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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 733/2008

of 15 July 2008

on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station

(Codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

logical emergency ⁽³⁾, the Community should ensure, with regard to the specific effects of the accident at Chernobyl, that agricultural products and processed agricultural products intended for human consumption and likely to be contaminated are introduced into the Community only according to common arrangements.

(4) Those common arrangements should safeguard the health of consumers, maintain, without having unduly adverse effects on trade between the Community and third countries, the unified nature of the market and prevent deflections of trade.

(1) Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station ⁽¹⁾ has been substantially amended several times ⁽²⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) Following the accident at the Chernobyl nuclear power station on 26 April 1986, considerable quantities of radioactive elements were released into the atmosphere.

(3) Without prejudice to the possibility of resorting, where necessary, in the future to the provisions of Council Regulation (Euratom) No 3954/87 of 22 December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radio-

(5) Compliance with the maximum permitted levels should be the subject of appropriate checks, which may lead to prohibiting imports in cases of non-compliance.

(6) Radioactive contamination in many agricultural products has decreased and will continue to decrease to the levels existing before the Chernobyl accident. A procedure should therefore be established enabling such products to be excluded from the scope of this Regulation.

(7) Since this Regulation covers all agricultural products and processed agricultural products intended for human consumption, there is no need, in the present case, to apply the procedure referred to in Article 14 of Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals ⁽⁴⁾.

⁽¹⁾ OJ L 82, 29.3.1990, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ See Annex III.

⁽³⁾ OJ L 371, 30.12.1987, p. 11. Regulation as amended by Regulation (Euratom) No 2218/89 (OJ L 211, 22.7.1989, p. 1).

⁽⁴⁾ OJ L 139, 30.4.2004, p. 321, as corrected by OJ L 226, 25.6.2004, p. 128.

- (8) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

With the exception of the products unfit for human consumption listed in Annex I and those products which may come to be excluded from the scope of this Regulation in accordance with the procedure referred to in Article 5(2), this Regulation shall apply to the products originating in third countries covered by:

- (a) Annex I to the Treaty;
- (b) Council Regulation (EC) No 1667/2006 of 7 November 2006 on glucose and lactose ⁽²⁾;
- (c) Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽³⁾;
- (d) Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽⁴⁾.

Article 2

1. Without prejudice to other provisions in force, the release for free circulation of the products referred to in Article 1 shall be subject to compliance with the maximum permitted levels laid down in paragraph 2 of this Article:

2. The accumulated maximum radioactive level in terms of caesium-134 and -137 shall be ⁽⁵⁾:

- (a) 370 Bq/kg for milk and milk products listed in Annex II and for foodstuffs intended for the special feeding of infants during the first four to six months of life, which meet, in themselves, the nutritional requirements of this category of persons and are put up for retail sale in packages which are clearly identified and labelled 'food preparation for infants';

⁽¹⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

⁽²⁾ OJ L 312, 11.11.2006, p. 1.

⁽³⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽⁴⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽⁵⁾ The level applicable to concentrated or dried products shall be calculated on the basis of the reconstituted product as ready for consumption.

- (b) 600 Bq/kg for all other products concerned.

Article 3

1. Member States shall check compliance with the maximum permitted levels laid down in Article 2(2) in respect of the products referred to in Article 1, taking into account contamination levels in the country of origin.

Checking may also include the presentation of export certificates.

Depending on the results of the checks carried out, Member States shall take the measures required for Article 2(1) to apply, including the prohibition of release for free circulation, taking each case individually or generally for a given product.

2. Each Member State shall provide the Commission with all information concerning the application of this Regulation, notably cases of non-compliance with the maximum permitted levels.

The Commission shall circulate such information to the other Member States.

3. Where cases of repeated non-compliance with the maximum permitted levels have been recorded, the necessary measures may be taken in accordance with the procedure referred to in Article 5(2).

Such measures may even include the prohibition of the import of products originating in the third country concerned.

Article 4

The arrangements for applying this Regulation, any amendments to be made to the products in Annex I, and the list of products excluded from this Regulation shall be adopted in accordance with the procedure referred to in Article 5(2).

Article 5

1. The Commission shall be assisted by a committee.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

Article 6

Council Regulation (EEC) No 737/90, as amended by the Regulations listed in Annex III, is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

Article 7

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall expire:

- (a) on 31 March 2010, unless the Council decides otherwise at an earlier date, in particular if the list of excluded products referred to in Article 4 covers all the products fit for human consumption to which this Regulation applies;
- (b) on the entry into force of the Commission Regulation referred to in Article 2(1) of Regulation (Euratom) No 3954/87, if such entry into force takes place before 31 March 2010.

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

Done at Brussels, 15 July 2008.

For the Council
The President
M. BARNIER

ANNEX I

Products unfit for human consumption

CN code	Description
ex 0101 10 10 ex 0101 90 19	Racehorses
ex 0106	Other (live animals, excluding domestic rabbits and pigeons: not for human consumption)
0301 10	Live ornamental fish
0408 11 20 0408 19 20 0408 91 20 0408 99 20	Eggs, not in shell, and egg yolks, unfit for human consumption ⁽¹⁾
ex 0504 00 00	Non-edible guts, bladders and stomachs of animals (other than fish), whole and pieces thereof
0511 10 00 ex 0511 91 90 0511 99	Animal products not elsewhere specified or included, excluding edible animal blood; dead animals of Chapter 1 or Chapter 3, unfit for human consumption
ex 0713	Dried leguminous vegetables, shelled, whether or not skinned or split, for sowing
1001 90 10	Spelt for sowing ⁽¹⁾
1005 10 11 1005 10 13 1005 10 15 1005 10 19	Hybrid maize for sowing ⁽¹⁾
1006 10 10	Rice for sowing ⁽¹⁾
1007 00 10	Hybrid sorghum for sowing ⁽¹⁾
1201 00 10 1202 10 10 1204 00 10 1205 10 10 1206 00 10 1207 20 10 1207 40 10 1207 50 10 1207 91 10 1207 99 15	Oil seeds and oleaginous fruit, whole or broken, for sowing ⁽¹⁾
1209	Seeds, fruits and spores, of a kind used for sowing
1501 00 11	Lard and other pig fat for industrial uses other than the manufacture of foodstuffs for human consumption ⁽¹⁾
1502 00 10	Fats of bovine animals, sheep or goats, other than those of heading 1503, for industrial uses other than the manufacture of foodstuffs for human consumption ⁽¹⁾
1503 00 11	Lard stearin and oleostearin for industrial uses ⁽¹⁾
1503 00 30	Tallow oil for industrial uses other than the manufacture of foodstuffs for human consumption ⁽¹⁾
1505 00	Wool grease and fatty substances derived therefrom (including lanolin)
1507 10 10 1507 90 10	Soya bean oil and its fractions, whether or not refined; but not chemically modified, for technical uses other than the manufacture of foodstuffs for human consumption ⁽¹⁾
1508 10 10 1508 90 10	Ground-nut oil and its fractions, whether or not refined but not chemically modified, for technical or industrial uses other than the manufacture of foodstuffs for human consumption ⁽¹⁾
1511 10 10	Crude palm oil and its fractions, whether or not refined, but not chemically modified, for technical or industrial uses other than the manufacture of foodstuffs for human consumption ⁽¹⁾

CN code	Description
1511 90 91	Other oils for technical or industrial uses other than the manufacture of foodstuffs for human consumption ⁽¹⁾
1512 11 10	
1512 19 10	
1512 21 10	
1512 29 10	
1513 11 10	
1513 19 30	
1513 21 10	
1513 29 30	
1514 11 10	
1514 19 10	
1514 91 10	
1514 99 10	
1515 19 10	
1515 21 10	
1515 29 10	
1515 50 11	
1515 50 91	
1515 90 21	
1515 90 31	
1515 90 40	
1515 90 60	
1516 20 95	
1515 30 10	Castor oil and its fractions for the production for the production of aminoundecanoic acid for use in the manufacture of synthetic textile fibres or of artificial plastic materials ⁽¹⁾
1515 90 11	Tung oil; jojoba and oiticica oils; myrtle wax and Japan wax; their fractions
1518 00 31	Fixed vegetables oils, fluid, mixed, for technical or industrial uses other than the manufacture of foodstuffs for human consumption ⁽¹⁾
1518 00 39	
2207 20 00	Ethyl alcohol and other spirits; denatured, of any strength
3824 10 00	Prepared binders for foundry moulds or cores
4501	Natural cork, raw or simply prepared; waste cork; crushed granulated or ground cork
5301 10 00	Flax, raw or processed but not spun
5301 21 00	
5301 29 00	
5302	True hemp (<i>Cannabis sativa</i> L.), raw or processed but not spun; tow and waste of true hemp (including yarn waste and garnetted stock)
ex Chapter 6	Live trees and other plants; bulbs, roots and the like, cut flowers and ornamental foliage, excluding plants and roots of chicory of subheading 0601 20 10

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

*ANNEX II***Milk and milk products to which a maximum permitted level of 370 Bq/kg applies**

CN codes 0401

0402

0403 10 11 to 39

0403 90 11 to 69

0404

*ANNEX III***Repealed Regulation with list of its successive amendments**

Council Regulation (EEC) No 737/90
(OJ L 82, 29.3.1990, p. 1).

Council Regulation (EC) No 686/95
(OJ L 71, 31.3.1995, p. 15).

Council Regulation (EC) No 616/2000
(OJ L 75, 24.3.2000, p. 1).

Council Regulation (EC) No 806/2003
(OJ L 122, 16.5.2003, p. 1).

point 7 of Annex III only

ANNEX IV

Correlation table

Regulation (EEC) No 737/90	This Regulation
Article 1, introductory words	Article 1, introductory words
Article 1, first indent	Article 1(a)
Article 1, second indent	Article 1(b)
Article 1, third indent	Article 1(c)
Article 1, fourth indent	Article 1(d)
Article 1, fifth indent	—
Article 2	Article 2(1)
Article 3, first introductory sentence	—
Article 3, second introductory sentence	Article 2(2) introductory sentence
Article 3, first and second indent	Article 2(2)(a) and (b)
Article 4(1) first, second and third sentence	Article 3(1) first, second and third subparagraph
Article 4(2) first and second sentence	Article 3(2) first and second subparagraph
Article 5 first and second sentence	Article 3(3) first and second subparagraph
Article 6	Article 4
Article 7(1) and (2)	Article 5(1) and (2)
Article 7(3)	—
—	Article 6
Article 8, first paragraph	Article 7, first paragraph
Article 8, second paragraph, introductory words	Article 7, second paragraph, introductory words
Article 8, second paragraph, point 1	Article 7, second paragraph, point (a)
Article 8, second paragraph, point 2	Article 7, second paragraph, point (b)
Annex I	Annex I
Annex II	Annex II
—	Annex III
—	Annex IV

COUNCIL REGULATION (EC) No 734/2008**of 15 July 2008****on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) The Community is a Contracting Party to the United Nations Convention on the Law of the Sea and to the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. These international instruments lay down the duty of States to cooperate on conserving the living resources of the high seas, and prescribe that such cooperation shall be pursued directly by States or through appropriate subregional or regional fisheries management organisations or arrangements.

(2) The absence of a regional fisheries management organisation or arrangement does not exempt States from their obligation under the law of the Sea to adopt with respect to their nationals such measures as may be necessary for the conservation of the living resources of the high seas, including the protection of vulnerable marine ecosystems against the harmful effects of fishing activities.

(3) Article 2 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽²⁾ provides that the common fisheries policy is to apply the precautionary approach in taking

measures to minimise the impact of fishing activities on marine ecosystems. Article 7 of the same Regulation provides that the Commission may decide on emergency measures at the substantiated request of a Member State or on its own initiative if there is evidence of a serious threat to the conservation of living aquatic resources, or to the marine ecosystem resulting from fishing activities and requiring immediate action.

(4) The Community is committed to the conservation of marine ecosystems such as reefs, seamounts, deep water corals, hydrothermal vents and sponge beds. There is abundant scientific information showing that the integrity of these ecosystems is threatened by fishing activities using bottom gears. The Community has already adopted measures to close to bottom fishing areas within Community waters where such ecosystems are found. It has also been instrumental in the adoption of similar measures in the high seas within the areas of competence of all existing regional fisheries management organisations empowered to regulate bottom fisheries. It has also actively contributed to the establishment of new organisations or arrangements with a view to achieving global coverage of the world's ocean by appropriate regional fisheries conservation and management regimes. There are, however, certain areas of the high seas for which the establishment of such a body encounters significant difficulties.

(5) By Resolution 61/105 of the General Assembly of the United Nations, adopted on 8 December 2006, the international community has agreed on the pressing need to adopt measures to protect vulnerable marine ecosystems from the destructive effects of bottom fishing activities through strict regulation of those activities by regional fisheries management organisations or arrangements or by States in respect of their flagged vessels operating in areas where no such organisations or arrangements are in place.

The General Assembly has provided guidance as to the kind of measures that should be adopted to this end. The work undertaken within the FAO to develop international guidelines on the management of these fishing activities in the framework of the Code of Conduct for Responsible Fisheries is also of high relevance for the design and adoption of such measures, as well as for their implementation by Member States.

⁽¹⁾ Opinion of 4 June 2008 (not yet published in the Official Journal).

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

- (6) The Community has a sizeable fleet conducting bottom fishing in areas not regulated by a regional fisheries management organisation or arrangement with competence to regulate such fishing activities and for which the establishment of such organisation or arrangement cannot be expected in the short term. Without prejudice to continued efforts to remedy these remaining spatial gaps in the international fisheries governance system, the Community must discharge its obligations under the law of the sea with regard to the conservation of the marine living resources in these areas and must therefore adopt appropriate measures in respect of these fleets. In doing so, the Community must act in accordance with the guidance provided by the General Assembly in Resolution 61/105.
- (7) A key component of the recommendations made by the General Assembly is measures '... to assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorised to proceed'.
- (8) The implementation of that recommendation requires that the fishing vessels concerned are authorised to fish under a special fishing permit issued in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits ⁽¹⁾ and Commission Regulation (EC) No 2943/95 of 20 December 1995 setting out detailed rules for applying Council Regulation (EC) No 1627/94 ⁽²⁾. In addition, the issuance and validity of such permits must be subject to specific conditions ensuring that the impact of the authorised fishing activities has been properly assessed and that the conduct of fishing operations complies with such assessment.
- (9) The implementation of the Recommendations made by the General Assembly also requires relevant monitoring measures to ensure compliance with the conditions under which the permits are issued. These include on-board observers and specific provisions regarding the operation of satellite-based Vessel Monitoring Systems to address events of technical failure or non-functioning of the system, beyond those set forth by Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems ⁽³⁾.
- (10) The identification of vulnerable marine ecosystems in areas not regulated by a regional fisheries management organisation is a work in progress and there is relatively limited scientific information in this respect. For this reason, it is imperative to prohibit the use of bottom gears in areas that have not undergone an appropriate scientific assessment as to the risks of significant adverse impacts that such fishing activities might have on vulnerable marine ecosystems.
- (11) The violation of specific conditions such as those relating to unassessed areas, the operation of the Vessel Monitoring System and the relocation of activities in case of unforeseen encounter with a vulnerable marine ecosystem may result in irreparable damage to such ecosystems and deserves therefore to be included among the list of serious infringements contained in Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy ⁽⁴⁾.
- (12) The protection of individuals with regard to the processing of personal data is governed by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽⁵⁾, which is fully applicable to the processing of personal data for the purposes of this Regulation, in particular as regards the rights of data subjects to access, rectification, blocking and erasure of data and notification to third parties, which have not in consequence been further particularised in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation shall apply to Community fishing vessels carrying out fishing activities with bottom gears in the high seas.
2. This Regulation shall not apply to Community fishing vessels whose areas of operation lie within areas:
 - (a) under the responsibility of a regional fisheries management organisation or arrangement with competence to regulate such fishing activities;

⁽¹⁾ OJ L 171, 6.7.1994, p. 7.

⁽²⁾ OJ L 308, 21.12.1995, p. 15.

⁽³⁾ OJ L 333, 20.12.2003, p. 17.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 5.

⁽⁵⁾ OJ L 8, 12.1.2001, p. 1.

- (b) for which a process for the establishment of a regional fisheries management organisation is under way; where the participants in such process have agreed on interim measures to protect vulnerable marine ecosystems from destructive impacts resulting from the use of bottom gears.

Article 2

Definitions

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

- (a) 'marine ecosystem' means a dynamic complex of plant, animal and microorganism communities and their non-living environment interacting as a functional unit;
- (b) 'vulnerable marine ecosystem' means any marine ecosystem whose integrity (i.e. ecosystem structure or function) is, according to the best scientific information available and to the principle of precaution, threatened by significant adverse impacts resulting from physical contact with bottom gears in the normal course of fishing operations, including, inter alia, reefs, seamounts, hydrothermal vents, cold water corals or cold water sponge beds. The most vulnerable ecosystems are those that are easily disturbed and in addition are very slow to recover, or may never recover;
- (c) 'significant adverse impacts' means impacts (evaluated individually, in combination or cumulatively) which compromise ecosystem integrity in a manner that impairs the ability of affected populations to replace themselves and that degrades the long-term natural productivity of habitats, or causes on more than a temporary basis significant loss of species richness, habitat or community types;
- (d) 'bottom gears' means gears deployed in the normal course of fishing operations in contact with the seabed, including bottom trawls, dredges, bottom-set gill nets, bottom-set longlines, pots and traps.

Article 3

Special fishing permit

1. In order to conduct the fishing activities referred to in Article 1(1), Community fishing vessels shall have a special fishing permit.
2. The special fishing permit shall be issued in accordance with Regulation (EC) No 1627/94 and subject to the conditions established in this Regulation.

Article 4

Conditions for issuance

1. Applications for a special fishing permit provided for in Article 3(1) shall be accompanied by a detailed fishing plan specifying in particular:
 - (a) the intended location of the activities;
 - (b) the targeted species;
 - (c) the type of gears and the depth at which they will be deployed, and
 - (d) the configuration of the bathymetric profile of the seabed in the intended fishing grounds, where this information is not already available to the competent authorities of the Flag State concerned.
2. The competent authorities shall issue a special fishing permit after having carried out an assessment on the potential impacts of the vessel's intended fishing activities and concluded that such activities are not likely to have significant adverse impacts on vulnerable marine ecosystems.
3. For the purposes of the implementation of the assessment referred to in paragraph 2, the competent authorities shall rely on the best scientific and technical information available concerning the location of vulnerable marine ecosystems in the areas in which the fishing vessels concerned intend to operate. That information shall include, where available, scientific data on the basis of which the likelihood of occurrence of such ecosystems can be estimated. The assessment process shall include appropriate elements of independent scientific peer review.
4. The evaluation of the risk of significant adverse impacts on vulnerable marine ecosystems carried out under the assessment referred to in paragraph 2 shall take into account, as appropriate, differing conditions prevailing in areas where fishing activities with bottom gears are well established and in areas where fishing such activities have not taken place or only occur occasionally.
5. The competent authorities shall apply precautionary criteria in the conduct of the assessment referred to in paragraph 2. In case of doubt as to whether the adverse impacts are significant or not, they shall consider that the likely adverse impacts resulting from the scientific advice provided are significant.

6. Where the assessment concludes that activities carried out in accordance with the submitted fishing plan might result in significant adverse impacts to vulnerable marine ecosystems, the competent authorities shall specify the assessed risks and allow applicants to amend the fishing plan to avoid them. In the absence of such amendments, the competent authorities shall refrain from issuing the requested special fishing permit.

Article 5

Conditions for validity

1. The special fishing permit provided for in Article 3(1) shall make it explicit that fishing activities carried out under it must conform to the fishing plan submitted in accordance with Article 4(1) at all times.

2. Where circumstances beyond the control of the person responsible for the vessel operations necessitate an alteration of the submitted plans, the person responsible for the vessel's operations shall inform the competent authorities without delay, indicating the modifications intended to the original plan. The competent authorities shall examine such alterations and shall not authorise them if they entail a relocation of the activities to areas where vulnerable marine ecosystems occur or are likely to occur.

3. Failure to conform to the fishing plan provided for in Article 4(1) in circumstances other than those specified in paragraph 2 of this Article shall entail the withdrawal by the flag State of the special fishing permit issued to the fishing vessel concerned.

Article 6

Unassessed areas

1. In the areas where no proper scientific assessment has been carried out and made available, the use of bottom gears shall be prohibited. This prohibition shall be subject to the review of this Regulation foreseen in Article 13.

2. Bottom fishing activities shall be permitted under the conditions laid down in this Regulation where this scientific assessment shows that vulnerable marine ecosystems will not be at risk.

Article 7

Unforeseen encounters with vulnerable marine ecosystems

1. Where, in the course of fishing operations, a fishing vessel encounters a vulnerable marine ecosystem, it shall immediately cease fishing, or refrain from engaging in fishing in the site concerned. It shall resume operations only when it has reached an alternative site at a minimum distance of five nautical miles from the site of the encounter within the area foreseen in its fishing plan provided for in Article 4(1).

2. If another vulnerable marine ecosystem is encountered in the alternative site referred to in paragraph 1, the vessel shall keep relocating in accordance with the rules set out in that paragraph until a site is reached where no vulnerable marine ecosystems are found.

3. The fishing vessel shall report each encounter to the competent authorities without delay, providing precise information on the nature, location, time and any other relevant circumstances of the encounter.

Article 8

Area closures

1. On the basis of the best scientific information available on the occurrence or on the likelihood of occurrence of vulnerable marine ecosystems in the region where their fishing vessels operate, Member States shall identify areas that shall be closed to fishing with bottom gears. Member States shall implement these closures without delay in respect of their vessels and immediately notify the Commission of the closure. The Commission shall circulate the notification to all Member States without delay.

2. Without prejudice to Article 7 of Regulation (EC) No 2371/2002, the Commission shall, where appropriate, submit proposals to the Council in accordance with Article 37 of the Treaty for the adoption of Community measures to implement area closures, whether on the basis of the information notified by Member States or on its own initiative.

Article 9

Vessel monitoring system

1. Notwithstanding Article 11(1) of Regulation (EC) No 2244/2003, in the event of technical failure or non-functioning of the satellite tracking device fitted on-board a fishing vessel, the master of the vessel shall report its geographical situation to the flag Member State every two hours.

2. After returning from the sea trip, the vessel shall not leave the port again until the satellite tracking device is functioning to the satisfaction of the competent authorities.

Article 10

Serious infringements

1. Any fishing activities carried out from the time when the vessel departed from its fishing plans in circumstances other than those specified in Article 5(2) shall be considered as fishing without holding a fishing permit and therefore as behaviour which seriously infringes the rules of the common fisheries policy.

2. Repeated instances of non-compliance with the obligations laid down in Articles 6, 7 and 9 shall be considered as behaviour that seriously infringes the rules of the common fisheries policy.

Article 11

Observers

1. Observers shall be on-board all vessels to which a special fishing permit provided for in Article 3(1) is issued. The observers shall observe the fishing activities of the vessel throughout the execution of its fishing plan provided for in Article 4(1).

The number of observers covering fishing activities in a fishing area shall be reviewed on 30 July 2009.

2. The observer shall:

- (a) record independently, in the same format as that used in the vessel's logbook, the catch information prescribed in Article 6 of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾;
 - (b) record any instances of alteration of the fishing plan as referred to in Article 5(2);
 - (c) document any unforeseen encounters with vulnerable marine ecosystems referred to in Article 7, including the gathering of information that may be of use in relation to the protection of the site;
 - (d) record depths at which gear is deployed;
 - (e) present a report to the competent authorities of the Member State concerned within 20 days following the termination of the observation period. A copy of this report shall be sent to the Commission, within 30 days following receipt of a written request.
3. The observer shall not be any of the following:
- (a) a relative of the master of the vessel or other officer serving on the vessel to which the observer is assigned;
 - (b) an employee of the master of the vessel to which he is assigned;
 - (c) an employee of the master's representative;
 - (d) an employee of a company controlled by the master or his representative;
 - (e) a relative of the master's representative.

