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## I

*(Legislative acts)*

## DIRECTIVES

**DIRECTIVE 2014/41/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 3 April 2014**  
**regarding the European Investigation Order in criminal matters**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82 (1)(a) thereof,

Having regard to the initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure <sup>(1)</sup>,

Whereas:

- (1) The European Union has set itself the objective of maintaining and developing an area of freedom, security and justice.
- (2) Pursuant to Article 82(1) of the Treaty on the Functioning of the European Union (TFEU), judicial cooperation in criminal matters in the Union is to be based on the principle of mutual recognition of judgments and judicial decisions, which is, since the Tampere European Council of 15 and 16 October 1999, commonly referred to as a cornerstone of judicial cooperation in criminal matters within the Union.
- (3) Council Framework Decision 2003/577/JHA <sup>(2)</sup> addressed the need for immediate mutual recognition of orders to prevent the destruction, transformation, moving, transfer or disposal of evidence. However, since that instrument is restricted to the freezing phase, a freezing order needs to be accompanied by a separate request for the transfer of the evidence to the State issuing the order ('the issuing State') in accordance with the rules applicable to mutual assistance in criminal matters. This results in a two-step procedure detrimental to its efficiency. Moreover, this regime coexists with the traditional instruments of cooperation and is therefore seldom used in practice by the competent authorities.
- (4) Council Framework Decision 2008/978/JHA <sup>(3)</sup> concerning the European evidence warrant (EEW) was adopted to apply the principle of mutual recognition for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters. However, the EEW is only applicable to evidence which already exists and covers therefore a limited spectrum of judicial cooperation in criminal matters with respect to evidence. Because of its limited scope, competent authorities have been free to use the new regime or to use mutual legal assistance procedures which, in any case, remain applicable to evidence falling outside of the scope of the EEW.

<sup>(1)</sup> Position of the European Parliament of 27 February 2014 (not yet published in the Official Journal) and decision of the Council of 14 March 2014.

<sup>(2)</sup> Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p. 45).

<sup>(3)</sup> Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters (OJ L 350, 30.12.2008, p. 72).

- (5) Since the adoption of Framework Decisions 2003/577/JHA and 2008/978/JHA, it has become clear that the existing framework for the gathering of evidence is too fragmented and complicated. A new approach is therefore necessary.
- (6) In the Stockholm Programme adopted by the European Council of 10-11 December 2009, the European Council considered that the setting up of a comprehensive system for obtaining evidence in cases with a cross-border dimension, based on the principle of mutual recognition, should be further pursued. The European Council indicated that the existing instruments in this area constituted a fragmentary regime and that a new approach was needed, based on the principle of mutual recognition, but also taking into account the flexibility of the traditional system of mutual legal assistance. The European Council therefore called for a comprehensive system to replace all the existing instruments in this area, including Framework Decision 2008/978/JHA, covering as far as possible all types of evidence, containing time-limits for enforcement and limiting as far as possible the grounds for refusal.
- (7) This new approach is based on a single instrument called the European Investigation Order (EIO). An EIO is to be issued for the purpose of having one or several specific investigative measure(s) carried out in the State executing the EIO ('the executing State') with a view to gathering evidence. This includes the obtaining of evidence that is already in the possession of the executing authority.
- (8) The EIO should have a horizontal scope and therefore should apply to all investigative measures aimed at gathering evidence. However, the setting up of a joint investigation team and the gathering of evidence within such a team require specific rules which are better dealt with separately. Without prejudice to the application of this Directive, existing instruments should therefore continue to apply to this type of investigative measure.
- (9) This Directive should not apply to cross-border surveillance as referred to in the Convention implementing the Schengen Agreement <sup>(1)</sup>.
- (10) The EIO should focus on the investigative measure to be carried out. The issuing authority is best placed to decide, on the basis of its knowledge of the details of the investigation concerned, which investigative measure is to be used. However, the executing authority should, wherever possible, use another type of investigative measure if the indicated measure does not exist under its national law or would not be available in a similar domestic case. Availability should refer to occasions where the indicated investigative measure exists under the law of the executing State but is only lawfully available in certain situations, for example where the investigative measure can only be carried out for offences of a certain degree of seriousness, against persons for whom there is already a certain level of suspicion or with the consent of the person concerned. The executing authority may also have recourse to another type of investigative measure where it would achieve the same result as the investigative measure indicated in the EIO by means implying less interference with the fundamental rights of the person concerned.
- (11) The EIO should be chosen where the execution of an investigative measure seems proportionate, adequate and applicable to the case in hand. The issuing authority should therefore ascertain whether the evidence sought is necessary and proportionate for the purpose of the proceedings, whether the investigative measure chosen is necessary and proportionate for the gathering of the evidence concerned, and whether, by means of issuing the EIO, another Member State should be involved in the gathering of that evidence. The same assessment should be carried out in the validation procedure, where the validation of an EIO is required under this Directive. The execution of an EIO should not be refused on grounds other than those stated in this Directive. However the executing authority should be entitled to opt for a less intrusive investigative measure than the one indicated in an EIO if it makes it possible to achieve similar results.
- (12) When issuing an EIO the issuing authority should pay particular attention to ensuring full respect for the rights as enshrined in Article 48 of the Charter of Fundamental Rights of the European Union (the Charter). The presumption of innocence and the rights of defence in criminal proceedings are a cornerstone of the fundamental rights recognised in the Charter within the area of criminal justice. Any limitation of such rights by an investigative measure ordered in accordance with this Directive should fully conform to the requirements established in Article 52 of the Charter with regard to the necessity, proportionality and objectives that it should pursue, in particular the protection of the rights and freedoms of others.

<sup>(1)</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

- (13) With a view to ensuring the transmission of the EIO to the competent authority of the executing State, the issuing authority may make use of any possible or relevant means of transmission, for example the secure telecommunications system of the European Judicial Network, Eurojust, or other channels used by judicial or law enforcement authorities.
- (14) When making a declaration concerning the language regime, Member States are encouraged to include at least one language which is commonly used in the Union other than their official language(s).
- (15) This Directive should be implemented taking into account Directives 2010/64/EU <sup>(1)</sup>, 2012/13/EU <sup>(2)</sup>, and 2013/48/EU <sup>(3)</sup> of the European Parliament and of the Council, which concern procedural rights in criminal proceedings.
- (16) Non-coercive measures could be, for example, such measures that do not infringe the right to privacy or the right to property, depending on national law.
- (17) The principle of *ne bis in idem* is a fundamental principle of law in the Union, as recognised by the Charter and developed by the case-law of the Court of Justice of the European Union. Therefore the executing authority should be entitled to refuse the execution of an EIO if its execution would be contrary to that principle. Given the preliminary nature of the proceedings underlying an EIO, its execution should not be subject to refusal where it is aimed to establish whether a possible conflict with the *ne bis in idem* principle exists, or where the issuing authority has provided assurances that the evidence transferred as a result of the execution of the EIO would not be used to prosecute or impose a sanction on a person whose case has been finally disposed of in another Member State for the same facts.
- (18) As in other mutual recognition instruments, this Directive does not have the effect of modifying the obligation to respect the fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union (TEU) and the Charter. In order to make this clear, a specific provision is inserted in the text.
- (19) The creation of an area of freedom, security and justice within the Union is based on mutual confidence and a presumption of compliance by other Member States with Union law and, in particular, with fundamental rights. However, that presumption is rebuttable. Consequently, if there are substantial grounds for believing that the execution of an investigative measure indicated in the EIO would result in a breach of a fundamental right of the person concerned and that the executing State would disregard its obligations concerning the protection of fundamental rights recognised in the Charter, the execution of the EIO should be refused.
- (20) It should be possible to refuse an EIO where its recognition or execution in the executing State would involve a breach of an immunity or privilege in that State. There is no common definition of what constitutes an immunity or privilege in Union law; the precise definition of these terms is therefore left to national law, which may include protections which apply to medical and legal professions, but should not be interpreted in a way to counter the obligation to abolish certain grounds for refusal as set out in the Protocol to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union <sup>(4)</sup>. This may also include, even though they are not necessarily considered as privilege or immunity, rules relating to freedom of the press and freedom of expression in other media.
- (21) Time limits are necessary to ensure quick, effective and consistent cooperation between the Member States in criminal matters. The decision on the recognition or execution, as well as the actual execution of the investigative measure, should be carried out with the same celerity and priority as for a similar domestic case. Time limits should be provided to ensure a decision or execution within reasonable time or to meet procedural constraints in the issuing State.

<sup>(1)</sup> Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

<sup>(2)</sup> Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).

<sup>(3)</sup> Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).

<sup>(4)</sup> Protocol established by the Council in accordance with Article 34 of the Treaty on European Union to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 326, 21.11.2001, p. 2).

- (22) Legal remedies available against an EIO should be at least equal to those available in a domestic case against the investigative measure concerned. In accordance with their national law Member States should ensure the applicability of such legal remedies, including by informing in due time any interested party about the possibilities and modalities for seeking those legal remedies. In cases where objections against the EIO are submitted by an interested party in the executing State in respect of the substantive reasons for issuing the EIO, it is advisable that information about such challenge be transmitted to the issuing authority and that the interested party be informed accordingly.
- (23) The expenses incurred in the territory of the executing State for the execution of an EIO should be borne exclusively by that State. This arrangement complies with the general principle of mutual recognition. However, the execution of an EIO may incur exceptionally high costs on the executing State. Such exceptionally high costs may, for example, be complex experts' opinions or extensive police operations or surveillance activities over a long period of time. This should not impede the execution of the EIO and the issuing and executing authorities should seek to establish which costs are to be considered as exceptionally high. The issue of costs might become subject to consultations between the issuing State and the executing State and they are recommended to resolve this issue during the consultations stage. As a last resort, the issuing authority may decide to withdraw the EIO or to maintain it, and the part of the costs which are estimated exceptionally high by the executing State and absolutely necessary in the course of the proceedings, should be covered by the issuing State. The given mechanism should not constitute an additional ground for refusal, and in any event should not be abused in a way to delay or impede the execution of the EIO.
- (24) The EIO establishes a single regime for obtaining evidence. Additional rules are however necessary for certain types of investigative measures which should be indicated in the EIO, such as the temporary transfer of persons held in custody, hearing by video or telephone conference, obtaining of information related to bank accounts or banking transactions, controlled deliveries or covert investigations. Investigative measures implying a gathering of evidence in real time, continuously and over a certain period of time should be covered by the EIO, but, where necessary, practical arrangements should be agreed between the issuing State and the executing State in order to accommodate the differences existing in the national laws of those States.
- (25) This Directive sets out rules on carrying out, at all stages of criminal proceedings, including the trial phase, of an investigative measure, if needed with the participation of the person concerned with a view to collecting evidence. For example an EIO may be issued for the temporary transfer of that person to the issuing State or for the carrying out of a hearing by videoconference. However, where that person is to be transferred to another Member State for the purposes of prosecution, including bringing that person before a court for the purpose of the standing trial, a European Arrest Warrant (EAW) should be issued in accordance with Council Framework Decision 2002/584/JHA <sup>(1)</sup>.
- (26) With a view to the proportionate use of an EAW, the issuing authority should consider whether an EIO would be an effective and proportionate means of pursuing criminal proceedings. The issuing authority should consider, in particular, whether issuing an EIO for the hearing of a suspected or accused person by videoconference could serve as an effective alternative.
- (27) An EIO may be issued in order to obtain evidence concerning the accounts, of whatever nature, held in any bank or any non-banking financial institution by a person subject to criminal proceedings. This possibility is to be understood broadly as comprising not only suspected or accused persons but also any other person in respect of whom such information is found necessary by the competent authorities in the course of criminal proceedings.
- (28) Where in this Directive a reference is made to financial institutions, this term should be understood according to the relevant definition of Article 3 of Directive 2005/60/EC of the European Parliament and the Council <sup>(2)</sup>.
- (29) When an EIO is issued to obtain 'details' of a specified account, 'details' should be understood to include at least the name and address of the account holder, details of any powers of attorney held over the account, and any other details or documents provided by the account holder when the account was opened and that are still held by the bank.

<sup>(1)</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

<sup>(2)</sup> Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

- (30) Possibilities to cooperate under this Directive on the interception of telecommunications should not be limited to the content of the telecommunications, but could also cover collection of traffic and location data associated with such telecommunications, allowing competent authorities to issue an EIO for the purpose of obtaining less intrusive data on telecommunications. An EIO issued to obtain historical traffic and location data related to telecommunications should be dealt with under the general regime related to the execution of the EIO and may be considered, depending on the national law of the executing State, as a coercive investigative measure.
- (31) Where several Member States are in a position to provide the necessary technical assistance, an EIO should be sent only to one of them and priority should be given to the Member State where the person concerned is located. Member States where the subject of the interception is located and from which no technical assistance is needed to carry out the interception should be notified thereof in accordance with this Directive. However, where the technical assistance may not be received from merely one Member State, an EIO may be transmitted to more than one executing State.
- (32) In an EIO containing the request for interception of telecommunications the issuing authority should provide the executing authority with sufficient information, such as details of the criminal conduct under investigation, in order to allow the executing authority to assess whether that investigative measure, would be authorised in a similar domestic case.
- (33) Member States should have regard to the importance of ensuring that technical assistance can be provided by a service provider operating publicly available telecommunications networks and services in the territory of the Member State concerned, in order to facilitate cooperation under this instrument in relation to the lawful interception of telecommunications.
- (34) This Directive, by virtue of its scope, deals with provisional measures only with a view to gathering evidence. In this respect, it should be underlined that any item, including financial assets, may be subject to various provisional measures in the course of criminal proceedings, not only with a view to gathering evidence but also with a view to confiscation. The distinction between the two objectives of provisional measures is not always obvious and the objective of the provisional measure may change in the course of the proceedings. For this reason, it is crucial to maintain a smooth relationship between the various instruments applicable in this field. Furthermore, for the same reason, the assessment of whether the item is to be used as evidence and therefore be the object of an EIO should be left to the issuing authority.
- (35) Where reference is made to mutual assistance in relevant international instruments, such as in conventions concluded within the Council of Europe, it should be understood that between the Member States bound by this Directive it takes precedence over those conventions.
- (36) The categories of offences listed in Annex D should be interpreted consistently with their interpretation under existing legal instruments on mutual recognition.
- (37) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents <sup>(1)</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the European Parliament and the Council consider the transmission of such documents to be justified.
- (38) Since the objective of this Directive, namely the mutual recognition of decisions taken to obtain evidence, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (39) This Directive respects the fundamental rights and observes the principles recognised by Article 6 of the TEU and in the Charter, notably Title VI thereof, by international law and international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in Member States' constitutions in their respective fields of application. Nothing in

<sup>(1)</sup> OJ C 369, 17.12.2011, p. 14.

this Directive may be interpreted as prohibiting refusal to execute an EIO when there are reasons to believe, on the basis of objective elements, that the EIO has been issued for the purpose of prosecuting or punishing a person on account of his or her sex, racial or ethnic origin, religion, sexual orientation, nationality, language or political opinions, or that the person's position may be prejudiced for any of these reasons.

- (40) The protection of natural persons in relation to the processing of personal data is a fundamental right. In accordance with Article 8(1) of the Charter and Article 16(1) of the TFEU, everyone has the right to the protection of personal data concerning them.
- (41) Member States should, in the application of this Directive, provide for transparent policies with regard to the processing of personal data and for the exercise of the rights of data subjects to legal remedies for the protection of their personal data.
- (42) Personal data obtained under this Directive should only be processed when necessary and should be proportionate to the purposes compatible with the prevention, investigation, detection and prosecution of crime or enforcement of criminal sanctions and the exercise of the rights of defence. Only authorised persons should have access to information containing personal data which may be obtained through authentication processes.
- (43) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the TEU and the TFEU, the United Kingdom has notified its wish to take part in the adoption and application of this Directive.
- (44) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the TEU and the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (45) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the TEU and the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (46) The European Data Protection Supervisor delivered an opinion on 5 October 2010 <sup>(1)</sup>, based on Article 41(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council <sup>(2)</sup>,

HAVE ADOPTED THIS DIRECTIVE:

## CHAPTER I

### THE EUROPEAN INVESTIGATION ORDER

#### *Article 1*

#### **The European Investigation Order and obligation to execute it**

1. A European Investigation Order (EIO) is a judicial decision which has been issued or validated by a judicial authority of a Member State ('the issuing State') to have one or several specific investigative measure(s) carried out in another Member State ('the executing State') to obtain evidence in accordance with this Directive.

The EIO may also be issued for obtaining evidence that is already in the possession of the competent authorities of the executing State.

<sup>(1)</sup> OJ C 355, 29.12.2010, p. 1.

<sup>(2)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).



2. Member States shall execute an EIO on the basis of the principle of mutual recognition and in accordance with this Directive.
3. The issuing of an EIO may be requested by a suspected or accused person, or by a lawyer on his behalf, within the framework of applicable defence rights in conformity with national criminal procedure.
4. This Directive shall not have the effect of modifying the obligation to respect the fundamental rights and legal principles as enshrined in Article 6 of the TEU, including the rights of defence of persons subject to criminal proceedings, and any obligations incumbent on judicial authorities in this respect shall remain unaffected.

## Article 2

### Definitions

For the purposes of this Directive the following definitions apply:

- (a) 'issuing State' means the Member State in which the EIO is issued;
- (b) 'executing State' means the Member State executing the EIO, in which the investigative measure is to be carried out;
- (c) 'issuing authority' means:
  - (i) a judge, a court, an investigating judge or a public prosecutor competent in the case concerned; or
  - (ii) any other competent authority as defined by the issuing State which, in the specific case, is acting in its capacity as an investigating authority in criminal proceedings with competence to order the gathering of evidence in accordance with national law. In addition, before it is transmitted to the executing authority the EIO shall be validated, after examination of its conformity with the conditions for issuing an EIO under this Directive, in particular the conditions set out in Article 6.1, by a judge, court, investigating judge or a public prosecutor in the issuing State. Where the EIO has been validated by a judicial authority, that authority may also be regarded as an issuing authority for the purposes of transmission of the EIO;
- (d) 'executing authority' means an authority having competence to recognise an EIO and ensure its execution in accordance with this Directive and the procedures applicable in a similar domestic case. Such procedures may require a court authorisation in the executing State where provided by its national law.

