

Official Journal

of the European Union

L 213



English edition

Legislation

Volume 52

18 August 2009

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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 749/2009**of 17 August 2009****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 18 August 2009.

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

Done at Brussels, 17 August 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	29,6
	XS	21,6
	ZZ	25,6
0707 00 05	MK	29,2
	TR	101,7
	ZZ	65,5
0709 90 70	TR	104,4
	ZZ	104,4
0805 50 10	AR	75,2
	UY	84,5
	ZA	58,0
	ZZ	72,6
0806 10 10	EG	152,2
	IL	133,8
	MA	141,6
	TR	138,1
	US	170,2
	ZA	147,9
	ZZ	147,3
0808 10 80	AR	112,7
	BR	63,2
	CL	83,6
	NZ	83,8
	US	87,1
	ZA	77,1
	ZZ	84,6
0808 20 50	AR	104,5
	CN	60,2
	TR	135,4
	ZA	92,6
	ZZ	98,2
0809 30	TR	129,0
	ZZ	129,0
0809 40 05	IL	107,7
	ZZ	107,7

⁽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 750/2009**of 17 August 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year**

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

Whereas:

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

for the 2008/2009 marketing year are fixed by Commission Regulation (EC) No 945/2008 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 746/2009 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 945/2008 for the 2008/2009, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 August 2009.

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

Done at Brussels, 17 August 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 258, 26.9.2008, p. 56.

⁽⁴⁾ OJ L 212, 15.8.2009, p. 8.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 18 August 2009

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	37,14	0,14
1701 11 90 ⁽¹⁾	37,14	3,76
1701 12 10 ⁽¹⁾	37,14	0,01
1701 12 90 ⁽¹⁾	37,14	3,47
1701 91 00 ⁽²⁾	38,65	5,91
1701 99 10 ⁽²⁾	38,65	2,74
1701 99 90 ⁽²⁾	38,65	2,74
1702 90 95 ⁽³⁾	0,39	0,29

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

COMMISSION REGULATION (EC) No 751/2009**of 17 August 2009****amending Regulation (EC) No 745/2009 fixing the import duties in the cereals sector applicable from 16 August 2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The import duties in the cereals sector applicable from 16 August 2009 were fixed by Commission Regulation (EC) No 745/2009 ⁽³⁾.

- (2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EC) No 745/2009.

- (3) Regulation (EC) No 745/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 745/2009 are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 18 August 2009.

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

Done at Brussels, 17 August 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 161, 29.6.1996, p. 125.

⁽³⁾ OJ L 212, 15.8.2009, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 18 August 2009

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	12,83
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	78,15
1005 10 90	Maize seed other than hybrid	32,13
1005 90 00	Maize, other than seed ⁽²⁾	32,13
1007 00 90	Grain sorghum other than hybrids for sowing	83,14

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

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

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

ANNEX II

Factors for calculating the duties laid down in Annex I

14.8.2009

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

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	164,94	92,62	—	—	—	—
Fob price USA	—	—	156,53	146,53	126,53	61,21
Gulf of Mexico premium	—	17,50	—	—	—	—
Great Lakes premium	6,28	—	—	—	—	—

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

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

Freight costs: Gulf of Mexico–Rotterdam: 18,19 EUR/t

Freight costs: Great Lakes–Rotterdam: 17,66 EUR/t

COMMISSION REGULATION (EC) No 752/2009**of 17 August 2009****entering a name in the register of protected designations of origin and protected geographical indications (Batata doce de Aljezur (PGI))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006 and in accordance with Article 17(2) thereof, Portugal's application to register the name 'Batata doce de Aljezur' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, this name should be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

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, 17 August 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 324, 19.12.2008, p. 31.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

PORTUGAL

Batata doce de Aljezur (PGI)

DIRECTIVES

COMMISSION DIRECTIVE 2009/108/EC

of 17 August 2009

amending, for the purposes of adapting it to technical progress, Directive 97/24/EC of the European Parliament and of the Council on certain components and characteristics of two or three-wheel motor vehicles

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two and three-wheel motor vehicles and repealing Council Directive 92/61/EEC⁽¹⁾, and in particular Article 17 thereof,

Whereas:

(1) Directive 97/24/EC of the European Parliament and of the Council of 17 June 1997 on certain components and characteristics of two or three-wheel motor vehicles⁽²⁾ is one of the separate Directives for the purposes of the two and three-wheel motor vehicles EC type-approval procedure laid down by Directive 2002/24/EC.

(2) In order to take into account the specific behaviour of hybrid vehicles, the type-approval test procedure used for measuring gaseous pollutants from two and three-wheel vehicles should be adapted. For this purpose, it is appropriate to adopt a procedure similar to the one used in UNECE Regulation No 83 on Emission of pollutants according to engine fuel requirements.

(3) To ensure that hybrid vehicles comply with the noise limits set out in Directive 97/24/EC in all their running modes it is also necessary to adapt the type-approval test procedure used for noise measurement set out in Directive 97/24/EC.

(4) Directive 97/24/EC should therefore be amended accordingly.

(5) The measures provided for this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 97/24/EC is amended as follows:

1. Annex II of Chapter 5 of Directive 97/24/EC is amended in accordance with Annex I to this Directive;
2. Annex III of Chapter 9 of Directive 97/24/EC is amended in accordance with Annex II to this Directive;
3. Annex IV of Chapter 9 of Directive 97/24/EC is amended in accordance with Annex III to this Directive.

Article 2

1. With effect from 1 May 2010, Member States shall not, on grounds relating to measures to counter air pollution or noise emissions, refuse to grant EC type-approval or prohibit the registration, sale or entry into service of two or three-wheel vehicles which comply with Directive 97/24/EC as amended by this Directive.

2. With effect from 1 May 2010, Member States shall refuse, on grounds relating to measures to counter air pollution or noise emissions, to grant EC type-approval to any new type of two or three-wheel motor vehicle which does not comply with Directive 97/24/EC as amended by this Directive.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 April 2010 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

⁽¹⁾ OJ L 124, 9.5.2002, p. 1.