Article 12

Information

1. Insofar as fishing vessels flying their flag fall within the scope of this Regulation, Member States shall communicate to the Commission, for each half calendar year within three months of the expiry of that half calendar year, a report on:

- (a) in addition to the requirements laid down in Article 18 of Regulation (EEC) No 2847/93, the catches made by the fishing vessels referred to in Article (1), established on the basis of the information recorded in logbooks, including full records of fishing days out of port and reports presented by the observers, broken down by quarter of the year, by type of gear and by species;
- (b) compliance with the fishing plans and with the requirements laid down in Articles 6, 7 and 8 by the fishing vessels referred to in Article 1(1) and the measures taken to remedy and sanction instances of non-compliance and serious infringements as referred to in Article 10;
- (c) their implementation of Article 8.

2. The reports submitted in accordance with paragraph 1 shall be accompanied by all the impact assessments carried out by the Member State concerned pursuant to Article 4(2) during the reported six-month period.

3. The Commission shall make the information received pursuant to paragraphs 1 and 2 publicly available, inter alia, through the FAO, and shall also transmit it without delay to the relevant scientific bodies as well as to Member States at their request.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11), as corrected by OJ L 36, 8.2.2007, p. 6.

*Article 13***Review**

The Commission shall submit to the European Parliament and to the Council a report on the implementation of this Regulation before 30 June 2010. That report shall be accompanied where necessary by proposals for amendments to this Regulation.

*Article 14***Entry into force**

This Regulation shall enter into force on the 30th 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, 15 July 2008.

For the Council

The President

M. BARNIER

COMMISSION REGULATION (EC) No 735/2008**of 29 July 2008****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 July 2008.

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

Done at Brussels, 29 July 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	28,9
	TR	74,2
	XS	29,6
	ZZ	44,2
0707 00 05	MK	27,4
	TR	106,2
	ZZ	66,8
0709 90 70	TR	97,2
	ZZ	97,2
0805 50 10	AR	84,2
	US	62,5
	UY	59,6
	ZA	89,4
	ZZ	73,9
0806 10 10	CL	58,0
	EG	144,2
	IL	145,6
	TR	123,9
	ZZ	117,9
0808 10 80	AR	95,1
	BR	101,6
	CL	97,9
	CN	87,4
	NZ	115,6
	US	107,9
	ZA	88,2
	ZZ	99,1
0808 20 50	AR	67,9
	CL	88,3
	NZ	97,1
	TR	156,5
	ZA	100,6
	ZZ	102,1
0809 10 00	TR	172,1
	US	186,2
	ZZ	179,2
0809 20 95	CA	388,4
	TR	449,8
	US	433,2
	ZZ	423,8
0809 30	TR	143,6
	ZZ	143,6
0809 40 05	BA	82,7
	IL	116,4
	TR	115,5
	XS	66,2
	ZZ	95,2

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

COMMISSION REGULATION (EC) No 736/2008**of 22 July 2008****on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production, processing and marketing of fisheries products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid⁽¹⁾, and in particular Article 1(1)(a)(i) thereof,

Having published a draft of this Regulation⁽²⁾,

Having consulted the Advisory Committee on State aid,

Whereas:

- (1) Regulation (EC) No 994/98 empowers the Commission to declare, in accordance with Article 87 of the Treaty, that, under certain conditions, aid to small and medium-sized enterprises (SMEs) is compatible with the common market and not subject to the notification requirement of Article 88(3) of the Treaty.
- (2) Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises⁽³⁾ does not apply to activities linked to the production, processing or marketing of fishery and aquaculture products covered by Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽⁴⁾.
- (3) The Commission has applied Articles 87 and 88 of the Treaty in numerous decisions to SMEs active in the production, processing and marketing of fisheries

products and has also stated its policy, most recently in the Guidelines for the examination of State aid to fisheries and aquaculture⁽⁵⁾ (hereafter referred to as the 'fisheries guidelines'). In the light of the Commission's considerable experience in applying those Articles to SMEs active in the production, processing and marketing of fisheries products, it is appropriate, with a view to ensuring efficient supervision and simplifying administration without weakening Commission monitoring, that the Commission should make use of the powers conferred by Regulation (EC) No 994/98 also for SMEs active in the production, processing and marketing of fisheries products, in so far as Article 89 of the Treaty has been declared applicable to such products.

- (4) The compatibility of State aid in the fisheries sector is assessed by the Commission on the basis of the objectives of both the Competition Policy and the Common Fisheries Policy (CFP).
- (5) This Regulation should cover types of aid granted in the fisheries sector which have been systematically approved by the Commission for many years. This aid does not require a case-by-case assessment of its compatibility with the common market from the Commission, provided that it complies with the conditions laid down in Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund⁽⁶⁾ and Commission Regulation (EC) No 498/2007 of 26 March 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 1198/2006 on the European Fisheries Fund⁽⁷⁾ and with certain other conditions. Although Regulation (EC) No 1198/2006 has only been in force from 4 September 2006, the Commission has gained on the basis of existing fisheries guidelines sufficient experience in applying similar conditions for the type of measures concerned in order to establish that the conditions of that Regulation are sufficiently accurate to justify not requiring case-by-case assessment.
- (6) This Regulation should be without prejudice to the possibility for Member States of notifying aid to SMEs active in the production, processing and marketing of fisheries products. Such notifications should be assessed by the Commission in the light of this Regulation and on the basis of the fisheries guidelines.

⁽¹⁾ OJ L 142, 14.5.1998, p. 1.

⁽²⁾ OJ C 248, 23.10.2007, p. 13.

⁽³⁾ OJ L 10, 13.1.2001, p. 33. Regulation as last amended by Regulation (EC) No 1976/2006 (OJ L 368, 23.12.2006, p. 85).

⁽⁴⁾ OJ L 17, 21.1.2000, p. 22. Regulation as last amended by Regulation (EC) No 1759/2006 (OJ L 335, 1.12.2006, p. 3).

⁽⁵⁾ OJ C 229, 14.9.2004, p. 5.

⁽⁶⁾ OJ L 223, 15.8.2006, p. 1.

⁽⁷⁾ OJ L 120, 10.5.2007, p. 1.

- (7) Aid that Member States intend to grant in the fisheries sector but which does not fall within the scope of this Regulation, or of other Regulations adopted pursuant to Article 1 of Regulation (EC) No 994/98, should remain subject to the notification requirement of Article 88(3) of the Treaty. Such aid will be assessed in the light of this Regulation and the fisheries guidelines.
- (8) This Regulation should exempt any aid that meets all the requirements it lays down, and any aid scheme, provided that any aid that could be granted under such scheme meets all the relevant requirements of this Regulation. Individual aid granted under an aid scheme and ad-hoc aid should contain an express reference to this Regulation.
- (9) In the interests of coherence with Community-financed support measures, the ceilings of aid covered by this Regulation should be equal to those fixed for the same kind of aid in Annex II to Regulation (EC) No 1198/2006.
- (10) It is essential that no aid is granted in circumstances where Community law, and in particular rules of the Common Fisheries Policy, are not complied with. An aid can therefore only be granted by a Member State in the fisheries sector if the measures financed and their effects comply with Community law. Before granting any aid, Member States should ensure that beneficiaries of State aid comply with the rules of the Common Fisheries Policy.
- (11) With a view to ensuring that aid is proportionate and limited to the amount necessary, thresholds should, whenever possible, be expressed in terms of aid intensities in relation to a set of eligible costs. For the purpose of calculating aid intensities, aid payable in several instalments should be discounted to its value at the moment of granting. The interest rate to be used for discounting purposes and for calculating the aid amount in aid not taking the form of a grant, should be the reference rate applicable at the time of grant as laid down in the Communication from the Commission on the revision of the method for setting the reference and discount rates ⁽¹⁾.
- (12) In view of the need to strike the appropriate balance between minimising distortions of competition in the aided sector and the objectives of this Regulation, it should not exempt individual grants which exceed a fixed maximum amount, whether or not made under an aid scheme exempted by this Regulation.
- (13) This Regulation should not apply to export-related activities or aid favouring domestic over imported products. In particular, it should not apply to aid financing the establishment and operation of a distribution network in other countries. Aid towards the cost of participating in trade fairs, or of studies or consultancy services needed for the launch of a new or existing product on a new market should not normally constitute export aid.
- (14) Aid granted to undertakings in difficulty within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽²⁾ should be assessed under those guidelines in order to avoid their circumvention. Aid to such undertakings should therefore be excluded from the scope of this Regulation. In order to reduce the administrative burden for Member States, when granting aid covered by this Regulation, the definition of what is to be considered as an undertaking in difficulty should be simplified as compared to the definition used in those guidelines. Moreover, SMEs are incorporated since less than three years should not be considered as being in difficulty for this period for the purposes of this Regulation, unless it fulfils the criteria under its domestic law for being the subject of collective insolvency proceedings. These simplifications should be without prejudice to the qualification of these SMEs under those guidelines as regards aid not covered by this Regulation, which remains subject to the full definition provided for in those guidelines.
- (15) The Commission has to ensure that authorised aid does not alter trading conditions in a way contrary to the general interest. Therefore, aid in favour of a beneficiary which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the common market, should be excluded from the scope of this Regulation. As a consequence, any ad-hoc aid paid out to such a beneficiary and any aid scheme not containing a provision explicitly excluding such beneficiaries remains subject to the notification requirements of Article 88(3) of the Treaty. This provision should not affect the legitimate expectations of beneficiaries of aid schemes which are not subject to outstanding recovery orders.
- (16) In order to eliminate differences that might give rise to distortions of competition and to facilitate coordination between different Community and national initiatives concerning SMEs, the definition of 'small and medium-sized enterprises' used in this Regulation should be that defined in Annex I to Regulation (EC) No 70/2001.

⁽¹⁾ OJ C 14, 19.1.2008, p. 6.

⁽²⁾ OJ C 244, 1.10.2004, p. 2.

- (17) For the purpose of transparency, equal treatment and effective monitoring, this Regulation should apply only to aid which is transparent. Transparent aid is aid for which it is possible to calculate precisely the gross grant equivalent ex ante without a need to undertake a risk assessment. Aid comprised in loans, in particular, should be considered as transparent where the gross grant equivalent has been calculated on the basis of the reference rate as laid down in the Communication from the Commission on the revision of the method for setting the reference and discount rates⁽¹⁾. Aid comprised in fiscal measures should be considered as transparent where the measure provides for a cap ensuring that the applicable threshold is not exceeded.
- (18) Aid comprised in guarantee schemes should be considered as transparent when the methodology to calculate the gross grant equivalent has been approved following notification of this methodology to the Commission. The Commission will examine such notifications on the basis of the Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees⁽²⁾. Aid comprised in guarantee schemes should also be considered as transparent where the beneficiary is an SME and the gross grant equivalent has been calculated on the basis of the safe-harbour premiums laid down in Sections 3.3 and 3.5 of that Notice.
- (19) In view of the difficulty in calculating the grant equivalent of aid in the form of repayable advances, such aid should be covered by this Regulation only if the total amount of the repayable advance is inferior to the applicable individual notification threshold and the maximum aid intensities provided under this Regulation.
- (20) Having regard to Article 87(3)(c) of the Treaty, aid should not normally have the sole effect of continuously or periodically reducing the operating costs which the beneficiary would normally have to bear, and should be proportionate to the handicaps that have to be overcome in order to secure the socioeconomic benefits deemed to be in the Community interest. State aid measures which simply seek to improve the financial situation of producers but which in no way contribute to the development of the sector, and in particular aid which is granted solely on the basis of price, quantity, unit of production or unit of the means of production are considered to constitute operating aid which are incompatible with the common market. Furthermore, such aid is also likely to interfere with the mechanisms of the common organisations of the markets. It is therefore appropriate to limit the scope of this Regulation to aid for investments, as well as to aid for certain socioeconomic measures.
- (21) In order to ensure that the aid is necessary and acts as an incentive to develop certain activities, this Regulation should not apply to aid for activities in which the beneficiary would already engage under market conditions alone. Such incentive should be considered to be present when, before the activities relating to the implementation of the aided project or activities are initiated, the beneficiary has submitted an application to the Member State.
- (22) In order to determine whether the individual notification thresholds and the maximal aid intensities laid down in this Regulation are respected, the total amount of public support for the aided activity or project should be taken into account, regardless of whether that support is financed from local, regional, national or Community sources.
- (23) This Regulation should cover the following aid: aid for permanent and temporary cessation of fishing activities, aid for the financing of socioeconomic measures, aid for productive investments in aquaculture, aid for aqua-environmental measures, aid for public health and animal health measures, aid for inland fishing, aid for processing and marketing of fisheries and aquaculture products, aid for measures of common interest which are implemented with the active support of operators themselves or by organisations acting on behalf of producers or other organisation recognised by the Member States, aid for measures of common interest intended to protect and develop aquatic fauna and flora while enhancing the aquatic environment, aid for investments in public or private fishing ports, landing sites and fishing shelters, aid for measures of common interest intended to implement a policy of quality and value enhancement, development of new markets or promotional campaigns for fisheries and aquaculture products, aid for pilot projects, aid for modification for reassignment of fishing vessels, and aid for technical assistance.
- (24) When tax exemptions provided for in Article 14 of Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity⁽³⁾ are applied equally to the whole fisheries sector, the Commission considers that they may contribute to the development of the sector and serve the common interest. These exemptions have been applied equally by Member States and experience in the application of these measures under Regulation (EC) No 1595/2004 has shown that these have not adversely affected trading

⁽¹⁾ OJ C 14, 19.1.2008, p. 6.

⁽²⁾ OJ C 155, 20.6.2008, p. 10.

⁽³⁾ OJ L 283, 31.10.2003, p. 51. Directive as last amended by Directive 2004/75/EC (OJ L 157, 30.4.2004, p. 100).

conditions and are helping in attaining the objectives of the Common Fisheries Policy by assuring sustainable economic and social conditions. Considering the transparency of the measure, with the aid being calculated on the actual amount of fuel used by the vessel, and in the light of the fact that this regulation only applies to SMEs and that the vast majority of fishing undertakings in the European Union are SMEs (the majority of undertakings benefiting from these tax exemptions are smaller enterprises owning just one vessel), the Commission considers that such measures will not unduly distort competition and affect trading conditions to an extent contrary to the common interest. Consequently, such tax exemptions should, as far as they constitute State aid, be declared compatible with the common market and exempt from the notification requirement of Article 88(3) of the EC Treaty provided that they comply with those Directives and that they are applicable to the whole fisheries sector. Moreover, this Regulation should also, under certain conditions, declare compatible with the common market and exempt from the notification requirement of Article 88(3) of the Treaty, tax exemptions or reductions applicable to inland fishing and piscicultural works which Member States may introduce pursuant to Article 15 of Council Directive 2003/96/EC.

- (25) In order to ensure transparency and effective monitoring, in accordance with Article 3 of Regulation (EC) No 994/98, it is appropriate to establish a standard format in which Member States should provide the Commission with summary information whenever, in pursuance of this Regulation, an aid scheme or individual aid is implemented. The Commission will attribute an identification number to each aid measure which is communicated to it. The fact that such number is attributed to an aid measure does not imply that the Commission has examined whether the aid fulfils the conditions of this Regulation. It creates therefore no legitimate expectations for the Member State or beneficiary as regards the compatibility of the aid measures with this Regulation.
- (26) For the same reasons, the Commission should establish specific requirements as regards the form and the content of the annual reports to be submitted to the Commission by Member States. Moreover, it is appropriate to establish rules concerning the records that Member States should keep regarding the aid schemes and individual aid exempted by this Regulation, in line with the requirements laid down in Article 15 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾.
- (27) In order to monitor the implementation of this Regulation, the Commission should also be in a position to obtain all necessary information from Member States

concerning the measures implemented under the benefit of this Regulation. A failure of the Member States to provide information within a reasonable deadline on these aid measures may therefore be considered as an indication that the conditions of this Regulation are not being respected. A failure by a Member State to provide information allowing for monitoring of an aid measures may therefore lead the Commission to decide that the Regulation, or the relevant part of the Regulation, should be withdrawn as regards the Member State concerned and that all subsequent aid measures, including new individual aid measures granted on the basis of aid schemes previously covered by this Regulation, need to be notified to the Commission in accordance with Article 88 of the Treaty. As soon as the Member State has provided correct and complete information, the Commission should allow the Regulation to be fully applicable again.

- (28) Having regard to the expiry date of Regulation (EC) No 1198/2006 and the fact that the conditions for granting aid under this Regulation have been aligned with the conditions established for the application of the European Fisheries Fund, it is appropriate to limit the period of application of this Regulation to the date on which Regulation (EC) No 1198/2006 expires. Should this Regulation expire without being extended, aid schemes already exempted by this Regulation should continue to be exempted for six months.
- (29) It is appropriate to lay down transitional provisions for notifications pending on the date of entry into force of this Regulation and for aid which was granted before the entry into force of this Regulation and was not notified in breach of the obligation in Article 88(3) of the Treaty, as well as for aid fulfilling the conditions of Commission Regulation (EC) No 1595/2004 of 8 September 2004 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises active in the production, processing and marketing of fisheries products ⁽²⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

COMMON PROVISIONS

Article 1

Scope

1. This Regulation shall apply to transparent aid granted to small and medium-sized enterprises (SMEs) active in the production, processing or marketing of fisheries products.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 291, 14.9.2004, p. 3.

2. This Regulation shall not apply to:
- (a) aid the amount of which is fixed on the basis of price or quantity of products put on the market;
 - (b) aid to export-related activities, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
 - (c) aid contingent upon the use of domestic over imported goods;
 - (d) aid granted to undertakings in difficulty;
 - (e) aid schemes which do not explicitly exclude the payment of individual aid in favour of an undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the common market;
 - (f) ad-hoc aid in favour of an undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the common market.
3. This Regulation shall not apply to aid for individual projects with eligible expenses in excess of EUR 2 million, or where the amount of aid exceeds EUR 1 million per beneficiary per year.
- (c) 'individual aid' means ad-hoc aid and notifiable awards of aid on the basis of an aid scheme;
 - (d) 'ad-hoc aid' means individual aid not awarded on the basis of an aid scheme;
 - (e) 'aid intensity' means the aid amount expressed as a percentage of the eligible costs;
 - (f) 'fisheries product' means both products caught at sea or in inland waters and the products of aquaculture listed in Article 1 of Regulation (EC) No 104/2000;
 - (g) 'small and medium-sized enterprises' ('SMEs') means small and medium-sized enterprises as defined in Article 2 (7) of Commission Regulation (EC) No .../2008 of 2 July 2008 on the application of Articles 87 and 88 of the Treaty declaring certain categories of aid compatible with the common market ⁽¹⁾;
 - (h) 'transparent aid' means aid in respect of which it is possible to calculate precisely the gross grant equivalent ex ante without need to undertake a risk assessment;
 - (i) 'undertaking in difficulty' means an undertaking fulfilling the following conditions:
 - in the case of a limited liability company, where more than half of its registered capital has disappeared and more than one-quarter of that capital has been lost over the preceding 12 months, or
 - in the case of a company where at least some members have unlimited liability for the debt of the company, where more than half of its capital as shown in the company accounts has disappeared and more than one quarter of that capital has been lost over the preceding 12 months, or
 - whatever the type of company concerned, where it fulfils the criteria under its domestic law for being the subject of collective insolvency proceedings.

Article 2

Definitions

For the purpose of this Regulation the following definitions shall apply:

- (a) 'aid' means any measure fulfilling all the criteria laid down in Article 87(1) of the Treaty;
- (b) 'aid scheme' means any act on the basis of which, without further implementing measures being required, individual aid awards may be made to undertakings defined within the act in a general and abstract manner and any act on the basis of which aid which is not linked to a specific project may be awarded to one or several undertakings

⁽¹⁾ OJ L ..., ... 2008, p. ...

Article 3

Conditions for exemption

1. Ad-hoc aid, fulfilling all the conditions of this Regulation, shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that the summary information provided for in Article 25(1) has been submitted and that the aid contains an express reference to this Regulation, by citing its title and publication reference in the *Official Journal of the European Union*.

2. Aid schemes fulfilling all the conditions set out in this Regulation shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that the summary information provided for in Article 25(1) has been submitted, that any individual aid that could be awarded under such scheme fulfils all the conditions of this Regulation, and that the scheme contains an express reference to this Regulation, by citing its title and publication reference in the *Official Journal of the European Union*.

3. Individual aid granted under a scheme referred to in paragraph 2 shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that the aid granted directly fulfils all the conditions of this Regulation that the summary information provided for in Article 25(1) has been submitted and that the individual aid measure contains an express reference to this Regulation, by citing its title and publication reference in the *Official Journal of the European Union*.

4. Before granting any aid under this Regulation, Member States shall verify that the measures financed and their effects comply with Community law.

5. Aid measures shall only be exempted under this Regulation as far as they explicitly provide that, during the grant period the beneficiaries of the aid shall comply with the rules of the Common Fisheries Policy and that, if during this period it is found that the beneficiary does not comply with rules of the Common Fisheries Policy, the grant must be reimbursed in proportion to the gravity of the infringement.

Article 4

Aid intensity and eligible costs

1. For the purpose of calculating aid intensity, all figures used shall be taken before any deduction of tax or other charge. Where aid is awarded in a form other than a grant, the aid amount shall be the grant equivalent of the aid. Aid payable in several instalments shall be discounted to its value at the moment of granting. The interest rate to be used for discounting purposes shall be the reference rate applicable at

the time of grant. In cases where aid is awarded by means of tax exemptions or reductions in future taxes due, subject to respect of a certain aid intensity defined in gross grant equivalent, discounting of aid tranches takes place on the basis of the reference rates applicable at the various times the tax advantages become effective.

2. The eligible costs shall comply with the requirements of Article 55, paragraphs (2) and (5), of Regulation (EC) No 1198/2006 and Article 26 of Regulation (EC) No 498/2007 and be supported by documentary evidence which shall be clear and itemised.

Article 5

Transparency of aid

1. This Regulation shall apply only to transparent aid. In particular, the following types of aid shall be considered to be transparent:

- (a) direct grants and interest rate subsidies;
- (b) aid comprised in loans where the gross grant equivalent has been calculated on the basis of the reference rates prevailing at the time of the grant and taking into account the existence of normal security and/or abnormal risk associated with the loan;
- (c) aid comprised in guarantee schemes:
 - where the methodology to calculate the gross grant equivalent has been accepted following notification of this methodology to the Commission and the approved methodology explicitly addresses the type of guarantees and the type of underlying transactions at stake in the context of the application of this Regulation, or
 - where the gross grant equivalent has been calculated on the basis of the safe-harbour premiums laid down in the Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees;

(d) aid comprised in fiscal measures shall be considered as transparent when the measures provides for a cap ensuring that the applicable ceiling is not exceeded.

2. The following types of aid shall not be considered to be transparent:

- (a) aid comprised in capital injections;

(b) aid comprised in risk capital measures.

3. Aid in the form of repayable advances shall only be considered to be transparent aid if the total amount of repayable advance does not exceed the applicable threshold under this Regulation. If the threshold is expressed in terms of aid intensity, the total amount of the repayable advance, expressed as a percentage of the eligible costs, shall not exceed the applicable aid intensity.

Article 6

Cumulation

1. In determining whether the individual notification thresholds laid down in Article 1(3) and the maximum aid intensities laid down in Chapter 2 are respected, the total amount of public support measures for the aided activity or project shall be taken into account, regardless of whether that support is financed from local, regional, national or Community sources.

