200	7 200	450	600	15 450
Greece — EL	14 400	14 400	900	1 200	30 900
Spain — ES	48 000	48 000	3 000	4 000	103 000
France — FR	96 000	96 000	6 000	8 000	206 000
Italy — IT	96 000	96 000	6 000	8 000	206 000
Cyprus — CY	7 200	7 200	450	600	15 450
Latvia — LV	7 200	7 200	450	600	15 450
Lithuania — LT	7 200	7 200	450	600	15 450
Luxembourg — LU	7 200	7 200	450	600	15 450
Hungary — HU	14 400	14 400	900	1 200	30 900
Malta — MT	7 200	7 200	450	600	15 450
Netherlands — NL	14 400	14 400	900	1 200	30 900
Austria — AT	14 400	14 400	900	1 200	30 900
Poland — PL	48 000	48 000	3 000	4 000	103 000
Portugal — PT	14 400	14 400	900	1 200	30 900
Romania — RO	14 400	14 400	900	1 200	30 900
Slovenia — SI	7 200	7 200	450	600	15 450
Slovakia — SK	14 400	14 400	900	1 200	30 900
Finland — FI	14 400	14 400	900	1 200	30 900
Sweden — SE	14 400	14 400	900	1 200	30 900
United Kingdom — UK	96 000	96 000	6 000	8 000	206 000
Total EU	724 800	724 800	45 300	60 400	1 555 300

ANNEX IV

Certified financial report on the implementation of a coordinated monitoring programme of *Listeria monocytogenes* in selected categories of ready-to-eat foods

Reporting period: to

Statement on costs incurred on the coordinated monitoring programme and eligible for financial contribution from the Union

Reference number of Commission Decision providing a financial contribution from the Union:

Costs incurred related to	Number of tests	Total costs incurred during reporting period (national currency)	Total eligible costs for financial contribution from the Union
Detection of <i>Listeria monocytogenes</i>			
Enumeration of <i>Listeria monocytogenes</i>			
Determination of the pH			
Water activity (a_w)			

Declaration by the beneficiary

I certify that

- the above costs are genuine and have been incurred in carrying out the tasks laid down in Commission Decision 2010/678/EU and were essential for the proper performance of those tasks,
- all supporting documents supporting for the costs are available for audit purposes,
- no other contribution from the Union was requested for this coordinated monitoring programme,
- according to Article 109.2 of the Financial Regulation applicable to the general budget of the European Communities (Council Regulation (EC, Euratom) No 1605/2002), this grant has not produced a profit for the Member State.

Date:

Person financially responsible:

Signature:

COMMISSION DECISION
of 8 November 2010
amending Decision 95/467/EC implementing Article 20(2) of Council Directive 89/106/EEC on
construction products
(notified under document C(2010) 7542)
(Text with EEA relevance)
(2010/679/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/106/EEC of 21 December 1988, on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, and in particular Article 13(4)(a) thereof,

After consulting the Standing Committee on Construction,

Whereas:

- (1) On 24 October 1995, the Commission adopted Decision 95/467/EC implementing Article 20(2) of Council Directive 89/106/EEC on construction products ⁽²⁾.
- (2) In order to adapt the systems of attestation of conformity of the product family '**CHIMNEYS, FLUES AND SPECIFIC PRODUCTS**' to technical progress, Annex 3 to the Decision should be adjusted.

(3) The Decision should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex 3 to Decision 95/467/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 8 November 2010.

For the Commission

Antonio TAJANI

Vice-President

⁽¹⁾ OJ L 40, 11.2.1989, p. 12.

⁽²⁾ OJ L 268, 10.11.1995, p. 29.

