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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/765

of 11 March 2016

amending Regulation (EC) No 606/2009 as regards certain oenological practices

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 ⁽¹⁾ 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, and in particular Article 75(2) and (3)(g) and Article 147(3)(e) thereof,

Whereas:

- (1) In accordance with Article 3 of Commission Regulation (EC) No 606/2009 ⁽²⁾, authorised oenological practices are laid down in Annex I A to that Regulation. The International Organisation of Vine and Wine (OIV) has adopted three new oenological practices, concerning the use of malolactic fermentation activators, the treatment of wine with glutathione and the treatment of must with glutathione. In order to take account of technical progress and to provide Union producers with the same possibilities as those available to third-country producers, those new oenological practices should be authorised in the Union under the conditions of use defined by the OIV.
- (2) In accordance with Article 80(3)(b) of Regulation (EC) No 1308/2013, when authorising oenological practices for wine, the Commission has to take into account the protection of human health.
- (3) Glutathione is used for its antioxidative properties and remains active in the final product, therefore it is used as a food additive. However it is not currently included in the Union list of food additives approved for use in foods set out in Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council ⁽³⁾. Consequently, the treatment of wine with glutathione and the treatment of must with glutathione cannot be authorised as new oenological practices in the Union until it is included in the Union list of food additives, on the basis of a European Food Safety Authority positive opinion as regards glutathione, as set out in Article 3(2) of Regulation (EC) No 1331/2008 of the European Parliament and the Council ⁽⁴⁾.
- (4) Regulation (EC) No 606/2009 should therefore be amended accordingly,

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1).

⁽³⁾ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

⁽⁴⁾ Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EC) No 606/2009

Annex I A to Regulation (EC) No 606/2009 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 11 March 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Annex I A to Regulation (EC) No 606/2009 is amended as follows:

(1) in the table, the following row 56 is added:

	1	2	3
	Oenological practice	Conditions of use	Limits on use Applications
'56	Use of malolactic fermentation activators	Under the conditions laid down in Appendix 22'	

(2) the following Appendix 22 is added:

'Appendix 22

Malolactic fermentation activators

The purpose is to add malolactic fermentation activators at the end or after the alcoholic fermentation to facilitate malolactic fermentation.

Promote the initiation, kinetics or completion of malolactic fermentation:

- (a) by enriching the environment with nutrients and growth factors for acid lactic bacteria;
- (b) by the adsorption of some bacteria inhibitors.

Prescriptions

- (a) Activators are microcrystalline cellulose or products derived from the degradation of yeasts (autolysates, inactivated yeasts, yeast walls).
- (b) Activators can be added to wine or fermenting wine before or during malolactic fermentation.
- (c) The activators do not have to induce to organoleptic deviations in wine.
- (d) Malolactic fermentation activators must comply with the specifications prescribed by the International Oenological Codex published by the OIV. If the activators are microcrystalline cellulose they must comply with the specifications laid down in the Annex to Commission Regulation (EU) No 231/2012 (*).

(*) Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).

COMMISSION REGULATION (EU) 2016/766
of 13 May 2016
establishing a temporary prohibition of fishing for redfish in NAFO 3M area by vessels flying the flag of a Member State of the European Union

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) 2016/72 ⁽²⁾ lays down quotas for 2016.
- (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 European Union have exhausted the mid-term quota allocated for the period before 1 July 2016.
- (3) It is therefore necessary to prohibit directed fishing activities for that stock until 30 June 2016,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member States referred to in the Annex to this Regulation for the stock referred to therein for the period from 1 January 2016 until 30 June 2016 included shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Directed fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member States referred to therein shall be prohibited from the date set out in that Annex until 30 June 2016 included.

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*.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104 (OJ L 22, 28.1.2016, p. 1).

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

Done at Brussels, 13 May 2016.

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

ANNEX

No	01/TQ72
Member state	European Union (All Member States)
Stock	RED/N3M
Species	Redfish (<i>Sebastes</i> spp.)
Zone	NAFO 3M
Closing date	23.2.2016 till 30.6.2016

COMMISSION IMPLEMENTING REGULATION (EU) 2016/767**of 17 May 2016****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, 17 May 2016.

*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	MA	107,7
	TR	71,0
	ZZ	89,4
0707 00 05	TR	116,3
	ZZ	116,3
0709 93 10	TR	138,6
	ZZ	138,6
0805 10 20	EG	47,3
	IL	89,1
	MA	55,2
	TR	31,5
	ZA	81,4
	ZZ	60,9
	ZZ	60,9
0805 50 10	ZA	161,1
	ZZ	161,1
0808 10 80	AR	109,2
	BR	100,8
	CL	117,3
	CN	95,4
	NZ	153,4
	US	163,7
	ZA	95,5
	ZZ	119,3
	ZZ	119,3

⁽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 (EU) 2016/768

of 21 April 2016

on the acceptance of the Amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(6)(a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Union is a party to the United Nations Economic Commission for Europe (UNECE) 1979 Convention on Long-Range Transboundary Air Pollution ('the Convention'), following its approval in 1981 ⁽¹⁾.
- (2) The Union is a party to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals ('the Protocol'), following its approval on 4 April 2001 ⁽²⁾.
- (3) The parties to the Protocol opened negotiations in 2009, the scope of which was extended in 2010, with a view to further improving the protection of human health and the environment, including through the updating of emission limit values that addressed emissions of air pollutants at source.
- (4) In 2012, the parties present at the 31st session of the Executive Body of the Convention adopted by consensus Decisions 2012/5 and 2012/6 amending the Protocol.
- (5) The amendments set out in Decision 2012/6 entered into force and became effective on the basis of the expedited procedure provided for in Article 13(4) of the Protocol.
- (6) The amendments set out in Decision 2012/5 require acceptance by the parties to the Protocol in accordance with Article 13(3) of the Protocol.
- (7) The Union has already adopted instruments on matters covered by the amendments to the Protocol, including Directive 2010/75/EU of the European Parliament and of the Council ⁽³⁾.
- (8) The amendments to the Protocol set out in Decision 2012/5 should therefore be accepted on behalf of the Union,

⁽¹⁾ OJ L 171, 27.6.1981, p. 11.

⁽²⁾ OJ L 134, 17.5.2001, p. 40.

⁽³⁾ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

HAS ADOPTED THIS DECISION:

Article 1

The amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals ('the Protocol') are hereby accepted on behalf of the Union.

The text of the amendments to the Protocol as set out in the Annex to Decision 2012/5/EC of the Executive Body of the Convention is attached to this Decision.

Article 2

The President of the Council shall designate the person(s) empowered to deposit, on behalf of the Union, as regards matters falling within the Union's competence, the instrument of acceptance provided for in Article 13(3) of the Protocol ⁽¹⁾.

Article 3

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

Done at Luxembourg, 21 April 2016.

For the Council
The President
G.A. VAN DER STEUR

⁽¹⁾ The date of entry into force of the amendments to the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AMENDMENTS TO THE PROTOCOL**as set out in the Annex to Decision 2012/5 of the Executive Body of the Convention**

(a) Article 1

1. In paragraph 10 the words ‘of: (i) this Protocol; or (ii) an amendment to annex I or II, where the stationary source becomes subject to the provisions of this Protocol only by virtue of that amendment’ are replaced by the words ‘for a Party of the present Protocol. A Party may decide not to treat as a new stationary source any stationary source for which approval has already been given by the appropriate competent national authority at the time of entry into force of the Protocol for that Party and provided that the construction or substantial modification is commenced within five years of that date’.
2. A new paragraph 12 is added after paragraph 11 as follows:

‘12. The terms “this Protocol”, “the Protocol” and “the present Protocol” mean the 1998 Protocol on Heavy Metals, as amended from time to time.’

