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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 228/2011

of 7 March 2011

amending Regulation (EC) No 1222/2009 of the European Parliament and of the Council with regard to the wet grip testing method for C1 tyres**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters ⁽¹⁾, and in particular Article 11(c) thereof,

Whereas:

(1) In accordance with Annex I, part B to Regulation (EC) No 1222/2009, the wet grip index of C1 tyres shall be determined as specified in UNECE Regulation No 117 and its subsequent amendments. However, representatives of the industry have developed a revised wet grip testing method on the basis of Annex 5 to UNECE Regulation No 117 that significantly improves the accuracy of the testing results.

(2) Accuracy of testing results is a key factor for determining wet grip classes of tyres. It ensures a fair comparison between tyres from different suppliers. In addition, accurate testing prevents that a tyre may be classified into more than one class and reduces the risks that different testing results will be obtained by market surveillance authorities in comparison to the testing results declared by the suppliers only because of the uncertainty of the testing method.

(3) Therefore, it is necessary to update the wet grip testing method in order to improve accuracy of the tyre testing results.

(4) Regulation (EC) No 1222/2009 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 13 of Regulation (EC) No 1222/2009,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendment to Regulation (EC) No 1222/2009**

Regulation (EC) No 1222/2009 is amended as follows:

(1) in Annex I, part B, the first sentence is replaced by the following:

‘The wet grip class of C1 tyres must be determined on the basis of the wet grip index (G) according to the “A” to “G” scale specified in the table below and measured in accordance with Annex V.’;

(2) the text set out in the Annex to this Regulation is added as Annex V.

*Article 2***Entry into force**

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

⁽¹⁾ OJ L 342, 22.12.2009, p. 46.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 7 March 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

‘ANNEX V

Testing method for measuring the wet grip index (G) of C1 tyres

1. MANDATORY STANDARDS

The following documents listed apply.

- (1) ASTM E 303-93 (Reapproved 2008), Standard Test Method for Measuring Surface Frictional Properties Using the British Pendulum Tester;
- (2) ASTM E 501-08, Standard Specification for Standard Rib Tire for Pavement Skid-Resistance Tests;
- (3) ASTM E 965-96 (Reapproved 2006), Standard Test Method for Measuring Pavement Macrottexture Depth Using a Volumetric Technique;
- (4) ASTM E 1136-93 (Reapproved 2003), Standard Specification for a Radial Standard Reference Test Tire (SRTT14");
- (5) ASTM F 2493-08, Standard Specification for a Radial Standard Reference Test Tire (SRTT16").

2. DEFINITIONS

For the purposes of testing wet grip of C1 tyres, the following definitions apply:

- (1) "test run" means a single pass of a loaded tyre over a given test track surface;
- (2) "test tyre(s)" means a candidate tyre, a reference tyre or a control tyre or tyre set that is used in a test run;
- (3) "candidate tyre(s) (T)" means a tyre or a tyre set that is tested for the purpose of calculating its wet grip index;
- (4) "reference tyre(s) (R)" means a tyre or a tyre set that has the characteristics indicated in ASTM F 2493-08 and referred to as Standard Reference Test Tyre 16 inches (SRTT16");
- (5) "control tyre(s) (C)" means an intermediate tyre or a set of intermediate tyres which is used when the candidate tyre and the reference tyre cannot be directly compared on the same vehicle;
- (6) "braking force of a tyre" means the longitudinal force, expressed in newton, resulting from braking torque application;
- (7) "braking force coefficient of a tyre (BFC)" means the ratio of the braking force to the vertical load;
- (8) "peak braking force coefficient of a tyre" means the maximum value of a tyre braking force coefficient that occurs prior to wheel lockup as the braking torque is progressively increased;
- (9) "lockup of a wheel" means the condition of a wheel in which its rotational velocity about the wheel spin axis is zero and it is prevented from rotating in the presence of applied wheel torque;
- (10) "vertical load" means the load in newton imposed on the tyre perpendicular to the road surface;
- (11) "tyre test vehicle" means a dedicated special purpose vehicle which has instruments to measure the vertical and the longitudinal forces on one test tyre during braking.

3. GENERAL TEST CONDITIONS

3.1 Track characteristics

The test track shall have the following characteristics:

- (1) The surface shall have a dense asphalt surface with a uniform gradient of not more than 2 % and shall not deviate more than 6 mm when tested with a 3 m straight edge.
- (2) The surface shall have a pavement of uniform age, composition, and wear. The test surface shall be free of loose material and foreign deposits.
- (3) The maximum chipping size shall be 10 mm (tolerances permitted from 8 mm to 13 mm).
- (4) The texture depth as measured by a sand patch shall be $0,7 \pm 0,3$ mm. It shall be measured in accordance with ASTM E 965-96 (Reapproved 2006).
- (5) The wetted frictional properties of the surface shall be measured with either method (a) or (b) in section 3.2.

3.2 Methods to measure the wetted frictional properties of the surface

(a) British Pendulum Number (BPN) method

The British Pendulum Number method shall be as defined in ASTM E 303-93 (Reapproved in 2008).

Pad rubber component formulation and physical properties shall be as specified in ASTM E 501-08.

The averaged British Pendulum Number (BPN) shall be between 42 and 60 BPN after temperature correction as follows.

BPN shall be corrected by the wetted road surface temperature. Unless temperature correction recommendations are indicated by the British pendulum manufacturer, the following formula is used:

$$\text{BPN} = \text{BPN (measured value)} + \text{temperature correction}$$

$$\text{temperature correction} = -0,0018 t^2 + 0,34 t - 6,1$$

where t is the wetted road surface temperature in degrees Celsius.

Effects of slider pad wear: The pad shall be removed for maximum wear when the wear on the striking edge of the slider reaches 3,2 mm in the plane of the slider or 1,6 mm vertical to it in accordance with section 5.2.2 and Figure 3 of ASTM E 303-93 (Reapproved 2008).

For the purpose of checking track surface BPN consistency for the measurement of wet grip on an instrumented passenger car: the BPN values of the test track should not vary over the entire stopping distance so as to decrease the dispersion of test results. The wetted frictional properties of the surface shall be measured five times at each point of the BPN measurement every 10 meters and the coefficient of variation of the averaged BPN shall not exceed 10 %.

(b) ASTM E 1136 Standard Reference Test Tyre (SRTT14") method

By derogation with point (4) of section 2, this method uses the reference tyre that has the characteristics indicated in ASTM E 1136-93 (Reapproved 2003) and referred to as SRTT14" ⁽¹⁾.

The average peak braking force coefficient ($\mu_{\text{peak,ave}}$) of the SRTT14" shall be $0,7 \pm 0,1$ at 65 km/h.

The average peak braking force coefficient ($\mu_{\text{peak,ave}}$) of the SRTT14" shall be corrected by the wetted road surface temperature as follows:

peak braking force coefficient ($\mu_{\text{peak,ave}}$) = peak braking force coefficient (measured) + temperature correction

$$\text{temperature correction} = 0,0035 \times (t - 20)$$

where t is the wetted road surface temperature in degrees Celsius.

⁽¹⁾ The size of the ASTM E 1136 SRTT is P195/75R14.

3.3 Atmospheric conditions

The wind conditions shall not interfere with wetting of the surface (wind-shields are allowed).

Both the wetted surface temperature and the ambient temperature shall be between 2 °C and 20 °C for snow tyres and 5 °C and 35 °C for normal tyres.

The wetted surface temperature shall not vary during the test by more than 10 °C.

The ambient temperature must remain close to the wetted surface temperature; the difference between the ambient and the wetted surface temperatures must be less than 10 °C.

4. TESTING METHODS FOR MEASURING WET GRIP

For the calculation of the wet grip index (G) of a candidate tyre, the wet grip braking performance of the candidate tyre is compared to the wet grip braking performance of the reference tyre on a vehicle travelling straight ahead on a wet, paved surface. It is measured with one of the following methods:

- vehicle method consisting of testing a set of tyres mounted on an instrumented passenger car,
- testing method using a trailer towed by a vehicle or a tyre test vehicle, equipped with the test tyre(s).

4.1 Testing method using an instrumented passenger car

4.1.1 Principle

The testing method covers a procedure for measuring the deceleration performance of C1 tyres during braking, using an instrumented passenger car equipped with an Antilock Braking System (ABS), where “instrumented passenger car” means a passenger car that is fitted with the measuring equipment listed in section 4.1.2.2 for the purpose of this testing method. Starting with a defined initial speed, the brakes are applied hard enough on four wheels at the same time to activate the ABS. The average deceleration is calculated between two pre-defined speeds.

4.1.2 Equipment

4.1.2.1 Vehicle

Permitted modifications on the passenger car are as follows:

- those allowing the number of tyre sizes that can be mounted on the vehicle to be increased,
- those permitting automatic activation of the braking device to be installed.

Any other modification of the braking system is prohibited.

4.1.2.2 Measuring equipment

The vehicle shall be fitted with a sensor suitable for measuring speed on a wet surface and distance covered between two speeds.

To measure vehicle speed, a fifth wheel or non-contact speed-measuring system shall be used.

4.1.3 Conditioning of the test track and wetting condition

The test track surface shall be watered at least half an hour prior to testing in order to equalise the surface temperature and water temperature. External watering should be supplied continuously throughout testing. For the whole testing area, the water depth shall be $1,0 \pm 0,5$ mm, measured from the peak of the pavement.

The test track should then be conditioned by conducting at least 10 test runs with tyres not involved in the test programme at 90 km/h.

4.1.4 Tyres and rims

4.1.4.1 Tyre preparation and break-in

The test tyres shall be trimmed to remove all protuberances on the tread surface caused by mould air vents or flashes at mould junctions.

The test tyres shall be mounted on the test rim declared by the tyre manufacturer.

A proper bead seat should be achieved by the use of a suitable lubricant. Excessive use of lubricant should be avoided to prevent slipping of the tyre on the wheel rim.

The test tyres/rim assemblies shall be stored in a location for a minimum of two hours such that they all have the same ambient temperature prior to testing. They should be shielded from the sun to avoid excessive heating by solar radiation.

For tyre break-in, two braking runs shall be performed.

4.1.4.2 Tyre load

The static load on each axle tyre shall lie between 60 % and 90 % of the tested tyre load capacity. Tyre loads on the same axle should not differ by more than 10 %.

4.1.4.3 Tyre inflation pressure

On the front and rear axles, the inflation pressures shall be 220 kPa (for standard- and extra-load tyres). The tyre pressure should be checked just prior to testing at ambient temperature and adjusted if required.

4.1.5 Procedure

4.1.5.1 Test run

The following test procedure applies for each test run:

- (1) The passenger car is driven in a straight line up to 85 ± 2 km/h.
- (2) Once the passenger car has reached 85 ± 2 km/h, the brakes are always activated at the same place on the test track referred to as "braking starting point", with a longitudinal tolerance of 5 m and a transverse tolerance of 0,5 m.
- (3) The brakes are activated either automatically or manually.
 - (i) The automatic activation of the brakes is performed by means of a detection system made of two parts, one indexed to the test track and one on board the passenger car.
 - (ii) The manual activation of the brakes depends on the type of transmission as follows. In both cases, a minimum of 600 N pedal efforts is required.

For manual transmission, the driver should release the clutch and depress the brake pedal sharply, holding it down as long as necessary to perform the measurement.

For automatic transmission, the driver should select neutral gear and then depress the brake pedal sharply, holding it down as long as necessary to perform the measurement.

- (4) The average deceleration is calculated between 80 km/h and 20 km/h.

If any of the specifications listed above (including speed tolerance, longitudinal and transverse tolerance for the braking starting point, and braking time) are not met when a test run is made, the measurement is discarded and a new test run is made.

