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## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

**Information concerning the entry into force of the Agreement renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India**

The Agreement renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India <sup>(1)</sup>, signed on 30 November 2007, has, in accordance with Article 11 thereof, entered into force on 17 May 2010.

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<sup>(1)</sup> OJ L 171, 1.7.2009, p. 19.

# REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) No 1064/2010

of 17 November 2010

**terminating the partial interim review of the anti-dumping and countervailing measures applicable to imports of polyethylene terephthalate (PET) film originating in India**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup> (the basic anti-dumping Regulation), and in particular Article 11(3) and (5) thereof,

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community <sup>(2)</sup> (the basic anti-subsidy Regulation), and in particular Articles 19 and 22(1), first sentence thereof,

Having regard to the proposal submitted by the European Commission (Commission) after consulting the Advisory Committee,

Whereas:

### 1. MEASURES IN FORCE

#### 1.1. Previous investigations and existing countervailing measures

(1) In December 1999, by Regulation (EC) No 2597/1999 <sup>(3)</sup>, the Council imposed a definitive countervailing duty on imports of polyethylene terephthalate (PET) film (the product concerned), originating in India. The investigation which led to the adoption of that Regulation is hereinafter referred to as the 'original anti-subsidy investigation'. The measures took the form of an *ad valorem* countervailing duty, ranging between 3,8 % and 19,1 %, imposed on imports from individually named exporters, with a residual duty rate of 19,1 % imposed on imports from all other companies. The investigation period of the original anti-subsidy investigation was 1 October 1997 to 30 September 1998.

(2) In March 2006, by Regulation (EC) No 367/2006 <sup>(4)</sup>, the Council, following an expiry review pursuant to

Article 18 of the basic anti-subsidy Regulation, maintained the definitive countervailing duty imposed by Regulation (EC) No 2597/1999 on imports of PET film originating in India. The review investigation period was 1 October 2003 to 30 September 2004.

(3) In August 2006, by Regulation (EC) No 1288/2006 <sup>(5)</sup>, the Council, following a partial interim review concerning the subsidisation of an Indian PET film producer, Garware Polyester Limited (Garware), amended the definitive countervailing duty imposed on Garware by Regulation (EC) No 367/2006.

(4) In September 2007, by Regulation (EC) No 1124/2007 <sup>(6)</sup>, the Council, following a partial interim review concerning the subsidisation of another Indian PET film producer, Jindal Poly Films Limited, formerly known as Jindal Polyester Ltd (Jindal), amended the definitive countervailing duty imposed on Jindal by Regulation (EC) No 367/2006.

(5) In January 2009, by Regulation (EC) No 15/2009 <sup>(7)</sup>, the Council, following a partial interim review initiated by the Commission on its own initiative concerning the subsidisation of five Indian PET film producers, amended the definitive countervailing duty imposed on these companies by Regulation (EC) No 367/2006.

(6) In June 2010, by Regulation (EU) No 579/2010 <sup>(8)</sup>, the Council, following a partial interim review concerning the subsidisation of Jindal, amended the definitive countervailing duty imposed on Jindal by Regulation (EC) No 367/2006.

#### 1.2. Previous investigations and existing anti-dumping measures

(7) In August 2001, by Regulation (EC) No 1676/2001 <sup>(9)</sup>, the Council imposed a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating, inter alia, in India. The investigation which led to the adoption of that Regulation is hereinafter referred to as the 'original anti-dumping investigation'. The measures consisted of an *ad valorem* anti-dumping duty

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> OJ L 188, 18.7.2009, p. 93.

<sup>(3)</sup> OJ L 316, 10.12.1999, p. 1.

<sup>(4)</sup> OJ L 68, 8.3.2006, p. 15.

<sup>(5)</sup> OJ L 236, 31.8.2006, p. 1.

<sup>(6)</sup> OJ L 255, 29.9.2007, p. 1.

<sup>(7)</sup> OJ L 6, 10.1.2009, p. 1.

<sup>(8)</sup> OJ L 168, 2.7.2010, p. 1.

<sup>(9)</sup> OJ L 277, 23.8.2001, p. 1.

ranging between 0 % and 62,6 % imposed on imports from individually named exporting producers, with a residual duty rate of 53,3 % on imports from all other companies.

- (8) In March 2006, by Regulation (EC) No 366/2006 <sup>(1)</sup>, the Council amended the measures imposed by Regulation (EC) No 1676/2001. The anti-dumping duty imposed ranged between 0 % and 18 %, taking into account the findings of the expiry review of the definitive countervailing duties carried out pursuant to Regulation (EC) No 367/2006.
- (9) In August 2006, by Regulation (EC) No 1288/2006, the Council, following an interim review concerning the subsidisation of an Indian PET film producer, Garware, amended the definitive anti-dumping duty imposed on Garware by Regulation (EC) No 1676/2001.
- (10) In September 2006, by Regulation (EC) No 1424/2006 <sup>(2)</sup>, the Council, following a new exporting producer request, amended Regulation (EC) No 1676/2001 in respect of SRF Limited. The amended Regulation established a dumping margin of 15,5 % and a anti-dumping duty rate of 3,5 % for the company concerned taking into account the company's export subsidy margin as ascertained in the anti-subsidy investigation which led to the adoption of Regulation (EC) No 367/2006. Since the company did not have an individual countervailing duty, the rate established for all other companies was applied.
- (11) In November 2007, by Regulation (EC) No 1292/2007 <sup>(3)</sup>, the Council imposed a definitive anti-dumping duty on imports of PET film originating in India following an expiry review pursuant to Article 11(2) of the basic anti-dumping Regulation. By the same Regulation, a partial interim review pursuant to Article 11(3) of the basic anti-dumping Regulation, limited to one Indian exporting producer, was terminated.
- (12) In January 2009, by Regulation (EC) No 15/2009, the Council, following a partial interim review initiated by the Commission on its own initiative concerning the subsidisation of five Indian PET film producers, amended the definitive anti-dumping duty imposed on these companies by Regulation (EC) No 1292/2007.

## 2. PROCEDURE

### 2.1. Grounds for the review

- (13) The request for a partial interim review pursuant to Article 11(3) of the basic anti-dumping Regulation and Article 19 of the basic anti-subsidy Regulation was

lodged by Polyplex Corporation Limited, an exporting producer from India (the applicant). The request was limited to the examination of the product scope as regards the clarification of whether certain product types fall within the scope of the anti-dumping and countervailing measures applicable to imports of PET film.

- (14) The applicant requested the exclusion of 'siliconised polyester release liner' (SPRL) in so far as it falls within the definition of the product concerned, from the scope of the current anti-dumping and countervailing measures on imports of PET film originating in India. The applicant provided prima facie evidence that the basic physical, technical and chemical characteristics of SPRL significantly differ from those of the product concerned.

### 2.2. Initiation

- (15) Having determined, after consulting the Advisory Committee, that sufficient evidence existed to justify the initiation of a partial interim review, the Commission announced by a notice published on 9 September 2009 in the *Official Journal of the European Union* <sup>(4)</sup> (the Notice of Initiation) the initiation of a partial interim review in accordance with the provisions of Article 11(3) of the basic anti-dumping Regulation and Article 19 of the basic anti-subsidy Regulation limited to the examination of the product scope. In particular, the review had to determine whether or not SPRL is part of the product concerned as defined in the original investigation.

### 2.3. Review investigation

- (16) The Commission officially informed the authorities of the Republic of India (the country concerned) and all other parties known to be concerned, i.e. known exporting producers in the country concerned, users and importers in the Union and producers in the Union, of the initiation of the partial interim review investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the Notice of Initiation.
- (17) All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.
- (18) The Commission sent questionnaires to all parties known to be concerned, and all other parties which made themselves known within the time limit set out in the Notice of Initiation.
- (19) Questionnaire replies were received from the applicant, two other Indian exporting producers, four Union producers and two Union importers.

<sup>(1)</sup> OJ L 68, 8.3.2006, p. 6.

<sup>(2)</sup> OJ L 270, 29.9.2006, p. 1.

<sup>(3)</sup> OJ L 288, 6.11.2007, p. 1.

<sup>(4)</sup> OJ C 215, 9.9.2009, p. 19.

- (20) The Commission sought and verified all information deemed necessary for the purpose of the assessment as to whether there was a need for amendment of the scope of the existing anti-dumping and countervailing measures and carried out verification visits at the premises of the following companies:

— Garware Polyester Limited, Mumbai, India,

— Mitsubishi Polyester Film, Wiesbaden, Germany,

— Polyplex Corporation Limited, Noida, India.

- (21) The investigation covered the period from 1 April 2008 to 31 March 2009 ('review investigation period' or 'RIP').

### 3. PRODUCT CONCERNED

- (22) The product concerned is the same product as the one defined by Regulations (EC) No 367/2006 and (EC) No 1292/2007, namely polyethylene terephthalate (PET) film originating in India, currently falling within CN codes ex 3920 62 19 and ex 3920 62 90.

## 4. FINDINGS OF THE REVIEW INVESTIGATION

### 4.1. Background

- (23) PET film is a non-self-adhesive film of polyethylene terephthalate. PET film is always produced from PET polymer and consists of a base film which may be subject to further treatment either during or after the production process. Such treatment of the base film may typically include corona treatment, metallisation or chemical coating.
- (24) PET film has specific physical, chemical and technical characteristics which distinguishes it from other films. Some of the characteristics of PET film are, for example, its high tensile strength, the very good electrical properties, low moisture absorption and humidity resistance, low shrinkage and good barrier properties. Therefore, while these specific characteristics determine various types of PET film, these types retain the same basic physical, technical and chemical characteristics of base PET film. PET film has five broad end-uses which

fall within five market segments, i.e. magnetic media, packaging, electrical, imaging and industrial applications.

### 4.2. Methodology

- (25) In order to assess whether SPRL and other types of PET film should be considered as one single product or two different products, it was examined whether SPRL and other types of PET film shared the same basic physical and chemical characteristics. Moreover, the production process, differences in end-uses and interchangeability as well as differences in costs and prices were examined.

### 4.3. Main arguments of the parties

- (26) The applicant claimed that the basic physical, technical and chemical characteristics of SPRL differ from those of the product concerned. In particular, the relatively low release force of SPRL and its low surface tension make the film slippery and consequently its surface becomes inactive to inks, coatings, adhesives and metallisation. According to the applicant, due to the migration of uncured silicone within the SPRL, even the reverse side of a single side coated SPRL exhibits marked differences in physical and technical properties compared to other types of PET film. These features allegedly impede the usage of SPRL in base PET film industry segments identified in the original investigation, i.e. packaging, magnetic media, electrical, imaging and industrial applications. On the other hand, the functionally active surface of other types of PET film makes it impossible to use them as release liners, since they would irretrievably stick to adhesive surfaces. Consequently, the applicant argued that SPRL is not interchangeable in its applications with any other kind of PET film.

- (27) The Union industry claimed that the applicant's arguments relied on two successive sets of artificially limited comparisons. First, the applicant compared SPRL against a narrow set of PET films, i.e. base PET film, and not against other types of coated PET film that are more comparable with SPRL. Second, this allegedly limited comparison was carried out only with regard to a highly selective and limited set of physical and chemical properties. The Union industry claimed that when comparing SPRL with a wide range of other types of PET film, and over a representative number of chemical and physical properties, it is clear that SPRL is the same product as other types of PET film and should remain within the scope of the anti-dumping and countervailing measures. According to the Union industry, SPRL is effectively PET film subsequently coated with a silicone layer. It is not conceptually different from other types of coated film, such as metallised film or film with an anti-static coating or film with barrier coating, and as such is clearly product concerned. In support for its claims, the Union industry provided a comparison of a number of different physical and chemical properties over a number of different types of PET film.

#### 4.4. Findings

##### 4.4.1. Physical and chemical characteristics

- (28) The investigation showed that the two characteristics mentioned in recital 27, i.e. the relatively low release force of SPRL and its low surface tension, are additional features compared to the basic physical, technical and chemical characteristics of PET film as defined in the original anti-dumping investigation<sup>(1)</sup> and mentioned in recital 24. In this respect, it should be noted that the basic physical, technical and chemical characteristics are the same for SPRL as for any other types of PET film.
- (29) As regards the two characteristics specific to SPRL, i.e. low release force and low surface tension, it was found that these are not the characteristics of PET film as such, but rather the characteristics of its siliconised surface or effectively the characteristics of silicone. Coating with silicone, as well as coating with any other substances, changes some features of the surface of the film but does not change the basic physical, technical and chemical characteristic of the base PET film itself, which under the coating layer remains the same.
- (30) While it is true that covering PET film with silicone results in a low release force of the surface and also in a low surface tension, a similar argument could be made for other types of coating, i.e. when covered with other types of coating the surface of PET film obtains other special characteristics. In some cases coating may result in characteristics which make PET film suitable only for very specific applications. Coating with silicone is by no means unique in this respect. Other special products with other types of coating include for example sealable films, anti-fog coated films, peeling/sealing films and copolyester coated films. All these types, however, share the same basic physical, technical and chemical characteristics and are part of the product concerned as defined in the original investigation.
- (31) On this basis, it is considered that there are no significant differences in terms of basic physical, technical and chemical characteristics between SPRL and other types of PET film which would justify the exclusion of SPRL from the product scope.

##### 4.4.2. Comparison of other criteria

- (32) For the sake of completeness, other claims raised by the applicant in its review request, allegedly showing that SPRL and PET film are different products, were also examined.

##### 4.4.2.1. Production process

- (33) The applicant claimed that SPRL requires separate manufacturing facilities compared to other types of PET film produced.
- (34) As mentioned in recital 23, PET film is always produced from PET polymer and consists of a base film which may be subject to further treatment either during or after the production process. Such treatment of the base film may typically include corona treatment, metallisation or chemical coating.
- (35) SPRL is PET film coated with a silicone layer. The investigation showed that there are two different technologies of manufacturing SPRL. The Union producer investigated uses the in-line coating technology of manufacturing. In this process the base PET film is coated during the production process before stretching. The coating module is just an additional, removable part of the production line. In contrast, the Indian producers investigated use the off-line coating technology. In this process the PET film is first produced, after which it is coated on a separate production line.
- (36) It was found that the choice between in-line or off-line coating technology is purely economic, the cost of investment in movable modules for the in-line coating being approximately 10 times higher than the investment in an off-line coating line. The advantage of in-line coating is a much higher speed of the line enabling significant volumes of production. In-line coating also leads to per-unit savings on the silicone costs as the layer of silicone surface is thinner than in the case of off-line coating.
- (37) It should be noted that the existence of two different coating methodologies does not alter the basic physical, technical and chemical characteristics of SPRL, which remain the same as compared to those of other types of PET film. Indeed different production processes are not *per se* relevant to determine whether a product type is a distinct product provided that the product types obtained from these processes are alike in terms of the basic physical, technical and chemical characteristics.

##### 4.4.2.2. Differences in end-uses and interchangeability

- (38) The applicant also claimed that there is no interchangeability in the applications between SPRL and other types of PET film. This claim was confirmed by the investigation. However, as concluded in the original investigation, this is also true for other types of PET film with a special treatment.

<sup>(1)</sup> Recital 10 of Regulation (EC) No 367/2001.

(39) The investigation confirmed that the purpose of coating, or of any other special treatment of PET film, is to make it suitable for certain specific applications. The substance chosen as the coating layer in each case has certain characteristics serving the relevant purpose. Silicone, for example, gives a low release force. The coating substance may have other special features (in the case of silicone, it is low surface tension) which makes it impossible to use the coated product for other applications. There are a number of other types of PET film, coated with other substances or otherwise treated, which for the above reasons have specific and limited applications.

(40) Therefore, whilst SPRL is specifically used for certain applications, its basic physical, technical and chemical characteristics are the same as those of the other types of PET film. As a consequence, interchangeability and end-use are not relevant to determine whether SPRL would constitute a different product.

#### 4.4.2.3. Differences in costs and prices

(41) Finally, the applicant claimed that the process of siliconising of base PET film involves additional costs.

(42) It was indeed found that the additional cost of silicone coating can amount to up to 10 % of the costs of manufacturing, depending on the choice of coating methodology. As described in recitals 35 and 36, the applicant opted for a more costly methodology in terms of per-unit silicone costs. It should be stressed, however, that this is an additional cost in comparison to the cost of producing the base PET film. Coating the base PET film with other substances, as well as the metalisation process, also increase the costs of manufacturing and thereby prices.

(43) In this respect, however, it is considered that the additional cost of silicone coating does not constitute in itself a decisive criterion when determining whether SPRL form a distinct product. Indeed differences in costs and prices do not *per se* justify the conclusion that a certain product type should be considered as a different product as long

as this type shares the same basic physical, technical and chemical characteristics as the product concerned.

#### 5. CONCLUSIONS ON THE PRODUCT SCOPE

(44) The findings of the investigation confirmed that the process of siliconising the PET film results in a different surface of the end-product compared to the base PET film. However, this process does not change the basic physical, chemical and technical characteristics of the product. Indeed, the investigation confirmed that there are a number of specially treated types of PET film on the market which fall under the definition of the product concerned as established in the original investigation. In addition, the other criteria analysed, i.e. the production process, interchangeability/end-use and differences in costs and prices, did not alter this conclusion.

