

Official Journal

of the European Union

L 72



English edition

Legislation

Volume 53

20 March 2010

Contents

I *Legislative acts*

DIRECTIVES

- ★ **Council Directive 2010/23/EU of 16 March 2010 amending Directive 2006/112/EC on the common system of value added tax, as regards an optional and temporary application of the reverse charge mechanism in relation to supplies of certain services susceptible to fraud 1**

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) No 234/2010 of 19 March 2010 laying down certain detailed rules for the application of Council Regulation (EC) No 1234/2007 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals 3**

Commission Regulation (EU) No 235/2010 of 19 March 2010 establishing the standard import values for determining the entry price of certain fruit and vegetables 13

Commission Regulation (EU) No 236/2010 of 19 March 2010 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year 15

Price: EUR 3

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

DIRECTIVES

★ **Commission Directive 2010/19/EU of 9 March 2010 amending, for the purposes of adaptation to technical progress in the field of spray-suppression systems of certain categories of motor vehicles and their trailers, Council Directive 91/226/EEC, and Directive 2007/46/EC of the European Parliament and of the Council ⁽¹⁾** 17

DECISIONS

2010/166/EU:

★ **Commission Decision of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union (notified under document C(2010) 1644) ⁽¹⁾**..... 38

RECOMMENDATIONS

2010/167/EU:

★ **Commission Recommendation of 19 March 2010 on the authorisation of systems for mobile communication services on board vessels (MCV services) ⁽¹⁾** 42



⁽¹⁾ Text with EEA relevance

I

(Legislative acts)

DIRECTIVES

COUNCIL DIRECTIVE 2010/23/EU

of 16 March 2010

amending Directive 2006/112/EC on the common system of value added tax, as regards an optional and temporary application of the reverse charge mechanism in relation to supplies of certain services susceptible to fraud

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 113 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with a special legislative procedure,

Whereas:

(1) Council Directive 2006/112/EC ⁽³⁾ specifies that value added tax (VAT) shall be payable by any taxable person carrying out transactions involving the taxable supply of goods and services. In the case of cross-border transactions, and for certain domestic high-risk sectors such as construction or waste, it is foreseen, however, to shift the obligation to pay VAT onto the person to whom the supply is made.

(2) Given the seriousness of VAT fraud, Member States should be allowed to apply, on a temporary basis, a mechanism whereby the obligation to pay VAT shifts onto the person to whom allowances to emit greenhouse gases, as defined in Article 3 of Directive 2003/87/EC ⁽⁴⁾, and other units that may be used for compliance with the same Directive, are transferred.

(3) The introduction of such a mechanism targeting these services, which according to recent experience are particularly susceptible to fraud, as opposed to its general application, should not adversely affect the fundamental principles of the VAT system, such as fractionated payments.

(4) Member States should produce an evaluation report on the application of the mechanism so as to enable an assessment of its efficiency.

(5) In order to assess the effect of the application of the mechanism on fraudulent activities in a transparent manner, evaluation reports by Member States should be based on pre-defined criteria established by Member States. Any such evaluation should clearly assess the level of fraud before and after the application of the mechanism and any consequent shifts in trends of fraudulent activities, including supplies of other services. The report should also evaluate compliance costs for taxable persons.

(6) Each Member State that has detected a shift in trends of fraudulent activities in its territory in relation to the services under this Directive should produce a report in that respect.

(7) In order to provide all Member States with the option of applying such a mechanism, a specific amendment to Directive 2006/112/EC is necessary.

(8) Since the objective of this Directive, namely to address VAT fraud through a temporary measure which derogates from existing Union rules, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

⁽¹⁾ Opinion of 10 February 2010 (not yet published in the Official Journal).

⁽²⁾ Opinion of 21 January 2010 (not yet published in the Official Journal).

⁽³⁾ OJ L 347, 11.12.2006, p. 1.

⁽⁴⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community (OJ L 275, 25.10.2003, p. 32).

- (9) Directive 2006/112/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Directive 2006/112/EC the following Article shall be inserted:

‘Article 199a

1. Member States may, until 30 June 2015 and for a minimum period of two years, provide that the person liable for payment of VAT is the taxable person to whom any of the following supplies are made:

- (a) the transfer of allowances to emit greenhouse gases as defined in Article 3 of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community (*), transferable in accordance with Article 12 of that Directive;

- (b) the transfer of other units that may be used by operators for compliance with the same Directive.

2. Member States shall inform the Commission of the application of the mechanism provided for in paragraph 1 on the introduction of any such mechanism and shall provide the following information to the Commission:

- (a) a statement on the scope of the measure applying the mechanism and a detailed description of accompanying measures, including any reporting obligations on taxable persons and any control measures;

- (b) evaluation criteria to enable comparison between fraudulent activities in relation to the services listed in paragraph 1 before and after the application of the mechanism, fraudulent activities in relation to other services before and after the application of the mechanism, and any increase in other types of fraudulent activities before and after the application of the mechanism;

- (c) the date of commencement and the period to be covered by the measure applying the mechanism.

3. Member States applying the mechanism provided for in paragraph 1 shall, on the basis of the evaluation criteria provided for under paragraph 2(b), submit a report to the Commission no later than 30 June 2014. The report shall clearly indicate the information to be treated as confidential and the information which may be published.

The report shall provide a detailed assessment of the measure's overall effectiveness and efficiency, in particular as regards:

- (a) the impact on fraudulent activities in relation to supplies of services covered by the measure;
- (b) the possible shift of fraudulent activities to goods or other services;
- (c) the compliance costs for taxable persons resulting from the measure.

4. Each Member State that has detected, as from the entry into force of this Article, a shift in trends of fraudulent activities in its territory in relation to the services listed in paragraph 1, shall submit a report to the Commission in that respect no later than 30 June 2014.

(*) OJ L 275, 25.10.2003, p. 32.’

Article 2

Member States choosing to apply the mechanism provided for in Article 199a paragraph 1 of Directive 2006/112/EC shall communicate the provisions of the measure applying the mechanism to the Commission when the mechanism commences.

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

The Directive shall apply until 30 June 2015.

Article 5

This Directive is addressed to the Member States.

Article 6

This Directive shall be published in the *Official Journal of the European Union*.

Done at Brussels, 16 March 2010.

For the Council
The President
E. SALGADO

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 234/2010

of 19 March 2010

laying down certain detailed rules for the application of Council Regulation (EC) No 1234/2007 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals

(codified version)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Articles 170 and 187 in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) The export refunds, corrective amounts and export taxes on certain products covered by the common organisation of agricultural markets must be fixed, as a special measure in the event of a disturbance on the market, in accordance with certain criteria enabling the difference between the quotations and prices for such products in the Union and those on the world market to be covered.

(3) Given the disparity in the prices at which cereals are offered by the different exporting countries on the world market, account should be taken in particular of

the different internal forwarding costs and the refund should be fixed bearing in mind the difference between the representative prices in the Union and the most favourable quotations and prices applying on the world market.

(4) In order to make it possible to export flour, groats, meal and malt, the factors to be taken into account when fixing the refund are, on the one hand, the prices of the basic cereals, the quantities needed to manufacture the products concerned and the value of the by-products and, on the other hand, the opportunities and conditions for the sale of the products on the world market.

(5) It is a requirement of the system of corrective amounts provided for in Article 164(4) of Regulation (EC) No 1234/2007 that they be capable of differentiation according to the destination of the products to be exported.

(6) With a view to the efficient administration of Union funds and to take account of the export possibilities for those products, provision should be made for the export refunds and taxes on the products listed in points (a), (b) and (c) of Part I of Annex I to Regulation (EC) No 1234/2007 to be fixed by invitation to tender covering a given quantity.

(7) In order to ensure equal treatment for all interested parties within the Union, invitations to tender must be organised in accordance with uniform principles. To that end, decisions opening invitations to tender should be published together with a notice of invitation to tender in the *Official Journal of the European Union*.

(8) Tenders must contain the data needed to assess them and must be accompanied by certain formal undertakings.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 147, 30.6.1995, p. 7.

⁽³⁾ See Annex IV.

- (9) A maximum export refund or minimum export tax should be fixed. That procedure ensures that all the quantities concerned are allocated.
- (10) Situations may arise on the market in which the economic aspects of the exports contemplated result in no further action being taken in respect of tenders received rather than in the fixing of an export refund or tax.
- (11) A tendering security should ensure that the quantities exported are so exported pursuant to the licence issued under the invitation to tender. That obligation can be met only if tenders submitted are maintained. The security must accordingly be forfeited where tenders are withdrawn.
- (12) Detailed rules must be laid down to ensure that tenderers are notified of the outcome of the invitation to tender and that the necessary licences are issued for the export of the quantities allocated.
- (13) For the purposes of fixing export refunds on the products listed in points (a), (b) and (c) of Part I of Annex I to Regulation (EC) No 1234/2007 and in order to avoid the need to introduce checks to detect the slightest variations in quantities of the basic materials and without any noticeable effect on the quality of the product, a standard method of assessment should be adopted. The analysis of the ash content of products manufactured has proved the most effective technical means of assessing the quantity of basic cereals used. The analysis should be carried out following the same procedure throughout the Union.
- (14) Granting export refunds on cereals imported from third countries and re-exported to third countries does not appear justified. Refunds should accordingly be granted on Union products only.
- (15) Commission Regulation (EC) No 612/2009 of 7 July 2009 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽¹⁾, requires that, where refunds vary according to destination, payment of the refund be made conditional in particular on presentation of proof that the product has been imported in its unaltered state into the third country or into one of the third countries for which the refund applies. As regards cereals, the only refund lower than that applicable to exports to third countries as a whole is that on exports to Switzerland and Liechtenstein. In order to avoid obstructing most exports from the Union by requiring proof of arrival at destination, other means must be found to ensure that products on which a refund applying to all third countries has been paid are not exported to the above-mentioned countries. To that end, the need to present proof of arrival should be waived in all cases where export is effected by sea. Certificates drawn up by the competent authorities of the Member States stating that the products have left the customs territory of the Union on board a vessel suitable for sea transport are considered to provide a sufficient guarantee.
- (16) In accordance with Article 162 of Regulation (EC) No 1234/2007 products listed in that article to be exported with or without further processing may be eligible to export refunds if they comply with specific conditions laid down in Article 167 of that Regulation. Moreover, Article 167(7) of Regulation (EC) No 1234/2007 gives the possibility to the Commission to establish further conditions for the granting of export refunds for one or more products. Those conditions were laid down in the Council Regulations on the common organisation of the market in the sectors listed in Article 162(1) of Regulation (EC) No 1234/2007. Since those Regulations were repealed, horizontal provisions should be established.
- (17) Horizontal provisions already exist in Regulation (EC) No 612/2009. It is therefore appropriate to adapt that Regulation in order to establish the conditions referred to in Article 167(7) of Regulation (EC) No 1234/2007 and to delete those conditions in this Regulation.
- (18) Article 187 of Regulation (EC) No 1234/2007 provides that the necessary measures may be taken when the quotations or prices on the world market for one or more of the products referred to in Part I of Annex I to that Regulation reach a level that disrupts or threatens to disrupt the availability of supply on the Union market and when that situation is likely to continue or to deteriorate. To that end, sufficient supplies of cereals must be ensured. For that purpose, export taxes may be levied and the issuing of export licences totally or partly suspended.
- (19) Because of the non-commercial nature of the Union and national food aid measures provided for under international agreements or other supplementary programmes, as well as other Union free supply measures, exports made for this purpose are excluded from the field of application of the export tax applicable to commercial exports in cases of disturbance on the cereals market.
- (20) Since the situation envisaged in Article 187 of Regulation (EC) No 1234/2007 may arise at relatively short notice, the Commission must be able to suspend the issue of export licences at any time.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

⁽¹⁾ OJ L 186, 17.7.2009, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds, export taxes as referred to in Article 15(a) of this Regulation, and corrective amounts as referred to in Article 164(4) of Regulation (EC) No 1234/2007, in the case of the products listed in points (a), (b) and (c) of Part I of Annex I to that Regulation, shall be fixed in the light of the following factors in particular:

- (a) the prices charged on the representative Union markets and their trends, and the quotations recorded on the markets of third countries;
- (b) the marketing costs and the most favourable costs of transport from the representative Union markets to the port or other place of export, and the costs of forwarding on the world market;
- (c) in the case of processed products, the quantity of cereals required for the manufacture thereof;
- (d) the prospects for and conditions governing the sale of the relevant products on the world market;
- (e) concern to avoid disturbance on the Union market;
- (f) the economic aspect of the exports contemplated;
- (g) the quantitative and budgetary limits arising from agreements concluded in accordance with Article 218 of the Treaty.