4.1.5.2 Test cycle

A number of test runs are made in order to measure the wet grip index of a set of candidate tyres (T) according to the following procedure, whereby each test run shall be made in the same direction and up to three different sets of candidate tyres may be measured within the same test cycle:

- (1) First, the set of reference tyres are mounted on the instrumented passenger car.
- (2) After at least three valid measurements have been made in accordance with section 4.1.5.1, the set of reference tyres is replaced by a set of candidate tyres.
- (3) After six valid measurements of the candidate tyres are performed, two more sets of candidate tyres may be measured.
- (4) The test cycle is closed by three more valid measurements of the same set of reference tyres as at the beginning of the test cycle.

EXAMPLES:

- The run order for a test cycle of three sets of candidate tyres (T1 to T3) plus a set of reference tyres (R) would be the following:

R-T1-T2-T3-R

- The run order for a test cycle of five sets of candidate tyres (T1 to T5) plus a set of reference tyres (R) would be the following:

R-T1-T2-T3-R-T4-T5-R

4.1.6 Processing of measurement results**4.1.6.1 Calculation of the average deceleration (AD)**

The average deceleration (AD) is calculated for each valid test run in $\text{m}\cdot\text{s}^{-2}$ as follows:

$$AD = \left| \frac{S_f^2 - S_i^2}{2d} \right|$$

where:

S_f is the final speed in $\text{m}\cdot\text{s}^{-1}$; $S_f = 20 \text{ km/h} = 5,556 \text{ m}\cdot\text{s}^{-1}$

S_i is the initial speed in $\text{m}\cdot\text{s}^{-1}$; $S_i = 80 \text{ km/h} = 22,222 \text{ m}\cdot\text{s}^{-1}$

d is the distance covered in m between S_i and S_f .

4.1.6.2 Validation of results

The AD coefficient of variation is calculated as follows:

$$(\text{Standard Deviation} / \text{Average}) \times 100$$

For the reference tyres (R): If the AD coefficient of variation of any two consecutive groups of three test runs of the reference tyre set is higher than 3 %, all data should be discarded and the test repeated for all test tyres (the candidate tyres and the reference tyres).

For the candidate tyres (T): The AD coefficients of variation are calculated for each candidate tyre set. If one coefficient of variation is higher than 3 %, the data should be discarded and the test repeated for that candidate tyre set.

4.1.6.3 Calculation of adjusted average deceleration (Ra)

The average deceleration (AD) of the reference tyre set used for the calculation of its braking force coefficient is adjusted according to the positioning of each candidate tyre set in a given test cycle.

This adjusted AD of the reference tyre (Ra) is calculated in $\text{m}\cdot\text{s}^{-2}$ in accordance with table 1 where R_1 is the average of the AD values in the first test of the reference tyre set (R) and R_2 is the average of the AD values in the second test of the same reference tyre set (R).

Table 1

Number of sets of candidate tyres within one test cycle	Set of candidate tyres	Ra
1 (R ₁ -T1-R ₂)	T1	$Ra = 1/2 (R_1 + R_2)$
2 (R ₁ -T1-T2-R ₂)	T1	$Ra = 2/3 R_1 + 1/3 R_2$
	T2	$Ra = 1/3 R_1 + 2/3 R_2$
3 (R ₁ -T1-T2-T3-R ₂)	T1	$Ra = 3/4 R_1 + 1/4 R_2$
	T2	$Ra = 1/2 (R_1 + R_2)$
	T3	$Ra = 1/4 R_1 + 3/4 R_2$

4.1.6.4 Calculation of the braking force coefficient (BFC)

The braking force coefficient (BFC) is calculated for a braking on the two axes according to Table 2 where Ta ($a = 1, 2$ or 3) is the average of the AD values for each candidate tyre (T) set that is part of a test cycle.

Table 2

Test Tyre	Braking force coefficient
Reference tyre	$BFC(R) = Ra/g $
Candidate tyre	$BFC(T) = Ta/g $
g is the acceleration due to gravity, $g = 9,81 \text{ m}\cdot\text{s}^{-2}$	

4.1.6.5 Calculation of the wet grip index of the candidate tyre

The wet grip index of the candidate tyre ($G(T)$) is calculated as follows:

$$G(T) = \left[\frac{BFC(T)}{BFC(R)} \times 125 + a \times (t - t_0) + b \times \left(\frac{BFC(R)}{BFC(R_0)} - 1, 0 \right) \right] \times 10^{-2}$$

where:

- t is the measured wet surface temperature in degree Celsius when the candidate tyre (T) is tested
- t_0 is the wet surface reference temperature condition, $t_0 = 20^\circ\text{C}$ for normal tyres and $t_0 = 10^\circ\text{C}$ for snow tyres
- $BFC(R_0)$ is the braking force coefficient for the reference tyre in the reference conditions, $BFC(R_0) = 0,68$
- $a = -0,4232$ and $b = -8,297$ for normal tyres, $a = 0,7721$ and $b = 31,18$ for snow tyres

4.1.7 Wet grip performance comparison between a candidate tyre and a reference tyre using a control tyre

4.1.7.1 General

Where the candidate tyre size is significantly different from that of the reference tyre, a direct comparison on the same instrumented passenger car may not be possible. This testing method uses an intermediate tyre, hereinafter called the control tyre as defined in point 5 of section 2.

4.1.7.2 Principle of the approach

The principle is the use of a control tyre set and two different instrumented passenger cars for the test cycle of a candidate tyre set in comparison with a reference tyre set.

One instrumented passenger car is fitted with the reference tyre set followed by the control tyre set, the other with the control tyre set followed by the candidate tyre set.

The specifications listed in sections 4.1.2 to 4.1.4 apply.

The first test cycle is a comparison between the control tyre set and the reference tyre set.

The second test cycle is a comparison between the candidate tyre set and the control tyre set. It is done on the same test track and during the same day as the first test cycle. The wetted surface temperature shall be within $\pm 5^\circ\text{C}$ of the temperature of the first test cycle. The same control tyre set shall be used for the first and the second test cycles.

The wet grip index of the candidate tyre ($G(T)$) is calculated as follows:

$$G(T) = G_1 \times G_2$$

where:

- G_1 is the relative wet grip index of the control tyre (C) compared to the reference tyre (R) calculated as follows:

$$G_1 = \left[\frac{BFC(C)}{BFC(R)} \times 125 + a \times (t - t_0) + b \times \left(\frac{BFC(R)}{BFC(R_0)} - 1, 0 \right) \right] \times 10^{-2}$$

- G_2 is the relative wet grip index of the candidate tyre (T) compared to the control tyre (C) calculated as follows:

$$G_2 = \frac{BFC(T)}{BFC(C)}$$

4.1.7.3 Storage and preservation

It is necessary that all the tyres of a control tyre set have been stored in the same conditions. As soon as the control tyre set has been tested in comparison with the reference tyre, the specific storage conditions defined in ASTM E 1136-93 (Reapproved 2003) shall be applied.

4.1.7.4 Replacement of reference tyres and control tyres

When irregular wear or damage results from tests, or when wear influences the test results, the use of the tyre shall be discontinued.

4.2 Testing method using a trailer towed by a vehicle or a tyre test vehicle

4.2.1 Principle

The measurements are conducted on test tyres mounted on a trailer towed by a vehicle (hereafter referred to as tow vehicle) or on a tyre test vehicle. The brake in the test position is applied firmly until sufficient braking torque is generated to produce the maximum braking force that will occur prior to wheel lockup at a test speed of 65 km/h.

4.2.2 Equipment

4.2.2.1 Tow vehicle and trailer or tyre test vehicle

- The tow vehicle or the tyre test vehicle shall have the capability of maintaining the specified speed of 65 ± 2 km/h even under the maximum braking forces.
- The trailer or the tyre test vehicle shall be equipped with one place where the tyre can be fitted for measurement purposes hereafter called “test position” and the following accessories:
 - (i) equipment to activate brakes in the test position;
 - (ii) a water tank to store sufficient water to supply the road surface wetting system, unless external watering is used;
 - (iii) recording equipment to record signals from transducers installed at the test position and to monitor water application rate if the self-watering option is used.
- The maximum variation of toe-settings and camber angle for the test position shall be within $\pm 0,5^\circ$ with maximum vertical load. Suspension arms and bushings shall have sufficient rigidity necessary to minimise free play and ensure compliance under application of maximum braking forces. The suspension system shall provide adequate load-carrying capacity and be of such a design as to isolate suspension resonance.
- The test position shall be equipped with a typical or special automotive brake system which can apply sufficient braking torque to produce the maximum value of braking test wheel longitudinal force at the conditions specified.
- The brake application system shall be able to control the time interval between initial brake application and peak longitudinal force as specified in section 4.2.7.1.

- The trailer or the tyre test vehicle shall be designed to accommodate the range of candidate tyre sizes to be tested.
- The trailer or the tyre test vehicle shall have provisions for adjustment of vertical load as specified in section 4.2.5.2.

4.2.2.2 Measuring equipment

- The test wheel position on the trailer or the tyre test vehicle shall be equipped with a rotational wheel velocity measuring system and with transducers to measure the braking force and vertical load at the test wheel.
- General requirements for measurement system: The instrumentation system shall conform to the following overall requirements at ambient temperatures between 0 °C and 45 °C:
 - (i) overall system accuracy, force: $\pm 1,5$ % of the full scale of the vertical load or braking force;
 - (ii) overall system accuracy, speed: $\pm 1,5$ % of speed or $\pm 1,0$ km/h, whichever is greater.
- Vehicle speed: To measure vehicle speed, a fifth wheel or non-contact precision speed-measuring system should be used.
- Braking forces: The braking force-measuring transducers shall measure longitudinal force generated at the tyre-road interface as a result of brake application within a range from 0 % to at least 125 % of the applied vertical load. The transducer design and location shall minimise inertial effects and vibration-induced mechanical resonance.
- Vertical load: The vertical load-measuring transducer shall measure the vertical load at the test position during brake application. The transducer shall have the same specifications as described previously.
- Signal conditioning and recording system: All signal conditioning and recording equipment shall provide linear output with necessary gain and data reading resolution to meet the specified previous requirements. In addition, the following requirements apply:
 - (i) The minimum frequency response shall be flat from 0 Hz to 50 Hz (100 Hz) within ± 1 % full scale.
 - (ii) The signal-to-noise ratio shall be at least 20/1.
 - (iii) The gain shall be sufficient to permit full-scale display for full-scale input signal level.
 - (iv) The input impedance shall be at least 10 times larger than the output impedance of the signal source.
 - (v) The equipment shall be insensitive to vibrations, acceleration, and changes in ambient temperature.

4.2.3 Conditioning of the test track

The test track should be conditioned by conducting at least ten test runs with tyres not involved in the test program at 65 ± 2 km/h.

4.2.4 Wetting conditions

The tow vehicle and trailer or the tyre test vehicle may be optionally equipped with a pavement-wetting system, less the storage tank, which, in the case of the trailer, is mounted on the tow vehicle. The water being applied to the pavement ahead of the test tyres shall be supplied by a nozzle suitably designed to ensure that the water layer encountered by the test tyre has a uniform cross section at the test speed with a minimum splash and overspray.

The nozzle configuration and position shall ensure that the water jets are directed towards the test tyre and pointed towards the pavement at an angle of 20° to 30°.

The water shall strike the pavement 0,25 m to 0,45 m ahead of the centre of tyre contact. The nozzle shall be located 25 mm above the pavement or at the minimum height required to clear obstacles which the tester is expected to encounter, but in no case more than 100 mm above the pavement.

The water layer shall be at least 25 mm wider than the test tyre tread and applied so the tyre is centrally located between the edges. Water delivery rate shall ensure a water depth of $1,0 \pm 0,5$ mm and shall be consistent throughout the test to within ± 10 per cent. The volume of water per unit of wetted width shall be directly proportional to the test speed. The quantity of water applied at 65 km/h shall be $18 \text{ l}\cdot\text{s}^{-1}$ per meter of width of wetted surface in case of a water depth of 1,0 mm.