(b) Article 3

3. In paragraph 2, the word ‘Each’ is replaced by the words ‘Subject to paragraphs 2 bis and 2 ter, each’.
4. In paragraph 2 (a) the words ‘for which annex III identifies best available techniques’ are replaced by the words ‘for which guidance adopted by the Parties at a session of the Executive Body identifies best available techniques’.
5. In paragraph 2 (c) the words ‘for which annex III identifies best available techniques’ are replaced by the words ‘for which guidance adopted by the Parties at a session of the Executive Body identifies best available techniques’.
6. New paragraphs 2 bis and 2 ter are inserted after paragraph 2 as follows:

‘2 bis. A Party that was already a Party to the present Protocol prior to the entry into force of an amendment that introduces new source categories may apply the limit values applicable to an “existing stationary source” to any source in such a new category the construction or substantial modification of which is commenced before the expiry of two years from the date of entry into force of that amendment for that Party, unless and until that source later undergoes substantial modification.

2 ter. A Party that was already a Party to the present Protocol prior to the entry into force of an amendment that introduces new limit values applicable to a “new stationary source” may continue to apply the previously applicable limit values to any source the construction or substantial modification of which is commenced before the expiry of two years from the date of entry into force of that amendment for that Party, unless and until that source later undergoes substantial modification.’
7. In paragraph 5:
 - (a) The words ‘, for those Parties within geographical scope of EMEP, using as a minimum the methodologies specified by the Steering Body of EMEP, and, for those Parties outside the geographical scope of EMEP, using as guidance the methodologies developed through the work plan of the Executive Body’ are deleted and replaced by a full stop ‘.’.
 - (b) The following text is added after the first sentence:

‘Parties within the geographic scope of EMEP shall use the methodologies specified in guidelines prepared by the Steering Body of EMEP and adopted by the Parties at a session of the Executive Body. Parties in areas outside the geographic scope of EMEP shall use as guidance the methodologies developed through the workplan of the Executive Body.’
8. A new paragraph 8 is added at the end of article 3, as follows:

‘8. Each Party should actively participate in programmes under the Convention on the effects of air pollution on human health and the environment and programmes on atmospheric monitoring and modelling.’

(c) Article 3 bis

9. A new article 3 bis is added as follows:

'Article 3 bis

Flexible transitional arrangements

1. Notwithstanding article 3, paragraphs 2 (c) and 2 (d), a Party to the Convention that becomes a Party to the present Protocol between 1 January 2014 and 31 December 2019 may apply flexible transitional arrangements for the implementation of best available techniques and limit values to existing stationary sources in specific stationary source categories under the conditions specified in this article.

2. Any Party electing to apply the flexible transitional arrangements under this article shall indicate in its instrument of ratification, acceptance, approval or accession to the present Protocol the following:

- (a) The specific stationary source categories listed in annex II for which the Party is electing to apply flexible transitional arrangements, provided that no more than four such categories may be listed;
- (b) Stationary sources for which construction or the last substantial modification commenced prior to 1990 or an alternative year of the period 1985–1995 inclusive, specified by a Party upon ratification, acceptance, approval or accession, which are eligible for flexible transitional arrangements as set out in paragraph 5; and
- (c) An implementation plan consistent with paragraphs 3 and 4 identifying a timetable for full implementation of the specified provisions.

3. A Party shall, as a minimum, apply best available techniques for existing stationary sources in categories 1, 2, 5 and 7 of annex II no later than eight years after the entry into force of the present Protocol for the Party, or 31 December 2022, whichever is sooner, except as provided in paragraph 5.

4. In no case may a Party's application of best available techniques or limit values for any existing stationary sources be postponed past 31 December 2030.

5. With respect to any source or sources indicated pursuant to paragraph 2 (b), a Party may decide, no later than eight years after entry into force of the present Protocol for the Party, or 31 December 2022, whichever is sooner, that such source or sources will be closed down. A list of such sources shall be provided as part of the Party's next report pursuant to paragraph 6. Requirements for application of best available techniques and limit values will not apply to any such source or sources, provided the source or sources are closed down no later than 31 December 2030. For any such source or sources not closed down as of that date, a Party must thereafter apply the best available techniques and limit values applicable to new sources in the applicable source category.

6. A Party electing to apply the flexible transitional arrangements under this article shall provide the Executive Secretary of the Commission with triennial reports of its progress towards implementation of best available techniques and limit values to the stationary sources in the stationary source categories identified pursuant to this article. The Executive Secretary of the Commission will make such triennial reports available to the Executive Body.'

(d) Article 7

10. In paragraph 1 (a):

- (a) The semi-colon at the end of the paragraph ';' is replaced by '. Moreover:';

and

- (b) New subparagraphs (i) and (ii) are inserted as follows:

- (i) Where a Party applies different emission reduction strategies under article 3 paragraphs 2 (b), (c) or (d), it shall document the strategies applied and its compliance with the requirements of those paragraphs;

- (ii) Where a Party judges the application of certain limit values, as specified in accordance with article 3, paragraph 2 (d), not to be technically and economically feasible, it shall report and justify this;

11. For paragraph 1 (b) there is substituted the following:

- (b) Each Party within the geographical scope of EMEP shall report to EMEP, through the Executive Secretary of the Commission, information on the levels of emissions of heavy metals listed in annex I, using the methodologies specified in guidelines prepared by the Steering Body of EMEP and adopted by the Parties at a session of the Executive Body. Parties in areas outside the geographical scope of EMEP shall report available information on levels of emissions of the heavy metals listed in annex I. Each Party shall also provide information on the levels of emissions of the substances listed in annex I for the reference year specified in that annex;

12. New paragraphs are added after paragraph 1 (b) as follows:

- (c) Each Party within the geographical scope of EMEP should report available information to the Executive Body, through the Executive Secretary of the Commission, on its air pollution effects programmes on human health and the environment and atmospheric monitoring and modelling programmes under the Convention using guidelines adopted by the Executive Body;
- (d) Parties in areas outside the geographical scope of EMEP should make available information similar to that specified in subparagraph (c), if requested to do so by the Executive Body.

13. In paragraph 3:

- (a) The words 'In good time before each annual session of' are replaced by 'Upon the request of and in accordance with timescales decided by';
- (b) The words 'and other subsidiary bodies' are inserted after the word 'EMEP';
- (c) The word 'relevant' is inserted after the word 'provide'.

(e) Article 8

14. The words 'EMEP shall, using appropriate models and measurements and in good time before each annual session of the Executive Body' are replaced by 'Upon the request of and in accordance with timescales decided by the Executive Body, EMEP and its technical bodies and centres shall, using appropriate models and measurements,'.

(f) Article 10

15. In paragraph 4:

- (a) The word 'consider' is inserted after the word 'shall';
- (b) The word 'develop' is replaced by the word 'developing';
- (c) The words 'to reduce emissions into the atmosphere of the heavy metals listed in annex I' are deleted.

(g) Article 13

16. In paragraph 3:

- (a) The words 'and to annexes I, II, IV, V and VI' are replaced by the words 'other than to annexes III and VII';
- (b) The words 'on which two thirds of the Parties' are replaced by the words 'on which two thirds of those that were Parties at the time of their adoption'

17. In paragraph 4 the word 'ninety' is replaced by the figure '180'.

18. In paragraph 5 the word 'ninety' is replaced by the figure '180'.

19. New paragraphs 5 bis and 5 ter are inserted after paragraph 5 as follows:

'5 bis. For those Parties having accepted it, the procedure set out in paragraph 5 ter supersedes the procedure set out in paragraph 3 in respect of amendments to annexes II, IV, V and VI.

5 ter. Amendments to annexes II, IV, V and VI shall be adopted by consensus of the Parties present at a session of the Executive Body. On the expiry of one year from the date of its communication to all Parties by the Executive Secretary of the Commission, an amendment to any such annex shall become effective for those Parties which have not submitted to the Depositary a notification in accordance with the provisions of subparagraph (a):

(a) Any Party that is unable to approve an amendment to annexes II, IV, V and VI shall so notify the Depositary in writing within one year from the date of the communication of its adoption. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the Depositary, the amendment to such an annex shall become effective for that Party;

(b) Any amendment to annexes II, IV, V and VI shall not enter into force if an aggregate number of 16 or more Parties have either:

(i) Submitted a notification in accordance with the provisions of subparagraph (a); or

(ii) Not accepted the procedure set out in this paragraph and not yet deposited an instrument of acceptance in accordance with the provisions of paragraph 3.'

