

# Official Journal

## of the European Union

L 197



English edition

Legislation

Volume 52

29 July 2009

Contents

### I Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory

#### REGULATIONS

- ★ **Council Regulation (EC) No 679/2009 of 7 July 2009 amending Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation** ..... 1
- ★ **Council Regulation (EC) No 680/2009 of 27 July 2009 amending Regulation (EC) No 423/2007 concerning restrictive measures against Iran** ..... 17
- ★ **Council Regulation (EC) No 681/2009 of 27 July 2009 terminating the 'new exporter' review of Regulation (EC) No 192/2007 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating, inter alia, in Malaysia, re-imposing the duty with regard to imports from one exporter in this country and terminating the registration of these imports** 18
- ★ **Council Regulation (EC) No 682/2009 of 27 July 2009 terminating the partial interim review of the anti-dumping measures applicable to imports of certain plastic sacks and bags originating in the People's Republic of China** ..... 20
- Commission Regulation (EC) No 683/2009 of 28 July 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 22

Price: EUR 22

(Continued overleaf)

**EN**

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

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

- ★ **Commission Regulation (EC) No 684/2009 of 24 July 2009 implementing Council Directive 2008/118/EC as regards the computerised procedures for the movement of excise goods under suspension of excise duty** ..... 24

Commission Regulation (EC) No 685/2009 of 28 July 2009 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year ..... 65

DIRECTIVES

- ★ **Commission Directive 2009/84/EC of 28 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include sulfur dioxide as an active substance in Annex I thereto <sup>(1)</sup>** ..... 67

---

II *Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory*

DECISIONS

**Commission**

2009/567/EC:

- ★ **Commission Decision of 9 July 2009 establishing the ecological criteria for the award of the Community Ecolabel for textile products (notified under document number C(2009) 4595) <sup>(1)</sup>** ..... 70

2009/568/EC:

- ★ **Commission Decision of 9 July 2009 establishing the ecological criteria for the award of the Community Eco-label for tissue paper (notified under document number C(2009) 4596) <sup>(1)</sup>** ..... 87



<sup>(1)</sup> Text with EEA relevance

## I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

## REGULATIONS

## COUNCIL REGULATION (EC) No 679/2009

of 7 July 2009

**amending Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation**

THE COUNCIL OF THE EUROPEAN UNION,

illegal, unreported and unregulated fishing <sup>(3)</sup>, will start to apply on 1 January 2010.

Having regard to the Treaty establishing the European Community,

(4) Regulation (EC) No 1386/2007 should therefore be amended accordingly,

Having regard to Council Regulation (EC) No 1386/2007 of 22 October 2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation <sup>(1)</sup>, and in particular Article 70 thereof,

HAS ADOPTED THIS REGULATION:

*Article 1*

Having regard to the proposal from the Commission,

Regulation (EC) No 1386/2007 is hereby amended as follows:

Whereas:

1. in Article 3, the following points shall be added:

(1) Regulation (EC) No 1386/2007 implements certain conservation and enforcement measures adopted by the Northwest Atlantic Fisheries Organisation ('NAFO'). This Regulation has subsequently been amended by Council Regulation (EC) No 538/2008 <sup>(2)</sup>. Furthermore, inconsistencies between Regulation (EC) No 1386/2007 and NAFO rules on conservation and enforcement have been identified.

'21. "Bottom fishing activities" means any fishing activity involving gear that contacts or is likely to contact the ocean bottom during the normal course of fishing operations.

(2) At its 30th annual meeting held in September 2008, NAFO adopted a number of amendments to its conservation and enforcement measures. Those amendments relate to provisions on bottom fishing, closed areas to ensure seamount protection, labelling requirements and additional port state measures.

22. "Existing bottom fishing areas" means areas where, as indicated by VMS and/or other geo-reference data, bottom fishing activities have been conducted at least in two years within a reference period of 1987 to 2007.

(3) Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate

23. "New bottom fishing areas" means any area, other than existing bottom fishing areas, in which bottom fishing activities are conducted.;

2. in Article 6, the following paragraph shall be added:

<sup>(1)</sup> OJ L 318, 5.12.2007, p. 1.

<sup>(2)</sup> Council Regulation (EC) No 538/2008 of 29 May 2008 amending Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 157, 17.6.2008, p. 1).

'4. Masters of Community vessels shall record coordinates pertaining to the start and end locations of any trial tow conducted in accordance with paragraph 3.;

<sup>(3)</sup> OJ L 286, 29.10.2008, p. 1.

3. in Article 7, the following paragraph shall be added:

'5. Vessels conducting a directed fishery for species other than those specified in paragraphs 1, 2 and 3 of this Article are permitted to take regulated species with nets having a mesh size less than specified in those paragraphs, provided that the by-catch requirements in Article 4 are complied with.;

4. in Article 8, paragraph 2 shall be replaced by the following:

'2. However, Community vessels fishing in areas outside the NAFO Regulatory Area may retain on board nets with a mesh size smaller than that prescribed in Article 7, provided that these nets are securely lashed and stowed and are not available for immediate use.;

5. Article 11 shall be replaced by the following:

'Article 11

**Special provisions for shrimp fishery in Division 3L**

Fishing for shrimp in Division 3L shall take place in depths greater than 200 metres.;

6. Article 12 shall be replaced by the following:

'Article 12

**Fisheries restricted areas**

1. The conduct of bottom fishing activities shall be prohibited in the following areas:

Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Orphan Knoll	50.00.30 N 45.00.30 W	51.00.30 N 45.00.30 W	51.00.30 N 47.00.30 W	50.00.30 N 47.00.30 W
Corner Seamounts	35.00.00 N 48.00.00 W	36.00.00 N 48.00.00 W	36.00.00 N 52.00.00 W	35.00.00 N 52.00.00 W
Newfoundland Seamounts	43.29.00 N 43.20.00 W	44.00.00 N 43.20.00 W	44.00.00 N 46.40.00 W	43.29.00 N 46.40.00 W
New England Seamounts	35.00.00 N 57.00.00 W	39.00.00 N 57.00.00 W	39.00.00 N 64.00.00 W	35.00.00 N 64.00.00 W
Fogo Seamount 1	42.31.33 N 53.23.17 W	42.31.33 N 52.33.37 W	41.55.48 N 53.23.17 W	41.55.48 N 52.33.37 W
Fogo Seamount 2	41.07.22 N 52.27.49 W	41.07.22 N 51.38.10 W	40.31.37 N 52.27.49 W	40.31.37 N 51.38.10 W

2. The area in NAFO Division 3O defined by connecting the following coordinates (in numerical order and back to coordinate 1) shall be closed to all bottom fishing activities:

Coordinate No	Latitude	Longitude
1	42°53'00"N	51°00'00"W
2	42°52'04"N	51°31'44"W
3	43°24'13"N	51°58'12"W
4	43°24'20"N	51°58'18"W
5	43°39'38"N	52°13'10"W
6	43°40'59"N	52°27'52"W

Coordinate No	Latitude	Longitude
7	43°56'19"N	52°39'48"W
8	44°04'53"N	52°58'12"W
9	44°18'38"N	53°06'00"W
10	44°18'36"N	53°24'07"W
11	44°49'59"N	54°30'00"W
12	44°29'55"N	54°30'00"W
13	43°26'59"N	52°55'59"W
14	42°48'00"N	51°41'06"W
15	42°33'02"N	51°00'00"W

7. the following shall be inserted:

'CHAPTER IIa

#### PROTECTION OF VULNERABLE MARINE ECOSYSTEMS

Article 12a

##### Definition of vulnerable marine ecosystems

For the purposes of this Chapter, "vulnerable marine ecosystems" means:

(a) marine ecosystems that are unique or that contain rare species whose loss could not be compensated for by similar areas or ecosystems. These include:

- (i) habitats that contain endemic species;
- (ii) habitats of rare, threatened or endangered species that occur only in discrete areas;
- (iii) nurseries or discrete feeding, breeding, or spawning areas;

(b) marine ecosystems that are necessary for the survival, function, spawning/reproduction or recovery of fish stocks, particular life-history stages (e.g. nursery grounds or rearing areas), or of rare, threatened or endangered marine species;

(c) marine ecosystems that are highly susceptible to degradation by anthropogenic activities;

(d) marine ecosystems that are characterised by populations or assemblages of species with one or more of the following characteristics:

- (i) slow growth rates;
- (ii) late age of maturity;

(iii) low or unpredictable recruitment; or

(iv) long-lived;

(e) marine ecosystems that are characterised by complex physical structures created by significant concentrations of biotic and abiotic features. In these ecosystems, ecological processes are usually highly dependent on these structured systems. Further, such ecosystems often have high diversity, which is dependent on the structuring organisms.

Article 12b

##### Definition of significant adverse impacts

For the purposes of this Chapter "significant adverse impacts" means impacts that compromise ecosystem structure or function in a manner that:

- (a) impairs the ability of affected populations to replace themselves;
- (b) degrades the long-term natural productivity of habitats; or
- (c) causes, on more than a temporary basis, significant loss of species richness, habitat or community types.

Article 12c

##### Definition of vulnerable marine ecosystem indicator species

For the purposes of this Chapter, "vulnerable marine ecosystem indicator species" means antipatharians, gorgonians, cerianthid anemone fields, lophelia, and sea penfields.

Article 12d

##### Definition of an encounter with vulnerable marine ecosystems

For the purposes of this Chapter, an "encounter with vulnerable marine ecosystems" means a catch, per gear set, of vulnerable marine ecosystem indicator species exceeding 100 kg of live coral and/or 1 000 kg of live sponge.

*Article 12e***Assessment of bottom fishing**

1. Member States whose vessels intend to conduct bottom fishing activities in the NAFO Regulatory Area shall carry out in 2009 an assessment of the known and anticipated impacts of those activities on vulnerable marine ecosystems. Member States shall only authorise bottom fishing activities in cases where the assessment concludes that such activities are not likely to have significant adverse impacts on vulnerable marine ecosystems.

2. For the purposes of the implementation of the assessment referred to in paragraph 1, Member States shall rely on the best scientific and technical information available concerning the location of vulnerable marine ecosystems in the areas in which their fishing vessels intend to operate. That information shall include, where available, scientific data on the basis of which the likelihood of occurrence of such ecosystems can be estimated.

3. The evaluation of the risk of significant adverse impacts on vulnerable marine ecosystems carried out under the assessment referred to in paragraph 1 shall take into account, as appropriate, differing conditions prevailing in new bottom fishing areas and existing bottom fishing areas.

4. Member States shall submit their assessment referred to in paragraph 1 to the Commission as soon as possible but not later than 30 June 2009. That submission shall also include a description of the mitigation measures intended to prevent significant adverse impacts on vulnerable marine ecosystems. The Commission shall promptly forward this information to the NAFO Secretariat.

*Article 12f***Bottom fishing activities in new bottom fishing areas**

1. All fishing activities in new bottom fishing areas, or with bottom gear not previously used in the area concerned, shall be considered as exploratory fisheries and shall be conducted in accordance with an Exploratory Fishery Protocol referred to in paragraph 2.

2. Member States, whose vessels intend to conduct fishing activities in new bottom fishing areas, or with bottom gear not previously used in the area concerned, shall set up an Exploratory Fishery Protocol using the templates in Annex XVI.

3. The Exploratory Fishery Protocol shall include the following information:

(a) a harvesting plan which outlines target species, dates and areas. Area and effort restrictions shall be considered to ensure that fisheries occur on a gradual basis in a limited geographical area;

(b) a mitigation plan including measures to prevent significant adverse impacts to vulnerable marine ecosystems which may be encountered during the fishery;

(c) a catch monitoring plan which includes recording and reporting of all species caught, 100 % satellite tracking and 100 % observer coverage. The reporting and recording must be sufficiently detailed to conduct an assessment of the activity, if required;

(d) a data collection plan to facilitate the identification of vulnerable marine ecosystems and species in the area fished.

4. Member States shall ensure that the exploratory bottom fishing activities are subject to the assessment procedure set out in Article 12e.

5. Member States shall submit the Exploratory Fisheries Protocol referred to in paragraph 2 and the assessment referred to in Article 12e(1) to the Commission for onward transmission to the NAFO Secretariat. Member States shall ensure that the exploratory fishing activities are not authorised before this information has been received by the NAFO Secretariat.

*Article 12g***Unforeseen encounters with vulnerable marine ecosystems in existing bottom fishing areas**

1. Where, in the course of fishing operations, a vessel conducting fishing activities in existing bottom fishing areas encounters vulnerable marine ecosystem indicators, the master shall quantify the vulnerable marine ecosystem indicator species caught.

2. If the quantity of vulnerable marine ecosystem indicator species caught in a fishing operation, such as trawl tow or set of a gillnet or longline, is beyond the threshold defined in Article 12d, the provisions set out in paragraphs 3 and 4 of this Article shall apply.

3. The vessel master shall report the incident to the flag Member State, which without delay shall forward the information to the Executive Secretary through the Commission. The Commission shall immediately alert other Member States whose vessels operate in the Area. The relevant Member States shall immediately alert all fishing vessels in the area flying their flag.

4. The vessel master shall cease fishing and move away at least 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. The captain shall use his best judgment based on all available sources of information.

#### Article 12h

#### **Unforeseen encounters with vulnerable marine ecosystems in new bottom fishing areas**

1. Where, in the course of fishing operations, a vessel conducting fishing activities in new bottom fishing areas encounters vulnerable marine ecosystem indicators, the master shall quantify the vulnerable marine ecosystem indicator species caught. Observers deployed shall identify corals, sponges and other organisms to the lowest possible taxonomical level.

2. If the quantity of such species caught per gear set, such as trawl tow or set of a gillnet or longline, is beyond the threshold defined in Article 12d, the provisions set out in paragraphs 3, 4 and 5 of this Article shall apply.

3. The vessel master shall report the incident to the flag Member State, which without delay shall forward the information to the Executive Secretary through the Commission. The Commission shall immediately alert other Member States whose vessels operate in the Area. The relevant Member States shall immediately alert all fishing vessels in the area flying their flag.

4. A temporary closure shall apply of a two mile radius around an encounter position reported by a vessel flying the flag of a Contracting Party to NAFO. The reporting position is that provided by the vessel, either the endpoint of the tow/set or another position that the evidence suggests is closest to the exact encounter location. This temporary closure shall apply until such time when the NAFO Secretariat advises that the area can be reopened.

5. The vessel shall cease fishing and move away at least 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. The captain shall use his best judgment based on all available sources of information.;

8. Article 20 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. All processed fish harvested in the NAFO Regulatory Area shall be labelled in such a way that each species and product category as referred to in Article 1 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisations of the market in fishery and aquaculture products (\*), and in case of shrimp the date of capture, is identifiable, using respectively the 3-Alpha code in Annex I to that Regulation, and the product form codes in Annex XIV(b) to this Regulation.

(\*) OJ L 17, 21.1.2000, p. 22.;

(b) paragraph 2 shall be replaced by the following:

'2. All shrimp harvested in Divisions 3L and 3M and all Greenland halibut harvested in Subarea 2 and Divisions 3KLMNO shall be marked as having been caught in these respective zones.;

9. in Article 47, the following point shall be added:

'(g) provide to an inspector upon request, coordinates pertaining to the start and end locations of any trial tow conducted in accordance with Article 6(4).;

10. Chapter V shall be replaced by the following:

#### 'CHAPTER V

#### **PORT STATE CONTROL OF VESSELS FLYING THE FLAG OF ANOTHER CONTRACTING PARTY**

##### Article 62

##### **Scope**

1. This Chapter shall apply to landings or transshipments in ports of Member States, by fishing vessels flying the flag of another Contracting Party to NAFO of fish caught in the NAFO Regulatory Area or fish products originating from such fish that have not been previously landed or offloaded at a port.

2. This Chapter shall apply without prejudice to Regulations (EEC) No 2847/93 and (EC) No 1005/2008.

##### Article 63

##### **Designated ports**

Member States shall designate ports to which fishing vessels may be permitted access for the purpose of landing or transshipment. Member States shall notify their designated ports to the Commission, which shall transmit the list of these ports to the NAFO Secretariat. Any subsequent amendments to the list shall be notified to the NAFO Secretariat no less than fifteen days before the amendment comes into effect.

*Article 63a***Competent authority**

1. Member States shall designate the competent authority which shall act as the contact point for the purposes of receiving notifications in accordance with Article 63b, receiving confirmation and issuing authorisations in accordance with Article 63c.

2. Member States shall advise the Commission about the competent authority name and its contact information. The Commission shall forward the information to the NAFO Secretariat.

*Article 63b***Prior notice of entry into port**

1. By way of derogation from Article 28e(1) of Regulation (EEC) No 2847/93, the master of the fishing vessel referred to in Article 62(1) of this Regulation or his representative intending to call into a port to land or tranship shall notify the competent authority of the port Member State referred to in Article 63a of this Regulation at least three working days before the estimated time of arrival.

2. However, a Member State may make provisions for another prior notification period, taking into account, inter alia, distance between fishing grounds and its port. Member States shall advise the Commission or a body designated by it of that prior notification period. The Commission shall forward the information to the NAFO Secretariat.

3. The prior notification shall be accompanied by the following forms with Part A duly completed:

- (a) form PSC 1, as referred to in Annex XV (A), where the vessel intends to land or tranship its own catch;
- (b) form PSC 2, as referred to in Annex XV (B), where the vessel intends to land or tranship catch that was received through transhipment. A separate form shall be used for each donor vessel;
- (c) both forms PSC 1 and PSC 2, where the vessel intends to land or tranship both its own catch and catch that was received through transhipment.

4. Masters or their representative may cancel a prior notification by notifying the competent authorities of the port they intended to use, not later than 24 hours before the notified estimated time of arrival in the port. However, the port Member State may make provisions for another notification period. The notification shall be accompanied

by a copy of the original PSC 1 or PSC 2 with the word "cancelled" written across it.

5. The competent authority of the port Member State shall forward a copy of the prior notification form as referred to in paragraphs 3 and 4 without delay to the flag State Contracting Party of the fishing vessel which intends to land/or tranship and, if that vessel has engaged in transhipment operations, to the flag State Contracting Party of donor vessels.

6. A copy of the form shall also be forwarded to the Commission or a body designated by it, which shall transmit it to the NAFO Secretariat without delay.

*Article 63c***Authorisation to land or tranship**

1. Landing or transhipment operations may only commence after authorisation has been given by the competent authority of the port Member State. Such authorisation shall only be given after the returning by the flag State of the copy of form PSC1 and/or form PSC2, transmitted pursuant to Article 63b(5) with part B duly completed, confirming that:

- (a) the fishing vessel declared to have caught the fish had sufficient quota for the species declared;
- (b) the declared quantity of fish on board has been duly reported by species and taken into account for the calculation of any catch or effort limitations that may be applicable;
- (c) the fishing vessel declared to have caught the fish had authorization to fish in the areas declared; and
- (d) the presence of the vessel in the area in which it has declared to have taken its catch has been verified by VMS data.

2. By way of derogation from paragraph 1 the competent authority of the port Member State may authorise all or part of a landing in the absence of the confirmation referred to in paragraph 1. In such cases the fish concerned shall be kept in storage under the control of the competent authority. The fish shall only be released to be sold, taken over or transported once the confirmation referred to in paragraph 1 has been received and checked by the competent authorities. If the confirmation has not been received within 14 days of the landing the competent authority of the port Member State may confiscate and dispose of the fish in accordance with national rules.



3. The competent authority of the port Member State shall notify without delay to the master its decision on whether or not to authorise the landing or transhipment by returning a copy of form PSC 1 and/or form PSC 2 with Part C duly completed. This copy shall also be transmitted to the Commission or a body designated by it without delay, which shall forward the information to the NAFO Secretariat.

#### Article 63d

##### Inspections

1. Unless otherwise required in a recovery plan, the port Member State shall carry out inspections of at least 15 % of all such landings or transhipments during each reporting year.

2. Inspections shall be conducted by authorised national inspectors who shall present credentials to the master of the vessel prior to the inspection.

3. The port Member State may invite inspectors of other Contracting Parties to accompany their own inspectors and observe the inspection of landings or transhipment operations within the meaning of this Chapter.

4. An inspection shall involve the monitoring of the entire discharge or transhipment in that port and the national inspectors shall as a minimum:

- (a) cross-check against the quantities of each species landed or transhipped:
  - (i) the quantities by species recorded in the logbook,
  - (ii) the catch and activity reports, and
  - (iii) all information on catches provided in the prior notification (PSC 1 or PSC 2);
- (b) verify and record the quantities by species of catch remaining on board upon completion of landing or transhipment;
- (c) verify any information from inspections carried out at sea;
- (d) verify all nets on board and record mesh size measurements;
- (e) verify fish size for compliance with minimum size requirements.

5. The national inspectors shall make all possible efforts to avoid unduly delaying the fishing vessel and ensure that the vessel suffers the minimum interference and inconvenience and that unnecessary degradation of the quality of the fish is avoided.

6. The master of a fishing vessel shall:

- (a) cooperate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures and shall not obstruct, intimidate or interfere with the port State inspectors in the performance of their duties;
- (b) provide access to any areas, decks, rooms, catch, nets or other gear or equipment, and provide any relevant information which the port State inspectors request including copies of any relevant documents.

#### Article 63e

##### Serious infringements

1. The following infringements shall be considered serious:

- (a) preventing inspectors from carrying out their duties;
- (b) landing or transhipping in a port not designated;
- (c) failure to comply with the provisions related to the pre-notification of arrival;
- (d) landing or transhipping without authorization of the port Member State.

2. Each port Member State shall take enforcement measures with respect to a fishing vessel where it has been established in accordance with its law that the vessel committed a serious infringement referred to in paragraph 1. The measures may include, in particular depending on the gravity of the offence and in accordance with the pertinent provisions of national law:

- (a) fines;
- (b) seizure of illegal fishing gear and catches;
- (c) sequestration of the vessel.

#### Article 63f

##### Inspection reports

1. Each inspection shall be documented by completing the port inspection report form as set out in Annex XII.

2. The inspection report may be commented upon by the master and shall be signed by the inspector and the master at the end of the inspection. A copy of the inspection report shall be given to the master of the fishing vessel.

3. A copy of each inspection report shall be transmitted without delay to the flag State of the inspected fishing vessel and to the flag State of the donor vessel where the vessel has engaged in transshipment operations. A copy shall also be sent to the Commission or a body designated by it without delay, which shall forward the information to the NAFO Secretariat. The original or a certified copy of each inspection report shall be forwarded on request to the flag State of the inspected vessel.;

11. Article 68 is replaced by the following:

*'Article 68*

**Entry into port**

1. Without prejudice to Regulations (EEC) No 2847/93, (EC) No 1093/94 and (EC) No 1005/2008, Member States shall ensure that masters of non-Contracting Party vessels may only call into a port designated according to Article 63. The master intending to call into a designated port shall notify the competent authority of the port Member State in accordance with the provisions of Article 63b. The port Member State shall forward without delay this information to the flag State of the vessel and to the Commission or a body designated by it, which shall transmit it without delay to the NAFO Secretariat.

2. The provisions of Articles 63b and 63c shall apply *mutatis mutandis*. The port Member State shall prohibit the entry into its ports of vessels that have not given the required prior notice referred to in paragraph 1 and for which the confirmation by the flag State referred to in Article 63c(1) has not been provided.

3. A Member State denying landing or transshipment shall inform the master of the vessel concerned of its decision.;

12. the following Article shall be inserted:

*'Article 68a*

**Inspection in port**

1. Member States shall ensure that each non-Contracting Party vessel which enters one of its ports is inspected by

their competent authorities. The vessel shall not be allowed to land or tranship until this inspection has taken place. Such inspections shall include the vessels documents, logbooks, fishing gear, catch on board and any other matter relating to the vessel activity in the NAFO Regulatory Area.

2. If, on completion of inspection, the competent authorities find that the non-Contracting Party vessel holds on board any of the stocks or group of stocks regulated by NAFO or referred to in Annex II to this Regulation, the Member State concerned shall prohibit any landing and/or transshipment of catches from that vessel.

3. However, no such prohibition shall apply if the master of the inspected vessel or his representative proves to the satisfaction of the competent authorities of the Member State concerned that:

(a) the species held on board were caught outside the NAFO Regulatory Area; or

(b) the species held on board and listed in Annex II were caught in accordance with the Conservation and Enforcement Measures of NAFO.

4. A Member State denying landing or transshipment shall inform the master of the vessel concerned of its decision.

5. The inspection shall be documented by at least completing the port inspection report form provided in Annex XII.

6. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Member States, and any subsequent action, shall be transmitted without delay to the flag State of the vessel and to the Commission or a body designated by it, which shall transmit it without delay to the NAFO Secretariat.;

13. in Annex V, point 3 shall be deleted;

14. in Annex XII, point A shall be replaced by the text in Annex I to this Regulation;

15. the text in Annex II to this Regulation shall be added as Annex XV;

16. the text in Annex III to this Regulation shall be added as Annex XVI.

*Article 2*

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

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

Done at Brussels, 7 July 2009.

*For the Council*

*The President*

A. BORG

---



<b>B 3. INFORMATION ABOUT LANDINGS AUTHORISED WITHOUT CONFIRMATION FROM THE FLAG STATE</b>							
Name of storage, name of competent authorities, deadline for receiving confirmation, ref. NEAFC art. 23,2/NAFO art. 45,6							
<b>B 4. FISH RETAINED ON BOARD</b>							
Species <sup>(3)</sup>	Product <sup>(4)</sup>	Area of catch	Product weight in kg	Conversion factor	Live weight kg	Diff. (kg) between product weight on board and PSC 1/2	Diff. (%) between product weight on board and PSC 1/2
1.1.1. C. GEAR INSPECTION IN PORT (NAFO only)							
<b>C1. General data</b>							
Number of gear inspected				Date gear inspection			
Has the vessel been cited?		Yes		No	If yes, complete the full "verification of inspection in port form". If no, complete the form with the exception of the NAFO Seal Details		
1.1.2. C2. Otter Trawl details							
NAFO Seal number				Is seal undamaged?		Yes	No
Gear type							
Attachments							
Grate Bar Spacing mm.							
Mesh type							
Average mesh sizes (mm)							
Trawl part							
Wings							
Body							
Lenghtening Piece							
Codend							
<b>D. OBSERVATIONS BY THE MASTER</b>							
<p>I, ..... the undersigned, Master of the vessel ..... hereby confirm that a copy of this report have been delivered to me on this date. My signature does not constitute acceptance of any part of the contents of this report, except my own observations, if any.</p> <p>Signature: ..... Date: .....</p>							

<b>E. INFRINGEMENTS AND FOLLOW-UP</b>			
<b>E.1 Sea Inspection</b>			
<b>Infringements resulting from Inspections inside NAFO R.A.</b>			
Inspection Party	Date of insp.	Division	NAFO CEM infringement legal reference
<b>E.2 Port Inspection Infringements results</b>			
<b>(a) — Confirmation of Infringements found at sea inspection</b>			
NAFO CEM infringement legal reference		National Infringement legal reference	
<b>(b) — Infringements found at sea inspection and not possible to be confirmed during the Port Inspection.</b>			
Comments:			
<b>(c) — Additional infringements found during the Port Inspection</b>			
NAFO CEM infringement legal reference		National Infringement legal reference	
<b>Observations:</b>			
<b>F. DISTRIBUTION</b>			
Copy to flag State	Copy to NEAFC Secretary	Copy to NAFO Executive Secretary	

<sup>(1)</sup> Fishing vessels not assigned an IMO number shall provide their external registration number.

<sup>(2)</sup> In case where a vessel has engaged in transshipment operations, a separate form shall be used for each donor vessel.

<sup>(3)</sup> FAO Species Codes — NEAFC Annex V — NAFO Annex II.

<sup>(4)</sup> Product presentations — NEAFC Appendix 1 to Annex IV — NAFO Annex XX (C).'