4.2.5 Tyres and rims

4.2.5.1 Tyre preparation and break-in

The test tyres shall be trimmed to remove all protuberances on the tread surface caused by mould air vents or flashes at mould junctions.

The test tyre shall be mounted on the test rim declared by the tyre manufacturer.

A proper bead seat should be achieved by the use of a suitable lubricant. Excessive use of lubricant should be avoided to prevent slipping of the tyre on the wheel rim.

The test tyres/rim assemblies shall be stored in a location for a minimum of two hours such that they all have the same ambient temperature prior to testing. They should be shielded from the sun to avoid excessive heating by solar radiation.

For tyre break-in, two braking runs shall be performed under the load, pressure and speed as specified in 4.2.5.2, 4.2.5.3 and 4.2.7.1 respectively.

4.2.5.2 Tyre load

The test load on the test tyre is 75 ± 5 % of the test tyre load capacity.

4.2.5.3 Tyre inflation pressure

The test tyre cold inflation pressure shall be 180 kPa for standard-load tyres. For extra-load tyres, the cold inflation pressure shall be 220 kPa.

The tyre pressure should be checked just prior to testing at ambient temperature and adjusted if required.

4.2.6 Preparation of the tow vehicle and trailer or the tyre test vehicle

4.2.6.1 Trailer

For one axle trailers, the hitch height and transverse position shall be adjusted once the test tyre has been loaded to the specified test load in order to avoid any disturbance of the measuring results. The longitudinal distance from the centre line of the articulation point of the coupling to the transverse centre line of the axle of the trailer shall be at least 10 times the "hitch height" or the "coupling (hitch) height".

4.2.6.2 Instrumentation and equipment

Install the fifth wheel, when used, in accordance with the manufacturer's specifications and locate it as near as possible to the mid-track position of the tow trailer or the tyre test vehicle.

4.2.7 Procedure

4.2.7.1 Test run

The following procedure applies for each test run:

- (1) The tow vehicle or the tyre test vehicle is driven onto the test track in a straight line at the specified test speed 65 ± 2 km/h.
- (2) The recording system is launched.
- (3) Water is delivered to the pavement ahead of the test tyre approximately 0,5 s prior to brake application (for internal watering system).
- (4) The trailer brakes are activated within 2 metres of a measurement point of the wetted frictional properties of the surface and sand depth in accordance with points 4 and 5 of section 3.1. The rate of braking application shall be such that the time interval between initial application of force and peak longitudinal force is in the range 0,2 s to 0,5 s.
- (5) The recording system is stopped.

4.2.7.2 Test cycle

A number of test runs are made in order to measure the wet grip index of the candidate tyre (T) according to the following procedure, whereby each test run shall be made at the same spot on the test track and in the same direction. Up to three candidate tyres may be measured within the same test cycle, provided that the tests are completed within one day.

- (1) First, the reference tyre is tested.
- (2) After at least six valid measurements are performed in accordance with section 4.2.7.1, the reference tyre is replaced by the candidate tyre.
- (3) After six valid measurements of the candidate tyre are performed, two more candidate tyres may be measured.
- (4) The test cycle is closed by six more valid measurements of the same reference tyre as at the beginning of the test cycle.

EXAMPLES:

- The run order for a test cycle of three candidate tyres (T1 to T3) plus the reference tyre (R) would be the following:

R-T1-T2-T3-R

- The run order for a test cycle of five candidate tyres (T1 to T5) plus the reference tyre R would be the following:

R-T1-T2-T3-R-T4-T5-R

4.2.8 Processing of measurement results

4.2.8.1 Calculation of the peak braking force coefficient

The tyre peak braking force coefficient (μ_{peak}) is the highest value of $\mu(t)$ before lockup occurs calculated as follows for each test run. Analogue signals should be filtered to remove noise. Digitally recorded signals must be filtered using a moving average technique.

$$\mu(t) = \left| \frac{fh(t)}{fv(t)} \right|$$

where:

$\mu(t)$ is the dynamic tyre braking force coefficient in real time;

$fh(t)$ is the dynamic braking force in real time, in N;

$fv(t)$ is the dynamic vertical load in real time, in N.

4.2.8.2 Validation of results

The μ_{peak} coefficient of variation is calculated as follows:

$$(\text{Standard Deviation} / \text{Average}) \times 100$$

For the reference tyre (R): If the coefficient of variation of the peak braking force coefficient (μ_{peak}) of the reference tyre is higher than 5 %, all data should be discarded and the test repeated for all test tyres (the candidate tyre(s) and the reference tyre).

For the candidate tyre(s) (T): The coefficient of variation of the peak braking force coefficient (μ_{peak}) is calculated for each candidate tyre. If one coefficient of variation is higher than 5 %, the data should be discarded and the test repeated for this candidate tyre.

4.2.8.3 Calculation of the adjusted average peak braking force coefficient

The average peak braking force coefficient of the reference tyre used for the calculation of its braking force coefficient is adjusted according to the positioning of each candidate tyre in a given test cycle.

This adjusted average peak braking force coefficient of the reference tyre (R_a) is calculated in accordance with table 3 where R_1 is the average peak tyre braking coefficient in the first test of the reference tyre (R) and R_2 is the average peak tyre braking coefficient in the second test of the same reference tyre (R).

Table 3

Number of candidate tyre(s) within one test cycle	Candidate tyre	Ra
1 (R ₁ -T1-R ₂)	T1	$Ra = 1/2 (R_1 + R_2)$
2 (R ₁ -T1-T2-R ₂)	T1	$Ra = 2/3 R_1 + 1/3 R_2$
	T2	$Ra = 1/3 R_1 + 2/3 R_2$
3 (R ₁ -T1-T2-T3-R ₂)	T1	$Ra = 3/4 R_1 + 1/4 R_2$
	T2	$Ra = 1/2 (R_1 + R_2)$
	T3	$Ra = 1/4 R_1 + 3/4 R_2$

4.2.8.4 Calculation of the average peak braking force coefficient ($\mu_{peak,ave}$)

The average value of the peak braking force coefficients ($\mu_{peak,ave}$) is calculated according to table 4 whereby Ta (a = 1, 2 or 3) is the average of the peak braking force coefficients measured for one candidate tyre within one test cycle.

Table 4

Test tyre	$\mu_{peak,ave}$
Reference tyre	$\mu_{peak,ave}(R) = Ra$ as per Table 3
Candidate tyre	$\mu_{peak,ave}(T) = Ta$

4.2.8.5 Calculation of the wet grip index of the candidate tyre

The wet grip index of the candidate tyre (G(T)) is calculated as follows:

$$G(T) = \left[\frac{\mu_{peak,ave}(T)}{\mu_{peak,ave}(R)} \times 125 + a \times (t - t_0) + b \times \left(\frac{\mu_{peak,ave}(R)}{\mu_{peak,ave}(R_0)} - 1, 0 \right) \right] \times 10^{-2}$$

where:

- t is the measured wet surface temperature in degree Celsius when the candidate tyre (T) is tested
- t_0 is the wet surface reference temperature condition
- $t_0 = 20$ °C for normal tyres $t_0 = 10$ °C for snow tyres
- $\mu_{peak,ave}(R_0) = 0,85$ is the peak braking force coefficient for the reference tyre in the reference conditions
- $a = -0,4232$ and $b = -8,297$ for normal tyres, $a = 0,7721$ and $b = 31,18$ for snow tyres.

Appendix A

Test reports examples of wet grip index

EXAMPLE 1: Test report of wet grip index using trailer method

Test report number:

Test date:

Type of road surface:

Texture depth (mm):

 μ peak (SRTT14'' E 1136):

BPN:

Speed (km/h):

Water depth (mm):

[illegible]

EXAMPLE 2: Test report of wet grip index using passenger car method

Driver:		Test date:			
Track:		Passenger Car:		Initial speed (km/h):	
	Texture depth (mm):	Brand:		Final speed (km/h):	
	BPN:	Model:			
	Water depth (mm):	Type			

[illegible]

No	1	2	3	4	5
Average AD (m/s ²)					
Standard deviation (m/s ²)					
Validation of results Coeff. of variation (%) < 3 %					
Adjusted average AD of ref. tyre: R _a (m/s ²)					
BFC(R) reference tyre (SRTT16")					
BFC(T) candidate tyre					
Wet grip index (%)'					

COMMISSION IMPLEMENTING REGULATION (EU) No 229/2011**of 8 March 2011****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 9 March 2011.

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

Done at Brussels, 8 March 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
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	122,2
	MA	50,9
	TN	115,9
	TR	92,0
	ZZ	95,3
0707 00 05	TR	151,8
	ZZ	151,8
0709 90 70	MA	42,4
	TR	136,1
	ZZ	89,3
0805 10 20	EG	52,4
	IL	70,0
	MA	50,4
	TN	45,7
	TR	69,4
	ZZ	57,6
0805 50 10	EG	42,1
	MA	42,1
	TR	48,8
	ZZ	44,3
0808 10 80	CA	99,2
	CL	97,1
	CN	84,1
	MK	54,8
	US	144,9
	ZZ	96,0
0808 20 50	AR	90,7
	CL	105,3
	CN	57,6
	US	79,9
	ZA	98,5
	ZZ	86,4

⁽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'.

DIRECTIVES

COMMISSION DIRECTIVE 2011/32/EU

of 8 March 2011

amending Council Directive 91/414/EEC to include isoxaben as active substance and amending Commission Decision 2008/934/EC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included isoxaben.
- (2) In accordance with Article 11e of Regulation (EC) No 1490/2002 the notifier withdrew its support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within 2 months from receipt of the draft assessment report. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁴⁾ was adopted on the non-inclusion of isoxaben.
- (3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁵⁾.
- (4) The application was submitted to Sweden, which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (5) Sweden evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 20 November 2009. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on isoxaben to the Commission on 27 August 2010 ⁽⁶⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 28 January 2011 in the format of the Commission review report for isoxaben.
- (6) It has appeared from the various examinations made that plant protection products containing isoxaben may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which have been examined and detailed in the Commission review report. It is therefore appropriate to include isoxaben in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.⁽²⁾ OJ L 55, 29.2.2000, p. 25.⁽³⁾ OJ L 224, 21.8.2002, p. 23.⁽⁴⁾ OJ L 333, 11.12.2008, p. 11.⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance isoxaben. EFSA Journal 2010;8(9):1714. [83 pp.] doi:10.2903/j.efsa.2010.1714. Available online: www.efsa.europa.eu/efsajournal.htm

- (7) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EEC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submit confirmatory information as regards the specification of the technical material, as commercially manufactured, the relevance of the impurities, the residues in rotational crops and the potential risk to aquatic organisms.
- (8) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (9) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of 6 months after inclusion to review existing authorisations of plant protection products containing isoxaben to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (10) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.
- (11) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (12) Decision 2008/934/EC provides for the non-inclusion of isoxaben and the withdrawal of authorisations for plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning isoxaben in the Annex to that Decision.
- (13) It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- HAS ADOPTED THIS DIRECTIVE:
- Article 1*
- Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.
- Article 2*
- The line concerning isoxaben in the Annex to Decision 2008/934/EC is deleted.
- Article 3*
- Member States shall adopt and publish by 30 November 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 and a correlation table between those provisions and this Directive.
- They shall apply those provisions from 1 December 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.
- Article 4*
1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing isoxaben as an active substance by 30 November 2011.
- By that date they shall in particular verify that the conditions in Annex I to that Directive relating to isoxaben are met, with the exception of those identified in Part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing isoxaben as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 May 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account Part B of the entry in Annex I to that Directive concerning isoxaben. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing isoxaben as the only active substance, where necessary, amend or withdraw the authorisation by 31 May 2015 at the latest; or
- (b) in the case of a product containing isoxaben as one of several active substances, where necessary, amend or

withdraw the authorisation by 31 May 2015 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 5