(45) All interested parties were informed of the essential facts and considerations on the basis of which the above conclusions were reached. Parties were granted a period within which they could make representations subsequent to this disclosure.

(46) The oral and written comments submitted by the parties were duly considered, but did not change the conclusion not to amend the product scope of the anti-dumping and countervailing measures on imports of PET film in force,

HAS ADOPTED THIS REGULATION:

#### Article 1

The partial interim review of the anti-dumping and countervailing measures applicable to imports of certain PET film originating in India is hereby terminated without amending the anti-dumping and countervailing measures in force.

#### Article 2

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

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

Done at Brussels, 17 November 2010.

For the Council  
The President  
D. REYNERS

**COMMISSION REGULATION (EU) No 1065/2010**  
**of 19 November 2010**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(2)</sup>.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

*Article 3*

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

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

Done at Brussels, 19 November 2010.

*For the Commission,  
On behalf of the President,  
Algirdas ŠEMETA  
Member of the Commission*

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.

## ANNEX

| Description of the goods                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Classification<br>(CN code) | Reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (2)                         | (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>A product consisting of a paperboard roll and a handle made of moulded plastics (so-called 'textile roller').</p> <p>The paperboard roll is covered by a paper which is self-adhesive on the outer side and covered by synthetic plastics on the inner side.</p> <p>The paperboard roll, with a self-adhesive paper, is disposable and interchangeable. It is wrapped in a protective layer of paper containing a description of the functioning of the product.</p> <p>The product is intended to be used for the removal of, for example, dust, lint, hair, dandruff, from textile clothes, etc.</p> | 9603 90 91                  | <p>Classification is determined by General Rules 1, 4 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9603, 9603 90 and 9603 90 91.</p> <p>The product, which is not prima facie classifiable under a specific heading, is most akin to brushes of heading 9603. Heading 9603 comprises a variety of articles differing considerably both in materials and shape (see also the Harmonised System Explanatory Notes to heading 9603).</p> <p>The product is therefore to be classified under CN code 9603 90 91 as other brushes.</p> |

**COMMISSION REGULATION (EU) No 1066/2010**  
**of 19 November 2010**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(2)</sup>.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

*Article 3*

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

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

Done at Brussels, 19 November 2010.

*For the Commission,  
On behalf of the President,  
Algirdas ŠEMETA  
Member of the Commission*

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.

## ANNEX

| Description of the goods                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Classification<br>(CN code) | Reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | (2)                         | (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>A product consisting of an audio-frequency amplifier (15 W) and a loudspeaker (approximately 20 cm (8 inches)) in a single housing with dimensions of approximately 38 × 38 × 20,5 cm and a weight of approximately 8 kg.</p> <p>The product is equipped with interfaces:</p> <ul style="list-style-type: none"> <li>— for a musical instrument, such as an electric guitar;</li> <li>— for a foot operated controller for sound effects;</li> <li>— for a sound recording and reproducing apparatus, such as an MP3 or a compact disc player; and</li> <li>— for headphones.</li> </ul> <p>It is also equipped with control buttons for volume, gain, sound and sound effects.</p> <p>The product receives electrical signals from the musical instrument, amplifies them by means of the audio-frequency amplifier and converts them into audible sound by means of the loudspeaker.</p> | 8518 40 89                  | <p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Section XVI and by the wording of CN codes 8518, 8518 40 and 8518 40 89.</p> <p>As the product is not fitted with, nor has a dedicated interface for a microphone, it cannot receive audible sound. Consequently, classification under subheading 8518 50 as an electric sound amplifier set is excluded.</p> <p>The product is a composite machine within the meaning of Note 3 to Section XVI consisting of a loudspeaker of subheading 8518 29, an audio-frequency electric amplifier of subheading 8518 40 and a sound effect machine of subheading 8543 70.</p> <p>The audio-frequency amplification function is the principal function of the product given the level of processing of the signals received.</p> <p>The product is therefore to be classified under CN code 8518 40 89 as an audio-frequency electric amplifier.</p> |

**COMMISSION REGULATION (EU) No 1067/2010**  
**of 19 November 2010**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN codes indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(2)</sup>.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column (2) of that table.

*Article 2*

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

*Article 3*

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

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

Done at Brussels, 19 November 2010.

*For the Commission,  
On behalf of the President,  
Algirdas ŠEMETA  
Member of the Commission*

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.

## ANNEX

| Description of the goods                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Classification<br>(CN code) | Reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | (2)                         | (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>1. A product (so-called 'shower head') made of plastics with a nickel coating, used for distributing water by means of a nozzle.</p> <p>It is equipped with a non-return valve which prevents water from flowing back. However, the valve does not regulate the water flow.</p> <p>The flow of water from the nozzle is regulated by the tap to which the product is intended to be connected via a flexible hose.</p>                                                                         | 3924 90 00                  | <p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3924 and 3924 90 00.</p> <p>Classification under heading 8481 as a valve or similar appliance is excluded, as the product is more than a valve incorporating accessory features, it is a complete shower head (see also the Harmonised System Explanatory Notes to heading 8481).</p> <p>Classification under heading 8424 as a mechanical appliance for projecting, dispersing or spraying liquids is excluded, as the product does not contain any mechanism for projecting, dispersing or spraying the liquid. The flow of the water from the nozzle is regulated only by the tap to which the product is intended to be connected.</p> <p>The product is therefore to be classified according to its constituent material in Chapter 39.</p> <p>Classification under heading 3922 as a sanitary ware of plastics is excluded, as this heading covers baths, shower-baths, sinks, washbasins, bidets, lavatory pans, seats and covers, flushing cisterns and similar sanitary ware of plastics to be permanently fixed in a place (see also the Harmonised System Explanatory Notes to heading 3922).</p> <p>The product is therefore to be classified under heading 3924 as a hygienic or toilet article, of plastics.</p> |
| <p>2. A product (so-called 'shower head') made of plastics with a nickel coating, used for distributing water by means of a nozzle.</p> <p>It is equipped with a button connected to a valve which prevents water from flowing back and also changes the type of water jet ('rain' or 'massage'). However, the valve does not regulate the water flow.</p> <p>The flow of water from the nozzle is regulated by the tap to which the product is intended to be connected via a flexible hose.</p> | 8424 89 00                  | <p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8424 and 8424 89 00.</p> <p>Classification under heading 8481 as a valve or similar appliance is excluded, as the product is more than a valve incorporating accessory features, it is a complete shower head (see also the Harmonised System Explanatory Notes to heading 8481).</p> <p>The presence of a mechanism to change the type of water jet gives the product the character of a mechanical appliance for projecting, dispersing or spraying liquids.</p> <p>The product is therefore to be classified under heading 8424.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| (1)                                                                                                                                                                                                                                                                                                                                                      | (2)               | (3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>3. A product (so-called 'shower head') made of plastics with a nickel coating, used for distributing water by means of a nozzle without a non-return valve or a mechanism to change the type of water jet.</p> <p>The flow of water from the nozzle is regulated by the tap to which the product is intended to be connected via a flexible hose.</p> | <p>3924 90 00</p> | <p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3924 and 3924 90 00.</p> <p>Classification under heading 8424 as a mechanical appliance for projecting, dispersing or spraying liquids is excluded, as the product does not contain any mechanism for projecting, dispersing or spraying the liquid. The flow of the water from the nozzle is regulated only by the tap to which the product is intended to be connected.</p> <p>The product is therefore to be classified according to its constituent material in Chapter 39.</p> <p>Classification under heading 3922 as a sanitary ware of plastics is excluded, as this heading covers baths, shower-baths, sinks, washbasins, bidets, lavatory pans, seats and covers, flushing cisterns and similar sanitary ware of plastics to be permanently fixed in a place (see also the Harmonised System Explanatory Notes to heading 3922).</p> <p>The product is therefore to be classified under heading 3924 as a hygienic or toilet article, of plastics.</p> |

**COMMISSION REGULATION (EU) No 1068/2010****of 19 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) <sup>(1)</sup>,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 <sup>(2)</sup>, 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 20 November 2010.

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

Done at Brussels, 19 November 2010.

*For the Commission,  
On behalf of the President,**Jean-Luc DEMARTY  
Director-General for Agriculture and  
Rural Development*<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.<sup>(2)</sup> 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 <sup>(1)</sup> | Standard import value |
|---------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                        | AL                                | 64,0                  |
|                                                   | EC                                | 92,0                  |
|                                                   | IL                                | 95,1                  |
|                                                   | MA                                | 70,6                  |
|                                                   | MK                                | 58,9                  |
|                                                   | ZZ                                | 76,1                  |
| 0707 00 05                                        | AL                                | 54,8                  |
|                                                   | EG                                | 150,8                 |
|                                                   | JO                                | 182,1                 |
|                                                   | MK                                | 59,4                  |
|                                                   | TR                                | 146,5                 |
|                                                   | ZZ                                | 118,7                 |
| 0709 90 70                                        | MA                                | 69,0                  |
|                                                   | TR                                | 151,0                 |
|                                                   | ZZ                                | 110,0                 |
| 0805 20 10                                        | MA                                | 66,9                  |
|                                                   | ZA                                | 141,4                 |
|                                                   | ZZ                                | 104,2                 |
| 0805 20 30, 0805 20 50, 0805 20 70,<br>0805 20 90 | HR                                | 42,1                  |
|                                                   | IL                                | 75,3                  |
|                                                   | MA                                | 61,9                  |
|                                                   | TN                                | 78,6                  |
|                                                   | TR                                | 58,9                  |
|                                                   | UY                                | 58,6                  |
|                                                   | ZZ                                | 62,6                  |
| 0805 50 10                                        | AR                                | 39,6                  |
|                                                   | CL                                | 79,2                  |
|                                                   | MA                                | 68,0                  |
|                                                   | TR                                | 65,7                  |
|                                                   | UY                                | 57,1                  |
|                                                   | ZZ                                | 61,9                  |
| 0806 10 10                                        | BR                                | 251,8                 |
|                                                   | LB                                | 196,9                 |
|                                                   | TR                                | 141,7                 |
|                                                   | US                                | 278,0                 |
|                                                   | ZA                                | 79,2                  |
|                                                   | ZZ                                | 189,5                 |
| 0808 10 80                                        | AR                                | 74,9                  |
|                                                   | AU                                | 187,8                 |
|                                                   | BR                                | 49,6                  |
|                                                   | CL                                | 75,0                  |
|                                                   | CN                                | 82,6                  |
|                                                   | MK                                | 24,7                  |
|                                                   | NZ                                | 98,9                  |
|                                                   | US                                | 121,8                 |
|                                                   | ZA                                | 104,1                 |
|                                                   | ZZ                                | 91,0                  |
| 0808 20 50                                        | CL                                | 78,3                  |
|                                                   | CN                                | 103,9                 |
|                                                   | US                                | 160,9                 |
|                                                   | ZZ                                | 114,4                 |

<sup>(1)</sup> 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 1069/2010****of 19 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, 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 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EU) No 1050/2010 <sup>(4)</sup>

- (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 20 November 2010.

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

Done at Brussels, 19 November 2010.

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

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

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 259, 1.10.2010, p. 3.

<sup>(4)</sup> OJ L 299, 17.11.2010, p. 43.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 20 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 <sup>(1)</sup> | 57,89                                                        | 0,00                                                    |
| 1701 11 90 <sup>(1)</sup> | 57,89                                                        | 0,00                                                    |
| 1701 12 10 <sup>(1)</sup> | 57,89                                                        | 0,00                                                    |
| 1701 12 90 <sup>(1)</sup> | 57,89                                                        | 0,00                                                    |
| 1701 91 00 <sup>(2)</sup> | 51,92                                                        | 1,89                                                    |
| 1701 99 10 <sup>(2)</sup> | 51,92                                                        | 0,00                                                    |
| 1701 99 90 <sup>(2)</sup> | 51,92                                                        | 0,00                                                    |
| 1702 90 95 <sup>(3)</sup> | 0,52                                                         | 0,21                                                    |

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

# DIRECTIVES

## COMMISSION DIRECTIVE 2010/79/EU

of 19 November 2010

**on the adaptation to technical progress of Annex III to Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS DIRECTIVE:

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

Having regard to Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC <sup>(1)</sup>, and in particular Article 11 thereof,

Whereas:

- (1) The analytical methods set out in Annex III to Directive 2004/42/EC should be used to determine, for the products contained in Annex I to the Directive, compliance with the limits for the maximum permitted content of volatile organic compounds (hereinafter, 'VOC') set out in Annex II to the Directive. Those methods should be adapted to technical progress.
- (2) The ISO method 11890-2 was revised by the International Standards Organization in 2006 and the new version should be integrated into Annex III to Directive 2004/42/EC.
- (3) ISO method 11890-2 states that where reactive diluents are not part of the formulation of the product and where the VOC content is equal to or greater than 15 % by mass, the simpler and less expensive ISO method 11890-1 is an acceptable alternative. That method should, therefore, be permitted by Directive 2004/42/EC so as to reduce the testing costs for the Member States and economic operators affected by that Directive.
- (4) Directive 2004/42/EC should be amended accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee referred to in Article 12(3) of Directive 2004/42/EC,

### Article 1

Annex III to Directive 2004/42/EC is replaced by the Annex to this Directive.

### Article 2

#### Transposition

1. Member States shall adopt and publish, by 10 June 2012 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

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 20th day following its publication in the *Official Journal of the European Union*.

### Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 November 2010.

*For the Commission*

*The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 143, 30.4.2004, p. 87.

## ANNEX

## ‘ANNEX III

**METHODS REFERRED TO IN ARTICLE 3(1)**

Permitted method for products with VOC content below 15 % by mass where reactive diluents are not present:

| Parameter   | Unit | Test        |                     |
|-------------|------|-------------|---------------------|
|             |      | Method      | Date of publication |
| VOC content | g/l  | ISO 11890-2 | 2006                |

Permitted methods for products with VOC content equal to or greater than 15 % by mass where reactive diluents are not present:

| Parameter   | Unit | Test        |                     |
|-------------|------|-------------|---------------------|
|             |      | Method      | Date of publication |
| VOC content | g/l  | ISO 11890-1 | 2007                |
| VOC content | g/l  | ISO 11890-2 | 2006                |

Permitted method for products with VOC content where reactive diluents are present:

| Parameter   | Unit | Test       |                     |
|-------------|------|------------|---------------------|
|             |      | Method     | Date of publication |
| VOC content | g/l  | ASTMD 2369 | 2003’               |

# DECISIONS

## COUNCIL DECISION

of 17 November 2010

**appointing a member of the Court of Auditors**

(2010/696/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

*Article 1*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 286(5) thereof,

Mr Gijs M. de VRIES is hereby appointed member of the Court of Auditors for the period from 1 January 2011 to 31 December 2013.

*Article 2*

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

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

Whereas:

Done at Brussels, 17 November 2010.

(1) Mr Maarten B. ENGWIRDA, member of the Court of Auditors, has resigned with effect from 1 January 2011.

(2) Mr Maarten B. ENGWIRDA should therefore be replaced for the remainder of his term of office,

*For the Council*

*The President*

D. REYNDERS

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<sup>(1)</sup> Opinion of 7 October 2010 (not yet published in the Official Journal).

## ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

Only the original UN/ECE texts have legal effect under international public law. The status and date of entry into force of this Regulation should be checked in the latest version of the UN/ECE status document TRANS/WP.29/343, available at:  
<http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29fdocstts.html>

### **Regulation No 29 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the approval of vehicles with regard to the protection of the occupants of the cab of a commercial vehicle**

Incorporating all valid text up to:

03 series of amendments — Date of entry into force: 30 January 2011.

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##### Annex 4 — Procedure for determining the 'H' point and the actual torso angle for seating positions in motor vehicles

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##### Annex 5 — Reference data concerning seating positions

## 1. SCOPE

This Regulation applies to vehicles with separate driver's cab of category N <sup>(1)</sup> with regard to the protection of the occupants of the cab.

## 2. DEFINITIONS

For the purposes of this Regulation:

2.1. 'approval of a vehicle' means the approval of a vehicle type pursuant to the requirements of this Regulation, with regard to the protection of the occupants of the cab of a vehicle in the event of head-on impact or of overturning.

2.2. 'vehicle type' means a category of motor vehicle which does not differ in such essential respects as:

2.2.1. the dimensions, shapes and materials of the components of the vehicle cab; or

2.2.2. the manner of attachment of the cab to the chassis frame.

2.3. 'transverse plane' means a vertical plane perpendicular to the longitudinal plane of the vehicle.

2.4. 'longitudinal plane' means a plane parallel to the median longitudinal plane of the vehicle.

2.5. 'Cab-over engine vehicle' means a vehicle where more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length.

2.6. 'R point' means the seating reference point as defined in Annex 4, paragraph 2.4.

2.7. 'H-point' means the point defined in Annex 4, paragraph 2.3.

2.8. 'Test A' means a frontal impact test intended to evaluate the resistance of a cab in frontal impact accident.

2.9. 'Test B' means an impact test to the A-pillars of the cab intended to evaluate the resistance of a cab in a 90° rollover accident with subsequent impact.

