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Price: EUR 18

⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 686/2009**of 29 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) ⁽¹⁾,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 July 2009.

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

Done at Brussels, 29 July 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

| CN code | Third country code ⁽¹⁾ | Standard import value |
|------------|-----------------------------------|-----------------------|
| 0702 00 00 | MK | 27,8 |
| | XS | 31,8 |
| | ZZ | 29,8 |
| 0707 00 05 | MK | 23,0 |
| | TR | 100,7 |
| | ZZ | 61,9 |
| 0709 90 70 | TR | 97,3 |
| | ZZ | 97,3 |
| 0805 50 10 | AR | 63,1 |
| | UY | 48,3 |
| | ZA | 64,0 |
| | ZZ | 58,5 |
| 0806 10 10 | EG | 147,0 |
| | MA | 186,8 |
| | TR | 130,8 |
| | ZA | 114,6 |
| | ZZ | 144,8 |
| 0808 10 80 | AR | 77,3 |
| | BR | 89,3 |
| | CL | 89,7 |
| | CN | 81,7 |
| | NZ | 87,6 |
| | US | 105,4 |
| | ZA | 90,8 |
| | ZZ | 88,8 |
| 0808 20 50 | AR | 90,9 |
| | CL | 77,9 |
| | TR | 138,6 |
| | ZA | 109,7 |
| | ZZ | 104,3 |
| 0809 10 00 | TR | 154,2 |
| | ZZ | 154,2 |
| 0809 20 95 | CA | 324,1 |
| | TR | 252,9 |
| | US | 270,6 |
| | ZZ | 282,5 |
| 0809 30 | TR | 152,8 |
| | ZZ | 152,8 |
| 0809 40 05 | BA | 39,5 |
| | ZZ | 39,5 |

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

COMMISSION REGULATION (EC) No 687/2009

of 29 July 2009

repealing Regulations (EC) No 877/2008, (EC) No 878/2008 and (EC) No 879/2008 opening a standing invitation to tender for the resale of sugar held by intervention agencies of Belgium, the Czech Republic, Ireland, Italy, Hungary, Slovakia and Sweden

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 organization of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43(d) in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulations (EC) No 877/2008 ⁽²⁾, (EC) No 878/2008 ⁽³⁾ and (EC) No 879/2008 ⁽⁴⁾ opened standing invitations to tender for the resale on the Community market, resale for industrial use and resale for export of sugar held by the intervention agencies in Belgium, the Czech Republic, Ireland, Italy, Hungary, Slovakia and Sweden.

(2) An overall maximum amount of 345 539 tonnes of sugar held by the intervention agencies was available for resale. After the resale at the tenders held since 1 October 2008 a quantity of 34 081 tonnes of sugar remained unsold.

(3) Annex I of Commission Regulation (EC) No 983/2008 of 3 October 2008 adopting the plan allocating to the Member States resources to be charged to the 2009 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in

the Community ⁽⁵⁾, provided for the withdrawal of an overall amount of 119 687 tonnes of sugar from Community intervention stocks for distribution to the most deprived.

(4) In respect of the 2010 food distribution plan for the most deprived, the overall sugar quantities requested by Member States exceed the currently available quantity. It is therefore appropriate to reserve all remaining sugar intervention stocks and close the standing invitations to tender for the resale of intervention sugar.

(5) Regulations (EC) No 877/2008, (EC) No 878/2008 and (EC) No 879/2008 should therefore be repealed.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulations (EC) No 877/2008, (EC) No 878/2008 and (EC) No 879/2008 are repealed.

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, 29 July 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 241, 10.9.2008, p. 3.

⁽³⁾ OJ L 241, 10.9.2008, p. 8.

⁽⁴⁾ OJ L 241, 10.9.2008, p. 13.

⁽⁵⁾ OJ L 268, 9.10.2008, p. 3.

DIRECTIVES

DIRECTIVE 2009/58/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 July 2009

on the coupling device and the reverse of wheeled agricultural or forestry tractors

(Codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Council Directive 79/533/EEC of 17 May 1979 on the approximation of the laws of the Member States relating to the coupling device and the reverse of wheeled agricultural or forestry tractors ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) Directive 79/533/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 74/150/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors, as replaced by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units ⁽⁵⁾, and lays down technical prescriptions

concerning the design and construction of agricultural or forestry tractors as regards the coupling device and the reverse. Those technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in Directive 2003/37/EC to be applied in respect of each type of tractor. Consequently, the provisions laid down in Directive 2003/37/EC relating to agricultural and forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units, apply to this Directive.

(3) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex III, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. For the purposes of this Directive 'tractor' (agricultural or forestry) means any motor vehicle, fitted with wheels or endless tracks and having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.

2. This Directive shall apply only to tractors defined in paragraph 1 which are equipped with pneumatic tyres and have a maximum design speed of between 6 and 40 km/h.

Article 2

1. No Member State may refuse to grant EC type-approval, to issue the document provided for in Article 2(u) of Directive 2003/37/EC, or to grant national type-approval in respect of a type of tractor on grounds relating to the coupling device or to the reverse if these satisfy the requirements set out in Annexes I and II.

⁽¹⁾ OJ C 10, 15.1.2008, p. 21.

⁽²⁾ Opinion of the European Parliament of 11 December 2007 (OJ C 323 E, 18.12.2008, p. 57) and Council Decision of 22 June 2009.

⁽³⁾ OJ L 145, 13.6.1979, p. 20.

⁽⁴⁾ See Annex III, Part A.

⁽⁵⁾ OJ L 171, 9.7.2003, p. 1.

2. Member States may not issue the document provided for in Article 2(u) of Directive 2003/37/EC in respect of a type of tractor which does not meet the requirements of this Directive.

Member States may refuse to grant national type-approval in respect of a type of tractor which does not meet the requirements of this Directive.

Article 3

No Member State may refuse the registration or prohibit the sale, initial entry into service or use of tractors on grounds relating to the coupling device or to the reverse, if these satisfy the requirements set out in Annexes I and II.

Article 4

The amendments necessary to adapt to technical progress the requirements of Annexes I and II shall be adopted in accordance with the procedure referred to in Article 20(3) of Directive 2003/37/EC.

Article 5

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 6

Directive 79/533/EEC, as amended by the Directives listed in Annex III, Part A, is repealed, without prejudice to the obli-

gations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex III, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

Article 7

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

It shall apply from 1 January 2010.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 13 July 2009.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

E. ERLANDSSON

ANNEX I

COUPLING DEVICE**1. Number**

Every tractor must have a special device to which it must be possible to attach a connection such as a tow-bar or a tow-rope for towing purposes.

2. Position

The device must be fitted to the front of the tractor, which must be equipped with a coupling pin.

3. Design

The device shall be of the slotted-jaw type. The opening at the centre of the locking pin shall be 60 mm + 0,5/- 1,5 mm and the depth of the jaw measured from the centre of the pin shall be 62 mm ± 0,5 mm.

The coupling pin must have a diameter of 30 + 1,5 mm and be fitted with a device preventing it from leaving its seating during use. The securing device must be non-detachable.

The tolerance of + 1,5 mm referred to above should not be regarded as a manufacturing tolerance but as a permissible variation in nominal dimensions for pins of different designs.

ANNEX II

REVERSE

All tractors must be equipped with a device for reversing which can be operated from the driving position.

ANNEX III

Part A

Repealed Directive with list of its successive amendments

(referred to in Article 6)

Council Directive 79/533/EEC
(O) L 145, 13.6.1979, p. 20)

Council Directive 82/890/EEC
(O) L 378, 31.12.1982, p. 45)

Only as regards the references made in Article 1(1) to Directive 79/533/EEC

Directive 97/54/EC of the European Parliament and of the Council
(O) L 277, 10.10.1997, p. 24)

Only as regards the references made in the first indent of Article 1 to Directive 79/533/EEC

Commission Directive 1999/58/EC
(O) L 148, 15.6.1999, p. 37)

Part B

List of time-limits for transposition into national law and application

(referred to in Article 6)

| Directive | Time-limit for transposition | Date of application |
|------------|------------------------------|---------------------|
| 79/533/EEC | 21 November 1980 | — |
| 82/890/EEC | 21 June 1984 | — |
| 97/54/EC | 22 September 1998 | 23 September 1998 |
| 1999/58/EC | 30 June 2000 ⁽¹⁾ | — |

⁽¹⁾ In compliance with Article 2 of Directive 1999/58/EC:

1. From 1 July 2000, Member States may not:

- refuse to grant EC type-approval, to issue the document provided for in the third indent of Article 10(1) of Directive 74/150/EEC, or to grant national type-approval, in respect of a type of tractor, or
- prohibit the entry into service of tractors,

if the tractors in question comply with the requirements of Directive 79/533/EEC, as amended by this Directive.

2. From 1 January 2001, Member States:

- may no longer issue the document provided for in the third indent of Article 10(1) of Directive 74/150/EEC in respect of a type of tractor which does not meet the requirements of Directive 79/533/EEC, as amended by this Directive,
- may refuse to grant national type-approval in respect of a type of tractor which does not meet the requirements of Directive 79/533/EEC, as amended by this Directive.

ANNEX IV

CORRELATION TABLE

| Directive 79/533/EEC | Directive 1999/58/EC | This Directive |
|----------------------|----------------------|------------------|
| Article 1 | Article 2 | Article 1 |
| | | Article 2 |
| Article 3 | | Article 3 |
| Article 4 | | Article 4 |
| Article 5(1) | | — |
| Article 5(2) | | Article 5 |
| — | | Articles 6 and 7 |
| Article 6 | | Article 8 |
| Annex I | | Annex I |
| Annex II | | Annex II |
| — | | Annex III |
| — | | Annex IV |

DIRECTIVE 2009/59/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 13 July 2009****on rear-view mirrors for wheeled agricultural or forestry tractors****(Codified version)****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Council Directive 74/346/EEC of 25 June 1974 on the approximation of the laws of the Member States relating to rear-view mirrors for wheeled agricultural or forestry tractors ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) Directive 74/346/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 74/150/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors, as replaced by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units ⁽⁵⁾ and lays down technical prescriptions concerning the design and construction of wheeled agri-

cultural or forestry tractors as regards rear-view mirrors. Those technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in Directive 2003/37/EC to be applied in respect of each type of tractor. Consequently, the provisions laid down in Directive 2003/37/EC relating to agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units apply to this Directive.

(3) This Directive should be without prejudice to the obligations of the Member States concerning the time-limits for transposition into national law and application of the Directives set out in Part B of Annex II,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. 'Tractor' (agricultural or forestry) means any motor vehicle, fitted with wheels or endless tracks and having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.

2. This Directive shall apply only to tractors defined in paragraph 1 which are equipped with pneumatic tyres and have a maximum design speed of between 6 and 40 km/h.

Article 2

1. No Member State may refuse to grant EC type-approval, to issue the document provided for in Article 2(u) of Directive 2003/37/EC, or to grant national type-approval in respect of a type of tractor on grounds relating to the rear-view mirrors, if these satisfy the requirements set out in Annex I.

2. Member States may no longer issue the document referred to in Article 2(u) of Directive 2003/37/EC for any type of tractor that does not meet the requirements of this Directive.

Member States may refuse to grant national type-approval in respect of a type of tractor that does not meet the requirements of this Directive.

⁽¹⁾ OJ C 256, 27.10.2007, p. 31.

⁽²⁾ Opinion of the European Parliament of 25 September 2007 (OJ C 219 E, 28.8.2008, p. 67) and Council Decision of 22 June 2009.

⁽³⁾ OJ L 191, 15.7.1974, p. 1.

⁽⁴⁾ See Annex II, Part A.

⁽⁵⁾ OJ L 171, 9.7.2003, p. 1.

Article 3

No Member State may refuse or prohibit the sale, registration, initial entry into service or use of tractors on grounds relating to the rear-view mirrors, if these satisfy the requirements set out in Annex I.

Article 4

The amendments necessary to adapt to technical progress the requirements of Annex I shall be adopted in accordance with the procedure referred to in Article 20(3) of Directive 2003/37/EC.

Article 5

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 6

Directive 74/346/EEC, as amended by the Directives listed in Part A of Annex II, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Part B of Annex II.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

Article 7

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

It shall apply from 1 January 2010.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 13 July 2009.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

E. ERLANDSSON

ANNEX I

1. DEFINITIONS

- 1.1. 'Rear-view mirror' means any device intended to give, within the field of vision geometrically defined in point 2.5 below, a clear view to the rear which, within reasonable limits, is not blocked by component parts of the tractor or by the occupants of the tractor itself. The additional mirrors and rear-view mirrors designed in order to monitor the implements while working in the fields are not necessarily open to component type-approval but must be located in accordance with the setting requirements contained in points 2.3.3 to 2.3.5.
- 1.2. 'Interior rear-view mirror' means a device as defined in point 1.1 which is fitted inside the cab or frame of a tractor.
- 1.3. 'Exterior rear-view mirror' means a device as defined in point 1.1 which is mounted on any part of the external surface of a tractor.
- 1.4. 'Class of rear-view mirror' means all rear-view mirrors having one or more common characteristics or functions. Interior rear-view mirrors are grouped in class I. Exterior rear-view mirrors are grouped in class II.

2. REQUIREMENTS FOR FITTING

2.1. *General*

- 2.1.1. Tractors may be fitted with rear-view mirrors of classes I and II only bearing the EC type-approval mark laid down in Directive 2003/97/EC of the European Parliament and of the Council of 10 November 2003 on the approximation of the laws of the Member States relating to the type-approval of devices for indirect vision and of vehicles equipped with these devices, amending Directive 70/156/EEC and repealing Directive 71/127/EEC ⁽¹⁾.
- 2.1.2. Rear-view mirrors must be fixed in such a way that they remain steady under normal driving conditions.

2.2. *Number*

All tractors shall be equipped with at least one exterior rear-view mirror fitted to the left side of the tractor in Member States in which traffic drives on the right and to the right side of the tractor in Member States in which traffic drives on the left.

2.3. *Position*

- 2.3.1. The exterior rear-view mirror must be so placed that the driver, when sitting on the driving seat in a normal driving position, has a clear view of that part of the road defined in point 2.5.
- 2.3.2. The exterior rear-view mirror must be visible through the portion of the windscreen that is swept by the windscreen wiper or through the side windows if the tractor is fitted with them.
- 2.3.3. The rear-view mirror must not protrude beyond the external bodywork of the tractor or the tractor-trailer combination substantially more than is necessary to obtain the fields of vision laid down in point 2.5.
- 2.3.4. Where the bottom edge of an exterior rear-view mirror is less than 2 m above the ground when the tractor is laden, this rear-view mirror must not project more than 0,20 m beyond the overall width of the tractor or tractor-trailer combination measured without rear-view mirrors.
- 2.3.5. Subject to the requirements of points 2.3.3 and 2.3.4, rear-view mirrors may project beyond the tractor's permissible maximum width.

2.4. *Adjustment*

- 2.4.1. Any interior rear-view mirror must be adjustable by the driver from his driving position.

⁽¹⁾ OJ L 25, 29.1.2004, p. 1.

2.4.2. The driver must be able to adjust the exterior rear-view mirror without leaving the driving position. The mirror may, however, be locked into position from the outside.

2.4.3. The requirements of point 2.4.2 do not apply to exterior rear-view mirrors which, after being displaced, are returned automatically to their original position or can be restored to their original position without the use of tools.

2.5. *Fields of vision*

2.5.1. Member States in which traffic drives on the right

The field of vision of the left hand exterior rear-view mirror must be such that the driver can see to the rear at least that level part of the road, as far as the horizon, which is to the left of the plane parallel to the vertical longitudinal median plane and which passes through the leftmost point of the overall width of the tractor or tractor-trailer combination.

2.5.2. Member States in which traffic drives on the left

The field of vision of the right hand exterior rear-view mirror must be such that the driver can see to the rear at least that level part of the road, as far as the horizon, which is to the right of the plane parallel to the vertical longitudinal median plane and which passes through the rightmost point of the overall width of the tractor or tractor-trailer combination.