2. Aid exempted under this Regulation may be cumulated with any other aid exempted under this Regulation as long as those aid measures concern different identifiable eligible costs.

3. Aid exempted under this Regulation shall not be cumulated with any other aid exempted under this Regulation or *de minimis* aid fulfilling the conditions laid down in Commission Regulation (EC) No 875/2007⁽¹⁾ or with other Community funding in relation to the same — partly or fully overlapping — eligible costs if such cumulation would result in exceeding the highest aid intensity or aid amount applicable to that aid under this Regulation.

Article 7

Incentive effect

1. This Regulation shall only exempt aid which has an incentive effect.

2. Aid shall be considered to have an incentive effect if it enables the beneficiary to carry out activities or projects which it would not have carried out as such in the absence of the aid.

This condition shall be considered to have been fulfilled if, before work on the project or activity has started, the beneficiary has submitted an application for the aid to the Member State concerned.

3. The condition laid down in paragraph 2 shall not apply as regards fiscal measures establishing a legal right to aid in accordance with objective criteria and without further exercise of discretion by the Member State if those fiscal measures have

been adopted before work on the aided project or activity has started.

4. If the conditions of paragraphs 1 to 3 are not fulfilled, the entire aid measure will not be exempted under this Regulation.

CHAPTER 2

CATEGORIES OF AID

Article 8

Aid for permanent cessation of fishing activities

Aid for the permanent cessation of fishing activities of fishing vessels shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Article 23 of Regulation (EC) No 1198/2006 and Article 4 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 9

Aid for temporary cessation of fishing activities

Aid for temporary cessation of fishing activities for fishers and owners of fishing vessels shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Article 24 of Regulation (EC) No 1198/2006; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 10

Aid for socioeconomic compensation for the management of the fleet

Aid for the financing of socioeconomic measures shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

⁽¹⁾ OJ L 193, 25.7.2007, p. 6.

- (a) the aid fulfils the conditions of Articles 26(3) and 27 of Regulation (EC) No 1198/2006 and Article 8 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 11

Aid for productive investments in aquaculture

Aid for productive investments in aquaculture shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 28 and 29 of Regulation (EC) No 1198/2006 and Articles 9 and 10 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 12

Aid for aqua-environmental measures

Aid for compensation for the use of aquaculture production methods helping to protect and improve the environment and conserve nature shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 28 and 30 of Regulation (EC) No 1198/2006 and Article 11 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 13

Aid for public health measures

Aid for compensation to mollusc farmers for the temporary suspension of harvesting of farmed mollusc shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the

notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 28 and 31 of Regulation (EC) No 1198/2006; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 14

Aid for animal health measures

Aid for animal health measures shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 28 and 32 of Regulation (EC) No 1198/2006 and Article 12 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 15

Aid for inland fishing

Aid for inland fishing shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Article 33 of Regulation (EC) No 1198/2006 and Article 13 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 16

Aid for processing and marketing

Aid for processing and marketing of fisheries products shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Article 34 and 35 of Regulation (EC) No 1198/2006 and Article 14 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 17

Aid for collective actions

Aid for measures of common interest which are implemented with the active support of operators themselves or by organisations acting on behalf of producers or other organisation recognised by the Member States shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 36 and 37 of Regulation (EC) No 1198/2006 and Article 15 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 18

Aid for measures intended to protect and develop aquatic fauna and flora

Aid for measures of common interest intended to protect and develop aquatic fauna and flora while enhancing the aquatic environment shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 36 and 38 of Regulation (EC) No 1198/2006 and Article 16 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 19

Aid for investments in fishing ports, landing sites and shelters

Aid for investments in public or private fishing ports, landing sites and fishing shelters shall be compatible with the common

market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 36 and 39 of Regulation (EC) No 1198/2006 and Article 17 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 20

Aid for development of new markets and promotional campaigns

Aid for measures of common interest intended to implement a policy of quality and value enhancement, development of new markets or promotional campaigns for fisheries and aquaculture products shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 36 and 40 of Regulation (EC) No 1198/2006 and Article 18 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 21

Aid for pilot projects

Aid for pilot projects shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 36 and 41 of Regulation (EC) No 1198/2006 and Article 19 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 22

Aid for modification for reassignment of fishing vessels

Aid for modification for reassignment of fishing vessels, under the flag of a Member State and registered in the Community for training or research purposes inside the fisheries sector or for other activities outside fishing shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Articles 36 and 42 of Regulation (EC) No 1198/2006 and Article 20 of Regulation (EC) No 498/2007; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 23

Aid for technical assistance

Aid for technical assistance shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt from the notification requirement of Article 88(3) of the Treaty provided that:

- (a) the aid fulfils the conditions of Article 46(2) and (3) of Regulation (EC) No 1198/2006; and
- (b) the amount of the aid does not exceed, in grant equivalent, the total rate of public contributions fixed by Annex II to Regulation (EC) No 1198/2006.

Article 24

Tax exemptions in accordance with Directive 2003/96/EC

1. Tax exemptions applicable to the whole fishing sector which Member States introduce pursuant to and in accordance with Article 14 of Directive 2003/96/EC shall, to the extent that they constitute State aid, be compatible with the common market and exempt from the notification requirement of Article 88(3) of the Treaty.

2. Environmental aid in the form of tax exemptions or reductions applicable to inland fishing and piscicultural works which Member States introduce pursuant to Article 15 of Directive 2003/96/EC shall be compatible with the common market and exempt from the notification requirement of Article 88(3) of the Treaty, provided that it shall not be granted for periods longer than 10 years. After this 10-year period, Member States shall re-evaluate the appropriateness of the aid measures concerned.

The beneficiary of the tax reduction shall pay at least the Community minimum tax level set by that Directive.

CHAPTER 3

COMMON AND FINAL PROVISIONS

Article 25

Transparency and monitoring

1. On the entry into force of an aid scheme or the awarding of an ad-hoc aid, which has been exempted pursuant to this Regulation, the Member State shall forward to the Commission a summary of the information regarding such aid measure. This information shall be provided in electronic form via the established Commission IT application, in the form laid down in Annex I.

The Commission shall acknowledge the receipt of the above summary without delay.

The summaries provided by the Member States pursuant to paragraph 1 shall be published in the *Official Journal of the European Union* and on the Commission's website.

2. Upon the entry into force of an aid scheme or the awarding of an ad-hoc aid, which has been exempted pursuant to this Regulation, the Member State concerned shall publish on the Internet the full text of such aid measure, indicating the criteria and conditions under which such aid is granted and the identity of the granting authority. The Member State concerned shall ensure that the full text of the aid measure is accessible on the Internet as long as the aid measure concerned is in force. The summary information provided by the Member State concerned pursuant to paragraph 1 shall specify an Internet address leading directly to the full text of the aid measure. This Internet address shall also be contained in the annual report submitted pursuant to paragraph 4.

3. When granting individual aid exempted pursuant to this Regulation, with the exception of aid taking the form of fiscal measures, the aid granting act shall contain an explicit reference to the specific provisions of this Regulation concerned by this act, to the national law which ensures respect of the relevant provisions of this Regulation and to the Internet address referred to in paragraph 2.

4. In accordance with Chapter III of Commission Regulation (EC) No 794/2004⁽¹⁾, Member States shall compile a report in electronic form on the application of this Regulation in respect of each whole year or each part of the year during which this Regulation applies.

⁽¹⁾ OJ L 140, 30.4.2004, p. 1.

5. Member States shall maintain detailed records regarding any ad-hoc aid or individual aid granted under an aid scheme exempted under this Regulation. Such records shall contain all information necessary to establish that the conditions laid down in this Regulation, are fulfilled, including information on the status of any undertaking whose entitlement to aid or a bonus depends on its status as an SME, information on the incentive effect of aid and information making it possible to establish the precise amount of eligible costs for the purpose of applying this Regulation.

6. Records regarding individual aid shall be maintained for 10 years from the date on which the aid was granted. Records regarding an aid scheme shall be maintained for 10 years from the date on which the last aid was granted under such scheme.

7. The Commission shall regularly monitor aid measures of which it has been informed pursuant to paragraph 1.

8. On written request, the Member State concerned shall provide the Commission within the period fixed in the request, with all the information which the Commission considers necessary to monitor the application of this Regulation.

If such information is not provided within that period or a commonly agreed period, the Commission shall send a reminder setting a new deadline for the submission of the information. If, despite such reminder, the Member State concerned does not provide the information requested, the Commission may, after having provided the Member State concerned with the possibility to make its views known, adopt a decision stating that all future individual aid measures adopted on the basis of the scheme are to be notified to the Commission.

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

Done at Brussels, 22 July 2008.

Article 26

Transitional provisions

1. Notifications pending at the time of entry into force of this Regulation shall be assessed in accordance with its provisions. Where the conditions of this Regulation are not fulfilled, the Commission shall examine such pending notifications under the Community guidelines for State aid in the fisheries sector.

Aid notified before the entry into force of this Regulation or granted before that date in the absence of a Commission authorisation and in breach of the notification requirement of Article 88(3) of the Treaty, shall be compatible with the common market within the meaning of Article 87(3)(c) of the Treaty and shall be exempt if it fulfils the conditions laid down in Article 3 of this Regulation, except the requirement of citing the Regulation and the Commission identification number. Any aid which does not fulfil those conditions shall be assessed by the Commission in accordance with the relevant frameworks, guidelines, communications and notices.

2. Aid schemes exempted under this Regulation shall remain exempt during an adjustment period of six months following the date provided for in the second paragraph of Article 27.

Article 27

Entry into force and applicability

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply until 31 December 2013.

For the Commission

Joe BORG

Member of the Commission

ANNEX I

Form of summary information to be provided whenever an aid scheme exempted by this Regulation is implemented and whenever an ad-hoc aid exempted by this Regulation is granted outside any aid scheme

1. Member State:
 2. Region/Authority granting the aid:
 3. Title of aid scheme/name of company receiving an ad-hoc aid:
 4. Legal basis:
 5. Annual expenditure planned under the scheme or amount of ad-hoc aid granted:
 6. Maximum aid intensity:
 7. Date of entry into force:
 8. Duration of the scheme or individual aid award (not later than 30. June 2014); indicate:
 - under the scheme: the date until which aid may be granted:
 - in the case of an ad-hoc aid: the expected date of the last instalment to be paid:
 9. Objective of aid:
 10. Indicate which of Articles 8 to 24 is used:
 11. Activity concerned:
 12. Name and address of the granting authority:
 13. Web address where the full text of the scheme or the criteria and conditions under which ad-hoc aid is granted outside of an aid scheme can be found:
 14. Motivation: indicate why a State aid scheme has been established instead of assistance under the European Fisheries Fund:
-

ANNEX II

Periodic report form to be completed and notified to the Commission

For their reporting obligations to the Commission under group exemption regulations adopted on the basis of Council Regulation (EC) No 994/98, Member States shall provide the information mentioned below concerning all aid measures covered by this Regulation, in computerised form, in the format communicated by the Commission to the Member States.

1. Member State:
 2. Title:
 3. Aid number:
 4. Year of expiry:
 5. Objective of the aid:
 6. Number of beneficiaries:
 7. Category of aid (e.g. direct grant, loan with reduced interest rate, etc.):
 8. Total annual expenditure:
 9. Remarks:
-

COMMISSION REGULATION (EC) No 737/2008**of 28 July 2008**

designating the Community reference laboratories for crustacean diseases, rabies and bovine tuberculosis, laying down additional responsibilities and tasks for the Community reference laboratories for rabies and bovine tuberculosis and amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

& Aquaculture Science (Cefas), Weymouth Laboratory, United Kingdom, should be designated as the Community reference laboratory for crustacean diseases.

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 32(5) and (6) thereof,

- (4) Following the completion of the selection procedure of a call for designation, the Laboratoire d'études sur la rage et la pathologie des animaux sauvages of the Agence Française de Sécurité Sanitaire des Aliments (AFSSA), Nancy, France, should be designated as the Community reference laboratory for rabies.

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽²⁾, and in particular Article 55(1) thereof,

- (5) Following the completion of the selection procedure of a call for designation, the Laboratorio de Vigilancia Veterinaria (VISAVET) of the Facultad de Veterinaria, Universidad Complutense de Madrid, Madrid, Spain, should be designated as the Community reference laboratory for bovine tuberculosis.

Whereas:

- (1) Regulation (EC) No 882/2004 lays down the general tasks, duties and requirements for Community reference laboratories for food and feed and for animal health. The Community reference laboratories for animal health and live animals are listed in Part II of Annex VII to that Regulation.
- (2) Directive 2006/88/EC lays down the animal health requirements for the placing on the market, and the importation and the transit through the Community of aquaculture animals and products thereof, and certain minimum preventive and control measures for certain diseases in those animals. Pursuant to that Directive, the Community reference laboratories for aquatic animal diseases are to comply with the functions and duties laid down in Part I of Annex VI thereto.
- (3) Following the completion of the selection procedure of a call for designation, the Centre for Environment, Fisheries

- (6) The Community reference laboratories for crustacean diseases, rabies and bovine tuberculosis should be designated for an initial period of five years from 1 July 2008 in order to enable the assessment of their performance and compliance.
- (7) In addition to the general functions and duties laid down in Article 32(2) of Regulation (EC) No 882/2004, certain specific responsibilities and tasks linked to the characteristics of the agents causing the disease should be carried out at Community level to ensure enhanced coordination. Therefore, these additional specific responsibilities and tasks should be laid down in the present Regulation for the Community reference laboratories for rabies and bovine tuberculosis.
- (8) Part II of Annex VII to Regulation (EC) No 882/2004 should therefore be amended accordingly.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1. Regulation as last amended by Council Regulation (EC) No 301/2008 (OJ L 97, 9.4.2008, p. 85).

⁽²⁾ OJ L 328, 24.11.2006, p. 14. Directive as amended by Commission Directive 2008/53/EC (OJ L 117, 1.5.2008, p. 27).

- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The Centre for Environment, Fisheries & Aquaculture Science (Cefas), Weymouth Laboratory, United Kingdom, is hereby designated as the Community reference laboratory for crustacean diseases from 1 July 2008 until 30 June 2013.

Article 2

The Laboratoire d'études sur la rage et la pathologie des animaux sauvages of the Agence Française de Sécurité Sanitaire des Aliments (AFSSA), Nancy, France, is hereby designated as the Community reference laboratory for rabies from 1 July 2008 until 30 June 2013.

Certain responsibilities and tasks for that laboratory are set out in Annex I.

Article 3

The Laboratorio de Vigilancia Veterinaria (VISAVET), Facultad de Veterinaria, Universidad Complutense de Madrid, Madrid, Spain, is hereby designated as the Community reference laboratory for bovine tuberculosis from 1 July 2008 until 30 June 2013.

Certain responsibilities and tasks for that laboratory are set out in Annex II.

Article 4

In Part II of Annex VII to Regulation (EC) No 882/2004, the following points 15, 16 and 17 are added:

'15. Community reference laboratory for crustacean diseases

Centre for Environment, Fisheries & Aquaculture Science (Cefas)

Weymouth Laboratory

The Nothe

Barrack Road

Weymouth

Dorset DT4 8UB

United Kingdom

16. Community reference laboratory for rabies

AFSSA — Laboratoire d'études sur la rage et la pathologie des animaux sauvages, Nancy, France

54220 Malzéville

France

17. Community reference laboratory for bovine tuberculosis

VISAVET — Laboratorio de vigilancia veterinaria, Facultad de Veterinaria, Universidad Complutense de Madrid

Avda. Puerta de Hierro, s/n. Ciudad Universitaria

28040 Madrid

Spain'

Article 5

This Regulation shall enter into force on the 20th 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, 28 July 2008.

For the Commission

Androulla VASSILOU

Member of the Commission

ANNEX I

CERTAIN RESPONSIBILITIES AND TASKS OF THE COMMUNITY REFERENCE LABORATORY FOR RABIES

In addition to the general functions and duties of Community reference laboratories in the animal health sector pursuant to Article 32(2) of Regulation (EC) No 882/2004, the Community reference laboratory for rabies shall have the responsibilities and tasks set out in points 1 to 5.

1. To coordinate, in consultation with the Commission, the methods employed in the Member States for diagnosing rabies, in particular by:
 - (a) typing, storing and supplying strains of rabies virus;
 - (b) preparing, controlling and supplying international standard sera and other reference reagents to the national reference laboratories in order to standardise the tests and reagents used in the Member States;
 - (c) validating reference reagents including antigens and national standard sera submitted by the national reference laboratories;
 - (d) building up and maintaining a sera bank and a collection of rabies virus, and maintaining a database of strains isolated across the Community, including typing;
 - (e) organising periodical comparative tests of diagnostic procedures at Community level and operating laboratory proficiency tests of national reference laboratories;
 - (f) collecting and collating data and information on the methods of diagnosis used and the results of tests carried out in the Community;
 - (g) characterising rabies virus by the most up-to-date methods available to allow a greater understanding of the epidemiology of that disease;
 - (h) keeping abreast of developments in rabies surveillance, epidemiology and prevention throughout the world;
 - (i) acquiring a thorough knowledge of the preparation and use of the products of veterinary immunology used to eradicate and control rabies including the evaluation of vaccines.
2. To facilitate the harmonisation of techniques throughout the Community, in particular specifying standard test methodologies.
3. To organise workshops for the benefit of national reference laboratories as agreed in the work-programme and annual budget referred to in Articles 2 to 4 of Commission Regulation (EC) No 156/2004 ⁽¹⁾, including training of experts from the Member States and, as appropriate, from third countries, in new analytical methodologies.
4. To provide technical assistance to the Commission and, upon its request, to participate in international fora relating to rabies, concerning in particular the standardisation of analytical diagnostic methods and their implementation.
5. To perform research activities and, whenever possible, coordinate research activities directed towards the improved control and eradication of rabies, in particular by:
 - (a) carrying out or collaborating with national reference laboratories in carrying out test validation trials;
 - (b) providing scientific advice to the Commission and collecting information and reports associated with the activities of the Community reference laboratory.

⁽¹⁾ OJ L 27, 30.1.2004, p. 5.

ANNEX II

CERTAIN RESPONSIBILITIES AND TASKS OF THE COMMUNITY REFERENCE LABORATORY FOR BOVINE TUBERCULOSIS

In addition to the general functions and duties of Community reference laboratories in the animal health sector pursuant to Article 32(2) of Regulation (EC) No 882/2004, the Community reference laboratory for bovine tuberculosis shall have the responsibilities and tasks set out in points 1 to 5.

- (1) To coordinate, in consultation with the Commission, the methods employed in the Member States for diagnosing bovine tuberculosis, in particular by:
 - (a) typing, storing and supplying strains of *Mycobacterium* sp. causing tuberculosis in animals;
 - (b) preparing, controlling and supplying reference reagents to the national reference laboratories in order to standardise the tests and reagents used in the Member States;
 - (c) validating reference reagents including antigens and tuberculin submitted by the national reference laboratories for bovine tuberculosis;
 - (d) building up and maintaining a collection of *Mycobacterium* sp. causing tuberculosis in animals, and maintaining a database of strains isolated across the Community including typing;
 - (e) organising periodical comparative tests of diagnostic procedures at Community level and operating laboratory proficiency tests of national reference laboratories;
 - (f) collecting and collating data and information on the methods of diagnosis used and the results of tests carried out in the Community;
 - (g) characterising *Mycobacterium* sp. causing tuberculosis in animals by the most up-to-date methods available to allow a greater understanding of the epidemiology of that disease;
 - (h) keeping abreast of developments in bovine tuberculosis surveillance, epidemiology and prevention throughout the world;
 - (i) acquiring a thorough knowledge of the preparation and use of the products of veterinary immunology used to eradicate and control bovine tuberculosis including the evaluation of vaccines.
 - (2) To facilitate the harmonisation of techniques throughout the Community, in particular specifying standard test methodologies.
 - (3) To organise workshops for the benefit of national reference laboratories as agreed in the work-programme and annual budget referred to in Articles 2 to 4 of Regulation (EC) No 156/2004, including training of experts from the Member States and, as appropriate, from third countries, in new analytical methodologies.
 - (4) To provide technical assistance to the Commission and, upon its request, to participate in international fora relating to the diagnostic of bovine tuberculosis, concerning in particular the standardisation of analytical diagnostic methods and their implementation.
 - (5) To perform research activities and, whenever possible, co-ordinate research activities directed towards the improved control and eradication of bovine tuberculosis, in particular by:
 - (a) carrying out or collaborating with national reference laboratories in carrying out test validation trials;
 - (b) providing scientific advice to the Commission and collecting information and reports associated with the activities of the Community reference laboratory.
-

COMMISSION REGULATION (EC) No 738/2008**of 28 July 2008****amending, for the 12th time, Regulation (EC) No 1763/2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1763/2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) ⁽¹⁾, and in particular Article 10(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1763/2004 lists the persons covered by the freezing of funds and economic resources under that Regulation.
- (2) The Commission is empowered to amend that Annex, taking into account Council Decisions implementing

Council Common Position 2004/694/CFSP of 11 October 2004 on further measures in support of the effective implementation of the mandate of ICTY ⁽²⁾. Council Decision 2008/613/CFSP ⁽³⁾ of 24 July 2008 implements that Common Position. Annex I to Regulation (EC) No 1763/2004 should, therefore, be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1763/2004 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 28 July 2008.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 315, 14.10.2004, p. 14. Regulation as last amended by Commission Regulation (EC) No 789/2007 (OJ L 175, 5.7.2007, p. 27).

⁽²⁾ OJ L 315, 14.10.2004, p. 52. Common Position as last amended by Common Position 2007/635/CFSP (OJ L 256, 2.10.2007, p. 30).

⁽³⁾ OJ L 197, 25.7.2008, p. 63.

ANNEX

The following person shall be removed from Annex I to Regulation (EC) No 1763/2004:

Zupljanin, Stojan. Date of birth: 22.9.1951. Place of birth: Kotor Varos, Bosnia and Herzegovina. Nationality: Bosnia and Herzegovina.

COMMISSION REGULATION (EC) No 739/2008**of 28 July 2008****prohibiting fishing for red seabream in ICES zones VI, VII and VIII (Community waters and waters not under the sovereignty or jurisdiction of third countries) by vessels flying the flag of a Member State except Spain, France, Ireland and the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2015/2006 of 19 December 2006 fixing for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep sea fish stocks ⁽³⁾ lays down quotas for 2007 and 2008.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of, or registered in, Member States referred to therein have exhausted the quota allocated for 2008.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated for 2008 to the Member States referred to in the Annex to this Regulation for the stock referred to therein shall be deemed to be exhausted.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of, or registered in, the Member State referred to therein shall be prohibited. It shall also be prohibited to retain on board, tranship or land such stock caught by those vessels.

*Article 3***Entry into force**

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, 28 July 2008.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

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

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1098/2007 (OJ L 248, 22.9.2007, p. 1).

⁽³⁾ OJ L 384, 29.12.2006, p. 28. Regulation as last amended by Commission Regulation (EC) No 541/2008 (OJ L 157, 17.6.2008, p. 23).