## Article 3

### Scope of the EIO

The EIO shall cover any investigative measure with the exception of the setting up of a joint investigation team and the gathering of evidence within such a team as provided in Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union <sup>(1)</sup> ('the Convention') and in Council Framework Decision 2002/465/JHA <sup>(2)</sup>, other than for the purposes of applying, respectively, Article 13(8) of the Convention and Article 1(8) of the Framework Decision.

## Article 4

### Types of proceedings for which the EIO can be issued

An EIO may be issued:

- (a) with respect to criminal proceedings that are brought by, or that may be brought before, a judicial authority in respect of a criminal offence under the national law of the issuing State;
- (b) in proceedings brought by administrative authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law and where the decision may give rise to proceedings before a court having jurisdiction, in particular, in criminal matters;

<sup>(1)</sup> Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union (OJ C 197, 12.7.2000, p. 3).

<sup>(2)</sup> Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams (OJ L 162, 20.6.2002, p. 1).

- (c) in proceedings brought by judicial authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction, in particular, in criminal matters; and
- (d) in connection with proceedings referred to in points (a), (b), and (c) which relate to offences or infringements for which a legal person may be held liable or punished in the issuing State.

#### *Article 5*

### **Content and form of the EIO**

1. The EIO in the form set out in Annex A shall be completed, signed, and its content certified as accurate and correct by the issuing authority.

The EIO shall, in particular, contain the following information:

- (a) data about the issuing authority and, where applicable, the validating authority;
- (b) the object of and reasons for the EIO;
- (c) the necessary information available on the person(s) concerned;
- (d) a description of the criminal act, which is the subject of the investigation or proceedings, and the applicable provisions of the criminal law of the issuing State;
- (e) a description of the investigative measures(s) requested and the evidence to be obtained.

2. Each Member State shall indicate the language(s) which, among the official languages of the institutions of the Union and in addition to the official language(s) of the Member State concerned, may be used for completing or translating the EIO when the Member State concerned is the executing State.

3. The competent authority of the issuing State shall translate the EIO set out in Annex A into an official language of the executing State or any other language indicated by the executing State in accordance with paragraph 2 of this Article.

## **CHAPTER II**

### **PROCEDURES AND SAFEGUARDS FOR THE ISSUING STATE**

#### *Article 6*

### **Conditions for issuing and transmitting an EIO**

- 1. The issuing authority may only issue an EIO where the following conditions have been met:
  - (a) the issuing of the EIO is necessary and proportionate for the purpose of the proceedings referred to in Article 4 taking into account the rights of the suspected or accused person; and
  - (b) the investigative measure(s) indicated in the EIO could have been ordered under the same conditions in a similar domestic case.
- 2. The conditions referred to in paragraph 1 shall be assessed by the issuing authority in each case.
- 3. Where the executing authority has reason to believe that the conditions referred to in paragraph 1 have not been met, it may consult the issuing authority on the importance of executing the EIO. After that consultation the issuing authority may decide to withdraw the EIO.

*Article 7***Transmission of the EIO**

1. The EIO completed in accordance with Article 5 shall be transmitted from the issuing authority to the executing authority by any means capable of producing a written record under conditions allowing the executing State to establish authenticity.
2. Any further official communication shall be made directly between the issuing authority and the executing authority.
3. Without prejudice to Article 2(d), each Member State may designate a central authority or, where its legal system so provides, more than one central authority, to assist the competent authorities. A Member State may, if necessary due to the organisation of its internal judicial system, make its central authority(ies) responsible for the administrative transmission and receipt of EIOs, as well as for other official correspondence relating to EIOs.
4. The issuing authority may transmit EIOs via the telecommunications system of the European Judicial Network (EJN), as set up by Council Joint Action. 98/428/JHA <sup>(1)</sup>.
5. If the identity of the executing authority is unknown, the issuing authority shall make all necessary inquiries, including via the EJN contact points, in order to obtain the information from the executing State.
6. Where the authority in the executing State which receives the EIO has no competence to recognise the EIO or to take the necessary measures for its execution, it shall, *ex officio*, transmit the EIO to the executing authority and so inform the issuing authority.
7. All difficulties concerning the transmission or authenticity of any document needed for the execution of the EIO shall be dealt with by direct contacts between the issuing authority and the executing authority involved or, where appropriate, with the involvement of the central authorities of the Member States.

*Article 8***EIO related to an earlier EIO**

1. Where an issuing authority issues an EIO which supplements an earlier EIO, it shall indicate this fact in the EIO in Section D of the form set out in Annex A.
2. If the issuing authority assists in the execution of the EIO in the executing State, in accordance with Article 9(4), it may, without prejudice to notifications made under Article 33(1)(c), address an EIO which supplements an earlier EIO directly to the executing authority, while present in that State.
3. The EIO which supplements an earlier EIO shall be certified in accordance with the first subparagraph of Article 5(1), and, where applicable, be validated in accordance with Article 2(c).

## CHAPTER III

**PROCEDURES AND SAFEGUARDS FOR THE EXECUTING STATE***Article 9***Recognition and execution**

1. The executing authority shall recognise an EIO, transmitted in accordance with this Directive, without any further formality being required, and ensure its execution in the same way and under the same modalities as if the investigative measure concerned had been ordered by an authority of the executing State, unless that authority decides to invoke one of the grounds for non-recognition or non-execution or one of the grounds for postponement provided for in this Directive.

<sup>(1)</sup> Joint Action 98/428/JHA of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on the creation of a European Judicial Network (OJ L 191, 7.7.1998, p. 4).

2. The executing authority shall comply with the formalities and procedures expressly indicated by the issuing authority unless otherwise provided in this Directive and provided that such formalities and procedures are not contrary to the fundamental principles of law of the executing State.
3. Where an executing authority receives an EIO which has not been issued by an issuing authority as specified in Article 2(c), the executing authority shall return the EIO to the issuing State.
4. The issuing authority may request that one or more authorities of the issuing State assist in the execution of the EIO in support to the competent authorities of the executing State to the extent that the designated authorities of the issuing State would be able to assist in the execution of the investigative measures indicated in the EIO in a similar domestic case. The executing authority shall comply with this request provided that such assistance is not contrary to the fundamental principles of law of the executing State or does not harm its essential national security interests.
5. The authorities of the issuing State present in the executing State shall be bound by the law of the executing State during the execution of the EIO. They shall not have any law enforcement powers in the territory of the executing State, unless the execution of such powers in the territory of the executing State is in accordance with the law of the executing State and to the extent agreed between the issuing authority and the executing authority.
6. The issuing authority and executing authority may consult each other, by any appropriate means, with a view to facilitating the efficient application of this Article.

#### *Article 10*

##### **Recourse to a different type of investigative measure**

1. The executing authority shall have, wherever possible, recourse to an investigative measure other than that provided for in the EIO where:
  - (a) the investigative measure indicated in the EIO does not exist under the law of the executing State; or
  - (b) the investigative measure indicated in the EIO would not be available in a similar domestic case.
2. Without prejudice to Article 11, paragraph (1) does not apply to the following investigative measures, which always have to be available under the law of the executing State:
  - (a) the obtaining of information or evidence which is already in the possession of the executing authority and the information or evidence could have been obtained, in accordance with the law of the executing State, in the framework of criminal proceedings or for the purposes of the EIO;
  - (b) the obtaining of information contained in databases held by police or judicial authorities and directly accessible by the executing authority in the framework of criminal proceedings;
  - (c) the hearing of a witness, expert, victim, suspected or accused person or third party in the territory of the executing State;
  - (d) any non-coercive investigative measure as defined under the law of the executing State;
  - (e) the identification of persons holding a subscription of a specified phone number or IP address.
3. The executing authority may also have recourse to an investigative measure other than that indicated in the EIO where the investigative measure selected by the executing authority would achieve the same result by less intrusive means than the investigative measure indicated in the EIO.
4. When the executing authority decides to avail itself of the possibility referred to in paragraphs 1 and 3, it shall first inform the issuing authority, which may decide to withdraw or supplement the EIO.
5. Where, in accordance with paragraph 1, the investigative measure indicated in the EIO does not exist under the law of the executing State or it would not be available in a similar domestic case and where there is no other investigative measure which would have the same result as the investigative measure requested, the executing authority shall notify the issuing authority that it has not been possible to provide the assistance requested.

## Article 11

**Grounds for non-recognition or non-execution**

1. Without prejudice to Article 1(4), recognition or execution of an EIO may be refused in the executing State where:
  - (a) there is an immunity or a privilege under the law of the executing State which makes it impossible to execute the EIO or there are rules on determination and limitation of criminal liability relating to freedom of the press and freedom of expression in other media, which make it impossible to execute the EIO;
  - (b) in a specific case the execution of the EIO would harm essential national security interests, jeopardise the source of the information or involve the use of classified information relating to specific intelligence activities;
  - (c) the EIO has been issued in proceedings referred to in Article 4(b) and (c) and the investigative measure would not be authorised under the law of the executing State in a similar domestic case;
  - (d) the execution of the EIO would be contrary to the principle of *ne bis in idem*;
  - (e) the EIO relates to a criminal offence which is alleged to have been committed outside the territory of the issuing State and wholly or partially on the territory of the executing State, and the conduct in connection with which the EIO is issued is not an offence in the executing State;
  - (f) there are substantial grounds to believe that the execution of the investigative measure indicated in the EIO would be incompatible with the executing State's obligations in accordance with Article 6 TEU and the Charter;
  - (g) the conduct for which the EIO has been issued does not constitute an offence under the law of the executing State, unless it concerns an offence listed within the categories of offences set out in Annex D, as indicated by the issuing authority in the EIO, if it is punishable in the issuing State by a custodial sentence or a detention order for a maximum period of at least three years; or
  - (h) the use of the investigative measure indicated in the EIO is restricted under the law of the executing State to a list or category of offences or to offences punishable by a certain threshold, which does not include the offence covered by the EIO.
2. Paragraphs 1(g) and 1(h) do not apply to investigative measures referred to in Article 10(2).
3. Where the EIO concerns an offence in connection with taxes or duties, customs and exchange, the executing authority shall not refuse recognition or execution on the ground that the law of the executing State does not impose the same kind of tax or duty or does not contain a tax, duty, customs and exchange regulation of the same kind as the law of the issuing State.
4. In the cases referred to in points (a), (b), (d), (e) and (f) of paragraph 1 before deciding not to recognise or not to execute an EIO, either in whole or in part the executing authority shall consult the issuing authority, by any appropriate means, and shall, where appropriate, request the issuing authority to supply any necessary information without delay.
5. In the case referred to in paragraph 1(a) and where power to waive the privilege or immunity lies with an authority of the executing State, the executing authority shall request it to exercise that power forthwith. Where power to waive the privilege or immunity lies with an authority of another State or international organisation, it shall be for the issuing authority to request the authority concerned to exercise that power.

## Article 12

**Time limits for recognition or execution**

1. The decision on the recognition or execution shall be taken and the investigative measure shall be carried out with the same celerity and priority as for a similar domestic case and, in any case, within the time limits provided in this Article.
2. Where the issuing authority has indicated in the EIO that, due to procedural deadlines, the seriousness of the offence or other particularly urgent circumstances, a shorter deadline than those provided in this Article is necessary, or if the issuing authority has indicated in the EIO that the investigative measure must be carried out on a specific date, the executing authority shall take as full account as possible of this requirement.

3. The executing authority shall take the decision on the recognition or execution of the EIO as soon as possible and, without prejudice to paragraph 5, no later than 30 days after the receipt of the EIO by the competent executing authority.
4. Unless grounds for postponement under Article 15 exist or evidence mentioned in the investigative measure covered by the EIO is already in the possession of the executing State, the executing authority shall carry out the investigative measure without delay and without prejudice to paragraph 5, not later than 90 days following the taking of the decision referred to in paragraph 3.
5. If it is not practicable in a specific case for the competent executing authority to meet the time limit set out in paragraph 3 or the specific date set out in paragraph 2, it shall, without delay, inform the competent authority of the issuing State by any means, giving the reasons for the delay and the estimated time necessary for the decision to be taken. In such a case, the time limit laid down in paragraph 3 may be extended by a maximum of 30 days.
6. If it is not practicable in a specific case for the competent executing authority to meet the time limit set out in paragraph 4, it shall, without delay, inform the competent authority of the issuing State by any means, giving the reasons for the delay and it shall consult with the issuing authority on the appropriate timing to carry out the investigative measure.

#### *Article 13*

#### **Transfer of evidence**

1. The executing authority shall, without undue delay, transfer the evidence obtained or already in the possession of the competent authorities of the executing State as a result of the execution of the EIO to the issuing State.

Where requested in the EIO and if possible under the law of the executing State, the evidence shall be immediately transferred to the competent authorities of the issuing State assisting in the execution of the EIO in accordance with Article 9(4).

2. The transfer of the evidence may be suspended, pending a decision regarding a legal remedy, unless sufficient reasons are indicated in the EIO that an immediate transfer is essential for the proper conduct of its investigations or for the preservation of individual rights. However, the transfer of evidence shall be suspended if it would cause serious and irreversible damage to the person concerned.
3. When transferring the evidence obtained, the executing authority shall indicate whether it requires the evidence to be returned to the executing State as soon as it is no longer required in the issuing State.
4. Where the objects, documents, or data concerned are already relevant for other proceedings, the executing authority may, at the explicit request of and after consultations with the issuing authority, temporarily transfer the evidence on the condition that it be returned to the executing State as soon as it is no longer required in the issuing State or at any other time or occasion agreed between the competent authorities.

#### *Article 14*

#### **Legal remedies**

1. Member States shall ensure that legal remedies equivalent to those available in a similar domestic case, are applicable to the investigative measures indicated in the EIO.
2. The substantive reasons for issuing the EIO may be challenged only in an action brought in the issuing State, without prejudice to the guarantees of fundamental rights in the executing State.
3. Where it would not undermine the need to ensure confidentiality of an investigation under Article 19(1), the issuing authority and the executing authority shall take the appropriate measures to ensure that information is provided about the possibilities under national law for seeking the legal remedies when these become applicable and in due time to ensure that they can be exercised effectively.

4. Member States shall ensure that the time-limits for seeking a legal remedy shall be the same as those that are provided for in similar domestic cases and are applied in a way that guarantees the possibility of the effective exercise of these legal remedies for the parties concerned.
5. The issuing authority and the executing authority shall inform each other about the legal remedies sought against the issuing, the recognition or the execution of an EIO.
6. A legal challenge shall not suspend the execution of the investigative measure, unless it is provided in similar domestic cases.
7. The issuing State shall take into account a successful challenge against the recognition or execution of an EIO in accordance with its own national law. Without prejudice to national procedural rules Member States shall ensure that in criminal proceedings in the issuing State the rights of the defence and the fairness of the proceedings are respected when assessing evidence obtained through the EIO

#### *Article 15*

#### **Grounds for postponement of recognition or execution**

1. The recognition or execution of the EIO may be postponed in the executing State where:
  - (a) its execution might prejudice an on-going criminal investigation or prosecution, until such time as the executing State deems reasonable;
  - (b) the objects, documents, or data concerned are already being used in other proceedings, until such time as they are no longer required for that purpose.
2. As soon as the ground for postponement has ceased to exist, the executing authority shall forthwith take the necessary measures for the execution of the EIO and inform the issuing authority by any means capable of producing a written record.

#### *Article 16*

#### **Obligation to inform**

1. The competent authority in the executing State which receives the EIO shall, without delay, and in any case within a week of the reception of an EIO, acknowledge reception of the EIO by completing and sending the form set out in Annex B.

Where a central authority has been designated in accordance with Article 7(3), this obligation is applicable both to the central authority and to the executing authority which receives the EIO from the central authority.

In the cases referred to in Article 7(6), this obligation applies both to the competent authority which initially received the EIO and to the executing authority to which the EIO is finally transmitted.

2. Without prejudice to Article 10(4) and (5) the executing authority shall inform the issuing authority immediately by any means:
  - (a) if it is impossible for the executing authority to take a decision on the recognition or execution due to the fact that the form provided for in Annex A is incomplete or manifestly incorrect;
  - (b) if the executing authority, in the course of the execution of the EIO, considers without further enquiries that it may be appropriate to carry out investigative measures not initially foreseen, or which could not be specified when the EIO was issued, in order to enable the issuing authority to take further action in the specific case; or
  - (c) if the executing authority establishes that, in the specific case, it cannot comply with formalities and procedures expressly indicated by the issuing authority in accordance with Article 9.

Upon request by the issuing authority, the information shall be confirmed without delay by any means capable of producing a written record.

3. Without prejudice to Article 10(4) and (5) the executing authority shall inform the issuing authority without delay by any means capable of producing a written record:
  - (a) of any decision taken pursuant to Articles 10 or 11;
  - (b) of any decision to postpone the execution or recognition of the EIO, the reasons for the postponement and, if possible, the expected duration of the postponement.

#### *Article 17*

### **Criminal liability regarding officials**

When present in the territory of the executing State in the framework of the application of this Directive, officials from the issuing State shall be regarded as officials of the executing State with respect to offences committed against them or by them.

#### *Article 18*

### **Civil liability regarding officials**

1. Where, in the framework of the application of this Directive, officials of a Member State are present in the territory of another Member State, the former Member State shall be liable for any damage caused by its officials during their operations, in accordance with the law of the Member State in whose territory they are operating.
2. The Member State in whose territory the damage referred to in paragraph 1 was caused shall make good such damage under the conditions applicable to damage caused by its own officials.
3. The Member State whose officials have caused damage to any person in the territory of another Member State shall reimburse in full any sums the latter Member State has paid to the victims or persons entitled on their behalf.
4. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, each Member State shall refrain in cases referred to in paragraph 1 from requesting reimbursement of damages it has sustained from another Member State.