Article 2

The provisions of the first paragraph of Article 166 of Regulation (EC) No 1234/2007 shall apply, in whole or in part, to all the products listed in points (c) and (d) Part I of Annex I to that Regulation and to the products referred to in Part I of Annex I to that Regulation exported in the form of goods as listed in Part I of Annex XX thereto.

The provisions of Article 164(4) of Regulation (EC) No 1234/2007 shall apply in respect of cereals and to products that are exported in the form of the goods listed in Annex XX to that Regulation.

Article 3

Corrective amounts may vary according to destination.

Article 4

1. Export refunds on the products listed in points (a), (b) and (c) of Part I of Annex I to Regulation (EC) No 1234/2007 and the export taxes provided for in Article 15(a) of this Regulation may be fixed by invitation to tender.

The terms of invitations to tender must guarantee equality of access for all persons established in the Union.

Such invitations to tender shall relate to the export refund or tax.

2. Decisions to issue invitations to tender shall be taken in accordance with the procedure referred to in Article 195 of Regulation (EC) No 1234/2007.

3. Decisions to issue invitations to tender shall be accompanied by the publication of notices of invitation to tender drawn up by the Commission setting out in particular the dates on which tenders may be submitted and the relevant departments of the Member States to which they are to be sent.

4. Decisions to issue invitations to tender and notices of invitation to tender shall be published in the *Official Journal of the European Union*.

At least five days must elapse between the publication of the notice of invitation to tender and the first date for the submission of tenders.

Article 5

1. Interested parties shall submit tenders in writing or by any means of written telecommunication to the competent department of the Member State.

2. Tenders shall indicate:

- (a) the reference of the invitation to tender;
 - (b) the name and address of the tenderer;
 - (c) the type and quantity of product to be exported;
 - (d) the export refund per tonne or, where applicable, the export tax per tonne, expressed in euro.
3. Tenders shall be valid only if:
- (a) proof is provided before the expiry of the time limit laid down for the submission of tenders that the tenderer has lodged the tendering security;
 - (b) they are accompanied by a written undertaking to submit, in respect of quantities awarded and within two days of receipt of the notification of award pursuant to Article 7(3), an export licence application or, where applicable, an application for an export licence with advance fixing of an export tax equal to the amount tendered;
 - (c) they do not include any conditions other than those provided for in the notice of invitation to tender.
4. Tenders submitted may not be withdrawn.

Article 6

Tenders shall be opened by the competent departments of the Member States. They shall not be opened in public. Persons authorised to be present at the opening of the tenders shall be under an obligation of secrecy.

The Commission shall be notified forthwith of the tenders without the tenderers being mentioned by name.

Article 7

1. On the basis of tenders notified, the Commission shall, in accordance with the procedure referred to in Article 195 of Regulation (EC) No 1234/2007, decide to fix a maximum export refund or, where applicable, a minimum export tax or to take no further action in respect of the invitation to tender.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund, as well as to the tenderer or tenderers whose bid relates to an export tax.

Where a minimum export tax is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or higher than the minimum tax.

3. The competent departments of the Member States concerned shall notify all tenderers in writing of the outcome of their tenders as soon as the Commission has taken a decision.

Article 8

1. Export licences shall be issued to successful tenderers after their applications for export licences have been received by the competent departments of the Member States and in respect of the quantities awarded to them.

2. In the relevant section of the licence applications, and of the licences themselves, shall be stated the destination specified in the regulation issuing the invitation to tender. Licences shall entail the obligation to export to the stated destination.

Article 9

Tendering securities shall be released:

- (a) where tenders are not accepted;
- (b) when the successful tenderer has provided proof that the security provided for in Article 12 of Commission Regulation (EC) No 1342/2003 ⁽¹⁾ has been submitted.

Where the undertaking referred to in Article 5(3)(b) is not fulfilled, the tendering security shall be forfeited except in cases of *force majeure*.

Article 10

Export refunds on the products listed in points (a), (b) and (c) of Part I of Annex I to Regulation (EC) No 1234/2007 shall be fixed at least once a month.

⁽¹⁾ OJ L 189, 29.7.2003, p. 12.

Article 11

1. The export refund on wheat flour, meslin flour and rye flour, wheat groats, wheat meal and malt shall be fixed taking account of the quality of the basic cereal necessary to manufacture 1 000 kg of the product in question. The processing coefficients expressing the relationship between the quantity of the basic product and the quantity of that product contained in the processed product shall be as set out in Annex I.

2. The ash content of the flour shall be determined using the method of analysis defined in Annex II.

Article 12

Notwithstanding Article 17 of Regulation (EC) No 612/2009, proof of completion of customs formalities for import shall not be required for payment of refunds fixed in a contract awarded for refunds on exports to all third countries, provided that the operator provides proof that a quantity of at least 1 500 tonnes of cereal product have left the customs territory of the Union on board a vessel suitable for sea transport.

Such proof shall be furnished by the insertion of one of the entries listed in Annex III certified by the competent authority, on the control copy referred to in Article 8 of Regulation (EC) No 612/2009, the export declaration referred to in Article 787 of Commission Regulation (EEC) No 2454/93 ⁽²⁾ or the national document proving that the goods have left the customs territory of the Union.

Article 13

Where the operator provides proof of completion of customs formalities for release for consumption in Switzerland or Liechtenstein, the amount of the export refund for exports to 'all third countries' fixed under an invitation to tender shall be reduced by the difference between that amount and the amount of the export refund in force for the abovementioned destinations on the day the contract is awarded.

Article 14

Where the conditions laid down in Article 187 of Regulation (EC) No 1234/2007 are met in respect of one or more products, the following measures may be taken:

- (a) an export tax may be applied. A corrective amount may be fixed. Such taxes and corrective amounts may vary according to destination;
- (b) the issuing of export licences may be totally or partly suspended;
- (c) the export licence applications pending may be rejected in whole or in part.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

However, no tax shall be applied to exports of cereals or cereal products carried out to implement Union and national food aid measures provided for under international agreements or other supplementary programmes, or to implement other Union free supply measures.

Article 15

Where there is no invitation to tender, the export tax to be collected shall be that applicable on the day on which customs formalities are completed.

However, export taxes applicable on the day of submission of licence applications shall apply, at the request of the party concerned lodged at the same time as the licence application, to exports to be effected during the term of validity of the licence.

Article 16

The measures referred to in Article 15 shall be adopted in accordance with the procedure referred to in Article 195 of Regulation (EC) No 1234/2007. However, in emergencies, the Commission may adopt the measures.

Article 17

Regulation (EC) No 1501/95 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 V.

Article 18

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, 19 March 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX I

	CN code	Ash content (expressed in mg) per 100 g of flour, groats and meal	Processing coefficients indicating the number of kg of cereals per 1 000 kg of products in question.
1. Flour of common wheat, spelt or meslin	1101 00 15 9100	0 to 600	1 370
	1101 00 15 9130	601 to 900	1 280
	1101 00 15 9150	901 to 1 100	1 180
	1101 00 15 9170	1 101 to 1 650	1 090
	1101 00 15 9180	1 651 to 1 900	1 020
2. Rye flour	1102 10 00 9500	0 to 1 400	1 370
	1102 10 00 9700	1 401 to 2 000	1 080
3. Common wheat groats and meal	1103 11 90 9200	0 to 600	1 370
4. Durum wheat groats and meal	1103 11 10 9200	0 to 1 300 (sieve with mesh 0,160 mm)	1 500
	1103 11 10 9400	0 to 1 300	1 340
	1103 11 10 9900	over 1 300	1 260
5. Malt, not roasted Malt, roasted	1107 10 19		1 270
	1107 10 99		
	1107 20 00		1 490

ANNEX II

Method of determining the ash content of flour

APPARATUS

1. Laboratory scales sensitive to 0,1 mg, box of corresponding weights.
2. Electric muffle kiln, with adequate draught and a temperature gauge and regulator.
3. Round, flat-bottomed incineration dishes (about 5 cm in diameter, maximum height 2 cm); preferably of gold and platinum alloy or of quartz or porcelain.
4. Desiccator (with an internal diameter of about 18 cm) fitted with a neck and a perforated plate, in porcelain or aluminium.

Dehydration agent: calcium chloride, phosphorous pentoxide or silica gel coloured blue.

METHOD

1. The weight of the test sample shall be between 5 and 6 g. When it is flour of which the ash content referred to dry matter is likely to be over 1 %, the weight of the test sample shall be between 2 and 3 g. The weight of the test sample may be rounded up to the nearest 10 mg; all other quantities are weighed to the nearest 0,1 mg.
2. Immediately before use the dishes must be heated in the muffle kiln at incineration temperature to constant weight; a period of 15 minutes is usually sufficient.

The dishes are then cooled in the desiccator to laboratory temperature under the conditions indicated in point 7.

3. Place the test sample in the dish and spread it out in an even layer, without heaping. Immediately before incineration damp the test sample with 1 to 2 ml of ethyl alcohol.
4. Place the dishes in the mouth of the kiln, leaving the door open. When the substance has ceased to flame, push the dishes into the kiln. When the kiln door has been closed, an adequate draught must be maintained, but not so strong as to blow the substance out of the dishes.
5. Incineration must result in the total combustion of the flour, including any sooty particles among the ashes. It shall be considered completed when the residue is almost white after cooling.
6. The incineration temperature must reach 900 °C.
7. When incineration is completed, remove the dishes from the kiln and place them on a sheet of eternit for about one minute to cool, then put them in the desiccator (not more than four dishes at a time). The closed desiccator is placed near the analysis scales. Weigh the dishes when they are completely cold (about one hour).

RESULTS

1. Margin of error: if the ash content does not exceed 1 %, the results of a double test must not differ by more than 0,02 units of ash content; if the ash content exceeds 1 %, the difference must not exceed 2 % of the ash content. If the difference exceeds these limits the test must be repeated.
 2. The ash content must be expressed per 100 parts of dry matter and rounded up to 0,01.
-

ANNEX III

Formulas referred to in the second paragraph of Article 12

- *in Bulgarian:* Износ на зърнени култури по море — член 12 от Регламент (ЕЧ) № 234/2010
- *in Spanish:* Exportación de cereales por vía marítima; artículo 12 del Reglamento (UE) n° 234/2010
- *in Czech:* Vývoz obilovin po moři — článek 12 nařízení (EU) č. 234/2010
- *in Danish:* Eksport af korn ad søvejen — Artikel 12 i forordning (EU) nr. 234/2010
- *in German:* Ausfuhr von Getreide auf dem Seeweg — Verordnung (EU) Nr. 234/2010 Artikel 12
- *in Estonian:* Teravilja eksport meritsi – määruse (EL) nr 234/2010 artikkel 12
- *in Greek:* Εξαγωγή σιτηρών δια θαλάσσης — Άρθρο 12 του κανονισμού (ΕΕ) αριθ. 234/2010
- *in English:* Export of cereals by sea — Article 12 of Regulation (EU) No 234/2010
- *in French:* Exportation de céréales par voie maritime — Règlement (UE) n° 234/2010, article 12
- *in Italian:* Esportazione di cereali per via marittima — Regolamento (UE) n. 234/2010, articolo 12
- *in Latvian:* Graudu izvešana pa jūras ceļiem – Regulas (ES) Nr. 234/2010 12. pants
- *in Lithuanian:* Grūdų eksportas jūra – reglamento (ES) Nr. 234/2010 12 straipsnis
- *In Hungarian:* Gabonafélék exportja tengeri úton – 2010/234/EU rendelet 12. cikk
- *in Maltese:* Esportazzjoni ta' ċereali bil-baħar – Artikolu 12 tar-Regolament (UE) Nru 234/2010
- *in Dutch:* Uitvoer van graan over zee — Verordening (EU) nr. 234/2010, artikel 12
- *in Polish:* Wywóz zbóż drogą morską – Art. 12 rozporządzenia (UE) nr 234/2010
- *in Portuguese:* Exportação de cereais por via marítima — Artigo 12.º, Regulamento (UE) n.º 234/2010
- *in Romanian:* Export de cereale pe cale maritimă – Regulamentul (UE) nr. 234/2010 articolul 12
- *in Slovak:* Vývoz obilnín po mori — článok 12 nariadenia (EÚ) č. 234/2010
- *in Slovenian:* Izvoz žit s pomorskim prometom – člen 12 Uredbe (EU) št. 234/2010
- *in Finnish:* Viljan vienti meriteitse – Asetus (EU) N:o 234/2010 12 artikla
- *in Swedish:* Export av spannmål sjövägen – Artikel 12 i förordning (EU) nr 234/2010.