ANNEX

No	03/DSS
Member State	ALL MEMBER STATES EXCEPT Spain, France, Ireland and the United Kingdom
Stock	SBR/678-
Species	Red seabream (<i>Pagellus bogaraveo</i>)
Area	Community waters and waters not under the sovereignty or jurisdiction of third countries of ICES zones VI, VII and VIII

COMMISSION REGULATION (EC) No 740/2008
of 29 July 2008
amending Regulation (EC) No 1418/2007 as regards the procedures to be followed for export of
waste to certain countries
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste ⁽¹⁾, and in particular the third subparagraph of Article 37(2) thereof,

After consultation of the countries concerned,

Whereas:

- (1) Any ambiguity should be removed with regard to the applicability of Article 18 of Regulation (EC) No 1013/2006 to shipments of waste where a country in its reply to the Commission's request in accordance with the first subparagraph of Article 37(1) of Regulation (EC) No 1013/2006 has indicated it will not prohibit those shipments nor apply the procedure of prior written notification and consent to them as described in Article 35 of that Regulation.
- (2) The Commission has received replies from Bosnia and Herzegovina, Iran and Togo to its written requests seeking confirmation in writing that waste which is listed in Annex III or IIIA to Regulation (EC) No 1013/2006 and the export of which is not prohibited under its Article 36 may be exported from the Community for recovery in those countries and requesting an indication from them as to which control procedure, if any, would be followed there. The Commission has also received further information relating to Côte d'Ivoire, Malaysia, Moldova ⁽²⁾, Russia and Ukraine. The Annex to Commission Regulation (EC) No 1418/2007 ⁽³⁾ should therefore be amended to take this into account.

- (3) It has been pointed out by the government of Liechtenstein that Liechtenstein is to be regarded as a country to which the OECD Decision applies. Article 37(2) of Regulation (EC) No 1013/2006 therefore does not apply to that country, and Liechtenstein should be deleted from the Annex to Regulation (EC) No 1418/2007.

- (4) Regulation (EC) No 1418/2007 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1418/2007 is amended as follows:

1. The following Article 1a is inserted:

'Article 1a

Where a country in its reply to a written request sent by the Commission in accordance with the first subparagraph of Article 37(1) of Regulation (EC) No 1013/2006 indicates that, with regard to certain shipments of waste, it will not prohibit them nor apply the procedure of prior written notification and consent as described in Article 35 of that Regulation, Article 18 of that Regulation shall apply *mutatis mutandis* to such shipments.'

2. The Annex to Regulation (EC) No 1418/2007 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 14th day following its publication in the *Official Journal of the European Union*.

It shall apply from the date of entry into force.

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

Done at Brussels, 29 July 2008.

For the Commission

Peter MANDELSON

Member of the Commission

⁽¹⁾ OJ L 190, 12.7.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 669/2008 (OJ L 188, 16.7.2008, p. 7).

⁽²⁾ The short form 'Moldova' is used to denote the Republic of Moldova.

⁽³⁾ OJ L 316, 4.12.2007, p. 6.

ANNEX

Note: Article 18 of Regulation (EC) No 1013/2006 applies to columns (c) and (d) in the Annex of Regulation (EC) No 1418/2007 by virtue of Article 1 of this Regulation.

1. In the text preceding the country information, point (d) is replaced by the following:

‘(d) other control procedures will be followed in the country of destination under applicable national law.’

2. After the entry for Benin, the following entry is inserted:

‘Bosnia and Herzegovina

(a)	(b)	(c)	(d)
		B3020	
	all other waste listed in Annex III of Regulation (EC) No 1013/2006		

3. After the entry for Costa Rica, the following entry is inserted:

‘Côte d’Ivoire (Republic of Côte d’Ivoire)

(a)	(b)	(c)	(d)
	from B1010: all other waste		from B1010 — precious metals (gold, silver, the platinum group, but not mercury)
B1020 – B2120			
	B2130		
			B3010 – B3020
	from B3030 all other waste		from B3030 — waste (including noils, yarn waste and garnetted stock) of man-made fibres — worn clothing and other worn textile articles — used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile
	B3035 – B3130		
			B3140
	B4010 – B4030		
GB040 7112 2620 30 2620 90			

(a)	(b)	(c)	(d)
	GC010		
	GC020		
GC030 ex 8908 00			
GC050			
	GE020 ex 7001 ex 7019 39		
	GF010		
	GG030 ex 2621		
	GG040 ex 2621		
	GH013 3915 30 ex 3904 10-40		
	GN010 ex 0502 00		
	GN020 ex 0503 00		
	GN030 ex 0505 90'		

4. The entry for Liechtenstein is deleted.

5. After the entry for Indonesia, the following entry is inserted:

'Iran (Islamic Republic of Iran)

(a)	(b)	(c)	(d)
	B1010 – B1090		
from B1100: — the following zinc-containing drosses: — hot-dip galvanisers slab zinc dross (batch) (> 92 % Zn) — zinc skimmings — aluminium skimmings (or skims) excluding salt slag — wastes of refractory linings, including crucibles, originating from copper smelting — slags from precious metals processing for further refining — tantalum bearing tin slags with less than 0,5 % tin	from B1100: — hard zinc spelter — the following zinc-containing drosses: — galvanising slab zinc top dross (> 90 % Zn) — galvanising slab zinc bottom dross (> 92 % Zn) — zinc die-casting dross (> 85 % Zn)		

(a)	(b)	(c)	(d)
B1115			
	B1120 – B1150		
B1160 – B1210			
	B1220 – B2010		
B2020 – B2130			
	B3010 – B3020		
B3030 – B3040			
from B3050: — cork waste: crushed, granulated or ground cork	from B3050: — wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms		
B3060 – B3070			
	B3080		
B3090 – B3130			
	B3140		
B4010 – B4030			
	GB040 7112 2620 30 2620 90		
GC010			
GC020			
GC030 ex 8908 00			
GC050			
GE020 ex 7001 ex 7019 39			
GF010			
GG030 ex 2621			
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
GN010 ex 0502 00			
GN020 ex 0503 00			
GN030 ex 0505 90'			

6. After the entry for Thailand, the following entry is inserted:

‘Togo (Togolese Republic)

(a)	(b)	(c)	(d)
			from B3010: — scrap plastic of the following non-halogenated polymers and copolymers: — polypropylene — polyethylene terephthalate
	all other waste listed in Annex III of Regulation (EC) No 1013/2006’		

7. After the entry for Tunisia, the following entry is inserted:

‘Ukraine

(a)	(b)	(c)	(d)
		B2020	
		B3010; B3020	
	all other waste listed in Annex III of Regulation (EC) No 1013/2006’		

8. The entry for Ivory Coast is deleted.

9. The entry for Malaysia is replaced by the following:

‘Malaysia

(a)	(b)	(c)	(d)
from B1010: — nickel scrap — zinc scrap — tungsten scrap — tantalum scrap — magnesium scrap — titanium scrap — manganese scrap — germanium scrap — vanadium scrap — scrap of hafnium, indium, niobium, rhenium and gallium — rare earths scrap — chromium scrap	from B1010: — molybdenum scrap — cobalt scrap — bismuth scrap — zirconium scrap — thorium scrap	from B1010 — precious metals (gold, silver, the platinum group, but not mercury) — iron and steel scrap — copper scrap — aluminium scrap — tin scrap	

(a)	(b)	(c)	(d)
B1020 – B1090			
from B1100: all other waste		from B1100: — hard zinc spelter — zinc skimmings	
		B1115	
B1120 – B1140			
		B1150	
B1160 – B1190			
		B1200; B1210	
B1220 – B1240			
		B1250 – B2030	
from B2040: — partially refined calcium sulphate produced from flue-gas desulphurisation (FGD) — slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications		from B2040: all other wastes	
		B2060	
B2070; B2080			
		B2090	
B2100			
		B2110 – B2130	
			B3010
		B3020 – B3035	
B3040			

(a)	(b)	(c)	(d)
	from B3050: — wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms	from B3050: — cork waste: crushed, granulated or ground cork	
	from B3060: — dried and sterilised vegetable waste, residues and by-products, whether or not in the form of pellets, or a kind used in animal feeding, not elsewhere specified or included (only rice bran and other by-products under 2302 20 100/900) — waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised — cocoa shells, husks, skins and other cocoa waste — other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption:		from B3060: — dried and sterilised vegetable waste, residues and by-products, whether or not in the form of pellets, or a kind used in animal feeding, not elsewhere specified or included (only rice bran and other by-products under 2302 20 100/900) — other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption:
		B3065 – B3140	
B4010			
		B4020	
B4030			
GB040 7112 2620 30 2620 90:			
GC010			
GC020			
GC030 ex 8908 00			
GC050			
		GE020 ex 7001 ex 7019 39	
		GF010	
GG030 ex 2621			

(a)	(b)	(c)	(d)
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
	GN010 ex 0502 00		GN010 ex 0502 00
	GN020 ex 0503 00		GN020 ex 0503 00
	GN030 ex 0505 90		GN030 ex 0505 90'

10. The entry for Moldova is replaced by the following:

'Moldova (Republic of Moldova)

(a)	(b)	(c)	(d)
			B1010
			B2020
from B3020: all other waste			from B3020: — unbleached paper or paperboard or of corrugated paper or paperboard — other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass — paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
All other waste listed in Annex III of Regulation (EC) No 1013/2006'			

11. The entry for the Russian Federation is replaced by the following:

'Russia (Russian Federation)

(a)	(b)	(c)	(d)
			B1010 – B2120
B2130			
			B3010 – B3030
B3035; B3040			
			B3050 – B3070
B3080			

(a)	(b)	(c)	(d)
			B3090
B3100			
			B3110 – B3130
B3140			
			B4010 – B4030
			GB040 7112 2620 30 2620 90
			GC010
			GC020
			GC030 ex 8908 00
			GC050
GE020 ex 7001			GE020 ex 7019 39
			GF010
			GG030 ex 2621
			GG040 ex 2621
			GH013 3915 30 ex 3904 10-40
			GN010 ex 0502 00
			GN020 ex 0503 00
			GN030 ex 0505 90'

COMMISSION REGULATION (EC) No 741/2008**of 29 July 2008****on the issue of import licences for applications lodged for the period 1 July 2008 to 30 June 2009
under the tariff quota opened by Regulation (EC) No 996/97 for frozen thin skirt of bovine animals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 996/97 of 3 June 1997 on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling

within CN code 0206 29 91 ⁽³⁾ opens an import tariff quota for beef and veal products.

- (2) The applications for import licences lodged for the period 1 July 2008 to 30 June 2009 relate to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications covered by the quota with the order number 09.4020 have been lodged for the period 1 July 2008 to 30 June 2009 under Regulation (EC) No 996/97 shall be multiplied by an allocation coefficient of 1,694843 %.

Article 2

This Regulation shall enter into force on 30 July 2008.

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

Done at Brussels, 29 July 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2007 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

⁽³⁾ OJ L 144, 4.6.1997, p. 6. Regulation as last amended by Regulation (EC) No 962/2007 (OJ L 213, 15.8.2007, p. 6).

DIRECTIVES

COMMISSION DIRECTIVE 2008/81/EC

of 29 July 2008

amending Directive 98/8/EC of the European Parliament and of the Council to include difenacoum as an active substance in Annex I thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes difenacoum.

(2) Pursuant to Regulation (EC) No 1451/2007, difenacoum has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 14, rodenticides, as defined in Annex V to Directive 98/8/EC.

(3) Finland was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 21 March 2006 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 29 November 2007, in an assessment report.

(5) The review of difenacoum did not reveal any open questions or concerns to be addressed by the Scientific Committee on Health and Environmental Risks.

(6) It appears from the examinations made that biocidal products used as rodenticides and containing difenacoum may be expected not to present a risk to humans except for accidental incidents with children. Regarding non-target animals and the environment a risk has been identified. However, the target rodents are vermin and thus constitute a danger to public health. Moreover, it has not yet been established that adequate alternatives to difenacoum exist, which are both equally effective and less damaging to the environment. It is therefore justified to include difenacoum in Annex I for a limited period, in order to ensure that in all Member States authorisations for biocidal products used as rodenticides and containing difenacoum can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

(7) In the light of the findings of the assessment report, it is appropriate to require that specific risk mitigation measures are applied at product authorisation level to products containing difenacoum and used as rodenticides. Such measures should be aimed at limiting the risk of primary and secondary exposure of humans and non-target animals as well as the long-term effects of the substance on the environment.

(8) Because of the identified risks and its characteristics, which render it potentially persistent, liable to bioaccumulate and toxic, or very persistent and very liable to bioaccumulate difenacoum should be included in Annex I for five years only and should be made subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in Annex I is renewed.

(9) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance difenacoum and also to facilitate the proper operation of the biocidal products market in general.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1. Directive as last amended by Directive 2008/31/EC (OJ L 81, 20.3.2008, p. 57).

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

(10) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

(11) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product-type 14 containing difenacoum to ensure that they comply with Directive 98/8/EC.

(12) Directive 98/8/EC should therefore be amended accordingly.

(13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

Transposition

1. Member States shall adopt and publish, by 31 March 2009 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 and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 April 2010.

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, 29 July 2008.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 9' is inserted in Annex I to Directive 98/8/EC:

No	Common name	IUPAC name Identification numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'9	Difenacoum	3-(3-biphenyl-4-yl-1,2,3,4- tetrahydro-1-naphthyl)-4- hydroxycoumarin EC No: 259-978-4 CAS No: 56073-07-5	960 g/kg	1 April 2010	31 March 2012	31 March 2015	14	In view of the fact that the active substance characteristics render it potentially persistent, liable to bioaccumulate and toxic, or very persistent and very liable to bioaccumulate, the active substance is to be subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in this Annex is renewed. Member States shall ensure that authorisations are subject to the following conditions: (1) The nominal concentration of the active substance in the products shall not exceed 75 mg/kg and only ready-for-use products shall be authorised. (2) Products shall contain an aversive agent and, where appropriate, a dye. (3) Products shall not be used as tracking powder. (4) Primary as well as secondary exposure of humans, non-target animals and the environment are minimised, by considering and applying all appropriate and available risk mitigation measures. These include, amongst others, the restriction to professional use only, setting an upper limit to the package size and laying down obligations to use tamper resistant and secured bait boxes.'

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

DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

DECISION No 742/2008/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 July 2008

on the Community's participation in a research and development programme undertaken by several Member States aimed at enhancing the quality of life of older people through the use of new information and communication technologies

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 169 and 172, second paragraph, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽¹⁾,

Whereas:

(1) Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) ⁽²⁾ (hereinafter referred to as the Seventh Framework Programme) provides for Community participation in research and development programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes, within the meaning of Article 169 of the Treaty.

(2) The Seventh Framework Programme has defined a series of criteria for the identification of areas for such

Article 169 initiatives: the relevance to Community objectives, the clear definition of the objective to be pursued and its relevance to the objectives of the Seventh Framework Programme, the presence of a pre-existing basis (existing or envisaged national research programmes), European added value, a critical mass with regard to the size and number of programmes involved and the similarity of activities they cover, and the efficiency of Article 169 as the most appropriate means for achieving the objectives.

(3) Council Decision 2006/971/EC of 19 December 2006 concerning the Specific Programme 'Cooperation' implementing the Seventh Framework programme of the European Community for research, technological development and demonstration activities (2007 to 2013) ⁽³⁾ (hereinafter referred to as the Specific Programme 'Cooperation') identifies an Article 169 initiative in the field of ambient assisted living as one of the fields suitable for Community participation in national research programmes jointly implemented on the basis of Article 169 of the Treaty.

(4) In its Communication of 1 June 2005 entitled 'i2010 — A European information society for growth and employment', the Commission proposed to launch a flagship initiative on caring for people in an ageing society.

(5) In its Communication of 12 October 2006 entitled 'The demographic future of Europe — from challenge to opportunity', the Commission underlined the fact that demographic ageing is one of the main challenges facing all countries in the European Union and that increased use of new technologies could help to control costs, improve well-being and promote the active participation in society of elderly people, as well as improving the competitiveness of the European economy, in support of the revised Lisbon Strategy for growth and jobs.

⁽¹⁾ Opinion of the European Parliament of 13 March 2008 (not yet published in the Official Journal) and Council Decision of 23 June 2008.

⁽²⁾ OJ L 412, 30.12.2006, p. 1.

⁽³⁾ OJ L 400, 30.12.2006, p. 86.

- (6) In the field of information and communication technologies (ICT) in particular, the fact of an ageing population can be seen as an opportunity for an emerging market for new goods and services which respond to the needs of the elderly. However, the rapid development and use of new ICT should not lead to social exclusion or a widening of the digital divide; however, digital literacy is a precondition for inclusion and participation in the information society.
- (7) The present initiative in the field of ambient assisted living should take into account the reality of the ageing population in Europe, where the percentage of women is higher than that of men due to the longer average life expectancy of women.
- (8) Active ageing is a core element in the renewed employment guidelines. The EU approach to ageing aims at mobilising the full potential of people of all ages — the lifecycle approach — and stresses the need to shift from fragmented to comprehensive ageing strategies.
- (9) At present, a number of research and development programmes or activities undertaken by Member States individually at national level in the field of ICT for ageing well are not sufficiently coordinated at European level and do not allow a coherent approach at European level for research and development of innovative ICT-based products and services for ageing well.
- (10) Wishing to have a coherent approach at European level in the field of ICT for ageing well and to act effectively, several Member States have taken the initiative in setting up a joint research and development programme entitled 'Ambient Assisted Living' (hereinafter referred to as the AAL Joint Programme) in the field of ICT for ageing well in the information society, in order to obtain synergies in terms of management and financial resources by ensuring a single common evaluation mechanism with the assistance of independent experts, on the basis of established practice as set out in Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) ⁽¹⁾, and the combination of additional expertise and resources available in various countries across Europe.
- (11) The AAL Joint Programme aims at addressing the challenge of demographic ageing by providing the necessary legal and organisational framework for large-scale European cooperation between Member States in applied research and innovation in the area of ICT for ageing well in an ageing society. Belgium, Denmark, Germany, Ireland, Greece, Spain, France, Italy, Cyprus, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Finland, Sweden and the United Kingdom (hereinafter referred to as the participating Member States) and Israel, Norway and Switzerland have agreed to coordinate and implement jointly activities aimed at contributing to the AAL Joint Programme. The overall value of their participation is estimated at a minimum of EUR 150 million for the duration of the Seventh Framework Programme. The participation of each of these countries in the AAL Joint Programme should be subject to a minimum financial contribution commensurate with the potential demand from its national research communities and should normally be at least EUR 0,2 million if the country is to participate in the annual work programme.
- (12) The AAL Joint Programme should also promote the involvement of small and medium-sized enterprises (SMEs) in its activities in accordance with the objectives of the Seventh Framework Programme.
- (13) In order to increase the impact of the AAL Joint Programme, the participating Member States, Israel, Norway and Switzerland have agreed to the Community's participation in it. The Community should participate in the Programme by making a financial contribution of up to EUR 150 million. Given that the AAL Joint Programme meets the scientific objectives of the Seventh Framework Programme and that the research field of the AAL Joint Programme falls within the ICT theme of the Specific Programme 'Cooperation', the Community financial contribution should be taken from the budget appropriation allocated to that theme. Further financing options may be available, inter alia, from the European Investment Bank (EIB), in particular through the Risk-Sharing Finance Facility developed jointly by the EIB and the Commission pursuant to Annex III to Decision 2006/971/EC.
- (14) The Community financial support should be provided subject to the definition of a financing plan based on formal commitments from the competent national authorities to implement jointly the research and development programmes and activities undertaken at national level and to contribute to the financing of the joint execution of the AAL Joint Programme.
- (15) The joint implementation of the national research programmes requires the establishment or existence of a dedicated implementation structure, as provided for in the Specific Programme 'Cooperation'.
- (16) The participating Member States have agreed on such a dedicated implementation structure to implement the AAL Joint Programme.

⁽¹⁾ OJ L 391, 30.12.2006, p. 1.

- (17) The dedicated implementation structure should be the recipient of the financial contribution from the Community and should ensure the efficient execution of the AAL Joint Programme.
- (18) In order to implement the AAL Joint Programme efficiently, the dedicated implementation structure should grant financial support to third parties participating in the AAL Joint Programme which are selected following calls for proposals.
- (19) The Community contribution should be subject to the commitment of resources by the participating Member States, Israel, Norway and Switzerland and the effective payment of their financial contributions.
- (20) The Community should have the right to reduce, withhold or terminate its financial contribution if the AAL Joint Programme is implemented inadequately, partially or late, on the terms set out in an agreement to be concluded between the Community and the dedicated implementation structure laying down the detailed arrangements for the Community contribution.
- (21) Any Member State should be able to join the AAL Joint Programme.
- (22) In accordance with the Seventh Framework Programme, the Community should have the right to agree conditions relating to its financial contribution to the AAL Joint Programme concerning the participation therein of any country associated with the Seventh Framework Programme or, where essential for implementing the AAL Joint Programme, of any other country, joining the Programme in the course of its implementation, in accordance with this Decision.
- (23) Appropriate measures should be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests⁽¹⁾, Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities⁽²⁾, and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)⁽³⁾.
- (24) In accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽⁴⁾ (hereinafter referred to as the Financial Regulation) and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁽⁵⁾ (hereinafter referred to as the Implementing Rules), the Community contribution should be managed in the framework of indirect centralised management in accordance with the provisions of Articles 54(2)(c) and 56 of the Financial Regulation, and Articles 35, 38(2) and 41 of the Implementing Rules.
- (25) It is essential that the research activities carried out under the AAL Joint Programme conform to basic ethical principles, including those reflected in Article 6 of the Treaty on European Union and in the Charter of Fundamental Rights of the European Union, and follow the principles of gender mainstreaming and gender equality. In the execution of the Programme account should also be taken of the promotion of the role of women in science and research.
- (26) The AAL Joint Programme should also aim at promoting equitable and simplified access to relevant ICT-based products and services across all Member States.
- (27) The Commission should conduct an interim evaluation by 2010, assessing the quality and efficiency of the implementation of the AAL Joint Programme and progress towards the objectives set. That evaluation should also assess the need for further interim evaluations to be conducted before the final evaluation at the end of 2013,

HAVE ADOPTED THIS DECISION:

Article 1

1. In implementing the Seventh Framework Programme, the Community shall make a financial contribution to the ambient assisted living joint research and development programme (the AAL Joint Programme) undertaken jointly by Belgium, Denmark, Germany, Ireland, Greece, Spain, France, Italy, Cyprus, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Finland, Sweden and the United Kingdom (the participating Member States) as well as Israel, Norway and Switzerland.

⁽¹⁾ OJ L 312, 23.12.1995, p. 1. Regulation as amended by Commission Regulation (EC) No 1233/2007 (OJ L 279, 23.10.2007, p. 10).

⁽²⁾ OJ L 292, 15.11.1996, p. 2.

⁽³⁾ OJ L 136, 31.5.1999, p. 1.

⁽⁴⁾ OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Council Regulation (EC) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).

⁽⁵⁾ OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Commission Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).

2. The Community shall pay a financial contribution amounting to a maximum of EUR 150 million for the duration of the Seventh Framework Programme for the implementation of the AAL Joint Programme, in accordance with the principles set out in Annex I, which forms an integral part of this Decision.

3. The Community financial contribution shall be paid from the appropriation in the general budget of the European Union allocated to the information and communication technologies (ICT) theme of the Specific Programme 'Cooperation'.

