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[1] Text with EEA relevance

EN

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

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

EN

([1]) Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 131/2013

of 15 February 2013

laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during 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) [1] and in particular Article 64(2) and Article 186, in conjunction with Article 4 thereof,

Whereas:

(1) During the 2011/2012 sugar marketing year, the Union average bulk white sugar ex-factory price reached a level of 175 % of the reference price of EUR 404 per tonne and was approximately EUR 275 per tonne higher than the world market price. The Union price is now stable at a level of around EUR 700 per tonne, which is the highest level reached since the reform of the sugar market organisation and disturbs the optimal fluidity of the sugar supply on the Union market. The expected increase of this already high price level during the 2012/2013 marketing year substantiates the risk of serious market disturbances which should be prevented by the necessary measures.

(2) Based on the estimated supply and demand for 2012/2013, the ending stocks for the sugar market are expected to be lower by at least 0,5 million tonne than in 2011/2012. This figure already takes into account the imports from third countries benefiting from certain preferential agreements.

(3) On the other hand, the expectations of a good harvest lead to estimate the production of nearly 5 400 000 tonnes in excess of the sugar quota set out in Article 56 of Regulation (EC) No 1234/2007. Taking account of the foreseeable contractual commitments of sugar producers in respect of certain industrial uses provided for in Article 62 of that Regulation and of the 2012/2013 export commitments for out-of-quota sugar, substantial quantities of out-of-quota sugar of at least 2 000 000 tonnes would still be available. Part of this sugar could be made available to alleviate the tight supply of the Union sugar food market and to avoid excessive price increases.

(4) In order to ensure the fluidity of the market, it is necessary to release out-of-quota sugar. It should be possible to take such a measure each time it is necessary during the marketing year 2012/2013.

(5) Pursuant to Articles 186 and 188 of Regulation (EC) No 1234/2007 measures may be taken, when necessary, to remedy market disturbances or the risk of disturbances, where, in particular, these result from a significant rise of prices in the Union, provided that this objective cannot be reached by means of other measures available under that Regulation. Given the current market circumstances, Regulation (EC) No 1234/2007 does not provide for any specific measures aimed at limiting the high sugar price trend and allowing sugar supply at reasonable prices on the Union market, other than those based on Article 186 of that Regulation.

(6) Article 64(2) of Regulation (EC) No 1234/2007 empowers the Commission to fix the surplus levy on sugar and isoglucose produced in excess of the quota at a sufficiently high level in order to avoid the accumulation of surplus quantities. Article 3(1) of Commission Regulation (EC) No 967/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota [2] has fixed that levy at EUR 500 per tonne.

[1] OJ L 299, 16.11.2007, p. 1.

[2] OJ L 176, 30.6.2006, p. 22.

(7) For a limited quantity of sugar produced in excess of the quota, a reduced surplus levy should be fixed at a level per tonne allowing for a fair treatment of Union sugar producers, ensuring the good functioning of the Union sugar market and helping to reduce the difference between Union and world market sugar prices without creating risks of accumulation of surpluses in the Union market.

(8) As Regulation (EC) No 1234/2007 fixes quotas for both sugar and isoglucose, a similar measure should apply for an appropriate quantity of isoglucose produced in excess of the quota because the latter product is, to some extent, a commercial substitute for sugar.

(9) With a view to increasing the supply, sugar and isoglucose producers should apply to the competent authorities of the Member States for certificates allowing them to sell certain quantities, produced above the quota limit, on the Union market with a reduced surplus levy.

(10) The reduced surplus levy should be paid after the application is admitted and before the certificate is issued.

(11) The validity of the certificates should be limited in time to encourage a fast improvement of the supply situation.

(12) Fixing upper limits of the quantities for which each producer can apply in one application period and restricting the certificates to products of the applicant's own production should prevent speculative actions within the system created by this Regulation.

(13) With their application, sugar producers should commit themselves to pay the minimum price for sugar beet used to produce the quantity of sugar for which they apply. The minimum eligibility requirements for applications should be specified.

(14) The competent authorities of the Member States should notify the Commission of the applications received. In order to simplify and standardise those notifications, models should be made available.

(15) The Commission should ensure that certificates are granted only within the quantitative limits fixed in this Regulation. Therefore, if necessary, the Commission should be able to fix an allocation coefficient applicable to the applications received.

(16) Member States should immediately inform the applicants whether the quantity applied for was fully or partially granted.

(17) The competent authorities should notify the Commission of the quantities for which certificates with a reduction of the surplus levy have been issued. For this purpose, models should be made available by the Commission.

(18) Sugar quantities released on the Union market of quantities in excess of the certificates issued under this Regulation should be subject the surplus levy set out in Article 64(2) of Regulation (EC) No 1234/2007. It is therefore appropriate to provide that any applicant not fulfilling his commitment to release on the Union market the quantity covered by a certificate delivered to him, should also pay an amount of EUR 500 per tonne. This consistent approach is aimed at preventing abuse of the mechanism introduced by this Regulation.

(19) For the purpose of establishing average prices for quota and out-of-quota sugar on the Union market in accordance with Article 13(1) of Commission Regulation (EC) No 952/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system [1], sugar covered by a certificate issued pursuant to this Regulation should be considered as quota sugar.

(20) In accordance with Article 2(1)(a) of Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources [2] contributions and other duties provided for within the framework of the common organisation of the markets in the sugar sector are to constitute own resources. It is therefore necessary to set the date of establishment of the amounts in question within the meaning of Article 2(2) and Article 6(3)(a) of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 2007/436/EC, Euratom on the system of the European Communities' own resources [3].

(21) 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

Temporary reduction of the surplus levy

1. By way of derogation from Article 3(1) of Regulation (EC) No 967/2006, the amount of the surplus levy for a maximum quantity of 150 000 tonnes of sugar in white sugar equivalent and 8 000 tonnes of isoglucose in dry matter, produced in excess of the quota fixed in Annex VI to Regulation (EC) No 1234/2007 and released on the Union market in the 2012/2013 marketing year, shall be fixed at EUR 224 per tonne.

2. The reduced surplus levy provided for in paragraph 1 shall be paid after the application referred to in Article 2 is admitted and before the certificate referred to in Article 6 is issued.