(h) Article 15

20. A new paragraph 3 is added after paragraph 2 as follows:

'3. A State or regional economic integration organization shall declare in its instrument of ratification, acceptance, approval or accession if it does not intend to be bound by the procedures set out in article 13, paragraph 5 ter, as regards the amendment of annexes II, IV, V and VI.'

(i) Annex II

21. In the table under subheading II, the words 'lead and zinc' in the first line under the description of category 5 are replaced with the words 'lead, zinc and silico- and ferro-manganese alloys'.

(j) Annex IV

22. The number '1.' is added in front of the first paragraph.

23. In subparagraph (a), the words 'for a Party' are inserted after the word 'Protocol'.

24. In subparagraph (b):

(a) In the first sentence the word 'eight' is replaced by the word 'two'.

(b) At the end of the first sentence, the words 'for a Party or 31 December 2020, whichever is the later' are inserted after the word 'Protocol'.

(c) The last sentence is deleted.

25. At the end of the annex new paragraphs 2 and 3 are inserted as follows:

- '2. Notwithstanding paragraph 1, but subject to paragraph 3, a Party to the Convention that becomes a Party to the present Protocol between 1 January 2014, and 31 December 2019, may declare upon ratification, acceptance, approval of, or accession to, the present Protocol that it will extend the timescales for application of the limit values referred to in article 3, paragraph 2 (d) up to 15 years after the date of entry into force of the present Protocol for the Party in question.
3. A Party that has made an election pursuant to article 3 bis of the present Protocol with respect to a particular stationary source category may not also make a declaration pursuant to paragraph 2 applicable to the same source category.'

(k) Annex V

26. For Annex V the following text is substituted:

'ANNEX V

Limit values for controlling emissions from major stationary sources

1. Two types of limit value are important for heavy metal emission control:
 - (a) Values for specific heavy metals or groups of heavy metals; and
 - (b) Values for emissions of particulate matter in general.
2. In principle, limit values for particulate matter cannot replace specific limit values for cadmium, lead and mercury because the quantity of metals associated with particulate emissions differs from one process to another. However, compliance with these limits contributes significantly to reducing heavy metal emissions in general. Moreover, monitoring particulate emissions is generally less expensive than monitoring individual species and continuous monitoring of individual heavy metals is in general not feasible. Therefore, particulate matter limit values are of great practical importance and are also laid down in this annex in most cases to complement specific limit values for cadmium or lead or mercury.
3. Section A applies to Parties other than the United States of America. Section B applies to the United States of America.

A. Parties other than the United States of America

4. In this section only, "dust" means the mass of particles, of any shape, structure or density, dispersed in the gas phase at the sampling point conditions which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and which remain upstream of the filter and on the filter after drying under specified conditions.
5. For the purpose of this section, "emission limit value" (ELV) or "limit value" means the quantity of dust and specific heavy metals under this Protocol contained in the waste gases from an installation that is not to be exceeded. Unless otherwise specified, it shall be calculated in terms of mass of pollutant per volume of the waste gases (expressed as mg/m³), assuming standard conditions for temperature and pressure for dry gas (volume at 273,15 K, 101,3 kPa). With regard to the oxygen content of the waste gas, the values given for selected major stationary source categories shall apply. Dilution for the purpose of lowering concentrations of pollutants in waste gases is not permitted. Start-up, shutdown and maintenance of equipment are excluded.
6. Emissions shall be monitored in all cases via measurements or through calculations achieving at least the same accuracy. Compliance with limit values shall be verified through continuous or discontinuous measurements, or any other technically sound method including verified calculation methods. Measurements of relevant heavy metals shall be made at least once every three years for each industrial source. Guidance documents on the methods for undertaking measurements and calculations adopted by the Parties at the session of the Executive Body shall be taken into account. In case of continuous

measurements, compliance with the limit value is achieved if the validated monthly emission average does not exceed the ELV. In case of discontinuous measurements or other appropriate determination or calculation procedures, compliance with the ELVs is achieved if the mean value based on an appropriate number of measurements under representative conditions does not exceed the value of the emission standard. The inaccuracy of the measurement methods may be taken into account for verification purposes. Indirect monitoring of substances is also possible via sum parameters/cumulative parameters (e.g., dust as a sum parameter for heavy metals). In some cases using a certain technique to treat emissions can assure a value/limit value is maintained or met.

7. Monitoring of relevant polluting substances and measurements of process parameters, as well as the quality assurance of automated measuring systems and the reference measurements to calibrate those systems, shall be carried out in accordance with CEN standards. If CEN standards are not available, ISO standards, national standards or international standards which will ensure the provisions of data of an equivalent scientific quality shall apply.

Combustion plants (boilers and process heaters) with a rated thermal input exceeding 50 MWth⁽¹⁾ (annex II, category 1)

8. Limit values for dust emissions for combustion of solid and liquid fuels, other than biomass and peat: ⁽²⁾

Table 1

Fuel type	Thermal input (MWth)	ELV for dust (mg/m ³) ^(a)
Solid fuels	50–100	New plants: 20 (coal, lignite and other solid fuels)
		Existing plants: 30 (coal, lignite and other solid fuels)
	100–300	New plants: 20 (coal, lignite and other solid fuels)
		Existing plants: 25 (coal, lignite and other solid fuels)
	> 300	New plants: 10 (coal, lignite and other solid fuels)
		Existing plants: 20 (coal, lignite and other solid fuels)

⁽¹⁾ The rated thermal input of the combustion plant is calculated as the sum of the input of all units connected to a common stack. Individual units below 15 MWth shall not be considered when calculating the total rated thermal input.

⁽²⁾ In particular, the ELVs shall not apply to:

- Plants using biomass and peat as their only fuel source
- Plants in which the products of combustion are used for direct heating, drying, or any other treatment of objects or materials;
- Post-combustion plants designed to purify the waste gases by combustion which are not operated as independent combustion plants;
- Facilities for the regeneration of catalytic cracking catalysts;
- Facilities for the conversion of hydrogen sulphide into sulphur;
- Reactors used in the chemical industry;
- Coke battery furnaces;
- Cowpers;
- Recovery boilers within installations for the production of pulp;
- Waste incinerators; and
- Plants powered by diesel, petrol or gas engines or by combustion turbines, irrespective of the fuel used.

<i>Fuel type</i>	<i>Thermal input (MWth)</i>	<i>ELV for dust (mg/m³) ^(e)</i>
Liquid fuels	50–100	New plants: 20
		Existing plants: 30 (in general) 50 for the firing of distillation and conversion residues within refineries from the refining of crude oil for own consumption in combustion plants
Liquid fuels	100–300	New plants: 20
		Existing plants: 25 (in general) 50 for the firing of distillation and conversion residues within refineries from the refining of crude oil for own consumption in combustion plants
	> 300	New plants: 10
		Existing plants: 20 (in general) 50 for the firing of distillation and conversion residues within refineries from the refining of crude oil for own consumption in combustion plants

^(e) Limit values refer to an oxygen content of 6 % for solid fuels and 3 % for liquid fuels.

9. Special provisions for combustion plants referred to in paragraph 8:

- (a) A Party may derogate from the obligation to comply with the ELVs provided for in paragraph 8 in the following cases:
 - (i) For combustion plants normally using gaseous fuel which have to resort exceptionally to the use of other fuels because of a sudden interruption in the supply of gas and for this reason would need to be equipped with a waste gas purification facility;
 - (ii) For existing combustion plants not operated more than 17 500 operating hours, starting from 1 January 2016 and ending no later than 31 December 2023;
- (b) Where a combustion plant is extended by at least 50 MWth, the ELV specified in paragraph 8 for new installations shall apply to the extensional part affected by the change. The ELV is calculated as an average weighted by the actual thermal input for both the existing and the new part of the plant;
- (c) Parties shall ensure that provisions are made for procedures relating to malfunction or breakdown of the abatement equipment;
- (d) In the case of a multi-fuel firing combustion plant involving the simultaneous use of two or more fuels, the ELV shall be determined as the weighted average of the ELVs for the individual fuels, on the basis of the thermal input delivered by each fuel.