ANNEX

In Annex 3 to Decision 95/467/EC, in the table related to the product family '**CHIMNEYS, FLUES AND SPECIFIC PRODUCTS**', the following entry is added:

Product(s)	Intended use(s)	Level(s) or class(es) (Reaction to fire)	Attestation of conformity system(s)
'prefabricated chimneys (storey height elements), flue liners (elements or blocks), multi-shell chimney (elements or blocks), single walled chimneys blocks, kits of free standing chimneys and attached chimneys, chimney terminals	For uses subject to regulations on reaction to fire	(A1, A2, B, C) (*)	1
		(A1, A2, B, C) (**), D, E	3
		(A1 to E) (***), F	4

System 1: See Directive 89/106/EEC, Annex III(2)(i), without audit-testing of samples.

System 3: See Directive 89/106/EEC, Annex III(2)(ii), second possibility.

System 4: See Directive 89/106/EEC, Annex III(2)(ii), third possibility.

(*) Products/materials for which a clearly identifiable stage in the production process results in an improvement of the reaction to fire classification (e.g. an addition of fire retardants or a limiting of organic material).

(**) Products/materials not covered by footnote *.

(***) Products/materials that do not require to be tested for reaction to fire (e.g. Products/materials of Class A1 according to Commission Decision 96/603/EC, OJ L 267, 19.10.1996, p. 23).'

COMMISSION DECISION

of 9 November 2010

releasing Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Spain, France, Cyprus, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovenia, Slovakia, Finland, Sweden and the United Kingdom from the obligation to apply to certain species Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 1999/105/EC, 2002/54/EC, 2002/55/EC and 2002/57/EC on the marketing of fodder plant seed, cereal seed, material for the vegetative propagation of the vine, forest reproductive material, beet seed, vegetable seed and seed of oil and fibre plants respectively

(notified under document C(2010) 7578)

(Only the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Latvian, Lithuanian, Maltese, Polish, Slovak, Slovenian, Spanish and Swedish texts are authentic)

(Text with EEA relevance)

(2010/680/EU)

THE EUROPEAN COMMISSION,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants ⁽⁷⁾, and in particular Article 28 thereof,

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

Whereas:

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, and in particular Article 23a thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽²⁾, and in particular Article 23a thereof,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine ⁽³⁾, and in particular Article 18a thereof,

Having regard to Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material ⁽⁴⁾, and in particular Article 20 thereof,

Having regard to Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed ⁽⁵⁾, and in particular Article 30A thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽⁶⁾, and in particular Article 49 thereof,

(1) Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 1999/105/EC, 2002/54/EC, 2002/55/EC and 2002/57/EC set out certain provisions for the marketing of fodder plant seed, cereal seed, material for the vegetative propagation of the vine, forest reproductive material, beet seed, vegetable seed, and seed of oil and fibre plants respectively. Those Directives also provide that, subject to certain conditions, Member States may be wholly or partially released from the obligation to apply those Directives in respect of certain species or material.

(2) Seed of the species set out in Parts I, II, V, VI and VII of the Annex to this Decision is not normally reproduced or marketed in certain Member States. In addition, the growing of vines and the marketing of propagating material set out in Part III of that Annex are of minimal economic importance in certain Member States. The tree species set out in Part IV of that Annex are also not important for forestry purposes in certain Member States.

(3) On the basis of applications made by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Cyprus, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Slovenia, Slovakia, Finland, Sweden and the United Kingdom since 1969 the Commission adopted the following

⁽¹⁾ OJ 125, 11.7.1966, p. 2298/66.

⁽²⁾ OJ 125, 11.7.1966, p. 2309/66.

⁽³⁾ OJ L 93, 17.4.1968, p. 15.

⁽⁴⁾ OJ L 11, 15.1.2000, p. 17.

⁽⁵⁾ OJ L 193, 20.7.2002, p. 12.

⁽⁶⁾ OJ L 193, 20.7.2002, p. 33.

⁽⁷⁾ OJ L 193, 20.7.2002, p. 74.