[1] OJ L 178, 1.7.2006, p. 39.
[2] OJ L 163, 23.6.2007, p. 17.
[3] OJ L 130, 31.5.2000, p. 1.

Article 2

Application for certificates

1. In order to benefit from the conditions specified in Article 1, sugar and isoglucose producers shall apply for a certificate.

2. Applicants may be only undertakings producing beet and cane sugar or isoglucose, which are approved in accordance with Article 57 of Regulation (EC) No 1234/2007 and have been allocated a production quota for the 2012/2013 marketing year, in accordance with Article 56 of that Regulation.

3. Each applicant may submit not more than one application for sugar and one for isoglucose per application period.

4. Applications for certificates shall be submitted by fax or electronic mail to the competent authority in the Member State in which the undertaking was approved. The competent authorities of the Member States may require that electronic applications be accompanied by an advance electronic signature within the meaning of Directive 1999/93/EC of the European Parliament and of the Council ([1]).

5. To be admissible, the applications shall fulfil the following conditions:

(a) the applications shall indicate:

(i) the name, address and VAT number of the applicant; and

(ii) the quantities applied for, expressed in tonnes of white sugar equivalent and tonnes of isoglucose in dry matter, rounded to no decimal places;

(b) the quantities applied for in this application period, expressed in tonnes of white sugar equivalent and tonnes of isoglucose in dry matter, shall not exceed 50 000 tonnes in the case of sugar and 2 500 tonnes in the case of isoglucose;

(c) if the application concerns sugar, the applicant shall commit himself to pay the minimum beet price, set out in Article 49 of Regulation (EC) No 1234/2007, for the quantity of sugar covered by certificates issued in accordance with Article 6 of this Regulation;

(d) the application shall be written in the official language or one of the official languages of the Member State in which the application is lodged;

(e) the application shall indicate a reference to this Regulation and the expiry date for the submission of the applications;

(f) the applicant shall not introduce any additional conditions to those laid down in this Regulation.

6. An application which is not submitted in accordance with paragraphs 1 to 5 shall not be admissible.

7. An application may not be withdrawn or amended after its submission, even if the quantity applied for is granted only partially.

Article 3

Submission of applications

The period during which applications may be submitted shall end on 26 February 2013 at 12 noon, Brussels time.

Article 4

Transmission of applications by the Member States

1. The competent authorities of the Member States shall decide on the admissibility of applications on the basis of the conditions set out in Article 2. Where the competent authorities decide that an application is inadmissible, they shall inform the applicant without delay.

2. The competent authority shall notify the Commission on Friday at the latest, by fax or electronic mail, of the admissible applications submitted during the preceding application period. That notification shall not contain the data referred to in Article 2(5)(a)(i). Member States that received no applications but have sugar or isoglucose quota allocated to them in the 2012/2013 marketing year, shall also send their nil returns notifications to the Commission within the same time limit.

3. The form and content of the notifications shall be defined on the basis of models made available by the Commission to the Member States.

Article 5

Exceeded limits

When the information notified by the competent authorities of the Member States pursuant to Article 4(2) indicates that the quantities applied for exceed the limits set out in Article 1, the Commission shall:

(a) fix an allocation coefficient, which the Member States shall apply to the quantities covered by each notified certificate application;

(b) reject applications not yet notified.

Article 6

Issue of certificates

1. Without prejudice to Article 5, on the 10th working day following a week where the application period ended, the competent authority shall issue certificates for the applications notified to the Commission, in accordance with Article 4(2).

2. Each Monday Member States shall notify the Commission of the quantities of sugar and/or isoglucose for which they issued certificates in the preceding week.

([1]) OJ L 13, 19.1.2000, p. 12.

3. A template of the certificate is set out in the Annex.

Article 7

Validity of certificates

Certificates shall be valid until the end of the second month following the month of issue.

Article 8

Transferability of certificates

Neither the rights nor the obligations deriving from the certificates shall be transferable.

Article 9

Price reporting

For the purpose of Article 13(1) of Regulation (EC) No 952/2006, the quantity of sugar sold which is covered by a certificate issued pursuant to this Regulation shall be considered as quota sugar.

Article 10

Monitoring

1. Applicants shall add to their monthly notifications provided for in Article 21(1) of Regulation (EC) No 952/2006 the quantities for which they received certificates in accordance with Article 6 of this Regulation.

2. Before 31 October 2013, each holder of a certificate under this Regulation shall submit to the competent authorities of the Member States proof that all quantities covered by his certificates were released on the Union market. Each tonne covered by a certificate but not released on the Union market for reasons other than *force majeure*, shall be subject to payment of an amount of EUR 276 per tonne.

3. Member States shall notify the Commission of the quantities not released on the Union market.

4. Member States shall calculate and notify the Commission of the difference between the total quantity of sugar and isoglucose produced by each producer in excess of the quota and the quantities which have been disposed by the producers in accordance with the second subparagraph of Article 4(1) of Regulation (EC) No 967/2006. If the remaining quantities of out-of-quota sugar or isoglucose of a producer are less than the quantities issued for that producer for under this Regulation, the producer shall pay an amount of EUR 500 per tonne on that difference.

5. The notifications provided for in paragraphs 3 and 4 shall be made not later than 30 June 2014.

Article 11

Date of establishment

For the purposes of Article 2(2) and Article 6(3)(a) of Regulation (EC, Euratom) No 1150/2000, the date of establishment of the Union's entitlement shall be the date on which the surplus levy is paid by the applicants in accordance with Article 1(2) of this Regulation.

Article 12

Entry into force

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

It shall expire on 30 June 2014.

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

Done at Brussels, 15 February 2013.

For the Commission
The President
José Manuel BARROSO

ANNEX

Model for the certificate referred to in Article 6(3)

CERTIFICATE

for the reduction, for the 2012/2013 marketing year, of the levy provided for in Article 3 of Regulation (EC) No 967/2006

Member State:	
Quota holder:	

Product:	
Quantities applied:	
Quantities issued:	
Levy paid (EUR/t):	224

For the 2012/2013 marketing year, the levy referred to in Article 3 of Regulation (EC) No 967/2006 shall not apply to the quantities issued of this certificate, subject to the respect of the rules laid down in Implementing Regulation (EU) No 131/2013, in particular in Article 2(5)(c).