ANNEX II

PART A

**Repealed Directive with list of its successive amendments
(referred to in Article 6)**

Council Directive 74/346/EEC
(OJ L 191, 15.7.1974, p. 1).

Council Directive 82/890/EEC
(OJ L 378, 31.12.1982, p. 45).

Directive 97/54/EC of the European Parliament and of
the Council
(OJ L 277, 10.10.1997, p. 24).

Commission Directive 98/40/EC
(OJ L 171, 17.6.1998, p. 28).

Only the references made by Article 1(1) to Directive
74/346/EEC

Only the references made by the first indent of
Article 1 to Directive 74/346/EEC

PART B

**List of time-limits for transposition into national law and application
(referred to in Article 6)**

| Directive | Time-limit for transposition | Date of application |
|------------|------------------------------|---------------------|
| 74/346/EEC | 2 January 1976 | — |
| 82/890/EEC | 22 June 1984 | — |
| 97/54/EC | 22 September 1998 | 23 September 1998 |
| 98/40/EC | 30 April 1999 ⁽¹⁾ | — |

⁽¹⁾ In conformity with Article 2 of Directive 98/40/EC:

1. From 1 May 1999, no Member State may:

- refuse, in respect of a type of tractor, to grant EC type-approval, to issue the document referred to in the third indent of Article 10(1) of Directive 74/150/EEC, or to grant national type-approval, or,
- to prohibit the entry into service of tractors, if those tractors meet the requirements of Directive 74/346/EEC, as amended by this Directive.

2. From 1 October 1999, Member States:

- may no longer issue the document referred to in the third indent of Article 10(1) of Directive 74/150/EEC for a type of tractor that does not meet the requirements of Directive 74/346/EEC, as amended by this Directive,
- may refuse to grant national type-approval in respect of a type of tractor which does not meet the requirements of Directive 74/346/EEC, as amended by this Directive.;

ANNEX III

Correlation Table

| Directive 74/346/EEC | Directive 98/40/EC | This Directive |
|----------------------|--------------------|------------------|
| Article 1 | Article 2 | Article 1 |
| | | Article 2 |
| Articles 3 and 4 | | Articles 3 and 4 |
| Article 5(1) | | — |
| Article 5(2) | | Article 5 |
| — | | Article 6 |
| — | | Article 7 |
| Article 6 | | Article 8 |
| Annex | | Annex I |
| — | | Annex II |
| — | | Annex III |

DIRECTIVE 2009/60/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 13 July 2009
on the maximum design speed of and load platforms for wheeled agricultural or forestry tractors
(Codified version)
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Council Directive 74/152/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the maximum design speed of and load platforms for wheeled agricultural or forestry tractors ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.
- (2) Directive 74/152/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 74/150/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors, as replaced by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units ⁽⁵⁾ and lays down technical prescriptions concerning the design and construction of wheeled agricultural or forestry tractors as regards their maximum design speed and load platforms. Those technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in Directive 2003/37/EC to be applied in respect of each type of tractor. Consequently, the provisions laid down in Directive 2003/37/EC relating to agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with

their systems, components and separate technical units apply to this Directive.

- (3) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. 'Tractor' (agricultural or forestry) means any motor vehicle, fitted with wheels or endless tracks and having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.
2. This Directive shall apply only to tractors defined in paragraph 1 which are equipped with pneumatic tyres and have a maximum design speed of between 6 and 40 km/h.

Article 2

1. No Member State may refuse to grant EC type-approval, to issue the document provided for in Article 2(u) of Directive 2003/37/EC, or to grant national type-approval in respect of a type of tractor on grounds relating to its maximum design speed or load platform, if these satisfy the requirements set out in Annex I.
2. Member States may not issue the document provided for in Article 2(u) of Directive 2003/37/EC in respect of a type of tractor which does not meet the requirements of this Directive.

Member States may refuse to grant national type-approval in respect of a type of tractor which does not meet the requirements of this Directive.

Article 3

No Member State may refuse registration or prohibit the sale, initial entry into service or use of tractors on grounds relating to the maximum design speed or the load platforms if these satisfy the requirements set out in Annex I.

⁽¹⁾ OJ C 161, 13.7.2007, p. 37.

⁽²⁾ Opinion of the European Parliament of 19 June 2007 (OJ C 146 E, 12.6.2008, p. 74) and Council Decision of 22 June 2009.

⁽³⁾ OJ L 84, 28.3.1974, p. 33.

⁽⁴⁾ See Annex II, Part A.

⁽⁵⁾ OJ L 171, 9.7.2003, p. 1.

Article 4

1. No Member State may prohibit the fitting of load platforms or require that tractors be fitted with one or more such platforms.

2. No Member State may prohibit the carriage on load platforms of products which they permit to be carried on trailers used for agriculture or forestry purposes. Within the limits laid down by the manufacturer, a maximum load of at least 80 % of the weight of the tractor in running order is authorised.

Article 5

Any amendments necessary to adapt to technical progress the requirements of Annex I shall be adopted in accordance with the procedure referred to in Article 20(3) of Directive 2003/37/EC.

Article 6

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

Article 7

Directive 74/152/EEC, as amended by the Directives listed in Annex II, Part A, is repealed, without prejudice to the obli-

gations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

Article 8

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

It shall apply from 1 January 2010.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 13 July 2009.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

E. ERLANDSSON

ANNEX I

1. Maximum design speed

- 1.1. For the type-approval tests, the average speed shall be measured on a straight track, which the tractor shall traverse in both directions from a flying start. The soil of the track shall be stabilised; the track shall be flat and at least 100 metres long; however it may include slopes of not more than 1,5 %.
- 1.2. During the test, the tractor shall be unladen and in running order without ballast weights or special equipment and the tyre pressures shall be those specified for road use.
- 1.3. During the test the tractor shall be fitted with new pneumatic tyres having the greatest rolling radius intended by the manufacturer for the tractor.
- 1.4. The gear ratio used during the test shall be that producing the maximum vehicle speed and the throttle shall be fully open.
- 1.5. In order to take account of various unavoidable errors due, in particular, to the measuring technique and to the increase in running speed of the engine with a partial load, a measured speed exceeding the value for the maximum design speed by 3 km/h shall be acceptable for the type-approval test.
- 1.6. So that the authorities competent for the type-approval of tractors may calculate their maximum theoretical speed, the manufacturer shall specify as a guide the gear ratio, the actual forward movement of the powered wheels corresponding to one complete revolution, and the rpm at maximum power output with the throttle fully open and the speed governor, if fitted, adjusted as laid down by the manufacturer.

2. Load platforms

- 2.1. The centre of gravity of the platform shall be situated between the axles.
 - 2.2. The dimensions of the platform shall be such that:
 - the length does not exceed 1,4 times the front or rear track of the tractor, whichever is the larger,
 - the width does not exceed the maximum overall width of the tractor without equipment,
 - 2.3. The platform shall be laid out symmetrically in relation to the longitudinal median plane of the tractor.
 - 2.4. The height of the load platform above the ground shall be not more than 150 cm.
 - 2.5. The type of platform and the way it is fitted shall be such that, with a normal load, the driver's field of vision remains adequate and the various compulsory lighting and light-signalling devices may continue to fulfil their proper function.
 - 2.6. The load platform shall be detachable; it shall be attached to the tractor in such a way as to avoid any risk of accidental detachment.
-

ANNEX II

Part A

Repealed Directive with its successive amendments

(referred to in Article 7)

Council Directive 74/152/EEC
(OJ L 84, 28.3.1974, p. 33).

Council Directive 82/890/EEC
(OJ L 378, 31.12.1982, p. 45).

Only as regards the references to Directive
74/152/EEC in Article 1(1)

Commission Directive 88/412/EEC
(OJ L 200, 26.7.1988, p. 31).

Directive 97/54/EC of the European Parliament and of
the Council
(OJ L 277, 10.10.1997, p. 24).

Only as regards the references to Directive
74/152/EEC in Article 1, first indent.

Commission Directive 98/89/EC
(OJ L 322, 1.12.1998, p. 40).

Part B

List of time-limits for transposition into national law and application

(referred to in Article 7)

| Directive | Time-limit for transposition | Date of application |
|------------|----------------------------------|---------------------|
| 74/152/EEC | 8 September 1975 | — |
| 82/890/EEC | 22 June 1984 | — |
| 88/412/EEC | 30 September 1988 ⁽¹⁾ | — |
| 97/54/EC | 22 September 1998 | 23 September 1998 |
| 98/89/EC | 31 December 1999 ⁽²⁾ | — |

⁽¹⁾ In conformity with Article 2 of Directive 88/412/EEC:

1. From 1 October 1988 no Member State may:

- refuse, in respect of a type of tractor, to grant EEC type-approval, to issue the document referred to in Article 10(1), final indent, of Directive 74/150/EEC, or to grant national type approval; or,
- prohibit the entry into service of tractors,

if the maximum design speed and load platforms of this type of tractor or tractors comply with the provisions of this Directive.

2. From 1 October 1989 Member States:

- may no longer issue the document referred to in Article 10(1), final indent, of Directive 74/150/EEC for a type of tractor of which the maximum design speed and load platforms do not comply with the provisions of this Directive,
- may refuse to grant national type approval in respect of a type of tractor of which the maximum design speed and load platforms do not comply with the provisions of this Directive.;

⁽²⁾ In conformity with Article 2 of Directive 98/89/EC:

1. From 1 January 2000 no Member State may:

- refuse, in respect of a type of tractor, to grant EC type approval, to issue the document referred to in Article 10(1), final indent of Directive 74/150/EEC, or to grant national type approval, or,
- prohibit the entry into service of tractors,

if those tractors meet the requirements of Directive 74/152/EEC, as amended by this Directive.

2. From 1 October 2004, Member States:

- may no longer issue the document referred to in Article 10(1), final indent, of Directive 74/150/EEC for a type of tractor if this does not meet the requirements of Directive 74/152/EEC, as amended by this Directive,
- may refuse to grant national type approval in respect of a type of tractor if this does not meet the requirements of Directive 74/152/EEC as amended by this Directive.;

ANNEX III

CORRELATION TABLE

| Directive 74/152/EEC | Directive 98/89/EC | This Directive |
|----------------------|--------------------|-----------------|
| Article 1 | Article 2 | Article 1 |
| | | Article 2 |
| Articles 3 to 5 | | Articles 3 to 5 |
| Article 6(1) | | — |
| Article 6(2) | | Article 6 |
| — | | Article 7 |
| — | | Article 8 |
| Article 7 | | Article 9 |
| Annex | | Annex I |
| — | | Annex II |
| — | Annex III | |

DIRECTIVE 2009/62/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 13 July 2009
relating to the space for mounting the rear registration plate of two or three-wheel motor vehicles
(Codified version)
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Council Directive 93/94/EEC of 29 October 1993 relating to the space for mounting the rear registration plate of two or three-wheel vehicles ⁽³⁾ has been substantially amended ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.
- (2) Directive 93/94/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 92/61/EEC of 30 June 1992 relating to the type-approval of two or three-wheel motor vehicles as replaced by Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles ⁽⁵⁾ and lays down technical prescriptions concerning the design and construction of two or three-wheel vehicles as regards the space for mounting the rear registration plate. Those technical prescriptions concern the approximation of the laws of the Member States to allow for the EC type-approval procedure provided for in Directive 2002/24/EC to be applied in respect of each type of vehicle. Consequently, the provisions laid down in Directive 2002/24/EC relating to vehicle systems, components and separate technical units apply to this Directive.

(3) The objective of this Directive is not to harmonise the dimensions of registration plates used in the various Member States. The Member States should therefore ensure that protruding registration plates do not constitute a danger for users, without, however, this requiring any modification with regard to vehicle construction.

(4) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to the space for mounting the rear registration plate of all types of motor vehicles as defined in Article 1 of Directive 2002/24/EC.

Article 2

The procedure for the granting of EC component type-approval in respect of the space for mounting the rear registration plate for a type of two or three-wheel motor vehicle and the conditions governing the free movement of such vehicles shall be as laid down in Chapters II and III of Directive 2002/24/EC.

Article 3

The amendments necessary to adapt to technical progress the requirements of Annex I shall be adopted in accordance with the procedure referred to in Article 18(2) of Directive 2002/24/EC.

Article 4

1. Member States shall not, on grounds relating to the space for mounting the rear registration plate:

- refuse, in respect of a type of two or three-wheel motor vehicle, to grant EC type-approval,
- prohibit the registration, sale or entry into service of two or three-wheel motor vehicles,

if the space for mounting the rear registration plate complies with the requirements of this Directive.

⁽¹⁾ OJ C 324, 30.12.2006, p. 11.

⁽²⁾ Opinion of the European Parliament of 25 September 2007 (OJ C 219 E, 28.8.2008, p. 66) and Council Decision of 22 June 2009.

⁽³⁾ OJ L 311, 14.12.1993, p. 83.

⁽⁴⁾ See Annex II, Part A.

⁽⁵⁾ OJ L 124, 9.5.2002, p. 1.

2. Member States shall refuse to grant EC type-approval for any type of two or three-wheel motor vehicle on grounds relating to the space for mounting the rear registration plate if the requirements of this Directive are not fulfilled.

3. 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 5

Directive 93/94/EEC, as amended by the Directive listed in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex III.

Article 6

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

It shall apply from 1 January 2010.

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 13 July 2009.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

E. ERLANDSSON

ANNEX I

1. DIMENSIONS

The dimensions of the space for mounting the rear registration plate of two or three-wheel motor vehicles ⁽¹⁾ are as follows:

1.1. **Mopeds and light quadricycles without a body**

1.1.1. *Width:* 100 mm;

1.1.2. *Height:* 175 mm;

or

1.1.3. *Width:* 145 mm;

1.1.4. *Height:* 125 mm.

1.2. **Motorcycles, tricycles up to a maximum power of 15 kW and quadricycles, other than light quadricycles, without a body**

1.2.1. *Width:* 280 mm;

1.2.2. *Height:* 210 mm.

1.3. **Tricycles with a maximum power exceeding 15 kW, light quadricycles fitted with a body and quadricycles, other than light quadricycles, fitted with a body**

1.3.1. The provisions for passenger cars as set out in Council Directive 70/222/EEC ⁽²⁾ shall apply.

2. GENERAL LOCATION

2.1. The mounting for the rear registration plate must be located at the rear of the vehicle in such a manner that:

2.1.1. the plate can be positioned within the longitudinal planes passing through the outer extremities of the vehicle.

3. INCLINATION

3.1. The rear registration plate:

3.1.1. must be at right angles to the median longitudinal plane of the vehicle;

3.1.2. may be inclined from the vertical by not more than 30°, with the vehicle unladen, when the backing plate for the registration number faces upwards;

3.1.3. may be inclined by not more than 15° from the vertical, with the vehicle unladen, when the backing plate for the registration number faces downwards.

4. MAXIMUM HEIGHT

4.1. No point on the space for mounting the registration plate may be more than 1,5 m above the ground when the vehicle is unladen.

⁽¹⁾ In the case of mopeds, this is any registration and/or identification plate.

⁽²⁾ OJ L 76, 6.4.1970, p. 25.

5. MINIMUM HEIGHT

- 5.1. No point on the space for mounting the registration plate shall be less than 0,20 m above the ground or less than the radius of the wheel above the ground if that is less than 0,20 m, when the vehicle is unladen.

6. GEOMETRIC VISIBILITY

- 6.1. The space for mounting the plate must be visible within a space bordered by two dihedrals: one with a horizontal edge defined by two planes passing through the upper and lower horizontal edges of the space for mounting the plate, the angles of which in relation to the horizontal are shown in Figure 1; the other with a perceptibly vertical edge defined by two planes passing through each side of the plate, the angles of which in relation to the median longitudinal plane of the vehicle are shown in Figure 2.