## ANNEX II

## ANNEX XV

## PORT STATE CONTROL NOTIFICATION FORMS

## A — PSC 1

PORT STATE CONTROL FORM — PSC 1								
PART A: To be completed by the Master of the Vessel. Please use black ink								
Name of Vessel:	IMO Number: <sup>(1)</sup>		Radio Call Sign:		Flag State:			
E-mail Address:	Telephone Number:		Fax Number:		Inmarsat Number:			
Port of Landing or Transhipment:								
Estimated Time of Arrival:	Date:	Time UTC:						
Total catch on board — all areas						Catch to be landed <sup>(2)</sup>		
Species <sup>(3)</sup>	Product <sup>(4)</sup>	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)	
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas				
<b>PART B: For official use only — to be completed by the Flag State</b>								
The Flag State of the vessel must respond to the following questions by marking in the box "Yes" or "No"					NEAFC CA		NAFO RA	
					Yes	No	Yes	No
(a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared								
(b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable								
(c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared								
(d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data								
<b>Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.</b>								
Name and Title:					Date:			
Signature:				Official Stamp:				
<b>PART C: For official use only — to be completed by the Port State</b>								
Name of Port State:								
Authorisation:		Yes:	No:		Date:			
Signature:				Official Stamp:				

<sup>(1)</sup> Fishing vessels not assigned an IMO number shall provide their external registration number.

<sup>(2)</sup> If necessary an additional form or forms shall be used.

<sup>(3)</sup> FAO Species Codes — NEAFC Annex V — NAFO Annex II.

<sup>(4)</sup> Product presentations — NEAFC Appendix 1 to Annex IV — NAFO Annex XX (C).

## B — PSC 2

PORT STATE CONTROL FORM — PSC 2									
<b>PART A: To be completed by the Master of the Vessel. A separate form shall be completed for each donor vessel. Please use black ink</b>									
Name of Vessel:	IMO Number: <sup>(1)</sup>			Radio Call Sign:		Flag State:			
E-mail Address:	Telephone Number:			Fax Number:		Inmarsat Number:			
Port of Landing or Transhipment:									
Estimated Time of Arrival:	Date:			Time UTC:					
Catch Information for Donor Vessels * A separate form shall be completed for each Donor Vessel *									
Name of Vessel	IMO Number <sup>(1)</sup>			Radio Call Sign		Flag State			
Total catch on board — all areas							Catch to be landed <sup>(2)</sup>		
Species <sup>(3)</sup>	Product <sup>(4)</sup>	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)		
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas					
<b>PART B: For official use only — to be completed by the Flag State</b>									
The Flag State of the vessel must respond to the following questions by marking in the "Yes" or "No"						NEAFC CA		NAFO RA	
						Yes	No	Yes	No
(a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared									
(b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable									
(c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared									
(d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data									
<b>Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.</b>									
Name and Title:				Date:					
Signature:					Official Stamp:				
<b>PART C: For official use only — to be completed by the Port State</b>									
Name of Port State:									
Authorisation:			Yes:		No:		Date:		
Signature:					Official Stamp:				

<sup>(1)</sup> Fishing vessels not assigned an IMO number shall provide their external registration number.

<sup>(2)</sup> If necessary an additional form or forms shall be used.

<sup>(3)</sup> FAO Species Codes – NEAFC Annex V – NAFO Annex II.

<sup>(4)</sup> Product presentations – NEAFC Appendix I to Annex IV – NAFO Annex XX (C).



## ANNEX III

‘ANNEX XVI

**TEMPLATES FOR THE EXPLORATORY PROTOCOL FOR NEW FISHING AREAS WHERE FISHING GEAR IS LIKELY TO CONTACT THE SEAFLOOR****I. Member State submits notice of intent to undertake exploratory fishing to the NAFO secretariat via the Commission**

Harvesting plan	Mitigation plan	Catch monitoring	Data collection
Target species	Measures to prevent significant adverse impacts to VMEs	Identify and record all species brought onboard to the lowest possible taxonomic level	Data will be collected and reported in a standardised format
Fishing dates		100 % satellite coverage	
Description of area to be fished		100 % observer coverage	
Anticipated effort			
Bottom fishing gear-type(s) used			

**II. Member State submits trip report to the NAFO secretariat via the Commission**ADVANCED NOTICE OF INTENT TO UNDERTAKE EXPLORATORY FISHING <sup>(1)</sup>

NAME OF VESSEL:

FLAG STATE OF VESSEL:

ANTICIPATED LOCATION(S) OF EXPLORATORY FISHING ACTIVITIES (INCLUDE LAT/LONG):

ANTICIPATED DATES OF EXPLORATORY FISHING ACTIVITIES:

HAS ANY PREVIOUS FISHING BEEN UNDERTAKEN IN ADJACENT AREAS (IF SO, IDENTIFY INFORMATION SOURCE):

DEPTHS EXPECTED TO BE ENCOUNTERED DURING EXPLORATORY FISHING ACTIVITIES:

DO HABITAT MAPS OF THE AREA EXIST (IF SO, PLEASE IDENTIFY SOURCE(S)):

ARE TAXONOMIC KEYS IDENTIFYING POTENTIALLY VULNERABLE SPECIES AVAILABLE (IF SO, IDENTIFY SOURCES(S)):

KNOWN VULNERABLE MARINE ECOSYSTEMS (VMEs) <sup>(2)</sup> IN THE LOCATION(S) TO BE FISHED:

MITIGATION MEASURES TO PREVENT SIGNIFICANT ADVERSE IMPACT TO VMEs, IF ENCOUNTERED:

<sup>(1)</sup> Exploratory fishing is defined as all bottom fishing activities in new areas or with bottom gear not previously used in the area concerned.<sup>(2)</sup> Refer to FAO International Guideline for the Management of Deep-Sea Fisheries in the High Seas.

DO BATHYMETRIC MAPS OF THE EXPLORATORY AREA EXIST (IF SO, PLEASE IDENTIFY SOURCE(S)):

DOES ANY FISHERIES SCIENTIFIC INFORMATION IN THE EXPLORATORY AREA EXIST (IF SO, IDENTIFY SOURCE(S)):

TARGET SPECIES BEING SOUGHT:

WHAT GEAR TYPE(S) ARE BEING PROPOSED TO BE USED (PLEASE IDENTIFY) IN WHAT AREAS (INCLUDE LAT/LONG):

**III. Member State exploratory fishing <sup>(1)</sup> trip report submitted to the NAFO scientific Council**

NAME OF VESSEL:

FLAG STATE OF VESSEL:

LOCATION(S) OF AREAS FISHED (INCLUDE LAT/LONG):

DATES OF FISHING ACTIVITIES:

DEPTHS ENCOUNTERED DURING FISHING (LIST FOR EACH HAUL INCLUDING LAT/LONG):

TOTAL HOURS/AREA FISHED (LIST FOR EACH HAUL INCLUDING LAT/LONG):

GEAR TYPE(S) USED (PLEASE IDENTIFY) IN WHAT AREAS (INCLUDE LAT/LONG):

VULNERABLE MARINE ECOSYSTEMS (VMEs) <sup>(2)</sup> ENCOUNTERED (LIST FOR EACH HAUL INCLUDE LAT/LONG):

MITIGATION MEASURES TAKEN TO PREVENT SIGNIFICANT ADVERSE IMPACT TO VMEs IF ENCOUNTERED:

LIST OF ALL ORGANISMS (RETAINED, BYCATCH) BROUGHT ONBOARD (IDENTIFIED TO THE LOWEST TAXONOMIC UNIT):

LIST OF POTENTIAL VULNERABLE INDICATOR SPECIES <sup>(3)</sup> BROUGHT ONBOARD BY LOCATION (INCLUDE LAT/LONG):

LIST OF ORGANISMS RETAINED FOR BIOLOGICAL SAMPLING (E.G., LENGTH-WEIGHT, SEX, AGE), IF ANY:

Note: Data reporting should follow a standardised specification, for example, as adopted by Scientific Observer programs.

<sup>(1)</sup> Exploratory fishing is defined as all bottom fishing activities in new areas or with bottom gear not previously used in the area concerned.

<sup>(2)</sup> Refer to FAO International Guideline for the Management of Deep-Sea Fisheries in the High Seas.

<sup>(3)</sup> Refer to Annex 1 FAO International Guideline for the Management of Deep-Sea Fisheries in the High Seas.'

**COUNCIL REGULATION (EC) No 680/2009****of 27 July 2009****amending Regulation (EC) No 423/2007 concerning restrictive measures against Iran**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2008/652/CFSP of 7 August 2008 amending Common Position 2007/140/CFSP concerning restrictive measures against Iran <sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1110/2008 <sup>(2)</sup> amending Regulation (EC) No 423/2007 <sup>(3)</sup> imposed additional restrictive measures pursuant to Common Position 2008/652/CFSP, and in particular a prior notification obligation in respect of certain shipments to and from Iran.
- (2) For technical reasons, provision was made for derogations from the rules for the implementation of that prior notification obligation during a transitional period. As the complexity of the implementing rules for this measure has resulted in unforeseen delays in its implementation, the transitional period should be extended until 31 December 2010.

- (3) Regulation (EC) No 423/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The fourth and fifth paragraphs of Article 4a of Regulation (EC) No 423/2007 are hereby replaced by the following:

'Until 31 December 2010, the entry and exit summary declarations and the required additional elements referred to in this Article may be submitted in written form using commercial, port or transport information, provided that they contain the necessary particulars.

As from 1 January 2011, the required additional elements referred to in this Article shall be submitted either in written form or using the entry and exit summary declarations as appropriate.'

*Article 2*

This Regulation shall enter into force on 1 July 2009.

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

Done at Brussels, 27 July 2009.

*For the Council*

*The President*

C. BILDT

<sup>(1)</sup> OJ L 213, 8.8.2008, p. 58.

<sup>(2)</sup> OJ L 300, 11.11.2008, p. 1.

<sup>(3)</sup> OJ L 103, 20.4.2007, p. 1.

**COUNCIL REGULATION (EC) No 681/2009**

of 27 July 2009

**terminating the 'new exporter' review of Regulation (EC) No 192/2007 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating, inter alia, in Malaysia, re-imposing the duty with regard to imports from one exporter in this country and terminating the registration of these imports**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> (the 'basic Regulation') and in particular Article 11(4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**A. PREVIOUS PROCEDURE**

(1) By Regulation (EC) No 192/2007<sup>(2)</sup> the Council, following an expiry review investigation, imposed a definitive anti-dumping duty on imports into the Community of certain polyethylene terephthalate (PET), originating, inter alia, in Malaysia. The measures in force consist of a duty rate of 160,1 EUR/tonne, with the exception of the companies expressly mentioned which are subject to individual duty rates. Pursuant to the same Regulation, anti-dumping duties were also imposed on imports of PET originating in India, Indonesia, the Republic of Korea, Thailand and Taiwan. The original measures were imposed, following an investigation (the 'original investigation'), by Regulation (EC) No 2604/2000<sup>(3)</sup>.

**B. PRESENT PROCEDURE**

**1. Request for a review**

(2) The Commission subsequently received a request to initiate a 'new exporter' review of Regulation (EC) No 192/2007, pursuant to Article 11(4) of the basic Regulation, from Eastman Chemical (Malaysia) SDN.BHD (the 'applicant'). The applicant alleged that it did not export certain PET to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 October 1998 to 30 September 1999 (the 'original investigation period') and that it is not related to any of the exporting producers of certain PET which are subject to the above-mentioned anti-dumping measures. The applicant further

alleged that it began exporting certain PET to the Community after the end of the original investigation period.

**2. Initiation of a 'new exporter' review**

(3) The Commission examined the *prima facie* evidence submitted by the applicant and considered it sufficient to justify the initiation of a review pursuant to Article 11(4) of the basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by Regulation (EC) No 1082/2008<sup>(4)</sup>, a review of Regulation (EC) No 192/2007 with regard to the applicant.

(4) Pursuant to Article 2 of Regulation (EC) No 1082/2008, the anti-dumping duty of 160,1 EUR/tonne imposed by Regulation (EC) No 192/2007 on imports of certain PET produced and sold for export to the Community by the applicant was repealed. Simultaneously, pursuant to Article 14(5) of the basic Regulation, customs authorities were directed to take appropriate steps to register these imports.

**3. Product concerned**

(5) The product concerned by the current review is the same as that in the original investigation, i.e. PET having a viscosity number of 78 ml/g or higher, according to the ISO Standard 1628-5, falling within CN Code 3907 60 20.

**4. Parties concerned**

(6) The Commission officially advised the applicant, the Community industry and the representatives of the exporting country of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to be heard.

(7) The Commission sent a questionnaire to the applicant and received a reply within the deadline set for that purpose. The Commission sought to verify all the information it deemed necessary for the determination of dumping, and a verification visit was carried out at the premises of the applicant.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 59, 27.2.2007, p. 1.

<sup>(3)</sup> OJ L 301, 30.11.2000, p. 21.

<sup>(4)</sup> OJ L 296, 5.11.2008, p. 5.

## 5. Review investigation period

- (8) The 'new exporter' review investigation period covered the period from 1 October 2007 to 30 September 2008.

### C. WITHDRAWAL OF THE REQUEST FOR A 'NEW EXPORTER' REVIEW

- (9) By a letter dated 22 April 2009 addressed to the Commission, the applicant formally withdrew its request for a 'new exporter' review without providing any specific justification.
- (10) Under these circumstances, the Commission could not establish the applicant's individual dumping margin and duty rate. It was therefore concluded that imports into the Community of PET having a viscosity number of 78 ml/g or higher, according to ISO Standard 1628-5 falling within CN code 3907 60 20 originating in Malaysia and produced and sold for export to the Community by Eastman Chemical (Malaysia) SDN.BHD should be subject to the country-wide duty applicable to 'all other companies' in Malaysia (160,1 EUR/tonne) imposed by Regulation (EC) No 192/2007 and that that rate of duty should therefore be re-imposed.

### D. RETROACTIVE LEVYING OF THE ANTI-DUMPING DUTY

- (11) In the light of the above findings, the anti-dumping duty applicable to Eastman Chemical (Malaysia) SDN.BHD shall be levied retroactively from the date of initiation of the review on imports of the product concerned which have been made subject to registration pursuant to Article 3 of Regulation (EC) No 1082/2008.

### E. DISCLOSURE AND DURATION OF THE MEASURES

- (12) The applicant and the other parties concerned were informed of the essential facts and considerations on the basis of which it was intended to re-impose a definitive anti-dumping duty on imports of certain PET originating, inter alia, in Malaysia and produced and sold

for export to the Community by Eastman Chemical Malaysia SDN.BHD and to levy this duty retroactively on imports made subject to registration. Their comments were considered and taken into account as appropriate.

- (13) This review does not affect the date on which the measures imposed by Regulation (EC) No 192/2007 will expire pursuant to Article 11(2) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. The 'new exporter' review initiated by Regulation (EC) No 1082/2008 is hereby terminated and the anti-dumping duty applicable according to Article 1 of Regulation (EC) No 192/2007 to 'all other companies' in Malaysia is hereby re-imposed on imports identified in Article 1 of Regulation (EC) No 1082/2008.

2. The anti-dumping duty applicable according to Article 1 of Regulation (EC) No 192/2007 to 'all other companies' in Malaysia is hereby levied with effect from 6 November 2008 on imports of certain polyethylene terephthalate which have been registered pursuant to Article 3 of Regulation (EC) No 1082/2008.

3. The customs authorities are hereby directed to cease the registration of imports carried out pursuant to Article 3 of Regulation (EC) No 1082/2008.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

#### Article 2

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

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

Done at Brussels, 27 July 2009.

For the Council  
The President  
C. BILDT

**COUNCIL REGULATION (EC) No 682/2009****of 27 July 2009****terminating the partial interim review of the anti-dumping measures applicable to imports of certain plastic sacks and bags originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> (the basic Regulation) and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**A. PROCEDURE****1. Measures in force**

- (1) In September 2006, the Council, by Regulation (EC) No 1425/2006<sup>(2)</sup>, imposed a definitive anti-dumping duty on imports of certain plastic sacks and bags originating, inter alia, in the People's Republic of China. The Regulation was last amended by Council Regulation (EC) No 189/2009<sup>(3)</sup>. For the eight companies with individual duties, the duties in force range from 4,3 % to 12,8 %. The duty is 8,4 % for cooperating companies without individual duties and the residual duty is 28,8 %.

**2. Request for review**

- (2) On 25 March 2008, the Commission received a request for a partial interim review pursuant to Article 11(3) of the basic Regulation from one exporting producer of certain plastic sacks and bags originating in the People's Republic of China.
- (3) The request was lodged by CeDo Shanghai Limited (CeDo Shanghai or the applicant).
- (4) The applicant alleged, inter alia, that its export prices of certain plastic sacks and bags to the Community had increased significantly and substantially more than the constructed normal value based on the applicant's cost of production in the People's Republic of China and that

this led to a reduction or elimination of dumping. Therefore, the continued imposition of measures at the existing levels, which were based on the level of dumping previously established, was no longer necessary to offset dumping.

**3. Initiation**

- (5) Having determined, after consulting the Advisory Committee, that sufficient evidence existed to justify the initiation of a partial interim review, the Commission announced, by a notice published in the *Official Journal of the European Union*<sup>(4)</sup>, the initiation of a partial interim review in accordance with Article 11(3) of the basic Regulation, limited to the examination of dumping insofar as CeDo Shanghai is concerned.

- (6) The investigation of dumping covered the period from 1 July 2007 to 30 June 2008.

- (7) The Commission officially advised the applicant, as well as the representatives of the Community industry and the representatives of the exporting country, of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.

**B. PRODUCT CONCERNED**

- (8) The product concerned was the same as that set out in Regulation (EC) No 1425/2006 as amended, being plastic sacks and bags, containing at least 20 % by weight of polyethylene and of sheeting of a thickness not exceeding 100 micrometres (µm), originating in the People's Republic of China, falling within CN codes ex 3923 21 00, ex 3923 29 10 and ex 3923 29 90 (TARIC codes 3923 21 00 20, 3923 29 10 20 and 3923 29 90 20).

**C. WITHDRAWAL OF THE REQUEST AND TERMINATION OF THE PROCEEDING**

- (9) By letter to the Commission dated 24 March 2009, CeDo Shanghai formally withdrew its request for the partial interim review of the anti-dumping measures applicable to imports of certain plastic sacks and bags originating, inter alia, in the People's Republic of China.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 270, 29.9.2006, p. 4.

<sup>(3)</sup> OJ L 67, 12.3.2009, p. 5.

<sup>(4)</sup> OJ C 176, 11.7.2008, p. 9.

(10) It was considered whether it would be warranted to continue the investigation *ex officio*. The Commission considered that the termination of the investigation did not affect the anti-dumping measure already in force and that such termination would not be against the Community interest. On this basis, the investigation should be terminated.

(11) Interested parties were informed of the intention to terminate the investigation and were given the opportunity to comment. However, no comments which could alter this decision were received.

(12) It is therefore concluded that the review concerning imports of certain plastic sacks and bags originating,

*inter alia*, in the People's Republic of China should be terminated without amending the anti-dumping measures in force,

HAS ADOPTED THIS REGULATION:

*Article 1*

The partial interim review of the anti-dumping measures applicable to imports of certain plastic sacks and bags originating, *inter alia*, in the People's Republic of China, initiated pursuant to Article 11(3) of Regulation (EC) No 384/96, is hereby terminated without amending the anti-dumping measures in force.

*Article 2*

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

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

Done at Brussels, 27 July 2009.

*For the Council*  
*The President*  
C. BILDT

---

**COMMISSION REGULATION (EC) No 683/2009**  
**of 28 July 2009**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 29 July 2009.

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

Done at Brussels, 28 July 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 350, 31.12.2007, p. 1.



## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MK	27,8
	XS	31,8
	ZZ	29,8
0707 00 05	TR	99,3
	ZZ	99,3
0709 90 70	TR	98,0
	ZZ	98,0
0805 50 10	AR	62,4
	UY	54,8
	ZA	64,3
	ZZ	60,5
0806 10 10	EG	156,7
	MA	167,9
	TR	113,8
	US	141,6
	ZA	127,0
	ZZ	141,4
0808 10 80	AR	82,3
	BR	85,5
	CL	85,9
	CN	97,1
	NZ	86,0
	US	105,4
	ZA	88,6
	ZZ	90,1
0808 20 50	AR	111,9
	CL	75,5
	TR	146,4
	ZA	112,4
	ZZ	111,6
0809 10 00	TR	156,4
	ZZ	156,4
0809 20 95	CA	324,1
	TR	265,4
	US	270,6
	ZZ	286,7
0809 30	TR	152,8
	ZZ	152,8
0809 40 05	BA	58,0
	ZZ	58,0

<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'.

**COMMISSION REGULATION (EC) No 684/2009****of 24 July 2009****implementing Council Directive 2008/118/EC as regards the computerised procedures for the movement of excise goods under suspension of excise duty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC <sup>(1)</sup>, and in particular Article 29(1) thereof,

Whereas:

- (1) The movement of excise goods under suspension of excise duty is to take place under cover of an electronic administrative document referred to in Article 21(1) of Directive 2008/118/EC, for which the computerised system established by Decision No 1152/2003/EC of the European Parliament and of the Council of 16 June 2003 on computerising the movement and surveillance of excisable products <sup>(2)</sup> is to be used.
- (2) Since the computerised system is intended to allow movements of excise goods under suspension of excise duty to be followed and monitored, it is necessary to establish the structure and content of the electronic messages to be used on such movements.
- (3) In particular, as movements are to take place under cover of an electronic administrative document, the structure and content of the messages constituting that document should be laid down. It is also necessary to determine the structure and content of the messages constituting the report of receipt and the report of export.
- (4) Under Directive 2008/118/EC, an electronic administrative document may be cancelled, the destination of the goods may be changed and a movement of excise goods may be split. It is therefore necessary to determine the structure and content of messages concerning the cancellation of the electronic administrative document, a change of destination and the splitting of a movement, and to lay down the rules and procedures which apply in relation to exchanges of messages concerning such cancellation, change of destination and splitting.

(5) It is necessary to lay down the structure of the paper documents referred to in Article 26 and 27 of Directive 2008/118/EC which are to be used when the computerised system is unavailable.

(6) Since the rules established by this Regulation are to replace those laid down in Commission Regulation (EEC) No 2719/92 of 11 September 1992 on the accompanying administrative document for the movement under duty-suspension arrangements of products subject to excise duty <sup>(3)</sup>, that Regulation should be repealed.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Excise Duty,

HAS ADOPTED THIS REGULATION:

*Article 1***Subject-matter**

This Regulation lays down measures concerning the following:

- (a) the structure and content of the electronic messages exchanged through the computerised system referred to in Article 21(2) of Directive 2008/118/EC for the purposes of Articles 21 to 25 of that Directive;
- (b) the rules and procedures to be followed on the exchange of the messages referred to in point (a);
- (c) the structure of the paper documents referred to in Articles 26 and 27 of Directive 2008/118/EC.

*Article 2***Obligations relating to messages exchanged through the computerised system**

With regard to their structure and content, the messages exchanged for the purposes of Articles 21 to 25 of Directive 2008/118/EC shall comply with Annex I to this Regulation. Where codes are required for the completion of certain data fields in those messages, the codes listed in Annex II shall be used.

<sup>(1)</sup> OJ L 9, 14.1.2009, p. 12.

<sup>(2)</sup> OJ L 162, 1.7.2003, p. 5.

<sup>(3)</sup> OJ L 276, 19.9.1992, p. 1.

*Article 3***Formalities before the start of the movement of excise goods**

1. The draft electronic administrative document submitted in accordance with Article 21(2) of Directive 2008/118/EC and the electronic administrative document to which an administrative reference code has been assigned in accordance with the third subparagraph of Article 21(3) of that Directive shall comply with the requirements set out in Table 1 of Annex I to this Regulation.

2. The draft electronic administrative document shall be submitted no earlier than 7 days before the date indicated on that document as date of dispatch of the excise goods concerned.

*Article 4***Cancellation of the electronic administrative document**

1. The consignor wanting to cancel the electronic administrative document as referred to in Article 21(7) of Directive 2008/118/EC shall complete the fields of the draft cancellation message and submit it to the competent authorities of the Member State of dispatch. The draft cancellation message shall comply with the requirements set out in Table 2 of Annex I to this Regulation.

2. The competent authorities of the Member State of dispatch shall carry out an electronic verification of the data in the draft cancellation message.

Where those data are valid, those authorities shall add the date and time of validation to the cancellation message, communicate that information to the consignor and forward the cancellation message to the competent authorities of the Member State of destination. Where those data are not valid, the consignor shall be informed thereof without delay.

3. Upon receipt of the cancellation message, the competent authorities of the Member State of destination shall forward the cancellation message to the consignee where the consignee is an authorised warehousekeeper or a registered consignee.

*Article 5***Messages concerning a change of destination of the movement of excise goods**

1. The consignor wanting to amend the destination as provided for in Article 21(8) of Directive 2008/118/EC, or to complete the destination as provided for in Article 22(2) thereof, shall complete the fields of the draft change of destination message and submit it to the competent authorities

of the Member State of dispatch. The draft change of destination message shall comply with the requirements set out in Table 3 of Annex I to this Regulation.

2. The competent authorities of the Member State of dispatch shall carry out an electronic verification of the data in the draft change of destination message.

Where those data are valid, the competent authorities of the Member State of dispatch shall:

- (a) add the date and time of validation and a sequence number to the change of destination message and inform the consignor thereof;
- (b) update the original electronic administrative document according to the information in the change of destination message.

If the update includes a change of Member State of destination or a change of consignee, Article 21(4) and (5) of Directive 2008/118/EC shall apply in respect of the updated electronic administrative document.

3. If the update referred to in paragraph 2(b) includes a change of Member State of destination, the competent authorities of the Member State of dispatch shall forward the change of destination message to the competent authorities of the Member State of destination mentioned in the original electronic administrative document.

The latter authorities shall inform the consignee mentioned in the original electronic administrative document of the change of destination by using the 'notification of change of destination' that shall comply with the requirements set out in Table 4 of Annex I.

4. If the update referred to in paragraph 2(b) includes a change of the place of delivery mentioned in data group 7 of the electronic administrative document, but not a change of the Member State of destination nor a change of the consignee, the competent authorities of the Member State of dispatch shall forward the change of destination message to the competent authorities of the Member State of destination mentioned in the original electronic administrative document.

The latter authorities shall forward the change of destination message to the consignee.

5. Where the data in the draft change of destination message are not valid, the consignor shall be informed thereof without delay.

6. If the updated electronic administrative document includes a new consignee in the same Member State of destination as in the original electronic administrative document, the competent authorities of that Member State shall inform the consignee mentioned in the original electronic administrative document of the change of destination using the 'notification of a change of destination' that shall comply with the requirements set out in Table 4 of Annex I.

#### Article 6

### Messages concerning the splitting of the movement of excise goods

1. The consignor wanting to split the movement of excise goods as provided for in Article 23 of Directive 2008/118/EC shall complete the fields of the draft splitting operation message for each destination and submit it to the competent authorities of the Member State of dispatch. The draft splitting operation message shall comply with the requirements set out in Table 5 of Annex I to this Regulation.

2. The competent authorities of the Member State of dispatch shall carry out an electronic verification of the data in the draft splitting operation messages.

Where those data are valid, the competent authorities of the Member State of dispatch shall:

- (a) generate a new electronic administrative document for each destination, which shall replace the original electronic administrative document;
- (b) generate for the original electronic administrative document a 'notification of splitting', which shall comply with the requirements set out in Table 4 of Annex I to this Regulation;
- (c) send the notification of splitting to the consignor and to the competent authorities of the Member State of destination mentioned in the original electronic administrative document.

Article 21(3), third subparagraph and Article 21(4), (5) and (6) of Directive 2008/118/EC shall apply in respect of each new electronic administrative document referred to in point (a).

3. The competent authorities of the Member State of destination mentioned in the original electronic administrative document shall forward the notification of splitting to the consignee mentioned in the original electronic administrative document where the consignee is an authorised warehouse-keeper or a registered consignee.

4. Where the data in the draft splitting operation message are not valid, the consignor shall be informed thereof without delay.

#### Article 7

### Formalities at the end of the movement of excise goods

The report of receipt submitted in accordance with Article 24 of Directive 2008/118/EC and the report of export submitted in accordance with Article 25 of that Directive, shall comply with the requirements set out in Table 6 of Annex I to this Regulation.

#### Article 8

### Fallback procedures

1. The paper document referred to in Article 26(1)(a) of Directive 2008/118/EC shall carry the title 'Fallback Accompanying Document for movements of excise goods under suspension of excise duty'. The data required shall be displayed in the form of data elements, expressed in the same manner as in the electronic administrative document. All the data elements, as well as the data groups and data subgroups to which they belong, shall be identified by means of the numbers and letters in column A and column B of Table 1 of Annex I to this Regulation.