Signature of the competent authority of the Member State	Date of issue

This certificate shall be valid until the end of the second month following the date of issue.

COMMISSION IMPLEMENTING REGULATION (EU) No 132/2013

of 15 February 2013

amending for the 187th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network, [1] and in particular Article 7(1)(a) and 7a(5) thereof,

Whereas:

(1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

(2) On 11 February 2013 the Sanctions Committee of the United Nations Security Council (UNSC) decided to remove one natural person from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply after considering the de-listing request submitted by this person and the Comprehensive Report of the Ombudsperson established pursuant to UNSC Resolution 1904(2009).

(3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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, 15 February 2013.

For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments

[1] OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entry under the heading 'Natural persons' is deleted:

'Suliman Hamd Suleiman **Al-Buthe** (*alias* (a) Soliman H.S. Al Buthi, (b) Sulayman Hamad Sulayman Al Batha). Address: Riyadh, Saudi Arabia. Date of birth: 8.12.1961. Place of birth: Cairo, Egypt. Nationality: Saudi Arabian. Passport No: (a) B049614 (Saudi Arabia), (b) C 536660 (Saudi Arabia passport issued on 5.5.2001, expired on 11.5.2006). Other information: Director of the Environmental Health Department of the Municipality of Riyadh, Saudi Arabia (as at February 2010). Date of designation referred to in Article 2a (4) (b): 23.6.2004.'

COMMISSION IMPLEMENTING REGULATION (EU) No 133/2013

of 15 February 2013

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) [1],

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 [2], and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 15 February 2013.

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

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	IL	78,2
	MA	53,2
	TN	57,5
	TR	102,0
	ZZ	72,7
0707 00 05	EG	158,2
	MA	176,1
	TR	174,5
	ZZ	169,6
0709 91 00	EG	91,5
	ZZ	91,5
0709 93 10	MA	50,8
	TR	133,6
	ZZ	92,2
0805 10 20	EG	52,2
	IL	71,3
	MA	59,9
	TN	51,5
	TR	60,1
	ZZ	59,0
0805 20 10	IL	182,8
	MA	98,8
	ZZ	140,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	120,1
	KR	135,8
	MA	121,4
	TR	76,5
	ZA	148,7
	ZZ	120,5
0805 50 10	EG	83,9
	MA	60,5
	TR	70,4
	ZZ	71,6
0808 10 80	CN	87,7
	MK	34,9
	US	176,5
	ZZ	99,7
0808 30 90	AR	144,3
	CL	181,3
	CN	36,6
	TR	177,8
	US	173,1
	ZA	114,7
	ZZ	138,0

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

COMMISSION IMPLEMENTING REGULATION (EU) No 134/2013

of 15 February 2013

fixing the import duties in the cereals sector applicable from 16 February 2013

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) [1],

Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector [2], and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, in order to calculate the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 16 February 2013 and should apply until new import duties are fixed and enter into force.

(5) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 February 2013, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

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, 15 February 2013.

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

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 February 2013

CN code	Description	Import duties [1] (EUR/t)
1001 19 00 1001 11 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High quality common wheat other than for sowing	0,00
1002 10 00 1002 90 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize other than seed [2]	0,00
1007 10 90 1007 90 00	Grain sorghum other than hybrids for sowing	0,00

[1] The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

— EUR 3/t, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea, for goods arriving in the Union via the Atlantic Ocean or the Suez Canal,

— EUR 2/t, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula, for goods arriving in the Union via the Atlantic Ocean.

[2] The importer may benefit from a flat-rate reduction of EUR 24/t where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

1.2.2013-14.2.2013

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat (1)	Maize	Durum wheat, high quality	Durum wheat, medium quality (2)	Durum wheat, low quality (3)
Exchange	Minnéapolis	Chicago	—	—	—
Quotation	241,45	208,21	—	—	—
Fob price USA	—	—	295,74	285,74	265,74
Gulf of Mexico premium	78,15	17,92	—	—	—
Great Lakes premium	—	—	—	—	—

(1) Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).
(2) Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).
(3) Discount of EUR 30/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam: 14,32 EUR/t

Freight costs: Great Lakes-Rotterdam: — EUR/t

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 11 February 2013

establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the tanning of hides and skins

(notified under document C(2013) 618)

(Text with EEA relevance)

(2013/84/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) [1], and in particular Article 13(5) thereof,

Whereas:

(1) Article 13(1) of Directive 2010/75/EU requires the Commission to organise an exchange of information on industrial emissions between it and Member States, the industries concerned and non-governmental organisations promoting environmental protection in order to facilitate the drawing up of best available techniques (BAT) reference documents as defined in Article 3(11) of that Directive.

(2) In accordance with Article 13(2) of Directive 2010/75/EU, the exchange of information is to address the performance of installations and techniques in terms of emissions, expressed as short- and long-term averages, where appropriate, and the associated reference conditions, consumption and nature of raw materials, water consumption, use of energy and generation of waste and the techniques used, associated monitoring, cross-media effects, economic and technical viability and developments therein and best available techniques and emerging techniques identified after considering the issues mentioned in points (a) and (b) of Article 13(2) of that Directive.

(3) 'BAT conclusions' as defined in Article 3(12) of Directive 2010/75/EU are the key element of BAT reference documents and lay down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures.

(4) In accordance with Article 14(3) of Directive 2010/75/EU, BAT conclusions are to be the reference for setting permit conditions for installations covered by Chapter II of that Directive.

(5) Article 15(3) of Directive 2010/75/EU requires the competent authority to set emission limit values that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the decisions on BAT conclusions referred to in Article 13(5) of Directive 2010/75/EU.

(6) Article 15(4) of Directive 2010/75/EU provides for derogations from the requirement laid down in Article 15(3) only where the costs associated with the achievement of the emission levels associated with the BAT disproportionately outweigh the environmental benefits due to the geographical location, the local environmental conditions or the technical characteristics of the installation concerned.

(7) Article 16(1) of Directive 2010/75/EU provides that the monitoring requirements in the permit referred to in point (c) of Article 14(1) of the Directive are to be based on the conclusions on monitoring as described in the BAT conclusions.