⁽²⁾ OJ L 226, 18.8.1997, p. 1.

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.

Article 5

This Directive is addressed to the Member States.

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.

Done at Brussels, 17 August 2009.

Article 4

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

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX I

AMENDMENT TO ANNEX II OF CHAPTER 5 OF DIRECTIVE 97/24/CE

Annex II of Chapter 5 of Directive 97/24/EC is amended as follows:

1. The following point 1.10 is added:

‘1.10. “Hybrid electric vehicle (HEV)” means a motorcycle, tricycle or quadricycle that, for the purpose of mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy:

(a) a consumable fuel

(b) an electrical energy storage device’

2. The following point 2.2.1.3 is inserted:

‘2.2.1.3. In the case of Hybrid electric vehicle Appendix 3 applies’.

3. The following Appendix 3 is added:

‘Appendix 3

Emissions test procedure for hybrid electric motorcycles, motor tricycles and quadricycles

1. SCOPE

This annex lays down the specific provisions regarding type-approval of a hybrid electric vehicle.

2. CATEGORIES OF HYBRID ELECTRIC VEHICLES

Vehicle charging	Off-Vehicle Charging ⁽¹⁾ (OVC)		Not Off-Vehicle Charging ⁽²⁾ (NOVC)	
Operating mode switch	Without	With	Without	With

⁽¹⁾ also known as “externally chargeable”
⁽²⁾ also known as “not externally chargeable”

3. TYPE I TEST METHODS

For the Type I test, hybrid electric motorcycles or motor tricycles shall be tested according to the applicable test procedure (Appendix 1 or Appendix 1a) as prescribed in point 2.2.1.1.5 of Annex II. For each of test condition, the emission test result shall comply with the limits specified in point 2.2.1.1.5 of Annex II.

3.1. **Externally chargeable (OVC HEV) without an operating mode switch**

3.1.1. Two tests shall be performed under the following conditions:

Condition A: test shall be carried out with a fully charged electrical energy storage device.

Condition B: test shall be carried out with an electrical energy storage device in minimum state of charge (maximum discharge of capacity).

The profile of the state of charge (SOC) of the electrical energy storage device during different stages of the Type I test is given in Sub-appendix 3.

3.1.2. Condition A

3.1.2.1. The procedure shall start with the discharge while the vehicle driving:

(a) at a steady speed of 50 km/h until the fuel consuming engine of the HEV starts up; or

(b) if a vehicle cannot reach a steady speed of 50 km/h without starting up the fuel consuming engine, the speed shall be reduced until the vehicle can run a lower steady speed where the fuel consuming engine does not start up for a defined time/distance (to be specified between technical service and manufacturer); or

(c) with recommendation from the manufacturer.

The fuel consuming engine shall be stopped within 10 seconds of it being automatically started.

3.1.2.2. Conditioning of vehicle

3.1.2.2.1. Before testing, the vehicle shall be kept in a room in which the temperature remains relatively constant between 293 and 303 K (20 °C and 30 °C). This conditioning shall be carried out for at least six hours and continue until the engine oil temperature and coolant, if any, are within ± 2 K of the temperature of the room, and the electrical energy storage device is fully charged as a result of the charging referred to in point 3.1.2.2.2.

3.1.2.2.2. During soak, the electrical energy storage device shall be charged using the normal overnight charging procedure as described in point 4.1.2 of Sub-appendix 2.

3.1.2.3. Test procedure

3.1.2.3.1. The vehicle shall be started up by the means provided for normal use to the driver. The first cycle starts on the initiation of the vehicle start-up procedure.

3.1.2.3.2. The test procedures defined in either point 3.1.2.3.2.1 or point 3.1.2.3.2.2 may be used.

3.1.2.3.2.1. Sampling shall begin (BS) before or at the initiation of the vehicle start up procedure and end as defined in the applicable test procedure (Appendix 1 or Appendix 1a) (end of sampling (ES)).

3.1.2.3.2.2. Sampling shall begin (BS) before or at the initiation of the vehicle start up procedure and continue over a number of repeat test cycles. It shall end on conclusion of the final idling period where the electrical energy storage device has reached the minimum state of charge according to the criterion defined below (end of sampling (ES)).

The electricity balance Q [Ah], measured using the procedure specified in Sub-appendix 1, is used to determine when the minimum state of charge of the electrical energy storage device has been reached.

The minimum state of charge of the electrical energy storage device is considered to have been reached in test cycle N if the electricity balance during test cycle $N + 1$ is not more than a 3 % discharge, expressed as a percentage of the nominal capacity of the energy storage (in Ah) in its maximum state of charge.

At the request of the manufacturer additional test cycles may be run and their results included in the calculations described in points 3.1.2.3.5 and 3.1.2.3.6 provided that the electricity balance for each additional test cycle shows less discharge of the electrical energy storage device than over the previous cycle.

In between each of the cycles a hot soak period of up to 10 minutes is allowed.

3.1.2.3.3. The vehicle shall be driven according to the applicable test procedure (Appendix 1 or Appendix 1a).

3.1.2.3.4. The exhaust gases shall be analysed according to the applicable test procedure (Appendix 1 or Appendix 1a).

3.1.2.3.5. The results on the combined cycle for Condition A shall be recorded in $m1$. In the case of testing according to point 3.1.2.3.2.1, $m1$ is simply the results in grams of the single cycle run. In the case of testing according to point 3.1.2.3.2.2, $m1$ is the sum in grams of the results of the N cycles run.

$$m1 = \sum_{i=1}^N m_i$$

3.1.2.3.6. The average mass emission in g/km of each pollutant for Condition A shall be calculated ($M1$),

$$M1 = m1/D_{test1}$$

with D_{test1} the total actual driven distances in the test performed under condition A.