#### *Article 19*

### **Confidentiality**

1. Each Member State shall take the necessary measures to ensure that in the execution of an EIO the issuing authority and the executing authority take due account of the confidentiality of the investigation.
2. The executing authority shall, in accordance with its national law, guarantee the confidentiality of the facts and the substance of the EIO, except to the extent necessary to execute the investigative measure. If the executing authority cannot comply with the requirement of confidentiality, it shall notify the issuing authority without delay.
3. The issuing authority shall, in accordance with its national law and unless otherwise indicated by the executing authority, not disclose any evidence or information provided by the executing authority, except to the extent that its disclosure is necessary for the investigations or proceedings described in the EIO.
4. Each Member State shall take the necessary measures to ensure that banks do not disclose to the bank customer concerned or to other third persons that information has been transmitted to the issuing State in accordance with Articles 26 and 27 or that an investigation is being carried out.



*Article 20***Protection of personal data**

When implementing this Directive, Member States shall ensure that personal data are protected and may only be processed in accordance with Council Framework Decision 2008/977/JHA <sup>(1)</sup> and the principles of the Council of Europe Convention for the protection of Individuals with regard to the Automatic Processing of Personal Data of 28 January 1981 and its Additional Protocol.

Access to such data shall be restricted, without prejudice to the rights of the data subject. Only authorised persons may have access to such data.

*Article 21***Costs**

1. Unless otherwise provided in this Directive, the executing State shall bear all costs undertaken on the territory of the executing State which are related to the execution of an EIO.

2. Where the executing authority considers that the costs for the execution of the EIO may be deemed exceptionally high, it may consult with the issuing authority on whether and how the costs could be shared or the EIO modified.

The executing authority shall inform the issuing authority in advance of the detailed specifications of the part of the costs deemed exceptionally high.

3. In exceptional situations where no agreement can be reached with regard to the costs referred to in paragraph 2, the issuing authority may decide to:

- (a) withdraw the EIO in whole or in part; or
- (b) keep the EIO, and bear the part of the costs deemed exceptionally high.

## CHAPTER IV

**SPECIFIC PROVISIONS FOR CERTAIN INVESTIGATIVE MEASURES***Article 22***Temporary transfer to the issuing State of persons held in custody for the purpose of carrying out an investigative measure**

1. An EIO may be issued for the temporary transfer of a person in custody in the executing State for the purpose of carrying out an investigative measure with a view to gathering evidence for which the presence of that person on the territory of the issuing State is required, provided that he shall be sent back within the period stipulated by the executing State.

2. In addition to the grounds for non-recognition or non-execution referred to in Article 11 the execution of the EIO may also be refused if:

- (a) the person in custody does not consent; or
- (b) the transfer is liable to prolong the detention of the person in custody.

3. Without prejudice to paragraph 2(a), where the executing State considers it necessary in view of the person's age or physical or mental condition, the opportunity to state the opinion on the temporary transfer shall be given to the legal representative of the person in custody.

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<sup>(1)</sup> Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (OJ L 350, 30.12.2008, p. 60).

4. In cases referred to in paragraph 1, transit of the person in custody through the territory of a third Member State ('the Member State of transit') shall be granted on application, accompanied by all necessary documents.
5. The practical arrangements regarding the temporary transfer of the person including the details of his custody conditions in the issuing State, and the dates by which he must be transferred from and returned to the territory of the executing State shall be agreed between the issuing State and the executing State, ensuring that the physical and mental condition of the person concerned, as well as the level of security required in the issuing State, are taken into account.
6. The transferred person shall remain in custody in the territory of the issuing State and, where applicable, in the territory of the Member State of transit, for the acts or convictions for which he has been kept in custody in the executing State, unless the executing State applies for his release.
7. The period of custody in the territory of the issuing State shall be deducted from the period of detention which the person concerned is or will be obliged to undergo in the territory of the executing State.
8. Without prejudice to paragraph 6, a transferred person shall not be prosecuted or detained or subjected to any other restriction of his personal liberty in the issuing State for acts committed or convictions handed down before his departure from the territory of the executing State and which are not specified in the EIO.
9. The immunity referred to in paragraph 8 shall cease to exist if the transferred person, having had an opportunity to leave for a period of 15 consecutive days from the date when his presence is no longer required by the issuing authorities, has either:
  - (a) nevertheless remained in the territory; or
  - (b) having left it, has returned.
10. Costs resulting from the application of this Article shall be borne in accordance with Article 21, except for the costs arising from the transfer of the person to and from the issuing State which shall be borne by that State.

#### Article 23

#### **Temporary transfer to the executing State of persons held in custody for the purpose of carrying out an investigative measure**

1. An EIO may be issued for the temporary transfer of a person held in custody in the issuing State for the purpose of carrying out an investigative measure with a view to gathering evidence for which his presence on the territory of the executing State is required.
2. Paragraph 2(a) and paragraphs 3 to 9 of Article 22 are applicable *mutatis mutandis* to the temporary transfer under this Article.
3. Costs resulting from the application of this Article shall be borne in accordance with Article 21, except for the costs arising from the transfer of the person concerned to and from the executing State which shall be borne by the issuing State.

#### Article 24

#### **Hearing by videoconference or other audiovisual transmission**

1. Where a person is in the territory of the executing State and has to be heard as a witness or expert by the competent authorities of the issuing State, the issuing authority may issue an EIO in order to hear the witness or expert by videoconference or other audiovisual transmission in accordance with paragraphs 5 to 7.

The issuing authority may also issue an EIO for the purpose of hearing a suspected or accused person by videoconference or other audiovisual transmission.

2. In addition to the grounds for non-recognition or non-execution referred to in Article 11, execution of an EIO may be refused if either:

- (a) the suspected or accused person does not consent; or
- (b) the execution of such an investigative measure in a particular case would be contrary to the fundamental principles of the law of the executing State.

3. The issuing authority and the executing authority shall agree the practical arrangements. When agreeing such arrangements, the executing authority shall undertake to:

- (a) summon the witness or expert concerned, indicating the time and the venue of the hearing;
- (b) summon the suspected or accused persons to appear for the hearing in accordance with the detailed rules laid down in the law of the executing State and inform such persons about their rights under the law of the issuing State, in such a time as to allow them to exercise their rights of defence effectively;
- (c) ensure the identity of the person to be heard.

4. If in circumstances of a particular case the executing authority has no access to technical means for a hearing held by videoconference, such means may be made available to it by the issuing State by mutual agreement.

5. Where a hearing is held by videoconference or other audiovisual transmission, the following rules shall apply:

- (a) the competent authority of the executing State shall be present during the hearing, where necessary assisted by an interpreter, and shall also be responsible for ensuring both the identity of the person to be heard and respect for the fundamental principles of the law of the executing State.

If the executing authority is of the view that during the hearing the fundamental principles of the law of the executing State are being infringed, it shall immediately take the necessary measures to ensure that the hearing continues in accordance with those principles;

- (b) measures for the protection of the person to be heard shall be agreed, where necessary, between the competent authorities of the issuing State and the executing State;
- (c) the hearing shall be conducted directly by, or under the direction of, the competent authority of the issuing State in accordance with its own laws;
- (d) at the request of the issuing State or the person to be heard, the executing State shall ensure that the person to be heard is assisted by an interpreter, if necessary;
- (e) suspected or accused persons shall be informed in advance of the hearing of the procedural rights which would accrue to them, including the right not to testify, under the law of the executing State and the issuing State. Witnesses and experts may claim the right not to testify which would accrue to them under the law of either the executing or the issuing State and shall be informed about this right in advance of the hearing.

6. Without prejudice to any measures agreed for the protection of persons, on the conclusion of the hearing, the executing authority shall draw up minutes indicating the date and place of the hearing, the identity of the person heard, the identities and functions of all other persons in the executing State participating in the hearing, any oaths taken and the technical conditions under which the hearing took place. The document shall be forwarded by the executing authority to the issuing authority.

7. Each Member State shall take the necessary measures to ensure that, where the person is being heard within its territory in accordance with this Article and refuses to testify when under an obligation to testify or does not testify the truth, its national law applies in the same way as if the hearing took place in a national procedure.

## Article 25

**Hearing by telephone conference**

1. If a person is in the territory of one Member State and has to be heard as a witness or expert by competent authorities of another Member State, the issuing authority of the latter Member State may, where it is not appropriate or possible for the person to be heard to appear in its territory in person, and after having examined other suitable means, issue an EIO in order to hear a witness or expert by telephone conference as provided for in paragraph 2.
2. Unless otherwise agreed, Article 24(3), (5), (6) and (7) shall apply *mutatis mutandis* to hearings by telephone conference.

## Article 26

**Information on bank and other financial accounts**

1. An EIO may be issued in order to determine whether any natural or legal person subject to the criminal proceedings concerned holds or controls one or more accounts, of whatever nature, in any bank located in the territory of the executing State, and if so, to obtain all the details of the identified accounts.
2. Each Member State shall take the measures necessary to enable it to provide the information referred to in paragraph 1 in accordance with the conditions under this Article.
3. The information referred to in paragraph 1 shall also, if requested in the EIO, include accounts for which the person subject to the criminal proceedings concerned has powers of attorney.
4. The obligation set out in this Article shall apply only to the extent that the information is in the possession of the bank keeping the account.
5. In the EIO the issuing authority shall indicate the reasons why it considers that the requested information is likely to be of substantial value for the purpose of the criminal proceedings concerned and on what grounds it presumes that banks in the executing State hold the account and, to the extent available, which banks may be involved. It shall also include in the EIO any information available which may facilitate its execution.
6. An EIO may also be issued to determine whether any natural or legal person subject to the criminal proceedings concerned holds one or more accounts, in any non-bank financial institution located on the territory of the executing State. Paragraphs 3 to 5 shall apply *mutatis mutandis*. In such case and in addition to the grounds for non-recognition and non-execution referred to in Article 11, the execution of the EIO may also be refused if the execution of the investigative measure would not be authorised in a similar domestic case.

## Article 27

**Information on banking and other financial operations**

1. An EIO may be issued in order to obtain the details of specified bank accounts and of banking operations which have been carried out during a defined period through one or more accounts specified therein, including the details of any sending or recipient account.
2. Each Member State shall take the measures necessary to enable it to provide the information referred to in paragraph 1 in accordance with the conditions under this Article.
3. The obligation set out in this Article shall apply only to the extent that the information is in the possession of the bank in which the account is held.

4. In the EIO the issuing authority shall indicate the reasons why it considers the requested information relevant for the purpose of the criminal proceedings concerned.

5. An EIO may also be issued with regard to the information provided for in paragraph 1 with reference to the financial operations conducted by non-banking financial institutions. Paragraphs 3 to 4 shall apply *mutatis mutandis*. In such case and in addition to the grounds for non-recognition and non-execution referred to in Article 11, the execution of the EIO may also be refused where the execution of the investigative measure would not be authorised in a similar domestic case.

#### Article 28

#### **Investigative measures implying the gathering of evidence in real time, continuously and over a certain period of time**

1. When the EIO is issued for the purpose of executing an investigative measure requiring the gathering of evidence in real time, continuously and over a certain period of time, such as:

- (a) the monitoring of banking or other financial operations that are being carried out through one or more specified accounts;
- (b) the controlled deliveries on the territory of the executing State;

its execution may be refused, in addition to the grounds for non-recognition and non-execution referred to in Article 11, if the execution of the investigative measure concerned would not be authorised in a similar domestic case.

2. The practical arrangements regarding the investigative measure referred to in paragraph 1(b) and wherever else necessary shall be agreed between the issuing State and the executing State.

3. The issuing authority shall indicate in the EIO why it considers the information requested relevant for the purpose of the criminal proceedings concerned.

4. The right to act, to direct and to control operations related to the execution of an EIO referred to in paragraph 1 shall lie with the competent authorities of the executing State.

#### Article 29

#### **Covert investigations**

1. An EIO may be issued for the purpose of requesting the executing State to assist the issuing State in the conduct of investigations into crime by officers acting under covert or false identity ('covert investigations').

2. The issuing authority shall indicate in the EIO why it considers that the covert investigation is likely to be relevant for the purpose of the criminal proceedings. The decision on the recognition and execution of an EIO issued under this Article shall be taken in each individual case by the competent authorities of the executing State with due regard to its national law and procedures.

3. In addition to the grounds for non-recognition and non-execution referred to in Article 11, the executing authority may refuse to execute an EIO referred to in paragraph 1, where:

- (a) the execution of the covert investigation would not be authorised in a similar domestic case; or
- (b) it was not possible to reach an agreement on the arrangements for the covert investigations under paragraph 4.

4. Covert investigations shall take place in accordance with the national law and procedures of the Member State on the territory of which the covert investigation takes place. The right to act, to direct and to control the operation related to the covert investigation shall lie solely with the competent authorities of the executing State. The duration of the covert investigation, the detailed conditions, and the legal status of the officers concerned during covert investigations shall be agreed between the issuing State and the executing State with due regard to their national laws and procedures.

## CHAPTER V

**INTERCEPTION OF TELECOMMUNICATIONS***Article 30***Interception of telecommunications with technical assistance of another Member State**

1. An EIO may be issued for the interception of telecommunications in the Member State from which technical assistance is needed.
  2. Where more than one Member State is in a position to provide the complete necessary technical assistance for the same interception of telecommunications, the EIO shall be sent only to one of them. Priority shall always be given to the Member State where the subject of the interception is or will be located.
  3. An EIO referred to in paragraph 1 shall also contain the following information:
    - (a) information for the purpose of identifying the subject of the interception;
    - (b) the desired duration of the interception; and
    - (c) sufficient technical data, in particular the target identifier, to ensure that the EIO can be executed.
  4. The issuing authority shall indicate in the EIO the reasons why it considers the indicated investigative measure relevant for the purpose of the criminal proceedings concerned.
  5. In addition to the grounds for non-recognition or non-execution referred to in Article 11, the execution of an EIO referred to in paragraph 1 may also be refused where the investigative measure would not have been authorised in a similar domestic case. The executing State may make its consent subject to any conditions which would be observed in a similar domestic case.
  6. An EIO referred to in paragraph 1 may be executed by:
    - (a) transmitting telecommunications immediately to the issuing State; or
    - (b) intercepting, recording and subsequently transmitting the outcome of interception of telecommunications to the issuing State.
- The issuing authority and the executing authority shall consult each other with a view to agreeing on whether the interception is carried out in accordance with point (a) or (b).
7. When issuing an EIO referred to in paragraph 1 or during the interception, the issuing authority may, where it has a particular reason to do so, also request a transcription, decoding or decrypting of the recording subject to the agreement of the executing authority.
  8. Costs resulting from the application of this Article shall be borne in accordance with Article 21, except for the costs arising from the transcription, decoding and decrypting of the intercepted communications which shall be borne by the issuing State.

*Article 31***Notification of the Member State where the subject of the interception is located from which no technical assistance is needed**

1. Where, for the purpose of carrying out an investigative measure, the interception of telecommunications is authorised by the competent authority of one Member State (the 'intercepting Member State') and the communication address of the subject of the interception specified in the interception order is being used on the territory of another Member State (the 'notified Member State') from which no technical assistance is needed to carry out the interception, the intercepting Member State shall notify the competent authority of the notified Member State of the interception:
  - (a) prior to the interception in cases where the competent authority of the intercepting Member State knows at the time of ordering the interception that the subject of the interception is or will be on the territory of the notified Member State;
  - (b) during the interception or after the interception has been carried out, immediately after it becomes aware that the subject of the interception is or has been during the interception, on the territory of the notified Member State.

2. The notification referred to in paragraph 1 shall be made by using the form set out in Annex C.
3. The competent authority of the notified Member States may, in case where the interception would not be authorised in a similar domestic case, notify, without delay and at the latest within 96 hours after the receipt of the notification referred to in paragraph 1, the competent authority of the intercepting Member State:
  - (a) that the interception may not be carried out or shall be terminated; and
  - (b) where necessary, that any material already intercepted while the subject of the interception was on its territory may not be used, or may only be used under conditions which it shall specify. The competent authority of the notified Member State shall inform the competent authority of the intercepting Member State of reasons justifying those conditions.
4. Article 5(2) shall be applicable *mutatis mutandis* for the notification referred to in paragraph 2.

## CHAPTER VI

### PROVISIONAL MEASURES

#### Article 32

##### Provisional measures

1. The issuing authority may issue an EIO in order to take any measure with a view to provisionally preventing the destruction, transformation, removal, transfer or disposal of an item that may be used as evidence.
2. The executing authority shall decide and communicate the decision on the provisional measure as soon as possible and, wherever practicable, within 24 hours of receipt of the EIO.
3. Where a provisional measure referred to in paragraph 1 is requested the issuing authority shall indicate in the EIO whether the evidence is to be transferred to the issuing State or is to remain in the executing State. The executing authority shall recognise and execute the EIO and transfer the evidence in accordance with the procedures laid down in this Directive.
4. Where, in accordance with paragraph 3, an EIO is accompanied by an instruction that the evidence shall remain in the executing State, the issuing authority shall indicate the date of lifting the provisional measure referred to in paragraph 1, or the estimated date for the submission of the request for the evidence to be transferred to the issuing State.
5. After consulting the issuing authority, the executing authority may, in accordance with its national law and practice, lay down appropriate conditions in light of the circumstances of the case to limit the period for which the provisional measure referred to in paragraph 1 is to be maintained. If, in accordance with those conditions, it envisages lifting the provisional measure, the executing authority shall inform the issuing authority, which shall be given the opportunity to submit its comments. The issuing authority shall forthwith notify the executing authority that the provisional measure referred to in paragraph 1 has been lifted.

## CHAPTER VII

### FINAL PROVISIONS

#### Article 33

##### Notifications

1. By 22 May 2017 each Member State shall notify the Commission of the following:
  - (a) the authority or authorities which, in accordance with its national law, are competent according to Article 2(c) and (d) when this Member State is the issuing State or the executing State;
  - (b) the languages accepted for an EIO, as referred to in Article 5(2);
  - (c) the information regarding the designated central authority or authorities if the Member State wishes to make use of the possibility under Article 7(3). This information shall be binding upon the authorities of the issuing State.