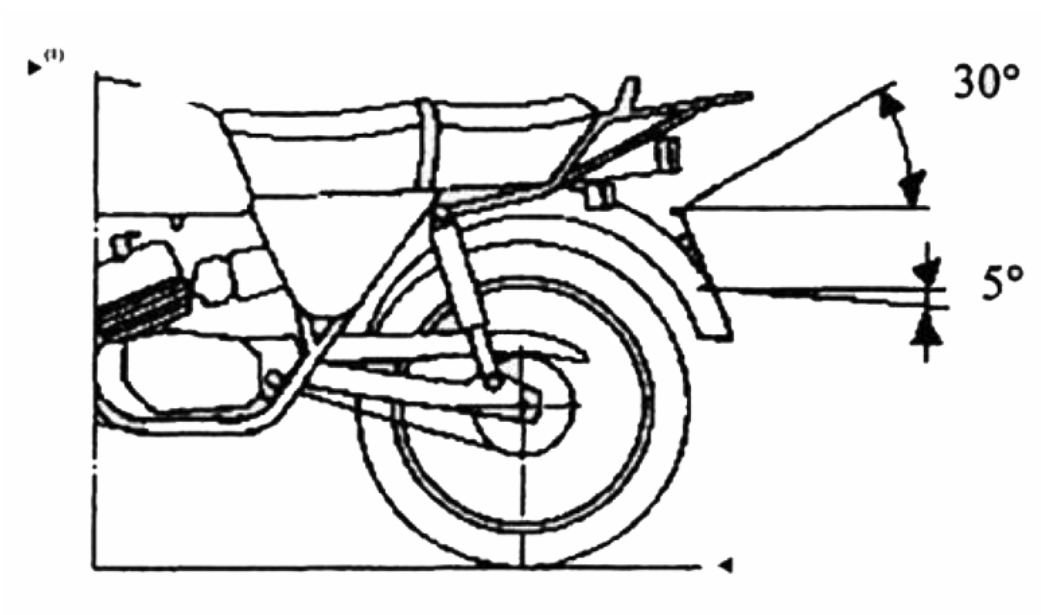


Figure 1

Angle of geometric visibility (dihedral with horizontal edge)

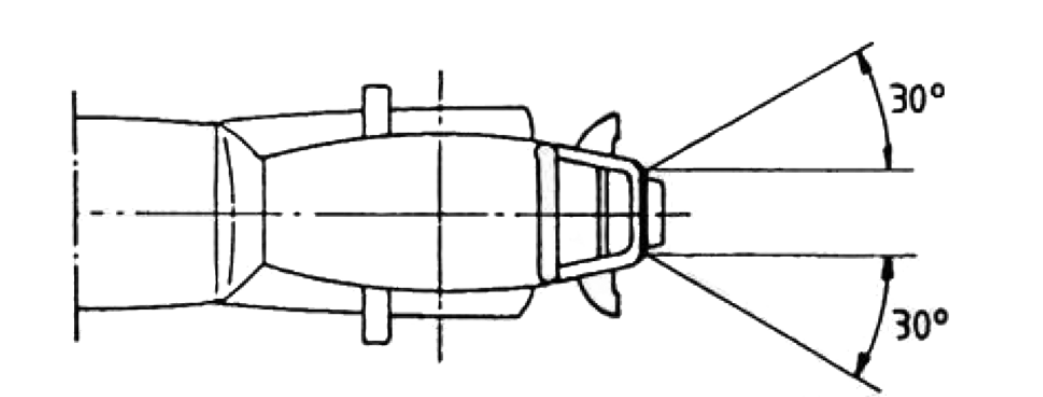


Figure 2

Angle of geometric visibility (dihedral with perceptibly vertical edge)

*Appendix 1***Information document in respect of the space for mounting the rear registration plate of a type of two or three-wheel motor vehicle**

(to be attached to the application for EC component type-approval where this is submitted separately from the application for EC vehicle type-approval)

Order No (assigned by the applicant):

The application for EC component type-approval in respect of the space for mounting the rear registration plate of a type of two or three-wheel motor vehicle must contain the information set out in Annex II to Directive 2002/24/EC, Part 1, section A, points:

- 0.1
 - 0.2
 - 0.4 to 0.6
 - 2.2
 - 2.2.1
 - 9.6
 - 9.6.1.
-

Appendix 2

EC component type-approval certificate in respect of the space for mounting the rear registration plate of a type of two or three-wheel motor vehicle

MODEL

Report No by technical service date

EC component type-approval No Extension No

1. Trade mark or name of vehicle

2. Vehicle type

3. Manufacturer's name and address

.....

4. Name and address of manufacturer's representative (if any)

.....

5. Date vehicle submitted for test

6. EC component type-approval has been granted/refused ⁽¹⁾.

7. Place

8. Date

9. Signature

⁽¹⁾ Delete as appropriate.

ANNEX II

PART A

Repealed Directive with its amendment
(referred to in Article 5)

Council Directive 93/94/EEC (OJ L 311, 14.12.1993, p. 83).

Commission Directive 1999/26/EC (OJ L 118, 6.5.1999, p. 32).

PART B

List of time-limits for transposition into national law and application
(referred to in Article 5)

| Directive | Time-limit for transposition | Date of application |
|------------|------------------------------|--------------------------------|
| 93/94/EEC | 30 April 1995 | 1 November 1995 ⁽¹⁾ |
| 1999/26/EC | 31 December 1999 | 1 January 2000 ⁽²⁾ |

⁽¹⁾ In conformity with Article 4 of Directive 93/94/EEC:

'From [1 May 1995], Member States may not, for reasons connected with the space for mounting the rear registration plate, prohibit the initial entry into service of vehicles which conform to this Directive.'

⁽²⁾ In conformity with Article 2 of Directive 1999/26/EC:

'1. With effect from 1 January 2000, Member States shall not, on grounds relating to the space for mounting the rear registration plate:

- refuse, in respect of a type of two or three-wheel vehicle, to grant EC type-approval,
 - prohibit the registration, sale or entry into service of two or three-wheel motor vehicles,
- if the space for mounting the rear registration plate complies with the requirements of Directive 93/94/EEC as amended by this Directive.

2. With effect from 1 July 2000, Member States shall refuse to grant EC type-approval for any type of two or three-wheel motor vehicle on grounds relating to the space for mounting the rear registration plate if the requirements of Directive 93/94/EEC, as amended by this Directive, are not fulfilled.'

ANNEX III

Correlation Table

| Directive 93/94/EEC | Directive 1999/26/EC | This Directive |
|---------------------|----------------------|---------------------|
| Articles 1, 2 and 3 | | Articles 1, 2 and 3 |
| | Article 2(1) | Article 4(1) |
| | Article 2(2) | Article 4(2) |
| Article 4(1) | | — |
| Article 4(2) | | Article 4(3) |
| — | | Article 5 |
| — | | Article 6 |
| Article 5 | | Article 7 |
| Annex | | Annex I |
| — | | Annex II |
| — | | Annex III |

COMMISSION DIRECTIVE 2009/85/EC
of 29 July 2009
amending Directive 98/8/EC of the European Parliament and of the Council to include coumatetralyl
as an active substance in Annex I thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 ⁽¹⁾, 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 ⁽²⁾ 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 coumatetralyl.
- (2) Pursuant to Regulation (EC) No 1451/2007, coumatetralyl has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 14, rodenticides, as defined in Annex V to Directive 98/8/EC.
- (3) Denmark was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 29 September 2005 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (4) 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 the Standing Committee on Biocidal Products on 20 February 2009, in an assessment report.
- (5) It appears from the examinations made that biocidal products used as rodenticides and containing coumatetralyl may be expected not to present a risk to humans except for accidental incidents with children. A risk has been identified regarding non-target animals. However, coumatetralyl is for the time being considered essential for reasons of public health and hygiene. It is therefore

justified to include coumatetralyl in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as rodenticides and containing coumatetralyl can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

- (6) In the light of the findings of the assessment report, it is appropriate to require that specific risk mitigation measures are applied at product authorisation level to products containing coumatetralyl and used as rodenticides. Such measures should be aimed at limiting the risk of primary and secondary exposure of humans and non-target animals. To this end, certain constraints such as the maximum concentration, the prohibition on marketing the active substance in products which are not ready to use and the use of aversive agents should be imposed across the board, while other conditions should be imposed by the Member States on a case-by-case basis.
- (7) In view of the identified risks, coumatetralyl should be included in Annex I for five years only and should be made subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in Annex I is renewed.
- (8) 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 coumatetralyl and also to facilitate the proper operation of the biocidal products market in general.
- (9) 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.
- (10) 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 14 containing coumatetralyl to ensure that they comply with Directive 98/8/EC.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

(11) Directive 98/8/EC should therefore be amended accordingly.

(12) 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, 29 July 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 28' is inserted 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 (*) |
|-----|---------------|--|---|-------------------|---|-----------------------------|-----------------|---|
| '28 | Coumatetralyl | Coumatetralyl EC No: 227-424-0 CAS No: 5836-29-3 | 980 g/kg | 1 July 2011 | 30 June 2013 | 30 June 2016 | 14 | <p>In view of the identified risks for non-target animals, the active substance shall be subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in this Annex is renewed.</p> <p>Member States shall ensure that authorisations are subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The nominal concentration of the active substance in products other than tracking powder shall not exceed 375 mg/kg and only ready-for use products shall be authorised. 2. Products shall contain an aversive agent and, where appropriate, a dye. 3. Primary as well as secondary exposure of humans, non-target animals and the environment are minimised, by considering and applying all appropriate and available risk mitigation measures. These include, amongst others, the restriction to professional use only, setting an upper limit to the package size and laying down obligations to use tamper resistant and secured bait boxes.' |

(*) 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>

COMMISSION DIRECTIVE 2009/86/EC**of 29 July 2009****amending Directive 98/8/EC of the European Parliament and of the Council to include fenpropimorph as an active substance in Annex I thereto****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 ⁽¹⁾, 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 ⁽²⁾ 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 fenpropimorph.
- (2) Pursuant to Regulation (EC) No 1451/2007, fenpropimorph has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC.
- (3) Spain was designated as rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 4 December 2006 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (4) 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 the Standing Committee on Biocidal Products on 20 February 2009, in an assessment report.
- (5) It appears from the examinations made that biocidal products used as wood preservatives and containing fenpropimorph may be expected to satisfy the

requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include fenpropimorph in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as wood preservatives and containing fenpropimorph can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

- (6) In the light of the findings of the assessment report, it is appropriate to require that risk mitigation measures are applied at product authorisation level to products containing fenpropimorph and used as wood preservatives to ensure that risks are reduced to an acceptable level in accordance with Article 5 of Directive 98/8/EC and Annex VI thereto. In particular, appropriate measures should be taken to protect the soil and aquatic compartments since unacceptable risks to these compartments have been identified during the evaluation. Products intended for industrial use should be used with appropriate protective equipment if the risk identified for industrial users cannot be reduced by other means.
- (7) Not all potential uses have been evaluated at the Community level. It is therefore appropriate that Member States assess those risks to the compartments and populations that have not been representatively addressed in the Community level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to mitigate the identified risks to acceptable levels.
- (8) 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 fenpropimorph and also to facilitate the proper operation of the biocidal products market in general.
- (9) 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.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

- (10) 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 8 containing fenpropimorph to ensure that they comply with Directive 98/8/EC.
- (11) Directive 98/8/EC should therefore be amended accordingly.
- (12) 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, 29 July 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 21' is inserted 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 (*) |
|----|---------------|--|--|-------------------|--|-----------------------------|-----------------|---|
| 21 | fenpropimorph | (+/-)-cis-4-[3-(p-tert-butylphenyl)-2-methylpropyl]-2,6-dimethylmorpholine EC No: 266-719-9 CAS No: 67564-91-4 | 930 g/kg | 1 July 2011 | 30 June 2013 | 30 June 2021 | 8 | <p>When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, when relevant for the particular product, the populations that may be exposed to the product and the use or exposure scenarios that have not been representatively addressed at the Community level risk assessment.</p> <p>When granting product authorisation, Member States shall assess the risks and subsequently ensure that appropriate measures are taken or specific conditions imposed in order to mitigate the identified risks.</p> <p>Product authorisation can only be granted where the application demonstrates that risks can be reduced to acceptable levels.</p> <p>Member States shall ensure that authorisations are subject to the following conditions:</p> <ol style="list-style-type: none"> 1. In view of the assumptions made during the risk assessment, products authorised for industrial use must be used with appropriate personal protective equipment, unless it can be demonstrated in the application for product authorisation that risks to industrial users can be reduced to an acceptable level by other means. |

| 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 (*) |
|----|-------------|--------------------------------------|--|-------------------|--|-----------------------------|-----------------|---|
| | | | | | | | | 2. In view of the risks identified for the soil and aquatic compartments, appropriate risk mitigation measures must be taken to protect those compartments. In particular, labels and/or safety-data sheets of products authorised for industrial use shall indicate that freshly treated timber must be stored after treatment under shelter and/or on impermeable hard standing to prevent direct losses to soil or water and that any losses must be collected for reuse or disposal.' |

(*) 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>

COMMISSION DIRECTIVE 2009/87/EC**of 29 July 2009****amending Directive 98/8/EC of the European Parliament and of the Council to include indoxacarb as an active substance in Annex I thereto****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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⁽¹⁾, and in particular Article 11(4) thereof,

Whereas:

(1) The United Kingdom (UK) has received on 12 December 2005 an application from DuPont de Nemours S.A., in accordance with Article 11(1) of Directive 98/8/EC, for the inclusion of the active substance indoxacarb in its Annex I or IA for use in product-type 18, insecticides, acaricides and products to control other arthropods, as defined in Annex V to Directive 98/8/EC. Indoxacarb was not on the market on the date referred to in Article 34(1) of Directive 98/8/EC as an active substance of a biocidal product.

(2) After carrying out an evaluation, the UK submitted a competent authority report, together with a recommendation, to the Commission on 5 March 2007.

(3) The competent authority report was reviewed by the Member States and the Commission within the Standing Committee on Biocidal Products on 28 May 2008, and the findings of the review were incorporated in an assessment report.

(4) It appears from the examinations made that biocidal products used as insecticides, acaricides or to control other arthropods and containing indoxacarb may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include indoxacarb in Annex I.

(5) Not all potential uses have been evaluated at the Community level. It is therefore appropriate that Member States assess those risks to the compartments and populations that have not been representatively

addressed in the Community level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to mitigate the identified risks to acceptable levels.

(6) In the light of the findings of the assessment report, it is also appropriate to require that risk mitigation measures are applied at product authorisation level to products containing indoxacarb and used as insecticides, acaricides or to control other arthropods.

(7) Such measures should be aimed at limiting the risks to non-target species and the aquatic environment. To this end, certain conditions such as ensuring that products are not placed in areas accessible to infants, children and companion animals and do not enter into contact with water should be imposed.

(8) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive.

(9) Directive 98/8/EC should therefore be amended accordingly.

(10) The Standing Committee on Biocidal Products was consulted on 30 May 2008 and delivered a positive opinion on the draft Commission Directive amending Annex I of Directive 98/8/EC to include indoxacarb as an active substance. On 11 June 2008 the Commission submitted the said draft for scrutiny by the European Parliament and the Council. The European Parliament did not oppose the draft measures within the set deadline. The Council opposed the adoption by the Commission indicating that the proposed measures exceeded the implementing powers provided for in Directive 98/8/EC. As a consequence, the Commission did not adopt the draft measures and submitted an amended draft of the concerned Directive to the Standing Committee on Biocidal Products. The Standing Committee was consulted on the said draft on 20 February 2009.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

(11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

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.

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 the laws, regulations and administrative provisions necessary to comply with this Directive not later than 6 months after its entry into force.

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

Article 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, 29 July 2009.

