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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2015/2092

of 17 November 2015

establishing a prohibition of fishing for cod in Norwegian waters south of 62° N by vessels flying the flag of Sweden

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2015/104 ⁽²⁾ lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

*Article 3***Entry into force**

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, 17 November 2015.

*For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General for Maritime Affairs and Fisheries*

ANNEX

No	57/TQ104
Member State	Sweden
Stock	COD/04-N.
Species	Cod (<i>Gadus morhua</i>)
Zone	Norwegian waters south of 62° N
Closing date	19.10.2015

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2093**of 18 November 2015****amending Regulation (EC) No 718/2007 implementing Council Regulation (EC) No 1085/2006
establishing an instrument for pre-accession assistance (IPA)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) ⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Regulation (EC) No 1085/2006 (the IPA Regulation) lays down the objectives of and the main principles regarding pre-accession assistance to candidate and potential candidate countries. The detailed rules for implementing the pre-accession assistance are set out in Commission Regulation (EC) No 718/2007 ⁽²⁾.
- (2) Although the IPA Regulation only applied until 31 December 2013, the IPA Regulation continues to regulate the implementation of budgetary commitments made up to 31 December 2013. Furthermore, Article 212 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽³⁾ provides that Article 166(3) of Council Regulation (EC, Euratom) No 1605/2002 ⁽⁴⁾ continues to apply to those budgetary commitments which remain available until 31 December 2018.
- (3) Regulation (EU, Euratom) No 966/2012 introduced the possibility for the Commission to create and manage Union trust funds for external action. Such Union trust funds could be an appropriate way to implement pre-accession assistance in order to achieve the objectives of the IPA Regulation, in particular those pursued under its transition assistance and institution building, regional development and human resources development components.
- (4) The use of a Union trust fund for external action could therefore be an appropriate way to implement assistance in the context of the crisis in Syria. Since the start of the crisis in Syria, Turkey has undertaken remarkable efforts in hosting a growing number of refugees, reaching more than 2 million people in October 2015. As a consequence, the country is facing the challenge of responding to short-term humanitarian needs of refugees, including minors and vulnerable persons, but is also facing more medium- and long-term challenges, in particular, in the regions hosting most of the refugees, relating to social services, competitiveness and infrastructures as well as access to education, including for refugees.
- (5) The efficiency of the Union assistance provided under the regional development component and the human resources development component of IPA in Turkey could be increased in terms of addressing the challenges described above if the assistance were to be implemented by the Regional Trust Fund established in response to the Syrian crisis. The Regional Trust Fund was established by Decision C(2014) 9615 ⁽⁵⁾ for a duration of 60 months. All financial contributions of the Union to the Regional Trust Fund should comply with the relevant financial instruments contributing to it, including as regards geographical scope.
- (6) The regional development component of IPA may contribute toward the financing of the type of actions provided for under Regulation (EC) No 1080/2006 of the European Parliament and the Council ⁽⁶⁾. This type of

⁽¹⁾ OJ L 210, 31.7.2006, p. 82.

⁽²⁾ Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA), OJ L 170, 29.6.2007, p. 1.

⁽³⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

⁽⁴⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

⁽⁵⁾ Commission Decision C(2014)9615 of 10 December 2014 on the establishment of a European Union Regional Trust Fund in response to the Syrian Crisis, 'the Madad Fund'.

⁽⁶⁾ Regulation (EC) No 1080/2006 of the European Parliament and the Council of 5 July 2006 on the European Regional Development Fund, OJ L 210, 31.7.2006, p. 1.

actions includes promoting: innovation and entrepreneurship; investments connected with water supply and water and waste management; waste-water treatment and air quality; education investments, including in vocational training; and investments in health and social infrastructure which contribute to regional and local development.

- (7) The human resource development component of IPA may contribute toward the financing of the type of actions provided for under Regulation (EC) No 1081/2006 of the European Parliament and the Council ⁽¹⁾. This type of actions includes measures aiming at increased participation in education and training throughout the life-cycle, including through actions aiming to achieve a reduction in early school leaving and increased access to initial, vocational and tertiary education and training.
- (8) Considering all the above, it is appropriate to provide for the possibility of using Union trust funds, established under Article 187 of Regulation (EU, Euratom) No 966/2012, for implementing pre-accession assistance.
- (9) In particular, it is necessary to provide for the rules relating to planning, programming, reporting, monitoring and drawing up payment applications, as well as managing the contribution from the Union trust fund when pursuing pre-accession assistance objectives within the respective programme areas, particularly regarding budgetary implementation, publicity and eligibility.
- (10) In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the IPA II Committee set up by Article 13 of Regulation (EU) No 231/2014 of the European Parliament and of the Council ⁽²⁾.
- (12) Regulation (EC) No 718/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 718/2007 is amended as follows:

- (1) In Article 65 a new paragraph 4 is added;

‘4. Under this component assistance may also be implemented by a contribution to a Union trust fund for external action (trust fund contribution), created under Article 187 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ^(*), in pursuing the objectives set out in the relevant programmes within the respective programme area.

^(*) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).’

- (2) In Article 147(1) point (c) is amended as follows:

- (a) Point (vii) is replaced by the following:

‘(vii) education and training investments, including for vocational training’;

- (b) The following point (viii) is added:

‘(viii) investments in health and social infrastructure which contribute to regional and local development.’;

⁽¹⁾ Regulation (EC) No 1081/2006 of the European Parliament and the Council of 5 July 2006 on the European Social Fund, OJ L 210, 31.7.2006, p. 12.

⁽²⁾ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II), OJ L 77, 15.3.2014, p. 11.

(3) The following Article 159a is inserted:

Article 159a

Contribution to a Union trust fund for external action

1. Under the regional development and human resources development components, in pursuing the objectives set out in the relevant operational programme within the respective programme area, operations may be implemented through contributions to EU trust funds.

2. With regard to the trust fund contribution, the relevant operational programme shall only contain the following information:

- (a) a summary assessment of the coherence of that contribution with the objectives of the trust fund;
- (b) for the regional development component, information on the single operation priority axis, also referring to the other priority axes with regard to eligible expenditure which may also cover a share of the management costs of the trust fund, as provided for in Article 187(7) of the Regulation (EU, Euratom) No 966/2012;
- (c) for the human resources development component, information on the single operation measure under a given priority axis, also referring to the other measures of that priority axis with regard to eligible expenditure which may also cover a share of the management costs of the trust fund, as provided for in Article 187(7) of the Regulation (EU, Euratom) No 966/2012;
- (d) the identification of the trust fund as final beneficiary;
- (e) the amount of the contribution.

3. Articles 150 and 157 shall not apply to trust fund contributions.

4. The trust fund contribution shall not be subject to *ex ante* controls pursuant to Article 14; to monitoring by the sectoral monitoring committee pursuant to Articles 59, 167 and 169; to the procedure to select operations provided for in Article 158; and to evaluations pursuant to Article 166.

5. The relevant financing agreement between the Commission and the beneficiary country shall set out detailed implementing rules with regard to the trust fund contribution. Where appropriate, the relevant operational programme may also set out those rules.

The detailed implementing rules shall concern in particular:

- (a) the obligations of the authorities in the beneficiary country;
 - (b) reporting, evaluation and monitoring;
 - (c) provisions requiring the amount of the contribution or part of it to be returned, as the case may be, to the relevant programme in the event of liquidation of the trust fund, in accordance with Article 187(5) of Regulation (EU, Euratom) No 966/2012.
6. Expenditure with regard to a trust fund contribution shall be eligible from the date of establishing that trust fund.

At closure, the certified statement of expenditure shall present the total amount of the contribution for which a decision on the allocation of funds to individual actions has been taken by the operational board of the trust fund up to 31 December 2017 in pursuing the objectives set out in the relevant programme and within the respective programme area.

7. For a payment application for an interim payment on a trust fund contribution from budget commitments made up to 31 December 2012, the last sentence of the third subparagraph of Article 161(1) shall not apply.

The national authorising officer shall certify in the certified statement of expenditure to be submitted by 31 December 2015 that the contribution was paid to the trust fund identified in the relevant programme.'

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, 18 November 2015.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2094**of 19 November 2015****on the reimbursement, in accordance with Article 26(5) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council, of the appropriations carried over from financial year 2015**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 26(6) thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) In accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽²⁾ non-committed appropriations relating to the actions financed by the European Agricultural Guarantee Fund (EAGF) as referred to in Article 4(1) of Regulation (EU) No 1306/2013 may be carried over to the following financial year. Such carry-over is limited to 2 % of the initial appropriations and to the amount of the adjustment of direct payments as referred to in Article 8 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽³⁾ which was applied during the preceding financial year. It may lead to an additional payment to the final recipients who were subject to that adjustment.
- (2) In accordance with Article 26(5) of Regulation (EU) No 1306/2013, by way of derogation from Article 169(3) of Regulation (EU, Euratom) No 966/2012, Member States are to reimburse the carry-over referred to in Article 169(3) of Regulation (EU, Euratom) No 966/2012 to the final recipients who are subject, in the financial year to which the appropriations are carried over, to the adjustment rate. That reimbursement only applies to final beneficiaries in those Member States where financial discipline applied ⁽⁴⁾ in the preceding financial year.
- (3) When setting the amount of the carry-over to be reimbursed, in accordance with Article 26(7) of Regulation (EU) No 1306/2013 the amounts of the reserve for crises in the agricultural sector referred to in Article 25 of that Regulation, not made available for crisis measures by the end of the financial year, are to be taken into account.
- (4) In accordance with Article 1(1) of Commission Implementing Regulation (EU) No 1227/2014 ⁽⁵⁾, financial discipline is applied to direct payments in respect of calendar year 2014 to establish the crisis reserve of EUR 433 million. The crisis reserve has not been called on in financial year 2015.
- (5) On the basis of the Member States' declarations of expenditure for the period from 16 October 2014 to 15 October 2015, the financial discipline reduction actually applied by the Member States in financial year 2015 amounts to EUR 409,8 million.

⁽¹⁾ OJ L 347, 20.12.2013, p. 347.

⁽²⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

⁽³⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

⁽⁴⁾ Financial discipline does not apply in financial year 2015 in Bulgaria, Croatia and Romania in accordance with Article 8(2) of Regulation (EU) No 1307/2013.

⁽⁵⁾ Commission Implementing Regulation (EU) No 1227/2014 of 17 November 2014 fixing an adjustment rate for direct payments provided for in Council Regulation (EC) No 73/2009 in respect of calendar year 2014 and repealing Commission Implementing Regulation (EU) No 879/2014 (OJ L 331, 18.11.2014, p. 6).

- (6) Consequently, unused appropriations corresponding to the amount of financial discipline applied in financial year 2015 of EUR 409,8 million which remains within the limit of 2 % of the initial appropriations can be carried over to financial year 2016 following a decision of the Commission in accordance with the fifth subparagraph of Article 169(3) of Regulation (EU, Euratom) No 966/2012.
- (7) In order to ensure that the reimbursement of those appropriations to the final recipients remains proportionate to the amount of the financial discipline adjustment, it is appropriate that the Commission determines the amounts available to the Member States for the reimbursement.
- (8) To avoid compelling Member States to make an additional payment for that reimbursement, this Regulation needs to apply from 1 December 2015. Consequently, the amounts established by this Regulation are definitive and apply without prejudice to the application of reductions in accordance with Article 41(1) of Regulation (EU) No 1306/2013, to any other corrections taken into account in the monthly payment decision concerning the expenditure effected by the paying agencies of the Member States for October 2015, in accordance with Article 18(3) of Regulation (EU) No 1306/2013 and to any deductions and supplementary payments to be made in accordance with Article 18(4) of that Regulation or to any decisions which will be taken within the framework of the clearance of accounts procedure.
- (9) In accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 the non-committed appropriations may be carried over to the following financial year only. It is therefore appropriate for the Commission to determine eligibility dates for the expenditure of the Member States in relation to the reimbursement in accordance with Article 26(5) of Regulation (EU) No 1306/2013, taking into account the agricultural financial year as defined in Article 39 of that Regulation.
- (10) In order to take into account the short time span between the communication of the execution of 2015 EAGF appropriations under shared management for the period from 16 October 2014 to 15 October 2015 by the Member States and the need to apply this Regulation from 1 December 2015, this Regulation should enter into force on the date of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the appropriations that will be carried over from financial year 2015 in accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 and that in accordance with Article 26(5) of Regulation (EU) No 1306/2013 are made available to the Member States for the reimbursement to the final recipients who are subject to the adjustment rate in financial year 2016, are laid down in the Annex to this Regulation.

The amounts that will be carried over are subject to the carry-over decision of the Commission in accordance with the fifth subparagraph of Article 169(3) of Regulation (EU, Euratom) No 966/2012.

Article 2

Member States' expenditure in relation to the reimbursement of the appropriations carried over shall only be eligible for Union financing if the relevant amounts have been paid to the beneficiaries before 16 October 2016.

Article 3

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

It shall apply from 1 December 2015.

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

Done at Brussels, 19 November 2015.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development*

ANNEX

Amounts available for reimbursement of appropriations carried over*(amounts in EUR)*

Belgium	6 288 982
Czech Republic	10 759 194
Denmark	10 873 619
Germany	58 750 752
Estonia	1 169 016
Ireland	12 903 416
Greece	16 705 610
Spain	53 390 829
France	88 569 550
Italy	31 012 148
Cyprus	358 950
Latvia	1 312 744
Lithuania	3 277 932
Luxembourg	383 255
Hungary	13 724 881
Malta	34 561
Netherlands	9 323 434
Austria	6 729 968
Poland	22 604 718
Portugal	6 448 884
Slovenia	876 855
Slovakia	5 282 221
Finland	5 438 416
Sweden	7 499 878
United Kingdom	36 083 758

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2095**of 19 November 2015****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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽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, 19 November 2015.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽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	AL	50,7
	MA	75,7
	MK	43,3
	ZZ	56,6
0707 00 05	AL	73,2
	TR	142,8
	ZZ	108,0
0709 93 10	MA	52,9
	TR	165,7
	ZZ	109,3
0805 20 10	CL	185,6
	MA	92,5
	TR	83,5
	ZZ	120,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	TR	66,7
	ZZ	66,7
0805 50 10	TR	97,0
	ZZ	97,0
0806 10 10	BR	288,7
	EG	234,4
	PE	283,2
	TR	177,6
	ZZ	246,0
	ZZ	246,0
0808 10 80	CA	158,0
	CL	84,3
	MK	29,8
	NZ	161,0
	ZA	158,6
	ZZ	118,3
	ZZ	118,3
	ZZ	118,3
0808 30 90	BA	92,6
	CN	74,3
	TR	123,7
	TR	123,7
	ZZ	96,9

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION (CFSP) 2015/2096

of 16 November 2015

on the position of the European Union relating to the Eighth Review Conference of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 12 December 2003, the European Council adopted an EU Strategy against Proliferation of Weapons of Mass Destruction which aims, inter alia, at reinforcing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction ('BTWC'), continuing reflection on the verification of the BTWC, supporting the universalisation and national implementation of the BTWC, including by means of criminal legislation, and strengthening compliance with it.
- (2) On 28 April 2004, the United Nations Security Council ('UNSC') unanimously adopted Resolution 1540 (2004) describing the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security. Implementation of the provisions of that Resolution contributes to the implementation of the BTWC.
- (3) On 26 August 1988, the UNSC adopted Resolution 620 (1988) which, inter alia, encourages the Secretary-General to carry out promptly investigations in response to allegations concerning the possible use of chemical, bacteriological (biological) or toxin weapons that may constitute a violation of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare ('the 1925 Geneva Protocol'). On 20 September 2006, the General Assembly adopted the United Nations Global Counter-Terrorism Strategy, annexed to its Resolution 60/288 of 8 September 2006, in which the Member States of the United Nations ('UN') encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use.
- (4) On 27 February 2006, the Council adopted Joint Action 2006/184/CFSP ⁽¹⁾ in respect of the BTWC with the objectives of promoting the universality of the BTWC and supporting its implementation by States Parties in order to ensure that States Parties transpose the international obligations of the BTWC into their national legislation and administrative measures.
- (5) In parallel to Joint Action 2006/184/CFSP, the European Union adopted an Action Plan on biological and toxin weapons ⁽²⁾ in which the Member States undertook to submit confidence building measures ('CBMs') returns to the UN in April every year and lists of relevant experts and laboratories to the UN Secretary-General in order to facilitate any investigation of alleged use of chemical or biological weapons.
- (6) On 20 March 2006, the Council adopted Common Position 2006/242/CFSP ⁽³⁾ relating to the Sixth Review Conference of the BTWC.

⁽¹⁾ Council Joint Action 2006/184/CFSP of 27 February 2006 in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction (OJ L 65, 7.3.2006, p. 51).

⁽²⁾ OJ C 57, 9.3.2006, p. 1.

⁽³⁾ Council Common Position 2006/242/CFSP of 20 March 2006 relating to the 2006 Review Conference of the Biological and Toxin Weapons Convention (BTWC) (OJ L 88, 25.3.2006, p. 65).

- (7) On 10 November 2008, the Council adopted Joint Action 2008/858/CFSP ⁽¹⁾ in respect of the BTWC with the objectives of promoting the universality of the BTWC, providing support for the implementation of the BTWC by the States Parties, promoting the submission of CBMs declarations by the States Parties, and providing support for the BTWC Intersessional Process.
- (8) On 18 July 2011, the Council adopted Decision 2011/429/CFSP ⁽²⁾ relating to the position of the Union for the Seventh Review Conference of the BTWC.
- (9) The Seventh Review Conference of the BTWC decided to renew the mandate of the Implementation Support Unit ('ISU') for another five-year term (2012-2016) and decided to expand its tasks to include implementing the decision to establish and administer the database for assistance requests and offers and facilitating the associated exchange of information among States Parties, as well as supporting, as appropriate, the implementation by States Parties of the decisions and recommendations of the Seventh Review Conference.
- (10) The Seventh Review Conference decided that the Eighth Review Conference will be held in Geneva not later than 2016 and should review the operation of the BTWC, taking into account, inter alia:
- (i) new scientific and technological developments relevant to the BTWC;
 - (ii) progress made by States Parties on the implementation of the obligations under the BTWC;
 - (iii) progress towards implementing the decisions and recommendations agreed upon at the Seventh Review Conference.
- (11) On 23 July 2012, the Council adopted Decision 2012/421/CFSP ⁽³⁾ in respect of the BTWC with the objectives of promoting the universality of the BTWC, providing support for the implementation of the BTWC by the States Parties, promoting the submission of CBMs declarations by the States Parties, and providing support for the BTWC Intersessional Process.
- (12) In light of the forthcoming BTWC Review Conference taking place from November to December 2016, it is appropriate to update the Union position,

HAS ADOPTED THIS DECISION

Article 1

In the run up to and during the Eighth Review Conference of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons Convention and on Their Destruction ('BTWC'), the Union shall work, in particular, to ensure that the States Parties address the following priorities:

- (a) building and sustaining confidence in compliance, by a range of specific measures described in this Decision;
- (b) supporting national implementation, including by engaging more with non-governmental stakeholders;
- (c) supporting the UN Secretary-General's Mechanism for investigation of alleged use of biological weapons and agents through further development of its operational capabilities as a means of strengthening Articles VI and VIII of the BTWC; and,
- (d) promoting the universality of the BTWC.

⁽¹⁾ Council Joint Action 2008/858/CFSP of 10 November 2008 in support of the Biological and Toxin Weapons Convention (BTWC), in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (OJ L 302, 13.11.2008, p. 29).

⁽²⁾ Council Decision 2011/429/CFSP of 18 July 2011 relating to the position of the European Union for the Seventh Review Conference of the States Parties to the Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction (BTWC) (OJ L 188, 19.7.2011, p. 42).

⁽³⁾ Council Decision 2012/421/CFSP of 23 July 2012 in support of the Biological and Toxin Weapons Convention (BTWC), in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 196, 24.7.2012, p. 61).

The Union's objective is to review the operation of the BTWC and the 2012-2015 Intersessional Process, promote concrete actions and explore options to further strengthen the BTWC. In this regard, the Union shall put forward concrete proposals to the Eighth Review Conference in 2016 with a view to their adoption by that Conference.