2. The information referred to in Article 26(5) of Directive 2008/118/EC to be communicated by the consignor to the competent authorities of the Member State of dispatch shall be displayed in the form of data elements, expressed in the same manner as in the change of destination message or the splitting operation message, as the case may be. All the data elements, as well as the data groups and data subgroups to which they belong, shall be identified by means of the numbers and letters in column A and column B of Table 3 or, as the case may be, Table 5 of Annex I to this Regulation.

3. The paper documents referred to in Article 27(1) and (2) of Directive 2008/118/EC shall carry the title 'Fallback Report of Receipt/Report of Export for movements of excise goods under suspension of excise duty'. The data required shall be displayed in the form of data elements, expressed in the same manner as in the report of receipt or the report of export, as the case may be. All the data elements, as well as the data groups and data subgroups to which they belong, shall be identified by means of the numbers and letters in column A and column B of Table 6 of Annex I to this Regulation.

#### Article 9

### Repeal

Regulation (EEC) No 2719/92 is repealed with effect from 1 April 2010. However, it shall continue to apply to the movements referred to in Article 46 of Directive 2008/118/EC.

References to the repealed Regulation shall be construed as references to this Regulation.

*Article 10***Entry into force**

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

It shall apply from 1 April 2010 with the exception of Article 6 which shall apply from 1 January 2012.

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

Done at Brussels, 24 July 2009.

*For the Commission*

László KOVÁCS

*Member of the Commission*

---

## ANNEX I

**ELECTRONIC MESSAGES USED FOR THE PURPOSE OF MOVEMENTS OF EXCISE GOODS UNDER SUSPENSION OF EXCISE DUTY**

## EXPLANATORY NOTES

1. The data elements of the electronic messages used for the purpose of the computerised system referred to in Article 21(2) of Directive 2008/118/EC are structured in data groups and, where applicable, data subgroups. Details regarding the data and their use are presented in Tables 1 to 6, in which:
    - (a) column A provides the numeric code (number) attributed to each data group and data subgroup; each subgroup follows the sequence number of the data (sub)group of which it forms part (for example: where the data group number is 1, one data subgroup of this group is 1.1 and one data subgroup of this subgroup is 1.1.1);
    - (b) column B provides the alphabetic code (letter) attributed to each data element in a data (sub)group;
    - (c) column C identifies the data (sub)group or data element;
    - (d) column D provides each data (sub)group or data element with a value indicating whether the insertion of the corresponding data is:
      - 'R' (Required), meaning that the data must be provided. When a data (sub)group is 'O' (Optional) or 'C' (Conditional), data elements within that group can still be 'R' (Required) when the competent authorities of the Member State have decided that the data in this (sub)group must be completed or when the condition applies,
      - 'O' (Optional), meaning that the insertion of the data is optional for the person submitting the message (the consignor or consignee) except where a Member State has stipulated that the data are required in accordance with the option provided for in column E for some of the optional data (sub)groups or data elements,
      - 'C' (Conditional), meaning that the use of the data (sub)group or data element depends on other data (sub)groups or data elements in the same message,
      - 'D' (Dependent), meaning that the use of the data (sub)group or data element depends on a condition which cannot be checked by the computerised system, as provided for in columns E and F.
    - (e) column E provides the condition(s) for data whose insertion is conditional, specifies the use of the optional and dependent data where applicable and indicates which data must be provided by the competent authorities;
    - (f) column F provides explanations, where necessary, concerning the completion of the message;
    - (g) column G provides:
      - for some data (sub)groups a number followed by the character 'x' indicating how many times the data (sub)group can be repeated in the message (default = 1), and
      - for each data element, except for data elements indicating the time and/or the date, the characteristics identifying the data type and the data length. The codes for the data types are as follows:
        - a alphabetic
        - n numeric
        - an alphanumeric
- The number following the code provides the admissible data length for the data element concerned. The optional two dots before the length indicator mean that the data have no fixed length, but can have up to a number of digits, as specified by the length indicator. A comma in the data length means that the data can hold decimals, the digit before the comma provides the total length of the attribute, the digit after the comma provides the maximum number of digits after the decimal point.
- for data elements indicating the time and/or date, the mention 'date', 'time' or 'dateTime', meaning that the date, the time or the date and time must be given using the ISO 8601 standard for representation of dates and time.

2. The following abbreviations are used in Tables 1 to 6:

- e-AD: electronic administrative document,
- ARC: administrative reference code,
- SEED: System for Exchange of Excise Data (the electronic database referred to in Article 22(1) of Council Regulation (EC) No 2073/2004 <sup>(1)</sup>),
- CN Code: Combined Nomenclature Code.

<sup>(1)</sup> OJ L 359, 4.12.2004, p. 1.

Table 1

(referred to in Article 3(1) and Article 8(1))

**Draft electronic administrative document and electronic administrative document**

A	B	C	D	E	F	G
		Message Type	R		<p>The possible values are:</p> <p>1 = Standard submission (to be used in all cases except where submission concerns export with local clearance)</p> <p>2 = Submission for export with local clearance (Application of Article 283 of Commission Regulation (EEC) No 2454/93 <sup>(1)</sup>)</p> <p>The message type must not occur in the e-AD to which an ARC has been assigned, nor in the paper document referred to in Article 8(1) of this Regulation</p>	n1
<b>1</b>		<b>e-AD Header</b>	R			
	<i>a</i>	Destination Type Code	R		<p>Provide the destination of the movement using one of the following values:</p> <p>1 = Tax warehouse (point (i) of Article 17(1)(a) of Directive 2008/118/EC)</p> <p>2 = Registered consignee (point (ii) of Article 17(1)(a) of Directive 2008/118/EC)</p> <p>3 = Temporary registered consignee (point (ii) of Article 17(1)(a) and Article 19(3) of Directive 2008/118/EC)</p> <p>4 = Direct delivery (Article 17(2) of Directive 2008/118/EC)</p> <p>5 = Exempted consignee (point (iv) of Article 17(1)(a) of Directive 2008/118/EC)</p> <p>6 = Export (point (iii) of Article 17(1)(a) of Directive 2008/118/EC)</p> <p>8 = Unknown destination (consignee unknown; Article 22 of Directive 2008/118/EC)</p>	n1
	<i>b</i>	Journey time	R		<p>Provide the normal period of time necessary for the journey taking into account the means of transport and the distance involved, expressed in hours (H) or days (D) followed by a two digits number. (Examples: H12, or D04). Indication for 'H' should be less or equal to 24. Indication for 'D' should be less or equal to 92</p>	an3
	<i>c</i>	Transport Arrangement	R		<p>Identify the person responsible for arranging the first transport using one of the following values:</p> <p>1 = Consignor</p> <p>2 = Consignee</p> <p>3 = Owner of goods</p> <p>4 = Other</p>	n1



A	B	C	D	E	F	G
	<i>d</i>	ARC	R	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft e-AD	See Annex II, Code list 2	an21
	<i>e</i>	Date and Time of Validation of e-AD	R	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft e-AD	The addressed time is local time	dateTime
	<i>f</i>	Sequence Number	R	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft e-AD and for each change of destination	Set to 1 at initial validation and then incremented by 1 in each e-AD generated by the competent authorities of the Member State of dispatch upon each change of destination	n..5
	<i>g</i>	Date and Time of Update Validation	C	Date and Time of validation of the Change of destination message in Table 3, to be provided by the competent authorities of the Member State of dispatch in case of change of destination	The addressed time is local time	dateTime
	<i>h</i>	Deferred submission flag	D	'R' for submission of an e-AD for a movement that has begun under cover of the paper document referred to in Article 8(1)	Possible values: 0 = false 1 = true  The value is 'false' by default.  This data element must not occur in the e-AD to which an ARC has been assigned, nor in the paper document referred to in Article 8(1)	n1
<b>2</b>		<b>TRADER Consignor</b>	R			
	<i>a</i>	Trader Excise Number	R		Provide a valid SEED registration number of the authorised warehousekeeper or registered consignor	an13
	<i>b</i>	Trader Name	R			an..182

A	B	C	D	E	F	G
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>3</b>	<b>TRADER Place of Dispatch</b>		C	'R' if Origin Type Code in box 9d is '1'		
	<i>a</i>	Tax Warehouse Reference	R		Provide a valid SEED registration number of the tax warehouse of dispatch	an13
	<i>b</i>	Trader Name	O			an..182
	<i>c</i>	Street Name	O			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	O			an..10
	<i>f</i>	City	O			an..50
	<i>g</i>	NAD_LNG	O		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2

A	B	C	D	E	F	G
4		<b>OFFICE of Dispatch — Import</b>	C	'R' if Origin Type Code in box 9d is '2'		
	a	Office Reference Number	R		Provide the Code of the Customs office of import. See Annex II Code list 5	an8
5		<b>TRADER Consignee</b>	C	'R', except for message type '2 — Submission for export with local clearance' or for Destination Type Code 8 <i>(See Destination Type Codes in box 1a)</i>		
	a	Trader Identification	C	— 'R' for Destination Type Code 1, 2, 3 and 4 — 'O' for Destination Type Code 6 — This data element does not apply for Destination Type Code 5 <i>(See Destination Type Codes in box 1a)</i>	For Destination Type Code: — 1, 2, 3 and 4: provide a valid SEED registration number of the authorised warehousekeeper or registered consignee — 6: provide the VAT identification number of the person representing the consignor at the office of export	an..16
	b	Trader Name	R			an..182
	c	Street Name	R			an..65
	d	Street Number	O			an..11
	e	Postcode	R			an..10
	f	City	R			an..50
	g	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
6		<b>TRADER COMPLEMENT Consignee</b>	C	'R' for Destination Type Code 5 <i>(See Destination Type Codes in box 1a)</i>		
	a	Member State Code	R		Provide the Member State of destination using the Member State Code in Annex II, Code list 3	a2

A	B	C	D	E	F	G
	<i>b</i>	Serial Number of Certificate of Exemption	D	'R' if a Serial Number is mentioned on the excise duty exemption certificate established in Commission Regulation (EC) No 31/96 of 10 January 1996 on the excise duty exemption certificate (2)		an..255
7		<b>TRADER Place of Delivery</b>	C	— 'R' for Destination Type Code 1 and 4 — 'O' for Destination Type Code 2, 3 and 5 <i>(See Destination Type Codes in box 1a)</i>	Provide the actual place of delivery of the excise goods	
	<i>a</i>	Trader Identification	C	— 'R' for Destination Type Code 1 — 'O' for Destination Type Code 2, 3, and 5 <i>(See Destination Type Code in box 1a)</i>	For Destination Type Code: — 1: provide a valid SEED registration number of the tax warehouse of destination — 2, 3 and 5: provide the VAT identification number or any other identifier	an..16
	<i>b</i>	Trader Name	C	— 'R' for Destination Type Code 1, 2, 3 and 5 — 'O' for Destination Type Code 4 <i>(See Destination Type Codes in box 1a)</i>		an..182
	<i>c</i>	Street Name	C	For box 7c, 7e and 7f: — 'R' for Destination Type Code 2, 3, 4 and 5 — 'O' for Destination Type Code 1 <i>(See Destination Type Codes in box 1a)</i>		an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	C			an..10
	<i>f</i>	City	C			an..50
	<i>g</i>	NAD_LNG	C		'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group

A	B	C	D	E	F	G
<b>8</b>		<b>OFFICE Place of Delivery — Customs</b>	C	'R' in case of export (Destination Type Code 6) <i>(See Destination Type Codes in box 1a)</i>		
	<i>a</i>	Office Reference Number	R		Provide the code of the office of export at which the export declaration will be lodged in accordance with Article 161(5) of Council Regulation (EEC) No 2913/92 (?). See Annex II, Code list 5	an8
<b>9</b>		<b>e-AD</b>	R			
	<i>a</i>	Local Reference Number	R		A unique serial number assigned to the e-AD by the consignor which identifies the consignment in the records of the consignor	an..22
	<i>b</i>	Invoice Number	R		Provide the number of the invoice relating to the goods. If the invoice has not yet been prepared, the number of the delivery note or any other transport document should be given	an..35
	<i>c</i>	Invoice Date	O	The Member State of dispatch may decide to make this data 'R'	The date of the document shown in box <i>9b</i>	Date
	<i>d</i>	Origin Type Code	R		The possible values for the origin of the movement are: 1 = Origin — Tax warehouse (in the situations referred to in Article 17(1)(a) of Directive 2008/118/EC) 2 = Origin — Import (in the situation referred to in Article 17(1)(b) of Directive 2008/118/EC)	n1
	<i>e</i>	Date of Dispatch	R		The date at which the movement begins in accordance with Article 20(1) of Directive 2008/118/EC. This date cannot be later than 7 days after the date of submission of the draft e-AD. The Date of Dispatch can be a date in the past in the case referred to of Article 26 of Directive 2008/118/EC	Date
	<i>f</i>	Time of Dispatch	O	The Member State of dispatch may decide to make this data 'R'	The time at which the movement begins in accordance with Article 20(1) of Directive 2008/118/EC. The addressed time is local time	Time
	<i>g</i>	Upstream ARC	D	To be provided by the competent authorities of the Member State of dispatch upon validation of new e-ADs following the validation of the message 'Splitting operation' (Table 5)	The ARC to be provided is the ARC of the replaced e-AD	an21

A	B	C	D	E	F	G
9.1		<b>IMPORT SAD</b>	C	'R' if origin type code in box 9d is '2' (import)		9X
	a	Import SAD Number	R	The SAD Number shall be provided either by the consignor at the time of submission of the draft e-AD or by the competent authorities of the Member State of dispatch upon validation of the draft e-AD	Provide the number(s) of the Single Administrative Document(s) used for the release for free circulation of the goods concerned	an..21
10		<b>OFFICE Competent Authority at Dispatch</b>	R			
	a	Office Reference Number	R		Provide the code of the office of the competent authorities in the Member State of dispatch responsible for excise control at the place of dispatch. See Annex II, Code list 5	an8
11		<b>MOVEMENT GUARANTEE</b>	R			
	a	Guarantor Type Code	R		Identify the person(s) responsible for providing the guarantee using Guarantor Type Code in Annex II, Code list 6	n..4
12		<b>TRADER Guarantor</b>	C	'R' if one of the following Guarantor Type Codes applies: 2, 3, 12, 13, 23, 24, 34, 123, 124, 134, 234 or 1234 <i>(See Guarantor Type Code in Annex II, Code list 6)</i>	Identify the transporter and/or the owner of the goods if they provide the guarantee	2X
	a	Trader Excise Number	O	The Member State of dispatch may decide to make this data 'R'	Provide a valid SEED registration number or VAT identification number of the transporter or owner of the excise goods	an13
	b	VAT Number	O			an..35

A	B	C	D	E	F	G
	<i>c</i>	Trader Name	C	For 12 <i>c</i> , <i>d</i> , <i>f</i> and <i>g</i> : 'O' if Trader Excise Number is provided, otherwise 'R'		an..182
	<i>d</i>	Street Name	C			an..65
	<i>e</i>	Street Number	O			an..11
	<i>f</i>	Postcode	C			an..10
	<i>g</i>	City	C			an..50
	<i>h</i>	NAD_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>13</b>		<b>TRANSPORT</b>	R			
	<i>a</i>	Transport Mode Code	R		Provide the mode of transport at the time of the start of the movement, using the codes in Annex II, Code list 7	n..2
<b>14</b>		<b>TRADER Transport Arranger</b>	C	'R' to identify the person responsible for arranging the first transport if value in box 1 <i>c</i> is '3' or '4'		
	<i>a</i>	VAT Number	O	The Member State of dispatch may decide to make this data 'R'		an..35
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10

A	B	C	D	E	F	G
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>15</b>		<b>TRADER First Transporter</b>	O	The Member State of dispatch may decide to make this data 'R'	Identification of the person carrying out the first transport	
	<i>a</i>	VAT Number	O			an..35
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide language code, see Annex II, Code list 1 to define the language used in this data group	a2
<b>16</b>		<b>TRANSPORT DETAILS</b>	R			<b>99X</b>
	<i>a</i>	Transport Unit Code	R		Provide Transport Unit Code(s) related to the transport mode indicated in box 13a. See Annex II Code list 8	n..2
	<i>b</i>	Identity of Transport Units	R		Enter the registration number of the transport unit(s)	an..35
	<i>c</i>	Identity of Commercial Seal	D	'R' if commercial seals are used	Provide the identification of the commercial seals, if used to seal the transport unit	an..35
	<i>d</i>	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350



A	B	C	D	E	F	G
	e	Seal Information_LNG	C	'R' if corresponding text field is used	Provide language code, see Annex II, Code list 1 to define the language used in this data group	a2
	f	Complementary Information	O		Provide any additional information concerning the transport, e.g. identity of any subsequent transporter, information concerning subsequent transport units	an.350
	g	Complementary Information_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>17</b>		<b>E-AD Body</b>	R		A separate data group must be used for each product composing the consignment	<b>999x</b>
	a	Body Record Unique Reference	R		Provide a unique sequential number, starting with 1	n..3
	b	Excise Product Code	R		Provide the applicable excise product code, see Annex II, Code list 11	an4
	c	CN Code	R		Provide the CN Code applicable at the date of dispatch	n8
	d	Quantity	R		Provide quantity (expressed in the unit of measurement associated with the product code — See Annex II, tables 11 and 12)  For a movement to a registered consignee referred to in Article 19(3) of Directive 2008/118/EC, the quantity shall not exceed the quantity which he is authorised to receive  For a movement to an exempted organisation referred to in Article 12 of Directive 2008/118/EC, the quantity shall not exceed the quantity registered in the excise duty exemption certificate	n..15,3
	e	Gross Weight	R		Provide the gross weight of the consignment (the excise goods with packaging)	n..15,2
	f	Net Weight	R		Provide the weight of the excise goods without packaging (for alcohol and alcoholic beverages, energy products and for all tobacco products except cigarettes)	n..15,2
	g	Alcoholic strength	C	'R' if applicable for the excise good in question	Provide the alcoholic strength (percentage by volume at 20 °C) if applicable in accordance with Annex II, Code list 11	n..5,2

A	B	C	D	E	F	G
	<i>h</i>	Degree Plato	D	'R' if the Member State of dispatch and/or the Member State of destination tax beer on the basis of degree Plato	For beer, provide the degree Plato if the Member State of dispatch and/or the Member State of destination tax beer on that basis. See Annex II, Code list 11	n..5,2
	<i>i</i>	Fiscal Mark	O		Provide any additional information concerning the fiscal marks required by the Member State of destination	an..350
	<i>j</i>	Fiscal Mark_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	<i>k</i>	Fiscal Mark Used flag	D	'R' if fiscal marks are used	Provide '1' if the goods carry or contain fiscal marks or '0' if the goods do not carry or contain fiscal marks	n1
	<i>l</i>	Designation of Origin	O		<p>This box can be used to give certification:</p> <ol style="list-style-type: none"> <li>1. in the case of certain wines, relating to the protected designation of origin or geographical indication, in accordance with the relevant Community legislation</li> <li>2. in the case of certain spirits drinks, relating to the place of production in accordance with the relevant Community legislation</li> <li>3. for beer brewed by an independent small brewery, as defined in Council Directive 92/83/EEC (*), for which it is intended to claim a reduced rate of excise duty in the Member State of destination. Certification should be given in the following terms: 'It is hereby certified that the product described has been brewed by an independent small brewery'</li> <li>4. for ethyl alcohol distilled by a small distillery, as defined in Council Directive 92/83/EEC, for which it is intended to claim a reduced rate of excise duty in the Member State of destination. Certification should be given in the following terms: 'It is hereby certified that the product described has been produced by a small distillery'</li> </ol>	an..350
	<i>m</i>	Designation of Origin_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	<i>n</i>	Size of Producer	O		For beer or spirits, for which certification is given in the field 17l (Designation of origin), provide the annual production of the previous year in hectolitres of beer or in hectolitres pure alcohol respectively	n..15
	<i>o</i>	Density	C	'R' if applicable for the excise good in question	Provide the density at 15 °C, if applicable in accordance with the table in Annex II, Code list 11	n..5,2

A	B	C	D	E	F	G
	<i>p</i>	Commercial Description	O	The Member State of dispatch may decide to make this data required  'R' for the bulk transport of the wines referred to in paragraphs 1 to 9, 15 and 16 of Annex IV to Council Regulation (EC) No 479/2008 <sup>(5)</sup> , for which the product description shall contain the optional particulars set out in Article 60 of that Regulation provided that they are shown on the labelling or that it is planned to show them on the labelling	Provide the commercial description of the goods in order to identify the products transported	an..350
	<i>q</i>	Commercial Description_LNG	C	'R' if corresponding text field is used	Provide language code, see Annex II, Code list 1 to define the language used in this data group	a2
	<i>r</i>	Brand Name of Products	D	'R' if the excise goods have a brand name. The Member State of dispatch may decide that the brand name of the products transported must not be provided if it is given in the invoice or other commercial document referred to in box 9b	Provide the brand name of the goods, if applicable	an..350
	<i>s</i>	Brand Name of Products_LNG	C	'R' if corresponding text field is used	Provide language code, see Annex II, Code list 1 to define the language used in this data group	a2
<b>17.1</b>	<b>PACKAGE</b>		R			<b>99x</b>
	<i>a</i>	Kind of Packages Code	R		Provide the kind of package, using one of the codes in Annex II, Code list 9	a2
	<i>b</i>	Number of Packages	C	'R' if marked 'Countable'	Provide the number of packages if the packages are countable in accordance with Annex II, Code list 9	n..15
	<i>c</i>	Identity of Commercial Seal	D	'R' if commercial seals are used	Provide the identification of the commercial seals, if used to seal the packages	an..35
	<i>d</i>	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350

A	B	C	D	E	F	G
	e	Seal Information_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>17.2</b>		<b>WINE PRODUCT</b>	D	'R' for wine products included in Part XII of Annex I to Regulation (EC) No 1234/2007 <sup>(6)</sup>		
	a	Category of Wine Product	R		For wine products included in Part XII of Annex I to Regulation (EC) No 1234/2007, provide one of the following values: 1 = Wine without PDO/PGI 2 = Varietal wine without PDO/PGI 3 = Wine with PDO or PGI 4 = Imported wine 5 = Other	n1
	b	Wine-Growing Zone Code	D	'R' for wine products in bulk (nominal volume of more than 60 litres)	Provide the wine-growing zone in which the product transported originates in accordance with Annex IX to Regulation (EC) No 479/2008	n..2
	c	Third Country of Origin	C	'R' if Category of Wine Product in box 17.2a is '4' (imported wine)	Provide a 'Country Code' listed in Annex II, Code list 4	a2
	d	Other Information	O			an..350
	e	Other Information_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>17.2.1</b>		<b>WINE OPERATION Code</b>	D	'R' for wine products in bulk (nominal volume of more than 60 litres)		<b>99x</b>
	a	Wine Operation Code	R		Provide one or several 'Wine operation Code(s)' in accordance with list 1.4. b) in point B of Annex VI to Commission Regulation (EC) No 436/2009 <sup>(7)</sup>	n..2

A	B	C	D	E	F	G
<b>18</b>		<b>DOCUMENT Certificate</b>	O			<b>9x</b>
	a	Short Description of Document	C	'R', unless data field 18c is used	Provide a description of any certificate that relates to the transported goods, for instance certificates related to the Designation of Origin referred to in box 17l	an..350
	b	Short Description of Document_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	c	Reference of Document	C	'R', unless data field 18a is used	Provide a reference to any certificate that relates to the transported goods	an..350
	d	Reference of Document_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2

(<sup>1</sup>) OJ L 253, 11.10.1993, p. 1.

(<sup>2</sup>) OJ L 8, 11.1.1996, p. 11.

(<sup>3</sup>) OJ L 302, 19.10.1992, p. 1.

(<sup>4</sup>) OJ L 316, 31.10.1992, p. 21.

(<sup>5</sup>) OJ L 148, 6.6.2008, p. 1.

(<sup>6</sup>) OJ L 299, 16.11.2007, p. 1.

(<sup>7</sup>) OJ L 128, 27.5.2009, p. 15.