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX

The following entry 'No 19' is inserted 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 (*) |
|----|--|---|---|-------------------|--|--------------------------|-----------------|--|
| 19 | Indoxacarb (enantiomeric reaction mass S:R 75:25) | Reaction mass of methyl (S)- and methyl(R)-7-chloro- 2,3,4a,5-tetrahydro-2- [methoxycarbonyl-(4-tri- fluoromethoxyphenyl) carba- moyl]indeno[1,2-e][1,3,4] oxadiazine-4a-carboxylate (This entry covers the 75:25 reaction mass of the S and R enantiomers) EC No: n/a CAS No: S-enantiomer: 173584-44-6 and R- enantiomer: 185608-75-7) | 796 g/kg | 1 January 2010 | n/a | 31 December 2019 | 18 | <p>When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, when relevant for the particular product, the populations that may be exposed to the product and the use or exposure scenarios that have not been representatively addressed at the Community level risk assessment.</p> <p>When granting product authorisation, Member States shall assess the risks and subsequently ensure that appropriate measures are taken or specific conditions imposed in order to mitigate the identified risks.</p> <p>Product authorisation can only be granted where the application demonstrates that risks can be reduced to acceptable levels.</p> <p>Member States shall ensure that authorisations are subject to the following conditions:</p> <p>Appropriate risk mitigation measures must be taken to minimise the potential exposure of humans, of non-target species and of the aquatic environment. In particular, labels and/or safety-data sheets of products authorised shall indicate that:</p> |

| 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 (*) |
|----|-------------|--------------------------------------|---|-------------------|--|--------------------------|-----------------|---|
| | | | | | | | | <p>1. Products shall not be placed in areas accessible to infants, children and companion animals.</p> <p>2. Products shall be positioned away from external drains.</p> <p>3. Unused products shall be disposed of properly and not washed down the drain.</p> <p>For amateur uses, only ready-to-use products shall be authorised.'</p> |

(*) 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

COUNCIL

COUNCIL DECISION

of 28 November 2008

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of Congo, the Republic of Côte d'Ivoire, the Republic of the Fiji Islands, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Mozambique, the Federation of Saint Kitts and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 2006/2007, 2007/2008, 2008/2009 and 1 July 2009 to 30 September 2009 delivery periods and on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of India on the guaranteed prices for cane sugar for the same delivery periods

(2009/574/EC)

THE COUNCIL OF THE EUROPEAN UNION,

guaranteed prices for cane sugar for the 2006/2007, 2007/2008, 2008/2009 and 1 July 2009 to 30 September 2009 delivery periods,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

HAS DECIDED AS FOLLOWS:

Having regard to the proposal from the Commission,

Article 1

Whereas:

- (1) Implementation of Protocol 3 on ACP Sugar attached to Annex V to the ACP-EC Partnership Agreement ⁽¹⁾ and of the Agreement between the European Economic Community and the Republic of India on cane sugar ⁽²⁾ is carried out, in accordance with Article 1(2) of each Agreement, within the framework of the management of the common organisation of the sugar market.
- (2) It is appropriate to approve the Agreements in the form of Exchanges of Letters between the Community and, on the one part, the States referred to in the Protocol and, on the other part, the Republic of India on the

The Agreement in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of Congo, the Republic of Côte d'Ivoire, the Republic of the Fiji Islands, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Mozambique, the Federation of Saint Kitts and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 2006/2007, 2007/2008, 2008/2009 and 1 July 2009 to 30 September 2009 delivery periods, and the Agreement in the form of an Exchange of Letters between the European Community and the Republic of India on the guaranteed prices for cane sugar for the 2006/2007, 2007/2008, 2008/2009 and 1 July 2009 to 30 September 2009 delivery periods, are hereby approved on behalf of the Community.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 190, 23.7.1975, p. 36.

The texts of these agreements are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreements in order to bind the Community.

Article 3

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

Done at Brussels, 28 November 2008.

For the Council
The President
M. BARNIER

AGREEMENT

in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of Congo, the Republic of Côte d'Ivoire, the Republic of the Fiji Islands, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Mozambique, the Federation of Saint Kitts and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 2006/2007, 2007/2008, 2008/2009 and 1 July 2009 to 30 September 2009 delivery periods

A. Letter No 1

Brussels, 2 July 2009

Sir,

The representatives of the ACP States referred to in Protocol 3 on ACP sugar attached to Annex V to the ACP-EC Partnership Agreement and of the Commission, acting on behalf of the European Community, have agreed, pursuant to the provisions of the said Protocol, on the following:

For the delivery period 1 July 2006 to 30 June 2007, the guaranteed prices referred to in Article 5(4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: 496,8 EUR per tonne;
- (b) for white sugar: 631,9 EUR per tonne.

For the delivery period 1 July 2007 to 30 June 2008, the guaranteed prices referred to in Article 5(4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: 496,8 EUR per tonne;
- (b) for white sugar: 631,9 EUR per tonne.

For the delivery period 1 July 2008 to 30 June 2009, the guaranteed prices referred to in Article 5(4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- 1. From 1 July 2008 to 30 September 2008,
 - (a) for raw sugar: 496,8 EUR per tonne;
 - (b) for white sugar: 631,9 EUR per tonne.
- 2. From 1 October 2008 to 30 June 2009,
 - (a) for raw sugar: 448,8 EUR per tonne;
 - (b) for white sugar: 541,5 EUR per tonne.

For the delivery period 1 July 2009 to 30 September 2009, the guaranteed prices referred to in Article 5(4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: 448,8 EUR per tonne;
- (b) for white sugar: 541,5 EUR per tonne.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the European Community.

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

For the European Community

Съставено в Брюксел на
Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselē,
Priimta Briuselyje
Kelt Brüsszelben,
Maghmula fi Brussell,
Gedaan te Brussel,
Sporządzono w Brukseli dnia
Feito em Bruxelas,
Adoptat la Bruxelles,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den

02-07-2009

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Ghall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen



B. Letter No 2

Brussels, 2 July 2009

Sir,

I have the honour to acknowledge receipt of your letter of today which reads as follows:

'The representatives of the ACP States referred to in Protocol 3 on ACP sugar attached to Annex V to the ACP-EC Partnership Agreement and of the Commission, acting on behalf of the European Community, have agreed, pursuant to the provisions of the said Protocol, on the following:

For the delivery period 1 July 2006 to 30 June 2007, the guaranteed prices referred to in Article 5(4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: 496,8 EUR per tonne;
- (b) for white sugar: 631,9 EUR per tonne.

For the delivery period 1 July 2007 to 30 June 2008, the guaranteed prices referred to in Article 5(4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: 496,8 EUR per tonne;
- (b) for white sugar: 631,9 EUR per tonne.

For the delivery period 1 July 2008 to 30 June 2009, the guaranteed prices referred to in Article 5(4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- 1. From 1 July 2008 to 30 September 2008,
 - (a) for raw sugar: 496,8 EUR per tonne;
 - (b) for white sugar: 631,9 EUR per tonne
- 2. From 1 October 2008 to 30 June 2009,
 - (a) for raw sugar: 448,8 EUR per tonne;
 - (b) for white sugar: 541,5 EUR per tonne.

For the delivery period 1 July 2009 to 30 September 2009, the guaranteed prices referred to in Article 5(4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: 448,8 EUR per tonne;
- (b) for white sugar: 541,5 EUR per tonne.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between my Government and the European Community.'

I have the honour to confirm the agreement of my Government to this letter.

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

*For the respective Governments of
the ACP States referred to in Protocol 3*

Съставено в Брюксел на
Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselë,
Priimta Briuselyje
Kelt Brüsszelben,
Maghmula fi Brussell,
Gedaan te Brussel,
Sporządzono w Brukseli dnia
Feito em Bruxelas,
Adoptat la Bruxelles,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den

02-07-2009

For the Government of Barbados



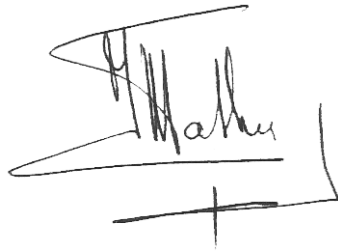
For the Government of Belize



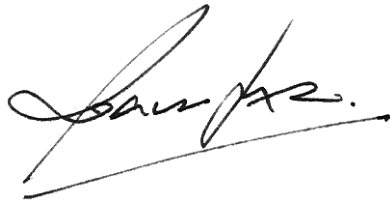
Pour le gouvernement de la République du Congo



Pour le gouvernement de la République de Côte d'Ivoire



For the Government of the Sovereign Democratic Republic of Fiji



For the Government of the Cooperative Republic of Guyana



For the Government of Jamaica



For the Government of the Republic of Kenya



Pour le gouvernement de la République de Madagascar



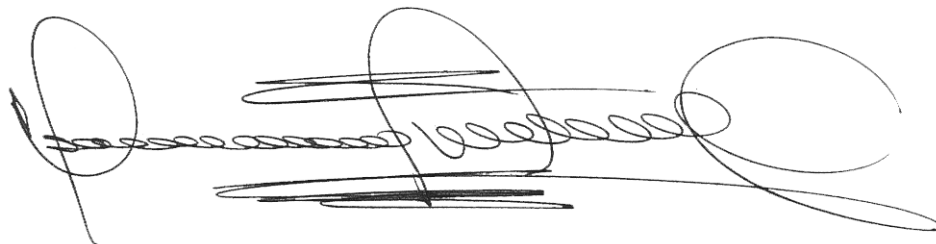
For the Government of the Republic of Malawi



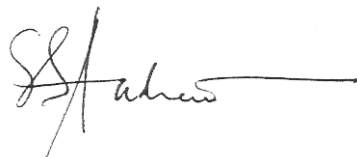
Pour le gouvernement de la République de Maurice



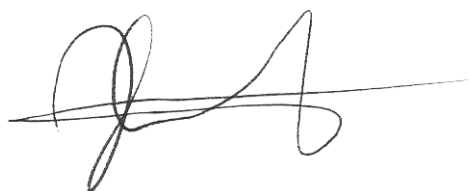
For the Government of the Republic of Mozambique



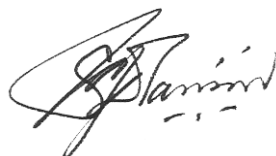
For the Government of Saint Kitts and Nevis



For the Government of the Republic of Suriname



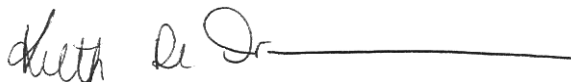
For the Government of the Kingdom of Swaziland



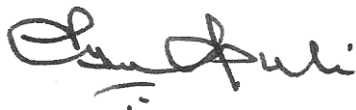
For the Government of the United Republic of Tanzania



For the Government of the Republic of Trinidad and Tobago



For the Government of the Republic of Uganda



For the Government of the Republic of Zambia



For the Government of the Republic of Zimbabwe



AGREEMENT**in the form of an Exchange of Letters between the European Community and the Republic of India
on the guaranteed prices for cane sugar for the 2006/2007, 2007/2008, 2008/2009 and 1 July 2009
to 30 September 2009 delivery periods***A. Letter No 1*

Sir,

The Representatives of India and of the Commission, acting on behalf of the European Community, have agreed, within the framework of the negotiations provided for in Article 5(4) of the Agreement between the European Community and the Republic of India on cane sugar, on the following:

For the delivery period 1 July 2006 to 30 June 2007, the guaranteed prices referred to in Article 5(4) of the Sugar Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

- (a) for raw sugar: 496,8 EUR per tonne;
- (b) for white sugar: 631,9 EUR per tonne.

For the delivery period 1 July 2007 to 30 June 2008, the guaranteed prices referred to in Article 5(4) of the Sugar Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

- (a) for raw sugar: 496,8 EUR per tonne;
- (b) for white sugar: 631,9 EUR per tonne.

For the delivery period 1 July 2008 to 30 June 2009, the guaranteed prices referred to in Article 5(4) of the Sugar Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

— 1. From 1 July 2008 to 30 September 2008,

- (a) for raw sugar: 496,8 EUR per tonne;
- (b) for white sugar: 631,9 EUR per tonne.

— 2. From 1 October 2008 to 30 June 2009,

- (a) for raw sugar: 448,8 EUR per tonne;
- (b) for white sugar: 541,5 EUR per tonne.

For the delivery period 1 July 2009 to 30 September 2009, the guaranteed prices referred to in Article 5(4) of the Sugar Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

- (a) for raw sugar: 448,8 EUR per tonne;
- (b) for white sugar: 541,5 EUR per tonne.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.

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

Съставено в Брюксел на
Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselē,
Priimta Briuselyje
Kelt Brüsszelben,
Maghmula fi Brussell,
Gedaan te Brussel,
Sporządzono w Brukseli dnia
Feito em Bruxelas,
Adoptat la Bruxelles,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den

23 -04- 2009

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen

B. Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today which reads as follows:

The Representatives of India and of the Commission, acting on behalf of the European Community, have agreed, within the framework of the negotiations provided for in Article 5(4) of the Agreement between the European Community and the Republic of India on cane sugar, on the following:

For the delivery period 1 July 2006 to 30 June 2007, the guaranteed prices referred to in Article 5(4) of the Sugar Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

(a) for raw sugar: 496,8 EUR per tonne;

(b) for white sugar: 631,9 EUR per tonne.

For the delivery period 1 July 2007 to 30 June 2008, the guaranteed prices referred to in Article 5(4) of the Sugar Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

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For the delivery period 1 July 2008 to 30 June 2009, the guaranteed prices referred to in Article 5(4) of the Sugar Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

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(b) for white sugar: 631,9 EUR per tonne

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For the delivery period 1 July 2009 to 30 September 2009, the guaranteed prices referred to in Article 5(4) of the Sugar Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

(a) for raw sugar: 448,8 EUR per tonne;

(b) for white sugar: 541,5 EUR per tonne

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Government of India and the Community.'

I have the honour to confirm the agreement of my Government with the foregoing.

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

Съставено в Брюксел на
 Hecho en Bruselas, el
 V Bruselu dne
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
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 Feito em Bruxelas,
 Adoptat la Bruxelles,
 V Bruseli
 V Bruslju,
 Tehty Brysselissä
 Utfärdat i Bryssel den

23 -04- 2009

За правителството на Република Индия
 Por el Gobierno de la República de la India
 Za vládu Indické republiky
 For regeringen for Republikken Indien
 Für die Regierung der Republik Indien
 India Vabariigi valitsuse nimel
 Για την κυβέρνηση της Δημοκρατίας της Ινδίας
 For the Government of the Republic of India
 Pour le gouvernement de la République de l'Inde
 Per il governo della Repubblica dell'India
 Indijas Republikas valdības vārdā
 Indijos Respublikos Vyriausybės vardu
 Az Indiai Köztársaság kormánya részéről
 Ghall-Gvern tar-Repubblika ta' l-Indja
 Voor de Regering van de Republiek India
 W imieniu Rządu Republiki Indii
 Pelo Governo da República Índia
 Pentru Guvernul Republicii India
 Za vládu Indické republiky
 Za Vlado Republike Indije
 Intian tasavallan hallituksen puolesta
 För Republiken Indiens regering

COUNCIL DECISION
of 27 July 2009
appointing one Romanian member of the European Economic and Social Committee
(2009/575/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Article 1

Mr Sorin Cristian STAN, Employees Group (Group II), is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2010.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Article 2

This Decision shall take effect on the day of its adoption.

Having regard to Decision 2007/3/EC, Euratom ⁽¹⁾,

Having regard to the proposal of the Romanian Government,

Done at Brussels, 27 July 2009.

Having regard to the opinion of the Commission,

Whereas a member's seat on the European Economic and Social Committee has become vacant following the resignation of Mr Marius PETCU,

For the Council
The President
C. BILDT

⁽¹⁾ OJ L 1, 4.1.2007, p. 6.