Article 2

For the purposes of the objectives laid down in Article 1, the Union shall:

- (a) contribute to a full review of the operation of the BTWC at the Eighth Review Conference, including the implementation of undertakings of the States Parties under the BTWC, and the conduct of and outcomes from the 2012-2015 intersessional programme;
- (b) support a new substantive work programme that addresses the limitations of previous intersessional programmes during the period between the Eighth and Ninth Review Conferences through the adoption of enhanced arrangements for further progress under that work programme, with a view to strengthening the effectiveness of the BTWC;
- (c) support a Ninth Review Conference of the BTWC, to be held no later than 2021;
- (d) build consensus for a successful outcome of the Eighth Review Conference, on the basis of the framework established by previous Conferences, and promote, inter alia, the following key issues:
 - (i) while recognising that there is no consensus regarding verification at this stage, that remains a central element of a complete and effective disarmament and non-proliferation regime, the Union is working towards identifying options that may contribute in a new intersessional programme and thereafter to an increase in confidence in compliance and to the effective implementation of the object and purpose of the BTWC; States Parties should be able to demonstrate compliance, inter alia, by means of interactive information exchanges (such as mandatory or voluntary declarations) and enhanced transparency about their capabilities, activities and actions, including voluntary and other onsite measures as agreed; proposals made during the 2012-2015 intersessional programme and the outcomes of the programme provide a basis for that work;
 - (ii) supporting and strengthening, where necessary, national implementation measures, including administrative, judicial and criminal legislation, and control over pathogenic microorganisms and toxins in the framework of the BTWC; further action could be considered and decisions taken on ways and means to enhance national implementation: outreach to and engagement with non-governmental stakeholders on a national, regional and global level on their role in the promotion of the objectives of the BTWC and its implementation; continued support for adoption of appropriate standards on biosafety and biosecurity measures; awareness raising among relevant professionals in the private and public sectors; training and education programmes for those granted access to biological agents and toxins relevant to the BTWC; promotion of a culture of responsibility amongst relevant national professionals and the voluntary development, adoption and promulgation of codes of conduct; promoting compliance with obligations under UNSC Resolutions 1540 (2004) and 1673 (2006), where relevant to the elimination of the risk of biological or toxin weapons being acquired or used for terrorist purposes, including the risk of non-state actor access to materials, equipment, and knowledge that could be used in the development and production of biological and toxin weapons;
 - (iii) universal adherence of all States to the BTWC, including by calling on all States not party to the BTWC to adhere thereto without further delay and to commit legally to disarmament with regard to, and non-proliferation of, biological and toxin weapons; and, pending adherence of such States to the BTWC, by encouraging such States to participate as observers in the meetings of the States Parties to the BTWC and to implement, on a voluntary basis, the provisions of the BTWC; and by recommending the adoption of an action plan on universalisation, coordinated by the ISU and evaluated during dedicated sessions at the intersessional meetings;
 - (iv) working towards the ban on biological and toxin weapons being declared a universally binding rule of international law, including through universalisation of the BTWC;
 - (v) efforts to enhance transparency and build confidence in compliance, including through necessary and achievable revisions to the current CBMs; the Union is willing to work on the enhancement of the CBMs by identifying measures to increase their direct relevance to the core objectives of transparency and the avoidance of suspicions and concerns; continue to support a voluntary peer review process as a valuable tool for

increasing transparency between States Parties thereby enhancing confidence in compliance with the BTWC and strengthening national implementation through the sharing of best practices, raising stakeholder awareness of implementation requirements and increasing international cooperation in this field;

- (vi) strengthening operational capabilities of the UN Secretary-General's Mechanism for investigation of alleged use of chemical and biological weapons, including through expanding the cadre of trained experts, training, and the conduct of table-top and field exercises; work done separately can help further strengthen Article VI and indirectly Article VII of the BTWC;
- (vii) taking decisions on the provision of assistance and coordination in the context of Article VII of the BTWC with relevant organisations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems as the first line of defence;
- (viii) enhancing transparency about cooperation and assistance related to Article X of the BTWC and taking into account the mandates, work and the expertise of other international organisations; the Union will continue to support the concrete implementation of Article X of the BTWC through its various assistance programmes and is willing to continue elaboration of common understandings, which forms the basis for effective action with regard to cooperation for peaceful purposes in the framework of the BTWC; further action could be considered and decisions taken on the enhancement of international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, on promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases; the Union will continue to support the operation of the current Cooperation and Assistance Database, and where appropriate, seek ways to enhance its utility; supporting, inter alia, the G7 Global Partnership programmes, relevant Union programmes and the goals of the Global Health Security Agenda targeted at support for implementation of the International Health Regulations and disarmament, control and security of sensitive materials, facilities, and expertise, as appropriate;
- (ix) supporting a process of more frequent and focused assessments of relevant scientific and technological developments, which may have implications for the BTWC; such a process could involve the incorporation of a standing science and technology advisory function in the ISU and a more substantive review process as a central element in a new intersessional work programme in order to cover relevant events and work conducted by international academies and the States Parties in a more integrated and coordinated fashion.

Article 3

In order to strengthen compliance, the Union shall promote increased relevance and comprehensiveness of CBM-forms by:

- (a) examining annual CBM-forms as the regular national declaration tool on implementation and compliance and developing them further with this objective in mind;
- (b) reducing to the largest extent possible remaining complexities of CBM-forms and removing potential ambiguities;
- (c) supporting the ISU to play more of a role in support of national points of contact in compiling their CBMs through regional seminars and training for electronic submission of CBM-forms;
- (d) working to increase the participation in, and the quality and comprehensiveness of CBMs, by expanding the functionality of the electronic CBM facility and making it, as well as the CBM guide, available in all UN official languages on the BTWC website.

Article 4

In addition to the objectives laid down in Article 1, the Union shall support the strengthening of the role of the ISU. In particular, the Union shall support:

- (a) the prolongation of the ISU's mandate for a further five years;
- (b) the inclusion of further activities in the mandate of the ISU to support the implementation of a revised and strengthened intersessional work programme, as proposed in Article 5 below;

- (c) the development of a more effective system to review scientific and technological developments and their impact on the BTWC by establishing, inter alia, a standing science and technology advisory and liaison function in the ISU;
- (d) the adoption of an action plan on universalisation to be coordinated by the ISU;
- (e) a role for the ISU in supporting States Parties' national points of contact in compiling and submitting CBM-forms as noted in Article 3;
- (f) an adequate expansion of the current ISU staff to meet the new objectives and carry out the activities referred to in this Article.

Article 5

In order to support the review and strengthening of the intersessional programme, the Union shall in particular:

- (a) support the following topics for a new intersessional programme, either as intersessional topics or through dedicated working groups, or both:
 - (i) national implementation and compliance;
 - (ii) further work on CBMs following the Eighth Review Conference;
 - (iii) assistance and cooperation under Article VII of the BTWC;
 - (iv) developments in science and technology;
 - (v) review of the Consultative Committee procedure;
 - (vi) universalisation as proposed in Article 6;
- (b) support the development of national regulatory frameworks on bio-safety and bio-security; although appropriate standards for bio-safety and bio-security for laboratories are not in any way a substitute for a compliance regime, the adoption and promotion of such standards can help individual States Parties in the long term with the implementation of their obligations under the BTWC; they could also be a useful tool, along with other measures, to help demonstrate compliance; discussion on this subject, including with relevant laboratories, biosafety-associations and industry, could be part of a new intersessional work programme;
- (c) support voluntary peer review exercises involving States Parties in the context of the BTWC; the objective of a peer review exercise is to improve national implementation and to provide reassurance on compliance by means of information exchanges and enhanced transparency regarding, for instance, capabilities, activities and actions for implementation and intentions towards compliance;
- (d) support the reinforcement of the decisional power of the Intersessional Process by exploring a range of options such as clearly defined decision-making powers for specific areas of work.

Article 6

In order to support the universality of the BTWC, the Union shall:

- (a) support the adoption of an action plan on universalisation, coordinated by the ISU, with concrete steps and activities; the action plan might include activities such as outreach events, joint demarches, translation of relevant documents, incentives such as information exchange on assistance offers; this action plan would be evaluated and, if necessary, modified at each Meeting of States Parties;
- (b) support the organisation of dedicated sessions or working group meetings on universalisation during the Intersessional Process in order to coordinate outreach activities between various actors and plan regional initiatives.

Article 7

The Union shall support efforts to strengthen the UN Secretary-General's Mechanism for investigation of alleged use of chemical and biological weapons, in particular, by ensuring the effectiveness of the provisions of the Mechanism and taking practical steps to this end, such as providing support for training programmes, including the hosting of exercises, and developing an analytical laboratory system.

Article 8

The Union shall support efforts to strengthen Article VII of the BTWC at the Eighth Review Conference, taking into account efforts elsewhere in building international capacities for responding to outbreaks of infectious disease.

Article 9

Action taken by the Union for the purposes referred to in this Decision shall comprise:

- (a) the submission by the Union and its Member States, on the basis of the position set out in this Decision, of proposals for specific, practical and feasible arrangements for the effective enhancement of the implementation of the BTWC, for consideration by States Parties to the BTWC at the Eighth Review Conference;
- (b) where appropriate, demarches by the High Representative or Union Delegations;
- (c) statements delivered by the High Representative or the Union Delegation to the United Nations in the run up to and during the Eighth Review Conference.

Article 10

The Decision shall enter into force on the date of its adoption.

Done at Brussels, 16 November 2015.

For the Council
The President
F. MOGHERINI

COMMISSION IMPLEMENTING DECISION (EU) 2015/2097**of 26 October 2015****on setting up the Integrated Carbon Observation System European Research Infrastructure Consortium (ICOS ERIC)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ⁽¹⁾, and in particular point (a) of Article 6(1) thereof,

Whereas:

- (1) The Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Republic of Finland, the Kingdom of the Netherlands, the Kingdom of Norway and the Kingdom of Sweden requested the Commission to set up the Integrated Carbon Observation System European Research Infrastructure Consortium (ICOS ERIC). The Swiss Confederation will participate in ICOS ERIC as Observer.
- (2) The Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Kingdom of Norway and the Kingdom of Sweden have agreed that the Republic of Finland will be the host Member State of ICOS ERIC.
- (3) The Commission has, in accordance with Article 5(2) of Regulation (EC) No 723/2009, assessed the application and concluded that it meets the requirements set out in that Regulation.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 20 of Regulation (EC) No 723/2009,

HAS ADOPTED THIS DECISION:

Article 1

1. The Integrated Carbon Observation System European Research Infrastructure Consortium named ICOS ERIC is hereby established.
2. The Statutes of ICOS ERIC are set out in the Annex. The Statutes shall be kept up to date and made publicly available on the website of ICOS ERIC and at its statutory seat.
3. The essential elements of the Statutes for which amendments shall require approval by the Commission in accordance with Article 11(1) of Regulation (EC) No 723/2009 are provided for in Articles 1, 2, 16, 18, 19, 22, 23 and 24.

*Article 2*This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 26 October 2015.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

ANNEX

**STATUTES OF THE INTEGRATED CARBON OBSERVATION SYSTEM EUROPEAN RESEARCH
INFRASTRUCTURE CONSORTIUM (ICOS ERIC)**

THE KINGDOM OF BELGIUM

THE FEDERAL REPUBLIC OF GERMANY

THE FRENCH REPUBLIC

THE ITALIAN REPUBLIC

THE REPUBLIC OF FINLAND

THE KINGDOM OF THE NETHERLANDS

THE KINGDOM OF NORWAY

THE KINGDOM OF SWEDEN

Hereinafter referred to as 'The Members'

and

THE SWISS CONFEDERATION

Hereinafter referred to as 'The Observer'

WHEREAS the Members are convinced that addressing climate change arising from anthropogenic emissions of greenhouse gases (GHG) is a global challenge and that research and continuous, long-term observations are required to enhance understanding of GHG emissions, sinks, their impacts on Earth systems and management options;

CONSIDERING that observing essential climate variables, including GHG, is required to support the work of the United Nations Framework Convention on Climate Change (UNFCCC) and the Intergovernmental Panel on Climate Change (IPCC);

EMPHASISING that the UNFCCC calls on its Parties to promote and cooperate in systematic GHG observation via the cooperation with the Global Climate Observing System (GCOS), the climate observing component of the Global Earth Observation System of Systems (GEOSS);

CONSIDERING the importance of the national GHG research and its observing capacities, and the need for establishing coordination at the European level, as an Integrated Carbon Observation System (ICOS) Research Infrastructure;

WHEREAS the Members wish to enable research to improve understanding of the regional budgets of GHG sources and sinks, their human and natural drivers and the controlling mechanisms, by developing high-precision and long-term GHG observations;

WHEREAS the Members wish to provide access to the ICOS data for wide user communities, to link research, education and innovation promoting technological developments and to provide independent data to contribute to analysis of emission inventories;

REQUESTING the European Commission to establish the infrastructure ICOS as a European Research Infrastructure Consortium (ICOS ERIC),

HAVE AGREED AS FOLLOWS:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Name, statutory seat and working language

1. An Integrated Carbon Observation System European Research Infrastructure Consortium 'ICOS ERIC' is set up.
2. ICOS ERIC shall have its statutory seat in Helsinki, Finland (the 'hosting state').
3. The working language of ICOS ERIC shall be English.

Article 2

Tasks and activities

1. The principal task of ICOS ERIC shall be to establish a distributed Integrated Carbon Observation System Research Infrastructure (ICOS RI) and to coordinate the operations of ICOS RI, distribute information from ICOS RI to user communities and to establish integrated data and analysis from GHG observation systems.
2. ICOS ERIC shall provide effective access to coherent and precise data to facilitate research into multi-scale analysis of GHG emissions, sinks and their driving processes by making available measurement protocols, long-term data and data products. Technological developments and demonstrations, related to GHGs, shall be promoted by the linking of research, education and innovation. To this end ICOS ERIC shall undertake and coordinate activities, including but not limited to:
 - (a) quantification of GHG atmospheric concentrations and terrestrial and oceanic fluxes over Europe and key regions of European interest, including the North Atlantic Ocean;
 - (b) facilitation of European research programmes and projects;
 - (c) contribution to the mobility of knowledge and/or researchers within the European Research Area (ERA) and increasing the use of intellectual potential throughout Europe;
 - (d) coordination and support of development of technology and protocols for high-quality and cost-efficient measurements of GHG concentrations and fluxes also to be promoted beyond Europe;
 - (e) contribution of timely information relevant to the GHG policy and decision-making;
 - (f) facilitation of the analysis of carbon sequestration and/or GHG emission reduction activities on global atmospheric composition levels, including the attribution of sources and sinks by geographical regions and activity sectors;
 - (g) facilitation of the aims of the ICOS RI to establish a template for the future development of similar integrated and operative GHG observation networks beyond Europe;
 - (h) scientific and management evaluation of the activities, the strategic orientation and operation of all components of ICOS RI by external evaluators.
3. ICOS ERIC shall be operated on a non-economic basis. In order to further promote innovation as well as transfer of knowledge and technology, limited economic activities may be carried out provided that they are closely related to its principal task and that they do not jeopardise the achievement thereof.

CHAPTER 2

MEMBERS AND OBSERVERS*Article 3***Membership, Observer and representing entity**

1. The following entities may become Members or Observers of ICOS ERIC:
 - (a) Member States of the Union;
 - (b) associated countries;
 - (c) third countries other than associated countries;
 - (d) intergovernmental organisations.
2. Entities referred to in paragraph 1 may become Members of ICOS ERIC if they contribute to the operation of ICOS ERIC and/or host ICOS Central Facility and/or ICOS National Networks.
3. Members of ICOS ERIC shall include at least a Member State and two other countries that are either Member States or associated countries.
4. Member States or associated countries shall hold jointly the majority of the voting rights in the General Assembly. The General Assembly shall determine any modification of voting rights that are necessary to ensure the ICOS ERIC complies at all times with that requirement.
5. A Member or an Observer may be represented by one or more public entities, including regions or private entities with a public service mission, of its own choosing and appointed according to its own rules and procedures. A Member or an Observer shall inform in writing the Chairperson of the General Assembly of any change regarding the representing entity.
6. The Members and the Observers as well as their representing entities are listed in Annex 1. Annex 1 shall be kept up to date by the Chairperson of the General Assembly or any person authorised by him/her.

*Article 4***Admission of Members and Observers**

1. The admission of Members shall comply with the following conditions:
 - (a) an entity referred to in Article 3(2) shall submit a written application to the Chairperson of the General Assembly;
 - (b) the application shall describe how the applicant will be involved in ICOS RI and participate in the realisation of the tasks and activities of ICOS ERIC described in Article 2 and how it will fulfil the obligations referred to in Article 6(2);
 - (c) the admission of new Members shall require the approval of the General Assembly.
2. The admission of Observers shall comply with the following conditions:
 - (a) an entity referred to in Article 3(3) shall submit a written application to the Chairperson of the General Assembly;
 - (b) the application shall describe how the applicant will be involved in ICOS RI, whether it will participate in the realisation of the objectives and tasks of ICOS ERIC described in Article 2 and how it will fulfil Observer obligations referred to in Article 6(4);
 - (c) the admission of an Observer shall require the approval of the General Assembly;
3. An Observer may be admitted for maximum of three years. The General Assembly, on request of the Observer, may extend that initial period once for the same duration. In exceptional cases the General Assembly may accept more than one extension of an Observer status.

*Article 5***Withdrawal of a Member or of an Observer/termination of Membership or Observer status**

1. No Member may withdraw within a period of five years following the entry into force of the Commission Decision setting up ICOS ERIC unless the General Assembly accepts the Member's request to withdraw at an earlier time.
2. After the period referred to in paragraph 1 a Member may withdraw at the end of a financial year provided that it notifies its intention to withdraw by sending an official request 12 months in advance to the Chairperson of the General Assembly.
3. An Observer may withdraw at the end of a financial year provided that it notifies its intention to withdraw by sending an official request six months in advance to the Chairperson of the General Assembly.
4. A withdrawing Member or Observer shall fulfil all obligations, including financial obligations, it has entered into before its withdrawal.
5. The General Assembly may terminate the Membership or the Observer status if the following cumulative conditions are met:
 - (a) the Member or the Observer is in serious breach of one or more of its obligations under these Statutes;
 - (b) the Member or the Observer has failed to rectify such breach within a period of six months after it has received notice of the breach in writing; and
 - (c) the Member or the Observer has been given opportunity to present its position with regard to a pending decision of termination to the General Assembly.

*Article 6***Rights and obligations of Members and Observers**

1. Rights of Members shall include:
 - (a) the right to appoint representing entities;
 - (b) the right to attend and vote at the General Assembly;
 - (c) the right to access to the services and activities coordinated by ICOS ERIC for its research community.
2. Each Member shall:
 - (a) pay the annual membership contribution specified in Annex 2;
 - (b) empower its representatives attending the General Assembly with a full authority to represent the Member;
 - (c) ensure adoption of relevant standards and tools in ICOS National Network operations;
 - (d) provide the necessary infrastructure and resources for ICOS National Network operations and ICOS Central Facilities that it hosts;
 - (e) promote uptake of ICOS ERIC coordinated data and services among researchers in their country, and gather user feedback and requirements.

3. Rights of Observers shall include:
 - (a) the right to appoint representing entities;
 - (b) the right to attend to the General Assembly without a vote.

An Observer may have other rights granted by the General Assembly according to the procedure determined in the internal rules.

4. Each Observer shall:
 - (a) pay the annual Observer contribution specified in Annex 2;
 - (b) fulfil any other obligation negotiated between the respective Observer and ICOS ERIC, and agreed by the General Assembly.

CHAPTER 3

GOVERNANCE AND MANAGEMENT OF ICOS ERIC

Article 7

Governance

1. ICOS ERIC shall include the following bodies: the General Assembly, the Scientific Advisory Board, the Ethical Advisory Board, and the Director-General supported by the ICOS Research Infrastructure Committee. The General Assembly may establish other advisory bodies that it considers appropriate.
2. Specific agreements describing the roles and responsibilities, including financial obligations shall be concluded between ICOS ERIC and the entities responsible for managing the ICOS Central Facilities and ICOS National Networks.

Article 8

General Assembly: composition, meetings and procedures

1. The General Assembly shall be the governing body of ICOS ERIC and shall be composed of representatives of the Members and Observers of ICOS ERIC. Each Member may have up to three representatives. An Observer may have one representative in the General Assembly.
2. The General Assembly shall elect a Chairperson and a Vice Chairperson amongst the representatives for the term of two years, renewable twice.
3. The General Assembly shall be convened and chaired by the Chairperson. In his or her absence, the General Assembly shall be chaired by the Vice Chairperson.
4. The General Assembly shall meet at least once per year and be responsible for the overall direction and supervision of ICOS ERIC and decide upon the strategic orientation and structure of ICOS RI.
5. An extraordinary meeting of the General Assembly may be requested by at least one third of the Members.
6. A Member may be represented by another Member if notified in writing to the Chairperson of the General Assembly. A Member cannot represent more than one other Member.
7. Decisions of the General Assembly may also be taken by written procedure.
8. The General Assembly shall adopt its rules of procedure.

*Article 9***Voting rights**

1. Each Member shall have at least one vote that shall be supplemented with an additional vote for a Member hosting an ICOS Central Facility, the Carbon Portal or the Head Office, and an additional vote for a Member hosting four ICOS Class-1 stations of at least two different types (atmospheric, ecosystem, ocean station). Each Member shall have maximally three votes.
2. Members with more than one vote cannot split their votes.
3. The Chairperson or in her/his absence the Vice Chairperson, shall have no voting rights. The Member from which the Chairperson/Vice Chairperson originates may nominate another Member representative.

*Article 10***Decisions**

1. To reach a quorum, two thirds of all the Members must be represented.
2. The General Assembly shall decide by unanimity of the Members represented on the following matters:
 - (a) proposals for amendment of the Statutes of ICOS ERIC;
 - (b) liquidation and winding-up of ICOS ERIC.
3. The General Assembly shall decide by two-thirds majority of the votes of the Members represented on the following matters:
 - (a) approval of the annual accounts of ICOS ERIC;
 - (b) acceptance of the annual activity report of ICOS RI;
 - (c) approval of the annual work plans and taking note of the budgets and indicative five-year financial plans of ICOS Central Facilities;
 - (d) approval of the annual budget;
 - (e) approval of the ICOS ERIC strategy;
 - (f) adoption of its own rules of procedure;
 - (g) adoption of the internal rules;
 - (h) appointment and dismissal of the Director-General, and appointment and dismissal of the Members of the ICOS Research Infrastructure Committee;
 - (i) appointment and dismissal of the ICOS ERIC Scientific Advisory Board;
 - (j) approval of the new Members and Observers;
 - (k) termination of Membership or Observer status;
 - (l) approval of any major agreements which are of significant importance for the operations of ICOS RI;
 - (m) establishment of advisory bodies;
 - (n) extension of the term of ICOS ERIC.
4. Decisions of the General Assembly on the following matters shall require: (a) a two-thirds majority of the votes of the Members represented; and (b) a two-thirds majority of the annual membership contributions paid for the most recent full financial year:
 - (a) the level of annual membership contributions. Any change to the contribution structure which results in increased contribution supporting any of the following components of ICOS RI (Head Office, Carbon Portal or an ICOS Central Facility) must be approved by the Member(s) hosting the affected facility;

- (b) the decision to recognise ICOS Central Facilities as crucial for the operations of ICOS RI;
 - (c) the approval of early withdrawal of a Member provided for in Article 5(1).
5. Any other decision by the General Assembly shall be made with simple majority of the votes of the Members represented.