Primary and secondary iron and steel industry (annex II, category 2 and 3)

10. Limit values for dust emissions:

Table 2

Activity	ELV for dust (mg/m ³)
Sinter plant	50
Pelletization plant	20 for crushing, grinding and drying 15 for all other process steps
Blast furnace: hot stoves	10
Basic oxygen steelmaking and casting	30
Electric steelmaking and casting	15 (existing) 5 (new)

Iron foundries (annex II, category 4)

11. Limit values for dust emissions for iron foundries:

Table 3

Activity	ELV for dust (mg/m ³)
Iron foundries: all furnaces (cupola, induction, rotary); all mouldings (lost, permanent)	20
Hot rolling	20 50 where a bag filter cannot be applied due to the presence of wet fumes

Production and processing of copper, zinc and silico- and ferro- manganese alloys, including Imperial Smelting furnaces (annex II, categories 5 and 6)

12. Limit value for dust emissions for copper, zinc and silico- and ferro-manganese alloys production and processing:

Table 4

	ELV for dust (mg/m ³)
Non-ferrous metal production and processing	20

Production and processing of lead (annex II, categories 5 and 6)

13. Limit value for dust emissions for lead production and processing:

Table 5

	ELV for dust (mg/m ³)
Lead production and processing	5

Cement industry (annex II, category 7)

14. Limit values for dust emissions for cement production:

Table 6

	ELV for dust (mg/m ³) ^(a)
Cement installations, kilns, mills and clinker coolers	20
Cement installations, kilns, mills and clinker coolers using co-incineration of waste	20

^(a) Limit values refer to an oxygen content of 10 %.

Glass industry (annex II, category 8)

15. Limit values for dust emissions for glass manufacturing:

Table 7

	ELV for dust (mg/m ³) ^(a)
New installations	20
Existing installations	30

^(a) Limit values refer to an oxygen content of 8 % for continuous melting and 13 % for discontinuous melting.

16. Limit value for lead emissions for glass manufacturing: 5 mg/m³.

Chlor-alkali industry (annex II, category 9)

17. Existing chlor-alkali plants using the mercury cell process shall convert to use of mercury free technology or close by 31 December 2020; during the period up until conversion the levels of mercury released by a plant into the air of 1 g per Mg ⁽¹⁾ chlorine production capacity apply.

18. New chlor-alkali plants are to be operated mercury free.

Waste incineration (annex II, categories 10 and 11)

19. Limit value for dust emissions for waste incineration:

Table 8

	ELV for dust (mg/m ³) ^(a)
Municipal, non-hazardous, hazardous and medical waste incineration	10

^(a) Limit value refers to an oxygen content of 11 %.

⁽¹⁾ 1 Mg = 1 tonne.

20. Limit value for mercury emissions for waste incineration: 0,05 mg/m³.
21. Limit value for mercury emissions for co-incineration of waste in source categories 1 and 7: 0,05 mg/m³.

B. United States of America

22. Limit values for controlling emissions of particulate matter and/or specific heavy metals from stationary sources in the following stationary source categories, and the sources to which they apply, are specified in the following documents:
- (a) Steel Plants: Electric Arc Furnaces — 40 C.F.R. Part 60, Subpart AA and Subpart AAa;
 - (b) Small Municipal Waste Combustors — 40 C.F.R. Part 60, Subpart AAAA;
 - (c) Glass Manufacturing — 40 C.F.R. Part 60, Subpart CC;
 - (d) Electric Utility Steam Generating Units — 40 C.F.R. Part 60, Subpart D and Subpart Da;
 - (e) Industrial-Commercial-Institutional Steam Generating Units — 40 C.F.R. Part 60, Subpart Db and Subpart Dc;
 - (f) Municipal Waste Incinerators — 40 C.F.R. Part 60, Subpart E, Subpart Ea and Subpart Eb;
 - (g) Hospital/Medical/Infectious Waste Incinerators — 40 C.F.R. Part 60, Subpart Ec;
 - (h) Portland Cement — 40 C.F.R. Part 60, Subpart F;
 - (i) Secondary Lead Smelters — 40 C.F.R. Part 60, Subpart L;
 - (j) Basic Oxygen Process Furnaces — 40 C.F.R. Part 60, Subpart N;
 - (k) Basic Process Steelmaking Facilities (after 20 January 1983) — 40 C.F.R. Part 60, Subpart Na;
 - (l) Primary Copper Smelters — 40 C.F.R. Part 60, Subpart P;
 - (m) Primary Zinc Smelters — 40 C.F.R. Part 60, Subpart Q;
 - (n) Primary Lead Smelters — 40 C.F.R. Part 60, Subpart R;
 - (o) Ferroalloy Production Facilities — 40 C.F.R. Part 60, Subpart Z;
 - (p) Other Solid Waste Incineration Units (after 9 December 2004) — 40 C.F.R. Part 60, Subpart EEEE;
 - (q) Secondary lead smelters — 40 C.F.R. Part 63, Subpart X;
 - (r) Hazardous waste combustors — 40 C.F.R. Part 63, Subpart EEE;
 - (s) Portland cement manufacturing — 40 C.F.R. Part 63, Subpart LLL;
 - (t) Primary copper — 40 C.F.R. Part 63, Subpart QQQ;
 - (u) Primary lead smelting — 40 C.F.R. Part 63, Subpart TTT;
 - (v) Iron and steel foundries — 40 C.F.R. Part 63, Subpart EEEEE;
 - (w) Integrated iron and steel manufacturing — 40 C.F.R. Part 63, Subpart FFFFF;
 - (x) Electric Arc Furnace Steelmaking Facilities — 40 C.F.R. Part 63, Subpart YYYYY;
 - (y) Iron and steel foundries — 40 C.F.R. Part 63, Subpart ZZZZ;
 - (z) Primary Copper Smelting Area Sources — 40 C.F.R. Part 63, Subpart EEEEE;

- (aa) Secondary Copper Smelting Area Sources — 40 C.F.R. Part 63, Subpart FFFFFF;
 - (bb) Primary Nonferrous Metals Area Sources: Zinc, Cadmium, and Beryllium — 40 C.F.R. Part 63, Subpart GGGGGG;
 - (cc) Glass manufacturing (area sources) — 40 C.F.R. Part 63, Subpart SSSSSS;
 - (dd) Secondary Nonferrous Metal Smelter (Area Sources) — 40 C.F.R. Part 63, Subpart TTTTTT;
 - (ee) Ferroalloys Production (Area Sources) — 40 C.F.R. Part 63, Subpart YYYYYY;
 - (ff) Aluminum, Copper, and Nonferrous Foundries (Area Sources) — 40 C.F.R. Part 63, Subpart ZZZZZZ;
 - (gg) Standards of Performance for Coal Preparation and Processing Plants — 40 C.F.R. Part 60, Subpart Y;
 - (hh) Industrial, Commercial, Institutional and Process Heaters — 40 C.F.R. Part 63, Subpart DDDDD;
 - (ii) Industrial, Commercial and Institutional Boilers (Area Sources) — 40 C.F.R. Part 63, Subpart JJJJJ;
 - (jj) Mercury Cell Chlor-Alkali Plants — 40 C.F.R. Part 63, Subpart IIII;
- and
- (kk) Standards of Performance Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999, or for which Modification or Reconstruction is Commenced on or after 1 June 2001 — 40 C.F.R. Part 60, Subpart CCCC.'

(l) Annex VI

27. In paragraph 1:

- (a) The words 'Except as otherwise provided in this annex, no' are deleted and replaced by 'No';
- (b) The words 'six months after' are deleted;
- (c) The words 'for a Party' are added after the word 'Protocol'.