COUNCIL DECISION
of 27 July 2009
appointing one UK alternate member of the Committee of the Regions
(2009/576/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal of the Government of the United Kingdom,

Whereas:

- (1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.
- (2) An alternate member's seat on the Committee of the Regions has become vacant following the resignation of Mr Robert NEILL,

Article 1

The following is hereby appointed to the Committee of the Regions as an alternate member for the remainder of the current term of office, which runs until 25 January 2010:

Mr Roger EVANS, Assembly Member for Havering & Redbridge, England (appointed on behalf of Greater London Assembly)

Article 2

This Decision shall take effect on the day of its adoption.

Done at Brussels, 27 July 2009.

For the Council
The President
C. BILDT

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COUNCIL DECISION
of 27 July 2009
appointing one Spanish member of the Committee of the Regions
(2009/577/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal of the Spanish Government,

Whereas:

- (1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.
- (2) A member's seat on the Committee of the Regions has become vacant following the resignation of Mr Manuel CHAVES GONZÁLES,

Article 1

The following is hereby appointed to the Committee of the Regions as a member for the remainder of the current term of office, which runs until 25 January 2010:

Mr José Antonio GRIÑÁN MARTÍNEZ, Presidente de la Junta de Andalucía.

Article 2

This Decision shall take effect on the day of its adoption.

Done at Brussels, 27 July 2009.

For the Council
The President
C. BILDT

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COMMISSION

COMMISSION DECISION

of 9 July 2009

establishing the ecological criteria for the award of the Community eco-label for tourist accommodation service

(notified under document number C(2009) 5619)

(Text with EEA relevance)

(2009/578/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⁽¹⁾, 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 2003/287/EC of 14 April 2003 establishing the ecological criteria for the award of the Community eco-label to tourist accommodation service⁽²⁾. Those ecological criteria and the related assessment and verification requirements are valid until 31 October 2009.
- (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) For tourist accommodation service, the ecological criteria should be divided into mandatory and optional criteria.
- (8) As regards the fees relating to applications for and use of the eco-label by micro enterprises, as defined by Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises⁽³⁾, it is appropriate, in order to take account of the limited resources of micro-enterprises and their particular importance within this product group, to provide for reductions additional to those provided for by Regulation (EC) No 1980/2000 and Articles 1 and 2 of Commission Decision 2000/728/EC of 10 November 2000 establishing the application and annual fees of the Community Eco-label⁽⁴⁾, pursuant to Article 5 of Decision 2000/728/EC.

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ OJ L 102, 24.4.2003, p. 82.

⁽³⁾ OJ L 124, 20.5.2003, p. 36.

⁽⁴⁾ OJ L 293, 22.11.2000, p. 18.

- (9) Decision 2003/287/EC should therefore be replaced.
- (10) A transitional period, should be allowed for service providers whose services have been awarded the eco-label for tourist accommodation service, based on the criteria contained in Decision 2003/287/EC, so that they have sufficient time to adapt their services to comply with the revised criteria and requirements. Service providers should also be allowed to submit applications set out under the criteria set in Decision 2003/287/EC or set out under the criteria set in this Decision, until the lapse of validity of Decision 2003/287/EC.
- (11) Measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 17 of Regulation (EC) No 1980/2000,
- (a) it shall fall within the product group 'tourist accommodation service';
- (b) it shall comply with each of the criteria set out in Section A of the Annex to this Decision;
- (c) it shall comply with a sufficient number of the criteria set out in Section B of the Annex to this Decision, in order to acquire the requisite number of points as referred to in paragraphs 2 and 3.
2. For the purposes of paragraph 1(c), the tourist accommodation service shall acquire at least: 20 points for the main service.
3. The points referred to in paragraph 2 shall be increased by any of the following, if provided under the same management or ownership of the tourist accommodation service:

HAS ADOPTED THIS DECISION:

Article 1

1. The product group 'tourist accommodation service' shall comprise the provision, for a fee, of sheltered overnight accommodation in appropriately equipped rooms, including at least a bed, offered as a main service to tourists, travellers and lodgers.

The provision of overnight sheltered accommodation may include the provision of food services, fitness and leisure activities and/or green areas.

2. For the purposes of this Decision, food services shall include breakfast; fitness and leisure activities/facilities shall include saunas, swimming pools and all other such facilities, which are within the accommodation grounds and green areas shall include parks and gardens, which are open to guests.

3. For the purposes of this Decision, micro-enterprises shall be as defined in Recommendation 2003/361/EC.

Article 2

1. In order to be awarded the Community eco-label for tourist accommodation service under Regulation (EC) No 1980/2000 (hereinafter 'the eco-label'), a tourist accommodation service shall fulfil all of the following requirements:

- (a) three points for food services;
- (b) three points for green/outside areas available to guests;
- (c) three points for leisure/fitness activities or five points if the leisure/fitness activity consists in a wellness centre.

Article 3

1. By way of derogation from Article 1(3) of Decision 2000/728/EC, where an application is made by a micro enterprise for award of the Eco-label, the application fee shall be reduced by 75 % with no other reduction possible.

2. By way of derogation from the first sentence of Article 2(5) of Decision 2000/728/EC, the minimum annual fee for a micro enterprise for use of the Eco-label shall be EUR 100.

3. The annual volume of sales for all tourist accommodation service shall be calculated by multiplying the delivery price by the number of overnight stays and reducing the resulting product by 50 %. The delivery price shall be considered as the average fee paid by the visitor for the overnight stay, including all the services which do not entail an extra charge.

4. The reductions to the minimum annual fee provided for in paragraphs 6 to 10 of Article 2 of Decision 2000/728/EC shall apply.

Article 4

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

Article 5

For administrative purposes the code number assigned to the product group 'tourist accommodation service' shall be '025'.

Article 6

Decision 2003/287/EC is repealed.

Article 7

1. Applications for the eco-label falling within the product group 'tourist accommodation service' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2003/287/EC.

2. Applications for the eco-label falling within the product group 'tourist accommodation service' submitted from the date

of adoption of this Decision but by 31 October 2009 at the latest may be based either on the criteria set out in Decision 2003/287/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 2003/287/EC, that eco-label may be used for twelve months from the date of adoption of this Decision.

Article 8

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 aim of these criteria**

These criteria aim to set limits on the main environmental impacts from the three phases of the life cycle of tourist accommodation service (purchasing, provision of the service and waste). In particular they aim to:

- limit energy consumption,
- limit water consumption,
- limit waste production,
- favour the use of renewable resources and of substances which are less hazardous to the environment,
- promote environmental communication and education.

Assessment and verification requirements

The specific assessment and verification requirements are indicated immediately below each criterion set out in Sections A and B. Where appropriate, test methods and standards other than those indicated for each criterion may be used if their equivalence is accepted by the Competent Body assessing the application. 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.

Competent Bodies shall carry out on site inspections before awarding the license.

Where appropriate, Competent Bodies may require supporting documentation and may carry out independent verifications. During the license period the Competent Bodies shall monitor compliance with criteria.

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.)

General requirements

In order to apply for the eco-label, the applicant must comply with Community, national and local legal requirements. In particular, it shall be guaranteed that:

1. The physical structure is built legally and respects all relevant laws or regulations of the area on which it is built, especially any related to landscape and biodiversity conservation.
2. The physical structure respects Community, national and local laws and regulations regarding energy conservation, water sources, water treatment and disposal, waste collection and disposal, maintenance and servicing of equipment, safety and health dispositions.
3. The enterprise is operational and registered, as required by national and/or local laws and its staff are legally employed and insured.

SECTION A

MANDATORY CRITERIA REFERRED TO IN ARTICLE 2, PARAGRAPH 1**ENERGY****1. Electricity from renewable sources**

At least 50 % of the electricity used for all purposes shall come from renewable energy sources, as defined in Directive 2001/77/EC of the European Parliament and of the Council ⁽¹⁾.

⁽¹⁾ OJ L 283, 27.10.2001, p. 33.

This criterion does not apply to tourist accommodations that have no access to a market that offers electricity generated from renewable energy sources.

Binding contract restrictions (such as the provision of penalties) of at least 2 years, for the change of power supplier can be considered as 'no access' to a market that offers electricity generated from renewable energy sources.

Assessment and verification: The applicant shall supply a declaration from (or the contract with) the electricity supplier indicating the nature of the renewable energy source(s), the percentage of electricity supplied that is from a renewable source, documentation on the boilers (heat generators) used, if any and an indication of the maximum percentage that can be supplied. According to Directive 2001/77/EC, renewable energy sources shall mean renewable non-fossil energy sources (wind, solar, geothermal wave, tidal, hydro power, biomass, landfill gas, sewage treatment plant gas and biogases). In case the tourist accommodation have no access to a market that offers energy from renewable energy sources, documentation demonstrating the request for renewable energy has to be supplied.

2. Coal and heavy oils

No heavy oils having a sulphur content higher than 0,1 % and no coal shall be used as an energy source. Coal for decorative fireplaces is excluded from this criterion.

This criterion only applies to tourist accommodations that have an independent heating system.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, indicating the nature of the energy sources used.

3. Efficiency and heat generation

If a new heat generating capacity is installed within the duration of the eco-label award, it shall be a high efficiency cogeneration unit (as defined by Article 3 and Annex III of Directive 2004/8/EC of the European Parliament and of the Council ⁽¹⁾), a heat pump or an efficient boiler. In the latter case, the efficiency of such a boiler shall be of 4 stars (ca. 92 % at 50 °C and 95 % at 70 °C), measured according to Council Directive 92/42/EEC ⁽²⁾, or according to relevant product norms and regulations for those boilers not covered by this Directive.

Existing hot-water boilers fired with liquid or gaseous fuels as defined in Directive 92/42/EEC shall comply with efficiency standards at least equivalent to three stars as stated in the Directive. Existing cogeneration units shall comply with the definition of high efficiency in Directive 2004/8/EC. The efficiency of boilers excluded from Directive 92/42/EEC ⁽³⁾ shall comply with the manufacturer's instructions and with national and local legislation on efficiency, but for such existing boilers (with the exception of biomass boilers) an efficiency lower than 88 % shall not be accepted.

Assessment and verification: The applicant shall provide technical specification from those responsible for the sale and/or maintenance of the boiler indicating its efficiency.

4. Air conditioning

Any household air conditioner bought within the duration of the eco-label award shall have at least Class A energy efficiency as laid down in Commission Directive 2002/31/EC ⁽⁴⁾, or have corresponding energy efficiency.

Note: This criterion does not apply to air-conditioners that are appliances that can also use other energy sources, or to air-to-water and water-to-water appliances, or to units with an output (cooling power) greater than 12 kW.

Assessment and verification: The applicant shall provide technical specifications from the manufacturer or the professional technicians responsible for installation, sale and/or maintenance of the air conditioning system.

⁽¹⁾ OJ L 52, 21.2.2004, p. 50.

⁽²⁾ OJ L 167, 22.6.1992, p. 17.

⁽³⁾ Article 3 of Directive 92/42/EEC excludes the following boilers: hot-water boilers capable of being fired by different fuels including solid fuels; equipment for the instantaneous preparation of hot water; boilers designed to be fired by fuels the properties of which differ appreciably from the properties of the liquid and gaseous fuels commonly marketed (industrial waste gas, biogas, etc.); cookers and appliances designed mainly to heat the premises in which they are installed and, as a subsidiary function, to supply hot water for central heating and sanitary hot water.

⁽⁴⁾ OJ L 86, 3.4.2002, p. 26.

5. Energy efficiency of buildings

The tourist accommodation shall comply with the national legislation and local building codes related to energy efficiency and the energy performance of buildings.

Assessment and verification: the applicant shall provide the energy certification under Directive 2002/91/EC of the European Parliament and of the Council ⁽¹⁾ or where not available in the national implementation system, the results of an energy audit performed by an independent expert on the energy performance of buildings.

6. Window insulation

All windows in heated and/or air conditioned rooms and common areas shall have appropriate degree of thermal insulation according to the local regulations and climatic conditions and shall provide an appropriate degree of acoustic insulation.

All windows in heated and/or air conditioned rooms and common areas added or renovated after the acquisition of the Community eco-label shall comply with Directive 2002/91/EC (Articles 4, 5 and 6) and Council Directive 89/106/EEC ⁽²⁾ and relative national technical regulations for their implementation.

Assessment and verification: The applicant shall provide a declaration from a professional technician indicating compliance with this criterion supplying the thermal transmittance values (U-value). For windows complying with Directive 2002/91/EC, the applicant shall provide the energy certification or where not available in the national implementation system, a declaration from the constructor.

7. Switching off heating or air conditioning

If the heating and/or the air conditioning is not automatically switched off when windows are open, there shall be easily available information reminding the guest to close the window(s) if the heating or air conditioning is on. Individual heating/air conditioning systems acquired after the certification with the Community eco-label shall be equipped with an automatic switch off when windows are opened.

This criterion only applies to tourist accommodations that have heating and/or air conditioning.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with the text of the information to guests (if applicable).

8. Switching off lights

If there is no automatic off-switch for the light(s) in the rooms, there shall be easily available information to the guests asking them to turn off the lights when leaving the room.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with the information procedures.

9. Energy efficient light bulbs

- (a) At least 80 % of all light bulbs in the tourist accommodation shall have an energy efficiency of Class A as defined in Commission Directive 98/11/EC ⁽³⁾. This does not apply to light fittings whose physical characteristics do not allow use of energy-saving light bulbs.
- (b) 100 % of light bulbs that are situated where they are likely to be turned on for more than five hours a day shall have an energy efficiency of Class A as defined by Directive 98/11/EC. This does not apply to light fittings whose physical characteristics do not allow use of energy-saving light bulbs.

Assessment and verification: The applicant shall provide a declaration of compliance with both parts of this criterion, together with an indication of the energy efficiency class of the different light bulbs used.

⁽¹⁾ OJ L 1, 4.1.2003, p. 65.

⁽²⁾ OJ L 40, 11.2.1989, p. 12.

⁽³⁾ OJ L 71, 10.3.1998, p. 1.

10. Outside heating appliances

The tourist accommodation shall use only appliances powered with renewable energy sources to heat outside areas such as smoking corners or external dining areas.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, indicating the nature of the energy sources used in case of appliances powered with renewable energy sources.

WATER

11. Water flow from taps and showers

The average water flow of the taps and shower heads, excluding kitchen and bath tub taps, shall not exceed 9 litres/minute.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion and relevant documentation including an explanation on how the tourist accommodation fulfils the criterion.

12. Waste bins in toilets

Each toilet shall have an appropriate waste bin and the guest shall be invited to use the waste bin instead of the toilet for appropriate waste.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with appropriate documentation regarding the information to the guests.

13. Urinal flushing

All urinals shall be fitted with either automatic (timed) or manual flushing systems so that there is no continuous flushing.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation on the urinals installed.

14. Changing towels and sheets

Guests shall be informed of the environmental policy of the tourist accommodation on their arrival. This information shall explain that sheets and towels in the rooms shall be changed on their request, or by default at the frequency established by the environmental policy of the tourist accommodation or requested by law and/or national regulations. This applies only to tourist accommodations where the service includes the provision of towels and/or sheets.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation showing how the guest is informed and how the tourist accommodation respects guests requests.

15. Correct waste water disposal

The tourist accommodation shall inform guests and staff on the correct use of the waste water discharge, in order to avoid the disposal of substances that might prevent waste water treatment in accordance with the municipal waste water plan and Community regulations. Where a waste water plan from the Municipality is not available, the tourist accommodation shall provide a general list of substances that shall not be disposed of with the waste water according to the Directive 2006/118/EC of the European Parliament and of the Council⁽¹⁾.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion and relevant documentation (if available, waste water plan and communication to guests and staff).

⁽¹⁾ OJ L 372, 27.12.2006, p. 19.

DETERGENTS AND DISINFECTANTS

16. Disinfectants

Disinfectants shall be used only where they are necessary in order to comply with legal hygiene requirements.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with an indication of where and when disinfectants are used.

WASTE

17. Waste separation by guests

Guests shall be informed how and where they can separate waste according to the best local or national systems within the areas to which the tourist accommodation belongs. Adequate containers for waste separation shall be available in the rooms or in easily reachable distance.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation on the information to guests and explaining where containers are located in the tourist accommodation.

