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Price: EUR 3

(Continued overleaf)

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

EN

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

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) No 392/2012

of 1 March 2012

supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household tumble driers

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products <sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Directive 2010/30/EU requires the Commission to adopt delegated acts for the labelling of energy-related products representing significant potential for energy savings and presenting a wide disparity in performance levels with equivalent functionality.
- (2) Provisions for the energy labelling of household tumble driers were established by Commission Directive 95/13/EC of 23 May 1995 implementing Council Directive 92/75/EEC with regard to energy labelling of household electric tumble driers <sup>(2)</sup>.
- (3) The energy used by household tumble driers accounts for a significant part of total household energy demand in the Union. In addition to the energy efficiency improvements already achieved, the scope for further reducing the energy consumption of household tumble driers is substantial.
- (4) Directive 95/13/EC should be repealed and new provisions should be laid down by this Regulation in order to ensure that the energy label provides dynamic

incentives for suppliers to further improve the energy efficiency of household tumble driers and to accelerate market transformation towards energy-efficient technologies.

- (5) Household combined washer-driers are addressed in Commission Directive 96/60/EC of 19 September 1996 implementing Council Directive 92/75/EEC with regard to energy labelling of household combined washer-driers <sup>(3)</sup>. They have particular characteristics and should therefore be exempted from the scope of this Regulation.
- (6) The information provided on the label should be obtained through reliable, accurate and reproducible measurement procedures which take into account the recognised state-of-the-art measurement methods, including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations <sup>(4)</sup>.
- (7) This Regulation should specify a uniform design and content for the label for household tumble driers, including gas-fired driers.
- (8) In addition, this Regulation should specify requirements as to the 'technical documentation' and the 'product fiche' for household tumble driers.
- (9) Moreover, this Regulation should specify requirements as to the information to be provided for any form of distance selling and advertisement of household tumble driers and any form of technical promotional material for such appliances.

<sup>(1)</sup> OJ L 153, 18.6.2010, p. 1.

<sup>(2)</sup> OJ L 136, 21.6.1995, p. 28.

<sup>(3)</sup> OJ L 266, 18.10.1996, p. 1.

<sup>(4)</sup> OJ L 204, 21.7.1998, p. 37.

- (10) It is appropriate to provide for a review of this Regulation in order to take into account technological progress.
- (11) In order to facilitate the transition from Directive 95/13/EC to this Regulation, household tumble driers labelled in accordance with this Regulation should be considered as compliant with Directive 95/13/EC.
- (12) Directive 95/13/EC should therefore be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Subject matter and scope**

1. This Regulation establishes requirements for the labelling of and the provision of supplementary product information on electric mains-operated and gas-fired household tumble driers and built-in household tumble driers, including those sold for non-household use.
2. This Regulation shall not apply to household combined washer-driers and household spin-extractors.

*Article 2*

**Definitions**

In addition to the definitions laid down in Article 2 of Directive 2010/30/EU, the following definitions shall apply for the purposes of this Regulation:

- (1) 'household tumble drier' means an appliance in which textiles are dried by tumbling in a rotating drum, through which heated air is passed and which is designed to be used principally for non-professional purposes;
- (2) 'built-in household tumble drier' means a household tumble drier intended to be installed in a cabinet, a prepared recess in a wall or a similar location, requiring furniture finishing;
- (3) 'household combined washer-drier' means a household washing machine which includes both a spin extraction function and also a means for drying the textiles, usually by heating and tumbling;
- (4) 'household spin-extractor', also known commercially as 'spin-drier', means an appliance in which water is removed from the textiles by centrifugal action in a rotating drum and drained through an automatic pump and which is designed to be used principally for non-professional purposes;
- (5) 'air-vented tumble drier' means a tumble drier that draws in fresh air, passes it over the textiles and vents the resulting moist air into the room or outside;
- (6) 'condenser tumble drier' means a tumble drier which includes a device (either using condensation or any other means) for removing moisture from the air used for the drying process;
- (7) 'automatic tumble drier' means a tumble drier which switches off the drying process when a certain moisture content of the load is detected, for example through conductivity or temperature sensing;
- (8) 'non-automatic tumble drier' means a tumble drier which switches off the drying process after a predefined period, usually controlled by a timer, but which may also be manually switched off;
- (9) 'programme' means a series of operations that are predefined and which are declared by the supplier as suitable for drying certain types of textile;
- (10) 'cycle' means a complete drying process, as defined for the selected programme;
- (11) 'programme time' means the time that elapses from the initiation of the programme until the completion of the programme, excluding any end-user programmed delay;
- (12) 'rated capacity' means the maximum mass in kilograms, indicated by the supplier in 0,5 kilogram increments of dry textiles of a particular type, which can be treated in a household tumble drier with the selected programme, when loaded in accordance with the supplier's instructions;
- (13) 'partial load' means half of the rated capacity of a household tumble drier for a given programme;
- (14) 'condensation efficiency' means the ratio between the mass of moisture condensed by a condenser tumble drier and the mass of moisture removed from the load at the end of a cycle;
- (15) 'off-mode' means a condition where the household tumble drier is switched off using appliance controls or switches accessible to and intended for operation by the end-user during normal use to attain the lowest power consumption that may persist for an indefinite time while the household tumble drier is connected to a power source and used in accordance with the supplier's instructions; where there is no control or switch accessible to the end-user, 'off-mode' means the condition reached after the household tumble drier reverts to a steady-state power consumption on its own;
- (16) 'left-on mode' means the lowest power consumption mode that may persist for an indefinite time after completion of the programme without any further intervention by the end-user besides unloading of the household tumble drier;
- (17) 'equivalent household tumble drier' means a model of household tumble drier placed on the market with the same rated capacity, technical and performance characteristics, energy consumption, condensation efficiency where relevant, standard cotton programme time and airborne acoustical noise emissions during drying as another model of household tumble drier placed on the market under a different commercial code number by the same supplier;

- (18) 'end-user' means a consumer buying or expected to buy a household tumble drier;
- (19) 'point of sale' means a location where household tumble driers are displayed or offered for sale, hire or hire-purchase.
- (20) 'standard cotton programme' means the cycle which dries cotton laundry with an initial moisture content of the load of 60 % up to a remaining moisture content of the load of 0 %.

#### Article 3

##### Responsibilities of suppliers

Suppliers shall ensure that:

- (a) each household tumble drier is supplied with a printed label in the format and containing the information set out in Annex I;
- (b) a product fiche, as set out in Annex II, is made available;
- (c) technical documentation as set out in Annex III is made available on request to the authorities of the Member States and to the Commission;
- (d) any advertisement for a specific model of household tumble drier contains the energy efficiency class, if the advertisement discloses energy-related or price information;
- (e) any technical promotional material concerning a specific model of household tumble drier which describes its specific technical parameters includes the energy efficiency class of that model.

#### Article 4

##### Responsibilities of dealers

Dealers shall ensure that:

- (a) each household tumble drier, at the point of sale, bears the label provided by suppliers in accordance with Article 3(a) on the outside of the front or top of the household tumble drier, in such a way as to be clearly visible;
- (b) household tumble driers offered for sale, hire or hire-purchase where the end-user cannot be expected to see the product displayed, as specified in Article 7 of Directive 2010/30/EU, are marketed with the information provided by suppliers in accordance with Annex IV to this Regulation;
- (c) any advertisement for a specific model of household tumble drier contains a reference to the energy efficiency class, if the advertisement discloses energy-related or price information;
- (d) any technical promotional material concerning a specific model of household tumble drier which describes its specific technical parameters includes a reference to the energy efficiency class of that model.

#### Article 5

##### Measurement methods

The information to be provided under Articles 3 and 4 shall be obtained by reliable, accurate and reproducible measurement procedures, which take into account the recognised state-of-the-art measurement methods.

#### Article 6

##### Verification procedure for market surveillance purposes

Member States shall apply the procedure set out in Annex V for assessing the conformity of the declared energy efficiency class, the energy consumption per cycle, the condensation efficiency class where applicable, the rated capacity, the power consumption in off-mode and left-on mode, the duration of the left-on mode, the programme time and airborne acoustical noise emissions.

#### Article 7

##### Revision

The Commission shall review this Regulation in the light of technological progress no later than five years after its entry into force. The review shall in particular assess the verification tolerances set out in Annex V.

#### Article 8

##### Repeal

Directive 95/13/EC shall be repealed from 29 May 2012.

#### Article 9

##### Transitional provisions

1. Article 3(d) and (e) and Article 4(b), (c) and (d) shall not apply to printed advertisements and printed technical promotional material published before 29 September 2012.
2. Household tumble driers placed on the market before 29 May 2012 shall comply with the provisions of Directive 95/13/EC.
3. Household tumble driers which comply with the provisions of this Regulation and which are placed on the market or offered for sale, hire or hire-purchase before 29 May 2012 shall be regarded as complying with the requirements of Directive 95/13/EC.

#### Article 10

##### Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 29 May 2012. However, Article 3(d) and (e) and Article 4(b), (c) and (d) shall apply from 29 September 2012.

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

Done at Brussels, 1 March 2012.