2. Each Member State may also provide the Commission the list of necessary documents it would require under Article 22(4).
3. Member States shall inform the Commission of any subsequent changes to the information referred to in paragraphs 1 and 2.
4. The Commission shall make the information received under this Article available to all the Member States and to the EJN. The EJN shall make the information available on the website referred to in Article 9 of the Council Decision 2008/976/JHA <sup>(1)</sup>.

#### Article 34

##### **Relations to other legal instruments, agreements and arrangements**

1. Without prejudice to their application between Member States and third States and their temporary application by virtue of Article 35, this Directive replaces, as from 22 May 2017, the corresponding provisions of the following conventions applicable between the Member States bound by this Directive:
  - (a) European Convention on Mutual Assistance in Criminal Matters of the Council of Europe of 20 April 1959, as well as its two additional protocols, and the bilateral agreements concluded pursuant to Article 26 thereof;
  - (b) Convention implementing the Schengen Agreement;
  - (c) Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and its protocol.
2. Framework Decision 2008/978/JHA is hereby replaced for the Member States bound by this Directive. Provisions of Framework Decision 2003/577/JHA are replaced for Member States bound by this Directive as regards freezing of evidence.

For the Member States bound by this Directive, references to Framework Decision 2008/978/JHA and, as regards freezing of evidence, to Framework Decision 2003/577/JHA, shall be construed as references to this Directive.

3. In addition to this Directive, Member States may conclude or continue to apply bilateral or multilateral agreements or arrangements with other Member States after 22 May 2017 only insofar as these make it possible to further strengthen the aims of this Directive and contribute to simplifying or further facilitating the procedures for gathering evidence and provided that the level of safeguards set out in this Directive is respected.
4. Member States shall notify to the Commission by 22 May 2017 the existing agreements and arrangements referred to in paragraph 3 which they wish to continue to apply. Member States shall also notify the Commission within three months of the signing of any new agreement or arrangement referred to in paragraph 3.

#### Article 35

##### **Transitional provisions**

1. Mutual assistance requests received before 22 May 2017 shall continue to be governed by existing instruments relating to mutual assistance in criminal matters. Decisions to freeze evidence by virtue of Framework Decision 2003/577/JHA and received before 22 May 2017 shall also be governed by that Framework Decision.
2. Article 8(1) is applicable *mutatis mutandis* to the EIO following a decision of freezing taken under Framework Decision 2003/577/JHA.

<sup>(1)</sup> Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).



*Article 36***Transposition**

1. Member States shall take the necessary measures to comply with this Directive by 22 May 2017.
2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
3. By 22 May 2017, Member States shall transmit to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Directive.

*Article 37***Report on the application**

No later than five years after 21 May 2014, the Commission shall present to the European Parliament and the Council a report on the application of this Directive, on the basis of both qualitative and quantitative information, including in particular, the evaluation of its impact on the cooperation in criminal matters and the protection of individuals, as well as the execution of the provisions on the interception of telecommunications in light of technical developments. The report shall be accompanied, if necessary, by proposals for amendments to this Directive.

*Article 38***Entry into force**

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

*Article 39***Addressees**

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Brussels, 3 April 2014.

*For the European Parliament*  
*The President*  
M. SCHULZ

*For the Council*  
*The President*  
D. KOURKOULAS

## ANNEX A

## EUROPEAN INVESTIGATION ORDER (EIO)

This EIO has been issued by a competent authority. The issuing authority certifies that the issuing of this EIO is necessary and proportionate for the purpose of the proceedings specified within it taking into account the rights of the suspected or accused person and that the investigative measures requested could have been ordered under the same conditions in a similar domestic case. I request that the investigative measure or measures specified below be carried out taking due account of the confidentiality of the investigation and that the evidence obtained as a result of the execution of the EIO be transferred.

## SECTION A

Issuing State: .....

Executing State: .....

SECTION B: **Urgency**

Please indicate if there is any urgency due to

☐ Evidence being concealed or destroyed

☐ Imminent trial date

☐ Any other reason

Please specify below:

Time limits for execution of the EIO are laid down in Directive 2014/41/EU. However, if a shorter or specific time limit is necessary, please provide the date and explain the reason for this:

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

## SECTION C: Investigative measure(s) to be carried out

1. Describe the assistance/investigative measure(s) required AND indicate, if applicable, if it is one of the following investigative measures:

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

☐ Obtaining information or evidence which is already in the possession of the executing authority

☐ Obtaining information contained in databases held by police or judicial authorities

☐ Hearing

☐ witness

☐ expert

☐ suspected or accused person

☐ victim

☐ third party

☐ Identification of persons holding a subscription of a specified phone number or IP address

☐ Temporary transfer of a person held in custody to the issuing State

☐ Temporary transfer of a person held in custody to the executing State

- ☐ Hearing by videoconference or other audiovisual transmission
- ☐ witness
  - ☐ expert
  - ☐ suspected or accused person
- ☐ Hearing by telephone conference
- ☐ witness
  - ☐ expert
- ☐ Information on bank and other financial accounts
- ☐ Information on banking and other financial operations
- ☐ Investigative measure implying the gathering of evidence in real time, continuously and over a certain period of time
- ☐ monitoring of banking or other financial operations
  - ☐ controlled deliveries
  - ☐ other
- ☐ Covert investigation
- ☐ Interception of telecommunications
- ☐ Provisional measure(s) to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence

#### SECTION D: Relation to an earlier EIO

Indicate whether this EIO supplements an earlier EIO. If applicable, provide information relevant to identify the previous EIO (the date of issue of the EIO, the authority to which it was transmitted and, if available, the date of transmission of the EIO, and reference numbers given by the issuing and executing authorities):

.....

.....

If relevant please indicate if an EIO has already been addressed to another Member State in the same case:

.....

#### SECTION E: Identity of the person concerned

1. State all information, as far as known, regarding the identity of the (i) natural or (ii) legal person(s) concerned by the investigative measure (if more than one person is concerned, please provide the information for each person):

(i) In the case of natural person(s)

Name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Aliases, if applicable: .....

Sex: .....

Nationality: .....

Identity number or social security number: .....

Type and number of the identity document(s) (ID card, passport), if available:

.....

Date of birth: .....

Place of birth: .....

Residence and/or known address; if address not known, state the last known address:

.....

Language(s) which the person understands:

.....

## (ii) In the case of legal person(s)

Name: .....

Form of legal person: .....

Shortened name, commonly used name or trading name, if applicable:

.....

Registered seat: .....

Registration number: .....

Address of the legal person: .....

Name of the legal person's representative: .....

Please describe the position the concerned person currently holds in the proceedings:

☐ suspected or accused person☐ victim☐ witness☐ expert☐ third party☐ other (please specify) .....

2. If different from the address above, please give the location where investigative measure is to be carried out:

.....

.....

3. Provide any other information that will assist with the execution of the EIO:

.....

.....

## SECTION F: Type of proceedings for which the EIO is issued:

☐ (a) with respect to criminal proceedings brought by, or that may be brought before, a judicial authority in respect of a criminal offence under the national law of the issuing State; or☐ (b) proceedings brought by administrative authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters; or☐ (c) proceedings brought by judicial authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters;☐ (d) in connection with proceedings referred to in points (a), (b), and (c) which relate to offences or infringements for which a legal person may be held liable or punished in the issuing State.

## SECTION G: Grounds for issuing the EIO

## 1. Summary of the facts

Set out the reasons why the EIO is issued, including a summary of the underlying facts, a description of offences charged or under investigation, the stage the investigation has reached, the reasons for any risk factors and any other relevant information.

.....

.....

.....

2. Nature and legal classification of the offence(s) for which the EIO is issued and the applicable statutory provision/code:

.....

.....

.....

3. Is the offence for which the EIO is issued punishable in the issuing State by a custodial sentence or detention order of a maximum of at least three years as defined by the law of the issuing State and included in the list of offences set out below? (please tick the relevant box)

- ☐ participation in a criminal organisation
- ☐ terrorism
- ☐ trafficking in human beings
- ☐ sexual exploitation of children and child pornography
- ☐ illicit trafficking in narcotic drugs and psychotropic substances
- ☐ illicit trafficking in weapons, munitions and explosives
- ☐ corruption
- ☐ fraud, including that affecting the financial interests of the European Union within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests
- ☐ laundering of the proceeds of crime
- ☐ counterfeiting currency, including of the euro
- ☐ computer-related crime
- ☐ environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties
- ☐ facilitation of unauthorised entry and residence
- ☐ murder, grievous bodily injury
- ☐ illicit trade in human organs and tissue
- ☐ kidnapping, illegal restraint and hostage-taking
- ☐ racism and xenophobia
- ☐ organised or armed robbery
- ☐ illicit trafficking in cultural goods, including antiques and works of art
- ☐ swindling
- ☐ racketeering and extortion
- ☐ counterfeiting and piracy of products
- ☐ forgery of administrative documents and trafficking therein
- ☐ forgery of means of payment
- ☐ illicit trafficking in hormonal substances and other growth promoters
- ☐ illicit trafficking in nuclear or radioactive materials
- ☐ trafficking in stolen vehicles
- ☐ rape
- ☐ arson
- ☐ crimes within the jurisdiction of the International Criminal Court
- ☐ unlawful seizure of aircraft/ships
- ☐ sabotage

**SECTION H: Additional requirements for certain measures**

Fill out the sections relevant to the investigative measure(s) requested:

**SECTION H1: Transfer of a person held in custody**

(1) If a temporary transfer to the issuing State of a person held in custody for the purpose of the investigation is requested, please indicate whether the person consented to this measure:

☐ Yes                      ☐ No                      ☐ I request that the person's consent is sought

(2) If a temporary transfer to the executing State of a person held in custody for the purpose of investigation is requested, please indicate whether the person consented to this measure:

☐ Yes                      ☐ No

**SECTION H2: Video or telephone conference or other audiovisual transmission**

If hearing by videoconference or telephone conference or other audiovisual transmission is requested:

Please indicate the name of the authority that will conduct the hearing (contact details/language):

.....

Please indicate reasons for requesting this measure: .....

.....

☐ (a) hearing by videoconference or other audiovisual transmission:

☐ the suspected or accused person has given his/her consent

☐ (b) hearing by telephone conference

**SECTION H3: Provisional measures**

If a provisional measure to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence, is requested, please indicate whether:

☐ the item is to be transferred to the issuing State

☐ the item is to remain in the executing State; please indicate an estimated date:

for lifting of provisional measure: .....

for the submission of a subsequent request concerning the item: .....

**SECTION H4: Information on bank and other financial accounts**

(1) If information on bank accounts or other financial accounts that the person holds or controls is requested, please indicate, for each of them, the reasons why you consider the measure relevant for the purpose of the criminal proceedings and on what grounds you presume that banks in the executing State hold the account:

☐ information on bank accounts that the person holds or in respect of which he or she has the power of attorney

☐ information on other financial accounts that the person holds or in respect of which he or she has the power of attorney

.....

.....

.....

.....

(2) If information on banking operations or other financial operations is requested, please indicate, for each of them, the reasons why you consider the measure relevant for the purpose of the criminal proceedings:

- ☐ information on banking operations  
☐ information on other financial operations

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

Indicate the relevant period of time and the related accounts:

.....  
 .....

**SECTION H5: Investigative measures implying the gathering of evidence in real time, continuously and over a certain period of time**

If such investigative measure is requested please indicate the reasons why you consider the requested information relevant for the purpose of the criminal proceedings:

.....  
 .....

**SECTION H6: Covert investigations**

If covert investigation is requested please indicate the reasons why you consider the investigative measure likely to be relevant for the purpose of the criminal proceedings:

.....  
 .....

**SECTION H7: Interception of telecommunications**

(1) If interception of telecommunications is requested please indicate the reasons why you consider the investigative measure relevant for the purpose of the criminal proceedings:

.....  
 .....

(2) Please provide following information:

(a) information for the purpose of identifying the subject of the interception:

.....  
 .....

(b) the desired duration of the interception:

.....  
 .....

(c) technical data (in particular the target identifier — such as mobile telephone, landline telephone, email address, internet connection), to ensure that the EIO can be executed:

.....  
 .....

(3) Please indicate your preference concerning the method of execution:

- ☐ immediate transmission  
☐ recording and subsequent transmission

Please indicate if you also require transcription, decoding or decrypting of the intercepted material (\*):

.....  
 .....

(\*) Please be aware that the costs of any transcription, decoding or decrypting must be met by the issuing State.

**SECTION I: Formalities and procedures requested for the execution**

1. Tick and complete, if applicable

☐ It is requested that the executing authority comply with the following formalities and procedures (...):.....  
.....

2. Tick and complete, if applicable

☐ It is requested that one or several officials of the issuing State assist in the execution of the EIO in support of the competent authorities of the executing State.

Contact details of the officials:

.....  
.....

Languages that may be used for communication: .....

.....

**SECTION J: Legal remedies**

1. Please indicate if a legal remedy has already been sought against the issuing of an EIO, and if so please provide further details (description of the legal remedy, including necessary steps to take and deadlines):

.....  
.....

2. Authority in the issuing State which can supply further information on procedures for seeking legal remedies in the issuing State and on whether legal assistance and interpretation and translation is available:

Name: .....

Contact person (if applicable): .....

Address: .....

Tel. No: (country code) (area/city code) .....

Fax No: (country code) (area/city code) .....

E-mail: .....

**SECTION K: Details of the authority which issued the EIO**

Tick the type of authority which issued the EIO:

☐ judicial authority☐ (\*) any other competent authority as defined by the law of the issuing State

(\*) Please also complete section (L)

Name of authority:

.....

Name of representative/contact point:

.....

File No: .....

Address: .....

Tel. No: (country code) (area/city code) .....

Fax No: (country code) (area/city code) .....

E-mail: .....

Languages in which it is possible to communicate with the issuing authority:

.....



If different from above, the contact details of the person(s) to contact for additional information or to make practical arrangements for the transfer of evidence:

Name/Title/Organisation: .....

Address: .....

E-mail/Contact Phone No: .....

Signature of the issuing authority and/or its representative certifying the content of the EIO as accurate and correct:

Name: .....

Post held (title/grade): .....

Date: .....

Official stamp (if available):

#### SECTION L Details of the judicial authority which validated the EIO

Please indicate the type of judicial authority which has validated this EIO:

- ☐ (a) judge or court  
☐ (b) investigating judge  
☐ (c) public prosecutor

Official name of the validating authority:

.....

Name of its representative:

.....

Post held (title/grade):

.....

File no: .....

Address: .....

.....

Tel. No: (country code) (area/city code) .....

Fax No: (country code) (area/city code) .....

E-mail: .....

Languages in which it is possible to communicate with the validating authority:

.....

Please indicate if the main contact point for the executing authority should be the:

- ☐ issuing authority  
☐ validating authority

Signature and details of the validating authority

Name: .....

Post held (title/grade): .....

Date: .....

Official stamp (if available):

## ANNEX B

## CONFIRMATION OF THE RECEIPT OF AN EIO

This form has to be completed by the authority of the executing State which received the EIO referred to below.

**(A) THE EIO CONCERNED**

Authority which issued the EIO:

.....

File reference:.....

Date of issuing:.....

Date of receipt: .....

**(B) THE AUTHORITY WHICH RECEIVED THE EIO <sup>(1)</sup>**

Official name of the competent authority:

.....

Name of its representative:

.....

Post held (title/grade):

.....

Address:

.....

.....

Tel. No: (country code) (area/city code) .....

Fax No: (country code) (area/city code) .....

E-mail:.....

File reference:.....

Languages in which it is possible to communicate with the authority:

.....

**(C) (WHERE APPLICABLE) THE COMPETENT AUTHORITY TO WHOM THE EIO IS TRANSMITTED BY THE AUTHORITY UNDER (B)**

Official name of the authority:

.....

Name of its representative:

.....

Post held (title/grade):

.....

Address:

.....

.....

Tel. No: (country code) (area/city code) .....

Fax No: (country code) (area/city code) .....

E-mail:.....

Date of transmission: .....

File reference:.....

Language(s) that may be used for communication:

.....

<sup>(1)</sup> This section is to be completed by each authority which received the EIO. This obligation falls upon the authority competent to recognise and execute the EIO and, where applicable, upon the central authority or the authority which transmitted the EIO to the competent authority.

(D) ANY OTHER INFORMATION WHICH MAY BE RELEVANT FOR THE ISSUING AUTHORITY:

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

(E) SIGNATURE AND DATE

Signature:

Date: .....

Official stamp (if available):

## ANNEX C

## NOTIFICATION

This form is used in order to notify a Member State about the interception of telecommunication that will be, is or has been carried out on its territory without its technical assistance. I hereby inform ..... (notified Member State) of the interception.

**(A) <sup>(1)</sup> THE COMPETENT AUTHORITY**

Official name of the competent authority of intercepting Member State:

.....

Name of its representative:

.....

Post held (title/grade):

.....

Address:

.....

.....

.....

Tel. No: (country code) (area/city code) .....

Fax No: (country code) (area/city code) .....

E-mail: .....

File reference: .....

Date of issuing: .....

Languages in which it is possible to communicate with the authority:

.....

**(B) INFORMATION CONCERNING THE INTERCEPTION**

(I) Information about state of play: This notification takes place (please tick)

☐ prior to the interception

☐ during the interception

☐ after the interception

(II) The (anticipated) duration of the interception (as known to the issuing authority):

....., starting from .....

(III) Target of the interception: (telephone number, IP number or e-mail)

.....

(IV) Identity of the persons concerned

State all information, as far as they are known, regarding the identity of the (i) natural or (ii) legal person(s) against whom the proceedings are/may be/is taking place:

(i) In the case of natural person(s)

Name: .....

First name(s): .....

Other relevant name(s), if applicable: .....

Aliases, if applicable: .....

Sex: .....

Nationality: .....

Identity number or social security number: .....

<sup>(1)</sup> The authority which is referred to here is the one which should be contacted in further correspondence with the issuing State.

