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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part

The European Union and the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia, the Republic of South Africa and the Kingdom of Swaziland have notified the completion of the procedures necessary for the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ⁽¹⁾, in accordance with Article 113 of that Agreement. Consequently, the Agreement applies provisionally as from 10 October 2016 between the European Union and the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia, the Republic of South Africa and the Kingdom of Swaziland. By virtue of Article 3(2) of Council Decision (EU) 2016/1623 ⁽²⁾ on the signing and provisional application of the Agreement, Article 12(4) shall not be provisionally applied. On 10 October 2016, for products originating in Botswana, Namibia and Swaziland, pursuant to Article 5 of Council Regulation (EU) 2016/1076 ⁽³⁾, Protocol 1 of the Agreement concerning the definition of the concept of 'originating products' will supersede the provisions contained in Annex II of the said Regulation.

⁽¹⁾ OJ L 250, 16.9.2016, p. 3.

⁽²⁾ OJ L 250, 16.9.2016, p. 1.

⁽³⁾ OJ L 185, 8.7.2016, p. 1.

COUNCIL DECISION (EU) 2016/1790**of 12 February 2016**

on the conclusion of Revision 3 of the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement')

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof, in conjunction with Article 218(6)(a) thereof,

Having regard to Council Decision 97/836/EC of 27 November 1997 on the accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions ⁽¹⁾, and in particular Article 5(1) thereof and Annex III, point 3, thereto,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽²⁾,

Whereas:

- (1) The United Nations Economic Commission for Europe Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions ('the Agreement') entered into force on 16 October 1995.
- (2) Article 13 of the Agreement provides for amendments regarding the Agreement itself and of its Appendices to be adopted by means of a notification by a Contracting Party of the text of the proposed amendments to the Secretary-General of the United Nations, who is to transmit it to all Contracting Parties. If no Contracting Party expresses an objection within a period of six months following the date of transmission of the proposed amendments by the Secretary-General, the amendments are to enter into force for all Contracting Parties three months after the expiry of that six months' period.
- (3) WP.29 agreed, at its 150th session in March 2010, to establish an informal group with a view to assisting WP.29 in considering actions on the future direction for the harmonisation of vehicle regulations under the Agreement. This future direction should aim at fostering the participation of more countries and regional economic integration organisations in the activities of the World Forum and to increase the number of Contracting Parties to the Agreement, by improving its functioning and reliability, and thus ensuring that it remains the key international framework for the harmonisation of technical regulations in the automotive sector.
- (4) On 15 July 2013, the Council authorised the Commission to open negotiations within WP.29 to amend the Agreement. The Commission has negotiated, on behalf of the Union, proposals for amending the Agreement within the informal group established by WP.29.
- (5) WP.29 at its 162th session in March 2014 took note of the proposals for Revision 3 of the Agreement prepared by the informal group, and invited Contracting Parties to the Agreement to start their national procedures for consideration of the proposals for amending the Agreement.
- (6) At its 164th session in November 2014, WP.29 took note of a proposal submitted by a number of Contracting Parties to the Agreement to increase the voting majority threshold for the establishment of new UN Regulations and amendments to existing UN Regulations, from the two-thirds to a four-fifths majority. The representative of the Union announced the intention to establish a coordinated position of the EU Member States on this proposal.

⁽¹⁾ OJ L 346, 17.12.1997, p. 78.

⁽²⁾ Consent of 7 June 2016 (not yet published in the Official Journal).

- (7) The proposals for Revision 3 of the Agreement and for increasing the voting majority threshold from two thirds to four fifths meet the negotiation objectives specified in the Council Decision authorising the Commission to open negotiations within WP.29 for Revision 3 of the Agreement.
- (8) Therefore, Articles 1 to 15 and Appendices 1 and 2 of the Agreement should be amended accordingly.
- (9) Those amendments to the Agreement should be approved on behalf of the Union.
- (10) An informal vote will be organised by WP.29 to verify whether the consent of all Contracting Parties can be obtained for those amendments to the Agreement before launching the procedure specified in Article 13 thereof for amending it. The Union should vote in favour of those modifications.
- (11) After the informal vote in WP.29 has confirmed that consent of all Contracting Parties on the proposed amendments to the Agreement has been obtained, the President of the Council should nominate the representative of the Union empowered to notify, as provided for in point 3 of Annex III to Decision 97/836/EC, the text of the proposed amendments to the Secretary-General of the United Nations, in accordance with the procedure set out in Article 13.1 of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Revision 3 of the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions is hereby approved on behalf of the Union.

The text of Revision 3 of the Agreement is attached to this Decision.

Article 2

The President of the Council shall designate the person empowered to proceed, on behalf of the Union, with the notification provided for in Article 13.1 of the Agreement, in order to initiate the procedure for the conclusion of Revision 3 of the Agreement and to express the consent of the European Union to be bound by Revision 3 of the Agreement.

Article 3

This Decision shall enter into force on the date of publication in the *Official Journal of the European Union* ⁽¹⁾.

Done at Brussels, 12 February 2016.

For the Council

The President

J.R.V.A. DIJSSELBLOEM

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

concerning the adoption of harmonised technical United Nations Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these United Nations Regulations ⁽¹⁾

Revision 3**PREAMBLE**

THE CONTRACTING PARTIES,

HAVING DECIDED to amend the Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done at Geneva on 20 March 1958, as amended on 16 October 1995, and

DESIRING to reduce technical barriers to international trade by defining harmonised technical UN Regulations that it will suffice for certain wheeled vehicles, equipment and parts to fulfil in order to be used in their countries or regions,

RECOGNISING the importance of safety, environmental protection, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts, which can be fitted and/or be used on wheeled vehicles for the development of regulations that are technically and economically feasible and adapted to technical progress,

DESIRING to apply these UN Regulations whenever possible in their countries or regions,

DESIRING to facilitate the acceptance in their countries of the vehicles, equipment and parts, where approved according to these UN Regulations by the approval authorities of another Contracting Party,

DESIRING to establish an international whole vehicle type-approval scheme (IWVTA) within the framework of the Agreement to increase the advantages of individual UN Regulations annexed to the Agreement and so create opportunities to simplify implementation by Contracting Parties and the wider adoption of mutual recognition of type-approvals for whole vehicles, and,

DESIRING to increase the number of Contracting Parties to the Agreement by improving its functioning and reliability, and thus ensure that it remains the key international framework for the harmonisation of technical regulations in the automotive sector,

HAVE AGREED AS FOLLOWS:

Article 1

1. The Contracting Parties shall establish, through an Administrative Committee made up of all the Contracting Parties in conformity with the rules of procedure set out in the appendix to this Agreement and on the basis of the following articles and paragraphs, UN Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles. Conditions for granting type-approvals and their reciprocal recognition will be included for use by Contracting Parties which choose to implement Regulations through type-approval.

For the purposes of this Agreement:

The term 'wheeled vehicles, equipment and parts' shall include any wheeled vehicles, equipment and parts whose characteristics have a bearing on vehicle safety, protection of the environment, energy saving and the performance of anti-theft technology;

⁽¹⁾ Former titles of the Agreement:

Agreement concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done at Geneva on 20 March 1958 (original version);

Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, done at Geneva on 5 October 1995 (Revision 2).

The term 'type-approval pursuant to a UN Regulation' indicates an administrative procedure by which the approval authorities of one Contracting Party declare, after carrying out the required verifications that a type of vehicle, equipment or part submitted by the manufacturer conforms to the requirements of the given UN Regulation. Afterwards the manufacturer certifies that each vehicle, equipment or parts put on the market were produced to be identical with the approved product.

The term 'whole vehicle type-approval' indicates that type-approvals granted pursuant to applicable UN Regulations for wheeled vehicles, equipment and parts of a vehicle are integrated into an approval of the whole vehicle according to the provisions of the administrative IWVTA system.

The term 'version of a UN Regulation' indicates that a UN Regulation, following its adoption and establishment, may subsequently be amended following the procedures described in this Agreement, in particular Article 12. The unamended UN Regulation as well as the UN Regulation, after integration of any subsequent amendment(s), are considered to be separate versions of that UN Regulation.

The term 'applying a UN Regulation' indicates that a UN Regulation enters into force for a Contracting Party. When doing so, Contracting Parties have the possibility to keep their own national/regional legislation. If they wish, they may substitute their national/regional legislation by the requirements of the UN Regulations they are applying, but they are not bound by the Agreement to do so. However, Contracting Parties shall accept, as an alternative to the relevant part of their national/regional legislation, UN type-approvals granted pursuant to the latest version of UN Regulations applied in their country/region. The rights and obligations of Contracting Parties applying a UN Regulation are detailed in the various articles of this Agreement.

For the application of the UN Regulations there could be various administrative procedures alternative to type-approval. The only alternative procedure generally known and applied in certain Member States of the Economic Commission for Europe is the self-certification by which the manufacturer certifies, without any preliminary administrative control, that each product put on the market conforms to the given UN Regulation; the competent administrative authorities may verify by random sampling on the market that the self-certified products comply with the requirements of the given UN Regulation.

2. The Administrative Committee shall be composed of all the Contracting Parties in accordance with the rules of procedure set out in the appendix.

A UN Regulation, after having been established in accordance with the procedure indicated in the appendix, shall be communicated by the Administrative Committee to the Secretary-General of the United Nations, hereinafter called 'Secretary-General'. As soon as possible thereafter, the Secretary-General shall give notification of this UN Regulation to the Contracting Parties.

The UN Regulation will be considered as adopted unless, within a period of six months from its notification by the Secretary-General, more than one-fifth of the Contracting Parties at the time of notification have informed the Secretary-General of their disagreement with the UN Regulation.

The UN Regulation shall cover the following:

- (a) wheeled vehicles, equipment or parts concerned;
- (b) technical requirements, which shall be performance-oriented wherever appropriate and not design-restrictive, that give objective consideration to available technologies, costs and benefits as appropriate, and may include alternatives;
- (c) test methods by which any performance requirements are to be demonstrated;
- (d) conditions for granting type-approval and their reciprocal recognition including administrative provisions, any approval markings and conditions for ensuring conformity of production;
- (e) the date(s) on which the UN Regulation enters into force, including the date when Contracting Parties applying it can issue approvals pursuant to that UN Regulation, and the date from which they shall accept approvals (if different);
- (f) an information document to be provided by the manufacturer.

The UN Regulation may, if needed, include references to the laboratories accredited by the approval authorities where acceptance tests of the types of wheeled vehicles, equipment or parts submitted for approval shall be carried out.

In addition to the abovementioned UN Regulations, this Agreement provides for establishing a UN Regulation to introduce a system of whole vehicle type-approval. This UN Regulation shall set the scope, administrative procedures, and technical requirements that can include different levels of stringency in one version of the said UN Regulation.

Notwithstanding other provisions of Article 1 and Article 12, a Contracting Party applying the UN Regulation on IWVTA shall only be obliged to accept those type-approvals granted pursuant to the highest level of stringency of the latest version of the said UN Regulation.

This Agreement also includes Schedules of Administrative and Procedural Provisions applicable to all UN Regulations annexed to this Agreement and to all Contracting Parties applying one or more UN Regulations.

3. When a UN Regulation has been adopted, the Secretary-General shall so notify as soon as possible all the Contracting Parties, specifying which Contracting Parties have objected, or have notified their agreement but have the intention not to begin applying the UN Regulation at the date of entry into force, and in respect of which the UN Regulation shall not enter into force.

4. The adopted UN Regulation shall enter into force on the date(s) specified therein as a UN Regulation annexed to this Agreement for all Contracting Parties which have not notified either their disagreement or their intention not to apply it on that date.

5. When depositing its instrument of accession, any new Contracting Party may declare that it will not apply certain UN Regulations then annexed to this Agreement or that it will not apply any of them. If, at that time, the procedure laid down in paragraphs 2, 3, and 4 of this Article is in progress for a draft or adopted UN Regulation, the Secretary-General shall communicate such draft or adopted UN Regulation to the new Contracting Party and it shall enter into force as a UN Regulation for the new Contracting Party unless this Contracting Party notifies its disagreement with the adopted UN Regulation within a period of six months after the deposit of its instrument of accession. The Secretary-General shall notify all the Contracting Parties of the date of such entry into force. The Secretary-General shall also communicate to them all declarations concerning the non-application of certain UN Regulations that any Contracting Party may make in accordance with the terms of this paragraph.

6. Any Contracting Party applying a UN Regulation may at any time notify the Secretary-General, subject to one year's notice, about its intention to cease applying that UN Regulation. Such notification shall be communicated by the Secretary-General to the other Contracting Parties.

Approvals previously granted pursuant to that UN Regulation by that Contracting Party shall remain valid unless they are withdrawn in accordance with the provisions of Article 4.

If a Contracting Party ceases to issue approvals to a UN Regulation it shall:

- (a) maintain proper supervision on conformity of production of products for which it previously granted type-approval;
- (b) take the necessary steps set out in Article 4 when advised of non-conformity by a Contracting Party that continues to apply the UN Regulation;
- (c) continue to notify the other Contracting Parties of withdrawal of approvals as set out in Article 5;
- (d) continue to grant extensions to existing approvals.

7. Any Contracting Party not applying a UN Regulation may at any time notify the Secretary-General that it intends henceforth to apply it and the UN Regulation will then enter into force for this Party on the 60th day after this notification. The Secretary-General shall notify all the Contracting Parties of every entry into force of a UN Regulation for a new Contracting Party affected in accordance with the terms of this paragraph.

8. The Contracting Parties for which a UN Regulation is in force shall hereinafter be referred to as 'the Contracting Parties applying a UN Regulation'.

Article 2

1. Each Contracting Party applying UN Regulations largely through type-approval shall grant the type-approvals and approval markings described in any UN Regulation for the types of wheeled vehicles, equipment or parts covered by the UN Regulation, provided that it has the technical competence and is satisfied with the arrangements for ensuring conformity of the product with the approved type. Each Contracting Party which grants type-approval shall take the necessary measures as set out in Schedule 1 annexed to this Agreement to verify that adequate arrangements have been made to ensure that wheeled vehicles, equipment and parts are manufactured in conformity with the approved type.
2. Each Contracting Party issuing type-approvals pursuant to a UN Regulation shall specify an approval authority for the UN Regulation. The approval authority shall have the responsibility for all aspects of type-approval pursuant to the said UN Regulation. This approval authority may designate Technical Services to carry out on its behalf the testing and inspections necessary for the verifications required in paragraph 1 of this Article. Contracting Parties shall ensure that Technical Services are assessed, designated and notified in accordance with the requirements set out in Schedule 2 annexed to this Agreement.
3. The type-approvals, approval markings and identifiers for the types of wheeled vehicles, equipment and parts shall be specified in the UN Regulation and granted in accordance with the procedures set out in Schedules 3 to 5 annexed to this Agreement.
4. Each Contracting Party applying a UN Regulation shall refuse to grant the type-approvals and approval markings covered by the UN Regulation if the abovementioned conditions are not complied with.