This Directive shall enter into force on 1 June 2011.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 8 March 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'341	Isoxaben CAS No: 82558-50-7 CIPAC No: 701	N-[3-(1-ethyl-1-methylpropyl)-1,2-oxazol-5-yl]-2,6-dimethoxybenzamide	≥ 910 g/kg Toluene: ≤ 3g/kg	1 June 2011	31 May 2021	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI the conclusions of the review report on isoxaben, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 January 2011, shall be taken into account. In this overall assessment Member States shall pay particular attention to the risk to aquatic organisms, the risk to non-target terrestrial plants and the potential leaching of metabolites to groundwater. Conditions of use shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of confirmatory information as regards: (a) the specification of the technical material, as commercially manufactured; (b) the relevance of the impurities; (c) the residues in rotational crops; (d) the potential risk to aquatic organisms. The Member States concerned shall ensure that the applicant submits to the Commission the information set out in points (a) and (b) within 6 months from the entry into force of the Directive of inclusion and the information set out in points (c) and (d) by 31 May 2013.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

COMMISSION DIRECTIVE 2011/33/EU**of 8 March 2011****amending Council Directive 91/414/EEC to include 1-decanol as active substance and amending
Commission Decision 2008/941/EC****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulations (EC) No 1112/2002 ⁽²⁾ and (EC) No 2229/2004 ⁽³⁾ lay down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included 1-decanol.
- (2) In accordance with Article 24e of Regulation (EC) No 2229/2004 the notifier withdrew its support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within two months from receipt of the draft assessment report. Consequently, Commission Decision 2008/941/EC of 8 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁴⁾ was adopted on the non-inclusion of 1-decanol.
- (3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the application of the accelerated procedure provided for in Articles 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁵⁾.

- (4) The application was submitted to the United Kingdom, which had been designated rapporteur Member State by Regulation (EC) No 2229/2004. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/941/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (5) The United Kingdom evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 10 December 2009. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on 1-decanol to the Commission on 27 August 2010 ⁽⁶⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 28 January 2011 in the format of the Commission review report for 1-decanol.
- (6) It has appeared from the various examinations made that plant protection products containing 1-decanol may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which have been examined and detailed in the Commission review report. It is therefore appropriate to include 1-decanol in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.
- (7) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submit confirmatory information as regards the risk to aquatic organisms and of information confirming the groundwater, surface water and sediment exposure assessments.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 168, 27.6.2002, p. 14.

⁽³⁾ OJ L 379, 24.12.2004, p. 13.

⁽⁴⁾ OJ L 335, 13.12.2008, p. 91.

⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance 1-decanol. *EFSA Journal* 2010; 8(9):1715. [42 pp.] doi:10.2903/j.efsa.2010.1715. Available online: www.efsa.europa.eu/efsajournal.htm

- (8) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (9) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing 1-decanol to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (10) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the Directives which have been adopted until now amending Annex I.
- (11) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (12) Decision 2008/941/EC provides for the non-inclusion of 1-decanol and the withdrawal of authorisation of plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning 1-decanol in the Annex to that Decision.
- (13) It is therefore appropriate to amend Decision 2008/941/EC accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

The line concerning 1-decanol in the Annex to Decision 2008/941/EC is deleted.

Article 3

Member States shall adopt and publish by 30 November 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 and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 December 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.

Article 4

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing 1-decanol as an active substance by 30 November 2011.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to 1-decanol are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing 1-decanol as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 July 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning 1-decanol. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

Following that determination Member States shall:

- (a) in the case of a product containing 1-decanol as the only active substance, where necessary, amend or withdraw the authorisation by 31 May 2015 at the latest; or
- (b) in the case of a product containing 1-decanol as one of several active substances, where necessary, amend or withdraw the authorisation by 31 May 2015 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 5

This Directive shall enter into force on 1 June 2011.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 8 March 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common name, identification numbers	IUPAC name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
'340	1-decanol CAS No: 112-30-1 CIPAC No: 831	<i>Decan-1-ol</i>	≥ 960 g/kg	1 June 2011	31 May 2021	PART A Only uses as plant growth regulator. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on 1-decanol, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 January 2011 shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the risk to consumers from residues in case of use on food or feed crops, — the risk for operator and ensure that conditions of use prescribe the application of adequate personal protective equipment where appropriate, — the protection of groundwater when the active substance is applied in regions with vulnerable soil and/or climatic conditions, — the risk to aquatic organisms, — the risk to non-target arthropods and bees that may be exposed to the active substance by visiting flowering weeds present in the crop at time of application. Risk mitigation measures shall be applied, where appropriate. The Member States concerned shall request the submission of confirmatory information, as regards the risk to aquatic organisms and of information confirming the groundwater, surface water and sediment exposure assessments. The Member States concerned shall ensure that the applicant submits such confirmatory information to the Commission by 31 May 2013.'

(*) Further details on identity and specification of active substance are provided in the review report.

COMMISSION DIRECTIVE 2011/34/EU

of 8 March 2011

amending Council Directive 91/414/EEC to include flurochloridone as active substance and
amending Commission Decision 2008/934/EC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included flurochloridone.
- (2) In accordance with Article 11e of Regulation (EC) No 1490/2002 the notifier withdrew its support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within 2 months from receipt of the draft assessment report. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁴⁾ was adopted on the non-inclusion of flurochloridone.
- (3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter the applicant) submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁵⁾.
- (4) The application was submitted to Spain, which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. The time period for the accelerated procedure was respected. The specification of the active

substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.

- (5) Spain evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 3 November 2009. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on flurochloridone to the Commission on 14 October 2010 ⁽⁶⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 4 February 2011 in the format of the Commission review report for flurochloridone.
- (6) It has appeared from the various examinations made that plant protection products containing flurochloridone may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which have been examined and detailed in the Commission review report. It is therefore appropriate to include flurochloridone in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.
- (7) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EEC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submit further information confirming: the relevance of impurities other than toluene, the compliance of ecotoxicological test material with the technical specifications, the relevance of the groundwater metabolite R42819 ⁽⁷⁾ and the potential endocrine disrupting properties of flurochloridone.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁴⁾ OJ L 333, 11.12.2008, p. 11.

⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance flurochloridone. EFSA Journal 2010;8(12):1869. [66 pp.]. doi:10.2903/j.efsa.2010.1869. Available online: www.efsa.europa.eu/efsajournal.htm

⁽⁷⁾ R42819: (4RS)-4-(chloromethyl)-1-[3-(trifluoromethyl)phenyl]pyrrolidin-2-one.

- (8) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (9) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of 6 months after inclusion to review existing authorisations of plant protection products containing flurochloridone to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (10) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.
- (11) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (12) Decision 2008/934/EC provides for the non-inclusion of flurochloridone and the withdrawal of authorisations for plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning flurochloridone in the Annex to that Decision.
- (13) It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

The line concerning flurochloridone in the Annex to Decision 2008/934/EC is deleted.

Article 3

Member States shall adopt and publish by 30 November 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 and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 December 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.

Article 4

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing flurochloridone as an active substance by 30 November 2011.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to flurochloridone are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing flurochloridone as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 May 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning flurochloridone. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1) (b), (c), (d) and (e) of Directive 91/414/EEC.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

Following that determination Member States shall:

- (a) in the case of a product containing flurochloridone as the only active substance, where necessary, amend or withdraw the authorisation by 31 May 2015 at the latest; or
- (b) in the case of a product containing flurochloridone as one of several active substances, where necessary, amend or withdraw the authorisation by 31 May 2015 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 5

This Directive shall enter into force on 1 June 2011.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 8 March 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
'342	Flurochloridone CAS No: 61213-25-0 CIPAC No: 430	(3RS,4RS;3RS,4SR)-3-chloro-4-chloro-methyl-1-(α,α -trifluoro-m-tolyl)-2-pyrrolidone	≥ 940 g/kg. Relevant impurities: Toluene: max 8 g/kg	1 June 2011	31 May 2021	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on flurochloridone, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 4 February 2011 shall be taken into account. In this overall assessment Member States shall pay particular attention to: 1. the risk for non-target plants and aquatic organisms; 2. the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation shall include risk mitigation measures, where appropriate. The Member States concerned shall ensure that the applicant submits to the Commission further confirmatory information as regards: 1. the relevance of impurities other than toluene; 2. the compliance of ecotoxicological test material with the technical specifications; 3. the relevance of the groundwater metabolite R42819 (R42819: (4RS)-4-(chloromethyl)-1-[3-(trifluoromethyl)phenyl]pyrrolidin-2-one); 4. the potential endocrine disrupting properties of flurochloridone. The Member States concerned shall ensure that the applicant submits to the Commission the information set out in points (1) and (2) by 1 December 2011, the information set out in point (3) by 31 May 2013 and the information set out in point (4) within 2 years after the adoption of the OECD test guidelines on endocrine disruption.'

(*) Further details on identity and specification of active substance are provided in the review report.

DECISIONS

DECISION OF THE EUROPEAN PARLIAMENT

of 3 February 2011

on the closure of the accounts of the European Police College for the financial year 2008

(2011/150/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the accounts of the European Police College for the financial year 2008, in accordance with the information provided in the CEPOL Final Financial Statements for 2009, dated 5 July 2010,
 - having regard to the Court of Auditors' report on the annual accounts of the European Police College for the financial year 2008, together with the College's replies ⁽¹⁾,
 - having regard to the Council's recommendation of 16 February 2010 (5827/2010 — C7-0061/2010),
 - having regard to its decision of 5 May 2010 ⁽²⁾ postponing the discharge decision for the financial year 2008, and the replies from the Director of the European Police College,
 - having regard to its decision of 7 October 2010 ⁽³⁾ refusing to grant the Director of the European Police College discharge for the financial year 2008,
 - having regard to Article 276 of the EC Treaty and Article 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁴⁾, and in particular Article 185 thereof,
 - having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) ⁽⁵⁾, and in particular Article 16 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾, and in particular Article 94 thereof,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure, in particular the first subparagraph of Article 5(2)(b) of that Annex,
1. Closes the accounts of the European Police College for the financial year 2008;
 2. Instructs its President to forward this Decision to the Director of the European Police College, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

The President
Jerzy BUZEK

The Secretary-General
Klaus WELLE

⁽¹⁾ OJ C 304, 15.12.2009, p. 124.

⁽²⁾ OJ L 252, 25.9.2010, p. 232.

⁽³⁾ OJ L 320, 7.12.2010, p. 11.

⁽⁴⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁵⁾ OJ L 256, 1.10.2005, p. 63.

⁽⁶⁾ OJ L 357, 31.12.2002, p. 72.

COMMISSION DECISION

of 3 March 2011

amending Decision 2008/457/EC laying down rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’ as regards Member States’ management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund

(notified under document C(2011) 1289)

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

(2011/151/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’⁽¹⁾, and in particular Article 21 and Article 33(4) thereof,

Whereas:

- (1) In the light of the experience gained since the launch of the European Fund for the Integration of third-country nationals, it is appropriate to clarify the obligations in Commission Decision 2008/457/EC⁽²⁾ relating to transparency, equal treatment and non-discrimination when implementing projects.
- (2) Member States are required to report on the implementation of the annual programmes. It is therefore appropriate to clarify which information Member States have to provide.
- (3) In order to reduce the administrative burden on the Member States and to provide greater legal certainty the rules on the eligibility of expenditure of actions co-financed by the European Fund for the Integration of third-country nationals should be simplified and clarified.
- (4) Most of the changes introduced by this Decision should apply immediately. However, since the 2009 and 2010 annual programmes are ongoing, the revised rules on the eligibility of expenditure of actions co-financed by the European Fund for the Integration of third-country nationals should apply from the 2011 annual programme. Member States should nonetheless be given the possibility to apply those rules earlier under certain conditions.