Article 11

Director-General

1. The Director-General of ICOS ERIC shall be appointed by the General Assembly according to a procedure established by the General Assembly. The term for the Director-General shall be five years, renewable twice.
2. The Director-General shall be the legal representative of ICOS ERIC.
3. The Director-General shall carry out the day-to-day management of the ICOS ERIC and be responsible for the implementation of the decisions by the General Assembly, including the annual work plan and annual budget as well as overseeing and coordinating the ICOS RI activities.
4. The Director-General shall be based at the statutory seat of ICOS ERIC and shall be responsible for managing staff and activities of the Head Office and the Carbon Portal in accordance with the ICOS ERIC budget.

Article 12

Scientific Advisory Board

1. The General Assembly shall establish an independent Scientific Advisory Board.
2. The membership and the rules of procedure of the Scientific Advisory Board shall be decided by the General Assembly and included into the internal rules.
3. The Scientific Advisory Board shall:
 - (a) monitor the scientific quality of ICOS RI activities;
 - (b) give feedback and make recommendations to develop ICOS RI activities;
 - (c) present recommendations annually to the General Assembly.

Article 13

Ethical Advisory Board

1. The General Assembly shall establish an independent Ethical Advisory Board to advise and give periodic reports on ethical issues. The Ethical Advisory Board shall be composed of three to five independent persons.
2. The membership and the rules of procedure of the Ethical Advisory Board shall be decided by the General Assembly and included into the internal rules.

Article 14

ICOS Research Infrastructure Committee

1. There shall be an ICOS Research Infrastructure Committee (ICOS RI Committee) for the ICOS ERIC. The ICOS RI Committee shall include one representative from the Head Office, Carbon Portal, each ICOS Central Facility and each monitoring station assembly, the latter formed by scientific and technical experts from the ICOS National Networks.
2. The ICOS RI Committee shall adopt its own rules of procedure.

3. The Director-General shall consult the ICOS RI Committee for all general matters including drawing up proposals for the General Assembly for establishing and modifying annual work plans related to ICOS RI to ensure consistence, coherence and stability of the research infrastructure services.
4. ICOS RI Committee meetings shall be convened by the Director-General.

CHAPTER 4

CONTRIBUTIONS, LIABILITY, INSURANCE AND REPORTING

Article 15

Contributions and principles of finance

1. Members and Observers shall pay annual contributions as described in Annex 2.
2. Annual Member and Observer contributions are cash contributions. Principles of contributions are set out in the Annex 2 and will be further defined in the internal rules.
3. Contributions other than the annual contribution to ICOS ERIC may be provided by Members and Observers individually or in cooperation with other Members, Observers or third parties.
4. ICOS ERIC may also receive donations, gifts and other contributions after approval by the General Assembly.
5. ICOS ERIC resources shall be used for objectives as laid down in these Statutes.
6. The financial year of ICOS ERIC shall begin on 1 January and end on 31 December of each year.
7. The accounts of ICOS ERIC shall be accompanied by a report on budgetary and financial management of the financial year.
8. ICOS ERIC shall be subject to the legal requirements of the applicable law regarding preparation, filing, auditing and publication of accounts.

Article 16

Liability and Insurance

1. ICOS ERIC shall be liable for its debts.
2. Financial liability of the Members towards the ICOS ERIC's debts shall be limited to their respective annual financial contribution.
3. ICOS ERIC shall take appropriate insurance to cover the risks of its activities.

Article 17

Reporting

1. ICOS ERIC shall produce an annual activity report, containing in particular the scientific, operational and financial aspects of its activities. The report shall be approved by the General Assembly and transmitted to the Commission and relevant public authorities within six months after the end of the corresponding financial year. The report shall be made publicly available.
2. ICOS ERIC shall inform the Commission of any circumstances which threaten to seriously jeopardise the achievement of ICOS ERIC tasks or hinder the ICOS ERIC from fulfilling requirements laid down in Regulation (EC) No 723/2009.

CHAPTER 5

POLICIES*Article 18***Data policy and intellectual property rights policy**

1. ICOS RI data, as well as intellectual property rights and other knowledge that is related to the ICOS RI data and produced and developed within the ICOS RI, shall belong to the entity or to the person who has generated it. The use of ICOS RI data shall be granted to ICOS ERIC by the data providers in accordance with the conditions defined in the ICOS data policy document.
2. ICOS ERIC shall adopt common principles and rules in order to ensure access to the scientific knowledge of the ICOS RI. Data providers and authors shall be acknowledged in an appropriate manner.

*Article 19***Access policy for users and dissemination policy**

1. ICOS ERIC shall establish secure, fair and transparent procedures to provide access to the ICOS data for all data users.
2. If research access to the ICOS RI facilities and services has to be restricted for capacity reasons the selection criteria shall be based on scientific excellence of the proposals according to the procedure set out in the internal rules.
3. The data providers and the ICOS ERIC shall encourage researchers to make their research results publicly available and request researchers of member countries to make results available through the ICOS ERIC.
4. In order to reach various target audiences the ICOS ERIC shall use several channels, such as web portal, newsletters, workshops, presence in conferences, articles in magazines and daily newspapers.

*Article 20***Evaluation**

1. Every five years an independent panel of international external evaluators of the highest quality, appointed by the General Assembly, shall carry out:
 - (a) scientific and management evaluations of the activities of ICOS ERIC;
 - (b) evaluation of ICOS RI activities, scientific and strategic orientation and operation of all components of ICOS RI.The panel shall give special attention to the fulfilment of user requirements.
2. The results of the evaluations referred to in paragraph 1 shall be reported to the General Assembly.

*Article 21***Employment**

ICOS ERIC shall be an equal opportunity employer. All vacancies in ICOS ERIC shall be announced publicly.

Article 22

Procurement policy and tax exemption

1. ICOS ERIC shall treat procurement candidates and tenderers equally and in non-discriminatory way, independent of whether or not they are established in the European Union. The procurement policy of ICOS ERIC shall follow the principles of transparency, non-discrimination and competition.
2. The Director-General shall be responsible for all ICOS ERIC procurements. Tenders shall be publicised on the ICOS ERIC website and in the Members' and Observers' territories. The decision to award procurement shall be publicised and include a full justification. ICOS ERIC shall establish its own procurement policy.
3. Procurement by Members and Observers concerning ICOS ERIC activities shall be done in such a way that due consideration is given to ICOS ERIC needs, technical requirements and specifications issued by the relevant bodies.
4. ICOS ERIC procurement policy shall be used for the entire ICOS RI where feasible.
5. Tax exemptions based on Article 143(1)(g) and Article 151(1)(b) of Council Directive 2006/112/EC ⁽¹⁾ and in accordance with Articles 50 and 51 of Council Implementing Regulation (EU) No 282/2011 ⁽²⁾ shall be limited to the value added tax for such goods and services which are for official use by ICOS ERIC, exceed the value of EUR 250, and are wholly paid and procured by the ICOS ERIC. The tax exemptions shall apply to non-economic activities. They shall not apply to economic activities. Procurement by individual Members shall not benefit from these exemptions. No further limits shall apply.

CHAPTER 6

DURATION, WINDING UP, DISPUTES, SET UP PROVISIONS

Article 23

Duration

ICOS ERIC shall be established for an initial period of 20 years which may be prolonged by decision of the General Assembly.

Article 24

Winding-up and insolvency

1. The winding-up of the ICOS ERIC shall require a decision of the General Assembly in accordance with Article 10(2)(b) and shall be notified within 10 days after its adoption to the European Commission.
2. Assets remaining after payment of the ICOS ERIC debts shall be apportioned among the Members in proportion to their cumulated contribution to the ICOS ERIC over the five consecutive years prior to winding-up.
3. Without undue delay and in any event within 10 days of the closure of the winding-up procedure, the ICOS ERIC shall notify the Commission thereof.
4. The ICOS ERIC shall cease to exist on the day on which the European Commission publishes the appropriate notice in the *Official Journal of the European Union*.
5. At any time, in the event that ICOS ERIC is unable to pay its debts, it shall immediately notify the Commission thereof.

⁽¹⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽²⁾ Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

*Article 25***Internal rules**

These Statutes shall be implemented by internal rules to be adopted by the General Assembly.

*Article 26***Amendments to the Statutes**

1. Amendments may be proposed to the General Assembly by any Member or by the Director-General.
2. Proposals for amendments to these Statutes may be adopted by the General Assembly and submitted to the European Commission in accordance with Article 11 of Regulation (EC) No 723/2009.

*Article 27***Applicable law**

The setting-up and internal functioning of ICOS ERIC shall be governed by:

- (a) Union law, in particular Regulation (EC) No 723/2009;
- (b) by the law of the hosting state in case of a matter not covered (or only partly covered) by Union law;
- (c) by these Statutes and their implementing rules.

*Article 28***Disputes**

1. The Court of Justice of the European Union shall have jurisdiction over litigation among the Members in relation to the ICOS ERIC, between Members and the ICOS ERIC and over any litigation to which the Union is a party.
2. Union legislation on jurisdiction shall apply to disputes between the ICOS ERIC and third parties. In cases not covered by Union legislation, the law of the hosting state shall determine the competent jurisdiction for the resolution of such disputes.

*Article 29***Availability of the Statutes**

The Statutes shall be kept up to date and made publicly available at the ICOS ERIC website and at the statutory seat.

*Article 30***Setting-up provisions**

1. A constitutional meeting of the General Assembly shall be called by the hosting state as soon as possible after the Commission decision to set up the ICOS ERIC takes effect.
 2. Before the constitutional meeting is held and no later than 45 calendar days after the Commission decision to set up the ICOS ERIC takes effect, the hosting state shall notify the founding Members and Observers, as listed in Annex 1, of any specific urgent legal action that needs to be taken on behalf of ICOS ERIC. Unless a Member objects within five working days after being notified, the legal action shall be carried out by a person duly authorised by the hosting state.
-

ANNEX 1

THE MEMBERS AND OBSERVERS AND THEIR CURRENT REPRESENTING ENTITIES

This annex lists the Members and the Observers, and the entities representing them.

MEMBERS

Country or intergovernmental organisation	Representing entity
THE KINGDOM OF BELGIUM	BELGIAN SCIENCE POLICY OFFICE (BELSPO)
THE REPUBLIC OF FINLAND	MINISTRY OF EDUCATION AND CULTURE; MINISTRY OF TRANSPORT AND COMMUNICATIONS
THE FRENCH REPUBLIC	FRENCH ALTERNATIVE ENERGIES AND ATOMIC ENERGY COMMISSION (CEA); NATIONAL CENTRE FOR SCIENTIFIC RESEARCH (CNRS); FRENCH NATIONAL INSTITUTE FOR AGRICULTURAL RESEARCH (INRA)
THE FEDERAL REPUBLIC OF GERMANY	FEDERAL MINISTRY OF TRANSPORT (BMVI)
THE ITALIAN REPUBLIC	CONSIGLIO NATIONALE DELLE RISERCHE — DIPARTIMENTO DI SCIENZE DEL SISTEMA TERRA E TECNOLOGIE AMBIENTALI (CNR-DTA); CENTRO EURO-MEDITERRANEO SUI CAMBIAMENTI CLIMATICI (CMCC); ICOS-IT, JOINT RESEARCH UNIT
THE KINGDOM OF THE NETHERLANDS	NEDERLANDSE ORGANISATIE VOOR WETENSCHAPPELIJK ONDERZOEK (NWO)
THE KINGDOM OF NORWAY	THE RESEARCH COUNCIL OF NORWAY
THE KINGDOM OF SWEDEN	SWEDISH RESEARCH COUNCIL

OBSERVERS

Country or intergovernmental organisation	Representing entity
THE SWISS CONFEDERATION	ETH ZURICH

ANNEX 2

ANNUAL CONTRIBUTIONS

PREFACE

Resourcing of the ICOS National Networks is organised nationally, and the funding is not included in host contributions. ICOS Central Facilities, operated outside the ICOS ERIC either as national or as multinational consortia, are funded in major part from the hosting countries and in lesser part by ICOS ERIC through reallocation of annual contributions. ICOS ERIC integrated activities are funded by annual contributions and by host premium contributions.

PRINCIPLES

Annual membership contribution to the ICOS ERIC is based on the following variables:

- common basic contribution (50 % of the common contributions),
- common GNI-based contribution (50 % of the common contributions),
- station-based contributions.

Hosting countries are committed to pay host premium contributions to ICOS ERIC (HO, CP).

Observers will pay annual Observer contributions based on the same calculation method as for Members.

Members or Observers joining the ICOS ERIC will pay the full annual contribution for the year of entry.

Annual contributions of intergovernmental organisations will be decided by the General Assembly.

ICOS ERIC budget and activities will be adjusted to match the revenue.

Initial commitments

Before the end of the initial 5-year period the General Assembly will decide about the calculation method for subsequent periods.

- (a) initial commitment for Members is 5 years (unless GA decides otherwise). No initial commitment for Observers;
- (b) the indicative revenue structure of ICOS ERIC for 5 years is shown below (Table 1) and is based on an estimated participation of the countries that have signed the Letter of Intent;
- (c) the maximum relative host premium contribution for the first 5-year budget of the Head Office or Carbon Portal cannot exceed 80 % of the annual budget of each component;
- (d) the initial ICOS RI total 5-year budget is detailed in the financial plan (location to be defined);
- (e) annual contributions are listed in Table 2. Note: the budget is an estimate based on countries' intention to become ICOS ERIC in 2013. It will be revised based on the final membership by the first GA.

Table 1

The plan for ICOS ERIC revenue and expenditure structure for the first 5 years, calculated based on the estimations in Table 2

Revenue, kEUR	2015	2016	2017	2018	2019
Common basic contribution	166	154	154	154	154
Common GNI-based contribution	176	171	171	171	171
Station-based contribution	616	859	859	859	859

Revenue, kEUR	2015	2016	2017	2018	2019
Host premium contribution (HO)	950	950	950	950	950
Host premium contribution (CP)	859	859	859	859	859
Total	2 767	2 993	2 993	2 993	2 993

Expenditure, kEUR	2015	2016	2017	2018	2019
Head Office and common activities	1 135	1 126	1 126	1 126	1 126
Carbon Portal activities	1 016	1 008	1 008	1 008	1 008
Central Facilities activities	616	859	859	859	859
Total	2 767	2 993	2 993	2 993	2 993

Table 2

Estimated annual contributions and host premium contributions towards ICOS ERIC for the first five years of operation

Member/ Observer* country	Annual contribution	2015	2016	2017	2018	2019
Belgium	— TOTAL	57 836	95 199	95 199	95 199	95 199
	— Common basic contr.	18 462	17 143	17 143	17 143	17 143
	— Common GNI-based contr	7 625	7 407	7 407	7 407	7 407
	— Station-based contribution	31 750	70 650	70 650	70 650	70 650
Finland	— TOTAL	112 938	133 009	133 009	133 009	133 009
	— Common basic contr.	18 462	17 143	17 143	17 143	17 143
	— Common GNI-based contr	3 877	3 766	3 766	3 766	3 766
	— Station-based contribution	90 600	112 100	112 100	112 100	112 100
	— Host premium contribution	900 000	900 000	900 000	900 000	900 000
France	— TOTAL	163 087	182 067	182 067	182 067	182 067
	— Common basic contr.	18 462	17 143	17 143	17 143	17 143
	— Common GNI-based contr	42 026	40 825	40 825	40 825	40 825
	— Station-based contribution	102 600	124 100	124 100	124 100	124 100
	— Host premium contribution	50 000	50 000	50 000	50 000	50 000

Member/ Observer* country	Annual contribution	2015	2016	2017	2018	2019
Germany	— TOTAL	205 424	288 461	288 461	288 461	288 461
	— Common basic contr.	18 462	17 143	17 143	17 143	17 143
	— Common GNI-based contr	54 012	52 468	52 468	52 468	52 468
	— Station-based contribution	132 950	218 850	218 850	218 850	218 850
Italy	— TOTAL	95 052	92 796	92 796	92 796	92 796
	— Common basic contr.	18 462	17 143	17 143	17 143	17 143
	— Common GNI-based contr	32 790	31 853	31 853	31 853	31 853
	— Station-based contribution	43 800	43 800	43 800	43 800	43 800
Netherlands	— TOTAL	57 237	66 314	66 314	66 314	66 314
	— Common basic contr.	18 462	17 143	17 143	17 143	17 143
	— Common GNI-based contr	12 375	12 021	12 021	12 021	12 021
	— Station-based contribution	26 400	37 150	37 150	37 150	37 150
	— <i>Host premium contribution</i>	139 338	139 338	139 338	139 338	139 338
Norway	— TOTAL	89 285	109 272	109 272	109 272	109 272
	— Common basic contr.	18 462	17 143	17 143	17 143	17 143
	— Common GNI-based contr	6 773	6 579	6 579	6 579	6 579
	— Station-based contribution	64 050	85 550	85 550	85 550	85 550
Sweden ⁽¹⁾	— TOTAL	123 133	153 851	153 851	153 851	153 851
	— Common basic contr.	18 462	17 143	17 143	17 143	17 143
	— Common GNI-based contr	7 472	7 258	7 258	7 258	7 258
	— Station-based contribution	97 200	129 450	129 450	129 450	129 450
	— <i>Host premium contribution</i>	719 259	719 259	719 259	719 259	719 259
Switzerland*	— TOTAL	54 114	63 281	63 281	63 281	63 281
	— Common basic contr.	18 462	17 143	17 143	17 143	17 143
	— Common GNI-based contr	9 253	8 988	8 988	8 988	8 988
	— Station-based contribution	26 400	37 150	37 150	37 150	37 150
GRAND TOTAL		2 766 703	2 992 848	2 992 848	2 992 848	2 992 848

⁽¹⁾ The total annual contribution for Sweden will not exceed 7 750 000 SEK.

COMMISSION IMPLEMENTING DECISION (EU) 2015/2098**of 13 November 2015****excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)***(notified under document C(2015) 7716)***(Only the Bulgarian, Czech, Danish, Dutch, English, French, German, Greek, Italian, Latvian, Lithuanian, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 52 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) In accordance with Article 31 of Council Regulation (EC) No 1290/2005 ⁽²⁾ and as from 1 January 2015 in accordance with Article 52 of Regulation (EU) No 1306/2013 the Commission is to carry out the necessary verifications, communicate to the Member States the results of those verifications, take note of the comments of the Member States, initiate a bilateral discussion so that an agreement may be reached with the Member States in question, and formally communicate its conclusions to them.
- (2) The Member States have had an opportunity to request the launch of a conciliation procedure. That opportunity has been used in some cases and the reports issued on the outcome have been examined by the Commission.
- (3) In accordance with Regulation (EU) No 1306/2013, only agricultural expenditure which has been incurred in a way that has not infringed Union law may be financed.
- (4) In the light of the verifications carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil this requirement and cannot, therefore, be financed under the EAGF and the EAFRD.
- (5) The amounts that are not recognised as being chargeable to the EAGF and the EAFRD should be indicated. Those amounts do not relate to expenditure incurred more than twenty-four months before the Commission's written notification of the results of the verifications to the Member States.
- (6) As regards the cases covered by this decision, the assessment of the amounts to be excluded on grounds of non-compliance with Union law was notified by the Commission to the Member States in a summary report on the subject.
- (7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice of the European Union in cases pending on 1 September 2015,

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ L 209, 11.8.2005, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The amounts set out in the Annex and related to expenditure incurred by the Member States' accredited paying agencies and declared under the EAGF or the EAFRD shall be excluded from Union financing.

Article 2

This Decision is addressed to the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, Republic of Latvia, the Republic of Lithuania, the Kingdom of Netherlands, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 13 November 2015.