3.1.3. Condition B

3.1.3.1. Conditioning of vehicle

- 3.1.3.1.1. The electrical energy storage device of the vehicle shall be discharged according to point 3.1.2.1.
- 3.1.3.1.2. Before testing, the vehicle shall be kept in a room in which the temperature remains relatively constant between 293 and 303 K (20 °C and 30 °C). This conditioning shall be carried out for at least six hours and continue until the engine oil temperature and coolant, if any, are within ± 2 K of the temperature of the room.
- 3.1.3.2. Test procedure
- 3.1.3.2.1. The vehicle shall be started up by the means provided for normal use to the driver. The first cycle starts on the initiation of the vehicle start-up procedure.
- 3.1.3.2.2. Sampling shall begin (BS) before or at the initiation of the vehicle start up procedure and end as defined in the applicable test procedure (Appendix 1 or Appendix 1a) (end of sampling (ES)).
- 3.1.3.2.3. The vehicle shall be driven according to the applicable test procedure (Appendix 1 or Appendix 1a).
- 3.1.3.2.4. The exhaust gases shall be analysed according to the applicable test procedure (Appendix 1 or Appendix 1a).
- 3.1.3.2.5. The results on the combined cycle for Condition B shall be recorded in m2.
- 3.1.3.2.6. The average emission in g/km of each pollutant for Condition B shall be calculated (M2)

$$M2 = m2/D_{test2}$$

with Dtest2 the total actual driven distances in the test performed under condition B.

- 3.1.4. Test results
- 3.1.4.1. In the case of testing according to point 3.1.2.3.2.1 the weighted values shall be calculated as below:

$$M = (D_e \cdot M1 + D_{av} \cdot M2)/(D_e + D_{av})$$

Where:

M = mass emission of the pollutant in grams per kilometre

M1 = average mass emission of the pollutant in grams per kilometre with a fully charged electrical energy storage device

M2 = average mass emission of the pollutant in grams per kilometre with an electrical energy storage device in minimum state of charge (maximum discharge of capacity)

De = vehicle electric range according to the procedure described in Sub-appendix 2

Dav = assumed average distance of the vehicle used in condition B in the time period between two recharges of the energy storage device:

— 4 km for Category 1 motorcycle (Engine capacity < 150 cc),

— 6 km for Category 2 motorcycle (Engine capacity $\geq$ 150 cc, Vmax < 130 km/h),

— 10 km for Category 3 motorcycle (Engine capacity $\geq$ 150 cc, Vmax > 130 km/h),

- 3.1.4.2. In the case of testing according to point 3.1.2.3.2.2 the weighted values shall be calculated as below:

$$M = (D_{ovc} \cdot M1 + D_{av} \cdot M2)/(D_{ovc} + D_{av})$$

Where:

M = mass emission of pollutant in grams per kilometre

- M1 = average mass emission of pollutant grams per kilometre with a fully charged electrical energy storage device
- M2 = average mass emission of pollutant in grams per kilometre with an electrical energy storage device in minimum state of charge (maximum discharge of capacity)
- Dovc = vehicle OVC range according to the procedure described in Sub-appendix 2
- Dav = assumed average distance of the vehicle used in condition B in the time period between two recharges of the energy storage device:
- 4 km for Category 1 motorcycle (Engine capacity < 150 cc),
 - 6 km for Category 2 motorcycle (Engine capacity ≥ 150 cc, Vmax < 130 km/h),
 - 10 km for Category 3 motorcycle (Engine capacity ≥ 150 cc, Vmax > 130 km/h),

3.2. Externally chargeable (OVC) with an operating mode switch

3.2.1. Two tests shall be performed under the following conditions:

3.2.1.1. Condition A: test shall be carried out with a fully charged electrical energy storage device.

3.2.1.2. Condition B: test shall be carried out with an electrical energy storage device in minimum state of charge (maximum discharge of capacity)

3.2.1.3. The operating mode switch shall be positioned according the following table:

Operating modes available	— Pure electric — Hybrid ⁽¹⁾	— Pure fuel consuming — Hybrid ⁽¹⁾	— Pure electric — Pure fuel consuming — Hybrid ⁽¹⁾	— Hybrid mode n ... — Hybrid mode m
Position of the operating mode switch in condition A (maximum state of charge)	Hybrid ⁽¹⁾	Hybrid ⁽¹⁾	Hybrid ⁽¹⁾	Most electric hybrid mode ⁽²⁾
Position of the operating mode switch in condition B (minimum state of charge)	Hybrid ⁽¹⁾	Fuel consuming	Fuel consuming	Most fuel consuming hybrid mode ⁽³⁾

⁽¹⁾ In case of more than one "hybrid mode" is available, the procedure of the last right column shall be used

⁽²⁾ Most electric hybrid mode:

The hybrid mode which can be proven to have the highest electricity consumption of all selectable hybrid modes when tested in accordance with Condition A, to be established based on information provided by the manufacturer and in agreement with the technical service.

⁽³⁾ Most fuel consuming hybrid mode:

The hybrid mode which can be proven to have the highest fuel consumption of all selectable hybrid modes when tested in accordance with Condition B, to be established based on information provided by the manufacturer and in agreement with the technical service.

3.2.2. Condition A

3.2.2.1. If the pure electric range of the vehicle is higher than one complete cycle, on the request of the manufacturer, the Type I test may be carried out in pure electric mode, after agreement of the technical service. In this case, the value of m1 in point 3.2.2.4.5 is equal to 0.

3.2.2.2. The procedure shall start with the discharge of the electrical energy storage device of the vehicle.

3.2.2.2.1. If the vehicle is equipped with a pure electric mode, the discharge of the electrical energy storage device shall be achieved by driving the vehicle with the switch in pure electric position (on the test track, on a chassis dynamometer, etc.) at a steady speed corresponding to 70 % ± 5 % of the maximum speed indicated by manufacturer. Stopping the discharge occurs in any of the following situations:

- (a) when the vehicle is not able to run at 65 % of the maximum speed;
- (b) when an indication to stop the vehicle is given to the driver by the standard on-board instrumentation;
- (c) after covering distance of 100 kilometres.