Date of birth: .....

Place of birth: .....

Residence and/or known address; if address not known, state the last known address:

.....

Language(s) which the person understands:

.....

(ii) In the case of legal person(s)

Name: .....

Form of legal person: .....

Shortened name, commonly used name or trading name, if applicable:

.....

Registered seat: .....

Registration number: .....

Address of the legal person: .....

Name and contact details of the representative of the legal person: .....

(V) Information regarding the purpose of this interception:

State all information necessary, including a description of the case, legal classification of the offence(s) and the applicable statutory provision/code, in order to enable the notified authority to assess the following:

- ☐ whether the interception would be authorised in a similar domestic case; and whether the material obtained can be used in legal proceedings
- ☐ where the interception has already occurred, whether that material can be used in legal proceedings

.....

.....

.....

.....

.....

.....

Please note that any objection to the interception or the use of already intercepted material must be made no later than 96 hours after the reception of this notification.

(C) SIGNATURE AND DATE

Signature:

Date: .....

Official stamp (if available):

## ANNEX D

## THE CATEGORIES OF OFFENCES REFERRED TO IN ARTICLE 11

- participation in a criminal organisation,
  - terrorism,
  - trafficking in human beings,
  - sexual exploitation of children and child pornography,
  - illicit trafficking in narcotic drugs and psychotropic substances,
  - illicit trafficking in weapons, munitions and explosives,
  - corruption,
  - fraud, including that affecting the financial interests of the European Union within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests,
  - laundering of the proceeds of crime,
  - counterfeiting currency, including of the euro,
  - computer-related crime,
  - environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,
  - facilitation of unauthorised entry and residence,
  - murder, grievous bodily injury,
  - illicit trade in human organs and tissue,
  - kidnapping, illegal restraint and hostage-taking,
  - racism and xenophobia,
  - organised or armed robbery,
  - illicit trafficking in cultural goods, including antiques and works of art,
  - swindling,
  - racketeering and extortion,
  - counterfeiting and piracy of products,
  - forgery of administrative documents and trafficking therein,
  - forgery of means of payment,
  - illicit trafficking in hormonal substances and other growth promoters,
  - illicit trafficking in nuclear or radioactive materials,
  - trafficking in stolen vehicles,
  - rape,
  - arson,
  - crimes within the jurisdiction of the International Criminal Court,
  - unlawful seizure of aircraft/ships,
  - sabotage.
-

## II

*(Non-legislative acts)*

## REGULATIONS

**COMMISSION IMPLEMENTING REGULATION (EU) No 441/2014****of 30 April 2014****amending Regulation (EC) No 29/2009 laying down requirements on data link services for the single European sky****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) <sup>(1)</sup>, and in particular Article 3(5) thereof,Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) <sup>(2)</sup>, and in particular Article 8(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 29/2009 <sup>(3)</sup> lays down requirements for the coordinated introduction of data link services based on air-ground point-to-point data communications.
- (2) Part B of Annex I to Regulation (EC) No 29/2009 defines the airspace above FL285 in which that Regulation applies from 5 February 2015.
- (3) Croatia joined the European Union on 1 July 2013. The Croatian airspace should therefore be duly added to the airspace in which Regulation (EC) No 29/2009 applies.
- (4) A transition period of one year, compared to the date of application of 5 February 2015 that applies for the other Member States covered under Part B of Annex I to Regulation (EC) No 29/2009, should however be provided for Croatia, through a deferred application of this Regulation, to enable regulated parties, such as operators and air traffic service (ATS) providers, to prepare for the application of the new rules.
- (5) Regulation (EC) No 29/2009 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Part B of Annex I to Regulation (EC) No 29/2009, a new line ‘— Zagreb FIR,’ is inserted after the line ‘— Warszawa FIR,’.

<sup>(1)</sup> OJ L 96, 31.3.2004, p. 26.<sup>(2)</sup> OJ L 96, 31.3.2004, p. 1.<sup>(3)</sup> Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky (OJ L 13, 17.1.2009, p. 3.)

*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 5 February 2016.

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

Done at Brussels, 30 April 2014.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) No 442/2014****of 30 April 2014****amending Regulation (EC) No 1235/2008 as regards requests for inclusion in the list of third countries recognised for the purpose of equivalence in relation to the import of organic products****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 <sup>(1)</sup>, and in particular Article 33(2) and Article 38(d) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1235/2008 <sup>(2)</sup> lays down detailed rules concerning the procedure for recognition of third countries for the purpose of equivalence in accordance with Article 33(2) of Regulation (EC) No 834/2007.
- (2) The Council of the European Union, in its conclusions on organic farming of the 3237th Agriculture and Fisheries Council meeting of 13 and 14 May 2013, encouraged the Commission to improve the current mechanisms to facilitate international trade in organic products and require reciprocity and transparency in any trade agreement.
- (3) The ongoing review of the legal framework of the organic production sector has revealed shortcomings in the current scheme of recognition of third countries for the purpose of equivalence. Most of the equivalence arrangements signed by the Commission and third countries have been unilaterally applied by the European Commission which has not been conducive to the promotion of a level playing field. It was found that equivalence recognition with third countries should be established through international agreements. Therefore, the current scheme of recognition of third countries for the purpose of equivalence based on equivalence arrangements should shift to a scheme based on balanced international agreements with a view to promoting a level playing field, transparency and legal certainty.
- (4) In order to facilitate the transition to the new scheme of recognition based on international agreements, it is appropriate to introduce a final date for receiving new requests for inclusion in the list provided for in Article 7 of Regulation (EC) No 1235/2008 and set out in Annex III to that Regulation. Requests received after that date should no longer be admissible.
- (5) Regulation (EC) No 1235/2008 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 8(1) of Regulation (EC) No 1235/2008 is replaced by the following:

‘1. The Commission shall consider whether to include a third country in the list provided for in Article 7 upon receipt of a request for inclusion from the representative of the third country concerned, provided that such request is submitted before 1 July 2014.’

<sup>(1)</sup> OJ L 189, 20.7.2007, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

*Article 2*

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

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

Done at Brussels, 30 April 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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**COMMISSION IMPLEMENTING REGULATION (EU) No 443/2014****of 30 April 2014****amending Implementing Regulation (EU) No 543/2011 as regards the trigger levels for additional duties on tomatoes, cucumbers, table grapes, apricots, cherries, other than sour, peaches, including nectarines, and plums**

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>, and in particular Article 183(b) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 543/2011 <sup>(2)</sup> provides for the surveillance of the imports of the products listed in Annex XVIII thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 <sup>(3)</sup>.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture <sup>(4)</sup> concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2011, 2012 and 2013, the trigger levels for additional duties on cucumbers and cherries, other than sour, should be amended with effect from 1 May 2014, whilst those on apricots, tomatoes, plums, peaches, including nectarines, and table grapes should be amended with effect from 1 June 2014.
- (3) Implementing Regulation (EU) No 543/2011 should therefore be amended accordingly. For reasons of readability, Annex XVIII to this Regulation should be replaced in its entirety.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Annex XVIII to Implementing Regulation (EU) No 543/2011, the trigger levels for additional duties on tomatoes, cucumbers, table grapes, apricots, cherries, other than sour, peaches, including nectarines, and plums shall be replaced by the trigger levels in the corresponding column of this Annex as set out 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, 30 April 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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

<sup>(2)</sup> 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 (OJ L 157, 15.6.2011, p. 1).

<sup>(3)</sup> Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

<sup>(4)</sup> OJ L 336, 23.12.1994, p. 22.

## ANNEX

## ‘ANNEX XVIII

**ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER I, SECTION 2**

Without prejudice to the rules governing the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they stand at the time of the adoption of this Regulation.

(tonnes)				
Order number	CN code	Description of products	Period of application	Trigger level
78.0015	0702 00 00	Tomatoes	From 1 October to 31 May	445 127
78.0020			From 1 June to 30 September	27 287
78.0065	0707 00 05	Cucumbers	From 1 May to 31 October	12 678
78.0075			From 1 November to 30 April	12 677
78.0085	0709 91 00	Artichokes	From 1 November to 30 June	12 663
78.0100	0709 93 10	Courgettes	From 1 January to 31 December	112 241
78.0110	0805 10 20	Oranges	From 1 December to 31 May	252 542
78.0120	0805 20 10	Clementines	From 1 November to end of February	82 192
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	From 1 November to end of February	81 570
78.0155	0805 50 10	Lemons	From 1 June to 31 December	310 090
78.0160			From 1 January to 31 May	51 670
78.0170	0806 10 10	Table grapes	From 21 July to 20 November	69 907
78.0175	0808 10 80	Apples	From 1 January to 31 August	553 379
78.0180			From 1 September to 31 December	72 914
78.0220	0808 30 90	Pears	From 1 January to 30 April	183 233
78.0235			From 1 July to 31 December	25 489
78.0250	0809 10 00	Apricots	From 1 June to 31 July	5 630
78.0265	0809 29 00	Cherries, other than sour	From 21 May to 10 August	32 371
78.0270	0809 30	Peaches, including nectarines	From 11 June to 30 September	3 146
78.0280	0809 40 05	Plums	From 11 June to 30 September	16 404’

**COMMISSION IMPLEMENTING REGULATION (EU) No 444/2014****of 30 April 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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <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, 30 April 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 299, 16.11.2007, p. 1.

<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	CL	173,8
	MA	38,6
	TN	89,9
	TR	97,3
	ZZ	99,9
0707 00 05	AL	41,5
	MA	35,6
	TR	132,1
0709 93 10	ZZ	69,7
	MA	70,8
	TR	93,5
	ZA	31,4
	ZZ	65,2
0805 10 20	EG	41,1
	IL	70,8
	MA	52,6
	TN	64,4
	TR	50,5
0805 50 10	ZZ	55,9
	MA	35,6
	TR	85,1
	ZZ	60,4
0808 10 80	AR	113,3
	BR	86,2
	CL	97,3
	CN	98,7
	MK	30,8
	NZ	140,7
	US	213,6
	ZA	118,9
	ZZ	112,4

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

# 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/wp29fdocsts.html>.

## **Regulation No 57 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the approval of headlamps for motor cycles and vehicles treated as such**

Incorporating all valid text up to:

02 series of amendments — Date of entry into force: 12 September 2001

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- Annex 1 — Communication concerning the approval or extension or refusal or withdrawal of approval or production definitely discontinued of a type of headlamp pursuant to Regulation No 57
- Annex 2 — Arrangements of approval marks
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- Annex 5 — Minimum requirements for conformity of production control procedures
- Annex 6 — Requirements for lamps incorporating lenses of plastic material — testing of lens or material samples and of complete lamps
- Annex 7 — Minimum requirements for sampling by an inspector

## 1. SCOPE

This Regulation applies to the approval of headlamps using filament lamps and incorporating lenses of glass or plastic material <sup>(1)</sup>, which are provided for the equipment of motor cycles and vehicles treated as such.

## 2. DEFINITIONS

For the purpose of this Regulation,

2.1. 'Lens' means the outermost component of the headlamp (unit) which transmits light through the illuminating surface;

2.2. 'Coating' means any product or products applied in one or more layers to the outer face of a lens;

2.3. Headlamps of different 'types' are headlamps which differ in such essential respects as:

2.3.1. the trade name or mark;

2.3.2. marking of the headlamp as defined in paragraph 4.1.4 below;

2.3.3. the characteristics of the optical system;

2.3.4. the inclusion or the suppression of components capable of altering the optical effects by reflection, refraction or absorption and/or deformation during operation. A change in the colour of the beams emitted by headlamps whose other characteristics are not changed does not constitute a change of headlamp type. The same approval number shall accordingly be assigned to such headlamps.

2.3.5. the materials constituting the lenses and coating, if any.

3. APPLICATION FOR APPROVAL OF A HEADLAMP <sup>(2)</sup>

3.1. The application for approval shall be submitted by the owner of the trade name or mark or by his duly accredited representative.

3.2. Every application for approval shall be accompanied by:

3.2.1. drawings in triplicate in sufficient detail to permit identification of the type and representing a frontal view of the headlamp, with details of lens ribbing if any, and the cross-section; the drawings shall indicate the space reserved for the approval mark;

3.2.2. a brief technical description stating, in particular, the category or categories of the filament lamp provided (see Annex 3, paragraph 6, to this Regulation);

3.2.3. two samples of the type of headlamp with colourless lenses <sup>(3)</sup>;

3.2.4. for the test of plastic material of which the lenses are made:

3.2.4.1. thirteen lenses;

3.2.4.1.1. six of these lenses may be replaced by six samples of material at least 60 × 80 mm in size, having a flat or convex outer surface and a substantially flat area (radius of curvature not less than 300 mm) in the middle measuring at least 15 × 15 mm;

3.2.4.1.2. every such lens or sample of material shall be produced by the method to be used in mass production;

3.2.4.2. a reflector to which the lenses can be fitted in accordance with the manufacturer's instructions.

3.3. The materials making up the lenses and coatings, if any, shall be accompanied by the test report of the characteristics of these materials and coatings if they have already been tested.

3.4. The competent authority shall verify the existence of satisfactory arrangements for ensuring effective control of the conformity of production before type approval is granted.

<sup>(1)</sup> Nothing in this Regulation shall prevent a Party to the Agreement applying this Regulation from prohibiting the combination of a headlamp incorporating a lens of plastic material approved under this Regulation with a mechanical headlamp cleaning device (with wipers).

<sup>(2)</sup> Application for approval of a filament lamp, see Regulation No 37.

<sup>(3)</sup> If it is intended to manufacture the headlamps with coloured lenses, two samples of coloured lenses shall be submitted in addition for testing of the colour only.



## 4. MARKINGS

4.1. Headlamps submitted for approval shall clearly, legibly and indelibly bear the following inscriptions:

4.1.1. the trade name or mark of the applicant;

4.1.2. externally and/or on the lens the indication of the exterior marking of the headlamp, visible when the headlamp is installed on the vehicle.

All units meeting the requirements of this Regulation which are so designed that the filament of the passing beam shall not be lit simultaneously with that of any other lighting function with which it may be reciprocally incorporated shall be marked with an oblique stroke (/) placed behind the passing lamp symbol in the approval mark.

4.1.3. on the back of the headlamp the indication of the S1 and/or S2 category of the admitted filament lamp;

4.1.4. the markings are listed in the following table:

Exterior marking of the headlamps	Indication of the category of filament lamp
MB	S <sub>1</sub>
MB	S <sub>2</sub>
MB	S <sub>1</sub> /S <sub>2</sub>

4.1.5. On headlamps incorporating a lens of plastic material, the group of letters 'PL' shall be affixed near the symbol prescribed in paragraphs 4.1.2 and 4.1.4 above;

4.2. Moreover, they shall comprise, on the lens and on the main body <sup>(1)</sup>, spaces of sufficient size for the approval mark and the additional symbols referred to in paragraph 4; these spaces shall be indicated on the drawings referred to in paragraph 3.2.1 above.

## 5. APPROVAL

5.1. If all the samples of a type of headlamp submitted pursuant to paragraph 3 above satisfy the requirements of this Regulation, approval shall be granted.

5.2. An approval number shall be assigned to each type approved. Its first two digits (at present 01 corresponding to the 01 series of amendments which entered into force on 28 February 1989) 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 shall not assign the same number to another type of headlamp, except in the case of an extension of the approval to a headlamp differing only in the colour of the light emitted.

5.3. Notice of approval or of extension or refusal of approval of a type of headlamp pursuant to this Regulation shall be communicated to the Parties to the 1958 Agreement applying this Regulation, by means of a form conforming to the model in Annex 1 to this Regulation.

5.4. Every headlamp conforming to a type approved under this Regulation shall bear in the spaces referred to in paragraph 4.2 above, in addition to the markings prescribed in paragraph 4.1:

5.4.1. an international approval mark <sup>(2)</sup> consisting of:

5.4.1.1. a circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted approval <sup>(3)</sup>;

5.4.1.2. an approval number.

<sup>(1)</sup> The reflector is being considered as main body. If the lens cannot be detached from the main body of the headlamp, a space on the lens shall be sufficient.

<sup>(2)</sup> If different types of headlamps have an identical lens or an identical reflector, the lens and the reflector may bear the various approval marks of these types of headlamps, on condition that the approval number granted for the specific type submitted can be identified without ambiguity.

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

- 5.4.2. In every case the relevant operating mode used during the test procedure according to paragraph 1.1.1.1 of Annex 4 and the allowed voltage(s) according to paragraph 1.1.1.2 of Annex 4 shall be stipulated on the approval certificates and on the notice transmitted to the countries which are Contracting Parties to the Agreement and which apply this Regulation.

In the corresponding cases the device shall be marked as follows:

On units meeting the requirements of this Regulation which are so designed that the filament of the passing beam shall not be lit simultaneously with that of any other lighting function with which it may be reciprocally incorporated, an oblique stroke (/) shall be placed behind the passing beam symbol in approval mark.

- 5.5. The markings according to paragraph 5.4 shall be clearly legible and indelible.
- 5.6. Annex 2 to this Regulation gives an example of the arrangement of the approval mark.

## 6. GENERAL SPECIFICATIONS

- 6.1. Each sample of a type of headlamp shall conform to the specifications set forth in this paragraph and in paragraph 7 below and, if necessary, to those set forth in paragraph 8.

- 6.2. Headlamps shall be so designed and constructed that, in normal use, despite the vibrations to which they may be subjected, their satisfactory operation continues to be ensured and they retain the characteristics prescribed by this Regulation.

- 6.2.1. Headlamps shall be fitted with a device enabling them to be so adjusted on the vehicles as to comply with the rules applicable to them. Such device need not be fitted on components in which the reflector and the diffusing lens cannot be separated, provided the use of such components is confined to vehicles on which the headlamps setting can be adjusted by other means.

Where a headlamp providing a driving beam and a headlamp providing a passing beam, each equipped with its own lamp, are assembled to form a composite unit the adjusting device shall enable each optical system individually to be duly adjusted.