Article 2

The Community financial contribution shall be conditional upon:

- (a) demonstration by the participating Member States, Israel, Norway and Switzerland that the AAL Joint Programme as described in Annex I has been efficiently set up;
- (b) the formal establishment or designation by the participating Member States, Israel, Norway and Switzerland, or organisations designated by the participating Member States, Israel, Norway and Switzerland, of a dedicated implementation structure with legal personality which shall be responsible for implementing the AAL Joint Programme and for receiving, allocating and monitoring the Community financial contribution in the framework of indirect centralised management in accordance with Articles 54(2)(c) and 56 of the Financial Regulation and Articles 35, 38(2) and 41 of the Implementing Rules;
- (c) the establishment of an appropriate and efficient governance model for the AAL Joint Programme in conformity with the guidelines set out in Annex II, which forms an integral part of this Decision;
- (d) efficient carrying out of the activities under the AAL Joint Programme described in Annex I by the dedicated implementation structure, which entails the launch of calls for proposals for the award of grants;
- (e) commitments by the participating Member States, Israel, Norway and Switzerland to contribute to the financing of the AAL Joint Programme and the effective payment of their financial contribution, in particular the funding of participants in the projects selected following the calls for proposals launched under the AAL Joint Programme;
- (f) compliance with the State aid rules of the Community, and in particular the rules set out in the Community Framework for State Aid for Research and Development and Innovation ⁽¹⁾;
- (g) ensuring a high level of scientific excellence and observance of ethical principles in accordance with the general prin-

ciples of the Seventh Framework Programme, of gender mainstreaming and gender equality and of sustainable development; and

- (h) the formulation of provisions governing the intellectual property rights arising from the activities carried out under the AAL Joint Programme and the implementation and coordination of the research and development programmes and activities undertaken at national level by the participating Member States, Israel, Norway and Switzerland in such a way that they aim at promoting the creation of such knowledge and at supporting wide use and dissemination of the knowledge created.

Article 3

In the implementation of the AAL Joint Programme, the granting of financial support by the dedicated implementation structure to third parties, and in particular financial support provided to participants in projects selected following calls for proposals for the award of grants, shall be subject to the principles of equal treatment and transparency, predictability for applicants and independent evaluation. The financial support to third parties shall be granted on the basis of scientific excellence, socioeconomic impact at European level and relevance to the overall objectives of the programme, in accordance with the principles and procedures set out in Annex I.

Article 4

The arrangements for the Community financial contribution and the rules relating to financial liability and intellectual property rights, as well as the detailed rules for the provision of financial support by the dedicated implementation structure to third parties, shall be established by means of a general agreement to be concluded between the Commission, on behalf of the Community, and the dedicated implementation structure, and annual financing agreements.

Article 5

If the AAL Joint Programme is not implemented or is implemented inadequately, partially or late, the Community may reduce, withhold or terminate its financial contribution in line with the actual implementation of the AAL Joint Programme.

If the participating Member States, Israel, Norway and Switzerland do not contribute or contribute only partially or late to the financing of the AAL Joint Programme, the Community may reduce its financial contribution in line with the actual amount of public funding allocated by the participating Member States, Israel, Norway and Switzerland on the terms laid down in the agreement to be concluded between the Commission and the dedicated implementation structure.

⁽¹⁾ OJ C 323, 30.12.2006, p. 1.

Article 6

In implementing the AAL Joint Programme, the participating Member States, Israel, Norway and Switzerland shall take all the legislative, regulatory, administrative or other measures necessary for protecting the Communities' financial interests. In particular, the participating Member States, Israel, Norway and Switzerland shall take the necessary measures to ensure full recovery of any amounts due to the Community, in accordance with Article 54(2)(c) of the Financial Regulation and Article 38(2) of the Implementing Rules.

Article 7

The Commission and the Court of Auditors may, through their officials or agents, carry out all the checks and inspections needed to ensure proper management of the Community funds and protect the financial interests of the Community against any fraud or irregularity. To this end, the participating Member States, Israel, Norway and Switzerland and the dedicated implementation structure shall, in due course, make all relevant documents available to the Commission and the Court of Auditors.

Article 8

The Commission shall communicate all relevant information to the European Parliament, the Council and the Court of Auditors. The participating Member States, Israel, Norway and Switzerland are invited to submit to the Commission, through the dedicated implementation structure, any additional information required by the European Parliament, the Council or the Court of Auditors concerning the financial management of the dedicated implementation structure that is consistent with the overall reporting requirements set out in Article 12(1).

Article 9

Any Member State may join the AAL Joint Programme, in accordance with the criteria set out in Article 2(e) to (h).

Article 10

Any third country may join the AAL Joint Programme, in accordance with the criteria set out in Article 2(e) to (h) and, provided that such participation is covered by the relevant international agreement and provided that both the Commission and the participating Member States, Israel, Norway and Switzerland agree to it.

Article 11

Conditions relating to the Community financial contribution concerning the participation in the AAL Joint Programme of any country associated with the Seventh Framework Programme or, where essential for implementing the AAL Joint Programme, of any other country, may be agreed by the Community on the

basis of the rules set out in this Decision and of any implementing rules and arrangements.

Article 12

1. The annual report on the Seventh Framework Programme presented to the European Parliament and the Council pursuant to Article 173 of the Treaty shall include a report on the activities of the AAL Joint Programme.

2. An interim evaluation of the AAL Joint Programme shall be carried out by the Commission two years after the start of the Programme, but in any case no later than 2010. If deemed necessary after the first interim evaluation, further interim evaluations may be carried out.

The interim evaluation shall cover the progress towards the objectives of the AAL Joint Programme set out in Annex I, including recommendations on the most appropriate ways to further enhance integration, the quality and efficiency of the implementation, including scientific, management and financial integration, of the AAL Joint Programme and whether the level of the financial contributions of the participating Member States, Israel, Norway and Switzerland is appropriate, given the potential demand from their various national research communities. Experience from other joint programmes carried out under Article 169 of the Treaty shall also be taken into account.

The Commission shall communicate the conclusions of the interim evaluation, accompanied by its observations and, where appropriate, proposals for the adaptation of this Decision, to the European Parliament and the Council.

3. At the end of 2013, the Commission shall conduct a final evaluation of the AAL Joint Programme. The results of the final evaluation shall be presented to the European Parliament and the Council.

Article 13

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

Article 14

This Decision is addressed to the Member States.

Done at Strasbourg, 9 July 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J.-P. JOUYET

ANNEX I

DESCRIPTION OF THE OBJECTIVES, THE ACTIVITIES AND THE IMPLEMENTATION OF THE AAL JOINT PROGRAMME**I. Specific aims**

The AAL Joint Programme has the following specific aims:

- foster the emergence of innovative ICT-based products, services and systems for ageing well at home, in the community, and at work, thus improving the quality of life, autonomy, participation in social life, skills and employability of older people and reducing the costs of health and social care. This may be based, for example, on innovative utilisation of ICT, new methods of customer interaction or new types of value chains for independent living services. The results of the AAL Joint Programme could also be used by other groups of people, namely people with disabilities,
- create a critical mass of research, development and innovation at EU level in the areas of technologies and services for ageing well in the information society, including the establishment of a favourable environment for the participation of small and medium-sized enterprises (SMEs) in the Programme,
- improve conditions for the industrial exploitation of research results by providing a coherent European framework for developing common approaches, including common minimum standards and facilitating the localisation and adaptation of common solutions which are compatible with varying social preferences and regulatory aspects at national or regional level across Europe.

By focusing on applied research, the AAL Joint Programme will complement related longer-term research activities envisaged under the Seventh Framework Programme, as well as the demonstration activities forming part of the Competitiveness and Innovation Framework Programme (2007 to 2013) established by Decision No 1639/2006/EC of the European Parliament and of the Council⁽¹⁾, which focuses on large-scale uptake of existing solutions.

Through its activities, the AAL Joint Programme shall contribute to the achievement of the renewed Lisbon Strategy objectives and the knowledge-based society, while endeavouring to ensure that the use of new technologies does not lead to social exclusion. The Programme shall also promote the development of cost-effective solutions that can help to ensure equitable, simplified access to ICT products and services, including access to services through a choice of different channels that respect the privacy and dignity of the elderly in all regions of Europe, including rural and peripheral areas.

Moreover, the AAL Joint Programme should promote innovation in and co-financing from the private sector, in particular SMEs, for market-related projects and the adaptation of technology and solutions developed under projects to the needs of the elderly, with a view to their increased social participation.

Wherever possible, complementarity and synergies between the AAL Joint Programme and other Community, national and regional programmes shall be ensured.

Due account shall be taken of possible ethical and privacy issues, in line with international guidelines.

II. Activities

The main activity in the AAL Joint Programme consists of research, development and innovation activities. These are to be implemented via shared-cost transnational projects involving partners from at least three different countries from among the participating Member States, Israel, Norway and Switzerland and other participating countries addressing research, technological development, demonstration and dissemination activities. These should be targeted at market-oriented research, should be of short to medium-term duration and should demonstrate the capability to exploit the project results within a realistic time frame.

⁽¹⁾ OJ L 310, 9.11.2006, p. 15.

In addition, brokerage, programme promotion and networking activities may be implemented through dedicated events or in combination with existing events. These shall include the organisation of workshops and the establishment of contacts with other stakeholders in the value chain.

The AAL Joint Programme shall entail consultation with relevant European stakeholders (such as decision-makers from ministries and public sector authorities, private-sector service and insurance providers as well as industry, SMEs and user representatives) concerning the research priorities to be addressed and the implementation of the programme.

The AAL Joint Programme should also take into account demographic trends and demographic research in the various countries of Europe in order to provide solutions that reflect the social and economic situation across the Union.

III. Programme implementation

Annual work programme and calls for proposals

The AAL Joint Programme shall be implemented on the basis of annual work programmes identifying topics for calls for proposals to be agreed with the Commission as a basis for the financial contribution from the Community.

The AAL Joint Programme shall issue regular calls for proposals in line with the agreed annual work programme. Proposals are submitted centrally to the dedicated implementation structure by the applicants (single entry point).

After the closure of a call for proposals, a central eligibility check shall be carried out by the dedicated implementation structure in cooperation with the national programme management agencies. The check shall be performed on the basis of the common eligibility criteria for the AAL Joint Programme which shall be published with the annual work programme and shall include at least the following:

- timely, complete and electronic submission of the proposal, and
- the fulfilment of obligations concerning the composition of consortia.

In addition, the dedicated implementation structure shall, with the assistance of the national programme management agencies, check the fulfilment of national eligibility criteria published with the annual work programme and set out in the calls for proposals. The national eligibility criteria shall relate only to the legal and financial status of the individual applicants and not to the content of the proposal and shall cover:

- applicant type, including legal status and purpose,
- liability and viability, including financial soundness, fulfilment of fiscal and social obligations.

Eligible project proposals shall be evaluated and selected centrally with the assistance of independent experts, on the basis of transparent and common evaluation criteria, as set out in the work programme. This selection, once adopted by the General Assembly, shall be binding on the participating Member States, Israel, Norway and Switzerland.

The dedicated implementation structure shall be responsible for monitoring projects, and common operational procedures to manage the full project cycle shall be put in place.

As administrative matters concerning national project partners within the selected projects shall be handled by their national Programme Management Agency, national eligibility criteria strictly relating to the legal and financial status of individual participants, as specified above, as well as the national administrative principles shall be applied.

Where, at the contracting stage, a participant fails to meet one of the national eligibility criteria, the AAL Joint Programme shall safeguard scientific excellence. For this purpose, the Executive Board may decide that an additional central independent evaluation of the proposal concerned should be carried out with the assistance of independent experts, in order to evaluate the proposal without the participation of the participant in question or, if suggested by the project consortium, with a replacement participant.

Each country shall finance its national participants whose proposals are successful through national agencies that shall additionally channel the central funding from the dedicated implementation structure, on the basis of an agreement to be concluded between the respective national agencies and their national participants for each project.

Ensuring scientific, management and financial integration

The AAL Joint Programme shall ensure scientific integration of the participating national programmes by drawing up common work programmes and call topics across all the national programmes.

Management integration of the national programmes shall be ensured by the legal entity set up by the participating Member States and Israel, Norway and Switzerland. Management of the AAL Joint Programme shall include:

- central organisation of the calls for proposals,
- central, independent and transparent evaluation by experts at European level based on common rules and criteria for the evaluation and selection of the proposals on the basis of scientific excellence,
- single submission address (electronic submission is envisaged).

The AAL Joint Programme shall strengthen financial integration by:

- ensuring overall national funding commitments for the duration of the initiative as well as annual commitments for each proposed work programme,
- ensuring that the final ranking of proposals agreed on the basis of the evaluation will be binding on the participating Member States, Israel, Norway and Switzerland as described above, including at the contracting stage,
- promoting flexibility in national budget allocation as far as possible to handle exceptions, e.g. by increasing national contributions or cross-financing.

Every effort shall be made by the participating Member States to strengthen integration and remove existing national legal and administrative barriers for international cooperation as part of the initiative.

IV. Funding principles

The Community contribution shall represent a fixed percentage of the overall public funding from the participating national programmes, but shall in any case not exceed 50 % of the total public funding of a participant in a project selected following calls for proposals under the AAL Joint Programme. This fixed percentage shall be defined in the agreement between the dedicated implementation structure and the Commission and shall be based on the multi-annual commitment of the participating Member States and Israel, Norway and Switzerland and the Community contribution.

A maximum of 6 % of the Community financial contribution shall be used to contribute to the overall operational costs of the AAL Joint Programme.

The participating Member States, Israel, Norway and Switzerland shall also contribute to ensure the effective operation of the AAL Joint Programme.

Projects shall be co-financed by the project participants.

V. Deliverables expected from the implementation of the AAL Joint Programme

An annual report shall be provided by the dedicated implementation structure, which shall give a detailed overview of the implementation of the AAL Joint Programme (number of projects submitted and selected for funding, use of the Community funding, distribution of national funds, types of participant, country statistics, brokerage events and dissemination activities, etc.) and progress towards further integration.

The deliverables expected shall be set out in greater detail in the agreement to be concluded between the Commission, on behalf of the Community, and the dedicated implementation structure.

ANNEX II

GUIDELINES FOR THE GOVERNANCE OF THE AAL JOINT PROGRAMME

The organisational structure for the AAL Joint Programme is as follows:

The AAL Association, an international not-for-profit association established under Belgian law, constitutes the dedicated implementation structure created by the participating Member States and Israel, Norway and Switzerland.

The AAL Association is responsible for all the activities of the AAL Joint Programme. The AAL Association's tasks include contract and budget management, the development of the annual work programmes, organisation of the calls for proposals, handling of the evaluation and ranking of projects. In addition, it supervises project monitoring and transfers the associated payments of the Community contributions to nominated national programme agencies. It also organises dissemination activities.

The AAL Association is governed by the General Assembly. The General Assembly, which is the decision-making body of the AAL Joint Programme, appoints the members of the Executive Board and supervises the implementation of the AAL Joint Programme, including approval of annual work programmes, allocation of national funding to projects and applications for new membership. It will work on the basis of a one-country one-vote principle. Decisions are taken by simple majority, except for decisions on the succession, admission or exclusion of members or the dissolution of the Association, for which specific voting requirements may be set out in the statutes of the Association. The Commission has observer status in the meetings of the General Assembly.

The AAL Executive Board — consisting of at least a president, a vice-president and a treasurer — is elected by the General Assembly to undertake the specific management responsibilities such as budget planning, staffing and contracting. It legally represents the Association and reports to the General Assembly.

National programme management agencies are authorised by the participating Member States and Israel, Norway and Switzerland to undertake work associated with project management and administrative and legal aspects for the national project partners as well as to provide support for the evaluation and negotiation of project proposals. They work under the supervision of the AAL Association.

An Advisory Board with representatives from industry and other stakeholders, including representatives of people of different generations, will provide recommendations for priorities and topics to be addressed in the calls for proposals of the AAL Joint Programme.

DECISION No 743/2008/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 9 July 2008****on the Community's participation in a research and development programme undertaken by several Member States aimed at supporting research and development performing small and medium-sized enterprises****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 169 and 172, second paragraph, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) ⁽³⁾ (hereinafter referred to as the Seventh Framework Programme) provides for Community participation in research and development programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes, within the meaning of Article 169 of the Treaty.

(2) The Seventh Framework Programme has defined a series of criteria for the identification of areas for such Article 169 initiatives: the relevance to Community objectives, the clear definition of the objective to be pursued and its relevance to the objectives of the Seventh Framework Programme, the presence of a pre-

existing basis (existing or envisaged national research programmes), European added value, a critical mass with regard to the size and number of programmes involved and the similarity of activities they cover, and the efficiency of Article 169 of the Treaty as the most appropriate means for achieving the objectives.

(3) Council Decision 2006/974/EC of 19 December 2006 on the Specific Programme 'Capacities' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) ⁽⁴⁾ (hereinafter referred to as the Specific Programme 'Capacities') identifies an Article 169 initiative in the field of Research Performing Small and Medium-Sized Enterprises (SMEs) as one of the fields suitable for Community participation in national research programmes jointly implemented on the basis of Article 169 of the Treaty.

(4) In its conclusions of 24 September 2004, the Council recognised the important role of the Seventh Framework Programme in furthering the development of the European Research Area (ERA), and in this context stressed the importance of reinforcing the ties between the ERA and European intergovernmental organisations, such as Eureka.

(5) In its conclusions of 25 and 26 November 2004, the Council stressed the importance of SMEs for European growth and competitiveness and thus the need for Member States and the Commission to enhance the effectiveness and complementarity of national and European support programmes for SMEs. It encouraged the Commission to explore the possible development of a bottom-up scheme for research-performing SMEs. The Council recalled the importance of coordinating national programmes for the development of the ERA. The Council invited Member States and the Commission to cooperate closely in identifying a limited number of areas for further application of Article 169 of the Treaty. The Council invited the Commission to further develop cooperation and coordination between the Communities and the activities carried out in the framework of inter-governmental structures, notably with Eureka, recalling the Eureka Ministerial Conference of 18 June 2004.

⁽¹⁾ Opinion of 29 May 2008 (not yet published in the Official Journal).

⁽²⁾ Opinion of the European Parliament of 10 April 2008 (not yet published in the Official Journal) and Council Decision of 23 June 2008.

⁽³⁾ OJ L 412, 30.12.2006, p. 1.

⁽⁴⁾ OJ L 400, 30.12.2006, p. 299, as corrected by OJ L 54, 22.2.2007, p. 101.

- (6) In its resolution of 10 March 2005 on science and technology — Guidelines for future European Union policy to support research ⁽¹⁾ — the European Parliament encouraged the Member States to adopt fiscal and other incentives for promoting industrial innovation, including links with Eureka, especially with reference to SMEs, and stressed that the ERA would be possible only if an increasing proportion of funding for research were allocated by the Union with a view to coordinating European, national and regional research policies more closely as regards both their substance and their funding, and if this funding were additional to research policy in and between the Member States. The European Parliament stated that more efficient and coordinated use should be made of other funding mechanisms and support mechanisms to support research and development (hereinafter referred to as R & D) and innovation, mentioning, among others, Eureka. It asked for enhanced cooperation between national research programmes and called on the Commission to take initiatives pursuant to Article 169 of the Treaty.
- (7) In its Communication of 4 June 2003 entitled 'Investing in research: an action plan for Europe', the Commission emphasised the importance of SME participation in direct measures to support research and innovation, which is crucial to boosting the innovative capacity of large segments of the economy.
- (8) At present, a number of R & D programmes and activities undertaken by Member States individually at national level to support R & D activities carried out by SMEs are not sufficiently coordinated at European level and do not allow a coherent approach at European level to an effective research and technological development programme.
- (9) Wishing to have a coherent approach at European level in the field of R & D performing SMEs and to act effectively, several Member States have taken the initiative within the framework of Eureka to set up a joint research and development programme entitled 'Eurostars' (hereinafter referred to as the Eurostars Joint Programme) for the benefit of R & D performing SMEs, in order to obtain a critical mass in terms of management and financial resources and the combination of additional expertise and resources available in various countries across Europe.
- (10) The Eurostars Joint Programme aims to support R & D performing SMEs by providing the necessary legal and organisational framework for large-scale European cooperation between Member States in applied research and innovation, in any technological or industrial field, for the benefit of these SMEs. Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom (hereinafter referred to as the participating Member States), and Iceland, Israel, Norway, Switzerland and Turkey (hereinafter referred to as the other participating countries) have agreed to coordinate and implement jointly activities aimed at contributing to the Eurostars Joint Programme. The overall value of their participation is estimated at a minimum of EUR 300 million for the proposed period of six years. The Community financial contribution should represent a maximum of 25 % of the total public contribution to the Eurostars Joint Programme, which is estimated at EUR 400 million.
- (11) In order to increase the impact of the Eurostars Joint Programme, the participating Member States and the other participating countries have agreed to such Community participation in the Eurostars Joint Programme. The Community should participate therein by making a financial contribution of up to EUR 100 million for the duration of the Eurostars Joint Programme. Given that the Eurostars Joint Programme meets the scientific objectives of the Seventh Framework Programme and that the field of the Eurostars Joint Programme falls within the 'Research for the benefit of SMEs' part of the Specific Programme 'Capacities', the Community financial contribution should be taken from the budget appropriation allocated to that part. Further financing options may be available, inter alia, from the European Investment Bank (EIB), in particular through the Risk-Sharing Finance Facility developed jointly with the EIB and the Commission pursuant to Annex III to Decision 2006/974/EC.
- (12) The Community financial support should be provided subject to the definition of a financing plan based on formal commitments from the competent national authorities to implement jointly the R & D programmes and activities undertaken at national level and to contribute to the financing of the joint execution of the Eurostars Joint Programme.
- (13) The joint implementation of the national research programmes requires the establishment or existence of a dedicated implementation structure, as provided for in the Specific Programme 'Capacities'.
- (14) The participating Member States have agreed on such a dedicated implementation structure to implement the Eurostars Joint Programme.

⁽¹⁾ OJ C 320 E, 15.12.2005, p. 259.

- (15) The dedicated implementation structure should be the recipient of the financial contribution from the Community and should ensure the efficient execution of the Eurostars Joint Programme.
- (16) The Community contribution should be subject to the commitment of resources by the participating Member States and the other participating countries and the effective payment of their financial contributions.
- (17) The payment of the Community contribution should be subject to the conclusion of a general agreement between the Commission on behalf of the European Community and the dedicated implementation structure, containing the detailed arrangements for the use of the Community contribution. This general agreement should include the necessary provisions to ensure that the financial interests of the Community are protected.
- (18) The interest generated by the Community financial contribution should be considered as assigned revenue, in accordance with Article 18(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ (hereinafter referred to as the Financial Regulation). The maximum Community contribution indicated in this Decision may be increased accordingly by the Commission.
- (19) The Community should have the right to reduce, withhold or terminate its financial contribution in the event that the Eurostars Joint Programme is implemented inadequately, partially or late, or in the event that the participating Member States and the other participating countries do not contribute, contribute partially or late to the financing of the Eurostars Joint Programme, on the terms set out in the agreement to be concluded between the Community and the dedicated implementation structure.
- (20) In order to efficiently implement the Eurostars Joint Programme, financial support should be granted to participants in the Eurostars Joint Programme projects (hereinafter referred to as Eurostars projects) selected centrally following calls for proposals. Such financial support and its payment should be transparent and efficient. Payments should be effected within the period established in an agreement concluded between the national funding bodies and the dedicated implementation structure. The dedicated implementation structure should encourage the participating Member States and other participating countries to make the payments to participants in the selected Eurostars projects convenient, including, where appropriate, by way of lump sum financing.
- (21) The evaluation of proposals should be performed centrally by independent experts. A ranking should be approved centrally which should be binding as regards the allocation of funding from the Community contribution and from the national budgets earmarked for Eurostars projects.
- (22) The Community contribution should be managed in the framework of indirect centralised management, in accordance with the Financial Regulation and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ (hereinafter referred to as the Implementing Rules).
- (23) For each selected Eurostars project, the R & D performing SMEs should collectively contribute the larger part of the overall costs relating to the R & D activities of all participants.
- (24) Any Member State should be able to join the Eurostars Joint Programme.
- (25) In line with the objectives of the Seventh Framework Programme, the participation in the Eurostars Joint Programme of countries associated with the Seventh Framework Programme or of other countries should be possible, provided that such participation is contemplated by the relevant international agreement and provided that both the Commission and the participating Member States and the other participating countries agree to it.
- (26) In accordance with the Seventh Framework Programme, the Community should have the right to agree on the conditions relating to its financial contribution to the Eurostars Joint Programme concerning the participation therein of any country associated with the Seventh Framework Programme or, where essential for implementing the Eurostars Joint Programme, of any other country, joining the Programme in the course of its implementation, in accordance with the rules and conditions set out in this Decision.