Article 3

1. Wheeled vehicles, equipment or parts for which type-approvals have been issued by a Contracting Party in accordance with Article 2 of this Agreement shall be held to be in conformity with the relevant part of the national legislation of all the Contracting Parties applying the said UN Regulation.
2. Contracting Parties applying UN Regulations shall, by mutual recognition, accept for the placement on their markets, and subject to the provisions of Articles 1, 8 and 12 as well as any special provisions within these UN Regulations, type-approvals granted pursuant to these UN Regulations, without requiring any further testing, documentation, certification or marking concerning these type-approvals.

Article 4

1. Should a Contracting Party applying a UN Regulation find that certain wheeled vehicles, equipment or parts bearing approval markings issued under the said UN Regulation by one of the Contracting Parties do not conform to the approved types or the requirements of the said UN Regulation, it shall advise the approval authority of the Contracting Party which issued the approval.

The Contracting Party that issued the approval shall take the necessary steps to ensure that the non-conformity is rectified.

2. When the non-conformity is due to non-compliance with the technical requirements specified in a UN Regulation, as referred to in Article 1.2(b), the Contracting Party that issued the approval shall immediately inform all other Contracting Parties about the situation and shall provide regular advice to Contracting Parties of the steps it is taking, which may include, if necessary, the withdrawal of the approval.

After having considered the potential impact on vehicle safety, protection of the environment, energy saving or the performance of anti-theft technology, Contracting Parties may prohibit the sale and use of such wheeled vehicles, equipment or parts in their territory until this non-conformity is rectified. In such a case, these Contracting Parties shall inform the secretariat of the Administrative Committee of the measures taken. For resolution of disputes between the Contracting Parties, the procedure provided in Article 10.4 shall apply.

3. Notwithstanding the provisions of paragraph 1 of this Article, if a non-conforming product, as referred to in paragraph 2 of this Article, has not been brought into conformity within a period of three months, the Contracting Party responsible for the approval shall temporarily or permanently withdraw the approval. By exception, this period may be extended by a period not exceeding three months unless one or more Contracting Parties applying the concerned UN Regulation object. When the period is being extended, the Contracting Party that issued the approval shall, within the initial three-month period, notify all Contracting Parties applying the concerned UN Regulation of its intention to extend the period in which the non-conformity shall be rectified and provide a justification for such extension.

4. When the non-conformity is due to non-compliance with the administrative provisions, approval markings, conditions for conformity of production or the information document specified in a UN Regulation, as referred to in Article 1.2(d) and 1.2(f), the Contracting Party that issued the approval shall temporarily or permanently withdraw the approval if the non-conformity has not been rectified within a period of six months.

5. Paragraphs 1 to 4 of this Article also apply in the situation where the Contracting Party responsible for issuing of the approval itself finds that certain wheeled vehicles, equipment or parts bearing approval markings do not conform to the approved types or the requirements of a UN Regulation.

Article 5

1. The approval authorities of each Contracting Party applying UN Regulations shall send upon request from the other Contracting Parties, a list of the wheeled vehicles, equipment or parts of which it has refused to grant or has withdrawn approvals.

2. In addition, on receiving a request from another Contracting Party applying a UN Regulation, it shall send forthwith, in accordance with the provisions of Schedule 5 annexed to this Agreement, to that Contracting Party a copy of all relevant information on which it based its decision to grant, refuse to grant, or to withdraw an approval of a wheeled vehicle, equipment or part pursuant to that UN Regulation.

3. The paper copy may be replaced by an electronic file in accordance with Schedule 5 annexed to this Agreement.

Article 6

1. Member States of the Economic Commission for Europe, countries admitted to the Commission in a consultative capacity in accordance with paragraph 8 of the Commission's Terms of Reference, and regional economic integration organisations set up by Member States of the Economic Commission for Europe to which their Member States have transferred powers in the fields covered by this Agreement, including the power to make binding decisions on their Member States, may become Contracting Parties to this Agreement.

For the determination of the number of votes referred to in Article 1, paragraph 2 and in Article 12, paragraph 2, regional economic integration organisations vote with the number of votes of their Member States being members of the Economic Commission for Europe.

2. Member States of the United Nations which may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's Terms of Reference and regional economic integration organisations of such countries to which their Member States have transferred powers in the fields covered by this Agreement including power to make binding decisions on their Member States may become Contracting Parties to this Agreement.

For the determination of the number of votes referred to in Article 1, paragraph 2 and in Article 12, paragraph 2, regional economic integration organisations vote with the number of votes of their Member States being members of the United Nations.

3. Accession to this Agreement by new Contracting Parties which are not Parties to the 1958 Agreement shall be effected by the deposit of an instrument with the Secretary-General, after the entry into force of this Agreement.

Article 7

1. This Agreement shall be deemed to enter into force nine months after the date of its transmission by the Secretary-General to all the Contracting Parties to the 1958 Agreement.
2. This Agreement shall be deemed not to enter into force if any objection from the Contracting Parties to the 1958 Agreement is expressed within a period of six months following the date of its transmission to them by the Secretary-General.
3. For any new Contracting Party acceding to this Agreement, this Agreement shall enter into force on the sixtieth day after the deposit of the instrument of accession.

Article 8

1. Any Contracting Party may denounce this Agreement by notifying the Secretary-General.
2. Denunciation shall take effect 12 months after the date of receipt by the Secretary-General of such notification.
3. Any type-approvals granted by the Contracting Party shall remain valid for a period of 12 months after the denunciation has taken effect in accordance with Article 8.2.

Article 9

1. Any Contracting Party as defined in Article 6 of this Agreement may, at the time of accession or at any time thereafter, declare by notification addressed to the Secretary-General that this Agreement shall extend to all or any of the territories for whose international relations it is responsible. The Agreement shall extend to the territory or territories named in the notification as from the 60th day after its receipt by the Secretary-General.
2. Any Contracting Party as defined in Article 6 of this Agreement which has made a declaration in accordance with paragraph 1 of this Article extending this Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory, in accordance with the provisions of Article 8.

Article 10

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Agreement shall, so far as possible, be settled by negotiation between them.
2. Any dispute which is not settled by negotiation shall be submitted to arbitration if any one of the Contracting Parties in dispute so requests and shall be referred accordingly to one or more arbitrators selected by agreement between the Parties in dispute. If within three months from the date of the request for arbitration the Parties in dispute are unable to agree on the selection of an arbitrator or arbitrators, any of those Parties may request the Secretary-General to nominate a single arbitrator to whom the dispute shall be referred for decision.
3. The decision of the arbitrator or arbitrators appointed in accordance with paragraph 2 of this Article shall be binding on the Contracting Parties in dispute.
4. Any dispute between two or more Contracting Parties concerning the interpretation or application of UN Regulations annexed to this Agreement shall be settled by negotiation in accordance with the procedure set out in Schedule 6 annexed to this Agreement.

Article 11

1. Any Contracting Party may, at the time of acceding to this Agreement, declare that it does not consider itself bound by paragraphs 1 to 3 of Article 10 of the Agreement. Other Contracting Parties shall not be bound by paragraphs 1 to 3 of Article 10 in respect of any Contracting Party which has entered such a reservation.

2. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this Article may at any time withdraw such reservation by notifying the Secretary-General.

3. No other reservation to this Agreement, its Appendix, Schedules and the UN Regulations annexed thereto shall be permitted; but any Contracting Party may, in accordance with the terms of Article 1, paragraph 5, declare that it does not intend to apply certain of the UN Regulations or that it does not intend to apply any of them.

Article 12

The UN Regulations annexed to this Agreement may be amended in accordance with the following procedure:

1. Amendments to UN Regulations shall be established by the Administrative Committee as described in Article 1, paragraph 2 and in accordance with the procedure indicated in the appendix.

An amendment to the UN Regulation, after having been established, shall be communicated by the Administrative Committee to the Executive Secretary of the United Nations Economic Commission for Europe. As soon as possible thereafter, the Executive Secretary of the United Nations Economic Commission for Europe shall give notification of this amendment to the Contracting Parties applying the UN Regulation and the Secretary-General.

2. An amendment to a UN Regulation will be considered to be adopted unless, within a period of six months from its notification by the Executive Secretary of the United Nations Economic Commission for Europe, more than one fifth of the Contracting Parties applying the UN Regulation at the time of notification have informed the Secretary-General of their disagreement with the amendment. When an amendment to a UN Regulation is adopted, the Secretary-General shall as soon as possible declare the amendment as adopted and binding upon those Contracting Parties applying the UN Regulation.
3. Amendments to a UN Regulation may include transitional provisions relating to the entry into force of the amended UN Regulation, the date up to which Contracting Parties shall accept approvals pursuant to the preceding version of the UN Regulation and the date as from which Contracting Parties shall not be obliged to accept type-approvals issued pursuant to the preceding version of the amended UN Regulation.
4. Notwithstanding that transitional provisions in any version of UN Regulations may have stipulated otherwise, Contracting Parties to this Agreement which are applying UN Regulations may, subject to compliance with the provisions of Article 2, nevertheless issue type-approvals pursuant to earlier versions of UN Regulations. However, subject to paragraph 3 of this Article, Contracting Parties applying a UN Regulation shall not be obliged to accept type-approvals issued pursuant to these earlier versions.
5. All Contracting Parties applying a UN Regulation, except for Contracting Parties which notified the Secretary-General of their intention to cease applying the UN Regulation, shall accept approvals granted pursuant to the latest version of that UN Regulation. A Contracting Party which notified the Secretary-General of its intention to cease applying a UN Regulation shall, during the one-year period mentioned in paragraph 6 of Article 1, accept approvals granted pursuant to the version(s) of the UN Regulation applicable for that Contracting Party at the instance of its notification to Secretary-General.
6. A Contracting Party applying a UN Regulation may grant an exemption approval pursuant to a UN Regulation for a single type of wheeled vehicle, equipment or part which is based on a new technology, when this new technology is not covered by the existing UN Regulation, and is incompatible with one or more requirements of this UN Regulation. In such a case, the procedures set out in Schedule 7 annexed to this Agreement shall apply.
7. Should a new Contracting Party accede to this Agreement between the time of the notification of the amendment to a UN Regulation by the Executive Secretary of the United Nations Economic Commission for Europe and its entry into force, the UN Regulation in question shall enter into force for that Contracting Party unless, within a period of six months from its notification of accession by the Secretary-General, that Party has informed the Secretary-General of its disagreement with the amendment.

Article 13

The text of the Agreement itself and of its appendix may be amended in accordance with the following procedure:

1. Any Contracting Party may propose one or more amendments to this Agreement and its appendix. The text of any proposed amendment to the Agreement and its appendix shall be transmitted to the Secretary-General, who shall transmit it to all Contracting Parties and inform all other countries referred to in paragraph 1 of Article 6 thereof.
2. Any proposed amendment circulated in accordance with paragraph 1 of this Article shall be deemed to be accepted if no Contracting Party expresses an objection within a period of nine months following the date of circulation of the proposed amendment by the Secretary-General.
3. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been expressed, the amendment shall be deemed not to have been accepted, and shall be of no effect whatsoever. If no such objection has been expressed, the amendment shall enter into force for all Contracting Parties three months after the expiry of the period of nine months referred to in paragraph 2 of this Article.

Article 13 bis

1. The Schedules of Administrative and Procedural Provisions annexed to this Agreement may be amended in accordance with the following procedure:
 - 1.1. Amendments to the Schedules of Administrative and Procedural Provisions shall be established by the Administrative Committee as referred to in Article 1.1 and in accordance with the procedure indicated in Article 7 of the appendix to this Agreement.
 - 1.2. An amendment to the Schedules of Administrative and Procedural Provisions shall be communicated by the Administrative Committee to the Secretary-General. As soon as possible thereafter, the Secretary-General shall give notification of this amendment to the Contracting Parties applying one or more UN Regulations.
2. An amendment to the Schedules of Administrative and Procedural Provisions will be considered to be adopted if, within a period of six months from its notification by the Secretary-General, no Contracting Party applying one or more UN Regulations has informed the Secretary-General of its disagreement with the amendment.
3. The Secretary-General shall, as soon as possible, notify all Contracting Parties to the Agreement applying one or more UN Regulations whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been expressed, the amendment shall be deemed not to have been accepted, and shall be of no effect whatsoever. If no such objection has been expressed, the amendment shall enter into force for all Contracting Parties applying one or more UN Regulations three months after the expiry of the period of six months referred to in paragraph 2 of this Article.
4. A new schedule shall be considered as an amendment to the Schedules of Administrative and Procedural Provisions and, therefore, established according to the same procedure as specified in this Article.

Article 14

1. In accordance with the provisions of this Agreement, the Secretary-General shall notify the Contracting Parties of:
 - (a) accessions in accordance with Article 6;
 - (b) the dates of entry into force of this Agreement in accordance with Article 7;
 - (c) denunciations in accordance with Article 8;
 - (d) notifications received in accordance with Article 9;
 - (e) declarations and notifications received in accordance with paragraphs 1 and 2 of Article 11;
 - (f) the entry into force of any new UN Regulation and any amendment to an existing UN Regulation in accordance with paragraphs 2, 3, 5 and 7 of Article 1, and paragraph 2 of Article 12;

- (g) the entry into force of any amendment to the Agreement, its appendix or to the Schedules of Administrative and Procedural Provisions in accordance with paragraph 3 of Article 13 or with paragraph 3 of Article 13bis, respectively;
 - (h) the cessation of application of UN Regulations by Contracting Parties in accordance with paragraph 6 of Article 1.
2. In accordance with the provisions of this Agreement and the annexed Schedules of Administrative and Procedural Provisions, the Executive Secretary of the United Nations Economic Commission for Europe shall notify:
- (a) the Secretary-General and the Contracting Parties of the establishment of an amendment to a UN Regulation in accordance with paragraph 2 of Article 12;
 - (b) the Contracting Parties of the decision by Administrative Committee on an exemption approval request and, subsequently, of its adoption in accordance with paragraph 5 of Schedule 7.