ANNEX IV

Repealed Regulation with list of its successive amendments

Commission Regulation (EC) No 1501/95 ⁽¹⁾
(OJ L 147, 30.6.1995, p. 7)

Commission Regulation (EC) No 2480/95
(OJ L 256, 26.10.1995, p. 9)

Commission Regulation (EC) No 95/96
(OJ L 18, 24.1.1996, p. 10)

Commission Regulation (EC) No 1259/97
(OJ L 174, 2.7.1997, p. 10)

Commission Regulation (EC) No 2052/97
(OJ L 287, 21.10.1997, p. 14)

Commission Regulation (EC) No 2513/98
(OJ L 313, 21.11.1998, p. 16)

Commission Regulation (EC) No 602/2001
(OJ L 89, 29.3.2001, p. 16)

Commission Regulation (EC) No 1163/2002
(OJ L 170, 29.6.2002, p. 46)

Commission Regulation (EC) No 1431/2003
(OJ L 203, 12.8.2003, p. 16)

Commission Regulation (EC) No 777/2004
(OJ L 123, 27.4.2004, p. 50)

Only Article 3

Commission Regulation (EC) No 1996/2006
(OJ L 398, 30.12.2006, p. 1)

Only Article 5

Commission Regulation (EC) No 499/2008
(OJ L 146, 5.6.2008, p. 9)

Only Article 1

⁽¹⁾ This Regulation was also amended by Regulation (EC) No 2094/98 (OJ L 266, 1.10.1998, p. 61) repealed by Regulation (EC) No 2513/98 (OJ L 313, 21.11.1998, p. 16).

ANNEX V

Correlation table

Regulation (EC) No 1501/95	This Regulation
Articles 1 to 11	Articles 1 to 11
Article 12	—
Article 13	Article 12
Article 13 bis	—
Article 14	Article 13
Article 15	Article 14
Article 16	Article 15
Article 17	Article 16
Article 18	—
Article 19	—
—	Article 17
—	Article 18
Annex I	Annex I
Annex II	Annex II
Annex III	Annex III
—	Annex IV
—	Annex V

COMMISSION REGULATION (EU) No 235/2010**of 19 March 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 March 2010.

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

Done at Brussels, 19 March 2010.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	106,9
	JO	59,9
	MA	74,6
	TN	128,3
	TR	103,8
	ZZ	94,7
0707 00 05	JO	121,4
	MK	124,9
	TR	131,0
	ZZ	125,8
0709 90 70	JO	97,9
	MA	177,1
	TR	94,4
	ZZ	123,1
0805 10 20	EG	41,0
	IL	57,7
	MA	47,0
	TN	55,5
	TR	62,7
	ZZ	52,8
0805 50 10	EG	76,3
	IL	91,6
	MA	42,8
	TR	65,4
	ZZ	69,0
0808 10 80	AR	89,5
	BR	86,5
	CA	95,5
	CL	93,7
	CN	69,7
	MK	24,7
	US	117,4
	UY	70,1
	ZZ	80,9
0808 20 50	AR	81,2
	CL	59,5
	CN	45,4
	ZA	88,1
	ZZ	68,6

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

COMMISSION REGULATION (EU) No 236/2010**of 19 March 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 224/2010 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 March 2010.

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

Done at Brussels, 19 March 2010.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 68, 18.3.2010, p. 5.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 20 March 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	35,58	0,61
1701 11 90 ⁽¹⁾	35,58	4,23
1701 12 10 ⁽¹⁾	35,58	0,48
1701 12 90 ⁽¹⁾	35,58	3,93
1701 91 00 ⁽²⁾	37,99	6,24
1701 99 10 ⁽²⁾	37,99	2,94
1701 99 90 ⁽²⁾	37,99	2,94
1702 90 95 ⁽³⁾	0,38	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.

DIRECTIVES

COMMISSION DIRECTIVE 2010/19/EU
of 9 March 2010

amending, for the purposes of adaptation to technical progress in the field of spray-suppression systems of certain categories of motor vehicles and their trailers, Council Directive 91/226/EEC, and Directive 2007/46/EC of the European Parliament and of the Council
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) ⁽¹⁾, and in particular Article 39(2) thereof,

Whereas:

- (1) Council Directive 91/226/EEC of 27 March 1991 on the approximation of the laws of the Member States relating to the spray-suppression systems of certain categories of motor vehicles and their trailers ⁽²⁾ is one of the separate directives in the context of the EC type-approval procedure established under Directive 2007/46/EC. The provisions of Directive 2007/46/EC relating to systems, components and separate technical units for vehicles therefore apply to Directive 91/226/EEC.
- (2) In view of the mandatory application of the EC type-approval procedure to all vehicle categories covered by Directive 2007/46/EC, it is necessary to provide harmonised requirements with regard to spray

suppression for all vehicle categories covered by Directive 91/226/EEC. Furthermore, it is necessary to clarify that those requirements are not mandatory for off-road vehicles. Finally, in view of the experience gained, it is necessary to adapt Directive 91/226/EEC and, consequently, Annex IV to Directive 2007/46/EC to technical progress.

- (3) Directives 91/226/EEC and 2007/46/EC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/226/EEC shall be amended as follows:

1. the list of Annexes and Annexes I, II and III are amended in accordance with Annex I to this Directive;
2. the unnumbered Annex entitled ‘Figures’ is replaced by the text set out in Annex II to this Directive.

Article 2

Item 43 of Annex IV and Annex XI, Appendices 2 and 4 to Directive 2007/46/EC shall be replaced by the following:

‘43	Spray suppression systems	Directive 91/226/EEC	L 103, 23.4.1991, p. 5					X	X	X	X	X	X	X
-----	---------------------------	----------------------	------------------------	--	--	--	--	---	---	---	---	---	---	---

⁽¹⁾ OJ L 263, 9.10.2007, p. 1.
⁽²⁾ OJ L 103, 23.4.1991, p. 5.

Article 3

1. With effect from 9 April 2011 Member States shall not, on grounds related to spray suppression, refuse to grant an EC or national type-approval to a vehicle and a component complying with the requirements laid down in Directive 91/226/EEC as amended by this Directive.
2. With effect from 9 April 2011 Member States shall, on grounds related to spray suppression, refuse to grant an EC or national type-approval to a vehicle and a component not complying with the requirements laid down in Directive 91/226/EEC as amended by this Directive.
3. When applying for EC whole vehicle type-approval under Directive 2007/46/EC, vehicle types which were granted a national or EC type-approval covering spray-suppression, shall not have to comply with the spray-suppression requirements set out in Directive 91/226/EEC.

Article 4

1. Member States shall adopt and publish, by 8 April 2011 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.

They shall apply those provisions from 9 April 2011.

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 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 9 March 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX I

1. The list of Annexes to Directive 91/226/EEC is amended as follows:

(a) the title relating to Appendix 3 of Annex II is replaced by the following:

‘Information document for EC component type-approval’;

(b) the title relating to Annex III is replaced by the following:

‘Annex III: Requirements relating to the EC type approval of a vehicle with regard to the fitting of spray suppression systems

Appendix 1: Information document for EC vehicle type-approval

Appendix 2: Model for EC vehicle type-approval certificate’;

(c) the line ‘FIGURES: (1 to 9)’ is replaced by the following:

‘Annex V: Figures 1 to 9’.

2. Annex I to Directive 91/226/EEC is amended as follows:

(a) points 9, 10 and 11 are replaced by the following:

‘9. *Retractable axle*

“Retractable axle” means an axle as defined in Annex I point 2.15 to Directive 97/27/EC.

10. *Unladen vehicle*

“Unladen vehicle” means a vehicle in running order as defined in point 2.6 of Annex I to Directive 2007/46/EC of the European Parliament and of the Council (*).

11. *Tread*

“Tread” is the part of the tyre as defined in point 2.8 of Annex II to Directive 92/23/EEC.

(*) OJ L 263, 9.10.2007, p. 1.’;

(b) the following points 13, 14 and 15 are added:

‘13. *Semitrailer towing vehicle*

“Semitrailer towing vehicle” means a towing vehicle as defined in point 2.1.1.2.2 of Annex I to Directive 97/27/EC.

14. *Technically permissible maximum laden mass*

“Technically permissible maximum laden mass” means the maximum mass of the vehicle as defined in point 2.6 of Annex I to Directive 97/27/EC.

15. *Type of vehicle*

“Type of vehicle” means, in relation to spray suppression complete, incomplete or completed vehicles, which do not differ with respect to the following aspects:

— type of spray suppression device (installed on the vehicle),

— manufacturer’s spray suppression system type designation.’

3. Annex II to Directive 91/226/EEC is amended as follows:

(a) points 2 to 3.4.3 are replaced by the following:

2. Application for EC component type-approval

2.1. The application for EC component type-approval pursuant to Article 7 of Directive 2007/46/EC of a type of spray-suppression device shall be submitted by the manufacturer.

2.2. A model for the information document is set out in Appendix 3.

2.3. The following shall be submitted to the technical service responsible for conducting the type-approval tests:

Four samples; three of which for tests and a fourth to be kept by the laboratory for any subsequent verification. The test laboratory may require further samples.

2.4. Markings

Each sample must be clearly and indelibly marked with the trade name or mark and an indication of the type and include a space that is large enough for the EC component type-approval mark.

3. Granting of EC component type-approval

3.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 10 of Directive 2007/46/EC shall be granted.

3.2. A model for the EC type-approval certificate is set out in Appendix 4.

3.3. An approval number in accordance with Annex VII to Directive 2007/46/EC shall be assigned to each type of spray-suppression device approved. The same Member State shall not assign the same number to another type of spray-suppression device.

3.4. Any spray-suppression device in conformity with a type approved pursuant to this Directive shall bear an EC component type-approval mark, so affixed as to be indelible and easily legible even when the device is fitted to the vehicle.

3.5. A symbol "A" for devices of the energy-absorption type or "S" for devices of the air/water separator type shall be added to the approval mark in accordance with point 1.3 of the Appendix of Annex VII to Directive 2007/46/EC;

(b) Appendices 1 to 4 are replaced by the following:

Appendix 1

Tests on spray-suppression devices of the energy-absorber type

1. Principle

The aim of this test is to quantify the ability of a device to retain the water directed against it by a series of jets. The test assembly is intended to reproduce the conditions under which the device is to function when fitted to a vehicle as regards the volume and speed of the water thrown up from the ground by the tyre tread.

2. Equipment

See Figure 8 in Annex V for a description of the test assembly.

3. Test conditions

3.1. The tests must be carried out in a closed room with a still-air environment.

3.2. The ambient temperature and the temperature of the test pieces must be 21 ($\pm$ 3) °C.

3.3. De-ionized water is to be used.

3.4. The test pieces must be prepared for each test by wetting.

4. Procedure

4.1. Secure a 500 (+ 0/- 5) mm wide 750 mm high sample of the equipment to be tested to the vertical plate of the testing equipment, making sure that the sample lies well within the limits of the collector, and that no obstacle is able to deflect the water, either before or after its impact.

4.2. Set the water flow rate at 0,675 (+/- 0,01) l/s and direct at least 90 l, at most 120 l on to the sample from a horizontal distance of 500 (+/- 2) mm (Figure 8 of Annex V).

4.3. Allow the water to trickle from the sample into the collector. Calculate the percentage of water collected versus the quantity of water sprayed.

4.4. Carry out the test five times on the sample according to points 4.2 and 4.3. Calculate the average percentage of the series of five tests.

5. Results

5.1. The average percentage calculated in point 4.4 must be 70 % or higher.

5.2. If within a series of five tests the highest and lowest percentages of water collected depart from the average percentage by more than 5 %, the series of five tests must be repeated.

If within a second series of five tests the highest and lowest percentages of water recovered again depart from the average percentage by more than 5 % and if the lower value does not satisfy the requirements of point 5.1, type-approval shall be refused.

5.3. Test whether the vertical position of the device influences the results obtained. If it is the case, the procedure described in points 4.1 to 4.4 must be repeated in the positions giving the highest and lowest percentage of water collected; the requirements of point 5.2 remain in force.

The mean of the individual results shall then be taken to give the average percentage. this average percentage must be 70 or higher.

Appendix 2

Test on spray-suppression devices of the air/water separator type

1. Principle

This test is intended to determine the effectiveness of a porous material intended to retain the water with which it has been sprayed by means of a pressurised air/water pulveriser.

The equipment used for the test must simulate the conditions to which the material would be submitted, with regard to the volume and speed of the water sprays produced by the tyres, if it were fitted to a vehicle.

2. Equipment

See figure 9 in Annex v for a description of the test assembly.