For the Commission
Phil HOGAN
Member of the Commission

ANNEX

Budget Item: 05070107

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
PT	Irregularities	2011	Due to change of the PACA these cases escaped the 50-50 rule	ONE OFF		EUR	- 88 813,21	0,00	- 88 813,21
	Certification	2011	EAGF non-IACS Most Likely Error	ONE OFF		EUR	- 337 112,22	0,00	- 337 112,22
	Decoupled Direct Aids	2010	Weakness in LPIS, CY 2009	FLAT RATE	10,00 %	EUR	842 101,13	0,00	842 101,13
	Decoupled Direct Aids	2011	Weakness in LPIS, CY 2009	FLAT RATE	10,00 %	EUR	128,16	0,00	128,16
	Decoupled Direct Aids	2011	Weakness in LPIS, CY 2010	FLAT RATE	10,00 %	EUR	772 454,04	0,00	772 454,04
	Decoupled Direct Aids	2012	Weakness in LPIS, CY 2010	FLAT RATE	10,00 %	EUR	- 18,01	0,00	- 18,01
	Decoupled Direct Aids	2012	Weakness in LPIS, CY 2011	FLAT RATE	10,00 %	EUR	717 437,91	0,00	717 437,91
					Total PT:	EUR	1 906 177,80	0,00	1 906 177,80

Currency	Amount	Deductions	Financial Impact
EUR	1 906 177,80	0,00	1 906 177,80

Budget Item: 6701

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DE	Certification	2010	EAGF Non-IACS known error	ONE OFF		EUR	- 264 813,77	0,00	- 264 813,77
	Fruit and Vegetables — Exceptional support measures	2011	Mecklenburg-Vorpommern: withdrawal operations before the entry into force of Regulation (EU) No 585/2011	FLAT RATE	5,00 %	EUR	- 4 917,03	0,00	- 4 917,03
	Certification	2010	MLE for the EAGF Non-IACS population	ONE OFF		EUR	- 97 582,36	0,00	- 97 582,36
	Decoupled Direct Aids	2011	Non-Extrapolation of results on-the-spot checks, claim years 2010-2012	ONE OFF	0,00 %	EUR	- 93 482,99	0,00	- 93 482,99
	Decoupled Direct Aids	2012	Non-Extrapolation of results on-the-spot checks, claim years 2010-2012	ONE OFF	0,00 %	EUR	- 36 627,26	0,00	- 36 627,26
	Fruit and Vegetables — Exceptional support measures	2011	Rheinland-Pfalz: management and control system before the entry into force of Regulation (EU) No 585/2011	ONE OFF		EUR	- 194 499,62	0,00	- 194 499,62
	Fruit and Vegetables — Operational Programmes	2011	Shortcomings in the recognition of PO 139040000019 — Mecklenburg-Vorpommern Region	FLAT RATE	5,00 %	EUR	- 129 432,74	0,00	- 129 432,74
	Fruit and Vegetables — Operational Programmes	2012	Shortcomings in the recognition of PO 139040000019 — Mecklenburg-Vorpommern Region	FLAT RATE	5,00 %	EUR	- 147 300,28	0,00	- 147 300,28

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Fruit and Vegetables — Operational Programmes	2013	Shortcomings in the recognition of PO 13904000019 — Mecklenburg-Vorpommern Region	FLAT RATE	5,00 %	EUR	– 150 064,03	0,00	– 150 064,03
	_Recoveries	2014	Unjustified halting of recovery	ONE OFF	0,00 %	EUR	– 2 481 722,50	0,00	– 2 481 722,50
	Decoupled Direct Aids	2010	Weakness on landscape features, claim years 2009-2011	ONE OFF	0,00 %	EUR	– 370 623,93	0,00	– 370 623,93
	Decoupled Direct Aids	2011	Weakness on landscape features, claim years 2009-2011	ONE OFF	0,00 %	EUR	– 357 838,28	0,00	– 357 838,28
	Decoupled Direct Aids	2012	Weakness on landscape features, claim years 2009-2011	ONE OFF	0,00 %	EUR	– 105 163,65	0,00	– 105 163,65
					Total DE:	EUR	– 4 434 068,44	0,00	– 4 434 068,44
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
ES	Certification	2011	known error	ONE OFF		EUR	– 3 998,89	0,00	– 3 998,89
	Other Direct Aid — Plant Products (POSEI)	2008	Weaknesses in SIGPAC impacting area-based complementary aid for bananas	FLAT RATE	5,00 %	EUR	– 135 979,57	0,00	– 135 979,57
	Other Direct Aid — Plant Products (POSEI)	2009	Weaknesses in SIGPAC impacting area-based complementary aid for bananas	FLAT RATE	5,00 %	EUR	– 308 720,40	0,00	– 308 720,40

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Other Direct Aid — POSEI	2010	Weaknesses in SIGPAC impacting area-based complementary aid for bananas	FLAT RATE	5,00 %	EUR	– 306 723,00	0,00	– 306 723,00
	Other Direct Aid — POSEI	2011	Weaknesses in SIGPAC impacting area-based complementary aid for bananas	FLAT RATE	2,00 %	EUR	– 123 456,00	0,00	– 123 456,00
	Other Direct Aid — POSEI	2012	Weaknesses in SIGPAC impacting area-based complementary aid for bananas	FLAT RATE	2,00 %	EUR	– 122 037,12	0,00	– 122 037,12
					Total ES:	EUR	– 1 000 914,98	0,00	– 1 000 914,98
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	Deficiencies in the control of the bovine measures (veals) under Article 68 of Regulation 73/2009	FLAT RATE	10,00 %	EUR	– 406 858,17	0,00	– 406 858,17
	Other Direct Aid — Article 68-72 of Reg.73/2009	2014	Deficiencies in the control of the bovine measures (veals) under Article 68 of Regulation 73/2009	FLAT RATE	10,00 %	EUR	– 442 175,48	0,00	– 442 175,48
	Wine — Restructuring	2009	Payment of aid before completion of restructuring operations	FLAT RATE	5,00 %	EUR	– 606 952,96	0,00	– 606 952,96
	Wine — Restructuring	2010	Payment of aid before completion of restructuring operations	FLAT RATE	5,00 %	EUR	– 4 372 246,97	0,00	– 4 372 246,97
	Wine — Restructuring	2011	Payment of aid before completion of restructuring operations	FLAT RATE	5,00 %	EUR	– 5 707 849,36	0,00	– 5 707 849,36
					Total FR:	EUR	– 11 536 082,94	0,00	– 11 536 082,94

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GB	Fruit and Vegetables — Operational Programmes	2005	Ineligible expenditure	ONE OFF		EUR	- 1 465 892,11	- 54 831,07	- 1 411 061,04
	Fruit and Vegetables — Operational Programmes	2006	Ineligible expenditure	ONE OFF		EUR	- 242 089,88	- 46 800,46	- 195 289,42
	Fruit and Vegetables — Operational Programmes	2007	Ineligible expenditure	ONE OFF		EUR	- 1 233 634,25	- 238 484,38	- 995 149,87
	Fruit and Vegetables — Operational Programmes	2008	Ineligible expenditure (Exclusion)	ONE OFF		EUR	- 13 400,14	0,00	- 13 400,14
	Fruit and Vegetables — Operational Programmes	2009	Ineligible expenditure (Exclusion)	ONE OFF		EUR	- 59 288,47	0,00	- 59 288,47
	Fruit and Vegetables — Operational Programmes	2010	Ineligible expenditure (Exclusion)	ONE OFF		EUR	- 22 715,72	0,00	- 22 715,72
	Fruit and Vegetables — Operational Programmes	2008	Non-compliance with recognition criteria of producer organisations (100 % exclusion of 16 non-compliant producer organisations)	ONE OFF		EUR	- 3 656 140,55	0,00	- 3 656 140,55
	Fruit and Vegetables — Operational Programmes	2009	Non-compliance with recognition criteria of producer organisations (100 % exclusion of 16 non-compliant producer organisations)	ONE OFF		EUR	- 6 184 584,80	0,00	- 6 184 584,80
	Fruit and Vegetables — Operational Programmes	2010	Non-compliance with recognition criteria of producer organisations (100 % exclusion of 16 non-compliant producer organisations)	ONE OFF		EUR	- 3 480 891,95	0,00	- 3 480 891,95

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Fruit and Vegetables — Operational Programmes	2011	Non-compliance with recognition criteria of producer organisations (100 % exclusion of 16 non-compliant producer organisations)	ONE OFF		EUR	– 427 546,59	0,00	– 427 546,59
	Fruit and Vegetables — Operational Programmes	2012	Non-compliance with recognition criteria of producer organisations (100 % exclusion of 16 non-compliant producer organisations)	ONE OFF		EUR	– 2 147,73	0,00	– 2 147,73
	Fruit and Vegetables — Operational Programmes	2008	Non-compliance with recognition criteria of producer organisations (Extrapolation)	ONE OFF		EUR	– 3 667 910,51	0,00	– 3 667 910,51
	Fruit and Vegetables — Operational Programmes	2009	Non-compliance with recognition criteria of producer organisations (Extrapolation)	ONE OFF		EUR	– 7 235 505,78	0,00	– 7 235 505,78
	Fruit and Vegetables — Operational Programmes	2010	Non-compliance with recognition criteria of producer organisations (Extrapolation)	ONE OFF		EUR	– 4 245 105,28	0,00	– 4 245 105,28
	Fruit and Vegetables — Operational Programmes	2011	Non-compliance with recognition criteria of producer organisations (Extrapolation)	ONE OFF		EUR	– 543 884,27	0,00	– 543 884,27
	Fruit and Vegetables — Operational Programmes	2012	Non-compliance with recognition criteria of producer organisations (Extrapolation)	ONE OFF		EUR	– 26 234,21	0,00	– 26 234,21
	Fruit and Vegetables — Operational Programmes	2008	Weaknesses in key controls in operational programmes of producer organisations	FLAT RATE	10,00 %	EUR	– 1 116 828,27	– 733 745,12	– 383 083,15

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Fruit and Vegetables — Operational Programmes	2009	Weaknesses in key controls in operational programmes of producer organisations	FLAT RATE	10,00 %	EUR	- 2 321 311,07	- 1 347 937,91	- 973 373,16
	Fruit and Vegetables — Operational Programmes	2010	Weaknesses in key controls in operational programmes of producer organisations	FLAT RATE	10,00 %	EUR	- 1 230 356,65	- 774 871,30	- 455 485,35
	Fruit and Vegetables — Operational Programmes	2011	Weaknesses in key controls in operational programmes of producer organisations	FLAT RATE	10,00 %	EUR	- 132 682,06	- 97 143,08	- 35 538,98
	Fruit and Vegetables — Operational Programmes	2012	Weaknesses in key controls in operational programmes of producer organisations	FLAT RATE	10,00 %	EUR	- 4 552,41	- 2 838,19	- 1 714,22
					Total GB:	EUR	- 37 312 702,70	- 3 296 651,51	- 34 016 051,19
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GR	Other Direct Aid — Article 68-72 of Reg.73/2009	2014	Changes introduced in declarations after the deadline	ONE OFF		EUR	- 106 702,00	0,00	- 106 702,00
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	Changes introduced in declarations after the deadline	ONE OFF		EUR	- 98 796,62	0,00	- 98 796,62
	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	Changes introduced in declarations after the deadline	ONE OFF		EUR	- 17 215,35	0,00	- 17 215,35
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	Control rate for ewes and she-goats scheme	FLAT RATE	2,00 %	EUR	- 485 838,55	0,00	- 485 838,55

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Entitlements	2012	Conversions of special entitlements	ONE OFF		EUR	- 10 821,89	0,00	- 10 821,89
	Entitlements	2013	Conversions of special entitlements	ONE OFF		EUR	- 55 395,36	0,00	- 55 395,36
	Entitlements	2011	Conversions of special entitlements	ONE OFF		EUR	- 5 204,47	0,00	- 5 204,47
	Irregularities	2012	Delays in the recovery procedure (case 154141)	ONE OFF	0,00 %	EUR	- 941 437,40	0,00	- 941 437,40
	Irregularities	2012	Delays in the recovery procedure (case 162561)	ONE OFF	0,00 %	EUR	- 842 096,15	0,00	- 842 096,15
	Irregularities	2012	Delays in the recovery procedure (case 162861)	ONE OFF	0,00 %	EUR	- 552 487,95	0,00	- 552 487,95
	Irregularities	2012	Delays in the recovery procedure (case 163981)	ONE OFF		EUR	- 279 013,86	0,00	- 279 013,86
	Irregularities	2012	Delays in the recovery procedure (case 164801)	ONE OFF	0,00 %	EUR	- 27 440,99	0,00	- 27 440,99
	Irregularities	2012	Delays in the recovery procedure (case 47761)	ONE OFF	0,00 %	EUR	- 452 069,58	0,00	- 452 069,58
	Irregularities	2012	Delays in the recovery procedure (case 47781)	ONE OFF	0,00 %	EUR	- 1 080 514,89	0,00	- 1 080 514,89

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Entitlements	2011	National reserve allocation in 2010 — Short term lease contract	FLAT RATE	10,00 %	EUR	– 95 815,50	– 95 815,50	0,00
	Entitlements	2012	National reserve allocation in 2010 — Short term lease contract	FLAT RATE	10,00 %	EUR	– 83 079,90	– 83 079,90	0,00
	Entitlements	2013	National reserve allocation in 2010 — Short term lease contract	FLAT RATE	10,00 %	EUR	– 89 037,30	0,00	– 89 037,30
	Irregularities	2012	Non reporting in Annex III (Cases EL/1995/002)	ONE OFF	0,00 %	EUR	– 666 519,52	0,00	– 666 519,52
	Irregularities	2012	Non reporting in Annex III (Cases EL/1997/078/J)	ONE OFF	0,00 %	EUR	– 700 033,30	0,00	– 700 033,30
	Promotional Measures	2008	not implementing art 25 of Reg. (EC) 501/2008	FLAT RATE	10,00 %	EUR	– 18 671,28	0,00	– 18 671,28
	Promotional Measures	2009	not implementing art 25 of Reg. (EC) 501/2008	FLAT RATE	10,00 %	EUR	– 129 920,48	0,00	– 129 920,48
	Promotional Measures	2010	not implementing art 25 of Reg. (EC) 501/2008	FLAT RATE	10,00 %	EUR	– 200 612,64	0,00	– 200 612,64
	Promotional Measures	2011	not implementing art 25 of Reg. (EC) 501/2008	FLAT RATE	10,00 %	EUR	– 228 647,15	0,00	– 228 647,15
	Promotional Measures	2012	not implementing art 25 of Reg. (EC) 501/2008	FLAT RATE	10,00 %	EUR	– 83 658,55	0,00	– 83 658,55

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Irregularities	2012	Weaknesses in the debt management procedures	FLAT RATE	10,00 %	EUR	- 5 993 214,33	- 417 506,08	- 5 575 708,25
					Total GR:	EUR	- 13 244 245,01	- 596 401,48	- 12 647 843,53
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
IE	Other Direct Aid — Energy Crops	2009	CY 2008, LPIS & OTSC Weaknesses — Aid Energy Crops	ONE OFF		EUR	- 31,05	0,00	- 31,05
	Other Direct Aids	2009	CY 2008, LPIS & OTSC Weaknesses — Other Direct Aids (Protein Crops)	ONE OFF		EUR	- 6,11	0,00	- 6,11
	Decoupled Direct Aids	2009	CY 2008, LPIS & OTSC Weaknesses — SPS	ONE OFF		EUR	- 13 797 397,95	- 236 510,85	- 13 560 887,10
	Other Direct Aids	2010	CY 2009, LPIS & OTSC Weaknesses — Other Direct Aids (Protein Crops)	ONE OFF		EUR	- 34,45	0,00	- 34,45
	Decoupled Direct Aids	2010	CY 2009, LPIS & OTSC Weaknesses — SPS	ONE OFF		EUR	- 12 885 281,59	- 220 875,62	- 12 664 405,97
	Other Direct Aid — Article 68-72 of Reg.73/2009	2011	CY 2010, LPIS & OTSC Weaknesses — ODA Art. 68 (Grassland Sheep Scheme)	ONE OFF		EUR	- 38 235,25	0,00	- 38 235,25

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Other Direct Aids	2011	CY 2010, LPIS & OTSC Weaknesses — Other Direct Aids (Protein Crops)	ONE OFF		EUR	- 11,11	0,00	- 11,11
	Decoupled Direct Aids	2011	CY 2010, LPIS & OTSC Weaknesses — SPS	ONE OFF		EUR	- 10 322 794,07	- 176 950,23	- 10 145 843,84
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	CY 2011, LPIS & OTSC Weaknesses — ODA Art. 68 (Grassland Sheep Scheme)	ONE OFF		EUR	- 38 060,15	0,00	- 38 060,15
	Other Direct Aids	2012	CY 2011, LPIS & OTSC Weaknesses — Other Direct Aids (Protein Crops)	ONE OFF		EUR	- 7,78	0,00	- 7,78
	Decoupled Direct Aids	2012	CY 2011, LPIS & OTSC Weaknesses — SPS	ONE OFF		EUR	- 9 441 799,89	- 161 848,49	- 9 279 951,40
	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	CY 2012, LPIS & OTSC Weaknesses — ODA Art. 68 (Grassland Sheep Scheme)	ONE OFF		EUR	- 38 125,91	0,00	- 38 125,91
	Decoupled Direct Aids	2013	CY 2012, LPIS & OTSC Weaknesses — SPS	ONE OFF		EUR	- 9 180 051,51	- 157 361,68	- 9 022 689,83

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Decoupled Direct Aids	2014	Payments made before finalisation of the cross-checks	ONE OFF		EUR	- 52 583,00	0,00	- 52 583,00
	Decoupled Direct Aids	2014	Weaknesses in the LPIS — CY 2013 — low eligibility coefficient	ESTIMATED PERCENTAGE	0,15 %	EUR	- 1 794 724,38	0,00	- 1 794 724,38
	Decoupled Direct Aids	2015	Weaknesses in the LPIS — CY 2014 — low eligibility coefficient	FLAT RATE	0,15 %	EUR	- 1 751 128,17	0,00	- 1 751 128,17
					Total IE:	EUR	- 59 340 272,37	- 953 546,87	- 58 386 725,50
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
IT	Certification	2009	bad application of regulations	ONE OFF		EUR	- 10 762 502,00	0,00	- 10 762 502,00
	Fruit and Vegetables — Exceptional support measures	2011	Deduction of production already harvested. The guidance provided by the Italian authorities in June 2011 was not appropriate to allow the performance of the controls in compliance with the Article 4 (2) of Regulation (EU) No 585/2011	FLAT RATE	5,00 %	EUR	- 405 166,99	- 1 143,95	- 404 023,04
	Entitlements	2010	Inadequate determination area of citrus fruit sector (decoupling)	FLAT RATE	10,00 %	EUR	- 2 452 251,96	- 237,00	- 2 452 014,96

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2010	Incorrect calculation of reductions & exclusions — Risk sampling weaknesses (Art69 bovine sector)	FLAT RATE	2,00 %	EUR	- 465 893,60	0,00	- 465 893,60
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2011	Incorrect calculation of reductions & exclusions — Risk sampling weaknesses (Art69 bovine sector)	FLAT RATE	2,00 %	EUR	- 15 678,19	0,00	- 15 678,19
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2012	Incorrect calculation of reductions & exclusions — Risk sampling weaknesses (Art69 bovine sector)	FLAT RATE	2,00 %	EUR	- 4 528,20	0,00	- 4 528,20
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2013	Incorrect calculation of reductions & exclusions — Risk sampling weaknesses (Art69 bovine sector)	FLAT RATE	2,00 %	EUR	45,16	0,00	45,16
	Fruit and Vegetables — Exceptional support measures	2011	On-the-spot controls performed by the Italian inspectors were not systematically taken into consideration when calculating the payable aid.	ONE OFF		EUR	- 22 879,01	0,00	- 22 879,01
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2010	OTSC minimum rate not achieved — Risk sampling weaknesses (Art69 sheep/goats CY2009)	FLAT RATE	5,00 %	EUR	- 28 020,72	0,00	- 28 020,72
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2011	OTSC minimum rate not achieved — Risk sampling weaknesses (Art69 sheep/goats CY2009)	FLAT RATE	5,00 %	EUR	- 144,92	0,00	- 144,92

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2012	OTSC minimum rate not achieved — Risk sampling weaknesses (Art69 sheep/goats CY2009)	FLAT RATE	5,00 %	EUR	– 34,58	0,00	– 34,58
	Other Direct Aid — Article 68-72 of Reg.73/2009	2011	OTSC: minimum rate not achieved & timing not respecting regulatory provisions (Art.68 sheep/goats)	FLAT RATE	5,00 %	EUR	– 162 507,94	0,00	– 162 507,94
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	OTSC: minimum rate not achieved & timing not respecting regulatory provisions (Art.68 sheep/goats)	FLAT RATE	5,00 %	EUR	– 13 957,29	0,00	– 13 957,29
	Other Direct Aid — Article 68-72 of Reg.73/2009	2011	OTSC timing not respecting regulatory provisions — incorrect calculation of reductions & exclusions (Art68 bovine sector) — Risk sampling weaknesses	FLAT RATE	2,00 %	EUR	– 688 755,50	0,00	– 688 755,50
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	OTSC timing not respecting regulatory provisions — incorrect calculation of reductions & exclusions (Art68 bovine sector) — Risk sampling weaknesses	FLAT RATE	2,00 %	EUR	– 28 700,82	0,00	– 28 700,82
	Cross Compliance	2010	Partial coverage of SMR1 and SMR5, CY 2009	FLAT RATE	2,00 %	EUR	– 382 708,89	0,00	– 382 708,89
	Cross Compliance	2011	Partial coverage of SMR1 and SMR5, CY 2010	FLAT RATE	2,00 %	EUR	– 420 298,75	0,00	– 420 298,75

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2012	Partial coverage of SMR1 and SMR5, CY 2011	FLAT RATE	2,00 %	EUR	- 376 732,38	0,00	- 376 732,38
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2010	Risk sampling weaknesses (Art69 sheep/goats CY2009)	FLAT RATE	2,00 %	EUR	- 10 716,99	0,00	- 10 716,99
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2011	Risk sampling weaknesses (Art69 sheep/goats CY2009)	FLAT RATE	2,00 %	EUR	- 15,45	0,00	- 15,45
	Other Direct Aid — Article 69 of Reg.1782/2003 — only Ovines and Bovines	2013	Risk sampling weaknesses (Art69 sheep/goats CY2009)	FLAT RATE	2,00 %	EUR	- 66,66	0,00	- 66,66
	Cross Compliance	2009	Serious deficiencies in the cross-compliance controls carry-out by the veterinary services, farmers with animals, CY 2008	FLAT RATE	10,00 %	EUR	- 6 698 435,55	- 212 378,16	- 6 486 057,39
	Cross Compliance	2010	Serious deficiencies in the cross-compliance controls carry-out by the veterinary services, farmers with animals, CY 2009	FLAT RATE	10,00 %	EUR	- 6 193 786,19	- 124 718,00	- 6 069 068,19
	Cross Compliance	2011	Serious deficiencies in the cross-compliance controls carry-out by the veterinary services, farmers with animals, CY 2010	FLAT RATE	10,00 %	EUR	- 6 803 948,36	- 24 060,82	- 6 779 887,54