*For the Commission*

*The President*

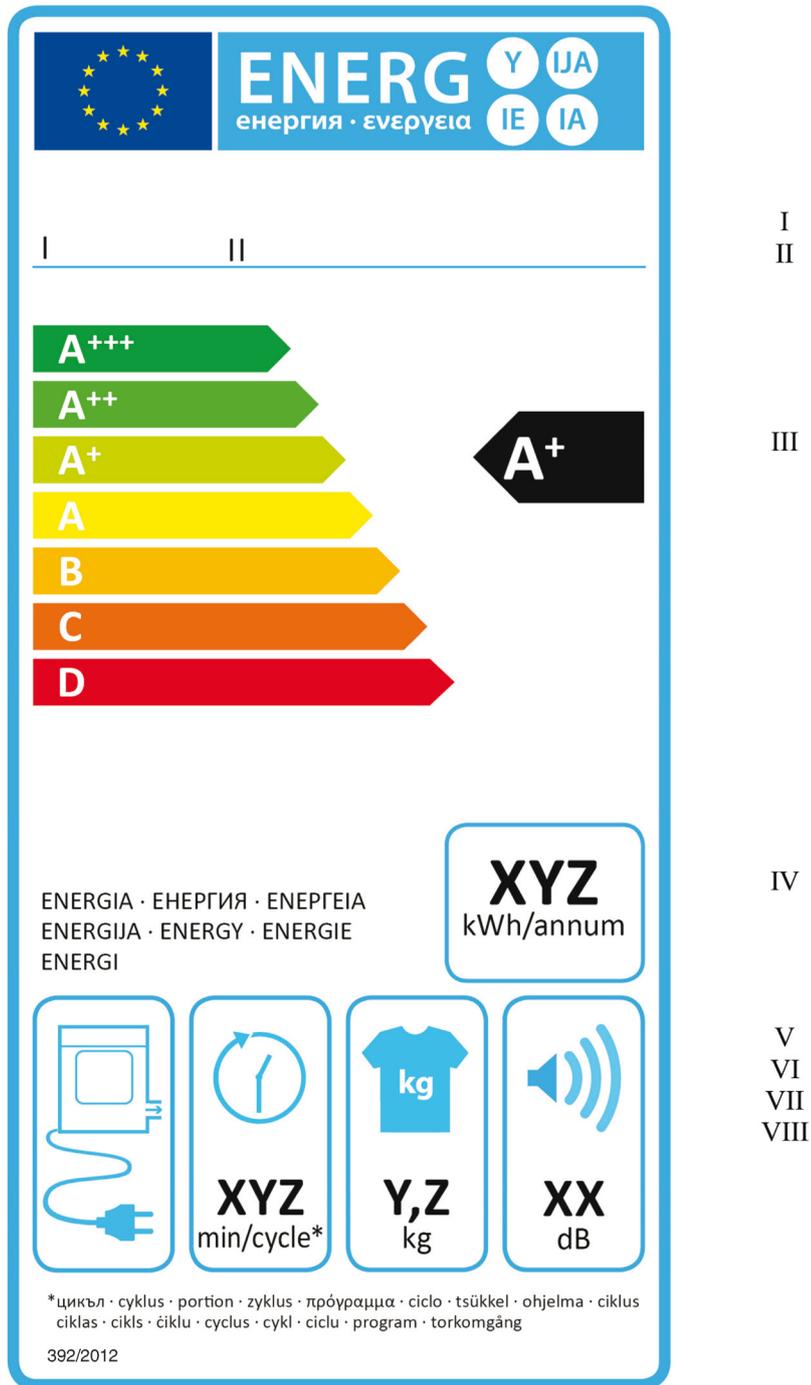
José Manuel BARROSO

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ANNEX I

Label

1. LABEL FOR AIR-VENTED HOUSEHOLD TUMBLE DRIER



1.1. The following information shall be included in the label for air vented household tumble driers:

I. supplier's name or trade mark;

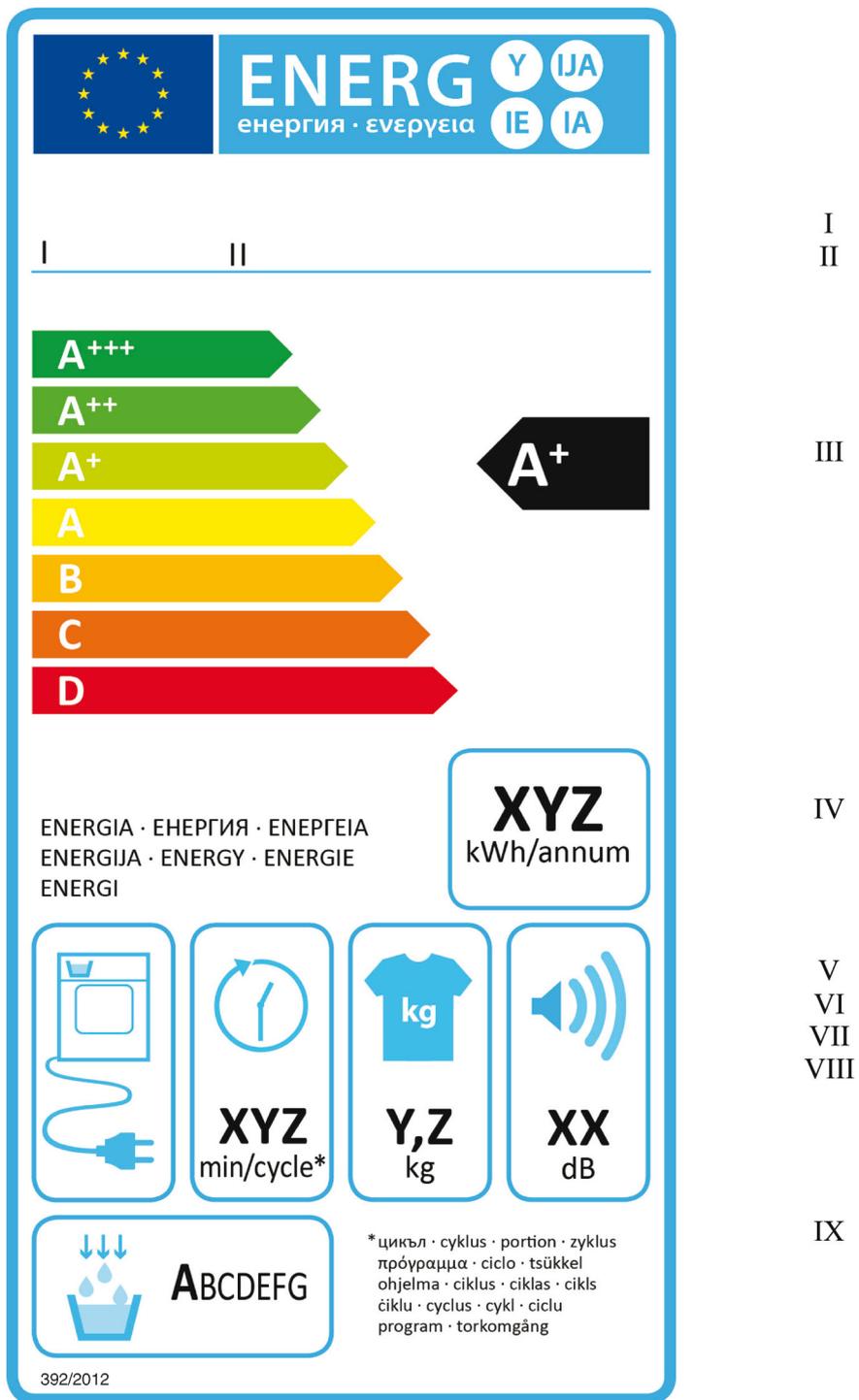
II. supplier's model identifier, meaning the code, usually alphanumeric, which distinguishes a specific household tumble drier model from other models with the same trade mark or supplier's name;

- III. the energy efficiency class as defined in point 1 of Annex VI; the head of the arrow containing the energy efficiency class of the household tumble drier shall be placed at the same height as the head of the arrow of the relevant energy efficiency class;
  - IV. weighted annual energy consumption ( $AE_C$ ) in kWh/year, rounded up to the nearest integer and calculated in accordance with Annex VII;
  - V. information on the type of household tumble drier;
  - VI. cycle time corresponding to the standard cotton programme at full load in minutes and rounded to the nearest minute;
  - VII. rated capacity, in kg, for the standard cotton programme at full load;
  - VIII. the sound power level (weighted average value —  $L_{WA}$ ), during the drying phase, for the standard cotton programme at full load, expressed in dB, rounded to the nearest integer.
- 1.2. The design of the label for air vented household tumble driers shall be in accordance with point 4 of this Annex. Where a model has been granted an 'EU Ecolabel' under Regulation (EC) No 66/2010 of the European Parliament and of the Council <sup>(1)</sup>, a copy of the EU Ecolabel may be added.

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<sup>(1)</sup> OJ L 27, 30.1.2010, p. 1.

2. LABEL FOR CONDENSER HOUSEHOLD TUMBLE DRIER

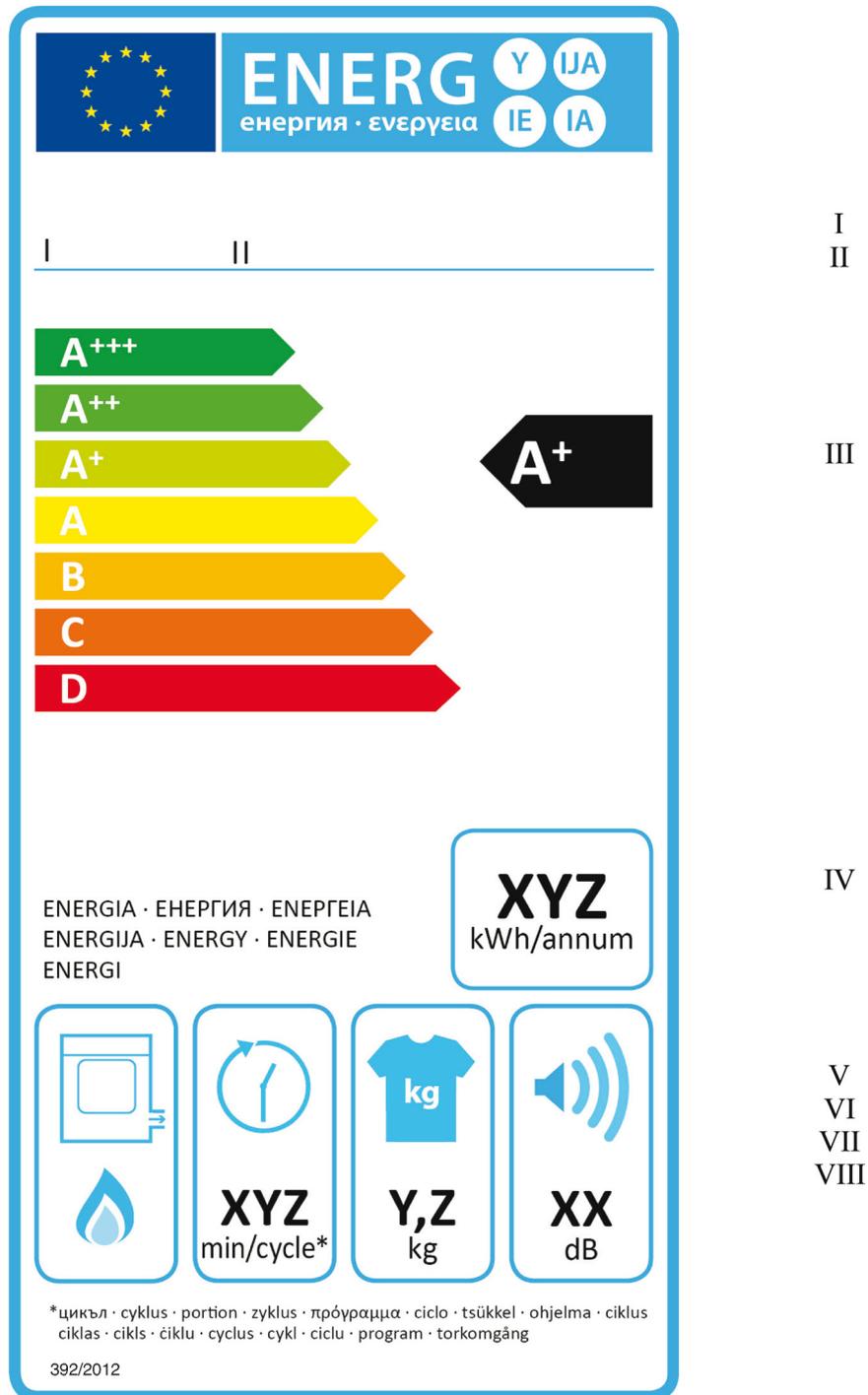


2.1. In addition to the information listed in point 1.1, the label for condenser household tumble driers shall include:

IX. the condensation efficiency class in accordance with point 2 of Annex VI.

2.2. The design of the label for condenser household tumble driers shall be in accordance with point 4 of this Annex. Where a model has been awarded an 'EU Ecolabel' under Regulation (EC) No 66/2010, a copy of the EU Ecolabel may be added.