3.2.2.2.2. If the vehicle is not equipped with a pure electric mode, the discharge of the electrical energy storage device shall be achieved by driving the vehicle:

- (a) at a steady speed of 50 km/h or the maximum vehicle speed in pure electric vehicle mode until the fuel consuming engine of the HEV starts up; or
- (b) if a vehicle cannot reach a steady speed of 50 km/h without starting up the fuel consuming engine, the speed shall be reduced until the vehicle can run a lower steady speed where the fuel consuming engine does not start up for a defined time/distance (to be specified between technical service and manufacturer); or
- (c) with recommendation from the manufacturer.

The fuel consuming engine shall be stopped within 10 seconds of it being automatically started.

3.2.2.3. Conditioning of vehicle

3.2.2.3.1. Before testing, the vehicle shall be kept in a room in which the temperature remains relatively constant between 293 and 303 K (20 °C and 30 °C). This conditioning shall be carried out for at least six hours and continue until the engine oil temperature and coolant, if any, are within ± 2 K of the temperature of the room, and the electrical energy storage device is fully charged as a result of the charging prescribed in point 3.2.2.3.2.

3.2.2.3.2. During soak, the electrical energy storage device shall be charged, using the normal overnight charging procedure as defined in point 4.1.2 Sub-appendix 2.

3.2.2.4. Test procedure

3.2.2.4.1. The vehicle shall be started up by the means provided for normal use to the driver. The first cycle starts on the initiation of the vehicle start-up procedure.

3.2.2.4.2. The test procedures defined in either point 3.2.2.4.2.1 or point 3.2.2.4.2.2 may be used.

3.2.2.4.2.1. Sampling shall begin (BS) before or at the initiation of the vehicle start up procedure and end as defined in the applicable test procedure (Appendix 1 or Appendix 1a (end of sampling (ES))).

3.2.2.4.2.2. Sampling shall begin (BS) before or at the initiation of the vehicle start up procedure and continue over a number of repeat test cycles. It shall end on conclusion of the final idling period where the electrical energy storage device has reached the minimum state of charge according to the criterion defined below (end of sampling (ES)).

The electricity balance Q [Ah], measured using the procedure specified in Sub-appendix 1 to this appendix, is used to determine when the minimum state of charge of the electrical energy storage device has been reached.

The minimum state of charge of the electrical energy storage device is considered to have been reached in test cycle N if the electricity balance during test cycle $N + 1$ is not more than a 3 % discharge, expressed as a percentage of the nominal capacity of the electrical energy storage device (in Ah) in its maximum state of charge.

At the manufacturer's request additional test cycles may be run and their results included in the calculations in points 3.2.2.4.5 and 3.2.2.4.6 provided that the electricity balance for each additional test cycle shows less discharge of the electrical energy storage device than over the previous cycle.

In between each of the cycles a hot soak period of up to 10 minutes is allowed.

- 3.2.2.4.3. The vehicle shall be driven according to the applicable test procedure (Appendix 1 or Appendix 1a).
- 3.2.2.4.4. The exhaust gases shall be analysed according to the applicable test procedure (Appendix 1 or Appendix 1a).
- 3.2.2.4.5. The results on the combined cycle for Condition A shall be recorded in m1. In the case of testing according to point 3.2.2.4.2.1, m1 is simply the results in grams of the single cycle run. In the case of testing according to point 3.2.2.4.2.2, m1 is the sum in grams of the results of the N cycles run.

$$m1 = \sum_{i=1}^N m_i$$

- 3.2.2.4.6. The average mass emission in g/km of each pollutant for Condition A shall be calculated (M1),

$$M1 = m1/D_{test1}$$

with Dtest1 the total actual driven distances in the test performed under condition A

3.2.3. Condition B

- 3.2.3.1. In case the vehicle has the possibility to work on different hybrid modes (For instance: sport, economic, urban, extra-urban, etc.), the switch shall be set in such a way that vehicle is running on most fuel consuming hybrid mode (see point 3.2.1.3 above, note 3)

3.2.3.2. Conditioning of vehicle

- 3.2.3.2.1. The electrical energy storage device of the vehicle shall be discharged according to point 3.2.2.2.

- 3.2.3.2.2. Before testing, the vehicle shall be kept in a room in which the temperature remains relatively constant between 293 and 303 K (20 °C and 30 °C). This conditioning shall be carried out for at least six hours and continue until the engine oil temperature and coolant, if any, are within ± 2 K of the temperature of the room.

3.2.3.3. Test procedure

- 3.2.3.3.1. The vehicle shall be started up by the means provided for normal use to the driver. The first cycle starts on the initiation of the vehicle start-up procedure.

- 3.2.3.3.2. Sampling shall begin (BS) before or at the initiation of the vehicle start up procedure and end as defined in the applicable test procedure (Appendix 1 or Appendix 1a) (end of sampling (ES)).

- 3.2.3.3.3. The vehicle shall be driven according to the applicable test procedure (Appendix 1 or Appendix 1a).

- 3.2.3.3.4. The exhaust gases shall be analysed according to the applicable test procedure (Appendix 1 or Appendix 1a).

- 3.2.3.3.5. The results on the combined cycle for Condition B shall be recorded in m2.

- 3.2.3.3.6. The average emission in g/km of each pollutant for Condition B shall be calculated (M2)

$$M2 = m2/D_{test2}$$

with Dtest2 the total actual driven distances in the test performed under condition B.

3.2.4. Test results

- 3.2.4.1. In the case of testing according to point 3.2.2.4.2.1, the weighted values shall be calculated as follows:

$$M = (D_e \cdot M1 + D_{av} \cdot M2)/(D_e + D_{av})$$

Where:

M = mass emission of the pollutant in grams per kilometre

M1 = average mass emission of the pollutant in grams per kilometre with a fully charged electrical energy storage device.

M2 = average mass emission of the pollutant in grams per kilometre with an electrical energy storage device in minimum state of charge (maximum discharge of capacity).