2.10. 'Test C' means a cab roof strength test intended to evaluate the resistance of a cab in a 180° rollover accident.

2.11. 'A-pillar' means the foremost and outermost roof support.

2.12. 'Windscreen' means the frontal glazing of the vehicle situated between the A-pillars.

## 3. APPLICATION FOR APPROVAL

3.1. The application for approval of a vehicle type with regard to the protection of the occupants of the cab of a vehicle shall be submitted by the vehicle manufacturer or by his duly accredited representative.

3.2. It shall be accompanied by drawings of the vehicle, showing the position of the cab on the vehicle and the manner of its attachment, and by sufficiently detailed drawings relating to the structure of the cab, all the said drawings being submitted in triplicate. A model for the information document relating to the construction features is given in Annex 1, Part 1.

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

#### 4. APPROVAL

- 4.1. If the vehicle type submitted for approval pursuant to this Regulation meets the requirements of paragraph 5 hereof, approval of that vehicle type shall be granted.
- 4.2. An approval number shall be assigned to each type approved. Its first two digits (at present 03 corresponding to the 03 series of amendments) shall indicate the series of amendments incorporating the most recent major technical amendments made to the Regulation at the time of issue of the approval. The same Contracting Party may not assign the same number to another vehicle type within the meaning of paragraph 2.2 above.
- 4.3. Notice of approval or of extension or of refusal or of withdrawal of approval or production definitely discontinued of a vehicle type pursuant to this Regulation shall be communicated by the Parties to the Agreement which apply this Regulation by means of a form conforming to the model in Annex 1 to this Regulation.
- 4.4. There shall be affixed, conspicuously and in a readily accessible place specified on the approval form, to every vehicle conforming to a vehicle type approved under this Regulation, an international approval mark consisting of:
  - 4.4.1. a circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted the approval <sup>(1)</sup>; and
  - 4.4.2. the number of this Regulation, followed by the letter 'R', a dash and the approval number, to the right of the circle prescribed in paragraph 4.4.1.
- 4.5. If the vehicle conforms to a vehicle type approved, under one or more other Regulations annexed to the Agreement, in the country which has granted approval under this Regulation, the symbol prescribed in paragraph 4.4.1 need not be repeated; in such a case the additional numbers and symbols of all the Regulations under which approval has been granted in the country which has granted approval under this Regulation shall be placed in vertical columns to the right of the symbol prescribed in paragraph 4.4.1.
- 4.6. The approval mark shall be clearly legible and be indelible.
- 4.7. The approval mark shall be placed close to or on the vehicle data plate.
- 4.8. Annex 2 to this Regulation gives examples of arrangements of approval marks.

#### 5. REQUIREMENTS

##### 5.1. General requirements

- 5.1.1. The cab of the vehicle shall be so designed and so attached to the vehicle as to eliminate to the greatest possible extent the risk of injury to the occupants in the event of an accident.

<sup>(1)</sup> 1 for Germany, 2 for France, 3 for Italy, 4 for the Netherlands, 5 for Sweden, 6 for Belgium, 7 for Hungary, 8 for the Czech Republic, 9 for Spain, 10 for Serbia, 11 for the United Kingdom, 12 for Austria, 13 for Luxembourg, 14 for Switzerland, 15 (vacant), 16 for Norway, 17 for Finland, 18 for Denmark, 19 for Romania, 20 for Poland, 21 for Portugal, 22 for the Russian Federation, 23 for Greece, 24 for Ireland, 25 for Croatia, 26 for Slovenia, 27 for Slovakia, 28 for Belarus, 29 for Estonia, 30 (vacant), 31 for Bosnia and Herzegovina, 32 for Latvia, 33 (vacant), 34 for Bulgaria, 35 (vacant), 36 for Lithuania, 37 for Turkey, 38 (vacant), 39 for Azerbaijan, 40 for The former Yugoslav Republic of Macedonia, 41 (vacant), 42 for the European Union (Approvals are granted by its Member States using their respective UNECE symbol), 43 for Japan, 44 (vacant), 45 for Australia, 46 for Ukraine, 47 for South Africa, 48 for New Zealand, 49 for Cyprus, 50 for Malta, 51 for the Republic of Korea, 52 for Malaysia, 53 for Thailand, 54 and 55 (vacant), 56 for Montenegro, 57 (vacant) and 58 for Tunisia. Subsequent numbers shall be assigned to other countries in the chronological order in which they ratify or accede to the Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, and the numbers thus assigned shall be communicated by the Secretary-General of the United Nations to the Contracting Parties to the Agreement.

- 5.1.2. Vehicles of categories  $N_1$  and vehicles of categories  $N_2$  with a gross vehicle mass not exceeding 7,5 t shall be subjected to the tests A and C, as described in Annex 3, paragraphs 5 and 7.

However a vehicle type which has been approved according to Regulation No 33 or to Regulation No 94 may be considered to have satisfied the requirements on frontal impact (Test A).

- 5.1.3. Vehicles of categories  $N_3$  and vehicles of categories  $N_2$  with a gross vehicle mass exceeding 7,5 t shall be subjected to the tests A, B, and C, as described in Annex 3, paragraphs 5, 6 and 7.

- 5.1.4. Test A (frontal impact) shall only be conducted on Cab-over-Engine vehicles.

- 5.1.5. One, two or three cabs, at the manufacturer's choice, may be used for the purpose of demonstrating compliance with paragraphs 5.1.2 or 5.1.3 above. However both phases in Test C, if applicable, shall be conducted on the same cab.

- 5.1.6. None of the tests A, B, C, need be carried out if the manufacturer can show by computer simulation or calculations of the strength of the component parts of the cab or by other means to the satisfaction of the Technical Service that the cab will not undergo deformation dangerous to the occupants (penetration into the survival space) if subjected to the conditions of the tests.

- 5.2. Survival space required after the test or tests

- 5.2.1. After undergoing each of the tests referred to in paragraphs 5.1.2 or 5.1.3, the cab of the vehicle shall exhibit a survival space allowing accommodation of the manikin defined in Annex 3, Appendix 2, on the seat, when the latter is in its median position, without contact between the test manikin and non-resilient parts with a Shore-Hardness of 50 or more. No account shall be taken of non-resilient parts which can be moved away without any tools from the test manikin by using a force of less than 100 N. To facilitate installation, the manikin may be inserted in dismantled form and assembled in the cab. For this purpose, the seat shall be adjusted to its most rearward position and the manikin completely assembled and so placed that its H point coincides with the R point. The seat shall then be moved forward to its median position for the assessment of the survival space. As an alternative to the test manikin defined in Annex 3, Appendix 2, a fiftieth percentile Hybrid II or III male dummy, with or without measuring instrumentation, the description of which is given in Regulation No 94, may be used.

- 5.2.2. The space so defined shall be verified for every seat provided by the manufacturer.

- 5.3. Other conditions

- 5.3.1. During the tests the components by which the cab is secured to the chassis frame may be distorted or broken, provided that the cab remains attached to the chassis frame.

- 5.3.2. None of the doors shall open during the tests, but the doors shall not be required to open after testing.

## 6. MODIFICATION AND EXTENSION OF THE APPROVAL OF THE VEHICLE TYPE

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

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

- 6.1.2. require a further test report from the Technical Service responsible for conducting the tests.

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

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

## 7. CONFORMITY OF PRODUCTION

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

- 7.1. A vehicle approved pursuant to this Regulation shall be so manufactured as to conform to the type approved by meeting the requirements of paragraph 5 above.
- 7.2. The Competent Authority which has granted approval may at any time verify the conformity of control methods applicable to each production unit. The normal frequency of such inspections shall be once every 2 years.

## 8. PENALTIES FOR NON-CONFORMITY OF PRODUCTION

- 8.1. The approval granted in respect of a vehicle type, pursuant to this Regulation, may be withdrawn if the requirement laid down in paragraph 7.1 above is not complied with.
- 8.2. If a Party to the Agreement which applies this Regulation withdraws an approval it has previously granted, it shall forthwith so notify the other Contracting Parties applying this Regulation by means of a communication form conforming to the model in Annex 1 to this Regulation.

## 9. PRODUCTION DEFINITELY DISCONTINUED

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

## 10. TRANSITIONAL PROVISIONS

- 10.1. As from the official date of entry into force of the 02 series of amendments, no Contracting Party applying this Regulation shall refuse to grant ECE approval under this Regulation as amended by the 02 series of amendments.
- 10.2. As from 1 October 2002 Contracting Party applying this Regulation shall grant ECE approvals only if the requirements of this Regulation, as amended by the 02 series of amendments are satisfied.
- 10.3. As from 1 October 2006 Contracting Party applying this Regulation may refuse to recognise approvals which were not granted in accordance with the 02 series of amendments to this Regulation.
- 10.4. As from the official date of entry into force of the 03 series of amendments, no Contracting Party applying this Regulation shall refuse to grant ECE approval under this Regulation as amended by the 03 series of amendments.
- 10.5. As from 72 months after the date of entry into force of the 03 series of amendments Contracting Parties applying this Regulation shall grant ECE approval under this Regulation to the new types of cabs only if the requirements of this Regulation, as amended by the 03 series of amendments, are satisfied.
- 10.6. Contracting Parties applying this Regulation shall not refuse to grant extensions of approval to the preceding series of amendments to this Regulation.
- 10.7. Contracting Parties applying this Regulation shall continue to grant approvals to those types of vehicles which comply with the requirements of this Regulation as amended by the preceding series of amendments during the 72 months' period which follows the date of entry into force of the 03 series of amendments.
- 10.8. No Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the 03 series of amendments to this Regulation.

10.9. Even after the entry into force of the 03 series of amendments to this Regulation, approvals of the vehicles to the preceding series of amendments to this Regulation shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.

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

The Parties to the Agreement which apply this Regulation shall communicate to the Secretariat of the United Nations the names and addresses of the technical services conducting approval tests, and of the administrative departments which grant approval and to which forms certifying approval or extension, or refusal or withdrawal of approval, issued in other countries, are to be sent.

---

## ANNEX 1

## ECE TYPE-APPROVAL DOCUMENTATION

## Part 1

## MODEL INFORMATION DOCUMENT

Pursuant to Regulation No 29 relating to type-approval of the cab

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

1. General .....
- 1.1. Make (trade name of manufacturer): .....
- 1.2. Type: .....
- 1.3. Means of identification of type, if marked on the vehicle: .....
- 1.3.3. Location of that marking: .....
- 1.4. Category of vehicle <sup>(1)</sup>: .....
- 1.5. Name and address of manufacturer: .....
- 1.6. Address(es) of assembly plant(s): .....
2. General Construction Characteristics of the Vehicle .....
- 2.1. Photographs and/or drawings of a representative vehicle: .....
- 2.2. Dimensional drawing of the whole vehicle: .....
- 2.3. Number of axles and wheels: .....
- 2.6. Position and arrangement of the engine: .....
- 2.7. Driving cab (cab-over-engine or bonnet) <sup>(2)</sup>: .....
- 2.8. Hand of drive: .....
3. Masses and Dimensions (in kg and mm) (refer to drawing where applicable) .....
- 3.1. Technically permissible maximum laden mass stated by the manufacturer: .....
- 3.2. Technical permissible maximum mass for the front axle or axles of the vehicle: .....
4. Cab: .....
- 4.1. Type of cab: (normal/sleeper/top-sleeper) <sup>(3)</sup>: .....
- 4.2. Materials used and methods of construction: .....
- 4.3. Door configuration and number of doors: .....

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

<sup>(2)</sup> Cab-over-engine means a configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub in the forward quarter of the vehicle length.

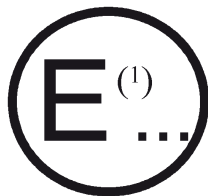
<sup>(3)</sup> Delete where not applicable (there are cases where nothing needs to be deleted when more than one entry is applicable).

- 4.4. Drawings of door latches and retention components and their position in the doors: .....
- 4.5. Number of seats: .....
- 4.6. R-points: .....
- 4.7. Detailed description of the cab of the vehicle type including its dimensions, configuration and constituent materials and its attachment to any chassis frame: .....
- 4.8. Drawings of the cab and those parts of its interior arrangement which have an influence on the residual space: .....
- 5. Steering .....
- 5.1. Schematic diagram(s) of the steering control(s): .....
- 5.2. Range and method of adjustment (if any), of the steering control: .....

## Part 2

## COMMUNICATION

(maximum format: A4 (210 × 297 mm))



issued by: Name of administration

.....

.....

.....

concerning <sup>(2)</sup>: Approval granted  
 Approval extended  
 Approval refused  
 Approval withdrawn  
 Production definitely discontinued

of a vehicle type with regard to protection of the occupants of the cab of a vehicle pursuant to Regulation No 29.

Approval No ..... Extension No .....

1. Trade name or mark of the vehicle: .....
2. Vehicle type: .....
3. Manufacturer's name and address: .....
4. If applicable, name and address of manufacturer's representative: .....
5. Brief description of the cab's design and method of attachment: .....
6. Vehicle submitted for approval on: .....
7. Technical service responsible for conducting approval tests: .....
8. Date of report issued by that service: .....
9. Number of report issued by that service: .....
10. Approval granted/refused/extended/withdrawn <sup>(2)</sup> .....
11. Position of approval mark on the vehicle: .....
12. Place: .....
13. Date: .....
14. Signature: .....

The list of documents deposited with the Administrative Service which has granted approval is annexed to this communication and may be obtained on request.

\_\_\_\_\_

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

<sup>(2)</sup> Strike out what does not apply.

ANNEX 2

ARRANGEMENTS OF APPROVAL MARKS

MODEL A

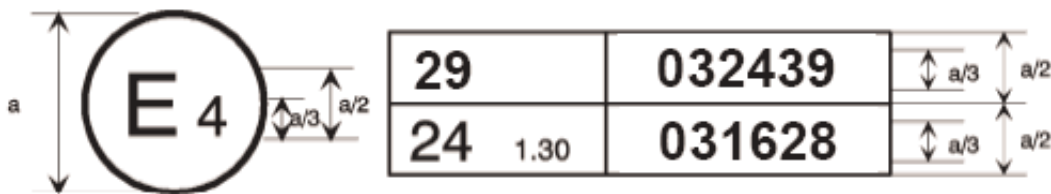
(See paragraph 4.4 of this Regulation)



a = 8 mm min

The above approval mark affixed to a vehicle shows the vehicle type concerned has with regard to the protection of the occupants of the cab of a commercial vehicle, been approved in the Netherlands (E 4), under the number 032439. The first two digits of the approval number indicate the Regulation No 29 already included the 03 series of amendments when the approval was given.

MODEL B



a = 8 mm min

The above approval mark affixed to a vehicle shows that the vehicle type concerned has been approved in the Netherlands (E 4) pursuant to Regulations No 29 and 24 <sup>(1)</sup>. (In the case of the latter Regulation the corrected absorption coefficient is 1,30 m<sup>-1</sup>.) The approval numbers indicate that on the dates on which these approvals were granted Regulations No 29 and 24 included the 03 series of amendments.

<sup>(1)</sup> The second number is given merely as an example.

## ANNEX 3

## TEST PROCEDURE

1. **Doors**

Before the tests the doors of the cab shall be closed but not locked.

2. **Engine**

For Test A the engine, or a model equivalent thereto in mass, dimensions and mounting, shall be fitted to the vehicle.

3. **Cab**

The cab shall be equipped with the steering mechanism, steering wheel, instrument-panel and the driver and passenger seats. The steering wheel and the seating position shall be adjusted to their positions for normal use as prescribed by the manufacturer.

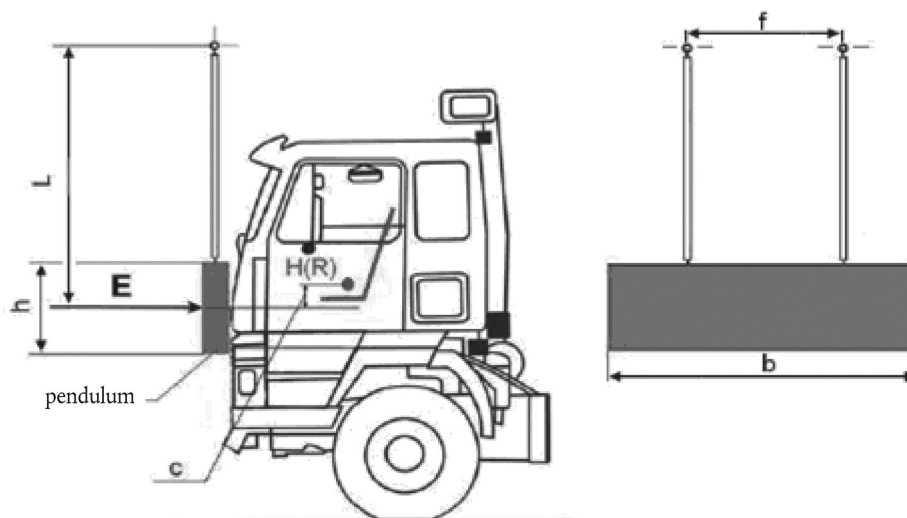
4. **Anchorage of the cab**

For Test A, the cab shall be mounted on a vehicle. For Tests B and C, the cab shall, at the manufacturer's choice, be mounted either on a vehicle or on a separate frame. The vehicle or frame shall be secured in the manner prescribed in Appendix 1 to this Annex.