## 3. LABEL FOR GAS-FIRED HOUSEHOLD TUMBLE DRIER



3.1. The information listed in point 1.1 shall be included in the label for gas fired household tumble driers.

3.2. The design of the label for gas fired household tumble driers shall be in accordance with point 4 of this Annex. Where a model has been awarded an 'EU Ecolabel' under Regulation (EC) No 66/2010, a copy of the EU Ecolabel may be added.

## 4. LABEL DESIGN

4.1. For air vented household tumble driers, the design of the label shall be as in the figure below.



Whereby

- (a) The label must be at least 110 mm wide and 220 mm high. Where the label is printed in a larger format, its content must nevertheless remain proportionate to the specifications above.
- (b) The background shall be white.
- (c) Colours shall be CMYK — cyan, magenta, yellow and black following this example: 00-70-X-00: 0 % cyan, 70 % magenta, 100 % yellow, 0 % black.
- (d) The label shall fulfil all of the following requirements (numbers refer to the figure above).

① **Eu label border stroke:** 5 pt — colour: Cyan 100 % — round corners: 3,5 mm.

② **EU logo** — colours: X-80-00-00 and 00-00-X-00.

③ **Energy label:** colour: X-00-00-00. Pictogram as depicted; EU logo and energy logo (combined): width: 92 mm, height: 17 mm.

④ **Sub-logos border:** 1 pt — colour: Cyan 100 % — length: 92,5 mm.

⑤ **A-G scale**

— **Arrow:** height: 7 mm, gap: 0,75 mm — colours:

Highest class: X-00-X-00,

Second class: 70-00-X-00,

Third class: 30-00-X-00,

Fourth class: 00-00-X-00,

Fifth class: 00-30-X-00,

Sixth class: 00-70-X-00,

Last class: 00-X-X-00.

— **Text:** Calibri bold 18 pt, capitals and white; '+' symbols: Calibri bold 12 pt, white aligned on a single row.

⑥ **Energy efficiency class**

— **Arrow:** width: 26 mm, height: 14 mm, 100 % black;

— **Text:** Calibri bold 29 pt, capitals and white; '+' symbols: Calibri bold 18 pt, white aligned on a single row.

⑦ **Energy**

— **Text:** Calibri regular 11 pt, capitals, 100 % black.

⑧ **Weighted annual energy consumption:**

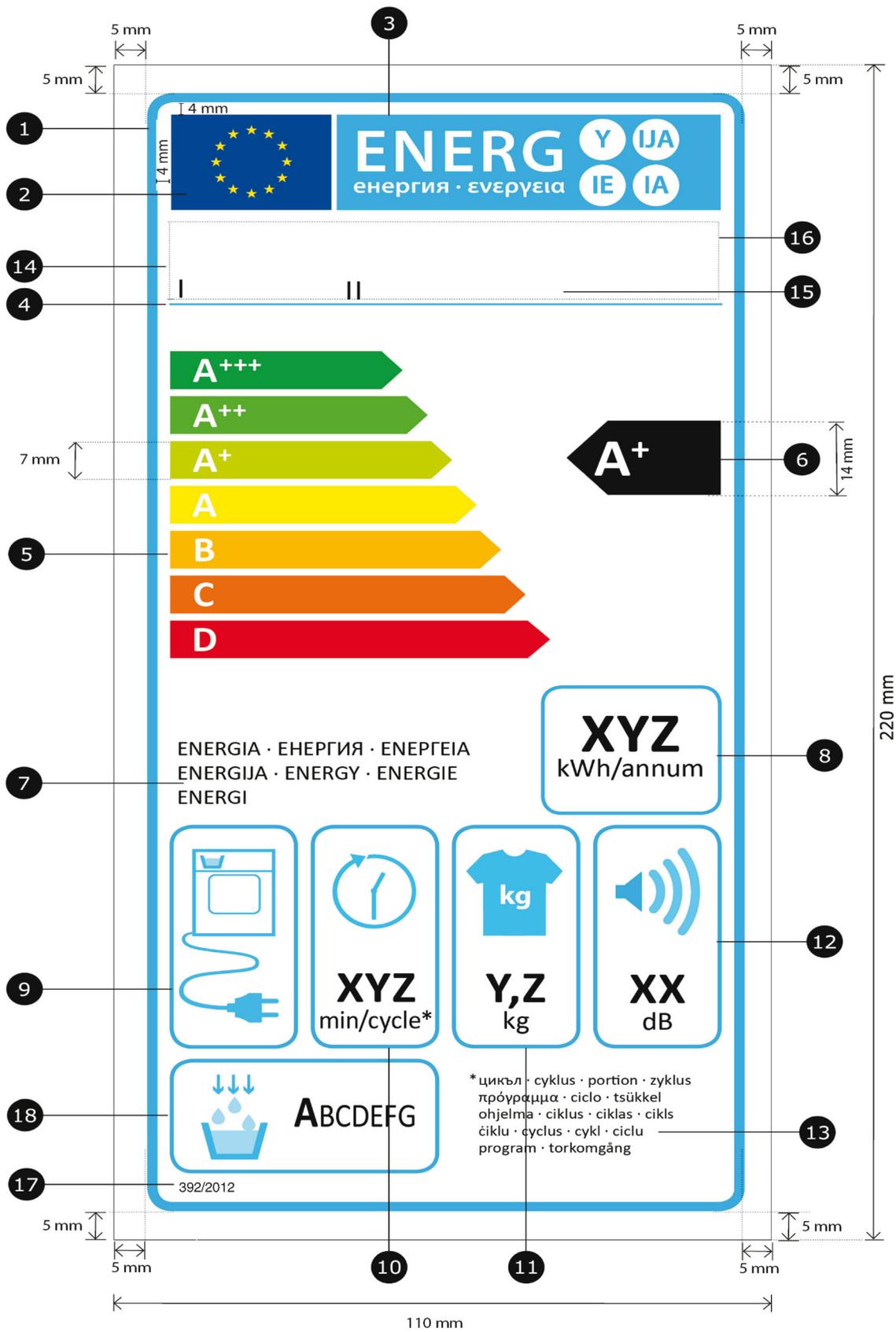
— **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.

— **Value:** Calibri bold 30 pt, 100 % black.

— **Second line:** Calibri regular 14 pt, 100 % black.

- ⑨ **Type of household tumble drier:**
  - **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
- ⑩ **Cycle time:**
  - **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
  - **Value:** Calibri bold 24 pt, 100 % black; and Calibri regular 16 pt, 100 % black.
- ⑪ **Rated capacity:**
  - **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100% — round corners: 3,5 mm.
  - **Value:** Calibri bold 24 pt, 100 % black; and Calibri regular 16 pt, 100 % black.
- ⑫ **Sound power level:**
  - **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
  - **Value:** Calibri bold 24 pt, 100 % black; and Calibri regular 16 pt, 100 % black.
- ⑬ **Asterisk:** Calibri regular 6 pt, 100 % black.
- ⑭ **Supplier's name or trade mark**
- ⑮ **Supplier's model identifier**
- ⑯ The supplier's name or trademark and model identifier should fit in a space of 92 × 15 mm.
- ⑰ **Numbering of the Regulation:** Calibri bold 9 pt, 100 % black.

4.2. For condenser household tumble driers, the design of the label shall be as in the figure below.



Whereby

- (a) The label must be at least 110 mm wide and 220 mm high. Where the label is printed in a larger format, its content must nevertheless remain proportionate to the specifications above.
- (b) The background shall be white.
- (c) Colours shall be CMYK — cyan, magenta, yellow and black following this example: 00-70-X-00: 0 % cyan, 70 % magenta, 100 % yellow, 0 % black.
- (d) The label shall fulfil all of the following requirements (numbers refer to the figure above).

❶ **Eu label border stroke:** 5 pt — colour: Cyan 100 % — round corners: 3,5 mm.

❷ **EU logo** — colours: X-80-00-00 and 00-00-X-00.

❸ **Energy label:** colour: X-00-00-00. Pictogram as depicted; EU logo and energy logo (combined): width: 92 mm, height: 17 mm.

❹ **Sub-logos border:** 1 pt — colour: Cyan 100 % — length: 92,5 mm.

❺ **A-G scale**

— **Arrow:** height: 7 mm, gap: 0,75 mm — colours:

Highest class: X-00-X-00,

Second class: 70-00-X-00,

Third class: 30-00-X-00,

Fourth class: 00-00-X-00,

Fifth class: 00-30-X-00,

Sixth class: 00-70-X-00,

Last class: 00-X-X-00.

— **Text:** Calibri bold 18 pt, capitals and white; '+' symbols: Calibri bold 12 pt, white aligned on a single row.

❻ **Energy efficiency class**

— **Arrow:** width: 26 mm, height: 14 mm, 100 % black;

— **Text:** Calibri bold 29 pt, capitals and white; '+' symbols: Calibri bold 18 pt, white aligned on a single row.

❼ **Energy**

— **Text:** Calibri regular 11 pt, capitals, 100 % black.