Decisions 69/270/EEC ⁽¹⁾, 69/271/EEC ⁽²⁾,
 69/272/EEC ⁽³⁾, 70/47/EEC ⁽⁴⁾, 70/48/EEC ⁽⁵⁾,
 70/49/EEC ⁽⁶⁾, 70/93/EEC ⁽⁷⁾, 70/94/EEC ⁽⁸⁾,
 70/481/EEC ⁽⁹⁾, 72/270/EEC ⁽¹⁰⁾, 72/271/EEC ⁽¹¹⁾,
 73/122/EEC ⁽¹²⁾, 73/123/EEC ⁽¹³⁾, 73/188/EEC ⁽¹⁴⁾,
 74/5/EEC ⁽¹⁵⁾, 74/358/EEC ⁽¹⁶⁾, 74/360/EEC ⁽¹⁷⁾,
 74/361/EEC ⁽¹⁸⁾, 74/362/EEC ⁽¹⁹⁾, 74/491/EEC ⁽²⁰⁾,
 74/532/EEC ⁽²¹⁾, 75/287/EEC ⁽²²⁾, 75/752/EEC ⁽²³⁾,
 79/355/EEC ⁽²⁴⁾, 86/153/EEC ⁽²⁵⁾, 89/101/EEC ⁽²⁶⁾,
 90/209/EEC ⁽²⁷⁾, 2005/325/EC ⁽²⁸⁾, 2005/871/EC ⁽²⁹⁾,
 2005/886/EC ⁽³⁰⁾, 2005/931/EC ⁽³¹⁾, 2008/462/EC ⁽³²⁾,
 2009/786/EC ⁽³³⁾, 2010/198/EU ⁽³⁴⁾ and
 2010/377/EU ⁽³⁵⁾ releasing those Member States wholly
 or partially from the obligation to apply the provisions
 of Directives 66/401/EEC, 66/402/EEC, 68/193/EEC,
 1999/105/EC, 2002/54/EC, 2002/55/EC and
 2002/57/EC, to the species and material in question.

- (4) As part of a survey conducted by the Commission in the first semester of 2010 among the Member States concerned, the Commission has asked these Member States to verify to what extent they consider it appropriate to continue to apply the Decisions referred to in recital 3 and whether the applicable conditions continue to be fulfilled. Based on this verification, certain Member States submitted updated applications to the Commission, whereas Belgium, Greece and Luxemburg requested to withdraw the Decisions relating to them altogether. It is therefore necessary to update and, where requested, withdraw the releases granted. Furthermore, in the interest of transparency and simplification, all Decisions referred to in recital 3 should be repealed and replaced by one single act.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States set out in Part I of the Annex to this Decision are released from the obligation to apply Directive 66/401/EEC, with the exception of Article 14(1), to the species listed in the first column of the table and corresponding to the indication 'X' in the column of the respective Member States.

2. The Member States set out in Part II of the Annex to this Decision are released from the obligation to apply Directive 66/402/EEC, with the exception of Article 14(1), to the species listed in the first column of the table and corresponding to the indication 'X' in the column of the respective Member States.

In the case of Latvia, the release of this obligation in respect of *Zea mays* applies also with the exception of Article 19(1) of that Directive.

3. The Member States set out in Part III of the Annex to this Decision are released from the obligation to apply Directive 68/193/EEC, with the exception of Articles 12 and 12a, to the genus listed in the first column of the table.

4. The Member States set out in Part IV of the Annex to this Decision are released from the obligation to apply Directive 1999/105/EC, with the exception of Article 17(1), to the species listed in the first column of the table and corresponding to the indication 'X' in the column of the respective Member States.

5. The Member States set out in Part V of Annex to this Decision are released from the obligation to apply Directive 2002/54/EC, with the exception of Article 20, to the species listed in the first column of the table and corresponding to the indication 'X' in the column of the respective Member States.

6. The Member States set out in Part VI of the Annex to this Decision are released from the obligation to apply Directive 2002/55/EC, with the exception of Articles 16(1) and 34(1), to the species listed in the first column of the table and corresponding to the indication 'X' in the column of the respective Member States.