5. **Front impact test (Test A)**

Figure 1

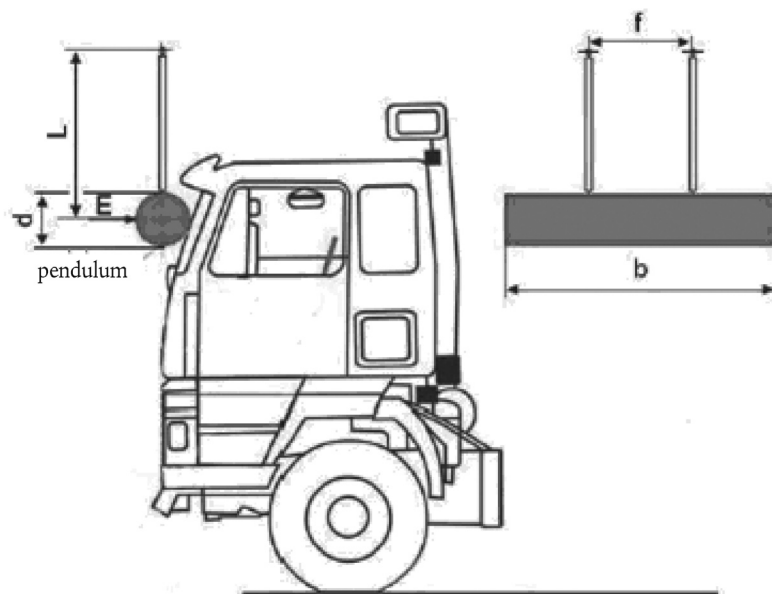
Front impact test (Test A)



- 5.1. The impactor shall be made of steel and its mass shall be evenly-distributed; its mass shall not be less than 1 500 kg. Its striking surface, rectangular and flat, shall be 2 500 mm wide and 800 mm high (see b and h on figure 1). Its edges shall be rounded to a radius of curvature of  $10\text{ mm} \pm 5\text{ mm}$ .
- 5.2. The impactor assembly shall be of rigid construction. The impactor shall be freely suspended by two beams rigidly attached to it and spaced not less than 1 000 mm apart (see f on figure 1). The beams shall be not less than 3 500 mm long from the axis of suspension to the geometric centre of the impactor (L on figure 1).
- 5.3. The impactor shall be so positioned that in the vertical position:
  - 5.3.1. its striking face is in contact with the foremost part of the vehicle;
  - 5.3.2. its centre of gravity is  $c = 50 + 5/-0\text{ mm}$  below the R point of the driver's seat; and
  - 5.3.3. its centre of gravity is in the median longitudinal plane of the vehicle.

- 5.4. The impactor shall strike the cab at the front in the direction towards the rear of the cab. The direction of impact shall be horizontal and shall be parallel to the median longitudinal plane of the vehicle.
- 5.5. The impact energy shall be:
- 5.5.1. 29,4 kJ in the case of vehicles of category  $N_1$  and of vehicles of category  $N_2$  with a gross vehicle mass not exceeding 7,5 t.
- 5.5.2. 55 kJ in the case of vehicles of category  $N_3$  and of vehicles of category  $N_2$  with a gross vehicle mass exceeding 7,5 t.
6. **Front pillar impact test (Test B)**

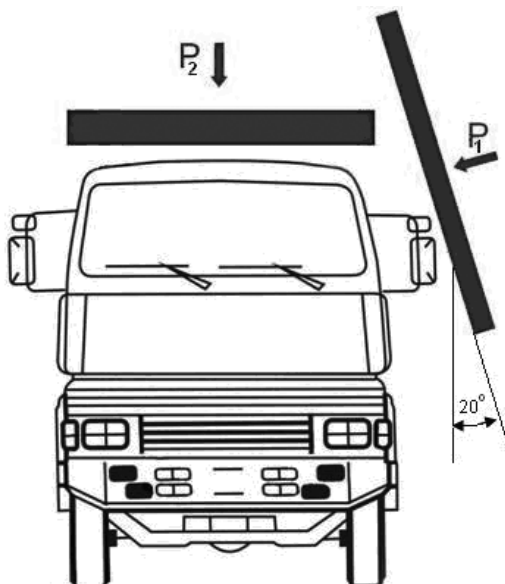
Figure 2

**Front pillar impact test (Test B)**

- 6.1. The impactor shall be rigid and its mass shall be evenly-distributed; its mass shall not be less than 1 000 kg. The impactor shall be cylindrical with a diameter  $d$  of the cylinder of  $600 \pm 50$  mm and a length  $b$  of not less than 2 500 mm. Its edges shall be rounded to a radius of curvature of not less than 1,5 mm.
- 6.2. The impactor assembly shall be of rigid construction. The impactor shall be freely suspended by two beams rigidly attached to it and spaced not less than  $f = 1\,000$  mm apart. The beams shall not be less than  $L = 3\,500$  mm long from the axis of suspension to the geometric centre of the bob impactor.
- 6.3. The impactor shall be so positioned that when its suspension is in the vertical position:
- 6.3.1. its striking face is in contact with the foremost part of the cab;
- 6.3.2. its median longitudinal line is horizontal and perpendicular to the median longitudinal vertical plane of the cab;
- 6.3.3. its centre of gravity is midway between the lower and the upper windscreen frame, as measured along the windscreen and along the median longitudinal vertical plane of the cab;
- 6.3.4. its centre of gravity is in the median longitudinal plane of the cab;
- 6.3.5. its length is equally distributed over the width of the vehicle, overlapping the full width of both A-pillars.

- 6.4. The impactor shall strike the cab at the front in the direction towards the rear of the cab. The direction of impact shall be horizontal and shall be parallel to the median longitudinal plane of the vehicle.
- 6.5. The impact energy shall be 29,4 kJ
7. **Roof strength test (Test C)**

Figure 3

**Roof strength test (Test C)**

- 7.1. For vehicles of category N<sub>2</sub> with a gross vehicle mass exceeding 7,5 t and of category N<sub>3</sub>, both tests as described in paragraphs 7.3 and 7.4 below, in that order, shall be conducted on the same cab.
- 7.2. For vehicles of category N<sub>2</sub> with a gross vehicle mass not exceeding 7,5 t and of category N<sub>1</sub>, only the test as described in paragraph 7.4 below shall be conducted.
- 7.3. Dynamic pre-loading of vehicles of category N<sub>2</sub> with a gross vehicle mass exceeding 7,5 t and of category N<sub>3</sub> (see P<sub>1</sub> on figure 3).
  - 7.3.1. The impactor shall be rigid and its mass shall be evenly distributed; its mass shall not be less than 1 500 kg.
  - 7.3.2. The striking surface of the impactor shall be rectangular and flat. Its dimensions shall be sufficiently large such that, when positioned in accordance with paragraph 7.3.3 below, no contact will occur between the cab and the edges of the impactor.
  - 7.3.3. The impactor and/or the cab shall be so positioned that, at the time of impact:
    - 7.3.3.1. the striking face of the impactor is at an angle of 20° to the median longitudinal plane of the cab. Either the impactor or the cab may be tilted;
    - 7.3.3.2. the striking face of the impactor covers the whole length of the top side of the cab;
    - 7.3.3.3. the median longitudinal line of the impactor is horizontal and parallel to the median longitudinal plane of the cab.
  - 7.3.4. The impactor shall strike the upper side of the cab such that at the time of the impact the prescriptions of paragraph 7.3.3 above are satisfied. The direction of impact shall be perpendicular to the surface of the impactor and perpendicular to the median longitudinal line of the cab. Either the impactor or the cab may be moving, as long as the positioning requirements are satisfied.

- 7.3.5. The impact energy shall be minimum 17,6 kJ.
- 7.4. Roof strength test (see  $P_2$  on figure 3)
- 7.4.1. The loading device shall be made of steel and its mass shall be evenly distributed.
- 7.4.2. The loading face of the device shall be rectangular and flat. Its dimensions shall be sufficiently large such that, when positioned in accordance with paragraph 7.4.4 below, no contact will occur between the cab and the edges of the device.
- 7.4.3. A linear bearing system may be included between the device and its supporting structure to allow for lateral motion of the cab roof away from the side that was impacted in the pre-load phase of paragraph 6.3, if applicable.
- 7.4.4. The loading device shall be so positioned that, during the test:
- 7.4.4.1. it is parallel to the x-y plane of the chassis;
- 7.4.4.2. it moves parallel to the vertical axis of the chassis;
- 7.4.4.3. its loading face covers the whole area of the cab roof.
- 7.4.5. A static load shall be applied by the loading device to the roof of the cab, corresponding to the maximum mass authorised for the front axle or axles of the vehicle, subject to a maximum of 98 kN.
-

*Appendix 1***INSTRUCTIONS FOR SECURING VEHICLES TO THE TEST BED****1. Frontal impact**

Test A shall be applied to a cab mounted on the vehicle in the following way (see figure 1 below).

**1.1. Anchoring chains or ropes**

Each anchoring chain or rope shall be of steel and shall be capable of withstanding a tractive load of at least 10 tons.

**1.2. Blocking of the chassis frame**

The longitudinal members of the chassis frame shall be supported on wooden blocks across their full width and over a length of not less than 150 mm. The front edges of the blocks must not be situated forward of the rearmost point of the cab, nor rearward of the mid-point of the wheel base. At the manufacturer's request the chassis frame shall be set in the attitude it takes up when loaded.

**1.3. Longitudinal attachment**

Rearward movement of the chassis frame shall be limited by chains or ropes A attached to the front of the chassis frame symmetrically in relation to its longitudinal axis, the points of attachment being not less than 600 mm apart. The chains or ropes shall when tensioned form a downward angle of not more than 25° with the horizontal and their projection on a horizontal plane shall form an angle of not more than 10° with the longitudinal axis of the vehicle. The chains or ropes may cross one another.

**1.4. Lateral attachment**

Lateral movement shall be limited by chains or ropes B attached to the chassis frame symmetrically in relation to its longitudinal axis. The points of attachment to the chassis shall be not more than 5 m and not less than 3 m from the front of the vehicle. The chains or ropes shall when tensioned form a downward angle of not more than 20° with the horizontal and their projection on a horizontal plane shall form an angle of not less than 25° and not more than 45° with the longitudinal axis of the vehicle.

**1.5. Tensioning of chains or ropes and rear attachment**

The chain or rope C shall, to begin with, be placed under a load of approximately 1 kN. All slack in the four chains or ropes A and B shall then be taken up and chain or rope C shall be subjected to a tensile stress of not less than 10 kN. The angle of chain or rope C with the horizontal shall not exceed 15°. A vertical blocking force of not less than 500 N shall be applied at point D between the chassis frame and the ground.

**1.6. Equivalent mounting**

At the request of the manufacturer the test may be carried out with the cab mounted on a special frame, on condition that this method of mounting is shown to be equivalent to mounting on the vehicle.

**2. Front pillars impact****2.1. Cab mounted on the vehicle (see fig. 1)**

Measures shall be taken to ensure that the vehicle does not shift appreciably during the test. For this purpose the hand-brake shall be applied, a gear engaged and the front wheels wedged with chocks.

**2.2. Cab mounted on a frame**

Measures shall be taken to ensure that the cab does not shift appreciably during the test.

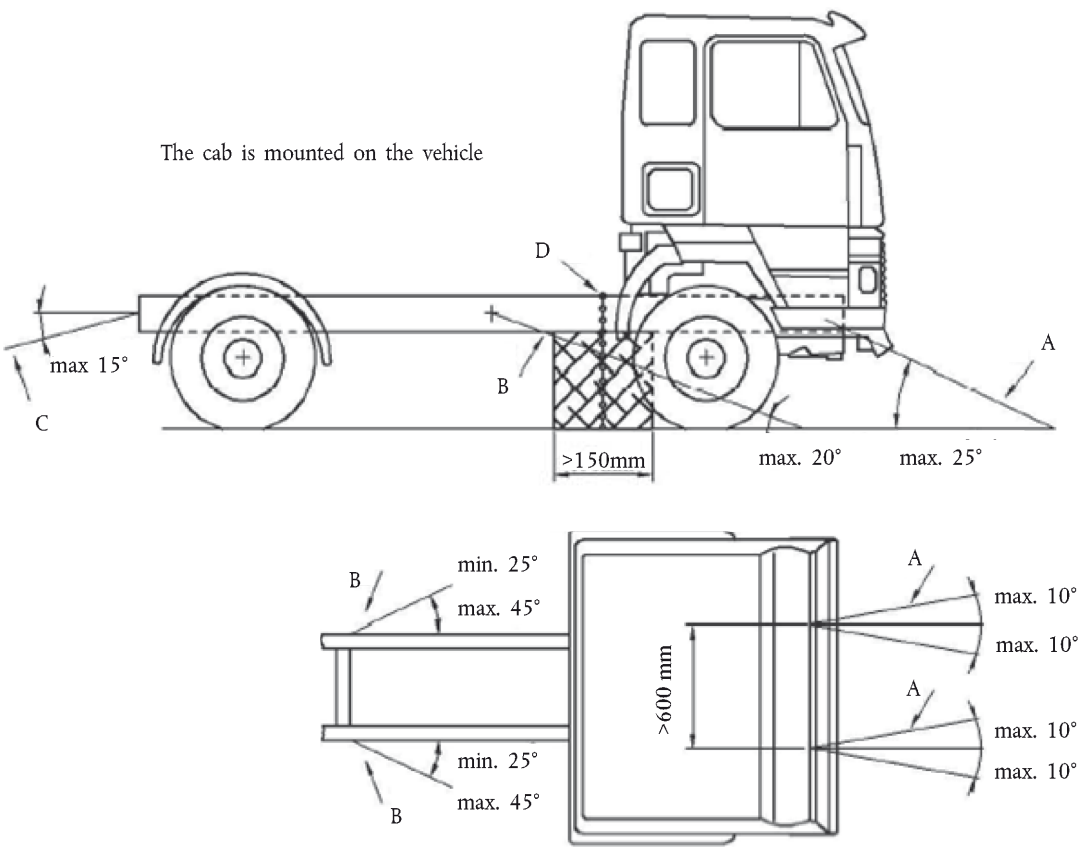
**3. Roof strength****3.1. Cab mounted on the vehicle**

Measures shall be taken to ensure that the vehicle does not shift appreciably during the test. For this purpose the hand-brake shall be applied, a gear engaged and the front wheels wedged with chocks. Deformation of the various components of the suspension (springs, tyres, etc.) shall be eliminated by means of rigid members.

**3.2. Cab mounted on a frame**

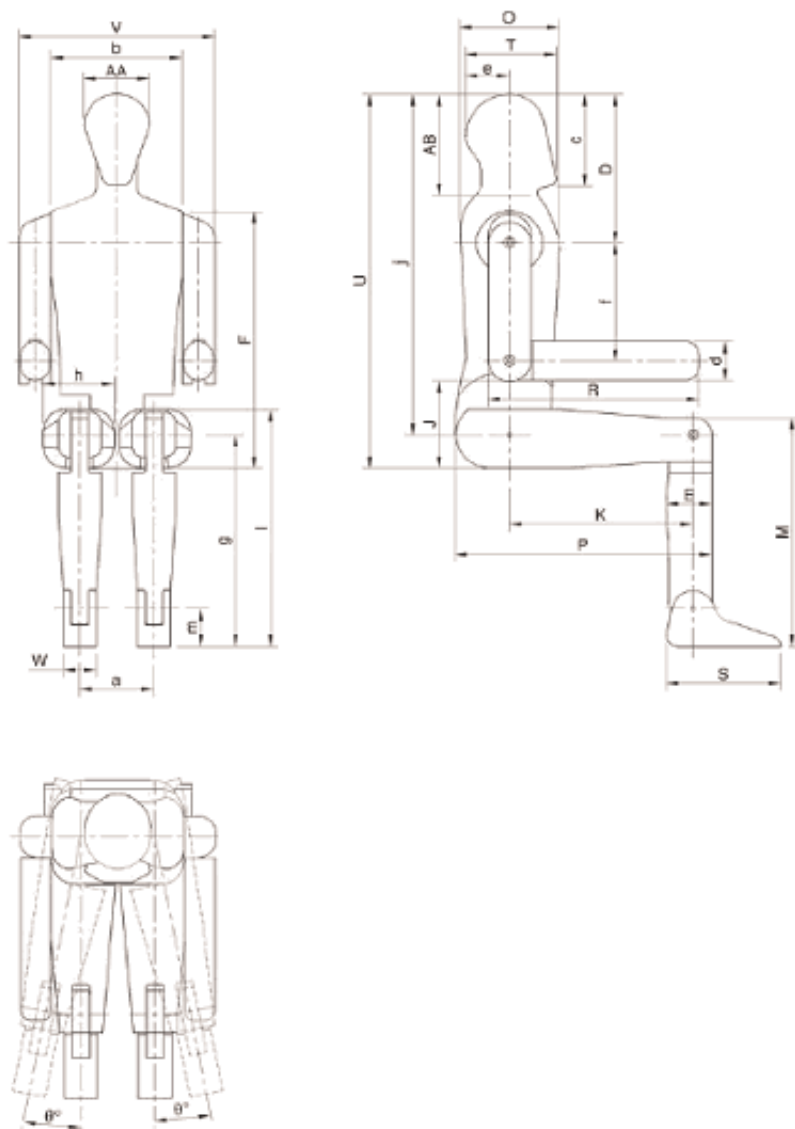
Measures shall be taken to ensure that the frame does not shift appreciably during the test.