De = vehicle electric range according to the procedure described in Sub-appendix 2

Dav = assumed average distance of the vehicle used in condition B in the time period between two recharges of the electric energy storage device:

— 4 km for Category 1 motorcycle (Engine capacity < 150 cc),

— 6 km for Category 2 motorcycle (Engine capacity ≥ 150 cc, Vmax < 130 km/h),

— 10 km for Category 3 motorcycle (Engine capacity ≥ 150cc, Vmax > 130 km/h),

3.2.4.2. In the case of testing according to point 3.2.2.4.2.2, the weighted values shall be calculated as follows:

$$M = (Dovc \cdot M1 + Dav \cdot M2) / (Dovc + Dav)$$

Where

M = mass emission of pollutant in grams per kilometre

M1 = average mass emission of pollutant grams per kilometre with a fully charged electrical energy storage device calculated in point 3.1.2.3.6.

M2 = average mass emission of pollutant in grams per kilometre with an electrical energy storage device in minimum state of charge (maximum discharge of capacity) calculated in point 3.2.3.3.6.

Dovc = vehicle OVC range according to the procedure described in Sub-appendix 2

Dav = assumed average distance of the vehicle used in condition B in the time period between two recharges of the electric energy storage device:

— 4 km for Category 1 motorcycle (Engine capacity < 150 cc),

— 6 km for Category 2 motorcycle (Engine capacity ≥ 150 cc, Vmax < 130 km/h),

— 10 km for Category 3 motorcycle (Engine capacity ≥ 150 cc, Vmax > 130 km/h),

3.3. **Not externally chargeable (NOVC HEV) without an operating mode switch**

3.3.1. Not externally chargeable (NOVC HEV) without an operating mode switch vehicles, in hybrid mode, shall be tested according to Annex I to Chapter 5.

3.3.2. The vehicle shall be driven according to the applicable test procedure (Appendix 1 or Appendix 1a).

3.4. **Not externally chargeable (NOVC HEV) with an operating mode switch**

3.4.1. Not externally chargeable (NOVC HEV) with an operating mode switch vehicles, in hybrid mode, are tested according to Annex I to Chapter 5. If several modes are available, the test shall be carried out in the mode that is automatically set after turn on of the ignition key (normal mode). On the basis of information provided by the manufacturer, the Technical Service will make sure that the limit values are met in all hybrid modes.

3.4.2. The vehicle shall be driven according to the applicable test procedure (Appendix 1 or Appendix 1a).

4. TYPE II TEST METHODS

4.1. The vehicles shall be tested according to the test procedure described in Appendix 2.

Sub-appendix 1

Method for measuring the electricity balance of the battery of OVC and NOVC HEVS

1. Purpose

1.1. The purpose of this sub-appendix is to describe the method and required instrumentation for measuring the electricity balance of Off Vehicle Charging Hybrid Electric Vehicles (OVC HEV) and Not Off Vehicle Charging Hybrid Electric Vehicles (NOVC HEV).

2. Measurement equipment and instrumentation

- 2.1. During the tests as described in points 3.1 to 3.4 the battery current shall be measured using a current transducer of the clamp-on type or the closed type. The current transducer (i.e. the current sensor without data acquisition equipment) shall have a minimum accuracy of 0,5 % of the measured value or 0,1 % of the maximum value of the scale.

OEM diagnostic testers are not to be used for the purpose of this test.

- 2.1.1. The current transducer shall be fitted on one of the wires directly connected to the battery. In order to easily measure battery current using external measuring equipment, manufacturers shall, if possible, integrate appropriate, safe and accessible connection points in the vehicle. If that is not feasible, the manufacturer is obliged to support the Technical Service by providing the means to connect a current transducer to the wires connected to the battery in the above described manner.

- 2.1.2. The output of the current transducer shall be sampled with a minimum sample frequency of 5 Hz. The measured current shall be integrated over time, yielding the measured value of Q, expressed in Ampere hours (Ah).

- 2.1.3. The temperature at the location of the sensor shall be measured and sampled with the same sample frequency as the current, so that this value can be used for possible compensation of the drift of current transducers and, if applicable, the voltage transducer used to convert the output of the current transducer.

- 2.2. A list of the instrumentation (manufacturer, model no., serial no.) used by the manufacturer for determining when the minimum state of charge of the battery as been reached during the test procedure defined in points 3.1 and 3.2 and the last calibration dates of the instruments (where applicable) shall be provided to the Technical Service.

3. Measurement procedure

- 3.1. Measurement of the battery current shall start at the same time as the test starts and shall end immediately after the vehicle has driven the complete driving cycle.

Sub-appendix 2

Method of measuring the electric range of vehicles powered by a hybrid electric power train and the OVC range of vehicles powered by a hybrid electric powertrain

1. MEASUREMENT OF THE ELECTRIC RANGE

The test method described in this sub-appendix permits to measure the electric range, expressed in km, of vehicles powered by a hybrid electric power train with off-vehicle charging (OVC-HEV).

2. PARAMETERS, UNITS AND ACCURACY OF MEASUREMENTS

Parameters, units and accuracy of measurements shall be as follows:

Parameter	Unit	Accuracy	Resolution
Time	s	+/- 0,1 s	0,1 s
Distance	m	+/- 0,1 %	1 m
Temperature	°C	+/- 1 °C	1 °C
Speed	km/h	+/- 1 %	0,2 km/h
Mass	kg	+/- 0,5 %	1 kg
Electricity balance	Ah	+/- 0,5 %	0,3 %

3. TEST CONDITIONS

- 3.1. Condition of the vehicle

- 3.1.1. The vehicle tyres shall be inflated to the pressure specified by the vehicle manufacturer when the tyres are at the ambient temperature.
- 3.1.2. The viscosity of the oils for the mechanical moving parts shall conform to the specifications of the vehicle manufacturer.
- 3.1.3. The lighting and light-signalling and auxiliary devices shall be off, except those required for testing and usual daytime operation of the vehicle.
- 3.1.4. All energy storage systems available for other than traction purposes shall be charged up to their maximum level specified by the manufacturer.
- 3.1.5. If the batteries are operated above the ambient temperature, the operator shall follow the procedure recommended by the vehicle manufacturer in order to keep the temperature of the battery in the normal operating range.