Table 2

(referred to in Article 4(1))

**Cancellation**

A	B	C	D	E	F	G
<b>1</b>		<b>EXCISE MOVEMENT e-AD</b>	R			
	a	ARC	R		Provide the ARC of the e-AD for which cancellation is requested	an21
<b>2</b>		<b>CANCELLATION</b>	R			
	a	Cancellation Reason	R		Provide the reason for cancelling the e-AD, using the codes in Annex II, Code list 10	n1
<b>3</b>		<b>ATTRIBUTE</b>	R			
	a	Date and Time of Validation of Cancellation	C	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft cancellation message	The addressed time is local time	dateTime

Table 3  
(referred to in Article 5(1) and 8(2))

**Change of destination**

A	B	C	D	E	F	G
<b>1</b>	<b>ATTRIBUTE</b>		R			
	<i>a</i>	Date and Time of Validation of Change of Destination	C	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft Change of destination message	The addressed time is local time	dateTime
<b>2</b>	<b>e-AD Update</b>		R			
	<i>a</i>	Sequence Number	C	To be provided by the competent authorities of the Member State of dispatch upon validation of the draft Change of destination message	Set to 1 at initial validation of the e-AD and then incremented by 1 upon each change of destination	n..5
	<i>b</i>	ARC	R		Provide the ARC of the e-AD of which the destination is changed	an21
	<i>c</i>	Journey time	D	'R' when the journey time changes following the change of destination	Provide the normal period of time necessary for the journey taking into account the means of transport and the distance involved, expressed in hours (H) or days (D) followed by a two digits number. (Examples: H12, or D04). Indication for 'H' should be less or equal to 24. Indication for 'D' should be less or equal to 92	an3
	<i>d</i>	Changed Transport Arrangement	D	'R' when the person responsible for arranging the transport changes following the change of destination	Identify the person responsible for arranging the transport using one of the following values: 1 = Consignor 2 = Consignee 3 = Owner of goods 4 = Other	N1
	<i>e</i>	Invoice Number	D	'R' when the invoice changes following the change of destination	Provide the number of the invoice relating to the goods. If the invoice has not yet been prepared, the number of the delivery note or any other transport document should be given	an..35
	<i>f</i>	Invoice Date	O	The Member State of dispatch may decide to make this data 'R' when the Invoice Number has changes following the change of destination	The date of the document shown in box 2e	date
	<i>g</i>	Transport Mode Code	D	'R' when the Transport Mode changes following the change of destination	Provide the mode of transport using the codes in Annex II, Code list 7	n..2

A	B	C	D	E	F	G
<b>3</b>		<b>CHANGED Destination</b>	R			
	<i>a</i>	Destination Type Code	R		Provide the new destination of the movement using one of the following values: 1 = Tax warehouse (point (i) of Article 17(1)(a) of Directive 2008/118/EC) 2 = Registered consignee (point (ii) of Article 17(1)(a) of Directive 2008/118/EC) 3 = Temporary registered consignee (point (ii) of Article 17(1)(a) and Article 19(3) of Directive 2008/118/EC) 4 = Direct delivery (Article 17(2) of Directive 2008/118/EC) 6 = Export (point (iii) of Article 17(1)(a) of Directive 2008/118/EC)	n1
<b>4</b>		<b>TRADER New Consignee</b>	D	'R' when the consignee changes following the change of destination		
	<i>a</i>	Trader Identification	C	— 'R' for Destination Type Code 1, 2, 3 and 4 — 'O' for Destination Type Code 6 (See Destination Type Codes in box 3a)	For Destination Type Code: — 1, 2, 3 and 4: provide a valid SEED registration number of the authorised warehousekeeper or registered consignee — 6: provide the VAT identification number of the person representing the consignor at the office of export	an..16
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>5</b>		<b>TRADER Place of Delivery</b>	C	— 'R' for Destination Type Code 1 and 4 — 'O' for Destination Type Code 2 and 3. (See Destination Type Codes in box 3a)	Provide the actual place of delivery of the excise goods	

A	B	C	D	E	F	G
	a	Trader Identification	C	<ul style="list-style-type: none"> <li>— 'R' for Destination Type Code 1</li> <li>— 'O' for Destination Type Code 2 and 3</li> </ul> <i>(See Destination Type Codes in box 3a)</i>	For Destination Type Code: <ul style="list-style-type: none"> <li>— 1: provide a valid SEED registration number of the tax warehouse of destination</li> <li>— 2 and 3: provide the VAT identification number or any other identifier</li> </ul>	an..16
	b	Trader Name	C	<ul style="list-style-type: none"> <li>— 'R' for Destination Type Code 1, 2 and 3</li> <li>— 'O' for Destination Type Code 4</li> </ul> <i>(See Destination Type Codes in box 3a)</i>		an..182
	c	Street Name	C	For box 5c, 5e and 5f:		an..65
	d	Street Number	O	<ul style="list-style-type: none"> <li>— 'R' for Destination Type Code 2, 3 and 4</li> <li>— 'O' for Destination Type Code 1</li> </ul>		an..11
	e	Postcode	C	<i>(See Destination Type Codes in box 3a)</i>		an..10
	f	City	C			an..50
	g	NAD_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>6</b>		<b>OFFICE Place of Delivery — Customs</b>	C	'R' in case of export (Destination Type Code 6)  <i>(See Destination Type Codes in box 3a)</i>		
	a	Office Reference Number	R		Provide the code of the office of export at which the export declaration will be lodged in accordance with Article 161(5) of Regulation (EEC) No 2913/92. See Annex II, Code list 5	an8
<b>7</b>		<b>TRADER New Transport Arranger</b>	C	'R' to identify the person responsible for arranging the transport if the value in box 2d is '3' or '4'		
	a	VAT Number	O	The Member State of dispatch may decide to make this data 'R'		an..35
	b	Trader Name	R			an..182



A	B	C	D	E	F	G
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>8</b>		<b>TRADER New Transporter</b>	O	The Member State of dispatch may decide to make this data 'R' when the transporter changes following the change of destination	Identification of the new person carrying out the transport	
	<i>a</i>	VAT Number	O			an..35
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2

A	B	C	D	E	F	G
<b>9</b>		<b>TRANSPORT DETAILS</b>	D	'R' when the transport details have changed following the change of destination		<b>99x</b>
	<i>a</i>	Transport Unit Code	R		Provide Transport Unit Code(s), related to the transport mode indicated in box 2g, see Annex II Code list 8	n..2
	<i>b</i>	Identity of Transport Units	R		Enter the registration number of the transport unit(s)	an..35
	<i>c</i>	Identity of Commercial Seal	D	'R' if commercial seals are used	Provide the identification of the commercial seals, if used to seal the transport unit	an..35
	<i>d</i>	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350
	<i>e</i>	Seal Information_LNG	C	'R' if corresponding text field is used	Provide language code, see Annex II, Code list 1	a2
	<i>f</i>	Complementary Information	O		Provide any additional information concerning the transport, e.g. identity of any subsequent transporter, information concerning subsequent transport units	an..350
	<i>g</i>	Complementary Information_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2

Table 4

(referred to in the second subparagraph of Article 5(3), Article 5(6) and in point (b) of Article 6(2))

**Notification of change of destination/ Notification of splitting**

A	B	C	D	E	F	G
<b>1</b>		<b>EXCISE NOTIFICATION</b>	R			
	<i>a</i>	Notification Type	R	To be provided by the competent authorities of the Member State of destination (in the case of Notification of Change of Destination) or of the Member State of dispatch (in the case of Notification of splitting)	Provide the reason for the notification using one of the following values: 1 = Change of destination 2 = Splitting	n1
	<i>b</i>	Notification Date and Time	R	To be provided by the competent authorities of the Member State of destination (in the case of Notification of Change of Destination) or of the Member State of dispatch (in the case of Notification of splitting)	The addressed time is local time	dateTime
	<i>c</i>	ARC	R	To be provided by the competent authorities of the Member State of destination (in the case of Notification of Change of Destination) or of the Member State of dispatch (in the case of Notification of splitting)	Provide the ARC of the e-AD for which the notification is provided	an21
<b>2</b>		<b>DOWNSTREAM ARC</b>	C	'R' if the Notification Type is 2 in box 1a  To be provided by the competent authorities of the Member State of dispatch		<b>9x</b>
	<i>a</i>	ARC	R	To be provided by the competent authorities of the Member State of dispatch		an21

Table 5  
(referred to in Article 6(1) and Article 8(2))

**Splitting operation**

A	B	C	D	E	F	G
<b>1</b>		<b>e-AD Splitting</b>	R			
	a	Upstream ARC	R		Provide the ARC of the e-AD to be split See Annex II, Code list 2	an21
<b>2</b>		<b>CHANGED Destination</b>	R			
	a	Destination Type Code	R		Provide the destination of the movement using one of the following values: 1 = Tax warehouse (point (i) of Article 17(1)(a) of Directive 2008/118/EC) 2 = Registered consignee (point (ii) of Article 17(1)(a) of Directive 2008/118/EC) 3 = Temporary registered consignee (point (ii) of Article 17(1)(a) and Article 19(3) of Directive 2008/118/EC) 4 = Direct delivery (Article 17(2) of Directive 2008/118/EC) 6 = Export (point (iii) of Article 17(1)(a) of Directive 2008/118/EC) 8 = Unknown destination (consignee unknown; Article 22 of Directive 2008/118/EC)	n1
<b>3</b>		<b>e-AD Split Details</b>	R			<b>9x</b>
	a	Local Reference Number	R		A unique serial number assigned to the e-AD by the consignor which identifies the consignment in the records of the consignor	an..22
	b	Journey time	D	'R' when the journey time changes following the splitting operation	Provide the normal period of time necessary for the journey taking into account the means of transport and the distance involved, expressed in hours (H) or days (D) followed by a two digits number. (Examples: H12, or D04). Indication for 'H' should be less or equal to 24. Indication for 'D' should be less or equal to 92	an3
	c	Changed Transport Arrangement	D	'R' when the the person responsible for arranging the transport changes following the splitting operation	Identify the person responsible for arranging the first transport using one of the following values: 1 = Consignor 2 = Consignee 3 = Owner of goods 4 = Other	n1

A	B	C	D	E	F	G
<b>4</b>		<b>TRADER New Consignee</b>	D	'R' when the consignee changes following the splitting operation		
	<i>a</i>	Trader Identification	C	— 'R' for Destination Type Code 1, 2, 3 and 4 — 'O' for Destination Type Code 6 (See Destination Type Codes in box 2a)	For Destination Type Code: — 1, 2, 3 and 4: provide a valid SEED registration number of the authorised warehousekeeper or registered consignee — 6: provide the VAT identification number of the person representing the consignor at the office of export	an..16
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>5</b>		<b>TRADER Place of Delivery</b>	C	— 'R' for Destination Type Code 1 and 4 — 'O' for Destination Type Code 2 and 3 (See Destination Type Codes in box 2a)		
	<i>a</i>	Trader Identification	C	— 'R' for Destination Type Code 1 — 'O' for Destination Type Code 2 and 3 (See Destination Type Codes in box 2a)	For Destination Type Code: — 1: provide a valid SEED registration number of the tax warehouse of destination — 2 and 3: provide the VAT identification number or any other identifier	an..16
	<i>b</i>	Trader Name	C	— 'R' for Destination Type Code 1, 2 and 3 — 'O' for Destination Type Code 4 (See Destination Type Codes in box 2a)		an..182

A	B	C	D	E	F	G
	c	Street Name	C	For box 5c, 5e and 5f: — 'R' for Destination Type Code 2, 3 and 4 — 'O' for Destination Type Code 1 (See Destination Type Codes in box 2a)		an..65
	d	Street Number	O			an..11
	e	Postcode	C			an..10
	f	City	C			an..50
	g	NAD_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>6</b>		<b>OFFICE Place of Delivery — Customs</b>	C	'R' in case of export (Changed Destination Type Code 6) (See Destination Type Codes in box 2a)		
	a	Office Reference Number	R		Provide the code of the office of export at which the export declaration will be lodged in accordance with Article 161(5) of Regulation (EEC) No 2913/92 See Annex II, Code list 5	an8
<b>7</b>		<b>TRADER New Transport Arranger</b>	C	'R' to identify the person responsible for arranging the transport if the value in box 3c is '3' or '4'		
	a	VAT Number	O	The Member State of dispatch may decide to make this data 'R'		an..35
	b	Trader Name	R			an..182
	c	Street Name	R			an..65
	d	Street Number	O			an..11
	e	Postcode	R			an..10
	f	City	R			an..50
	g	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2

A	B	C	D	E	F	G
<b>8</b>		<b>TRADER New Transporter</b>	O	The Member State of dispatch may decide to make this data 'R' when the transporter changes following the splitting operation	Identification of the person carrying out the new transport	
	<i>a</i>	VAT Number	O			an..35
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>9</b>		<b>TRANSPORT DETAILS</b>	D	'R' when the transport details have changed following the splitting operation		<b>99X</b>
	<i>a</i>	Transport Unit Code	R		Provide the Transport Unit Code(s). See Annex II Code list 8	n..2
	<i>b</i>	Identity of Transport Units	R		Enter the registration number of the transport unit(s)	an..35
	<i>c</i>	Identity of Commercial Seal	D	'R' if commercial seals are used	Provide the identification of the commercial seals, if used to seal the transport unit	an..35
	<i>d</i>	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350
	<i>e</i>	Seal Information_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	<i>f</i>	Complementary Information	O		Provide any additional information concerning the transport, e.g. identity of any subsequent transporter, information concerning subsequent transport units	an..350
	<i>g</i>	Complementary Information_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2

A	B	C	D	E	F	G
<b>10</b>	<b>E-AD Body</b>		R		A separate data group must be used for each product composing the consignment	<b>999x</b>
	<i>a</i>	Body Record Unique Reference	R		Provide a unique sequential number, starting with 1	n..3
	<i>b</i>	Excise Product Code	R		Provide the applicable excise product code, see Annex II, Code list 11	an..4
	<i>c</i>	CN Code	R		Provide the CN Code applicable at the date of submission of the splitting operation	n8
	<i>d</i>	Quantity	R		Provide quantity (expressed in the unit of measurement associated with the product code — See Annex II, tables 11 and 12)  For a movement to a registered consignee referred to in Article 19(3) of Directive 2008/118/EC, the quantity shall not exceed the quantity which he is authorised to receive  For a movement to an exempted organisation referred to in Article 12 of Directive 2008/118/EC, the quantity shall not exceed the quantity registered in the excise duty exemption certificate	n..15,3
	<i>e</i>	Gross Weight	R		Provide the gross weight of the consignment (the excise goods with packaging)	n..15,2
	<i>f</i>	Net Weight	R		Provide the weight of the excise goods without packaging	n..15,2
	<i>i</i>	Fiscal Mark	O		Provide any additional information concerning the fiscal marks required by the Member State of destination	an..350
	<i>j</i>	Fiscal Mark_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
	<i>k</i>	Fiscal Mark Used flag	D	'R' if fiscal marks are used	Provide '1' if the goods contain or carry fiscal marks or '0' if the goods do not contain or carry fiscal marks	n1
	<i>o</i>	Density	C	'R' if applicable for the excise good in question	Provide the density at 15 °C, if applicable in accordance with the table in Annex II, Code list 11	n..5,2
	<i>p</i>	Commercial Description	O	The Member State of dispatch may decide to make this data required	Provide the commercial description of the goods in order to identify the products transported	an..350
	<i>q</i>	Commercial Description_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2



A	B	C	D	E	F	G
	r	Brand Name of Products	D	'R' if the excise goods have a brand name	Provide the brand name of the goods, if applicable	an..350
	s	Brand Name of Products_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>11</b>		<b>PACKAGE</b>				<b>99x</b>
	a	Kind of Packages Code	R		Provide the kind of package, using one of the codes in Annex II, Code list 9	a2
	b	Number of Packages	C	'R' if marked 'Countable'	Provide the number of packages if the packages are countable in accordance with Annex II, Code list 9	n..15
	c	Identity of Commercial Seal	D	'R' if commercial seals are used	Provide the identification of the commercial seals, if used to seal the packages	an..35
	d	Seal Information	O		Provide any additional information concerning these commercial seals (e.g. type of seals used)	an..350
	e	Seal Information_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2

Table 6  
(referred to in Article 7 and Article 8(3))  
**Report of receipt/Report of export**

A	B	C	D	E	F	G
<b>1</b>		<b>ATTRIBUTE</b>	R			
	a	Date and Time of Validation of Report of Receipt/Export	C	To be provided by the competent authorities of the Member State of destination/export upon validation of the Report of receipt/Report of export	The addressed time is local time	dateTime
<b>2</b>		<b>EXCISE MOVEMENT e-AD</b>	R			
	a	ARC	R		Provide the ARC of the e-AD See Annex II, Code list 2	an21

A	B	C	D	E	F	G
	<i>b</i>	Sequence Number	R		Provide the sequence number of the e-AD	n..5
<b>3</b>	<b>TRADER Consignee</b>		R			
	<i>a</i>	Trader Identification	C	<ul style="list-style-type: none"> <li>— 'R' for Destination Type Code 1, 2, 3 and 4</li> <li>— 'O' for Destination Type Code 6</li> <li>— Does not apply for Destination Type Code 5</li> </ul> <i>(See Destination Type Codes in box 1a of Table 1)</i>	For Destination Type Code: <ul style="list-style-type: none"> <li>— 1, 2, 3 and 4: provide a valid SEED registration number of the authorised warehousekeeper or registered consignee</li> <li>— 6: provide the VAT identification number of the person representing the consignor at the office of export</li> </ul>	an..16
	<i>b</i>	Trader Name	R			an..182
	<i>c</i>	Street Name	R			an..65
	<i>d</i>	Street Number	O			an..11
	<i>e</i>	Postcode	R			an..10
	<i>f</i>	City	R			an..50
	<i>g</i>	NAD_LNG	R		Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>4</b>	<b>TRADER Place of Delivery</b>		C	<ul style="list-style-type: none"> <li>— 'R' for Destination Type Code 1 and 4</li> <li>— 'O' for Destination Type Code 2, 3 and 5</li> </ul> <i>(See Destination Type Codes in box 1 a of Table 1)</i>	Provide the actual place of delivery of the excise goods	
	<i>a</i>	Trader Identification	C	<ul style="list-style-type: none"> <li>— 'R' for Destination Type Code 1</li> <li>— 'O' for Destination Type Code 2, 3 and 5</li> </ul> <i>(See Destination Type Codes in box 1a of Table 1)</i>	For Destination Type Code: <ul style="list-style-type: none"> <li>— 1: provide a valid SEED registration number of the tax warehouse of destination</li> <li>— 2, 3 and 5: provide the VAT identification number or any other identifier</li> </ul>	an..16

A	B	C	D	E	F	G
	<i>b</i>	Trader Name	C	— 'R' for Destination Type Code 1, 2, 3 and 5 — 'O' for Destination Type Code 4 (See Destination Type Codes in box 1a of Table 1)		an..182
	<i>c</i>	Street Name	C	For box 4c, 4e and 4f:		an..65
	<i>d</i>	Street Number	O	— 'R' for Destination Type Code 2, 3, 4 and 5		an..11
	<i>e</i>	Postcode	C	— 'O' for Destination Type Code 1		an..10
	<i>f</i>	City	C	(See Destination Type Codes in box 1a of Table 1)		an..50
	<i>g</i>	NAD_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
<b>5</b>		<b>OFFICE of Destination</b>	C	'R' for Destination Type Code 1, 2, 3, 4, 5 and 8 (See Destination Type Codes in box 1a of Table 1)		
	<i>a</i>	Office Reference Number	R		Provide the code of the office of the competent authorities in the Member State of destination responsible for excise control at the place of destination. See Annex II, Code list 5.	an8
<b>6</b>		<b>REPORT of Receipt/ Export</b>	R			
	<i>a</i>	Date of arrival of the excise goods	R		The date at which the movement ends in accordance with Article 20(2) of Directive 2008/118/EC	Date
	<i>b</i>	Global Conclusion of Receipt	R		The possible values are: 1 = Receipt accepted and satisfactory 2 = Receipt accepted although unsatisfactory 3 = Receipt refused 4 = Receipt partially refused 21 = Exit accepted and satisfactory 22 = Exit accepted although unsatisfactory 23 = Exit refused	n..2

A	B	C	D	E	F	G
	<i>c</i>	Complementary information	O		Provide any additional information concerning the receipt of the excise goods	an..350
	<i>d</i>	Complementary information_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2
7		<b>REPORT of Receipt/ Export BODY</b>	C	'R' if the value of the Global Conclusion of Receipt is other than 1 and 21 (see box 6b)		<b>999X</b>
	<i>a</i>	Body Record Unique Reference	R		Provide the Body Record Unique Reference of the associated e-AD (box 17a of Table 1) related to the excise product for which one of the codes other than 1 and 21 is applicable	n..3
	<i>b</i>	Indicator of Shortage or Excess	D	'R' when a shortage or excess is detected for the Body Record concerned	Possible values are: S = Shortage E = Excess	a1
	<i>c</i>	Observed Shortage or Excess	C	'R' if Indicator in box 7b is given	Provide quantity (expressed in the unit of measurement associated with the product code — See Annex II, tables 11 and 12)	n..15,3
	<i>d</i>	Excise Product Code	R		Provide the applicable excise product code, see Annex II, Code list 11	an4
	<i>e</i>	Refused Quantity	C	'R' if the Global Conclusion of Receipt code is 4 (see box 6b)	Provide quantity for each body record for which excise goods are refused (expressed in the unit of measurement associated with the product code — See Annex II, tables 11 and 12)	n..15,3
7.1		<b>UNSATISFACTORY REASON</b>	D	'R' for each body record for which the Global Conclusion of Receipt code 2, 3, 4, 22 or 23 applies (see box 6b)		<b>9X</b>
	<i>a</i>	Unsatisfactory Reason	R		Possible values are: 0 = Other 1 = Excess 2 = Shortage 3 = Goods damaged 4 = Broken seal 5 = Reported by ECS (Export Control System) 6 = One or more body records with incorrect values	n1

A	B	C	D	E	F	G
	<i>b</i>	Complementary Information	C	— 'R' if Unsatisfactory Reason Code is 0 — 'O' if Unsatisfactory Reason Code is 3, 4 or 5 (see box 7.1a)	Provide any additional information concerning the receipt of the excise goods	an..350
	<i>c</i>	Complementary Information_LNG	C	'R' if corresponding text field is used	Provide the language code presented in Annex II, Code list 1 to define the language used in this data group	a2

## ANNEX II

(referred to in Article 2)

**Lists of codes**

## 1. LANGUAGE CODES

These codes are extracted from the standard ISO 639.1 (Alpha-2 codes); in addition, two out-of-standard codes have been added to be used in conjunction with a Latin character version of languages using a non-Latin character set, i.e.:

— bt — Bulgarian (Latin character)

— gr — Greek (Latin character)

Code	Description
bg	Bulgarian
bt	Bulgarian (Latin character)
cs	Czech
da	Danish
nl	Dutch
en	English
et	Estonian
fi	Finnish
fr	French
ga	Gaelic
gr	Greek (Latin character)
de	German
el	Greek
hu	Hungarian
it	Italian
lv	Latvian
lt	Lithuanian
mt	Maltese
pl	Polish
pt	Portuguese
ro	Romanian
sk	Slovak
sl	Slovenian (Slovene)
es	Spanish
sv	Swedish

## 2. ADMINISTRATIVE REFERENCE CODE

Field	Content	Field type	Examples
1	Year	Numeric 2	05
2	Identifier of the MS where the e-AD was initially submitted	Alphabetic 2	ES
3	Nationally assigned, unique code	Alphanumeric 16	7R19YTE17UIC8J45
4	Check digit	Numeric 1	9

Field 1 is last two digits of year of formal acceptance of movement.

Field 3 must be filled with a unique identifier per EMCS movement. The way this field is used is under the responsibility of the Member States, but each EMCS movement must have a unique number.

Field 4 gives the check digit for the whole ARC that will help detect an error when keying the ARC.

## 3. MEMBER STATES

Must be identical to the codes of the standard ISO Alpha 2 code <sup>(1)</sup> (ISO 3166), limited to the Member States, except:

- For Greece, where EL instead of GR must be used.
- For the United Kingdom, where GB instead of UK must be used.

## 4. COUNTRY CODES

Use the codes of the standard ISO Alpha 2 code (ISO 3166).

## 5. CUSTOMS OFFICE REFERENCE NUMBER (COR)

The COR is composed of an identifier of the Member State (see Code list 3) followed by a 6-digit alphanumeric national number, example IT0830AB.

## 6. GUARANTOR TYPE CODE

Code	Description
1	Consignor
2	Transporter
3	Owner of the Excise products
4	Consignee
12	Joint guarantee of the consignor and of the transporter
13	Joint guarantee of the consignor and of the owner of the Excise products
14	Joint guarantee of the consignor and of the consignee
23	Joint guarantee of the transporter and of the owner of the Excise products
24	Joint guarantee of the transporter and of the consignee
34	Joint guarantee of the owner of the Excise products and of the consignee
123	Joint guarantee of the consignor, of the transporter and of the owner of the Excise products
124	Joint guarantee of the consignor, of the transporter and of the consignee
134	Joint guarantee of the consignor, of the owner of the Excise products and of the consignee
234	Joint guarantee of the transporter, of the owner of the Excise products and of the consignee
1234	Joint guarantee of the consignor, of the transporter, of the owner of the Excise products and of the consignee

<sup>(1)</sup> UN/ECE Trade Facilitation Recommendation No 3, third edition, adopted by the Working Party on Facilitation of International Trade Procedures, Geneva, January 1996, ECE/TRADE/201.

## 7. TRANSPORT MODE CODE

Code	Description
0	Other
1	Sea Transport
2	Rail transport
3	Road transport
4	Air transport
5	Postal consignment
7	Fixed transport installations
8	Inland waterway transport

## 8. TRANSPORT UNIT CODE

Code	Description
1	Container
2	Vehicle
3	Trailer
4	Tractor

## 9. PACKAGING CODES

Use the codes of Annex 38, box 31 of Regulation (EEC) No 2454/93

## 10. CANCELLATION REASON CODE

Code	Description
0	Other
1	Typing error
2	Commercial transaction interrupted
3	Duplicate e-AD
4	The movement has not begun at the date of dispatch

## 11. EXCISE PRODUCT

EPC	CAT	UNIT	Description	A	P	D
T200	T	4	Cigarettes, as defined in Articles 4(1) and 7(2) of Council Directive 95/59/EC <sup>(1)</sup>	N	N	N
T300	T	4	Cigars and cigarillos, as defined in Articles 3 and 7(1) of Directive 95/59/EC	N	N	N
T400	T	1	Fine-cut tobacco for the rolling of cigarettes, as defined in Article 6 of Directive 95/59/EC	N	N	N
T500	T	1	Other smoking tobacco, as defined in accordance with Articles 5 and 7(2) of Directive 95/59/EC	N	N	N
B000	B	3	Beer, as defined in Article 2 of Directive 92/83/EEC	Y	Y	N



EPC	CAT	UNIT	Description	A	P	D
W200	W	3	Still wine and still fermented beverages other than wine and beer, as defined in Articles 8(1) and 12(1) of Directive 92/83/EEC	Y	N	N
W300	W	3	Sparkling wine and sparkling fermented beverages other than wine and beer, as defined in Article 8(2) and 12(2) of Directive 92/83/EEC	Y	N	N
I000	I	3	Intermediate products, as defined in Article 17 of Directive 92/83/EEC	Y	N	N
S200	S	3	Spirituous beverages, as defined in Article 20, first, second and third indent of Directive 92/83/EEC	Y	N	N
S300	S	3	Ethyl alcohol, as defined in Article 20, first indent of Directive 92/83/EEC, falling within CN codes 2207 and 2208, other than spirituous beverages (S200)	Y	N	N
S400	S	3	Partially denatured alcohol, falling within Article 20 of Directive 92/83/EEC, being alcohol which has been denatured but which does not yet fulfil the conditions to benefit from the exemption foreseen in Article 27(1)(a) or (b) of that Directive, other than spirituous beverages (S200)	Y	N	N
S500	S	3	Products containing ethyl alcohol, as defined in Article 20, first indent of Directive 92/83/EEC, falling within CN codes other than 2207 and 2208	Y	N	N
E200	E	2	Vegetable and animal oils — Products falling within CN codes 1507 to 1518, if these are intended for use as heating fuel or motor fuel (Article 20(1)(a) of Council Directive 2003/96/EC <sup>(2)</sup> )	N	N	Y
E300	E	2	Mineral oils (energy products) — Products falling within CN codes 2707 10, 2707 20, 2707 30, and 2707 50 (Article 20(1)(b) of Directive 2003/96/EC)	N	N	Y
E410	E	2	Leaded petrol falling within CN codes 2710 11 31, 2710 11 51 and 2710 11 59 (Article 20(1)(c) of Directive 2003/96/EC)	N	N	Y
E420	E	2	Unleaded petrol falling within CN codes 2710 11 31, 2710 11 41, 2710 11 45 and 2710 11 49 (Article 20(1)(c) of Directive 2003/96/EC)	N	N	Y
E430	E	2	Gasoil, unmarked falling within CN codes 2710 19 41 to 2710 19 49 (Article 20(1)(c) of Directive 2003/96/EC)	N	N	Y
E440	E	2	Gasoil, marked falling within CN codes 2710 19 41 to 2710 19 49 (Article 20(1)(c) of Directive 2003/96/EC)	N	N	Y
E450	E	2	Kerosene, unmarked falling within CN codes 2710 19 21 and 2710 19 25 (Article 20(1)(c) of Directive 2003/96/EC)	N	N	Y
E460	E	2	Kerosene, marked falling within CN codes 2710 19 21 and 2710 19 25 (Article 20(1)(c) of Directive 2003/96/EC)	N	N	Y
E470	E	1	Heavy fuel oil falling within CN codes 2710 19 61 to 2710 19 69 (Article 20(1)(c) of Directive 2003/96/EC)	N	N	N
E480	E	2	Products falling within CN codes 2710 11 21, 2710 11 25, 2710 19 29 in bulk commercial movements (Article 20(1)(c) of Directive 2003/96/EC)	N	N	Y
E490	E	2	Products falling within CN codes 2710 11 to 2710 19 69, not specified above, except products falling within CN codes 2710 11 21, 2710 11 25, 2710 19 29 other than in bulk commercial movements (Article 20(1)(c) of Directive 2003/96/EC)	N	N	Y

EPC	CAT	UNIT	Description	A	P	D
E500	E	1	Liquefied petroleum gases and other gaseous hydrocarbons (LPG) of CN codes 2711 12 11 to 2711 19 00 (Article 20(1)(d) of Directive 2003/96/EC)	N	N	N
E600	E	1	Saturated acyclic hydrocarbons falling within CN code 2901 10 (Article 20(1)(e) of Directive 2003/96/EC)	N	N	N
E700	E	2	Cyclic hydrocarbons falling within CN codes 2902 20, 2902 30, 2902 41, 2902 42, 2902 43 and 2902 44 (Article 20(1)(f) of Directive 2003/96/EC)	N	N	Y
E800	E	2	Products falling within CN code 2905 11 00 (methanol (methyl alcohol)), which are not of synthetic origin, if these are intended for use as heating fuel or motor fuel (Article 20(1)(g) of Directive 2003/96/EC)	N	N	Y
E910	E	2	Fatty-acid mono-alkyl esters, containing by volume 96,5 % or more of esters (FAMAE) falling within CN code 3824 90 99 (Article 20(1)(h) of Directive 2003/96/EC)	N	N	Y
E920	E	2	Products falling within CN code 3824 90 99, if these are intended for use as heating fuel or motor fuel — others than Fatty-acid mono-alkyl esters, containing by volume 96,5 % or more of esters (FAMAE) (Article 20(1)(h) of Directive 2003/96/EC)	N	N	Y

(<sup>1</sup>) OJ L 291, 6.12.1995, p. 40.

(<sup>2</sup>) OJ L 283, 31.10.2003, p. 51.