28. Paragraph 3 is deleted.

29. In paragraph 4, the word 'A' is replaced by the words 'Notwithstanding paragraph 1, a'.

30. In paragraph 5, the following text is substituted for the chapeau prior to subparagraph (a):

'Each Party shall, no later than the date of entry into force of this Protocol for that Party, achieve concentration levels which do not exceed:'

COUNCIL DECISION (EU) 2016/769**of 21 April 2016****on the acceptance of the Amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(6)(a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Union is a party to the United Nations Economic Commission for Europe (UNECE) 1979 Convention on Long-Range Transboundary Air Pollution ('the Convention'), following its approval in 1981 ⁽¹⁾.
- (2) The Union is a party to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants ('the Protocol'), following its approval on 19 February 2004 ⁽²⁾.
- (3) The parties to the Protocol opened negotiations in 2007 with a view to further improving the protection of human health and the environment, including through the updating of the list of substances concerned and the emission limit values applicable to certain waste incinerators.
- (4) In 2009, the parties present at the 27th session of the Executive Body of the Convention adopted by consensus Decisions 2009/1/EC, 2009/2/EC and 2009/3 amending the Protocol.
- (5) The amendments set out in Decision 2009/3/EC entered into force and became effective on the basis of the expedited procedure provided for in Article 14(4) of the Protocol.
- (6) The amendments set out in Decisions 2009/1/EC and 2009/2/EC require acceptance by the parties to the Protocol in accordance with Article 14(3) of the Protocol.
- (7) The Union has already adopted instruments on matters covered by the amendments to the Protocol, including Regulation (EC) No 850/2004 of the European Parliament and of the Council ⁽³⁾.
- (8) The amendments to the Protocol set out in Decisions 2009/1/EC and 2009/2/EC should therefore be accepted on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants ('the Protocol') are hereby accepted on behalf of the Union.

⁽¹⁾ OJ L 171, 27.6.1981, p. 11.

⁽²⁾ OJ L 81, 19.3.2004, p. 35.

⁽³⁾ Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7).

The texts of the amendments to the Protocol as set out in Article 1 of Decision 2009/1/EC and Article 1 of Decision 2009/2/EC of the Executive Body of the Convention are attached to this Decision.

Article 2

The President of the Council shall designate the person(s) empowered to deposit, on behalf of the Union, as regards matters falling within the Union's competence, the instrument of acceptance provided for in Article 14(3) of the Protocol ⁽¹⁾.

Article 3

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

Done at Luxembourg, 21 April 2016.

For the Council
The President
G.A. VAN DER STEUR

⁽¹⁾ The date of entry into force of the amendments to the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AMENDMENTS TO THE PROTOCOL**as set out in Article 1 of Decision 2009/1/EC of the Executive Body of the Convention**

A. Article 1

For paragraph 12 there shall be substituted:

“New stationary source” means any stationary source of which the construction or substantial modification is commenced after the expiry of 2 years from the date of entry into force for a Party of:

- (a) the present Protocol; or
- (b) an amendment to the present Protocol that, with respect to a stationary source, either introduces new limit values in Part II of Annex IV or introduces the category in Annex VIII in which that source falls.

It shall be a matter for the competent national authorities to decide whether a modification is substantial or not, taking into account such factors as the environmental benefits of the modification.’

B. Article 3

1. In Article 3, paragraph 5(b)(i) and (iii) of the POPs Protocol, for the words:

‘for which Annex V identifies best available techniques’

there shall be substituted:

‘for which guidance adopted by the Parties at a session of the Executive Body identifies best available techniques’.

2. The semi-colon at the end of paragraph 5(b)(iv) shall be changed to a full stop.
3. Paragraph 5(b)(v) is deleted.

C. Article 13

The words ‘Annexes V and VII are’ shall be replaced by the words ‘Annex V is’

D. Article 14

1. Paragraph 3 shall be replaced by the following:

‘3. Amendments to the present Protocol and to Annexes I to IV, VI and VIII shall be adopted by consensus of the Parties present at a session of the Executive Body, and shall enter into force for the Parties which have accepted them on the ninetieth day after the date on which two thirds of those that were Parties at the time of their adoption have deposited with the Depositary their instruments of acceptance thereof. Amendments shall enter into force for any other Party on the ninetieth day after the date on which that Party has deposited its instrument of acceptance thereof. This paragraph shall be subject to paragraphs 5 bis and 5 ter below.’

2. In paragraph 4, for the words ‘Annexes V and VII’ shall be substituted ‘Annex V’ and for the words ‘any such Annex’ shall be substituted ‘Annex V’.
3. In paragraph 5, the words ‘or VII’ shall be deleted and for the words ‘such an Annex’ shall be substituted ‘Annex V’.
4. After paragraph 5, the following new paragraphs shall be added:

‘5 bis. For those Parties having accepted it, the procedure set out in paragraph 5ter below shall supersede the procedure set out in paragraph 3 above in respect of amendments to Annexes I to IV, VI and VIII.’

- 5 ter. (a) Amendments to Annexes I to IV, VI and VIII shall be adopted by consensus of the Parties present at a session of the Executive Body. On the expiry of one year from the date of its communication to all Parties by the Executive Secretary of the Commission, an amendment to any such Annex shall become effective for those Parties which have not submitted to the Depositary a notification in accordance with the provisions of subparagraph (b) below;
- (b) Any Party that is unable to approve an amendment to Annexes I to IV, VI and VIII shall so notify the Depositary in writing within one year from the date of the communication of its adoption. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the Depositary, the amendment to such an Annex shall become effective for that Party;
- (c) Any amendment to Annexes I to IV, VI and VIII shall not enter into force if an aggregate number of sixteen or more Parties have either:
- (i) Submitted a notification in accordance with the provisions of subparagraph (b) above; or
- (ii) Not accepted the procedure set out in this paragraph and not yet deposited an instrument of acceptance in accordance with the provisions of paragraph 3 above.'

E. Article 16

A new paragraph shall be added after paragraph 2 as follows:

'3. A State or Regional Economic Integration Organisation shall declare in its instrument of ratification, acceptance, approval or accession if it does not intend to be bound by the procedures set out in Article 14, paragraph 5 ter as regards the amendment of Annexes I to IV, VI and VIII.'

F. Annex I

- In the listing for the substance DDT, the conditions (numbered 1 and 2) on elimination of production shall be deleted and replaced by the word 'None' and the words 'except as identified in Annex II' in the conditions on use shall be deleted.
- In the listing for the substance Heptachlor, the conditions on use shall be deleted and replaced by the word 'None'.
- In the listing for the substance Hexachlorobenzene, the conditions on production and use shall be deleted and in each case replaced by the word 'None'.
- Listings for the following substances shall be added by inserting in appropriate alphabetical order the following rows:

'Hexachlorobutadiene CAS: 87-68-3	Production	None
	Use	None
Hexachlorocyclohexanes (HCH) (CAS: 608-731), including lindane (CAS: 58-89-9)	Production	None
	Use	None, except for the gamma isomer of HCH (lindane), used as topical insecticide for public health purposes. Such uses shall be re-evaluated under this Protocol in 2012 or one year after the amendment enters into force, whichever is later.