18. Waste separation

Waste shall be separated into the categories that can be handled separately by the local or national waste management facilities, with particular care regarding hazardous waste, which shall be separated, collected and disposed of as listed in Commission Decision 2000/532/EC ⁽¹⁾ and appropriate disposal shall be sought. This list includes toners, inks, refrigerating and electrical equipment, batteries, energy saving light bulbs, pharmaceuticals, fats/oils, and electrical appliances as specified in Directive 2002/96/EC ⁽²⁾ and Directive 2002/95/EC of the European Parliament and of the Council ⁽³⁾.

If the local administration does not offer separate waste collection and/or disposal, the tourist accommodation shall write to them expressing their willingness to separate waste, and expressing their concern about the lack of separate collection and/or disposal. If the local authority does not provide disposal of hazardous waste, the applicant shall, every year, provide a declaration from the local authority that there is no hazardous waste disposal system in place.

The request to local authorities to provide separate waste collection and/or disposal shall be made yearly.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with an indication of the different categories of waste accepted by the local authorities, and/or relevant contracts with private agencies. Where appropriate, the applicant shall provide every year the corresponding declaration to the local authority.

19. Disposable products

Unless required by law, disposable toiletries (not refillable) such as shampoo and soap, and other products (not reusable), such as shower caps, brushes, nail files, etc. shall not be used. Where such disposable products are requested by law the applicant shall offer to guests both solutions and encourage them with appropriate communication to use the non-disposable products.

Disposable drinking systems (cups and glasses), plates and cutlery shall only be used if they made out of renewable raw materials and are biodegradable and compostable according to EN 13432.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation explaining how the criterion is fulfilled (including any legislation requiring use of disposable products), and consistent documentation regarding the refillable products and/or on the information conveyed to the guests, concerning the encouragement to use non-disposable products (if applicable).

For demonstrating that disposable drinking systems (cups and glasses), plates and cutlery meet this criterion evidence of compliance with EN 13432 must be provided.

⁽¹⁾ OJ L 226, 6.9.2000, p. 3.

⁽²⁾ OJ L 37, 13.2.2003, p. 24.

⁽³⁾ OJ L 37, 13.2.2003, p. 19.

20. Breakfast Packaging

Except where required by law, no single dose packages shall be used for breakfast or other food service, with the exception of dairy fat spreads (such as butter, margarine and soft cheese), chocolate and peanut butter spreads, and diet or diabetic jams and preserves.

Assessment and verification: The applicant shall provide a declaration of compliance with the criterion and a detailed explanation on how the accommodation fulfils it, together with a list of single dose products used and the legislation requiring this.

OTHER SERVICES

21. No smoking in common areas

A no smoking section shall be available in all indoor common areas.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion.

22. Public transportation

Information shall be made easily available to the guests and staff on how to use public transportation to and from the tourist accommodation through its main means of communication. Where no appropriate public transport exists, information on other environmentally preferable means of transport shall also be provided.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with copies of the information material available.

GENERAL MANAGEMENT

Applicants with an Environmental Management System registered under Regulation (EC) No 761/2001 of the European Parliament and of the Council ⁽¹⁾ or certified according to ISO 14001 automatically fulfil the following general management criteria with exception of criteria 27, 28 and 29 (data collection and information). In such cases, the means of verification of compliance with those criteria is the EMAS registration or ISO 14001 certification.

23. Maintenance and servicing of boilers and air conditioning systems

Maintenance and servicing of boilers and air conditioning systems shall be carried out at least yearly, or more often if so required by law or need, by appropriately qualified professionals, following CEI and national standards where these apply, or according to the manufacturer's instructions.

For air conditioning systems the maintenance (check for leakage and repair) has to be carried out according to Regulation (EC) No 842/2006 of the European Parliament and of the Council ⁽²⁾, in line with the amount of F (fluorinated greenhouse) gas contained in the application, as follows:

- at least once every twelve months for applications containing 3 kg or more of F gases (this shall not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6 kg of fluorinated greenhouse gases),
- at least once every six months for applications containing 30 kg or more of F gases,
- at least once every three months for applications containing 300 kg or more of F gases.

Assessment and verification: The applicant shall provide a declaration of compliance with all parts of this criterion, together with a description of the boilers and their maintenance programme, and details of the persons/companies carrying out the maintenance, and what is checked during the maintenance.

⁽¹⁾ OJ L 114, 24.4.2001, p. 1.

⁽²⁾ OJ L 161, 14.6.2006, p. 1.

For air conditioning systems containing 3 kg or more of F gases the applicant shall provide records on the quantity and type of F gases installed, any quantities added and the quantity recovered during maintenance, servicing and final disposal as well as the identification of the company or technician who performed the servicing or maintenance, as well as the dates and results of the leakage checks and relevant information specifically identifying the separate stationary equipment with more than 30 kg of F gases.

24. Policy setting and environmental program

The management shall have an environmental policy and shall draw up a simple environmental policy statement and a precise action program to ensure the application of the environmental policy.

The action program shall identify targets on environmental performance regarding energy, water, chemicals and waste, which shall be set every two years, taking into consideration the optional criteria and the data collected where available. It shall identify the person who will act as the environmental manager of the tourist accommodation and who is in charge of taking the necessary actions and reaching the targets. The environmental policy shall be available for consultation by the public. Comments and feedback from guests collected by means of a questionnaire or check list shall be taken into account.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a copy of the environmental policy or the policy statement and action program, and procedures for taking into account input from guests.

25. Staff training

The tourist accommodation shall provide information and training to the staff, including written procedures or manuals, to ensure the application of environmental measures and to raise awareness of environmentally responsible behaviour. In particular, the following issues shall be taken into consideration:

Concerning **energy saving:**

- Staff shall be trained on how to save energy.

Concerning **water saving:**

- Staff shall be trained to check every day for visible leaks and to take appropriate action as necessary.
- Flowers and outside areas shall normally be watered before high sun or after sunset, where regional or climatic conditions make it appropriate.
- Staff shall be informed of the tourist accommodation's policy regarding criterion 14 about towel change and be instructed how to comply with it.

Concerning **chemical substances:**

- Staff shall be trained not to exceed the recommended amount of detergent and disinfectant indicated on the packaging.

Concerning **waste:**

- Staff shall be trained to collect, separate and bring to appropriate disposal waste into the categories that can be handled separately by the local or national waste management facilities as defined by criterion 18,
- Staff shall be trained to collect, separate and bring to appropriate disposal hazardous waste as listed in Decision 2000/532/EC and defined by criterion 18.

Adequate training shall be provided to all new staff within four weeks of starting employment and for all staff at least once a year.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with details of the training programme, its content, and an indication of which staff have received what training and when. The applicant shall provide also copies of procedures and staff communication concerning all mentioned issues.

26. Information to guests

The tourist accommodation shall provide information to the guests, including conference participants, on its environmental policy, including safety and fire safety aspects, inviting them to contribute to its implementation. The information conveyed to the guests shall refer to the actions taken on behalf of its environmental policy and provide information about the Community eco-label. This information shall be actively given to the guests at the reception, together with a questionnaire covering their views about the environmental aspects of the tourist accommodation. Notices inviting guests to support the environmental objectives shall be visible to the guests, especially in the common areas and the rooms.

Specific actions for the different areas shall be:

Concerning **energy**:

- Where applicable, according to criteria 7 and 8, inform guests on switching off heating/air conditioning and lights.

Concerning **water and waste water**:

- In the bathrooms there shall be adequate information to the guest on how to help the tourist accommodation to save water,
- The guest shall be invited to inform the staff of any leak,
- In the toilets, signs shall request guests to dispose of their waste into the waste bins instead of the toilets.

Concerning **waste**:

- The guest shall be informed about the waste reduction policy of the tourist accommodation and the use of quality product alternatives to disposable and single portion products, and should be encouraged to use non-disposable products, in case where any legislation requires the use of disposable products,
- They shall be informed how and where they can separate waste according to local or national systems within the areas belonging to the tourist accommodation and where to dispose of their hazardous substances.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with copies of the information signs and notices provided for the guests, and indicate its procedures for distributing and collecting the information and the questionnaire, and for taking the feedback into account.

27. Energy and water consumption data

The tourist accommodation shall have procedures for collecting and monitoring data on overall energy consumption (kWh), electricity and other energy sources consumption (kWh), and water consumption (litres).

Data shall be collected where possible, monthly or at least yearly, for the period when the tourist accommodation is open, and shall also be expressed as consumption per overnight stay and per m² of indoor area.

The tourist accommodation shall report the results yearly to the Competent Body that assessed the application.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a description of the procedures. On application, the applicant shall provide the data for the above-listed consumptions for at least the previous six months (if available), and thereafter shall provide this data every year for the previous year or opening period.

28. Other data collection

The tourist accommodation shall have procedures for collecting and monitoring data on consumption of chemicals expressed in kg and/or litres specifying if the product is concentrated or not and the quantity of waste produced (litres and/or kg of unsorted waste).

Data shall be collected where possible, monthly or at least yearly, and shall also be expressed as consumption or production per overnight stay and per m² of indoor area.

The tourist accommodation shall report the results yearly to the Competent Body that assessed the application.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a description of the procedures. On application, the applicant shall provide the data for the above-listed consumptions for at least the previous six months (if available), and thereafter shall provide this data every year for the previous year or opening period. The applicant shall specify the services offered and if laundry is cleaned on the premises.

29. Information appearing on the eco-label

Box 2 of the eco-label shall contain the following text:

'This tourist accommodation is actively taking measures to use renewable energy sources, save energy and water, to reduce waste, to improve the local environment.'

Assessment and verification: The applicant shall provide a sample of how they will use the label, together with a declaration of compliance with this criterion.

SECTION B

OPTIONAL CRITERIA REFERRED TO IN ARTICLE 2, PARAGRAPHS 1 AND 2

Each of the criteria set out in this Section has been attributed a value expressed in points or fractions of points. In order to qualify for award of the eco-label, tourist accommodations must score a minimum of 20 points.

The total score required shall be increased by 3 points for each of the following additional services which are offered that are under the management or ownership of the tourist accommodation:

- food services (including breakfast),
- leisure/fitness activities, which include saunas, swimming pools and all other such facilities which are within the tourist accommodation grounds. If the leisure/fitness activities consist in a wellness centre, the score required shall be increased by 5 points instead of 3,
- green/outside areas, including parks and gardens which are open to guests.

ENERGY

30. Generation of electricity through renewable energy sources (up to 4 points)

The tourist accommodation shall have a photovoltaic (solar panel) or local hydroelectric system, geothermal, biomass or wind power electricity generation that supplies or will supply at least 20 % of the overall electricity consumption per year (2 points).

The tourist accommodation shall introduce into the grid a net amount of electrical energy produced from renewable energy sources (2 points).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the photovoltaic, hydroelectric, geothermal, biomass or wind power system and data on both its potential and actual output and documentation regarding the electricity flows from and to the grid as proof of any net contribution or electricity from renewable energy sources to the grid.

31. Energy from renewable energy sources (up to 2 points)

At least 70 % of the total energy used to heat or cool the rooms and to heat the sanitary water shall come from renewable energy sources. (1,5 points, 2 points for 100 % of the tourist accommodation's energy used for that purpose, coming from renewable energy source).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with data on the energy consumed in heating rooms and hot water and documentation showing that at least 70 % or 100 % of this energy comes from renewable energy sources.

32. Boiler energy efficiency (1,5 points)

The tourist accommodation shall have four-star boilers as defined by Directive 92/42/EEC.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with adequate documentation.

33. Boiler NOx emissions (1,5 points)

The boilers shall be class 5 of the EN 297 prA3 norm regulating NOx emissions, and shall emit less than 60 mg NOx/kWh (gas condensing boilers) or 70 mg NOx/kWh (non condensing gas boilers up to nominal output of 120 kW).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a report or technical specifications from the professional technicians responsible for the sale and/or maintenance of the boiler.

34. District heating (1,5 points)

The heating of the tourist accommodation shall be provided by efficient district heating, for the purposes of the eco-label defined as follows.

Generation of heat is done either in high efficiency cogeneration units as defined by Directive 2004/8/EC and any other Commission instruments adopted in application of that Directive, or in heat only boilers with an efficiency that matches or surpasses the applicable reference value established by Commission Decision 2007/74/EC ⁽¹⁾;

And in addition:

The pipes in the district heating distribution network shall meet the requirements as laid out in the applicable CEN standards for such pipes.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation showing connection to the district heating.

35. Combined heat and power — (cogeneration) (1,5 points)

Electricity and heating of the tourist accommodation shall be provided by a high efficiency cogeneration unit according to Directive 2004/8/EC. If the tourist accommodation service has such cogeneration unit on site its output of heat and electricity shall supply at least 70 % of the total heat and electricity consumption on site. The supply shall be calculated in accordance with the methodology provided by Directive 2004/8/EC.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the combined heat and power plant.

36. Heat pump (up to 2 points)

The tourist accommodation shall have a heat pump providing heat and/or air conditioning (1,5 points). The tourist accommodation shall have a heat pump with the Community eco-label or another ISO type I eco-label (2 points).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the heat pump.

⁽¹⁾ OJ L 32, 6.2.2007, p. 183.

37. Heat recovery (up to 1,5 points)

The tourist accommodation shall have a heat recovery system for 1 (1 point) or 2 (1,5 points) of the following categories: refrigeration systems, ventilators, washing machines, dishwashers, swimming pool(s), sanitary waste water.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the heat recovery systems.

38. Thermoregulation (1,5 points)

The temperature in every common area and room shall be individually regulated.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the thermoregulatory systems.

39. Energy performance audits for buildings (1,5 points)

The tourist accommodation shall be subject to a biannual energy performance audit by an independent expert and implement at least two recommendations on improving the energy performance resulting from the audit.

Assessment and verification: the applicant shall provide the energy performance audit report and provide detailed documentation on how the tourist accommodation has fulfilled this criterion.

40. Air conditioning (up to 2 points)

All household air conditioners in the tourist accommodation have an energy efficiency 15 % higher than the threshold to qualify for class A in Directive 2002/31/EC (1,5 points). All household air conditioners in the tourist accommodation have an energy efficiency 30 % or higher than the threshold to qualify for class A in Directive 2002/31/EC (2 points).

This criterion does not apply to appliances that can also use other energy sources, air-to-water and water-to-water appliances, or units with an output (cooling power) greater than 12 kW.

Assessment and verification: The applicant shall provide relevant documentation showing compliance with the criterion.

41. Automatic switching-off of air conditioning and heating systems (1,5 points)

There shall be an automatic system that turns off the air conditioning and heating of rooms when windows are open.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the installation sale and/or maintenance of the air conditioning system.

42. Bioclimatic architecture (3 points)

The tourist accommodation shall be built according to bioclimatic architectural principles.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate documentation.

43. Energy efficient refrigerators (1 point), ovens (1 point) dishwashers (1 point), washing machines (1 point), dryers/tumblers (1 point) and office equipment (1 point) — (maximum of 3 points)

- (a) (1 point): All household refrigerators shall be of Class A + or A++ efficiency according to Commission Directive 94/2/EC⁽¹⁾, and all frigo- or mini-bars shall be at least class B efficiency.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all the refrigerators and frigo or mini-bars.

⁽¹⁾ OJ L 45, 17.2.1994, p. 1.

- (b) (1 point): All household electric ovens shall be of class A energy efficiency as laid down in Commission Directive 2002/40/EC ⁽¹⁾.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all the household electric ovens.

Note: The criterion does not apply to ovens not operated with electric energy or otherwise not covered by Directive 2002/40/EC (e.g. industrial ovens).

- (c) (1 point): All household dishwashers shall be of class A energy efficiency as laid down in Commission Directive 97/17/EC ⁽²⁾.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all the dishwashers.

Note: The criterion does not apply to dishwashers not covered by Directive 97/17/EC (e.g. industrial dishwashers).