Article 15

1. If at the date the above provisions come into effect the procedures envisaged in Article 1, paragraphs 3 and 4 of the previous version of the Agreement are under way for adopting a new UN Regulation, the said new UN Regulation shall enter into force under the provisions of paragraph 4 of the said Article.
2. If at the date the above provisions come into effect, the procedures envisaged in Article 12, paragraph 1 of the previous version of the Agreement are under way for the adoption of an amendment to a UN Regulation, the said amendment shall enter into force under the provisions of the said Article.
3. If all Contracting Parties to the Agreement agree, any UN Regulation adopted under the terms of the previous version of the Agreement may be treated as though it were a UN Regulation adopted under the terms of the above provisions.

Article 16

This Agreement was done at Geneva in a single copy in the English, French and Russian languages, each text being equally authentic.

APPENDIX

Composition and rules of procedure of the Administrative Committee*Article 1*

The members of the Administrative Committee shall be composed of all the Contracting Parties to the amended Agreement.

Article 2

The Executive Secretary of the United Nations Economic Commission for Europe shall provide the Committee with secretariat services.

Article 3

The Committee shall, at its first session each year, elect a chairman and vice-chairman.

Article 4

The Secretary-General of the United Nations shall convene the Committee under the auspices of the Economic Commission for Europe whenever a new UN Regulation, an amendment to a UN Regulation, a notification according to the procedure for an exemption approval for new technologies (set out in Schedule 7) or an amendment to the Schedules of Administrative and Procedural Provisions is required to be established.

Article 5

Proposed new UN Regulations shall be put to the vote. Each country, Contracting Party to the Agreement, shall have one vote. A quorum consisting of not less than half of the Contracting Parties is required for the purposes of taking decisions. For the determination of the quorum regional economic integration organisations, being Contracting Parties to the Agreement, vote with the number of votes of their Member States. The representative of a regional economic integration organisation may deliver the votes of its constituent sovereign countries. New draft UN Regulations shall be established by a four-fifths majority of those present and voting.

Article 6

Proposed amendments to UN Regulations shall be put to the vote. Each country, Contracting Party to the Agreement applying the UN Regulation, shall have one vote. A quorum of not less than half of the Contracting Parties applying the UN Regulation is required for the purposes of taking decisions. For the determination of the quorum, regional economic integration organisations, being Contracting Parties to the Agreement, vote with the number of votes of their Member States. The representative of a regional economic integration organisation may deliver the votes of those of its constituent sovereign countries which apply the UN Regulation. Draft amendments to UN Regulations shall be established by a four-fifths majority of those present and voting.

Article 7

Proposed amendments to the Schedules of Administrative and Procedural Provisions annexed to this Agreement shall be put to the vote. Each Contracting Party to the Agreement applying one or more UN Regulations shall have one vote. A quorum of not less than half of the Contracting Parties to the Agreement applying one or more UN Regulations is required for the purposes of taking decisions. For the determination of the quorum, regional economic integration organisations, being Contracting Parties to the Agreement, vote with the number of votes of their Member States. The representative of a regional economic integration organisation may deliver the votes of those of its constituent sovereign countries which apply one or more UN Regulations. Draft amendments to the Schedules of Administrative and Procedural Provisions shall be established by unanimous vote of those present and voting.

Article 8

The request of a Contracting Party for an authorisation to grant a proposed exemption approval concerning new technologies shall be put to the vote. Each Contracting Party applying the UN Regulation shall have one vote. A quorum of not less than half of the Contracting Parties applying the UN Regulation is required for the purposes of taking decisions. For the determination of the quorum, regional economic integration organisations, being Contracting Parties to the Agreement, vote with the number of votes of their Member States. The representative of a regional economic integration organisation may deliver the votes of those of its constituent sovereign countries which apply the UN Regulation. The authorisation to grant an exemption approval for the said Contracting Party shall be established by a four-fifths majority of those present and voting.

Schedules of Administrative and Procedural Provisions

The following Schedules of Administrative and Procedural Provisions (SAPP) are annexed to the 1958 Agreement ⁽¹⁾ and specify the administrative and procedural provisions applicable to all UN Regulations annexed to the 1958 Agreement:

Schedule 1 Conformity of production procedures

Schedule 2 Assessment, designation and notification of Technical Services

Schedule 3 Procedures for UN type-approvals

Schedule 4 Numbering of UN type-approvals

Schedule 5 Circulation of approval documentation

Schedule 6 Procedures for resolving interpretation issues in relation to the application of UN Regulations and granting approvals pursuant to these UN Regulations

Schedule 7 Procedure for exemption approvals concerning new technologies

Schedule 8 General conditions for virtual testing methods

*Schedule 1***Conformity of production procedures****Objectives**

The conformity of production procedure aims to ensure that each produced wheeled vehicle, equipment or part is in conformity with the approved type.

Procedures include inseparably the assessment of quality management systems, referred to below as 'initial assessment' and verification of the approval subject and product-related controls, referred to as 'product conformity arrangements'.

1. *Initial assessment*

- 1.1. The approval authority of a Contracting Party shall verify — before granting UN type-approval — the existence of satisfactory arrangements and procedures for ensuring effective control so that wheeled vehicles, equipment or parts when in production conform to the approved type.
- 1.2. Guidance for conducting assessments may be found in the international standard ISO 19011:2002 — Guidelines for quality and/or environmental management systems auditing.
- 1.3. The requirement in paragraph 1.1 shall be verified to the satisfaction of the authority granting UN type-approval.

⁽¹⁾ Agreement concerning the Adoption of Harmonised Technical UN Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these UN Regulations.

The approval authority granting UN type-approval shall be satisfied with the initial assessment and the product conformity arrangements in Section 2 below, taking into account as necessary one of the arrangements described in paragraphs 1.3.1 to 1.3.3, or a combination of those arrangements in full or in part as appropriate.

- 1.3.1. The actual initial assessment and/or verification of product conformity arrangements shall be carried out by the approval authority granting UN type-approval or by a Technical Service designated to act on behalf of that approval authority.
 - 1.3.1.1. When considering the extent of the initial assessment to be carried out, the approval authority may take account of available information relating to:
 - (a) the manufacturer's certification described in paragraph 1.3.3 below, which has not been qualified or recognised under that paragraph;
 - (b) in the case of UN type-approval of equipment or parts, quality system assessments performed by vehicle manufacturer(s), in the premises of the manufacturer(s) of the equipment or parts, according to one or more of the industry sector specifications satisfying the requirements in the international standard ISO 9001:2008.
 - 1.3.2. The actual initial assessment and/or verification of product conformity arrangements may also be carried out by the approval authority of another Contracting Party, or the Technical Service designated for this purpose by the latter approval authority, provided this Contracting Party applies at least the same UN Regulations upon which the UN type-approval has been based.
 - 1.3.2.1. In such a case, the approval authority of the other Contracting Party shall prepare a statement of compliance outlining the areas and production facilities it has covered as relevant to the product(s) to be type-approved and to the UN Regulations according to which these products are to be type-approved.
 - 1.3.2.2. On receiving an application for a compliance statement from the approval authority of a Contracting Party granting UN type-approval, the approval authority of another Contracting Party shall send forthwith the statement of compliance or advise that it is not in a position to provide such a statement.
 - 1.3.2.3. The statement of compliance shall include at least the following:
 - (a) group or company (e.g. XYZ Automotive);
 - (b) particular organisation (e.g. regional division);
 - (c) plants/sites (e.g. engine plant 1 (in country A) — vehicle plant 2 (in country B));
 - (d) vehicle/component range (e.g. all category M₁ models);
 - (e) areas assessed (e.g. engine assembly, body pressing and assembly, vehicle assembly);
 - (f) documents examined (e.g. company and site quality manual and procedures);
 - (g) date of the assessment (e.g. audit conducted from dd/mm/yyyy to dd/mm/yyyy);
 - (h) planned monitoring visit (e.g. mm/yyyy).
 - 1.3.3. The approval authority may also accept the manufacturer's certification to the international standard ISO 9001:2008 (the scope of this certification shall cover the product(s) to be approved) or an equivalent accreditation standard as satisfying the initial assessment requirements of paragraph 1.1. The manufacturer shall provide details of the certification and undertake to inform the approval authority of any revisions to its validity or scope of that certification.
- 1.4. For the purpose of the international whole vehicle type-approval, the initial assessments carried out for granting UN approvals for equipment and parts of the vehicle need not be repeated but shall be completed by an assessment covering the areas not covered by the former assessments, in particular, in relation to the assembly of the whole vehicle.

2. *Product conformity arrangements*

- 2.1. Every vehicle, equipment or part approved pursuant to a UN Regulation annexed to the 1958 Agreement shall be so manufactured as to conform to the type-approved by meeting the requirements of this Schedule and of the said UN Regulation.
- 2.2. The approval authority of a Contracting Party granting a type-approval pursuant to a UN Regulation annexed to the 1958 Agreement shall verify the existence of adequate arrangements and documented control plans, to be agreed with the manufacturer for each approval, to carry out at specified intervals those tests or associated checks necessary to verify continued conformity with the approved type, including, specifically, where applicable, tests specified in the said UN Regulation.
- 2.3. The holder of the UN type-approval shall, in particular:
- 2.3.1. Ensure the existence and application of procedures for effective control of the conformity of products (wheeled vehicles, equipment or parts) to the approved type;
- 2.3.2. Have access to the testing or other appropriate equipment necessary for checking the conformity to each approved type;
- 2.3.3. Ensure that test or check results' data are recorded and that annexed documents remain available for a period to be determined in agreement with the approval authority. This period shall not exceed 10 years;
- 2.3.4. Analyse the results of each type of test or check, in order to verify and ensure the stability of the product characteristics, making allowance for variation of an industrial production;
- 2.3.5. Ensure that for each type of product, at least the checks prescribed in this Schedule and the tests prescribed in the applicable UN Regulations are carried out;
- 2.3.6. Ensure that any set of samples or test pieces giving evidence of non-conformity in the type of test in question gives rise to a further sampling and test. All the necessary steps shall be taken to restore conformity of the corresponding production.

3. *Continued verification arrangements*

- 3.1. The authority which has granted UN type-approval may at any time verify the conformity control methods applied in each production facility.
- 3.1.1. The normal arrangements shall be to monitor the continued effectiveness of the procedures laid down in paragraphs 1 and 2 (initial assessment and product conformity arrangements) of this Schedule.
- 3.1.1.1. Surveillance activities carried out by the Technical Services (qualified or recognised as required in paragraph 1.3.3) shall be accepted as satisfying the requirements of paragraph 3.1.1 concerning the procedures established at the initial assessment.
- 3.1.1.2. The normal frequency of these verifications by the approval authority (other than those referred to in paragraph 3.1.1.1) shall be such as to ensure that the relevant controls applied in accordance with paragraphs 1 and 2 of this Schedule are reviewed at intervals based on a risk assessment methodology consistent with the international standard ISO 31000:2009 — Risk Management — Principles and guidelines and, in all cases, with a minimum frequency of once every three years. This methodology should take particular account of any non-conformity raised by Contracting Parties under Article 4 of the 1958 Agreement.
- 3.2. At every review, the records of tests and checks and production records shall be available to the inspector; in particular, records of those tests or checks documented as required in paragraph 2.2.

- 3.3. The inspector may select samples at random to be tested in the manufacturer's laboratory or in the facilities of the Technical Service. In such a case only physical tests shall be carried out. The minimum number of samples may be determined according to the results of the manufacturer's own verification.
- 3.4. Where the level of control appears unsatisfactory, or when it seems necessary to verify the validity of the tests carried out in application of paragraph 3.2, the inspector shall select samples to be sent to the Technical Service to perform physical tests.
- 3.5. Where unsatisfactory results are found during an inspection or a monitoring review, the approval authority shall ensure that all necessary steps are taken to restore conformity of production as rapidly as possible.

Schedule 2

Part One

Assessment, designation and notification of Technical Services

1. Designation of Technical Services

- 1.1. When an approval authority designates a Technical Service, the latter shall comply with the provisions of this Schedule.
- 1.2. The Technical Services shall carry out themselves, or supervise, the tests required for approval or inspections specified in UN Regulations, except where alternative procedures are specifically permitted. They may not conduct tests or inspections for which they have not been duly designated.

The performance of Technical Services and the quality of the tests and inspections they are carrying out shall ensure that the products for which UN type-approval is requested are adequately verified for their compliance with the requirements of the applicable UN Regulations for which the Technical Services are designated.

- 1.3. The Technical Services shall be designated according to one or more of the four following categories of activities, depending on their field of competence:
 - (a) category A: Technical Services which carry out the tests referred to in UN Regulations in their own facilities;
 - (b) category B: Technical Services which supervise the tests referred to in the UN Regulations, performed in the manufacturer's facilities or in the facilities of a third party;
 - (c) category C: Technical Services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;
 - (d) category D: Technical Services which supervise or perform tests or inspections in the framework of the surveillance of conformity of production.
- 1.4. Technical Services shall demonstrate appropriate skills, specific technical knowledge and proven experience in the specific fields covered by the UN Regulations for which they are designated.

In addition, Technical Services shall comply with, but not necessarily be approved/accredited in accordance with, the standards listed in Part Two of this Schedule which are relevant for the categories of activities for which they are designated.

The Technical Services shall ensure that they are free from any control and influence of interested parties which may adversely affect the impartiality and quality of the tests and inspections.

The Technical Services shall have access to the test facilities and measurement devices necessary to supervise or perform tests or inspections referred to in the UN Regulations for which the Technical Services are designated.

- 1.5. An approval authority may act as a Technical Service for one or more of the activities referred to in paragraph 1.3. Where an approval authority acting as a Technical Service has been appointed by national law of a Contracting Party and is financed by the latter, the provisions of this Schedule or equivalent rules to the provisions in paragraphs 1, 2 and 3.4 of this Schedule shall be complied with. The same applies for Technical Services that have been appointed by national law of a Contracting Party and are subject to financial and managerial control by the Government of that Contracting Party. The equivalent rules shall guarantee the same level of performance and independence.
- 1.6. Regardless of paragraph 3.3, a manufacturer or its representative acting on its behalf may be designated as a Technical Service for category A activities for only those UN Regulations which make provision for such a designation. In this case, and regardless of paragraph 1.4, such Technical Service shall be accredited in accordance with the standards referred to in paragraph 1 of Part Two of this Schedule.
- 1.7. The entities referred to in paragraphs 1.5 and 1.6 shall comply with the provisions of paragraph 1.

2. *Assessment of the skills of the Technical Services*

- 2.1. The skills referred to in paragraph 1 shall be demonstrated in an assessment report established by a competent authority ⁽¹⁾. This may include a certificate of accreditation issued by an accreditation body.
- 2.2. The assessment referred to in paragraph 2.1 shall be conducted in accordance with the provisions of Part Three of this Schedule.

The assessment report shall be reviewed after a maximum period of three years.