- 6.2.2. However, these provisions shall not apply to headlamp assemblies whose reflectors are indivisible. For this type of assembly the requirements of paragraph 7.3 of the present Regulation shall apply. Where more than one light source is used to provide the main beam, the combined functions shall be used to determine the maximum value of the illumination ( $E_{max}$ ).

- 6.3. The parts intended for holding the filament lamp in the reflector shall be so made that, even in darkness, the filament lamp can be mounted in no other position than the correct one.

- 6.4. Complementary tests shall be done according to the requirements of Annex 4 to ensure that in use there is no excessive change in photometric performance.

- 6.5. If the lens of the headlamp is of plastic material, tests shall be done according to the requirements of Annex 6.

## 7. SPECIAL SPECIFICATIONS

- 7.1. The correct position of the lens in relation to the optical system shall be unequivocally marked and be locked against rotation in service.

- 7.2. For the measurement of the illumination produced by the headlamp, a measuring screen as described in Annex 3 of this Regulation and a standard filament lamp ( $S_1$  and/or  $S_2$ , Regulation No 37) with a smooth and colourless bulb shall be used.

The standard filament lamp shall be adjusted to the applicable reference luminous flux according to values prescribed for these lamps.

- 7.3. The passing beam shall have a cut-off sufficiently sharp in order that satisfactory aiming can practically be achieved with its aid. The 'cut-off' must be as straight and horizontal as possible over a range of at least 5° on either side of the line v-v (see Annex 3).

When aimed according to Annex 3, the headlamps shall meet the requirements specified in it.

- 7.4. The beam pattern shall not present any lateral variations detrimental to good visibility.
- 7.5. The illumination of the screen mentioned in paragraph 7.2 shall be measured by means of a photoelement having a useful area comprised within a square of 65 mm side.

8. PROVISIONS CONCERNING COLOURED LENSES AND FILTERS

- 8.1. Approval may be obtained for headlamps emitting either colourless or selective yellow light with an uncoloured filament lamp. Expressed in CIE trichromatic coordinates, the corresponding colorimetric characteristics for yellow glasses or filters are as follows:

Selective yellow filter (screen or lens)

Limit towards red	$y \geq 0,138 + 0,58 x$
Limit towards green	$y \geq 1,29 x - 0,1$
Limit towards white	$y \geq -x + 0,966$
Limit towards spectral value	$y \geq -x + 0,992$

which can also be expressed as follows:

dominant wave-length	575 – 585 n m
purity factor	0,90 – 0,98
The transmission factor must be $\geq 0,78$	

The transmission factor shall be determined by using a light source with a colour temperature of 2 856 K. (Corresponding to illuminant A of the International Commission on Illumination (CIE)).

- 8.2. The filter must be part of the headlamp, and must be attached to it in such a way that the user cannot remove it either inadvertently or intentionally, with ordinary tools.

8.3. Observation concerning colour

Since any approval under this Regulation is granted, pursuant to paragraph 8.1 above, for a type of headlamp emitting either colourless light or selective yellow light, Article 3 of the agreement to which the Regulation is annexed shall not prevent the Contracting Parties from prohibiting headlamps emitting a beam of uncoloured or selective yellow light on vehicles registered by them.

9. TRANSITIONAL PROVISIONS

- 9.1. As from six months after the official date of entry into force of Regulation No 113, Contracting Parties applying this Regulation shall cease to grant ECE approvals according to this Regulation.
- 9.2. Contracting Parties applying this Regulation shall not refuse to grant extensions of approval if the type of headlamp corresponds to the requirements of this Regulation as amended by the 01 series of amendments.
- 9.3. Existing MB-approvals granted under this Regulation before the date of entry into force of Regulation No 113 and all extensions of these approvals, including those to a preceding series of amendments to this Regulation granted subsequently, shall remain valid indefinitely.
- 9.4. Contracting Parties applying this Regulation shall continue to issue approvals for headlamps on the basis of this Regulation, provided that the headlamps are intended as replacements for fitting to vehicles in use.
- 9.5. As from the official date of entry into force of Regulation No 113, no Contracting Party applying this Regulation shall prohibit the fitting on a new vehicle type of a headlamp approved under Regulation No 113.
- 9.6. Contracting Parties applying this Regulation shall continue to allow fitting on a vehicle type or vehicle of a headlamp approved to this Regulation.
- 9.7. Contracting Parties applying this Regulation shall continue to allow fitting or use on a vehicle in use of a headlamp approved to this Regulation as amended by the previous series of amendments, provided that the headlamp is intended for replacement.

## 10. CONFORMITY OF PRODUCTION

- 10.1. Headlamps approved under this Regulation shall be so manufactured as to conform to the type approved by meeting the requirements set forth in paragraph 7 above.
- 10.2. In order to verify that the requirements of paragraph 10.1 are met, suitable controls of the production shall be carried out.
- 10.3. The holder of the approval shall in particular:
  - 10.3.1. ensure the existence of procedures for the effective control of the quality of products;
  - 10.3.2. have access to the control equipment necessary for checking the conformity to each approved type;
  - 10.3.3. ensure that data of test results are recorded and that related documents shall remain available for a period to be determined in accordance with the administrative service;
  - 10.3.4. analyse the results of each type of test in order to verify and ensure the stability of the product characteristics, making allowance for variation of an industrial production;
  - 10.3.5. ensure that, for each type of product, at least the tests prescribed in Annex 5 to this Regulation are carried out;
  - 10.3.6. ensure that any collecting of samples giving evidence of non-conformity with the type of test considered shall give rise to another sampling and another test. All the necessary steps shall be taken to re-establish the conformity of the corresponding production.
- 10.4. The competent authority which has granted type approval may at any time verify the conformity control methods applicable to each production unit.
  - 10.4.1. In every inspection, the test books and production survey records shall be presented to the visiting inspector.
  - 10.4.2. The inspector may take samples at random to be tested in the manufacturer's laboratory. The minimum number of samples may be determined in the light of the results of the manufacturer's own checks.
  - 10.4.3. When the quality level appears unsatisfactory or when it seems necessary to verify the validity of the tests carried out in the application of paragraph 10.4.2 above, the inspector shall select samples, to be sent to the technical service which has conducted the type approval tests, using the criteria of Annex 7.
  - 10.4.4. The competent authority may carry out any test prescribed in this Regulation. These tests will be on samples selected at random without causing distortion of the manufacturer's delivery commitments and in accordance with the criteria of Annex 7.
  - 10.4.5. The competent authority shall strive to obtain a frequency of inspection of once every two years. However, this is at the discretion of the competent authority and their confidence in the arrangements for ensuring effective control of the conformity of production. In the case where negative results are recorded, the competent authority shall ensure that all necessary steps are taken to re-establish the conformity of production as rapidly as possible.
- 10.5. Headlamps with apparent defects are disregarded.

## 11. PENALTIES FOR NON-CONFORMITY OF PRODUCTION

- 11.1. The approval granted in respect of a type of headlamp pursuant to this Regulation may be withdrawn if the requirements set forth above are not met or if a headlamp bearing the approval mark does not conform to the type approved.
- 11.2. If a Contracting 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 communication form conforming to the model in Annex 1 to this Regulation.

## 12. MODIFICATION AND EXTENSION OF APPROVAL OF A TYPE OF HEADLAMP

- 12.1. Every modification of the type of headlamp shall be notified to the administrative department which approved the type of headlamp. The department may then either:

- 12.1.1. Consider that the modifications made are unlikely to have an appreciable adverse effect and that in any case the headlamp still complies with the requirements; or
- 12.1.2. Require a further test report from the technical service responsible for conducting the tests.
- 12.2. Confirmation or refusal of approval, specifying the alterations shall be communicated by the procedure specified in paragraph 5.3 above to the Parties to the Agreement applying this Regulation.
- 12.3. The competent authority issuing the extension of approval shall assign a series number for such an extension and inform thereof the other Parties to the 1958 Agreement applying this Regulation by means of a communication form conforming to the model in Annex 1 to this Regulation.

13. PRODUCTION DEFINITELY DISCONTINUED

If the holder of the approval completely ceases to manufacture a type of headlamp approved in accordance with this Regulation, he shall so inform the authority which granted the approval. Upon receiving the relevant communication that authority shall inform thereof the other Parties to the 1958 Agreement applying this Regulation by means of a communication form conforming to the model in Annex 1 to this Regulation.

14. NAMES AND ADDRESSES OF TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS AND OF ADMINISTRATIVE DEPARTMENTS

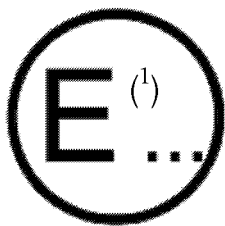
The Parties to the 1958 Agreement applying this Regulation shall communicate to the United Nations Secretariat the names and addresses of the technical services responsible for conducting approval tests and of the administrative departments which grant approval and to which forms certifying approval or extension or refusal or withdrawal of approval, issued in other countries, are to be sent.

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## 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 type of headlamp pursuant to Regulation No 57

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

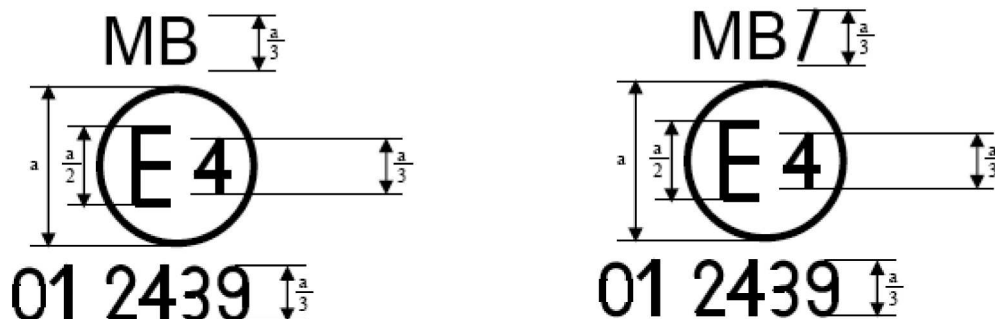
1. Trade name or mark of the headlamp: .....
2. Manufacturer's name for the type of headlamp: .....
3. Manufacturer's name and address: .....
4. If applicable, name and address of the manufacturer's representative: .....
5. Submitted for approval on: .....
6. Technical service responsible for conducting approval tests: .....
7. Date of report issued by that service: .....
8. Number of report issued by that service: .....
9. Concise description:
  - Category as described by the relevant marking: MB, MB/, MB PL, MB/PL <sup>(2)</sup>
  - Category of filament lamp: S<sub>1</sub>, S<sub>2</sub>, S<sub>1</sub>/S<sub>2</sub> <sup>(2)</sup>,
  - Colour of light emitted: white/selective yellow <sup>(2)</sup>
10. Position of the approval mark: .....
11. Reason(s) for extension (if applicable): .....
12. Approval granted/refused, extended/withdrawn <sup>(2)</sup>
13. Place: .....
14. Date: .....
15. Signature: .....
16. The list of documents deposited with the Administrative Service which has granted approval is annexed to this communication and may be obtained on request.

<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

## ARRANGEMENTS OF APPROVAL MARKS



$a = 12 \text{ mm min.}$

The headlamp bearing the above approval mark has been approved in the Netherlands (E 4) under approval number 012439. The approval number indicates that the approval was granted in accordance with the requirements of this Regulation as amended by the 01 series of amendments.

*Note:* The approval number must be placed close to the circle and either above or below the 'E' or to left or right of that letter. The digits of the approval number must be on the same side of the 'E' and face in the same direction. The use of Roman numerals as approval numbers should be avoided so as to prevent any confusion with other symbols.

Identification of a headlamp meeting the requirements of Regulation No 57. The headlamp is so designed, that the filament of the passing beam  
can be lit together  
shall not be lit together  
simultaneously with driving beam and/or another reciprocally incorporated lighting function.



The headlamp bearing the above approval mark is a headlamp incorporating a lens of plastic material which has been approved in the Netherlands (E 4) under approval number of 01 2440. The approval number indicates that the approval was granted in accordance with the requirements of this Regulation, as amended by the 01 series of amendments.

It is so designed, that the filament of the passing beam can be lit together simultaneously with the driving beam and/or another reciprocally incorporated lighting function.

## ANNEX 3

## PHOTOMETRIC TESTS

1. For aiming, the aiming screen shall be located at a distance of at least 10 m in front of the headlamp, the h-h line shall be horizontal. For measurement, the photoelement shall be located at a distance of 25 m in front of the headlamp and perpendicular to the line joining the filament of the filament lamp and the point HV.
2. Laterally, the headlamp shall be so aimed that the beam centre of the driving beam is on the vertical line v-v.
3. Vertically, the headlamp shall be so aimed that the 'cut-off' of the passing beam is situated 250 mm below the line h-h.
4. The headlamp when aimed according to paragraphs 2 and 3 above, similar to the conditions of the driving beam, shall meet the following conditions:
  - 4.1. the luminous centre of the driving beam shall be situated not more than 0,6° above or below the line h-h.
  - 4.2. the illumination of the driving-beam shall attain its maximum value E max. in the centre of the entire beam pattern and decrease laterally;
  - 4.3. the maximum illumination (E max) of the driving beam shall be at least 32 lux;
    - 4.3.1. 32 lux for class MB headlamps;
  - 4.4. the illumination produced by the driving beam shall meet the following values:
    - 4.4.1. the point of intersection (HV) of lines h-h and v-v shall be situated within the isolux 90 per cent of maximum illumination;
    - 4.4.2. starting from point HV, horizontally to the right and left, the illumination of the driving beam shall be not less than 12 lux for class MB-headlamps up to a distance of 1,125 m and not less than 3 lux to a distance of 2,25 m.
  - 4.5. the illumination produced by the passing beam shall meet the following values:

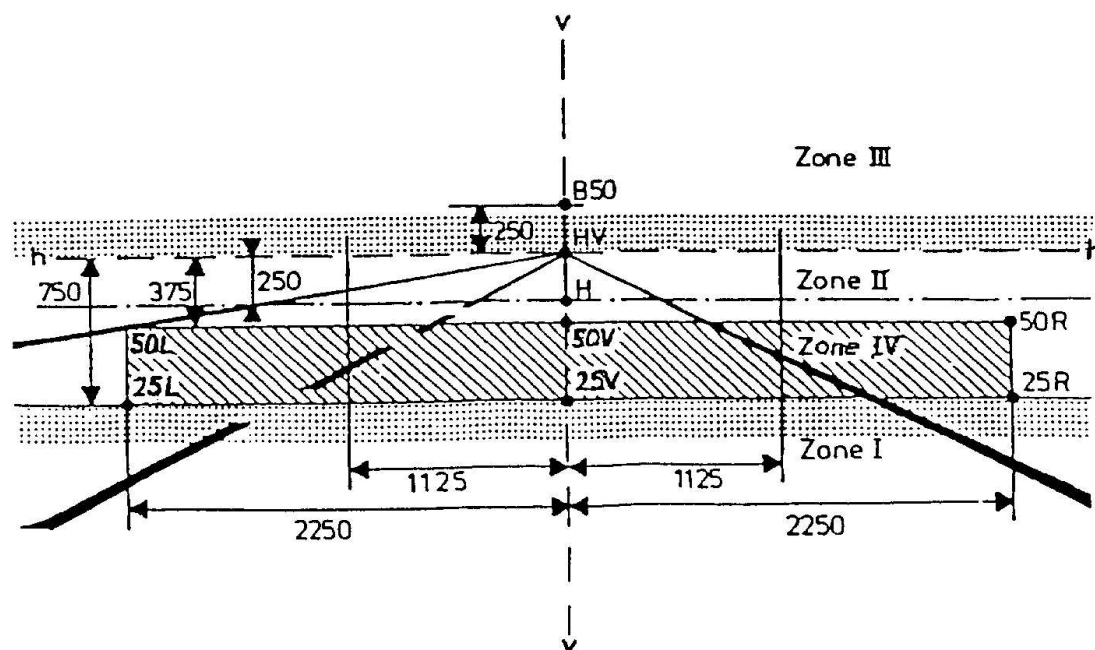
Measuring point	Class MB headlamp
Any point on and above the line h-h	≤ 0,7 lux
Any point on the line 50L-50R except 50 V (*)	≤ 1,5 lux
Point 50 V	≤ 3 lux
Any point on the line 25L-25R	≤ 3 lux
Any point in zone IV	≤ 1,5 lux

(\*) intensity  $\frac{50R}{50V} = 0,25$  minimum.



## 5. MEASURING AND AIMING SCREEN

(dimensions in mm for 25 m distance)

6. For the filament lamps, categories  $S_1$  or  $S_2$  according to Regulation No 37 shall be used.

## ANNEX 4

## TESTS FOR STABILITY OF PHOTOMETRIC PERFORMANCE OF HEADLAMPS IN OPERATION

## TESTS ON COMPLETE HEADLAMPS

Once the photometric values have been measured according to the prescriptions of this Regulation, in points for  $E_{\max}$  for driving beam and HV, 50 R, 50 L, B 50 for passing beam a complete headlamp sample shall be tested for stability of photometric performance in operation. 'Complete headlamp' shall be understood to mean the complete lamp itself including those surrounding body parts and lamps which could influence its thermal dissipation.

## 1. TEST FOR STABILITY OF PHOTOMETRIC PERFORMANCE

The tests shall be carried out in a dry and still atmosphere at an ambient temperature of  $23\text{ }^{\circ}\text{C} \pm 5\text{ }^{\circ}\text{C}$ , the complete headlamps being mounted on a base representing the correct installation on the vehicle.

## 1.1. Clean headlamp

The headlamp shall be operated for 12 hours as described in subparagraph 1.1.1 and checked as prescribed in subparagraph 1.1.2.

## 1.1.1. Test procedure

The headlamp shall be operated for a period according to the specified time, so that:

1.1.1.1. (a) in the case where only one lighting function (driving or passing beam) is to be approved, the corresponding filament is lit for the prescribed time <sup>(1)</sup>,

(b) in the case of a reciprocally incorporated passing lamp and driving lamp (dual filament lamp or two filament lamps):

If the applicant declares that the headlamp is to be used with a single filament lit <sup>(2)</sup> at a time, the test shall be carried out in accordance with this condition, activating each specified function successively for half the time specified in paragraph 1.1:

In all other cases, the headlamp shall be subjected to the following cycle until the time specified is reached:

15 minutes, passing-beam filament lit

5 minutes, all filaments lit.