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2010	Weaknesses in control and sanctions of animal related SMRs, CY 2009	FLAT RATE	5,00 %	EUR	- 880 348,63	- 1 453,94	- 878 894,69
	Cross Compliance	2011	Weaknesses in control and sanctions of animal related SMRs, CY 2010	FLAT RATE	5,00 %	EUR	- 946 039,32	- 1 115,13	- 944 924,19
	Cross Compliance	2012	Weaknesses in control and sanctions of animal related SMRs, CY 2011	FLAT RATE	5,00 %	EUR	- 891 273,37	- 3 350,40	- 887 922,97
	Cross Compliance	2009	Weaknesses in controls of SMR1 and 5, in cross-reporting from eligibility checks, farmers without animals, CY 2008	FLAT RATE	5,00 %	EUR	- 2 735 874,46	0,00	- 2 735 874,46
	Cross Compliance	2010	Weaknesses in controls of SMR1 and 5, in cross-reporting from eligibility checks, farmers without animals, CY 2009	FLAT RATE	5,00 %	EUR	- 2 688 492,98	0,00	- 2 688 492,98
	Cross Compliance	2011	Weaknesses in controls of SMR1 and 5, in cross-reporting from eligibility checks, farmers without animals, CY 2010	FLAT RATE	5,00 %	EUR	- 3 141 614,53	0,00	- 3 141 614,53
					Total IT:	EUR	- 47 221 329,07	- 368 457,40	- 46 852 871,67

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
LT	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	Recoveries for ineligible animals	ONE OFF	0,00 %	EUR	- 23 166,73	0,00	- 23 166,73
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	Timing and performance of OTSC	FLAT RATE	5,00 %	EUR	- 458 039,67	- 1 158,34	- 456 881,33
	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	Timing and performance of OTSC	FLAT RATE	5,00 %	EUR	- 656 708,32	0,00	- 656 708,32
	Decoupled Direct Aids	2012	Weakness in quality of LPIS, 2011	ESTIMATED AMOUNT	0,00 %	EUR	- 305 140,28	- 47 262,68	- 257 877,60
	Decoupled Direct Aids	2010	Weakness in quality of LPIS and cross-checks, 2009	ESTIMATED AMOUNT		EUR	- 3 281 119,25	- 201 760,71	- 3 079 358,54
	Other Direct Aid — Energy Crops	2010	Weakness in quality of LPIS and cross-checks, 2009	ESTIMATED AMOUNT		EUR	- 26 419,79	- 1 258,91	- 25 160,88
	Decoupled Direct Aids	2011	Weakness in quality of LPIS and cross-checks, 2010	ESTIMATED AMOUNT		EUR	- 1 411 640,83	- 239 125,42	- 1 172 515,41
					Total LT:	EUR	- 6 162 234,87	- 490 566,06	- 5 671 668,81
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
NL	Certification	2011	Non-application of regulatory sanctions in the Area aids	ONE OFF		EUR	- 266 945,16	- 533,89	- 266 411,27

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Fruit and Vegetables — Operational Programmes	2008	Unduly recognised and therefore ineligible producer organisations (beneficiaries)	FLAT RATE	10,00 %	EUR	- 3 634 876,03	0,00	- 3 634 876,03
	Fruit and Vegetables — Operational Programmes	2009	Unduly recognised and therefore ineligible producer organisations (beneficiaries)	FLAT RATE	10,00 %	EUR	- 9 676 043,02	0,00	- 9 676 043,02
	Fruit and Vegetables — Operational Programmes	2009	Unduly recognised and therefore ineligible producer organisations (beneficiaries)	ONE OFF	0,00 %	EUR	- 22 444 064,75	0,00	- 22 444 064,75
	Fruit and Vegetables — Operational Programmes	2010	Unduly recognised and therefore ineligible producer organisations (beneficiaries)	FLAT RATE	10,00 %	EUR	- 5 091 421,28	- 1 060 066,47	- 4 031 354,81
	Fruit and Vegetables — Operational Programmes	2010	Unduly recognised and therefore ineligible producer organisations (beneficiaries)	ONE OFF	0,00 %	EUR	- 10 185 726,00	0,00	- 10 185 726,00
	Fruit and Vegetables — Operational Programmes	2011	Unduly recognised and therefore ineligible producer organisations (beneficiaries)	FLAT RATE	10,00 %	EUR	- 138 726,75	- 79 662,72	- 59 064,03
	Fruit and Vegetables — Operational Programmes	2011	Unduly recognised and therefore ineligible producer organisations (beneficiaries)	ONE OFF	0,00 %	EUR	- 796 627,19	0,00	- 796 627,19
	Certification	2011	Unrecorded interest	ONE OFF		EUR	- 36 000,00	0,00	- 36 000,00
					Total NL:	EUR	- 52 270 430,18	- 1 140 263,08	- 51 130 167,10

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
RO	Other Direct Aid — Article 68-72 of Reg.73/2009	2011	Failure to apply sanctions when irregularities concern no more than three animals	ONE OFF	0,00 %	EUR	- 1 304 365,59	0,00	- 1 304 365,59
	Other Direct Aid — Article 68-72 of Reg.73/2009	2011	Non-compliance in schedule and quality of on-the-spot checks	FLAT RATE	5,00 %	EUR	- 1 121 615,69	- 107 659,09	- 1 013 956,60
	Other Direct Aid — Article 68-72 of Reg.73/2009	2012	Non-compliance in schedule and quality of on-the-spot checks	FLAT RATE	5,00 %	EUR	141,59	0,00	141,59
	Other Direct Aid — Article 68-72 of Reg.73/2009	2013	Non-compliance in schedule and quality of on-the-spot checks	FLAT RATE	5,00 %	EUR	- 364,79	0,00	- 364,79
	Other Direct Aid — Article 68-72 of Reg.73/2009	2011	Payment for non-identified animals	ONE OFF	0,00 %	EUR	- 57 984,66	0,00	- 57 984,66
	Other Direct Aid — Article 68-72 of Reg.73/2009	2011	Problems concerning the accuracy of the information contained in the database	ONE OFF	0,00 %	EUR	- 411 471,90	0,00	- 411 471,90
	Other Direct Aid — Article 68-72 of Reg.73/2009	2011	Verification of retention period	ONE OFF	0,00 %	EUR	- 379 359,70	0,00	- 379 359,70
	Decoupled Direct Aids	2012	Weaknesses in the on-the-spot checks — remote sensing	FLAT RATE	2,00 %	EUR	- 7 858 523,78	0,00	- 7 858 523,78
					Total RO:	EUR	- 11 133 544,52	- 107 659,09	- 11 025 885,43

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SI	Decoupled Direct Aids	2013	CY 2012 — Lack of control procedure	ONE OFF		EUR	– 42 615,90	0,00	– 42 615,90
	Decoupled Direct Aids	2013	CY 2012 — Weaknesses in administrative checks	ONE OFF		EUR	– 45 828,58	0,00	– 45 828,58
	Decoupled Direct Aids	2014	CY 2013 — Lack of control procedure	ONE OFF		EUR	– 45 519,08	0,00	– 45 519,08
	Decoupled Direct Aids	2014	CY 2013 — Weaknesses in administrative checks	ONE OFF		EUR	– 63 146,69	0,00	– 63 146,69
	Decoupled Direct Aids	2015	CY 2014 — Lack of control procedure	ONE OFF		EUR	– 34 211,94	0,00	– 34 211,94
					Total SI:	EUR	– 231 322,19	0,00	– 231 322,19
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SK	Decoupled Direct Aids	2011	CY 2010, Unpaved access roads	ESTIMATED PERCENTAGE	0,53 %	EUR	– 1 401 828,52	0,00	– 1 401 828,52
	Decoupled Direct Aids	2012	CY 2010, Unpaved access roads	ESTIMATED PERCENTAGE	0,53 %	EUR	– 2 086,31	0,00	– 2 086,31

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Decoupled Direct Aids	2013	CY 2010, Unpaved access roads	ESTIMATED PERCENTAGE	0,53 %	EUR	- 667,32	0,00	- 667,32
	Decoupled Direct Aids	2012	CY 2011, Unpaved access roads	ESTIMATED PERCENTAGE	0,53 %	EUR	- 1 526 916,92	0,00	- 1 526 916,92
	Decoupled Direct Aids	2013	CY 2011, Unpaved access roads	ESTIMATED PERCENTAGE	0,53 %	EUR	- 2 259,74	0,00	- 2 259,74
	Promotional Measures	2009	non-respect of public procurement rules	FLAT RATE	25,00 %	EUR	- 126 925,93	0,00	- 126 925,93
	Promotional Measures	2010	non-respect of public procurement rules	FLAT RATE	25,00 %	EUR	- 159 294,03	0,00	- 159 294,03
	Promotional Measures	2011	non-respect of public procurement rules	FLAT RATE	25,00 %	EUR	- 159 932,04	0,00	- 159 932,04
	Promotional Measures	2012	non-respect of public procurement rules	FLAT RATE	25,00 %	EUR	- 13 699,20	0,00	- 13 699,20
					Total SK:	EUR	- 3 393 610,01	0,00	- 3 393 610,01

Currency	Amount	Deductions	Financial Impact
EUR	- 247 280 757,28	- 6 953 545,49	- 240 327 211,79

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Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
BG	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2010	weakness in cost reasonableness evaluation on part of the expenditure	FLAT RATE	10,00 %	EUR	- 1 492,07	0,00	- 1 492,07
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	weakness in cost reasonableness evaluation on part of the expenditure	FLAT RATE	10,00 %	EUR	- 12 519,61	0,00	- 12 519,61
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	weakness in cost reasonableness evaluation on part of the expenditure	FLAT RATE	10,00 %	EUR	- 90 416,27	0,00	- 90 416,27
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	weakness in cost reasonableness evaluation on part of the expenditure	FLAT RATE	10,00 %	EUR	- 62 350,34	0,00	- 62 350,34
	Rural Development EAFRD Investment — private beneficiaries	2014	weakness in cost reasonableness evaluation on the part of the expenditure	FLAT RATE	10,00 %	EUR	- 150 179,56	0,00	- 150 179,56
					Total BG:	EUR	- 316 957,85	0,00	- 316 957,85

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
CZ	Rural Development EAFRD Axis 1 — Measures with flat rate support (2007-2013)	2013	Correction on the 15.10.2013 - 20.12.2013 period (based on data from Member State). Early retirement: transferees had to be under 40 years at the time of the transfer, vs under 50 years as required in Art 23(3)(b) of Reg. 1698/2005. Not mentioned in RDP.	FLAT RATE	5,00 %	EUR	- 14 647,37	0,00	- 14 647,37
	Rural Development EAFRD Axis 1 — Measures with flat rate support (2007-2013)	2011	Early retirement: transferees had to be under 40 years at the time of the transfer, vs under 50 years as required in Art 23(3)(b) of Reg. 1698/2005. During the audit no proof was presented that this rule had been approved in the RDP.	FLAT RATE	5,00 %	EUR	- 151 171,36	0,00	- 151 171,36
	Rural Development EAFRD Axis 1 — Measures with flat rate support (2007-2013)	2012	Early retirement: transferees had to be under 40 years at the time of the transfer, vs under 50 years as required in Art 23(3)(b) of Reg. 1698/2005. During the audit no proof was presented that this rule had been approved in the RDP.	FLAT RATE	5,00 %	EUR	- 212 512,83	0,00	- 212 512,83

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 1 — Measures with flat rate support (2007-2013)	2013	Early retirement: transferees had to be under 40 years at the time of the transfer, vs under 50 years as required in Art 23(3)(b) of Reg. 1698/2005. During the audit no proof was presented that this rule had been approved in the RDP.	FLAT RATE	5,00 %	EUR	- 205 967,69	0,00	- 205 967,69
					Total CZ:	EUR	- 584 299,25	0,00	- 584 299,25
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DE	Rural Development EAFRD Investment — private beneficiaries	2009	weaknesses in application of selection criteria	FLAT RATE	10,00 %	EUR	- 290 608,56	0,00	- 290 608,56
	Rural Development EAFRD Investment — private beneficiaries	2010	weaknesses in application of selection criteria	FLAT RATE	10,00 %	EUR	- 1 092 608,83	0,00	- 1 092 608,83
	Rural Development EAFRD Investment — private beneficiaries	2011	weaknesses in application of selection criteria	FLAT RATE	10,00 %	EUR	- 1 981 768,94	0,00	- 1 981 768,94
	Rural Development EAFRD Investment — private beneficiaries	2012	weaknesses in application of selection criteria	FLAT RATE	10,00 %	EUR	- 2 410 717,05	0,00	- 2 410 717,05
	Rural Development EAFRD Investment — private beneficiaries	2013	weaknesses in application of selection criteria	FLAT RATE	10,00 %	EUR	- 1 947 327,97	0,00	- 1 947 327,97

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Investment — public beneficiaries	2014	weaknesses in application of selection criteria	FLAT RATE	10,00 %	EUR	3 111,05	0,00	3 111,05
					Total DE:	EUR	- 7 719 920,30	0,00	- 7 719 920,30
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
DK	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2012	Insufficient administrative checks (Art. 24 of R. 65/2011) on reality of expenditure claimed, reasonableness of costs, public procurement and conflict of interest.	FLAT RATE	5,00 %	EUR	- 324 089,65	0,00	- 324 089,65
	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2013	Insufficient administrative checks (Art. 24 of R. 65/2011) on reality of expenditure claimed, reasonableness of costs, public procurement and conflict of interest.	FLAT RATE	5,00 %	EUR	- 428 721,76	0,00	- 428 721,76
	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2014	Insufficient administrative checks (Art. 24 of R. 65/2011) on reality of expenditure claimed, reasonableness of costs, public procurement and conflict of interest.	FLAT RATE	5,00 %	EUR	- 131 564,91	0,00	- 131 564,91
					Total DK:	EUR	- 884 376,32	0,00	- 884 376,32

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
ES	Certification	2011	correction for the MLE — EAFRD IACS	ONE OFF		EUR	– 55 030,29	0,00	– 55 030,29
					Total ES:	EUR	– 55 030,29	0,00	– 55 030,29
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
FR	Rural Development EAFRD Axis 2 (2007-2013, non area related measures)	2012	in situ visits not carried out systematically (measure 216)	FLAT RATE	2,00 %	EUR	– 11 434,58	0,00	– 11 434,58
	Rural Development EAFRD Axis 2 (2007-2013, non area related measures)	2013	in situ visits not carried out systematically (measure 216)	FLAT RATE	2,00 %	EUR	– 33 209,47	0,00	– 33 209,47
	Rural Development EAFRD Axis 2 (2007-2013, non area related measures)	2014	in situ visits not carried out systematically (measure 216)	FLAT RATE	2,00 %	EUR	– 50 695,41	0,00	– 50 695,41
					Total FR:	EUR	– 95 339,46	0,00	– 95 339,46
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
GB	Certification	2013	Material error in EAFRD Non-IACS	ONE OFF		EUR	– 540 233,64	0,00	– 540 233,64
	Certification	2013	Material error in EAFRD-Non-IACS	ONE OFF		EUR	– 25 764,39	0,00	– 25 764,39

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Certification	2013	Material error in EAFRD Non-IACS	ONE OFF		EUR	- 25 390,97	0,00	- 25 390,97
					Total GB:	EUR	- 591 389,00	0,00	- 591 389,00
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
IE	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2012	Business creation and development measure (Art. 54 of Reg. 1698/2005) — insufficient checks of micro-enterprise status	FLAT RATE	5,00 %	EUR	- 200 155,65	0,00	- 200 155,65
	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2013	Business creation and development measure (Art. 54 of Reg. 1698/2005) — insufficient checks of micro-enterprise status	FLAT RATE	5,00 %	EUR	- 478 780,92	0,00	- 478 780,92
	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2014	Business creation and development measure (Art. 54 of Reg. 1698/2005) — insufficient checks of micro-enterprise status	FLAT RATE	5,00 %	EUR	- 549 115,18	0,00	- 549 115,18
	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2011	Weaknesses in the application of procurement rules — contract awarding based on unclear criteria in one individual file	ONE OFF		EUR	- 4 852,32	0,00	- 4 852,32
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	CY 2008, LPIS Weaknesses — RDA (LFA)	ONE OFF		EUR	- 1 714 399,67	0,00	- 1 714 399,67

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	CY 2008, LPIS Weaknesses — RDA (REPS & AEOS)	FLAT RATE	2,00 %	EUR	- 66 865,56	0,00	- 66 865,56
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	CY 2009, LPIS Weaknesses — RDA (LFA)	ONE OFF		EUR	- 1 520 656,39	0,00	- 1 520 656,39
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	CY 2009, LPIS Weaknesses — RDA (REPS & AEOS)	FLAT RATE	2,00 %	EUR	- 179 980,41	0,00	- 179 980,41
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	CY 2010, LPIS Weaknesses — RDA (LFA)	ONE OFF		EUR	- 1 364 366,71	0,00	- 1 364 366,71
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	CY 2010, LPIS Weaknesses — RDA (REPS & AEOS)	FLAT RATE	2,00 %	EUR	- 236 073,74	0,00	- 236 073,74
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	CY 2011, LPIS Weaknesses — RDA (LFA)	ONE OFF		EUR	- 1 333 446,32	0,00	- 1 333 446,32

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	CY 2011, LPIS Weaknesses — RDA (REPS & AEOS)	FLAT RATE	2,00 %	EUR	- 287 555,15	0,00	- 287 555,15
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2012	CY 2012, LPIS Weaknesses — RDA (LFA)	ONE OFF		EUR	- 1 340 180,07	0,00	- 1 340 180,07
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2012	CY 2012, LPIS Weaknesses — RDA (REPS & AEOS)	FLAT RATE	2,00 %	EUR	- 328 219,99	0,00	- 328 219,99
	Certification	2013	EAFRD IACS known error	ONE OFF		EUR	- 1 211,83	0,00	- 1 211,83
					Total IE:	EUR	- 9 605 859,91	0,00	- 9 605 859,91
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
IT	Certification	2009	bad application of regulations	ONE OFF		EUR	- 125 974,50	0,00	- 125 974,50
	Cross Compliance	2010	Partial coverage of SMR1 and SMR5, CY 2009	FLAT RATE	2,00 %	EUR	- 7 347,29	0,00	- 7 347,29

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2011	Partial coverage of SMR1 and SMR5, CY 2010	FLAT RATE	2,00 %	EUR	- 20 685,88	0,00	- 20 685,88
	Cross Compliance	2012	Partial coverage of SMR1 and SMR5, CY 2011	FLAT RATE	2,00 %	EUR	- 32 511,67	0,00	- 32 511,67
	Cross Compliance	2009	Serious deficiencies in the cross-compliance controls carry-out by the veterinary services, farmers with animals, CY 2008	FLAT RATE	10,00 %	EUR	- 573 661,08	- 892,12	- 572 768,96
	Cross Compliance	2010	Serious deficiencies in the cross-compliance controls carry-out by the veterinary services, farmers with animals, CY 2009	FLAT RATE	10,00 %	EUR	- 800 975,78	0,00	- 800 975,78
	Cross Compliance	2011	Serious deficiencies in the cross-compliance controls carry-out by the veterinary services, farmers with animals, CY 2010	FLAT RATE	10,00 %	EUR	- 762 639,35	0,00	- 762 639,35
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2013	Weaknesses in administrative and on-the-spot checks of livestock density. Late on-the-spot checks. Weaknesses in supervision of delegated bodies.	FLAT RATE	2,00 %	EUR	- 111 793,76	0,00	- 111 793,76
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2014	Weaknesses in administrative and on-the-spot checks of livestock density. Late on-the-spot checks. Weaknesses in supervision of delegated bodies.	FLAT RATE	2,00 %	EUR	- 61 496,87	0,00	- 61 496,87

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Cross Compliance	2011	Weaknesses in control and sanctions of animal related SMRs, CY 2010	FLAT RATE	5,00 %	EUR	- 46 561,33	- 1 119,09	- 45 442,24
	Cross Compliance	2012	Weaknesses in control and sanctions of animal related SMRs, CY 2011	FLAT RATE	5,00 %	EUR	- 76 916,15	- 953,50	- 75 962,65
	Cross Compliance	2009	Weaknesses in controls of SMR1 and 5, in cross-reporting from eligibility checks, farmers without animals, CY 2008	FLAT RATE	5,00 %	EUR	- 234 303,18	0,00	- 234 303,18
	Cross Compliance	2010	Weaknesses in controls of SMR1 and 5, in cross-reporting from eligibility checks, farmers without animals, CY 2009	FLAT RATE	5,00 %	EUR	- 347 673,88	0,00	- 347 673,88
	Cross Compliance	2011	Weaknesses in controls of SMR1 and 5, in cross-reporting from eligibility checks, farmers without animals, CY 2010	FLAT RATE	5,00 %	EUR	- 352 136,53	0,00	- 352 136,53
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2012	Weakness in the verification of livestock density during the on-the-spot checks	FLAT RATE	2,00 %	EUR	- 4,65	0,00	- 4,65
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2013	Weakness in the verification of livestock density during the on-the-spot checks	FLAT RATE	2,00 %	EUR	- 313 048,72	0,00	- 313 048,72

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2014	Weakness in the verification of livestock density during the on-the-spot checks	FLAT RATE	2,00 %	EUR	- 352 773,96	0,00	- 352 773,96
					Total IT:	EUR	- 4 220 504,58	- 2 964,71	- 4 217 539,87
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
LT	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Weakness in quality of LPIS and cross-checks, 2009	ESTIMATED AMOUNT		EUR	- 1 145 990,95	- 51 831,00	- 1 094 159,95
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	Weakness in quality of LPIS and cross-checks, 2010	ESTIMATED AMOUNT		EUR	- 412 802,18	- 79 666,44	- 333 135,74
					Total LT:	EUR	- 1 558 793,13	- 131 497,44	- 1 427 295,69
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
LV	Rural Development EAFRD Technical Assistance (2007-2013)	2013	Incorrect application of a public procurement procedure: 25 % correction for project 'Maintenance and development of the IT system LAD IS' (see also DAS case — PF-5632/13 from ECA)	ONE OFF		EUR	- 498 505,85	0,00	- 498 505,85