- (5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom is bound by the basic act and, as a consequence, by this Decision.
- (6) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland is bound by the basic act and, as a consequence, by this Decision.
- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not bound by this Decision or subject to the application thereof.
- (8) The measures provided for in this Decision are in accordance with the opinion of the common Committee ‘Solidarity and management of Migration Flows’ established by Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’⁽³⁾.
- (9) Decision 2008/457/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2008/457/EC is amended as follows:

1. in Article 9(1), the second sentence is replaced by the following:

‘Any substantial change to the content of the calls for proposals shall also be published under the same conditions.’;

⁽¹⁾ OJ L 168, 28.6.2007, p. 18.

⁽²⁾ OJ L 167, 27.6.2008, p. 69.

⁽³⁾ OJ L 144, 6.6.2007, p. 22.

2. Article 11 is replaced by the following:

'Article 11

Implementation contracts

When awarding contracts for the implementation of the projects, the State, regional or local authorities, bodies governed by public law, associations formed by one or several of such authorities or several of such bodies governed by public law shall act in accordance with the applicable Union and national public procurement law and principles.

Entities other than those referred to in the first paragraph shall award contracts for the implementation of the projects following appropriate publicity in order to ensure compliance with the principles of transparency, non-discrimination and equal treatment. Contracts with a value of less than EUR 100 000 may be awarded provided the concerned entity requests at least three offers. Without prejudice to national rules, contracts with a value of less than EUR 5 000 shall not be subject to any procedural obligations.;

3. in Article 21, paragraph 1 is replaced by the following:

'1. The responsible authority shall notify the Commission by formal letter of any substantial change in the management and control system and shall send a revised description of the management and control system to the Commission as soon as possible and at the latest at the time any such change takes effect.;

4. in Article 24, paragraph 3 is replaced by the following:

'3. The financial tables linked to the progress reports and final reports shall present a breakdown of the amounts both by priority and by specific priority, as defined in the strategic guidelines.;

5. Article 25 is amended as follows:

(a) in paragraph 1 the following sentences are added:

'Any changes to the audit strategy submitted in respect of Article 28(1)(c) of the basic act and accepted by the Commission shall be sent to the Commission as soon as possible. The revised audit strategy shall be established in accordance with the model in Annex VI, marking the revisions introduced.;

(b) paragraph 2 is replaced by the following:

'2. Except when each of the last two annual programmes adopted by the Commission corresponds to an annual Community contribution of less than EUR 1 million, the audit authority shall submit an

annual audit plan before 15 February each year, as from 2010. The audit plan shall be established in accordance with the model in Annex VI. Member States are not required to resubmit the audit strategy when submitting the annual audit plans. In the case of a combined audit strategy, as provided for in Article 28(2) of the basic act, a combined annual audit plan may be submitted.;

6. Article 26 is replaced by the following:

'Article 26

Documents established by the certifying authority

1. The certification relating to the request for a second pre-financing payment referred to in Article 37(4) of the basic act shall be drawn up by the certifying authority and transmitted by the responsible authority to the Commission in the format in Annex VIII.

2. The certification relating to the request for a final payment referred to in Article 38(1)(a) of the basic act shall be drawn up by the certifying authority and transmitted by the responsible authority to the Commission in the format in Annex IX.;

7. Article 37 is replaced by the following:

'Article 37

Electronic exchange of documents

In addition to the duly signed paper versions of the documents referred to in Chapter 3, the information shall also be sent by electronic means.;

8. the Annexes are amended in accordance with the Annex to this Decision.

Article 2

1. Points 1 to 7 of Article 1 and points 1 to 5 of the Annex shall apply from the date of adoption of this Decision.

2. Point 6 of the Annex shall apply from the implementation of the 2011 annual programmes at the latest.

3. Member States may decide to apply point 6 of the Annex in respect of ongoing or future projects as from the 2009 and 2010 annual programmes in full respect of the principles of equal treatment, transparency and non-discrimination. In that case Member States shall apply the new rules in their entirety to the project concerned and, where necessary, shall amend the grant agreement. In respect of technical assistance expenditure only, Member States may decide to apply point 6 of the Annex as from the 2008 annual programme.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 3 March 2011.

For the Commission

Cecilia MALMSTRÖM

Member of the Commission

ANNEX

The Annexes to Decision 2008/457/EC are amended as follows:

1. Annex III is amended as follows:

1.1. point 2 is deleted;

1.2. point 4.2 is deleted;

2. Annex IV is amended as follows:

2.1. Part A, point 1.2 is replaced by the following:

‘1.2. Description of the process concerning selection of projects (at the level of the Responsible Authority/Delegated authority or associated bodies) and their results’;

2.2. in Part A, point 2, table 1, last column the word ‘eligible’ is deleted;

3. Annex V, Part A is amended as follows:

3.1. point 1.2 is replaced by the following:

‘1.2. Update from the progress report on the description of the organisation of the selection of projects (at the level of the Responsible Authority/Delegated authority or associated bodies) and their results, if appropriate’;

3.2. the following point 1.8 is added:

‘1.8. Confirmation that no substantial changes to the Management and control system have taken place since the last revision notified to the Commission on ...’;

3.3. point 4 is replaced by the following:

4. FINANCIAL IMPLEMENTATION

Final report on the implementation of the annual programme															
Table 1															
Detailed financial report															
Member State: [...] Annual programme concerned: [...] Situation at: [day/month/year]															
(all figures in euro)				Programmed by MS (as in the Commission approved annual programme)			Committed at the level of the MS			Actual figures accepted by the Responsible Authority (costs incurred by the beneficiaries and final EC contribution)					
Actions	Projects	Ref. priority	Ref. specific priority ⁽¹⁾	Total programmed costs (a)	EC contribution (b)	% EC contribution (c = b/a)	Total eligible costs (d)	EC contribution (e)	% EC contribution (f = e/d)	Total eligible costs (g)	EC contribution (h)	% EC contribution (i = h/g)	Contributions from third parties (j)	Receipts generated by the project (k)	Payment/ Recovery to be made by the RA (l)
Action 1: [...]	project 1: [...]														
	project N: [...]														
Total Action 1															
Action [...]	project 1: [...]														
	project N: [...]														
Total Action [...]															
Action N: [...]	project 1: [...]														
	project N: [...]														
Total Action N															
Technical assistance															
Other operations ⁽¹⁾															
TOTAL				0	0	0 %	0	0	0 %	0	0	0 %	0		
⁽¹⁾ If applicable;															

3.4. point 6 is replaced by the following:

‘6. ANNEXES

Project eligible expenditure and income compliance with the non-profit rule and project summary description.

Final report on the implementation of the annual programme							
Table 6 A							
Project eligible cost and sources of income. Compliance with the principle of non-profit as set out in item I.3.3 of Annex XI.							
Situation at: day/month/year							
	Eligible cost			Sources of income			
	Direct costs	Indirect costs	Total eligible cost	Contribution from the EU	Contribution from third parties	Receipts generated by the project	Total income (as set out in item I.3.3 of Annex XI)
	(a)	(b)	(c) = (a) + (b)	(e)	(f)	(g)	(h)= (e) + (f) + (g)
Project reference							
Project reference							
Project reference							
etc.							
TOTAL ACTION 1							
Project reference							
Project reference							
Project reference							
etc.							
TOTAL ACTION 2							
Project reference							
Project reference							
Project reference							
etc.							
TOTAL ACTION N							
TECHNICAL ASSISTANCE							
TOTAL ANNUAL PROGRAMME							

Final report on the implementation of the annual programme	
Table 6 B	
Report per project	
Situation at: (day/month/year)	
Project reference and title:	
Final beneficiary:	
Action (number):	
Priority (number):	
If applicable, Specific Priority	
Short technical summary	
If applicable, justification of Specific Priority	
Indicator-based objectives and results - achievements of the project'	

4. Annex VIII is amended as follows:

4.1. the title is replaced by the following:

'MODEL CERTIFICATION FOR SECOND PRE-FINANCING';

4.2. in footnote 1 the word 'eligible' is deleted;

4.3. point 2 is replaced by the following:

'2. the expenditure declared has been incurred in respect of actions selected for funding in accordance with the criteria applicable to the annual programme;';

5. in Annex IX the title is replaced by the following:

'MODEL CERTIFICATION FOR FINAL PAYMENT';

6. Annex XI is replaced by the following:

'ANNEX XI

RULES ON THE ELIGIBILITY OF EXPENDITURE INTEGRATION FUND

I. General Principles

I.1. Basic Principles

1. In accordance with the basic act, for it to be eligible, expenditure must be:

- (a) within the scope of the Fund and within its objectives, as described in Articles 1, 2 and 3 of the basic act;
- (b) within the eligible actions listed in Article 4 of the basic act;
- (c) needed to carry out the activities covered by the project, forming part of the multiannual and annual programmes, as approved by the Commission;
- (d) reasonable and comply with the principles of sound financial management, in particular, value for money and cost-effectiveness;
- (e) incurred by the final beneficiary and/or the partners in the project, who shall be established and registered in a Member State, except in the case of international public sector organisations set up by intergovernmental agreements, and specialised agencies set up by such organisations, the International Committee of the Red Cross (ICRC) and the International Federation of National Red Cross and Red Crescent Societies. With regard to Article 39(2) of this Decision, the rules applicable to the final beneficiary shall apply *mutatis mutandis* to the partners in the project;
- (f) linked to the target groups referred to in the framework of the basic act;
- (g) incurred in accordance with the specific provisions in the grant agreement.

2. In the case of multiannual actions within the meaning of Article 13(6) of the basic act, only the part of the action co-financed by an annual programme is considered to be a project for the application of these eligibility rules.

3. Projects supported by the Fund shall not be financed by other sources covered by the Community budget. Projects supported by the Fund shall be co-financed by public or private sources.

I.2. *Budget of a project*

The budget of a project shall be presented as follows:

Expenditure	Income
+ Direct costs (DC)	+ Contribution from the EC (<i>defined as the lowest of the three amounts indicated in Article 12 of this Decision</i>)
+ Indirect costs (<i>fixed percentage of DC, defined in the grant agreement</i>)	+ Contribution from the final beneficiary and the partners in the project
	+ Contribution from third parties
	+ Receipts generated by the project
= Total Eligible Cost (TEC)	= Total Income (TI)

The budget shall be balanced: Total Eligible Cost shall be equal to Total Income.

I.3. *Income and Non-Profit Principle*

1. Projects supported by the Fund must be of a non-profit-making nature. If, at the end of the project, the sources of income, including receipts, exceed expenditure, the contribution to the project from the Fund shall be reduced accordingly. All sources of income for the project must be recorded in the final beneficiary's accounts or tax documents, and must be identifiable and controllable.
2. Project income shall come from all financial contributions granted to the project by the Fund, from public or private sources, including the final beneficiary's own contribution, and from any receipts generated by the project. "Receipts" for the purpose of this rule covers revenue received by a project during the eligibility period as described in point I.4, from sales, rentals, services, enrolment/fees or other equivalent income.
3. The Community contribution resulting from the application of the principle of non-profit, as referred to under Article 12(c) of this Decision, will be the "total eligible cost" minus the "contribution from third parties" and "receipts generated by the project".

I.4. *Eligibility Period*

1. Costs relating to a project must be incurred and the respective payments (except for depreciation) made after 1 January of the year referred to in the financing decision approving the annual programmes of the Member States. The eligibility period is until 30 June of the year N (*) + 2, meaning that the costs relating to a project must be incurred before this date.
2. An exception to the eligibility period provided for in paragraph 1 is made for:
 - (a) projects supported under the 2007 annual programme, in accordance with Article 33(3) of the basic act;
 - (b) technical assistance for Member States (refer to point IV.3).