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

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

- (27) Appropriate measures should be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests⁽¹⁾, Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities⁽²⁾ and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)⁽³⁾.
- (28) It is essential that the research activities carried out under the Eurostars Joint Programme conform to basic ethical principles, including those reflected in Article 6 of the Treaty on European Union and in the Charter of Fundamental Rights of the European Union, and follow the principles of gender mainstreaming and gender equality.
- (29) The Commission should conduct an interim evaluation, assessing in particular the ability of R & D performing SMEs to access the Eurostars Joint Programme and the quality and efficiency of its implementation and progress towards the objectives set, as well as a final evaluation.
- (30) Monitoring of the execution of the Eurostars Joint Programme should be efficient and should not impose unnecessary burdens on participants in the programme, especially the SMEs.
- (31) The dedicated implementation structure should encourage the participants in the selected Eurostars projects to communicate and disseminate their results and to make this information publicly available,

HAVE ADOPTED THIS DECISION:

Article 1

1. In implementing the Seventh Framework Programme the Community shall make a financial contribution to the Eurostars Joint Programme undertaken jointly by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom (the participating Member States), and Iceland, Israel, Norway, Switzerland and Turkey (the other participating countries).

⁽¹⁾ OJ L 312, 23.12.1995, p. 1. Regulation as amended by Commission Regulation (EC) No 1233/2007 (OJ L 279, 23.10.2007, p. 10).

⁽²⁾ OJ L 292, 15.11.1996, p. 2.

⁽³⁾ OJ L 136, 31.5.1999, p. 1.

2. The Community shall pay a financial contribution amounting to the equivalent of a maximum of one third of the effective contributions of the participating Member States and the other participating countries, within a ceiling of EUR 100 million for the duration of the Seventh Framework Programme, in accordance with the principles set out in Annex I.

3. The Community financial contribution shall be paid from the appropriation in the general budget of the European Union allocated to the 'Research for the benefit of SMEs' part of the Specific Programme 'Capacities'.

Article 2

The Community financial contribution shall be conditional upon:

- (a) demonstration by the participating Member States and the other participating countries that the Eurostars Joint Programme as described in Annex I has been efficiently set up;
- (b) the formal establishment or designation by the participating Member States and the other participating countries or organisations designated by the participating Member States and the other participating countries, of a dedicated implementation structure with legal personality, which shall be responsible for the implementation of the Eurostars Joint Programme and for receiving, allocating and monitoring the Community financial contribution in the framework of indirect centralised management in accordance with Articles 54(2)(c) and 56 of the Financial Regulation and Articles 35, 38(2) and 41 of the Implementing Rules;
- (c) the establishment of an appropriate and efficient governance model for the Eurostars Joint Programme in conformity with Annex II;
- (d) efficient carrying out of the activities under the Eurostars Joint Programme described in Annex I by the dedicated implementation structure, which entails the launch of calls for proposals for the award of grants;
- (e) commitments by the participating Member States and the other participating countries to contribute to the financing of the Eurostars Joint Programme and the effective payment of their financial contribution, in particular the funding of participants in the selected Eurostars projects following the calls for proposals launched under the Eurostars Joint Programme;

- (f) compliance with the State aid rules of the Community, and in particular the rules set out in the Community Framework for State Aid for Research, Development and Innovation⁽¹⁾;
- (g) ensuring a high level of scientific excellence and observance of ethical principles in accordance with the general principles of the Seventh Framework Programme, of gender mainstreaming and gender equality and of sustainable development, and
- (h) the formulation of provisions governing the intellectual property rights stemming from the activities carried out under the Eurostars Joint Programme and the implementation and coordination of the R & D programmes and activities undertaken at national level by the participating Member States and the other participating countries in such a way that they aim at promoting the creation of such knowledge and at supporting wide use and dissemination of the knowledge created.

Article 3

In the implementation of the Eurostars Joint Programme, the granting of financial support to participants in Eurostars projects selected centrally in accordance with Annex II following calls for proposals for the award of grants, shall be subject to the principles of equal treatment and transparency. The financial support shall be granted on the basis of scientific excellence and, taking into account the specific nature of the SME target group, the socioeconomic impact at European level and relevance to the overall objectives of the programme, in accordance with the principles and procedures set out in Annex I.

Article 4

The arrangements for the Community financial contribution and the rules relating to financial liability and intellectual property rights as well as the detailed rules for the provision of financial support by the dedicated implementation structure to third parties shall be established by means of a general agreement to be concluded between the Commission, on behalf of the Community, and the dedicated implementation structure, and annual financing agreements.

Article 5

In accordance with Article 18(2) of the Financial Regulation, the interest generated by the Community financial contribution allocated to the Eurostars Joint Programme shall be considered as assigned revenue. The maximum Community contribution indicated in Article 1 of this Decision may be increased accordingly by the Commission.

Article 6

If the Eurostars Joint Programme is not implemented or is implemented inadequately, partially or late, or if the participating Member States and the other participating countries do

not contribute, contribute partially or late to the financing of the Eurostars Joint Programme, the Community may reduce, withhold or terminate its financial contribution in line with the actual implementation of the Eurostars Joint Programme and the amount of public funding allocated by the participating Member States and the other participating countries for the implementation of the Eurostars Joint Programme, on the terms laid down in the agreement to be concluded between the Commission and the dedicated implementation structure.

Article 7

In implementing the Eurostars Joint Programme, the participating Member States and the other participating countries shall take the legislative, regulatory, administrative or other measures necessary for protecting the Communities' financial interests. In particular, the participating Member States and the other participating countries shall take the necessary measures to ensure full recovery of any amounts due to the Community in accordance with Article 54(2)(c) of the Financial Regulation and Article 38(2) of the Implementing Rules.

Article 8

The Commission and the Court of Auditors may, through their officials or agents, carry out all the checks and inspections needed to ensure proper management of the Community funds and protect the financial interests of the Community against any fraud or irregularity. To this end, the participating Member States and the other participating countries and the dedicated implementation structure shall, in due course, make all relevant documents available to the Commission and the Court of Auditors.

Article 9

The Commission shall communicate all relevant information to the European Parliament, the Council and the Court of Auditors. The participating Member States and the other participating countries are invited to submit to the Commission, through the dedicated implementation structure, any additional information required by the European Parliament, the Council and the Court of Auditors concerning the financial management of the dedicated implementation structure.

Article 10

Any Member State may join the Eurostars Joint Programme in accordance with the criteria set out in Article 2(e) to (h).

Article 11

Any third country may join the Eurostars Joint Programme in accordance with the criteria set out in Article 2(e) to (h), provided that such participation is contemplated by the relevant international agreement and provided that both the Commission and the participating Member States and the other participating countries agree to it.

⁽¹⁾ OJ C 323, 30.12.2006, p. 1.

Article 12

Conditions relating to the Community financial contribution concerning the participation in the Eurostars Joint Programme of any country associated with the Seventh Framework Programme or, where essential for implementing the Eurostars Joint Programme, of any other country, may be agreed by the Community on the basis of the rules set out in this Decision and of any implementing rules and arrangements.

Article 13

1. The annual report on the Seventh Framework Programme presented to the European Parliament and the Council pursuant to Article 173 of the Treaty shall include a summary of the activities of the Eurostars Joint Programme based on the annual report to be provided by the dedicated implementation structure to the Commission.

2. An interim evaluation of the Eurostars Joint Programme shall be carried out by the Commission two years after the start of the Eurostars Joint Programme and shall cover progress towards the objectives set out in Annex I. The evaluation shall also include recommendations on the most appropriate ways to further enhance scientific, management and financial integration and assess the ability, of R & D performing SMEs in particular, to access the Eurostars Joint Programme and the quality and efficiency of its implementation. The Commission

shall communicate the conclusions thereof, accompanied by its observations and, where appropriate, proposals for the amendment of this Decision, to the European Parliament and the Council.

3. At the end of the Eurostars Joint Programme, the Commission shall conduct a final evaluation of the Programme. The results of the final evaluation shall be presented to the European Parliament and the Council.

Article 14

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

Article 15

This Decision is addressed to the Member States.

Done at Strasbourg, 9 July 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J.-P. JOUYET

ANNEX I

DESCRIPTION OF THE OBJECTIVES AND ACTIVITIES OF THE EUROSTARS JOINT PROGRAMME**I. Objectives**

The objective of this initiative put forward by the Eureka Member Countries is to establish the Eurostars Joint Programme targeting R & D performing SMEs. These SMEs are knowledge-intensive, technology/innovation-based companies, playing a key role in the innovation process. They are characterised by strong customer or market orientation, aiming to achieve a strong international position by leading highly innovative, market-oriented projects. Based on their own R & D capacity, they are able to develop products, processes or services that have a clear innovative or technological advantage. Companies may vary in size and in scope of activities, being e.g. established businesses with a track record of performing application-oriented, cutting-edge R & D, or high-potential start-ups. R & D constitutes a key element in their corporate strategy and business plans. These companies should be SMEs within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises⁽¹⁾ and should dedicate a notable part of their activity to R & D. Detailed thresholds of this activity shall be clarified in accordance with Annex II.

The Eurostars Joint Programme aims to support such R & D performing SMEs by:

1. creating an easily accessible and sustainable European R & D support mechanism for them;
2. encouraging them to create new economic activities based on R & D results and bring new products, processes and services to the market faster than would otherwise be possible;
3. promoting their technological and business development and internationalisation.

The Eurostars Joint Programme shall complement existing national and European Union programmes aimed at supporting R & D performing SMEs in their innovation process.

It shall contribute to European competitiveness, innovation, employment, economic change, sustainable development and environmental protection, and help to achieve the Lisbon and Barcelona objectives. It shall support, through its bottom-up approach, research, development and demonstration activities carried out by trans-national consortia driven by R & D performing SMEs and cooperating where appropriate with research organisations and/or large enterprises.

The Eurostars Joint Programme is aimed at aligning and synchronising the relevant national research and innovation programmes to establish a joint programme, featuring scientific, management and financial integration, marking an important contribution towards the realisation of the ERA. Scientific integration is achieved through the common definition and implementation of activities under the Eurostars Joint Programme. Management integration is achieved via the use of the Eureka Secretariat as the dedicated implementation structure. Its role is to manage the Eurostars Joint Programme and to monitor its execution, as further detailed in Annex II. Financial integration implies that the participating Member States and the other participating countries effectively contribute to the financing of the Eurostars Joint Programme, involving in particular the commitment to fund the participants in selected Eurostars projects from the national budgets earmarked for the Eurostars Joint Programme.

In the longer term, this initiative should strive to develop tighter forms of scientific, management and financial integration. The participating Member States and the other participating countries should further strengthen such integration and remove existing national legal and administrative barriers to international cooperation as part of the initiative.

II. Activities

The main activity in the Eurostars Joint Programme consists of R & D activities driven by one or more R & D performing SMEs established in the participating Member States or the other participating countries. Research organisations, universities, other SMEs and large companies may also participate in the Programme. The R & D activities can be carried out in the entire field of science and technology and are:

1. implemented via multi-partner transnational projects involving at least two independent participants from different participating Member States and other participating countries addressing research, technological development, demonstration, training and dissemination activities;

⁽¹⁾ OJ L 124, 20.5.2003, p. 36.

2. executed for their core part by the R & D performing SME(s). For each selected Eurostars project, the R & D performing SMEs should collectively contribute the larger part of the overall costs relating to the R & D activities of all participants. Minor subcontracting may be allowed, if necessary for the project;
3. targeted at market-oriented R & D, and should be of short to medium term duration and address challenging R & D work; SMEs should demonstrate the capability to exploit the project results within a realistic time frame;
4. led and coordinated by a participating R & D performing SME, the 'leading SME'.

In addition, brokerage, programme promotion and networking activities shall be supported to a limited extent in order to promote the Eurostars Joint Programme and enhance its impact. These shall include the organisation of workshops and the establishment of contacts with other stakeholders such as investors and knowledge management providers.

III. Deliverables expected from the implementation of the Programme

The Eurostars Joint Programme's main deliverable is a new joint European research and development programme for R & D performing SMEs, which is bottom-up, based on Eureka and co-funded by the contributing national R & D programmes and the Community.

An annual report shall be provided by the dedicated implementation structure, which shall give a detailed overview of the implementation of the Programme (evaluation and selection process, statistics on the composition of the evaluator group, number of projects submitted and selected for funding, use of the Community funding, distribution of national funds, type of participants, country statistics, brokerage events and dissemination activities, etc.) and the progress towards further integration. An *ex post* evaluation of the Programme's impact shall be conducted by the dedicated implementation structure at the end of the Eurostars Joint Programme.

IV. Programme implementation

The Eurostars Joint Programme shall be managed by the dedicated implementation structure. Proposals are submitted centrally to the dedicated implementation structure by applicants (single entry point), following a central and common yearly call for proposals, with several cut-off dates. Project proposals shall be evaluated and selected centrally on the basis of transparent and common eligibility and evaluation criteria following a two-step procedure. In the first step, proposals shall be assessed by at least two independent experts, who review both technical and market aspects of the proposal. These experts may act remotely. The ranking of proposals is performed in the second step, by an international evaluation panel, composed of independent experts. The ranking list, approved centrally, shall be binding for the allocation of funding from the Community contribution and from the national budgets earmarked for Eurostars projects. The dedicated implementation structure shall be responsible for monitoring projects and common operational procedures to manage the full project cycle shall be in place. The dedicated implementation structure shall take appropriate measures to encourage recognition of the Community contribution to the Eurostars Joint Programme, both to the Programme itself and to individual projects. It should promote appropriate visibility for such contribution through the use of the Community logo in all published material, including printed and electronic publications, relating to the Eurostars Joint Programme. Project participants in selected Eurostars projects shall be handled administratively by their respective national programmes.

V. Funding Mechanism

The Eurostars Joint Programme is co-funded by the participating Member States, the other participating countries and the Community. The participating Member States and the other participating countries define a multi-annual financing plan to participate in the Eurostars Joint Programme and contribute to the co-funding of its activities. The national contributions may come out of existing or from newly created national programmes, as long as they comply with the bottom-up character of the Eurostars Joint Programme. Any participating Member State or other participating country is free to increase its national funding earmarked for the Eurostars Joint Programme, at any time during the Programme.

Funding at Programme level

The Community contribution to the Eurostars Joint Programme, which shall be managed by the dedicated implementation structure, is calculated as a maximum of one third of the effective financial contributions from the participating Member States and the other participating countries, with a ceiling of EUR 100 million.

A maximum of 4,5 % of the Community financial contribution shall be used by the dedicated implementation structure to contribute to the overall operational costs of the Eurostars Joint Programme.

The Community financial contribution to selected Eurostars projects shall be transferred by the dedicated implementation structure to the national funding bodies designated by the participating Member States and the other participating countries, on the basis of an agreement concluded between the national funding bodies and the dedicated implementation structure. The national funding bodies shall finance the national participants whose proposals are selected centrally and shall also channel the Community financial contribution from the dedicated implementation structure.

Funding of Eurostars projects

The allocation of funding from the Community contribution and national budgets earmarked for selected Eurostars projects shall follow the order of the ranking list. The financial contribution to the participants in these projects is calculated according to the funding rules of the participating national programmes.

In the case of loans, a standard calculation for gross grant equivalence shall apply, taking into account the interest subsidy intensity and the average failure rate of the underlying national programme.

VI. Intellectual property rights arrangements

The dedicated implementation structure shall adopt the intellectual property policy of the Eurostars Joint Programme, in accordance with the requirements of Article 4 of this Decision. The objective of the intellectual property policy of the Eurostars Joint Programme is to promote knowledge creation, together with the exploitation and dissemination of the project results in favour of the target group of R & D performing SMEs. In this context, the approach taken under Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) ⁽¹⁾ should serve as a model.

⁽¹⁾ OJ L 391, 30.12.2006, p. 1.

ANNEX II

GOVERNANCE OF THE EUROSTARS JOINT PROGRAMME

The governance system of the Eurostars Joint Programme involves four main bodies:

1. The 'Eureka High Level Group' (Eureka HLG) is composed of the persons appointed by the States which are members of Eureka as High Level Representatives, and a representative from the Commission. It is responsible for the admission of non-participating Member States or other non-participating countries into the Eurostars Joint Programme, in accordance with the requirements of Articles 10 and 11 of this Decision.
 2. The 'Eurostars High Level Group' (Eurostars HLG) is composed of the Eureka High Level Representatives of the participating Member States and other participating countries. The Commission as well as Member States not participating in the Eurostars Joint Programme retain the option to send representatives to its meetings as observers. It is competent to supervise the implementation of the Eurostars Joint Programme, and in particular for the appointment of the members of the Eurostars Advisory Group, the approval of the operational procedures for running the Eurostars Joint Programme, the approval of the call planning and call budget, and the approval of the ranking list of Eurostars projects to be funded.
 3. The 'Eurostars Advisory Group' is composed of Eureka National Project Coordinators from the participating Member States and other participating countries and is chaired by the Head of the Eureka Secretariat (ESE). The Eurostars Advisory Group shall advise the ESE on the execution of the Eurostars Joint Programme and shall provide advice on the arrangements for its implementation, such as funding procedures, the evaluation and selection process, synchronisation between the central and national procedures, and project monitoring. It shall advise on the planning for the cut-off dates of the yearly call for proposals. It shall also advise on progress in the execution of the joint programme, including progress towards further integration.
 4. The ESE shall act as the dedicated implementation structure of the Eurostars Joint Programme. The Head of the ESE shall act as legal representative of the Eurostars Programme. The ESE is in charge of the execution of the Eurostars Joint Programme, and is responsible in particular for:
 - the establishment of the yearly call budget, central organisation of common calls for proposals and reception of the project proposals (single entry point),
 - central organisation of the eligibility and evaluation of project proposals, according to common eligibility and evaluation criteria, central organisation of the selection of project proposals for funding, and project monitoring and follow-up,
 - the receipt, allocation and monitoring of the Community contribution,
 - collecting the accounts for the distribution of funding by the funding bodies in the participating Member States and the other participating countries to the participants in Eurostars projects,
 - promotion of the Eurostars Joint Programme,
 - reporting to the Eureka HLG, the Eurostars HLG and the Commission on the Eurostars Joint Programme, including on progress towards further integration,
 - informing the Eureka network about the Eurostars Joint Programme activities.
-

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 8 July 2008

appointing four French members and four French alternate members of the Committee of the Regions

(2008/624/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the French Government,

Whereas:

(1) On 24 January 2006 the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.

(2) A seat as a member of the Committee has become vacant as a result of the death of Mr Raymond FORNI. Three seats as members of the Committee have become vacant as a result of the end of the mandates of Mr Jean PUECH, Ms Juliette SOULABAILLE and Mr Michel THIERS. Two seats as alternate members of the Committee have become vacant as a result of the end of the mandates of Ms Carola JORDA-DEDIEU and Mr Jean-Pierre TEISSEIRE. Two seats as alternate members of the Committee have become vacant as a result of appointment of Mr Pierre HUGON and Mr Christophe ROUILLON as members,

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, ending on 25 January 2010:

(a) as members:

— Mr Pierre HUGON, Vice-président du Conseil général de la Lozère (change of mandate),

— Mr Pierre MAILLE, Président du Conseil général du Finistère,

— Mr René SOUCHON, Président du Conseil régional d'Auvergne,

— Mr Christophe ROUILLON, Maire de Coulaines (change of mandate);

and

(b) as alternate members:

— Mr Jean-Michel DACLIN, Adjoint au Maire de Lyon,

— Ms Rose-Marie FALQUE, Maire d'Azerailles,

— Ms Rachel PAILLARD, Maire de Bouzy,

— Mr Jean-Louis TOURENNE, Président du Conseil général d'Ille et Vilaine.

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

Article 2

This Decision shall take effect on the date of its adoption.

Done at Brussels, 8 July 2008.

For the Council

The President

C. LAGARDE

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

Only the original UN/ECE texts have legal effect under international public law. The status and date of entry into force of this Regulation should be checked in the latest version of the UN/ECE status document TRANS/WP.29/343, available at:
<http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29fdocsts.html>

**Regulation No 30 of the Economic Commission for Europe of the United Nations (UN/ECE) —
Uniform provisions concerning the approval of pneumatic tyres for motor vehicles and their
trailers**

Revision 3

Incorporating all valid text up to:

Supplement 15 to the 02 series of amendments — Date of entry into force: 10 November 2007

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- Annex I — Communication concerning the approval or extension or refusal or withdrawal of approval or production definitely discontinued of a type of pneumatic tyre for motor vehicles pursuant to Regulation No 30
- Annex II — Example of the arrangement of the approval mark
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1. SCOPE

This Regulation covers new pneumatic tyres designed primarily, but not only, for vehicles in categories M₁, O₁ and O₂ ⁽¹⁾.

It does not apply to tyres designed for

(a) the equipment for vintage cars

(b) competitions.

2. DEFINITIONS

For the purposes of this Regulation,

2.1. 'Type of pneumatic tyre' means a category of pneumatic tyres which do not differ in such essential respects as:

2.1.1. The manufacturer;

2.1.2. Tyre-size designation;

2.1.3. Category of use (ordinary (road-type) or snow tyre or for temporary use);

2.1.4. Structure (diagonal (bias-ply), bias-belted, radial-ply, run flat tyre);

2.1.5. Speed category symbol;

2.1.6. Load-capacity index;

2.1.7. Tyre cross section;

2.2. 'Snow tyre' means a tyre whose tread pattern and whose structure are primarily designed to ensure in mud and fresh or melting snow a performance better than that of an ordinary (road-type) tyre. The tread pattern of a snow tyre generally consists of groove (rib) and/or solid-block elements more widely spaced than on an ordinary (road-type) tyre;

2.3. 'Structure' of a pneumatic tyre means the technical characteristics of the tyre's carcass. The following structures are distinguished in particular;

2.3.1. 'Diagonal' or 'bias-ply' describes a pneumatic-tyre structure in which the ply cords extend to the beads and are laid at alternate angles of substantially less than 90 ° to the centre line of the tread;

2.3.2. 'Bias-belted' describes a pneumatic-tyre structure of diagonal (bias-ply) type in which the carcass is restricted by a belt comprising two or more layers of substantially inextensible cord material laid at alternate angles close to those of the carcass;

⁽¹⁾ As defined in Annex VII 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).