- 2.3. The assessment report shall be communicated to the UNECE secretariat and to the Contracting Parties upon request.
- 2.4. The approval authority which acts as a Technical Service shall demonstrate compliance with documentary evidence.

This includes an assessment which shall be conducted by auditors independent of the activity being assessed. Such auditors may be from within the same organisation provided that they are independent of the personnel undertaking the assessed activity.

- 2.5. A manufacturer, or its representative acting on its behalf, designated as the Technical Service shall comply with the relevant provisions of paragraph 2.

3. *Procedures for notification*

- 3.1. Contracting Parties shall notify the UNECE secretariat of the name, the address including electronic address and the category of activities of each designated Technical Service. They shall also notify the UNECE secretariat any subsequent modifications thereof.

The notification act shall state for which UN Regulations the Technical Services have been designated.

- 3.2. A Technical Service may conduct the activities described in paragraph 1 for the purposes of UN type-approval only if it has been notified to the UNECE secretariat.
- 3.3. The same Technical Service may be designated and notified by several Contracting Parties, irrespective of the category of activities which they conduct.

⁽¹⁾ 'Competent authority' means either the approval or designated authority, or an appropriate accreditation body acting on their behalf respectively.

- 3.4. The UNECE secretariat shall publish the list and contact details of the approval authorities and Technical Services on its website.

Part Two

Standards which the Technical Services, referred to in paragraphs 1 to 3.4 of Part one of this Schedule, shall comply with

1. *Activities in testing for UN type-approval, to be carried out in accordance with UN Regulations*
 - 1.1. Category A (tests performed in own facilities):

ISO/IEC 17025:2005 on the general requirements for the competence of testing and calibration laboratories.

A Technical Service designated for category A activities may carry out or supervise the tests according to UN Regulations for which it has been designated, in the facilities of the manufacturer or of its representative.
 - 1.2. Category B (supervising of tests performed in the manufacturer's facilities or in the facilities of its representative):

ISO/IEC 17020:2012 on the general criteria for the operation of various types of bodies performing inspection.

Before performing or supervising any test in the facilities of a manufacturer or of its representative, the Technical Service shall verify that the test facilities and measurement devices comply with the appropriate requirements of paragraph 1.1.
2. *Activities related to conformity of production*
 - 2.1. Category C (procedure for the initial assessment and surveillance audits of the manufacturer's quality management system):

ISO/IEC 17021:2011 on the requirements for bodies providing audit and certification of management systems.
 - 2.2. Category D (inspection or testing of production samples or supervision thereof):

ISO/IEC 17020:2012 on the general criteria for the operation of various types of bodies performing inspection.

Part Three

Procedure for the assessment of Technical Services

1. *Purpose*
 - 1.1. This part of Schedule 2 establishes the conditions by which the assessment procedure of the Technical Services shall be conducted by the competent authority referred to in paragraph 2 of Part One of this Schedule.
 - 1.2. These requirements shall apply, mutatis mutandis, to all Technical Services irrespective of their legal status (independent organisation, manufacturer or approval authority acting as Technical Service).
2. *Principles of assessing*

Assessment shall be characterised by reliance on a number of principles:

 - (a) independence which is the basis for the impartiality and objectivity of the conclusions;
 - (b) an evidence-based approach which guarantees reliable and reproducible conclusions.

Auditors shall show trust and integrity, and shall respect confidentiality and discretion. They shall report truthfully and accurately findings and conclusions.

3. *Auditor skills*

- 3.1. The assessments may only be conducted by auditors with the technical and administrative knowledge necessary for such purposes.
- 3.2. The auditors shall have been trained specifically for assessment activities. In addition, they shall have the specific knowledge of the technical area in which the Technical Service will exercise its activities.
- 3.3. Without prejudice to the provisions of paragraphs 3.1 and 3.2 above, the assessment referred to in paragraph 2.5 of Part One of this Schedule shall be conducted by auditors independent of the activities for which the assessment is conducted.

4. *Application for designation*

- 4.1. A duly authorised representative of the applicant Technical Service shall make a formal application to the competent authority. The application shall include as a minimum the following:
- (a) general features of the Technical Service, including corporate entity, name, addresses, legal status and human and technical resources;
 - (b) a detailed description including curriculum vitae of the personnel in charge of testing and of the managerial staff as evidenced by their skills, both educational and professional;
 - (c) in addition to the above, Technical Services which use virtual testing methods shall provide evidence of their ability to work in a computer-aided-x environment;
 - (d) general information concerning the Technical Service, such as its activities, its relationship in a larger corporate entity, if any, and addresses of all its physical location(s) to be covered by the scope of designation;
 - (e) an agreement to fulfil the requirements for designation and the other obligations of the Technical Service as applicable in the relevant UN Regulations for which it is designated;
 - (f) a description of the conformity assessment services that the Technical Service undertakes in the framework of the applicable UN Regulations and a list of the UN Regulations for which the Technical Service applies for designation, including its limits of capability where applicable;
 - (g) a copy of the quality assurance manual or comparable operational rules of the Technical Service.
- 4.2. The competent authority shall review for adequacy the information supplied by the Technical Service.
- 4.3. The Technical Service shall notify the approval authority of any modifications to the information provided in accordance with paragraph 4.1.

5. *Resource review*

The competent authority shall review its ability to carry out the assessment of the Technical Service, in terms of its own policy, its competence and the availability of suitable auditors and experts.

6. *Subcontracting the assessment*

- 6.1. The competent authority may subcontract parts of the assessment to another designated authority or ask for support from technical experts provided by other competent authorities. The subcontractors and experts shall be accepted by the applicant Technical Service.
- 6.2. The competent authority shall take into account accreditation certificates with adequate scope, in order to complete its global assessment of the Technical Service.

7. *Preparation for assessment*

7.1. The competent authority shall formally appoint an assessment team. The former shall ensure that the expertise brought to each assignment is appropriate. In particular, the team as a whole:

- (a) shall have appropriate knowledge of the specific scope for which designation is sought; and
- (b) shall have sufficient understanding to reliably assess the competence of the Technical Service which operates within its scope of designation.

7.2. The competent authority shall clearly define the assignment given to the assessment team. The task of the assessment team is to review the documents collected from the applicant Technical Service and to conduct the on-site assessment.

7.3. The competent authority shall agree, together with the Technical Service and the assigned assessment team, on the date and timetable for the assessment. However, it remains the responsibility of the competent authority to pursue a date that is in accordance with the surveillance and reassessment plan.

7.4. The competent authority shall ensure that the assessment team is provided with the appropriate criteria documents, previous assessment records, and the relevant documents and records of the Technical Service.

8. *On-site assessment*

The assessment team shall conduct the assessment of the Technical Service on the premises of the Technical Service from which one or more key activities are performed and, where relevant, shall perform eyewitness assessment at other selected locations where the Technical Service operates.

9. *Analysis of findings and assessment report*

9.1. The assessment team shall analyse all relevant information and evidence from the document and record review and the on-site assessment. This analysis shall be sufficient to allow the team to determine the extent of competence and conformity of the Technical Service with the requirements for designation.

9.2. The competent authority's reporting procedures shall ensure that the following requirements are fulfilled.

9.2.1. A meeting shall take place between the assessment team and the Technical Service prior to leaving the site. At this meeting, the assessment team shall provide a written and/or oral report of its findings obtained from the analysis. The Technical Service shall have the opportunity to ask questions about the findings, including non-conformities, if any, and their basis.

9.2.2. A written report on the outcome of the assessment shall be promptly brought to the attention of the Technical Service. This assessment report shall contain comments on competence and conformity, and shall identify non-conformities, if any, that need to be resolved in order to conform to all of the requirements for designation.

9.2.3. The Technical Service shall be invited to respond to the assessment report and to describe the specific actions taken or planned to be taken, within a defined time, to resolve any identified non-conformities.

9.3. The competent authority shall ensure that the responses of the Technical Service are sufficient and effective to resolve non-conformities. If the Technical Service responses are found to be insufficient, further information shall be requested. Additionally, evidence of effective implementation of actions taken may be requested, or a follow-up assessment may be carried out to verify effective implementation of corrective actions.

9.4. The assessment report shall include, as a minimum:

- (a) the unique identification of the Technical Service;
- (b) the date(s) of the on-site assessment;
- (c) the name(s) of the auditor(s) and/or experts involved in the assessment;

- (d) the unique identification of all premises assessed;
- (e) the proposed scope of designation that was assessed;
- (f) a statement on the adequacy of the internal organisation and procedures adopted by the Technical Service supporting its competence, as determined through its fulfilment of the requirements for designation;
- (g) the information on resolving all non-conformities;
- (h) a recommendation on whether the applicant should be designated or confirmed as Technical Service and, if so, the scope of designation.

10. *Granting/confirming a designation*

- 10.1. The approval authority shall, without undue delay, make the decision on whether to grant, confirm or extend designation on the basis of the report(s) and any other relevant information.
- 10.2. The approval authority shall provide a certificate to the Technical Service. This certificate shall identify the following:
 - (a) the identity and logo of the approval authority;
 - (b) the unique identity of the designated Technical Service;
 - (c) the effective date of granting of designation and the expiry date;
 - (d) a brief indication of, or a reference to, the scope of designation (applicable UN Regulations or parts thereof);
 - (e) a statement of conformity and a reference to this Schedule.

11. *Reassessment and surveillance*

- 11.1. Reassessment is similar to an initial assessment except that experience gained during previous assessments shall be taken into account. Surveillance on-site assessments are less extensive than reassessments.
- 11.2. The competent authority shall design its plan for reassessment and surveillance of each designated Technical Service, so that representative samples of the scope of designation are assessed on a regular basis.

The interval between on-site assessments, whether reassessment or surveillance, depends on the proven stability of the Technical Service.

- 11.3. When, during surveillance or reassessments, non-conformities are identified, the competent authority shall define strict time limits for the implementation of corrective actions.
- 11.4. When the corrective or improvement actions have not been taken within the agreed timeframe, or are not deemed to be sufficient, the competent authority shall adopt appropriate measures such as, conducting further assessment, suspending/withdrawing the designation for one or more of the activities for which the Technical Service has been designated.
- 11.5. When the competent authority decides to suspend or withdraw the designation of a Technical Service, it shall inform the latter by registered mail, and shall inform the UNECE secretariat thereof accordingly. In any case, the competent authority shall adopt all the necessary measures to ensure the continuity of the activities already undertaken by the Technical Service.

12. *Records on designated Technical Services*

- 12.1. The competent authority shall maintain records on Technical Services to demonstrate that requirements for designation, including competence, have been effectively fulfilled.

- 12.2. The competent authority shall keep the records on Technical Services secure to ensure confidentiality.
- 12.3. Records on Technical Services shall include at least:
 - (a) relevant correspondence;
 - (b) assessment records and reports;
 - (c) copies of designation certificates.

Schedule 3

Procedures for UN type-approvals

1. Application for and conduct of UN type-approval

- 1.1. An application for UN type-approval shall be submitted to the approval authority of a Contracting Party by the manufacturer or their authorised representative (hereinafter referred to as the 'applicant').
- 1.2. Only one application may be submitted for a particular type of vehicle, equipment or part and it may be submitted in only one Contracting Party applying the UN Regulations pursuant to which UN type-approval is sought. A separate application shall be submitted for each type to be approved.
- 1.3. The application shall be accompanied by the information as specified in the UN Regulations pursuant to which approval is sought. This information shall contain a detailed description of the particulars of the type to be approved, including drawings, diagrams and pictures as necessary.
- 1.4. The approval authority may, by reasoned request, call upon the applicant to supply any additional information necessary to enable decision on the approval tests required or facilitating the execution of those tests.
- 1.5. The applicant shall make available to the approval authority as many wheeled vehicles, equipment or parts as are required for the performance of the tests required by the UN Regulations pursuant to which approval is sought.
- 1.6. Compliance with the requirements laid down in the UN Regulations shall be demonstrated by means of appropriate tests performed on wheeled vehicles, equipment and parts which are representative of the type to be approved.

The approval authority shall apply the principle of 'worst-casing', by selecting the variant or version from the specified type that for the purpose of testing will represent the type to be approved under the worst conditions. The decisions taken along with their justification shall be recorded in the approval documentation.

However, the applicant may select, in agreement with the approval authority, a vehicle, equipment or part which, while not representative of the type to be approved, combines a number of most unfavourable features with regard to the level of performance required by the UN Regulations (worst-casing). Virtual testing methods may be used to aid the decision-making on the selection of the worst case.

- 1.7. The approval tests will be performed or supervised by Technical Services. The test procedures to be applied and the specific equipment and tools to be used shall be those specified in the UN Regulations.
- 1.8. As an alternative to the test procedures referred to in paragraphs 1.6 and 1.7 above, virtual testing may be used at the request of the applicant, in as far as this is provided for in the relevant UN Regulations and subject to the fulfilment of the general conditions as set out in Schedule 8 annexed to the 1958 Agreement.
- 1.9. Contracting Parties shall issue type-approvals only where compliance with conformity of production requirements of Schedule 1 annexed to the 1958 Agreement is ensured.
- 1.10. When the approval tests have demonstrated that the type complies with the technical requirements of the UN Regulation, an approval of that type shall be granted, an approval number shall be assigned according to Schedule 4 annexed to the 1958 Agreement and an approval mark shall be assigned to each type in accordance with the specific provisions of the UN Regulation concerned.

- 1.11. The approval authority shall ensure that the following is included in the approval documentation:
 - (a) a record of the worst-case selection and the justification for that selection. This may include information provided by the manufacturer;
 - (b) a record of any significant technical interpretation made, different test methods applied, or new technology introduced;
 - (c) a test report from the Technical Service that includes recorded values achieved for measurements and tests as required by the UN Regulation;
 - (d) information documents from the manufacturer, properly specifying the characteristics of the type to be approved;
 - (e) a statement of compliance with the conformity of the production requirements of Schedule 1 annexed to the 1958 Agreement, detailing which of the arrangements referred to in paragraph 1.3 of Schedule 1 annexed to the 1958 Agreement have been taken into account as the basis for the initial assessment as well as the date of the initial assessment and any surveillance activities;
 - (f) the type-approval certificate.
2. *Amendments to UN type-approvals*
 - 2.1. The manufacturer holding a UN type-approval for their vehicle, equipment or part shall inform without delay the Contracting Party that issued the UN type-approval of any change in the particulars of the type as recorded in the information referred to in paragraph 1.3.
 - 2.2. The Contracting Party shall decide which of the two procedures to amend the UN type-approval as laid down in paragraphs 2.5 and 2.6 is to be followed. Where necessary, the Contracting Party may decide, in consultation with the manufacturer that a new UN type-approval may need to be granted.
 - 2.3. An application for amending a UN type-approval may only be submitted to the Contracting Party that issued the original UN type-approval.
 - 2.4. If the Contracting Party finds it necessary, for the purpose of amending the UN type-approval, to carry out inspections or tests, it shall inform the manufacturer accordingly.
 - 2.5. When particulars of the type as recorded in the information documents and test reports have changed and the Contracting Party considers that the changes are unlikely to have an appreciable adverse effect on the environmental and/or functional safety performance, and that in any case the type still complies with the requirements of the UN Regulations concerned, the modification of the UN type-approval shall be designated as a 'revision'.