❽ **Weighted annual energy consumption:**

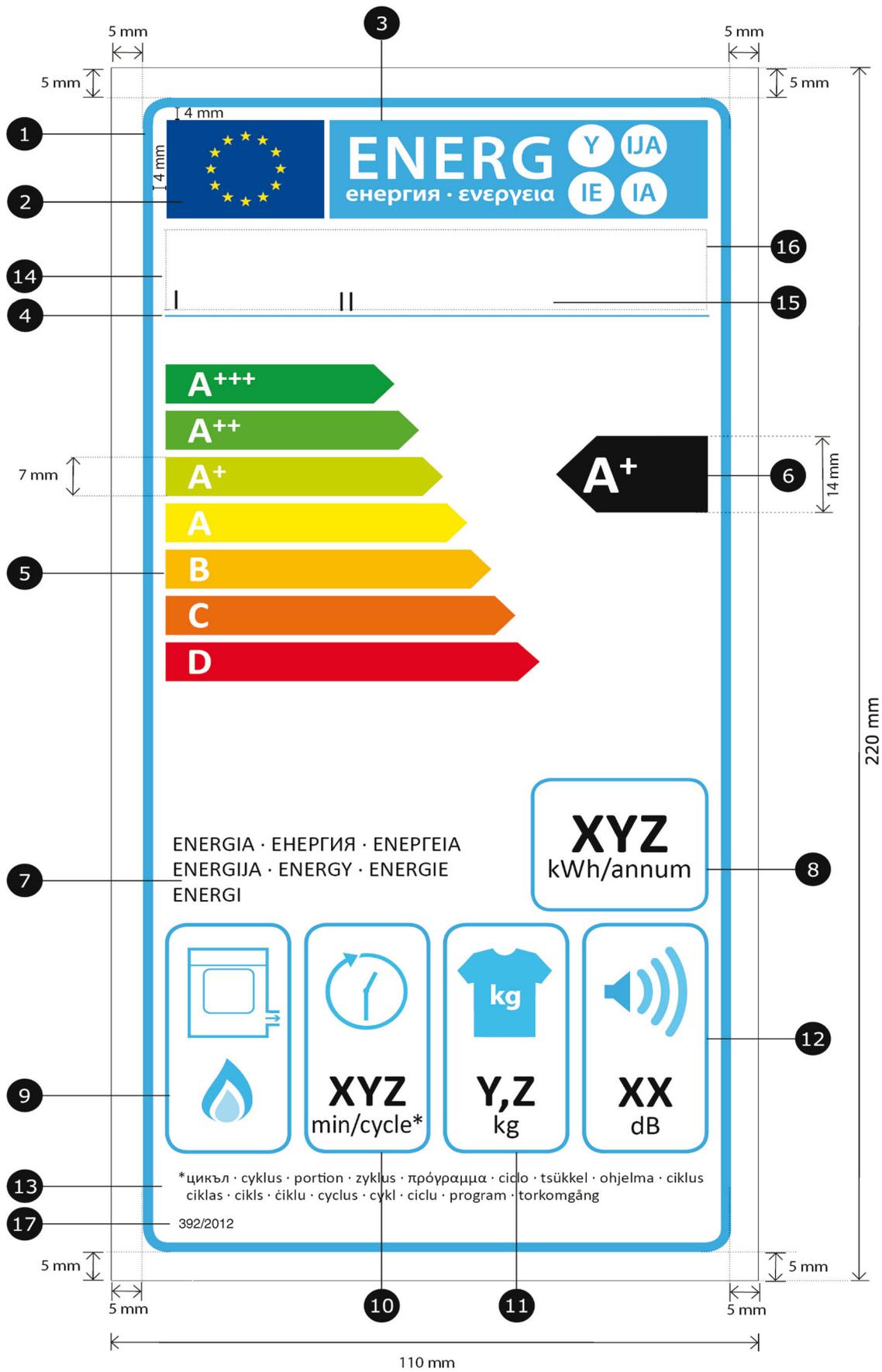
— **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.

— **Value:** Calibri bold 30 pt, 100 % black.

— **Second line:** Calibri regular 14 pt, 100 % black.

- ⑨ **Type of household tumble drier:**
- **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
- ⑩ **Cycle time:**
- **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
  - **Value:** Calibri bold 24 pt, 100 % black; and Calibri regular 16 pt, 100 % black.
- ⑪ **Rated capacity:**
- **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
  - **Value:** Calibri bold 24 pt, 100 % black; and Calibri regular 16 pt, 100 % black.
- ⑫ **Sound power level:**
- **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
  - **Value:** Calibri bold 24 pt, 100 % black; and Calibri regular 16 pt, 100 % black.
- ⑬ **Asterisk:** Calibri regular 6 pt, 100 % black.
- ⑭ **Supplier's name or trade mark**
- ⑮ **Supplier's model identifier**
- ⑯ The supplier's name or trademark and model identifier should fit in a space of 92 × 15 mm.
- ⑰ **Numbering of the Regulation:** Calibri bold 9 pt, 100 % black.
- ⑱ **Condensation efficiency class:**
- **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
  - **Value:** Calibri regular 16 pt, horizontal scale 75 %, 100 % black and Calibri bold 22 pt, horizontal scale 75 %, 100 % black.

4.3. For gas fired household tumble driers, the design of the label shall be as in the figure below.



Whereby

- (a) The label must be at least 110 mm wide and 220 mm high. Where the label is printed in a larger format, its content must nevertheless remain proportionate to the specifications above.
- (b) The background shall be white.
- (c) Colours shall be CMYK — cyan, magenta, yellow and black following this example: 00-70-X-00: 0 % cyan, 70 % magenta, 100 % yellow, 0 % black.
- (d) The label shall fulfil all of the following requirements (numbers refer to the figure above).

❶ **Eu label border stroke:** 5 pt — colour: Cyan 100 % — round corners: 3,5 mm.

❷ **EU logo** — colours: X-80-00-00 and 00-00-X-00.

❸ **Energy label:** colour: X-00-00-00. Pictogram as depicted; EU logo and energy logo (combined): width: 92 mm, height: 17 mm.

❹ **Sub-logos border:** 1 pt — colour: Cyan 100 % — length: 92,5 mm.

❺ **A-G scale**

— **Arrow:** height: 7 mm, gap: 0,75 mm — colours:

Highest class: X-00-X-00,

Second class: 70-00-X-00,

Third class: 30-00-X-00,

Fourth class: 00-00-X-00,

Fifth class: 00-30-X-00,

Sixth class: 00-70-X-00,

Last class: 00-X-X-00.

— **Text:** Calibri bold 18 pt, capitals and white; '+' symbols: Calibri bold 12 pt, white aligned on a single row.

❻ **Energy efficiency class**

— **Arrow:** width: 26 mm, height: 14 mm, 100 % black;

— **Text:** Calibri bold 29 pt, capitals and white; '+' symbols: Calibri bold 18 pt, white aligned on a single row.

❼ **Energy**

— **Text:** Calibri regular 11 pt, capitals, 100 % black.

❽ **Weighted annual energy consumption:**

— **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.

— **Value:** Calibri bold 30 pt, 100 % black.

— **Second line:** Calibri regular 14 pt, 100 % black.

- 9 **Type of household tumble drier:**
- **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
- 10 **Cycle time:**
- **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
  - **Value:** Calibri bold 24 pt, 100 % black; and Calibri regular 16 pt, 100 % black.
- 11 **Rated capacity:**
- **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
  - **Value:** Calibri bold 24 pt, 100 % black; and Calibri regular 16 pt, 100 % black.
- 12 **Sound power level:**
- **Pictogram as depicted**
  - **Border:** 2 pt — colour: Cyan 100 % — round corners: 3,5 mm.
  - **Value:** Calibri bold 24 pt, 100 % black; and Calibri regular 16 pt, 100 % black.
- 13 **Asterisk:** Calibri regular 6 pt, 100 % black
- 14 **Supplier's name or trade mark**
- 15 **Supplier's model identifier**
- 16 The supplier's name or trademark and model identifier should fit in a space of 92 × 15 mm.
- 17 **Numbering of the Regulation:** Calibri bold 9 pt, 100 % black.
-

## ANNEX II

## Product Fiche

1. The information in the product fiche of household tumble driers shall be given in the following order and shall be included in the product brochure or other literature provided with the product:

- (a) supplier's name or trade mark;
- (b) supplier's model identifier, which means the code, usually alphanumeric, which distinguishes a specific household tumble drier model from other models with the same trade mark or supplier's name;
- (c) rated capacity in kg of cotton laundry for the standard cotton programme at full load;
- (d) whether the household tumble drier is an air-vented, condenser or gas-fired household tumble drier;
- (e) energy efficiency class in accordance with point 1 of Annex VI;
- (f) for electric mains-operated household tumble drier:

the weighted Annual Energy Consumption ( $AE_e$ ) rounded up to one decimal place; it shall be described as: 'Energy consumption "X" kWh per year, based on 160 drying cycles of the standard cotton programme at full and partial load, and the consumption of the low-power modes. Actual energy consumption per cycle will depend on how the appliance is used.';

for household gas-fired tumble drier:

the weighted Annual Energy Consumption ( $AE_{C(Gas)}$ ) rounded up to one decimal place; it shall be described as: 'Energy consumption "X" kWh-Gas per year, based on 160 drying cycles of the standard cotton programme at full and partial load. Actual energy consumption per cycle will depend on how the appliance is used.';

and

the weighted Annual Energy Consumption ( $AE_{C(Gas)el}$ ) rounded up to one decimal place; it shall be described as: 'Energy consumption "X" kWh per year, based on 160 drying cycles of the standard cotton programme at full and partial load, and the consumption of the low-power modes. Actual energy consumption per cycle will depend on how the appliance is used.';

- (g) whether the household tumble drier is an 'automatic tumble drier' or 'non-automatic tumble drier';
- (h) where the household tumble drier has been awarded an 'EU Ecolabel award' under Regulation (EC) No 66/2010, this information may be included;
- (i) the energy consumption ( $E_{dry}$ ,  $E_{dry/2}$ ,  $E_{g,dry}$ ,  $E_{g,dry/2}$ ,  $E_{g,dry,a}$ ,  $E_{g,dry/2,a}$ ) of the standard cotton programme at full and partial load;
- (j) the power consumption of the off-mode ( $P_o$ ) and of the left-on mode ( $P_l$ ) for the standard cotton programme at full load;
- (k) if the household tumble drier is equipped with a power management system, the duration of the 'left-on mode';
- (l) indication that the 'standard cotton programme' used at full and partial load is the standard drying programme to which the information in the label and the fiche relates, that this programme is suitable for drying normal wet cotton laundry and that it is the most efficient programme in terms of energy consumption for cotton;
- (m) the weighted programme time ( $T_p$ ) of the 'standard cotton programme at full and partial load' in minutes and rounded to the nearest minute as well as the programme time of the 'standard cotton programme at full load' ( $T_{dry}$ ) and the programme time of the 'standard cotton programme at partial load' ( $T_{dry/2}$ ) in minutes and rounded to the nearest minute;

- (n) if the household tumble drier is a condenser tumble drier, the condensation efficiency class in accordance with point 2 of Annex VI, expressed as 'condensation efficiency class 'X' on a scale from G (least efficient) to A (most efficient)'; this may be expressed by other means provided it is clear that the scale is from G (least efficient) to A (most efficient);
  - (o) if the household tumble drier is a condenser tumble drier, the average condensation efficiency  $C_{dry}$  and  $C_{dry^{1/2}}$  of the standard cotton programme at full load and partial load and the weighted condensation efficiency ( $C_p$ ) for the 'standard cotton programme at full and partial load', as a percentage and rounded to the nearest whole percent;
  - (p) the sound power level (weighted average value —  $L_{WA}$ ) expressed in dB and rounded to the nearest integer for the standard cotton programme at full load;
  - (q) if the household tumble drier is intended to be built-in, an indication to this effect.
2. One product fiche may cover a number of household tumble drier models supplied by the same supplier.
  3. The information contained in the fiche may be given in the form of a copy of the label, either in colour or in black and white. Where this is the case, the information listed in point 1 not already displayed on the label shall also be provided.
-