(*) Where "N" is the year referred to in the financing decision approving the annual programmes of the Member States.

I.5. *Record of expenditure*

1. Expenditure shall correspond to payments made by the final beneficiary. These must be in the form of financial (cash) transactions, with the exception of depreciation.
2. As a rule, expenditure shall be justified by official invoices. Where this cannot be done, expenditure shall be supported by accounting documents or supporting documents of equivalent evidential value.

3. Expenditure must be identifiable and verifiable. In particular,
 - (a) it must be recorded in the accounting records of the final beneficiary;
 - (b) it must be determined in accordance with the applicable accounting standards of the country where the final beneficiary is established and with the usual cost accounting practices of the final beneficiary; and
 - (c) it must be declared in accordance with the requirements of applicable tax and social legislation.
4. As necessary, the final beneficiaries are obliged to keep certified copies of the accounting documents justifying income and expenditure incurred by the partners in relation to the project concerned.
5. The storage and processing of records provided for in paragraphs 2 to 4 must comply with the national data protection legislation.

I.6. *Territorial scope*

1. Expenditure for actions described in Article 4 of the basic act must be:
 - (a) incurred by the final beneficiaries defined in point I.1.1(e); and
 - (b) incurred in the territory of the Member States, with the exception of actions concerning pre-travel measures referred to in Article 4.1(c) of the basic act, which may be incurred in the territory of the Member States or in the country of origin.
2. Partners in the project registered and established in third countries may participate in projects only on a no-cost basis, except in the case of international public sector organisations set up by intergovernmental agreements, and specialised agencies set up by such organisations, the International Committee of the Red Cross (ICRC) and the International Federation of National Red Cross and Red Crescent Societies.

II. **Categories of eligible costs (at project level)**

II.1. *Direct eligible costs*

The direct eligible costs of the project are costs that, with due regard to the general conditions of eligibility set out in part I, are identifiable as specific costs directly linked to the implementation of the project. Direct costs shall be included in the estimated overall budget of the project.

The following direct costs are eligible:

II.1.1. *Staff costs*

1. The cost of staff assigned to the project, comprising actual salaries plus social security charges and other statutory costs is eligible, provided that this corresponds to the beneficiary's usual policy on remuneration.
2. For international organisations, the eligible staff cost may include provisions to cover statutory obligations and entitlements relating to remuneration.
3. The corresponding salary costs of staff of public bodies are eligible to the extent that they relate to the cost of activities which the relevant public body would not carry out if the project concerned were not undertaken; this staff shall be seconded or assigned to the implementation of the project by a written decision of the final beneficiary.
4. Staff costs shall be detailed in the forward budget, indicating functions and number of staff.

II.1.2. *Travel and subsistence costs*

1. Travel and subsistence costs are eligible as direct costs for staff or other persons who participate in the activities of the project and whose travel is necessary for the implementation of the project.

2. Travel costs shall be eligible on the basis of the actual costs incurred. Reimbursement rates shall be based on the cheapest form of public transport and flights shall, as a rule, be permitted only for journeys over 800 km (return trip), or where the geographical destination justifies travelling by air. Where a private car is used, reimbursement is normally made either on the basis of the cost of public transport, or on the basis of mileage rates in accordance with published official rules in the Member State concerned or used by the final beneficiary.
3. Subsistence costs shall be eligible on the basis of real costs or a daily allowance. Where an organisation has its own daily rates (subsistence allowances), they shall be applied within ceilings established by the Member State in accordance with national legislation and practice. Subsistence allowances are normally understood to cover local transport (including taxis), accommodation, meals, local telephone calls and sundries.

II.1.3. Equipment

II.1.3.1. General rules

1. Costs pertaining to the acquisition of equipment are only eligible if they are essential to the implementation of the project. Equipment shall have the technical properties needed for the project and comply with applicable norms and standards.
2. The choice between leasing, rental or purchase must always be based on the least expensive option. However, if leasing or renting is not possible because of the short duration of the project or the rapid depreciation in value, purchase is accepted.

II.1.3.2. Renting and leasing

Expenditure in relation to renting and leasing operations is eligible for co-financing subject to the rules established in the Member State, national legislation and practice and the duration of the rental or lease for the purpose of the project.

II.1.3.3. Purchasing

1. Where equipment is purchased during the lifetime of the project, the budget must specify if the full costs or only the portion of equipment depreciation corresponding to the duration of use for the project and the rate of actual use for the project is included. The latter shall be calculated in compliance with the national rules applicable.
2. Equipment that was purchased before the lifetime of the project, but which is used for the purpose of the project, is eligible on the basis of depreciation. However these costs are ineligible if the equipment was originally purchased through a Community grant.
3. For individual items costing below EUR 20 000 the full purchase cost is eligible, provided, that the equipment is purchased before the last 3 months of the project. Individual items costing EUR 20 000 or more are only eligible on the basis of depreciation.

II.1.4. Real estate

II.1.4.1. General rules

The real estate shall have the technical properties needed for the project and comply with the applicable norms and standards.

II.1.4.2. Rental

Rental of real estate is eligible for co-financing where there is a clear link between the rental and the objectives of the project concerned, under the conditions set out below and without prejudice to the application of stricter national rules:

- (a) the real estate has not been purchased through a Community grant;
- (b) the real estate is used solely for implementation of the project. If not, only the portion of the costs corresponding to the use for the project is eligible.

II.1.5. Consumables, supplies and general services

The costs of consumables, supplies and general services are eligible provided that they are identifiable and directly necessary for the implementation of the project.

II.1.6. Subcontracting

1. As a general rule, final beneficiaries must have the capacity to manage the projects themselves. The amount corresponding to tasks to be subcontracted under the project will have to be clearly indicated in the grant agreement.
2. Expenditure relating to the following subcontracts is not eligible for co-financing by the Fund:
 - (a) subcontracting of tasks relating to the overall management of the project;
 - (b) subcontracting that adds to the cost of the project without adding proportionate value to it;
 - (c) subcontracting with intermediaries or consultants where payment is defined as a percentage of the total cost of the project, unless such payment is justified by the final beneficiary by reference to the actual value of the work or services provided.
3. For all subcontracts, subcontractors shall undertake to provide all audit and control bodies with all the necessary information relating to subcontracted activities.

II.1.7. Costs deriving directly from the requirements linked to Union co-financing

Costs needed to meet the requirements linked to Union co-financing, such as publicity, transparency, evaluation of the project, external audit, bank guarantees, translation costs, etc., are eligible as direct costs.

II.1.8. Expert fees

Legal consultancy fees, notarial fees and costs of technical and financial experts are eligible.

II.1.9. Specific expenses in relation to third-country nationals falling within the scope of the Fund

1. For the purpose of assistance, purchases made by the final beneficiary for third-country nationals falling within the scope of the Fund as defined in the basic act and reimbursements by the final beneficiary of costs incurred by these persons are eligible under the following specific conditions:
 - (a) the final beneficiary shall keep the necessary information and evidence that the third-country nationals receiving this assistance fall within the scope of the Fund as defined in the basic act for the requisite period as per Article 41 of the basic act;
 - (b) the final beneficiary must keep evidence of the support provided to the third-country nationals (such as invoices and receipts) during the period provided for in Article 41 of the basic act.
2. In case of actions which necessitates the attendance (for instance training course) of persons falling within the scope of the Fund, small cash incentives may be distributed as complementary help provided the total is not more than EUR 25 000 per project and is distributed per person for each event, course or other. The final beneficiary shall keep a list of the persons, time and date of payment and shall ensure an adequate follow-up to avoid any double-financing and misuse of funds.

II.2. Indirect eligible costs

1. The eligible indirect costs for the action are those costs which, with due regard for the conditions of eligibility described in point I.1.1, are not identifiable as specific costs directly linked to performance of the project.
2. By way of derogation from point I.1.1(e) and point I.5, the indirect costs incurred in carrying out the action may be eligible for flat rate funding fixed at not more than 7 % of the total eligible direct costs.

3. Organisations receiving an operating grant from the Union budget cannot include indirect costs in their forward budget.

III. Ineligible expenditure

The following costs are not eligible:

- (a) VAT, except where the final beneficiary can show that he is unable to recover it;
- (b) return on capital, debt and debt service charges, debit interest, foreign exchange commissions and exchange losses, provisions for losses or potential future liabilities, interest owed, doubtful debts, fines, financial penalties, litigation costs, and excessive or reckless expenditure;
- (c) entertainment costs exclusively for project staff; reasonable hospitality costs at social events justified by the project, such as an event at the end of the project or meetings of the project steering group, are permitted;
- (d) costs declared by the final beneficiary and covered by another project or work programme receiving a Community grant;
- (e) purchase of land and the purchase, construction and renovation of real estate;
- (f) contributions in kind.

IV. Technical assistance at the initiative of Member States

1. All the costs necessary for the implementation of the Fund by the responsible authority, delegated authority, audit authority, certifying authority or other bodies assisting in the tasks listed in paragraph 2 are eligible under technical assistance within the limits specified in Article 15 of the basic act.
2. This includes the following measures:
 - (a) expenditure relating to the preparation, selection, appraisal, management and monitoring of actions;
 - (b) expenditure relating to audits and on-the-spot checks of actions or projects;
 - (c) expenditure relating to evaluations of actions or projects;
 - (d) expenditure relating to information, dissemination and transparency in relation to actions;
 - (e) expenditure on the acquisition, installation and maintenance of computerised systems for the management, monitoring and evaluation of the Funds;
 - (f) expenditure on meetings of monitoring committees and sub-committees relating to the implementation of actions; this expenditure may also include the costs of experts and other participants in these committees, including third-country participants, where their presence is essential to the effective implementation of actions;
 - (g) expenditure for the reinforcement of the administrative capacity for the implementation of the Fund.
3. Activities linked to technical assistance must be performed and the corresponding payments made after 1 January of the year referred to in the financing decision approving the annual programmes of the Member States. The eligibility period lasts until the deadline for the submission of the final report on the implementation of the annual programme.
4. Any procurement must be carried out in accordance with national procurement rules established in the Member State.

5. Member States may implement technical assistance measures for this Fund together with technical assistance measures for some or all of the four Funds. However, in that case only the portion of the costs used to implement the common measure corresponding to this Fund shall be eligible for financing under this Fund, and Member States shall ensure that:

(a) the portion of costs for common measures is charged to the corresponding Fund in a reasonable and verifiable manner; and

(b) there is no double financing of costs.'

COMMISSION DECISION

of 3 March 2011

amending Decision 2008/22/EC laying down rules for the implementation of Decision No 573/2007/EC of the European Parliament and of the Council establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund

(notified under document C(2011) 1290)

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

(2011/152/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and repealing Council Decision 2004/904/EC ⁽¹⁾, and in particular Article 23 and Article 35(4) thereof,

Whereas:

- (1) In the light of the experience gained since the launch of the European Refugee Fund, it is appropriate to clarify the obligations in Commission Decision 2008/22/EC ⁽²⁾ relating to transparency, equal treatment and non-discrimination when implementing projects.
- (2) Member States are required to report on the implementation of the annual programmes. It is therefore appropriate to clarify which information Member States have to provide.
- (3) In order to reduce the administrative burden on the Member States and to provide greater legal certainty, the rules on the eligibility of expenditure of actions co-financed by the European Refugee Fund should be simplified and clarified.
- (4) Most of the changes introduced by this Decision should apply immediately. However, since the 2009 and 2010 annual programmes are ongoing, the revised rules on the eligibility of expenditure of actions co-financed by the European Refugee Fund should apply from the 2011 annual programme. Member States should none the less be given the possibility to apply those rules earlier under certain conditions.