(c) in the case of grouped lighting functions all the individual functions shall be lit simultaneously for the time specified for individual lighting functions (a) also taking into account the use of reciprocally incorporated lighting functions (b), according to the manufacturer's specifications.

## 1.1.1.2. Test voltage

The voltage shall be adjusted so as to supply 90 % of the maximum wattage specified for filament lamps of category S in the Regulation No 37.

The applied wattage shall in all cases comply with the corresponding value of a filament lamp of 12 V rated voltage, except if the applicant for approval specifies that the headlamp may be used at a different voltage.

## 1.1.2. Test results

## 1.1.2.1. Visual inspection

Once the headlamp has been stabilized to the ambient temperature, the headlamp lens and the external lens, if any, shall be cleaned with a clean, damp cotton cloth. It shall then be inspected visually; no distortion, deformation, cracking or change in colour of either the headlamp lens or the external lens, if any, shall be noticeable.

<sup>(1)</sup> When the tested headlamp is grouped and/or reciprocally incorporated with signalling lamps, the latter shall be lit for the duration of the test.

<sup>(2)</sup> Should two or more lamp filaments be simultaneously lit when headlamp flashing is used, this shall not be considered as being normal use of the filaments simultaneously.

#### 1.1.2.2. Photometric test

To comply with the requirements of this Regulation, the photometric values shall be verified in the following points:

Passing beam:

50 R, 50 L, B 50 HV

Driving beam:

Point of  $E_{\max}$

Another aiming may be carried out to allow for any deformation of the headlamp base due to heat (the change of the position of the cut-off line is covered in paragraph 2 of this Annex).

A 10 % discrepancy between the photometric characteristics and the values measured prior to the test is permissible including the tolerances of the photometric procedure.

#### 1.2. Dirty headlamp

After being tested as specified in subparagraph 1.1 above, the headlamp shall be operated for one hour as described in subparagraph 1.1.1, after being prepared as prescribed in subparagraph 1.2.1, and checked as prescribed in subparagraph 1.1.2.

##### 1.2.1. Preparation of the headlamp

###### 1.2.1.1. Test mixture

###### 1.2.1.1.1. For headlamp with the outside lens in glass:

The mixture of water and a polluting agent to be applied to the headlamp shall be composed of:

9 parts by weight of silica sand with a particle size of 0-100  $\mu\text{m}$ ,

1 part by weight of vegetal carbon dust (beechwood) with a particle size of 0-100  $\mu\text{m}$ ,

0,2 part by weight of NaCMC <sup>(3)</sup> and

an appropriate quantity of distilled water, with a conductivity of  $\leq 1 \text{ mS/m}$ .

The mixture must not be more than 14 days old.

###### 1.2.1.1.2. For headlamp with outside lens in plastic material:

The mixture of water and polluting agent to be applied to the headlamp shall be composed of:

9 parts by weight of silica sand with a particle size of 0-100  $\mu\text{m}$ ,

1 part by weight of vegetal carbon dust (beechwood) with a particle size of 0-100  $\mu\text{m}$ ,

0,2 part by weight of NaCMC,

13 parts by weight of distilled water with a conductivity of  $\leq 1 \text{ mS/m}$ , and

$2 \pm 1$  parts by weight of surface-actant <sup>(4)</sup>.

The mixture must not be more than 14 days old.

###### 1.2.1.2. Application of the test mixture to the headlamp

The test mixture shall be uniformly applied to the entire light emitting surface of the headlamp and then left to dry. This procedure shall be repeated until the illumination value has dropped to 15-20 % of the values measured for each following point under the conditions described in this Annex:

Point of  $E_{\max}$  in driving beam, photometric distribution for a driving/passing lamp,

Point of  $E_{\max}$  in driving beam, photometric distribution for a driving lamp only,

B 50 and 50 V <sup>(5)</sup> for a passing lamp only.

<sup>(3)</sup> NaCMC represents the sodium salt of carboxymethylcellulose, customarily referred to as CMC. The NaCMC used in the dirt mixture shall have a degree of substitution (DS) of 0,6-0,7 and a viscosity of 200-300 cP for a 2 % solution at 20 °C.

<sup>(4)</sup> The tolerance on quantity is due to the necessity of obtaining a dirt that correctly spreads out on all the plastic lens.

<sup>(5)</sup> 50 V is situated 375 mm below HV on the vertical line v-v on the screen at 25 m distance.

### 1.2.1.3. Measuring equipment

The measuring equipment shall be equivalent to that used during headlamp approval tests. A standard (reference) filament lamp shall be used for the photometric verification.

## 2. TEST FOR CHANGE IN VERTICAL POSITION OF THE CUT-OFF LINE UNDER THE INFLUENCE OF HEAT

This test consists of verifying that the vertical drift of the cut-off line under the influence of heat does not exceed a specified value for an operating passing lamp.

The headlamp tested in accordance with paragraph 1., shall be subjected to the test described in 2.1, without being removed from or readjusted in relation to its test fixture.

### 2.1. Test

The test shall be carried out in a dry and still atmosphere at an ambient temperature of  $23\text{ °C} \pm 5\text{ °C}$ .

Using a mass production filament lamp which has been aged for at least one hour the headlamp shall be operated on passing beam without being dismounted from or readjusted in relation to its test fixture. (For the purpose of this test, the voltage shall be adjusted as specified in paragraph 1.1.1.2). The position of the cut-off line in its horizontal part (between the vertical lines passing through point 50 L and 50 R) shall be verified 3 minutes (r3) and 60 minutes (r60) respectively after operation.

The measurement of the variation in the cut-off line position as described above shall be carried out by any method giving acceptable accuracy and reproducible results.

### 2.2. Test results

2.2.1. The result in milliradians (mrad) shall be considered as acceptable for a passing lamp, only when the absolute value  $\Delta r_1 = (r_3 - r_{60})$  recorded on the headlamp is not more than 1,0 mrad ( $\Delta r_1 \leq 1,0\text{ mrad}$ ).

2.2.2. However, if this value is more than 1,0 mrad but not more than 1,5 mrad ( $1,0\text{ mrad} < \Delta r_1 \leq 1,5\text{ mrad}$ ) a second headlamp shall be tested as described in 2.1 after being subjected three consecutive times to the cycle as described below, in order to stabilize the position of mechanical parts of the headlamp on a base representative of the correct installation on the vehicle:

Operation of the passing lamp for one hour, (the voltage shall be adjusted as specified in paragraph 1.1.1.2),

Period of rest for one hour.

The headlamp type shall be considered as acceptable if the mean value of the absolute values  $\Delta r_I$  measured on the first sample and  $\Delta r_{II}$  measured on the second sample is not more than 1,0 mrad:

$$\left( \frac{\Delta r_I + \Delta r_{II}}{2} \leq 1,0\text{mrad} \right)$$


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## ANNEX 5

**MINIMUM REQUIREMENTS FOR CONFORMITY OF PRODUCTION CONTROL PROCEDURES****1. GENERAL**

1.1. The conformity requirements shall be considered satisfied from a mechanical and geometric standpoint, if the differences do not exceed inevitable manufacturing deviations within the requirements of this Regulation.

1.2. With respect to photometric performances, the conformity of mass-produced headlamps shall not be contested if, when testing photometric performances of any headlamp chosen at random and equipped with a standard filament lamp:

1.2.1. no measured value deviates unfavourably by more than 20 % from the values prescribed in this Regulation. For value in zone III, the maximum unfavourable deviation may be respectively:

0,3 lux equivalent 20 %

0,45 lux equivalent 30 %

1.2.2. and if for the driving beam, HV being situated within the isolux  $0,75 E_{\max}$ , a tolerance of  $\pm 20$  % for maximum values and  $-20$  % for minimum values is observed for the photometric values at any measuring point specified in Annex 3, paragraphs 4.3 and 4.4 of this Regulation.

1.2.3. If the results of the tests described above do not meet the requirements, tests on the headlamp shall be repeated, using another standard filament lamp.

1.3. With respect to the verification of the change in vertical position of the cut-off line under the influence of heat, the following procedure shall be applied:

One of the sampled headlamps shall be tested according to the procedure described in paragraph 2.1 of Annex 4 after being subjected three consecutive times to the cycle described in paragraph 2.2.2 of Annex 4.

The headlamp shall be considered as acceptable if  $\Delta r$  does not exceed 1,5 mrad.

If this value exceeds 1,5 mrad but is not more than 2,0 mrad, a second headlamp shall be subjected to the test, after which the mean of the absolute values recorded on both samples shall not exceed 1,5 mrad.

1.4. The chromaticity coordinates shall be complied with when the headlamp is equipped with a filament lamp set to Standard A colour temperature.

The photometric performance of a headlamp emitting selective yellow light when equipped with a colourless filament lamp shall be the values contained in this Regulation multiplied by 0,84.

**2. MINIMUM REQUIREMENTS FOR VERIFICATION OF CONFORMITY BY THE MANUFACTURER**

For each type of headlamp the holder of the approval mark shall carry out at least the following tests, at appropriate intervals. The tests shall be carried out in accordance with the provisions of this Regulation.

If any sampling shows non-conformity with regard to the type of test concerned, further samples shall be taken and tested. The manufacturer shall take steps to ensure the conformity of the production concerned.

**2.1. Nature of tests**

Tests of conformity in this Regulation shall cover the photometric characteristics and the verification of the change in vertical position of the cut-off line under the influence of heat.

**2.2. Methods used in tests**

2.2.1. Tests shall generally be carried out in accordance with the methods set out in this Regulation.

2.2.2. In any test of conformity carried out by the manufacturer, equivalent methods may be used with the consent of the competent authority responsible for approval tests. The manufacturer is responsible for proving that the applied methods are equivalent to those laid down in this Regulation.

2.2.3. The application of paragraphs 2.2.1 and 2.2.2 requires regular calibration of test apparatus and its correlation with measurements made by a competent authority.

2.2.4. In all cases, the reference methods shall be those of this Regulation, particularly for the purpose of administrative verification and sampling.

### 2.3. Nature of sampling

Samples of headlamps shall be selected at random from the production of a uniform batch. A uniform batch means a set of headlamps of the same type, defined according to the production methods of the manufacturer.

The assessment shall in general cover series production from individual factories. However, a manufacturer may group together records concerning the same type from several factories, provided these operate under the same quality system and quality management.

### 2.4. Measured and recorded photometric characteristics

The sampled headlamp shall be subjected to photometric measurements at the points provided for in the Regulation, the reading being limited to points  $E_{\max}$ , HV <sup>(1)</sup>, in the case of the driving beam, and to points HV, 50 R, 50 L in the case of the passing beam (see figure in Annex 3).

### 2.5. Criteria governing acceptability

The manufacturer is responsible for carrying out a statistical study of the test results and for defining, in agreement with the competent authority, criteria governing the acceptability of his products, in order to meet the specifications laid down for the verification of conformity of products in paragraph 10.1 of this Regulation.

The criteria governing the acceptability shall be such that, with a confidence level of 95 %, the minimum probability of passing a spot check in accordance with Annex 7 (first sampling) would be 0,95.

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<sup>(1)</sup> When the driving beam is reciprocally incorporated with the passing beam, HV in the case of the driving beam shall be the same measuring point as in the case of the passing beam.

## ANNEX 6

**REQUIREMENTS FOR LAMPS INCORPORATING LENSES OF PLASTIC MATERIAL — TESTING OF LENS OR MATERIAL SAMPLES AND OF COMPLETE LAMPS****1. GENERAL SPECIFICATIONS**

- 1.1. The samples supplied pursuant to paragraph 3.2.4 of this Regulation shall satisfy the specifications indicated in paragraphs 2.1 to 2.5 below.
- 1.2. The two samples of complete lamps supplied pursuant to paragraph 3.2.3 of this Regulation and incorporating lenses of plastic material shall, with regard to the lens material, satisfy the specifications indicated in paragraph 2.6 below.
- 1.3. The samples of lenses of plastic material or samples of material shall be subjected, with the reflector to which they are intended to be fitted (where applicable), to approval tests in the chronological order indicated in table A reproduced in Appendix 1 to this Annex.
- 1.4. However, if the lamp manufacturer can prove that the product has already passed the tests prescribed in paragraphs 2.1-2.5 below, or the equivalent tests pursuant to another Regulation, those tests need not be repeated; only the tests prescribed in Appendix 1, table B, shall be mandatory.

**2. TESTS****2.1. Resistance to temperature changes****2.1.1. Tests**

Three new samples (lenses) shall be subjected to five cycles of temperature and humidity (RH = relative humidity) change in accordance with the following programme:

3 hours at  $40\text{ °C} \pm 2\text{ °C}$  and 85-95 % RH;

1 hour at  $23\text{ °C} \pm 5\text{ °C}$  and 60-75 % RH;

15 hours at  $-30\text{ °C} \pm 2\text{ °C}$ ;

1 hour at  $23\text{ °C} \pm 5\text{ °C}$  and 60-75 % RH;

3 hours at  $80\text{ °C} \pm 2\text{ °C}$ ;

1 hour at  $23\text{ °C} \pm 5\text{ °C}$  and 60-75 % RH;

Before this test, the samples shall be kept at  $23\text{ °C} \pm 5\text{ °C}$  and 60-75 % RH for at least four hours.

*Note:* The periods of one hour at  $23\text{ °C} \pm 5\text{ °C}$  shall include the periods of transition from one temperature to another which are needed in order to avoid thermal shock effects.

**2.1.2. Photometric measurements****2.1.2.1. Method**

Photometric measurements shall be carried out on the samples before and after the test.

These measurements shall be made using a standard lamp, at the following points:

B 50 and 50 V for the passing beam of a passing lamp or a passing/driving lamp;

$E_{\text{max}}$  for the driving beam of a driving lamp or a passing/driving lamp.

**2.1.2.2. Results**

The variation between the photometric values measured on each sample before and after the test shall not exceed 10 % including the tolerances of the photometric procedure.

**2.2. Resistance to atmospheric and chemical agents****2.2.1. Resistance to atmospheric agents**

Three new samples (lenses or samples of material) shall be exposed to radiation from a source having a spectral energy distribution similar to that of a black body at a temperature between 5 500 K and 6 000 K. Appropriate filters shall be placed between the source and the samples so as to reduce as far as possible radiations with

wave lengths smaller than 295 nm and greater than 2 500 nm. The samples shall be exposed to an energetic illumination of  $1\,200\text{ W/m}^2 \pm 200\text{ W/m}^2$  for a period such that the luminous energy that they receive is equal to  $4\,500\text{ MJ/m}^2 \pm 200\text{ MJ/m}^2$ . Within the enclosure, the temperature measured on the black panel placed on a level with the samples shall be  $50\text{ °C} \pm 5\text{ °C}$ . In order to ensure a regular exposure, the samples shall revolve around the source of radiation at a speed between 1 and 5 1/min.

The samples shall be sprayed with distilled water of conductivity lower than 1 mS/m at a temperature of  $23\text{ °C} \pm 5\text{ °C}$ , in accordance with the following cycle:

spraying: 5 minutes;  
drying: 25 minutes.

## 2.2.2. Resistance to chemical agents

After the test described in paragraph 2.2.1 above and the measurement described in paragraph 2.2.3.1 below have been carried out, the outer face of the said three samples shall be treated as described in paragraph 2.2.2.2 with the mixture defined in paragraph 2.2.2.1 below.

### 2.2.2.1. Test mixture

The test mixture shall be composed of 61,5 % n-heptane, 12,5 % toluene, 7,5 % ethyl tetrachloride, 12,5 % trichloroethylene and 6 % xylene (volume per cent).

### 2.2.2.2. Application of the test mixture

Soak a piece of cotton cloth (as per ISO 105) until saturation with the mixture defined in paragraph 2.2.2.1 above and, within 10 seconds, apply it for 10 minutes to the outer face of the sample at a pressure of  $50\text{ N/cm}^2$ , corresponding to an effort of 100 N applied on a test surface of  $14 \times 14\text{ mm}$ .

During this 10-minute period, the cloth pad shall be soaked again with the mixture so that the composition of the liquid applied is continuously identical with that of the test mixture prescribed.

During the period of application, it is permissible to compensate the pressure applied to the sample in order to prevent it from causing cracks.

### 2.2.2.3. Cleaning

At the end of the application of the test mixture, the samples shall be dried in the open air and then washed with the solution described in paragraph 2.3 (Resistance to detergents)  $23\text{ °C} \pm 5\text{ °C}$ .

Afterwards the samples shall be carefully rinsed with distilled water containing not more than 0,2 % impurities at  $23\text{ °C} \pm 5\text{ °C}$  and then wiped off with a soft cloth.

## 2.2.3. Results

### 2.2.3.1. After the test of resistance to atmospheric agents, the outer face of the samples shall be free from cracks, scratches, chipping and deformation, and the mean variation in transmission

$\Delta t = \frac{T_2 - T_3}{T_2}$ , measured on the three samples according to the procedure described in Appendix 2 to this Annex shall not exceed 0,020 ( $\Delta t_m < 0,020$ ).

### 2.2.3.2. After the test of resistance to chemical agents, the samples shall not bear any traces of chemical staining likely to cause a variation of flux diffusion, whose mean variation

$\Delta d = \frac{T_5 - T_4}{T_2}$ , measured on the three samples according to the procedure described in Appendix 2 to this Annex shall not exceed 0,020 ( $\Delta d_m \leq 0,020$ ).

## 2.3. Resistance to detergents and hydrocarbons

### 2.3.1. Resistance to detergents

The outer face of three samples (lenses or samples of material) shall be heated to  $50\text{ °C} \pm 5\text{ °C}$  and then immersed for five minutes in a mixture maintained at  $23\text{ °C} \pm 5\text{ °C}$  and composed of 99 parts distilled water containing not more than 0,02 % impurities and one part alkylaryl sulphonate.