7. The Member States set out in Part VII of the Annex to this Decision are released from the obligation to apply Directive 2002/57/EC, with the exception of Article 17, to the species listed in the first column of the table and corresponding to the indication 'X' in the column of the respective Member States.

⁽¹⁾ OJ L 220, 1.9.1969, p. 8.

⁽²⁾ OJ L 220, 1.9.1969, p. 9.

⁽³⁾ OJ L 220, 1.9.1969, p. 10.

⁽⁴⁾ OJ L 13, 19.1.1970, p. 26.

⁽⁵⁾ OJ L 13, 19.1.1970, p. 27.

⁽⁶⁾ OJ L 13, 19.1.1970, p. 28.

⁽⁷⁾ OJ L 25, 2.2.1970, p. 16.

⁽⁸⁾ OJ L 25, 2.2.1970, p. 17.

⁽⁹⁾ OJ L 237, 28.10.1970, p. 29.

⁽¹⁰⁾ OJ L 166, 24.7.1972, p. 26.

⁽¹¹⁾ OJ L 166, 24.7.1972, p. 27.

⁽¹²⁾ OJ L 145, 2.6.1973, p. 41.

⁽¹³⁾ OJ L 145, 2.6.1973, p. 43.

⁽¹⁴⁾ OJ L 194, 16.7.1973, p. 16.

⁽¹⁵⁾ OJ L 12, 15.1.1974, p. 13.

⁽¹⁶⁾ OJ L 196, 19.7.1974, p. 15.

⁽¹⁷⁾ OJ L 196, 19.7.1974, p. 18.

⁽¹⁸⁾ OJ L 196, 19.7.1974, p. 19.

⁽¹⁹⁾ OJ L 196, 19.7.1974, p. 20.

⁽²⁰⁾ OJ L 267, 3.10.1974, p. 18.

⁽²¹⁾ OJ L 299, 7.11.1974, p. 14.

⁽²²⁾ OJ L 122, 14.5.1975, p. 15.

⁽²³⁾ OJ L 319, 10.12.1975, p. 12.

⁽²⁴⁾ OJ L 84, 4.4.1979, p. 23.

⁽²⁵⁾ OJ L 115, 3.5.1986, p. 26.

⁽²⁶⁾ OJ L 38, 10.2.1989, p. 37.

⁽²⁷⁾ OJ L 108, 28.4.1990, p. 104.

⁽²⁸⁾ OJ L 109, 29.4.2005, p. 1.

⁽²⁹⁾ OJ L 320, 8.12.2005, p. 50.

⁽³⁰⁾ OJ L 326, 13.12.2005, p. 39.

⁽³¹⁾ OJ L 340, 23.12.2005, p. 67.

⁽³²⁾ OJ L 160, 19.6.2008, p. 33.

⁽³³⁾ OJ L 281, 28.10.2009, p. 5.

⁽³⁴⁾ OJ L 87, 7.4.2010, p. 34.

⁽³⁵⁾ OJ L 173, 8.7.2010, p. 73.

In the case of Malta, the release from that obligation in respect of sunflower applies also with the exception of Article 9(1) of that Directive.

Article 2

Decisions 69/270/EEC, 69/271/EEC, 69/272/EEC, 70/47/EEC, 70/48/EEC, 70/49/EEC, 70/93/EEC, 70/94/EEC, 70/481/EEC, 72/270/EEC, 72/271/EEC, 73/122/EEC, 73/123/EEC, 73/188/EEC, 74/5/EEC, 74/358/EEC, 74/360/EEC, 74/361/EEC, 74/362/EEC, 74/491/EEC, 74/532/EEC, 75/287/EEC, 75/752/EEC, 79/355/EEC, 86/153/EEC, 89/101/EEC, 90/209/EEC, 2005/325/EC, 2005/871/EC, 2005/886/EC, 2005/931/EC, 2008/462/EC, 2009/786/EC, 2010/198/EU and 2010/377/EU are repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of

Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 9 November 2010.