- (5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom is bound by the basic act and, as a consequence, by this Decision.
- (6) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland is bound by the basic act and, as a consequence, by this Decision.
- (7) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not bound by this Decision or subject to the application thereof.
- (8) The measures provided for in this Decision are in accordance with the opinion of the common Committee 'Solidarity and management of Migration Flows' established by Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme Solidarity and Management of Migration Flows ⁽³⁾.
- (9) Decision 2008/22/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2008/22/EC is amended as follows:

1. in Article 9(1), the second sentence is replaced by the following:

'Any substantial change to the content of the calls for proposals shall also be published under the same conditions.';

⁽¹⁾ OJ L 144, 6.6.2007, p. 1.

⁽²⁾ OJ L 7, 10.1.2008, p. 1.

⁽³⁾ OJ L 144, 6.6.2007, p. 22.

2. Article 11 is replaced by the following:

'Article 11

Implementation contracts

When awarding contracts for the implementation of the projects, the State, regional or local authorities, bodies governed by public law, associations formed by one or several of such authorities or several of such bodies governed by public law shall act in accordance with the applicable Union and national public procurement law and principles.

Entities other than those referred to in the first paragraph shall award contracts for the implementation of the projects following appropriate publicity in order to ensure compliance with the principles of transparency, non-discrimination and equal treatment. Contracts with a value of less than EUR 100 000 may be awarded provided the concerned entity requests at least three offers. Without prejudice to national rules, contracts with a value of less than EUR 5 000 shall not be subject to any procedural obligations.';

3. in Article 21, paragraph 1 is replaced by the following:

'1. The responsible authority shall notify the Commission by formal letter of any substantial change in the management and control system and shall send a revised description of the management and control system to the Commission as soon as possible and at the latest at the time any such change takes effect.';

4. in Article 24, paragraph 3 is replaced by the following:

'3. The financial tables linked to the progress reports and final reports shall present a breakdown of the amounts both by priority and by specific priority, as defined in the strategic guidelines.';

5. Article 25 is amended as follows:

(a) in paragraph 1 the following sentences are added:

'Any changes to the audit strategy submitted in respect of Article 30(1)(c) of the basic act and accepted by the Commission shall be sent to the Commission as soon as possible. The revised audit strategy shall be established in accordance with the model in Annex 6, marking the revisions introduced.';

(b) paragraph 2 is replaced by the following:

'2. Except when each of the last two annual programmes adopted by the Commission corresponds to an annual Community contribution of less than EUR 1 million, the audit authority shall submit an

annual audit plan before 15 February each year, as from 2010. The audit plan shall be established in accordance with the model in Annex 6. Member States are not required to resubmit the audit strategy when submitting the annual audit plans. In the case of a combined audit strategy, as provided for in Article 30(2) of the basic act, a combined annual audit plan may be submitted.';

6. Article 26 is replaced by the following:

'Article 26

Documents established by the certifying authority

1. The certification relating to the request for a second prefinancing payment referred to in Article 39(4) of the basic act shall be drawn up by the certifying authority and transmitted by the Responsible Authority to the Commission in the format in Annex 8.

2. The certification relating to the request for a final payment referred to in Article 40(1)(a) of the basic act shall be drawn up by the certifying authority and transmitted by the responsible authority to the Commission in the format in Annex 9.';

7. Article 37 is replaced by the following:

'Article 37

Electronic exchange of documents

In addition to the duly signed paper versions of the documents referred to in Chapter 3, the information shall also be sent by electronic means.';

8. the Annexes are amended in accordance with the Annex to this Decision.

Article 2

1. Points 1 to 7 of Article 1 and points 1 to 5 of the Annex shall apply from the date of adoption of this Decision.

2. Point 6 of the Annex shall apply from the implementation of the 2011 annual programmes at the latest.

3. Member States may decide to apply point 6 of the Annex in respect of ongoing or future projects as from the 2009 and 2010 annual programmes in full respect of the principles of equal treatment, transparency and non-discrimination. In that case Member States shall apply the new rules in their entirety to the project concerned and, where necessary, shall amend the grant agreement. In respect of technical assistance expenditure only, Member States may decide to apply point 6 of the Annex as from the 2008 annual programme.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 3 March 2011.

For the Commission

Cecilia MALMSTRÖM

Member of the Commission

ANNEX

The Annexes to Decision 2008/22/EC are amended as follows:

1. Annex 3 is amended as follows:

1.1. point 2 is deleted;

1.2. point 4.2 is deleted;

2. Annex 4 is amended as follows:

2.1. Part A, point 1.2 is replaced by the following:

‘1.2. Description of the process concerning selection of projects (at the level of the Responsible Authority/Delegated authority or associated bodies) and their results’;

2.2. in Part A, point 2, table 1, last column the word ‘eligible’ is deleted;

2.3. in Part A, the following point 1.4a is inserted:

‘1.4a. Other operations’;

3. Annex 5, Part A is amended as follows:

3.1. point 1.2 is replaced by the following:

‘1.2. Update from the progress report on the description of the organisation of the selection of projects (at the level of the Responsible Authority/Delegated authority or associated bodies) and their results, if appropriate’;

3.2. the following point 1.4a is inserted:

‘1.4a. Other operations’;

3.3. the following point 1.8 is added:

‘1.8. Confirmation that no substantial changes to the Management and control system have taken place since the last revision notified to the Commission on ...’;

3.4. point 4 is replaced by the following:

Final report on the implementation of the annual programme															
Table 1															
Detailed financial report															
Member State: [...] Annual programme concerned: [...] Situation at: [day/month/year]															
(all figures in euro)				Programmed by MS (as in the Commission approved annual programme)			Committed at the level of the MS			Actual figures accepted by the Responsible Authority (costs incurred by the beneficiaries and final EC contribution)					
Actions	Projects	Ref. priority	Ref. specific priority ⁽¹⁾	Total programmed costs (a)	EC contribution (b)	% EC contribution (c = b/a)	Total eligible costs (d)	EC contribution (e)	%EC contribution (f = e/d)	Total eligible costs (g)	EC contribution (h)	% EC contribution (i = h/g)	Contributions from third parties (j)	Receipts generated by the project (k)	Payment/ Recovery to be made by the RA (l)
Action 1: [...]	project 1: [...]														
	project N: [...]														
Total Action 1															
Action: [...]	project 1: [...]														
	project N: [...]														
Total Action: [...]															
Action N: [...]	project 1: [...]														
	project N: [...]														
Total Action N															
Technical assistance															
Other operations ⁽¹⁾															
TOTAL				0	0	0 %	0	0	0 %	0	0	0 %	0		
⁽¹⁾ If applicable.															

3.5. point 6 is replaced by the following:

‘6. ANNEXES

Project eligible expenditure and income compliance with the non-profit rule and project summary description.

Final report on the implementation of the annual programme							
Table 6 A							
Project eligible cost and sources of income. Compliance with the principle of non-profit as set out in item I.3.3 of Annex 11							
Situation at: day/month/year							
	Eligible cost			Sources of income			
	Direct costs	Indirect costs	Total eligible cost	Contribution from the EU	Contribution from third parties	Receipts generated by the project	Total income (as set out in item I.3.3 of Annex 11)
	(a)	(b)	(c) = (a) + (b)	(e)	(f)	(g)	(h) = (e) + (f) + (g)
Project reference							
Project reference							
Project reference							
etc.							
TOTAL ACTION 1							
Project reference							
Project reference							
Project reference							
etc.							
TOTAL ACTION 2							
Project reference							
Project reference							
Project reference							
etc.							
TOTAL ACTION N							
TECHNICAL ASSISTANCE							
TOTAL ANNUAL PROGRAMME							

Final report on the implementation of the annual programme	
Table 6 B	
Report per project	
Situation at: (day/month/year)	
Project reference and title:	
Final beneficiary:	
Action (number):	
Priority (number):	
If applicable, Specific Priority	
Short technical summary	
If applicable, justification of Specific Priority	
Indicator-based objectives and results - achievements of the project'	

4. Annex 8 is amended as follows:

4.1. the title is replaced by the following:

'MODEL CERTIFICATION FOR SECOND PREFINANCING';

4.2. in footnote 1 the word 'eligible' is deleted;

4.3. point 2 is replaced by the following:

'2. the expenditure declared has been incurred in respect of actions selected for funding in accordance with the criteria applicable to the annual programme';

5. in Annex 9 the title is replaced by the following:

'MODEL CERTIFICATION FOR FINAL PAYMENT';

6. Annex 11 is replaced by the following:

'ANNEX 11

RULES ON THE ELIGIBILITY OF EXPENDITURE EUROPEAN REFUGEE FUND

I. General Principles

I.1. Basic Principles

1. In accordance with the basic act, for it to be eligible, expenditure must be:

- (a) within the scope of the Fund and within its objectives, as described in Articles 1 and 2 of the basic act;
- (b) within the eligible actions listed in Article 3 of the basic act or, in the case of emergency measures, related to the eligible actions included in Article 5 of the basic act;
- (c) needed to carry out the activities covered by the project, forming part of the multiannual and annual programmes, as approved by the Commission, or covered by the emergency measures as defined in Article 5 of the basic act where these constitute an amendment to the relevant annual programme;
- (d) reasonable and comply with the principles of sound financial management, in particular value for money and cost-effectiveness;
- (e) incurred by the final beneficiary and/or the partners in the project, who shall be established and registered in a Member State, except in the case of international public sector organisations set up by intergovernmental agreements, and specialised agencies set up by such organisations, the International Committee of the Red Cross (ICRC) and the International Federation of National Red Cross and Red Crescent Societies. With regard to Article 39(2) of this Decision, the rules applicable to the final beneficiary shall apply *mutatis mutandis* to the partners in the project;
- (f) linked to the target groups defined in Article 6 of the basic act;
- (g) incurred in accordance with the specific provisions in the grant agreement.

2. In the case of multiannual actions within the meaning of Article 14(6) of the basic act, only the part of the action co-financed by an annual programme is considered to be a project for the application of these eligibility rules.

3. Projects supported by the Fund shall not be financed by other sources covered by the Community budget. Projects supported by the Fund shall be co-financed by public or private sources.

I.2. Budget of a project

The budget of a project shall be presented as follows:

Expenditure	Income
+ Direct costs (DC)	+ Contribution from the EC (<i>defined as the lowest of the three amounts indicated in Article 12 of this Decision</i>)
+ Indirect costs (<i>fixed percentage of DC, defined in the grant agreement</i>)	+ Contribution from the final beneficiary and the partners in the project
	+ Contribution from third parties
	+ Receipts generated by the project
= Total Eligible Cost (TEC)	= Total Income (TI)

The budget shall be balanced: Total Eligible Cost shall be equal to Total Income.

I.3. *Income and Non-Profit Principle*

1. Projects supported by the Fund must be of a non-profit-making nature. If, at the end of the project, the sources of income, including receipts, exceed expenditure, the contribution to the project from the Fund shall be reduced accordingly. All sources of income for the project must be recorded in the final beneficiary's accounts or tax documents, and must be identifiable and controllable.
2. Project income shall come from all financial contributions granted to the project by the Fund, from public or private sources, including the final beneficiary's own contribution, and from any receipts generated by the project. "Receipts" for the purpose of this rule covers revenue received by a project during the eligibility period as described in point I.4, from sales, rentals, services, enrolment/fees or other equivalent income.
3. The Community contribution resulting from the application of the principle of non-profit, as referred to pursuant to Article 12(c) of this Decision, will be the "total eligible cost" minus the "contribution from third parties" and "receipts generated by the project".

I.4. *Eligibility Period*

1. Costs relating to a project must be incurred and the respective payments (except for depreciation) made after 1 January of the year referred to in the financing decision approving the annual programmes of the Member States. The eligibility period is until 30 June of the year N (*) + 2, meaning that the costs relating to a project must be incurred before this date.
2. An exception to the eligibility period provided for in paragraph 1 is made for emergency measures (refer to Article 21(3) of the basic act) and for technical assistance for Member States (refer to point IV.3).