- (d) (1 point): All household washing machines shall be of class A energy efficiency as laid down in Commission Directive 95/12/EC ⁽³⁾.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all the washing machines.

Note: The criterion does not apply to washing machines not covered by Directive 95/12/EC (e.g. industrial washing machines).

- (e) (1 point): At least 80 % of office equipment (PCs, monitors, faxes, printers, scanners, photocopying machines) shall qualify for the energy star as laid down in Regulation (EC) No 106/2008 of the European Parliament and of the Council ⁽⁴⁾ and in Commission Decision 2003/168/EC ⁽⁵⁾.

Assessment and verification: The applicant shall provide documentation indicating the qualification for the energy star of the office equipment.

- (f) (1 point): All electric tumble driers shall be class A energy efficiency as laid down in Commission Directive 95/13/EC ⁽⁶⁾.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all electric tumble driers.

Note: The criterion does not apply to electric tumble driers not covered by Directive 95/13/EC (e.g. industrial tumble driers).

44. Electric hand and hair driers with proximity sensor (up to 2 points)

All electric hand (1 point) and hair (1 point) driers shall be fitted with proximity sensors or have been awarded an ISO Type I eco-label.

Assessment and verification: The applicant shall provide appropriate supporting documentation of how the tourist accommodation fulfils this criterion.

⁽¹⁾ OJ L 128, 15.5.2002, p. 45.

⁽²⁾ OJ L 118, 7.5.1997, p. 1.

⁽³⁾ OJ L 136, 21.6.1995, p. 1.

⁽⁴⁾ OJ L 39, 13.2.2008, p. 1.

⁽⁵⁾ OJ L 67, 12.3.2003, p. 22.

⁽⁶⁾ OJ L 136, 21.6.1995, p. 28.

45. Refrigerator positioning (1 point)

The kitchen, restaurant and bar refrigerator(s) shall be positioned and regulated according to energy saving principles, in order to reduce energy waste.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion.

46. Automatic switching off lights in rooms (1,5 points)

Automatic systems, which turn the lights off when guests leave the room, shall be installed in 95 % of the tourist accommodation.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the installation and/or maintenance of these systems.

47. Sauna timer control (1 point)

All sauna units and hammams shall have a timer control or a staff procedure regulating the switching on/off.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the installation and/or maintenance of these systems.

48. Swimming pool heating with renewable energy sources (up to 1,5 points)

Energy used to heat swimming pool water shall come from renewable energy sources. At least 50 %: 1 point, 100 %: 1,5 points.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with data on the energy consumed in heating swimming pool water and documentation showing the amount of energy used that comes from renewable energy sources.

49. Automatic switching off outside lights (1,5 point)

Outside lighting not needed for security reasons shall be turned off automatically after a defined time, or be activated through a proximity sensor.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the installation and/or maintenance of these systems.

WATER**50. Use of rainwater (2 points) and recycled water (2 points)**

(a) (2 points): Rainwater shall be collected and used for non-sanitary and non-drinking purposes.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation, and appropriate assurances that the sanitary and drinking water supply is kept entirely separate.

(b) (2 points): Recycled water shall be collected and used for non-sanitary and non-drinking purposes.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation and appropriate assurances that the sanitary and drinking water supply is kept entirely separate.

51. Automatic watering systems for outside areas (1,5 points)

The tourist accommodation shall use an automatic system which optimises watering times and water consumption for outside plants/greening.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

52. Water flow from taps and shower heads (1,5 points)

The average flow from all taps and shower heads excluding bath taps shall not exceed 8 litres/minute.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

53. WC flushing (1,5 points)

At least 95 % of WCs shall consume six litres per full flush or less.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

54. Dishwasher water consumption (1 point)

The water consumption of the dishwashers (expressed as $W_{\text{(measured)}}$) shall be lower or equal to the threshold as defined in the equation below using the same test method EN 50242 and programme cycle as chosen for Directive 97/17/EC:

$$W_{\text{(measured)}} \leq (0,625 \times S) + 9,25$$

where:

$W_{\text{(measured)}}$ = the measured water consumption of the dishwasher in litres per cycle, expressed to the first decimal,

S = the applicable number of standard place settings of the dishwasher.

The criterion only applies to household dishwashers.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the manufacture, sale or maintenance of the dishwashers or evidence that the dishwashers have been awarded the Community eco-label.

55. Washing machine water consumption (1 point)

The washing machines used within the tourist accommodation by guests and staff or those used by the tourist accommodation laundry service provider shall use no more than 12 litres of water per kg of wash-load measured according to EN 60456, using the same standard 60 °C cotton cycle as chosen for Directive 95/12/EC.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the manufacture, sale or maintenance of the washing machines or evidence that the washing machines have been awarded the Community eco-label. The tourist accommodation management shall provide technical documentation from its laundry service provider that their washing machine complies with the criterion.

56. Tap water temperature and flow (1 point)

At least 95 % of taps shall allow a precise and prompt regulation of the water temperature and of the water flow.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

57. Shower timers (1,5 points)

All showers in staff facilities, outdoor and common areas shall have a timing/proximity device, which interrupts water flow after a defined time or if not in use.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

58. Swimming pool cover (1 point)

At night or when the filled swimming pool is not used for more than a day, it shall be covered to prevent the cooling of the water in the pool and to reduce evaporation.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

59. De-icing (up to 1,5 points)

Where de-icing of roads is necessary, mechanical means or sand/gravel shall be used in order to make roads on the tourist accommodation premises safe in case of ice/snow (1,5 points).

If chemical de-icing is used, substances which do not contain more than 1 % chloride ion (Cl⁻) (1 point) or de-icers that have been awarded the Community eco-label or other national or regional ISO type I eco-labels (1,5 points) shall be used.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

60. Indications on water hardness (up to 2 points)

In proximity to laundry areas/washing machines/dishwashers there shall be displayed explanations on local water hardness (1 point) to allow better use of detergents by guests and staff or an automatic dosage system (1 point) shall be used which optimises detergent use according to water hardness.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation showing how the guest is informed.

61. Water saving urinals (1,5 points)

All urinals shall use a waterless system or have a manual/electronic flushing system, which permits single flushing of every urinal only when used.

Assessment and verification: The applicant shall provide detailed supporting documentation of how the tourist accommodation fulfils this criterion.

62. Indigenous species used for new outdoor planting (1 point)

Any planting of outdoor areas with trees and hedges shall be composed of indigenous species of vegetation.

Assessment and verification: The applicant shall provide the relevant specification of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation by an expert.

DETERGENTS AND DISINFECTANTS**63. Detergents (up to 3 points)**

At least 80 % by weight of hand dishwashing detergents and/or detergents for dishwashers and/or laundry detergent and/or all purpose cleaners and/or sanitary detergents and/or soaps and shampoos used by the tourist accommodation shall have been awarded the Community eco-label or other national or regional ISO Type I eco-labels (1 point for each of these categories of detergents up to a maximum of 3 points).

Assessment and verification: The applicant shall provide data and documentation (including relevant invoices) indicating the quantities of such products used and the quantities that have an eco-label.

64. Indoor and outdoor paints and varnishes (up to 2 points)

At least 50 % of the indoor and/or outdoor painting of the tourist accommodation shall be done with indoor and/or outdoor paints and varnishes awarded the Community eco-label or other national or regional ISO Type I eco-labels. (1 point for indoor, 1 for outdoor paints and varnishes).

Assessment and verification: The applicant shall provide data and documentation (including relevant invoices) indicating the quantities of such products used and the quantities that have an eco-label.

65. Support to alternatives to artificial barbecue lighter (1 point)

Excluding artificial barbecue or fireplace lighting products, alternative products such as rape seed oil, hemp products, shall be sold or offered on the premises of the tourist accommodation.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion.

66. Swimming pools: Dosage of disinfectants (1 point) or natural/ecological swimming pools (1 point)

The swimming pool shall have an automatic dosage system that uses the minimum amount of disinfectant for the appropriate hygienic result (1 point).

Or

The swimming pool shall be of the ecological/natural type with only natural elements guaranteeing for the hygiene and safety of the bathers (1 point).

Assessment and verification: The applicant shall provide a technical documentation concerning the automatic dosage system or the type of ecological/natural swimming pool and its maintenance.

67. Mechanical cleaning (1 point)

The tourist accommodation shall have precise procedures for conducting chemical-free cleaning, such as use of micro-fibre products or other non-chemical cleaning materials or activities with similar effects.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation if relevant.

68. Organic gardening (2 points)

Outside areas shall be managed either without any use of pesticides or according to organic farming principles, as laid down in Council Regulation (EC) No 834/2007⁽¹⁾, or as laid down in national law or recognised national organic schemes.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation if relevant.

69. Insect and pest repellents (up to 2 points)

Architectural design of the accommodation and hygiene practices (such as building on stilts to prevent rats entering premises, use of mosquito nets and coils) shall ensure that the use of insect and pest repellents in the tourist accommodation is kept to a strict minimum (1 point).

If insect and pest repellents are used, only substances which are allowed for organic farming (as laid down in Regulation (EC) No 834/2007) or that have been awarded the Community eco-label or other national or regional ISO type I eco-labels shall be used (1 point).

Assessment and verification: The applicant shall provide a detailed explanation how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation if relevant.

WASTE

70. Composting (up to 2 points)

The tourist accommodation shall separate relevant organic waste (garden waste 1 point; kitchen waste 1 point) and shall ensure that it is composted according to local authority guidelines (e.g. by the local administration, in-house or by a private agency).

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation if relevant.

71. Disposable drink containers (2 points)

Disposable drink containers shall not be offered in the areas under the ownership or the direct management of the tourist accommodation.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with an indication of which such disposable products are used, if any, and the legislation requiring this.

72. Fat/oil disposal (up to 2 points)

Fat separators shall be installed and pan fat/oils and deep-frying fat/oils shall be collected and disposed of appropriately (1 point).

Proper disposal of own fat/oil is offered to guests where appropriate (e.g. apartments) (1 point).

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

73. Used textiles, furniture and other products (up to 2 points)

Used furniture, textiles and other products such as electronic equipment, shall be given to charity according to the tourist accommodation policy (2 points) or sold (1 point) to other associations which collect and redistribute such goods.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation from the associations.

OTHER SERVICES

74. Roof landscaping (2 points)

At least 50 % of the tourist accommodation building(s) which have suitable roofs (flat roofs or roofs with a small angle of inclination) and are not used for other purposes, shall be grassed or planted.

Assessment and verification: The applicant shall provide an explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

75. Environmental communication and education (up to 3 points)

The tourist accommodation shall provide environmental communication and education notices on local biodiversity, landscape and nature conservation measures to guests (1,5 points). Guest entertainment includes elements of environmental education (1,5 points).

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation.

76. No smoking in common areas and rooms (up to 1.5 points)

Smoking shall not be allowed in 100 % of indoor common areas and at least 70 % of the rooms (1 point) or at least 95 % (1,5 points) of the rooms.

Assessment and verification: The applicant shall indicate the number and nature of the areas and shall indicate which of these are non-smoking.

77. Bicycles (1,5 points)

Bicycles shall be made available to guests. (At least 3 bikes for every 50 rooms).

Assessment and verification: The applicant shall provide an explanation of how the tourist accommodation fulfils this criterion.

78. Pick up service (1 point)

The tourist accommodation shall offer guests travelling with public transport pick up service at arrival with environmentally friendly means of transportation such as electric cars or horse sleds.

Assessment and verification: The applicant shall provide an explanation on how the tourist accommodation fulfils this criterion and an example how it is communicated to guests.

79. Returnable or refillable bottles (up to 3 points)

The tourist accommodation shall offer beverages in returnable/refillable bottles: soft drinks (1 point), beer (1 point), water (1 point).

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation from the suppliers of the bottles.

80. Use of rechargeable products (up to 2 points)

The tourist accommodation shall use only rechargeable batteries for TV remote controls (1 point), and/or rechargeable cartridges for toner for printers and photocopiers (1 point).

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with appropriate supporting documentation from the suppliers of the batteries and/or the refillers of the toner cartridges.

81. Paper products (up to 3 points)

At least 80 % of toilet/tissue paper and/or office paper and/or printed paper used shall have been awarded the Community eco-label or other national or regional ISO Type I eco-labels (1 point for each of these three categories of paper products).

Assessment and verification: The applicant shall provide data and documentation (including relevant invoices) indicating the quantities of such products used and the quantities that have an eco-label.

82. Durable goods (up to 3 points)

At least 30 % of any category of durable goods (such as bed-linen, towels, table linen, PCs, portables, TVs, mattresses, furniture, washing machines, dishwashers, refrigerators, vacuum cleaners, floor coverings, light bulbs) present in the tourist accommodation, including rental accommodation, shall have been awarded the Community eco-label or other national or regional ISO Type I eco-labels (1 point for each of up to three categories of durable goods).

Assessment and verification: The applicant shall provide data and documentation indicating the quantities of such products owned and the quantities that have an eco-label.

83. Local food products (up to 3 points)

At least two locally sourced and not out of season (for fresh fruit and vegetables) food products shall be offered at each meal, including breakfast (1,5 points).

Where applicable, consumption of local endangered species such as specific fish and crustacean species and 'bushmeat' and shrimps from mangrove forest endangering cultivation shall be forbidden (1,5 points).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with appropriate supporting documentation.

84. Organic food (up to 2 points)

The main ingredients of at least two dishes (1 point) or the whole menu including breakfast (2 points) shall have been produced by organic farming methods, as laid down in Regulation (EC) No 834/2007 or produced according to an ISO type I eco label.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with appropriate supporting documentation.

85. Indoor air quality (up to 4 points)

The tourist accommodation shall provide an optimal indoor air quality through one or both of the following measures:

- The rooms and common areas shall correspond to the requirements laid down in point 3 of Annex I to Directive 89/106/EEC and shall contain only painting, decorating, furniture and other materials certified with the Community eco-label or another equivalent low emission ISO type I environmental label (2 points),
- The rooms and common areas shall be fragrance free, the sheets, towels and textiles shall be washed with fragrance free detergents (1 point) and cleaning shall be carried out with fragrance free means. (1 points).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with appropriate supporting documentation. As regards the fragrance free requirement, a list of components/ingredients of fragrance free washing and cleaning shall be considered as sufficient.

GENERAL MANAGEMENT**86. EMAS registration (3 points), ISO certification (2 points) of the tourist accommodation**

The tourist accommodation shall be registered under the Community eco-management and audit scheme (EMAS) (3 points) or certified according to ISO 14001 standards (2 points).

Assessment and verification: The applicant shall provide appropriate evidence of EMAS registration or ISO 14001 certification.

87. EMAS registration (1,5 points) or ISO certification (1 point) of suppliers

At least one of the main suppliers or service providers of the tourist accommodation shall be registered with EMAS (1,5 points) or certified according to ISO 14001 (1 point).

Assessment and verification: The applicant shall provide appropriate evidence of EMAS registration or ISO 14001 certification by at least one of his main suppliers.

88. Compliance by subcontractors with mandatory criteria (up to 4 points)

Where additional services of food or leisure/fitness activities are subcontracted, those services shall comply with all mandatory criteria of this Annex, that apply to that specific services (2 points for each service of food and beverage and/or leisure/fitness facilities which is present on the tourist accommodation).

Assessment and verification: The applicant shall provide appropriate documentation of contractual agreements with his subcontractors regarding their compliance with the mandatory criteria.

89. Energy and water meters (1 point)

The tourist accommodation shall have additional energy and water meters installed so as to allow data collection on consumption of different activities and/or machines, such as rooms, laundry and kitchen service and/or specific machines like refrigerators, washing machines, etc.

Assessment and verification: The applicant shall provide a detailed explanation of how the tourist accommodation fulfils this criterion, together with an analysis of the data collected (if already available).