(8) In accordance with Article 21(3) of Directive 2010/75/EU, within four years of publication of decisions on BAT conclusions, the competent authority is to reconsider and, if necessary, update all the permit conditions and ensure that the installation complies with those permit conditions.

[1] OJ L 334, 17.12.2010, p. 17.

(9) Commission Decision of 16 May 2011 establishing a forum for the exchange of information pursuant to Article 13 of Directive 2010/75/EU on industrial emissions [1] established a forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental protection.

(10) In accordance with Article 13(4) of Directive 2010/75/EU, the Commission obtained the opinion [2] of that forum on the proposed content of the BAT reference document for the tanning of hides and skins on 13 September 2012 and made it publicly available.

(11) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 75(1) of Directive 2010/75/EU,

HAS ADOPTED THIS DECISION:

Article 1

The BAT conclusions for the tanning of hides and skins are set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 February 2013.

For the Commission
Janez POTOČNIK
Member of the Commission

[1] OJ C 146, 17.5.2011, p. 3.
[2] http://circa.europa.eu/Public/irc/env/ied/library?l=/ied_art_13_forum/opinions_article

ANNEX

BAT CONCLUSIONS FOR THE TANNING OF HIDES AND SKINS

SCOPE

These BAT conclusions concern the following activities specified in Annex I to Directive 2010/75/EU, namely:

— 6.3 *Tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day,*

— 6.11 *Independently operated treatment of waste water not covered by Council Directive 91/271/EEC* [1] *and discharged by an installation* undertaking activities covered under 6.3 above.

Unless stated otherwise the BAT conclusions presented can be applied to all installations subject to these BAT conclusions.

Other reference documents which are relevant for the activities covered by these BAT conclusions are the following:

Reference document	Subject
Energy Efficiency (ENE)	General energy efficiency
Economics and Cross-Media Effects (ECM)	Economics and cross-media effects of techniques
General Principles of Monitoring (MON)	Emissions and consumption monitoring
Emissions from storage (EFS)	Emissions from tanks, pipework and stored chemicals
Waste Incineration (WI)	Waste incineration
Waste Treatments Industries (WT)	Waste treatment

The techniques listed and described in these BAT conclusions are neither prescriptive nor exhaustive. Other techniques may be used that ensure at least an equivalent level of environmental protection.

DEFINITIONS

For the purposes of these BAT conclusions, the following definitions apply:

Beamhouse/Limeyard	That portion of the tannery where the hides are soaked, limed, fleshed, and unhaired, when necessary, prior to the tanning process.
By-product	Object or substance meeting the requirements of Article 5 of Directive 2008/98/EC of the European Parliament and of the Council [1].
Existing plant	A plant that is not a new plant.
Existing processing vessel	A processing vessel that is not a new processing vessel.
New plant	A plant first operated at the installation following the publication of these BAT conclusions or a complete replacement of a plant on the existing foundations of the installation following the publication of these BAT conclusions.
New processing vessel	A processing vessel first operated at the plant following the publication of these BAT conclusions or a complete rebuild of a processing vessel following the publication of these BAT conclusions.
Tannery	An installation that carries out the activity 'Tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day' (Activity 6.3 of Annex I to Directive 2010/75/EU).
Tanyard	The part of the tannery where the processes of pickling and tanning are carried out.
Urban waste water treatment plant	A plant subject to Directive 91/271/EEC.

[1] OJ L 312, 22.11.2008, p. 3.

[1] OJ L 135, 30.5.1991, p. 40.

1.1. *General BAT conclusions for the tanning of hides and skins*

1.1.1. Environmental management systems

1. In order to improve the overall environmental performance of a tannery, BAT is to implement and adhere to an environmental management system (EMS) that incorporates all of the following features:

(i) commitment of the management, including senior management;

(ii) definition of an environmental policy that includes the continuous improvement of the installation by the management;

(iii) planning and establishing the necessary procedures, objectives and targets, in conjunction with financial planning and investment;

(iv) implementation of procedures paying particular attention to:

(a) structure and responsibility;

(b) training, awareness and competence;

(c) communication;

(d) employee involvement;

(e) documentation;

(f) efficient process control;

(g) maintenance programmes;

(h) emergency preparedness and response;

(i) safeguarding compliance with environmental legislation;

(v) checking performance and taking corrective action, paying particular attention to:

(a) monitoring and measurement (see also the reference document on the general principles of monitoring);

(b) corrective and preventive action;

(c) maintenance of records;

(d) independent (where practicable) internal and external auditing in order to determine whether or not the EMS conforms to planned arrangements and has been properly implemented and maintained;

(vi) review of the EMS and its continuing suitability, adequacy and effectiveness by senior management;

(vii) following the development of cleaner technologies;

(viii) consideration for the environmental impacts from the eventual decommissioning of the installation at the stage of designing a new plant, and throughout its operating life;

(ix) application of sectoral benchmarking on a regular basis.

Specifically for the tanning of hides and skins, it is also important to consider the following potential features of the EMS:

(x) to facilitate decommissioning, the maintenance of records of the locations on the site where particular process steps are carried out;

(xi) other items listed under BAT conclusion 2.

Applicability

The scope (e.g. level of details) and nature of the EMS (e.g. standardised or non-standardised) will generally be related to the nature, scale and complexity of the installation, and the range of environmental impacts it may have.

1.1.2. Good housekeeping

2. In order to minimise the environmental impact of the production process, BAT is to apply the principles of good housekeeping by applying the following techniques in combination:

(i) careful selection and control of substances and raw materials (e.g. quality of hides, quality of chemicals);

(ii) input-output analysis with a chemical inventory, including quantities and toxicological properties;

(iii) minimisation of the use of chemicals to the minimum level required by the quality specifications of the final product;

(iv) careful handling and storage of raw materials and finished products in order to reduce spills, accidents and water wastage;

(v) segregation of waste streams, where practicable, in order to allow for the recycling of certain waste streams;

(vi) monitoring of critical process parameters to ensure stability of the production process;

(vii) regular maintenance of the systems for the treatment of effluents;

(viii) review of options for the reuse of process/washing water;

(ix) review of waste disposal options.

1.2. *Monitoring*

3. BAT is to monitor emissions and other relevant process parameters, including those indicated below, with the given associated frequency and to monitor emissions according to EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.