3. Test conditions

3.1. The tests must be carried out in a closed room with a still-air environment.

3.2. The ambient temperature and the temperature of the test pieces must be 21 (± 3) °C.

3.3. De-ionized water must be used.

3.4. The test pieces must be prepared for each test by wetting

4. *Procedure*

4.1. Secure a 305 × 100 mm sample vertically in the test assembly, check that there is no space between the sample and the upper curved plate and that the tray is properly in position. Fill the pulveriser tank with $1 \pm 0,005$ litres of water and place this as described in the diagram.

4.2. The pulveriser must be regulated as follows:

pressure (at pulveriser): 5 bar + 10 %/– 0 %

flowrate: 1 litre/minute $\pm$ 5 seconds

pulverisation: circular, 50 ± 5 mm in diameter at 200 ± 5 mm from the sample, nozzle $5 \pm 0,1$ mm in diameter.

4.3. Pulverise until there is no more water mist and note the time taken. Let the water flow out of the sample on to the tray for 60 seconds and measure the volume of water collected. Measure the quantity of water left in the pulveriser tank. Calculate the percentage by volume of water collected versus the volume of water pulverised.

4.4. Carry out the test five times and calculate the average percentage of the quantity collected. Check before each test that the tray, pulveriser tank and measuring vessel are dry.

5. *Results*

5.1. The average percentage calculated in point 4.4 must be 85 % or higher.

5.2. If within a series of five tests the highest and lowest percentages of water collected depart from the average percentage by more than 5 %, the series of five tests must be repeated. If within a second series of five tests the highest and lowest percentages of water recovered again depart from the average percentage by more than 5 %, and if the lower value does not satisfy the requirements of point 5.1, type-approval shall be refused.

5.3. Where the vertical position of the device influences the results obtained, the procedure described in points 4.1 to 4.4 must be repeated in the positions giving the highest and lowest percentages of water collected; the requirements of point 5.2 remain in force.

The requirement of point 5.1 remains in force in order to give the results of each test.

Appendix 3

Information document No ... relating to the EC component type-approval of spray suppression devices (Directive 91/226/EEC)

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

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0. GENERAL

0.1. Make (trade name of manufacturer):

0.2. Type:

0.5. Name and address of manufacturer:

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

0.8. Address(es) of assembly plant(s):

1. DESCRIPTION OF THE DEVICE

1.1. A technical description of the spray-suppression device indicating its physical operating principle and the relevant test to which it must be subject:

1.2. The materials used:

1.3. Drawing(s) in sufficient detail and to an appropriate scale to enable this (or these) to be identified. The drawing must show the space intended for the EEC component type-approval mark:

Date

Signed



Appendix 4

MODEL

(maximum format: A4 (210 × 297 mm))

EC TYPE-APPROVAL CERTIFICATE

Stamp of type-approval authority

Communication concerning:

- EC type approval
- Extension of EC type approval
- Refusal of EC type approval
- Withdrawal of EC type approval

of a type of a vehicle/component/separate technical unit ⁽¹⁾ with regard to Directive 91/226/EEC, as last amended by Commission Directive 2010/19/EU ⁽²⁾

Type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type:
- 0.3. Means of identification of type if marked on the vehicle/component/separate technical unit ⁽¹⁾ ⁽³⁾
 - 0.3.1. Location of that marking:
- 0.4. Category of vehicle ⁽⁴⁾
- 0.5. Name and address of manufacturer:
- 0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:
- 0.8. Address(es) of assembly plant(s):

SECTION II

1. Additional information (where applicable): *see Addendum*
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any): *see Addendum*
6. Place:
7. Date:
8. Signature:
9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.

⁽¹⁾ Delete where not applicable.

⁽²⁾ OJ L 72, 20.3.2010, p. 17.

⁽³⁾ If the means of identification type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this type-approval certificate such characters shall be represented in the documentation by the symbol: “?” (e.g. ABC??123??).

⁽⁴⁾ As defined in Annex II A to Directive 2007/46/EC.

*Addendum***to EC type-approval certificate No ... concerning the component type-approval of spray suppression devices with regard to Directive 91/226/EEC as last amended by Directive 2010/19/EU**

1. Additional information

1.1. Operating principle of device: energy-absorption/air/water separator ⁽¹⁾:

1.2. Characteristics of spray-suppression devices (brief description, trademark or name, number(s):

5. Remarks (if any):

⁽¹⁾ Delete where not applicable.

4. Annex III to Directive 91/226/EEC is amended as follows:

(a) points 0.1 and 0.2 are replaced by the following:

‘SCOPE

0.1. Category N and O vehicles, with the exception of off-road vehicles as defined in Annex II to Directive 2007/46/EC, shall be constructed and/or fitted with spray suppression systems in such a way as to meet the requirements laid down in this Annex. In case of chassis/cab vehicles, these requirements may only be applied to the wheels covered by the cab.

For vehicles of category N1 and N2 with a permissible maximum laden mass not exceeding 7,5 tonnes, the requirements of Directive 78/549/EEC (*) may be applied as alternative to the requirements of this Directive at the request of the manufacturer.

0.2. The requirements of this Annex relating to spray-suppression devices, as defined in point 4 of Annex I, are not mandatory for categories N, O₁ and O₂ vehicles with a permissible maximum laden mass not exceeding 7,5 tonnes, chassis/cab vehicles, unbodied vehicles or vehicles on which the presence of spray-suppression devices would be incompatible with their use. However, if such devices are fitted to those vehicles, they must conform to the requirements of this Directive.

(*) OJ L 168, 26.6.1978, p. 45.;

(b) point 4 is replaced by the following:

‘4. Position of outer valance

The distance “c” between the longitudinal plane tangential to the outer tyre wall, apart from any tyre bulge near the ground, and the inner edge of the valance must not exceed 100 mm (Figures 1a and 1b of Annex V).;

(c) points 4.1 and 4.2 are deleted;

(d) point 7.1.1 is replaced by the following:

‘7.1.1. The mudguards must cover the zone immediately above, ahead and behind the tyre or tyres in the following manner:

(a) in the case of a single or multiple axle, the forward edge (C) must extend forwards to reach a line O-Z where ϑ (theta) is no more than 45° above the horizontal.

The rearmost edge (Figure 2 of Annex V) must extend downwards in such a way as not to be more than 100 mm above a horizontal line passing through the centre of the wheel;

(b) in the case of multiple axles the angle ϑ relates only to the foremost axle and the requirement relating to the height of the rearmost edge applies only to the rearmost axle;

- (c) the mudguard must possess a total width "q" (Figure 1a of Annex V) at least adequate to cover the width of the tyre "b" or the entire width of two tyres "t" in the case of twin wheels, account being taken of the extremes for the tyre/wheel unit specified by the manufacturer. Dimensions "b" and "t" shall be measured at hub height, excluding any markings, ribs, protective bands, etc., on the tyre walls.;

- (e) point 7.1.3 is replaced by the following:

'7.1.3. If the mudguards are made up of several components, when fitted, they must not incorporate any aperture enabling spray to exit while the vehicle is in motion. This requirement is deemed to be met if, when the vehicle is either laden or unladen, any radial jet running outwards from the wheel centre over the entire width of the tyre running surface and within the range covered by the mudguard always strikes against a part of the spray suppression system.;

- (f) points 7.2.1, 7.2.2 and 7.2.3 are replaced by the following:

'7.2.1. In the case of single axles, the lower edge of the outer valance may not be situated beyond the following distances and radii, as measured from the centre of the wheel, except at the lowest extremities that may be rounded (Figure 2 of Annex V).

Air suspension:

- | | | |
|--|---|-------------------|
| (a) Axles fitted with steered wheels or self-steering wheels: | } | $R_v \leq 1,5 R$ |
| From the front edge (towards the front of the vehicle) (tip C) | | |
| To the rear edge (towards the rear of the vehicle) (tip A) | | |
| (b) Axles fitted with non-steered wheels: | } | $R_v \leq 1,25 R$ |
| From the front edge (tip C) | | |
| To the rear edge (tip A) | | |

Mechanical suspension

- (a) general case } $R_v \leq 1,8 R$

- (b) non-steered wheels for vehicles with a technically permissible laden mass more than 7,5 t } $R_v \leq 1,5 R$

where R is the radius of the tyre fitted to the vehicle, and R_v the distance, expressed as a radius, at which the lower edge of the outer valance is situated.

7.2.2. In the case of multiple axles the requirements laid down in point 7.2.1 do not apply between the vertical transversal planes passing through the centre of the first and the last axles where the outer valance may be straight in order to ensure the continuity of the spray suppression system. (Figure 4 of Annex V).

7.2.3. The distance between the uppermost and the lowermost points of the spray suppression system (mudguard and outer valance) measured in any cross section perpendicular to the mudguard (see figures 1b and 2 in Annex V) must extend to not less than 45 mm at all points behind a vertical line passing through the centre of the wheel or the first wheel in the case of multiple axles. This dimension may be gradually reduced in front of this line.;

- (g) the following points 7.2.5 and 7.2.6 are inserted:

'7.2.5. The requirements of points 7.2.3 and 7.2.4 may not be respected locally when the valance is composed by different elements with relative movement.

7.2.6. Tractors for semi-trailers with a low chassis (defined in point 6.20 of standard ISO 612 of 1978), namely those which may have a coupling pin height in relation to the ground equal to or less than 1 100 mm, may be designed in such a way as to be exempted from the requirements of points 7.1.1.a, 7.1.3 and 7.2.4. In this regard, mudguards and valances may not cover the area immediately above the tyres of the rear axles, when these tractors are coupled to a semi-trailer, in order to avoid the spray-suppression system being destroyed. However, the mudguards and valances of these vehicles must conform to the requirements of the above points, in sectors more than 60° from the vertical line passing through the centre of the wheel, in front and behind these tyres.

Those vehicles must therefore be designed in such a way as to meet the requirements set out in the first paragraph when they are operated without a semi-trailer.

In order to be able to meet those requirements, mudguards and valances may, for example, comprise a removable part.;

(h) point 7.3.1 is replaced by the following:

‘7.3.1. The width of the flap must fulfil the requirement for “q” in point 7.1.1(c), except where the flap is within the mudguards, in which case it must be at least equal in width to the tread of the tyre.

The width of the part of the rain flaps positioned beneath the mudguard must satisfy the condition laid down in this paragraph with a tolerance of 10 mm at each side.;

(i) point 7.3.3 is replaced by the following:

‘7.3.3. The maximum height of the bottom edge must not exceed 200 mm (Figure 3 of Annex V).

This distance is increased to 300 mm in the case of the last axle where the radial distance of the lower edge of the outer valancing, Rv, does not exceed the dimensions of the radius of the tyres fitted to the wheels on that axle.

The maximum height of the bottom edge of the rain flap in relation to the ground, may be raised to 300 mm if the manufacturer deems it technically appropriate with regard to the suspension characteristics.;

(j) in point 7.3.5, the reference to ‘Figure 4b’ is replaced by a reference to ‘Figure 4 of Annex V’;

(k) point 9.3.2.1 is replaced by the following:

‘9.3.2.1. The lower edge of the spray-suppression device must be not more than 200 mm from the ground.

The maximum height of the bottom edge of the rain flap in relation to the ground, may be raised to 300 mm if the manufacturer deems it technically appropriate with regard to the suspension characteristics.;

(l) the following point 10 is added:

‘10. In the case of multiple axles, the spray-suppression system of one axle, which is not the furthest back, may not need to cover the entire width of the tread of the tyre when there is, locally, the possibility of interference between the spray-suppression system and the structure of the axles or of the suspension or of the undercarriage.;

(m) the Appendix is deleted;

(n) the following Appendices 1 and 2 are added:

‘Appendix 1

INFORMATION DOCUMENT No ... RELATING TO EC TYPE-APPROVAL OF A VEHICLE WITH RESPECT TO THE FITTING OF SPRAY-SUPPRESSION SYSTEMS (DIRECTIVE 91/226/EEC, AS LAST AMENDED BY DIRECTIVE 2010/19/EU) (*)

(For the Explanatory notes please refer to Annex I to Directive 2007/46/EC)

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

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0. GENERAL

0.1. Make (trade name of manufacturer):

0.2. Type:

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

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

0.3.1. Location of that marking:

0.4. Category of vehicle ^(c):

0.5. Name and address of manufacturer:

0.8. Address(es) of assembly plant(s):

1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE

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

1.3. Number of axles and wheels:

1.3.1. Number and position of axles with twin wheels:

1.3.2. Number and position of steered axles

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

(in kg and mm) (Refer to drawing where applicable)

2.1. Wheelbase(s) (fully loaded) ^(g) ^(h):

2.6. Mass in running order (maximum and minimum for each variant)

Mass of the vehicle with bodywork and, in the case of a towing vehicle of category other than M₁, with coupling device, if fitted by manufacturer, in running order, or mass of the chassis or chassis with cab, without bodywork and/or coupling device if the manufacturer does not fit the bodywork and/or coupling device (including liquids, tools, spare wheel, if fitted, and driver and, for buses and coaches, a crew member if there is a crew seat in the vehicle) ^(h) (maximum and minimum for each variant):

2.6.1. Distribution of this mass among the axles and, in the case of a semi-trailer or centre-axle trailer, load on the coupling point (maximum and minimum for each variant):

2.8. Technically permissible maximum laden mass stated by the manufacturer ⁽ⁱ⁾ ^(j):

9. BODYWORK

9.20. Spray-suppression system

9.20.0. Presence: yes/no/incomplete ^(l)

9.20.1. Brief description of the vehicle with regard to its spray-suppression system and the constituent components:

9.20.2. Detailed drawings of the spray-suppression system and its position on the vehicle showing the dimensions specified in the Figures in Annex V to Directive 91/226/EEC and taking account of the extremes of tyre/wheel combinations:

9.20.3. Approval number(s) of spray-suppression device(s), if available:

Date, File

(*) For vehicles of category N1 and those of category N2 with a technically permissible maximum laden mass not exceeding 7,5 tons using the derogation of point 0.1 of Annex III to this Directive, the information document set out in Annex II to Directive 78/549/EEC may be used.