## ANNEX III

**Technical documentation**

1. The technical documentation referred to in Article 3(c) shall include:
  - (a) the name and address of the supplier;
  - (b) a general description of the household tumble drier model, sufficient for it to be unequivocally and easily identified;
  - (c) where appropriate, the references of the harmonised standards applied;
  - (d) where appropriate, the other technical standards and specifications used;
  - (e) the identification and signature of the person empowered to bind the supplier;
  - (f) technical parameters for measurements as follows:
    - (i) for electric mains-operated household tumble drier:
 

the energy consumption ( $E_{dry}$ ,  $E_{dry\frac{1}{2}}$ ,  $E_{g,dry}$ ,  $E_{g,dry\frac{1}{2}}$ ,  $E_{g,dry,a}$ ,  $E_{g,dry\frac{1}{2},a}$ ) of the standard cotton programme at full and partial load,

for household gas-fired tumble drier:

the weighted Annual Energy Consumption ( $AE_{C(Gas)}$ ) rounded up to one decimal place; it shall be described as: 'Energy consumption "X" kWh-Gas per year, based on 160 drying cycles of the standard cotton programme at full and partial load. Actual energy consumption per cycle will depend on how the appliance is used';

and

the weighted Annual Energy Consumption ( $AE_{C(Gas)el}$ ) rounded up to one decimal place; it shall be described as: 'Energy consumption "X" kWh per year, based on 160 drying cycles of the standard cotton programme at full and partial load, and the consumption of the low-power modes. Actual energy consumption per cycle will depend on how the appliance is used.';
    - (ii) power consumption in 'off-mode' and the power consumption in 'left-on mode';
    - (iii) the programme time of the 'standard cotton programme at full load' ( $T_{dry}$ ) and the programme time of the 'standard cotton programme at partial load' ( $T_{dry\frac{1}{2}}$ ), in minutes and rounded to the nearest minute;
    - (iv) if the household tumble drier is equipped with a power management system, the duration of the 'left-on mode';
    - (v) if the household tumble drier is a condenser tumble drier, the average condensation efficiency  $C_{dry}$  of the standard cotton programme at full load and the average condensation efficiency of the standard cotton programme at partial load  $C_{dry\frac{1}{2}}$ ;
    - (vi) the sound power level;
  - (g) the results of calculations performed in accordance with Annex VII.
2. Where the information included in the technical documentation for a particular household tumble drier model has been obtained by calculation on the basis of design or by extrapolation from other equivalent household tumble driers, or both, the documentation shall include details of such calculations or extrapolations, or both, and of tests undertaken by suppliers to verify the accuracy of the calculations undertaken. The information shall also include a list of all other equivalent household tumble drier models where the information was obtained in the same way.

## ANNEX IV

**Information to be provided in cases where end-users cannot be expected to see the product displayed**

1. The information referred to in Article 4(b) shall be provided in the following order:

- (a) the rated capacity in kg of cotton, for the standard cotton programme at full load;
- (b) whether the household tumble drier is an air-vented, condenser or gas-fired household tumble drier;
- (c) the energy efficiency class as defined in point 1 of Annex VI;
- (d) for electric mains-operated household tumble drier:

the weighted Annual Energy Consumption ( $AE_c$ ) rounded up to the nearest integer, to be described as: 'Energy consumption "X" kWh per year, based on 160 drying cycles of the standard cotton programmes at full and partial load, and the consumption of the low-power modes. Actual energy consumption per cycle will depend on how the appliance is used.';

for household gas-fired tumble drier:

the weighted Annual Energy Consumption ( $AE_{C(Gas)}$ ) rounded up to one decimal place; it shall be described as: 'Energy consumption "X" kWh-Gas per year, based on 160 drying cycles of the standard cotton programme at full and partial load. Actual energy consumption per cycle will depend on how the appliance is used.';

and

the weighted Annual Energy Consumption ( $AE_{C(Gas)el}$ ) rounded up to one decimal place; it shall be described as: 'Energy consumption "X" kWh per year, based on 160 drying cycles of the standard cotton programme at full and partial load, and the consumption of the low-power modes. Actual energy consumption per cycle will depend on how the appliance is used.';

- (e) whether the household tumble drier is an 'automatic tumble drier' or 'non-automatic tumble drier';
- (f) the energy consumption ( $E_{dry}$ ,  $E_{dry\frac{1}{2}}$ ,  $E_{Sdry}$ ,  $E_{Sdry\frac{1}{2}}$ ,  $E_{Sdry,a}$ ,  $E_{Sdry\frac{1}{2},a}$ ) of the standard cotton programme at full and partial load, rounded up to two decimal places and calculated in accordance with Annex VII;
- (g) the power consumption of the off-mode ( $P_o$ ) and the left-on mode ( $P_l$ ) for the standard cotton programme at full load;
- (h) the programme time of the 'standard cotton programme at full load' ( $T_{dry}$ ) and the programme time of the 'standard cotton programme at partial load' ( $T_{dry\frac{1}{2}}$ ), in minutes and rounded to the nearest minute, calculated in accordance with Annex VII;
- (i) if the household tumble drier is a condenser tumble drier, the condensation efficiency class in accordance with point 2 of Annex VI;
- (j) the sound power level (weighted average value —  $L_{WA}$ ) for the standard cotton programme at full load, expressed in dB and rounded to the nearest integer;
- (k) if the household tumble drier is intended to be built-in, an indication to this effect.

2. Where other information contained in the product fiche is also provided, it shall be in the form and order specified in Annex II.

3. The size and font in which all the information referred in this Annex is printed or shown shall be legible.

## ANNEX V

**Verification procedure for market surveillance purposes**

For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations shall be made using harmonised standards the reference numbers of which have been published in the *Official Journal of the European Union*, or other reliable, accurate and reproducible methods, which take into account the generally recognised state of the art methods, and whose results are deemed to be of low uncertainty.

For the purposes of checking conformity with the requirements laid down in Articles 3 and 4, Member State authorities shall test a single household tumble drier. If the measured parameters do not meet the values declared by the supplier within the ranges set out in Table 1, the measurements shall be carried out on three more household tumble driers. The arithmetic mean of the measured values of those three household tumble driers shall meet the values declared by the supplier within the ranges defined in Table 1.

Otherwise, the model and all other equivalent household tumble driers models shall be considered not to comply with the requirements laid down in Articles 3 and 4.

Table 1

Measured parameter	Verification tolerances
Weighted annual energy consumption	The measured value shall not be greater than the rated value (*) of $AE_C$ by more than 6 %.
Weighted energy consumption	The measured value shall not be greater than the rated value of $E_t$ by more than 6 %.
Weighted condensation efficiency	The measured value shall not be less than the rated value of $C_t$ by more than 6 %.
Weighted programme time	The measured value shall not be longer than the rated values of $T_t$ by more than 6 %.
Power consumption in off-mode and left-on mode	The measured value of power consumption $P_o$ and $P_l$ of more than 1,00 W shall not be greater than the rated value by more than 6 %. The measured value of power consumption $P_o$ and $P_l$ of less than or equal to 1,00 W shall not be greater than the rated value by more than 0,10 W.
Duration of the left-on mode	The measured value shall not be longer than the rated value of $T_l$ by more than 6 %.
Sound power level $L_{WA}$	The measured value shall not be greater than the rated value.

(\*) 'Rated value' means a value that is declared by the supplier. The 6 % uncertainty in the measurement represent the current acceptable testing laboratory error in measuring the declared parameters with the new measurement method used for the new labelling/ecodesign requirements including full and partial load cycles.

## ANNEX VI

**Energy efficiency classes and condensation efficiency classes**

## 1. ENERGY EFFICIENCY CLASSES

The energy efficiency class of a household tumble drier shall be determined on the basis of its Energy Efficiency Index (EEI) as set out in Table 1.

The Energy Efficiency Index (EEI) of a household tumble drier shall be determined in accordance with point 1 of Annex VII.

Table 1

**Energy efficiency classes**

Energy efficiency class	Energy Efficiency Index
A+++ (most efficient)	$EEI < 24$
A++	$24 \leq EEI < 32$
A+	$32 \leq EEI < 42$
A	$42 \leq EEI < 65$
B	$65 \leq EEI < 76$
C	$76 \leq EEI < 85$
D (least efficient)	$85 \leq EEI$

## 2. CONDENSATION EFFICIENCY CLASSES

The condensation efficiency class of a condenser household tumble drier shall be determined on the basis of the weighted condensation efficiency ( $C_t$ ) as set out in Table 2.

The weighted condensation efficiency ( $C_t$ ) of a condenser household tumble drier shall be determined in accordance with point 2 of Annex VII.

Table 2

**Condensation efficiency classes**

Condensation efficiency class	Weighted condensation efficiency
A (most efficient)	$C_t > 90$
B	$80 < C_t \leq 90$
C	$70 < C_t \leq 80$
D	$60 < C_t \leq 70$
E	$50 < C_t \leq 60$
F	$40 < C_t \leq 50$
G (least efficient)	$C_t \leq 40$

## ANNEX VII

**Method for calculating the Energy Efficiency Index and the weighted condensation efficiency**

## 1. CALCULATION OF THE ENERGY EFFICIENCY INDEX

For the calculation of the Energy Efficiency Index (*EEL*) of a household tumble drier model, the weighted Annual Energy Consumption of a household tumble drier for the standard cotton programme at full and partial load is compared to its Standard Annual Energy Consumption.

(a) The Energy Efficiency Index (*EEL*) is calculated as follows and rounded to one decimal place:

$$EEL = \frac{AE_C}{SAE_C} \times 100$$

where:

$AE_C$  = weighted Annual Energy Consumption of the household tumble drier.

$SAE_C$  = standard Annual Energy Consumption of the household tumble drier.

(b) The Standard Annual Energy Consumption ( $SAE_C$ ) is calculated in kWh/year as follows and rounded to two decimal places:

— for all household tumble driers that are not air-vented:

$$SAE_C = 140 \times c^{0,8}$$

— for air-vented household tumble driers:

$$SAE_C = 140 \times c^{0,8} - \left( 30 \times \frac{T_t}{60} \right)$$

where:

$c$  is the rated capacity of the household tumble drier for the standard cotton programme.

$T_t$  is the weighted programme time for the standard cotton programme.

(c) The weighted Annual Energy Consumption ( $AE_C$ ) is calculated in kWh/year as follows and is rounded to two decimal places:

(i)

$$AE_C = E_t \times 160 + \frac{\left[ P_o \times \frac{525\,600 - (T_t \times 160)}{2} + P_l \times \frac{525\,600 - (T_t \times 160)}{2} \right]}{60 \times 1\,000}$$

where:

$E_t$  = weighted energy consumption, in kWh and rounded to two decimal places.

$P_o$  = power in 'off-mode' for the standard cotton programme at full load, in W and rounded to two decimal places.

$P_l$  = power in 'left-on mode' for the standard cotton programme at full load, in W and rounded to two decimal places.

$T_t$  = weighted programme time, in minutes and rounded to the nearest minute.

160 = total number of drying cycles per year.

(ii) When the household tumble drier is equipped with a power management system, with the household tumble drier reverting automatically to 'off-mode' after the end of the programme, the weighted Annual Energy Consumption ( $AE_C$ ) is calculated taking into consideration the effective duration of the 'left-on mode', according to the following formula:

$$AE_C = E_t \times 160 + \frac{\{(P_l \times T_t \times 160) + P_o \times [525\,600 - (T_t \times 160) - (T_t \times 160)]\}}{60 \times 1\,000}$$

where:

$T_l$  = duration of the 'left-on mode' for the standard cotton programme at full load, in minutes and rounded to the nearest minute.