Figure 1  
Front impact test



## Appendix 2

## MANIKIN TO BE USED TO VERIFY THE SURVIVAL SPACE



| Dimensions |                                                                |                      |
|------------|----------------------------------------------------------------|----------------------|
| Name       | Description                                                    | Dimension<br>(in mm) |
| AA         | Breadth of head                                                | 153                  |
| AB         | Combined height of head and neck                               | 244                  |
| D          | Distance from top of head to shoulder pivot                    | 359                  |
| E          | Calf depth                                                     | 106                  |
| F          | Height from seat to top of shoulder                            | 620                  |
| J          | Height of elbow rest                                           | 210                  |
| M          | Knee height                                                    | 546                  |
| O          | Chest depth                                                    | 230                  |
| P          | Distance from seat back to knee                                | 595                  |
| R          | Distance from elbow to fingertip                               | 490                  |
| S          | Length of foot                                                 | 266                  |
| T          | Length of head                                                 | 211                  |
| U          | Height from seat to top of head                                | 900                  |
| V          | Shoulder breadth                                               | 453                  |
| W          | Breadth of foot                                                | 77                   |
| a          | Distance between hip point centres                             | 172                  |
| b          | Chest breadth                                                  | 305                  |
| c          | Height of head and chin                                        | 221                  |
| d          | Forearm thickness                                              | 94                   |
| e          | Distance between vertical centreline of torso and rear of head | 102                  |
| f          | Distance between shoulder pivot and elbow pivot                | 283                  |
| g          | Knee pivot height from ground                                  | 505                  |
| h          | Thigh breadth                                                  | 165                  |
| i          | Lap height (Sitting)                                           | 565                  |
| j          | Distance from top of head to 'H' point                         | 819                  |
| k          | Distance between hip pivot and knee pivot                      | 426                  |
| m          | Ankle pivot height from ground                                 | 89                   |
| θ          | Lateral rotation of the legs                                   | 20                   |

## ANNEX 4

**PROCEDURE FOR DETERMINING THE 'H' POINT AND THE ACTUAL TORSO ANGLE FOR SEATING POSITIONS IN MOTOR VEHICLES****1. Purpose**

The procedure described in this Annex is used to establish the 'H' point location and the actual torso angle for one or several seating positions in a motor vehicle and to verify the relationship of measured data to design specifications given by the vehicle manufacturer <sup>(1)</sup>.

**2. Definitions**

For the purposes of this Annex:

- 2.1. 'Reference data' means one or several of the following characteristics of a seating position:
  - 2.1.1. the 'H' point and the 'R' point and their relationship;
  - 2.1.2. the actual torso angle and the design torso angle and their relationship.
- 2.2. 'Three-dimensional "H" point machine' (3-D H machine) means the device used for the determination of 'H' points and actual torso angles. This device is described in Appendix 1 to this Annex.
- 2.3. 'H point' means the pivot centre of the torso and thigh of the 3-D H machine installed in the vehicle seat in accordance with paragraph 4 below. The 'H' point is located in the centre of the centreline of the device which is between the 'H' point sight buttons on either side of the 3-D H machine. The 'H' point corresponds theoretically to the 'R' point (for tolerances see paragraph 3.2.2 below). Once determined in accordance with the procedure described in paragraph 4, the 'H' point is considered fixed in relation to the seat-cushion structure and to move with it when the seat is adjusted.
- 2.4. 'R point' or 'seating reference point' means a design point defined by the vehicle manufacturer for each seating position and established with respect to the three-dimensional reference system.
- 2.5. 'Torso-line' means the centreline of the probe of the 3-D H machine with the probe in the fully rearward position.
- 2.6. 'Actual torso angle' means the angle measured between a vertical line through the 'H' point and the torso line using the back angle quadrant on the 3-D H machine. The actual torso angle corresponds theoretically to the design torso angle (for tolerances see paragraph 3.2.2 below).
- 2.7. 'Design torso angle' means the angle measured between a vertical line through the 'R' point and the torso line in a position which corresponds to the design position of the seat-back established by the vehicle manufacturer.
- 2.8. 'Centre plane of occupant' (C/LO) means the median plane of the 3-D H machine positioned in each designated seating position; it is represented by the coordinate of the 'H' point on the 'Y' axis. For individual seats, the centre plane of the seat coincides with the centre plane of the occupant. For other seats, the centre plane of the occupant is specified by the manufacturer.
- 2.9. 'Three dimensional reference system' means a system as described in Appendix 2 to this Annex.
- 2.10. 'Fiducial marks' are physical points (holes, surfaces, marks or indentations) on the vehicle body as defined by the manufacturer.
- 2.11. 'Vehicle measuring attitude' means the position of the vehicle as defined by the coordinates of fiducial marks in the three-dimensional reference system.

**3. Requirements****3.1. Data presentation**

For each seating position where reference data are required in order to demonstrate compliance with the provisions of the present Regulation, all or an appropriate selection of the following data shall be presented in the form indicated in Appendix 3 to this Annex:

- 3.1.1. the coordinates of the 'R' point relative to the three-dimensional reference system;
- 3.1.2. the design torso angle;

<sup>(1)</sup> In any seating position other than front seats where the 'H' point cannot be determined using the 'three-dimensional "H" point machine' or procedures, the 'R' point indicated by the manufacturer may be taken as a reference at the discretion of the competent authority.

- 3.1.3. all indications necessary to adjust the seat (if it is adjustable) to the measuring position set out in paragraph 4.3 below.
- 3.2. Relationship between measured data and design specifications
- 3.2.1. The coordinates of the 'H' point and the value of the actual torso angle obtained by the procedure set out in paragraph 4 below shall be compared, respectively, with the coordinates of the 'R' point and the value of the design torso angle indicated by the vehicle manufacturer.
- 3.2.2. The relative positions of the 'R' point and the 'H' point and the relationship between the design torso angle and the actual torso angle shall be considered satisfactory for the seating position in question if the 'H' point, as defined by its coordinates, lies within a square of 50 mm side length with horizontal and vertical sides whose diagonals intersect at the 'R' point, and if the actual torso angle is within 5 degree of the design torso angle.
- 3.2.3. If these conditions are met, the 'R' point and the design torso angle, shall be used to demonstrate compliance with the provisions of this Regulation.
- 3.2.4. If the 'H' point or the actual torso angle does not satisfy the requirements of paragraph 3.2.2 above, the 'H' point and the actual torso angle shall be determined twice more (three times in all). If the results of two of these three operations satisfy the requirements, the conditions of paragraph 3.2.3 above shall apply.
- 3.2.5. If the results of at least two of the three operations described in paragraph 3.2.4 above do not satisfy the requirements of paragraph 3.2.2 above, or if the verification cannot take place because the vehicle manufacturer has failed to supply information regarding the position of the 'R' point or regarding the design torso angle, the centroid of the three measured points or the average of the three measured angles shall be used and be regarded as applicable in all cases where the 'R' point or the design torso angle is referred to in this Regulation.

#### 4. Procedure for 'H' Point and actual Torso Angle Determination

- 4.1. The vehicle shall be preconditioned at the manufacturer's discretion, at a temperature of  $20 \pm 10$  °C to ensure that the seat material reaches room temperature. If the seat to be checked has never been sat upon, a 70 to 80 kg person or device shall sit on the seat twice for one minute to flex the cushion and back. At the manufacturer's request, all seat assemblies shall remain unloaded for a minimum period of 30 minutes prior to installation of the 3-D H machine.
- 4.2. The vehicle shall be at the measuring attitude defined in paragraph 2.11 above.
- 4.3. The seat, if it is adjustable, shall be adjusted first to the rearmost normal driving or riding position, as indicated by the vehicle manufacturer, taking into consideration only the longitudinal adjustment of the seat, excluding seat travel used for purposes other than normal driving or riding positions. Where other modes of seat adjustment exist (vertical, angular, seat-back, etc.) these will be then adjusted to the position specified by the vehicle manufacturer. For suspension seats, the vertical position shall be rigidly fixed corresponding to a normal driving position as specified by the manufacturer.
- 4.4. The area of the seating position contacted by the 3-D H machine shall be covered by a muslin cotton, of sufficient size and appropriate texture, described as a plain cotton fabric having 18.9 threads per cm<sup>2</sup> and weighing 0,228 kg m<sup>2</sup> or knitted or non-woven fabric having equivalent characteristics.

If the test is run on a seat outside the vehicle, the floor on which the seat is placed shall have the same essential characteristics <sup>(1)</sup> as the floor of the vehicle in which the seat is intended to be used.

- 4.5. Place the seat and back assembly of the 3-D H machine so that the centre plane of the occupant (C/LO) coincides with the centre plane of the 3-D H machine. At the manufacturer's request, the 3-D H machine may be moved inboard with respect to the C/LO if the 3-D H machine is located so far outboard that the seat edge will not permit levelling of the 3-D H machine.
- 4.6. Attach the foot and lower leg assemblies to the seat pan assembly, either individually or by using the T-bar and lower leg assembly. A line through the 'H' point sight buttons shall be parallel to the ground and perpendicular to the longitudinal centre plane of the seat.
- 4.7. Adjust the feet and leg positions of the 3-D H machine as follows:
- 4.7.1. Designated seating position: driver and outside front passenger.

<sup>(1)</sup> Tilt angle, height difference with a seat mounting, surface texture, etc.

4.7.1.1. Both feet and leg assemblies shall be moved forward in such a way that the feet take up natural positions on the floor, between the operating pedals if necessary. Where possible the left foot shall be located approximately the same distance to the left of the centre plane of the 3-D H machine as the right foot is to the right. The spirit level verifying the transverse orientation of the 3-D H machine is brought to the horizontal by readjustment of the seat pan if necessary, or by adjusting the leg and foot assemblies towards the rear. The line passing through the 'H' point sight buttons shall be maintained perpendicular to the longitudinal centre plane of the seat.

4.7.1.2. If the left leg cannot be kept parallel to the right leg and the left foot cannot be supported by the structure, move the left foot until it is supported. The alignment of the sight buttons shall be maintained.

4.7.2. Designated seating position: outboard rear

For rear seats or auxiliary seats, the legs are located as specified by the manufacturer. If the feet then rest on parts of the floor which are at different levels, the foot which first comes into contact with the front seat shall serve as a reference and the other foot shall be so arranged that the spirit level giving the transverse orientation of the seat of the device indicates the horizontal.

4.7.3. Other designated seating positions:

The general procedure indicated in paragraph 4.7.1 above shall be followed except that the feet shall be placed as specified by the vehicle manufacturer.

4.8. Apply lower leg and thigh weights and level the 3-D H machine.

4.9. Tilt the back pan forward against the forward stop and draw the 3-D H machine away from the seat-back using the T-bar. Reposition the 3-D H machine on the seat by one of the following methods:

4.9.1. If the 3-D H machine tends to slide rearward, use the following procedure. Allow the 3-D H machine to slide rearward until a forward horizontal restraining load on the T-bar is no longer required i.e. until the seat pan contacts the seat-back. If necessary, reposition the lower leg.

4.9.2. If the 3-D H machine does not tend to slide rearward, use the following procedure. Slide the 3-D H machine rearwards by applying a horizontal rearward load to the T-bar until the seat pan contacts the seat-back (see figure 2 of Appendix 1 to this Annex).

4.10. Apply a  $100 \pm 10$  N load to the back and seat pan assembly of the 3-D H machine at the intersection of the hip angle quadrant and the T-bar housing. The direction of load application shall be maintained along a line passing by the above intersection to a point just above the thigh bar housing (see figure 2 of Appendix 1 to this Annex). Then carefully return the back pan to the seat-back. Care must be exercised throughout the remainder of the procedure to prevent the 3-D H machine from sliding forward.

4.11. Install the right and left buttock weights and then, alternately, the eight torso weights. Maintain the 3-D H machine level.

4.12. Tilt the back pan forward to release the tension on the seat-back. Rock the 3-D H machine from side to side through 10 degrees arc (5 degrees to each side of the vertical centre plane) for three complete cycles to release any accumulated friction between the 3-D H machine and the seat.

During the rocking action, the T-bar of the 3-D H machine may tend to diverge from the specified horizontal and vertical alignment. The T-bar must therefore be restrained by applying an appropriate lateral load during the rocking motions. Care shall be exercised in holding the T-bar and rocking the 3-D H machine to ensure that no inadvertent exterior loads are applied in a vertical or fore and aft direction.

The feet of the 3-D H machine are not to be restrained or held during this step. If the feet change position, they should be allowed to remain in that attitude for the moment.

Carefully return the back pan to the seat-back and check the two spirit levels for zero position. If any movement of the feet has occurred during the rocking operation of the 3-D H machine, they must be repositioned as follows:

Alternately, lift each foot off the floor the minimum necessary amount until no additional foot movement is obtained. During this lifting, the feet are to be free to rotate; and no forward or lateral loads are to be applied. When each foot is placed back in the down position, the heel is to be in contact with the structure designed for this.

Check the lateral spirit level for zero position; if necessary, apply a lateral load to the top of the back pan sufficient to level the 3-D H machine's seat pan on the seat.

- 4.13. Holding the T-bar to prevent the 3-D H machine from sliding forward on the seat cushion, proceed as follows:
- (a) return the back pan to the seat-back;
  - (b) alternately apply and release a horizontal rearward load, not to exceed 25 N, to the back angle bar at a height approximately at the centre of the torso weights until the hip angle quadrant indicates that a stable position has been reached after load release. Care shall be exercised to ensure that no exterior downward or lateral loads are applied to the 3-D H machine. If another level adjustment of the 3-D H machine is necessary, rotate the back pan forward, re-level, and repeat the procedure from paragraph 4.12.
- 4.14. Take all measurements:
- 4.14.1. The coordinates of the 'H' point are measured with respect to the three-dimensional reference system.
  - 4.14.2. The actual torso angle is read at the back angle quadrant of the 3-D H machine with the probe in its fully rearward position.
  - 4.15. If a re-run of the installation of the 3-D H machine is desired, the seat assembly should remain unloaded for a minimum period of 30 minutes prior to the re-run. The 3-D H machine should not be left loaded on the seat assembly longer than the time required to perform the test.
  - 4.16. If the seats in the same row can be regarded as similar (bench seat, identical seats, etc.) only one 'H' point and one 'actual torso angle' shall be determined for each row of seats, the 3-D H machine described in Appendix 1 to this Annex being seated in a place regarded as representative for the row. This place shall be:
    - 4.16.1. in the case of the front row, the driver's seat;
    - 4.16.2. in the case of the rear row or rows, an outer seat.
-

## Appendix 1

DESCRIPTION OF THE THREE-DIMENSIONAL 'H' POINT MACHINE <sup>(1)</sup>

(3-D H machine)

## 1. Back and seat pans

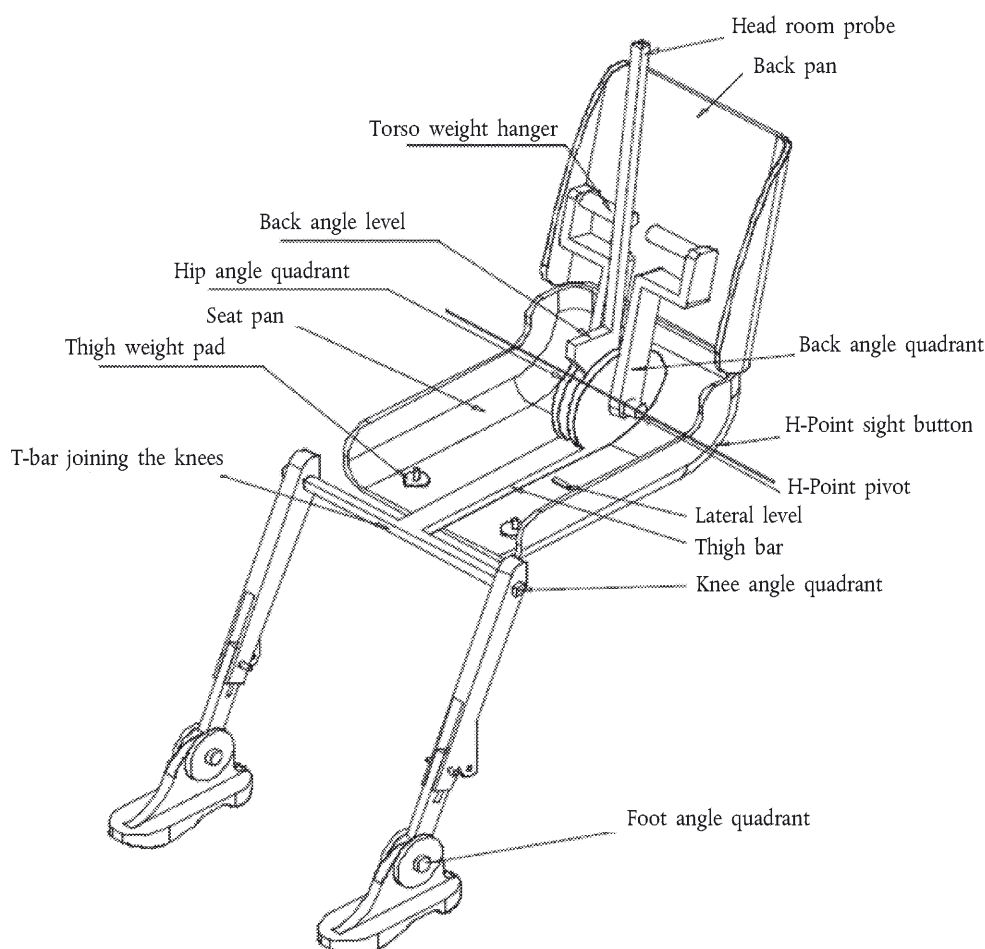
The back and seat pans are constructed of reinforced plastic and metal; they simulate the human torso and thigh and are mechanically hinged at the 'H' point. A quadrant is fastened to the probe hinged at the 'H' point to measure the actual torso angle. An adjustable thigh bar, attached to the seat pan, establishes the thigh centreline and serves as a baseline for the hip angle quadrant.