Appendix 2

MODEL

(maximum format: A4 (210 × 297 mm))

EC TYPE-APPROVAL CERTIFICATE

Stamp of type-approval authority

Communication concerning:

- EC type approval ⁽¹⁾
- Extension of EC type approval ⁽¹⁾
- Refusal of EC type approval ⁽¹⁾
- Withdrawal of EC type approval ⁽¹⁾

of a type of a vehicle/component/separate technical unit with regard to Directive 91/226/EEC, as last amended by Directive 2010/19/EU ⁽¹⁾

Type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type:
- 0.3. Means of identification of type if marked on the vehicle/component/separate technical unit ⁽¹⁾ ⁽²⁾
- 0.3.1. Location of that marking:
- 0.4. Category of vehicle ⁽²⁾ ⁽³⁾
- 0.5. Name and address of manufacturer:
- 0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:
- 0.8. Address(es) of assembly plant(s):

SECTION II

1. Additional information (where applicable): See Addendum
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any): See Addendum
6. Place:
7. Date:
8. Signature:
9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.

⁽¹⁾ Delete where not applicable.

⁽²⁾ If the means of identification type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this type-approval certificate such characters shall be represented in the documentation by the symbol: "?" (e.g. ABC??123??).

⁽³⁾ As defined in Annex II A to Directive 2007/46/EC.

Addendum

TO EC TYPE-APPROVAL CERTIFICATE No ... CONCERNING THE TYPE APPROVAL OF A VEHICLE WITH REGARD
TO DIRECTIVE 91/226/EEC AS LAST AMENDED BY DIRECTIVE 2010/19/EU

1. Additional information

1.1. Characteristics of the spray-suppression devices (type, brief description, trade mark or name, component type-approval number(s):

5. Remarks (if any):

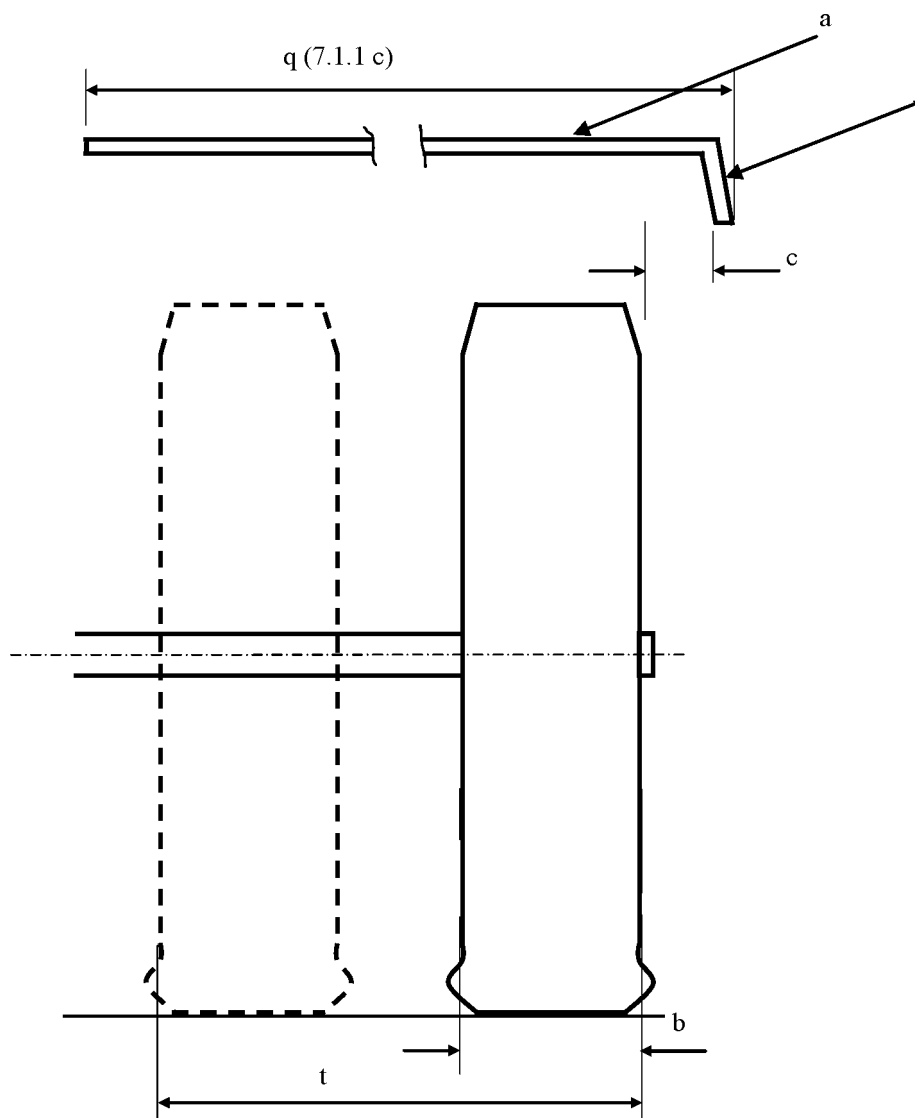
ANNEX II

ANNEX V

FIGURES

Figure 1a

Width (q) of mudguard (a) and position of valance (j)



Note: The figures refer to the corresponding items in Annex III.

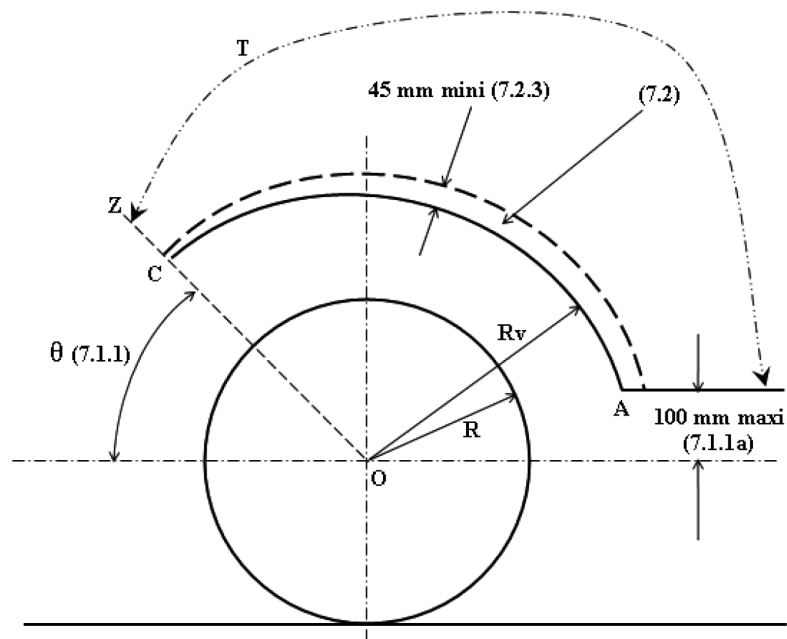
Figure 1b

Example of measurement of the outer valance



Figure 2

Dimensions of mudguard and outer valance

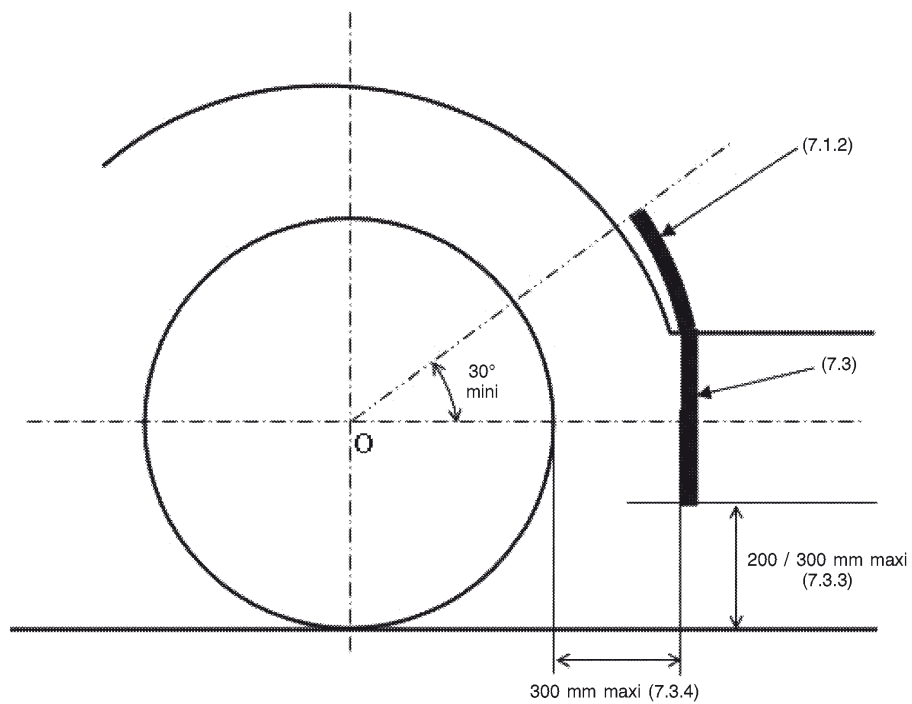


Note

1. The figures quoted relate to the corresponding items in Annex III.
2. T: extent of mudguard.

Figure 3

Position of mudguard and rain flap



Note: The figures quoted relate to the corresponding items in Annex III.

Figure 4

Diagram showing assembly of a spray-suppression system (mudguard, rain flap, outer valance) incorporating spray-suppression devices (energy absorbers) for multiple axles

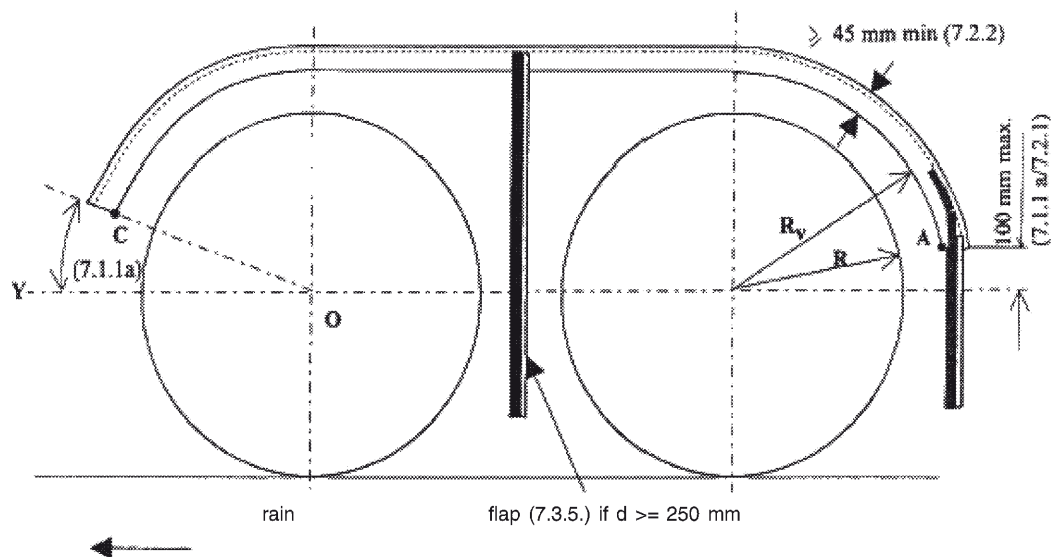
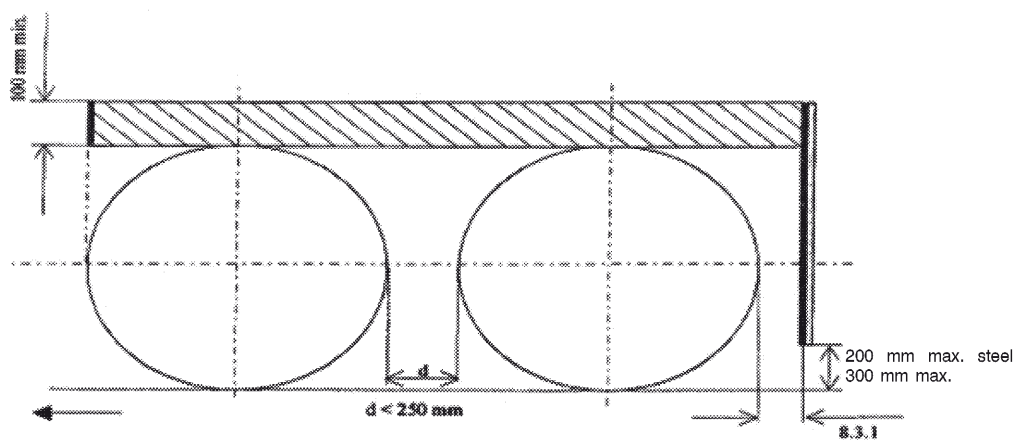