For the Commission

John DALLI

Member of the Commission

ANNEX

Part I — Directive 66/401/EEC

	BG	CZ	DK	DE	IE	ES	LV	LT	MT	PL	SK	UK
<i>Agrostis canina</i>							X					
<i>Alopecurus pratensis</i>					X				X			X
<i>Arrhenatherum elatius</i>					X				X			
<i>Bromus catharticus</i>				X		X	X	X	X			
<i>Bromus sitchensis</i>				X		X	X	X	X	X		
<i>Cynodon dactylon</i>		X		X			X	X		X		X
<i>Dactylis glomerata</i>									X			
<i>Festuca arundinacea</i>									X			
<i>x Festulolium</i>									X			
<i>Lolium x boucheanum</i>									X			
<i>Phalaris aquatica</i>			X	X			X	X	X	X		X
<i>Phleum nodosum</i>									X			
<i>Phleum pratense</i>									X			
<i>Poa annua</i>				X					X	X		
<i>Poa nemoralis</i>							X		X			
<i>Poa palustris</i>									X			X
<i>Poa trivialis</i>									X			
<i>Trisetum flavescens</i>					X		X		X	X		X
<i>Galega orientalis</i>	X										X	X
<i>Hedysarum coronarium</i>		X		X	X		X	X		X		X
<i>Lotus corniculatus</i>					X				X			
<i>Lupinus albus</i>					X				X			
<i>Lupinus angustifolius</i>					X				X			
<i>Lupinus luteus</i>					X				X			
<i>Medicago lupulina</i>					X		X		X			
<i>Medicago x varia</i>									X			
<i>Onobrychis viciifolia</i>					X				X			
<i>Trifolium alexandrinum</i>					X		X			X		X

	BG	CZ	DK	DE	IE	ES	LV	LT	MT	PL	SK	UK
<i>Trifolium hybridum</i>									X			
<i>Trifolium incarnatum</i>					X		X		X			X
<i>Trifolium repens</i>									X			
<i>Trifolium resupinatum</i>					X		X		X			X
<i>Trigonella foenum-graecum</i>				X	X		X	X	X	X		X
<i>Vicia pannonica</i>					X		X		X	X		
<i>Vicia villosa</i>					X				X			
<i>Brassica napus</i>									X			
<i>Brassica oleracea</i>												
<i>Phacelia tanacetifolia</i>						X			X			X
<i>Raphanus sativus</i>									X			

Part II — Directive 66/402/EEC

	CZ	DK	DE	EE	IE	FR	LV	LT	MT	NL	PL	UK
<i>Avena strigosa</i>				X			X					X
<i>Oryza sativa</i>	X	X	X	X	X		X	X	X	X	X	X
<i>Phalaris canariensis</i>			X	X	X	X	X					X
<i>Sorghum bicolor</i>		X		X	X		X				X	X
<i>Sorghum sudanense</i>		X		X	X		X	X			X	X
<i>Sorghum bicolor</i> x <i>Sorghum sudanense</i>		X		X	X		X				X	X
<i>Triticum spelta</i>					X		X					
<i>Zea mays</i>							X					