Note: The CN Codes used in the table for energy products are those of Commission Regulation (EC) No 2031/2001 (OJ L 279, 23.10.2001)

Legend of columns:

EPC Excise Product Code

CAT Excise product category

UNIT Unit of measurement (from the list 12)

A: Alcoholic strength must be given (Yes/No)

P: Degree Plato may be given (Yes/No)

D: Density at 15 °C must be given (Yes/No)

## 12. UNITS OF MEASUREMENT

Unit of measurement code	Description
1	Kg
2	Litre (temperature of 15 °C)
3	Litre (temperature of 20 °C)
4	1 000 items

**COMMISSION REGULATION (EC) No 685/2009****of 28 July 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

for the 2008/2009 marketing year are fixed by Commission Regulation (EC) No 945/2008 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EC) No 666/2009 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 945/2008 for the 2008/2009, marketing year, are hereby amended as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 29 July 2009.

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

Done at Brussels, 28 July 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 258, 26.9.2008, p. 56.

<sup>(4)</sup> OJ L 194, 25.7.2009, p. 3.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 29 July 2009**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 <sup>(1)</sup>	31,34	1,88
1701 11 90 <sup>(1)</sup>	31,34	5,86
1701 12 10 <sup>(1)</sup>	31,34	1,75
1701 12 90 <sup>(1)</sup>	31,34	5,43
1701 91 00 <sup>(2)</sup>	33,93	8,27
1701 99 10 <sup>(2)</sup>	33,93	4,16
1701 99 90 <sup>(2)</sup>	33,93	4,16
1702 90 95 <sup>(3)</sup>	0,34	0,32

<sup>(1)</sup> For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.

<sup>(2)</sup> For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.

<sup>(3)</sup> Per 1 % sucrose content.

## DIRECTIVES

## COMMISSION DIRECTIVE 2009/84/EC

of 28 July 2009

**amending Directive 98/8/EC of the European Parliament and of the Council to include sulfuryl fluoride as an active substance in Annex I thereto**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the Standing Committee on Biocidal Products on 20 February 2009, in an assessment report.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market<sup>(1)</sup>, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market<sup>(2)</sup> establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes sulfuryl fluoride.
- (2) Commission Directive 2006/140/EC<sup>(3)</sup> included sulfuryl fluoride as an active substance in Annex I to Directive 98/8/EC for use in product-type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC.
- (3) Pursuant to Regulation (EC) No 1451/2007, sulfuryl fluoride has now been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 18, insecticides, as defined in Annex V to that Directive.
- (4) Sweden was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 19 June 2007 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (5) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within

- (6) It appears from the examinations made that biocidal products used as insecticides and containing sulfuryl fluoride may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include sulfuryl fluoride in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as insecticides and containing sulfuryl fluoride can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.
- (7) In the light of the conclusions of the assessment report, it is appropriate to require that products containing sulfuryl fluoride and used as insecticides be authorised only for use by trained professionals in accordance with Article 10(2)(i)(e) of Directive 98/8/EC, and that specific risk mitigation measures are applied at product authorisation level to ensure the safety of operators and of bystanders.
- (8) In addition, it is appropriate to require continuous monitoring of sulfuryl fluoride in remote tropospheric air and to require results of such monitoring to be regularly reported to the Commission.
- (9) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance sulfuryl fluoride and also to facilitate the proper operation of the biocidal products market in general.
- (10) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

<sup>(1)</sup> OJ L 123, 24.4.1998, p. 1.

<sup>(2)</sup> OJ L 325, 11.12.2007, p. 3.

<sup>(3)</sup> OJ L 414, 30.12.2006, p. 78.

- (11) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product-type 18 containing sulfuryl fluoride to ensure that they comply with Directive 98/8/EC.
- (12) Directive 98/8/EC should therefore be amended accordingly.
- (13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

*Article 2*

1. Member States shall adopt and publish, by 30 June 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 July 2011.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 28 July 2009.

*For the Commission*  
Stavros DIMAS  
*Member of the Commission*

## ANNEX

The following is added to entry 'No 1' in Annex I to Directive 98/8/EC:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
			'994 g/kg	1 July 2011	30 June 2013	30 June 2021	18	<p>Member States shall ensure that authorisations are subject to the following conditions:</p> <ol style="list-style-type: none"> <li>(1) Products shall only be sold to and used by professionals trained to use them.</li> <li>(2) Appropriate measures to protect fumigators and bystanders during fumigation and venting of treated buildings or other enclosures must be taken.</li> <li>(3) Labels and/or safety-data sheets of products shall indicate that, prior to fumigation of any enclosure, all food items must be removed.</li> <li>(4) Concentrations of sulfuryl fluoride in remote tropospheric air are monitored.</li> <li>(5) Member States shall also ensure that reports of the monitoring referred to in point (4) are transmitted by authorisation holders directly to the Commission every fifth year, starting at the latest five years after the authorisation. The limit of detection for the analysis shall be at least 0,5 ppt (equivalent to 2,1 ng sulfuryl fluoride/m<sup>3</sup> of tropospheric air).'</li> </ol>

(\*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

## II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

## DECISIONS

## COMMISSION

## COMMISSION DECISION

of 9 July 2009

**establishing the ecological criteria for the award of the Community Ecolabel for textile products**

(notified under document number C(2009) 4595)

(Text with EEA relevance)

(2009/567/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community ecolabel award scheme<sup>(1)</sup>, and in particular the second subparagraph of Article 6(1) thereof,

After consulting the European Union Ecolabelling Board,

Whereas:

- (1) Under Regulation (EC) No 1980/2000 the Community Ecolabel may be awarded to a product possessing characteristics which enable it to contribute significantly to improvements in relation to key environmental aspects.
- (2) Regulation (EC) No 1980/2000 provides that specific Ecolabel criteria, drawn up on the basis of the criteria drafted by the European Union Ecolabelling Board, are to be established according to product groups.
- (3) It also provides that the review of the Ecolabel criteria, as well as of the assessment and verification requirements related to those criteria, is to take place in due time before the end of the period of validity of the criteria specified for the product group concerned.
- (4) Pursuant to Regulation (EC) No 1980/2000, a timely review has been carried out of the ecological criteria, as

well as of the related assessment and verification requirements established by Commission Decision 1999/178/EC of 17 February 1999 establishing the ecological criteria for the award of the Community eco-label to textile products<sup>(2)</sup> as amended by Decision 2002/371/EC of 15 May 2002 establishing the ecological criteria for the award of the Community Ecolabel for textile products<sup>(3)</sup>. Those ecological criteria and the related assessment and verification requirements are valid until 31 December 2009 at the latest.

- (5) In the light of that review, it is appropriate, in order to take account of scientific and market developments, to modify the definition of the product group and to establish new ecological criteria.
- (6) The ecological criteria, as well as the related assessment and verification requirements, should be valid for four years from the date of adoption of this Decision.
- (7) Decision 1999/178/EC should therefore be replaced.
- (8) A transitional period should be allowed for producers whose products have been awarded the Ecolabel for textile products based on the criteria contained in Decision 1999/178/EC, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements. Producers should also be allowed to submit applications set out under the criteria set in Decision 1999/178/EC or set out under the criteria set in this Decision until the lapse of validity of that Decision.

<sup>(1)</sup> OJ L 237, 21.9.2000, p. 1.

<sup>(2)</sup> OJ L 57, 5.3.1999, p. 21.

<sup>(3)</sup> OJ L 133, 18.5.2002, p. 29.



- (9) Measures provided for in this Decision are in accordance with the opinion of the Committee instituted by Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

*Article 1*

The product group 'textile products' shall comprise:

- (a) textile clothing and accessories: clothing and accessories (such as handkerchiefs, scarves, bags, shopping bags, rucksacks, belts etc.) consisting of at least 90 % by weight of textile fibres;
- (b) interior textiles: textile products for interior use consisting of at least 90 % by weight of textile fibres. Mats and rugs are included. Wall to wall floor coverings and wall coverings are excluded;
- (c) fibres, yarn and fabric (including durable non-woven) intended for use in textile clothing and accessories or interior textiles.

This product group will not include textiles treated with biocidal products, except where those biocidal products are included in Annex IA to Directive 98/8/EC of the European Parliament and of the Council<sup>(1)</sup>, where this substance confers to the textiles additional properties directly aiming at protecting human health (e.g. biocidal products added to textile nets and clothing to repel mosquitoes and fleas, mites or allergens) and where the active substance is authorised for the use in question according to Annex V to Directive 98/8/EC.

For 'textile clothing and accessories' and for 'interior textiles': down, feathers, membranes and coatings need not be taken into account in the calculation of the percentage of textile fibres.

*Article 2*

In order to be awarded the Community Ecolabel for products falling within the product group textile products under Regulation (EC) No 1980/2000, a textile product shall comply with the criteria set out in the Annex to this Decision.

*Article 3*

The ecological criteria for the product group 'textile products', as well as the related assessment and verification requirements, shall be valid for four years from the date of adoption of this Decision.

*Article 4*

For administrative purposes the code number assigned to the product group 'textile products' shall be '016'.

*Article 5*

Decision 1999/178/EC is repealed.

*Article 6*

1. Applications for Ecolabel for products falling within the product group textile products submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 1999/178/EC.
2. Applications for Ecolabel for products falling within the product group textile products submitted from the date of adoption of this Decision but by 31 December 2009 at the latest may be based either on the criteria set out in Decision 1999/178/EC or on the criteria set out in this Decision.

Those applications shall be evaluated in accordance with the criteria on which they are based.

3. Where the Ecolabel is awarded on the basis of an application evaluated according to the criteria set out in Decision 1999/178/EC, that Ecolabel may be used for twelve months from the date of adoption of this Decision.

*Article 7*

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2009.

*For the Commission*

Stavros DIMAS

*Member of the Commission*

<sup>(1)</sup> OJ L 123, 4.4.1998, p. 1.

## ANNEX

**FRAMEWORK****The aims of the criteria**

These criteria aim in particular at promoting the reduction of water pollution related to the key processes throughout the textile manufacturing chain, including fibre production, spinning, weaving, knitting, bleaching, dyeing and finishing.

The criteria are set at levels that promote the labelling of textile products which have a lower environmental impact.

**Assessment and verification requirements**

The specific assessment and verification requirements are indicated within each criterion.

Where the applicant is required to provide declarations, documentation, analyses, test reports or other evidence to show compliance with the criteria, it is understood that these may originate from the applicant and/or his supplier(s) and/or their supplier(s), etc., as appropriate.

Where appropriate, test methods other than those indicated for each criterion may be used if their equivalence is accepted by the Competent Body assessing the application.

The functional unit, to which inputs and outputs should be related, is 1 kg of textile product at normal conditions (65 % RH  $\pm$  4 % and 20 °C  $\pm$  2 °C; these norm conditions are specified in ISO 139 Textiles — standard atmospheres for conditioning and testing).

Where appropriate, Competent Bodies may require supporting documentation and may carry out independent verifications.

The Competent Bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, when assessing applications and monitoring compliance with the criteria (*note*: it is not required to implement such management schemes).

**ECOLOGICAL CRITERIA**

The criteria are divided into three main categories concerning textile fibres, processes and chemicals, and fitness for use.

**TEXTILE FIBRE CRITERIA**

Fibre-specific criteria are set in this section for acrylic, cotton and other natural cellulosic seed fibres, elastane, flax and other bast fibres, greasy wool and other keratin fibres, man-made cellulose fibres, polyamide, polyester and polypropylene.

Other fibres for which no fibre specific criteria are set are also allowed, with the exception of mineral fibres, glass fibres, metal fibres, carbon fibres and other inorganic fibres.

The criteria set in this section for a given fibre-type need not be met if that fibre contributes to less than 5 % of the total weight of the textile fibres in the product. Similarly they need not be met if the fibres are of recycled origin. In this context, recycled fibres are defined as fibres originating only from cuttings from textile and clothing manufacturers or from post-consumer waste (textile or otherwise). Nevertheless, at least 85 % by weight of all fibres in the product must be either in compliance with the corresponding fibre-specific criteria, if any, or of recycled origin.

*Assessment and verification*: The applicant shall supply detailed information as to the composition of the textile product.

**1. Acrylic**

1.1. The residual acrylonitrile content in raw fibres leaving the fibre production plant shall be less than 1,5 mg/kg.

*Assessment and verification*: The applicant shall provide a test report, using the following test method: extraction with boiling water and quantification by capillary gas-liquid chromatography.

- 1.2. The emissions to air of acrylonitrile (during polymerisation and up to the solution ready for spinning), expressed as an annual average, shall be less than 1 g/kg of fibre produced.

*Assessment and verification:* The applicant shall provide detailed documentation and/or test reports showing compliance with this criterion, together with a declaration of compliance.

## 2. Cotton and other natural cellulosic seed fibres (including kapok)

Cotton and other natural cellulosic seed fibres (hereinafter referred to as cotton) shall not contain more than 0,05 ppm (sensibility of the test method permitting) of each of the following substances: aldrin, captafol, chlordane, DDT, dieldrin, endrin, heptachlor, hexachlorobenzene, hexachlorocyclohexane (total isomers), 2,4,5-T, chlordimeform, chlorobenzilate, dinoseb and its salts, monocrotophos, pentachlorophenol, toxaphene, methamidophos, methylparathion, parathion, phosphamidon. The test should be made on raw cotton, before it comes through any wet treatment, for each lot of cotton or two times a year if more than two lots of cotton per year are received.

This requirement does not apply where more than 50 % of the cotton content is organically grown cotton or transitional cotton, that is to say certified by an independent organisation to have been produced in conformity with the production and inspection requirements laid down in Council Regulation (EC) No 834/2007 <sup>(1)</sup>.

This requirement does not apply if documentary evidence can be presented that establishes the identity of the farmers producing at least 75 % of the cotton used in the final product, together with a declaration from these farmers that the substances listed above have not been applied to the fields or cotton plants producing the cotton in question, or to the cotton itself.

Where at least 95 % of the cotton in one product is organic, that is to say certified by an independent organisation to have been produced in conformity with the production and inspection requirements laid down in Regulation (EC) No 834/2007 the applicant may place the mention 'organic cotton' next to the Ecolabel. Where between 70 % and 95 % of the cotton in one product is organic, it may be labelled 'made with xy % organic cotton'.

*Assessment and verification:* The applicant shall either provide proof of organic certification or documentation relating to the non-use by the farmers or a test report, using the following test methods: as appropriate, US EPA 8081 A (organochlorine pesticides, with ultrasonic or Soxhlet extraction and apolar solvents (iso-octane or hexane)), 8151 A (chlorinated herbicides, using methanol), 8141 A (organophosphorus compounds), or 8270 C (semi-volatile organic compounds).

A minimum of 3 % of organic cotton, that is to say certified by an independent organisation to have been produced in conformity with the production and inspection requirements laid down in Regulation (EC) No 834/2007 have to be used on an annual basis.

The applicant shall provide:

- information about the certification body,
- a declaration stating the proportion of organic certified cotton used in the total production of Ecolabelled textiles on a yearly basis.

The competent body may request the submission of further documentation to enable it to assess whether the requirements of the standard and certification system have been fulfilled.

## 3. Elastane

- 3.1. Organotin compounds shall not be used.

*Assessment and verification:* The applicant shall provide a declaration of non-use.

- 3.2. The emissions to air of aromatic diisocyanates during polymerisation and fibre production, measured at the process steps where they occur, including fugitive emissions as well expressed as an annual average, shall be less than 5 mg/kg of fibre produced.

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

*Assessment and verification:* The applicant shall provide detailed documentation and/or test reports showing compliance with this criterion, together with a declaration of compliance.

#### 4. **Flax and other bast fibres (including hemp, jute, and ramie)**

Flax and other bast fibres shall not be obtained by water retting, unless the waste water from the water retting is treated so as to reduce the COD or TOC by at least 75 % for hemp fibres and by at least 95 % for flax and the other bast fibres.

*Assessment and verification:* If water retting is used, the applicant shall provide a test report, using the following test method: ISO 6060 (COD).

#### 5. **Greasy wool and other keratin fibres (including wool from sheep, camel, alpaca, goat)**

5.1. The sum total content of the following substances shall not exceed 0,5 ppm:  $\gamma$ -hexachlorocyclohexane (lindane),  $\alpha$ -hexachlorocyclohexane,  $\beta$ -hexachlorocyclohexane,  $\delta$ -hexachlorocyclohexane, aldrin, dieldrin, endrin, p,p'-DDT, p,p'-DDD.

5.2. The sum total content of the following substances shall not exceed 2 ppm: diazinon, propetamphos, chlorfenvinphos, dichlofenthion, chlorpyrifos, fenclorophosq, ethion, pirimphos-methyl.

5.3. The sum total content of the following substances shall not exceed 0,5 ppm: cypermethrin, deltamethrin, fenvalerate, cyhalothrin, flumethrin.

5.4. The sum total content of the following substances shall not exceed 2ppm: diflubenzuron, triflumuron, dicyclanil.

The test should be made on raw wool, before it comes through any wet treatment, for each lot of wool or two times a year if more than two lots of wool per year are received.

These requirements (as detailed in points 5.1, 5.2, 5.3 and 5.4) and taken separately) do not apply if documentary evidence can be presented that establishes the identity of the farmers producing at least 75 % of the wool or keratin fibres in question, together with a declaration from these farmers that the substances listed above have not been applied to the fields or animals concerned.

*Assessment and verification for points 5.1, 5.2, 5.3 and 5.4:* The applicant shall either provide the documentation indicated above or provide a test report, using the following test method: IWTO Draft Test Method 59.

5.5. For scouring effluent discharged to sewer, the COD discharged to sewer shall not exceed 60 g/kg greasy wool, and the effluent shall be treated off-site so as to achieve at least a further 75 % reduction of COD content, expressed as an annual average.

For scouring effluent treated on-site and discharged to surface waters, the COD discharged to surface waters shall not exceed 45 g/kg greasy wool. The pH of the effluent discharged to surface waters shall be between 6 and 9 (unless the pH of the receiving waters is outside this range), and the temperature shall be below 40 °C (unless the temperature of the receiving water is above this value). The wool scouring plant shall describe, in detail, their treatment of the scouring effluent and continuously monitor the COD-levels.

*Assessment and verification:* The applicant shall provide relevant data and test reports related to this criterion, using the following test method: ISO 6060.

#### 6. **Man-made cellulose fibres (including viscose, lyocell, acetate, cupro, triacetate)**

6.1. The level of AOX in the fibres shall not exceed 250 ppm.

*Assessment and verification:* The applicant shall provide a test report, using the following test method: ISO 11480.97 (controlled combustion and microcoulometry).

6.2. For viscose fibres, the sulphur content of the emissions of sulphur compounds to air from the processing during fibre production, expressed as an annual average, shall not exceed 120 g/kg filament fibre produced and 30 g/kg staple fibre produced. Where both types of fibre are produced on a given site, the overall emissions must not exceed the corresponding weighted average.

*Assessment and verification:* The applicant shall provide detailed documentation and/or test reports showing compliance with this criterion, together with a declaration of compliance.

- 6.3. For viscose fibres, the emission to water of zinc from the production site, expressed as an annual average, shall not exceed 0,3 g/kg.

*Assessment and verification:* The applicant shall provide detailed documentation and/or test reports showing compliance with this criterion, together with a declaration of compliance.

- 6.4. For cupro fibres, the copper content of the effluent water leaving the site, expressed as an annual average, shall not exceed 0,1 ppm.

*Assessment and verification:* The applicant shall provide detailed documentation and/or test reports showing compliance with this criterion, together with a declaration of compliance.

## 7. Polyamide

The emissions to air of N<sub>2</sub>O during monomer production, expressed as an annual average, shall not exceed 10 g/kg polyamide 6 fibre produced and 50 g/kg polyamide 6,6 produced.

*Assessment and verification:* The applicant shall provide detailed documentation and/or test reports showing compliance with this criterion, together with a declaration of compliance.

## 8. Polyester

- 8.1. The amount of antimony in the polyester fibres shall not exceed 260 ppm. Where no antimony is used, the applicant may state 'antimony free' (or equivalent text) next to the Ecolabel.

*Assessment and verification:* The applicant shall either provide a declaration of non-use or a test report using the following test method: direct determination by Atomic Absorption Spectrometry. The test shall be carried out on the raw fibre prior to any wet processing.

- 8.2. The emissions of VOCs during polymerisation and fibre production of polyester, measured at the process steps where they occur, including fugitive emissions as well, expressed as an annual average, shall not exceed 1,2 g/kg of produced polyester resin. (VOCs are any organic compound having at 293,15 K a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use).

*Assessment and verification:* The applicant shall provide detailed documentation and/or test reports showing compliance with this criterion, together with a declaration of compliance.

## 9. Polypropylene

Lead-based pigments shall not be used.

*Assessment and verification:* The applicant shall provide a declaration of non-use.

### PROCESSES AND CHEMICALS CRITERIA

The criteria in this section apply, where appropriate, to all stages of production of the product, including the production of the fibres. It is nevertheless accepted that recycled fibres may contain some of the dyes or other substances excluded by these criteria, but only if they were applied in the previous life-cycle of the fibres.

## 10. Auxiliaries and finishing agents for fibres and yarns

- 10.1. Size: At least 95 % (by dry weight) of the component substances of any sizeing preparation applied to yarns shall be sufficiently biodegradable, or else shall be recycled.

The sum of each component is taken into account.

*Assessment and verification:* In this context, a substance is considered as 'sufficiently biodegradable':

- if when tested with one of the methods OECD 301 A, OECD 301 E, ISO 7827, OECD 302 A, ISO 9887, OECD 302 B, or ISO 9888 it shows a percentage degradation of at least 70 % within 28 days,
- or if when tested with one of the methods OECD 301 B, ISO 9439, OECD 301 C, OECD 302 C, OECD 301 D, ISO 10707, OECD 301 F, ISO 9408, ISO 10708 or ISO 14593 it shows a percentage degradation of at least 60 % within 28 days,
- or if when tested with one of the methods OECD 303 or ISO 11733 it shows a percentage degradation of at least 80 % within 28 days,
- or, for substances for which these test methods are inapplicable, if evidence of an equivalent level of biodegradation is presented.

The applicant shall provide appropriate documentation, safety data sheets, test reports and/or declarations, indicating the test methods and results as above, and showing compliance with this criterion for all sizeing preparations used.

10.2. Spinning solution additives, spinning additives and preparation agents for primary spinning (including carding oils, spin finishes and lubricants): At least 90 % (by dry weight) of the component substances shall be sufficiently biodegradable or eliminable in waste water treatment plants.

This requirement does not apply to preparation agents for secondary spinning (spinning lubricants, conditioning agents), coning oils, warping and twisting oils, waxes, knitting oils, silicone oils and inorganic substances. The sum of each component is taken into account.

*Assessment and verification:* In this context, a substance is considered as 'sufficiently biodegradable or eliminable in waste water treatment plants':

- if when tested with one of the methods OECD 301 A, OECD 301 E, ISO 7827, OECD 302 A, ISO 9887, OECD 302 B, or ISO 9888 it shows a percentage degradation of at least 70 % within 28 days,
- or if when tested with one of the methods OECD 301 B, ISO 9439, OECD 301 C, OECD 302 C, OECD 301 D, ISO 10707, OECD 301 F, ISO 9408, ISO 10708 or ISO 14593 it shows a percentage degradation of at least 60 % within 28 days,
- or if when tested with one of the methods OECD 303 or ISO 11733 it shows a percentage degradation of at least 80 % within 28 days,
- or, for substances for which these test methods are inapplicable, if evidence of an equivalent level of biodegradation or elimination is presented.

The applicant shall provide appropriate documentation, safety data sheets, test reports and/or declarations, indicating the test methods and results as above, and showing compliance with this criterion for all such additives or preparation agents used.

10.3. The content of polycyclic aromatic hydrocarbons (PAH) in the mineral oil proportion of a product shall be less than 3 % by weight.

*Assessment and verification:* The applicant shall provide appropriate documentation, safety data sheets, product information sheets or declarations, indicating either the content of polycyclic aromatic hydrocarbons or the non-use of products containing mineral oils.

## 11. Biocidal or biostatic products

Chlorophenols (their salts and esters), PCB and organotin compounds shall not be used during transportation or storage of products and semi-manufactured products.

*Assessment and verification:* The applicant shall provide a declaration of non-use of these substances or compounds on the yarn, fabric and final product. Should this declaration be subject to verification the following test method and threshold shall be used: extraction as appropriate, derivatisation with acetic anhydride, determination by capillary gas-liquid chromatography with electron capture detection, limit value 0,05 ppm.

## 12. Stripping or depigmentation

Heavy metal salts (except of iron) or formaldehyde shall not be used for stripping or depigmentation.

*Assessment and verification:* The applicant shall provide a declaration of non-use.

## 13. Weighting

Compounds of cerium shall not be used in the weighting of yarn or fabrics.

*Assessment and verification:* The applicant shall provide a declaration of non-use.

## 14. All chemicals and chemical preparations

Alkylphenoethoxylates (APEOs), linear alkylbenzene sulfonates (LAS), bis(hydrogenated tallow alkyl) dimethyl ammonium chloride (DTDMAC), distearyl dimethyl ammonium chloride (DSDMAC), di(hardened tallow) dimethyl ammonium chloride (DHTDMAC), ethylene diamine tetra acetate (EDTA), and diethylene triamine penta acetate (DTPA) shall not be used and shall not be part of any preparations or formulations used.

*Assessment and verification:* The applicant shall provide a declaration of non-use.

## 15. Detergents, fabric softeners and complexing agents

At each wet-processing site, at least 95 % by weight of fabric softeners, complexing agents and detergents by weight shall be sufficiently degradable or eliminable in wastewater treatment plants.

This is with the exception of surfactants in detergents and fabric softeners at each wet processing site, which shall be ultimately aerobically biodegradable.

*Assessment and verification:* 'Sufficiently biodegradable or eliminable' is as defined above in the criterion related to auxiliaries and finishing agents for fibres and yarns. The applicant shall provide appropriate documentation, safety data sheets, test reports and/or declarations, indicating the test methods and results as above, and showing compliance with this criterion for all detergents, fabric softeners and complexing agents used.

'Ultimate aerobic biodegradation' has to be interpreted as laid down in Annex III to Regulation (EC) No 648/2004 of the European Parliament and of the Council <sup>(1)</sup>. The applicant shall provide appropriate documentation, safety data sheets, test reports and/or declarations, indicating the test methods and results as above, and showing compliance with this criterion for all surfactants in detergents and fabric softeners used.

## 16. Bleaching agents: Chlorine agents are excluded for bleaching yarns, fabrics and end products

This requirement does not apply to the production of man-made cellulose fibres. (See criterion 6,1).

*Assessment and verification:* The applicant shall provide a declaration of non-use of chlorinated bleaching agents.

## 17. Impurities in dyes: Colour matter with fibre affinity (soluble or insoluble)

The levels of ionic impurities in the dyes used shall not exceed the following: Ag 100 ppm; As 50 ppm; Ba 100 ppm; Cd 20 ppm; Co 500 ppm; Cr 100 ppm; Cu 250 ppm; Fe 2 500 ppm; Hg 4 ppm; Mn 1 000 ppm; Ni 200 ppm; Pb 100 ppm; Se 20 ppm; Sb 50 ppm; Sn 250 ppm; Zn 1 500 ppm.

Any metal that is included as an integral part of the dye molecule (e.g. metal complex dyes, certain reactive dyes, etc.) shall not be considered when assessing compliance with these values, which only relate to impurities.

*Assessment and verification:* The applicant shall provide a declaration of compliance.

## 18. Impurities in pigments: Insoluble colour matter without fibre affinity

The levels of ionic impurities for pigments used shall not exceed the following: As 50 ppm; Ba 100 ppm; Cd 50 ppm; Cr 100 ppm; Hg 25 ppm; Pb 100 ppm; Se 100 ppm; Sb 250 ppm; Zn 1 000 ppm.

*Assessment and verification:* The applicant shall provide a declaration of compliance.

<sup>(1)</sup> OJ L 104, 8.4.2004, p. 1.

**19. Chrome mordant dyeing**

Chrome mordant dyeing is not allowed.

*Assessment and verification:* The applicant shall provide a declaration of non-use.

**20. Metal complex dyes**

If metal complex dyes based on copper, chromium or nickel are used:

20.1. In case of cellulose dyeing, where metal complex dyes are part of the dye recipe, less than 20 % of each of those metal complex dyes applied (input to the process) shall be discharged to waste water treatment (whether on-site or off-site).

In case of all other dyeing processes, where metal complex dyes are part of the dye recipe, less than 7 % of each of those metal complex dyes applied (input to the process) shall be discharged to waste water treatment (whether on-site or off-site).