90. Additional environmental actions (maximum 3 points)

Either:

- (a) Additional environmental actions (up to 1,5 points each, to a maximum of 3 points): The management of the tourist accommodation shall take actions, additional to those provided for by way of criteria in this Section or in Section A, to improve the environmental performance of the tourist accommodation. The Competent Body assessing the application shall attribute a score to these actions not exceeding 1,5 points per action.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a full description of each additional action the applicant wishes to be taken into account;

Or:

- (b) Eco-label award (3 points): The tourist accommodation shall be awarded a national or regional ISO Type I eco-label.

Assessment and verification: The applicant shall provide appropriate evidence of having been awarded an eco-label.

COMMISSION DECISION

of 29 July 2009

allowing Member States to extend provisional authorisations granted for the new active substances acequinocyl, aminopyralid, ascorbic acid, benalaxyl-M, mandipropamid, novaluron, proquinazid, spirodiclofen and spiromesifen

(notified under document number C(2009) 5582)

(Text with EEA relevance)

(2009/579/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2001 the United Kingdom received an application from Makhteshim Agan Ltd. for the inclusion of the active substance novaluron in Annex I to Directive 91/414/EEC. Commission Decision 2001/861/EC ⁽²⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (2) In accordance with Article 6(2) of Directive 91/414/EEC, in August 2001 the Netherlands received an application from Bayer AG, Germany for the inclusion of the active substance spirodiclofen in Annex I to Directive 91/414/EEC. Commission Decision 2002/593/EC ⁽³⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (3) In accordance with Article 6(2) of Directive 91/414/EEC, in February 2002 Portugal received an application from ISAGRO IT for the inclusion of the active substance benalaxyl-M in Annex I to Directive 91/414/EEC. Commission Decision 2003/35/EC ⁽⁴⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (4) In accordance with Article 6(2) of Directive 91/414/EEC, in April 2002 the United Kingdom received an application from Bayer AG for the inclusion of the active substance spiromesifen in Annex I to Directive 91/414/EEC. Commission Decision 2003/105/EC ⁽⁵⁾

confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

- (5) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2003 the Netherlands received an application from Agro-Kanesho Co. Ltd for the inclusion of the active substance acequinocyl in Annex I to Directive 91/414/EEC. Commission Decision 2003/636/EC ⁽⁶⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (6) In accordance with Article 6(2) of Directive 91/414/EEC, in January 2004 the United Kingdom received an application from DuPont (UK) Ltd for the inclusion of the active substance proquinazid in Annex I to Directive 91/414/EEC. Commission Decision 2004/686/EC ⁽⁷⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (7) In accordance with Article 6(2) of Directive 91/414/EEC, in September 2004 the Netherlands received an application from Citrex Nederland BV for the inclusion of the active substance ascorbic acid in Annex I to Directive 91/414/EEC. Commission Decision 2005/751/EC ⁽⁸⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (8) In accordance with Article 6(2) of Directive 91/414/EEC, in September 2004 the United Kingdom received an application from Dow AgroSciences for the inclusion of the active substance aminopyralid in Annex I to Directive 91/414/EEC. Commission Decision 2005/778/EC ⁽⁹⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 321, 6.12.2001, p. 34.

⁽³⁾ OJ L 192, 20.7.2002, p. 60.

⁽⁴⁾ OJ L 11, 16.1.2003, p. 52.

⁽⁵⁾ OJ L 43, 18.2.2003, p. 45.

⁽⁶⁾ OJ L 221, 4.9.2003, p. 42.

⁽⁷⁾ OJ L 313, 12.10.2004, p. 21.

⁽⁸⁾ OJ L 282, 26.10.2005, p. 18.

⁽⁹⁾ OJ L 293, 9.11.2005, p. 26.

- (9) In accordance with Article 6(2) of Directive 91/414/EEC, in December 2005 Austria received an application from Syngenta Limited for the inclusion of the active substance mandipropamid in Annex I to Directive 91/414/EEC. Commission Decision 2006/589/EC⁽¹⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (10) Confirmation of the completeness of the dossiers was necessary in order to allow those active substances to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods of up to three years, for plant protection products containing those active substances, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by that Directive.
- (11) For those active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicants. The respective rapporteur Member States submitted the draft assessment reports to the Commission on 21 November 2003 (benalaxyl-M), on 9 March 2004 (spiromesifen), on 21 April 2004 (spirodiclofen), on 8 March 2005 (acequinocyl), on 14 March 2006 (proquinazid), on 22 August 2006 (aminopyralid), on 30 November 2006 (mandipropamid), on 12 January 2007 (novaluron) and on 10 September 2007 (ascorbic acid).
- (12) Following submission of the draft assessment report by the rapporteur Member State concerned, in each case it has been found to be necessary to request further information from the applicants and to have the rapporteur Member States examine that information and submit their assessments. Therefore, the examination of the dossiers is still ongoing and it will not be possible to complete the evaluation within the timeframe provided for in Directive 91/414/EEC, in the cases of novaluron read in conjunction with Commission Decision 2007/404/EC⁽²⁾, of spirodiclofen, spiromesifen and benalaxyl-M with Commission Decision 2007/333/EC⁽³⁾ and of proquinazid with Commission Decision 2008/56/EC⁽⁴⁾.
- (13) As the evaluations so far have not identified any reason for immediate concern, Member States should be given

the possibility of prolonging provisional authorisations granted for plant protection products containing the active substances concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on a possible inclusion in Annex I to that Directive for acequinocyl, aminopyralid, ascorbic acid, benalaxyl-M, mandipropamid, novaluron, proquinazid, spirodiclofen and spiromesifen will have been completed within 24 months.

- (14) At the same time Decisions 2007/333/EC, 2007/404/EC and 2008/56/EC should be repealed, since they have become obsolete.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations for plant protection products containing acequinocyl, aminopyralid, ascorbic acid, benalaxyl-M, mandipropamid, novaluron, proquinazid, spirodiclofen or spiromesifen for a period ending 29 July 2011 at the latest.

Article 2

Decisions 2007/333/EC, 2007/404/EC and 2008/56/EC are repealed.

Article 3

This Decision shall expire on 29 July 2011.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 July 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 240, 2.9.2006, p. 9.

⁽²⁾ OJ L 151, 13.6.2007, p. 45.

⁽³⁾ OJ L 125, 15.5.2007, p. 27.

⁽⁴⁾ OJ L 14, 17.1.2008, p. 26.

COMMISSION DECISION

of 29 July 2009

modifying Decision 2006/433/EC establishing the Community's financial contribution to the expenditure incurred in the context of the emergency measures taken to combat classical swine fever in Germany in 2002

(notified under document number C(2009) 5866)

(Only the German text is authentic)

(2009/580/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3,

Whereas:

- (1) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution towards specific veterinary measures, including emergency measures.
- (2) Commission Decision 2003/745/EC ⁽²⁾ granted a financial contribution from the Community to Germany towards the costs incurred in taking emergency measures to combat classical swine fever in 2002.
- (3) Commission Decision 2006/433/EC ⁽³⁾ fixed the amount of the total Community financial contribution towards the expenditure associated with eradicating classical swine fever in 2002.
- (4) The abovementioned contribution resulted from the application that the German authorities presented in line with Decision 2003/745/EC on 19 November 2003. Reference was made in that application to some files still open. It is only on 27 December 2007 that these files were settled. The resulting payment was made by the German authorities on 8 January 2008. In the light of the explicit mention of the open files in the original application, the Commission considers that the time necessary to reach a settlement concerning them must be considered a well justified delay in the payment, which authorises the application of a zero reduction rate according to the last subparagraph of Article 4(1) of Decision 2003/745/EC.
- (5) On 19 June 2008, Germany submitted an additional official application for reimbursement as set out in Article 5(1) of Decision 2003/745/EC. The amounts in

the additional request are related to expenses which were not reimbursed initially by the German authorities.

- (6) Decision 2003/745/EC and in particular Article 2(b) and (c) and Article 4 thereof shall be applicable as appropriate to this additional application.
- (7) In view of the above considerations, the amount of total financial contribution mentioned in Decision 2006/433/EC should be modified.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The text of Article 1 of Decision 2006/433/EC is replaced by the following:

'Article 1

The total Community financial contribution towards the expenditure associated with eradication of classical swine fever in Germany in 2002 pursuant to Decision 2003/745/EC is fixed at EUR 970 167,31.

Since two instalments of EUR 460 000 and of EUR 465 808,47 have already been granted the balance of the Community financial contribution is fixed at EUR 44 358,84.'

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 July 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 269, 21.10.2003, p. 18.

⁽³⁾ OJ L 173, 27.6.2006, p. 27.

COMMISSION DECISION

of 29 July 2009

on a financial contribution from the Community towards emergency measures to combat avian influenza in Cloppenburg, Germany in December 2008 and January 2009

(notified under document number C(2009) 5869)

(Only the German text is authentic)

(2009/581/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Articles 3(3) and 3a(1) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease of poultry and other captive birds with a severe impact on the profitability of poultry farming causing disturbance to intra-Community trade and export to third countries.
- (2) In the event of an outbreak of avian influenza, there is a risk that the disease agent might spread to other poultry holdings within that Member State, but also to other Member States and to third countries through trade in live poultry or their products.
- (3) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza ⁽²⁾ sets out measures which in the event of an outbreak have to be immediately implemented by Member States as a matter of urgency to prevent further spread of the virus.
- (4) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution towards specific veterinary measures, including emergency measures. Pursuant to Article 3a of that Decision, Member States shall obtain a financial contribution towards the costs of certain measures to eradicate avian influenza.
- (5) Article 3a(3), first and second indents of Decision 90/424/EEC lays down rules on the percentage of the costs incurred by the Member State that may be covered by the Community's financial contribution.

- (6) The payment of a Community financial contribution towards emergency measures to eradicate avian influenza is subject to the rules laid down in Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽³⁾.
- (7) Outbreaks of avian influenza occurred in Cloppenburg, Germany in December 2008 and January 2009. Germany took measures, in accordance with Directive 2005/94/EC to combat those outbreaks.
- (8) Germany has fully complied with its technical and administrative obligations as set out in Article 3(3) of Decision 90/424/EEC and Article 6 of Regulation (EC) No 349/2005.
- (9) On 5 February 2009 and 6 March 2009, Germany submitted an estimate of the costs incurred in taking measures to eradicate avian influenza.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1***Financial contribution from the Community to Germany**

A financial contribution from the Community may be granted to Germany towards the costs incurred by that Member State in taking measures pursuant to Article 3a(2) and (3) of Decision 90/424/EEC, to combat avian influenza in Cloppenburg in December 2008 and January 2009.

*Article 2***Payment arrangements**

A first tranche of EUR 2 000 000 shall be paid as part of the Community financial contribution provided for in Article 1.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 10, 14.1.2006, p. 16.

⁽³⁾ OJ L 55, 1.3.2005, p. 12.

*Article 3***Addressee**

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 July 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION DECISION

of 29 July 2009

on the financing of special emergency measures to protect the Community from rabies

(2009/582/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 6(2) thereof,

Whereas:

(1) Decision 90/424/EEC provides that where a Member State is directly threatened by the occurrence or development, in the territory of a third country, of a disease listed in the Annex to that Decision, any measure appropriate to the situation may be adopted, including the granting of a financial contribution by the Community towards the measures deemed particularly necessary for the success of the actions undertaken.

(2) Rabies is an animal disease that mainly affects wild and domestic carnivores and has serious public health implications. Rabies is listed in the Annex to Decision 90/424/EEC.

(3) In recent years, Community co-financed programmes for the oral immunisation of wild carnivores which are the reservoir of the disease have resulted in a very favourable situation in most Member States with drastic reduction of the cases in wild and domestic animals and the disappearance of human cases.

(4) The territory of the Kaliningrad Region, an exclave of Russia surrounded by EU territory, is adjacent to Member States that are making their final efforts towards complete eradication of the disease.

(5) Lithuania and Poland informed the Commission that the presence of sylvatic rabies in the Kaliningrad region now poses a direct threat to the successful conclusion of their rabies eradication programmes.

(6) Urgent action is necessary in the Kaliningrad region so that incursions of disease from its territory do not further endanger the progress made as regards human and animal health in the neighbouring Member States.

(7) A special measure is necessary to prevent continuing re-infection of neighbouring Member States from Kaliningrad. Given the relative size of the territory of Kaliningrad, it is more appropriate and cost efficient to assist the efforts towards the elimination of rabies in Kaliningrad than to put in place a vaccination buffer zone in the territory of the neighbouring Member States which would have to be maintained indefinitely.

(8) Under Article 110 of Council Regulation (EC, Euratom) No 1605/2002 ⁽²⁾, grants are subject to an annual programme. That annual work programme shall be implemented through the publication of calls for proposals, save in duly substantiated exceptional cases of urgency. Under Article 168(1)(b) of the detailed rules for the implementation of Regulation (EC, Euratom) No 1605/2002 determined by Commission Regulation (EC, Euratom) No 2342/2002 ⁽³⁾, the Commission can decide to award grants without a call for proposals in exceptional and duly substantiated emergencies.

(9) On 21 October 2008 Russia has submitted to the Commission a programme for the elimination of rabies from Kaliningrad region and that programme was found to be acceptable as regards the objective of protecting the Community against rabies. The actions foreseen in that programme are essential for the protection of Community interest and it is therefore appropriate that certain measures receive Community financing. A Community financial contribution should therefore be granted in 2009 for the implementation of that programme.

(10) The present Decision constitutes a financing Decision within the meaning of Article 75 of Regulation (EC, Euratom) No 1605/2002, Article 90 of the detailed rules for the implementation of Regulation (EC, Euratom) No 1605/2002, and Article 15 of the Internal Rules on the Implementation of the general budget of the European Communities ⁽⁴⁾.

(11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 1.

⁽⁴⁾ Commission Decision of 6 April 2009 (C(2009) 2105).

HAS DECIDED AS FOLLOWS:

Article 1

1. The 36-month rabies elimination plan in the Kaliningrad Region ('rabies elimination programme') submitted by Russia is hereby approved.
2. The action under this Decision shall cover the following specific operations:
 - purchase of the vaccine baits for the oral immunisation of wild carnivores,
 - distribution in the territory of the Kaliningrad region of the vaccine baits referred in the preceding point.

Article 2

The maximum contribution of the Community is set at EUR 1 800 000 to be financed from budget line 17 04 03 01 of the general budget of the European Communities for 2009.

Article 3

1. The award of an individual grant to the Veterinary and state veterinary inspection service of the Kaliningrad region of the Russian Federation (Служба ветеринарии и госветинспекции Калининградской области) is authorised.
2. The activities covered by this Decision may be financed up to 100 % of the corresponding eligible costs, provided that part of the total costs of the action is borne by the Veterinary and state veterinary inspection service of the Kaliningrad region of the Russian Federation (Служба ветеринарии и госветинспекции Калининградской области) or by contributions other than the Community contribution.

Done at Brussels, 29 July 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

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| ★ Commission Decision of 29 July 2009 allowing Member States to extend provisional authorisations granted for the new active substances acequinocyl, aminopyralid, ascorbic acid, benalaxyl-M, mandipropamid, novaluron, proquinazid, spirodiclofen and spiromesifen (notified under document number C(2009) 5582) ⁽¹⁾ | 80 |
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| ★ Commission Decision of 29 July 2009 modifying Decision 2006/433/EC establishing the Community's financial contribution to the expenditure incurred in the context of the emergency measures taken to combat classical swine fever in Germany in 2002 (notified under document number C(2009) 5866) | 82 |
| 2009/581/EC: | |
| ★ Commission Decision of 29 July 2009 on a financial contribution from the Community towards emergency measures to combat avian influenza in Cloppenburg, Germany in December 2008 and January 2009 (notified under document number C(2009) 5869) | 83 |
| 2009/582/EC: | |
| ★ Commission Decision of 29 July 2009 on the financing of special emergency measures to protect the Community from rabies | 85 |



⁽¹⁾ Text with EEA relevance

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