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	Lack of verification of livestock densities during on the spot checks	EXTRAPOLATED	100,00 %	EUR	- 29 310,56	0,00	- 29 310,56
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2012	Lack of verification of livestock densities during on the spot checks	EXTRAPOLATED	100,00 %	EUR	- 65 278,19	0,00	- 65 278,19
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2013	Lack of verification of livestock densities during on the spot checks	EXTRAPOLATED	100,00 %	EUR	- 45 310,95	0,00	- 45 310,95
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2014	Lack of verification of livestock densities during on the spot checks	EXTRAPOLATED	100,00 %	EUR	- 30 357,83	0,00	- 30 357,83
					Total LV:	EUR	- 668 763,38	0,00	- 668 763,38
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
NL	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Weakness in the on the spot checks	FLAT RATE	2,00 %	EUR	- 86,40	0,00	- 86,40
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	Weakness in the on the spot checks	FLAT RATE	2,00 %	EUR	- 330 117,34	- 8 059,23	- 322 058,11

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2012	Weakness in the on the spot checks	FLAT RATE	2,00 %	EUR	- 571 007,66	- 9 020,17	- 561 987,49
					Total NL:	EUR	- 901 211,40	- 17 079,40	- 884 132,00
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
PT	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	Deficiency in public procurement procedures	ONE OFF	0,00 %	EUR	- 755 474,00	0,00	- 755 474,00
	Rural Development EAFRD Axis 1 — Measures with flat rate support (2007-2013)	2011	No proper risk analysis	FLAT RATE	2,00 %	EUR	- 591 526,25	0,00	- 591 526,25
	Rural Development EAFRD Axis 1 — Measures with flat rate support (2007-2013)	2012	No proper risk analysis	FLAT RATE	2,00 %	EUR	- 222 147,37	0,00	- 222 147,37
	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2011	Project not implemented.	ONE OFF		EUR	- 2 836,62	0,00	- 2 836,62
	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2011	Project not properly implemented.	ONE OFF		EUR	- 48 188,16	0,00	- 48 188,16

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	Sampling of on-the-spot checks — inadequate population	FLAT RATE	2,00 %	EUR	– 600 000,00	– 600 000,00	0,00
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	Sampling of on-the-spot checks — inadequate population	FLAT RATE	2,00 %	EUR	– 399 652,45	– 399 652,45	0,00
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	Sampling of the on-the-spot checks — Inadequate population	FLAT RATE	2,00 %	EUR	– 1 339 403,96	0,00	– 1 339 403,96
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	Sampling of the on-the-spot checks — Inadequate population	FLAT RATE	2,00 %	EUR	– 700 538,13	0,00	– 700 538,13
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2010	SME criteria not verified	FLAT RATE	2,00 %	EUR	– 300 370,16	0,00	– 300 370,16
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2011	SME criteria not verified	FLAT RATE	2,00 %	EUR	– 916 906,93	0,00	– 916 906,93
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2012	SME criteria not verified	FLAT RATE	2,00 %	EUR	– 914 418,58	0,00	– 914 418,58

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 1+3 — Investment orientated measures (2007-2013)	2013	SME criteria not verified	FLAT RATE	2,00 %	EUR	- 1 014 498,08	0,00	- 1 014 498,08
	Rural Development EAFRD Investment — private beneficiaries	2014	SME criteria not verified	FLAT RATE	2,00 %	EUR	- 286 087,86	0,00	- 286 087,86
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Weakness in LPIS, RD CY 2009	FLAT RATE	5,00 %	EUR	72 795,61	0,00	72 795,61
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Weakness in LPIS, RD CY 2010	FLAT RATE	5,00 %	EUR	166 439,32	0,00	166 439,32
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	Weakness in LPIS, RD CY 2010	FLAT RATE	5,00 %	EUR	72 077,07	0,00	72 077,07
					Total PT:	EUR	- 7 780 736,55	- 999 652,45	- 6 781 084,10
Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
SE	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	failure to check compliance with manure limitations (Natural handicap scheme)	FLAT RATE	2,00 %	EUR	- 354 006,62	0,00	- 354 006,62

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	failure to check compliance with manure limitations (Natural handicap scheme)	FLAT RATE	2,00 %	EUR	- 827 791,97	0,00	- 827 791,97
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2012	failure to check compliance with manure limitations (Natural handicap scheme)	FLAT RATE	2,00 %	EUR	- 721 063,75	0,00	- 721 063,75
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2013	failure to check compliance with manure limitations (Natural handicap scheme)	FLAT RATE	2,00 %	EUR	- 209 252,91	0,00	- 209 252,91
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	on-the-spot checks failed to count bovines under the natural handicap scheme and two agri-environmental sub-measures	FLAT RATE	2,00 %	EUR	- 238 730,60	- 85 805,23	- 152 925,37
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	on-the-spot checks failed to count bovines under the natural handicap scheme and two agri-environmental sub-measures	FLAT RATE	2,00 %	EUR	- 594 957,98	- 66 052,41	- 528 905,57
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2012	on-the-spot checks failed to count bovines under the natural handicap scheme and two agri-environmental sub-measures	FLAT RATE	2,00 %	EUR	- 559 641,69	- 93 237,95	- 466 403,74

Member State	Measure	FY	Reason	Type	Correction %	Currency	Amount	Deductions	Financial Impact
	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2013	on-the-spot checks failed to count bovines under the natural handicap scheme and two agri-environmental sub-measures	FLAT RATE	2,00 %	EUR	- 189 317,63	- 9,76	- 189 307,87
					Total SE:	EUR	- 3 694 763,15	- 245 105,35	- 3 449 657,80

Currency	Amount	Deductions	Financial Impact
EUR	- 38 677 944,57	- 1 396 299,35	- 37 281 645,22

COMMISSION DECISION (EU) 2015/2099**of 18 November 2015****establishing the ecological criteria for the award of the EU Ecolabel for growing media, soil improvers and mulch***(notified under document C(2015) 7891)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel ⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to products which have a reduced environmental impact during their entire life cycle.
- (2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.
- (3) Commission Decision 2006/799/EC ⁽²⁾ and Commission Decision 2007/64/EC ⁽³⁾ have established the ecological criteria and the related assessment and verification requirements for soil improvers and growing media, respectively, which are valid until 31 December 2015.
- (4) In order to better reflect the state of the art of the market for these product groups and take into account the innovation of the last years, it is considered appropriate to merge both product groups into one product group and add mulch to its scope, as it is distinguished as a type of soil improver with particular characteristics and functions.
- (5) The revised criteria, as well as the related assessment and verification requirements should be valid for 4 years from the date of adoption of this Decision, taking into account the innovation cycle for this product group. These criteria aim at promoting the recycling of materials, the use of renewable and recycled materials, thus reducing environmental degradation, and decreasing soil and water pollution by means of establishing strict limits on pollutants concentrations in the final product.
- (6) Decision 2006/799/EC and Decision 2007/64/EC should therefore be replaced by this Decision.
- (7) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for soil improvers and growing media on the basis of the criteria set out in Decision 2006/799/EC and Decision 2007/64/EC, respectively, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

⁽¹⁾ OJ L 27, 30.1.2010, p. 1.

⁽²⁾ Commission Decision 2006/799/EC of 3 November 2006 establishing revised ecological criteria and the related assessment and verification requirements for the award of the Community eco-label to soil improvers (OJ L 325, 24.11.2006, p. 28).

⁽³⁾ Commission Decision 2007/64/EC of 15 December 2006 establishing revised ecological criteria and the related assessment and verification requirements for the award of the Community eco-label to growing media (OJ L 32, 6.2.2007, p. 137).

HAS ADOPTED THIS DECISION:

Article 1

The product group 'growing media, soil improvers and mulch' shall comprise growing media, organic soil improvers and organic mulch.

Article 2

For the purpose of this Decision, the following definitions shall apply:

- (1) 'Growing medium' means a material used as a substrate for root development, in which plants are grown;
- (2) 'Mineral growing medium' means a growing medium totally composed by mineral constituents;
- (3) 'Soil improver' means a material added to soil in situ whose main function is to maintain or improve its physical and/or chemical and/or biological properties, with the exception of liming materials;
- (4) 'Organic soil improver' means a soil improver containing carbonaceous materials whose main function is to increase soil organic matter content;
- (5) 'Mulch' means a type of soil improver used as protective covering placed around plants on the topsoil whose specific functions are to prevent the loss of moisture, control weed growth, and reduce soil erosion;
- (6) 'Organic mulch' means mulch containing carbonaceous materials derived from biomass;
- (7) 'Constituent' means any input material that can be used as an ingredient of the product;
- (8) 'Organic constituent' means a constituent composed by carbonaceous materials;
- (9) 'Product family' means the range of products composed by the same constituents;
- (10) 'Annual output' means annual production of a product family;
- (11) 'Annual input' means the annual amount of materials treated in a waste or animal by-product treatment plant;
- (12) 'Batch' means quantity of goods manufactured by the same process under the same conditions and labelled in the same manner and is assumed to have the same characteristics;
- (13) 'Bio-waste' means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;
- (14) 'Biomass' means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste.

Article 3

In order to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, a product shall fall within the product group 'growing media, soil improvers and mulch', as defined in Article 1 of this Decision and shall comply with the criteria as well as the related assessment and verification requirements set out in the Annex.

Article 4

The criteria for the product group 'growing media, soil improvers and mulch' and the related assessment and verification requirements shall be valid for 4 years from the date of adoption of this Decision.

Article 5

For administrative purposes the code number assigned to the product group 'growing media, soil improvers and mulch' shall be '048'.

Article 6

Decision 2006/799/EC and Decision 2007/64/EC are repealed.

Article 7

1. By derogation from Article 6, applications for the EU Ecolabel for products falling within the product groups 'soil improvers' or 'growing media' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2006/799/EC and Decision 2007/64/EC, respectively.

2. Applications for the EU Ecolabel for products falling within the product groups 'soil improvers' or 'growing media' submitted within 2 months from the date of adoption of this Decision may be based either on the criteria set out in Decision 2006/799/EC and Decision 2007/64/EC, respectively, or on the criteria set out in this Decision. Those applications shall be evaluated in accordance with the criteria on which they are based.

3. EU Ecolabel licences awarded in accordance with the criteria set out in Decision 2006/799/EC and Decision 2007/64/EC may be used for 12 months from the date of adoption of this Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 18 November 2015.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX

FRAMEWORK

EU ECOLABEL CRITERIA

Criteria for awarding the EU Ecolabel to growing media, soil improvers and mulch:

- Criterion 1 — Constituents
- Criterion 2 — Organic constituents
- Criterion 3 — Mineral growing media and mineral constituents
 - Criterion 3.1 — Energy consumption and CO₂ emissions
 - Criterion 3.2 — Sources of mineral extraction
 - Criterion 3.3 — Mineral growing media use and after use
- Criterion 4 — Recycled/recovered and organic materials in growing media
- Criterion 5 — Limitation of hazardous substances
 - Criterion 5.1 — Heavy metals
 - Criterion 5.2 — Polycyclic Aromatic Hydrocarbons
 - Criterion 5.3 — Hazardous substances and mixtures
 - Criterion 5.4 — Substances listed in accordance with Article 59(1) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽¹⁾
 - Criterion 5.5 — Limits for *E. coli* and *Salmonella* spp.
- Criterion 6 — Stability
- Criterion 7 — Physical contaminants
- Criterion 8 — Organic matter and dry matter
- Criterion 9 — Viable weed seeds and plant propagules
- Criterion 10 — Plant response
- Criterion 11 — Growing media features
- Criterion 12 — Provision of information
- Criterion 13 — Information appearing on the EU Ecolabel

Table 1

Applicability of the different criteria to each type of product covered by the scope

Criterion	Growing media	Soil improvers	Mulch
Criterion 1 — Constituents	x	x	x
Criterion 2 — Organic constituents	x	x	x
Criterion 3.1. — Mineral growing media and mineral constituents: Energy consumption and CO ₂ emissions	x		

⁽¹⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Criterion	Growing media	Soil improvers	Mulch
Criterion 3.2 — Mineral growing media and mineral constituents: Sources of mineral extraction	x	x	x
Criterion 3.3 — Mineral growing media and mineral constituents: Mineral growing media use and after use	x		
Criterion 4 — Recycled/recovered and organic materials in growing media	x		
Criterion 5 — Limitation of hazardous substances			
Criterion 5.1 — Heavy metals	x	x	x
Criterion 5.2 — Polycyclic Aromatic Hydrocarbons	x	x	x
Criterion 5.3 — Hazardous substances and mixtures	x	x	x
Criterion 5.4 — Substances listed in accordance with Article 59(1) of Regulation (EC) No 1907/2006	x	x	x
Criterion 5.5 — Limits for <i>E. coli</i> and <i>Salmonella</i> spp.	x	x	x
Criterion 6 — Stability	x	x	x
Criterion 7 — Physical contaminants	x	x	x
Criterion 8 — Organic matter and dry matter		x	x
Criterion 9 — Viable weed seeds and plant propagules	x	x	
Criterion 10 — Plant response	x	x	
Criterion 11 — Growing media features	x		
Criterion 12 — Provision of information	x	x	x
Criterion 13 — Information appearing on the EU Eco-label	x	x	x

ASSESSMENT AND VERIFICATION REQUIREMENTS

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

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

Competent Bodies shall preferentially recognise attestations which are issued by bodies accredited according to the relevant harmonised standard for testing and calibration laboratories and verifications by bodies that are accredited according to the relevant harmonised standard for bodies certifying products, processes and services.

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

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

As pre-requisite, the product must meet all respective legal requirements of the country (countries) in which the product is intended to be placed on the market. The applicant shall declare the product's compliance with this requirement.

The sampling shall be carried out according to EN 12579 (Soil improvers and growing media. Sampling). Samples shall be prepared according to EN 13040 (Soil improvers and growing media. Sample preparation for chemical and physical tests, determination of dry matter content, moisture content and laboratory compacted bulk density).

For the application year, the sampling and test frequency shall fulfil the requirements set in Appendix 1. For the following years, the sampling and test frequency of final products shall fulfil the requirements set in Appendix 2. Different sampling and testing frequencies are set for the following types of plants:

- Type 1: Treatment plants for waste or for animal by-products
- Type 2: Product manufacture plants using materials from Type 1 plants
- Type 3: Product manufacture plants not using materials derived from waste or from animal by-products.

For Type 2 plants, the sampling and test frequencies for the application year and the following years will be the same as the frequencies set for Type 3, if their waste/animal by-product-derived materials' suppliers comply with the EU Ecolabel criteria for soil improvers. The applicant shall provide the Competent Body with the test reports from the suppliers, together with the documentation to ensure the compliance of the suppliers with the EU Ecolabel criteria. The Competent Body may recognize the sampling and testing frequencies within the national or regional legislation and standards as valid to ensure the compliance with the EU Ecolabel criteria of the suppliers of waste or animal by-products derived materials. In case when a product constitutes or contains material of animal origin reference shall be done to microbiological standards and animal and public health controls set out in Commission Regulation (EU) No 142/2011 ⁽¹⁾.

Criterion 1 — Constituents

This criterion applies to growing media, soil improvers and mulch.

The constituents admitted shall be organic and/or mineral constituents.

Assessment and verification:

The applicant shall provide the Competent Body with a list of constituents of the product.

Criterion 2 — Organic constituents

This criterion applies to growing media, soil improvers and mulch.

Criterion 2.1.

A final product shall not contain peat.

Criterion 2.2.

(1) The following materials are allowed as organic constituents of a final product.

- Materials derived from the recycling of bio-waste from separate collection, as defined in Article 3 of Directive 2008/98/EC of the European Parliament and of the Council ⁽²⁾.

⁽¹⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

⁽²⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

- Materials derived from category 2 and 3 animal by-products as laid down in Article 32 of Regulation (EC) No 1069/2009 of the European Parliament and of the Council ⁽¹⁾ and technical standards which are laid down by implementing Regulation (EU) 142/2011.
- Materials derived from faecal matter, straw and other natural non-hazardous agricultural or forestry material as defined in Article 2(1)(f) of Directive 2008/98/EC.
- Materials derived from any other biomass by-products, as defined in Article 5 of Directive 2008/98/EC, that are not mentioned above, subject to the provisions of (2) and sub-criterion 2.3.
- Materials derived from recycling or recovery of any other biomass waste not mentioned above, subject to the provisions of (2) and sub-criterion 2.3.

(2) The following materials are not allowed as organic constituents of a final product.

- Materials totally or partially derived from the organic fraction of mixed municipal household waste separated through mechanical, physicochemical, biological and/or manual treatment.
- Materials totally or partially derived from sludges derived from municipal sewage water treatment and from sludges derived from the paper industry.
- Materials totally or partially derived from sludges other than those allowed in Criterion 2.3.
- Materials totally or partially derived from category 1 animal by-products according to Regulation (EC) No 1069/2009.

Criterion 2.3.

Materials derived from recycling or recovery of sludges are only allowed if the sludges comply with the following requirements:

- (a) they are identified as one of the following types of waste according to the European List of Wastes, as defined by Commission Decision 2000/532/EC ⁽²⁾ presented in Table 2:

Table 2

Sludges allowed and their codes according to the European List of Wastes

0203 05	sludges from on-site effluent treatment in the preparation and processing of fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco, conserve production, yeast and yeast extract production, molasses preparation and fermentation;
0204 03	sludges from on-site effluent treatment in sugar processing;
0205 02	sludges from on-site effluent treatment in the dairy products industry;
0206 03	sludges from on-site effluent treatment in the baking and confectionery industry;
0207 05	sludges from on-site effluent treatment in the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa).

- (b) they are single-source separated, meaning that there has been no mixing with effluents or sludges outside a specific production process.

⁽¹⁾ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

⁽²⁾ Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

Assessment and verification:

The applicant shall provide the Competent Body with the information about the origin of each organic constituent of the product and a declaration of compliance with the above requirement.

Criterion 3 — Mineral growing media and mineral constituents**Criterion 3.1. Energy consumption and CO₂ emissions**

This criterion applies to mineral growing media only.

The manufacture of expanded minerals and mineral wool shall fulfil the following energy consumption and CO₂ emissions thresholds:

- Energy consumption/product ≤ 11 GJ/t product
- CO₂ emissions/product ≤ 0,8 t CO₂/t product

The ratio energy consumption/product shall be calculated as an annual average as follows:

$$\text{ratio} \frac{\text{Energy}}{\text{Product}} = \frac{1}{\sum_{i=1}^n \text{Production}_i} \cdot \sum_{i=1}^n \left(F + 2,5 \cdot El_{\text{grid}} + \left(\frac{H_{\text{cog}}}{\text{Ref } H\eta} + \frac{El_{\text{cog}}}{\text{Ref } E\eta} \right) \cdot (1 - \text{PES}_{\text{cog}}) \right)_i$$

Where:

- n is the number of years of the period used to calculate the average
- i is each year of the period used to calculate the average
- *Production* is the production of mineral wool or expanded minerals in tonnes in the year i
- F is the annual consumption of fuels in the production process in the year i
- El_{grid} is the annual electricity consumption from the grid in the year i
- H_{cog} is the annual consumption of useful heat from cogeneration in the year i
- El_{cog} is the annual consumption of electricity from cogeneration in the year i
- $\text{Ref } H\eta$ and $\text{Ref } E\eta$ are the reference efficiencies for the separate production of heat and electricity as defined in the Directive 2012/27/EU of the European Parliament and of the Council ⁽¹⁾ and calculated according to the Commission Implementing Decision 2011/877/EU ⁽²⁾
- PES_{cog} is the primary energy saving of the cogeneration plant as defined in the Directive 2012/27/EU, in the year i

The ratio CO₂ emissions/product shall be calculated as an annual average as follows:

$$\text{ratio} \frac{\text{CO}_2 \text{ emissions}}{\text{Product}} = \frac{1}{\sum_{i=1}^n \text{Production}_i} \cdot \sum_{i=1}^n (\text{Direct CO}_2 + \text{Indirect CO}_2)_i$$

Where:

- n is the number of years of the period used to calculate the average
- i is each year of the period used to calculate the average

⁽¹⁾ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

⁽²⁾ Commission Implementing Decision 2011/877/EU of 19 December 2011 establishing harmonised efficiency reference values for separate production of electricity and heat in application of Directive 2004/8/EC of the European Parliament and of the Council and repealing Commission Decision 2007/74/EC (OJ L 343, 23.12.2011, p. 91).

- *Production* is the mineral wool production in tonnes in the year *i*
- *Direct CO₂* is the CO₂ emissions as defined in Commission Regulation (EU) No 601/2012 ⁽¹⁾, in the year *i*
- *Indirect CO₂* is the indirect CO₂ emissions due to final energy consumption in the year *i*, and shall be calculated as:

$$\text{Indirect CO}_2 \text{ emission} = FE_{\text{grid}} \cdot El_{\text{grid}} + FE_{\text{fuel cog}} \cdot \left(\frac{H_{\text{cog}}}{\text{Ref } H\eta} + \frac{El_{\text{cog}}}{\text{Ref } E\eta} \right) \cdot (1 - PES_{\text{cog}})$$

Where:

- FE_{grid} is the EU average carbon intensity of the electricity grid, according to MEERP ⁽²⁾ methodology (0,384 tCO₂/MWh_e = 0,107 tCO₂/GJ_e)
- $FE_{\text{fuel cog}}$ is the CO₂ emission factor of the fuel consumed in the cogeneration plant

The direct CO₂ emissions shall be monitored according to Regulation (EU) No 601/2012.

The period to calculate the ratios energy consumption/product and CO₂ emissions/product shall be the last 5 years before the application. If the operation period of the plant is less than 5 years at the date of application, the ratio shall be calculated as an annual average of that operation period, which shall be at least 1 year.