The applicant shall either provide a declaration of non-use or documentation and test reports using the following test methods: ISO 8288 for Cu, Ni; EN 1233 for Cr.

20.2. The emissions to water after treatment shall not exceed: Cu 75 mg/kg (fibre, yarn or fabric); Cr 50 mg/kg; Ni 75 mg/kg.

*Assessment and verification:* The applicant shall either provide a declaration of non-use or documentation and test reports using the following test methods: ISO 8288 for Cu, Ni; EN 1233 for Cr.

**21. Azo dyes**

Azo dyes shall not be used that may cleave to any one of the following aromatic amines:

4-aminodiphenyl	(92-67-1)
Benzidine	(92-87-5)
4-chloro-o-toluidine	(95-69-2)
2-naphtylamine	(91-59-8)
o-amino-azotoluene	(97-56-3)
2-amino-4-nitrotoluene	(99-55-8)
p-chloroaniline	(106-47-8)
2,4-diaminoanisol	(615-05-4)
4,4'-diaminodiphenylmethane	(101-77-9)
3,3'-dichlorobenzidine	(91-94-1)
3,3'-dimethoxybenzidine	(119-90-4)
3,3'-dimethylbenzidine	(119-93-7)
3,3'-dimethyl-4,4'-diaminodiphenylmethane	(838-88-0)
p-cresidine	(120-71-8)
4,4'-oxydianiline	(101-80-4)



4,4'-thiodianiline	(139-65-1)
o-toluidine	(95-53-4)
2,4-diaminotoluene	(95-80-7)
2,4,5-trimethylaniline	(137-17-7)
4-aminoazobenzene	(60-09-3)
o-anisidine	(90-04-0)
2,4-Xylidine	
2,6-Xylidine	

*Assessment and verification:* The applicant shall provide a declaration of non-use of these dyes. Should this declaration be subject to verification the following standard shall be used = EN 14 362-1 and 2. (Note: false positives may be possible with respect to the presence of 4-aminoazobenzene, and confirmation is therefore recommended).

## 22. Dyes that are carcinogenic, mutagenic or toxic to reproduction

22.1. The following dyes shall not be used:

- C.I. Basic Red 9,
- C.I. Disperse Blue 1,
- C.I. Acid Red 26,
- C.I. Basic Violet 14,
- C.I. Disperse Orange 11,
- C. I. Direct Black 38,
- C. I. Direct Blue 6,
- C. I. Direct Red 28,
- C. I. Disperse Yellow 3.

*Assessment and verification:* The applicant shall provide a declaration of non-use of such dyes.

22.2. No use is allowed of dye substances or of dye preparations containing more than 0,1 % by weight of substances that are assigned or may be assigned at the time of application any of the following risk phrases (or combinations thereof):

- R40 (limited evidence of a carcinogenic effect),
- R45 (may cause cancer),
- R46 (may cause heritable genetic damage),
- R49 (may cause cancer by inhalation),

- R60 (may impair fertility),
- R61 (may cause harm to the unborn child),
- R62 (possible risk of impaired fertility),
- R63 (possible risk of harm to the unborn child),
- R68 (possible risk of irreversible effects),

as laid down in Council Directive 67/548/EEC <sup>(1)</sup>.

**Alternatively**, classification may be considered according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council <sup>(2)</sup>. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with and of the following hazard statements (or combinations thereof): H351, H350, H340, H350i, H360F, H360D, H361f, H361d, H360FD, H361fd, H360Fd, H360Df, H341.

*Assessment and verification:* The applicant shall provide a declaration of non-use of such dyes.

### 23. Potentially sensitising dyes

The following dyes shall not be used:

- |  |             |
|--|-------------|
| — C.I. Disperse Blue 3   | C.I. 61 505 |
| — C.I. Disperse Blue 7   | C.I. 62 500 |
| — C.I. Disperse Blue 26  | C.I. 63 305 |
| — C.I. Disperse Blue 35  |             |
| — C.I. Disperse Blue 102                                       |             |
| — C.I. Disperse Blue 106                                       |             |
| — C.I. Disperse Blue 124                                       |             |
| — C.I. Disperse Brown 1  |             |
| — C.I. Disperse Orange 1                                       | C.I. 11 080 |
| — C.I. Disperse Orange 3                                       | C.I. 11 005 |
| — C.I. Disperse Orange 37                                      |             |
| — C.I. Disperse Orange 76<br>(previously designated Orange 37) |             |
| — C.I. Disperse Red 1  | C.I. 11 110 |
| — C.I. Disperse Red 11   | C.I. 62 015 |
| — C.I. Disperse Red 17   | C.I. 11 210 |
| — C.I. Disperse Yellow 1                                       | C.I. 10 345 |
| — C.I. Disperse Yellow 9                                       | C.I. 10 375 |
| — C.I. Disperse Yellow 39                                      |             |
| — C.I. Disperse Yellow 49                                      |             |

<sup>(1)</sup> OJ 196, 16.8.1967, p. 1.

<sup>(2)</sup> OJ L 353, 31.12.2008, p. 1.

*Assessment and verification:* The applicant shall provide a declaration of non-use of these dyes.

#### 24. Halogenated carriers for polyester

Halogenated carriers shall not be used.

*Assessment and verification:* The applicant shall provide a declaration of non-use.

#### 25. Printing

25.1. Printing pastes used shall not contain more than 5 % volatile organic compounds such as white spirit (VOCs: any organic compound having at 293,15 K a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use).

*Assessment and verification:* The applicant shall either provide a declaration that no printing has been made or provide appropriate documentation showing compliance together with a declaration of compliance.

25.2. Plastisol-based printing is not allowed.

*Assessment and verification:* The applicant shall either provide a declaration that no printing has been made or provide appropriate documentation showing compliance together with a declaration of compliance.

#### 26. Formaldehyde

The amount of free and partly hydrolysable formaldehyde in the final fabric shall not exceed 20 ppm in products for babies and young children under 3 years old, 30 ppm for products that come into direct contact with the skin, and 75 ppm for all other products.

*Assessment and verification:* The applicant shall either provide a declaration that formaldehyde containing products have not been applied or provide a test report using the following test method: EN ISO 14184-1.

#### 27. Waste water discharges from wet-processing

27.1. Waste water from wet-processing sites (except greasy wool scouring sites and flax retting sites) shall, when discharged after treatment (whether on-site or off-site), have a COD content of less than 20 g/kg expressed as an annual average.

*Assessment and verification:* The applicant shall provide detailed documentation and test reports, using ISO 6060, showing compliance with this criterion, together with a declaration of compliance.

27.2. If the effluent is treated on site and discharged directly to water, it shall also have a pH between 6 and 9 (unless the pH of the receiving water is outside this range) and a temperature of less than 40 °C (unless the temperature of the receiving water is above this value).

*Assessment and verification:* The applicant shall provide documentation and test reports showing compliance with this criterion, together with a declaration of compliance.

#### 28. Flame retardants

Only flame retardants that are chemically bound into the polymer fibre or onto the fibre surface (reactive flame retardants) may be used in the product. If the flame retardants used have any of the R-phrases listed below, these reactive flame retardants should, on application, change their chemical nature to no longer warrant classification under any of these R-phrases. (Less than 0,1 % of the flame retardant on the treated yarn or fabric may remain in the form as before application.)

— R40 (limited evidence of a carcinogenic effect),

— R45 (may cause cancer),

— R46 (may cause heritable genetic damage),

- R49 (may cause cancer by inhalation),
- R50 (very toxic to aquatic organisms),
- R51 (toxic to aquatic organisms),
- R52 (harmful to aquatic organisms),
- R53 (may cause long-term adverse effects in the aquatic environment),
- R60 (may impair fertility),
- R61 (may cause harm to the unborn child),
- R62 (possible risk of impaired fertility),
- R63 (possible risk of harm to the unborn child),
- R68 (possible risk of irreversible effects),

as laid down in Directive 67/548/EEC.

Flame retardants which are only physically mixed into the polymer fibre or into a textile coating are excluded (additive flame retardants).

Alternatively, classification may be considered according to Regulation (EC) No 1272/2008. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with and of the following hazard statements (or combinations thereof): H351, H350, H340, H350i, H400, H410, H411, H412, H413, H360F, H360D, H361f, H361d, H360FD, H361fd, H360Fd, H360Df, H341.

*Assessment and verification:* The applicant shall provide a declaration that additive flame retardants have not been used and indicate which reactive flame retardants, if any, have been used and provide documentation (such as safety data sheets) and/or declarations indicating that those flame retardants comply with this criterion.

### 29. Anti felting finishes

Halogenated substances or preparations shall only be applied to wool slivers and loose scoured wool.

*Assessment and verification:* The applicant shall provide a declaration of non-use (unless used for wool slivers and loose scoured wool).

### 30. Fabrics Finishes

The word 'finishes' covers all physical or chemical treatments giving to the textile fabrics specific properties such as softness, waterproof, easy care.

No use is allowed of finishing substances or of finishing preparations containing more than 0,1 % by weight of substances that are assigned or may be assigned at the time of application any of the following risk phrases (or combinations thereof):

- R40 (limited evidence of a carcinogenic effect),
- R45 (may cause cancer),
- R46 (may cause heritable genetic damage),
- R49 (may cause cancer by inhalation),
- R50 (very toxic to aquatic organisms),

- R51 (toxic to aquatic organisms),
- R52 (harmful to aquatic organisms),
- R53 (may cause long-term adverse effects in the aquatic environment),
- R60 (may impair fertility),
- R61 (may cause harm to the unborn child),
- R62 (possible risk of impaired fertility),
- R63 (possible risk of harm to the unborn child),
- R68 (possible risk of irreversible effects),

as laid down in Directive 67/548/EEC.

Alternatively, classification may be considered according to Regulation (EC) No 1272/2008. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with and of the following hazard statements (or combinations thereof): H351, H350, H340, H350i, H400, H410, H411, H412, H413, H360F, H360D, H361f, H361d, H360FD, H361fd, H360Fd, H360Df, H341.

*Assessment and verification:* The applicant shall either provide a declaration that finishes have not been used, or indicate which finishes have been used and provide documentation (such as safety data sheets) and/or declarations indicating that those finishes comply with this criterion.

### 31. **Fillings**

- 31.1. Filling materials consisting of textile fibres shall comply with the textile fibre criteria (1–9) where appropriate.
- 31.2. Filling materials shall comply with criterion 11 on 'Biocidal or biostatic products' and the criterion 26 on 'Formaldehyde'.
- 31.3. Detergents and other chemicals used for the washing of fillings (down, feathers, natural or synthetic fibres) shall comply with criterion 14 on 'Auxiliary chemicals' and criterion 15 on 'Detergents, fabric softeners and complexing agents'.

*Assessment and verification:* As indicated in the corresponding criteria.

### 32. **Coatings, laminates and membranes**

- 32.1. Products made of polyurethane shall comply with the criterion set out in point 3.1 regarding organic tin and the criterion set out in point 3.2 regarding the emission to air of aromatic diisocyanates.

*Assessment and verification:* As indicated in the corresponding criteria.

- 32.2. Products made of polyester shall comply with the criterion set out in point 8.1 regarding the amount of antimony and the criterion set out in point 8.2 regarding the emission of VOCs during polymerisation.

*Assessment and verification:* As indicated in the corresponding criteria.

- 32.3. Coatings, laminates and membranes shall not be produced using plasticisers or solvents, which are assigned or may be assigned at the time of application any of the following risk phrases (or combinations thereof):

- R40 (limited evidence of a carcinogenic effect),
- R45 (may cause cancer),
- R46 (may cause heritable genetic damage),

- R49 (may cause cancer by inhalation),
- R50 (very toxic to aquatic organisms),
- R51 (toxic to aquatic organisms),
- R52 (harmful to aquatic organisms),
- R53 (may cause long-term adverse effects in the aquatic environment),
- R60 (may impair fertility),
- R61 (may cause harm to the unborn child),
- R62 (possible risk of impaired fertility),
- R63 (possible risk of harm to the unborn child),
- R68 (possible risk of irreversible effects),

as laid down in Directive 67/548/EEC.

Alternatively, classification may be considered according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 <sup>(1)</sup>. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with and of the following hazard statements (or combinations thereof): H351, H350, H340, H350i, H400, H410, H411, H412, H413, H360F, H360D, H361f, H361d, H360FD, H361fd, H360Fd, H360Df, H341.

*Assessment and verification:* The applicant shall provide a declaration of non-use of such plasticizers or solvents.

32.4. the VOC emissions to air shall not exceed 10 g C/kg.

*Assessment and verification:* The applicant shall provide documentation and test reports showing compliance with this criterion, together with a declaration of compliance.

### 33. Energy and water use

The applicant shall provide data on water and energy use for the manufacturing sites involved in wet processing.

*Assessment and verification:* The applicant is requested to provide the abovementioned information.

#### FITNESS FOR USE CRITERIA

The following criteria apply either to the dyed yarn, the final fabric(s), or the final product, with tests carried out as appropriate.

### 34. Dimensional changes during washing and drying

The dimensional changes after washing and drying shall not exceed:

- plus or minus 2 % for curtains and for furniture fabric that is washable and removable,
- more than minus 8 % or plus 4 % for other woven products and durable non-woven, other knitted products or for terry towelling.

This criterion does not apply to:

- fibres or yarn,

<sup>(1)</sup> OJ L 353, 31.12.2008, p. 1.

- products clearly labelled 'dry clean only' or equivalent (insofar as it is normal practice for such products to be so labelled),
- furniture fabrics that are not removable and washable.

*Assessment and verification:* The applicant shall provide test reports using the following standards EN ISO 63 30, ISO 5077 as follows: 3 washes at temperatures as indicated on the product, with tumble drying after each washing cycle unless other drying procedures are indicated on the product,

### 35. Colour fastness to washing

The colour fastness to washing shall be at least level 3-4 for colour change and at least level 3-4 for staining.

This criterion does not apply to products clearly labelled 'dry clean only' or equivalent (insofar as it is normal practice for such products to be so labelled), to white products or products that are neither dyed nor printed, or to non-washable furniture fabrics.

*Assessment and verification:* The applicant shall provide test reports using the following standard EN: ISO 105 C06 (single wash, at temperature as marked on the product, with perborate powder).

### 36. Colour fastness to perspiration (acid, alkaline)

The colour fastness to perspiration (acid and alkaline) shall be at least level 3-4 (colour change and staining).

A level of 3 is nevertheless allowed when fabrics are both dark coloured (standard depth > 1/1) and made of regenerated wool or more than 20 % silk.

This criterion does not apply to white products, to products that are neither dyed nor printed, to furniture fabrics, curtains or similar textiles intended for interior decoration.

*Assessment and verification:* The applicant shall provide test reports using the following standard EN: ISO 105 E04 (acid and alkaline, comparison with multi-fibre fabric).

### 37. Colour fastness to wet rubbing

The colour fastness to wet rubbing shall be at least level 2-3. A level of 2 is nevertheless allowed for indigo dyed denim.

This criterion does not apply to white products or products that are neither dyed nor printed.

*Assessment and verification:* The applicant shall provide test reports using the following standard EN: ISO 105 X12.

### 38. Colour fastness to dry rubbing

The colour fastness to dry rubbing shall be at least level 4.

A level of 3-4 is nevertheless allowed for indigo dyed denim.

This criterion does not apply to white products or products that are neither dyed nor printed, or to curtains or similar textiles intended for interior decoration.

*Assessment and verification:* The applicant shall provide test reports using the following standard EN: ISO 105 X12.

### 39. Colour fastness to light

For fabrics intended for furniture, curtains or drapes, the colour fastness to light shall be at least level 5. For all other products the colour fastness to light shall be at least level 4.

A level of 4 is nevertheless allowed when fabrics intended for furniture, curtains or drapes are both light coloured (standard depth < 1/12) and made of more than 20 % wool or other keratin fibres, or more than 20 % silk, or more than 20 % linen or other bast fibres.

This requirement does not apply to mattress ticking, mattress protection or underwear.

*Assessment and verification:* The applicant shall provide test reports using the following standard EN: ISO 105 B02.

**40. Information appearing on the Ecolabel**

Box 2 of the Ecolabel shall contain the following text:

- encouraging the use of sustainable fibres,
- durable and high quality,
- hazardous substances restricted.

*Assessment and verification:* The applicant shall provide a sample of the product packaging showing the label, together with a declaration of compliance with this criterion.

---



## COMMISSION DECISION

of 9 July 2009

establishing the ecological criteria for the award of the Community Eco-label for tissue paper

(notified under document number C(2009) 4596)

(Text with EEA relevance)

(2009/568/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme<sup>(1)</sup>, and in particular the second subparagraph of Article 6(1) thereof,

After consulting the European Union eco-labelling Board,

Whereas:

- (1) Under Regulation (EC) No 1980/2000 the Community eco-label may be awarded to a product possessing characteristics which enable it to contribute significantly to improvements in relation to key environmental aspects.
- (2) Regulation (EC) No 1980/2000 provides that specific eco-label criteria, drawn up on the basis of the criteria drafted by the European Union eco-labelling Board, are to be established according to product groups.
- (3) It also provides that the review of the eco-label criteria, as well as of the assessment and verification requirements related to those criteria, is to take place in due time before the end of the period of validity of the criteria specified for the product group concerned.
- (4) Pursuant to Regulation (EC) No 1980/2000, a timely review has been carried out of the ecological criteria, as well as of the related assessment and verification requirements established by Commission Decision 2001/405/EC of 4 May 2001 establishing ecological criteria for the award of the Community eco-label for tissue paper products<sup>(2)</sup>. Those ecological criteria and the related assessment and verification requirements are valid until 4 January 2010.
- (5) In the light of that review, it is appropriate, in order to take account of scientific and market developments, to modify the definition of the product group and to establish new ecological criteria.

- (6) The ecological criteria, as well as the related assessment and verification requirements, should be valid for four years from the date of adoption of this Decision.
- (7) Furthermore, in order to specify that products covered by Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products<sup>(3)</sup> should be excluded from the scope of the product group concerned, it is necessary to modify the definition of the product group laid down in Decision 2001/405/EC.
- (8) Decision 2001/405/EC should therefore be replaced.
- (9) A transitional period should be allowed for producers whose products have been awarded the Eco-label for tissue paper based on the criteria contained in Decision 2001/405/EC, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements. Producers should also be allowed to submit applications set out under the criteria set in Decision 2001/405/EC or set out under the criteria set in this Decision until the lapse of validity of that Decision.
- (10) Measures provided for in this Decision are in accordance with the opinion of the Committee instituted by Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

*Article 1*

The product group 'tissue paper' shall comprise sheets or rolls of tissue paper fit for use for personal hygiene, absorption of liquids and/or cleaning of soiled surfaces. The tissue product consists of creped or embossed paper in one or several plies. The fibre content of the product shall be at least 90 %.

That product group shall not comprise any of the following:

- (a) wet wipes and sanitary products;
- (b) tissue products laminated with other materials than tissue paper;
- (c) products as referred to in Directive 76/768/EEC.

<sup>(1)</sup> OJ L 237, 21.9.2000, p. 1.

<sup>(2)</sup> OJ L 142, 29.5.2001, p. 10.

<sup>(3)</sup> OJ L 262, 27.9.1976, p. 169.

*Article 2*

In order to be awarded the Community Eco-label for products falling within the product group tissue paper under Regulation (EC) No 1980/2000, a tissue paper shall comply with the criteria set out in the Annex to this Decision.

*Article 3*

The ecological criteria for the product group 'tissue paper', as well as the related assessment and verification requirements, shall be valid for four years from the date of adoption of this Decision.

*Article 4*

For administrative purposes the code number assigned to the product group 'tissue paper' shall be '004'.

*Article 5*

Decision 2001/405/EC is repealed.

*Article 6*

1. Applications for Eco-label for products falling within the product group tissue paper submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2001/405/EC.

2. Applications for Eco-label for products falling within the product group tissue paper submitted from the date of adoption of this Decision but by 4 January 2010 at the latest may be based either on the criteria set out in Decision 2001/405/EC or on the criteria set out in this Decision.

Those applications shall be evaluated in accordance with the criteria on which they are based.

3. Where the Eco-label is awarded on the basis of an application evaluated according to the criteria set out in Decision 2001/405/EC, that Eco-label may be used for twelve months from the date of adoption of this Decision.

*Article 7*

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2009.

*For the Commission*

Stavros DIMAS

*Member of the Commission*

## ANNEX

**FRAMEWORK****The aims of the criteria**

These criteria aim in particular at:

- the reduction of discharges of toxic or eutrophic substances into waters,
- the reduction of environmental damage or risks related to the use of energy (global warming, acidification, ozone depletion, depletion of non-renewable resources) by reducing energy consumption and related emissions to air,
- the reduction of environmental damage or risks related to the use of hazardous chemicals,
- encouraging the use of sustainable fibres,
- the application of sustainable management principles in order to safeguard forests,

The criteria are set at levels that promote the labelling of tissue-paper products which have a lower environmental impact.

**Assessment and verification requirements**

The specific assessment and verification requirements are indicated within each criterion.

Where the applicant is required to provide declarations, documentation, analyses, test reports, or other evidence to show compliance with the criteria, it is understood that these may originate from the applicant and/or his supplier(s) and/or their supplier(s), et cetera, as appropriate.

Where appropriate, test methods other than those indicated for each criterion may be used if their equivalence is accepted by the Competent Body assessing the application.

Where possible, testing should be performed by appropriately accredited laboratories that meet the general requirements expressed in standard EN ISO 17025.

Where appropriate, Competent Bodies may require supporting documentation and may carry out independent verifications.

The Competent Bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO14001, when assessing applications and monitoring compliance with the criteria (*Note: it is not required to implement such management schemes.*)

**ECOLOGICAL CRITERIA**

The ecological criteria cover the production of pulp including all constituent sub-processes from the point at which the fibre raw-material/recycled paper passes the plant gates, to the point at which the pulp leaves the pulp mill. For the paper production processes all sub-processes from the beating of the pulp (disintegration of the recycled paper) to winding the paper onto rolls.

Transport, converting and packaging of the pulp, paper or raw materials are not included.

Recycled fibre is defined as fibre obtained through recycling of used paper and board from the printing or consumer stages. Purchased and own broke from virgin fibre production is not included in the definition.

**1. Emissions to water and air****(a) Chemical Oxygen demand (COD), Phosphorus (P), Sulphur (S), Nitrogen oxides (NOx)**

For each of these parameters, the emissions to air and/or water from the pulp and the paper production shall be expressed in terms of points ( $P_{\text{COD}}$ ,  $P_{\text{P}}$ ,  $P_{\text{S}}$ ,  $P_{\text{NOx}}$ ) as detailed below.

None of the individual points  $P_{\text{COD}}$ ,  $P_p$ ,  $P_S$ , or  $P_{\text{NOx}}$  shall exceed 1,5.

The total number of points ( $P_{\text{total}} = P_{\text{COD}} + P_p + P_S + P_{\text{NOx}}$ ) shall not exceed 4,0.

The calculation of  $P_{\text{COD}}$  shall be made as follows (the calculations of  $P_p$ ,  $P_S$ , and  $P_{\text{NOx}}$  shall be made in exactly the same manner with the corresponding reference values).

For each pulp 'i' used, the related measured COD emissions ( $\text{COD}_{\text{pulp},i}$  expressed in kg/air dried tonne — ADT), shall be weighted according to the proportion of each pulp used ( $\text{pulp}_i$  with respect to air dried tonne tissue paper). The weighted COD emission for the pulps is then added to the measured COD emission from the paper production to give a total COD emission,  $\text{COD}_{\text{total}}$ .

The weighted COD reference value for the pulp production shall be calculated in the same manner, as the sum of the weighted reference values for each pulp used, and added to the reference value for the paper production to give a total COD reference value  $\text{COD}_{\text{reftotal}}$ . The reference values for each pulp type used and for the paper production are given in the table 1

Finally, the total COD emission is divided by the total COD reference value as follows:

$$P_{\text{COD}} = \frac{\text{COD}_{\text{total}}}{\text{COD}_{\text{reftotal}}} = \frac{\sum_{i=1}^n [\text{pulp}_i (\text{COD}_{\text{pulp},i}) + \text{COD}_{\text{papermachine}}]}{\sum_{i=1}^n [\text{pulp}_i (\text{COD}_{\text{refpulp},i}) + \text{COD}_{\text{refpapermachine}}]}$$

Table 1

**Reference values for emissions from different pulp types and from paper production**

(kg/ADT) <sup>(1)</sup>

Pulp Grade/Paper	Emissions			
	COD <sub>reference</sub>	P <sub>reference</sub>	S <sub>reference</sub>	NOX <sub>reference</sub>
Chemical pulp (others than sulphite)	18,0	0,045	0,6	1,6
Chemical pulp (sulphite)	25,0	0,045	0,6	1,6
Unbleached chemical pulp	10,0	0,02	0,6	1,6
CTMP	15,0	0,01	0,3	0,3
Recycled fibre pulp	3,0	0,01	0,03	0,3
Tissue Paper	2,0	0,01	0,03	0,5

<sup>(1)</sup> ADT = Air dry tonne means 90 % dry matter content for pulp. The actual dry matter content for paper is usually around 95 %. In the calculations the reference values for the pulps shall be adjusted to correspond the dry fibre content of the paper that most often is more than 90 %.

In case of a co-generation of heat and electricity at the same plant the emissions of NOx and S shall be allocated and calculated according to following equation:

The share of the emissions from the electricity generation =  $2 \times (\text{MWh}(\text{electricity})) / [2 \times \text{MWh}(\text{electricity}) + \text{MWh}(\text{heat})]$

The electricity in this calculation is the net electricity, where the part of the working electricity that is used at the power plant to generate the energy is excluded i.e. the net electricity is the part that is delivered from the power plant to the pulp/paper production.

The heat in this calculation is the net heat, where the part of the working heat that is used at the power plant to generate the energy, is excluded i.e. the net heat is the part that is delivered from the power plant to the pulp/paper production.

*Assessment and verification:* The applicant shall provide detailed calculations showing compliance with this criterion, together with related supporting documentation, which shall include test reports using the specific test methods for each parameter or equivalent as indicated below:

COD: ISO 6060; DIN 38409 part 41, NFT 90101 ASTM D 125283, Dr Lang LCK 114, Hack or WTW

P: EN ISO 6878, APAT IRSA CNR 4110 or Dr Lange LCK 349

NO<sub>x</sub>: ISO 11564

S(oxid.): EPA no.8

S(red.): EPA no 16A

S content in oil: ISO 8754

S content in coal: ISO 351.

The supporting documentation shall include an indication of the measurement frequency and the calculation of the points for COD, P, S and NO<sub>x</sub>. It shall include all emissions of S and NO<sub>x</sub>, which occur during the production of pulp and paper, including steam generated outside the production site, except those emissions related to the production of electricity. Measurements shall include recovery boilers, limekilns, steam boilers and destructor furnaces for strong smelling gases. Diffuse emissions shall be taken into account. Reported emission values for S to air shall include both oxidised and reduced S emissions (dimethyl sulphide, methyl mercaptan, hydrogen sulphide and the like). The S emissions related to the heat energy generation from oil, coal and other external fuels with known S content may be calculated instead of measured, and shall be taken into account.

Samples of the emissions to water shall be taken on unfiltered and unsettled samples either after treatment at the plant or after treatment by a public treatment plant. The period for the measurements shall be based on the production during 12 months. In the case of a new, or a rebuilt production plant, when emission measurements are not available for a 12-month period, the results shall be based on emission measurements taken once a day for 45 consecutive days, after the plants emissions values have stabilised.

(b) **AOX**

The weighted average value of AOX released from the productions of the pulps used in the eco-labelled tissue product must not exceed 0,12 kg/ADT paper. AOX emissions from each individual pulp used in the paper must not exceed 0,25 kg/ADT pulp.

*Assessment and verification:* The applicant shall provide test reports using the following test method: AOX ISO 9562 (1989) from the pulp supplier together with detailed calculations showing compliance with this criterion, together with related supporting documentation.

The supporting documentation shall include an indication of the measurement frequency. AOX shall only be measured in processes where chlorine compounds are used for the bleaching of the pulp. AOX need not be measured in the effluent from non-integrated paper production or in the effluents from pulp production without bleaching or where the bleaching is performed with chlorine-free substances.