	Parameter	Frequency	Applicability
a	**Measurement of water consumption in the two process stages: up to tanning and post-tanning, and recording of production in the same period.**	At least monthly.	Applicable to plants carrying out wet processing.
b	**Recording of the quantities of process chemicals used in each process step and recording of production in the same period.**	At least yearly.	Generally applicable.
c	**Monitoring of the sulphide concentration and total chromium concentration in the final effluent after treatment for direct discharge to receiving water, by using flow proportional 24-hour composite samples.** **Monitoring of the sulphide concentration and total chromium concentration after chromium precipitation for indirect discharge, by using flow proportional 24-hour composite samples.**	On a weekly or monthly basis.	The monitoring of chromium concentration is applicable to on-site or off-site plants which undertake chromium precipitation. Where economically viable, the monitoring of sulphide concentration is applicable to plants carrying out some part of effluent treatment on site or off site for treating waste waters from tanneries.
d	**Monitoring of chemical oxygen demand (COD), biochemical oxygen demand (BOD) and ammoniacal nitrogen after on-site or off-site effluent treatment for direct discharges to receiving water, by using flow-proportional 24-hour composite samples.** **Monitoring of total suspended solids after on-site or off-site effluent treatment for direct discharges to receiving water.**	On a weekly or monthly basis. More frequent measurements in case process changes are needed.	Applicable to plants carrying out some part of effluent treatment on-site or off-site for treating waste waters from tanneries.

	Parameter	Frequency	Applicability
e	**Monitoring of halogenated organic compounds after on-site or off-site effluent treatment for direct discharges to receiving water.**	On a regular basis.	Applicable to plants where halogenated organic compounds are used in the production process and are susceptible to being released into receiving water.
f	**Measurement of pH or redox potential at the liquid outlet of wet scrubbers.**	Continuously.	Applicable to plants using wet scrubbing to abate hydrogen sulphide or ammonia emissions to the air.
g	**The keeping of a solvent inventory on an annual basis, and recording of production in the same period.**	On an annual basis.	Applicable to plants carrying out finishing using solvents and using water-borne coatings or similar materials to limit the solvent input.
h	**Monitoring of volatile organic compound emissions at the outlet of abatement equipment, and recording of production.**	Continuously or periodically.	Applicable to plants carrying out finishing using solvents and employing abatement.
i	**Indicative monitoring of the pressure drop across bag filters.**	On a regular basis.	Applicable to plants using bag filters to abate particulate matter emissions, where there is a direct discharge to the atmosphere.
j	**Testing of the capture efficiency of wet scrubbing systems.**	Annually.	Applicable to plants using wet scrubbing to abate particulate matter emissions, where there is a direct discharge to the atmosphere.
k	**Recording of the quantities of process residues sent for recovery, reuse, recycling, and disposal.**	On a regular basis.	Generally applicable.
l	**Recording of all forms of energy use and of production in the same period.**	On a regular basis.	Generally applicable.

1.3. *Minimising water consumption*

4. In order to minimise water consumption, BAT is to use one or both of the techniques given below.

	Technique	Description	Applicability
a	**The optimisation of water use in all wet process steps, including the use of batch washing instead of running water washes**	Optimisation of water use is achieved by determining the optimum quantity required for each process step and introducing the correct quantity using measuring equipment. Batch washing involves washing of hides and skins during processing by introducing the required quantity of clean water into the processing vessel and using the action of the vessel to achieve the required agitation, as opposed to running water washes which use the inflow and outflow of large quantities of water.	Applies to all plants carrying out wet processing.
b	**The use of short floats**	Short floats are reduced amounts of process water in proportion to the amount of hides or skins being processed as compared to traditional practices. There is a lower limit to this reduction because the water also functions as a lubricant and coolant for the hides or skins during processing. The rotation of process vessels containing a limited amount of water requires more robust geared drives because the mass being rotated is uneven.	This technique cannot be applied in the dyeing process step and for the processing of calfskins. Applicability is also limited to: — new processing vessels, — existing processing vessels that allow the use of, or can be modified to use, short floats.

The review of options for the reuse of process/washing water is part of an Environmental Management System (see BAT 1) and of the principles of good housekeeping (see BAT 2).

The BAT-associated consumption levels for water

See Table 1 (for bovine hides) and Table 2 (for sheepskins).

Table 1

BAT-associated consumption levels for water for the processing of bovine hides

Process stages	Water consumption per tonne of raw hide [1] (m^3/t)	
	Unsalted hides	Salted hides
Raw to wet blue/white	10 to 15	13 to 18
Post-tanning processes and finishing	6 to 10	6 to 10
Total consumption.	16 to 25	19 to 28

[1] Monthly average values. Processing of calfskins and vegetable tanning may require a higher water

Table 2

BAT-associated consumption levels for water for the processing of sheepskins

Process stages	Specific water consumption [1]
	litres per skin
Raw to pickle	65 to 80
Pickle to wet blue	30 to 55
Post-tanning processes and finishing	15 to 45
Total	110 to 180

[1] Monthly average values. Wool-on sheepskins may require a higher water consumption.

1.4. *Reduction of emissions in waste water*

1.4.1. Reduction of emissions in waste water from beamhouse process steps

5. In order to reduce the pollutant load in the waste water before effluent treatment arising from the beamhouse process steps, BAT is to use an appropriate combination of the techniques given below.

	Technique	Description	Applicability
a	**The use of short floats**	Short floats are reduced amounts of process water. When less water is present, the quantity of process chemicals which are discarded unreacted, is reduced.	The technique cannot be applied for the processing of calfskins. Applicability is also limited to: — new processing vessels, — existing processing vessels that allow the use of, or can be modified to use, short floats.