(*) Where "N" is the year referred to in the financing decision approving the annual programmes of the Member States.

I.5. *Record of expenditure*

1. Expenditure shall correspond to payments made by the final beneficiary. These must be in the form of financial (cash) transactions, with the exception of depreciation.
2. As a rule, expenditure shall be justified by official invoices. Where this cannot be done, expenditure shall be supported by accounting documents or supporting documents of equivalent evidential value.
3. Expenditure must be identifiable and verifiable. In particular,
 - (a) it must be recorded in the accounting records of the final beneficiary;
 - (b) it must be determined in accordance with the applicable accounting standards of the country where the final beneficiary is established and with the usual cost accounting practices of the final beneficiary; and
 - (c) it must be declared in accordance with the requirements of applicable tax and social legislation.
4. As necessary, the final beneficiaries are obliged to keep certified copies of the accounting documents justifying income and expenditure incurred by the partners in relation to the project concerned.
5. The storage and processing of records provided for in paragraphs 2 to 4 must comply with the national data protection legislation.

I.6. Territorial scope

1. Expenditure for actions described in Articles 3 and 5 of the basic act must be:

- (a) incurred by the final beneficiaries defined in point I.1.1.(e); and
 - (b) incurred in the territory of the Member States, with the exception of actions concerning resettlement referred to in Article 3(5) of the basic act, which may be incurred in the territory of the Member States or in the host country.
2. Partners in the project registered and established in third countries may participate in projects only on a no-cost basis, except in the case of international public sector organisations set up by intergovernmental agreements, and specialised agencies set up by such organisations, the International Committee of the Red Cross (ICRC) and the International Federation of National Red Cross and Red Crescent Societies.

II. Categories of eligible costs (at project level)

II.1. Direct eligible costs

The direct eligible costs of the project are costs that, with due regard to the general conditions of eligibility set out in Part I, are identifiable as specific costs directly linked to the implementation of the project. Direct costs shall be included in the estimated overall budget of the project.

The following direct costs are eligible:

II.1.1. Staff costs

1. The cost of staff assigned to the project, comprising actual salaries plus social security charges and other statutory costs is eligible, provided that this corresponds to the beneficiary's usual policy on remuneration.
2. For international organisations, the eligible staff cost may include provisions to cover statutory obligations and entitlements relating to remuneration.
3. The corresponding salary costs of staff of public bodies are eligible to the extent that they relate to the cost of activities which the relevant public body would not carry out if the project concerned were not undertaken; this staff shall be seconded or assigned to the implementation of the project by a written decision of the final beneficiary.
4. Staff costs shall be detailed in the forward budget, indicating functions and number of staff.

II.1.2. Travel and subsistence costs

1. Travel and subsistence costs are eligible as direct costs for staff or other persons who participate in the activities of the project and whose travel is necessary for the implementation of the project.
2. Travel costs shall be eligible on the basis of the actual costs incurred. Reimbursement rates shall be based on the cheapest form of public transport and flights shall, as a rule, be permitted only for journeys over 800 km (return trip), or where the geographical destination justifies travelling by air. Where a private car is used, reimbursement is normally made either on the basis of the cost of public transport, or on the basis of mileage rates in accordance with published official rules in the Member State concerned or used by the final beneficiary.
3. Subsistence costs shall be eligible on the basis of real costs or a daily allowance. Where an organisation has its own daily rates (subsistence allowances), they shall be applied within ceilings established by the Member State in accordance with national legislation and practice. Subsistence allowances are normally understood to cover local transport (including taxis), accommodation, meals, local telephone calls and sundries.

II.1.3. Equipment

II.1.3.1. General rules

1. Costs pertaining to the acquisition of equipment are only eligible if they are essential to the implementation of the project. Equipment shall have the technical properties needed for the project and comply with applicable norms and standards.

2. The choice between leasing, rental or purchase must always be based on the least expensive option. However, if leasing or renting is not possible because of the short duration of the project or the rapid depreciation in value, purchase is accepted.

II.1.3.2. Renting and leasing

Expenditure in relation to renting and leasing operations is eligible for co-financing subject to the rules established in the Member State, national legislation and practice and the duration of the rental or lease for the purpose of the project.

II.1.3.3. Purchasing

1. Where equipment is purchased during the lifetime of the project, the budget must specify if the full costs or only the portion of equipment depreciation corresponding to the duration of use for the project and the rate of actual use for the project is included. The latter shall be calculated in compliance with the national rules applicable.
2. Equipment that was purchased before the lifetime of the project, but which is used for the purpose of the project, is eligible on the basis of depreciation. However, these costs are ineligible if the equipment was originally purchased through a Community grant.
3. For individual items costing below EUR 20 000 the full purchase cost is eligible, provided that the equipment is purchased before the last 3 months of the project. Individual items costing EUR 20 000 or more are only eligible on the basis of depreciation.

II.1.4. Real estate

II.1.4.1. General rules

In the case of either purchase of real estate, construction or renovation of real estate, or rental of real estate, it shall have the technical properties needed for the project and comply with the applicable norms and standards.

II.1.4.2. Purchase, construction or renovation

1. Where the acquisition of real estate is essential for implementation of the project and is clearly linked with its objectives, the purchase of real estate, i.e. buildings already constructed, or construction of real estate, is eligible for co-financing under the conditions set out below, without prejudice to the application of stricter national rules:
 - (a) a certificate is obtained from an independent qualified valuer or duly authorised official body establishing that the price does not exceed the market value, either attesting that the real estate is in conformity with national regulations or specifying the points which are not in conformity that the final beneficiary plans to rectify as part of the project;
 - (b) the real estate has not been purchased through a Community grant at any time prior to the implementation of the project;
 - (c) the real estate is to be used solely for the purpose stated in the project;
 - (d) only the portion of the depreciation of buildings corresponding to the duration of use for the project and the rate of actual use for the project is eligible; depreciation shall be calculated according to national accounting rules.
2. Subject to condition (c) in paragraph 1, the full cost of refurbishment, modernisation or renovating works to buildings is eligible up to a maximum value of EUR 100 000. Above this threshold, conditions (c) and (d) in paragraph 1 apply.

II.1.4.3. Rental

Rental of real estate is eligible for co-financing where there is a clear link between the rental and the objectives of the project concerned, under the conditions set out below and without prejudice to the application of stricter national rules:

- (a) the real estate has not been purchased through a Community grant;
- (b) the real estate is to be used solely for implementation of the project. If not, only the portion of the costs corresponding to the use for the project is eligible.

II.1.5. Consumables, supplies and general services

The costs of consumables, supplies and general services are eligible provided that they are identifiable and directly necessary for the implementation of the project.

II.1.6. Subcontracting

1. As a general rule, final beneficiaries must have the capacity to manage the projects themselves. The amount corresponding to tasks to be subcontracted under the project will have to be clearly indicated in the grant agreement.

2. Expenditure relating to the following subcontracts is not eligible for co-financing by the Fund:

(a) subcontracting of tasks relating to the overall management of the project;

(b) subcontracting that adds to the cost of the project without adding proportionate value to it;

(c) subcontracting with intermediaries or consultants where payment is defined as a percentage of the total cost of the project, unless such payment is justified by the final beneficiary by reference to the actual value of the work or services provided.

3. For all subcontracts, subcontractors shall undertake to provide all audit and control bodies with all the necessary information relating to subcontracted activities.

II.1.7. Costs deriving directly from the requirements linked to Union co-financing

Costs needed to meet the requirements linked to Union co-financing, such as publicity, transparency, evaluation of the project, external audit, bank guarantees, translation costs, etc., are eligible as direct costs.

II.1.8. Expert fees

Legal consultancy fees, notarial fees and costs of technical and financial experts are eligible.

II.1.9. Specific expenses in relation to the target groups

1. For the purpose of assistance, purchases made by the final beneficiary for the target groups and reimbursements by the final beneficiary of costs incurred by the target groups are eligible under the following specific conditions:

(a) the final beneficiary shall keep the necessary information and evidence during the period mentioned in Article 43 of the basic act that the persons receiving this assistance correspond to the target group defined in Article 6 of the basic act;

(b) the final beneficiary must keep evidence for the support provided (such as invoices and receipts) during the period provided for in Article 43 of the basic act that the persons have received this support.

2. In case of actions which necessitates the attendance (for instance training course) of persons belonging to the target group, small cash incentives may be distributed as complementary help provided the total is not more than EUR 25 000 per project and is distributed per person for each event, course or other. The final beneficiary shall keep a list of the persons, time and date of payment and shall ensure an adequate follow-up to avoid any double-financing and misuse of funds.

II.1.10. Emergency measures

1. For duly justified reasons, derogations to the eligibility rules defined in this Decision may be allowed for expenditure linked to emergency measures, provided that they are approved in the Commission decision authorising the emergency measures.
2. In accordance with Article 21(3) of the basic act, the eligibility period shall be for a maximum of 6 months, meaning that the costs relating to a project must be incurred during this period.

II.2. Indirect eligible costs

1. The eligible indirect costs for the action are those costs which, with due regard for the conditions of eligibility described in point I.1.1, are not identifiable as specific costs directly linked to performance of the project.
2. By way of derogation from point I.1.1(e) and point I.5, the indirect costs incurred in carrying out the action may be eligible for flat rate funding fixed at not more than 7 % of the total eligible direct costs.
3. Organisations receiving an operating grant from the Union budget cannot include indirect costs in their forward budget.

III. Ineligible expenditure

The following costs are not eligible:

- (a) VAT, except where the final beneficiary can show that he is unable to recover it;
- (b) return on capital, debt and debt service charges, debit interest, foreign exchange commissions and exchange losses, provisions for losses or potential future liabilities, interest owed, doubtful debts, fines, financial penalties, litigation costs, and excessive or reckless expenditure;
- (c) entertainment costs exclusively for project staff; reasonable hospitality costs at social events justified by the project, such as an event at the end of the project or meetings of the project steering group, are permitted;
- (d) costs declared by the final beneficiary and covered by another project or work programme receiving a Community grant;
- (e) purchase of land;
- (f) contributions in kind.

IV. Technical assistance at the initiative of Member States

1. All the costs necessary for the implementation of the Fund by the responsible authority, delegated authority, audit authority, certifying authority or other bodies assisting in the tasks listed in paragraph 2 are eligible under technical assistance within the limits specified in Article 16 of the basic act.
2. This includes the following measures:
 - (a) expenditure relating to the preparation, selection, appraisal, management and monitoring of actions;
 - (b) expenditure relating to audits and on-the-spot checks of actions or projects;
 - (c) expenditure relating to evaluations of actions or projects;
 - (d) expenditure relating to information, dissemination and transparency in relation to actions;
 - (e) expenditure on the acquisition, installation and maintenance of computerised systems for the management, monitoring and evaluation of the Funds;

- (f) expenditure on meetings of monitoring committees and sub-committees relating to the implementation of actions; this expenditure may also include the costs of experts and other participants in these committees, including third-country participants, where their presence is essential to the effective implementation of actions;
 - (g) expenditure for the reinforcement of the administrative capacity for the implementation of the Fund.
 - 3. Activities linked to technical assistance must be performed and the corresponding payments made after 1 January of the year referred to in the financing decision approving the annual programmes of the Member States. The eligibility period lasts until the deadline for the submission of the final report on the implementation of the annual programme.
 - 4. Any procurement must be carried out in accordance with national procurement rules established in the Member State.
 - 5. Member States may implement technical assistance measures for this Fund together with technical assistance measures for some or all of the four Funds. However, in that case only the portion of the costs used to implement the common measure corresponding to this Fund shall be eligible for financing under this Fund, and Member States shall ensure that:
 - (a) the portion of costs for common measures is charged to the corresponding Fund in a reasonable and verifiable manner; and
 - (b) there is no double financing of costs.’.
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