Measurements shall be taken on unfiltered and unsettled samples either after treatment at the plant or after treatment by a public treatment plant. The period for the measurements shall be based on the production during 12 months. In the case of a new, or a rebuilt production plant, when emission measurements are not available for a 12-month period, the results shall be based on emission measurements taken once a day for 45 consecutive days, after the plants emissions values have stabilised.

(c) **CO<sub>2</sub>**

The emissions of carbon dioxide from non-renewable sources shall not exceed 1 500 kg per ADT paper produced, including emissions from the production of electricity (whether on-site or off-site).

The fuels used for converting the tissue paper into a product and transport in distributing this product, pulps or other raw materials shall not be included in the calculations.

*Assessment and verification:* The applicant shall provide detailed calculations showing compliance with this criterion, together with related supporting documentation.

The applicant shall provide data on the air emissions of carbon dioxide. This shall include all sources of non-renewable fuels during the production of pulp and paper, including the emissions from the production of electricity (whether on-site or off-site).

The following emission factors shall be used in the calculation of the CO<sub>2</sub> emissions from fuels:

Table 2

Fuel	CO <sub>2</sub> emission	Unit
Coal	95	g CO <sub>2</sub> fossil/MJ
Crude oil	73	g CO <sub>2</sub> fossil/MJ
Fuel oil 1	74	g CO <sub>2</sub> fossil/MJ
Fuel oil 2-5	77	g CO <sub>2</sub> fossil/MJ
LPG	62,40	g CO <sub>2</sub> fossil/MJ
Natural gas	56	g CO <sub>2</sub> fossil/MJ
Grid electricity	400	g CO <sub>2</sub> fossil/kWh

For all grid electricity, the value quoted in the table above (the European average) shall be used, unless the applicant presents documentation establishing that electricity from renewable sources according to Directive 2001/77/EC of the European Parliament and of the Council <sup>(1)</sup> is used in which case the applicant may exclude the renewable electricity from the calculation.

## 2. Energy use

The total consumption of electricity related to the tissue-paper product shall be calculated as the sum of the electricity used in the pulp and the tissue paper production stages and shall not exceed 2 200 kWh electricity per ADT of paper produced.

The applicant shall calculate all inputs of electricity used during the production of pulp and tissue paper, including the electricity used in the de-inking of waste papers for the production of recycled paper.

The electricity calculation does not include energy consumed in transporting raw materials or in converting and packaging.

Electricity means net imported electricity coming from the grid and internally generated electricity measured as electric power. Electricity used for waste-water treatment and air cleaning need not be included.

*Assessment and verification:* The applicant shall provide detailed calculations showing compliance with this criterion, together with all related supporting documentation. Reported details should therefore include the total electricity consumption.

## 3. Fibres — Sustainable forest management

- (a) The pulp and paper producer/s shall have a policy for sustainable wood and fibre procurement and a system to trace and verify the origin of wood and tracking it from forest to the first reception point.

The origin of all virgin fibres shall be documented. The pulp and paper producer must ensure that all wood and fibre originate from legal sources. The wood and fibre shall not come from protected areas or areas in the official process of designation for protection, old growth forests and high conservation value forests defined in national stakeholder processes unless the purchases are clearly in line with the national conservation regulations.

- (b) The fibre raw material in the paper may be recycled or virgin fibre. 50 % of any virgin fibre must, however, originate from sustainably managed forests which have been certified by independent third party schemes fulfilling the criteria listed in paragraph 15 of the Council Resolution of 15 December 1998 on a Forestry Strategy for the EU and further development thereof.

*Assessment and verification:* The applicant shall provide appropriate documentation from the paper supplier indicating the types, quantities and precise origins of fibres used in the pulp and the paper production. Where virgin fibres from forests are used, the applicant shall provide appropriate certificate(s) from the paper/pulp supplier showing that the certification scheme correctly fulfils the requirements as laid down in paragraph 15 of the Council Resolution of 15 December 1998 on a Forestry Strategy for the EU.

<sup>(1)</sup> OJ L 283, 27.10.2001, p. 33.

#### 4. Hazardous Chemical substances

##### (a) Chlorine

Chlorine gas shall not be used as a bleaching agent. This requirement does not apply to chlorine gas related to the production and use of chlorine dioxide.

*Assessment and verification:* The applicant shall provide a declaration from the pulp producer(s) that chlorine gas has not been used as a bleaching agent. *Note:* while this requirement also applies to the bleaching of recycled fibres, it is accepted that the fibres in their previous life cycle may have been bleached with chlorine gas.

##### (b) APEOs

Alkylphenol ethoxylates or other alkylphenol derivatives shall not be added to cleaning chemicals, de-inking chemicals, foam inhibitors, dispersants or coatings. Alkylphenol derivatives are defined as substances that upon degradation produce alkyl phenols.

*Assessment and verification:* The applicant or the chemical supplier/s shall provide relevant declaration(s) that alkylphenol ethoxylates or other alkylphenol derivatives have not been added to these products.

##### (c) Surfactants in de-inking formulations for recycled fibres

Where surfactants are used in quantities of at least 100 g/ADT (summed over all the surfactants used in the all the different formulations used in de-inking return fibres), each surfactant shall be readily biodegradable. Where such surfactants are used in quantities of less than 100 g/ADT, each surfactant shall be either readily biodegradable or ultimately biodegradable (see test methods and pass levels below).

*Assessment and verification:* The applicant or the chemical supplier/s shall provide a declaration of compliance with this criterion together with the relevant safety data sheets or test reports for each surfactant which shall indicate the test method, threshold and conclusion stated, using one of the following test methods and pass levels: for ready biodegradability OECD 301 A-F (or equivalent ISO standards), with a percentage degradation within 28 days of at least 70 % for 301 A and E, and of at least 60 % for 301 B, C, D and F; for ultimate biodegradability OECD 302 A-C (or equivalent ISO standards<sup>(1)</sup>), with a percentage degradation (including adsorption) within 28 days of at least 70 % for 302 A and B, and of at least 60 % for 302 C.

##### (d) Biocides

The active components in biocides or biostatic agents used to counter slime-forming organisms in circulation water systems containing fibres shall not be potentially bio-accumulative.

*Assessment and verification:* The applicant or the chemical supplier/s shall provide a declaration of compliance with this criterion together with the relevant safety data sheet or test report which shall indicate the test method, threshold and conclusion stated, using the following test methods: OECD 107, 117 or 305 A-E.

##### (e) Wet strength agents

Wet strength aids must not contain more than 0,7 % of the chloro-organic substances epichlorohydrin (ECH), 1,3-dichloro-2-propanol (DCP) and 3-monochloro-1,2-propanediol (MCPD), calculated as the sum of the three components and related to the dry content of the wet strength agent.

Wet strength agents that contain glyoxal must not be used in the production of the eco-labelled tissue paper.

*Assessment and verification:* The applicant or the chemical supplier/s shall provide a declaration(s) that the content of the epichlorohydrin (ECH), 1,3-dichloro-2-propanol (DCP) and 3-monochloro-1,2-propanediol (MCPD), calculated as the sum of the three components and related to the dry content of the wet strength agent is not higher than 0,7 %.

(1) e.g. EN ISO Standard 14593:1999 — Water quality — Evaluation of ultimate aerobic biodegradability of organic compounds in aqueous medium — Method by analysis of inorganic carbon in sealed vessels (CO<sub>2</sub> headspace test). Pre-adaptation is not to be used. The 10-day window principle is not applied (reference method) based on Commission Regulation (EC) No 907/2006 of 20 June 2006 amending Regulation (EC) No 648/2004 of the European Parliament and of the Council on detergents, in order to adapt Annexes III and VII thereto (OJ L 168, 21.6.2006, p. 5).

**(f) Softeners, lotions, fragrances and additives of natural origin**

None of the constituent substances or preparations/mixtures in the softeners, lotions, fragrances and additives of natural origin must meet the classification as hazardous to the environment, sensitising, carcinogenic or mutagenic with risk phrases R42, R43, R45, R46, R50, R51, R52 or R53 (or and combination thereof) in accordance with Council Directive 67/548/EEC <sup>(1)</sup> or Directive 1999/45/EC of the European Parliament and of the Council <sup>(2)</sup> and its amendments. Any substances/fragrances that in accordance with Directive 2003/15/EC of the European Parliament and of the Council <sup>(3)</sup> (7th amendment to Directive 76/768/EEC, Annex III, part I), requires the fragrance to be labelled on a product/packaging, shall not be used in the eco-labelled product (concentration limit 0,01 %).

Any ingredient added to the product as a fragrance must have been manufactured, handled and applied in accordance with the code of practice of the International Fragrance Association.

*Assessment and verification:* The applicant shall provide a list of softeners, lotions and additives of natural origin that have been added to the tissue product together with a declaration for each added preparation that the criterion is met.

A declaration of compliance with each part of this criterion shall be provided to the Competent Body by the fragrance manufacturer.

**5. Product Safety**

Products made from recycled fibres or mixtures of recycled and virgin fibres shall fulfil requirements on hygiene as follows:

The tissue paper shall not contain more than:

Formaldehyde: 1 mg/dm<sup>2</sup> according to test method EN 1541

Glyoxal: 1,5 mg/dm<sup>2</sup> according to test DIN 54603

PCP: 2 mg/kg according to test method EN ISO 15320.

All tissue products shall fulfil the following requirements:

Slimicides and antimicrobial substances: No growth retardance of micro-organisms according to test method EN 1104

Dyes and optical brighteners: No bleeding according to test method EN 646/648 (level 4 is required)

Dyes and inks:

— Dyes and inks used in the production of tissue paper shall not contain azo-substances that may cleave to any of the amines listed in the table 3,

— Dyes and inks used in the production of tissue paper shall not be based on Cd or Mn,

Table 3

**Dyestuffs shall not shed the following amines according to the Directive 2002/61/EC of the European Parliament and of the Council <sup>(4)</sup>**

Amine	CAS-number
4-amino-biphenyl	92-67-1
Benzidine	92-87-5
4-chloro-toluidine	95-69-2
2-naphtylamine	91-59-8
o-aminoazo-toluene	97-56-3
2-amino-4-nitro-toluene	99-55-8

<sup>(1)</sup> OJ 196, 16.8.1967, p. 1.

<sup>(2)</sup> OJ L 200, 30.7.1999, p. 1.

<sup>(3)</sup> OJ L 66, 11.3.2003, p. 26.

<sup>(4)</sup> OJ L 243, 11.9.2002, p. 15.



Amine	CAS-number
p-chloroaniline	106-47-8
2,4-diamino-anisol	615-05-4
2,4'-diamino-diphenylmethane	101-77-9
3,3'-dichlorobenzidine	91-94-1
3,3'-dimethoxybenzidine	119-90-4
3,3'-dimethylbenzidine	119-93-7
3,3'-dimethyl-4,4'-diamino-diphenylmethane	838-88-0
p-cresidine	120-71-8
4,4'-methylenebis(2-chloroaniline)	101-14-4
4,4'-oxydianiline	101-80-4
4,4'-thiodianiline	139-65-1
o-toluidine	95-53-4
2,4-toluenediamine	95-80-7
2,4,5-trimethylaniline	137-17-7
0-anisidinedimethoxyaniline	90-04-0
2,4-xylidine	95-68-1
4,6-xylidine	87-62-7
4-aminoazobenzene	60-09-3

*Assessment and verification:* The applicant or the chemical supplier/s shall provide a declaration of compliance with this criterion.

#### 6. Waste Management

All producers of pulp, paper and converted tissue products shall have a system for the handling of waste and residual products arising from the production plants. The system shall be documented or explained in the application and shall include at least the following points:

- procedures for separating and recycling materials from the waste stream,
- procedures for recovering materials for other uses, such as incineration for raising process steam, or agricultural use,
- procedures for the handling of hazardous waste,

*Assessment and verification:* The applicant shall provide a description of the waste management for the sites concerned and a declaration of compliance with the criterion.

#### 7. Fitness for use

The product shall be fit for use

#### 8. Consumer information

Box 2 of the Eco-label shall include the following text:

- uses sustainable fibre,
- low water and air pollution,
- low greenhouse gas emissions and electricity use.

In addition, next to the Eco-label, the manufacturer shall either provide a statement indicating the minimum percentage of recycled fibres, and/or a statement indicating the percentage of certified fibres.

## III

*(Acts adopted under the EU Treaty)*

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL DECISION 2009/569/CFSP

of 27 July 2009

**on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 13(3) and Article 23(1) thereof,

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction (hereinafter referred to as the EU Strategy), Chapter III of which contains a list of measures to combat such proliferation.
- (2) The EU Strategy underlines the crucial role of the Chemical Weapons Convention (CWC) and of the Organisation for the Prohibition of Chemical Weapons (OPCW) in creating a world free of chemical weapons. As part of the EU Strategy, the EU has committed itself to working towards universal adherence to key disarmament and non-proliferation treaties and agreements, including the CWC. The objectives of the EU Strategy are complementary to the objectives pursued by the OPCW, in the context of its responsibility for the implementation of the CWC.
- (3) On 22 November 2004, the Council adopted Joint Action 2004/797/CFSP on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction<sup>(1)</sup>, followed on its expiry by Joint Action 2005/913/CFSP of 12 December 2005<sup>(2)</sup> and Joint Action 2007/185/CFSP of 19 March 2007<sup>(3)</sup>. The latter will expire on 31 July 2009.

- (4) The continuation of such intensive and targeted assistance from the EU to the OPCW is necessary in the context of the active implementation of Chapter III of the EU Strategy. Measures related to the universalisation of the CWC should continue and be adapted and targeted to the declining number of States not Parties to the CWC. These activities should be complemented by new ones to support specific projects conducted by the OPCW aimed at the full implementation of the CWC and to enhance international cooperation in the field of chemical activities,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. For the purpose of giving immediate and practical application to some elements of the EU Strategy, the European Union shall support activities of the OPCW, with the following objectives:

- to enhance the capacities of States Parties in fulfilling their obligations under the Convention, and
- to promote universality by encouraging States not Party to join the Convention.

2. In this context, the projects of the OPCW, corresponding to measures of the EU Strategy, shall be the following:

Project I: National Implementation, Verification and Universality

Activities:

- bilateral technical assistance visits
- training of customs officials on the technical aspects of the Convention's transfers' regime
- training of national escorts

<sup>(1)</sup> OJ L 349, 25.11.2004, p. 63.

<sup>(2)</sup> OJ L 331, 17.12.2005, p. 34.

<sup>(3)</sup> OJ L 85, 27.3.2007, p. 10.

— training of national authorities for the use of an electronic declaration tool

— challenge inspection field exercise

Project II: International Cooperation

Activities:

— analytical skills development course

— CWC and chemical process safety workshop

Project III: Seminar — OPCW's Contribution to International Security Dimension and Challenges

Project IV: visits by representatives of the Executive Council to chemical weapons destruction facilities

Project V: second session of the Scientific Advisory Board

Project VI: seminar — OPCW's contribution in the sphere of security and non-proliferation

Project VII: preparedness of States Parties to prevent and respond to attacks involving chemicals

Activities:

— table top exercise

— regional workshop on Article X of the Convention

Project VIII: Africa programme

Activities:

— bilateral technical assistance visits

— outreach activity — academic and training Institution — Kofi Annan Centre

— training of customs officials on the technical aspects of the Convention's transfers' regime

— outreach to States not Parties

— analytical skills development course

— outreach to industry — CWC and chemical process safety workshop

— regional workshop — Article X and issues of regional cooperation in the area of assistance and emergency response

A detailed description of the projects is set out in Annex to this Decision.

*Article 2*

1. The Presidency, assisted by the Secretary-General of the Council/High Representative (SG/HR) for the CFSP, shall be responsible for the implementation of this Decision. The Commission shall be fully associated.

2. Technical implementation of the project referred to in Article 1(2) shall be carried out by the Technical Secretariat of the OPCW (hereinafter referred to as the Technical Secretariat). It shall perform this task under the responsibility of the Presidency and under the control of the SG/HR. For this purpose, the SG/HR shall enter into the necessary arrangements with the Technical Secretariat.

3. The Presidency, the SG/HR and the Commission shall coordinate regularly on the project, in accordance with their respective competences.

*Article 3*

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 2 110 000.

2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with the Technical Secretariat. The agreement shall stipulate that the Technical Secretariat is to ensure visibility of the EU contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement. The Commission shall publish in the *Official Journal of the European Union*, C series, notice of the date of conclusion of the financing agreement.

*Article 4*

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the Technical Secretariat. Those reports shall form the basis for the evaluation carried out by the Council. The Commission shall be fully associated. It shall report on the financial aspects of the projects referred to in Article 1(2).

*Article 5*

1. This Decision shall enter into force on the day of its adoption.
2. This Decision shall expire 18 months after the date of the conclusion of the financing agreement referred to in Article 3(3). However, it shall expire 6 months after its entry

into force if that financing agreement has not been concluded by that time.

*Article 6*

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

Done at Brussels, 27 July 2009.

*For the Council*  
*The President*  
C. BILDT

## ANNEX

**EU support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction****Project I: National implementation, verification and universality***Objective:*

To enhance the capacity of States Parties in fulfilling their obligations under the Convention and to encourage States not Party to better understand the benefits of joining the Convention and getting more involved in OPCW activities.

*Purpose:*

## — Purpose 1

— States Parties make progress towards:

- fulfilling national implementation requirements under Article VII of the Convention,
- complying with their declarations and inspection declarations requirements under Article VI of the Convention,
- understanding the procedures entailed in a challenge inspection under Article IX of the Convention, as well as the relevant challenges and other issues.

## — Purpose 2

— States not Party get more involved in OPCW activities and increase their understanding of the Convention and its benefits.

*Results:*

## — Result 1

- National Authorities have enhanced their capacity to draft national implementing legislation,
- Customs Officials have enhanced their capacity to identify chemicals relevant to the Convention and to submit accurate transfers of scheduled chemicals data to National Authorities,
- National Authorities have enhanced their capacity to prepare and submit timely declarations, particularly, in electronic format,
- National Authorities officials are trained to escort OPCW inspection teams, and
- States Parties have a better knowledge of the challenge inspection mechanism, as a fundamental verification tool at their disposal to clarify possible non-compliance with the Convention,
- States Parties receive assurances on the readiness of the Technical Secretariat to successfully conduct a challenge inspection and effectively apply the Convention verification regime.

## — Result 2

— States not Party are more involved in OPCW activities and have obtained a better understanding of the benefits of joining the Convention and are more involved in OPCW activities.

*Activities:*

Bilateral technical assistance visits: support to States Parties will be provided through technical assistance visits that will be designed on a case-by-case basis and conducted to provide focused assistance to meet the requirements of the requests made by the States Parties. The nature of this support will include sensitisation and outreach efforts through national awareness workshops, specialised training courses, assistance for drafting national implementing legislation and related measures, and Article VI industry-related topics.

Training of customs Officials on the Technical aspects of the Convention's transfers' regime: support to customs officials has been provided under the three previous Joint Actions. On the basis of experience gained, outreach to customs officials through training courses will be undertaken with a view to improving the collection and transmission of data on imports and exports of scheduled chemicals to National Authorities. Regional and sub-regional training courses undertaken will offer practical hands-on demonstrations and exercises.

Training of national escorts: a course will be offered to raise awareness amongst States Parties of their rights and obligations in the conduct of inspections under Article VI. Training of national escorts will be undertaken through a sub-regional training course designed to provide relevant information about the verification regime, in particular the conduct of inspections under Article VI. Such training course will also include practical hands-on exercises at a facility and table-top exercises.

Training of National Authorities for the use of an electronic declaration tool: courses and sensitisation workshops at regional or sub-regional level will provide personnel from National Authorities with the tools and the knowledge to collect, maintain, and analyse information about the production, processing and consumption of dual-use chemicals, making them better equipped to submit accurate and timely declarations and to identify any potential threats and/or proliferation activities.

Challenge inspection field exercise: a full-scale field exercise will be carried out to increase States Parties' knowledge and understanding of the procedures involved in a challenge inspection. This exercise will also provide an opportunity for the Technical Secretariat to test and improve its skills and capabilities to organise challenge inspections as well as identify problems which, if not known or addressed, could affect the Secretariat's ability to effectively conduct a real challenge inspection.

Outreach to States not Party: representatives of States not Party who are in a position to influence national actions relating to accession/ratification and those directly involved in issues of relevance to the Convention will be sponsored to attend various programmes organised by the International Cooperation and Assistance Division (ICA). These programmes will include regional workshops for National Authorities of States Parties and regional workshops for Customs Authorities. Where necessary, staff members from the External Relations Division of the Technical Secretariat will also be sponsored to attend these meetings in order to undertake necessary contacts and interaction with the sponsored participants from the States not Party. In addition, and as may be necessary, tailored-made visits and arrangements involving States not Party are also envisaged within this scheme of support to States not Party.

## **Project II: International Cooperation**

### *Objective:*

To enhance the technological capacity of States Parties through international cooperation in the field of chemical activities for the purposes not prohibited under the Convention.

### *Purpose:*

#### — Purpose 1

- States Parties with developing economies or economies in transition engage in international cooperation initiatives for the peaceful use of chemistry.
  
- States Parties in countries with developing economies or economies in transition enhance the capacity of their publicly funded laboratories to implement the Convention in the field of peaceful uses of chemistry.

#### — Purpose 2

- States Parties in countries with developing economies or economies in transition progress in the promotion of the industry-related national implementation of the Convention, in accordance with Article XI, through enhancing chemical process safety management approaches.

### *Results:*

#### — Result 1

- Increased capacity of States Parties with developing economies or economies in transition to engage in international cooperation initiatives for the peaceful use of chemistry.

- Enhanced level of technical competence in publicly funded laboratories in States Parties with developing economies or economies in transition to analyse chemicals related to national implementation of the Convention and in the peaceful application of chemistry using modern analytical methods especially Gas Chromatography (GC) and Gas Chromatography/Mass Spectrometry (GC/MS).
  
- **Result 2**
  - Increased capacity of States Parties with developing economies or economies in transition to engage in international cooperation initiatives for the peaceful use of chemicals.
  
  - Upgraded levels of competence and understanding by the personnel of small and medium enterprises, representatives of industry associations and the national authorities or governmental institutions of States Parties whose economies are developing or in transition regarding process safety management practices in small and medium chemical enterprises.

*Activities:*

Analytical skills development course: during this two weeks course, participants will receive theoretical training and hands-on experience in gas chromatography and gas chromatography-mass spectrometry, covering hardware, system validation and optimisation, and trouble-shooting. Focus will also be made on the preparation of environmental samples and on GC and GC/MS analyses of such samples for chemicals related to the Convention. Participants will also receive intensive hands-on training in the preparation of different sample matrices to be analysed by GC with element-selective detectors and by GC/MS in electron impact and chemical-ionisation modes and they will be introduced to a range of extraction, clean-up, and derivatisation procedures. The course will be implemented with the support of VERIFIN/TU Delft or similar renowned institutions selected through a transparent process.

Industry outreach — CWC and chemical process safety workshop: there will be an introduction on the Convention and the international cooperation programmes implemented pursuant to it. Best industry practices and the elements of the process safety management concept — amongst others — will be discussed during this workshop. In addition an overview of Process Hazard Analysis (PHA) and Hazard and Operability (HAZOP), principles of human factors, management of change, and safety culture/employee participation will be covered at this workshop.

**Project III: Seminar — OPCW's contribution to the International Security Dimension and Challenges**

*Objective:*

To support the effective implementation of the Convention and enhance the understanding of its global contribution to international peace and security.

*Purpose:*

- Purpose 1 — to provide a holistic overview of the role and importance of the Convention in the international security architecture.
  
- Purpose 2 — to raise awareness among the major stakeholders of the Convention at the national, regional and international levels, on the provisions of the Convention and implementation strategies.
  
- Purpose 3 — to promote networking and synergies and other inter-agency cooperative approaches to international security.

*Results:*

- Result 1 — stakeholders are better informed on the importance of the Convention and increase their support to the work of the OPCW including its world-wide programme and activities.
  
- Result 2 — stakeholders are more aware of the Convention and innovative strategies for their implementation.
  
- Result 3 — States not Party have enhanced their dialogue and cooperative relations with the OPCW to facilitate their efforts aimed at joining the Convention.

- Result 4 — the chemical industry improves its capacity to coordinate joint initiatives to implement the Convention.

*Activity:*

Seminar: the seminar will be held in the Hague or in an interested State Party. The Technical Secretariat staff and representatives of other intergovernmental organisations, States Parties, the chemical industry and academia will provide presentations on the relevant subjects pertaining to the Convention. The event will also provide the Technical Secretariat an opportunity to conduct bilateral consultations with participating intergovernmental organisations and States not Party. This Seminar will be organised in partnership or with the support of the host country and any interested (and relevant) organisation.

**Project IV: visits by representatives of the Executive Council to chemical weapons destruction facilities**

*Objective:*

To advance the elimination of chemical weapons stockpiles and chemical weapons production facilities subject to the verification measures provided for in the Convention.

*Purpose:*

- Purpose 1 — States Parties are able to monitor progress made towards achieving complete destruction of chemical weapons stockpiles and can identify and address problems to achieve destruction at an early stage.
- Purpose 2 — States Parties are more confident that tangible and concrete steps are undertaken for the complete destruction of chemical weapons stockpiles.

*Results:*

- Result 1 — States Parties have enhanced understanding of the problems and technical difficulties related to the destruction of chemical weapons.
- Result 2 — States Parties have enhanced confidence that tangible and concrete steps are undertaken for the complete destruction of chemical weapons stockpiles.

*Activity:*

Visits to chemical weapons destruction facilities (CWDFs): To date, three visits have taken place — to the Anniston CWDF, in the United States of America (October 2007), to the Shchuchye CWDF, in the Russian Federation (September 2008), and to Pueblo and Umatilla CWDFs, also in the United States (June 2009). The three visits conducted so far have been valuable as a means of addressing questions or concerns about a possessor State Party's programme for fulfilling its obligations on the destruction of its chemical weapons within the approved extended deadline. Therefore, in line with the Conference decision, it is clear that for the remaining years until 2012, both possessor States Parties will host further such visits to their operational chemical weapons destruction facilities and to facilities currently under construction.

**Project V: Second Session of the Scientific Advisory Board**

*Objective:*

To enable the Conference of States Parties, the Executive Council or the States Parties to better take into account the advances in science and technology and their potential impact on the implementation of the Convention.

*Purpose:*

To enable the Director-General to render special advice to the OPCW policy making organs and to the States Parties on the areas of science and technology relevant to the Convention.

*Results:*

- Result 1 — States Parties receive advice and recommendations on areas of science and technology relevant to the Convention.



- Result 2 — States Parties are updated and more informed on areas of science and technology relevant to the Convention.

*Activity:*

Scientific Advisory Board (SAB): in the autumn of 2009, a second SAB session will be held in The Hague. The session will last for three days, during which the SAB will continue addressing questions related to advances in science and technology and their potential impact on the implementation of the Convention. The session will also address a report of the temporary working group on sampling and analysis, which will be prepared during the convened meeting of that group prior to the second session of the SAB. The temporary working group addresses questions related to new and additional techniques for on-site analysis, off-site analysis, and the analysis of toxins (ricin and saxitoxin) off-site and on-site.

**Project VI: Seminar — OPCW's contribution in the sphere of security and non-proliferation**

*Objective:*

To support the global efforts aimed at the non-proliferation of weapons of mass destruction, particularly chemical weapons.

*Purpose:*

- Purpose 1 — national authorities and other stakeholders involved in the implementation of the Convention enhance their capacities to help prevent the proliferation of chemical weapons and the use of chemicals in terrorist attacks.
- Purpose 2 — a multi-stakeholder cooperation forum is established as a tool to support specific activities of States Parties in the sphere of chemical non-proliferation and in the fight against terrorism.

*Results:*

- Result 1 — stakeholders in the Convention have increased awareness of the proliferation threat and challenges posed by chemical weapons and the use of toxic chemicals in terrorist attacks.
- Result 2 — States Parties are better prepared to meet the threats of terrorism involving the use of toxic chemicals in different settings.
- Result 3 — national authorities and relevant national and international partners, the chemical industry, academia and the OPCW are able to improve synergies and further contacts towards a common goal — the full and effective implementation of the Convention.
- Result 4 — States Parties with developing economies or economies in transition participate in the exchange of knowledge and experience on verification and other implementation measures and have increased knowledge on the recent developments in the sphere of the Convention's verification regime and the protection against chemical weapons.