- (d) The weighted programme time ( $T_t$ ) for the standard cotton programme is calculated in minutes as follows and rounded to the nearest minute:

$$T_t = (3 \times T_{dry} + 4 \times T_{dry/2})/7$$

where:

$T_{dry}$  = programme time for the standard cotton programme at full load, in minutes and rounded to the nearest minute.

$T_{dry/2}$  = programme time for the standard cotton programme at partial load, in minutes and rounded to the nearest minute.

- (e) The weighted energy consumption ( $E_t$ ) is calculated in kWh as follows and rounded to two decimal places:

$$E_t = (3 \times E_{dry} + 4 \times E_{dry/2})/7$$

where:

$E_{dry}$  = energy consumption of the standard cotton programme at full load, in kWh and rounded to two decimal places.

$E_{dry/2}$  = energy consumption of the standard cotton programme at partial load, in kWh and rounded to two decimal places.

- (f) For gas-fired household tumble driers, the energy consumption for the standard cotton programme at full and partial load is calculated in kWh and rounded to two decimal places, as:

$$E_{dry} = \frac{E_{g,dry}}{f_g} + E_{g,dry,a}$$

$$E_{dry/2} = \frac{E_{g,dry/2}}{f_g} + E_{g,dry/2,a}$$

where:

$E_{g,dry}$  = gas consumption of the standard cotton programme at full load, in kWh and rounded to two decimal places.

$E_{g,dry/2}$  = gas consumption of the standard cotton programme at partial load, in kWh and rounded to two decimal places.

$E_{g,dry,a}$  = auxiliary electricity consumption of the standard cotton programme at full load, in kWh and rounded to two decimal places.

$E_{g,dry/2,a}$  = auxiliary electricity consumption of the standard cotton programme at partial load, in kWh and rounded to two decimal places.

$f_g$  = 2,5.

## 2. CALCULATION FOR THE PRODUCT INFORMATION DESCRIBED IN 'ANNEX II PRODUCT FICHE', 'ANNEX III TECHNICAL DOCUMENTATION' AND 'ANNEX IV INFORMATION TO BE PROVIDED IN CASES WHERE END-USERS CANNOT BE EXPECTED TO SEE THE PRODUCT DISPLAYED'

For gas-fired household tumble driers, the energy consumption on gas for the standard cotton programme at full and partial load for the information in Annex II, III and IV is calculated in kWh<sub>Gas</sub> and rounded to two decimal places, as:

$$AE_{C(Gas)} = 160 \times (3 \times E_{g,dry} + 4 \times E_{g,dry/2})/7$$

For gas-fired household tumble driers, the energy consumption on electricity for the standard cotton programme at full and partial load for the information in Annex II, III and IV is calculated in kWh and rounded to two decimal places, as:

$$AE_{C(Gas)el} = 160 \times (3 \times E_{g,dry,a} + 4 \times E_{g,dry/2,a})/7 + ((P_l \times T_l + 160) + P_o \times [525\,600 - (T_l \times 160) - (T_l \times 160)])/60 \times 1\,000$$

### 3. CALCULATION OF THE WEIGHTED CONDENSATION EFFICIENCY

The condensation efficiency of a programme is the ratio between the mass of moisture condensed and collected in the container of a condenser household tumble drier and the mass of moisture removed from the load by the programme, the latter being the difference between the mass of the wet test load before drying and the mass of the test load after drying. For calculating the weighted condensation efficiency, the average condensation efficiency for the standard cotton programme at both full and partial load is considered.

The weighted condensation efficiency ( $C_t$ ) of a programme is calculated as a percentage and rounded to the nearest whole percent as:

$$C_t = (3 \times C_{dry} + 4 \times C_{dry/2})/7$$

where:

$C_{dry}$  = average condensation efficiency of the standard cotton programme at full load.

$C_{dry/2}$  = average condensation efficiency of the standard cotton programme at partial load.

The average condensation efficiency  $C$  is calculated from the condensation efficiencies of test runs and expressed as a percentage:

$$C = \frac{1}{(n-1)} \sum_{j=2}^n \left( \frac{W_{wj}}{W_i - W_f} \times 100 \right)$$

where:

$n$  is the number of test runs, comprising at least four valid test runs for the selected programme.

$j$  is the test run number.

$W_{wj}$  is the mass of water collected in the condenser reservoir during test run  $j$ .

$W_i$  is the mass of the wet test load before drying.

$W_f$  is the mass of the test load after drying.

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## COMMISSION IMPLEMENTING REGULATION (EU) No 393/2012

of 7 May 2012

**amending Annex I to Regulation (EC) No 798/2008 as regards the entry for Thailand in the lists of third countries or parts thereof from which poultry and poultry products may be imported into and transit through the Union**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption<sup>(1)</sup>, and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8 and point 4 of Article 8 thereof,

Whereas:

(1) Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements<sup>(2)</sup> provides that the commodities covered by it are only to be imported into and transit through the Union from the third countries, territories, zones or compartments listed in Part 1 of Annex I thereto.

(2) Thailand is currently listed in the table in Part 1 of Annex I to Regulation (EC) No 798/2008 as authorised for imports into the Union of specified pathogen-free eggs and egg products. Due to outbreaks of highly pathogenic avian influenza in 2004, imports into the Union of meat of poultry, farmed ratites and wild game-birds and eggs were prohibited as indicated by the entries in columns 6 and 6A of the table in Part 1 of Annex I to that Regulation.

(3) In addition, Commission Decision 2005/692/EC of 6 October 2005 concerning certain protection measures in relation to avian influenza in several third countries<sup>(3)</sup> provides that Member States are to suspend the importation from Thailand of certain products including meat of poultry, farmed ratites and wild game-birds, and eggs.

(4) The animal health situation in Thailand has since improved, in particular as regards the control of highly pathogenic avian influenza in poultry. Commission experts have carried out several inspection missions in Thailand to assess the animal health situation and the disease control systems in place in that third country. The conclusion drawn from the last mission carried out in Thailand is that the overall system gives sufficient guarantees that the concerned products fulfil the relevant Union requirements.

(5) In light of this, Decision 2005/692/EC as amended by Commission Implementing Decision 2012/248/EU of 7 May 2012 amending Decisions 2005/692/EC, 2005/734/EC, 2007/25/EC and 2009/494/EC as regards avian influenza<sup>(4)</sup> no longer suspends imports from Thailand into the Union of the products covered by Decision 2005/692/EC including meat of poultry, farmed ratites and wild game-birds, and eggs.

(6) As a result, the entry for Thailand in Part 1 of Annex I to Regulation (EC) No 798/2008 should be amended in order to reflect that imports of meat of poultry, farmed ratites and wild game-birds and eggs into, and transit through, the Union from Thailand are no longer prohibited.

(7) However, the imports of eggs from Thailand should be subject to the submission by that third country of a *Salmonella* control programme.

(8) Regulation (EC) No 798/2008 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 798/2008 is amended in accordance with the Annex to this Regulation.

<sup>(1)</sup> OJ L 18, 23.1.2003, p. 11.

<sup>(2)</sup> OJ L 226, 23.8.2008, p. 1.

<sup>(3)</sup> OJ L 263, 8.10.2005, p. 20.

<sup>(4)</sup> See page 42 of this Official Journal.

*Article 2*

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

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

Done at Brussels, 7 May 2012.

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

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ANNEX

In Part 1 of Annex I to Regulation (EC) No 798/2008, the entry for Thailand is replaced by the following:

TH-Thailand	TH-0	Whole country	SPE, EP						
			WGM	VIII			1.7.2012		
			POU, RAT				1.7.2012		
			E				1.7.2012		S4'

## COMMISSION IMPLEMENTING REGULATION (EU) No 394/2012

of 8 May 2012

## fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2012/2013 marketing year

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 61, first paragraph, point (d), in conjunction with Article 4 thereof,

Whereas:

- (1) According to Article 61, first paragraph, point (d) of Regulation (EC) No 1234/2007, the sugar or isoglucose produced in excess of the quota referred to in Article 56 of that Regulation may be exported only within the quantitative limit to be fixed.
- (2) Detailed implementing rules for out-of-quota exports, in particular concerning the issue of export licences are laid down by Commission Regulation (EC) No 951/2006 <sup>(2)</sup>. However, the quantitative limit should be fixed per marketing year in view of the possible opportunities on the export markets.
- (3) For certain Union producers of sugar and isoglucose, exports from the Union represent an important part of their economic activities and they have established traditional markets outside the Union. Exports of sugar and isoglucose to those markets could be economically viable also without granting export refunds. To that end it is necessary to fix a quantitative limit for out-of-quota sugar and isoglucose exports so that the EU producers concerned may continue to supply their traditional markets.
- (4) For the 2012/2013 marketing year it is estimated that fixing the quantitative limit initially at 650 000 tonnes, in white sugar equivalent, for out-of-quota sugar exports and 70 000 tonnes, in dry matter, for out-of-quota isoglucose would correspond to the market demand.
- (5) Exports of sugar from the Union to certain close destinations and to third countries granting Union products a preferential import treatment are currently in a particularly favourable competitive position. In view of

the absence of appropriate instruments of mutual assistance to fight against irregularities and in order to minimise the risk of fraud and to prevent any abuse associated with the reimport or reintroduction into the Union of out-of-quota sugar, certain close destinations should be excluded from the eligible destinations.

- (6) In view of the estimated lower risks for eventual frauds regarding isoglucose due to the nature of the product it is not necessary to restrict the eligible destinations for the export of out-of-quota isoglucose.
- (7) 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*

**Fixing the quantitative limit for out-of-quota sugar exports**

1. For the 2012/2013 marketing year, running from 1 October 2012 to 30 September 2013, the quantitative limit referred to in Article 61, first paragraph, point (d) of Regulation (EC) No 1234/2007 shall be 650 000 tonnes for exports without refund of out-of-quota white sugar falling within CN code 1701 99.
2. Exports within the quantitative limit fixed in paragraph 1 shall be allowed for all destinations excluding:
  - (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), San Marino, Croatia, Bosnia and Herzegovina, Serbia <sup>(3)</sup>, Montenegro, Albania and the former Yugoslav Republic of Macedonia;
  - (b) territories of Member States not forming part of the customs territory of the Union: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
  - (c) European territories for whose external relations a Member State is responsible, not forming part of the customs territory of the Union: Gibraltar.

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

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

<sup>(3)</sup> As well as Kosovo under UN Security Council Resolution 1244 of 10 June 1999.

*Article 2***Fixing the quantitative limit for out-of-quota isoglucose exports**

1. For the 2012/2013 marketing year, running from 1 October 2012 to 30 September 2013, the quantitative limit referred to in Article 61, first paragraph, point (d) of Regulation (EC) No 1234/2007 shall be 70 000 tonnes, in dry matter, for exports without refund of out-of-quota isoglucose falling within CN codes 1702 40 10, 1702 60 10 and 1702 90 30.
2. Exports of the products referred to in paragraph 1 shall only be allowed where they comply with the conditions laid down in Article 4 of Regulation (EC) No 951/2006.