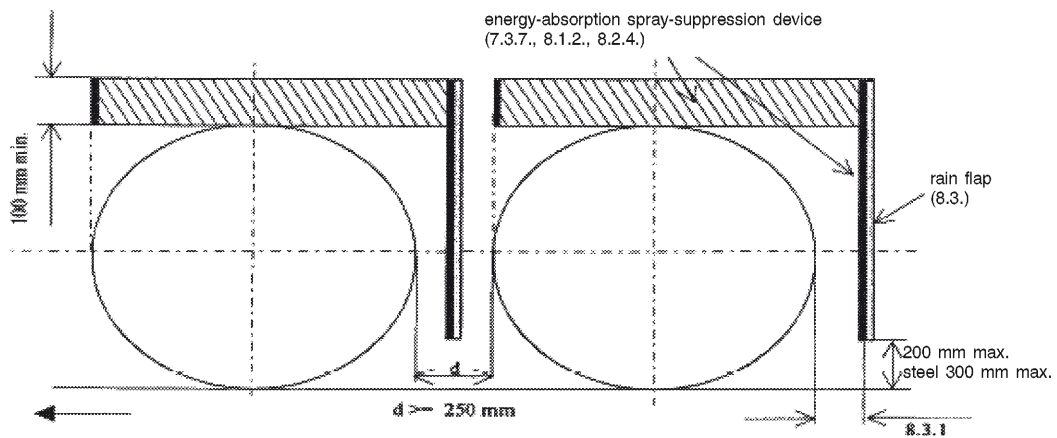
Figure 5

Diagram showing assembly of a spray-suppression system incorporating spray-suppression devices (energy absorbers) for axles fitted with non-steered or self-steering wheels

(Annex III — items 6.2 and 8)



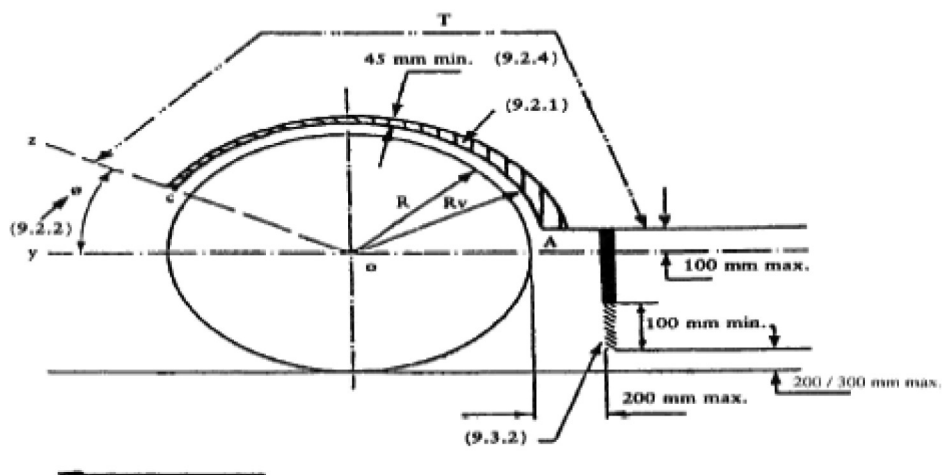
(a) Multiple axles where the distance between the tyres is less than 250 mm.



(b) Single axles or multiple axles where the distance between the tyres is not less than 250 mm.

Figure 6

Diagram showing assembly of a spray-suppression system incorporating spray-suppression devices fitted with air/water separators for axles fitted with steered, self-steering or non-steered wheels

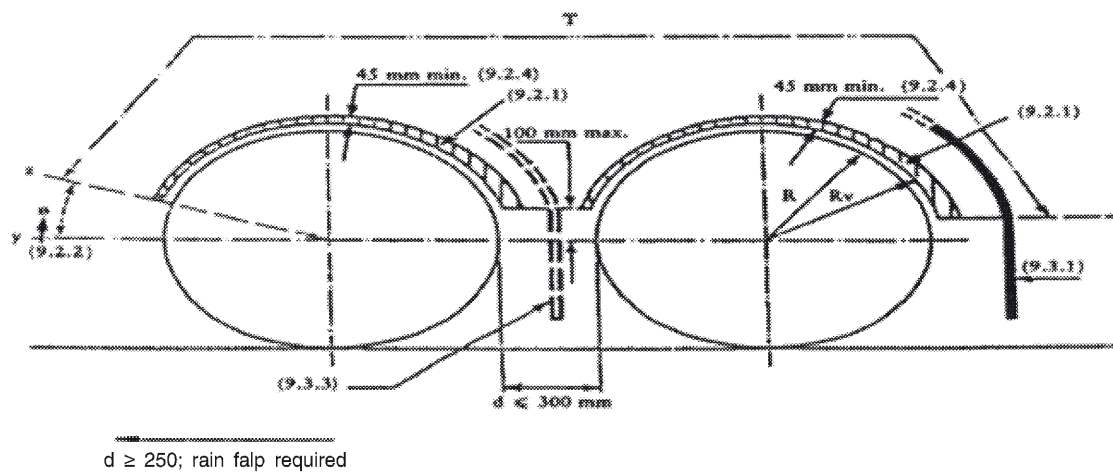


Note

1. The figures relate to the corresponding items in Annex III.
2. T: extent of mudguard.

Figure 7

Diagram showing assembly of a spray-suppression system incorporating spray-suppression devices (mudguard, rain flap, outer valance) for multiple axles where the distance between the tyres does not exceed 300 mm



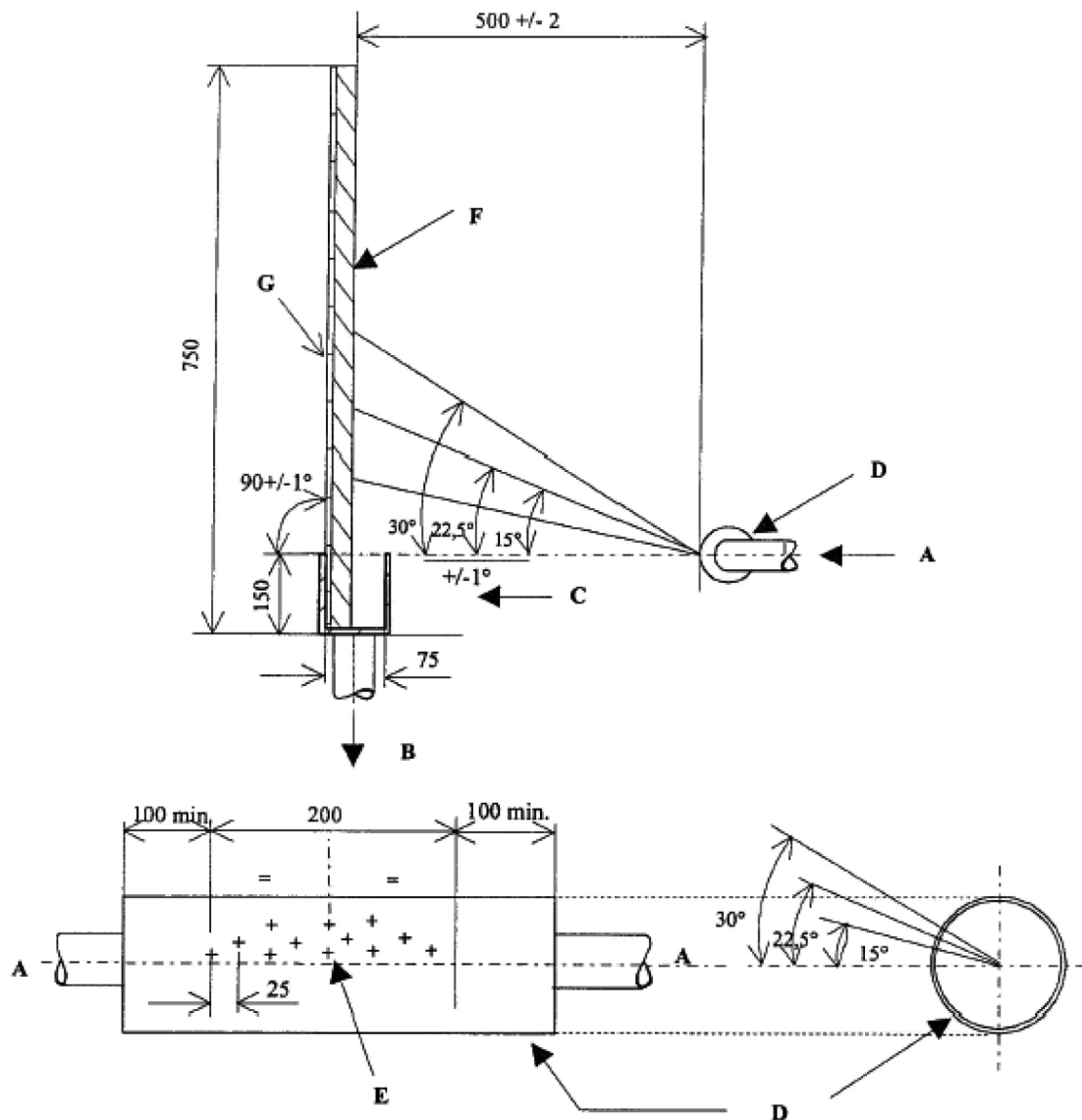
Note

1. The figures relate to the corresponding items in Annex III.
2. T: extent of mudguard.

Figure 8

Test assembly for energy absorption spray-suppression devices

(Annex II, Appendix 1)

*Note*

A = water supply from pump

B = flow towards collector tank

C = collector with inside dimension of 500 (+ 5/- 0) mm length and 75 (+ 2/- 0) mm width

D = stainless steel pipe, external diameter 54 mm, wall thickness 1,2 (+/- 0,12) mm, inside and outside surface roughness Ra between 0,4 and 0,8 µm

E = 12 cylindrical radially drilled holes with burr-free square edges. Their diameter, measured on the inside and on the outside of the tube, is 1,68 (+ 0,010/- 0) mm