The manufacturer's agent shall be in a position to attest that the thermal management system of the battery is neither disabled nor reduced.

- 3.1.6. The vehicle must have undergone at least 300 km during the seven days before the test with those batteries that are installed in the test vehicle.

3.2. Climatic conditions

For testing performed outdoors, the ambient temperature shall be between 5 °C and 32 °C. The indoors testing shall be performed at a temperature between 20 °C and 30 °C.

4. OPERATION MODES

The test method includes the following steps:

- (a) Initial charge of the battery;
- (b) Application of the cycle and measurement of the electric range.

Between the steps, if the vehicle shall move, it shall be pushed to the following test area (without regenerative recharging).

4.1. Initial charge of the battery

Charging the battery consists of the following procedures:

Note: "Initial charge of the battery" applies to the first charge of the battery, at the reception of the vehicle.

In case of several combined tests or measurements, carried out consecutively, the first charge carried out shall be an "initial charge of the battery" and the following may be done in accordance with the "normal overnight charge" (described in point 4.1.2.1) procedure.

4.1.1. Discharge of the battery

- 4.1.1.1. For externally chargeable hybrid electric vehicle (OVC HEV) without an operating mode switch, the manufacturer shall provide the means for performing the measurement with the vehicle running in pure electric operating state. The procedure shall start with the discharge of the electrical energy storage device of the vehicle while driving:

- (a) at a steady speed of 50 km/h until the fuel consuming engine of the HEV starts up,
- (b) or, if a vehicle can not reach a steady speed of 50 km/h without starting up the fuel consuming engine, the speed shall be reduced until the vehicle can run at a lower steady speed where the fuel consuming engine just does not start up for a defined time/distance (to be specified between technical service and manufacturer),
- (c) or with recommendation from the manufacturer.

The fuel consuming engine shall be stopped within 10 seconds of it being automatically started.

4.1.1.2. For externally chargeable hybrid electric vehicle (OVC HEV) with an operating mode:

4.1.1.2.1. If the vehicle is equipped with a pure electric operating state, the procedure shall start with the discharge of the electrical energy storage device of the vehicle while driving with the switch in pure electric position at a steady speed of 70 % $\pm$ 5 % of the maximum thirty minutes speed of the vehicle. Stopping the discharge occurs in any of the following situations:

- (a) when the vehicle is not able to run at 65 % of the maximum thirty minutes speed; or
- (b) when an indication to stop the vehicle is given to the driver by the standard onboard instrumentation, or
- (c) after covering the distance of 100 km.

4.1.1.2.2. If the vehicle is not equipped with a pure electric operating state, the manufacturer shall provide the means for performing the measurement with the vehicle running in pure electric operating state. The discharge of the electrical energy storage device shall be achieved by driving the vehicle:

- (a) at a steady speed of 50 km/h until the fuel consuming engine of the HEV starts up, or
- (b) if a vehicle can not reach a steady speed of 50 km/h without starting up the fuel consuming engine, the speed shall be reduced until the vehicle can run a lower steady speed where the fuel consuming engine just does not start up for a defined time/distance (to be specified between technical service and manufacturer), or
- (c) with recommendation from the manufacturer.

The fuel consuming engine shall be stopped within 10 seconds of it being automatically started.

4.1.2. Application of a normal overnight charge

For an OVC HEV, the electrical energy storage device shall be charged according to the following procedure.

4.1.2.1. Normal overnight charge procedure

The charging is carried out:

- (a) with the on board charger if fitted; or
- (b) with an external charger recommended by the manufacturer using the charging pattern prescribed for normal charging;
- (c) in an ambient temperature comprised between 20 °C and 30 °C.

This procedure excludes all types of special charges that could be automatically or manually initiated like, for instance, the equalisation charges or the servicing charges. The manufacturer shall declare that during the test, a special charge procedure has not occurred.

4.1.2.2. End of charge criteria

The end of charge criteria corresponds to a charging time of 12 hours, except if a clear indication is given to the driver by the standard instrumentation that the electrical energy storage device is not yet fully charged.

In this case, the maximum time is $= 3 \cdot \text{claimed battery capacity (Wh)} / \text{mains power supply (W)}$

4.2. Application of the cycle and measurement of the range

4.2.1. To determine the electric range of a hybrid electric vehicle

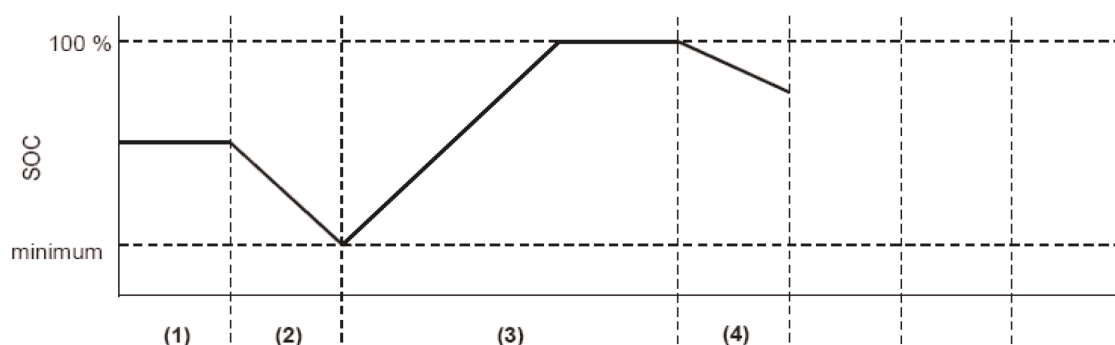
4.2.1.1. The applicable test sequence as described in point 2 of Annex II to Chapter 5 and accompanying gear shift prescription is applied on a chassis dynamometer adjusted as described in Appendix 1 to Annex II to Chapter 5, until the end of the test criteria is reached.