At the end of the test, the samples shall be dried at  $50\text{ °C} \pm 5\text{ °C}$ . The surface of the samples shall be cleaned with a moist cloth.



### 2.3.2. Resistance to hydrocarbons

The outer face of these three samples shall then be lightly rubbed for one minute with a cotton cloth soaked in a mixture composed of 70 % n-heptane and 30 % toluene (volume per cent), and shall then be dried in the open air.

### 2.3.3. Results

After the above two tests have been performed successively, the mean value of the variation in transmission

$\Delta t = \frac{T_2 - T_3}{T_2}$ , measured on the three samples according to the procedure described in Appendix 2 to this Annex shall not exceed 0,010 ( $\Delta t_m < 0,010$ ).

## 2.4. Resistance to mechanical deterioration

### 2.4.1. Mechanical deterioration method

The outer face of the three new samples (lenses) shall be subjected to the uniform mechanical deterioration test by the method described in Appendix 3 to this Annex.

### 2.4.2. Results

After this test, the variations:

in transmission:  $\Delta t = \frac{T_2 - T_3}{T_2}$ ,

and in diffusion:  $\Delta d = \frac{T_5 - T_4}{T_2}$ ,

shall be measured according to the procedure described in Appendix 2 in the area specified in paragraph 3.2.4.1.1 of this Regulation. The mean value of the three samples shall be such that:

$\Delta t_m < 0,100$ ;

$\Delta d_m < 0,050$ .

## 2.5. Test of adherence of coatings, if any

### 2.5.1. Preparation of the sample

A surface of 20 mm × 20 mm in area of the coating of a lens shall be cut with a razor blade or a needle into a grid of squares approximately 2 mm × 2 mm. The pressure on the blade or needle shall be sufficient to cut at least the coating.

### 2.5.2. Description of the test

Use an adhesive tape with a force adhesion of 2 N/(cm of width) ± 20 % measured under the standardized conditions specified in Appendix 4 to this Annex. This adhesive tape, which shall be at least 25 mm wide, shall be pressed for at least five minutes to the surface prepared as prescribed in paragraph 2.5.1.

Then the end of the adhesive tape shall be loaded in such a way that the force of adhesion to the surface considered is balanced by a force perpendicular to that surface. At this stage, the tape shall be torn off at a constant speed of 1,5 m/s ± 0,2 m/s.

### 2.5.3. Results

There shall be no appreciable impairment of the gridded area. Impairments at the intersections between squares or at the edges of the cuts shall be permitted, provided that the impaired area does not exceed 15 per cent of the gridded surface.

## 2.6. Tests of the complete lamp incorporating a lens of plastic material

### 2.6.1. Resistance to mechanical deterioration of the lens surface

#### 2.6.1.1. Tests

The lens of lamp sample No 1 shall be subjected to the test described in paragraph 2.4.1 above.

#### 2.6.1.2. Results

After the test, the results of photometric measurements carried out on the lamp in accordance with this Regulation shall not exceed by more than 30 % the maximum values prescribed at point B 50 and not be more than 10 % below the minimum values prescribed at point 50 V.

#### 2.6.2. Test of adherence of coatings, if any

The lens of lamp sample No 2 shall be subjected to the test described in paragraph 2.5 above.

### 3. VERIFICATION OF THE CONFORMITY OF PRODUCTION

#### 3.1. With regard to the materials used for the manufacture of lenses, the lamps of a series shall be recognized as complying with this Regulation if:

3.1.1. After the test for resistance to chemical agents and the test for resistance to detergents and hydrocarbons, the outer face of the samples exhibits no cracks, chipping or deformation visible to the naked eye (see paragraphs 2.2.2, 2.3.1 and 2.3.2);

3.1.2. After the test described in paragraph 2.6.1.1, the photometric values at the points of measurement considered in paragraph 2.6.1.2 are within the limits prescribed for conformity of production by this Regulation.

3.2. If the test results fail to satisfy the requirements, the tests shall be repeated on another sample of headlamps selected at random.

---

## Appendix 1

## CHRONOLOGICAL ORDER OF APPROVAL TESTS

## A. Tests on plastic materials (lenses or samples of material supplied pursuant to paragraph 3.2.4 of this Regulation).

Samples		Lenses or samples of material						Lenses						
		1	2	3	4	5	6	7	8	9	10	11	12	13
1.1	Limited photometry (paragraph 2.1.2)										X	X	X	
1.1.1	Temperature change (paragraph 2.1.1)										X	X	X	
1.1.2	Limited photometry (paragraph 2.1.2)										X	X	X	
1.2.1	Transmission measurement	X	X	X	X	X	X	X	X	X				
1.2.2	Diffusion measurement	X	X	X				X	X	X				
1.3	Atmospheric agents (paragraph 2.2.1)	X	X	X										
1.3.1	Transmission measurement	X	X	X										
1.4	Chemicals agents (paragraph 2.2.2)	X	X	X										
1.4.1	Diffusion measurement	X	X	X										
1.5	Detergents (paragraph 2.3.1)				X	X	X							
1.6	Hydrocarbons (paragraph 2.3.2)				X	X	X							
1.6.1	Transmission measurement				X	X	X							
1.7	Deterioration (paragraph 2.4.1)							X	X	X				
1.7.1	Transmission measurement							X	X	X				
1.7.2	Diffusion measurement							X	X	X				
1.8	Adherence (paragraph 2.5)													X

## B. Tests on complete lamps (supplied pursuant to paragraph 3.2.3 of this Regulation).

Tests		Complete lamp	
		Sample No	
		1	2
2.1	Deterioration (paragraph 2.6.1.1)	X	
2.2	Photometry (paragraph 2.6.1.2)	X	
2.3	Adherence (paragraph 2.6.2)		X

## Appendix 2

**METHOD OF MEASUREMENT OF THE DIFFUSION AND TRANSMISSION OF LIGHT****1. EQUIPMENT (see figure)**

The beam of a collimator K with a half divergence  $\beta/2 = 17,4 \times 10^{-4}$  rd is limited by a diaphragm  $D_T$  with an opening of 6 mm against which the sample stand is placed.

A convergent achromatic lens  $L_2$ , corrected for spherical aberrations, links the diaphragm  $D_T$  with the receiver R; the diameter of the lens  $L_2$  shall be such that it does not diaphragm the light diffused by the sample in a cone with a half top angle of  $\beta/2 = 14^\circ$

An annular diaphragm  $D_D$  with angles  $\alpha/2 = 1^\circ$  and  $\alpha_{\max}/2 = 12^\circ$  is placed in an image focal plane of the lens  $L_2$ .

The non-transparent central part of the diaphragm is necessary in order to eliminate the light arriving directly from the light source. It shall be possible to remove the central part of the diaphragm from the light beam in such a manner that it returns exactly to its original position.

The distance  $L_2 D_T$  and the focal length  $F_2$  <sup>(1)</sup> of the lens  $L_2$  shall be so chosen that the image of  $D_T$  completely covers the receiver R.

When the initial incident flux is referred to 1 000 units, the absolute precision of each reading shall be better than 1 unit.

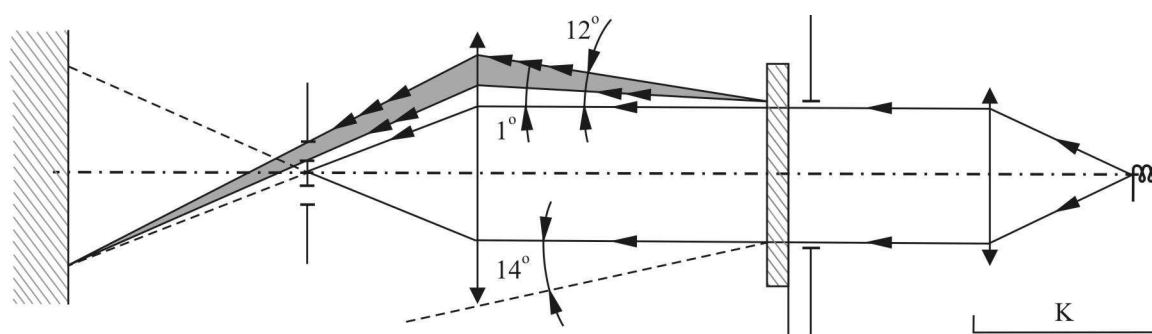
**2. MEASUREMENTS**

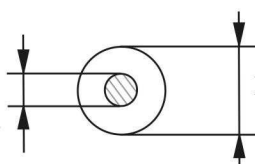
The following readings shall be taken:

Reading	With sample	With central part of $D_D$	Quantity represented
$T_1$	no	no	Incident flux in initial reading
$T_2$	yes (before test)	no	Flux transmitted by the new material in a field of 24 °C
$T_3$	yes (after test)	no	Flux transmitted by the tested material in a field of 24 °C
$T_4$	yes (before test)	yes	Flux diffused by the new material
$T_5$	yes (after test)	yes	Flux diffused by the tested material

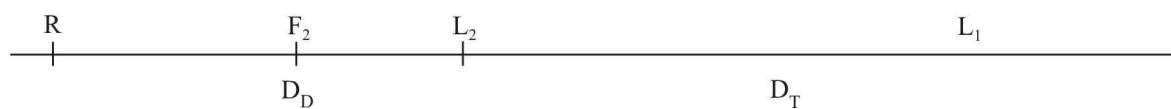
<sup>(1)</sup> For  $L_2$  it is recommended to use a focal distance of about 80 mm.

Figure 1



$$D_{D_0} = 0,0349 F_2$$


$$D_{D_{max}} = 0,425 F_2$$



## Appendix 3

**SPRAY TESTING METHOD**

## 1. TEST EQUIPMENT

## 1.1. Spray gun

The spray gun used shall be equipped with a nozzle 1,3 mm in diameter allowing a liquid flow rate of  $0,24 \pm 0,02$  l/minute at an operating pressure of 6,0 bars – 0, + 0,5 bar.

Under these operation conditions the fan pattern obtained shall be 170 mm  $\pm$  50 mm in diameter on the surface exposed to deterioration, at a distance of 380 mm  $\pm$  10 mm from the nozzle.

## 1.2. Test mixture

The test mixture shall be composed of:

Silica sand of hardness 7 on the Mohs scale, with a grain size between 0 and 0,2 mm and an almost normal distribution, with an angular factor of 1,8 to 2;

Water of hardness not exceeding 205 g/m<sup>3</sup> for a mixture comprising 25 g of sand per litre of water.

## 2. TEST

The outer surface of the lamp lenses shall be subjected once or more than once to the action of the sand jet produced as described above. The jet shall be sprayed almost perpendicular to the surface to be tested.

The deterioration shall be checked by means of one or more samples of glass placed as a reference near the lenses to be tested. The mixture shall be sprayed until the variation in the diffusion of light on the sample or samples measured by the method described in Appendix 2, is such that:

$$\Delta d = \frac{T_5 - T_4}{T_2} = 0,0250 \pm 0,0025$$

Several reference samples may be used to check that the whole surface to be tested has deteriorated homogeneously.

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*Appendix 4***ADHESIVE TAPE ADHERENCE TEST****1. PURPOSE**

This method allows to determine under standard conditions the linear force of adhesion of an adhesive tape to a glass plate.

**2. PRINCIPLE**

Measurement of the force necessary to unstick an adhesive tape from a glass plate at an angle of 90°.

**3. SPECIFIED ATMOSPHERIC CONDITIONS**

The ambient conditions shall be at 23 °C ± 5 °C and 65 ± 15 % relative humidity (RH).

**4. TEST PIECES**

Before the test, the sample roll of adhesive tape shall be conditioned for 24 hours in the specified atmosphere (see paragraph 3 above).

Five test pieces each 400 mm long shall be tested from each roll. These test pieces shall be taken from the roll after the first three turns were discarded.

**5. PROCEDURE**

The test shall be under the ambient conditions specified in paragraph 3.

Take the five test pieces while unrolling the tape radially at a speed of approximately 300 mm/s, then apply them within 15 seconds in the following manner:

Apply the tape to the glass plate progressively with a slight lengthwise rubbing movement of the finger, without excessive pressure, in such a manner as to leave no air bubble between the tape and the glass plate.

Leave the assembly in the specified atmospheric conditions for 10 minutes.

Unstick about 25 mm of the test piece from the plate in a plane perpendicular to the axis of the test piece.

Fix the plate and fold back the free end of the tape at 90°. Apply force in such a manner that the separation line between the tape and the plate is perpendicular to this force and perpendicular to the plate.

Pull to unstick at a speed of 300 mm/s ± 30 mm/s and record the force required.

**6. RESULTS**

The five values obtained shall be arranged in order and the median value taken as the result of the measurement. This value shall be expressed in Newtons per centimetre of width of the tape.

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## ANNEX 7

## MINIMUM REQUIREMENTS FOR SAMPLING BY AN INSPECTOR

1. GENERAL
  - 1.1. The conformity requirements shall be considered satisfied from a mechanical and a geometric standpoint, in accordance with the requirements of this Regulation, if any, if the differences do not exceed inevitable manufacturing deviations.
  - 1.2. With respect to photometric performance, the conformity of mass-produced headlamps shall not be contested if, when testing photometric performances of any headlamp chosen at random and equipped with a standard filament lamp;
    - 1.2.1. no measured value deviates unfavourably by more than 20 % from the values prescribed in this Regulation.  
For Zone III the maximum deviation may be respectively:  
0,3 lux equivalent 20 %  
0,45 lux equivalent 30 %
    - 1.2.2. and if, for the driving beam, HV being situated within the isolux 0,75  $E_{max}$ , a tolerance of + 20 % for maximum values and – 20 % for minimum values is observed for the photometric values at any measuring point specified in Annex 3, paragraphs 4.3 and 4.4 of this Regulation.
    - 1.2.3. If the results of the tests described above do not meet the requirements, tests on the headlamp shall be repeated using another standard filament lamp.
    - 1.2.4. Headlamps with apparent defects are disregarded.
  - 1.3. The chromaticity coordinates shall be complied with when the headlamp is equipped with a filament lamp set to Standard A colour temperature.  
  
The photometric performance of a headlamp emitting selective yellow light when equipped with a colourless filament lamp shall be multiplied by 0,84.
2. FIRST SAMPLING
 

In the first sampling four headlamps are selected at random. The first sample of two is marked A, the second sample of two is marked B.

  - 2.1. The conformity is not contested
    - 2.1.1. Following the sampling procedure shown in Figure 1 of this Annex the conformity of mass-produced headlamps shall not be contested if the deviation of the measured values of the headlamps in the unfavourable directions are:
      - 2.1.1.1. sample A
 

A1: one headlamp	0 %
one headlamp not more than	20 %
A2: both headlamps more than	0 %
but not more than	20 %
go to sample B	
      - 2.1.1.2. sample B
 

B1: both headlamps	0 %
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## 2.2. The conformity is contested

2.2.1. Following the sampling procedure shown in Figure 1 of this Annex the conformity of mass-produced headlamps shall be contested and the manufacturer requested to make his production meet the requirements (alignment) if the deviations of the measured values of the headlamps are:

### 2.2.1.1. sample A

A3: one headlamp not more than	20 %
one headlamp more than	20 %
but not more than	30 %

### 2.2.1.2. sample B

B2: in the case of A2	
one headlamp more than	0 %
but not more than	20 %
one headlamp not more than	20 %
B3: in the case of A2	
one headlamp	0 %
one headlamp more than	20 %
but not more than	30 %

## 2.3. Approval withdrawn

Conformity shall be contested and paragraph 11 applied if, following the sampling procedure in Figure 1 of this Annex, the deviations of the measured values of the headlamps are:

### 2.3.1. sample A

A4: one headlamp not more than	20 %
one headlamp more than	30 %
A5: both headlamps more than	20 %

### 2.3.2. sample B

B4: in the case of A2	
one headlamp more than	0 %
but not more than	20 %
one headlamp more than	20 %
B5: in the case of A2	
both headlamps more than	20 %
B6: in the case of A2	
one headlamp	0 %
one headlamp more than	30 %

### 3. REPEATED SAMPLING

In the cases of A3, B2, B3 a repeated sampling, third sample C of two headlamps and fourth sample D of two headlamps, selected from stock manufactured after alignment, is necessary within two months time after the notification.

#### 3.1. The conformity is not contested

3.1.1. Following the sampling procedure shown in Figure 1 of this Annex the conformity of mass-produced headlamps shall not be contested if the deviations of the measured values of the headlamps are:

##### 3.1.1.1. sample C

C1: one headlamp	0 %
one headlamp not more than	20 %
C2: both headlamps more than	0 %
but not more than	20 %
go to sample D	

##### 3.1.1.2. sample D

D1: in the case of C2	
both headlamps	0 %

#### 3.2. The conformity is contested

3.2.1. Following the sampling procedure shown in Figure 1 of this Annex the conformity of mass-produced headlamps shall be contested and the manufacturer requested to make his production meet the requirements (alignment) if the deviations of the measured values of the headlamps are:

##### 3.2.1.1. sample D

D2: in the case of C2	
one headlamp more than	0 %
but not more than	20 %
one headlamp not more than	20 %

#### 3.3. Approval withdrawn

Conformity shall be contested and paragraph 11 applied if, following the sampling procedure in Figure 1 of this Annex, the deviations of the measured values of the headlamps are:

##### 3.3.1. sample C

C3: one headlamp not more than	20 %
one headlamp more than	20 %
C4: both headlamps more than	20 %

##### 3.3.2. sample D

D3: in the case of C2	
one headlamp 0 or more than	0 %
one headlamp more than	20 %

### 4. CHANGE OF THE VERTICAL POSITION OF THE CUT-OFF LINE

With respect to the verification of the change in vertical positions of the cut-off line under the influence of heat, the following procedure shall be applied:

One of the headlamps of sample A after sampling procedure in Figure 1 of this Annex shall be tested according to the procedure described in paragraph 2.1 of Annex 4 after being subjected three consecutive times to the cycle described in paragraph 2.2.2 of Annex 4.