Hexabromodiphenyl ether ^(a) and heptabromodiphenyl ether ^(a)	Production	None
	Use	<ol style="list-style-type: none"> 1. A Party may allow recycling of articles that contain or may contain any of these substances, and the use and final disposal of articles manufactured from recycled materials that contain or may contain any of these substances, provided that the recycling and final disposal is carried out in an environmentally sound manner and does not lead to recovery of any of these substances for the purpose of their reuse. 2. Commencing 2013 and every four years subsequently until the above condition is removed or otherwise expires, the Executive Body shall evaluate the progress that Parties have made towards achieving their ultimate objective of elimination of these substances contained in articles and review the continued need for the condition, which shall in any case expire at the latest in 2030.
Tetrabromodiphenyl ether ^(b) and pentabromodiphenyl ether ^(b)	Production	None
	Use	<ol style="list-style-type: none"> 1. A Party may allow recycling of articles that contain or may contain any of these substances, and the use and final disposal of articles manufactured from recycled materials that contain or may contain any of these substances, provided that the recycling and final disposal is carried out in an environmentally sound manner and does not lead to recovery of any of these substances for the purpose of their reuse. 2. Commencing 2013 and every four years subsequently until the above condition is removed or otherwise expires, the Executive Body shall evaluate the progress that Parties have made towards achieving their ultimate objective of elimination of these substances contained in articles and review the continued need for the condition, which shall in any case expire at the latest in 2030.
Pentachlorobenzene CAS: 608-93-5	Production	None
	Use	None
Perfluorooctane sulfonate (PFOS) ^(c)	Production	None, except for production for the uses (a)-(c) below, and (a)-(e) in Annex II
	Use	<p>None, except for the following uses and uses (a)-(e) in Annex II:</p> <ol style="list-style-type: none"> (a) Chromium electroplating, chromium anodizing and reverse etching until 2014; (b) Electroless nickel-polytetrafluoroethylene plating until 2014;

		<p>(c) Etching of plastic substrates prior to their metallization until 2014;</p> <p>(d) Firefighting foams, but only if they have been manufactured or were in use by 18 December 2009</p> <p>With respect to firefighting foams:</p> <p>(i) Parties should endeavour to eliminate by 2014 firefighting foams containing PFOS that were manufactured or in use by 18 December 2009 and shall report on their progress to the Executive Body in 2014;</p> <p>(ii) Based on the reports of the Parties and paragraph (i), the Executive Body shall in 2015 assess whether the use of firefighting foams containing PFOS that were manufactured or in use by 18 December 2009 should be subject to additional restrictions.'</p>
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5. The listing for the substance PCB shall be deleted and replaced by the following row:

'Polychlorinated biphenyls (PCBs) (4)	Production	None
	Use	<p>None. Concerning PCBs in use by the implementation date, Parties shall:</p> <ol style="list-style-type: none"> 1. Make determined efforts designed to lead to: <ol style="list-style-type: none"> (a) The elimination of the use of identifiable PCBs in equipment (i.e. transformers, capacitors or other receptacles containing residual liquid stocks) containing PCBs in volumes greater than 5 dm³ and having a concentration of 0,05 % PCBs or greater, as soon as possible but no later than 31 December 2010, or 31 December 2015 for countries with economies in transition; (b) The destruction or decontamination in an environmentally sound manner of: <ul style="list-style-type: none"> — All liquid PCBs referred to in a subparagraph (a) and other liquid PCBs containing more than 0,005 % PCBs not in equipment, as soon as possible but no later than 31 December 2015, or 31 December 2020 for countries with economies in transition; — All liquid PCBs referred to in a paragraph 2(a) no later than 31 December 2029; (c) The decontamination or disposal of equipment referred in subparagraphs 1(a) and 2(a) in an environmentally sound manner. 2. Endeavour to: <ol style="list-style-type: none"> (a) Identify and remove from use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0,005 % PCBs and volumes greater than 0,05 dm³, as soon as possible but no later than 31 December 2025; (b) Identify other articles containing more than 0,005 % PCBs (e.g. cable sheaths, cured caulk and painted objects) and manage them in accordance with paragraph 3 of Article 3. 3. Ensure that the equipment described in subparagraphs 1(a) and 2(a) is not exported or imported other than for the purpose of environmentally sound waste management.

		<p>4. Promote the following to reduce exposures and risk to control the use of PCBs:</p> <p>(a) Use PCBs only in intact and non-leaking equipment and only in areas where the risk from environmental release can be minimized and quickly remedied;</p> <p>(b) Not use PCBs in equipment in areas associated with the production or processing of food or feed;</p> <p>When PCBs are used in populated areas, including schools and hospitals, take all reasonable measures to prevent electrical failures that could result in a fire, and regularly inspect equipment for leaks.'</p>
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6. Footnote ^(a) at the end of Annex I shall be deleted.

7. The following footnotes shall be added at the end of Annex I:

^(a) "Hexabromodiphenyl ether and heptabromodiphenyl ether" mean 2,2',4,4',5,5'- hexabromodiphenyl ether (BDE-153, CAS No: 68631-49-2), 2,2',4,4',5,6'- hexabromodiphenyl ether (BDE-154, CAS No: 207122-15-4), 2,2',3,3',4,5',6 heptabromodiphenyl ether (BDE-175, CAS No: 446255-22-7), 2,2',3,4,4',5',6- heptabromodiphenyl ether (BDE-183, CAS No: 207122-16-5) and other hexa- and heptabromodiphenyl ethers present in commercial octabromodiphenyl ether.

^(b) "Tetrabromodiphenyl ether and pentabromodiphenyl ether" means 2,2',4,4'-tetrabromodiphenyl ether (BDE-47, CAS No: 40088-47-9) and 2,2',4,4',5-pentabromodiphenyl ether (BDE-99, CAS No: 32534-81-9) and other tetra- and pentabromodiphenyl ethers present in commercial pentabromodiphenyl ether.

^(c) Perfluorooctane sulfonate (PFOS) means substances defined by the molecular formula C₈F₁₇SO₂X, where X = OH, metal salt, halide, amide or other derivatives including polymers.

^(d) "Polychlorinated biphenyls" means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to 10 chlorine atoms.'

G Annex II

1. The listings for the substances DDT, HCH, and PCB in the table appearing after the first paragraph of Annex II, shall be deleted.

2. A listing for the following substance shall be added by inserting in appropriate alphabetical order the following row:

Substance	Implementation requirements	
	Restricted to uses	Conditions
Perfluorooctane sulfonate (PFOS) ^(a)	<p>(a) Photo-resist or anti-reflective coatings for photolithography processes;</p> <p>(b) Photographic coatings applied to films, papers or printing plates;</p>	Parties should take action to eliminate these uses once suitable alternatives are available.

Substance	Implementation requirements	
	Restricted to uses	Conditions
	(c) Mist suppressants for non-decorative hard chromium (VI) plating and wetting agents for use in controlled electroplating systems; (d) Hydraulic fluids for aviation; (e) Certain medical devices (such as ethylene tetrafluoroethylene copolymer (ETFE) layers and radio-opaque ETFE production, in vitro diagnostic medical devices, and CCD colour filters).	No later than 2015 and every four years thereafter, each Party that uses these substances shall report on progress made to eliminate them and submit information on such progress to the Executive Body. Based on these reports, these restricted uses shall be reassessed.

(^a) Perfluorooctane sulfonate (PFOS) means substances defined by the molecular formula C₈F₁₇SO₂X, where X = OH, metal salt, halide, amide or other derivatives including polymers.

H. Annex III

1. The text under the heading 'Reference year' for each of the substances listed in Annex III shall be deleted and replaced by the following:

'1990; or an alternative year from 1985 to 1995 inclusive, or for countries with economies in transition, an alternative year from 1985 to the year of the entry into force of the Protocol for a Party, and as specified by that Party upon ratification, acceptance, approval or accession'

2. In the listing for the substance Hexachlorobenzene, under the name of the substance shall be added the following text: 'CAS: 118-74-1'.
3. A listing for the substance PCBs shall be added by inserting at the end of the chart the following row:

'PCBs (^e)	2005; or an alternative year from 1995 to 2010 inclusive, or for countries with economies in transition, an alternative year from 1995 to the year of the entry into force of the Protocol for a Party, and as specified by that Party upon ratification, acceptance, approval or accession.'
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4. A footnote shall be added after footnote (^b) as follows:

(^e) Polychlorinated biphenyls, as defined in Annex I, when formed and released unintentionally from anthropogenic sources.'

I. Annex IV

1. In paragraph 2, inside the brackets, the word 'and' shall be deleted and the words ', and for a given oxygen content' shall be added at the end.
2. Paragraph 3 shall be deleted and replaced by the following text:

'3. Limit values relate to the normal operating situation. For batch operations, limit values relate to average levels as recorded during the whole batch process — including for example pre-heating, heating and cooling.'

3. In paragraph 4, the word 'applicable' shall be added before the word 'standards' and the words 'for example' shall be added before the words 'the Comité.'