	Technique	Description	Applicability
b	**The use of clean hides or skins**	Use of hides or skins which have less manure adhering to the exterior, possibly through a formal 'clean hides scheme'.	Applicable subject to the constraints of the availability of clean hides.
c	**Processing fresh hides or skins**	Unsalted hides or skins are used. Rapid post-mortem cooling combined with either short delivery times or temperature-controlled transport and storage are used to prevent their deterioration.	Applicability is limited by the availability of fresh hides or skins. Cannot be applied when a supply chain longer than two days is involved.
d	**Shaking off loose salt from hides by mechanical means**	Salted hides are opened out for processing in a manner which shakes or tumbles them, so that loose salt crystals fall off and are not taken into the soaking process.	Applicability is limited to tanneries processing salted hides.
e	**Hair-save unhairing**	Unhairing is carried out by dissolving the hair root rather than the whole hair. The remaining hair is filtered out of the effluent. The concentration of hair breakdown products in the effluent is reduced.	The technique is not applicable where facilities for the processing of hair for use are not available within a reasonable transport distance or when the hair use is not possible. Applicability is also limited to: — new processing vessels, — existing processing vessels that allow the use of, or can be modified to use, the technique.
f	**Using organic sulphur compounds or enzymes in the unhairing of bovine hides**	The amount of inorganic sulphide used in unhairing is reduced by partially replacing it by organic sulphur compounds or by additional use of appropriate enzymes.	Additional use of enzymes is not applicable to tanneries producing leather with a visible grain (e.g. aniline leather).
g	**Reduced ammonium use during deliming**	The use of ammonium compounds in deliming is partially or completely replaced by the injection of carbon dioxide gas and/or the use of other substitute deliming agents.	The complete replacement of ammonium compounds by CO_2 during deliming cannot be applied to the processing of materials whose thickness is over 1,5 mm. The applicability of partial or complete replacement of ammonium compounds by CO_2 during deliming is also limited to: — new processing vessels, — existing processing vessels that allow the use of, or can be modified to use, CO_2 during deliming.

1.4.2. Reduction of emissions in waste water from tanyard process steps

6. In order to reduce the pollutant load in the waste water before effluent treatment arising from the tanyard process steps, BAT is to use an appropriate combination of the techniques given below.

	Technique	Description	Applicability
a	**The use of short floats**	Short floats are reduced amounts of process water. When less water is present, the quantity of process chemicals which is discarded unreacted is reduced.	This technique cannot be applied for the processing of calfskins. Applicability is also limited to: — new processing vessels, — existing processing vessels that allow the use of, or can be modified to use, short floats.
b	**Maximising the uptake of chromium tanning agents**	Optimisation of the operating parameters (e.g. pH, float, temperature, time, and drum speed) and the use of chemicals to increase the proportion of the chromium-tanning agent taken up by the hides or skins.	Generally applicable.
c	**Optimised vegetable-tanning methods**	Use of drum tanning for part of the process. Use of pretanning agents to aid penetration of vegetable tannins.	Cannot be applied in the production of vegetable-tanned sole leather.

1.4.3. Reduction of emissions in waste water from post-tanning process steps

7. In order to reduce the pollutant load in the waste water before effluent treatment arising from the post-tanning process steps, BAT is to use an appropriate combination of the techniques given below.

	Technique	Description	Applicability
a	**The use of short floats**	Short floats are reduced amounts of process water. When less water is present, the quantity of process chemicals which is discarded unreacted is reduced.	This technique cannot be applied in the dyeing process step and for the processing of calfskins. Applicability is also limited to: — new processing vessels, — existing processing vessels that allow the use of, or can be modified to use, short floats.
b	**Optimisation of retanning, dyeing, and fatliquoring**	Optimisation of process parameters to ensure the maximum uptake of process chemicals.	Generally applicable.

1.4.4. Other reductions of emissions in waste water

8. In order to prevent the emission of specific pesticides in waste water, BAT is to only process hides or skins which have not been treated with those materials.

Description

The technique consists in the specification in supply contracts of materials free from pesticides that are:

— listed in Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy ([1]),

— listed in Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants ([2]),

— classified as carcinogen, mutagen or reprotoxic according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures ([3]).

Examples include DDT, cyclodiene pesticides (aldrin, dieldrin, endrin, isodrin), and HCH including lindane.

Applicability

Generally applicable to tanneries within the constraints of controlling the specifications given to non-EU hides and skins suppliers.

9. In order to minimise the emissions of biocides in waste water, BAT is to process hides or skins only with biocidal products approved in accordance with the dispositions given by Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ([4]).

1.5. *Treatment of emissions to water*

10. In order to reduce emissions to receiving waters, BAT is to apply waste water treatment comprising an appropriate on-site and/or off-site combination of the following techniques:

(i) mechanical treatment;

(ii) physico-chemical treatment;

(iii) biological treatment;

(iv) biological nitrogen elimination.

Description

The application of an appropriate combination of the techniques described below. The combination of techniques can be implemented on site and/or off site, in two or three stages.

Technique		Description	Applicability
a	**Mechanical treatment**	Screening of gross solids, skimming of fats, oils, and greases and removal of solids by sedimentation.	Generally applicable for on-site and/or off-site treatment.
b	**Physico-chemical treatment**	Sulphide oxidation and/or precipitation, COD and suspended solids removal by, e.g., coagulation and flocculation. Chromium precipitation by increasing pH to 8 or above using an alkali (e.g. calcium hydroxide, magnesium oxide, sodium carbonate, sodium hydroxide, sodium aluminate).	Generally applicable for on-site and/or off-site treatment.
c	**Biological treatment**	Aerobic biological waste water treatment using aeration, including the removal of suspended solids by, e.g., sedimentation, secondary flotation.	Generally applicable for on-site and/or off-site treatment.
d	**Biological nitrogen elimination**	Nitrification of ammoniacal nitrogen compounds to nitrates, followed by the reduction of nitrates to gaseous nitrogen.	Applicable to plants with direct discharge to receiving water. Difficult implementation into existing plants where there are space limitations.

([1]) OJ L 348, 24.12.2008, p. 84.
([2]) OJ L 158, 30.4.2004, p. 7.
([3]) OJ L 353, 31.12.2008, p. 1.
([4]) OJ L 167, 27.6.2012, p. 1.

BAT-associated emission levels

See Table 3. BAT-AELs apply for:

(i) direct waste water discharges from tanneries on-site waste water treatment plants;

(ii) direct waste water discharges from independently operated waste water treatment plants covered under Section 6.11 in Annex I to Directive 2010/75/EU treating waste water mostly from tanneries.