F = 500 (+ 0/- 5) mm-wide sample to be tested

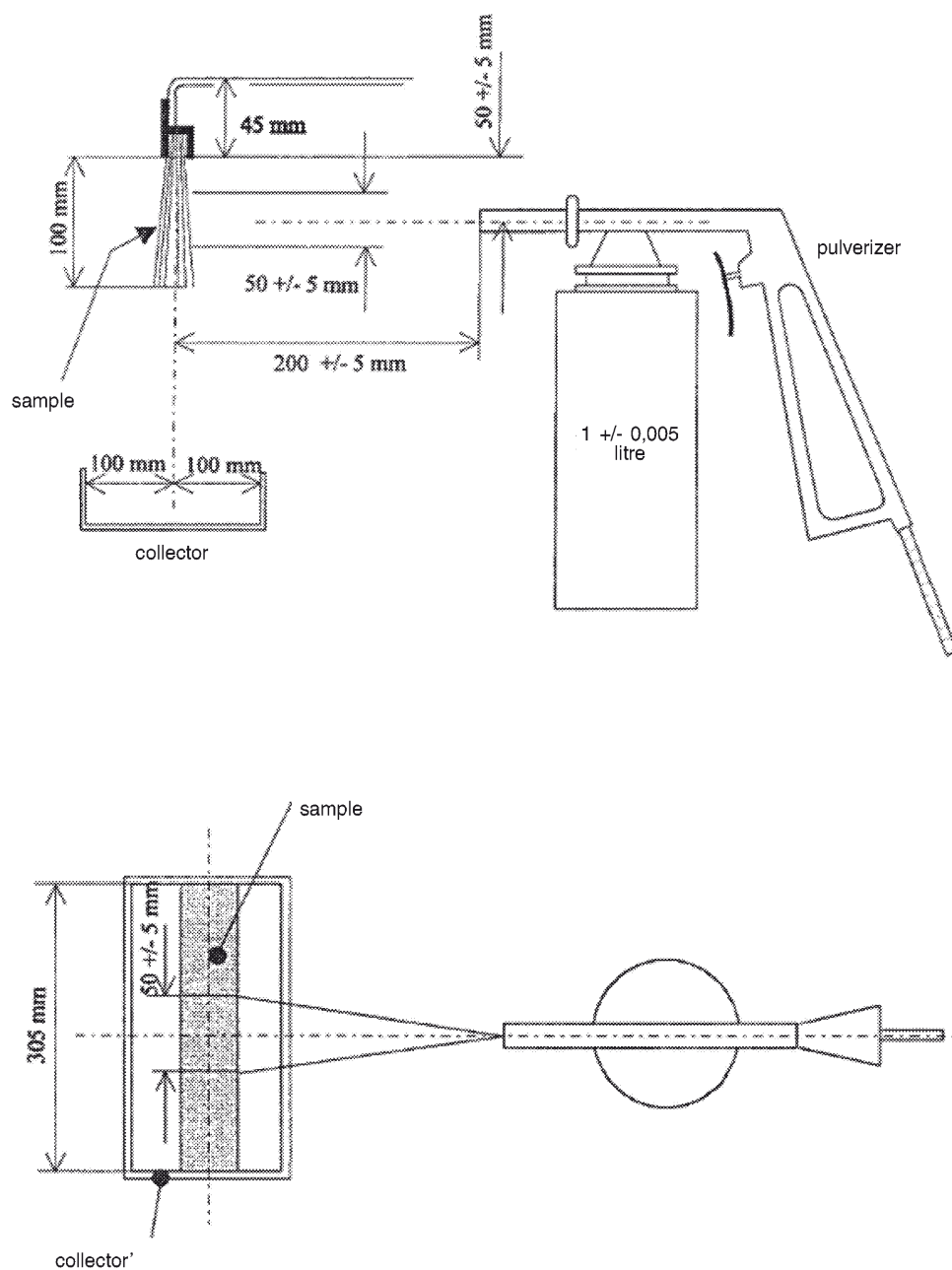
G = rigid flat plate

All linear dimensions are shown in millimetres.

Figure 9

Test assembly for air/water separator spray-suppression devices

(Annex II, Appendix 2)



DECISIONS

COMMISSION DECISION

of 19 March 2010

on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union*(notified under document C(2010) 1644)***(Text with EEA relevance)**

(2010/166/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

Decision 2009/766/EC of 16 October 2009 on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications service in the Community ⁽³⁾. A coordinated approach to the regulation of such MCV services should support the objectives of the single market and potentially improve the availability of GSM services within the European Union.

- (3) Harmonisation of the rules on the use of radio spectrum across the European Union should facilitate the deployment and uptake of MCV services within the European Union, the main aims being to avoid harmful interference towards land-based mobile networks and to prevent connection to systems providing MCV services when connection to land-based mobile networks is possible.

- (1) The i2010 policy, as the strategic framework for a European Information Society ⁽²⁾, promotes an open and competitive digital economy in the European Union and emphasises information and communication technologies as a driver of inclusion and quality of life. The development of additional means of communicating could be beneficial for work productivity and for growth in the mobile telephony market.

- (2) Maritime connectivity applications are used on board freight and passenger ships sailing within territorial seas and international waters in the European Union and are often pan-European or inter-State in nature. Systems providing mobile communication services on board vessels (MCV services) aim to complement existing mobile connectivity when operating in those areas of the territorial seas of the European Union Member States, as defined in the United Nations Convention on the Law of the Sea, that are not covered by land-based mobile networks, which are subject to Commission

- (4) Pursuant to Article 4(2) of Decision No 676/2002/EC, the European Commission has given a mandate ⁽⁴⁾ to the European Conference of Postal and Telecommunications Administrations (hereinafter CEPT) to identify the technical and operational conditions required to ensure the avoidance of harmful interference from GSM systems used on board vessels in the 900 MHz and 1 800 MHz frequency bands in the territorial seas of Member States with the operation of existing land-based mobile networks, also in areas of these territorial seas where services are provided by these networks, and to ensure that land-based mobile terminals are not connected to such a system when it is in use within the territorial seas and that any mobile terminals are not prevented from connecting to land-based networks. This Decision is based on the technical studies undertaken by CEPT under the European Commission mandate, as presented in CEPT Report 28 ⁽⁵⁾.

⁽³⁾ OJ L 274, 20.10.2009, p. 32.

⁽⁴⁾ Mandate to the CEPT on mobile communication services on vessels, 8 July 2008.

⁽⁵⁾ Final report from CEPT to the European Commission in response to the EC Mandate on mobile communication services on board vessels (MCV), 1 July 2009.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ COM(2005) 229 final of 1 June 2005.

- (5) The system providing MCV services considered in the CEPT Report consists of one or more pico-cell base stations (vessel-BS) on board a vessel, providing access to a GSM core network via a backhaul link, for example via satellite, which uses different parts of spectrum than the 900 MHz and 1 800 MHz frequency bands. The vessel-BS of such a system serve roaming GSM mobile terminals carried by ship passengers or crew by providing connectivity in the GSM-900 and/or GSM-1 800 frequency band when the vessel is in international waters or in areas of territorial seas where there is no or insufficient land-based mobile network coverage.
- (6) The CEPT Report concludes that systems providing MCV services are not to be used closer than two nautical miles (NM) from the baseline of a coastal state. It lists a number of technical and operational conditions for the usage of such systems within territorial seas between 2 and 12 NM from the baseline.
- (7) Equipment for MCV services covered by this Decision falls within the scope of Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity⁽¹⁾. Compliance with the pertinent Harmonised Standards for GSM-900 and/or GSM-1 800 referred to in that Directive entails the presumption of conformity with its requirements, hence allowing the placing of such equipment on the market.
- (8) While there are European Telecommunications Standards Institute harmonised standards setting technical requirements to allow GSM equipment conforming to these requirements to be placed on the market, and while such GSM equipment may be used by systems providing MCV services, it is nevertheless necessary to set the specific operational values to be met by systems providing MCV services operating in territorial seas to avoid harmful interference with land-based networks.
- (9) Therefore, the Annex to this Decision contains all the technical and operational requirements listed in the CEPT report. These requirements which are within the ranges of the adaptable parameters of the GSM standards are expected to ensure coexistence between systems providing MCV services and land-based GSM/UMTS networks in the 900 and 1 800 MHz bands, as well as short-range aeronautical radio navigation systems (RSBN systems) operating in the 862-960 MHz band. These requirements include mitigation techniques based on specific operational GSM system parameters, but other means or other mitigation techniques may be used if they provide an equivalent level of protection.
- (10) This Decision cannot be considered to impose obligations on Member States that do not have territorial seas. This is without prejudice to the authorisation of MCV services, which is outside the scope of this Decision, but which may require action by Member States in conformity with EU law in regard to vessels of their nationality.
- (11) Member States should strive to make available, as early as possible, the entire 900 MHz and 1 800 MHz frequency bands for systems providing MCV services on a non-interference and non-protected basis in their territorial seas in order, for example, to avoid discrimination between rights holders in these bands. However, if national circumstances prevent the entire bands from being made available, Member States may make available a smaller amount of spectrum, but should at least make available 2 MHz of spectrum in the uplink direction and 2 MHz of spectrum in the downlink direction, as such an amount of spectrum is considered the minimum required for the operation of MCV services.
- (12) To ensure that the conditions specified in this Decision continue to be relevant and given the rapid changes in the radio spectrum environment, national administrations should monitor, where possible, the use of the radio spectrum by equipment for MCV services, so as to subject this Decision to active review. Such a review should take into account technological development and verify that the initial assumptions for the operation of MCV services are still relevant.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,
- HAS ADOPTED THIS DECISION:
- Article 1*
- The purpose of this Decision is to harmonise the technical conditions for the availability and efficient use of the 900 MHz and 1 800 MHz bands for systems providing mobile communications on board vessels services within territorial seas in the European Union.

⁽¹⁾ OJ L 91, 7.4.1999, p. 10.

Article 2

For the purposes of this Decision:

1. 'mobile communication services on board vessels (MCV services)' means electronic communication services, as defined in Article 2(c) of Directive 2002/21/EC of the European Parliament and of the Council ⁽¹⁾, provided by an undertaking to enable persons on board a vessel to communicate via public communication networks using a GSM system without establishing direct connections with land-based mobile networks;
2. 'the 900 MHz band' means the 880-915 MHz band for uplink (terminal transmit, base station receive) and 925-960 MHz band for downlink (base station transmit, terminal receive);
3. 'the 1 800 MHz band' means the 1 710-1 785 MHz band for uplink (terminal transmit, base station receive) and 1 805-1 880 MHz band for downlink (base station transmit, terminal receive);
4. 'GSM system' means an electronic communications network, that complies with the GSM standards, as published by European Telecommunications Standards Institute, in particular EN 301 502 and EN 301 511;
5. 'on a non-interference and non-protected basis' means that no harmful interference may be caused to any radio-communication service and that no claim may be made for protection of these services against harmful interference originating from other radio-communication services;
6. 'territorial sea' is to be understood in the meaning of the United Nations Convention on the Law of the Sea;

7. 'vessel base transceiver station (vessel-BS)' means a mobile pico-cell located on a vessel and supporting GSM services in the 900 MHz and/or 1 800 MHz bands.

Article 3

Member States shall, no later than 12 months following the entry into force of this Decision, make available at least 2 MHz of spectrum in the uplink direction and 2 MHz of corresponding paired spectrum in the downlink direction within the 900 MHz and/or 1 800 MHz bands for systems providing MCV services on a non-interference and non-protected basis in their territorial seas, and ensure that these systems comply with the conditions set out in the Annex to this Decision.

Article 4

Member States shall keep the use of the 900 MHz and 1 800 MHz bands by systems providing MCV services in their territorial seas under review, in particular with regard to the continued relevance of all the conditions specified in Article 3 of this Decision and to instances of harmful interference.

Article 5

Member States shall submit to the European Commission a report on their findings with regard to the review referred to in Article 4 of this Decision. The European Commission shall, where appropriate, proceed to a review of this Decision.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 19 March 2010.

For the Commission

Neelie KROES

Vice-President

⁽¹⁾ OJ L 108, 24.4.2002, p. 33.

ANNEX

Conditions to be met by a system providing MCV services in the territorial seas of the Member States of the European Union, in order to avoid harmful interference to land-based mobile networks

The following conditions shall be met:

1. the system providing MCV services shall not be used closer than 2 nautical miles ⁽¹⁾ from the baseline, as defined in the United Nations Convention on the Law of the Sea;
2. only indoor vessel-BS antenna(s) shall be used between 2 and 12 nautical miles from the baseline;
3. limits to be set for mobile terminals when used on board vessel and for vessel-BS:

Parameter	Description
Transmit power/power density	For mobile terminals used on board vessels and controlled by the vessel-BS in the 900 MHz band, maximum radiated output power: 5 dBm
	For mobile terminals used on board vessels and controlled by the vessel-BS in the 1 800 MHz band, maximum radiated output power: 0 dBm
	For base stations on board vessels, the maximum power density measured in external areas of the vessel, with reference to a 0 dBi measurement antenna gain: – 80 dBm/200 kHz
Channel access and occupation rules	Techniques to mitigate interference that provide at least equivalent performance to the following mitigation factors based on GSM standards shall be used: — between 2 and 3 nautical miles from the baseline, the receiver sensitivity and the disconnection threshold (ACCMIN ⁽¹⁾ and min RXLEV ⁽²⁾ level) of the mobile terminal used on board vessel shall be equal to or higher than – 70 dBm/200 kHz and between 3 and 12 nautical miles from the baseline equal to or higher than – 75 dBm/200 kHz, — discontinuous transmission ⁽³⁾ shall be activated in the MCV system uplink direction, — the timing advance ⁽⁴⁾ value of the vessel-BS shall be set to the minimum.

⁽¹⁾ ACCMIN (RX_LEV_ACCESS_MIN); as described in GSM standard ETSI TS 144 018.