Part III — Directive 68/193/EEC

	DK	EE	IE	LV	LT	NL	PL	FI	SE	UK
<i>Vitis</i>	X	X	X	X	X	X	X	X	X	X

Part IV — Directive 1999/105/EC

	DK	EE	LT	MT	SI
<i>Abies alba</i>		X	X	X	
<i>Abies cephalonica</i>	X	X	X	X	

	DK	EE	LT	MT	SI
<i>Abies grandis</i>		X	X	X	
<i>Abies pinsapo</i>	X	X	X	X	X
<i>Acer platanoides</i>				X	
<i>Acer pseudoplatanus</i>		X	X	X	
<i>Alnus glutinosa</i>				X	
<i>Alnus incana</i>				X	
<i>Betula pendula</i>				X	
<i>Betula pubescens</i>				X	
<i>Carpinus betulus</i>		X		X	
<i>Castanea sativa</i>	X	X	X		
<i>Cedrus atlantica</i>	X	X	X	X	X
<i>Cedrus libani</i>	X	X	X	X	X
<i>Fagus sylvatica</i>		X		X	
<i>Fraxinus angustifolia</i>	X	X	X		
<i>Fraxinus excelsior</i>				X	
<i>Larix decidua</i>				X	
<i>Larix x eurolepis</i>				X	
<i>Larix kaempferi</i>				X	
<i>Larix sibirica</i>	X		X	X	X
<i>Picea abies</i>				X	
<i>Picea sitchensis</i>		X	X	X	X
<i>Pinus brutia</i>	X	X	X		X
<i>Pinus canariensis</i>	X	X	X		X
<i>Pinus cembra</i>	X	X	X	X	
<i>Pinus contorta</i>			X	X	X
<i>Pinus halepensis</i>	X	X	X		
<i>Pinus leucodermis</i>	X	X	X	X	X
<i>Pinus nigra</i>		X	X		
<i>Pinus pinaster</i>	X	X	X		
<i>Pinus pinea</i>	X	X	X		
<i>Pinus radiata</i>	X	X	X		X
<i>Prunus avium</i>		X			

	DK	EE	LT	MT	SI
<i>Pseudotsuga menziesii</i>			X		
<i>Quercus cerris</i>	X	X	X		
<i>Quercus ilex</i>	X	X	X		
<i>Quercus petraea</i>		X		X	
<i>Quercus pubescens</i>	X	X	X	X	
<i>Quercus rubra</i>				X	
<i>Quercus suber</i>	X	X	X		
<i>Robinia pseudoacacia</i>		X			
<i>Tilia cordata</i>				X	
<i>Tilia platyphyllos</i>		X		X	

Part V — Directive 2002/54/EC

	CY	MT
<i>Beta vulgaris</i>	X	X

Part VI — Directive 2002/55/EC

	IE	UK
<i>Allium cepa</i> (Aggregatum group)		X
<i>Allium fistulosum</i>		X
<i>Allium sativum</i>		X
<i>Allium schoenoprasum</i>		X
<i>Anthriscus cerefolium</i>	X	X
<i>Asparagus officinalis</i>	X	
<i>Beta vulgaris</i>	X	
<i>Capsicum annuum</i>		X
<i>Cichorium intybus</i>		X
<i>Citrullus lanatus</i>	X	X
<i>Cucurbita maxima</i>	X	
<i>Cynara cardunculus</i>	X	X
<i>Foeniculum vulgare</i>		X
<i>Rheum rhabarbarum</i>		X
<i>Scorzonera hispanica</i>	X	X

	IE	UK
<i>Solanum melongena</i>		X
<i>Valerianella locusta</i>	X	X

Part VII — Directive 2002/57/EC

	CZ	DK	DE	EE	IE	FR	CY	LV	LT	MT	NL	PL	UK
<i>Arachis hypogaea</i>	X	X	X	X	X	X		X	X	X	X	X	X
<i>Brassica rapa</i>										X			
<i>Brassica juncea</i>					X			X		X			
<i>Brassica napus</i>										X			
<i>Brassica nigra</i>				X	X			X		X		X	
<i>Cannabis sativa</i>					X		X			X			
<i>Carthamus tinctorius</i>		X	X	X	X			X		X		X	X
<i>Carum carvii</i>			X		X	X				X			X
<i>Gossypium</i> spp.	X	X	X	X	X			X	X	X	X	X	X
<i>Helianthus annuus</i>		X		X	X			X		X			
<i>Linum usitatissimum</i>										X			
<i>Papaver somniferum</i>					X		X			X			X
<i>Sinapis alba</i>					X					X			
<i>Glycine max</i>		X			X			X		X	X		