Table 3

BAT-AELs for direct discharges of waste water after treatment

Parameter	BAT-AELs
	mg/l (monthly average values based on the average of the 24-hour representative composite samples taken over a month)
COD	200-500 ([1])
BOD_5	15-25
Suspended solids	< 35
Ammoniacal nitrogen NH_4-N (as N)	< 10
Total chromium (as Cr)	< 0,3-1
Sulphide (as S)	< 1

([1]) The upper level is associated with COD inlet concentrations of ≥ 8 000 mg/l.

11. In order to reduce the chromium content of waste water discharges, BAT is to apply on-site or off-site chromium precipitation.

Description

See BAT 10, technique b.

The efficiency of chromium precipitation is higher in the case of segregated, concentrated chromium-bearing streams.

Applicability

Generally applicable for on-site and/or off-site treatment of waste water effluents of tanneries carrying out chromium tanning and/or retanning.

BAT-associated emission levels

See Table 3 for chromium BAT-AELs for direct discharges to receiving water, and Table 4 for chromium BAT-AELs for indirect discharges into urban waste water treatment plants.

12. In order to reduce total chromium and sulphide emissions through indirect discharges of waste water from tanneries into urban waste water treatment plants, BAT is to apply chromium precipitation and sulphide oxidation.

Description

See BAT 10, technique b.

The removal efficiency is higher in the case of segregated, concentrated chromium/sulphide-bearing streams.

Sulphide oxidation consists of a catalytic oxidation (aeration in the presence of manganese salts).

Applicability

Chromium precipitation is generally applicable for on-site and/or off-site treatment of waste water effluents of tanneries carrying out chromium tanning and/or retanning.

BAT-associated emissions levels

See Table 4 for chromium and sulphide BAT-AELs for indirect discharges into urban waste water treatment plants.

Table 4

BAT-AELs for total chromium and sulphide emissions through indirect discharges of waste water from tanneries into urban waste water treatment plants

Parameter	BAT-AELs
	mg/l (monthly average values based on the average of the 24-hour representative composite samples taken over a month)
Total chromium (as Cr)	< 0,3-1
Sulphide (as S)	< 1

1.6. *Airborne emissions*

1.6.1. Odour

13. In order to reduce the generation of ammonia odours from processing, BAT is to partially or completely replace ammonium compounds in deliming.

Applicability

The complete replacement of ammonium compounds by CO_2 during deliming cannot be applied to the processing of materials whose thickness is over 1,5 mm.

The applicability of partial or complete replacement of ammonium compounds by CO_2 during deliming is also limited to both new and existing processing vessels that allow the use of, or can be modified to use, CO_2 during deliming.

14. In order to reduce the emission of odours from process steps and effluent treatment, BAT is to abate ammonia and hydrogen sulphide by the scrubbing and/or biofiltration of extracted air in which odour of these gases are noticeable.

15. In order to prevent the production of odours from the decomposition of raw hides or skins, BAT is to use curing and storage designed to prevent decomposition, and rigorous stock rotation.

Description

Correct salt curing or temperature control, both combined with rigorous stock rotation to eliminate decomposition odours.

16. In order to reduce the emission of odours from waste, BAT is to use handling and storage procedures designed to reduce waste decomposition.

Description

Control of waste storage and methodical removal of putrescible waste from the installation before its decomposition causes odour problems.

Applicability

Applies only to plants which produce putrescible wastes.

17. In order to reduce the emission of odours from the beamhouse effluent, BAT is to use pH control followed by treatments to remove the sulphide content.

Description

Maintaining the pH of effluents containing sulphide from the beamhouse above 9,5 until the sulphide has been treated (on or off site) by one of the following techniques:

(i) catalytic oxidation (using manganese salts as a catalyst);

(ii) biological oxidation;

(iii) precipitation; or

(iv) by mixing in an enclosed vessel system fitted with an exhaust scrubber or a carbon filter.

Applicability

Applies only to plants carrying out sulphide unhairing.

1.6.2. Volatile organic compounds

18. In order to reduce the airborne emissions of halogenated volatile organic compounds, BAT is to replace halogenated volatile organic compounds used in the process with substances that are not halogenated.

Description

Replacement of halogenated solvents by non-halogenated solvents.

Applicability

Does not apply to the dry degreasing of sheepskins carried out in closed cycle machines.

19. In order to reduce airborne emissions of volatile organic compounds (VOC) from finishing, BAT is to use one or a combination of the techniques given below, priority being given to the first one.

Technique		Description
a	**The use of water-borne coatings in combination with an efficient application system**	Limiting emissions of volatile organic compounds by the use of water-borne coatings, with each coat applied by one of the following: curtain coating or roller coating or improved spraying techniques.
b	**The use of extraction ventilation and an abatement system**	Treating the exhaust air by the use of an extraction system fitted with one or more of the following: wet scrubbing, adsorption, bio-filtration or incineration.

BAT-associated solvent use levels and BAT-associated emission levels for VOC

Both the solvent use rates associated with the use of water-borne coatings in combination with an efficient application system and the BAT-AEL range for specific VOC emissions where an extraction ventilation and abatement system is used as an alternative to the use of water-borne finishing materials are given in Table 5.

Table 5

BAT-associated solvent use levels and BAT-AELs for VOC emissions

Parameter	Type of production		BAT-associated levels
			g/m^2 (annual average values per unit of finished leather)
Solvent use levels	Where water-borne coatings are used in combination with an efficient application system	Upholstery and automotive leather	10-25
		Footwear, garment, and leathergoods leathers	40-85
		Coated leathers (coating thickness > 0,15 mm)	115-150

Parameter	Type of production	BAT-associated levels
		g/m^2 (annual average values per unit of finished leather)
VOC emissions	Where an extraction ventilation and abatement system is used as an alternative to the use of water-borne finishing materials	9-23 ([1])

([1]) BAT-AEL range expressed as total carbon.

1.6.3. Particulate matter

20. In order to reduce the airborne particulate matter emissions from the dry finishing stages of production, BAT is to use an extraction ventilation system fitted with bag filters or wet scrubbers.

BAT-associated emission levels

The BAT-AEL for particulate matter is 3 to 6 mg per normal m^3 of exhausted air expressed as a 30-minute mean.