## 2. Body and leg elements

Lower leg segments are connected to the seat pan assembly at the T-bar joining the knees, which is a lateral extension of the adjustable thigh bar. Quadrants are incorporated in the lower leg segments to measure knee angles. Shoe and foot assemblies are calibrated to measure the foot angle. Two spirit levels orient the device in space. Body element weights are placed at the corresponding centres of gravity to provide seat penetration equivalent to a 76 kg male. All joints of the 3-D H machine should be checked for free movement without encountering noticeable friction.

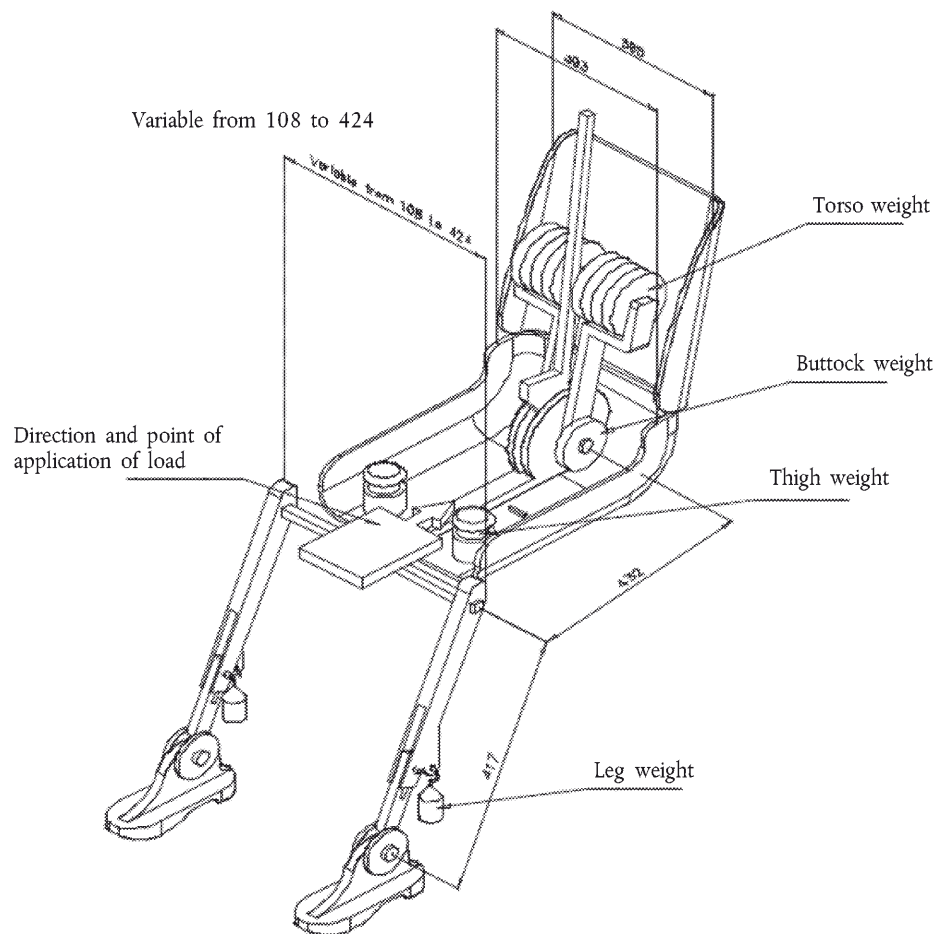
Figure 1

## 3-D H machine elements designation



<sup>(1)</sup> For details of the construction of the 3-D H machine refer to Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, Pennsylvania 15096, United States of America. The machine corresponds to that described in ISO Standard 6549: 1980.

Figure 2

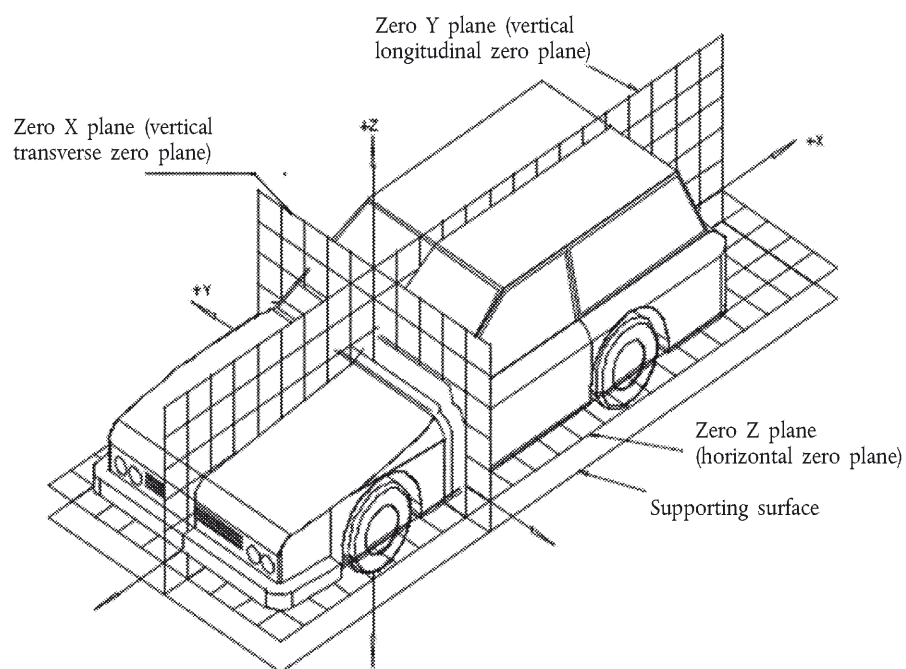
**Dimensions of the 3-D H machine elements and load distribution**

(dimensions in millimetres)

## Appendix 2

**THREE-DIMENSIONAL REFERENCE SYSTEM**

1. The three-dimensional reference system is defined by three orthogonal planes established by the vehicle manufacturer (see figure) <sup>(1)</sup>.
2. The vehicle measuring attitude is established by positioning the vehicle on the supporting surface such that the coordinates of the fiducial marks correspond to the values indicated by the manufacturer.
3. The coordinates of the 'R' point and the 'H' point are established in relation to the fiducial marks defined by the vehicle manufacturer.



<sup>(1)</sup> The reference system corresponds to ISO standard 4130, 1978.

## ANNEX 5

## REFERENCE DATA CONCERNING SEATING POSITIONS

1. **Coding of reference data**

Reference data are listed consecutively for each seating position. Seating positions are identified by a two-digit code. The first digit is an Arabic numeral and designates the row of seats, counting from the front to the rear of the vehicle. The second digit is a capital letter which designates the location of the seating position in a row, as viewed in the direction of forward motion of the vehicle; the following letters shall be used:

L = left

C = centre

R = right

2. **Description of vehicle measuring attitude**

## 2.1. Coordinates of fiducial marks

X .....

Y .....

Z .....

3. **List of reference data**

## 3.1. Seating position: .....

## 3.1.1. Coordinates of 'R' point

X .....

Y .....

Z .....

## 3.1.2. Design torso angle: .....

3.1.3. Specification for seat adjustment <sup>(1)</sup>

horizontal: .....

vertical: .....

angular: .....

torso angle: .....

Note: List reference data for further seating positions under 3.2, 3.3, etc.

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<sup>(1)</sup> Strike out what does not apply.

## INTERINSTITUTIONAL AGREEMENTS

### **Framework Agreement on relations between the European Parliament and the European Commission**

THE EUROPEAN PARLIAMENT AND THE EUROPEAN COMMISSION (hereinafter referred to as 'the two Institutions'),

- having regard to the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), in particular Article 295 thereof, and the Treaty establishing the European Atomic Energy Community (hereinafter referred to as 'the Treaties'),
  - having regard to the Interinstitutional Agreements and texts governing relations between the two Institutions,
  - having regard to Parliament's Rules of Procedure <sup>(1)</sup>, and in particular Rules 105, 106 and 127 thereof and Annexes VIII and XIV thereto,
  - having regard to the political guidelines issued, and the relevant statements made, by the President-elect of the Commission on 15 September 2009 and 9 February 2010 and the statements made by each of the candidate Members of the Commission in the course of their hearings by parliamentary committees,
- A. whereas the Lisbon Treaty strengthens the democratic legitimacy of the Union's decision-making process,
- B. whereas the two Institutions attach the utmost importance to the effective transposition and implementation of Union law,
- C. whereas this Framework Agreement does not affect the powers and prerogatives of Parliament, the Commission or any other institution or organ of the Union but seeks to ensure that those powers and prerogatives are exercised as effectively and transparently as possible,
- D. whereas this Framework Agreement should be interpreted in conformity with the institutional framework as organised by the Treaties,
- E. whereas the Commission will take due account of the respective roles conferred by the Treaties on Parliament and the Council, in particular with reference to the basic principle of equal treatment laid down under point 9,
- F. whereas it is appropriate to update the Framework Agreement concluded in May 2005 <sup>(2)</sup> and to replace it by the following text,

AGREE AS FOLLOWS:

<sup>(1)</sup> OJ L 44, 15.2.2005, p. 1.

<sup>(2)</sup> OJ C 117 E, 18.5.2006, p. 125.

## I. SCOPE

1. To better reflect the new 'special partnership' between Parliament and the Commission, the two Institutions agree on the following measures to strengthen the political responsibility and legitimacy of the Commission, extend constructive dialogue, improve the flow of information between the two Institutions and improve cooperation on procedures and planning.

They also agree on specific provisions:

- on Commission meetings with national experts, as set out in Annex I,
- on the forwarding of confidential information to Parliament, as set out in Annex II,
- on the negotiation and conclusion of international agreements, as set out in Annex III, and
- on the timetable for the Commission Work Programme, as set out in Annex IV.

## II. POLITICAL RESPONSIBILITY

2. After being nominated by the European Council, the President-designate of the Commission will submit to Parliament political guidelines for his/her term of office in order to enable an informed exchange of views to take place with Parliament before its election vote.

3. In conformity with Rule 106 of its Rules of Procedure, Parliament shall communicate with the President-elect of the Commission in good time before the opening of the procedures relating to giving its consent to the new Commission. Parliament shall take into account the remarks expressed by the President-elect.

The designated Members of the Commission shall ensure full disclosure of all relevant information, in conformity with the obligation of independence laid down in Article 245 TFEU.

The procedures shall be designed in such a way as to ensure that the entire Commission-designate is assessed in an open, fair and consistent manner.

4. Each Member of the Commission shall take political responsibility for action in the field of which he/she is in charge, without prejudice to the principle of Commission collegiality.

The President of the Commission shall be fully responsible for identifying any conflict of interest which renders a Member of the Commission unable to perform his/her duties.

The President of the Commission shall likewise be responsible for any subsequent action taken in such circumstances and shall inform the President of Parliament thereof immediately and in writing.

The participation of Members of the Commission in electoral campaigns is governed by the Code of Conduct for Commissioners.

Members of the Commission participating actively in electoral campaigns as candidates in elections to the Parliament should take unpaid electoral leave with effect from the end of the last part-session before the elections.

The President of the Commission shall inform Parliament in due time of his/her decision to grant such leave, indicating which Member of the Commission will take over the relevant responsibilities for that period of leave.

5. If Parliament asks the President of the Commission to withdraw confidence in an individual Member of the Commission, he/she will seriously consider whether to request that Member to resign, in accordance with Article 17(6) TEU. The President shall either require the resignation of that Member or explain his/her refusal to do so before Parliament in the following part-session.

6. Where it becomes necessary to arrange for the replacement of a Member of the Commission during his/her term of office pursuant to the second paragraph of Article 246 TFEU, the President of the Commission will seriously consider the result of Parliament's consultation before giving accord to the decision of the Council.

Parliament shall ensure that its procedures are conducted with the utmost dispatch, in order to enable the President of the Commission to seriously consider Parliament's opinion before the new Member is appointed.

Similarly, pursuant to the third paragraph of Article 246 TFEU, when the remainder of the Commission's term of office is short, the President of the Commission will seriously consider Parliament's position.

7. If the President of the Commission intends to reshuffle the allocation of responsibilities amongst the Members of the Commission during its term of office, pursuant to Article 248 TFEU, he/she shall inform Parliament in due time for the relevant parliamentary consultation with regard to those changes. The President's decision to reshuffle the portfolios can take effect immediately.

8. When the Commission comes forward with a revision of the Code of Conduct for Commissioners relating to conflict of interest or ethical behaviour, it will seek Parliament's opinion.

### III. CONSTRUCTIVE DIALOGUE AND FLOW OF INFORMATION

#### (i) General provisions

9. The Commission guarantees that it will apply the basic principle of equal treatment for Parliament and the Council, especially as regards access to meetings and the provision of contributions or other information, in particular on legislative and budgetary matters.

10. Within its competences, the Commission shall take measures to better involve Parliament in such a way as to take Parliament's views into account as far as possible in the area of the Common Foreign and Security Policy.

11. A number of arrangements are made to implement the 'special partnership' between Parliament and the Commission, as follows:

- the President of the Commission will at Parliament's request meet the Conference of Presidents at least twice a year to discuss issues of common interest,
- the President of the Commission will have a regular dialogue with the President of Parliament on key horizontal issues and major legislative proposals. This dialogue should also include invitations to the President of Parliament to attend meetings of the College of Commissioners,
- the President of the Commission or the Vice-President responsible for interinstitutional relations is to be invited to attend meetings of the Conference of Presidents and the Conference of Committee Chairs when specific issues relating to plenary agenda-setting, interinstitutional relations between Parliament and the Commission and legislative and budgetary matters are to be discussed,
- meetings shall take place annually between the Conference of Presidents and the Conference of Committee Chairs and the College of Commissioners, to discuss relevant issues including the preparation and implementation of the Commission Work Programme,
- the Conference of Presidents and the Conference of Committee Chairs shall inform the Commission in due time of the results of their discussions having an interinstitutional dimension. Parliament shall also keep the Commission fully and regularly informed of the outcome of its meetings dealing with the preparation of the part-sessions, taking into account the Commission's views. This is without prejudice to point 45,

- to ensure a regular flow of relevant information between the two Institutions, the Secretaries-General of Parliament and of the Commission shall meet on a regular basis.

12. Each Member of the Commission shall make sure that there is a regular and direct flow of information between the Member of the Commission and the chair of the relevant parliamentary committee.

13. The Commission shall not make public any legislative proposal or any significant initiative or decision before notifying Parliament thereof in writing.

On the basis of the Commission Work Programme, the two Institutions shall identify in advance, by common agreement, key initiatives to be presented in plenary. In principle, the Commission will present these initiatives first in plenary and only afterwards to the public.

Similarly, they shall identify those proposals and initiatives for which information is to be provided before the Conference of Presidents or conveyed, in an appropriate manner, to the relevant parliamentary committee or its chair.

These decisions shall be taken within the framework of the regular dialogue between the two Institutions, as provided for in point 11, and shall be updated on a regular basis, taking due account of any political developments.

14. If an internal Commission document – of which Parliament has not been informed pursuant to this Framework Agreement – is circulated outside the Institutions, the President of Parliament may request that the document concerned be forwarded to Parliament without delay, in order to communicate it to any Member of Parliament who may request it.

15. The Commission will provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of Union legislation, including soft law and delegated acts. If so requested by Parliament, the Commission may also invite Parliament's experts to attend those meetings.

The relevant provisions are laid down in Annex I.

16. Within 3 months after the adoption of a parliamentary resolution, the Commission shall provide information to Parliament in writing on action taken in response to specific requests addressed to it in Parliament's resolutions, including in cases where it has not been able to follow Parliament's views. That period may be shortened where a request is urgent. It may be extended by 1 month where a request calls for more exhaustive work and this is duly substantiated. Parliament will make sure that this information is widely distributed within the institution.