Legend

Abbreviations:

BG: the Republic of Bulgaria

CZ: the Czech Republic

DK: the Kingdom of Denmark

DE: the Federal Republic of Germany

EE: the Republic of Estonia

IE: Ireland

ES: the Kingdom of Spain

FR: the French Republic

CY: the Republic of Cyprus

LV: the Republic of Latvia

LT: the Republic of Lithuania

MT: the Republic of Malta

NL: the Kingdom of the Netherlands

PL: the Republic of Poland

SI: the Republic of Slovenia

SK: the Slovak Republic

FI: the Republic of Finland

SE: the Kingdom of Sweden

UK: the United Kingdom of Great Britain and Northern Ireland

The indication 'X' appears under the heading for each Member State released as provided for in Article 1.

COMMISSION DECISION

of 9 November 2010

concerning a questionnaire for Member States reports on the implementation of Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations during the period 2011-2013

*(notified under document C(2010) 7591)**(2010/681/EU)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations ⁽¹⁾, and in particular Article 11(1) thereof,

Having regard to Council Directive 91/692/EEC of 23 December 1991 on standardising and rationalising reports on the implementation of certain Directives relating to the environment ⁽²⁾,

Whereas:

- (1) Pursuant to Article 11(1) of Directive 1999/13/EC, Member States are obliged to draw up reports on the implementation of that Directive on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC.
- (2) Member States have drawn up reports on the implementation of that Directive for the period from 1 January 2003 to 31 December 2004 according to Commission Decision 2002/529/EC of 27 June 2002 concerning a questionnaire for Member States reports on the implementation of Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations ⁽³⁾.
- (3) Member States have drawn up reports on the implementation of that Directive for the period from 1 January 2005 to 31 December 2007 according to Commission Decision 2006/534/EC of 20 July 2006 concerning a questionnaire for Member States reports on the implementation of Directive 1999/13/EC during the period 2005-2007 ⁽⁴⁾.

- (4) Member States are obliged to report on the implementation of that Directive for the period from 1 January 2008 to 31 December 2010 according to Commission Decision 2007/531/EC of 26 July 2007 concerning a questionnaire for Member States reports on the implementation of Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations during the period 2008-2010 ⁽⁵⁾ by 30 September 2011 at the latest.
- (5) The fourth report should cover the period 1 January 2011 to 31 December 2013.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee set up in accordance with Article 6 of Directive 91/692/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The Member States shall use the questionnaire set out in the Annex to this Decision for the purposes of drawing up the report, covering the period from 1 January 2011 to 31 December 2013, to be submitted to the Commission pursuant to Article 11(1) of Directive 1999/13/EC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 November 2010.

For the Commission

Janez POTOČNIK

Member of the Commission

⁽¹⁾ OJ L 85, 29.3.1999, p. 1.

⁽²⁾ OJ L 377, 31.12.1991, p. 48.

⁽³⁾ OJ L 172, 2.7.2002, p. 57.

⁽⁴⁾ OJ L 213, 3.8.2006, p. 4.

⁽⁵⁾ OJ L 195, 27.7.2007, p. 47.

ANNEX

Questionnaire on the implementation of Directive 1999/13/EC concerning the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations during the period 2011-2013**1. General description**

Please report relevant changes in national legislation during the reporting period concerning Directive 1999/13/EC.