- 2.3.3. 'Radial' describes a pneumatic-tyre structure in which the ply cords extend to the beads and are laid substantially at 90 ° to the centre line of the tread, the carcass being stabilised by an essentially inextensible circumferential belt;
- 2.3.4. 'Reinforced' or 'Extra Load' describes a pneumatic-tyre structure in which the carcass is more resistant than that of the corresponding standard tyre;
- 2.3.5. 'Temporary use spare tyre' means a tyre different from a tyre intended to be fitted to any vehicle for normal driving conditions but intended only for temporary use under restricted driving conditions;
- 2.3.6. 'T-type temporary use spare tyre' means a type of temporary use spare tyre designed for use at inflation pressures higher than those established for standard and reinforced tyres;
- 2.3.7. 'Run flat tyre' or 'Self supporting tyre' describes a pneumatic tyre structure provided with any technical solutions (for example, reinforced sidewalls, etc.) allowing the pneumatic tyre, mounted on the appropriate wheel and in the absence of any supplementary component, to supply the vehicle with the basic tyre functions, at least, at a speed of 80 km/h (50 mph) and a distance of 80 km when operating in flat tyre running mode.
- 2.4. 'Bead' means the part of a pneumatic tyre which is of such shape and structure as to fit the rim and hold the tyre on it ⁽¹⁾;
- 2.5. 'Cord' means the strands forming the fabric of the plies in the pneumatic tyre ⁽¹⁾;
- 2.6. 'Ply' means a layer of rubber-coated parallel cords ⁽¹⁾;
- 2.7. 'Carcass' means that part of a pneumatic tyre other than the tread and the rubber side walls which, when inflated, bears the load ⁽¹⁾;
- 2.8. 'Tread' means that part of a pneumatic tyre which comes into contact with the ground ⁽¹⁾;
- 2.9. 'Sidewall' means the part of a pneumatic tyre between the tread and the bead ⁽¹⁾;
- 2.10. 'Lower area of tyre' means the area included between the point of maximum section width of the tyre and the area designed to be covered by the edge of the rim ⁽¹⁾;
- 2.10.1. However, in case of tyres identified by the 'tyre to rim fitment configuration' (see para. 3.1.10) symbol 'A' or 'U', it means the area of the tyre which is seating on the rim.
- 2.11. 'Tread groove' means the space between two adjacent ribs or blocks in the tread pattern ⁽¹⁾;
- 2.12. 'Section width' means the linear distance between the outsides of the side walls of an inflated pneumatic tyre, excluding elevations due to labelling (marking), decoration or protective bands or ribs ⁽¹⁾;

⁽¹⁾ See explanatory figure.

- 2.13. 'Overall width' means the linear distance between the outsides of the side walls of an inflated pneumatic tyre, including labelling (marking), decoration and protective bands or ribs ⁽¹⁾;
- 2.14. 'Section height' means a distance equal to half the difference between the outer diameter of the tyre and the nominal rim diameter ⁽¹⁾;
- 2.15. 'Nominal aspect ratio (Ra)' means the centuple of the number obtained by dividing the number expressing the section height in mm by the number expressing the nominal section width in mm;
- 2.16. 'Outer diameter' means the overall diameter of an inflated new pneumatic tyre ⁽¹⁾;
- 2.17. 'Tyre-size designation' is
- 2.17.1. a designation showing:
- 2.17.1.1. the nominal section width. This width must be expressed in mm, except in the case of the types of tyre for which the size designation is shown in the first column of the tables in Annex V to this Regulation;
- 2.17.1.2. the nominal aspect ratio except in the case of certain types of tyre, for which the size designation is shown in the first column of the tables in Annex V to this Regulation, or, depending on the tyre design type, the nominal outer diameter expressed in mm;
- 2.17.1.3. a conventional number denoting the nominal rim diameter and corresponding to its diameter expressed either by codes (numbers below 100) or in millimetres (numbers above 100);
- 2.17.1.4. the letter 'T' in front of the nominal section width in case of T-type temporary use spare tyres;
- 2.17.1.5. an indication of the tyre to rim fitment configuration when it differs from the standard configuration.
- 2.18. 'Nominal rim diameter' means the diameter of the rim on which a tyre is designed to be mounted;
- 2.19. 'Rim' means the support for a tyre-and-tube assembly, or for a tubeless tyre, on which the tyre beads are seated ⁽¹⁾;
- 2.19.1. 'Tyre to rim fitment configuration' means the type of rim to which the tyre is designed to be fitted. In the case of non-standard rims this will be identified by a symbol applied to the tyre, for example, 'CT', 'TR', 'TD', 'A' or 'U'.
- 2.20. 'Theoretical rim' means the notional rim whose width would be equal to x times the nominal section width of a tyre. The value of x shall be specified by the manufacturer of that tyre;
- 2.21. 'Measuring rim' means the rim on which a tyre is required to be fitted for size measurements;
- 2.22. 'Test rim' means the rim on which a tyre is required to be fitted for testing;
- 2.23. 'Chunking' means the breaking away of pieces of rubber from the tread;

⁽¹⁾ See explanatory figure.

- 2.24. 'Cord separation' means the parting of the cords from their rubber coating;
- 2.25. 'Ply separation' means the parting of adjacent plies;
- 2.26. 'Tread separation' means the pulling away of the tread from the carcass;
- 2.27. 'Tread-wear indicators' means the projections within the tread grooves designed to give a visual indication of the degree of wear of the tread;
- 2.28. 'Load-capacity index' means a number associated to the reference mass a tyre can carry when operated in conformity with requirements governing utilization specified by the manufacturer.
- 2.29. 'Speed category' means the maximum speed which the tyre can sustain, expressed by speed category symbol (see table below).
- 2.29.1. The categories of speed are those indicated in the table below:

Speed-category symbol	Maximum speed (km/h)
L	120
M	130
N	140
P	150
Q	160
R	170
S	180
T	190
U	200
H	210
V	240
W	270
Y	300

- 2.30. Tread pattern grooves
- 2.30.1. 'Principal grooves' means the wide grooves positioned in the central zone of the tyre tread, which have the tread-wear indicators (see para. 2.27) located inside them.
- 2.30.2. 'Secondary grooves' means the supplementary grooves of the tread pattern which may disappear in the course of the tyre's life.
- 2.31. 'Maximum load rating' means the maximum mass the tyre is rated to carry;
- 2.31.1. for speed not exceeding 210 km/h the maximum load rating shall not exceed the value associated with the load capacity index of the tyre;

- 2.31.2. for speed higher than 210 km/h, but not exceeding 240 km/h, (tyres classified with speed category symbol 'V') the maximum load rating shall not exceed the percentage of the value associated with the load capacity index of the tyre, indicated in the table below, with reference to the speed capability of the car to which the tyre is fitted.

Maximum speed (km/h)	Maximum load rating (%)
215	98,5
220	97
225	95,5
230	94
235	92,5
240	91

For intermediate maximum speeds linear interpolations of the maximum load rating are allowed.

- 2.31.3. For speeds higher than 240 km/h (tyres classified with speed category symbol 'W') the maximum load rating shall not exceed the percentage of the value associated with the load-capacity index of the tyre, indicated in the table below, with reference to the speed capability of the car to which the tyre is fitted.

Maximum speed (km/h)	Maximum load rating (%)
240	100
250	95
260	90
270	85

For intermediate maximum speeds linear interpolations of the maximum load rating are allowed.

- 2.31.4. For speeds higher than 270 km/h (tyres classified with speed-category symbol 'Y') the maximum load rating shall not exceed the percentage of the value associated with the load-capacity index of the tyre, indicated in the table below, with reference to the speed capability of the car to which the tyre is fitted.

Maximum speed (km/h)	Maximum load rating (%)
270	100
280	95
290	90
300	85

For intermediate maximum speeds linear interpolations of the maximum load rating are allowed.

- 2.31.5. For speeds lower or equal to 60 km/h the maximum load rating must not exceed the percentage of mass, associated with the load-capacity index of the tyre indicated in the table below with reference to the maximum design speed of the vehicle to which the tyre is to be fitted.

Maximum speed (km/h)	Maximum load rating (%)
25	142
30	135
40	125
50	115
60	110

- 2.31.6. For speeds in excess of 300 km/h, the maximum load rating must not exceed the mass specified by the tyre manufacturer with reference to the speed capacity of the tyre. For intermediate speeds between 300 km/h and the maximum speed permitted by the tyre manufacturer, a linear interpolation of the maximum load rating applies.

- 2.32. 'Flat tyre running mode' describes the state of the tyre, essentially maintaining its structural integrity, while operating at an inflation pressure between 0 and 70 kPa.

- 2.33. 'Basic tyre functions' means the normal capability of an inflated tyre in supporting a given load up to a given speed and transmitting the driving, the steering and the braking forces to the ground on which it runs.

- 2.34. 'Run flat system' or 'Extended mobility system' describes an assembly of specified functionally dependant components, including a tyre, which together provide the specified performance granting the vehicle with the basic tyre functions, at least, at a speed of 80 km/h (50 mph) and a distance of 80 km when operating in flat tyre running mode.

- 2.35. 'Deflected section height' is the difference between the deflected radius, measured from the centre of the rim to the surface of the drum, and one half the nominal rim diameter as defined in ISO 4000-1.

3. MARKINGS

- 3.1. Pneumatic tyres submitted for approval shall bear on both side walls in the case of symmetrical tyres and at least on the outer side wall in the case of asymmetrical tyres:

- 3.1.1. The trade name or mark;

- 3.1.2. The tyre-size designation as defined in paragraph 2.17 of this Regulation;

- 3.1.3. An indication of the structure as follows:

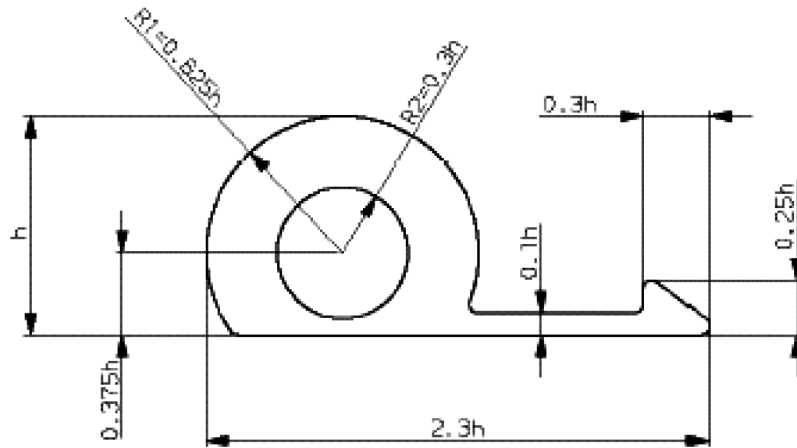
- 3.1.3.1. on diagonal (bias-ply) tyres, no marking or the letter 'D' placed in front of the rim diameter marking;

- 3.1.3.2. on radial-ply tyres, the letter 'R' placed in front of the rim-diameter marking, and, optionally, the word 'RADIAL';

- 3.1.3.3. on bias-belted tyres, the letter 'B' placed in front of the rim-diameter marking, and in addition the words 'BIAS-BELTED';
- 3.1.3.4. on radial ply tyres suitable for speeds in excess of 240 km/h but not exceeding 300 km/h (tyres marked with the speed symbol 'W' or 'Y' as part of the service description), the letter 'R', placed before the rim diameter code marking, may be replaced with the inscription 'ZR'.
- 3.1.3.5. on 'run flat' or 'self supporting' tyres the letter 'F' placed in front of the rim diameter marking.
- 3.1.4. An indication of the tyre's speed category by means of the symbol shown in paragraph 2.29. above;
 - 3.1.4.1. On tyres suitable for speeds in excess of 300 km/h, the letter 'R' placed in front of the rim diameter code marking shall be replaced by the inscription 'ZR' and the tyre shall be marked with a service description consisting of the speed symbol 'Y' and the corresponding load index. The service description shall be marked within brackets, for example, '(95Y)'.
- 3.1.5. The inscription M+S or M.S or M&S in the case of a snow tyre;
- 3.1.6. The load-capacity index as defined in paragraph 2.28 of this Regulation;
- 3.1.7. The word 'TUBELESS' if the tyre is designed for use without an inner tube;
- 3.1.8. The word 'REINFORCED' or the words 'EXTRA LOAD' if the tyre is a reinforced tyre;
- 3.1.9. The date of manufacture in the form of a group of four digits, the first two showing the week and the last two the year of manufacture. However, this marking which may be placed on one sidewall only, shall not be mandatory, on any tyre submitted for approval, until two years after the date of entry into force of this Regulation ⁽¹⁾.
- 3.1.10. In the case of tyres first approved after the entry into force of Supplement 13 to the 02 series of amendments to Regulation No 30, the identification referred to in paragraph 2.17.1.5 shall be placed immediately after the rim diameter marking referred to in paragraph 2.17.1.3.
- 3.1.11. In the case of temporary use spare tyres, the words 'TEMPORARY USE ONLY' in upper case characters at least 12,7 mm high.

⁽¹⁾ Before 1 January 2000, the date of manufacture may be indicated by a group of three digits, the first two showing the week and the last one the year of manufacture.

- 3.1.11.1. In addition, in the case of 'T' type temporary use spare tyres, the legend 'INFLATE TO 420 kPa (60 psi)', the upper case characters being at least 12,7 mm high.
- 3.1.12. The symbol below if the tyre is a 'run flat' or 'self supporting' tyre, where 'h' is at least 12 mm.



- 3.2. Tyres shall provide adequate space for the approval mark, as shown in Annex II to this Regulation.
- 3.3. Annex III to this Regulation gives an example of the arrangement of the tyre markings.
- 3.4. The markings referred to in paragraph 3.1 and the approval mark prescribed in paragraph 5.4 of this Regulation shall be moulded on to or into the tyres. They shall be clearly legible and situated in the lower area of the tyre on at least one of its side walls, except for the inscription mentioned in paragraph 3.1.1 above.
- 3.4.1. However, for tyres identified by the 'tyre to rim fitment configuration' (see para. 3.1.10), symbol 'A' or 'U', the markings may be placed anywhere on the outside sidewall of the tyre.
4. APPLICATION FOR APPROVAL
- 4.1. The application for approval of a type of pneumatic tyre shall be submitted by the holder of the trade name or mark or by his duly accredited representative. It shall specify:
- 4.1.1. The tyre-size designation as defined in paragraph 2.17 of this Regulation;
- 4.1.2. The trade name or mark;
- 4.1.3. The category of use (ordinary (road-type) or snow-tyre, or for temporary use);
- 4.1.4. Structure: diagonal (bias ply), bias belted, radial, run flat tyre;
- 4.1.5. The speed category;

- 4.1.6. The load-capacity index of the tyre;
- 4.1.7. Whether the tyre is to be used with or without an inner tube;
- 4.1.8. Whether the tyre is 'standard' or 'reinforced' or 'T-type temporary use spare tyre';
- 4.1.9. The ply-rating number of diagonal (bias-ply) tyres;
- 4.1.10. The overall dimensions: overall section width and outer diameter;
- 4.1.11. The rims on which the tyre can be mounted;
- 4.1.12. The measuring rim and test rim;
- 4.1.13. The test pressure where the manufacturer requests the application of Annex VII, paragraph 1.3 to this Regulation;
- 4.1.14. The factor x referred to in paragraph 2.20 above.
- 4.1.15. For tyres suitable for speeds in excess of 300 km/h, the maximum speed permitted by the tyre manufacturer and the load carrying capacity allowed for that maximum speed. The tyre manufacturer must also specify these values in the technical literature for the tyre type.
- 4.1.16. The identification of the bead retention rim contours specific for the 'flat tyre running mode' of 'run flat tyres'.
- 4.2. The application for approval shall be accompanied (all in triplicate) by a sketch, or a representative photograph, which identify the tyre tread pattern and a sketch of the envelope of the inflated tyre mounted on the measuring rim, showing the relevant dimensions (see paragraphs 6.1.1 and 6.1.2) of the type submitted for approval. It shall also be accompanied either by the test report issued by the approved Test Laboratory or by one or two samples of the tyre type, at the discretion of the Competent Authority. Drawings or photographs of the side wall and tread of the tyre shall be submitted once production has been established, no later than one year after the date of issue of the type approval.
- 4.3. The Competent Authority shall verify the existence of satisfactory arrangements for ensuring effective control of the conformity of production before type approval is granted.
- 4.4. Where a tyre manufacturer submits application for type approval for a range of tyres, it is not considered necessary to carry out a load/speed test on every type of tyre in the range. Worst case selection may be made at the discretion of the Approval Authority.

5. APPROVAL
- 5.1. If the pneumatic tyre submitted for approval in pursuance of this Regulation meets the requirements of paragraph 6 below, approval of that type of tyre shall be granted.
- 5.2. An approval number shall be assigned to each type approved. Its first two digits (at present 02) shall indicate the series of amendments incorporating the most recent major technical amendments made to the Regulation at the time of issue of the approval. The same Contracting Party shall not assign the same number to another tyre type covered by this Regulation.
- 5.3. Notice of approval or of extension or refusal or withdrawal of approval or production definitively discontinued of a type of pneumatic tyre pursuant to this Regulation shall be communicated to the Parties to the 1958 Agreement applying this Regulation, by means of a form conforming to the model in Annex I to this Regulation.
- 5.3.1. Where type approval is granted for a tyre type suitable for speeds over 300 km/h (see paragraph 4.1.15), the relevant maximum speed (km/h) and the load carrying capacity (kg) allowed for the maximum speed shall be notified in clear in section 10 of the communication form (see Annex I to this Regulation); load carrying capacities for intermediate speeds higher than 300 km/h may also be specified.
- 5.4. There shall be affixed conspicuously to every pneumatic tyre conforming to a type of tyre approved under this Regulation, in the space referred to in paragraph 3.2 above and in addition to the markings prescribed in paragraph 3.1 above, an international approval mark consisting of:
- 5.4.1. A circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted approval ⁽¹⁾;
- 5.4.2. An approval number.
- 5.5. The approval mark shall be clearly legible and be indelible.
- 5.6. Annex II to this Regulation gives an example of the arrangement of the approval mark.

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

6. REQUIREMENTS

6.1. **Dimensions of tyres**6.1.1. *Section width of a tyre*

6.1.1.1. The section width shall be calculated by the following formula:

$$S = S_1 + K(A - A_1),$$

where:

S = is the 'section width' expressed in mm and measured on the measuring rim;

S_1 = is the 'nominal section width' (in mm) as shown on the side wall of the tyre in the designation of the tyre as prescribed;

A = is the width (expressed in mm) of the measuring rim, as shown by the manufacturer in the descriptive note ⁽¹⁾;

A_1 = is the width (expressed in mm) of the theoretical rim.

A_1 shall be taken to equal S_1 multiplied by the factor x , as specified by the manufacturer, and K shall be taken to equal 0,4.

6.1.1.2. However, for the types of tyres for which the designation is given in the first column of the tables in Annex V to this Regulation, the section width shall be that given opposite the tyre designation in these tables.

6.1.1.3. However, for tyres identified by the 'tyre to rim fitment configuration' (see para. 3.1.10) symbol 'A' or 'U', K shall be taken equal to 0,6.

6.1.2. *Outer diameter of a tyre*

6.1.2.1. The outer diameter of a tyre shall be calculated by the following formula:

$$D = d + 2H$$

where:

D is the outer diameter expressed in mm,

d is the conventional number defined in paragraph 2.17.1.3 above, expressed in mm ⁽¹⁾,

H is the nominal section height in mm, equal to:

$$H = 0,01S_1 \times Ra,$$

S_1 is the nominal section width in mm, and

⁽¹⁾ When the conventional number is given by codes, the value in mm is obtained by multiplying such number by 25,4.

Ra is the nominal aspect ratio,

all as shown on the sidewall of the tyre in the tyre-size designation in conformity with the requirements of paragraph 3.4 above.

6.1.2.2. However, for the types of tyres for which the designation is given in the first column of the tables of Annex V to this Regulation the outer diameter shall be that given opposite the 'size' designation in these tables.

6.1.2.3. However, for tyres identified by the 'tyre to rim fitment configuration' (see para. 3.1.10) symbol 'A' or 'U', the outer diameter shall be that specified in the tyre size designation as shown on the sidewall of the tyre.

6.1.3. *Method of measuring pneumatic tyres*

The dimensions of pneumatic tyres shall be measured by the procedure described in Annex VI to this Regulation.

6.1.4. *Tyre section-width specifications*

6.1.4.1. The overall width of a tyre may be less than the section width determined pursuant to paragraph 6.1.1. above.

6.1.4.2. It may exceed that value by the following percentages:

6.1.4.2.1. in diagonal (bias-ply) tyres: 6 per cent;

6.1.4.2.2. in radial ply, run flat tyres: 4 per cent;

6.1.4.2.3. in addition, if the tyre has special protective ribs (or bands), the figure as increased by the above tolerance may be exceeded by 8 mm.

6.1.4.2.4. However, for tyres identified by the 'tyre to rim fitment configuration' (see para. 3.1.10) symbol 'A' or 'U', the overall width of the tyre, in the lower area of the tyre, equals the nominal width of the rim on which the tyre is mounted, as shown by the manufacturer in the descriptive note, increased by 20 mm.

6.1.5. *Tyre outer-diameter specifications*

The outer-diameter of a tyre must not be outside the values Dmin and Dmax obtained from the following formulae:

$$D_{\min} = d + (2H \times a)$$

$$D_{\max} = d + (2H \times b)$$

where:

6.1.5.1. for sizes listed in Annex V, and for tyres identified by the 'tyre to rim fitment configuration' (see para. 3.1.10) symbol 'A' or 'U', the nominal section height H is equal to:

$$H = 0,5 (D - d), \text{ for references see paragraph 6.1.2.}$$

- 6.1.5.2. for other sizes, not listed in Annex V, 'H' and 'd' are as defined in paragraph 6.1.2.1,
- 6.1.5.3. Coefficients 'a' and 'b' are respectively:
- 6.1.5.3.1. Coefficient 'a' = 0,97
- 6.1.5.3.2. Coefficient 'b' for ordinary (road type) Radial, Run flat tyre Diagonal and Bias Belted
tyres 1,04 1,08
- 6.1.5.4. for snow tyres the overall diameter (Dmax) established in conformity with the above may be exceeded by 1 per cent.
- 6.2. **Load/speed performance test**
- 6.2.1. The pneumatic tyre shall undergo a load/speed performance test carried out by the procedure described in Annex VII to this Regulation.
- 6.2.1.1. Where application is made for tyres identified by means of letter code 'ZR' within the size designation and suitable for speeds over 300 km/h (see paragraph 4.1.15), the above load/speed test is carried out on one tyre at the load and speed conditions marked on the tyre (see paragraph 3.1.4.1). Another load/speed test must be carried out on a second sample of the same tyre type at the load and speed conditions specified as maximum by the tyre manufacturer (see paragraph 4.1.15 to this Regulation).
- The second test may be carried out on the same tyre sample if the tyre manufacturer agrees.
- 6.2.1.2. Where application is made for the type approval of a 'run flat system' the above load speed test is carried out on one tyre, inflated as per paragraph 1.2 of Annex VII, at the load and speed conditions marked on the tyre (see paragraph 3.1.4.1). Another load/speed test must be carried out on a second sample of the same tyre type as specified in paragraph 3. of Annex VII. The second test may be carried out on the same sample if the manufacturer agrees.
- 6.2.2. A tyre which after undergoing the load/speed test does not exhibit any tread separation, ply separation, cord separation, chunking or broken cords shall be deemed to have passed the test.
- 6.2.2.1. However, a tyre marked with the speed symbol 'Y' which, after undergoing the relevant test, exhibits superficial blistering of the tyre tread caused by the specific test equipment and conditions, is deemed to have passed the test.
- 6.2.2.2. If a 'run flat system' tyre which, after undergoing the test as specified in paragraph 3 of Annex VII, does not exhibit a change in the deflected section height, compared to the deflected section height at the start of the test, higher than 20 per cent and retains the tread connected to the two sidewalls, it is deemed to have passed the test.

- 6.2.3. The outer diameter of the tyre, measured six hours after the load/speed performance test, must not differ by more than $\pm 3,5$ per cent from the outer diameter as measured before the test.

6.3. **Tread-wear indicators**

- 6.3.1. The pneumatic tyre shall include not less than six transverse rows of wear indicators, approximately equally spaced and situated in the principal grooves of the tread. The tread-wear indicators shall be such that they cannot be confused with the rubber ridges between the ribs or blocks of the tread.

- 6.3.2. However, in the case of tyres of dimensions appropriate for mounting on rims of a nominal diameter of 12 or less, four rows of tread-wear indicators shall be accepted.

- 6.3.3. The tread-wear indicators must provide a means of indicating, with a tolerance of $+ 0,60/- 0,00$ mm, when the tread grooves are no longer more than 1,6 mm deep.

- 6.3.4. The height of tread-wear indicators is determined by measuring the difference between the depth, from the tread's surface, to the top of the tread-wear indicator and to the bottom of the tread groove close to the slope at the base of the tread-wear indicator.