*Article 3***Entry into force**

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

It shall apply from 1 October 2012.

It shall expire on 30 September 2013.

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

Done at Brussels, 8 May 2012.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) No 395/2012****of 8 May 2012****opening a tariff quota for certain quantities of industrial sugar for the 2012/2013 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 142, in conjunction with Article 4 thereof,

Whereas:

- (1) In order to ensure that the supply necessary for the production of the products referred to in Article 62(2) of Regulation (EC) No 1234/2007 is available at a price that corresponds to the world price, it is in the interest of the Union to suspend the import duties on sugar intended for the production of those products for the 2012/2013 marketing year, for a quantity that would correspond to half of its industrial sugar needs.
- (2) Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector <sup>(2)</sup> provides for the administration of the tariff quotas for imports of sugar products under Article 142 of Regulation (EC) No 1234/2007 with order number 09.4390 (industrial import sugar). However, in accordance with Article 11 of Regulation

(EC) No 891/2009 the quantities of those products for which import duties are to be suspended has to be determined by a separate legal act.

- (3) The import quantities of industrial sugar for which no import duties should apply for the 2012/2013 marketing year, need to be set accordingly.
- (4) 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*

The import duties for industrial sugar falling within CN code 1701 and with order number 09.4390 shall be suspended for a quantity of 400 000 tonnes from 1 October 2012 to 30 September 2013.

*Article 2*

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

It shall apply from 1 October 2012.

It shall expire on 30 September 2013.

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

Done at Brussels, 8 May 2012.

For the Commission

The President

José Manuel BARROSO

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

<sup>(2)</sup> OJ L 254, 26.9.2009, p. 82.

**COMMISSION IMPLEMENTING REGULATION (EU) No 396/2012****of 8 May 2012****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,

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

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 8 May 2012.

*For the Commission,  
On behalf of the President,  
José Manuel SILVA RODRÍGUEZ  
Director-General for Agriculture and  
Rural Development*

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

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

## ANNEX

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

<i>(EUR/100 kg)</i>		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	AL	143,3
	MA	69,3
	TN	124,7
	TR	143,3
	US	39,7
	ZZ	104,1
0707 00 05	JO	200,0
	TR	128,9
	ZZ	164,5
0709 93 10	JO	225,1
	TR	118,2
	ZZ	171,7
0805 10 20	EG	48,3
	IL	73,0
	MA	46,2
	ZZ	55,8
0805 50 10	TR	52,0
	ZA	91,9
	ZZ	72,0
0808 10 80	AR	94,7
	BR	83,2
	CA	148,4
	CL	95,8
	CN	90,6
	MA	85,1
	MK	31,8
	NZ	124,9
	US	155,8
	UY	85,3
	ZA	105,6
	ZZ	100,1

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

## COMMISSION IMPLEMENTING REGULATION (EU) No 397/2012

of 8 May 2012

**fixing allocation coefficient, rejecting further applications and closing the period for submitting applications for available additional quantities of out-of-quota sugar to be sold on the Union market at reduced surplus levy during marketing year 2011/2012**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,

Having regard to Commission Implementing Regulation (EU) No 367/2012 of 27 April 2012 laying down necessary measures as regards the release of additional quantities of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing 2011/2012 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) The quantities covered by certificate applications for out-of-quota sugar submitted from 1 May 2012 to 2 May 2012 and notified to the Commission on 4 May 2012 exceed the limit set in Article 1 of Implementing Regulation (EU) No 367/2012.
- (2) Therefore, in accordance with Article 5 of Implementing Regulation (EU) No 367/2012 it is necessary to fix an allocation coefficient, which the Member States shall apply to the quantities covered by each notified certificate

application, reject the applications which have not yet been notified and close the period for submitting the applications.

- (3) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities for which certificates applications for out-of-quota sugar have been submitted in accordance with Implementing Regulation (EU) No 367/2012 from 1 May 2012 to 2 May 2012 and notified to the Commission on 4 May 2012 shall be multiplied by an allocation coefficient of 22,007274 %.

Applications for certificates for out-of-quota sugar submitted from 3 May 2012 to 9 May 2012 in accordance with Implementing Regulation (EU) No 367/2012 are hereby rejected.

The period for submitting applications for certificates for out-of-quota sugar in accordance with Implementing Regulation (EU) No 367/2012 is closed as from 9 May 2012.

*Article 2*

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

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

Done at Brussels, 8 May 2012.

For the Commission,  
On behalf of the President,  
José Manuel SILVA RODRÍGUEZ  
Director-General for Agriculture and  
Rural Development

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

<sup>(2)</sup> OJ L 116, 28.4.2012, p. 12.

# DIRECTIVES

## COMMISSION DIRECTIVE 2012/14/EU

of 8 May 2012

### amending Directive 98/8/EC of the European Parliament and of the Council to include methyl nonyl ketone as an active substance in Annex I thereto

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 9 December 2011, in an assessment report.

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

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

(5) It appears from the evaluations that biocidal products used as repellents and containing methyl nonyl ketone may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include methyl nonyl ketone in Annex I to that Directive.

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market <sup>(2)</sup> establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes methyl nonyl ketone.

(6) Not all potential uses have been evaluated at Union level. It is therefore appropriate that Member States assess those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to reduce the identified risks to acceptable levels.

(2) Pursuant to Regulation (EC) No 1451/2007, methyl nonyl ketone has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 19, repellents and attractants, as defined in Annex V to that Directive.

(7) The provisions of this Directive should be applied at the same time in all Member States in order to ensure equal treatment on the Union market of biocidal products containing the active substance methyl nonyl ketone and also to facilitate the proper operation of the biocidal products market in general.

(3) Spain was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 8 April 2009 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

(8) A reasonable period should be allowed to elapse before an active substance is included in Annex I to Directive 98/8/EC, in order to permit Member States and 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.

(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,

(9) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC.

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

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

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

(11) 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 April 2013 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 May 2014.

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 twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 8 May 2012.

*For the Commission*

*The President*

José Manuel BARROSO

## ANNEX

In Annex I to Directive 98/8/EC, the following entry is added:

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 (*)
'54	methyl nonyl ketone	Undecan-2-one CAS No: 112-12-9 EC No: 203-937-5	975 g/kg	1 May 2014	30 April 2016	30 April 2024	19	The Union level risk assessment was based on indoor use by non-professional users. When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, where relevant for the particular product, those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment.'

(\*) 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 2012/15/EU

of 8 May 2012

## amending Directive 98/8/EC of the European Parliament and of the Council to include margosa extract as an active substance in Annex I thereto

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market<sup>(2)</sup> establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes margosa extract.

(2) Pursuant to Regulation (EC) No 1451/2007, margosa extract has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 18, insecticides, acaricides and products to control other arthropods, as defined in Annex V to that Directive. The evaluation concerned margosa extract from the kernels of *Azadirachta indica* extracted with water and further processed with organic solvents. Any possible other substances complying with the definition of margosa extract in the list of active substances to be assessed in Regulation (EC) No 1451/2007 have not been evaluated, and should therefore not be included in Annex I to Directive 98/8/EC based on this evaluation.

(3) Germany was designated as rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 26 November 2009 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 9 December 2011, in an assessment report.

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

(6) Not all potential uses have been evaluated at Union level. It is therefore appropriate that Member States assess those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to reduce the identified risks to acceptable levels.

(7) In view of the risks identified for surface water, sediment and non-target arthropods, it is appropriate to require that product authorisations are subject to appropriate risk mitigation measures.

(8) The provisions of this Directive should be applied at the same time in all Member States in order to ensure equal treatment on the Union market of biocidal products containing the active substance margosa extract 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 to Directive 98/8/EC, in order to permit Member States and 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.

(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,

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

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

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 April 2013 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 May 2014.

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 twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 8 May 2012.

*For the Commission*

*The President*

José Manuel BARROSO

## ANNEX

In Annex I to Directive 98/8/EC, the following entry is added:

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 (*)
'55	<i>margosa extract</i>	IUPAC name: Not applicable  CAS-No: 84696-25-3  EC No: 283-644-7  Description: <i>margosa extract</i> from the kernels of <i>Azadirachta</i> <i>indica</i> extracted with water and further processed with organic solvents	1 000 g/kg	1 May 2014	30 April 2016	30 April 2024	18	When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, where relevant for the particular product, those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment.  Member States shall ensure that authorisations are subject to appropriate risk mitigation measures for the protection of surface water, sediment and non-target arthropods.'

(\*) 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>

## DECISIONS

## COMMISSION IMPLEMENTING DECISION

of 7 May 2012

amending Decisions 2005/692/EC, 2005/734/EC, 2007/25/EC and 2009/494/EC as regards avian influenza

(notified under document C(2012) 2947)

(Text with EEA relevance)

(2012/248/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 10(4) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(2)</sup>, and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(3)</sup>, and in particular Article 22(6) thereof,

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC <sup>(4)</sup>, and in particular Article 18 thereof,

Whereas:

(1) The Commission adopted several protection measures in relation to avian influenza, following the outbreaks of that disease in south-east Asia which started in mid-2003 and was caused by the highly pathogenic avian influenza virus of the subtype H5N1.

(2) Those measures are laid down, in particular, in Commission Decision 2005/692/EC of 6 October 2005 concerning certain protection measures in relation to avian influenza in several third countries <sup>(5)</sup>, Commission Decision 2005/734/EC of 19 October 2005 laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk <sup>(6)</sup>, Commission Decision 2007/25/EC of 22 December 2006 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community <sup>(7)</sup> and Commission Decision 2009/494/EC of 25 June 2009 concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in Croatia and Switzerland <sup>(8)</sup>.

(3) The measures laid down in those Decisions are applicable until 30 June 2012. However, outbreaks of highly pathogenic avian influenza in wild birds and in poultry of the subtype H5N1 continue to occur in third countries thereby also posing a risk to animal and human health within the Union.

(4) Given the epidemiological situation regarding avian influenza, it is appropriate to continue limiting the risks posed by imports of poultry, poultry products, pet birds and other products covered by those Decisions, as well as to maintain biosecurity measures, early detection systems and certain protection measures in relation to highly pathogenic avian influenza of the H5N1 subtype.

(5) The period of application of Decisions 2005/692/EC, 2005/734/EC, 2007/25/EC and 2009/494/EC should therefore be extended until 31 December 2013.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(2)</sup> OJ L 268, 24.9.1991, p. 56.

<sup>(3)</sup> OJ L 24, 30.1.1998, p. 9.

<sup>(4)</sup> OJ L 146, 13.6.2003, p. 1.

<sup>(5)</sup> OJ L 263, 8.10.2005, p. 20.

<sup>(6)</sup> OJ L 274, 20.10.2005, p. 105.

<sup>(7)</sup> OJ L 8, 13.1.2007, p. 29.

<sup>(8)</sup> OJ L 166, 27.6.2009, p. 74.