- 4.2.1.2. At a speed over 50 km/h or maximum speed in pure electric mode, as declared by manufacturer, when the vehicle does not reach the required acceleration or speed of the test cycle, the accelerator handle shall remain in WOT position until the reference curve has been reached again.
- 4.2.1.3. To measure the electric driving range the end of the test criteria is reached when the vehicle is not able to meet the target curve, up to 50 km/h, or the maximum speed in pure electric mode, as declared by manufacturer, or when an indication from the standard on-board instrumentation is given to the driver to stop the vehicle or when the electrical energy storage device has reached its minimum level of charge. Then the vehicle shall be slowed down to 5 km/h by releasing the accelerator handle, without touching the brake and then stopped by braking.
- 4.2.1.4. To respect human needs, up to three interruptions are permitted between test sequences, of no more than 15 minutes in total.
- 4.2.1.5. At the end, the measure D_e of the distance covered using the electrical motor only in km is the electric range of the hybrid electric vehicle. It shall be rounded to the nearest whole number.
- Where the vehicle operates both in electric and hybrid modes during the test, the periods of electric only operation will be determined by measuring current to the injectors or ignition.
- 4.2.2. To determine the OVC range of a hybrid electric vehicle
- 4.2.2.1. The applicable test sequence as defined in point 2 of Annex II to Chapter 5, and accompanying gear shift prescription is applied on a chassis dynamometer adjusted as described in Appendix 1 or Appendix 1a to Annex II to Chapter 5, until the end of the test criteria is reached.
- 4.2.2.2. To measure the OVC range the end of the test criteria is reached when the battery has reached its minimum state of charge according to the criteria defined in Sub-appendix 1. Driving is continued until the final idling period is reached.
- 4.2.2.3. To respect human needs, up to three interruptions are permitted between test sequences, of no more than 15 minutes in total.
- 4.2.2.4. At the end, the total distance driven in km, rounded to the nearest whole number, is the OVC range (D_{ovc}) of the hybrid electric vehicle.

Sub-appendix 3

Electrical energy storage device State Of Charge (SOC) profile for OVC HEV Type I test

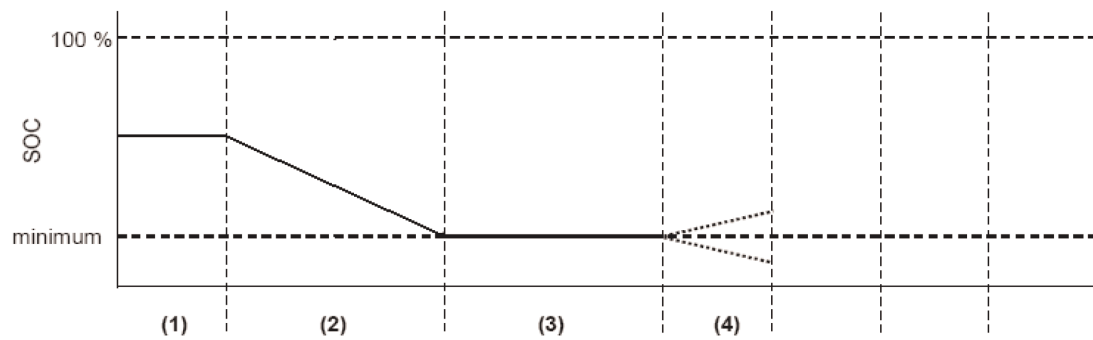
Condition A of the Type I test



Condition A:

1. initial electrical energy storage device state of charge
2. discharge according to points 3.1.2.1 and 3.2.2.2 of Appendix 3
3. charge during soak according to points 3.1.2.2.2 and 3.2.2.3.2 of Appendix 3
4. test according to points 3.1.3.2 and 3.2.2.4 of Appendix 3

Condition B of the Type I test



Condition B:

1. initial state of charge
2. discharge according to points 3.1.3.1.1 and 3.2.3.2.1 of Appendix 3
3. soak according to points 3.1.3.1.2 and 3.2.3.2.2 of Appendix 3
4. test according to points 3.1.3.2 and 3.2.3.3 of Appendix 3'

ANNEX II

AMENDMENT TO ANNEX III OF CHAPTER 9 OF DIRECTIVE 97/24/EC

Annex III of Chapter 9 of Directive 97/24/EC is amended as follows:

1. The following point 1.5 is added:

‘1.5. “Hybrid electric vehicle (HEV)” means a vehicle that, for the purpose of mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy:

(a) a consumable fuel;

(b) an electrical energy storage device (e.g.: battery, capacitor, flywheel/generator etc.)’

2. The following point 2.1.4.4 is inserted:

‘2.1.4.4. In case of Hybrid vehicle the tests have to be performed 2 times:

(a) Condition A: Batteries shall be at their maximum state of charge; if more than one “hybrid mode” is available, the most electric hybrid mode shall be selected for the test;

(b) Condition B: Batteries shall be at their minimum state of charge; if more than one “hybrid mode” is available, the most fuel consuming hybrid mode shall be selected for the test’

3. The following point 2.1.5.5 is inserted:

‘2.1.5.5. If the average of four results of Condition A and if the average of four results of Condition B do not exceed the maximum permissible level for the category to which the vehicle being tested belongs, the limits laid down in point 2.1.1 shall be deemed as being complied with.

The highest average value shall constitute the result of the test.’

ANNEX III

AMENDMENT TO ANNEX IV OF CHAPTER 9 OF DIRECTIVE 97/24/EC

Annex IV of Chapter 9 of Directive 97/24/EC is amended as follows:

1. The following point 1.5 is added:

‘1.5. “Hybrid electric vehicle (HEV)” means a vehicle that, for the purpose of mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy:

(a) a consumable fuel;

(b) an electrical energy storage device (e.g.: battery, capacitor, flywheel/generator etc.)...’