7. MODIFICATIONS OF THE TYPE OF PNEUMATIC TYRE AND EXTENSION OF APPROVAL

- 7.1. Every modification of the type of pneumatic tyre shall be notified to the Administrative Department which approved the type of pneumatic tyre. The department may then either:

- 7.1.1. Consider that the modifications made are unlikely to have an appreciable adverse effect and that in any case, the pneumatic tyre still complies with the requirements; or

- 7.1.2. Require a further test report from the Technical Service responsible for conducting the tests.

- 7.2. A modification of the tread pattern of the tyre shall not be considered to necessitate a repetition of the tests prescribed in paragraph 6 of this Regulation.

- 7.3. Confirmation or refusal of approval, specifying the alterations, shall be communicated by the procedure specified in paragraph 5.3 above to the Parties to the Agreement which apply this Regulation.

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

8. CONFORMITY OF PRODUCTION

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

- 8.1. Tyres approved under this Regulation shall be so manufactured as to conform to the type approved, by meeting the requirements set forth in paragraph 6 above.

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

9. PENALTIES FOR NON-CONFORMITY OF PRODUCTION

- 9.1. The approval granted in respect of a type of pneumatic tyre pursuant to this Regulation may be withdrawn if the requirements laid down in paragraph 8.1 above are not complied with or if the tyres taken from the series have failed to pass the tests prescribed in that paragraph.

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

10. PRODUCTION DEFINITELY DISCONTINUED

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

11. TRANSITIONAL PROVISIONS

- 11.1. Contracting Parties applying this Regulation shall not refuse to grant extensions of approval to preceding series of amendments, or supplement to series of amendments to this Regulation.

- 11.2. No Contracting Parties applying this Regulation shall refuse a tyre approved to the 01 series of amendments to this Regulation.

11.3. Tread-wear indicators:

- 11.3.1. As from the date of entry into force of Supplement 4 to the 02 series of amendments, Contracting Parties applying this Regulation may no longer issue approvals pursuant to Supplement 3 to the 02 series of amendments with respect to the requirements of paragraph 6.3.3.

- 11.3.2. All new tyres manufactured from 1 October 1995 shall conform to the requirements of paragraph 6.3.3 as amended by Supplement 4 to the 02 series of amendments.

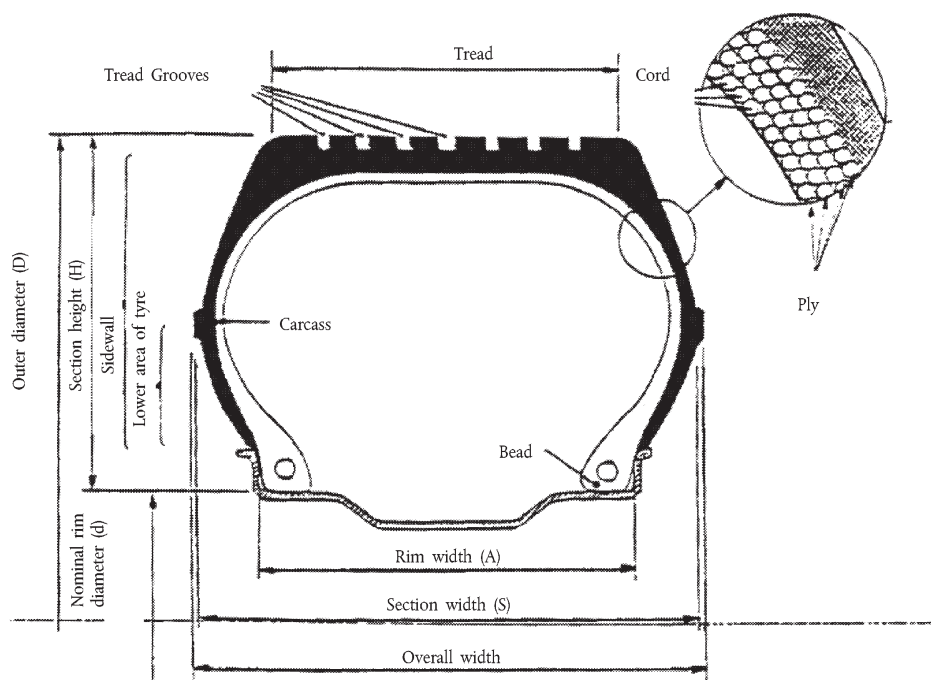
12. NAMES AND ADDRESSES OF TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS AND OF ADMINISTRATIVE DEPARTMENTS

- 12.1. The Parties to the 1958 Agreement which apply this Regulation shall communicate to the United Nations Secretariat the names and addresses of the Technical Services responsible for conducting approval tests and of the Administrative Departments which grant approval and to which forms certifying approval, or extension, or refusal or withdrawal of approval or production definitively discontinued, issued in other countries, are to be sent.

- 12.2. The Parties to the Agreement which apply this Regulation may designate laboratories of tyre manufacturers as approved test laboratories.
- 12.3. Where a Party to the Agreement applies paragraph 12.2 above, it may, if it so desires, be represented at the tests by one or more persons of its choice.

Explanatory figure

(see paragraph 2 of the Regulation)



ANNEX I

COMMUNICATION

(maximum format: A4 (210 × 297 mm))



issued by: Name of administration:

.....

.....

.....

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

of a type of pneumatic tyre for motor vehicles pursuant to Regulation No 30

Approval No: Extension No:

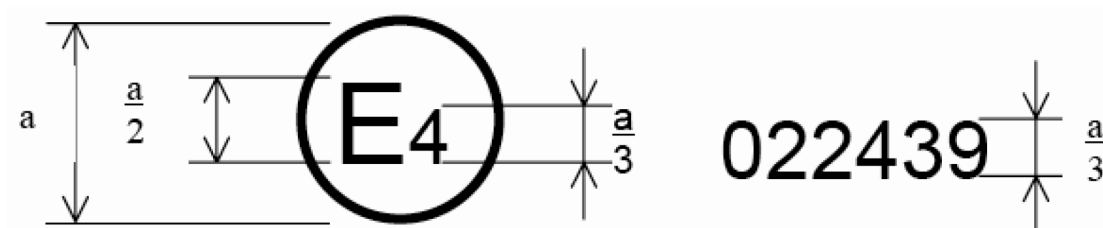
1. Manufacturer's name or trade mark(s) on the tyre type:
2. Tyre type designation by the manufacturer:
3. Manufacturer's name and address:
4. If applicable, name and address of manufacturer's representative:
5. Summarized description:
- 5.1. Tyre size designation:
- 5.2. Category of use: normal/snow/temporary use ⁽²⁾
- 5.3. Structure: diagonal/bias-belted/radial/run flat tyre ⁽²⁾
- 5.4. Speed category symbol:
- 5.5. Load-capacity index:
6. Technical Service and, where applicable, test laboratory approved for purposes of approval or of verification of conformity:
7. Date of report issued by that service:
8. Number of report issued by that service:
9. Reason(s) of extension (if applicable):
10. Any remarks:
11. Approval granted/extended/refused/withdrawn ⁽²⁾
12. Place:
13. Date:
14. Signature:
15. Annexed to this communication is a list of documents in the approval file deposited at the Administrative services having delivered the approval and which can be obtained upon request.

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

⁽²⁾ Strike out what does not apply.

ANNEX II

Example of the arrangement of the approval mark



a = 12 mm min.

The above approval mark affixed to a pneumatic tyre shows that the type of tyre concerned has been approved in the Netherlands (E 4) under approval number 022439.

Note: The first two digits of the approval number indicate that the approval was granted in accordance with the requirements of this Regulation as amended by the 02 series of amendments.

The approval number must be placed close to the circle and either above or below the 'E' or to left or right of that letter. The digits of the approval number must be on the same side of the 'E' and face in the same direction. The use of Roman numerals as approval numbers should be avoided so as to prevent any confusion with other symbols.

ANNEX III

Arrangement of tyre markings

1. Example of the markings to be borne by type of tyres placed on the market after the entry into force of this Regulation

$\overset{\downarrow}{\text{b}} \text{ } \overset{\downarrow}{\text{185/70}} \text{ } \overset{\downarrow}{\text{R}} \text{ } \overset{\downarrow}{\text{14}} \text{ } \overset{\downarrow}{\text{89}} \text{ } \overset{\downarrow}{\text{T}} \text{ } \overset{\downarrow}{\text{b}} \text{ } \overset{\downarrow}{\text{c}} \text{ } \overset{\downarrow}{\text{TUBELESS}} \text{ } \overset{\downarrow}{\text{M}} + \text{ } \overset{\downarrow}{\text{S}} \text{ } \overset{\downarrow}{\text{c}}$
 $\text{c } \overset{\downarrow}{\text{2503}}$

b = 6 mm (min.)

c = 4 mm (min.)

These markings define a pneumatic tyre:

- (a) having a nominal section width of 185;
- (b) having a nominal aspect ratio of 70;
- (c) of radial-ply structure (R);
- (d) having a nominal rim diameter of 14;
- (e) having a load capacity of 580 kg, corresponding to load index 89 in Annex IV to this Regulation;
- (f) of speed category T (maximum speed 190 km/h);
- (g) for fitting without an inner tube ('tubeless');
- (h) of 'snow' type (M + S);
- (i) manufactured during the 25th week of the year 2003.

2. In the particular case of tyres having a tyre to rim fitment configuration 'A' or 'U', the marking shall be in the form of the following example:

185-560 R 400A, or 185-560 R 400U where:

185 is the nominal section width in mm,

560 is the outer diameter expressed in mm,

R is an indication of the structure of the tyre — see paragraph 3.1.3. of this Regulation,

400 is the nominal diameter of the rim expressed in mm,

A or U is the tyre to rim fitment configuration.

The marking of the load index, speed category, date of manufacture and other markings, shall be as given in example 1 above.

3. The positioning and order of the markings constituting the tyre designation shall be the following:

- (a) the size designation as defined in paragraph 2.17. of this Regulation shall be grouped as shown in the above examples: 185/70 R 14 and 185-560 R 400A or 185-560 R 400U;
- (b) the service description comprising the load index and the speed symbol shall be placed immediately after the tyre size designation as defined in paragraph 2.17. of this Regulation;
- (c) the symbols 'tubeless', 'reinforced', and 'M + S' may be at a distance from the size-designation.

ANNEX IV

Load-capacity indices

Li = Load-capacity index

kg = Corresponding mass of the vehicle which is to be carried.

Li	kg	Li	kg	Li	kg	Li	kg
0	45	31	109	61	257	91	615
1	46,2	32	112	62	265	92	630
2	47,5	33	115	63	272	93	650
3	48,7	34	118	64	280	94	670
4	50	35	121	65	290	95	690
5	51,5	36	125	66	300	96	710
6	53	37	128	67	307	97	730
7	54,5	38	132	68	315	98	750
8	56	39	136	69	325	99	775
9	58	40	140	70	335	100	800
10	60	41	145	71	345	101	825
11	61,5	42	150	72	355	102	850
12	63	43	155	73	365	103	875
13	65	44	160	74	375	104	900
14	67	45	165	75	387	105	925
15	69	46	170	76	400	106	950
16	71	47	175	77	412	107	975
17	73	48	180	78	425	108	1 000
18	75	49	185	79	437	109	1 030
19	77,5	50	190	80	450	110	1 060
20	80	51	195	81	462	111	1 090
21	82,5	52	200	82	475	112	1 120
22	85	53	206	83	487	113	1 150
23	87,5	54	212	84	500	114	1 180
24	90	55	218	85	515	115	1 215
25	92,5	56	224	86	530	116	1 250
26	95	57	230	87	545	117	1 285
27	97,5	58	236	88	560	118	1 320
28	100	59	243	89	580	119	1 360
29	103	60	250	90	600	120	1 400
30	106						

ANNEX V

Tyre size designation and dimensions

Table I

Tyres in Diagonal Construction (European tyres)

Size	Measuring rim width code	Overall diameter ⁽¹⁾ mm	Tyre section width ⁽¹⁾ mm	Nominal rim diameter 'd' mm
Super Ballon Series				
4.80-10	3.5	490	128	254
5.20-10	3.5	508	132	254
5.20-12	3.5	558	132	305
5.60-13	4	600	145	330
5.90-13	4	616	150	330
6.40-13	4.5	642	163	330
5.20-14	3.5	612	132	356
5.60-14	4	626	145	356
5.90-14	4	642	150	356
6.40-14	4.5	666	163	356
5.60-15	4	650	145	381
5.90-15	4	668	150	381
6.40-15	4.5	692	163	381
6.70-15	4.5	710	170	381
7.10-15	5	724	180	381
7.60-15	5.5	742	193	381
8.20-15	6	760	213	381
Low Section Series				
5.50-12	4	552	142	305
6.00-12	4.5	574	156	305
7.00-13	5	644	178	330
7.00-14	5	668	178	356
7.50-14	5.5	688	190	356
8.00-14	6	702	203	356
6.00-15 L	4.5	650	156	381
Super Low Section Series ⁽²⁾				
155-13/6.15-13	4.5	582	157	330
165-13/6.45-13	4.5	600	167	330
175-13/6.95-13	5	610	178	330

Size	Measuring rim width code	Overall diameter ⁽¹⁾ mm	Tyre section width ⁽¹⁾ mm	Nominal rim diameter 'd' mm
155-14/6.15-14	4.5	608	157	356
165-14/6.45-14	4.5	626	167	356
175-14/6.95-14	5	638	178	356
185-14/7.35-14	5.5	654	188	356
195-14/7.75-14	5.5	670	198	356
Ultra Low Section				
5.9-10	4	483	148	254
6.5-13	4.5	586	166	330
6.9-13	4.5	600	172	330
7.3-13	5	614	184	330

⁽¹⁾ Tolerance: see paragraphs 6.1.4. and 6.1.5.

⁽²⁾ The following size designations are accepted: 185-14/7.35-14 or 185-14 or 7.35-14 or 7.35-14/185-14.

Table II

Millimetric Series — Radial (European tyres)

Size	Measuring rim width code	Overall diameter ⁽¹⁾ mm	Tyre section width ⁽¹⁾ mm	Nominal rim diameter 'd' mm
125 R 10	3.5	459	127	254
145 R 10	4	492	147	254
125 R 12	3.5	510	127	305
135 R 12	4	522	137	305
145 R 12	4	542	147	305
155 R 12	4.5	550	157	305
125 R 13	3.5	536	127	330
135 R 13	4	548	137	330
145 R 13	4	566	147	330
155 R 13	4.5	578	157	330
165 R 13	4.5	596	167	330
175 R 13	5	608	178	330
185 R 13	5.5	624	188	330
125 R 14	3.5	562	127	356
135 R 14	4	574	137	356
145 R 14	4	590	147	356
155 R 14	4.5	604	157	356
165 R 14	4.5	622	167	356

Size	Measuring rim width code	Overall diameter ⁽¹⁾ mm	Tyre section width ⁽¹⁾ mm	Nominal rim diameter 'd' mm
175 R 14	5	634	178	356
185 R 14	5.5	650	188	356
195 R 14	5.5	666	198	356
205 R 14	6	686	208	356
215 R 14	6	700	218	356
225 R 14	6.5	714	228	356
125 R 15	3.5	588	127	381
135 R 15	4	600	137	381
145 R 15	4	616	147	381
155 R 15	4.5	630	157	381
165 R 15	4.5	646	167	381
175 R 15	5	660	178	381
185 R 15	5.5	674	188	381
195 R 15	5.5	690	198	381
205 R 15	6	710	208	381
215 R 15	6	724	218	381
225 R 15	6.5	738	228	381
235 R 15	6.5	752	238	381
175 R 16	5	686	178	406
185 R 16	5.5	698	188	406
205 R 16	6	736	208	406

⁽¹⁾ Tolerance: see paragraphs 6.1.4. and 6.1.5.

Table III

45 Series — Radial on TR Metric 5° Rims

Size	Measuring rim width	Overall diameter	Tyre section width
280/45 R 415	240	661	281

ANNEX VI

Method of measuring pneumatic tyres

- 1.1. Mount the tyre on the measuring rim specified by the manufacturer pursuant to paragraph 4.1.12 of this Regulation and inflate it to a pressure of 3 to 3.5 bar.
- 1.2. Adjust the pressure as follows:
 - 1.2.1. in standard bias-belted tyres: to 1.7 bar;
 - 1.2.2. in diagonal (bias-ply) tyres: to:

Ply-rating	Pressure (bar)		
	Speed category		
	L, M, N	P, Q, R, S	T, U, H, V
4	1,7	2,0	—
6	2,1	2,4	2,6
8	2,5	2,8	3,0

- 1.2.3. in standard radial tyres: to 1.8 bar;
 - 1.2.4. in reinforced tyres: to 2.3 bar;
 - 1.2.5. in T-tyre temporary use spare tyres: to 4.2 bar.
2. Condition the tyre, mounted on its rim, at the ambient room temperature for not less than 24 hours, save as otherwise prescribed in paragraph 6.2.3 of this Regulation.
3. Readjust the pressure to the level specified in paragraph 1.2 above.
4. Measure the overall width by calliper at six equally-spaced points, taking the thickness of the protective ribs or bands into account. The highest measurement so obtained is taken as the overall width.
5. Determine the outer diameter by measuring the maximum circumference and dividing the figure so obtained by π (3.1416).

ANNEX VII

Procedure for load/speed performance tests

1. PREPARING THE TYRE
- 1.1. Mount a new tyre on the test rim specified by the manufacturer pursuant to paragraph 4.1.12. of this Regulation.
- 1.2. Inflate it to the appropriate pressure as given (in bar) in the table below:

T-type temporary use spare tyres: to 4,2 bar.

Speed category	Diagonal (bias-ply) tyres			Radial/Run flat system		Bias-belted tyres
	Ply rating			Standard	Reinforced	Standard
	4	6	8			
L, M, N	2,3	2,7	3,0	2,4	2,8	—
P, Q, R, S	2,6	3,0	3,3	2,6	3,0	2,6
T, U, H	2,8	3,2	3,5	2,8	3,2	2,8
V	3,0	3,4	3,7	3,0	3,4	—
W	—	—	—	3,2	3,6	—
Y	—	—	—	3,2 ⁽¹⁾	3,6	—

(1) The value of '3,2' in respect of Speed Category 'Y' tyres was inadvertently omitted from Supplement 5 to the 02 series of amendments which entered into force on 8 January 1995 and may be considered as a Corrigendum to this Supplement and to have been effective from that same date.

- 1.3. The manufacturer may request, giving reasons, the use of a test-inflation pressure differing from those given under paragraph 1.2. above. In such a case the tyre shall be inflated to that pressure.
- 1.4. Condition the tyre-and-wheel assembly at test-room temperature for not less than three hours.
- 1.5. Readjust the tyre pressure to that specified in paragraph 1.2. or 1.3. above.
2. CARRYING OUT THE TEST
- 2.1. Mount the tyre-and-wheel assembly on a test axle and press it against the outer face of a smooth wheel 1,70 m $\pm$ 1 per cent or 2 m $\pm$ 1 per cent in diameter.
- 2.2. Apply to the test axle a load equal to 80 per cent of:
 - 2.2.1. the maximum load rating equated to the Load Capacity Index for tyres with Speed Symbols L to H inclusive,
 - 2.2.2. the maximum load rating associated with a maximum speed of 240 km/h for tyres Speed Symbol 'V' (see para. 2.31.2. of this Regulation),
 - 2.2.3. the maximum load rating associated with a maximum speed of 270 km/h for tyres with speed symbol 'W' (see paragraph 2.31.3. of this Regulation),
 - 2.2.4. the maximum load rating associated with a maximum speed of 300 km/h for tyres with speed symbol 'Y' (see paragraph 2.31.4. of this Regulation).
- 2.3. Throughout the test the tyre pressure must not be corrected and the test load must be kept constant.
- 2.4. During the test the temperature in the test-room must be maintained at between 20° and 30° or at a higher temperature if the manufacturer agrees.
- 2.5. Carry the test through, without interruption in conformity with the following particulars:
 - 2.5.1. time taken to pass from zero speed to initial test speed: 10 minutes;

- 2.5.2. initial test speed: prescribed maximum speed for the type of tyre (see paragraph 2.29.3 of this Regulation), less 40 km/h in the case of the smooth wheel having $1,70 \text{ m} \pm 1 \text{ per cent}$ in diameter or less 30 km/h in the case of the smooth wheel having $2 \text{ m} \pm 1 \text{ per cent}$ in diameter;
 - 2.5.3. successive speed increments: 10 km/h;
 - 2.5.4. duration of test at each speed step except the last: 10 minutes;
 - 2.5.5. duration of test at last speed step: 20 minutes;
 - 2.5.6. maximum test speed: prescribed maximum speed for the type of tyre, less 10 km/h in the case of the smooth wheel having $1,7 \text{ m} \pm 1 \text{ per cent}$ in diameter or equal to the prescribed maximum speed in the case of the smooth wheel having $2 \text{ m} \pm 1 \text{ per cent}$ in diameter;
 - 2.5.7. however, for tyres suitable for maximum speed of 300 km/h (speed symbol 'Y'), the duration of the test is 20 minutes at the initial test speed step and 10 minutes at the last speed step.
 - 2.6. The procedure for the second test (see paragraph 6.2.1.1.), to assess the performance of a tyre suitable for speeds in excess of 300 km/h, shall be as follows:
 - 2.6.1. apply to the test axle a load equal to 80 per cent of the maximum load rating associated with the maximum speed specified by the tyre manufacturer (see paragraph 4.1.15. of this Regulation).
 - 2.6.2. The test shall be run without interruptions in accordance with the following:
 - 2.6.2.1. ten minutes to build up from zero to the maximum speed specified by the tyre manufacturer (see paragraph 4.1.15. of this Regulation).
 - 2.6.2.2. Five minutes at the maximum test speed.
 - 3. PROCEDURE TO ASSES THE 'FLAT TYRE RUNNING MODE' OF 'RUN FLAT SYSTEM'
 - 3.1. Mount a new tyre on the test rim specified by the manufacturer pursuant to paragraphs 4.1.12. and 4.1.15. of this Regulation.
 - 3.2. Carry out the procedure as detailed in paragraphs 1.2. to 1.5. above with a test room temperature at $38^\circ\text{C} \pm 3^\circ\text{C}$ in relation to conditioning the tyre-and-wheel assembly as detailed in paragraph 1.4.
 - 3.3. Remove the valve insert and wait until the tyre deflates completely.
 - 3.4. Mount the tyre-and-wheel assembly to a test axle and press it against the outer surface of a smooth wheel $1,70 \text{ m} \pm 1 \text{ per cent}$ or $2,0 \text{ m} \pm 1 \text{ per cent}$ in diameter.
 - 3.5. Apply to the test axle a load equal to 65 per cent of the maximum load rating corresponding to the load capacity index of the tyre.
 - 3.6. At the start of the test, measure the deflected section height (Z1).
 - 3.7. During the test the temperature of the test room must be maintained at $38^\circ\text{C} \pm 3^\circ\text{C}$.
 - 3.8. Carry the test through, without interruption in conformity with the following particulars:
 - 3.8.1. time taken to pass from zero speed to constant test speed: 5 minutes;
 - 3.8.2. test speed: 80 km/h;
 - 3.8.3. duration of test at the test speed: 60 minutes.
 - 3.9. At the end of the test, measure the deflected section height (Z2).
 - 3.9.1. Calculate the change in per cent of the deflected section height compared to the deflected section height at the start of the test as $((Z1 - Z2) / Z1) \times 100$.
 - 4. EQUIVALENT TEST METHODS

If a method other than that described in paragraphs 2. and/or 3. above is used, its equivalence must be demonstrated.
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