In such a case, the Contracting Party shall issue the revised pages of the information documents and test reports as necessary, marking each revised page to show clearly the nature of the modification and the date of reissue. A consolidated, updated version of the information documents and test reports, accompanied by a detailed description of the modification, shall be deemed to meet this requirement.
 - 2.6. The amendment to a UN type-approval shall be designated as an 'extension' if, in addition to the change of the data recorded in the information documents:
 - (a) further inspections or tests are required; or
 - (b) any information on the communication document (with the exception of its attachments) has changed; or
 - (c) approval to a later series of amendments is requested after its entry into force, which can be granted provided that the requirements of a later series of amendments are fulfilled.
 - 2.7. Confirmation or refusal of amending the UN type-approval, specifying the alterations, shall be communicated to the Contracting Parties to the 1958 Agreement applying the UN Regulation by means of a communication form. In addition, the index to the information documents and to the test reports, attached to the communication document, shall be amended accordingly to show the date of the most recent revision or extension.

- 2.8. The type-approval authority granting the extension of approval shall update the approval number with an extension number incremented in accordance with the number of successive extensions already granted in accordance with Schedule 4 annexed to the 1958 Agreement and issue a revised communication form denoted by this extension number.

Schedule 4

Numbering of UN type-approvals

1. As from the entry into force of the 1958 Agreement, Contracting Parties shall issue a type-approval number according to paragraph 1.10 of Schedule 3 for each new type-approval and each extension of such an approval.
2. As from the entry into force of the 1958 Agreement and notwithstanding that the provisions on approval markings in any version of UN Regulations may have stipulated otherwise, the manufacturer shall affix an approval mark, if requested, according to the provisions of the relevant UN Regulations, however, utilising in that marking the first two digits of Section 2 and the digits of Section 3 of the approval number as mentioned in this Schedule as approval number to each wheeled vehicle, equipment or part for which a new approval has been granted or for which such approvals have been extended. However, this provision does not apply where a UN Regulation requires an approval code or an identification code to be used in the approval mark instead of an approval number. The leading zeros to Section 3 may be omitted.
3. An approval number shall be assigned to each type-approved. The type-approval number shall consist of four sections. Each section shall be separated by the '*' character.

Section 1: The capital letter 'E' followed by the distinguishing number of the Contracting Party which has granted the type-approval.

Section 2: The number of the relevant UN Regulation, followed by the letter 'R', successively followed by:

- (a) two digits (with leading zeros as applicable) indicating the series of amendments incorporating the technical provisions of the UN Regulation applied to the approval (00 for the UN Regulation in its original form);
- (b) a slash and two digits (with leading zeros as applicable) indicating the number of supplement to the series of amendments applied to the approval (00 for the series of amendments in its original form);
- (c) a slash and one or two character(s) indicating the implementing stage, if applicable.

Section 3: A four-digit sequential number (with leading zeros as applicable). The sequence shall start from 0001.

Section 4: A two-digit sequential number (with leading zeros if applicable) to denote the extension. The sequence shall start from 00.

All digits shall be Arabic digits.

4. The same Contracting Party shall not assign the same number to another approval.

Examples:

Example of the second extension to the fourth type-approval issued by the Netherlands according to UN Regulation No 58 in its original version:

E4*58R00/00*0004*02

Example of the first extension to the 2 439th type-approval issued by the United Kingdom of Great Britain and Northern Ireland for a vehicle approval according to UN Regulation No 83, third series of amendments, version for a vehicle of category M, N₁ Class I with regard to the emission of pollutants according to engine fuel requirements:

E11*83R03/00J*2439*01

*Schedule 5***Circulation of approval documentation**

1. Where an approval authority is required to or is requested to provide a copy of an approval and its attachments, it shall send the documents as paper copies, or by email in electronic format, or by utilising the secure internet database established by the United Nations Economic Commission for Europe.
2. Documents stored on the secure internet database shall consist of at least the documents specified in each UN Regulation. These shall include documentation communicating to Contracting Parties notice of approval, of extension, of refusal or withdrawal of approval or where production is definitely discontinued of a type of wheeled vehicle, equipment or parts pursuant to the UN Regulation.
3. If the type-approvals applicable to a wheeled vehicles, equipment or parts are stored on the secure internet database, then the approval markings required by UN Regulations may be replaced by a Unique Identifier (UI) preceded by the symbol , unless specified otherwise in the UN Regulations. Such unique identifier shall be generated by the database automatically.
4. All Contracting Parties applying a UN Regulation shall have access to the information for that UN Regulation contained in the database by using the Unique Identifier and this will provide access to the relevant information relating to the specific approval(s).
5. UN Regulations annexed to the 1958 Agreement may require the circulation of type-approvals by electronic copies utilising the secure internet database, where necessary for the efficient operation of the approval process, subject to the access rights as defined by the Contracting Parties.

*Schedule 6***Procedures for resolving interpretation issues in relation to the application of UN Regulations and granting approvals pursuant to these UN Regulations**

1. *Interpretation issues prior to UN type-approval being granted*

When an application for UN type-approval requires the approval authority to make a significant interpretation on the application of the UN Regulation, or if so requested by the applicant for approval, the approval authority shall actively inform and seek guidance from other approval authorities before making a decision.

The approval authority concerned shall notify the other approval authorities applying the UN Regulation of the issue and of their proposed solution for the interpretation, including any supporting information from the manufacturer. As a general rule, this should be done via electronic media. A period of 14 days shall be allowed for replies from the other approval authorities.

- (a) The approval authority having taken account of any comments received, can then grant approvals in accordance with the new interpretation.
- (b) If it is not possible to take a decision according to the comments received, the approval authority shall seek further clarification by means of the procedure described in paragraph 3 below.

2. *Interpretation issues subsequent to UN type-approval being granted*

In situations where different interpretations exist between Contracting Parties but subsequent to an approval being issued the following procedures shall be followed.

In the first instance, the Contracting Parties concerned shall seek to resolve the issue by mutual agreement. This will require liaison and for each Contracting Party to review the procedures used to test and approve the wheeled vehicles, equipment and parts being the subject of the interpretation dispute. The following procedures will be applied:

- (a) in the event of an error being acknowledged by an approval authority, the approval authority shall take an action in accordance with the provisions of the 1958 Agreement, and in particular its Article 4;

- (b) where agreement is reached which necessitates a new or different interpretation of existing practice (by either Contracting Party), then this shall be communicated to other Contracting Parties applying the UN Regulation concerned as a matter of urgency. The other Parties shall have 14 days to comment upon the decision, following which the approval authorities, having taken account of any comments received, can issue UN type-approvals in accordance with the new interpretation;
- (c) where agreement cannot be reached, then the Contracting Parties concerned shall seek further review by the arbitration process described in paragraph 3 below;
- (d) in any event, the matter shall be brought to the attention of the competent Working Party subsidiary to the World Forum for Harmonisation of Vehicle Regulations (WP.29). If deemed necessary, the subsidiary Working Party shall submit to WP.29 proposals for suitable regulatory amendments aimed at resolving the difference of interpretations.

3. *Arbitration process through WP.29 and its subsidiary Working Parties*

The Chairs of the subsidiary Working Parties shall identify the issues arising from diverging interpretations between Contracting Parties in relation to the application of UN Regulations and the granting of UN type-approvals pursuant to these UN Regulations, with a view to put in place measures at the earliest opportunity to resolve the different interpretations.

The Chairs of the Working Parties shall develop suitable procedures to deal with such interpretation issues, in order to be able to demonstrate to WP.29 that:

- (a) full consideration is given to the different opinions by the approval authorities of the Contracting Parties concerned, as well as to the views of other Contracting Parties applying the UN Regulation;
- (b) decisions are based upon appropriate technical advice, taking full account of the subject area;
- (c) wherever possible, a unanimous decision is reached; and
- (d) procedures are transparent and auditable.

If it is necessary to resolve the issue, the Chair may submit a new agenda item on the issue to the next available session of the subsidiary Working Party, without obtaining prior approval from WP.29. In these circumstances, the Chair shall report on the progress to WP.29 at the earliest opportunity.

At the end of the arbitration process, the Chair shall provide a report to WP.29.

3.1. Where the issue can be resolved within the current regulatory framework:

The interpretation of the UN Regulation as agreed in the Working Party shall be implemented and approval authorities shall issue UN type-approvals accordingly.

3.2. Where the issue cannot be resolved within the current regulatory framework:

WP.29 shall be informed accordingly and shall request the relevant subsidiary Working Party to consider the issue as a priority item at its next session. The agenda of the session shall be amended accordingly.

The subsidiary Working Party shall consider any proposal on the interpretation issue and shall submit formal proposals to WP.29 to amend the UN Regulation concerned following the normal procedures. WP.29 shall consider the issue as a priority item at its next session.

Schedule 7

Procedure for exemption approvals concerning new technologies

1. Contracting Parties applying a UN Regulation may, on application by the manufacturer, grant exemption approval pursuant to a UN Regulation in respect of a vehicle, equipment or part that incorporates technologies which are incompatible with one or more requirements of that UN Regulation, subject to authorisation being granted by the Administrative Committee of the 1958 Agreement under the procedure described in paragraphs 2 to 12 of this Schedule.

2. Pending the decision on whether or not authorisation for such an exemption approval is granted, the Contracting Party applying the UN Regulation may grant provisional approval for its territory only. Other Contracting Parties applying that UN Regulation may decide to accept this provisional approval in their territory.
3. The Contracting Party granting the provisional approval mentioned in paragraph 2 of this Schedule shall notify the Administrative Committee of its decision and submit a file with the following:
 - (a) the reasons why the technologies or concept concerned make the vehicle, equipment or part incompatible with the requirements of the UN Regulation;
 - (b) a description of the safety, environmental or other considerations and the measures taken;
 - (c) a description of the tests and results, demonstrating that, compared with the requirements from which exemption is sought, at least an equivalent level of safety and environmental protection is ensured;
 - (d) a request for authorisation to grant an exemption approval to the UN Regulation for the type of vehicle, equipment or part.
4. The Administrative Committee shall consider the complete notification referred to in paragraph 3 of this Schedule at its next session following receipt of the notification, provided this notification was received at least three months prior to the session. After considering the notification, the Administrative Committee may decide to authorise or to refuse the granting of the exemption approval or to refer the issue to the competent subsidiary Working Party.
5. The decision of the Administrative Committee shall be established in accordance with the procedure indicated in the Appendix, Article 8.
6. The requested exemption approval pursuant to a UN Regulation, mentioned under paragraph 3 of this Schedule, will be considered to be authorised unless, within a period of one month from the notification by the Executive Secretary of the United Nations Economic Commission for Europe of the Administrative Committee's authorisation decision, more than one fifth of the Contracting Parties applying the UN Regulation at the time of notification have informed the Executive Secretary of the United Nations Economic Commission for Europe of their disagreement with the authorisation of the exemption approval.
7. When the authorisation for granting the exemption approval is adopted, the Executive Secretary of the United Nations Economic Commission for Europe shall, as soon as possible, notify the Contracting Parties applying the concerned UN Regulation about this adoption.

As from the date of that notification the Contracting Party referred to in paragraph 3 of this Schedule may then deliver the exemption approval pursuant to the UN Regulation. The exemption approval shall be accepted by the Contracting Parties applying the UN Regulation, with the exception of those who have notified their disagreement, or their intention not to accept the exemption approval immediately, to the Executive Secretary of the United Nations Economic Commission for Europe. The Contracting Parties which have notified their disagreement, or their intention not to accept the exemption approval immediately, with the authorisation by the Administrative Committee may at a later date accept the exemption approval by notifying the Executive Secretary of the United Nations Economic Commission for Europe of their decision.

8. The Administrative Committee shall specify any restrictions in the authorisation decision. Time limits shall not be less than 36 months. Contracting Parties applying the UN Regulation shall accept the exemption approval at least until the expiration of the time limit, if any, or, when the UN Regulation in question is subsequently amended as per paragraphs 9 and 10 of this Schedule in order to take into account the technology covered by the exemption approval, until the date, as from which Contracting Parties may refuse approvals to the previous version of the UN Regulation, whichever of these two dates comes first.

The Contracting Party authorised to grant the exemption approval shall ensure that the manufacturer fully complies with all restrictions associated with this approval and that the communication form clearly indicates that it is based on an exemption authorised by the Administrative Committee.

9. The Administrative Committee shall at the same time inform the subsidiary Working Party responsible for the UN Regulation about the authorisation to grant the exemption approval.

The Contracting Party authorised to grant the exemption approval shall submit to the subsidiary Working Party responsible for the UN Regulation a proposal to amend the UN Regulation for which the exemption approval was requested, in order to adapt it to the technological development. This submission shall be made not later than by the next session of the subsidiary Working Party following the notification of the Administrative Committee authorisation decision according to paragraph 6 of this Schedule.

10. As soon as the UN Regulation has been amended to take into account the technology for which the exemption approval was granted and has entered into force, the manufacturer shall be authorised to apply for type-approval pursuant to the amended UN Regulation, in replacement of the previously granted exemption approval to that UN Regulation. The approval authority granting that type-approval shall, as soon as reasonable, withdraw the exemption approval or inform the approval authority which granted the exemption approval that this exemption approval is to be withdrawn.
11. If the procedure to amend the UN Regulation is not completed before the expiration of the time limit defined in paragraph 8 of this Schedule, the validity of the exemption approval may be extended, at the request of the Contracting Party which granted the exemption approval, subject to a decision adopted in accordance with the procedure described in paragraphs 2 and 3 of this Schedule. If, however, the Contracting Party which has been authorised to grant the exemption approval failed to submit a proposal to amend the UN Regulation before the deadline specified in paragraph 9 of this Schedule, that Contracting Party shall immediately withdraw this exemption approval, taking however into account the time limit as defined in paragraph 8 of this Schedule. The Contracting Party which withdrew the exemption approval shall inform the Administrative Committee accordingly at its next session.
12. If the Administrative Committee decides to refuse an authorisation to grant an exemption approval, the Contracting Party which issued the provisional approval referred to in paragraph 2 of this Schedule may withdraw this provisional approval. In this case, that Contracting Party shall immediately give notice to the holder of the provisional approval that this provisional approval, granted in accordance with paragraph 2 of this Schedule, will be withdrawn six months after the date of the decision taking into account that the provisional approval shall be valid at least for twelve months from the date of its granting.

Schedule 8

General conditions for virtual testing methods

1. *Virtual test pattern*

The following scheme shall be used as a basic structure for describing and conducting virtual testing:

- (a) purpose;
- (b) structure model;
- (c) boundary conditions;
- (d) load assumptions;
- (e) calculation;
- (f) assessment;
- (g) documentation.

2. *Fundamentals of computer simulation and calculation*

2.1. Mathematical model

The mathematical model shall be supplied by the manufacturer. It shall reflect the complexity of the structure of the wheeled vehicles, equipment and parts to be tested in accordance with the requirements of the UN Regulations concerned and its boundary conditions.

The same provisions shall apply, *mutatis mutandis*, for testing components independent of the vehicle.

2.2. Validation process of the mathematical model

The mathematical model shall be validated in comparison with the actual test conditions.

To that effect, physical testing shall be conducted as appropriate for the purposes of comparing the results obtained when using the mathematical model with the results of a physical test. Comparability of the test results shall be proven. A validation report shall be drafted by the manufacturer or by the Technical Service and submitted to the approval authority.

Any change made to the mathematical model or to the software likely to invalidate the validation report shall be brought to the attention of the approval authority which may require a new validation process to be conducted.

2.3. Documentation

The data and auxiliary tools used for the simulation and calculation shall be made available by the manufacturer and be documented in a way suitable for the technical service.

3. *Tools and support*

At the request of the approval authority or the Technical Service, the manufacturer shall supply or provide access to the necessary tools including appropriate software.

In addition the manufacturer shall provide appropriate support to the approval authority or the Technical Service.

Providing access and support to a Technical Service does not remove any obligation of the Technical Service regarding the skills of its personnel, payment of licence rights and respect of confidentiality.

COUNCIL DECISION (CFSP) 2016/1791**of 12 July 2016****on the signing and conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Central African Republic on the status of the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 thereof, in conjunction with Article 218(5) and (6) of the Treaty on the Functioning of the European Union,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 19 April 2016, the Council adopted Decision (CFSP) 2016/610 ⁽¹⁾ on a European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA), which provides that the status of EU-led units and personnel, including the privileges, immunities and further guarantees necessary for the fulfilment and smooth functioning of their mission, shall be the subject of an agreement concluded pursuant to Article 37 of the Treaty on European Union (TEU) and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union (TFEU).
- (2) Following the adoption on 19 April 2016 of a Decision by the Council, authorising the opening of negotiations to that end, the High Representative of the Union for Foreign Affairs and Security Policy, in accordance with Article 37 TEU, negotiated an Agreement in the form of an Exchange of Letters between the European Union and the Central African Republic on the status of EUTM RCA in the Central African Republic.
- (3) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in the implementation of this Decision and therefore does not participate in the financing of this mission.
- (4) The Agreement in the form of an Exchange of Letters should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Union and the Central African Republic on the status of the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) is hereby approved on behalf of the Union.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Union.

⁽¹⁾ Council Decision (CFSP) 2016/610 of 19 April 2016 on a European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) (OJ L 104, 20.4.2016, p. 21).

Article 3

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

Done at Brussels, 12 July 2016.

For the Council
The President
P. KAŽMIR

AGREEMENT

in the form of an Exchange of Letters between the European Union and the Central African Republic on the status of the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA)

A. Letter from the European Union

H.E. Professor Faustin-Archange Touadera
President of the Central African Republic
Bangui
Central African Republic

Brussels, 12 July 2016

Sir,

On 19 April 2016 the Council adopted Decision (CFSP) 2016/610 establishing a Military Training Mission in the Central African Republic (EUTM RCA). It is now necessary to determine the status of EUTM RCA and its personnel by way of an international agreement between your country and the European Union.

In your letter dated 30 March 2016, you were so kind as unilaterally to grant to EUTM RCA the privileges and immunities which had been granted, in connection with the EUFOR Tchad/RCA operation, to the European Union force and its personnel under the international agreement concluded between the European Union and the Central African Republic on 16 April 2008.

In accordance with your wishes and as we agreed for EUFOR RCA and EUMAM RCA, I should like to propose that all the provisions of that agreement (Articles 1 to 19) be made applicable to EUTM RCA, on the basis that:

- each reference to EUFOR in the abovementioned articles shall be considered as referring to EUTM RCA;
- each reference to the EU Force Commander shall be considered as referring to the Mission Commander of EUTM RCA;
- the means of transport referred to in Articles 1(3)(a), 3(2) and 4(3) shall be considered as including not only the means of transport belonging to the national contingents making up EUTM RCA, but also those hired or chartered by EUMAM RCA;
- the reference to United Nations Security Council Resolution 1778 (2007) of 25 September 2007 in Article 1(3)(b) shall be considered as a reference both to our Exchange of Letters of 29 and 30 March 2016 and to Council Decision (CFSP) 2016/610 of 19 April 2016 establishing EUTM RCA.

I should be grateful if you would let me know whether you accept these suggestions. If you do accept, this letter, together with your reply, will constitute a legally binding international agreement between the Central African Republic and the European Union on the status of EUTM RCA, which will enter into force on the date on which your letter of reply is received.

Please accept, Sir, the assurance of my highest consideration.

For the European Union
Federica MOGHERINI

B. Letter from the Central African Republic

Ms Federica MOGHERINI
High Representative of the European Union
for foreign affairs and security policy

Bangui, 21 July 2016

Madam,

Thank you for your letter dated 12 July 2016 regarding EUTM RCA, which reads as follows:

‘On 19 April 2016 the Council adopted Decision (CFSP) 2016/610 establishing a Military Training Mission in the Central African Republic (EUTM RCA). It is now necessary to determine the status of EUTM RCA and its personnel by way of an international agreement between your country and the European Union.

In your letter dated 30 March 2016, you were so kind as unilaterally to grant to EUTM RCA the privileges and immunities which had been granted, in connection with the EUFOR Tchad/RCA operation, to the European Union force and its personnel under the international agreement concluded between the European Union and the Central African Republic on 16 April 2008.

In accordance with your wishes and as we agreed for EUFOR RCA and EUMAM RCA, I should like to propose that all the provisions of that agreement (Articles 1 to 19) be made applicable to EUTM RCA, on the basis that:

- each reference to EUFOR in the abovementioned articles shall be considered as referring to EUTM RCA;
- each reference to the EU Force Commander shall be considered as referring to the Mission Commander of EUTM RCA;
- the means of transport referred to in Articles 1(3)(a), 3(2) and 4(3) shall be considered as including not only the means of transport belonging to the national contingents making up EUTM RCA, but also those hired or chartered by EUMAM RCA;
- the reference to United Nations Security Council Resolution 1778 (2007) of 25 September 2007 in Article 1(3)(b) shall be considered as a reference both to our Exchange of Letters of 29 and 30 March 2016 and to Council Decision (CFSP) 2016/610 of 19 April 2016 establishing EUTM RCA.

I should be grateful if you would let me know whether you accept these suggestions. If you do accept, this letter, together with your reply, will constitute a legally binding international agreement between the Central African Republic and the European Union on the status of EUMAM RCA, which will enter into force on the date on which your letter of reply is received.’.

I am pleased to inform you that I accept the terms suggested in your letter.

Please accept, Madam, the assurance of my highest consideration.

For the Central African Republic
Pr. Faustin Archange TOUADERA

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2016/1792

of 29 September 2016

replacing Annexes A, B and C to Regulation (EC) No 1346/2000 on insolvency proceedings

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings ⁽¹⁾, and in particular Article 45 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Annexes A, B and C to Regulation (EC) No 1346/2000 list the designations given in the national legislation of the Member States to the proceedings and liquidators to which that Regulation applies. Annex A lists the insolvency proceedings referred to in Article 2(a), Annex B lists the winding-up proceedings referred to in Article 2(c) and Annex C lists the liquidators referred to in Article 2(b) of that Regulation.
- (2) Slovakia and Poland, on 28 October 2014 and 4 December 2015 respectively, notified the Commission, for the purposes of Article 45 of Regulation (EC) No 1346/2000, of amendments to the lists set out in Annexes A, B and C to that Regulation. Those amendments comply with the requirements set out in that Regulation. Since those amendments are already in force, this Regulation should therefore enter into force as soon as possible.
- (3) The United Kingdom and Ireland are bound by Regulation (EC) No 1346/2000 and, by virtue of Article 45 of that Regulation, are therefore taking part in the adoption and application of this Regulation.
- (4) In accordance with Articles 1 and 2 of Protocol No 22 on position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (5) Annexes A, B and C to Regulation (EC) No 1346/2000 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes A, B and C to Regulation (EC) No 1346/2000 are replaced by the text set out in the Annex to this Regulation.

⁽¹⁾ OJ L 160, 30.6.2000, p. 1.

Article 2

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

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

Done at Brussels, 29 September 2016.

For the Council

The President

P. ŽIGA

ANNEX

‘ANNEX A

Insolvency proceedings referred to in Article 2(a)

BELGIQUE/BELGIË

- Het faillissement/La faillite
- De gerechtelijke reorganisatie door een collectief akkoord/La réorganisation judiciaire par accord collectif
- De gerechtelijke reorganisatie door overdracht onder gerechtelijk gezag/La réorganisation judiciaire par transfert sous autorité de justice
- De collectieve schuldenregeling/Le règlement collectif de dettes
- De vrijwillige vereffening/La liquidation volontaire
- De gerechtelijke vereffening/La liquidation judiciaire
- De voorlopige ontneming van beheer, bepaald in artikel 8 van de faillissementswet/Le dessaisissement provisoire, visé à l'article 8 de la loi sur les faillites

БЪЛГАРИЯ

- Производство по несъстоятелност

ČESKÁ REPUBLIKA

- Konkurs
- Reorganizace
- Oddlužení

DEUTSCHLAND

- Das Konkursverfahren
- Das gerichtliche Vergleichsverfahren
- Das Gesamtvollstreckungsverfahren
- Das Insolvenzverfahren

EESTI

- Pankrotimenetus

ÉIRE/IRELAND

- Compulsory winding-up by the court
- Bankruptcy
- The administration in bankruptcy of the estate of persons dying insolvent
- Winding-up in bankruptcy of partnerships
- Creditors' voluntary winding-up (with confirmation of a court)
- Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the Official Assignee for realisation and distribution

- Company examinership
- Debt Relief Notice
- Debt Settlement Arrangement
- Personal Insolvency Arrangement

ΕΛΛΑΔΑ

- Η πτώχευση
- Η ειδική εκκαθάριση εν λειτουργία
- Σχέδιο αναδιοργάνωσης
- Απλοποιημένη διαδικασία επί πτωχεύσεων μικρού αντικειμένου

ESPAÑA

- Concurso

FRANCE

- Sauvegarde
- Redressement judiciaire
- Liquidation judiciaire

HRVATSKA

- Stečajni postupak

ITALIA

- Fallimento
- Concordato preventivo
- Liquidazione coatta amministrativa
- Amministrazione straordinaria

ΚΥΠΡΟΣ

- Υποχρεωτική εκκαθάριση από το Δικαστήριο
- Εκούσια εκκαθάριση από μέλη
- Εκούσια εκκαθάριση από πιστωτές
- Εκκαθάριση με την εποπτεία του Δικαστηρίου
- Διάταγμα Παραλαβής και πτώχευσης κατόπιν Δικαστικού Διατάγματος
- Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα

LATVIJA

- Tiesiskās aizsardzības process
- Juridiskās personas maksātnespējas process
- Fiziskās personas maksātnespējas process

LIETUVA

- Įmonės restruktūrizavimo byla
- Įmonės bankroto byla
- Įmonės bankroto procesas ne teismo tvarka
- Fizinio asmens bankroto byla

LUXEMBOURG

- Faillite
- Gestion contrôlée
- Concordat préventif de faillite (par abandon d'actif)
- Régime spécial de liquidation du notariat
- Procédure de règlement collectif des dettes dans le cadre du surendettement

MAGYARORSZÁG

- Csődeljárás
- Felszámolási eljárás

MALTA

- Xoljiment
- Amministrazzjoni
- Stralċ volontarju mill-membri jew mill-kredituri
- Stralċ mill-Qorti
- Falliment f'każ ta' negozjant

NEDERLAND

- Het faillissement
- De surséance van betaling
- De schuldsaneringsregeling natuurlijke personen

ÖSTERREICH

- Das Konkursverfahren (Insolvenzverfahren)
- Das Sanierungsverfahren ohne Eigenverwaltung (Insolvenzverfahren)
- Das Sanierungsverfahren mit Eigenverwaltung (Insolvenzverfahren)
- Das Schuldenregulierungsverfahren
- Das Abschöpfungsverfahren
- Das Ausgleichsverfahren

POLSKA

- Postępowanie naprawcze
- Upadłość obejmująca likwidację
- Upadłość z możliwością zawarcia układu

- Upadłość
- Przyspieszone postępowanie układowe
- Postępowanie układowe
- Postępowanie sanacyjne

PORTUGAL

- Processo de insolvência
- Processo especial de revitalização

ROMÂNIA

- Procedura insolvenței
- Reorganizarea judiciară
- Procedura falimentului

SLOVENIJA

- Stečajni postopek
- Skrajšani stečajni postopek
- Postopek prisilne poravnave
- Prisilna poravnava v stečaju

SLOVENSKO

- Konkurzné konanie
- Reštrukturalizačné konanie
- Oddĺženie

SUOMI/FINLAND

- Konkurssi/konkurs
- Yrityssaneeraus/företagssanering

SVERIGE

- Konkurs
- Företagsrekonstruktion

UNITED KINGDOM

- Winding-up by or subject to the supervision of the court
 - Creditors' voluntary winding-up (with confirmation by the court)
 - Administration, including appointments made by filing prescribed documents with the court
 - Voluntary arrangements under insolvency legislation
 - Bankruptcy or sequestration
-

ANNEX B

Winding-up proceedings referred to in Article 2(c)

BELGIQUE/BELGIË

- Het faillissement/La faillite
- De vrijwillige vereffening/La liquidation volontaire
- De gerechtelijke vereffening/La liquidation judiciaire
- De gerechtelijke reorganisatie door overdracht onder gerechtelijk gezag/La réorganisation judiciaire par transfert sous autorité de justice

БЪЛГАРИЯ

- Производство по несъстоятелност

ČESKÁ REPUBLIKA

- Konkurs

DEUTSCHLAND

- Das Konkursverfahren
- Das Gesamtvollstreckungsverfahren
- Das Insolvenzverfahren

EESTI

- Pankrotimenetus

ÉIRE/IRELAND

- Compulsory winding-up
- Bankruptcy
- The administration in bankruptcy of the estate of persons dying insolvent
- Winding-up in bankruptcy of partnerships
- Creditors' voluntary winding-up (with confirmation of a court)
- Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the Official Assignee for realisation and distribution

ΕΛΛΑΔΑ

- Η πτώχευση
- Η ειδική εκκαθάριση
- Απλοποιημένη διαδικασία επί πτωχεύσεων μικρού αντικειμένου

ESPAÑA

- Concurso

FRANCE

- Liquidation judiciaire

HRVATSKA

- Stečajni postupak

ITALIA

- Fallimento
- Concordato preventivo
- Liquidazione coatta amministrativa
- Amministrazione straordinaria

ΚΥΠΡΟΣ

- Υποχρεωτική εκκαθάριση από το Δικαστήριο
- Εκκαθάριση με την εποπτεία του Δικαστηρίου
- Εκούσια εκκαθάριση από πιστωτές, με επιβεβαίωση του Δικαστηρίου
- Πτώχευση
- Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα

LATVIJA

- Juridiskās personas maksātnespējas process
- Fiziskās personas maksātnespējas process

LIETUVA

- Įmonės bankroto byla
- Įmonės bankroto procesas ne teismo tvarka

LUXEMBOURG

- Faillite
- Régime spécial de liquidation du notariat
- Liquidation judiciaire dans le cadre du surendettement

MAGYARORSZÁG

- Felszámolási eljárás

MALTA

- Stralċ volontarju
- Stralċ mill-Qorti
- Falliment inkluż il-hruġ ta' mandat ta' qbid mill-Kuratur f'każ ta' negozjant fallut

NEDERLAND

- Het faillissement
- De schuldsaneringsregeling natuurlijke personen

ÖSTERREICH

- Das Konkursverfahren (Insolvenzverfahren)

POLSKA

- Upadłość obejmująca likwidację
- Upadłość

PORTUGAL

- Processo de insolvência

ROMÂNIA

- Procedura falimentului

SLOVENIJA

- Stečajni postopek
- Skrajšani stečajni postopek

SLOVENSKO

- Konkurzné konanie

SUOMI/FINLAND

- Konkurssi/konkurs

SVERIGE

- Konkurs

UNITED KINGDOM

- Winding-up by or subject to the supervision of the court
 - Winding-up through administration, including appointments made by filing prescribed documents with the court
 - Creditors' voluntary winding-up (with confirmation by the court)
 - Bankruptcy or sequestration
-

ANNEX C

Liquidators referred to in Article 2(b)

BELGIQUE/BELGIË

- De curator/Le curateur
- De gedelegeerd rechter/Le juge-délégué
- De gerechtsmandataris/Le mandataire de justice
- De schuldbemiddelaar/Le médiateur de dettes
- De vereffenaar/Le liquidateur
- De voorlopige bewindvoerder/L'administrateur provisoire

БЪЛГАРИЯ

- Назначен предварително временен синдик
- Временен синдик
- (Постоянен) синдик
- Служебен синдик

ČESKÁ REPUBLIKA

- Insolvenční správce
- Předběžný insolvenční správce
- Oddělený insolvenční správce
- Zvláštní insolvenční správce
- Zástupce insolvenčního správce

DEUTSCHLAND

- Konkursverwalter
- Vergleichsverwalter
- Sachwalter (nach der Vergleichsordnung)
- Verwalter
- Insolvenzverwalter
- Sachwalter (nach der Insolvenzordnung)
- Treuhänder
- Vorläufiger Insolvenzverwalter

EESTI

- Pankrotihaldur
- Ajutine pankrotihaldur
- Usaldusisik

ÉIRE/IRELAND

- Liquidator
- Official Assignee
- Trustee in bankruptcy
- Provisional Liquidator
- Examiner
- Personal Insolvency Practitioner
- Insolvency Service

ΕΛΛΑΔΑ

- Ο σύνδικος
- Ο εισηγητής
- Η επιτροπή των πιστωτών
- Ο ειδικός εκκαθαριστής

ESPAÑA

- Administradores concursales

FRANCE

- Mandataire judiciaire
- Liquidateur
- Administrateur judiciaire
- Commissaire à l'exécution du plan

HRVATSKA

- Stečajni upravitelj
- Privremeni stečajni upravitelj
- Stečajni povjerenik
- Povjerenik

ITALIA

- Curatore
- Commissario giudiziale
- Commissario straordinario
- Commissario liquidatore
- Liquidatore giudiziale

ΚΥΠΡΟΣ

- Εκκαθαριστής και Προσωρινός Εκκαθαριστής
- Επίσημος Παραλήπτης
- Διαχειριστής της Πτώχευσης

LATVIJA

- Maksātnespējas procesa administrators

LIETUVA

- Bankroto administratorius
- Restruktūrizavimo administratorius

LUXEMBOURG

- Le curateur
- Le commissaire
- Le liquidateur
- Le conseil de gérance de la section d'assainissement du notariat
- Le liquidateur dans le cadre du surendettement

MAGYARORSZÁG

- Vagyongfelügyelő
- Felszámoló

MALTA

- Amministratur Provizorju
- Riċevitur Uffiċjali
- Stralċjarju
- Manager Speċjali
- Kuraturi f'każ ta' proċeduri ta' falliment

NEDERLAND

- De curator in het faillissement
- De bewindvoerder in de surséance van betaling
- De bewindvoerder in de schuldsaneringsregeling natuurlijke personen

ÖSTERREICH

- Masseverwalter
- Sanierungsverwalter
- Ausgleichsverwalter
- Besonderer Verwalter
- Einstweiliger Verwalter
- Sachwalter
- Treuhänder
- Insolvenzgericht
- Konkursgericht

POLSKA

- Syndyk
- Nadzorca sądowy

- Zarządca
- Nadzorca układu
- Tymczasowy nadzorca sądowy
- Tymczasowy zarządca
- Zarządca przymusowy

PORTUGAL

- Administrador de insolvência
- Administrador judicial provisório

ROMÂNIA

- Practician în insolvență
- Administrator judiciar
- Lichidator

SLOVENIJA

- Upravitelj prisilne poravnave
- Stečajni upravitelj
- Sodišče, pristojno za postopek prisilne poravnave
- Sodišče, pristojno za stečajni postopek

SLOVENSKO

- Predbežný správca
- Správca

SUOMI/FINLAND

- Pesähoitaja/boförvaltare
- Selvittäjä/utredare

SVERIGE

- Förvaltare
- Rekonstruktör

UNITED KINGDOM

- Liquidator
 - Supervisor of a voluntary arrangement
 - Administrator
 - Official Receiver
 - Trustee
 - Provisional Liquidator
 - Judicial factor’.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1793**of 10 October 2016****amending Implementing Regulation (EU) 2016/759 as regards the introduction into the Union of gelatine and collagen and treated raw materials for these products from Taiwan****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾ and in particular Article 8(1) thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽²⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/759 ⁽³⁾ contains lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption, including gelatine and collagen.
- (2) For gelatine and collagen, Part III of Annex I to Implementing Regulation (EU) 2016/759 divides the species from which gelatine and collagen are derived into four categories. For treated raw materials for the production of gelatine and collagen, Part V of that Annex similarly contains such division. In those Parts, Taiwan is neither listed for imports of gelatine or collagen derived from poultry including ratites and feathered game, nor for imports of treated raw materials for the production of such gelatine or collagen.
- (3) Taiwan complies with the conditions for being listed for imports into the Union of such gelatine and collagen and for imports of treated raw materials for the production of such gelatine or collagen laid down in Regulation (EC) No 854/2004 and should therefore be included in the relevant list in Annex I to Implementing Regulation (EU) 2016/759.
- (4) Implementing Regulation (EU) 2016/759 should therefore be amended accordingly.
- (5) In order to avoid any import disruption after the date referred to in Article 8 of Implementing Regulation (EU) 2016/759, this Regulation should enter into force on the third day after its publication.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 139, 30.4.2004, p. 206.

⁽³⁾ Commission Implementing Regulation (EU) 2016/759 of 28 April 2016 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the union of certain products of animal origin intended for human consumption, laying down certificate requirements, amending Regulation (EC) No 2074/2005 and repealing Decision 2003/812/EC (OJ L 126, 14.5.2016, p. 13).

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Implementing Regulation (EU) 2016/759 is amended as follows:

(a) in Part III, Section B is replaced by the following:

‘SECTION B

Gelatine and collagen derived from poultry including ratites and feathered game

Third countries and territories listed in column 1 of Part 1 of Annex I to Regulation (EC) No 798/2008 and the following countries or territories:

COUNTRY ISO CODE	COUNTRY/TERRITORY
TW	Taiwan’

(b) in Part V, Section B is replaced by the following:

‘SECTION B

Treated raw materials from poultry including ratites and feathered game

Third countries and territories listed in column 1 of Part 1 of Annex I to Regulation (EC) No 798/2008 and the following countries or territories:

COUNTRY ISO CODE	COUNTRY/TERRITORY
TW	Taiwan’

Article 2

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

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

Done at Brussels, 10 October 2016.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1794**of 10 October 2016****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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 10 October 2016.

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

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, 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	MA	184,0
	ZZ	184,0
0707 00 05	TR	128,9
	ZZ	128,9
0709 93 10	TR	136,2
	ZZ	136,2
0805 50 10	AR	75,0
	CL	97,4
	TR	86,7
	UY	50,0
	ZA	109,2
	ZZ	83,7
0806 10 10	BR	285,5
	EG	206,9
	TR	136,5
	US	210,1
	ZZ	209,8
0808 10 80	AR	100,0
	BR	100,2
	CL	139,7
	NZ	142,7
	US	141,5
	ZA	118,5
	ZZ	123,8
0808 30 90	CN	74,4
	TR	133,6
	ZZ	104,0

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION (EU) 2016/1795

of 29 September 2016

establishing the position to be adopted on behalf of the European Union with regard to the amendments to the Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and to the Annexed Regulations to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Action by the Union in the sector of transport of dangerous goods should aim at improving transport safety and security, protecting the environment and facilitating international transport.
- (2) The Union is not a Contracting Party to the European Agreement concerning the International Carriage of Dangerous Goods by Road (the 'ADR') and to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (the 'ADN'). However, all Member States are Contracting Parties to ADR, and 13 Member States are Contracting Parties to ADN.
- (3) Directive 2008/68/EC of the European Parliament and of the Council ⁽¹⁾ lays down requirements for the transport of dangerous goods by road, by rail and by inland waterway within or between Member States. It does so by reference to the ADR, to Regulations concerning the International Carriage of Dangerous Goods by Rail which appear in Appendix C to the Convention concerning International Carriage by Rail (COTIF) (the 'RID') and to the ADN. In addition, Article 4 of Directive 2008/68/EC provides 'The transport of dangerous goods between Member States and third countries shall be authorised in so far as it complies with the requirements of the ADR, RID or ADN, unless otherwise indicated in the Annexes.'
- (4) Between 2014 and 2016, the Working Party on the Transport of Dangerous Goods — WP.15 and the ADN Administrative Committee, in accordance with the procedures stipulated in Article 14 of ADR and Article 20 of ADN respectively, developed certain amendments which are expected to enter into force on 1 January 2017.
- (5) Those amendments, which concern technical standards and uniform technical prescriptions, aim to ensure safe and efficient transport of dangerous goods whilst taking into account scientific and technical progress in the sector and the development of new substances and articles that pose a danger during their transport. The development of transport of dangerous goods by road and inland waterways, both within the Union and between the Union and neighbouring countries, is a key component of the common transport policy and ensures proper functioning of all branches of industry that produce or make use of the goods classified as dangerous under ADR and ADN.
- (6) All the proposed amendments are justified and beneficial, and should be supported. It is therefore appropriate to establish this position to be adopted on behalf of the Union on the proposed amendments to the Annexes to ADR and to the Annexed Regulations to ADN, as set out in the Annex,

⁽¹⁾ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union on the proposed amendments to the Annexes to ADR and to the Annexed Regulations to ADN shall be in accordance with the Annex of this Decision.

Formal and minor changes to the proposed amendments to the ADR and the ADN referred to in the first paragraph, transmitted by the Secretary-General of the United Nations, may be agreed upon without further decision of the Council.

Article 2

The position of the Union as set out in Article 1 shall be expressed by the Member States which are Contracting Parties to the agreements referred to in that Article, acting jointly in the interest of the Union.

Article 3

A reference to the accepted amendments to the Annexes to the ADR and to the Annexed Regulations to the ADN shall be published in the *Official Journal of the European Union*, indicating the date of entry into force of the amendments.

Article 4

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

Done at Brussels, 29 September 2016.

For the Council
The President
P. ŽIGA

ANNEX

Proposal	Reference document	Notification	Issue	Comments	EU Position
1	ECE/TRANS/ WP.15/231	C.N.443.2016. TREATIES-XI.B.14	Draft amendments to Annexes A and B of ADR	Technical consensus at the Work- ing Party on the Transport of Dangerous Goods — WP.15.	Agree with the amendments.
2	ECE/TRANS/ WP.15/231/Corr.1	C.N.443.2016. TREATIES-XI.B.14	Draft amendments to Annexes A and B of ADR	Technical consensus at the Work- ing Party on the Transport of Dangerous Goods — WP.15.	Agree with the amendments.
3	ECE/TRANS/ WP.15/231/Add.1	C.N.443.2016. TREATIES-XI.B.14	Draft amendments to Annexes A and B of ADR	Technical consensus at the Work- ing Party on the Transport of Dangerous Goods — WP.15.	Agree with the amendments.
4	ECE/ADN/36	C.N.444.2016. TREATIES-XI.D.6	Draft amendments to the Regulations annexed to ADN	Technical consensus at the Ad- ministrative Committee	Agree with the amendments.
5	ECE/ADN/36/ Add.1	C.N.607.2016. TREATIES-XI.D.6	Draft amendments to the Regulations annexed to ADN	Technical consensus at the Ad- ministrative Committee	Agree with the amendments.

COMMISSION DECISION (EU) 2016/1796**of 7 July 2016****amending Decisions 2011/263/EU, 2011/264/EU, 2012/720/EU and 2012/721/EU in order to take account of developments in the classification of substances***(notified under document C(2016) 4131)***(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 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel ⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the European Union Ecolabelling Board,

Whereas:

- (1) In accordance with Article 6(6) of Regulation (EC) No 66/2010, the EU Ecolabel may not be awarded to goods containing substances or preparations/mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁾ or to goods containing substances referred to in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾.
- (2) In accordance with Article 6(7) of Regulation (EC) No 66/2010, for specific categories of goods containing those substances, where it is not technically feasible to substitute those goods as such or via the use of alternative materials or designs, or in the case of products which have a significantly higher overall environmental performance compared with other goods of the same category, the Commission may adopt measures to grant derogations from Article 6(6) of that Regulation.
- (3) Subtilisin is a hazardous substance with a harmonised classification according to Annex VI of Regulation (EC) No 1272/2008. This includes the following hazard classes: Respiratory sensitisation Category 1, Serious eye damage Category 1, Skin irritation Category 2 and Specific Target Organ Toxicity Single Exposure for respiratory tract Category 3.
- (4) Commission Decisions 2011/263/EU ⁽⁴⁾ and 2011/264/EU ⁽⁵⁾, as amended through Commission Decision 2012/49/EU ⁽⁶⁾ include already a derogation for the enzyme subtilisin, classified as H400: Very toxic to aquatic life, for established ecological criteria for the award of the EU Ecolabel for detergents for dishwashers and laundry detergents, as subtilisin had been recognised as an important ingredient of these detergents and had been

⁽¹⁾ OJ L 27, 30.1.2010, p. 1.

⁽²⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁽⁴⁾ Commission Decision 2011/263/EU of 28 April 2011 on establishing the ecological criteria for the award of the EU Ecolabel to detergents for dishwashers (OJ L 111, 30.4.2011, p. 22).

⁽⁵⁾ Commission Decision 2011/264/EU of 28 April 2011 on establishing the ecological criteria for the award of the EU Ecolabel for laundry detergents (OJ L 111, 30.4.2011, p. 34).

⁽⁶⁾ Commission Decision 2012/49/EU of 26 January 2012 amending Decisions 2011/263/EU and 2011/264/EU in order to take account of developments in enzymes classification in accordance with Annex I to Council Directive 67/548/EEC and Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council (OJ L 26, 28.1.2012, p. 36).

previously derogated. Moreover, with the same intention of allowing subtilisin in EU Ecolabel products, Commission Decisions 2012/720/EU ⁽¹⁾ and 2012/721/EU ⁽²⁾ allowed enzymes classified as H400: Very toxic to aquatic life in for industrial and institutional automatic dishwasher detergents and industrial and institutional laundry detergents. Those derogations were granted recognizing the important function of subtilisin in the above mentioned detergent groups and its high level of degradation/inactivation in waste water treatment plants, and during detergents' use and transport to sewer systems. The derogations were needed because subtilisin was classified as Aquatic Acute 1 (M factor 1) (H400) by self-classification when it was registered under the Regulation (EC) No 1907/2006, which would have prevented its inclusion in products bearing the EU Ecolabel.

- (5) Regulation (EC) No 1272/2008 was amended by Commission Regulation (EU) No 286/2011 ⁽³⁾. The amendments to Regulation (EC) No 1272/2008 became applicable in respect of substances from 1 December 2012 and in respect of mixtures from 1 June 2015. Regulation (EU) No 286/2011 added new classification criteria for long-term aquatic hazard based on chronic aquatic toxicity and biodegradability data. On the basis of the new criteria, a recent study conducted by the REACH SIEF for subtilisin indicated that subtilisin has to be classified also as hazardous to the aquatic environment (chronic), Category 2. The substance is readily biodegradable and should not cause a risk to the environment because it is almost entirely deactivated in the sewage plants. As a result of this classification, subtilisin would be banned from the use in products bearing the EU Ecolabel. This would make it difficult for the established ecological criteria for the award of the EU Ecolabel for detergents for dishwashers, laundry detergents, industrial and institutional automatic dishwasher detergents, and industrial and institutional laundry detergents to correspond indicatively to the best 10-20 % of detergents and cleaning products available on the Union market in terms of environmental performance throughout their life-cycle.
- (6) Subtilisin enhances the cleaning performance of detergents by effectively breaking down proteinous stain components. The enzyme delivers excellent performance even at low temperatures with the required dosage that allows the respect of low temperature, compaction, and performance criteria under the EU Ecolabel scheme. At the moment, there is no alternative ingredient or technology. Other enzymes with different catalytic activities, e.g. alpha-amylase, lipase, pectate lyase can remove other types of deposits and stains, e.g. starch, fat and pectin stains, but they cannot remove proteinous stains.
- (7) The review of the criteria for the award of the EU Ecolabel for detergents for dishwashers and laundry detergents, set out in Decisions 2011/263/EU and 2011/264/EU, and the development of criteria for the award of the EU Ecolabel for industrial and institutional automatic dishwasher detergents and industrial and institutional laundry detergents and the related amendments did not take into account the new criteria for environmental classification introduced by Regulation (EU) No 286/2011.
- (8) This amendment shall apply retroactively from 1 December 2012, in order to ensure the continuity of the validity of the EU Ecolabel criteria for detergents for dishwashers, laundry detergents, industrial and institutional automatic dishwasher detergents, and industrial and institutional laundry detergents.
- (9) Commission Decisions 2011/263/EU, 2011/264/EU, 2012/720/EU and 2012/721/EU should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2011/263/EU is amended as set out in Annex I to this Decision.

⁽¹⁾ Commission Decision 2012/720/EU of 14 November 2012 establishing the ecological criteria for the award of the EU Ecolabel for Industrial and Institutional Automatic Dishwasher Detergents (OJ L 326, 24.11.2012, p. 25).

⁽²⁾ Commission Decision 2012/721/EU of 14 November 2012 establishing the ecological criteria for the award of the EU Ecolabel for Industrial and Institutional Laundry Detergents (OJ L 326, 24.11.2012, p. 38).

⁽³⁾ Commission Regulation (EU) No 286/2011 of 10 March 2011 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 83, 30.3.2011, p. 1).

Article 2

The Annex to Decision 2011/264/EU is amended as set out in Annex II to this Decision.

Article 3

The Annex to Decision 2012/720/EU is amended as set out in Annex III to this Decision.

Article 4

The Annex to Decision 2012/721/EU is amended as set out in Annex IV to this Decision.

Article 5

This Decision shall apply from 1 December 2012.

Article 6

This decision is addressed to Member States.

Done at Brussels, 7 July 2016.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX I

The Annex to Decision 2011/263/EU is amended as follows:

For the sake of clarity and legal certainty, it is appropriate to replace the entire table of derogations in Criterion 2, point (b), fifth paragraph, with the following table that takes into account the changes introduced by Commission Decision 2014/313/EU ⁽¹⁾:

‘Subtilisin	H400: Very toxic to aquatic life	R50
	H411: Toxic to aquatic life with long-lasting effects	R50-53
Surfactants in total concentrations < 25 % in the final product	H400: Very toxic to aquatic life	R50
Surfactants in total concentrations < 25 % in the final product (*)	H412: Harmful to aquatic life with long-lasting effects	R52-53
Biocides used for preservation purposes (**)	H410: Very toxic to aquatic life with long-lasting effects	R50-53
	H411: Toxic to aquatic life with long-lasting effects	R51-53
	H412: Harmful to aquatic life with long-lasting effects	R52-53
Fragrances	H412: Harmful to aquatic life with long-lasting effects	R52-53
Enzymes (***)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
NTA as an impurity in MGDA and GLDA (****)	H351: Suspected of causing cancer	R40

(*) This derogation is applicable provided that they are ready degradable and anaerobically degradable.

(**) Referred to in Criterion 2(e). This derogation is applicable provided that biocides' bioaccumulation potentials are characterised by log Pow (log octanol/water partition coefficient) < 3,0 or an experimentally determined bioconcentration factor (BCF) ≤ 100.

(***) Including stabilisers and other auxiliary substances in the preparations.

(****) In concentrations lower than 1,0 % in the raw material as long as the total concentration in the final product is lower than 0,10 %.

⁽¹⁾ Commission Decision 2014/313/EU of 28 May 2014 amending Decisions 2011/263/EU, 2011/264/EU, 2011/382/EU, 2011/383/EU, 2012/720/EU and 2012/721/EU in order to take account of developments in the classification of substances (OJ L 164, 3.6.2014, p. 74).

ANNEX II

The Annex to Decision 2011/264/EU is amended as follows:

For the sake of clarity and legal certainty, it is appropriate to replace the entire table of derogations in Criterion 4, point (b), fifth paragraph, with the following table that takes into account the changes introduced by Decision 2014/313/EU:

‘Subtilisin	H400: Very toxic to aquatic life	R50
	H411: Toxic to aquatic life with long-lasting effects	R50-53
Surfactants in total concentrations < 25 % in the final product	H400: Very toxic to aquatic life	R50
Surfactants in total concentrations < 25 % in the final product (*)	H412: Harmful to aquatic life with long-lasting effects	R52-53
Biocides used for preservation purposes (**)	H410: Very toxic to aquatic life with long-lasting effects	R50-53
	H411: Toxic to aquatic life with long-lasting effects	R51-53
	H412: Harmful to aquatic life with long-lasting effects	R52-53
Fragrances	H412: Harmful to aquatic life with long-lasting effects	R52-53
Enzymes (***)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
Bleach catalysts (****)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
NTA as an impurity in MGDA and GLDA (****)	H351: Suspected of causing cancer	R40
Optical brighteners (only for heavy duty laundry detergent)	H413: May cause long lasting effects to aquatic life	R53

(*) This derogation is applicable provided that they are ready degradable and anaerobically degradable.

(**) Referred to in Criterion 4(e). This derogation is applicable provided that biocides' bioaccumulation potentials are characterised by $\log Pow$ ($\log$ octanol/water partition coefficient) < 3,0 or an experimentally determined bioconcentration factor (BCF) ≤ 100 .

(***) Including stabilisers and other auxiliary substances in the preparations.

(****) In concentrations lower than 1,0 % in the raw material as long as the total concentration in the final product is lower than 0,10 %.

ANNEX III

The Annex to Decision 2012/720/EU is amended as follows:

For the sake of clarity and legal certainty, it is appropriate to replace the entire table of derogations Criterion 3, point (b), sixth paragraph, with the following table that takes into account the changes introduced by Decision 2014/313/EU:

'Subtilisin	H400: Very toxic to aquatic life	R50
	H411: Toxic to aquatic life with long-lasting effects	R50-53
Surfactants in total concentrations < 15 % in the final product	H400: Very toxic to aquatic life	R50
Surfactants in total concentrations < 25 % in the final product	H412: Harmful to aquatic life with long-lasting effects	R52-53
Biocides for preservation purpose (*) (only for liquids with pH between 2 and 12 and maximum 0,10 % w/w of active material)	H331: Toxic if inhaled	R23
	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
	H400: Very toxic to aquatic life	R50
Enzymes (**)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
	H400: Very toxic to aquatic life	R50
NTA as an impurity in MGDA and GLDA (***)	H351: Suspected of causing cancer	R40

(*) Derogation is only for criterion 3(b). Biocides shall comply with criterion 3(d).

(**) Including stabilisers and other auxiliary substances in the preparations.

(***) In concentrations lower than 1,0 % in the raw material as long as the total concentration in the final product is lower than 0,10 %

ANNEX IV

The Annex to Decision 2012/721/EU is amended as follows:

For the sake of clarity and legal certainty, it is appropriate to replace the entire table of derogations in Criterion 4, point (b), sixth paragraph, is replaced by the following table:

'Subtilisin	H400: Very toxic to aquatic life	R50
	H411: Toxic to aquatic life with long-lasting effects	R50-53
Surfactants in total concentrations < 20 % in the final product	H400: Very toxic to aquatic life	R50
Surfactants in total concentrations < 25 % in the final product (*)	H412: Harmful to aquatic life with long-lasting effects	R52-53
Biocides for preservations purposes (**) (only for liquids with pH between 2 and 12 and maximum 0,10 % w/w of active material)	H331: Toxic if inhaled	R23
	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
	H400: Very toxic to aquatic life	R50
Enzymes (***)	H400: Very toxic to aquatic life	R50
	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
Bleach catalysts (***)	H400: Very toxic to aquatic life	R50
NTA as an impurity in MGDA and GLDA (****)	H351: Suspected of causing cancer	R40

(*) This derogation is applicable provided that surfactants comply with criterion 3(a) and they are anaerobically degradable.

(**) Derogation is only for criterion 4(b). Biocides shall comply with criterion 4(e).

(***) Including stabilisers and other auxiliary substances in the preparations.

(****) In concentrations lower than 1,0 % in the raw material as long as the total concentration in the final product is lower than 0,10 %.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

Decision No 1/2016 of the Joint Implementation Committee set up by the Voluntary Partnership Agreement between the European Union, of the one part, and the Republic of Indonesia, of the other part

of 15 September 2016

concerning the start date of the Forest Law Enforcement Governance and Trade (FLEGT) licensing scheme [2016/1797]

THE JOINT IMPLEMENTATION COMMITTEE,

Having regard to the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia (hereinafter referred to as the 'Agreement'), which following ratification by the Parties entered into force on 1 May 2014,

Whereas:

- (1) The Agreement provides in Article 14, paragraph 5(e) that the Joint Implementation Committee shall agree on the date from which the FLEGT licensing scheme will start operating after an evaluation of the functioning of the Indonesian Timber Legality Assurance system (TLAS) on the basis of the criteria set out in Annex VIII.
- (2) A joint independent assessment of the Indonesian TLAS has concluded that the Indonesian TLAS is a robust system and that the system meets the criteria to assess its operationality established in Annex VIII to the Agreement.
- (3) The two Parties have completed their respective internal procedures and have notified each other through the JIC of their readiness to start the FLEGT Licensing system.
- (4) The JIC will continue to monitor the implementation of the Agreement and the Parties have identified joint actions to be prioritized in the course of 2017 in order to ensure an effective implementation of the Agreement.

HAS DECIDED AS FOLLOWS:

Article 1

The FLEGT licensing scheme shall start on 15 November 2016.

Article 2

This Decision shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Indonesian languages, each of these texts being authentic. In case of divergence of interpretation the English text shall prevail.

Article 3

This Decision shall enter into force on 15 November 2016.

Done in Yogyakarta, Indonesia, 15 September 2016.

For the Republic of Indonesia
IB Putera PARTHAMA, PhD.
Director-General of Sustainable Forest
Management, Ministry of Environment and
Forestry, Indonesia

For the European Union
Charles-Michel GEURTS
Deputy Head of Mission
EU Delegation to Indonesia and Brunei