⁽²⁾ RXLEV (RXLEV-FULL-SERVING-CELL); as described in GSM standard ETSI TS 148 008.

⁽³⁾ Discontinuous transmission, or DTX; as described in GSM standard ETSI TS 148 008.

⁽⁴⁾ Timing advance; as described in GSM standard ETSI TS 144 018.

⁽¹⁾ One nautical mile = 1 852 metres.

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 19 March 2010

**on the authorisation of systems for mobile communication services on board vessels
(MCV services)**

(Text with EEA relevance)

(2010/167/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)⁽¹⁾, and in particular Article 19(1) thereof,

Whereas:

(1) The i2010 policy, as the strategic framework for a European Information Society, promotes an open and competitive digital economy in the European Union, emphasises ICT as a driver of inclusion and quality of life, and stresses the benefits of ready access to information and communication resources in all areas of daily life.

(2) Mobile communication services on board vessels (MCV services) are used on board freight and passenger vessels sailing within the territorial seas in the European Union and in international waters and are often pan-European or inter-State in nature. Systems providing MCV services ('MCV systems') aim to complement existing mobile connectivity when operating in those areas of the territorial seas of the EU Member States, as defined in the United Nations Convention on the Law of the Sea, that are not covered by land-based mobile networks.

(3) An MCV system ('dedicated MCV system') generally consists of one or more pico-cell base stations on board a vessel (vessel-BS), providing access to a GSM core network via a backhaul link, for example via

satellite. The vessel-BS of such a system serve roaming GSM mobile terminals carried by ship passengers or crew.

(4) MCV services are currently operated commercially using only the GSM standard and only in bands 880-915 MHz and 1 710-1 785 MHz for uplink (terminal transmit and base station receive) and 925-960 MHz and 1 805-1 880 MHz for downlink (base station transmit and terminal receive). In future, however, they may be extended to other terrestrial public mobile communication systems, operating in accordance with other standards and in other frequency bands.

(5) The operation of dedicated MCV systems should be distinguished from the extended coverage provided by land-based mobile electronic communications networks in territorial seas to the extent that this is based on operators' rights to establish and operate land-based mobile networks.

(6) A coordinated approach to the regulation of MCV services would help to facilitate the provision of these services across the European Union, thereby contributing to achievement of the objectives of the EU single market. It would also help to ensure seamless mobile connectivity for consumers and business users and would enhance the potential of innovative maritime communication services.

(7) When authorising use of spectrum for the provision of MCV services, Member States must comply with Directive 2002/21/EC and with Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)⁽²⁾. In particular, under Article 9(1) and (2) of Directive 2002/21/EC, Member States should ensure the effective management of radio frequencies for electronic communication services in their territory and promote harmonisation of the use of radio frequencies across the European Union, consistent with the need to ensure effective and efficient use thereof.

⁽¹⁾ OJ L 108, 24.4.2002, p. 33.

⁽²⁾ OJ L 108, 24.4.2002, p. 21.

- (8) Under Directive 2002/21/EC, national regulatory authorities in the Member States should contribute to the development of the single market, inter alia, by removing remaining obstacles to the provision of electronic communications networks, associated facilities and services, and electronic communication services at European level and by encouraging the establishment and development of trans-European networks, the interoperability of pan-European services, and end-to-end connectivity. They should also promote competition in the provision of electronic communications networks, electronic communication services and associated facilities and services by, inter alia, encouraging efficient use and ensuring the effective management of radio frequencies and numbering resources.
- (9) Pursuant to Directive 2002/20/EC, the least onerous authorisation system possible should be used to allow the provision of electronic communications networks and services in order to stimulate the development of new electronic communication services and pan-European communications networks and services and to allow service providers and consumers to benefit from the economies of scale of the single market.
- (10) In accordance with Article 3(2) of Directive 2002/20/EC, the provision of electronic communications networks or the provision of electronic communication services may, without prejudice to the specific obligations referred to in Article 6(2) or rights of use referred to in Article 5, only be subject to a general authorisation.
- (11) Following Article 5(1) of Directive 2002/20/EC, Member States should, where possible, in particular where the risk of harmful interference is negligible, not make the use of radio frequencies subject to individual rights of use but to general authorisations that include the conditions of their usage.
- (12) Provided the technical conditions set out in Commission Decision 2010/166/EU ⁽¹⁾ are fulfilled, the risk of harmful interference caused by MCV operation will be negligible, so, in principle, general authorisations should be granted by Member States for the use of the radio spectrum for the provision of MCV services.
- (13) Some Member States currently make the use of spectrum for the provision of MCV services subject to individual rights. This authorisation approach should be reassessed, including on the basis of any experience as regards the provision of MCV services in the territorial seas of Member States.
- (14) According to Article 1 of Directive 2009/114/EC of the European Parliament and of the Council of 16 September 2009 amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community ⁽²⁾ Member States should examine whether the existing assignment of the 900 MHz band to the competing mobile operators in their territory is likely to distort competition in the mobile markets concerned and should address such distortions in accordance with Article 14 of Directive 2002/20/EC. Member States should, where appropriate, consider using this occasion to change any existing exclusive rights of use granted to operators of land-based mobile networks so that they do not exclude the provision of MCV services in the relevant frequencies.
- (15) Member States should share information amongst each other and with the Commission in order to resolve any harmful interference issues caused by MCV services. In as much as involvement of the Communications Committee and the Radio Spectrum Committee could facilitate the resolution of such issues, these Committees should be informed by the Commission.
- (16) Pursuant to Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) ⁽³⁾ Member States should ensure that transparent and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, in respect of access to and use of publicly available telephone services is available to end-users and consumers. The Directive also calls upon Member States to ensure that, where subscribing to services providing connection and/or access to the public telephone network, consumers have a right to a contract with an undertaking or undertakings providing such services, specifying, among other things particulars of prices and tariffs and the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained.
- (17) International agreements in the area of maritime safety and/or public security should not be prejudiced by the operation of MCV services.
- (18) The regulatory and technical elements of the common approach to authorisation of the use of spectrum for the provision of MCV services in the European Union should be kept under scrutiny to ensure that they remain satisfactory for the overall purpose of avoiding harmful interference, failing which appropriate remedial measures will be considered.

⁽¹⁾ See page 38 of this Official Journal.

⁽²⁾ OJ L 274, 20.10.2009, p. 25.

⁽³⁾ OJ L 108, 24.4.2002, p. 51.

- (19) The measures provided for in this Recommendation are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS RECOMMENDATION:

1. This Recommendation aims to coordinate national authorisation conditions and procedures relating to the use of the radio spectrum for mobile communication services on board vessels (MCV services) in the territorial seas of Member States in order to facilitate the deployment of such services across the European Union while avoiding harmful interference caused by MCV services to land-based mobile electronic communication services.

The national authorisation conditions and procedures referred to in this Recommendation will apply without prejudice to legal obligations concerning maritime safety and public security and regulations and/or administrative provisions concerning equipment for MCV services put in place by Member States, in compliance with European Union law, in particular Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity⁽¹⁾ and any applicable EU and international instruments concerning maritime equipment.

2. 'Mobile communication services on board vessels (MCV services)' means electronic communication services, as defined in Article 2(c) of Directive 2002/21/EC, provided by an undertaking to enable persons on board a vessel to communicate via public communication networks using a GSM system without establishing direct connections with land-based mobile networks.
3. This Recommendation applies to authorisation of the use of radio spectrum in the frequency bands defined in Decision 2010/166/EU for the provision of MCV services in the territorial seas of Member States, as defined in the United Nations Convention on the Law of the Sea. The provision of MCV services in the high seas, satellite communications between vessels and space stations, and the provision of mobile satellite services (MSS) to end-users on board vessels are outside the scope of this Recommendation.
4. No later than 12 months after adoption of this Recommendation, Member States should take all steps necessary to be able to authorise, in the frequency bands or sub-bands made available in accordance with Decision 2010/166/EU, the use of spectrum for the provision of MCV services in their territorial seas on board vessels of their nationality and the use of spectrum for the provision of MCV services in their territorial seas, as applicable.

5. Member States should not authorise use of spectrum for the provision of MCV services, unless such use satisfies the technical conditions set out in Decision 2010/166/EU.

6. Member States may require that MCV systems only use the specific frequency bands or sub-bands made available, in accordance with Decision 2010/166/EU, for the operation of MCV systems in their territorial seas.

7. Member States should make use of spectrum for the provision of MCV services subject to general authorisation. Without prejudice to Article 5(1) of Directive 2002/20/EC, where the use of spectrum for the provision of MCV services is subject to individual rights, Member States should reassess the need for such individual rights with the objective of incorporating the conditions attached to such rights into a general authorisation as soon as possible and at the latest within three years after adoption of this Recommendation.

8. No later than 12 months after adoption of this Recommendation, Member States should not require any additional authorisation for the use of spectrum made available for the provision of MCV services in their territorial seas if the use of spectrum by the relevant MCV system is already authorised by another Member State, in accordance with its authorisation regime and in compliance with this Recommendation.

9. Member States should consider not requiring an additional authorisation for the use of spectrum in their territorial seas for the provision of MCV services on board vessels of third country nationality, provided that the use of spectrum for the provision of MCV services on such vessels is already authorised by the relevant countries under the same conditions as those set out in Decision 2010/166/EU.

10. Member States that, prior to the adoption of this Recommendation, have granted in the frequency bands or sub-bands made available for operation of MCV systems, exclusive individual rights of use for the provision of land-based mobile electronic communications networks and/or services extending to their territorial seas should, on the occasion of the first review, modification, extension or renewal of such exclusive rights of use, based on either EU or national law, where appropriate, change such rights of use in order to allow for the operation of MCV systems in their territorial seas. Pending such first review, modification, extension or renewal, the Member States concerned should promote the provision of MCV services in their territorial seas on the basis of spectrum trading, spectrum sharing or any other comparable arrangements with the land-based mobile operators enjoying the relevant exclusive rights.

⁽¹⁾ OJ L 91, 7.4.1999, p. 10.

11. Member States should cooperate actively, constructively and in a spirit of solidarity, using existing procedures where appropriate, to manage any issues concerning harmful interference allegedly caused by the operation of MCV systems.
12. Member States should promptly bring issues concerning harmful interference allegedly caused by the operation of an MCV system falling under the jurisdiction of another Member State to the attention of the latter Member State and should inform the Commission. Where appropriate, the Commission should inform the Communications Committee and the Radio Spectrum Committee of the abovementioned issues in order to seek solutions to any difficulties.
13. Member States that have jurisdiction over the MCV systems suspected of interfering harmfully with services in the territory of another Member State should respond and promptly resolve any such interference.
14. Member States should take any appropriate measures in order to ensure that consumers and other end-users are adequately informed about the terms and conditions for the use of MCV services.
15. Member States should keep the use of spectrum for the provision of MCV services under scrutiny, in particular concerning actual or potential harmful interference, and should report their findings to the Commission in order to allow a timely review of this Recommendation if necessary.

Done at Brussels, 19 March 2010.

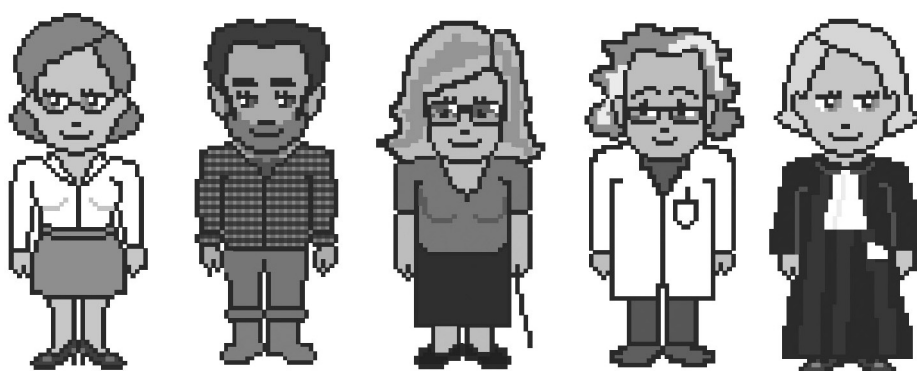
For the Commission

Neelie KROES

Vice-President

EU Book shop

All the EU publications
YOU are looking for!



bookshop.europa.eu

2010 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 100 per year
EU Official Journal, L + C series, paper + annual CD-ROM	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 770 per year
EU Official Journal, L + C series, monthly CD-ROM (cumulative)	22 official EU languages	EUR 400 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week	multilingual: 23 official EU languages	EUR 300 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual CD-ROM.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

CD-Rom formats will be replaced by DVD formats during 2010.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our commercial distributors. The list of commercial distributors is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN