

# Official Journal of the European Union

# L 297



English edition

## Legislation

Volume 57

15 October 2014

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# EN

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

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## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) No 1078/2014

of 7 August 2014

amending Annex I to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals <sup>(1)</sup>, and in particular Article 23(4) thereof,

Whereas:

- (1) Regulation (EU) No 649/2012 implements the Rotterdam Convention on the Prior Informed Consent Procedure (PIC procedure) for certain hazardous chemicals and pesticides in international trade, signed on 11 September 1998 and approved, on behalf of the Community, by Council Decision 2003/106/EC <sup>(2)</sup>.
- (2) It is appropriate that regulatory action in respect of certain chemicals taken pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>(3)</sup>, Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(4)</sup>, and Regulation (EU) No 528/2012 of the European Parliament and of the Council <sup>(5)</sup> be taken into account.
- (3) The approval of the substance bitertanol has been withdrawn in accordance with Regulation (EC) No 1107/2009, with the effect that bitertanol is banned for use as pesticide and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (4) The substances cyhexatin and azocyclotin have not been approved as active substances in accordance with Regulation (EC) No 1107/2009, with the effect that those substances are banned for pesticide use and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.

<sup>(1)</sup> OJ L 201, 27.7.2012, p. 60.

<sup>(2)</sup> Council Decision 2003/106/EC of 19 December 2002 concerning the approval, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade (OJ L 63, 6.3.2003, p. 27).

<sup>(3)</sup> 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).

<sup>(4)</sup> Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

<sup>(5)</sup> Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

- (5) The substances cinidon-ethyl, cyclanilide, ethoxysulfuron and oxadiargyl are no longer approved as active substances in accordance with Regulation (EC) No 1107/2009, with the effect that those substances are banned for pesticide use and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (6) The substance rotenone has not been approved as an active substance in accordance with Regulation (EC) No 1107/2009, with the effect that rotenone is severely restricted for pesticide use because virtually all use is prohibited despite the fact that rotenone has been identified and notified for evaluation under Regulation (EU) No 528/2012 for product type 17 and may thus continue to be authorised by Member States until a decision under that Regulation is taken. Therefore, rotenone should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (7) The approval of the substance didecyldimethylammonium chloride has been withdrawn in accordance with Regulation (EC) No 1107/2009, with the effect that didecyldimethylammonium chloride is banned for use as pesticide in the group of plant protection products and thus should be added to the list of chemicals contained in Part 1 of Annex I to Regulation (EU) No 649/2012.
- (8) The substances warfarin and cyfluthrin are no longer approved as active substances in accordance with Regulation (EC) No 1107/2009, with the effect that those substances are banned for use as pesticide in the group of plant protection products and thus should be added to the list of chemicals contained in Part 1 of Annex I to Regulation (EU) No 649/2012.
- (9) At its sixth meeting held from 28 April to 10 May 2013, the Conference of the Parties to the Rotterdam Convention decided to include azinphos-methyl, perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulfonamides and perfluorooctane sulfonyls in Annex III to that Convention, with the effect that those chemicals became subject to the PIC procedure under that Convention. Those chemicals should thus be removed from the list of chemicals contained in Part 2 of Annex I to Regulation (EU) No 649/2012 and added to the list of chemicals contained in Part 3 of that Annex.
- (10) The Conference of the Parties to the Rotterdam Convention also decided to include commercial pentabromodiphenyl ether, including tetra- and pentabromodiphenyl ether, as well as commercial octabromodiphenyl ether, including hexa- and heptabromodiphenyl ether, in Annex III to that Convention, with the effect that those chemicals became subject to the PIC procedure under that Convention. Since tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether are already listed in Annex V to Regulation (EU) No 649/2012 and are therefore subject to an export ban, those chemicals are not added to the list of chemicals contained in Part 3 of Annex I to Regulation (EU) No 649/2012.
- (11) The entry for chlorate in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012 should be amended in order to provide more clarity as to the substances covered by that entry.
- (12) Regulation (EU) No 649/2012 should therefore be amended accordingly.
- (13) In order to allow enough time for all interested parties to take the measures necessary to comply with this Regulation and for Member States to take the measures necessary for its implementation, its application should be deferred,

HAS ADOPTED THIS REGULATION:

#### Article 1

Annex I to Regulation (EU) No 649/2012 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 December 2014.

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

Done at Brussels, 7 August 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

Annex I to Regulation (EU) No 649/2012 is amended as follows:

1. Part 1 is amended as follows:

(a) the entries for azinphos-methyl and perfluorooctane sulfonates are replaced by the following:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Azinphos-methyl (#)	86-50-0	201-676-1	2933 99 80	p(1)	b	
Perfluorooctane sulfonates (PFOS) C <sub>8</sub> F <sub>17</sub> SO <sub>2</sub> X (X = OH, Metal salt (O-M <sup>+</sup> ), halide, amide, and other derivatives including polymers) (+)/(#) and others	1763-23-1 2795-39-3 70225-14-8 56773-42-3 4151-50-2 57589-85-2 68081-83-4	217-179-8 220-527-1 274-460-8 260-375-3 223-980-3 260-837-4 268-357-7	2904 90 95 2904 90 95 2922 12 00 2923 90 00 2935 00 90 2924 29 98 3824 90 97	i(1)	sr'	

(b) the entry for chlorate is replaced by the following:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Chlorate (+)	7775-09-9 10137-74-3 7783-92-8 and others	231-887-4 233-378-2 232-034-9	2829 11 00 2829 19 00 2843 29 00	p(1)	b'	

(c) the following entries are added:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Azocyclotin (+)	41083-11-8	255-209-1	2933 99 80	p(1)	b	
Bitertanol (+)	55179-31-2	259-513-5	2933 99 80	p(1)	b	
Cinidon-ethyl (+)	142891-20-1	n.a.	2925 19 95	p(1)	b	
Cyclanilide (+)	113136-77-9	419-150-7	2924 29 98	p(1)	b	
Cyfluthrin	68359-37-5	269-855-7	2926 90 95	p(1)	b	
Cyhexatin (+)	13121-70-5	236-049-1	2931 90 90	p(1)	b	
Ethoxysulfuron (+)	126801-58-9	n.a.	2933 59 95	p(1)	b	

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
Didecyldimethylammonium chloride	7173-51-5	230-525-2	2923 90 00	p(1)	b	
Oxadiargyl (*)	39807-15-3	254-637-6	2934 99 90	p(1)	b	
Rotenone (*)	83-79-4	201-501-9	2932 99 00	p(1)	b	
Warfarin	81-81-2	201-377-6	2932 20 90	p(1)	b'	

2. Part 2 is amended as follows:

(a) the entry for perfluorooctane sulfonates is replaced by the following:

Chemical	CAS No	Einecs No	CN code	Category (*)	Use limitation (**)
'Perfluorooctane sulfonate derivatives (including polymers), not covered by  Perfluorooctane sulfonic acid, Perfluorooctane sulfonates, Perfluorooctane sulfonamides, Perfluorooctane sulfonyls	57589-85-2 68081-83-4 and others	260-837-4 268-357-7	2924 29 98 3824 90 97	i	sr'

(b) the entry for chlorate is replaced by the following:

Chemical	CAS No	Einecs No	CN code	Category (*)	Use limitation (**)
'Chlorate	7775-09-9 10137-74-3 7783-92-8 and others	231-887-4 233-378-2 232-034-9	2829 11 00 2829 19 00 2843 29 00	p	b'

(c) the entry for azinphos-methyl is deleted;

(d) the following entries are added:

Chemical	CAS No	Einecs No	CN code	Category (*)	Use limitation (**)
'Azocyclotin	41083-11-8	255-209-1	2933 99 80	p	
Bitertanol	55179-31-2	259-513-5	2933 99 80	p	
Cinidon-ethyl	142891-20-1	n.a.	2925 19 95	p	
Cyclanilide	113136-77-9	419-150-7	2924 29 98	p	
Cyhexatin	13121-70-5	236-049-1	2931 90 90	p	
Ethoxysulfuron	126801-58-9	n.a.	2933 59 95	p	
Oxadiargyl	39807-15-3	254-637-6	2934 99 90	p	
Rotenone	83-79-4	201-501-9	2932 99 00	p'	

3. In Part 3, the following entries are added:

Chemical	Relevant CAS number(s)	HS code Pure substance	HS code Mixtures containing substance	Category
'Azinphos-methyl	86-50-0	2933.99	3808.10	Pesticide
Perfluorooctane sulfonic acid, Perfluorooctane sulfonates, Perfluorooctane sulfonamides, Perfluorooctane sulfonyls	1763-23-1 2795-39-3 29457-72-5 29081-56-9 70225-14-8 56773-42-3 251099-16-8 4151-50-2 31506-32-8 1691-99-2 24448-09-7 307-35-7 and others	2904.90 2904.90 2904.90 2904.90 2922.12 2923.90 2923.90 2935.00 2935.00 2935.00 2935.00 2904.90	3824.90	Industrial'



**COMMISSION IMPLEMENTING REGULATION (EU) No 1079/2014****of 14 October 2014****fixing the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal for the 2015 EAGF accounting year**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(1)</sup>, and in particular Article 20(1) and (4) thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Article 3(1)(a) of Commission Delegated Regulation (EU) No 906/2014 <sup>(2)</sup> provides that expenditure relating to the financing costs incurred by Member States in mobilising funds to buy in products is to be determined in accordance with the methods set out in Annex I to that Regulation.
- (2) Point I.1 of Annex I to Delegated Regulation (EU) No 906/2014 provides that the financing costs in question are to be calculated on the basis of a uniform interest rate for the Union fixed by the Commission at the beginning of every accounting year. This interest rate corresponds to the average of the 3-month and 12-month forward Euribor rates, recorded in the six months preceding the notification from the Member States provided for in the first paragraph of point I.2 of that Annex, with a weighting of one third and two thirds respectively.
- (3) Furthermore, in accordance with the second paragraph of point I.2 of Annex I to Delegated Regulation (EU) No 906/2014, in the absence of any notification from a Member State, in the form and by the deadline referred to in the first paragraph of that point, the interest rate borne by that Member State shall be considered to be 0 %. Where a Member State declares that it did not bear any interest costs because it did not have agricultural products in public storage during the reference period, the Commission shall fix that interest rate in accordance with the third paragraph of that point.
- (4) In accordance with point I.3 of Annex I to Delegated Regulation (EU) No 906/2014, the interest rate determined on the basis of point I.2 of that Annex is to be compared with the uniform interest rate fixed on the basis of point I.1 of that Annex. The interest rate applicable to each Member State shall be the lower of these two interest rates.
- (5) Given that there were no agricultural products in public storage during the six months reference period from March to August 2014, Member States were not requested to make notifications under the first paragraph of point I.2 of Annex I to Delegated Regulation (EU) No 906/2014.
- (6) The interest rates applicable for the 2015 EAGF accounting year should be fixed taking those various factors into account,

HAS ADOPTED THIS REGULATION:

*Article 1*

For expenditure relating to the financing costs incurred by Member States in mobilising funds to buy in products chargeable to the 2015 accounting year of the European Agricultural Guarantee Fund (EAGF), the interest rates provided for in Annex I to Delegated Regulation (EU) No 906/2014 in accordance with Article 3(1)(a) of that Regulation shall be the uniform interest rate fixed at 0,4 %.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(2)</sup> Commission Delegated Regulation (EU) No 906/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure (OJ L 255, 28.8.2014, p. 1).

*Article 2*

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

It shall apply from 1 October 2014.

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

Done at Brussels, 14 October 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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**COMMISSION IMPLEMENTING REGULATION (EU) No 1080/2014****of 14 October 2014****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 <sup>(1)</sup>,

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 <sup>(2)</sup>, 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, 14 October 2014.

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

*Director-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	AL	64,7
	MA	141,8
	MK	53,7
	ZZ	86,7
0707 00 05	TR	158,2
	ZZ	158,2
0709 93 10	TR	138,6
	ZZ	138,6
0805 50 10	AR	93,7
	BR	84,6
	CL	122,6
	TR	111,7
	UY	103,5
	ZA	108,1
	ZZ	104,0
	ZZ	104,0
0806 10 10	BR	182,5
	MK	34,4
	TR	142,4
	ZZ	119,8
0808 10 80	BA	49,5
	BR	58,7
	CL	64,1
	NZ	143,9
	US	192,1
	ZA	119,6
	ZZ	104,7
	ZZ	104,7
0808 30 90	CN	75,7
	TR	116,3
	ZA	80,2
	ZZ	90,7

<sup>(1)</sup> 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

## COMMISSION IMPLEMENTING DECISION

of 13 October 2014

**to withdraw from the *Official Journal of the European Union* the reference of harmonised standard EN 1384:2012 ‘Helmets for equestrian activities’ under Regulation (EU) No 1025/2012 of the European Parliament and of the Council**

(notified under document C(2014) 7236)

(2014/714/EU)

THE EUROPEAN COMMISSION,

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

Having regard to the Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council <sup>(1)</sup>, and in particular Article 11 thereof,

Whereas:

- (1) Where a national standard transposing a harmonised standard, the reference of which has been published in the *Official Journal of the European Union*, covers one or more essential health and safety requirements set out in Annex II to Council Directive 89/686/EEC <sup>(2)</sup>, equipment built in accordance with this standard is presumed to meet the basic health and safety requirements concerned.
- (2) Pursuant to Article 6(1) of Directive 89/686/EEC, the Commission lodged a formal objection against the standard EN 1384:1996 ‘Helmets for equestrian activities’, harmonised under the Directive 89/686/EEC. The reference of the standard was first published in the OJ C 180 of 14.6.1997, plus the Amendment A1 published in the OJ C 190 of 10.8.2002. Meanwhile, a new version of the standard, EN 1384:2012, has been published by CEN and listed in the OJ C 395 of 20.12.2012; as from 30 April 2013, the presumption of conformity for the superseded standard EN 1384:1996 has expired.
- (3) The new version now is harmonised and confers presumption of conformity; however, the standard has not been substantially changed. As the deficiencies of the standard have not been remedied by the new version, the Commission updated the formal objection against the standard EN 1384:2012.
- (4) The formal objection is based on the failure of the standard which does not sufficiently cover the basic health and safety requirements referred to in Article 3 and laid down in Annex II to Directive 89/686/EEC and shows lower safety level compared to other helmet safety standards (such as the Snell standard or PAS 015 for equestrian helmets), in particular regarding shock absorption, penetration of the shell and helmet stability. Having examined standard EN 1384:2012 and after consulting experts, the Commission considers that particularly the following areas need improvement:
  - shock absorption: most of comparable standards use more than an anvil and have higher energy levels,
  - penetration of the shell: the drop height of the mass is only half of what is required in the Snell standard,
  - side stability: there are no requirements for side stability, i.e. to manufacture a helmet strong enough to resist high side forces,
  - area of protection: the temple areas need more consideration, and the ability to hear should not be affected,

<sup>(1)</sup> OJ L 316, 14.11.2012, p. 12.

<sup>(2)</sup> Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (OJ L 399, 30.12.1989, p. 18).

- field of vision: there are no requirements for the field of vision, to ensure a good visibility during horse riding,
  - helmet stability: a stability test as in PAS 015 could be included to ensure that the helmet is not able to move on the head during riding.
- (5) Taking into consideration the abovementioned safety aspects to be improved, the standard EN 1384:2012 is not able to provide presumption of conformity with the basic health and safety requirements of the Directive 89/686/EEC. As a consequence, the reference of the standard EN 1384:2012 should be withdrawn from the OJ.
- (6) Regulation (EU) No 1025/2012 became applicable on 1 January 2013. According to Article 26 of that Regulation Article 6(1) of Directive 89/686/EEC is deleted and references to the deleted provision shall be construed as reference to Article 11 of the Regulation.
- (7) The European standardisation organisations, the European stakeholder organisations receiving Union financing and the personal protective equipment working group were consulted.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Regulation (EU) No 1025/2012,

HAS ADOPTED THIS DECISION:

*Article 1*

The reference of the standard EN 1384:2012 'Helmets for equestrian activities' shall be withdrawn from the *Official Journal of the European Union*.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 13 October 2014.

*For the Commission*  
Ferdinando NELLI FEROCI  
*Member of the Commission*

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**COMMISSION IMPLEMENTING DECISION****of 14 October 2014****identifying a third country that the Commission considers as a non-cooperating third country pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing**

(2014/715/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 <sup>(1)</sup>, and in particular Article 31 thereof,

Whereas:

**1. INTRODUCTION**

- (1) Regulation (EC) No 1005/2008 (the IUU Regulation) establishes a Union system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.
- (2) Chapter VI of the IUU Regulation lays down the procedure with respect to the identification of non-cooperating third countries, demarches in respect of countries identified as non-cooperating third countries, the establishment of a list of non-cooperating countries, removal from the list of non-cooperating countries, publicity of the list of non-cooperating countries and any emergency measures.
- (3) Pursuant to Article 31 of the IUU Regulation, the European Commission may identify third countries that it considers as non-cooperating countries in fighting IUU fishing. A third country may be identified as a non-cooperating third country if it fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market State, to take action to prevent, deter and eliminate IUU fishing.
- (4) The identification of non-cooperating third countries shall be based on the review of all information as set out under Article 31(2) of the IUU Regulation.
- (5) In accordance with Article 33 of the IUU Regulation, the Council may establish a list of non-cooperating countries. The measures set out in Article 38 of the IUU Regulation apply to those countries.
- (6) Pursuant to Article 20(1) of the IUU Regulation, third country flag States are requested to notify the Commission of their arrangements for the implementation, control and enforcement of laws, regulations and conservation and management measures which must be complied with by their fishing vessels.
- (7) Pursuant to Article 20(4) of the IUU Regulation, the Commission cooperates administratively with third countries in areas pertaining to the implementation of the catch certification provisions of that Regulation.
- (8) In accordance with Article 32 of the IUU Regulation, by Commission Decision of 15 November 2012 <sup>(2)</sup> (Decision of 15 November 2012), the Commission notified eight third countries of the possibility that they could be identified as non-cooperating countries pursuant to the IUU Regulation.

<sup>(1)</sup> OJ L 286, 29.10.2008, p. 1.

<sup>(2)</sup> Commission Decision of 15 November 2012 on notifying the third countries that the Commission considers as possible of being identified as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ C 354, 17.11.2012, p. 1).

- (9) In its Decision of 15 November 2012, the Commission included the information concerning the essential facts and considerations underlying such preliminary identification.
- (10) Also on 15 November 2012, the Commission notified the eight third countries with separate letters of the fact that it was considering the possibility of identifying them as non-cooperating third countries. The Decision of 15 November 2012 was attached to those letters.
- (11) The Commission underlined, in those letters, that in order to avoid being identified and proposed for formal listing as a non-cooperating third country as respectively provided for Articles 31 and 33 of the IUU Regulation, the third countries concerned were invited to establish and implement, in close cooperation with the Commission, an action plan to rectify the shortcomings identified in the Decision of 15 November 2012. A timely and effective implementation of the action plan by the concerned countries could have avoided them being identified as non-cooperating third countries and proposed for final listing.
- (12) As a consequence, the Commission invited the eight third countries concerned: (i) to take all necessary measures to implement the actions contained in the action plans suggested by the Commission; (ii) to assess the implementation of the actions contained in the action plans suggested by the Commission; and (iii) to send every six months detailed reports to the Commission assessing the implementation of each action as regards, inter alia, their individual and/or overall effectiveness in ensuring a fully compliant fisheries control system.
- (13) The eight third countries concerned were given the opportunity to respond in writing to issues explicitly indicated in the Commission Decision as well as to other relevant information. Those countries were allowed to submit evidence to refute or complete the facts invoked in the Decision of 15 November 2012 or to adopt, as appropriate, a plan of action to improve and measures taken to rectify the situation. The eight countries were assured of their right to ask for, or to provide, additional information.
- (14) Therefore, by its Decision and letters of 15 November 2012, the Commission opened a dialogue process with the eight third countries and indicated that it considered a period of six months as being in principle sufficient for reaching an agreement.
- (15) The Commission continued to seek and verify all information it deemed necessary. The oral and written comments submitted by the eight third countries following the Decision of 15 November 2012 were considered and taken into account. The eight countries were kept informed either orally or in writing of the Commission's considerations.
- (16) The Democratic Socialist Republic of Sri Lanka (Sri Lanka) failed to refute the facts invoked by the Commission or to implement the plan of action to rectify the situation.
- (17) This Commission Implementing Decision identifying Sri Lanka as a third country that the Commission considers as non-cooperating in fighting IUU fishing is the result of an investigation and dialogue process in the context of the implementation of the IUU Regulation. That process complied with the substantive and procedural requirements laid out in that Regulation, which refers, inter alia, to the third country's duties incumbent upon it under international law as flag, port, coastal or market State to prevent, deter and eliminate IUU fishing.
- (18) The Commission Implementing Decision to identify Sri Lanka as a third country that the Commission considers as a non-cooperating third country in fighting IUU fishing entails the consequences stated in Article 18(1)(g) of the IUU Regulation.

## 2. PROCEDURE WITH RESPECT TO SRI LANKA

- (19) On 15 November 2012, the Commission notified Sri Lanka pursuant to Article 32 of the IUU Regulation that it considered the possibility of identifying Sri Lanka as a non-cooperating third country <sup>(1)</sup>.
- (20) The Commission invited Sri Lanka to establish in close cooperation with its services an action plan to rectify the shortcomings identified in its Decision of 15 November 2012.

<sup>(1)</sup> Letter to the Minister of Fisheries and Aquatic Resources Development of Sri Lanka of 15 November 2012.



- (21) The main shortcoming identified by Commission in the suggested plan of action were related to several failures to implement international law obligations, linked in particular to the adoption of an adequate legal framework, lack of adequate and efficient monitoring, lack of observer scheme, lack of a deterrent sanctioning system, and to improper implementation of the catch certification scheme. Other identified shortcomings relate, more generally to the compliance with international obligations including Regional Fisheries Management Organisations (RFMOs) recommendations and resolutions. A lack of compliance with recommendations and resolutions from relevant bodies such as the International Plan of Action against Illegal, Unreported and Unregulated fishing of the United Nations (IPOA-IUU) was also identified. However, the lack of compliance with non-binding recommendations and resolutions was considered only as supporting evidence and not as a basis for the identification.
- (22) Through its submission of 14 December 2012, Sri Lanka informed the Commission of institutional arrangements set up in order to address the shortcomings identified in the suggested action plan.
- (23) Sri Lanka submitted written comments on 31 December 2012 and 4 January 2013.
- (24) By letter of 7 February 2013, the Commission requested Sri Lanka to provide updated information on key areas of the suggested action plan.
- (25) On 13 March 2013, the Sri Lankan authorities submitted the following documents: (i) cover letter and explanatory letter; (ii) update on Sri Lanka's timing for all measures to be taken; (iii) updated information on key areas of the suggested action plan; (iv) the 2013 National Plan of Action for the fight against IUU fishing; (v) updates on administrative procedures and guidelines for the use of catch certificates; (vi) the budget allocation 2013 for the establishment of a sub-office of the Quality Control Division of the Department of Fisheries and Aquatic Resources Development in the airport; (vii) draft texts for revised legislation relating to compliance with legal obligation, monitoring of the long distance fleet and deterrent sanctions; (viii) awareness schemes for operators on the catch certification scheme; (ix) inspection scheme and (x) guidelines for procedures to investigate IUU activities in the high seas.
- (26) Technical consultations between the Commission and Sri Lanka took place on 17 April 2013 in Brussels. During that meeting, the Sri Lankan authorities presented to the Commission its recent National Plan of Action to combat IUU fishing as well as planned measures to improve cross-checking of information contained in catch certificates and the initiated revision of the legal framework.
- (27) With its submissions on 30 May 2013 and 3 June 2013, Sri Lanka stressed its commitment to timely implementation of a road map, elaborated by Sri Lanka, while adopting the legislative amendments to enhance punitive measures for IUU fishing and initiating the Vessel Monitoring System (VMS) procurement process.
- (28) Based on the progress detected in the period from November 2012 to early June 2013, the Commission informed Sri Lanka by letter of 11 June 2013 that in order to achieve tangible results addressing the shortcomings highlighted in the Decision of 15 November 2012 and concluding the necessary actions, the Commission would maintain the dialogue with Sri Lanka for an additional period of nine months, until 28 February 2014. This letter was followed by an updated proposal for the plan of action by the Commission on 20 June 2013.
- (29) Sri Lanka submitted a progress report on 22 August 2013 for the period 31 May 2013 to 15 August 2013, followed by a submission on 28 October 2013 with information on adoption procedure for the amended legislation.
- (30) The Commission visited the Sri Lankan authorities concerned from 28 to 30 January 2014. Those authorities were kept informed of the progress of the situation in line with the Decision of 15 November 2012 and the proposed action plan. During the Commission's visit, the Sri Lankan authorities had the opportunity to make statements and provide relevant documents in response to the Decision of 15 November 2012 and to inform the Commission of the latest developments on the progress of the plan of action.
- (31) Sri Lanka provided another progress report on 27 March 2014 covering the period 16 August 2013 to 21 March 2014 while submitting the following documents: (i) updated information on key areas of the suggested action plan; (ii) updated timeframe for the implementation of the National Plan of Action in the fight against IUU; (iii) letters from the Ministry of Fisheries and Aquatic Resources Development to the Ministry of External Affairs requesting accession to the FAO Compliance Agreement and investigations of nationals involved in IUU

fishing under flags of other states; (iv) request for VMS funding and demonstration of transponder requirement; (v) information on awareness training and (vi) specimens of the revised Fishing Log Book 2014 and inspection plan in ports for Deep Sea and High Seas Fishing Vessels. The information also included the adoption of the revised Fisheries Act by the Sri Lankan Parliament on 5 November 2013. Sri Lanka provided an additional progress report on 1 August 2014 covering the period up to July 2014 which in addition to updated information on key areas of the suggested action plan; and updated timeframe for the implementation of the National Plan of Action in the fight against IUU also contained; a letter from the Ministry External Affairs to the Ministry of Fisheries and Aquatic Resources Development informing that a copy of the instrument of acceptance for accession to the FAO Compliance Agreement will be submitted once the accession has happened; a request to the Attorney General to introduce increased sanctions into the current legislation; 2 letters from the Legal Draftsmen with the revised draft regulations on respectively High Seas Fishing Operations and Fish Catch Data Collection plus a summary of the awareness programmes for high seas skippers and the implementation report to the IOTC on a regional observe scheme. Sri Lanka provided additional information on 29 August 2014 explaining advancements on the established shortcomings (i.e. draft regulations on High Seas Fishing Operations and Fish Catch Data Collection, information Circular on sanctioning, information on observer and inspection programmes and information on progress made on the established shortcomings). Sri Lanka provided new submissions on 18 and 19 September 2014 confirming adoption of regulations on High Seas Fishing Operations and Fish Catch Data Collection, reflection on internal work for drafting a Cabinet Memorandum on deterrent sanction system, reflection on achieving IOTC compliance, information on logbook, inspection and observer coverage and information on possible partial step-by-step introduction of VMS transponders (although the contract with contractor was not yet signed and implemented) to its fishing vessels for the period starting from January 2015 to August 2015.

- (32) The Commission continued to seek and verify all information it deemed necessary. The oral and written comments submitted by Sri Lanka following the Decision of 15 November 2012 were considered and taken into account while Sri Lanka was kept informed either orally or in writing on the Commission's considerations.
- (33) In the light of the elements gathered, as shown in recitals 34 to 67, the Commission believes that Sri Lanka has not sufficiently addressed the areas of concern and shortcomings described in the Decision of 15 November 2012. Nor has Sri Lanka fully implemented the measures suggested in the accompanying action plan.

### 3. IDENTIFICATION OF SRI LANKA AS A NON-COOPERATING THIRD COUNTRY

- (34) Pursuant to Article 31(3) of the IUU Regulation, the Commission has reviewed the compliance of Sri Lanka with its international obligations as flag, port, coastal or market State, in line with the findings of the Decision of 15 November 2012 and with relevant information provided by Sri Lanka, with the proposed plan of action as well as with the measures taken to rectify the situation. For the purpose of this review the Commission has taken into account the parameters listed in Article 31(4) to (7) of the IUU Regulation.

#### 3.1. Recurrence of IUU fishing (Article 31(4)(a) of the IUU Regulation)

- (35) As highlighted in recital 292 of the Decision of 15 November 2012, the Commission established that Sri Lanka had no legislation providing for the licensing of high seas fisheries.
- (36) As mentioned in recital 296 of the Decision of 15 November 2012, 13 Sri Lankan vessels were listed in the draft IUU vessel list of IOTC as they had been caught fishing in breach of the Indian Ocean Tuna Commission (IOTC) conservation and management measures. Since the Decision of 15 November 2012, Sri Lanka has not prohibited its vessels from fishing illegally on the high seas nor has it immediately adopted legislation allowing for high seas fishing and for issuance of licences for high seas fishing in order to avoid the illegal fishing activities of its fishing vessels. Sri Lanka has instead finally adopted a revised Fisheries Act on 5 November 2013 allowing high seas fishing. It drafted implementing legislation for licensing of high seas vessels, this implementing legislation has been adopted in September 2014 (according to submission of authorities) but has not been implemented yet. Sri Lanka has also reduced the number of vessels operating in the IOTC from 3 307 to 1 758 vessels but these vessels are still fishing with an administrative high seas licence and not a legal licence. In this respect, it is recalled

that pursuant to Article 18(3)(b)(ii) of the United Nations Fish Stocks Agreement <sup>(1)</sup> (UNFSA), a flag State must take measures to prohibit fishing on the high seas by its vessels which are not duly licensed or authorised to fish. The current established situation demonstrates clearly that Sri Lanka is not acting in accordance with its international responsibilities as a flag State.

- (37) Since the Decision of 15 November 2012 according to information retrieved from the IOTC <sup>(2)</sup>, three Sri Lankan flagged vessels, *Malshiri No 1*, *Gold Marine 5* and *Lakpriya 2* were caught by coastal States in 2013 as presumably involved in IUU activities. It is recalled that, pursuant to Article 18(1) and (2) of the UNFSA, the flag State is responsible vis-à-vis its vessels operating on the high seas. In addition, pursuant to Article 118 the United Nations Convention on the Law of the Sea (UNCLOS), a flag State must cooperate in the conservation and management of living resources which is clearly undermined by the presence of its fleet which is operating in IOTC without legal fishing licences and thus conducting IUU activities in line with definitions of Article 2 of the IUU Regulation.
- (38) Moreover, in 2013 it was found that 13 other Sri Lankan vessels, inspected while transiting through the Exclusive Economic Zone (EEZ) of a coastal State, were in breach of the IOTC conservation and management measures. The Commission considers that the continued fishing by Sri Lankan vessels in breach of conservation and management measures of the IOTC is a clear indication that Sri Lanka has failed to undertake its flag State responsibilities under international law as stated in recital 37.
- (39) It also demonstrates the failure by Sri Lanka to ensure that fishing vessels entitled to fly its flag do not engage in or support IUU fishing, which is not in line with point 34 of the IPOA-IUU stipulating that States should ensure that fishing vessels entitled to fly their flag do not engage in or support IUU fishing. Furthermore, the existence of the Sri Lankan flagged vessels referred to recitals 36 to 38 also highlights Sri Lanka's failure to fulfil its obligations under Article 19(1) and (2) of the UNFSA pursuant to which a flag State is required to ensure compliance by its vessels flying its flag with RFMO conservation and management rules.
- (40) The Commission also found that adequate measures in respect of recurrent IUU fishing could not be effectively taken by Sri Lanka due to the shortcomings of its legal framework. It thus suggested, in the action plan, a revision of the legal framework to ensure compliance with international obligations in relation to the high seas; to remedy the lack of sufficient operational means to effectively monitor the Sri Lankan long distance fleet and to create a deterrent sanction scheme.
- (41) As mentioned in recital 36 of this Decision, Sri Lanka adopted in November 2013 a revised Fisheries Act allowing its vessels to fish outside its EEZ. However, the act required for the implementation of high seas licensing system is still a draft and thus not applicable. Licences are currently issued by the administration without a predetermined procedure in a non-systemic way. In addition, the revised Fisheries Act also provided for increased sanctions on IUU infringements, which could be considered as deterrent only for a part of the Sri Lankan long distance fleet (specifically, for the small scale boats which are fishing outside the Sri Lankan EEZ, for which sanctions might be considered appropriate in view of the limited fishing capacity of these vessels. However, the Sri Lankan fleet of large scale vessels (above 24 meters in length) has increased in 2013 and 2014, and the level of sanctions foreseen by the new Fisheries Act which is applicable to this part of the fleet cannot be considered as being deterrent, these vessels having a fishing capacity from 10 to 20 times larger than that of the smaller vessels. Current legislation <sup>(3)</sup> foresees a maximum fine of EUR 8 429 (LKR 1 500 000 <sup>(4)</sup>) which cannot be considered effective in securing compliance, to discourage violations and to deprive offenders of the benefits accruing from their illegal activities. Thus, such level of sanctions cannot be considered as being in line with Article 19(2) of the UNFSA which stipulates, inter alia, that sanctions should be adequate in severity and deprive offenders of the benefits accruing from their illegal activities. The Commission therefore considers that the sanctioning system introduced by Sri Lanka is manifestly inadequate and is clearly not proportionate to the seriousness of possible infringements, to the potential impact of the infringements on the resources and to the potential benefit that could derive from such illegal actions.

<sup>(1)</sup> The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

<sup>(2)</sup> <http://iotc.org/meetings/11th-session-compliance-committee-coc11>

<sup>(3)</sup> Fisheries and Aquatic Resources (amendment) Act, No 35 of 2013

<sup>(4)</sup> 8 429 EUR based on the exchange rate of 27 May 2014

- (42) Consequently, the actions undertaken by Sri Lanka in light of its duties as a flag State are insufficient to comply with the provisions of Articles 118 of the UNCLOS and Articles 18, 19 and 20 of the UNFSA.
- (43) In view of recitals 292 to 299 of the Decision of 15 November 2012 and the developments after 15 November 2012, the Commission takes the view, pursuant to Article 31(3) and 31(4)(a) of the IUU Regulation, that Sri Lanka has failed to discharge its duties under international law as a flag State in respect of IUU vessels and IUU fishing carried out or supported by fishing vessels flying its flag or by its nationals and has not taken sufficient action to counter documented and recurring IUU fishing by vessels previously flying its flag.

### 3.2. Failure to cooperate and to enforce (Article 31(5)(b), (c) and (d) of the IUU Regulation)

- (44) As described in recitals 302 to 311 of the Decision of 15 November 2012, the Commission analysed whether Sri Lanka cooperated effectively with the Commission on investigations and associated activities.
- (45) Concerning the vessels referred to in recital 293 of the Decision of 15 November 2012, Sri Lanka was, as indicated in recital 296 of that Decision, obliged to report on a monthly basis on actions taken against those vessels. That reporting only materialised for 9 out of 12 months in 2013 and 2 out of 4 months in 2014. In contravention with the provisions of Article 20 of the UNFSA which sets out obligations of States to investigate, cooperate either directly or through RFMO's to ensure compliance with and enforcement of RFMO conservation and management measures, Sri Lanka has therefore failed to fulfil its obligations under international law with respect to international cooperation and enforcement.
- (46) As described in recital 302 of the Decision of 15 November 2012 as well as recital 45 above, Sri Lanka did not fulfil its monthly reporting obligations towards the IOTC for the 13 Sri Lankan vessels presumed to be involved in IUU activities but not listed by the IOTC. Thus, Sri Lanka failed to demonstrate that it fulfils the conditions of Article 94(2)(b) of the UNCLOS which stipulates that a flag State assumes jurisdiction under its internal law over each ship flying its flag and its master, officers and crew.
- (47) Additionally, as described in recitals 306 to 307 of the Decision of 15 November 2012, the Commission analysed whether Sri Lanka took effective enforcement measures in respect to operators responsible for IUU fishing and whether sanctions of sufficient severity to deprive the offenders of the benefits accruing from IUU fishing were applied.
- (48) As explained in recital 41, following the adoption of the Decision of 15 November 2012, Sri Lanka did not put in place a deterrent sanctioning system for the segment of large vessels in its fleet. The current catalogue of sanctions is not in line with Article 19(2) of the UNFSA which stipulates, *inter alia*, that sanctions should be adequate in severity and deprive offenders of the benefits accruing from their illegal activities.
- (49) Available evidence still confirms that Sri Lanka has not fulfilled its obligations under international law with respect to effective enforcement measures. In this respect, as explained in recitals 36 to 38 the continued existence of vessels fishing in breach of conservation and management measures of the IOTC highlights Sri Lanka's failure to honour its responsibilities *vis-à-vis* its vessels operating on the high seas as set out in Article 18(1) and (2) of the UNFSA.
- (50) As highlighted in recital 309 of the Decision of 15 November 2012, the level of development of Sri Lanka cannot be considered as a factor undermining the capacity of the competent authorities to cooperate with other countries and pursue enforcement actions. The evaluation of the specific constraints on the development is further described in recitals 65 to 67.
- (51) Consequently, the actions taken by Sri Lanka in light of its duties as flag State are insufficient to comply with Articles 94(2)(b) of the UNCLOS and Article 18 and 19 of the UNFSA.
- (52) In view of recitals 302 to 311 of the Decision of 15 November 2012 and the developments after 15 November 2012, the Commission takes the view, pursuant to Article 31(3) and 31(5)(b), (c) and (d) of the IUU Regulation, that Sri Lanka has failed to discharge the duties incumbent upon it under international law as flag State in respect of cooperation and enforcement efforts.

### 3.3. Failure to implement international rules (Article 31(6) of the IUU Regulation)

- (53) As described in recitals 314 to 334 of the Decision of 15 November 2012, the Commission analysed any information deemed relevant with respect to Sri Lanka's status as Contracting Party to the IOTC. The Commission has therefore analysed any information deemed relevant with respect to Sri Lanka's agreement to apply conservation and management measures adopted by the IOTC following the Decision of 15 November 2012.
- (54) It is recalled that since the Decision of 15 November 2012, the IOTC issued annual Compliance Reports for respectively 2013 <sup>(1)</sup> and 2014 <sup>(2)</sup>, which show that Sri Lanka is still not compliant or only partially compliant in the years 2012 and 2013.
- (55) With respect to the Compliance Report for 2013, Sri Lanka failed to submit some of the information required on statistics and on some conservation and management measures.
- (56) In particular, as regards the IOTC Resolution 10/08 <sup>(3)</sup> for the list of active vessels, Sri Lanka did not provide information on the international radio call sign for each vessel. As regards the IOTC Resolution 06/03 <sup>(4)</sup> on the adoption of a vessel monitoring systems (VMS), Sri Lanka failed to equip its vessels above 15 meters in overall length with VMS and to construct a Fisheries Monitoring Centre (FMC). Nor has Sri Lanka submitted the mandatory VMS progress report. Regarding the IOTC Resolution 10/02 <sup>(5)</sup> on the mandatory statistical requirements, Sri Lanka has not reported the size frequency data for coastal fisheries and has not reported nominal catch, catch and effort data and size frequency at the standard required by that Resolution for the coastal fisheries, surface fisheries and longline fishery. As regards the IOTC Resolution 05/05 <sup>(6)</sup> on the submission of data regarding sharks, Sri Lanka is only partly compliant, as catch data for gillnet and longline are reported combined. As regards the IOTC Resolution 12/05 <sup>(7)</sup> on transshipments in port, Sri Lanka has not provided the mandatory report. As regards the IOTC Resolution 11/04 on the observers <sup>(8)</sup>, Sri Lanka has not implemented the regional observer scheme as required by this Resolution. In particular, Sri Lanka has not established the observer scheme for the mandatory 5 % at sea for the vessels longer than 24 m and is not in compliance with the observer reporting obligation.
- (57) With respect to the Compliance Report for 2014, Sri Lanka did not submit some required information on statistics, nor on some conservation and management measures.
- (58) In particular, as regards the IOTC Resolution 13/02 <sup>(9)</sup>, Sri Lanka has not adopted legislation making gear marking mandatory. Regarding IOTC Resolution 13/08 <sup>(10)</sup>, Sri Lanka has not submitted a Fish Aggregating Devices (FADs) management plan, nor have any legal and administrative measures been taken for the 8 purse seiners as required under IOTC Resolution 12/13 <sup>(11)</sup>. Again in 2014, as regards the IOTC Resolution 06/03 <sup>(12)</sup>, Sri Lanka has not equipped its vessels above 15 meters in overall length with VMS, nor constructed an FMC and nor has the mandatory VMS progress report been submitted. Regarding IOTC Resolution 10/02 on the mandatory statistical requirements Sri Lanka has not reported nominal catch, catch and effort data and size frequency at the standard required by this Resolution. As regards IOTC Resolutions 13/06 <sup>(13)</sup> and 12/04 <sup>(14)</sup>, Sri Lanka has not transposed prohibition on oceanic whitetip sharks nor has it implemented the obligations for purse seiners to carry dip nets and for longliners to carry line-cutters and de-hookers. Also repeated in 2014, as regards the Resolution 11/04 <sup>(15)</sup>, Sri Lanka has not implemented the observer scheme as required. In particular, Sri Lanka has not

<sup>(1)</sup> IOTC Compliance Report for Sri Lanka, Compliance Committee Session 10, 2013, CoC10-CR25

<sup>(2)</sup> IOTC Compliance Report for Sri Lanka, Compliance Committee Session 11, 2014, CoC11-CR25 Rev1.

<sup>(3)</sup> Resolution 10/08 Concerning a record of active vessels fishing for tunas and swordfish in the IOTC area

<sup>(4)</sup> Resolution 06/03 on establishing a vessel monitoring system programme.

<sup>(5)</sup> Resolution 10/02 Mandatory statistical requirements for IOTC Members and Cooperating Non-Contracting Parties (CPC's).

<sup>(6)</sup> Resolution 05/05 concerning the conservation of sharks caught in association with fisheries managed by IOTC.

<sup>(7)</sup> Resolution 12/05 on establishing a programme for transshipment by large-scale fishing vessels.

<sup>(8)</sup> Resolution 11/04 on a regional observer scheme.

<sup>(9)</sup> Resolution 13/02 concerning the IOTC record of vessels authorised to operate in the IOTC area of competence.

<sup>(10)</sup> Resolution 13/08 Procedures on a fish aggregating devices (FADs) management plan, including more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species.

<sup>(11)</sup> Resolution 12/13 for the conservation and management of tropical tunas stocks in the IOTC area of competence.

<sup>(12)</sup> Resolution 06/03 on the adoption of a VMS and on VMS progress report.

<sup>(13)</sup> Resolution 13/06 on a scientific and management framework on the conservation of sharks species caught in association with IOTC managed fisheries.

<sup>(14)</sup> Resolution 12/04 on the conservation of marine turtles.

<sup>(15)</sup> Resolution 11/04 on a regional observer scheme

established the observer scheme for the mandatory 5 % at sea for the vessels longer than 24 meters and is not in compliance with the observer reporting obligation. Regarding IOTC Resolution 10/10 <sup>(1)</sup>, Sri Lanka has not provided the report on import, landing, transshipment of tuna and tuna-like fish products in ports.

- (59) Sri Lanka's failure to provide the IOTC with the required information and to fulfil the IOTC obligations as referred to in recitals 56 and 58 demonstrates its failure to fulfil its obligations as flag State laid down in the UNCLOS and the UNFSA. In particular, the failure to provide timely information on statistics, VMS, catch and effort, transshipment in port, observer programme undermines Sri Lanka's ability to fulfil its obligations under Articles 117 and 118 of the UNCLOS. Those articles stipulate a State's duties to adopt measures for their nationals for the conservation of living resources of the high seas and to cooperate on conservation and management measures for living resources in the areas of the high seas.
- (60) As described in recital 322 of the Decision of 15 November 2012, a number of elements were revealed during the Commission's visit to Sri Lanka in November 2010, in particular regarding the lack of VMS and the lack of legislation for catch reporting. Other elements of concern, such as lack of observer scheme and the poor reporting on vessels and nationals identified as involved in IUU fishing were highlighted in recitals 319 and 321 of the Decision of 15 November 2012 as a result of the IOTC Compliance Reports for 2011 and 2012. In that regard, the information submitted by the Sri Lankan authorities in relation to the high seas fishing legislation, creation of a functional VMS, a reliable observer scheme and catch registration and reporting revealed that the authorities have not ensured effective and efficient control and monitoring of the Sri Lankan flagged vessels in line with international obligations. In particular as indicated in recitals 36, 40 and 41, Sri Lanka was invited to develop a thorough legal framework for allowing fishing in high seas accompanied by high seas fishing licences and the fulfilment of the IOTC resolutions, in particular with respect to monitoring, control and surveillance of its own fleet, including a VMS, logbook and catch reporting system and an observer scheme. With regards to the high seas fishing legislation, the Fisheries Act was amended to allow for fishing in the high seas and the implementing regulation for issuance licence was drafted and finally adopted in September 2014. However, as the implementing regulation was only adopted in September 2014 and no information exists on how it would be implemented, only administrative licences are being issued while Sri Lankan vessels operate with no VMS. As for the regional observer scheme, the documents provided by Sri Lankan authorities revealed that despite the selection and recruitment of some inspectors, a large part of the fleet will not be covered due to the small number of inspectors (45) compared to the large number of the vessels (1 758 in IOTC register of vessels). Sri Lanka has nevertheless not made any proposals to address this serious problem in the context of the IOTC which means that there is no proper coverage of the Sri Lankan flagged fleet operating in the high seas because of inadequate means of inspection. In that respect, it is also recalled that Sri Lanka has serious problems in reporting data to the IOTC which undermines the country's capacity to exercise its obligations as flag State.
- (61) In relation to the VMS, as described in recitals 316, 321 and 322 of the Decision of 15 November 2012 and recital 60 of this Decision, the Commission recalls various problems highlighted by the IOTC. Following the Decision of 15 November 2012, Sri Lanka stated that it was in the process of introducing VMS. It submitted to the Commission the legislation demonstrating the requirement of a transponder on board as of 1 November 2011 and indicated that a service provider had already been selected. However, the funding was not in place and negotiations between the Sri Lankan authorities and the relevant financial institution have been on-going for more than 18 months. The negotiations concern the terms and conditions of a loan to purchase and install an FMC and provide financial assistance to operators to install and operate within a reasonable time period VMS for the entire high seas fleet. As a result, Sri Lanka does not have an FMC. In addition, the VMS is still under development and has never become operational. The Commission established during its visit in January 2014, as confirmed by Sri Lanka's subsequent submissions and the IOTC Compliance Reports 2013 and 2014, that Sri Lankan fishing vessels are still not fitted with VMS. As for compliance with the IOTC's VMS requirements, there are discrepancies between the IOTC Compliance Reports for 2013 and 2014 and Sri Lanka's actions. The Compliance Reports claim partial compliance while the information provided by Sri Lanka clearly shows that there has been no actual implementation of a VMS. Therefore, Sri Lanka does not fulfil the conditions stipulated in Article 18(3)(g) of the UNFSA in view of the information gathered on the monitoring, control and surveillance abilities of the Sri Lankan authorities, in particular on its operational ability to manage its fleet and the development and implementation of a functional VMS.

<sup>(1)</sup> Resolution 10/10 concerning market related measures.

- (62) The facts set out in Section 3.3 demonstrate that Sri Lanka is in breach of Article 18(3) of the UNFSA.
- (63) Consequently, Sri Lanka in light of its duties as flag State has insufficiently complied with Articles 117, 118 of the UNCLOS and Article 18(3) of the UNFSA.
- (64) In view of recitals 314 to 334 of the Decision of 15 November 2012 and the developments after that Decision, the Commission takes the view, pursuant to Article 31(3) and (6) of the IUU Regulation, that Sri Lanka has failed to discharge its duties under international law with respect to international rules, regulations and conservation and management measures.

#### 3.4. Specific constraints of developing countries

- (65) It is recalled that, according to the United Nations Human Development Index <sup>(1)</sup>, Sri Lanka is considered as a medium human development country (92<sup>nd</sup> in 186 countries). That is also confirmed by Annex II to Regulation (EC) No 1905/2006 of the European Parliament and of the Council <sup>(2)</sup> where Sri Lanka is listed in the category of lower middle income countries.
- (66) As described in recital 337 of the Decision of 15 November 2012, no corroborating evidence has been found to suggest that Sri Lanka's failure to discharge its duties under international law is the result of lacking development. After 15 November 2012 no additional concrete evidence was submitted to demonstrate that the identified shortcomings are a consequence of the lack of capacity and administrative infrastructure.
- (67) In view of recitals 336 to 337 of the Decision of 15 November 2012 and the developments after 15 November 2012, the Commission takes the view, pursuant to Article 31(7) of the IUU Regulation, that the development status and overall performance of Sri Lanka with respect to fisheries are not impaired by its level of development.

#### 4. CONCLUSION ON THE IDENTIFICATION OF A NON-COOPERATING THIRD COUNTRY

- (68) In view of the conclusions reached with regard to Sri Lanka's failure to discharge its duties under international law as flag, port, coastal or market State and to take action to prevent, deter and eliminate IUU fishing, that country should be identified, in accordance with Article 31 of the IUU Regulation, as a country the Commission considers to be a non-cooperating third country in fighting IUU fishing.
- (69) Having regard to Article 18(1)(g) of the IUU Regulation, the competent authorities of the Member States are bound to refuse the importation into the Union of fishery products without having to request any additional evidence or send a request for assistance to the flag State where they become aware that the catch certificate has been validated by the authorities of a flag State identified as a non-cooperating State in accordance with Article 31 of that Regulation. The adverse impact to trade should, to the extent possible, be gradually phased in, in order to facilitate in the period between the entry into force of this Commission Implementing Decision and the possible measures taken by the Council, the adjustment by parties to the new situation and to provide economic operators the appropriate time to adapt, given the special characteristics of the fishery products from Sri Lanka and of the Sri Lankan supplying enterprises, among others their small and medium size. Consequently, the application of this decision should be postponed by three months. Such a postponement should not have any impact on the need for swift measures by the Council to address expeditiously the situation in Sri Lanka related to IUU fishing.
- (70) It should be stated that the identification of Sri Lanka as a country the Commission considers to be non-cooperating for the purposes of this Decision does not preclude any subsequent step taken by the Commission or the Council for the purpose of establishment of a list of non-cooperating countries.
- (71) In the event that the Council should place Sri Lanka on the list of non-cooperating third countries in accordance with the provisions of Article 33 of the IUU Regulation, this preceding identification Decision would become obsolete.

<sup>(1)</sup> For reference to UN Human Development Index see (ranking of countries mentioned in this Decision updated in line with the last available UN report): [http://hdr.undp.org/en/media/HDR2013\\_EN\\_Summary.pdf](http://hdr.undp.org/en/media/HDR2013_EN_Summary.pdf)

<sup>(2)</sup> Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378, 27.12.2006, p. 41).

**5. COMMITTEE PROCEDURE**

- (72) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

*Article 1*

The Democratic Socialist Republic of Sri Lanka is identified as a third country that the Commission considers as a non-cooperating third country in fighting illegal, unreported and unregulated fishing.

*Article 2*

This Decision shall enter into force on 14 January 2015.

Done at Brussels, 14 October 2014.

*For the Commission*  
*The President*  
José Manuel BARROSO

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## ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

<Only the original UN/ECE texts have legal effect under international public law. The status and date of entry into force of this Regulation should be checked in the latest version of the UN/ECE status document TRANS/WP.29/343, available at:

<http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29fdocstts.html>

**Regulation No 60 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the approval of two-wheeled motor cycles and mopeds with regard to driver-operated controls including the identification of controls, tell-tales and indicators**

Incorporating all valid text up to:

Supplement 4 to the 00 series of amendments — Date of entry into force: 3 November 2013

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#### 1. SCOPE

This Regulation applies to vehicles of categories L<sub>1</sub> and L<sub>3</sub> <sup>(1)</sup> with regard to driver operated controls.

This Regulation specifies requirements for the location, identification, illumination and operation of controls, tell-tales and indicators on mopeds and motorcycles.

#### 2. DEFINITIONS

For the purposes of this Regulation, the following definitions apply:

- 2.1. 'Approval of a vehicle' means the approval of a vehicle type with regard to driver operated controls, where such controls are fitted and to their identification.

<sup>(1)</sup> As defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3.) (ECE/TRANS/WP.29/78/Rev.2, para. 2. — [www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html](http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html)).

- 2.2. 'Vehicle type' means a category of power-driven vehicles which do not differ in respect of the arrangements which may affect the function or position of the driver-operated controls.
- 2.3. 'Vehicle' means a two-wheeled motorcycle or a two-wheeled moped as defined in paragraph 2.1.1 or 2.1.3 of the Consolidated Resolution on the Construction of Vehicles (R.E.3) <sup>(1)</sup>.
- 2.4. 'Control' means any part of the vehicle or a device directly actuated by the driver which changes the state or functioning of the vehicle or any part thereof.
- 2.5. 'Device' means an element or an assembly of elements used to perform one or more functions.
- 2.6. 'Handlebars' means any part of the bar or bars connected to the head of the forks (steering head) by means of which the vehicle is steered.
- 2.7. 'Handlebars: right side' means any part of the handlebars which, when facing the direction of forward movement, lies on the right side of the longitudinal median plane of the vehicle.
- 2.8. 'Handlebars: left side' means any part of the handlebars which, when facing the direction of forward movement, lies on the left side of the longitudinal median plane of the vehicle.
- 2.9. 'Handlebars: forward' means any part of the handlebars lying on the side furthest from the driver when seated in a driving position.
- 2.10. 'Handgrip' means that part of the handlebars, furthest from the centre, by which the handlebars are held by the driver of the vehicle.
- 2.11. 'Rotating handgrip' means a handgrip, operating some functional mechanism of the vehicle, which is free to rotate around the handlebar when so turned by the driver of the vehicle.
- 2.12. 'Frame' means any part of the frame, chassis or cradle of the vehicle, to which is attached the engine and/or transmission unit, and/or the engine and transmission unit itself.
- 2.13. 'Frame: left side' means any part of the frame which, when facing the direction of forward movement, lies on the left side of the longitudinal median plane of the vehicle
- 2.14. 'Frame: right side' means any part of the frame which, when facing the direction of forward movement, lies on the right side of the longitudinal median plane of the vehicle
- 2.15. 'Lever' means any device consisting of an arm turning on a fulcrum, by means of which some functional mechanism of the vehicle is operated.
- 2.16. 'Hand lever' means a lever operated by the hand of the driver;
- Note:* Unless otherwise stated, a hand lever is operated by compression, (that is, movement of the apex of the lever towards the supporting structure), e.g. to engage a brake mechanism or to disengage the clutch mechanism.
- 2.17. 'Foot lever' means a lever operated by contact between the foot of the driver and a spur projecting from the arm of the lever.
- 2.18. 'Pedal' means a lever operated by contact between the foot of the driver and a pad on the lever, so placed as to allow pressure to be applied to the arm of the lever.
- Note:* Unless otherwise stated, a pedal is operated by depression, for example to engage a brake mechanism.
- 2.19. 'Riding pedals' means those devices which are linked to some form of transmission and may be used to propel a moped

<sup>(1)</sup> As defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3.) (ECE/TRANS/WP.29/78/Rev.2, para. 2. — [www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html](http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html)).

- 2.20. 'Rocker arm' means a lever, pivoted at or near its centre and having a pad or spur at each end, operated by contact between the foot of the driver and the said pads or spurs.
- 2.21. 'Clockwise' means the direction of rotation around the axis of the part considered, following the motion of the hands of a clock when viewed from the upper or the outer side of the part considered.
- 2.22. 'Anticlockwise' has the inverse meaning of 'Clockwise'.
- 2.23. 'Combined brake' means a system of operation (by hydraulic action or mechanical linkage, or both) whereby both the front and the rear brakes of the vehicle are brought into operation at least partially by the use of only one control.
- 2.24. 'Indicator' means a device which presents information on the functioning or situation of a system or a part of a system, for example a fluid level.
- 2.25. 'Tell-tale' means an optical signal which indicates the actuation of a device, correct or defective functioning or condition, or failure to function.
- 2.26. 'Symbol' means a diagram from which to identify a control, a tell-tale or an indicator.
- 2.27. 'Optical warning device' means a headlamp where the beam can be flashed to give signals to the oncoming or preceding traffic, e.g., when a vehicle is about to overtake a slower preceding vehicle.
- 2.28. 'Adjacent', with respect to a symbol identifying a control, tell-tale or indicator, means that the symbol is in close proximity to the control, tell-tale or indicator and no other control, tell-tale, indicator, identification symbol or source of illumination appears between an identification symbol and the control, tell-tale, or indicator which that symbol identifies.
- 2.29. 'Common space' means an area on which more than one tell-tale, indicator, identification symbol, or other message may be displayed but not simultaneously.
3. APPLICATION FOR APPROVAL
- 3.1. The application for approval of a vehicle type with regard to driver-operated controls shall be submitted by the vehicle manufacturer or by his duly accredited representative.
- 3.2. It shall be accompanied by the under-mentioned documents in triplicate and the following particulars:
- 3.2.1. Drawings, on an appropriate scale and in sufficient detail of the parts of the vehicle to which the requirements of this Regulation relate and, where necessary, of the vehicle itself.
- 3.3. A vehicle representative of the vehicle type to be approved shall be submitted to the Technical Service responsible for conducting approval tests, for the checks referred to in paragraph 5 of this Regulation.
4. APPROVAL
- 4.1. If the vehicle type submitted for approval pursuant to this Regulation meets the requirements of paragraphs 5 and 6 below, approval of that vehicle type shall be granted.
- 4.2. An approval number shall be assigned to each type approved. Its first two digits (at present 00 for the Regulation in its original form) shall indicate the series of amendments incorporating the most recent major technical amendments made to the Regulation at the time of issue of the approval. The same Contracting Party may not assign the same number to another vehicle type.
- 4.3. Notice of approval or of refusal of approval of a vehicle type pursuant to this Regulation shall be communicated to the Parties to the Agreement applying this Regulation, by means of a form conforming to the model in Annex 1 to this Regulation and of drawings and diagrams supplied by the applicant for approval, in a format not exceeding A4 (210 × 297 mm) or folded to that format and on an appropriate scale.

- 4.4. There shall be affixed, conspicuously and in a readily accessible place specified on the approval form, to every vehicle conforming to a vehicle type approved under this Regulation an international approval mark consisting of:
- 4.4.1. A circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted approval <sup>(1)</sup>;
- 4.4.2. The number of this Regulation, followed by the letter 'R', a dash and the approval number to the right of the circle prescribed in paragraph 4.4.1.
- 4.5. If the vehicle conforms to a vehicle type approved, under, one or more other Regulations annexed to the Agreement, in the country which had granted approval under this Regulation, the symbol prescribed in paragraph 4.4.1 need not be repeated; in such a case, the Regulation and approval numbers and the additional symbols of all the Regulations under which approval has been granted in the country which has granted approval under this Regulation shall be placed in vertical columns to the right of the symbol prescribed in paragraph 4.4.1.
- 4.6. The approval mark shall be clearly legible and shall be indelible.
- 4.7. The approval mark shall be readily accessible.
- 4.8. Annex 2 to this Regulation gives examples of arrangements of approval marks.

## 5. REQUIREMENTS

### 5.1. General

A vehicle, if fitted with a control, tell-tale or indicator identified in Table 1, shall comply with the requirements of this Regulation with respect to the location, identification, operation, illumination and colour of that control, tell-tale or indicator.

For functions for which no symbol is available in Table 1, the manufacturer may use a symbol following the appropriate standards. Where no symbol is available, the manufacturer may use a symbol of its own conception. Such a symbol shall not cause confusion with any symbol specified in Table 1.

### 5.2. Location

- 5.2.1. The controls, listed in Table 1, shall be located so that they are operable and within reach of the driver when seated in the driving position. The controls for 'Manual Choke' and 'Manual Fuel Tank Shutoff Valve' shall be located so that they are operable and within reach of the driver when seated.
- 5.2.2. The tell-tales and indicators listed in Table 1, and their identification symbols shall be located so that they are visible to the driver when seated in the driving position, during daylight and night-time driving. Tell-tales, indicators and their identification symbols need not be visible when not activated.
- 5.2.3. The identification symbols for controls, tell-tales, and indicators shall be placed on or adjacent to the controls, tell-tales or indicators that they identify except as provided in paragraph 5.2.5 below.
- 5.2.4. Controls for hazard warning lamps, passing- and driving-beam headlamps, direction indicators, supplemental engine stop, audible warning device, brakes and clutch shall be always accessible to the driver as the primary function of the corresponding control without the removal of the driver's hands from the respective handgrips.
- 5.2.5. Paragraph 5.2.3 above does not apply to multifunction controls, if the control is associated with a multitask display that:
- 5.2.5.1. Is visible to the driver, and

<sup>(1)</sup> The distinguishing numbers of the Contracting Parties to the 1958 Agreement are reproduced in Annex 3 to the Consolidated Resolution on the Construction of Vehicles (R.E.3), document ECE/TRANS/WP.29/78/Rev.2/Amend.3.

- 5.2.5.2. Identifies the control with which it is associated, and
  - 5.2.5.3. Identifies all of the vehicle systems for which control is possible from the multifunction control. Sub-functions of those systems need not be shown on the top-most layer of the multi-task display, and
  - 5.2.5.4. Does not display tell-tales listed in Table 1.
- 5.3. Identification
- 5.3.1. Each control, tell-tale and indicator listed in Table 1, shall be identified by the relevant specified symbol.
  - 5.3.2. Supplementary symbols, words or abbreviations may be used at the manufacturer's discretion in conjunction with any symbol, word or abbreviation specified in Table 1.
  - 5.3.3. Each additional or supplementary symbol, word or abbreviation used by the manufacturer shall not cause confusion with any symbol specified in this Regulation.
  - 5.3.4. If the control, indicator or tell-tale for the same function are combined, one symbol may be used to identify that combination.
  - 5.3.5. All identification symbols for the tell-tales, indicators and controls provided on the handle bar or the instrument cluster shall be positioned so as to appear to the driver to be perceptually upright except the symbol for an audible warning device control. For rotating controls that have an 'off' position, this requirement applies to the control in the 'off' position.
  - 5.3.6. When fitted, each control that regulates a system function over a continuous range shall have identification provided for the limits of the adjustment range.
- 5.4. Illumination
- 5.4.1. At the manufacturer's option, any control, indicator and their respective identification symbols may be capable of being illuminated.
  - 5.4.2. A tell-tale shall emit a light when the malfunction or vehicle condition it is meant to indicate occurs. It shall not emit light at any other time, except during a bulb check.
- 5.5. Colour
- 5.5.1. The light of each tell-tale shall be of the colour as specified in Table 1.
  - 5.5.2. The colour of tell-tales not listed in Table 1 can be selected by the manufacturer in accordance with paragraph 5.5.3 below. The colour selected shall not mask or interfere with the identification of any tell-tale, control or indicator specified in Table 1.
  - 5.5.3. Colours are recommended in accordance with the following colour code:
    - 5.5.3.1. Red: danger to persons or very serious damage to equipment is immediate or imminent;
    - 5.5.3.2. Amber (yellow): caution, outside normal operating limits, vehicle system malfunction, damage to vehicle likely, or other condition which may produce hazard in the longer term;
    - 5.5.3.3. Green: safe, normal operating condition (except if blue or amber is required by Table 1).

5.5.4. Each symbol used for the identification of a tell-tale, control or indicator shall be in a colour that stands out clearly against the background.

5.5.5. The filled-in part of any symbol may be replaced by its outline and the outline of any symbol may be filled in.

5.6. Common space for displaying multiple messages

A common space may be used to show information from any source, subject to the following requirements:

5.6.1. The tell-tales and indicators displayed in the common space shall meet the requirements for paragraphs 5.3, 5.4 and 5.5 above and shall illuminate at the initiation of the condition they are designed to identify.

5.6.2. The tell-tale and indicators that are listed in Table 1 and are shown in the common space shall illuminate at the initiation of any underlying condition.

5.6.3. Except as provided in paragraphs 5.6.4, 5.6.5 and 5.6.6 below, when the condition exists for actuation of two or more tell-tales, the information shall be either:

(a) Repeated automatically in sequence, or

(b) Indicated by visible means and capable of being selected for viewing by the driver when seated in the driving position.

5.6.4. The tell-tales for the brake system malfunction, headlamp driving-beam and direction indicator shall not be shown in the same common space.

5.6.5. If condition of activation exists for the following tell-tales: brake system malfunction, headlamp driving-beam and direction indicator being displayed on a common space with other tell-tales, they shall have priority over anything else in the common space.

5.6.6. Information displayed in the common space may be cancellable automatically or by the driver, except the tell-tales for brake system malfunction, headlamp driving-beam, direction indicator and those for which the colour red is required by Table 1 shall not be cancellable, if the condition occurs for their activation.

6. MODIFICATIONS OF THE VEHICLE TYPE

6.1. Every modification of the vehicle type shall be notified to the Type Approval Authority which approved the vehicle type. The Type Approval Authority may, then either:

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

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

6.2. Confirmation or refusal of approval, specifying the alterations, shall be communicated by the procedure specified in paragraph 4.3 above to the Contracting Parties to the Agreement applying this Regulation.

7. CONFORMITY OF PRODUCTION

7.1. Every vehicle bearing an approval mark as prescribed under this Regulation shall conform to the vehicle type approved, particularly as regards the driver-operated controls.

7.2. In order to verify conformity as prescribed in paragraph 7.1 above, a sufficient number of random checks shall be made on serially-manufactured vehicles bearing the approval mark required by this Regulation.

8. PENALTIES FOR NON-CONFORMITY OF PRODUCTION

8.1. The approval granted in respect of a vehicle type pursuant to this Regulation may be withdrawn if the requirements laid down in paragraph 7.1 above are not complied with or if the vehicle or vehicles taken fail to pass the tests prescribed in paragraph 7.2 above.

8.2. If a Party to the Agreement applying this Regulation withdraws an approval it has previously granted, it shall forthwith so notify the other Contracting Parties applying this Regulation, by means of a copy of the approval form bearing at the end, in large letters, the signed and dated annotation 'APPROVAL WITHDRAWN'.

9. PRODUCTION DEFINITELY DISCONTINUED






If the holder of the approval completely ceases to manufacture a type of vehicle approved in accordance with this Regulation, he shall so inform the Type Approval Authority which granted the approval. Upon receiving the relevant communication that Authority shall inform thereof the other Parties to the Agreement applying this Regulation by means of a copy of the approval form bearing at the end, in large letters, the signed and dated annotation 'PRODUCTION DISCONTINUED'.

10. NAMES AND ADDRESSES OF TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS, AND OF THE TYPE APPROVAL AUTHORITIES





The Parties to the Agreement applying this Regulation shall communicate to the United Nations Secretariat the names and addresses of the Technical Services responsible for conducting approval tests and of the Type Approval Authorities which grant approval and to which forms certifying approval or refusal or withdrawal of approval, issued in other countries, are to be sent.



Table 1





Symbols identifying controls, tell-tales and indicators

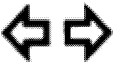
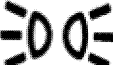


No	Item	Symbol	Function	Location	Colour	Definition	Operation
1	Supplemental engine stop control (OFF)		Control	Located on the handlebars: right side			As a means of stopping the engine, alternative to the main switch or a decompression valve control, the vehicle may be equipped with an engine electrical power supply cut-out (Supplemental engine stop).
2	Supplemental engine stop control (RUN)						
3	Ignition Switch		Control			The device that enables the engine to run, and may also allow operation of other electrical systems on a vehicle.	In the case of a rotary switch, the direction of motion shall be clockwise from the ignition 'off' position to the ignition 'on' position.
4	Electric Starter		Control				
5	Manual Choke		Control	The control need not be visible from the rider's position			
			Tell-Tale		Amber		
6	Neutral (Gearbox Selection)		Tell-tale		Green		The tell-tale is illuminated when the gear selector is in neutral position.







No	Item	Symbol	Function	Location	Colour	Definition	Operation
7	Manual Fuel Tank Shutoff Valve (OFF)		Control	The control need not to be visible from the rider's position			The control shall have separate positive positions for 'OFF', 'ON' and 'RESERVE' (where a reserve supply is provided).
8	Manual Fuel Tank Shutoff Valve (ON)						The control shall be in the ON position when it is in the direction downstream of the flow of fuel from the tank to the engine: in the OFF position when it is in a direction perpendicular to the flow of fuel, and in the RESERVE position (where applicable) when it is in the direction upstream of the flow of fuel.
9	Manual Fuel Tank Shutoff Valve (RES)						In case of a system in which the fuel flow is stopped when the engine is switched off, and if equipped with a control, the symbols and control positions shall be the same as identified for Manual Fuel Shut-Off Control.
10	Speedometer		Indicator				The display shall be illuminated whenever the position lamp (if available) or head-lamp is activated.
11	Audible warning device (Horn)		Control	On the handlebars: left side for vehicles with a gear selection control operated independently of a hand operated clutch or for vehicles without gear selection control.  Alternatively, on the handlebar: right side for vehicles with gear selection located on the handlebars: left side and operated in conjunction with the hand operated clutch.			Push to activate.

No	Item	Symbol	Function	Location	Colour	Definition	Operation
12	Driving-beam (Main, high or upper beam) — (Hi)		Control	On the handlebars: left side for vehicles with a gear selection control operated independently of a hand operated clutch or for vehicles without gear selection control.  Alternatively, on the handlebars: right side for vehicles with gear selection located on the handlebars: left side and operated in conjunction with the hand operated clutch.			
			Tell-Tale		Blue		
13	Passing-Beam (Dipped, low or lower Beam) — (Lo)		Control	On the handlebars: left side for vehicles with gear selection control operated independently of a hand operated clutch or for vehicles without gear selection control.  Alternatively, on handlebars: right side for vehicles with gear selection located on the handlebars: left side and operated in conjunction with the hand operated clutch.			
			Tell-Tale		Green		
14	Optical warning device		Control	Adjacent to the Driving-Beam/Passing-Beam Control.			May be an additional function of the Driving-Beam/Passing-Beam Control.  When control is released, the beam shall go back to the previous state.



No	Item	Symbol	Function	Location	Colour	Definition	Operation
15	Fog lamps — front		Control				
			Tell-Tale		Green		
16	Fog lamps — rear		Control				
			Tell-Tale		Amber		
17	Direction indicators		Control	Control(s) is/are to be located on the handlebar in clear view from the operator's seat and shall be marked clearly.			The control shall be so designed that, when viewed from the rider's seat, operation of the left hand portion or movement to the left of the control actuates the left side indicators and vice versa for the right side indicators.
			Tell-Tale		Green		The pair of arrows is a single symbol. When the controls or tell tales for left and right turn operate independently, however, the two arrows may be considered separate symbols and be spaced accordingly.
18	Hazard warning signal		Control				

No	Item	Symbol	Function	Location	Colour	Definition	Operation
			Tell-Tale		Red	Represented by either the direction indicator tell-tale (s) flashing (simultaneously), or by the given triangle symbol.	
			Tell-Tale		Green		
19	Position Lamp		Control			Represented by the given symbols for position lamps, master lamp control and parking lamp but if all lamps are automatically lit when vehicle is in operation, no position or master lamp control symbol need appear.	In the case of a rotary switch, operation of the switch in a clockwise direction shall engage, progressively, the vehicle's position lights and then the vehicle's main lights. This shall not prevent the inclusion of additional switch positions provided that they are clearly indicated.
			Tell-Tale		Green		
20	Master Lamp		Control		Green		
			Tell-Tale			The tell-tale function may be provided by means of instrument cluster illumination.	The light control switch may be combined with the ignition switch if so desired.
21	Parking Lamp		Control				

No	Item	Symbol	Function	Location	Colour	Definition	Operation
			Tell-Tale		Green	If the Parking Lamp function is incorporated in the ignition switch, identification is optional.	
22	Fuel Indicator		Indicator				
			Tell-Tale		Amber		
23	Engine coolant temperature		Indicator				
			Tell-Tale		Red		
24	Electrical charging		Indicator				
			Tell-Tale		Red		
25	Engine Oil		Indicator				
			Tell-Tale		Red		

No	Item	Symbol	Function	Location	Colour	Definition	Operation
26	Engine Speed Control		Control	On the handlebars: right side			Hand operated control. Rotating Handgrip Anticlockwise rotation increases speed. The control shall be self-closing to idle in a clockwise direction after release of the hand unless a vehicle speed control device is activated.
27	Front wheel brake		Control	On the handlebars: right side forward			Hand lever The front wheel brake may operate with the rear wheel brake in the case of a combined brake system.
28	Foot rear wheel brakes control		Control	On the frame: right side			Pedal The rear wheel brake may operate with the front wheel brake in the case of a combined brake system.
29	Hand rear wheel brake control		Control	On the handlebars: left side forward			Hand lever Not allowed for vehicles with hand operated clutch. The rear wheel brake may operate with the front wheel brake in the case of a combined brake system.
30	Parking brake		Control				Hand lever or pedal
31	Clutch		Control	On the handlebars: left side			Hand lever Squeeze to disengage clutch. Shall not prohibit the use of devices on the left side of the vehicle that combine operations of a clutch and gear selector.

No	Item	Symbol	Function	Location	Colour	Definition	Operation
32	Foot selector Manual gear shift Control		Control	On the frame: left side			<p>Foot lever or rocker arm</p> <p>Moving the forward part of the foot lever or rocker arm shall progressively select the gears: upward movement of the forward part for shifting to a higher gear position and downward movement for shifting to a lower gear position. If a separate, positive 'neutral' position is provided, it shall be in either the first or second position in the gear selection order (i.e. 1-N-2-3-4- ... or N-1-2-3-4-...).</p> <p>Alternatively for vehicles with an engine capacity of less than 200 cc, transmissions with the following shift patterns may be fitted:</p> <ul style="list-style-type: none"> <li>— Rotary pattern (i.e. N-1-2-3-4-5-N-1.)</li> <li>— Reverse pattern, where moving the forward part of the foot lever or rocker arm shall progressively select the gears: <ul style="list-style-type: none"> <li>— upward movement of the forward part for shifting to a lower gear position, and</li> <li>— downward movement for shifting to a higher gear position.</li> </ul> </li> </ul>
33	Hand Selector Manual gear shift Control		Control	On the handlebars: left side			<p>If the operation of the control is through rotation of the handgrip, the anticlockwise rotation shall progressively select gears giving an increased forward speed and conversely for a reduced forward speed. If a separate, positive 'neutral' position is provided it shall be either in the first position or the second position in the gear selection order (i.e. N-1-2-3-4- ... or 1-N-2-3-4-...).</p>

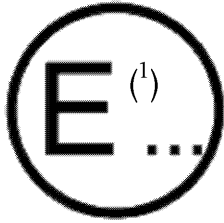
No	Item	Symbol	Function	Location	Colour	Definition	Operation
34	Anti-lock Brake System Malfunction		Tell-Tale		Amber		
35	Malfunction Indicator Lamp		Tell-Tale		Amber	Shall be used to convey power-train related failures which may affect emissions.	



ANNEX 1

COMMUNICATION

(maximum format: A4 (210 × 297 mm))



issued by: Name of administration

.....  
.....  
.....

- concerning <sup>(2)</sup>: Approval granted
- Approval extended
- Approval refused
- Approval withdrawn
- Production definitively discontinued

of a vehicle type with regard to driver-operated controls pursuant to Regulation No 60.

Approval No ..... Extension No .....

1. Trade name or mark of the vehicle .....
2. Vehicle type .....
3. Manufacturer's name and address .....
4. If applicable, name and address of manufacturer's representative .....
5. Brief description of the vehicle as regards the driver-operated controls .....
6. Vehicle submitted for approval on .....
7. Technical service responsible for conducting approval inspection .....
8. Date of report issued by that Service .....
9. Number of report issued by that Service .....
10. Approval granted/refused
11. Position of approval mark on the vehicle .....
12. Place
13. Date
14. Signature
15. The following documents, bearing the approval number shown above, are annexed to this communication:

... drawings, diagrams and layout plans of the driver-operated controls and of the parts of the vehicle considered to be of importance for the purposes of this Regulation.

\_\_\_\_\_

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

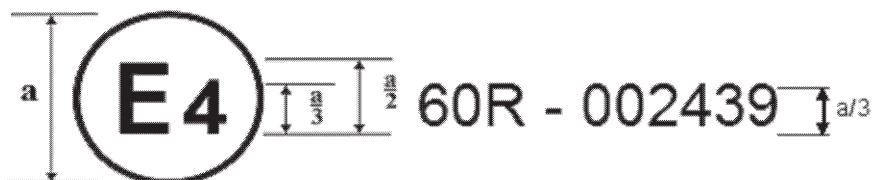
<sup>(2)</sup> Strike out what does not apply.

## ANNEX 2

## ARRANGEMENT OF APPROVAL MARKS

## Model A

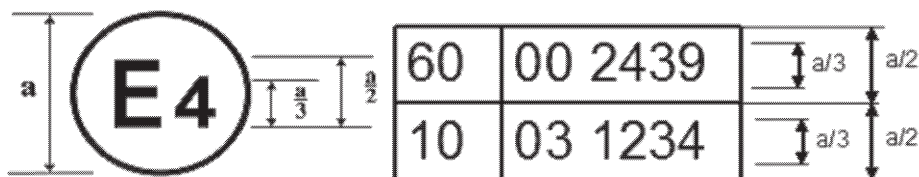
(See paragraph 4.4 of this Regulation)



The above approval mark affixed to a vehicle shows that the vehicle type concerned has, with regard to the driver-operated controls, been approved in the Netherlands (E 4) pursuant to Regulation No 60 under approval number 002439. The approval number indicates that the approval was granted in accordance with the requirements of Regulation No 60 in its original form.

## Model B

(See paragraph 4.5 of this Regulation)



The above approval mark affixed to a vehicle shows that the vehicle type concerned has been approved in the Netherlands (E 4) pursuant to Regulations Nos 60 and 10 <sup>(1)</sup>.

The approval numbers indicate that, at the dates when the respective approvals were given, Regulation No 60 had not been modified, and Regulation No 10 already included the 03 series of amendments.

<sup>(1)</sup> The latter number is given as an example only.

**CORRIGENDA****Corrigendum to Council Implementing Decision 2014/24/CFSP of 20 January 2014 implementing Decision 2012/642/CFSP concerning restrictive measures against Belarus**

*(Official Journal of the European Union L 16 of 21 January 2014)*

On page 33, Annex:

*for:* 'In the Annex to Decision 2012/642/CFSP, entry No. 210 shall be replaced by the following:';

*read:* 'In the Annex to Decision 2012/642/CFSP, entry No 199 shall be replaced by the following:';

on page 33, Annex, table, first column:

*for:* '210'.

*read:* '199'.

---

**Corrigendum to Commission Implementing Regulation (EU) No 699/2014 of 24 June 2014 on the design of the common logo to identify persons offering medicinal products for sale at a distance to the public and the technical, electronic and cryptographic requirements for verification of its authenticity**

*(Official Journal of the European Union L 184 of 25 June 2014)*

On page 6, in Article 3, second paragraph:

*for:* 'The information transit between the websites authorised or entitled to supply medicinal products at a distance to the public by means of information society services and the websites hosting the national lists shall be secured through appropriate means.';

*read:* 'The information transit between the websites of the persons authorised or entitled to supply medicinal products at a distance to the public by means of information society services and the websites hosting the national lists shall be secured through appropriate means.'.

---

**Corrigendum to Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part**

(Official Journal of the European Union L 261 of 30 August 2014)

On page 15, Article 27(2), third line:

*for:* '... the products(s) concerned.'

*read:* '... the product(s) concerned.';

on page 20, Article 44(3):

*for:* '... Annex I to ...'

*read:* '... Annex 1 to ...';

on page 25, Article 56(6), seventh line:

*for:* '... deemed accepted; and'

*read:* '...deemed accepted.';

on page 32, Article 67(1)(d):

*for:* 'lead to greater ...'

*read:* 'take measures which lead to greater ...';

on page 37, Article 77, paragraph (e), fourth line:

*for:* '... of Georgia, respectively.'

*read:* '... of Georgia, respectively';;

on page 71, Article 162(2):

*for:* '2. Each Party shall provide that temporary acts of reproduction referred to in Articles 155 to 158 of this Agreement, which are transient or incidental, which are an integral and essential part of a technological process and the sole purpose of which is to enable:

(a) a transmission in a network between third parties by an intermediary, or

(b) a lawful use of a work or other protected subject matter to be made, and which have no independent economic significance, shall be exempted from the reproduction right provided for in Articles 155 to 158 of this Agreement.'

*read:* '2. Each Party shall provide that temporary acts of reproduction referred to in Articles 155 to 158 of this Agreement, which are transient or incidental, which are an integral and essential part of a technological process and the sole purpose of which is to enable:

(a) a transmission in a network between third parties by an intermediary, or

(b) a lawful use

of a work or other protected subject matter to be made, and which have no independent economic significance, shall be exempted from the reproduction right provided for in Articles 155 to 158 of this Agreement.';

on page 82, Article 201, paragraph (a):

*for:* '... intellectual property rights.'

*read:* '... intellectual property rights';;

on page 97, Article 249(3), fifth line:

*for:* '... Party, the arbitrator shall be ...'

*read:* '... Party, be ...';

on page 116, Article 326:

*for:* '... authorities in the field of electronic communications of Georgia.'

*read:* '... authorities of Georgia in the field of electronic communications.'

on page 119, Article 340, paragraph (c):

*for:* '... fora. Regular dialogue on fisheries and maritime policies'

*read:* '... fora.'

on page 152, Annex II-C, in column 'Product description', in the row '0203 19 59' for 'CN code 2012':

*for:* '... excl. fore-ends ...'

*read:* '... excl. carcasses and half carcasses, hams, shoulders and cuts thereof, and fore-ends ...'

on page 169, Annex II-C, in column 'Product description', in the rows '2001 90 30', '2004 90 10' and '2005 80 00' for 'CN code 2012':

*for:* '... Mays var. Saccharata ...'

*read:* '... mays var. saccharata ...'

on page 192, Annex IX, in column 'Type of frontier check', first paragraph:

*for:* '... bulked consignments Council Directive ... 90/425/EEC, as amended.'

*read:* '... bulked consignments, Council Directive ... 90/425/EEC, as amended).'

on page 205, Annex XIV-A, fifth paragraph (entry for Poland):

*for:* '... by foreigners (a natural or ...'

*read:* '... by foreigners (foreign natural or ...'

on page 206, Annex XIV-A, seventh paragraph (entry for Slovakia):

*for:* '... authorisation (for modes 3 and 4).'

*read:* '... authorisation (for Modes 3 and 4).'

on page 208, Annex XIV-A, sixth paragraph (entry for Denmark):

*for:* '... Danish Commerce and Companies Agency.'

*read:* '... Danish Business Authority.'

on page 212, Annex XIV-A, tenth paragraph (entry for Italy):

*for:* '... UCITS not harmonised under the legislations of ... UCITS harmonised under the legislations of ...'

*read:* '... UCITS not harmonised under the legislation of ... UCITS harmonised under the legislation of ...'

on page 217, Annex XIV-B(7):

*for:* '... points (a) and (b) of Article 77(14) of ...'

*read:* '... points (i) and (ii) of point (m) of Article 77 of ...'

on page 218, Annex XIV-B, footnote 1:

*for:* '... the European Union. For .... the European Union shall ... the European Union might ...'

*read:* '... the EU. For .... the EU shall ... the EU might ...'

on page 238, Annex XIV-B, in column 'Description of reservations', in row 11(B):

*for:* '... Unbound for mode 1 only',

*read:* '... Unbound for Mode 1 only';

on page 238, Annex XIV-B, footnote 1:

*for:* '...the European Union and ... the European Union.',

*read:* '... the EU and ... the EU.';

on page 239, Annex XIV-B, in column 'Description of reservations', in row 12(B):

*for:* '... SK for mode 2 only, ...',

*read:* '... SK for Mode 2 only, ...';

on page 241, Annex XIV-B, in column 'Description of reservations', in row 12(E)(d):

*for:* '... State of the European Union licensing the air ...',

*read:* '... State of the EU licensing the air ...';

on page 246, Annex XIV-C, in column 'Description of reservations', in row 6(A)(a) (entry for Croatia):

*for:* '... (Croatian citizenship and citizenship of an EU Member State).',

*read:* '... (Croatian citizenship or citizenship of another Member State of the EU).';

on page 249, Annex XIV-C, in column 'Description of reservations', in row 6(D)(b) (entry for Denmark):

*for:* '... Danish Commerce and Companies Agency.',

*read:* '... Danish Business Authority.';

on page 251, Annex XIV-C, in column 'Description of reservations', in row 6(F)(r)(1) (entry for Denmark):

*for:* '... Danish Commerce and Companies Agency.',

*read:* '... Danish Business Authority.';

on page 267, Annex XIV-F(7):

*for:* '... points (a) and (b) of Article 77(14) of ...',

*read:* '... points (i) and (ii) of point (m) of Article 77 of ...';

on page 278, Annex XIV-F, under '11. TRANSPORT SERVICES':

*for:* 'A. Internal Waterways Transport',

*read:* 'B. Internal Waterways Transport';

on page 279, Annex XIV-F, in column 'Description of reservations', in row 11(C)(d):

*for:* 'For Modes I and II',

*read:* 'For Modes 1 and 2';

on page 301, Annex XV-B:

*for:* '...'

Directive 2002/58/EC ... Directive No 2009/136/EC',

*read:* '...'

Directive 2002/58/EC ... Directive 2009/136/EC';

on page 316, Annex XVI-F, Article 2c:

*for:* 'Time limits ...',

*read:* 'Time-limits ...';

on page 320, Annex XVI-I, Article 2b:

*for:* ‘... of paragraph 1 of ...’;

*read:* ‘... of the first paragraph of ...’;

on page 323, Annex XVI-K, Article 2b:

*for:* ‘... of paragraph 1 of ...’;

*read:* ‘... of the first paragraph of ...’;

on page 329, Annex XVI-N, Article 2b:

*for:* ‘... of paragraph 1 of ...’;

*read:* ‘... of the first paragraph of ...’;

on page 330, Annex XVI-O, Article 2b:

*for:* ‘... of paragraph 1 of ...’;

*read:* ‘... of the first paragraph of ...’;

on page 333, Annex XVII-B(5):

*for:* ‘... in point (d) and ...’;

*read:* ‘... in paragraph 4 and ...’;

on page 333, Annex XVII-B(6):

*for:* ‘... in point (e) shall ...’;

*read:* ‘... in paragraph 5 shall ...’;

on page 335, Annex XVII-C, in column ‘Name to be protected’, in row 3:

*for:* ‘Vlaams — Brabantse ...’;

*read:* ‘Vlaams-Brabantse ...’;

on page 350, Annex XVII-C, in column ‘Transcription in Georgian characters’, in row ‘ES/Pimentón de Murcia’:

*for:* ‘პიმენტონ დე მურსია PDO’;

*read:* ‘პიმენტონ დე მურსია’;

on page 351, Annex XVII-C, in column ‘Transcription in Georgian characters’, in rows 2-6:

*for:* ‘turon de agramunt; toro d’agramunt

turon de alikante

lapin poro, liha

lapen puikula

kenun rentenen’;

*read:* ‘ტურონ დე აგრამუნტ ;

ტორო დ’აგრამუნტ

ტურონ დე ალიკანტე

ლაპინ პორო, ლიჰა

ლაპენ პუიკულა

კენუნ რენტენენ’;

on page 368, Annex XVII-C, in column ‘Transcription in Georgian characters’, in row ‘IT/Cipollotto Nocerino’:

*for:* ‘ჩიპოლოტტო ნოჩერინო’;

*read:* ‘ჩიპოლოტტო ნოჩერინო’;

on page 394, Annex XVII-D, in column 'Transcription in Georgian characters', in row 'ES/Dominio de Valdepusa':

*for:* 'c',

*read:* დომინო დე ვალდეპუსა ;

on page 421, Annex XVII-D, in column 'Transcription in Georgian characters', in row 'FR/Mâcon whether or not followed ...':

*for:* 'მაკონ, შეიძლება მოხდეს მცირე გეოგრაფილი ერთეულის სახელი ან 'სუპერიე' ან 'ვილაჟ'

ეკვივალენტური ტერმინი: მაკონ ;

*read:* 'მაკონ, შეიძლება მოხდეს მცირე გეოგრაფილი ერთეულის სახელი ან 'სუპერიე' ან 'ვილაჟ'

ეკვივალენტური ტერმინი: პინო-შარდონე-მაკონ ;

on pages 519-520, Annex XVII-D, in column 'Name to be protected', in the rows 'SK':

*for:* '... vino',

*read:* '... víno';

on page 572, Annex XXIV, under 'Railway transport/Market and infrastructure access':

*for:* 'Directive 2012/34 of ...',

*read:* 'Directive 2012/34/EU of ...';

on page 575, Annex XXV, under 'Gas':

*for:* '...

Regulation No 994/2010 of the European Parliament and of the Council concerning ...',

*read:* '...

Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning ...';

on page 576, Annex XXV, under 'Energy efficiency':

*for:* '...

Directive 2010/30/EU ... labeling ...',

*read:* '...

Directive 2010/30/EU ... labelling ...';

on page 585, Annex XXVI, under 'Water quality and resource management including marine environment':

*for:* '...

Directive 91/271/EEC of ...',

*read:* '...

Council Directive 91/271/EEC of ...';

on page 585, Annex XXVI, under 'Water quality and resource management including marine environment':

*for:* '...

Directive 98/83/EC of 3 November 1998 on quality ...',

*read:* '...

Council Directive 98/83/EC of 3 November 1998 on the quality ...';



on page 586, Annex XXVI, under 'Water quality and resource management including marine environment':

*for:* '...

Directive 91/676/EC of ...',

*read:* '...

Council Directive 91/676/EEC of ...';

on page 598, title:

*for:* 'ANNEX XXIX TO THIS AGREEMENT',

*read:* 'ANNEX XXIX';

On page 626, I, TITLE VI, Article 35(2), first line:

*for:* '... Article with regard to products ...',

*read:* '... Article when products ...';

On page 736, PROTOCOL II, Article 1, point (c):

*for:* '... been designed by ...',

*read:* '... been designated by ...';

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ISSN 1977-0677 (electronic edition)  
ISSN 1725-2555 (paper edition)



**Publications Office of the European Union**  
2985 Luxembourg  
LUXEMBOURG

**EN**