Assessment and verification:

The applicant shall provide the Competent Body with a declaration which includes the following information.

- Ratio energy consumption (GJ)/product (tonne).
- Ratio CO₂ emissions (tonne)/product (tonne).
- Direct CO₂ emissions (tonnes) for each year of the period to calculate the average.
- Indirect CO₂ emissions (tonnes) for each year of the period to calculate the average.
- Fuels consumed, consumption of each fuel (GJ), sub-process/es of the manufacture process where they are consumed for each year of the period to calculate the average.
- Electricity consumption from the grid (GJ final energy) for each year of the period to calculate the average.
- Useful heat consumption from cogeneration (GJ final energy) for each year of the period to calculate the average.
- Electricity consumption from cogeneration (GJ final energy) for each year of the period to calculate the average.
- Reference efficiencies for separate production of heat and electricity.
- Primary energy saving (PES) (%) of the cogeneration for each year of the period to calculate the average.
- Identification of fuels used in cogeneration and their share in the fuel mix, for each year of the period to calculate the average.

The following documents shall be provided together with the declarations.

- Annual emissions report according to Regulation (EU) No 601/2012, for each year of the period to calculate the average.
- Verification report finding the annual emissions report satisfactory according to Commission Regulation (EU) No 600/2012 ⁽³⁾, for each year of the period to calculate the average.

⁽¹⁾ Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 181, 12.7.2012, p. 30).

⁽²⁾ Methodology for the Ecodesign of Energy-related Products (<http://www.meerp.eu/>).

⁽³⁾ Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 181, 12.7.2012, p. 1).

- Records of electricity consumption from the grid provided by the supplier, for each year of the period to calculate the average.
- Records of the useful heat and electricity consumption from cogeneration, both on-site and purchased, for each year of the period to calculate the average.

Criterion 3.2. Sources of mineral extraction

This criterion applies to growing media, soil improvers and mulch.

Extracted minerals can be used as constituents of the final product provided that:

- (1) (Within the EU): If they are extracted from Natura 2000 network areas, composed of Special Protection Areas under Directive 2009/147/EC of the European Parliament and of the Council ⁽¹⁾ on the conservation of wild birds, and Special Areas of Conservation under Council Directive 92/43/EEC ⁽²⁾ on the conservation of natural habitats and wild fauna and flora, extraction activities have been assessed and authorised in accordance with the provisions of Article 6 of Directive 92/43/EEC and taking into account the EC Guidance document on non-energy mineral extraction and Natura 2000 ⁽³⁾;
- (2) (Outside the EU): If they are extracted from protected areas designated as such under the national legislation of the sourcing/exporting countries, the extraction activities have been assessed and authorised in accordance with provisions that provide assurances equivalent to those under (1).

Assessment and verification

In case mineral extraction activities have been carried out in Natura 2000 network areas (in the EU) or protected areas designated as such under the national legislation of the sourcing/exporting countries (outside the EU), the applicant shall provide a declaration of compliance with this requirement issued by the competent authorities or a copy of their authorisation issued by the competent authorities.

Criterion 3.3. Mineral growing media use and after use

This criterion is applicable to mineral growing media only.

The mineral growing media shall only be offered for use for professional horticultural applications.

The applicant shall offer customers a structured collection and recycling service, which may use third party service providers. The collection and recycling service shall cover a minimum of 70 % v/v of the applicant's sales of the product across the European Union.

Assessment and verification:

The applicant shall provide the Competent Body with a declaration that the mineral growing media is only offered for use in professional horticultural applications. A statement about the professional horticultural application of the product shall be included in the information provided to the end-user.

The applicant shall inform the Competent Body about the option(s) on offer of structured collection and recycling service and the results of the option(s) implemented. In particular, the applicant shall provide the following documentation and information.

- Contract documentation between the manufacturer and the service providers.
- Description of collection, processing and destinations.

⁽¹⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

⁽²⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

⁽³⁾ EC Guidance on undertaking new non-energy extractive activities in accordance with Natura 2000 requirements (http://ec.europa.eu/environment/nature/natura2000/management/docs/nee_i_n2000_guidance.pdf).

- Annual overview of the total sales volume of growing media in the European Union Member States and an annual overview of the sales volumes in areas of those Member States where collection and processing are on offer.
- In case of new entrants, an estimation of the annual overview of the total sales volume of growing media in the European Union Member States and an estimation of the annual overview of the sales volumes in areas of those Member States where collection and processing are on offer, shall be provided. Real data shall be provided 1 year after the EU Ecolabel license is awarded.

Criterion 4 — Recycled/recovered and organic materials in growing media

This criterion applies to growing media only.

Growing media products shall contain a minimum percentage of recycled/recovered content or organic content, as follows:

- (a) The growing medium shall contain a minimum of 30 % of organic constituents (expressed as volume of organic constituent per total volume of the final product); or
- (b) The mineral growing medium shall contain mineral constituents manufactured from a process using at least 30 % of recycled materials (expressed as the dry weight of recycled/recovered materials per total dry weight of the input materials).

Assessment and verification:

The applicant shall declare the following information:

- for the case (a): volume of organic constituents declared in Criterion 1 per total volume of the final product, or
- for the case (b): dry weight of recycled/recovered materials per total dry weight of the input materials.

For the case (b), the applicant shall also declare the following information about the mineral constituents:

- identification of raw material inputs, dry weight of the raw material input per total dry weight of the input materials, and origin, for each raw material input, and
- identification of recycled/recovered material inputs, dry weight of recycled/recovered material input per total dry weight of the input materials and origin, for each recycled/recovered material input.

Criterion 5 — Limitation of hazardous substances

Criterion 5.1. — Limits for heavy metals

This criterion applies to growing media, soil improvers and mulch.

- (a) Soil improvers, mulch and organic constituents of growing media

For soil improvers, mulch and organic constituents of growing media, the content of the following elements in the final product or constituent shall not exceed the values shown in Table 3, measured in terms of dry weight (DW) of the product.

Table 3

Heavy metals limits for soil improvers, mulch and organic constituents of growing media

Heavy metal	Maximum content in the product (mg/kg DW)
Cadmium (Cd)	1
Chromium total (Cr)	100
Copper (Cu)	100

Heavy metal	Maximum content in the product (mg/kg DW)
Mercury (Hg)	1
Nickel (Ni)	50
Lead (Pb)	100
Zinc (Zn)	300

(b) Growing media

For growing media, including mineral growing media, the content of the following elements in the final product shall not exceed the values shown in Table 4, measured in terms of dry weight of the product.

Table 4

Heavy metal limits for growing media, including mineral growing media

Heavy metal	Maximum content in the product (mg/kg DW)
Cadmium (Cd)	3
Chromium total (Cr)	150
Copper (Cu)	100
Mercury (Hg)	1
Nickel (Ni)	90
Lead (Pb)	150
Zinc (Zn)	300

Assessment and verification:

The applicant shall provide the Competent Body with test reports conducted in accordance with the testing procedure indicated in the respective EN standards presented in Table 5. In the case of organic constituents of growing media, the test reports may be provided by the suppliers.

Table 5

Standard methods of extraction and measurement of heavy metals

Heavy metals	Method of measurement	Method of extraction
Cadmium (Cd)	EN 13650	For soil improvers, mulch, organic constituents of growing media and growing media, except mineral growing media: EN 13650 Soil improvers and growing media — Extraction of aqua regia soluble elements
Chromium total (Cr)	EN 13650	
Copper (Cu)	EN 13650	For mineral growing media: EN 13651 Soil improvers and growing media — Extraction of calcium chloride/DTPA (CAT) soluble nutrients and elements
Mercury (Hg)	EN 16175 ⁽¹⁾	
Nickel (Ni)	EN 13650	
Lead (Pb)	EN 13650	
Zinc (Zn)	EN 13650	

⁽¹⁾ EN 16175 Sludge, treated biowaste and soil — Determination of mercury. Part 1: Cold-vapour atomic absorption spectrometry (CV-AAS) and Part 2: Cold-vapour atomic fluorescence spectrometry (CV-AFS.)

Criterion 5.2. — Limits for Polycyclic Aromatic Hydrocarbons (PAH)

This criterion applies to growing media, soil improvers and mulch, with the exception of mineral growing media.

The content of the following polycyclic aromatic hydrocarbons in the final product shall not exceed the value shown in Table 6, measured in terms of dry weight of the product.

Table 6

Limit for PAH

Pollutant	Maximum content in the product (mg/kg DW)
PAH ₁₆	6

PAH₁₆ = sum of naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, indeno[1,2,3-cd]pyrene, dibenzo[a,h]anthracene and benzo[ghi]perylene

Assessment and verification:

The applicant shall provide the Competent Body with test reports conducted in accordance with the testing procedure indicated in CEN/TS 16181 Sludge, treated biowaste and soil — Determination of polycyclic aromatic hydrocarbons (PAH) by gas chromatography (GC) and high performance liquid chromatography (HPLC) or equivalent.

Criterion 5.3. — Hazardous substances and mixtures

This criterion applies to growing media, soil improvers and mulch.

The final product shall not be classified and labelled as being acutely toxic, a specific target organ toxicant, a respiratory or skin sensitiser, or carcinogenic, mutagenic or toxic for reproduction hazardous to the environment, in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽¹⁾.

The product shall not contain substances or mixtures classified as toxic, hazardous to the environment, respiratory or skin sensitisers, or carcinogenic, mutagenic or toxic for reproduction in accordance with Regulation (EC) No 1272/2008 and as interpreted according to the hazard statements listed in Table 7. Any intentionally added ingredient present at a concentration above 0,010 % w/w (in terms of wet weight) in the product shall meet this requirement. Where stricter, the generic or specific concentration limits determined in accordance with Article 10 of Regulation (EC) No 1272/2008 shall prevail to the cut-off limit value of 0,010 % w/w (in terms of wet weight) mentioned above.

Table 7

Restricted hazard classifications and their categorisation

Acute toxicity	
Category 1 and 2	Category 3
H300 Fatal if swallowed	H301 Toxic if swallowed
H310 Fatal in contact with skin	H311 Toxic in contact with skin

⁽¹⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

H330 Fatal if inhaled	H331 Toxic if inhaled
H304 May be fatal if swallowed and enters airways	EUH070 Toxic by eye contact
Specific target organ toxicity	
Category 1	Category 2
H370 Causes damage to organs	H371 May cause damage to organs
H372 Causes damage to organs through prolonged or repeated exposure	H373 May cause damage to organs through prolonged or repeated exposure
Respiratory and skin sensitisation	
Category 1A	Category 1B
H317: May cause allergic skin reaction	H317: May cause allergic skin reaction
H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled
Carcinogenic, mutagenic or toxic for reproduction	
Category 1A and 1B	Category 2
H340 May cause genetic defects	H341 Suspected of causing genetic defects
H350 May cause cancer	H351 Suspected of causing cancer
H350i May cause cancer by inhalation	
H360F May damage fertility	H361f Suspected of damaging fertility
H360D May damage the unborn child	H361d Suspected of damaging the unborn child
H360FD May damage fertility. May damage the unborn child	H361fd Suspected of damaging fertility. Suspected of damaging the unborn child
H360Fd May damage fertility. Suspected of damaging the unborn child	H362 May cause harm to breast fed children
H360Df May damage the unborn child. Suspected of damaging fertility	

Hazardous to the aquatic environment

Category 1 and 2	Category 3 and 4
H400 Very toxic to aquatic life	H412 Harmful to aquatic life with long-lasting effects
H410 Very toxic to aquatic life with long-lasting effects	H413 May cause long-lasting effects to aquatic life
H411 Toxic to aquatic life with long-lasting effects	

Hazardous to the ozone layer

H420 Hazardous to the ozone layer	
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The most recent classification rules adopted by the Union shall take precedence over the listed hazard classifications. In accordance with Article 15 of Regulation (EC) No 1272/2008, applicants shall therefore ensure that any classifications are based on the most recent rules on classification, labelling and packaging of substances and mixtures.

The hazard statements generally refer to substances. However, if information on substances cannot be obtained, the classification rules for mixtures shall apply.

Substances or mixtures which change their properties through processing and thus become no longer bioavailable or undergo chemical modification in a way that removes the previously identified hazard are exempted from criterion 5.3.

This criterion does not apply to those final products composed by:

- Materials not included in the scope of the Regulation (EC) No 1907/2006 according its Article 2(2).
- Substances covered by Article 2(7)(b) of the Regulation (EC) No 1907/2006 which sets out criteria for exempting substances within Annex V to that Regulation from the registration, downstream user and evaluation requirements.

In order to determine if this exclusion applies, the applicant shall screen any intentionally added substance present at a concentration above 0,010 % w/w (in terms of wet weight).

Assessment and verification:

The applicant shall screen the presence of substances and mixtures that may be classified with the hazard statements reported in this criterion. The applicant shall provide the Competent Body with a declaration of compliance with this criterion for the product.

That declaration shall include related documentation, such as declarations of compliance signed by the suppliers, on the non-classification of the substances, mixtures or materials with any of the hazard classes associated to the hazard statements referred in Table 7 in accordance with Regulation (EC) No 1272/2008, as far as this can be determined, as a minimum, from the information meeting the requirements listed in Annex VII to Regulation (EC) No 1907/2006.

The information provided shall relate to the forms or physical states of the substances or mixtures as used in the final product.

The following technical information shall be provided to support the declaration of classification or non-classification for each substance and mixture:

- (i) for substances that have not been registered under Regulation (EC) No 1907/2006 or which do not yet have a harmonised CLP classification: information meeting the requirements listed in Annex VII to that Regulation;
- (ii) for substances that have been registered under Regulation (EC) No 1907/2006 and which do not meet the requirements for CLP classification: information based on the REACH registration dossier confirming the non-classified status of the substance;

- (iii) for substances that have a harmonised classification or are self-classified: safety data sheets where available. If these are not available or the substance is self-classified then information shall be provided relevant to the substances hazard classification in accordance with Annex II to Regulation (EC) No 1907/2006;
- (iv) in the case of mixtures: safety data sheets where available. If these are not available then calculation of the mixture classification shall be provided according to the rules under Regulation (EC) No 1272/2008 together with information relevant to the mixtures hazard classification in accordance with Annex II to Regulation (EC) No 1907/2006.

Safety data sheets shall be provided for the materials composing the final product and for substances and mixtures used in the formulation and treatment of the materials remaining in the final product at a concentration above a cut-off limit of 0,010 % w/w (in terms of wet weight) unless a lower generic or specific concentration limit applies in accordance with the Article 10 of Regulation (EC) No 1272/2008.

Safety data sheets shall be completed in accordance with the guidance set out in sections 10, 11 and 12 of Annex II to Regulation (EC) No 1907/2006 (requirements for the compilation of safety data sheets). Incomplete safety data sheets shall require supplementing with information from declarations by chemical suppliers.

Information on intrinsic properties of substances may be generated by means other than tests, for instance through the use of alternative methods such as in vitro methods, by quantitative structure activity models or by the use of grouping or read-across in accordance with Annex XI to Regulation (EC) No 1907/2006.

The sharing of relevant data across the supply chain is strongly encouraged.

In the case of mineral wool, the applicant shall also provide the following:

- (a) Certificate awarded for the right to use the European Certification Board for Mineral Wool Products trademark to demonstrate compliance with the Note Q within the Regulation (EC) No 1272/2008.
- (b) Test report according to ISO 14184-1 Textiles — Determination of formaldehyde — Part 1: Free and hydrolysed formaldehyde.

Criterion 5.4. — Substances listed in accordance with Article 59(1) of Regulation (EC) No 1907/2006

The final product shall not contain any intentionally added substances of very high concern and included in the list provided for in Article 59(1) of Regulation (EC) No 1907/2006, present in the final product in concentrations > 0,010 % in terms of wet weight.

Assessment and verification:

Reference to the latest list of substances of very high concern shall be made on the date of application. The applicant shall provide a declaration of compliance with criterion 5.4, together with related documentation, including declarations of compliance signed by the material suppliers and copies of relevant SDS for substances or mixtures in accordance with Annex II to Regulation (EC) No 1907/2006 for substances or mixtures. Concentration limits shall be specified in the safety data sheets in accordance with Article 31 of Regulation (EC) No 1907/2006 for substances and mixtures.

Criterion 5.5. — Limits for *E. coli* and *Salmonella* spp.

This criterion applies to growing media, soil improvers and mulch, with the exception of mineral growing media.

The content of primary pathogens in the final product shall not exceed the levels set in Table 8.

Table 8

Limit values for *E. coli* and *Salmonella* spp.

Pathogen	Limit
<i>E. coli</i>	1 000 CFU/g fresh weight
<i>Salmonella</i> spp.	absent in 25 g fresh weight

CFU = colony-forming units.

Assessment and verification:

The applicant shall provide the Competent Body with test reports conducted in accordance with the testing procedure indicated in Table 9.

Table 9

Standard test method for *E. coli* and *Salmonella* spp.

Parameter	Test method
<i>E. coli</i>	CEN/TR 16193 Sludge, treated biowaste and soil. Detection and enumeration of <i>Escherichia coli</i> or equivalent
<i>Salmonella</i> spp.	ISO 6579 Microbiology of food and animal feeding stuffs — Horizontal method for the detection of <i>Salmonella</i> spp.

Criterion 6 — Stability

This criterion applies to growing media, soil improvers and mulch, with the exception of mulch totally composed of lignocellulosic constituents and mineral growing media.

Soil improvers and mulch for non-professional applications and growing media for all applications shall meet one of the requirements presented in Table 10.

Table 10

Stability requirements of soil improvers and mulch intended for non-professional applications and growing media intended for all applications

Stability parameter	Requirement
Maximum Respirometric index	15 mmol O ₂ /kg organic matter/h
Minimum Rottegrad, where applicable	IV (self-heating test temperature rise of maximum 20 °C above ambient temperature)

Soil improvers and mulch for professional applications shall meet one of the requirements presented in Table 11.

Table 11

Stability requirements of soil improvers and mulch intended for professional applications

Stability parameter	Requirement
Maximum Respirometric index	25 mmol O ₂ /kg organic matter/h
Minimum Rottegrad, where applicable	III (self-heating test temperature rise of maximum 30 °C above ambient temperature)

Assessment and verification:

The applicant shall provide the Competent Body with test reports conducted in accordance with the testing procedure indicated in Table 12.

Table 12

Standard test method for stability

Parameter	Test method
Respirometric index	EN 16087-1 Soil improvers and growing media — Determination of the aerobic biological activity. Oxygen uptake rate (OUR)
Rottegrad	EN 16087-2 Soil improvers and growing media. Determination of the aerobic biological activity. Self-heating test for compost

Criterion 7 — Physical Contaminants

This criterion applies to growing media, soil improvers and mulch, with the exception of mineral growing media.

The content of glass, metal and plastic with mesh size of > 2 mm in the final product shall not exceed 0,5 %, measured in terms of dry weight.

Assessment and verification:

The applicant shall provide the Competent Body with test reports conducted in accordance with the testing procedure indicated in the Technical Specification CEN/TS 16202 (Sludge, treated biowaste and soil — Determination of impurities and stones), or another equivalent testing procedure authorised by the Competent Body.

Criterion 8 — Organic matter and dry matter

This criterion applies to soil improvers and mulch.

The organic matter as loss on ignition of the final product shall be at least 15 % dry weight (% DW).

The dry matter content of the final product shall be at least 25 % of the fresh weight (% FW).

Assessment and verification:

The applicant shall provide the Competent Body with test reports conducted in accordance with the testing procedure presented in Table 13.

Table 13

Standard test methods for Dry matter and Organic matter

Parameter	Test method
Dry matter (% FW)	EN 13040 Soil improvers and growing media. Sample preparation for chemical and physical tests, determination of dry matter content, moisture content and laboratory compacted bulk density
Organic matter as Loss on Ignition (% DM)	EN 13039 Soil improvers and growing media. Determination of organic matter content and ash

Criterion 9 — Viable weed seeds and plant propagules

This criterion applies to growing media and soil improvers, with the exception of mineral growing media.

Final products shall not contain more than two units of viable weed seeds and plant propagules per litre.

Assessment and verification:

The applicant shall provide the Competent Body with a test report in accordance with the testing procedure indicated in the Technical Specification CEN/TS 16201 (Sludge, treated biowaste and soil — Determination of viable plant seeds and propagules), or another equivalent testing procedure authorised by the Competent Body.

Criterion 10 — Plant response

This criterion applies to growing media and soil improvers.

Final products shall not adversely affect plant emergence or subsequent growth.

Assessment and verification:

The applicant shall provide the Competent Body with a valid test conducted in accordance with the testing procedure indicated in EN 16086-1 (Soil improvers and growing media — Determination of plant response — Part 1: Pot growth test with Chinese cabbage).

Criterion 11 — Growing media features

This criterion only applies to growing media.

Criterion 11.1. — Electrical conductivity

The electrical conductivity of the final product shall be below 100 mS/m.

Assessment and verification:

The applicant shall provide the Competent Body with a test report conducted in accordance with the testing procedure indicated in EN 13038 (Soil improvers and growing media — Determination of electrical conductivity).

Criterion 11.2. — pH

The pH of the final product shall be in the range 4-7.

Assessment and verification:

The applicant shall provide the Competent Body with a test report conducted in accordance with the testing procedure indicated in EN 13037 (Soil improvers and growing media — Determination of pH).

Criterion 11.3. — Sodium content

The sodium content in water extracts of the final product shall not exceed 150 mg/l of fresh product.

Assessment and verification:

The applicant shall provide the Competent Body with a test report conducted in accordance with the testing procedure indicated in EN 13652 (Soil improvers and growing media — Extraction of water soluble nutrients and elements).

Criterion 11.4. — Chloride content

The chloride content in water extracts of the final product shall not exceed 500 mg/l of fresh product.