Parliament will endeavour to avoid asking oral or written questions concerning issues in respect of which the Commission has already informed Parliament of its position through a written follow-up communication.

The Commission shall commit itself to report on the concrete follow-up of any request to submit a proposal pursuant to Article 225 TFEU (legislative initiative report) within 3 months following adoption of the corresponding resolution in plenary. The Commission shall come forward with a legislative proposal at the latest after 1 year or shall include the proposal in its next year's Work Programme. If the Commission does not submit a proposal, it shall give Parliament detailed explanations of the reasons.

The Commission shall also commit itself to a close and early cooperation with Parliament on any legislative initiative requests emanating from citizens' initiatives.

As regards the discharge procedure, the specific provisions laid down in point 31 shall apply.

17. Where initiatives, recommendations or requests for legislative acts are made pursuant to Article 289(4) TFEU, the Commission shall inform Parliament, if so requested, of its position on those proposals before the relevant parliamentary committee.

18. The two Institutions agree to cooperate in the area of relations with national Parliaments.

Parliament and the Commission shall cooperate on the implementation of TFEU Protocol No 2 on the application of the principles of subsidiarity and proportionality. Such cooperation shall include arrangements related to any necessary translation of reasoned opinions presented by national Parliaments.

When the thresholds mentioned in Article 7 of TFEU Protocol No 2 are met, the Commission shall provide the translations of all the reasoned opinions presented by national Parliaments together with its position thereon.

19. The Commission shall inform Parliament of the list of its expert groups set up in order to assist the Commission in the exercise of its right of initiative. That list shall be updated on a regular basis and made public.

Within this framework, the Commission shall, in an appropriate manner, inform the competent parliamentary committee, at the specific and reasoned request of its chair, on the activities and composition of such groups.

20. The two Institutions shall hold, through the appropriate mechanisms, a constructive dialogue on questions concerning important administrative matters, notably on issues having direct implications for Parliament's own administration.

21. Parliament will seek the opinion of the Commission when it comes forward with a revision of its Rules of Procedures concerning relations with the Commission.

22. Where confidentiality is invoked as regards any of the information forwarded pursuant to this Framework Agreement, the provisions laid down in Annex II shall be applied.

#### (ii) International agreements and enlargement

23. Parliament shall be immediately and fully informed at all stages of the negotiation and conclusion of international agreements, including the definition of negotiating directives. The Commission shall act in a manner to give full effect to its obligations pursuant to Article 218 TFEU, while respecting each Institution's role in accordance with Article 13(2) TEU.

The Commission shall apply the arrangements set out in Annex III.

24. The information referred to in point 23 shall be provided to Parliament in sufficient time for it to be able to express its point of view if appropriate, and for the Commission to be able to take Parliament's views as far as possible into account. This information shall, as a general rule, be provided to Parliament through the responsible parliamentary committee and, where appropriate, at a plenary sitting. In duly justified cases, it shall be provided to more than one parliamentary committee.

Parliament and the Commission undertake to establish appropriate procedures and safeguards for the forwarding of confidential information from the Commission to Parliament, in accordance with the provisions of Annex II.

25. The two Institutions acknowledge that, due to their different institutional roles, the Commission is to represent the European Union in international negotiations, with the exception of those concerning the Common Foreign and Security Policy and other cases as provided for in the Treaties.

Where the Commission represents the Union in international conferences, it shall, at Parliament's request, facilitate the inclusion of a delegation of Members of the European Parliament as observers in Union delegations, so that it may be immediately and fully informed about the conference proceedings. The Commission undertakes, where applicable, to systematically inform the Parliament delegation about the outcome of negotiations.

Members of the European Parliament may not participate directly in these negotiations. Subject to the legal, technical and diplomatic possibilities, they may be granted observer status by the Commission. In the event of refusal, the Commission will inform Parliament of the reasons therefor.

In addition, the Commission shall facilitate the participation of Members of the European Parliament as observers in all relevant meetings under its responsibility before and after negotiation sessions.

26. Under the same conditions, the Commission shall keep Parliament systematically informed about, and facilitate access as observers for Members of the European Parliament forming part of Union delegations to, meetings of bodies set up by multilateral international agreements involving the Union, whenever such bodies are called upon to take decisions which require the consent of Parliament or the implementation of which may require the adoption of legal acts in accordance with the ordinary legislative procedure.

27. The Commission shall also give Parliament's delegation included in Union delegations to international conferences access to use all Union delegation facilities on these occasions, in line with the general principle of good cooperation between the institutions and taking into account the available logistics.

The President of Parliament shall send to the President of the Commission a proposal for the inclusion of a Parliament delegation in the Union delegation no later than 4 weeks before the start of the conference, specifying the head of the Parliament delegation and the number of Members of the European Parliament to be included. In duly justified cases, this deadline can exceptionally be shortened.

The number of Members of the European Parliament included in the Parliament delegation and of supporting staff shall be proportionate to the overall size of the Union delegation.

28. The Commission shall keep Parliament fully informed of the progress of accession negotiations and in particular on major aspects and developments, so as to enable it to express its views in good time through the appropriate parliamentary procedures.

29. When Parliament adopts a recommendation on matters referred to in point 28, pursuant to Rule 90(4) of its Rules of Procedure, and when, for important reasons, the Commission decides that it cannot support such a recommendation, it shall explain the reasons before Parliament, at a plenary sitting or at the next meeting of the relevant parliamentary committee.

#### (iii) Budgetary implementation

30. Before making, at donors' conferences, financial pledges which involve new financial undertakings and require the agreement of the budgetary authority, the Commission shall inform the budgetary authority and examine its remarks.

31. In connection with the annual discharge governed by Article 319 TFEU, the Commission shall forward all information necessary for supervising the implementation of the budget for the year in question, which the chair of the parliamentary committee responsible for the discharge procedure pursuant to Annex VII to Parliament's Rules of Procedure requests from it for that purpose.

If new aspects come to light concerning previous years for which discharge has already been given, the Commission shall forward all the necessary information on the matter with a view to arriving at a solution acceptable to both sides.

#### (iv) Relationship with regulatory agencies

32. Nominees for the post of Executive Director of regulatory agencies should come to parliamentary committee hearings.

In addition, in the context of the discussions of the interinstitutional Working Group on Agencies set up in March 2009, the Commission and Parliament will aim at a common approach on the role and position of decentralised agencies in the Union's institutional landscape, accompanied by common guidelines for the creation, structure and operation of those agencies, together with funding, budgetary, supervision and management issues.

### IV. COOPERATION AS REGARDS LEGISLATIVE PROCEDURES AND PLANNING

#### (i) Commission Work Programme and the European Union's programming

33. The Commission shall initiate the Union's annual and multiannual programming, with a view to achieving interinstitutional agreements.

34. Every year the Commission shall present its Work Programme.

35. The two Institutions shall cooperate in accordance with the timetable set out in Annex IV.

The Commission shall take into account the priorities expressed by Parliament.

The Commission shall provide sufficient detail as to what is envisaged under each point in its Work Programme.

36. The Commission shall explain when it cannot deliver individual proposals in its Work Programme for the year in question or when it departs from it. The Vice-President of the Commission responsible for interinstitutional relations undertakes to report to the Conference of Committee Chairs regularly, outlining the political implementation of the Commission Work Programme for the year in question.

**(ii) Procedures for the adoption of acts**

37. The Commission undertakes to carefully examine amendments to its legislative proposals adopted by Parliament, with a view to taking them into account in any amended proposal.

When delivering its opinion on Parliament's amendments pursuant to Article 294 TFEU, the Commission undertakes to take the utmost account of amendments adopted at second reading; should it decide, for important reasons and after consideration by the College, not to adopt or support such amendments, it shall explain its decision before Parliament, and in any event in its opinion on Parliament's amendments by virtue of point (c) of Article 294(7) TFEU.

38. Parliament undertakes, when dealing with an initiative submitted by at least a quarter of Member States, in conformity with Article 76 TFEU, not to adopt any report in the relevant committee before receiving the Commission's opinion on the initiative.

The Commission undertakes to issue its opinion on such an initiative no later than 10 weeks after it has been submitted.

39. The Commission shall provide a detailed explanation in due time before withdrawing any proposals on which Parliament has already expressed a position at first reading.

The Commission shall proceed with a review of all pending proposals at the beginning of the new Commission's term of office, in order to politically confirm or withdraw them, taking due account of the views expressed by Parliament.

40. For special legislative procedures on which Parliament is to be consulted, including other procedures such as that laid down in Article 148 TFEU, the Commission:

- (i) shall take measures to better involve Parliament in such a way as to take Parliament's views into account as far as possible, in particular to ensure that Parliament has the necessary time to consider the Commission's proposal;
- (ii) shall ensure that Council bodies are reminded in good time not to reach a political agreement on its proposals before Parliament has adopted its opinion. It shall ask for discussion to be concluded at ministerial level after a reasonable period has been given to the members of the Council to examine Parliament's opinion;
- (iii) shall ensure that the Council adheres to the rules developed by the Court of Justice of the European Union requiring Parliament to be reconsulted if the Council substantially amends a Commission proposal. The Commission shall inform Parliament of any reminder to the Council of the need for reconsultation;
- (iv) undertakes, if appropriate, to withdraw a legislative proposal that Parliament has rejected. If, for important reasons and after consideration by the College, the

Commission decides to maintain its proposal, it shall explain the reasons for that decision in a statement before Parliament.

41. For its part, in order to improve legislative planning, Parliament undertakes:

- (i) to plan the legislative sections of its agendas, bringing them into line with the current Commission Work Programme and with the resolutions it has adopted on that programme, in particular with a view to the improved planning of the priority debates;
- (ii) to meet reasonable deadlines, in so far as is useful for the procedure, when adopting its position at first reading under the ordinary legislative procedure or its opinion under the consultation procedure;
- (iii) as far as possible to appoint rapporteurs on future proposals as soon as the Commission Work Programme is adopted;
- (iv) to consider requests for reconsultation as a matter of absolute priority provided that all the necessary information has been forwarded to it.

**(iii) Issues linked to better lawmaking**

42. The Commission shall ensure that its impact assessments are conducted under its responsibility by means of a transparent procedure which guarantees an independent assessment. Impact assessments shall be published in due time, taking into consideration a number of different scenarios, including a 'do nothing' option, and shall in principle be presented to the relevant parliamentary committee during the phase of the provision of information to national Parliaments under TFEU Protocols Nos 1 and 2.

43. In areas where Parliament is usually involved in the legislative process, the Commission shall use soft law, where appropriate and on a duly justified basis after having given Parliament the opportunity to express its views. The Commission shall provide a detailed explanation to Parliament on how its views have been taken into account when it adopts its proposal.

44. In order to ensure better monitoring of the transposition and application of Union law, the Commission and Parliament shall endeavour to include compulsory correlation tables and a binding time limit for transposition, which in directives should not normally exceed a period of 2 years.

In addition to specific reports and the annual report on the application of Union law, the Commission shall make available to Parliament summary information concerning all infringement procedures from the letter of formal notice, including, if so requested by Parliament, on a case-by-case basis and respecting the confidentiality rules, in particular those acknowledged by the Court of Justice of the European Union, on the issues to which the infringement procedure relates.

## V. THE COMMISSION'S PARTICIPATION IN PARLIAMENTARY PROCEEDINGS

45. The Commission shall give priority to its presence, if requested, at the plenary sittings or meetings of other bodies of Parliament, as compared to other competing events or invitations.

In particular, the Commission shall ensure that, as a general rule, Members of the Commission are present at plenary sittings for agenda items falling under their responsibility, whenever Parliament so requests. This is applicable to the preliminary draft agendas approved by the Conference of Presidents during the previous part-session.

Parliament shall seek to ensure that, as a general rule, agenda items of the part-sessions falling under the responsibility of a Member of the Commission are grouped together.

46. At the request of Parliament, provision will be made for a regular Question Hour with the President of the Commission. This Question Hour will comprise two parts: the first with leaders of political groups or their representatives, conducted on an entirely spontaneous basis; the second devoted to a policy theme agreed upon in advance, at the latest on the Thursday before the relevant part-session, but without prepared questions.

Furthermore, a Question Hour with Members of the Commission, including the Vice-President for External Relations/High Representative of the Union for Foreign Affairs and Security Policy shall be introduced, following the model of the Question Hour with the President of the Commission, with the aim of reforming the existing Question Time. This Question Hour shall relate to the portfolio of the respective Members of the Commission.

47. Members of the Commission shall be heard at their request.

Without prejudice to Article 230 TFEU, the two Institutions shall agree on general rules relating to the allocation of speaking time between the Institutions.

The two Institutions agree that their indicative allocation of speaking time should be respected.

48. With a view to ensuring the presence of Members of the Commission, Parliament undertakes to do its best to maintain its final draft agendas.

Where Parliament amends its final draft agenda, or where it moves items within the agenda within a part-session, Parliament

shall immediately inform the Commission. The Commission shall use its best endeavours to ensure the presence of the Member of the Commission responsible.

49. The Commission may propose the inclusion of items on the agenda not later than the meeting of the Conference of Presidents that decides on the final draft agenda of a part-session. Parliament shall take the fullest account of such proposals.

50. Parliamentary committees shall seek to maintain their draft agendas and agendas.

Whenever a parliamentary committee amends its draft agenda or its agenda, the Commission shall be immediately informed thereof. In particular, parliamentary committees shall endeavour to respect a reasonable deadline so as to allow for the presence of Members of the Commission at their meetings.

Where the presence of a Member of the Commission is not explicitly required at a parliamentary committee meeting, the Commission shall ensure that it is represented by a competent official at an appropriate level.

Parliamentary committees will endeavour to coordinate their work, including avoiding parallel meetings on the same issue, and will endeavour not to deviate from the draft agenda, so that the Commission can ensure an appropriate level of representation.

If the presence of a high-level official (Director-General or Director) has been requested at a committee meeting dealing with a Commission proposal, the representative of the Commission shall be allowed to intervene.

## VI. FINAL PROVISIONS

51. The Commission confirms its commitment to examine as soon as possible the legislative acts which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty, in order to assess whether those instruments need to be adapted to the regime of delegated acts introduced by Article 290 TFEU.

As a final goal, a coherent system of delegated and implementing acts, fully consistent with the Treaty, should be achieved through a progressive assessment of the nature and contents of measures currently subject to the regulatory procedure with scrutiny, in order to adapt them in due course to the regime laid down by Article 290 TFEU.

52. The provisions of this Framework Agreement complement the Interinstitutional Agreement on better lawmaking<sup>(1)</sup> without affecting it and do not prejudice any further revision thereof. Without prejudice to forthcoming negotiations between Parliament, the Commission and the Council, the two Institutions commit to agree on key changes in preparation of future negotiations on adaptation of the Inter-institutional Agreement on better lawmaking to the new provisions introduced by the Lisbon Treaty, taking into account current practices and this Framework Agreement.

They also agree on the need to reinforce the existing interinstitutional contact mechanism, at political and at technical level, in relation to better lawmaking, so as to ensure effective inter-institutional cooperation between Parliament, the Commission and the Council.

53. The Commission commits to initiate rapidly the Union's annual and multiannual programming with a view to achieving interinstitutional agreements, in accordance with Article 17 TEU.

The Commission Work Programme is the Commission's contribution to the Union's annual and multiannual programming. Following its adoption by the Commission, a trialogue between Parliament, the Council and the Commission should take place with a view to reaching an agreement on the Union's programming.

In this context and as soon as Parliament, the Council and the Commission have reached a common understanding on the Union's programming, the two Institutions shall review the provisions of this Framework Agreement related to programming.

Parliament and the Commission call on the Council to engage as soon as possible in discussions on the Union's programming as provided for in Article 17 TEU.

54. The practical implementation of this Framework Agreement and its Annexes shall be assessed periodically by the two Institutions. A review shall be carried out by the end of 2011, in the light of practical experience.

Done at Strasbourg, 20 October 2010.

*For the European Parliament*

*The President*

J. BUZEK

*For the European Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> OJ C 321, 31.12.2003, p. 1.

## ANNEX I

**Commission meetings with national experts**

This Annex lays down the modalities for implementation of point 15 of the Framework Agreement.

**1. Scope**

The provisions of point 15 of the Framework Agreement concern the following meetings:

- (1) Commission meetings taking place within the framework of expert groups established by the Commission to which national authorities from all Member States are invited, where they concern the preparation and implementation of Union legislation, including soft law and delegated acts;
- (2) ad hoc Commission meetings to which national experts from all Member States are invited, where they concern the preparation and implementation of Union legislation, including soft law and delegated acts.

Meetings of comitology committees are excluded, without prejudice to existing and future specific arrangements concerning the provision to Parliament of information concerning the exercise of the Commission's implementing powers <sup>(1)</sup>.

**2. Information to be transmitted to Parliament**

The Commission commits to send Parliament the same documentation it sends to national authorities in relation to the abovementioned meetings. The Commission will transmit those documents, including agendas, to a functional Parliament mailbox at the same time as they are sent to the national experts.