*Activity:*

Seminar: the seminar will feature presentations by the Technical Secretariat on various issues related to the implementation of the Convention and its contribution to security and non-proliferation. Presentations will be made by the different stakeholders in the Convention, and specialised workshops will be organised in the context of the seminar on relevant aspects related to the risks associated with the proliferation of chemical weapons and the use of toxic chemicals in terrorist attacks. The seminar will also provide an opportunity to discuss and pose questions and answers on issues related to the OPCW's contribution to security and non-proliferation.

**Project VII: Preparedness of States Parties to prevent and respond to attacks involving chemicals**

*Objective:*

To contribute to the development of national capacities of States Parties to reduce the risks of a terrorist attack with chemicals and to improve their response to requests for assistance in case of use or threat of use of chemicals.

*Purpose:*

- Purpose 1 — States Parties, whose economies are developing or in transition, enhance their capacity to:
  - reduce the risks of possible terrorist access to materials, equipment and knowledge that could be used in a terrorist attack on chemical plants,
  - assess the adequacy of existing plans, policies, and procedures to respond to a terrorist attack on chemical plants,
  - respond in case of a terrorist attack with chemicals,
  - exercise their decision-making processes, including information exchange and coordination of actions with national and international partners in case of terrorist attack on chemical plants,
  - start working on the creation of a platform of cooperation between target groups to respond in case of terrorism with release of toxic chemicals.
- Purpose 2
  - States Parties enhance their awareness of the importance of submitting timely and full declarations on national programmes related to protective purposes,
  - States Parties contribute to the preparedness of the OPCW to respond to a request for assistance,
  - States Parties in the regions or sub-regions are encouraged to foster contacts for the creation of regional networks to improve their coordinated response to a chemical weapons emergency.

*Results:*

- Result 1 — increased awareness of States Parties, whose economies are developing or in transition, regarding:
  - the use of toxic chemicals by terrorists and/or safety and security at chemical plants,
  - the need to promote cooperation in relation to chemical weapons emergencies in case of a terrorist attack.
- Result 2 — increased capacity of States Parties, whose economies are developing or in transition, to:
  - reduce the risks of possible terrorist access to materials, equipment and knowledge that could be used in a terrorist attack on chemical plants,
  - respond in case of terrorist attack with toxic chemicals,
  - exchange information and coordinate actions with national and international partners in case of a terrorist attack on chemical plants.
- Result 3 — States Parties are aware of the importance of submitting timely and full declarations on national programmes related to protective purposes.
- Result 4 — States Parties are better positioned to make offers of assistance to the OPCW in response to a request of assistance.
- Result 5 — States Parties have developed contacts that may result in future cooperation at regional level to respond to a chemical weapons emergency.

*Activities:*

Table-top exercise: this activity aims at developing the capabilities of the States Parties to reduce the risks of chemical weapons being acquired or used for terrorist purposes. This will include preventing possible terrorist access to materials, equipment, and knowledge that could be used in the development and production of chemical weapons. A detailed concept of the table-top exercise will be developed. The terrorist attack at chemical plant with a release of toxic chemicals will be a basic scenario of the exercise. The table-top exercise will examine cross government decision-making, information exchange and provision of assistance between relevant national and international organisations. The table-top exercise will be repeated in other regions in the future, based on the module developed by the Technical Secretariat and the States Parties. This activity will involve the participation of related branches in the International Cooperation and Assistance Division, Verification Division and the Inspectorate Division. The table-top exercise will be organised by the Office of Special Projects.

Regional Workshop: The Regional Workshop is intended to foster discussion and analysis of several assistance and protection-related issues with special focus on areas such as, the rights and obligation of States Parties under Article X of the Convention, the submission of declarations of protective programmes, an analysis of Article X weaknesses and problem areas, and an overview of assistance and protection activities in the region. States Parties will make presentations in order to share experiences and lessons learned.

**Project VIII: Africa Programme***Objective:*

To enhance the capacity of States Parties in fulfilling their obligations under the Convention and to encourage States not Party to better understand the benefits of joining the Convention and getting more involved in OPCW activities.

*Purpose:*

- Purpose 1 — African States Parties make progress towards:
  - fulfilling national implementation requirements under Article VII of the Convention,
  - complying with their declarations and inspection declarations requirements under Article VI of the Convention.
- Purpose 2
  - African States Parties make progress towards including the Convention in the curriculum of the Kofi Annan International Peacekeeping Training Centre (KAIPTC).
- Purpose 3
  - States not Party get more involved in OPCW activities and increase their understanding of the Convention and its benefits.
- Purpose 4
  - African States Parties with developing economies or economies in transition engage in international cooperation initiatives for the peaceful use of chemistry,
  - African States Parties with developing economies or economies in transition enhance the capacity of their publicly-funded laboratories to implement the Convention in the field of peaceful uses of chemistry.
- Purpose 5
  - African States Parties enhance their awareness of the importance of submitting timely and full declarations on national programmes related to protective purposes,
  - African States Parties contribute to the preparedness of the OPCW to respond to a request for assistance,
  - African States Parties in the regions or sub-regions are encouraged to foster contacts for the creation of regional networks to improve their coordinated response to a chemical weapons emergency.

*Results:*

## — Result 1

- National authorities have enhanced their capacity to draft national implementing legislation,
- Customs officials have enhanced their capacity to identify chemicals relevant to the Convention and to submit accurate transfers of scheduled chemicals data to National Authorities,
- National authorities have enhanced their capacity to prepare and submit timely declarations, particularly, in electronic format,
- National authorities' officials are trained to escort OPCW inspection teams.

## — Result 2

- Staff at the KAIPTC and participants of the Centre's programmes will be more familiar with the Convention.

## — Result 3

- States not Party are more involved in OPCW activities and have obtained a better understanding of the benefits of joining the Convention and are more involved in OPCW activities.

## — Result 4

- Increased capacity of African States Parties with developing economies or economies in transition to engage in international cooperation initiatives for the peaceful use of chemistry,
- Enhanced level of technical competence in publicly funded laboratories in African States Parties with developing economies or economies in transition to analyse chemicals related to national implementation of the Convention and in the peaceful application of chemistry using modern analytical methods especially GC and GC/MS,
- Increased capacity of African States Parties with developing economies or economies in transition to engage in international cooperation initiatives for the peaceful use of chemicals,
- Upgraded levels of competence and understanding by the personnel of small and medium enterprises, representatives of industry associations and the national authorities/governmental institutions of African States Parties whose economies are developing or in transition regarding process safety management practices in small and medium chemical enterprises.

## — Result 5

- African States Parties are aware of the importance of submitting timely and full declarations on national programmes related to protective purposes,
- African States Parties are better positioned to make offers of assistance to the OPCW in response to a request of assistance,
- African States Parties have developed contacts that may result in future cooperation at regional level to respond to a chemical weapons emergency,

*Activities:*

Bilateral technical assistance visits: support to African States Parties will be provided through technical assistance visits that will be designed on a case-by-case basis and conducted to provide focused assistance to meet the requirements of the requests made by the African States Parties. The nature of this support will include sensitisation and outreach efforts through national awareness workshops, specialised training courses, assistance for drafting national implementing legislation and related measures, and Article VI industry-related topics.

Outreach Activity — academic and training institution — Kofi Annan Centre: staff of the OPCW will visit the KAIPTC to deliver presentations on various aspects of the Convention. Since the KAIPTC offers a wide range of training programmes for both military and civil-service officials, who are expected to assume policy making roles in the government, this outreach activity by the Technical Secretariat is intended to advance the inclusion of the Convention in the KAIPT curriculum.

Training of Customs officials on the technical aspects of the Convention's transfers' regime: support to customs officials has been provided under the three previous Joint Actions. On the basis of experience gained, outreach to customs officials through training courses will be undertaken with a view to improving the collection and transmission of data on imports and exports of scheduled chemicals to national authorities. Regional and sub-regional training courses undertaken will offer practical hands-on demonstrations and exercises.

Outreach to States not Party: representatives of the African States not Party who are in a position to influence perceptions regarding accession/ratification and those directly involved in issues of relevance to the Convention, including customs, will be sponsored to attend different programmes organised by the International Cooperation Branch. These programmes will include regional workshops for national authorities of States Parties and regional workshops for Customs authorities. Where necessary, staff members from the External Relations Division of the Technical Secretariat will also be sponsored to attend these meetings in order to undertake necessary contacts and interaction with the sponsored participants from the States not Party.

Analytical skills development course: During this two weeks course, participants of African States will receive theoretical training and hands-on experience in gas chromatography and gas chromatography-mass spectrometry, covering hardware, system validation and optimisation, and trouble-shooting. Focus will also be made on the preparation of environmental samples and on GC and GC/MS analyses of such samples for chemicals related to the Convention. Participants will also receive intensive hands-on training in the preparation of different sample matrices to be analysed by GC with element-selective detectors and by GC/MS in electron impact and chemical-ionisation modes and they will be introduced to a range of extraction, clean-up, and derivatisation procedures. The course will be implemented with the support of VERIFIN/TU Delft or similar renowned institutions selected through a transparent process.

Industry outreach — CWC and chemical process safety workshop: there will be an introduction on the Convention and the international cooperation programmes implemented pursuant thereto. Best industry practices and the elements of the process safety management concept — among others — will be discussed during this workshop. In addition, an Overview of Process Hazard Analysis (PHA) and Hazard and Operability (HAZOP), principles of human factor, management of change, safety culture/employee participation will be covered at this workshop.

Regional Workshop — Article X and issues of regional cooperation in the area of assistance and emergency response: the regional workshop is intended to foster discussion and analysis of several assistance and protection-related issues with special focus on areas such as, rights and obligation of States Parties under Article X of the Convention, submissions of declarations of protective programmes, analysis of Article X weaknesses and problem areas, and an overview of assistance and protection activities in the region. African States Parties will make presentations in order to share experiences and lessons learned.

---

**COUNCIL DECISION 2009/570/CFSP****of 27 July 2009****amending and extending Decision 2008/901/CFSP concerning the independent international fact-finding mission on the conflict in Georgia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 13(3) and Article 23(1) thereof,

Whereas:

- (1) On 1 September 2008, the European Council stated that the European Union is ready to commit itself to support every effort to secure a peaceful and lasting solution to the conflicts in Georgia, and that it is ready to support confidence-building measures.
- (2) On 15 September 2008, the Council supported the idea of an independent international inquiry into the conflict in Georgia, and on 2 December 2008 it adopted Council Decision 2008/901/CFSP <sup>(1)</sup> concerning an independent international fact-finding mission on the conflict in Georgia, for the period from 2 December 2008 to 31 July 2009.
- (3) On 3 July 2009, the Political and Security Committee recommended that the fact-finding mission be extended for an additional two months,

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision 2008/901/CFSP is hereby amended as follows:

1. Article 2(1) shall be replaced by the following:

'1. The financial reference amount to cover expenditure relating to the implementation of the fact-finding mission shall be EUR 1 600 000 for the period from 2 December 2008 to 30 September 2009.'

2. The second subparagraph of Article 5 shall be replaced by the following:

'It shall apply until 30 September 2009'.

*Article 2*

This Decision shall take effect on the day of its adoption.

*Article 3*This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 27 July 2009.

*For the Council**The President*

C. BILDT

---

<sup>(1)</sup> OJ L 323, 3.12.2008, p. 66.

**COUNCIL JOINT ACTION 2009/571/CFSP****of 27 July 2009****extending the mandate of the European Union Special Representative for the crisis in Georgia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 25 September 2008, the Council adopted Joint Action 2008/760/CFSP <sup>(1)</sup> appointing Mr Pierre MOREL European Union Special Representative (EUSR) for the crisis in Georgia until 28 February 2009.
- (2) On 16 February 2009, the Council adopted Joint Action 2009/131/CFSP <sup>(2)</sup> extending the mandate of the EUSR until 31 August 2009.
- (3) On the basis of a review of Joint Action 2009/131/CFSP, the mandate of the EUSR should be extended for an additional six-month period.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the common foreign and security policy set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

Joint Action 2009/131/CFSP is hereby amended as follows:

1. Article 1 shall be replaced by the following:

*'Article 1***European Union Special Representative**

The mandate of Mr Pierre MOREL as the European Union Special Representative (EUSR) for the crisis in Georgia is hereby extended until 28 February 2010.;

2. Article 5(1) shall be replaced by the following:

*'1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March 2009 to 28 February 2010 shall be EUR 445 000.;*

3. Article 13 shall be replaced by the following:

*'Article 13***Review***The implementation of this Joint Action and its consistency with other contributions from the EU shall be kept under regular review. The EUSR shall present to the SG/HR, the Council and the Commission a comprehensive mandate implementation report before the end of November 2009. That report shall form a basis for evaluation of this Joint Action in the relevant working groups and by the PSC. In the context of overall priorities for deployment, the SG/HR shall make recommendations to the PSC concerning the Council's decision on the renewal, amendment or termination of the mandate.'**Article 2**This Joint Action shall enter into force on the day of its adoption.**Article 3**This Joint Action shall be published in the Official Journal of the European Union.*

Done at Brussels, 27 July 2009.

*For the Council**The President*

C. BILDT

<sup>(1)</sup> OJ L 259, 27.9.2008, p. 16.<sup>(2)</sup> OJ L 46, 17.2.2009, p. 47.

**COUNCIL JOINT ACTION 2009/572/CFSP****of 27 July 2009****amending and extending Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Joint Action 2008/736/CFSP is hereby amended as follows:

1. Article 14(1) shall be replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to the Mission shall be EUR 49 600 000.’

Whereas:

2. Article 18 shall be replaced by the following:

*‘Article 18***Entry into force and duration**

This Joint Action shall enter into force on the date of its adoption and shall expire on 14 September 2010.’

(1) On 15 September 2008, the Council adopted Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia<sup>(1)</sup>. That Joint Action was subsequently amended by Joint Action 2008/759/CFSP<sup>(2)</sup> and Joint Action 2009/294/CFSP<sup>(3)</sup>.*Article 2*

(2) Joint Action 2008/736/CFSP expires on 14 September 2009. The Mission should be extended for an additional period of 12 months until 14 September 2010.

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

*Article 3*

(3) Joint Action 2008/736/CFSP, as amended, provides for a financial reference amount of EUR 37 100 000 to cover the expenditure related to the Mission until 14 September 2009. The financial reference amount should be increased by EUR 12 500 000 in order to cover the Mission’s expenditure until 14 September 2010.

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

Done at Brussels, 27 July 2009.

(4) Joint Action 2008/736/CFSP should be amended accordingly,

*For the Council**The President*

C. BILDT

<sup>(1)</sup> OJ L 248, 17.9.2008, p. 26.<sup>(2)</sup> OJ L 259, 27.9.2008, p. 15.<sup>(3)</sup> OJ L 79, 25.3.2009, p. 60.



**COUNCIL COMMON POSITION 2009/573/CFSP****of 27 July 2009****amending Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 20 November 2006 the Council of the European Union adopted Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea <sup>(1)</sup> (DPRK) which implemented United Nations Security Council Resolution 1718 (2006) (UNSCR 1718 (2006)).
- (2) In a declaration of 26 May 2009, the European Union strongly condemned the test of a nuclear explosive device carried out by DPRK on 25 May 2009.
- (3) On 12 June 2009, the United Nations Security Council adopted Resolution 1874 (2009) (UNSCR 1874 (2009)) which widened the scope of the restrictive measures imposed by UNSCR 1718 (2006), inter alia, by extending the arms embargo against DPRK.
- (4) The European Council of 18 and 19 June 2009 invited the Council and the European Commission to transpose UNSCR 1874 (2009) in a robust way and without delay.
- (5) UNSCR 1874 (2009) calls upon all UN Member States and international financial and credit institutions not to enter into new commitments for grants, financial assistance, or concessional loans to the DPRK and calls upon all UN Member States to exercise enhanced vigilance with a view to reducing current commitments. It also calls upon all UN Member States not to provide public financial support for trade with the DPRK where such financial support could contribute to the DPRK's nuclear-related or ballistic missile-related or other weapons of mass destruction-related programmes or activities.
- (6) UNSCR 1874 (2009) also calls upon all UN Member States to prevent the provision of financial services or the transfer to, through, or from their territory, or to or by their nationals or entities organised under their laws, or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to such programmes or activities.
- (7) Moreover, UNSCR 1874 (2009) calls upon all States to inspect, in accordance with their national authorities and legislation, and consistent with international law, all cargoes to and from DPRK, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under UNSCR 1718 (2006) or UNSCR 1874 (2009).
- (8) Furthermore, UNSCR 1874 (2009) calls upon all UN Member States to inspect vessels on the high seas, with the consent of the flag State, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items whose supply, sale, transfer or export is prohibited under UNSCR 1718 (2006) or UNSCR 1874 (2009).
- (9) UNSCR 1874 (2009) provides that UN Member States are to seize and dispose of items whose supply, sale, transfer or export is prohibited under UNSCR 1718 (2006) or UNSCR 1874 (2009) in a manner that is not inconsistent with their obligations under applicable Security Council resolutions and international conventions.
- (10) UNSCR 1874 (2009) provides that UN Member States are to prohibit the provision by their nationals or from their territory of bunkering services, or other servicing of vessels, to DPRK vessels if they have information that provides reasonable grounds to believe that they are carrying items whose supply, sale, transfer or export is prohibited under UNSCR 1718 (2006) or UNSCR 1874 (2009).
- (11) UNSCR 1874 (2009) calls upon UN Member States to exercise vigilance and prevent specialised teaching or training of DPRK nationals within their territories or by their nationals, of disciplines which could contribute to DPRK's proliferation — sensitive nuclear activities and the development of nuclear weapon delivery systems.
- (12) In line with the European Council Declaration on DPRK of 18 and 19 June 2009 and in order to fulfil the objectives of UNSCR 1874 (2009), the prohibition on the supply, sale or transfer to DPRK of items determined by the United Nations should apply to certain other items which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes.

<sup>(1)</sup> OJ L 322, 22.11.2006, p. 32.

- (13) Moreover, restrictions on admission should also be applied in respect of persons designated by the European Union, either because of their promotion or support of DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes or because they provide financial services or transfer financial or other assets or resources that could contribute to those programmes.
- (14) Furthermore, a freezing of funds or economic resources should be applied in respect of the persons and entities designated by the European Union, either because of their promotion or support of DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes or because they provide financial services or transfer financial or other assets or resources that could contribute to those programmes.
- (15) In addition, in order to prevent the provision of financial services or the transfer to, through, or from their territory, or to or by their nationals or entities organised under their laws, or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes or activities, Member States should exercise enhanced monitoring over the activities of financial institutions within their jurisdiction with certain banks and financial entities linked to DPRK.
- (16) Common Position 2006/795/CFSP should be amended accordingly.
- (17) Action by the European Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

Common Position 2006/795/CFSP is hereby amended as follows:

1. Article 1 shall be amended as follows:

(a) in paragraph 1 the following point shall be added:

'(c) certain other items, materials, equipment, goods and technology which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes. The European Community shall take the necessary measures in order to determine the relevant items to be covered by this provision.'

(b) paragraph 3 shall be replaced by the following:

'3. The procurement by nationals of Member States, or using their flag vessels or aircraft, of items and technology referred to in paragraph 1 from the DPRK, as well as the provision to nationals of Member States by DPRK of technical training, advice, services, assistance, financing and financial assistance referred to in paragraph 2, shall also be prohibited, whether or not originating in the territory of the DPRK.'

2. the following Article shall be inserted:

*'Article 1a*

1. Member States shall not enter into new commitments for grants, financial assistance and concessional loans to the DPRK, including through their participation in international financial institutions, except for humanitarian and developmental purposes directly addressing the need of the civilian population or the promotion of denuclearisation. Member States shall also exercise vigilance with a view to reducing current commitments and, if possible, putting an end to them.

2. Member States shall not provide public financial support for trade with DPRK, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, where such financial support could contribute to the DPRK's nuclear-related or ballistic missile-related or other weapons of mass destruction-related programmes or activities.'

3. Article 3 shall be replaced by the following:

*'Article 3*

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

(a) the persons designated by the Committee or by the UN Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, as listed in Annex I;

(b) persons not covered by Annex I who are responsible for, including through supporting or promoting, DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, as listed in Annex II;

(c) persons not covered by Annex I or Annex II who provide financial services or the transfer to, through, or from the territory of Member States, or involving nationals of Member States or entities organised under their laws, or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes, as listed in Annex III.

2. Paragraph 1(a) shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of UNSCR 1718 (2006) or UNSCR 1874 (2009).

3. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

4. Paragraph 1 shall be without prejudice to cases where a Member State is bound by an obligation of international law, namely:

- (i) as a host country of an international intergovernmental organisation;
- (ii) as a host country to an international conference convened by, or under the auspices of, the United Nations;
- (iii) under a multilateral agreement conferring privileges and immunities;
- (iv) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

5. Paragraph 4 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

6. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 4 or 5.

7. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the European Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in DPRK.

8. A Member State wishing to grant exemptions referred to in paragraph 7 shall notify the Council thereof in writing. The exemption shall be deemed to be granted unless one or more of the Council Members raise an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

9. In cases where, pursuant to paragraphs 4, 5 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in Annexes I, II or III, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

10. Member States shall notify the Committee of the entry into or transit through, their territories of the persons set out in Annex I, if an exception has been granted.;

4. in Article 4, paragraph 1 shall be replaced by the following:

'1. All funds and economic resources belonging to, owned, held or controlled, directly or indirectly, by:

- (a) the persons and entities designated by the Committee or by the UN Security Council as being engaged in or providing support for, including through illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missiles-related programmes, as listed in Annex I;
- (b) the persons and entities not covered by Annex I that are responsible for DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them, as listed in Annex II;
- (c) the persons and entities not covered by Annex I or Annex II that provide financial services or the transfer to, through, or from the territory of Member States, or involving nationals of Member States or entities organised under their laws, or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes, or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them, as listed in Annex III,

shall be frozen.;

5. the following Article shall be inserted:

*‘Article 4a*

1. In order to prevent the provision of financial services or the transfer to, through, or from the territory of Member States, or to or by nationals of Member States or entities organised under their laws, or persons or financial institutions within their jurisdiction, of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities, Member States shall exercise enhanced monitoring of the activities of financial institutions within their jurisdiction with:

- (a) banks domiciled in DPRK;
- (b) branches and subsidiaries within the jurisdiction of the Member States of banks domiciled in DPRK, as listed in Annex IV;
- (c) branches and subsidiaries outside the jurisdiction of the Member States of banks domiciled in DPRK, as listed in Annex V; and
- (d) financial entities that are neither domiciled in DPRK nor within the jurisdiction of the Member States but are controlled by persons and entities domiciled in DPRK, as listed in Annex V;

in order to avoid such activities contributing to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities.

2. For the above purpose, financial institutions shall be required, in their activities with banks and financial entities set out in paragraph 1, to:

- (a) exercise continuous monitoring over account activity, including through their programmes on customer due diligence and under their obligations relating to money-laundering and financing of terrorism;
- (b) require that all information fields of payment instructions which relate to the originator and beneficiary of the transaction in question be completed; and if that information is not supplied, refuse the transaction;
- (c) maintain all records of transactions for a period of five years and make them available to national authorities on request;
- (d) if they suspect or have reasonable grounds to suspect that funds could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of

mass destruction-related programmes or activities, promptly report their suspicions to the Financial Intelligence Unit (FIU) or another competent authority designated by the Member State concerned. The FIU or such other competent authority shall have access, directly or indirectly, on a timely basis to the financial, administrative and law enforcement information that it requires to undertake this function properly, including the analysis of suspicious transaction reports.’;

6. Article 5 shall be replaced by the following:

*‘Article 5*

1. Member States shall inspect, in accordance with their national authorities and legislation and consistent with international law, all cargo to and from the DPRK in their territory, including at their airports and seaports, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under this Common Position.

2. Member States shall inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items whose supply, sale, transfer or export is prohibited under this Common Position.

3. Member States shall cooperate, in accordance with their national legislation, with inspections pursuant to paragraphs 1 and 2.

4. Aircrafts and vessels transporting cargo to and from the DPRK shall be subject to the requirement of additional pre-arrival or pre-departure information for all goods brought into or out of a Member State.

5. In cases where inspection referred to in paragraphs 1 and 2 is undertaken, Member States shall seize and dispose of items whose supply, sale, transfer or export is prohibited under this Common Position in accordance with paragraph 14 of UNSCR 1874 (2009).

6. The provision by nationals of Member States or from the territories of Member States of bunkering or ship supply services, or other servicing of vessels, to DPRK vessels shall be prohibited if they have information that provides reasonable grounds to believe that the vessels carry items whose supply, sale, transfer or export is prohibited under this Common Position unless provision of such services is necessary for humanitarian purposes or until the cargo has been inspected, and seized and disposed of if necessary, in accordance with paragraphs 1, 2 and 4.’;

7. the following Article shall be inserted:

*'Article 5a*

Member States shall take the necessary measures to exercise vigilance and prevent specialised teaching or training of DPRK nationals, within their territories or by their nationals, of disciplines which would contribute to DPRK's proliferation-sensitive nuclear activities and the development of nuclear weapon delivery systems.;

8. Article 6 shall be replaced by the following:

1. The Council shall establish the list contained in Annex I and implement any modifications thereto on the basis of the determinations made by the Committee or the Security Council.

2. The Council, acting by unanimity on a proposal from a Member State or the Commission, shall establish the lists in Annexes II, III, IV and V and adopt modifications thereto.;

9. Article 7 shall be replaced by the following:

*'Article 7*

1. This Common Position shall be reviewed, and, if necessary, amended, notably as regards the categories of persons, entities or items or additional persons, entities or items to be covered by the restrictive measures, or taking into account relevant Security Council Resolutions.

2. The measures referred to in Article 3(1)(b) and (c) and 4(1)(b) and (c) shall be reviewed at regular intervals and at least every 12 months. They shall cease to apply in respect of the persons and entities concerned if the Council determines, in accordance with the procedure referred to in Article 6(2), that the conditions for their application are no longer met.;

10. the Annex shall be replaced by the text set out in Annex to this Common Position.

*Article 2*

This Common Position shall take effect on the date of its adoption.

*Article 3*

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

Done at Brussels, 27 July 2009.

*For the Council*  
*The President*  
C. BILDT

## ANNEX

'ANNEX

Annex I

List of persons and entities referred to in Articles 3(1)(a) and 4(1)(a)

Annex II

List of persons and entities referred to in Articles 3(1)(b) and 4(1)(b)

Annex III

List of persons and entities referred to in Articles 3(1)(c) and 4(1)(c)

Annex IV

List of branches and subsidiaries referred to in Article 4a(1)(b)

Annex V

List of branches, subsidiaries and financial entities referred to in Article 4a(1)(c) and (d)

---

III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

★ Council Decision 2009/569/CFSP of 27 July 2009 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction .....	96
★ Council Decision 2009/570/CFSP of 27 July 2009 amending and extending Decision 2008/901/CFSP concerning the independent international fact-finding mission on the conflict in Georgia .....	108
★ Council Joint Action 2009/571/CFSP of 27 July 2009 extending the mandate of the European Union Special Representative for the crisis in Georgia .....	109
★ Council Joint Action 2009/572/CFSP of 27 July 2009 amending and extending Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia .....	110
★ Council Common Position 2009/573/CFSP of 27 July 2009 amending Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea .....	111

## 2009 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 000 per year (*)
EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 100 per month (*)
EU Official Journal, L + C series, paper + annual CD-ROM	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 700 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 70 per month
EU Official Journal, C series, paper edition only	22 official EU languages	EUR 400 per year
EU Official Journal, C series, paper edition only	22 official EU languages	EUR 40 per month
EU Official Journal, L + C series, monthly CD-ROM (cumulative)	22 official EU languages	EUR 500 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week	multilingual: 23 official EU languages	EUR 360 per year (= EUR 30 per month)
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

(\*) Sold in single issues: up to 32 pages: EUR 6  
from 33 to 64 pages: EUR 12  
over 64 pages: Priced individually.

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

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

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

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

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

## Sales and subscriptions

Priced publications issued by the Publications Office are available from our commercial distributors. The list of commercial distributors is available at:

[http://publications.europa.eu/others/agents/index\\_en.htm](http://publications.europa.eu/others/agents/index_en.htm)

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

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