Assessment and verification:

The applicant shall provide the Competent Body with a test report conducted in accordance with the testing procedure indicated in EN 13652 (Soil improvers and growing media — Extraction of water soluble nutrients and elements).

Criterion 12 — Provision of information

This criterion applies to growing media, soil improvers and mulch.

The following information shall be provided with the product either on the packaging or in accompanying fact sheets.

Criterion 12.1. — Soil improvers

- (a) The name and address of the body responsible for marketing;
- (b) A descriptor identifying the product by type, including the wording 'SOIL IMPROVER';
- (c) A batch identification code;
- (d) The quantity (in weight);
- (e) Range of moisture content;
- (f) The main materials (those over 5 % by weight) from which the product has been manufactured;
- (g) The recommended conditions of storage and the recommended 'use by' date;
- (h) Guidelines for safe handling and use;
- (i) A description of the purpose for which the product is intended and any limitations on use, including a statement about the suitability of the product for particular plant groups (e.g. calcifuges or calcicoles);
- (j) pH (reference of the test method used);
- (k) Organic carbon content (%), total nitrogen content (%) and inorganic nitrogen content (%) (reference to the test method used);
- (l) Carbon/Nitrogen ratio;
- (m) Total phosphorus (%) and total potassium (%) (reference to the test method used);
- (n) For products for non-professional use, a statement about the stability of organic matter (stable or very stable);
- (o) A statement on recommended methods of use;
- (p) In non-professional applications: recommended rate of application expressed in kilograms of product per unit surface area (m²) per annum.

Criterion 12.2. — Growing media

- (a) The name and address of the body responsible for marketing;
- (b) A descriptor identifying the product by type, including the wording 'GROWING MEDIUM';
- (c) A batch identification code;
- (d) The quantity (in volume or number of slabs, in case of mineral wool, specifying the dimensions of the slab);
- (e) Range of moisture content;
- (f) The main materials (those over 5 % by volume) from which the product has been manufactured;
- (g) The recommended conditions of storage and the recommended 'use by' date;
- (h) Guidelines for safe handling and use;
- (i) A description of the purpose for which the product is intended and any limitations on use, including a statement about the suitability of the product for particular plant groups (e.g. calcifuges or calcicoles);
- (j) pH (EN 13037);

- (k) Electrical Conductivity (1:5 extraction);
- (l) Germination inhibition (EN 16086-1);
- (m) Growth inhibition (EN 16086-1);
- (n) A statement about the stability of organic matter (stable or very stable);
- (o) A statement on recommended methods of use;
- (p) For mineral growing media, a statement about the professional horticultural application.

Criterion 12.3. — Mulch

- (a) The name and address of the body responsible for marketing;
- (b) A descriptor identifying the product by type, including the wording 'MULCH';
- (c) A batch identification code;
- (d) The quantity (in volume);
- (e) Range of moisture content;
- (f) The main materials (those over 5 % by volume) from which the product has been manufactured;
- (g) Guidelines for safe handling and use;
- (h) A description of the purpose for which the product is intended and any limitations on use, including a statement about the suitability of the product for particular plant groups (e.g. calcifuges or calcicoles);
- (i) pH (reference of the test method used);
- (j) A statement about the stability of organic matter (stable or very stable), where applicable, for non-professional uses;
- (k) A statement on recommended methods of use;
- (l) In non-professional applications: recommended rate of application expressed in mm.

Assessment and verification:

The applicant shall declare that the product complies with this criterion and provide the Competent Body with a sample of the packaging or fact sheets or the text of the user information written on the packaging or accompanying fact sheets.

Criterion 13 — Information appearing on the EU Ecolabel

The optional label with text box shall contain the following text:

- promotes the recycling of materials
- promotes the use of renewable and recycled materials

For soil improvers and mulch, the additional information shall be included:

- reduces soil and water pollution, by limiting heavy metals concentrations

The guidelines for the use of the optional label with the text box can be found in the 'Guidelines for the use of the EU Ecolabel logo' on the website:

http://ec.europa.eu/environment/ecolabel/documents/logo_guidelines.pdf

Assessment and verification:

The applicant shall provide the Competent Body with a sample of the product packaging showing the label, together with a declaration of compliance with this criterion.

Sampling and test frequency for the application year

Type of plant	Criterion	Annual input/output	Test frequency	
Type 1: Treatment plants for waste or for animal by-products	5.1 — Limits for heavy metals	Input (t) ≤ 3 000	1 every 1 000 tonnes input material rounded to the next integer	
	5.5 — Limits for <i>E. coli</i> and <i>Salmonella</i> spp.			
	6 — Stability	3 000 < input (t) ≤ 20 000	4 (one sample every season)	
	7 — Physical contaminants			
	8 — Organic matter and dry matter			
	9 — Viable seeds and plant propagules			
	10 — Plant response	Input (t) > 20 000	number of analyses per year = amount of annual input material (in tonnes)/10 000 tonne + 1 Minimum 4 and maximum 12	
	11 — Growing media features			
	5.2 — PAH		Input (t) ≤ 3 000	1
			3 000 < input (t) ≤ 10 000	2
			10 000 < input (t) ≤ 20 000	3
			20 000 < input (t) ≤ 40 000	4
			40 000 < input (t) ≤ 60 000	5
		60 000 < input (t) ≤ 80 000	6	
		80 000 < input (t) ≤ 100 000	7	
		100 000 < input (t) ≤ 120 000	8	
		120 000 < input (t) ≤ 140 000	9	
		140 000 < input (t) ≤ 160 000	10	
	160 000 < input (t) ≤ 180 000	11		
	Input (t) > 180 000	12		

Type of plant	Criterion	Annual input/output	Test frequency	
Type 2: Product manufacture plants using materials from Type 1 plants	5.1 — Limits for heavy metals 5.5 — Limits for <i>E. coli</i> and <i>Salmonella</i> spp.	Output (m ³) ≤ 5 000	Representative combined samples from 2 batches according EN 12579 ⁽¹⁾	
	6 — Stability 7 — Physical contaminants 8 — Organic matter and dry matter 9 — Viable seeds and plant propagules 10 — Plant response 11 — Growing media features	Output (m ³) > 5 000	Representative combined samples from 4 batches according EN 12579	
	5.2 — PAH	Output (m ³) ≤ 5 000	Representative combined sample(s) from 1 batch according EN 12579	
		Output (m ³) > 5 000	Representative combined samples from 2 batches according EN 12579	
	Type 3: Product manufacture plants NOT using materials derived from waste or from animal by-products	5.1 — Limits for heavy metals 5.5 — Limits for <i>E. coli</i> and <i>Salmonella</i> spp.	Output (m ³) ≤ 5 000	Representative combined sample(s) from 1 batch according EN 12579
		6 — Stability 7 — Physical contaminants 8 — Organic matter and dry matter 9 — Viable seeds and plant propagules 10 — Plant response 11 — Growing media features	Output (m ³) > 5 000	Representative combined samples from 2 batches according EN 12579
5.2 — PAH		Regardless the input/output	Representative combined sample(s) from 1 batch according EN 12579	

⁽¹⁾ EN 12579 Soil improvers and growing media. Sampling.

Appendix 2

Sampling and test frequency for the following years

Type of plant	Criteria	Annual input/output	Test frequency
Type 1: Treatment plants for waste or for animal by-products	5.1 — Limits for heavy metals	Input (t) ≤ 1 000	1
	5.5 — Limits for <i>E. coli</i> and <i>Salmonella</i> spp.	Input (t) > 1 000	number of analyses per year = amount of annual input material (in tonnes)/10 000 tonnes + 1 Minimum 2 and maximum 12
	6 — Stability		
	7 — Physical contaminants		
	8 — Organic matter and dry matter		
	9 — Viable seeds and plant propagules		
	10 — Plant response		
	11 — Growing media features		
	5.2 — PAH		
		10 000 < input (t) ≤ 25 000	0,5 (once per 2 years)
		25 000 < input (t) ≤ 50 000	1
		50 000 < input (t) ≤ 100 000	2
		100 000 < input (t) ≤ 150 000	3
		150 000 < input (t) ≤ 200 000	4
		200 000 < input (t) ≤ 250 000	5
250 000 < input (t) ≤ 300 000		6	
300 000 < input (t) ≤ 350 000		7	
350 000 < input (t) ≤ 400 000		8	
400 000 < input (t) ≤ 450 000		9	
450 000 < input (t) ≤ 500 000		10	
500 000 < input (t) ≤ 550 000	11		
Input (t) > 550 000	12		

Type of plant	Criteria	Annual input/output	Test frequency	
Type 2: Product manufacture plants using materials from Type 1 plants	5.1 — Limits for heavy metals 5.5 — Limits for <i>E. coli</i> and <i>Salmonella</i> spp.	Output (m ³) ≤ 5 000	Representative combined sample(s) from 1 batch according EN 12579	
	6 — Stability 7 — Physical contaminants 8 — Organic matter and dry matter 9 — Viable seeds and plant propagules 10 — Plant response 11 — Growing media features	Output (m ³) > 5 000	Representative combined samples from 2 batches according EN 12579	
	5.2 — PAH	Output (m ³) ≤ 15 000	Representative combined sample(s) from 1 batch according EN 12579, once each 4 years	
		15 000 < Output (m ³) ≤ 40 000	Representative combined sample(s) from 1 batch according EN 12579, each 2 years	
		Output (m ³) > 40 000	Representative combined sample(s) from 1 batch according EN 12579, each year	
	Type 3: Product manufacture plants NOT using materials derived from waste or from animal by-products	5.1 — Limits for heavy metals 5.5 — Limits for <i>E. coli</i> and <i>Salmonella</i> spp. 6 — Stability 7 — Physical contaminants 8 — Organic matter and dry matter 9 — Viable weed seeds and plant propagules 10 — Plant response 11 — Growing media features	Regardless the input/output	Representative combined sample(s) from 1 batch according EN 12579
		5.2 — PAH	Regardless the input/output	Representative combined sample(s) from 1 batch according EN 12579, once each 4 years

COMMISSION IMPLEMENTING DECISION (EU) 2015/2100**of 18 November 2015****authorising methods for grading pig carcasses in Latvia and repealing Decision 2005/307/EC***(notified under document C(2015) 7986)***(Only the Latvian text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 20(p) and (t) thereof,

Whereas:

- (1) Point 1 of Section B.IV of Annex IV to Regulation (EU) No 1308/2013 provides that, for the classification of pig carcasses, the lean-meat content has to be assessed by means of grading methods authorised by the Commission and only statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass may be authorised. The authorisation of grading methods should be subject to compliance with a maximum tolerance for statistical error in assessment. That tolerance is defined in Article 23(3) of Commission Regulation (EC) No 1249/2008 ⁽²⁾.
- (2) By Commission Decision 2005/307/EC ⁽³⁾, the use of three methods for grading pig carcasses in Latvia was authorised.
- (3) Latvia has requested the Commission to authorise the replacement of the formula used in the 'Intrascop (Optical Probe)', 'Manual method (ZP)' and 'Pork Grader (PG200)' methods, as well as to authorise one new method, 'OptiGrade-MCP', for grading pig carcasses on its territory. Latvia has presented a detailed description of the dissection trial, indicating the principles on which the new formula are based, the result of its dissection trial and the equations used for assessing the percentage of lean meat in the protocol provided for in Article 23(4) of Regulation (EC) No 1249/2008.
- (4) Examination of that request has revealed that the conditions for authorising those new formula and grading methods are fulfilled. Those formula and grading methods should therefore be authorised in Latvia.
- (5) Latvia has also requested the Commission to be authorised to provide for a presentation of pig carcasses different than the standard presentation laid down in point B.III of Annex IV to Regulation (EU) No 1308/2013.
- (6) In accordance with Article 20(t)(i) of Regulation (EU) No 1308/2013 Member States may be authorised to provide for a presentation of pig carcasses different from the standard presentation defined in point B.III of Annex IV, where normal commercial practice in their territory differs from that standard presentation. In its request, Latvia specified that commercial practice in its territory may require that the head, the tail, the forefeet and the hind feet are removed from the pig carcass. This presentation that differs from the standard presentation should therefore be authorised in Latvia.
- (7) In order to establish quotations for pig carcasses on a comparable basis, this different presentation should be taken into account by adjusting the weight recorded in such cases in relation to the weight for standard presentation.
- (8) Modifications of the apparatuses or grading methods should not be allowed, unless they are explicitly authorised by Commission Implementing Decision.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 1249/2008 of 10 December 2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof (OJ L 337, 16.12.2008, p. 3).

⁽³⁾ Commission Decision 2005/307/EC of 12 April 2005 authorising a method for grading pig carcasses in Latvia (OJ L 98, 16.4.2005, p. 42).

- (9) For reasons of clarity and legal certainty, a new decision should be adopted. Decision 2005/307/EC should therefore be repealed.
- (10) In view of the technical circumstances while introducing new methods and formula, the methods for grading pig carcasses authorised under this Decision should apply from 1 January 2016.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS DECISION:

Article 1

The use of the following methods is authorised for grading pig carcasses pursuant to point 1 of Section B.IV of Annex IV to Regulation (EU) No 1308/2013 in Latvia:

- (a) the 'Intrascop (Optical Probe)' apparatus and the assessment methods related thereto, details of which are given in Part I of the Annex;
- (b) the 'Manual method (ZP)' and the assessment methods related thereto, details of which are given in Part II of the Annex;
- (c) the 'Pork Grader (PG200)' apparatus and the assessment methods related thereto, details of which are given in Part III of the Annex;
- (d) the 'OptiGrade-MCP' apparatus and the assessment methods related thereto, details of which are given in Part IV of the Annex.

The manual method ZP referred to in point (b) of the first paragraph, shall only be authorised in slaughterhouses:

- a) using an electronic data input method with the limit of slaughters of not more than 500 pigs per week;
- b) having the limit of slaughters of not more than 200 pigs per week.

Article 2

Notwithstanding the standard presentation laid down in point B.III of Annex IV to Regulation (EU) No 1308/2013, pig carcasses in Latvia may be presented without the head, the tail, the forefeet and/or the hind feet before being weighed and graded.

In order to establish quotations for pig carcasses on a comparable basis, the following fixed coefficients shall be applied in all cases if some of the following carcass parts are missing:

- for the missing head: 8,345,
- for the missing tail: 0,072,
- for the missing forefeet: 0,764,
- for the missing hind feet: 1,558.

The standard presentation carcass weight shall be calculated according to the formula:

Standard presentation carcass weight = $100 \times \text{carcass weight (without missing part(s))} / (100 - \text{coefficient(s) for missing part(s)})$

Article 3

Modifications of the authorised apparatus or grading methods shall not be allowed, unless those modifications are explicitly authorised by Commission Implementing Decision.

Article 4

Decision 2005/307/EC is repealed.

Article 5

This Decision shall apply from 1 January 2016.

Article 6

This Decision is addressed to the Republic of Latvia.

Done at Brussels, 18 November 2015.

For the Commission
Phil HOGAN
Member of the Commission

ANNEX

METHODS FOR GRADING PIG CARCASSES IN LATVIA

Part I

INTRASCOPE (OPTICAL PROBE)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus termed 'Intrascop (Optical Probe)'.
2. The apparatus shall be equipped with a hexagonal-shaped probe of a maximum width of 12 mm (and of 19 mm at the blade at the top of the probe) containing a viewing window and a light source, a sliding barrel calibrated in millimetres, and having an operating distance of between 8 and 50 mm.
3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{y} = 66,6708 - 0,3493 \times F \text{ where:}$$

\hat{y} = the estimated percentage of lean meat in the carcass,

F = the thickness of back fat (including rind), measured on the left side of the carcass behind the last rib 6 cm off the midline of the carcass (in millimetres).

The formula shall be valid for carcasses weighing between 60 and 110 kilograms.

Part II

MANUAL METHOD (ZP)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by use of the manual method (ZP).
2. The method may be implemented using a ruler with the grading determined on the basis of the prediction equation. It is based on the manual measurement on the midline of the split carcass of the thickness of the back fat and of the thickness of the muscle.
3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{y} = 60,5214 - 0,2579 \times G + 0,0525 \times M$$

where:

\hat{y} = the estimated percentage of lean meat in the carcass,

G = the thickness of muscle on the midline of the split carcass, measured at the shortest distance between the cranial end of the *m.gluteus medius* and the edge of the *canalis vertebralis* (in millimetres),

M = the thickness of the back fat (including rind) on the midline of the split carcass, measured at the narrowest place over the *m.gluteus medius* muscle (in millimetres).

The formula shall be valid for carcasses weighing between 60 and 110 kilograms.

Part III

PORK GRADER (PG200)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus called 'Pork Grader (PG200)'.

2. The apparatus shall be equipped with a measuring probe fitted to the gun-shaped case, a data sheet printer and a gage-test block as well as with an 8-9 mm wide blade and a LED light with an adjacent light receiver (photodetector).
3. The lean meat content of the carcase shall be calculated according to the following formula:

$$\hat{y} = 64,4502 - 0,4364 \times F + 0,0381 \times M \text{ where:}$$

\hat{y} = the estimated percentage of lean meat in the carcase,

F = the thickness of back fat (including rind), measured behind the last rib, 7 cm of the midline of the carcase (in millimetres),

M = the thickness of the muscle, measured behind the last rib, 7 cm of the midline of the carcase (in millimetres).

The formula shall be valid for carcasses weighing between 60 and 110 kilograms.

Part IV

OPTIGRADE-MCP

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as 'OptiGrade-MCP'.
2. The apparatus shall be equipped with an optical probe of 6 mm in diameter, one infrared photodiode and a photo transistor. The results of the measurements shall be converted into estimated lean meat content by means of a computer.
3. The lean meat content of the carcase shall be calculated according to the following formula:

$$\hat{y} = 66,7787 - 0,4464 \times F + 0,0018 \times M$$

where:

\hat{y} = the estimated percentage of lean meat in the carcase,

F = the thickness of back fat (including rind), measured between the last rib and the second to last rib, 7 cm of the midline of the carcase (in millimetres),

M = the thickness of the muscle, measured between the last rib and the second to last rib, 7 cm of the midline of the carcase (in millimetres).

The formula shall be valid for carcasses weighing between 60 and 110 kilograms.

DECISION (EU) 2015/2101 OF THE EUROPEAN CENTRAL BANK**of 5 November 2015****amending Decision (EU) 2015/774 on a secondary markets public sector asset purchase programme (ECB/2015/33)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to the second subparagraph of Article 12.1 in conjunction with the first indent of Article 3.1, and Article 18.1 thereof,

Whereas:

- (1) On 4 March 2015, the Governing Council adopted Decision (EU) 2015/774 of the European Central Bank (ECB/2015/10) ⁽¹⁾ which established a secondary markets public sector asset purchase programme (hereinafter the 'PSPP'). Article 5(1) of Decision (EU) 2015/774 (ECB/2015/10) provides that purchases of eligible marketable debt securities under the PSPP are subject to an initial issue share limit of 25 % per international securities identification number (ISIN). This initial limit was to be reviewed by the Governing Council after the first six months of implementation of the PSPP.
- (2) On 3 September 2015, the Governing Council decided in principle to increase the PSPP issue share limit from 25 % to 33 % per ISIN, subject to verification on a case-by-case basis that a holding of 33 % per ISIN would not lead the Eurosystem central banks to reach blocking minority holdings in orderly debt restructurings.
- (3) The envisaged increase of the PSPP issue share limit aims to promote the full and smooth implementation of the PSPP, while at the same time allowing the smooth operation of markets in eligible marketable debt securities and avoiding the obstruction of orderly debt restructurings.
- (4) Therefore, Decision (EU) 2015/774 (ECB/2015/10) should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

Article 5(1) of Decision (EU) 2015/774 (ECB/2015/10) is replaced by the following:

'1. Subject to Article 3, an issue share limit per international securities identification number (ISIN) shall apply under the PSPP to marketable debt securities fulfilling the criteria laid down in Article 3, after consolidating holdings in all of the portfolios of the Eurosystem central banks.'

As of 10 November 2015, the issue share limit is set at 33 % per ISIN. As an exception, the issue share limit is set at 25 % per ISIN for eligible marketable debt securities containing a collective action clause (CAC) that differs from the euro area model CAC elaborated by the Economic and Financial Committee and implemented by the Member States in accordance with Article 12(3) of the Treaty establishing the European Stability Mechanism, but will be increased to 33 %, subject to verification on a case-by-case basis that a holding of 33 % per ISIN would not lead the Eurosystem central banks to reach blocking minority holdings in orderly debt restructurings.'

⁽¹⁾ Decision (EU) 2015/774 of the European Central Bank of 4 March 2015 on a secondary markets public sector asset purchase programme (ECB/2015/10) (OJ L 121, 14.5.2015, p. 20).

*Article 2***Entry into force**

This Decision shall enter into force on 10 November 2015.

Done at Frankfurt am Main, 5 November 2015.

The President of the ECB
Mario DRAGHI

CORRIGENDA**Corrigendum to Council Implementing Decision 2011/848/CFSP of 16 December 2011 implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo**

(Official Journal of the European Union L 335 of 17 December 2011)

On page 83, signature:

for: 'For the Council
The President
T. NALEWAJK',

read: 'For the Council
The President
M. SAWICKI'.

Corrigendum to Council Regulation (EU) No 683/2011 of 17 June 2011 amending Regulation (EU) No 57/2011 as regards fishing opportunities for certain fish stocks

(Official Journal of the European Union L 187 of 16 July 2011)

On the cover, in the table of contents, and on page 1, in the title:

for: 'Council Regulation (EU) No 683/2011 of 17 June 2011 amending Regulation (EU) No 57/2011 ...';
read: 'Council Regulation (EU) No 683/2011 of 20 June 2011 amending Regulation (EU) No 57/2011 ...'.

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