2. The following point 2.2.4.5 is inserted:

‘2.2.4.5. In case of Hybrid vehicle the tests have to be performed 2 times:

(a) Condition A: Batteries shall be at their maximum state of charge; if more than one “hybrid mode” is available, the most electric hybrid mode shall be selected for the test

(b) Condition B: Batteries shall be at their minimum state of charge; if more than one “hybrid mode” is available, the most fuel consuming hybrid mode shall be selected for the test’

3. The following point 2.2.5.5 is inserted:

‘2.2.5.5. If the average of four results of Condition A and if the average of four results of Condition B do not exceed the maximum permissible level for the category to which the vehicle being tested belongs, the limits laid down in point 2.2.1 shall be deemed as being complied with.

The highest average value shall constitute the result of the test.’

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 17 August 2009

concerning the non-inclusion of petroleum oil CAS 92062-35-6 in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance

(notified under document C(2009) 6303)

(Text with EEA relevance)

(2009/616/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Annex I to Directive 91/414/EEC. That list includes petroleum oil CAS 92062-35-6.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulations (EC) No 1112/2002 ⁽²⁾ and (EC) No 2229/2004 ⁽³⁾ lay down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in

- (3) For petroleum oil CAS 92062-35-6 the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 1112/2002 and (EC) No 2229/2004 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 21(3) of Regulation (EC) No 2229/2004. For petroleum oil CAS 92062-35-6 the rapporteur Member State was Spain and all relevant information was submitted in March 2008.
- (4) The Commission examined petroleum oil CAS 92062-35-6 in accordance with Article 24(a) of Regulation (EC) No 2229/2004. A draft review report for that substance was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 12 March 2009 in the format of the Commission review report.
- (5) During the examination of petroleum oil CAS 92062-35-6 by the Committee, it was concluded, taking into account comments received from Member States, that it has to be considered that there are clear indications that it may be expected that that active substance has harmful effects on human health and in particular on consumers and operators, because the existing evidence is not sufficient to allow the establishment of an ADI, ARfD and an AOEL.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 168, 27.6.2002, p. 14.

⁽³⁾ OJ L 379, 24.12.2004, p. 13.

(6) The Commission invited the notifier to submit its comments on the results of the examination of Petroleum oil CAS 92062-35-6 and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments put forwards by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing Petroleum oil CAS 92062-35-6 satisfies in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.

(7) Petroleum oil CAS 92062-35-6 should therefore not be included in Annex I to Directive 91/414/EEC.

(8) Measures should be taken to ensure that authorisations granted for plant protection products containing petroleum oil CAS 92062-35-6 are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.

(9) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing petroleum oil CAS 92062-35-6 should be limited to 12 months in order to allow existing stocks to be used in one further growing season, which ensures that plant protection products containing petroleum oil CAS 92062-35-6 remain available to users for 18 months from the adoption of this Decision.

(10) This Decision does not prejudice the submission of an application for petroleum oil CAS 92062-35-6 in accordance with Article 6(2) of Directive 91/414/EEC and Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽¹⁾, in view of a possible inclusion in its Annex I.

(11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Petroleum oil CAS 92062-35-6 shall not be included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

(a) authorisations for plant protection products containing petroleum oil CAS 92062-35-6 are withdrawn by 17 February 2010;

(b) no authorisations for plant protection products containing petroleum oil CAS 92062-35-6 are granted or renewed from the date of publication of this Decision.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire on 17 February 2011 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 August 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 15, 18.1.2008, p. 5.

COMMISSION DECISION

of 17 August 2009

concerning the non-inclusion of paraffin oil CAS 64742-54-7 in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance

*(notified under document C(2009) 6305)***(Text with EEA relevance)**

(2009/617/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

(1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.

(2) Commission Regulations (EC) No 1112/2002 ⁽²⁾ and (EC) No 2229/2004 ⁽³⁾ lay down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes paraffin oil CAS 64742-54-7.

(3) For paraffin oil CAS 64742-54-7 the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 1112/2002 and (EC) No 2229/2004 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 21(3) of Regulation (EC) No 2229/2004. For paraffin oil CAS 64742-54-7 the Rapporteur Member State was Greece and all relevant information was submitted in April 2008.

(4) The Commission examined paraffin oil CAS 64742-54-7 in accordance with Article 24a of Regulation (EC) No 2229/2004. A draft review report for that substance was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 12 March 2009 in the format of the Commission review report.

(5) During the examination of paraffin oil CAS 64742-54-7 by the Committee, it was concluded, taking into account comments received from Member States, that there are clear indications that it may be expected that the active substance has harmful effects on human health and in particular on consumers and operators because the existing evidence is not sufficient to allow the establishment of an ADI, ARfD and an AOEL.

(6) The Commission invited the notifier to submit its comments on the results of the examination of paraffin oil CAS 64742-54-7 and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments put forwards by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing paraffin oil CAS 64742-54-7 satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.

(7) Paraffin oil CAS 64742-54-7 should therefore not be included in Annex I to Directive 91/414/EEC.

(8) Measures should be taken to ensure that authorisations granted for plant protection products containing paraffin oil CAS 64742-54-7 are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.

(9) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing paraffin oil CAS 64742-54-7 should be limited to 12 months in order to allow existing stocks to be used in one further growing season, which ensures that plant protection products containing paraffin oil CAS 64742-54-7 remain available to users for 18 months from the adoption of this Decision.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 168, 27.6.2002, p. 14.

⁽³⁾ OJ L 379, 24.12.2004, p. 13.

- (10) This Decision does not prejudice the submission of an application for paraffin oil CAS 64742-54-7 in accordance with Article 6(2) of Directive 91/414/EEC and Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽¹⁾, in view of a possible inclusion in its Annex I.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Paraffin oil CAS 64742-54-7 shall not be included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

- (a) authorisations for plant protection products containing paraffin oil CAS 64742-54-7 are withdrawn by 17 February 2010;
- (b) no authorisations for plant protection products containing paraffin oil CAS 64742-54-7 are granted or renewed from the date of publication of this Decision.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire on 17 February 2011 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 August 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 15, 18.1.2008, p. 5.

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