4. Paragraph 6 shall be deleted and replaced by the following text and footnote:

'6. Emissions of PCDD/F are given in total toxic equivalents (TEQ) ⁽¹⁾. The toxic equivalence factor values to be used for the purposes of this Protocol shall be consistent with applicable international standards, including the World Health Organization 2005 mammalian toxic equivalence factor values for PCDD/F.

⁽¹⁾ The total toxic equivalent (TEQ) is operationally defined by the sum of the products of the concentration of each compound multiplied by its toxic equivalency factor (TEF) value and is an estimate of the total 2,3,7,8-TCDD-like activity of the mixture. Total toxic equivalent was previously abbreviated as TE.'

5. Paragraph 7 shall be deleted and replaced by the following text and footnote:

'7. The following limit values, which refer to 11 % O₂ concentration in flue gas, apply to the following incinerator types:

Municipal solid waste (existing stationary source burning more than 3 tonnes per hour and every new stationary source)

0,1 ng TEQ/m³

Medical solid waste (existing stationary source burning more than 1 tonne per hour and every new stationary source)

New stationary source: 0,1 ng TEQ/m³

Existing stationary source: 0,5 ng TEQ/m³

Hazardous waste (existing stationary source burning more than 1 tonne per hour and every new stationary source)

New stationary source: 0,1 ng TEQ/m³

Existing stationary source: 0,2 ng TEQ/m³

Non-hazardous industrial waste ⁽¹⁾ ⁽²⁾

New stationary source: 0,1 ng TEQ/m³

Existing stationary source: 0,5 ng TEQ/m³

⁽¹⁾ Including incinerators treating biomass waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood- preservatives or coating, and which includes in particular biomass waste originating from construction and demolition waste, but excluding incinerators only treating other biomass waste.

⁽²⁾ Countries with economies in transition may exclude co-combustion of non-hazardous industrial waste in industrial processes where such waste is used as an additional fuel contributing up to 10 % of the energy.'

6. The following new paragraphs shall be added after paragraph 7:

'8. The following limit value, which refers to 16 % O₂ concentration in flue gas, applies to sinter-plants:

0,5 ng TEQ/m³

9. The following limit value, which refers to the actual O₂ concentration in flue gas, applies to the following source:

Secondary steel production — Electric arc furnaces with a capacity to produce more than 2,5 tonnes per hour of molten steel for further processing:

0,5 ng TEQ/m³'

J. Annex VI

1. The existing text of the Annex shall be marked as paragraph 1.
2. In paragraph (a), after the words 'present Protocol' shall be added the words 'for a Party'.
3. For paragraph (b) there shall be substituted:
'For existing stationary sources:
 - (i) eight years after the date of entry into force of the present Protocol for a Party. If necessary this period may be extended for specific existing stationary sources in accordance with the amortization period provided for by national legislation; or
 - (ii) for a Party that is a country with an economy in transition, up to 15 years after the date of entry into force of the present Protocol for that Party.'
4. A new paragraph shall be added at the end of the Annex as follows:
 - '2. The timescales for the application of limit values and best available techniques that have been updated or introduced as a result of amendment of this Protocol shall be:
 - (a) for new stationary sources, two years after the date of entry into force of the relevant amendment for a Party;
 - (b) for existing stationary sources:
 - (i) eight years after the date of entry into force of the relevant amendment for a Party; or
 - (ii) for a Party that is a country with an economy in transition, up to 15 years after the date of entry into force of the relevant amendment for that Party'.

K. Annex VIII

1. In the second sentence of part I, before the words 'Annex V' shall be added the words 'the guidance document referred to in'.
2. The description of category 1 in the table in part II shall be deleted and replaced by the following text: 'Waste incineration, including co-incineration, of municipal, hazardous, non-hazardous and medical wastes and sewage sludge.'
3. The following new categories shall be added to the table in part II:

'13	Specific chemical production processes releasing unintentionally formed persistent organic pollutants, especially production of chlorophenols and chloranil.
14	Thermal processes in the metallurgical industry, chlorine-based methods.'

AMENDMENTS TO THE PROTOCOL
as set out in Article 1 of Decision 2009/2/EC of the Executive Body of the Convention

A. Annex I

1. Listings for the following substances shall be added by inserting in appropriate alphabetical order the following rows:

Polychlorinated naphthalenes (PCN)	Production	None
	Use	None
Short-chain chlorinated paraffins ^(d)	Production	None, except for production for the uses specified in Annex II
	Use	None, except for the uses specified in Annex II'

2. The following footnote shall be added at the end of Annex I:

'^(d) Short-chain chlorinated paraffins means chlorinated alkanes with a carbon chain-length of 10 to 13 carbon atoms and the degree of chlorination of more than 48 % by weight.'

B. Annex II

1. A listing for the following substance shall be added by inserting in appropriate alphabetical order the following row:

'Short-chain chlorinated paraffins ^(b)	(a) Fire retardants in rubber used in conveyor belts in the mining industry;	Parties should take action to eliminate these uses once suitable alternatives are available
	(b) Fire retardants in dam sealants.	No later than 2015 and every four years thereafter, each Party that uses these substances shall report on progress made to eliminate them and submit information on such progress to the Executive Body. Based on these reports, these restricted uses shall be reassessed'

2. The following footnote shall be added at the end of Annex II:

'^(b) Short-chain chlorinated paraffins means chlorinated alkanes with a carbon chain-length of 10 to 13 carbon atoms and the degree of chlorination of more than 48 % by weight.'

COMMISSION IMPLEMENTING DECISION (EU) 2016/770**of 14 April 2016****establishing a common format for the submission of information concerning the operation of the procedures pursuant to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals***(notified under document C(2016) 2068)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals ⁽¹⁾, and in particular Article 22(1) thereof,After consulting the Committee established by Article 133 of 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 ⁽²⁾,

Whereas:

- (1) In order to ensure that information provided by the Member States is of a consistent standard, it is appropriate to create a common format to be used by the Member States in fulfilling their reporting obligations under Regulation (EU) No 649/2012.
- (2) It is appropriate to specify the exact reporting periods to ensure clarity and consistency as Regulation (EU) No 649/2012 requires Member States to forward the information concerning the operation of the procedures every three years,

HAS ADOPTED THIS DECISION:

Article 1

The common format for submission by the Member States of the information required under Article 22(1) of Regulation (EU) No 649/2012 is set out in the Annex to this Decision.

Article 2

The first report on information to be submitted by the Member States pursuant to Article 22(1) of Regulation (EU) No 649/2012 shall cover the calendar years 2014, 2015 and 2016. The following reports shall cover subsequent three-year periods.

⁽¹⁾ OJ L 201, 27.7.2012, p. 60.⁽²⁾ OJ L 396, 30.12.2006, p. 1.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 April 2016.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX

QUESTIONNAIRE

Section 1: General information

1. Which Member State are you reporting for?

2. Primary contact person's name:

3. Please provide an email address for the primary contact person:

4. Reporting period:

Section 2: Information on the designated national authority (Article 4 of Regulation (EU) No 649/2012)

5. How many designated national authorities (DNAs) exist in your Member State?

6. If more than one, could you please specify the distribution of responsibilities between them?

7. What is/are the name(s) of the DNA(s)?

8. Please specify the human resources (in full-time equivalent) in the DNA(s) working on the implementation of the PIC Regulation.

If there are several DNAs please specify the number for each DNA

9. Is/are the DNA(s) also involved in the implementation of other EU/international chemical legislation/convention/programme?

Yes

No

If yes, please specify which legislation/convention/programme and how the coordination with other competent authorities within your country is organised?

10. How many export notifications and special RIN requests have been accepted by the DNA (and forwarded to ECHA for further processing) per year?

	Export notifications	Special RIN requests
Year 1		
Year 2		
Year 3		
Total		

Section 3: Support to exporters and importers

11. Have any awareness-raising and information activities been put in place by the DNA(s) to support exporters and importers to comply with the PIC Regulation?