**3. Invitation of Parliament's experts**

Upon being requested by Parliament, the Commission may decide to invite Parliament to send Parliament experts to attend Commission meetings with national experts as identified in point 1.

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<sup>(1)</sup> The information to be provided to Parliament on the work of comitology committees and Parliament's prerogatives in the operation of comitology procedures are clearly defined in other instruments: (1) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers (OJ L 184, 17.7.1999, p. 23); (2) the interinstitutional agreement of 3 June 2008 between Parliament and the Commission on comitology procedures; and (3) instruments necessary for the implementation of Article 291 TFEU.

## ANNEX II

**Forwarding of confidential information to Parliament****1. Scope**

1.1. This Annex shall govern the forwarding to Parliament and the handling of confidential information, as defined in point 1.2, from the Commission in connection with the exercise of Parliament's prerogatives and competences. The two Institutions shall act in accordance with their mutual duties of sincere cooperation, in a spirit of complete mutual trust and in the strictest conformity with the relevant Treaty provisions.

1.2. 'Information' shall mean any written or oral information, whatever the medium and whoever the author may be.

1.2.1. 'Confidential information' shall mean 'EU classified information' (EUCI) and non-classified 'other confidential information'.

1.2.2. 'EU classified information' (EUCI) shall mean any information and material, classified as 'TRÈS SECRET UE/EU TOP SECRET', 'SECRET UE', 'CONFIDENTIEL UE' or 'RESTREINT UE' or bearing equivalent national or international classification markings, an unauthorised disclosure of which could cause varying degrees of prejudice to Union interests, or to one or more Member States, whether such information originates within the Union or is received from Member States, third States or international organisations.

(a) TRÈS SECRET UE/EU TOP SECRET: this classification shall be applied only to information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of the Union or of one or more of its Member States.

(b) SECRET UE: this classification shall be applied only to information and material the unauthorised disclosure of which could seriously harm the essential interests of the Union or of one or more of its Member States.

(c) CONFIDENTIEL UE: this classification shall be applied to information and material the unauthorised disclosure of which could harm the essential interests of the Union or of one or more of its Member States.

(d) RESTREINT UE: this classification shall be applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of the Union or of one or more of its Member States.

1.2.3. 'Other confidential information' shall mean any other confidential information, including information covered by the obligation of professional secrecy, requested by Parliament and/or forwarded by the Commission.

1.3. The Commission shall ensure that Parliament is given access to confidential information, in accordance with the provisions of this Annex, whenever it receives from one of the parliamentary bodies or office-holders mentioned in point 1.4 a request relating to the forwarding of confidential information. Moreover, the Commission may forward any confidential information on its own initiative to Parliament in accordance with the provisions of this Annex.

1.4. In the context of this Annex, the following may request confidential information from the Commission:

— the President of Parliament,

— the chairs of the parliamentary committees concerned,

— the Bureau and the Conference of Presidents, and

— the head of Parliament's delegation included in the Union delegation at an international conference.

- 1.5. Information on infringement procedures and procedures relating to competition, in so far as they are not covered by a final Commission decision or by a judgment of the Court of Justice of the European Union on the date when the request from one of the parliamentary bodies/office-holders mentioned in point 1.4 is received, and information relating to the protection of the Union's financial interests, shall be excluded from the scope of this Annex. This is without prejudice to point 44 of the Framework Agreement and to the budgetary control rights of Parliament.
- 1.6. These provisions shall apply without prejudice to Decision 95/167/EC, Euratom, ECSC of the European Parliament, of the Council and of the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry <sup>(1)</sup> and the relevant provisions of Commission Decision 1999/352/EC, ECSC, Euratom of 28 April 1999 establishing the European Anti-fraud Office (OLAF) <sup>(2)</sup>.

## 2. General rules

- 2.1. At the request of one of the parliamentary bodies/office-holders referred to in point 1.4, the Commission shall forward to that parliamentary body/office-holder with all due despatch any confidential information required for the exercise of Parliament's prerogatives and competences. In accordance with their respective powers and responsibilities, the two Institutions shall respect:

- fundamental human rights, including the right to a fair trial and the right to protection of privacy,
- provisions governing judicial and disciplinary procedures,
- protection of business secrecy and commercial relations,
- protection of the interests of the Union, in particular those relating to public safety, defence, international relations, monetary stability and financial interests.

In the event of a disagreement, the matter shall be referred to the Presidents of the two Institutions so that they may resolve the dispute.

Confidential information from a State, an institution or an international organisation shall be forwarded only with its consent.

- 2.2. EUCI shall be forwarded to, and handled and protected by, Parliament in compliance with the common minimum standards of security applied by other Union Institutions, in particular the Commission.

When classifying information for which it is the originator, the Commission will ensure that it applies appropriate levels of classification in line with the international standards and definitions and its internal rules, whilst taking due account of the need for Parliament to be able to access classified documents for the effective exercise of its competences and prerogatives.

- 2.3. In the event of any doubt as to the confidential nature of an item of information or its appropriate level of classification, or where it is necessary to lay down the appropriate arrangements for it to be forwarded in accordance with one of the options set out in point 3.2, the two Institutions shall consult each other without delay and before transmission of the document. In these consultations, Parliament shall be represented by the chair of the parliamentary body concerned, accompanied, where necessary, by the rapporteur, or the office-holder who submitted the request. The Commission shall be represented by the Member of the Commission with responsibility for that area, after consultation of the Member of the Commission responsible for security matters. In the event of a disagreement, the matter shall be referred to the Presidents of the two Institutions so that they may resolve the dispute.
- 2.4. If, at the end of the procedure referred to in point 2.3, no agreement has been reached, the President of Parliament, in response to a reasoned request from the parliamentary body/office-holder who submitted the request, shall call on the Commission to forward, within the appropriate deadline duly indicated, the confidential information in question, selecting the arrangements from among the options laid down in point 3.2 of this Annex. Before the expiry of that deadline, the Commission shall inform Parliament in writing of its final position, in respect of which Parliament reserves the right, if appropriate, to exercise its right to seek redress.

<sup>(1)</sup> OJ L 113, 19.5.1995, p. 1.

<sup>(2)</sup> OJ L 136, 31.5.1999, p. 20.

- 2.5. Access to EUCI shall be granted in accordance with applicable rules for personal security clearance.
- 2.5.1. Access to information classified as 'TRÈS SECRET UE /EU TOP SECRET', 'SECRET UE' and 'CONFIDENTIEL UE' may only be granted to Parliament officials and those employees of Parliament working for political groups to whom it is strictly necessary, who have been designated in advance by the parliamentary body/office-holder as having a need to know and who have been given an appropriate security clearance.
- 2.5.2. In light of Parliament's prerogatives and competences, those Members who have not been given a personal security clearance shall be granted access to 'CONFIDENTIEL UE' documents under practical arrangements defined by common accord, including signature of a solemn declaration that they will not disclose the contents of those documents to any third person.

Access to 'SECRET UE' documents shall be granted to Members who have been given an appropriate personal security clearance.

- 2.5.3. Arrangements shall be made with the support of the Commission to ensure that the necessary contribution of national authorities within the framework of the clearance procedure can be obtained by Parliament as quickly as possible.

Details of the category or categories of persons who are to have access to the confidential information shall be communicated simultaneously with the request.

Prior to being granted access to such information each person shall be briefed on its confidentiality level and the resulting security obligations.

In the context of the review of this Annex and future security arrangements, as referred to in points 4.1 and 4.2, the issue of security clearances will be re-examined.

### 3. Arrangements for access to and the handling of confidential information

- 3.1. Confidential information forwarded in accordance with the procedures set out in point 2.3 and, where appropriate, point 2.4 shall be made available, on the responsibility of the President or of a Member of the Commission, to the parliamentary body/office-holder who submitted the request, in accordance with the following conditions:

Parliament and the Commission will ensure the registration and the traceability of confidential information.

More specifically, EUCI classified as 'CONFIDENTIEL UE' and 'SECRET UE' shall be forwarded from the Commission's Secretariat General central registry to the equivalent competent Parliament service who will be responsible for making it available under the agreed arrangements to the parliamentary body/office-holder who submitted the request.

The forwarding of EUCI classified as 'TRÈS SECRET UE/EU TOP SECRET' shall be subject to further arrangements, agreed between the Commission and the parliamentary body/office-holder who submitted the request, aimed at ensuring a level of protection commensurate with that classification.

- 3.2. Without prejudice to the provisions of points 2.2 and 2.4 and the future security arrangements referred to in point 4.1, access and the arrangements designed to preserve the confidentiality of the information shall be laid down by common accord before the information is forwarded. That accord between the Member of the Commission with responsibility for the policy area involved and the parliamentary body (represented by its chair)/office-holder who submitted the request, shall provide for the selection of one of the options set out in points 3.2.1 and 3.2.2 in order to ensure the appropriate level of confidentiality.

- 3.2.1. Regarding the addressees of confidential information, provision should be made for one of the following options:

- information intended for the President of Parliament alone, in instances justified on absolutely exceptional grounds,
- the Bureau and/or the Conference of Presidents,

- the chair and rapporteur of the relevant parliamentary committee,
- all members (full and substitute) of the relevant parliamentary committee,
- all Members of the European Parliament.

The confidential information in question may not be published or forwarded to any other addressee without the consent of the Commission.

3.2.2. Regarding the arrangements for the handling of confidential information, provision should be made for the following options:

- (a) examination of documents in a secure reading room if the information is classified as 'CONFIDENTIEL UE' and above;
- (b) holding the meeting in camera, attended only by the members of the Bureau, the members of the Conference of Presidents or full members and substitute members of the competent parliamentary committee as well as by Parliament officials and those Parliament employees working for political groups who have been designated in advance by the chair as having a need to know and whose presence is strictly necessary, provided they have been given the required level of security clearance, taking into account the following conditions:
  - any documents may be numbered, distributed at the beginning of the meeting and collected again at the end. No notes of those documents and no photocopies thereof may be taken,
  - the minutes of the meeting shall make no mention of the discussion of the item taken under the confidential procedure.

Before transmission, all personal data may be expunged from the documents.

Confidential information provided orally to recipients in Parliament shall be subject to the equivalent level of protection as that accorded to confidential information provided in written form. This may include a solemn declaration by recipients of that information not to divulge its contents to any third person.

3.2.3. When written information is to be examined in a secure reading room, Parliament shall ensure that the following arrangements are in place:

- a secure storage system for confidential information,
- a secure reading room without photocopying machines, telephones, fax facilities, scanners or any other technical equipment for the reproduction and transmission of documents etc.,
- security provisions governing access to the reading room, including the requirements of signature in an access register and a solemn declaration not to disseminate the confidential information examined.

3.2.4. The above does not preclude other equivalent arrangements agreed between the Institutions.

3.3. In the event of non-compliance with these arrangements, the provisions relating to sanctions of Members set out in Annex VIII to Parliament's Rules of Procedure and, in respect of Parliament officials and other employees, the applicable provisions of Article 86 of the Staff Regulations <sup>(1)</sup> or Article 49 of the Conditions of employment of other servants of the European Communities shall apply.

<sup>(1)</sup> Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of employment of other servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission.

#### 4. **Final provisions**

- 4.1. The Commission and Parliament shall take all the measures required for the implementation of the provisions of this Annex.

To that end, the competent services of the Commission and of Parliament shall closely coordinate the implementation of this Annex. This shall include the verification of traceability of confidential information and periodic joint monitoring of security arrangements and standards applied.

Parliament undertakes to adapt, where necessary, its internal provisions so as to implement the security rules for confidential information laid down in this Annex.

Parliament undertakes to adopt as soon as possible its future security arrangements and to verify those arrangements by common accord with the Commission, with a view to establishing equivalence of security standards. This will give effect to this Annex with regard to:

- technical security provisions and standards regarding the handling and storage of confidential information, including security measures in the field of physical, personnel, document and IT security,
- the establishment of a specially established oversight committee, composed of appropriately cleared Members for the handling of EUCI classified as 'TRÈS SECRET UE/EU TOP SECRET'.

- 4.2. Parliament and the Commission will review this Annex and, where necessary, adapt it, no later than at the time of the review referred to in point 54 of the Framework Agreement, in light of developments concerning:

- future security arrangements involving Parliament and the Commission,
  - other agreements or legal acts relevant for the forwarding of information between the Institutions.
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## ANNEX III

**Negotiation and conclusion of international agreements**

This Annex lays down detailed arrangements for the provision of information to Parliament concerning the negotiation and conclusion of international agreements as referred to in points 23, 24 and 25 of the Framework Agreement.

1. The Commission shall inform Parliament about its intention to propose the start of negotiations at the same time as it informs the Council.
  2. In line with the provisions of point 24 of the Framework Agreement, when the Commission proposes draft negotiating directives with a view to their adoption by the Council, it shall at the same time present them to Parliament.
  3. The Commission shall take due account of Parliament's comments throughout the negotiations.
  4. In line with the provisions of point 23 of the Framework Agreement, the Commission shall keep Parliament regularly and promptly informed about the conduct of negotiations until the agreement is initialled, and explain whether and how Parliament's comments were incorporated in the texts under negotiation and if not why.
  5. In the case of international agreements the conclusion of which requires Parliament's consent, the Commission shall provide to Parliament during the negotiation process all relevant information that it also provides to the Council (or to the special committee appointed by the Council). This shall include draft amendments to adopted negotiating directives, draft negotiating texts, agreed articles, the agreed date for initialling the agreement and the text of the agreement to be initialled. The Commission shall also transmit to Parliament, as it does to the Council (or to the special committee appointed by the Council), any relevant documents received from third parties, subject to the originator's consent. The Commission shall keep the responsible parliamentary committee informed about developments in the negotiations and, in particular, explain how Parliament's views have been taken into account.
  6. In the case of international agreements the conclusion of which does not require Parliament's consent, the Commission shall ensure that Parliament is immediately and fully informed, by providing information covering at least the draft negotiating directives, the adopted negotiating directives, the subsequent conduct of negotiations and the conclusion of the negotiations.
  7. In line with the provisions of point 24 of the Framework Agreement, the Commission shall give thorough information to Parliament in due time when an international agreement is initialled, and shall inform Parliament as early as possible when it intends to propose its provisional application to the Council and of the reasons therefor, unless reasons of urgency preclude it from doing so.
  8. The Commission shall inform the Council and Parliament simultaneously and in due time of its intention to propose to the Council the suspension of an international agreement and of the reasons therefor.
  9. For international agreements which would fall under the consent procedure provided for by the TFEU, the Commission shall also keep Parliament fully informed before approving modifications to an agreement which are authorised by the Council, by way of derogation, in accordance with Article 218(7) TFEU.
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## ANNEX IV

**Timetable for the Commission Work Programme**

The Commission Work Programme shall be accompanied by a list of legislative and non-legislative proposals for the following years. The Commission Work Programme covers the next year in question, and provides a detailed indication of the Commission's priorities for the subsequent years. The Commission Work Programme can thus be the basis for a structured dialogue with Parliament, with a view to seeking a common understanding.

The Commission Work Programme shall also include planned initiatives on soft law, withdrawals and simplification.

1. In the first semester of a given year, Members of the Commission shall undertake an ongoing regular dialogue with the corresponding parliamentary committees on the implementation of the Commission Work Programme for that year and on the preparation of the future Commission Work Programme. On the basis of that dialogue each parliamentary committee shall report on the outcome thereof to the Conference of Committee Chairs.
  2. In parallel the Conference of Committee Chairs shall hold a regular exchange of views with the Vice-President of the Commission responsible for interinstitutional relations, in order to assess the state of implementation of the current Commission Work Programme, discuss the preparation of the future Commission Work Programme and take stock of the results of the ongoing bilateral dialogue between the parliamentary committees concerned and relevant Members of the Commission.
  3. In June, the Conference of Committees Chairs shall submit a summary report to the Conference of Presidents, which should include results of the screening of the implementation of the Commission Work Programme as well as Parliament's priorities for the forthcoming Commission Work Programme, and Parliament shall inform the Commission thereof.
  4. On the basis of that summary report, Parliament shall adopt a resolution at the July part-session, outlining its position and including in particular requests based on legislative initiative reports.
  5. Each year in the first part-session of September, a State of the Union debate will be held in which the President of the Commission shall deliver an address, taking stock of the current year and looking ahead to priorities for the following years. To that end, the President of the Commission will in parallel set out in writing to Parliament the main elements guiding the preparation of the Commission Work Programme for the following year.
  6. From the start of September, the competent parliamentary committees and the relevant Members of the Commission may meet for a more detailed exchange of views on future priorities in each policy area. These meetings shall be rounded off by a meeting between the Conference of Committee Chairs and the College of Commissioners and by a meeting between the Conference of Presidents and the President of the Commission, as appropriate.
  7. In October, the Commission shall adopt its Work Programme for the following year. Subsequently, the President of the Commission shall present that Work Programme to Parliament at an appropriate level.
  8. Parliament may hold a debate and adopt a resolution at the December part-session.
  9. This timetable shall be applied to each regular programming cycle, except for Parliament election years coinciding with the end of the Commission's term of office.
  10. This timetable shall not prejudice any future agreement on interinstitutional programming.
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