- (6) In 2004, outbreaks of highly pathogenic avian influenza were detected in Thailand. Therefore, protection measures concerning imports of certain commodities originating from poultry and birds in Thailand were adopted by the Commission.
- (7) Accordingly, Article 1 of Decision 2005/692/EC provides that Member States are to suspend the importation from Thailand of certain products including meat of poultry, farmed ratites and wild game-birds, and eggs.
- (8) Thailand has implemented a rigorous stamping-out policy in order to eradicate highly pathogenic avian influenza from its territory. The last outbreak of that disease was reported in November 2008 and Thailand declared itself free from highly pathogenic avian influenza with effect from 11 February 2009.
- (9) Commission experts have carried out several inspection missions in Thailand to assess the animal health situation and the disease control systems in place in that third country. The conclusion drawn from the last mission carried out in Thailand is that the overall system gives sufficient guarantees that the concerned products fulfil the relevant Union requirements.
- (10) In view of the favourable animal health situation, in particular as regards the control of highly pathogenic avian influenza in poultry and the guarantees provided by Thailand, the suspension of imports provided for in Article 1 of Decision 2005/692/EC should no longer apply.
- (11) Decisions 2005/692/EC, 2005/734/EC, 2007/25/EC and 2009/494/EC should therefore be amended accordingly.
- (12) 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*

Decision 2005/692/EC is amended as follows:

- (1) Article 1 is deleted;
- (2) in Article 7, the date '30 June 2012' is replaced by '31 December 2013'.

*Article 2*

In Article 4 of Decision 2005/734/EC, the date '30 June 2012' is replaced by '31 December 2013'.

*Article 3*

In Article 6 of Decision 2007/25/EC, the date '30 June 2012' is replaced by '31 December 2013'.

*Article 4*

In Article 3 of Decision 2009/494/EC, the date '30 June 2012' is replaced by '31 December 2013'.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 7 May 2012.

*For the Commission*  
John DALLI  
*Member of the Commission*

## COMMISSION IMPLEMENTING DECISION

of 7 May 2012

concerning the determination of start-up and shut-down periods for the purposes of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions

(notified under document C(2012) 2948)

(Text with EEA relevance)

(2012/249/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) <sup>(1)</sup>, and in particular point (a) of the first paragraph of Article 41 thereof,

Whereas:

- (1) Directive 2010/75/EU does not determine start-up and shut-down periods, while those periods relate to several provisions in that Directive.
- (2) For combustion plants covered by Chapter III of Directive 2010/75/EU, the determination of start-up and shut-down periods is required for assessing compliance with the emission limit values set out in Annex V to Directive 2010/75/EU, taking into account Part 4 of that Annex, as well as for determining the number of operating hours of the combustion plants, where it is relevant for the implementation of that Directive.
- (3) Article 14(1)(f) of Directive 2010/75/EU requires the permit to include measures relating to conditions other than normal operating conditions, such as start-up and shut-down operations. In accordance with Article 6 of Directive 2010/75/EU, such measures can be included in general binding rules.
- (4) The emissions from combustion plants during start-up and shut-down periods are generally at elevated concentrations compared to normal operating conditions. In view of the objective of Directive 2010/75/EU to prevent emissions, those periods should be as short as possible.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 75 of Directive 2010/75/EU,

HAS ADOPTED THIS DECISION:

*Article 1***Subject matter and scope**

This Decision lays down rules concerning the determination of the start-up and shut-down periods referred to in point (27) of Article 3 and in point 1 of Part 4 of Annex V to Directive 2010/75/EU.

<sup>(1)</sup> OJ L 334, 17.12.2010, p. 17.

This Decision shall apply to combustion plants covered by Chapter III of Directive 2010/75/EU.

*Article 2***Definitions**

For the purposes of this Decision the following definitions apply:

- (1) 'minimum start-up load for stable generation' means the minimum load compatible with the steady operation of the generating combustion plant following start-up initiation after which the plant is able to safely and reliably deliver its output to a network, grid, heat accumulator or industrial site;
- (2) 'minimum shut-down load for stable generation' means the minimum load at which point the plant can no longer safely and reliably deliver its output to a network, grid, heat accumulator or industrial site and is considered to be shutting down.

*Article 3***General rules for determining start-up and shut-down periods**

For determining the end of the start-up period and the beginning of the shut-down period, the following rules shall apply:

- (1) the criteria or parameters used to determine start-up and shut-down periods shall be transparent and externally verifiable;
- (2) the determination of start-up and shut-down periods shall be based on conditions allowing a stable generation process safeguarding health and safety;
- (3) periods during which a combustion plant, after start-up, is operating stably and safely with fuel supply but without the export of heat or electricity or mechanical energy shall not be included in the start-up or shut-down periods.

*Article 4***Determination of start-up and shut-down periods in the permit**

1. For the purposes of the determination of start-up and shut-down periods in the permit of the installation comprising the combustion plant, the measures referred to in Article 14(1)(f) of Directive 2010/75/EU shall include:

- (a) at least one of the following:
- (i) the end point of the start-up period and the start point of the shut-down period expressed as load thresholds, in accordance with Articles 6, 7 and 8 and considering that the minimum shut-down load for stable generation may be lower than the minimum start-up load for stable generation as the combustion plant may be able to operate stably at a lower load once it has reached a sufficient temperature following a period of operation;
  - (ii) discrete processes or thresholds for operational parameters, which are associated with the end of the start-up period, and with the start of the shut-down period, and which are clear, easily monitored and applicable to the technology used, as set out in Article 9;
- (b) measures ensuring that the start-up and shut-down periods are minimised as far as practicable;
- (c) measures ensuring that all abatement equipment is brought into operation as soon as is technically practicable.

For the purposes of the first subparagraph, account shall be taken of the technical and operational characteristics of the combustion plant and its units, and the technical requirements for operating the abatement techniques installed.

2. If any aspects relating to the plant that affect start-up and shut-down periods change, including the installed equipment, fuel type, plant role in the system and installed abatement techniques, the permit conditions related to start-up and shut-down periods shall be reconsidered and, if necessary, updated by the competent authority.

#### Article 5

##### **Determination of start-up and shut-down periods for combustion plants consisting of two or more units**

1. For the purpose of calculating the average emission values as set out in point 1 of Part 4 of Annex V to Directive 2010/75/EU, the following rules shall apply for determining the start-up and shut-down periods of combustion plants consisting of two or more units:

- (a) the values measured during the start-up period of the first unit starting up and during the shut-down period of the last combustion unit shutting down shall be disregarded;
- (b) the values determined during other start-up and shut-down periods of individual units shall be disregarded only if they are measured or, where no measurement is technically or economically feasible, calculated separately for each of the units concerned.

2. For the purpose of point (27) of Article 3 of Directive 2010/75/EU, the start-up and shut-down periods of combustion

plants consisting of two or more units shall only consist of the start-up period of the first combustion unit starting up and the shut-down period of the last combustion unit shutting down.

For combustion plants for which points 2, 4 and 6 of Part 1 of Annex V to Directive 2010/75/EU allow the application of an emission limit value to part of the plant discharging its waste gases through one or more separate flues within a common stack, the start-up and shut-down periods may be determined for each of those parts of the combustion plant separately. The start-up and shut-down periods for a part of the plant shall then consist of the start-up period of the first combustion unit starting up within that part of the plant and the shut-down period of the last combustion unit shutting down within that part of the plant.

#### Article 6

##### **Determination of start-up and shut-down periods for combustion plants generating electricity or delivering power for mechanical drive using load thresholds**

1. For combustion plants generating electricity and for combustion plants for mechanical drive, the start-up period shall be considered to end at the point when the plant reaches the minimum start-up load for stable generation.

2. The shut-down period shall be considered to begin at the initiation of termination of fuel supply after reaching the point of the minimum shut-down load for stable generation from where on generated electricity is no longer available for the grid or generated mechanical power is no longer useful for the mechanical load.

3. The load thresholds to be used for determining the end of the start-up period and the start of the shut-down period for electricity generating combustion plants and to be included in the plant's permit shall be a fixed percentage of the rated electrical output of the combustion plant.

4. The load thresholds to be used for determining the end of the start-up period and the start of the shut-down period for combustion plant for mechanical drive and to be included in the plant's permit shall be a fixed percentage of the mechanical power output of the combustion plant.

#### Article 7

##### **Determination of start-up and shut-down periods for heat generating combustion plants using load thresholds**

1. For heat-generating combustion plants, the start-up period shall be considered to end when the plant reaches the minimum start-up load for stable generation and heat can be safely and reliably delivered to a distributing network, to a heat accumulator or used directly on a local industrial site.

2. The shut-down period shall be considered to begin after reaching the minimum shut-down load for stable generation when heat can no longer be safely and reliably delivered to a network or used directly on a local industrial site.

3. The load thresholds to be used for determining the end of the start-up period and the beginning of the shut-down period for heat generating combustion plants and to be included in the plant's permit shall be a fixed percentage of the rated thermal output of the combustion plant.

4. Periods in which heat-generating plants are heating up an accumulator or reservoir without exporting heat shall be considered as operating hours and not as start-up or shut-down periods.

*Article 8*

**Determination of start-up and shut-down periods for combustion plants generating heat and electricity using load thresholds**

For combustion plants generating electricity and heat, the start-up and shut-down periods shall be determined as set out in Articles 6 and 7, taking into account both the electricity and heat generated.

*Article 9*

**Determination of start-up and shut-down periods using operational parameters or discrete processes**

For determining the minimum start-up load and the minimum shut-down load for stable generation, at least three criteria shall

be defined, with the end of start-up or start of shut-down periods reached when at least two of the criteria have been met.

These criteria shall be chosen from the following:

- (1) discrete processes set out in the Annex or equivalent processes that suit the technical characteristics of the plant;
- (2) thresholds for the operational parameters set out in the Annex, or equivalent operational parameters that suit the technical characteristics of the plant.

*Article 10*

This Decision is addressed to the Member States.

Done at Brussels, 7 May 2012.

*For the Commission*  
Janez POTOČNIK  
*Member of the Commission*

## ANNEX

**DISCRETE PROCESSES AND OPERATIONAL PARAMETERS ASSOCIATED WITH START-UP AND SHUT-DOWN PERIODS****1. Discrete processes associated with the minimum start-up load for stable generation**

- 1.1. For solid fuel-fired boilers: complete transition from using the stability auxiliary burners or supplementary burners to operating with normal fuel only.
- 1.2. For liquid fuel-fired boilers: start of the main fuel feed pump and when burner oil pressure stabilises, and for which fuel flow rate may be used as an indicator.
- 1.3. For gas turbines: point where the combustion mode switches to fully premixed steady state combustion mode, or 'idle speed'.

**2. Operational parameters**

- 2.1. Oxygen content of the flue gases.
  - 2.2. Flue gas temperature.
  - 2.3. Steam pressure.
  - 2.4. For heat producing plants: enthalpy and heat transfer fluid rate.
  - 2.5. For liquid and gas fired plants: fuel flow rate, specified as a percentage of the rated fuel flow capacity.
  - 2.6. For steam boiler plants: temperature of steam at the exit of the boiler.
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