2. Coverage of installations

2.1. For each of the 20 activities of Annex II.A.1 and the activities of Annex II.A.2, please indicate how many installations covered by Directive 1999/13/EC fall into the categories set out below on 31 December 2013:

- total number of installations,
- total number of installations which are also covered by Directive 2008/1/EC of the European Parliament and of the Council (IPPC Directive),
- total number of installations, which are registered/authorised according to Directive 1999/13/EC,
- total number of installations which are registered/authorised using the reduction scheme,
- total number of installations which have been granted derogation according to Article 5(3)(a) of Directive 1999/13/EC. Please provide a list of the installations concerned and provide for each of them the justification for the derogation issued,
- total number of installations which have been granted derogation according to Article 5(3)(b) of Directive 1999/13/EC. Please provide a list of the installations concerned and provide for each of them the justification for the derogation issued.

2.2. For each of the 20 activities of Annex II.A.1 and the activities of Annex II.A.2, please indicate how many installations covered by Directive 1999/13/EC fall into the categories set out below:

- total number of new installations, which were registered/authorised according to Directive 1999/13/EC during the reporting period,
- total number of substantially changed installations, which were registered/authorised according to Directive 1999/13/EC during the reporting period.

2.3. Please report how the list of authorised and registered installations and the results of emission monitoring are made available to the public, according to Article 12(1) and (2) of Directive 1999/13/EC. In case this information is publicly available on the Internet, please indicate the URL. If this is not the case, please indicate the contact details where the information can be requested.

3. Substitution

For each of the 20 activities of Annex II.A.1 and the activities of Annex II.A.2, please indicate which of the following substances or mixtures are still used on 31 December 2013 and in which (estimated) amounts (tonnes per year): substances or mixtures which, because of their content of volatile organic compounds, classified as carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phrases R45, R46, R49, R60 or R61.

Please indicate, where such information is available, the substances using their IUPAC name and their CAS number and the mixtures using one commercial name and indicating the relevant substances they contain.

Please also list substances which are used as substitutes for the abovementioned substances and mixtures (optional).

4. Monitoring

For each of the 20 activities of Annex II.A.1 and the activities of Annex II.A.2, please indicate for 2012 the number of installations which are monitored continuously for compliance according to Article 8(2) of Directive 1999/13/EC.

5. Compliance

For each of the 20 activities of Annex II.A.1 and the activities of Annex II.A.2, please indicate the following figures for 2012:

— number of operators who have been found to have breached the requirements of Directive 1999/13/EC:

(a) because the data referred to in Article 8(1) of Directive 1999/13/EC was either not reported or was insufficient to enable the competent authorities to verify compliance;

(b) related to non-compliance with other requirements of Directive 1999/13/EC, in particular with the provisions of Articles 3(2) and 4(2), Article 5, and Article 8(2) and (3),

— number of installations for which the competent authorities have suspended or withdrawn the authorisation in the case of non-compliance pursuant to Article 10(b) of Directive 1999/13/EC.

6. Emissions

Please indicate for each of the 20 activities of Annex II.A.1 and the activities of Annex II.A.2 the number of tonnes of VOCs emitted in 2012. Please indicate whether the figure reported is based on measured, calculated and/or estimated data.

7. If possible, please estimate:

— the total number of staff (national, regional, local authorities) involved in the implementation and enforcement of Directive 1999/13/EC (optional),

— the total costs (EUR per year) associated with this for these authorities (optional).

8. Any other comments

2010/680/EU:

- ★ **Commission Decision of 9 November 2010 releasing Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Spain, France, Cyprus, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovenia, Slovakia, Finland, Sweden and the United Kingdom from the obligation to apply to certain species Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 1999/105/EC, 2002/54/EC, 2002/55/EC and 2002/57/EC on the marketing of fodder plant seed, cereal seed, material for the vegetative propagation of the vine, forest reproductive material, beet seed, vegetable seed and seed of oil and fibre plants respectively (notified under document C(2010) 7578) ⁽¹⁾.....** 57

2010/681/EU:

- ★ **Commission Decision of 9 November 2010 concerning a questionnaire for Member States reports on the implementation of Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations during the period 2011-2013 (notified under document C(2010) 7591)** 65



⁽¹⁾ Text with EEA relevance

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