1.7. *Waste management*

21. In order to limit the quantities of wastes sent for disposal, BAT is to organise operations on the site so as to maximise the proportion of process residues, which arise as by-products, including the following:

Process residue	Uses as a by-product
Hair and wool	— Filling material — Wool textiles
Limed trimmings	— Collagen production
Untanned splits	— Processed to leather — Production of sausage casings — Collagen production — Dog chews
Tanned splits and trimmings	— Finished for use in patchwork, small leather goods, etc. — Collagen production

22. In order to limit the quantities of wastes sent for disposal, BAT is to organise operations on the site so as to facilitate waste reuse, or failing that, waste recycling, or failing that, 'other recovery', including the following:

Waste	Reuse after preparation	Recycling as	Other recovery
Hair and Wool	— Manufacture of protein hydrolysate	— Fertiliser	— Energy recovery
Raw trimmings		— Hide glue	— Energy recovery
Limed trimmings	— Tallow — Manufacture of technical gelatine	— Hide glue	
Fleshings	— Manufacture of protein hydrolysate — Tallow	— Hide glue	— Production of substitute fuel — Energy recovery

Waste	Reuse after preparation	Recycling as	Other recovery
Untanned splits	— Manufacture of technical gelatine — Manufacture of protein hydrolysate	— Hide glue	— Energy recovery
Tanned splits and trimmings	— Leather fibreboard production from non-finished trimmings — Manufacture of protein hydrolysate		— Energy recovery
Tanned shavings	— Leather fibreboard production — Manufacture of protein hydrolysate		— Energy recovery
Sludges from waste water treatment			— Energy recovery

23. In order to reduce the chemical consumption and reduce the amount of leather waste containing chromium-tanning agents sent for disposal, BAT is to use lime splitting.

Description

Carrying out the splitting operation at an earlier stage of processing, so as to produce an untanned by-product.

Applicability

Applies only to plants using chromium tanning.

Not applicable:

— when hides or skins are being processed for full substance (i.e. unsplit) products,

— when a firmer leather has to be produced (e.g. shoe leather),

— when a more uniform thickness is needed in the final product,

— where tanned splits are produced as a product or co-product.

24. In order to reduce the amount of chromium in sludge sent for disposal, BAT is to use one or a combination of the techniques given below.

	Technique	Description	Applicability
a	**Recovery of chromium for reuse in the tannery**	Re-solution of the chromium precipitated from the tanning float, using sulphuric acid for use as a partial substitute for fresh chromium salts.	Applicability is restricted by the need to produce leather properties which meet customers specification, in particular related to dyeing (reduced fastness and less brightness of colours) and fogging.
b	**Recovery of chromium for reuse in another industry**	Use of the chromium sludge as a raw material by another industry.	Applies only where an industrial user for the recovered waste can be found.

25. In order to reduce energy, chemical and handling capacity requirements of sludge for its subsequent treatment, BAT is to reduce the water content of sludges by using sludge dewatering.

Applicability

Applies to all plants carrying out wet processing.

1.8. *Energy*

26. In order to reduce energy consumed in drying, BAT is to optimise the preparation for drying by samming or any other mechanical dewatering.

27. In order to reduce energy consumption for wet processes, BAT is to use short floats.

Description

Reducing the energy used to heat water by reducing hot water use.

Applicability

The technique cannot be applied in the dyeing process step and for the processing of calfskins.

Applicability is also limited to:

— new processing vessels,

— existing processing vessels that allow the use of, or can be modified to use, short floats.

BAT-associated energy consumption rates

See Table 6.

Table 6

Specific energy consumption associated with BAT

Activity stages	Specific energy consumption per unit of raw material [1]
	GJ/t
Processing bovine hides from raw to wet blue or wet white	< 3
Processing bovine hides from raw to finished leather	< 14
Processing sheepskins from raw to finished leather	< 6

[1] The energy consumption values (expressed as an annual average not corrected to primary energy) cover the energy use in the production process including electricity and the total heating for indoor spaces, but excluding the energy use for waste water treatment.

COMMISSION DECISION

of 14 February 2013

concerning the non-inclusion of certain substances in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market

(notified under document C(2013) 670)

(Text with EEA relevance)

(2013/85/EU)

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 [1], and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

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

(2) For a number of substance/product-type combinations included in that list, either all participants have discontinued their participation in the review programme, or no complete dossier was received within the time period specified in Article 9 and Article 12(3) of Regulation (EC) No 1451/2007 by the Member State designated as Rapporteur for the evaluation.

(3) Consequently, and pursuant to Articles 11(2), 12(1) and 13(5) of Regulation (EC) No 1451/2007, the Commission informed the Member States accordingly. That information was also made public by electronic means.

(4) Within the period of three months from those publications, a number of companies indicated an interest in taking over the role of participant for certain of the substances and product-types concerned. However, those companies subsequently failed to submit a complete dossier.

(5) Pursuant to Article 12(4) and (5) of Regulation (EC) No 1451/2007, the substances and product-types concerned should therefore not be included in Annex I, IA or IB to Directive 98/8/EC.

(6) In the interest of legal certainty, it is appropriate to specify the date after which biocidal products of the product-types listed in the Annex to this Decision containing the active substances listed in that Annex should no longer be placed on the market.

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

HAS ADOPTED THIS DECISION:

Article 1

The substances indicated in the Annex to this Decision shall not be included for the product-types concerned in Annex I, IA or IB to Directive 98/8/EC.

Article 2

For the purposes of Article 4(2) of Regulation (EC) No 1451/2007, biocidal products of the product-types listed in the Annex to this Decision which contain the active substances listed in that Annex shall no longer be placed on the market with effect from 1 February 2014.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 February 2013.

For the Commission

Janez POTOČNIK

Member of the Commission

[1] OJ L 123, 24.4.1998, p. 1.
[2] OJ L 325, 11.12.2007, p. 3.

ANNEX

Substances and product-types not to be included in Annex I, IA or IB to Directive 98/8/EC

Name	EC number	CAS number	Product-type	Rapporteur Member State
Glutaral	203-856-5	111-30-8	5	FI
4-(2-nitrobutyl)morpholine	218-748-3	2224-44-4	6	UK
4-(2-nitrobutyl)morpholine	218-748-3	2224-44-4	13	UK
N,N'-(decane-1,10-diyldi-1(4H)-pyridyl-4-ylidene)bis(octylammonium) dichloride	274-861-8	70775-75-6	1	HU
Salicylic acid	200-712-3	69-72-7	1	NL

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