Yes

No

If yes, please specify what these activities are (multiple replies are possible):

Online technical and scientific guidance (other than ECHA's)

Reference to ECHA webpages on PIC and ePIC

Specific web page providing information on the PIC Regulation

Awareness-raising campaign

Social media

Visits to operator establishments

Specific email address for information requirements

National helpdesk

Workshops and similar training events

Others

If others, please specify.

If no, please specify why this support is not required.

12. Do you consider that these awareness-raising and information activities have improved the compliance of exporters and importers with Regulation (EU) No 649/2012?

Yes

No

Please specify.

13. On which matters do(es) the DNA(s) get the two most frequent requests for support coming from exporters and importers? Please select two matters.

Export notification

Explicit consent

Waiver

Special RIN

Article 10 reporting

Others

If others, please specify.

14. Can you estimate the amount of time spent by the DNA(s) on such support?

up to 10 % of workload

20 % of workload

30 % of workload

40 % of workload

more than 40 % of workload

Not quantifiable

Section 4: Coordination between DNAs/ECHA and the Commission

15. Are you satisfied with the coordination between your DNA(s) and the Commission?

Yes

No

Please specify.

16. Please specify the areas of coordination that could be improved, if any (multiple replies are possible).

- Article 8(5) — export in case of an emergency situation
- Article 8(7) — additional information to be provided on request concerning the exported chemical
- Article 11(6) — Member State obligation to assist the Commission in compiling information
- Article 11(7) — evaluation of the need to propose measures at Union level
- Article 11(8) — procedure in case a Member State takes national final regulatory action
- Article 13(6) — evaluation of the need to propose measures at Union level
- Article 14(1) — obligation to forward information received from the Secretariat
- Article 14(5) — advice and assistance to importing parties upon request
- Article 14(6) — Member State decision that no explicit consent is required
- Article 14(7) — Member State decision that export may proceed
- Article 14(7) — Member State consideration of possible impacts on human health or environment
- Article 14(8) — periodic review of the validity of explicit consent
- Article 18(1) — Commission, Member State, ECHA obligation to monitor exporter compliance
- Article 20 — exchange of information
- Article 21 — technical assistance
- Article 23 — updating annexes
- Other

If other, please specify.

17. Are you satisfied with the coordination between your DNA(s) and ECHA?

Yes

No

Please specify.

18. Please specify the areas of coordination that could be improved, if any (multiple replies are possible).

- Article 6(1)(c) — assistance and technical and scientific guidance and tools for the industry
- Article 8(7) — additional information to be provided on request concerning the exported chemical
- Article 11(6) — Member State obligation to assist the Commission in compiling information
- Article 11(7) — evaluation of the need to propose measures at Union level
- Article 13(6) — evaluation of the need to propose measures at Union level
- Article 20 — exchange of information
- Article 21 — technical assistance
- Article 23 — updating annexes
- Other

If other, please specify.

Section 5: Export notifications forwarded to Parties and other countries

(Only relevant for Member States that processed export notifications in the reporting period.)

19. What are the information requirements requested in the export notification form where exporters have difficulties to provide the information (multiple replies are possible)?

- Identity of the substance to be exported
- Identity of the mixture to be exported
- Identity of the article to be exported
- Information concerning the export (e.g. contact details of importers)
- Information on hazards or risks of the chemical and precautionary measures
- Summary of physico-chemical, toxicological and ecotoxicological properties
- Information on the final regulatory action taken by the European Union
- Additional information provided by the exporting Party
- Availability of CN codes or CUS codes
- Intended use of the chemical in the importing country
- Summary of and reasons for the final regulatory action and date of entry into force
- None

Please provide further comments if needed.

20. What is the number of export notifications sent back to the exporter for the reasons mentioned in the table below?

Reason/Number per year	Year 1	Year 2	Year 3
Resubmission requested			
Rejected			

If relevant, please specify the most frequent reasons for requesting re-submission and for rejecting export notifications:

Reasons for requesting resubmission of export notifications:

Reasons for rejecting export notifications:

21. Have you experienced difficulties in complying with the time frame to forward the notifications to ECHA?

- Yes
- No

If yes, please specify and provide further comments if needed.

Article 8(5) — export of a chemical relating to an emergency situation

22. Have you had to deal with an emergency situation pursuant to Article 8(5)?

- Yes
- No

If yes, please describe the most important cases (e.g. chemical used, importing country, intended use, nature of the emergency).

23. Have you experienced difficulties in implementing the emergency situation procedure?

Yes

No

No such situation occurred

If yes, please specify.

Article 8(7) — provision of available additional information concerning exported chemicals

24. Were you requested to provide additional information concerning exported chemicals to importing parties and other countries?

Yes

No

If yes, please specify in which cases (e.g. name of chemical, importer contact details, importing country, type of additional information provided).

25. If you received such a request, did you experience any difficulties in providing the additional information?

Yes

No

If yes, please specify.

Article 8(8) — administrative fee for export notifications

26. Do(es) the DNA(s) in your country request an administrative fee for export notifications?

Yes

No

Depends on the DNA.

If the reply depends on the DNA, please specify.

If a fee is requested, please reply to questions 27-30. If not, continue with question 31.

27. How much is this administrative fee (please specify currency if not EUR)?

28. What is the date of entry into force of the administrative fee?

29. Have you received complaints from exporters on the level of administrative fees?

Yes

No

If yes, please specify the type of complaints and their number per year

30. In your view, did the administrative fee have an impact on the number of notifications (optional)?

Yes

No

Do not know.

If yes, please specify.

31. Do(es) the DNA(s) in your country request an administrative fee for requests for explicit consent?

Yes

No

Depends on the DNA.

If the reply depends on the DNA, please specify.

If an administrative fee is requested, please specify the amount (and the currency, if not in EUR).

Section 6: Information on export and import of chemicals

Exporters (Article 10)

32. Have you experienced delays from exporters in the submission of information on the quantity of the chemical, as a substance and as contained in mixtures or in articles, shipped to each Party or other country during the reporting period?

Yes

No

Not applicable

If yes, please provide additional comments.

Importers (Article 10)

33. Have you experienced delays from importers in submitting information on the quantity of the chemical, as a substance and as contained in mixtures or in articles, received during the reporting period?

Yes

No

Not applicable

If yes, please provide additional comments.

34. Is the data or information on imports used by the DNA(s), customs or other enforcement authorities in your country?

Yes

No

Do not know

If yes, please specify how it is used.

Member State reporting to ECHA

35. Have you experienced difficulties in reporting through ePIC aggregated information pursuant to Article 10 in conjunction with Annex III?

Yes

No

If yes, please detail the difficulties encountered.

36. Have you experienced delays in submitting aggregated information through ePIC in accordance with Annex III?

Yes

No

If yes, please specify the reasons for these delays.

Section 7: Obligations in relation to export of chemicals other than export notification

Communication of information and decisions to those concerned within the jurisdiction of your Member State (Article 14(3))

37. How did you communicate information on decisions and/or conditions of importing countries to those concerned within the jurisdiction of your Member State (multiple replies are possible)?

Email

Website

Newsletters

Other means

If other means, please specify.

Exporter compliance with decisions in each import response (Article 14(4))

38. Have you experienced problems concerning exporters' compliance with import responses given by Parties?

Yes

No

If yes, please specify.

Provision of support to importing parties (Article 14(5))

39. Have you advised and/or assisted importing Parties, upon request in obtaining further information needed to prepare a response to the Secretariat of the Convention concerning the import of a given chemical?

Yes

No

If yes, please provide further details.

Substances that cannot be exported unless certain conditions are fulfilled (Article 14(6))

40. Have you implemented the explicit consent procedure pursuant to Article 14(6)(a) in the reporting period?

Yes

No

If yes, please specify the number of requests for explicit consent and the number of responses received per year.

	Number of requests	Number of responses
Year 1		
Year 2		

	Number of requests	Number of responses
Year 3		
Total		

41. Have you implemented the explicit consent procedure pursuant to Article 14(6)(b)?

Yes

No

If yes, please specify the number of special RIN requests per year for which the importing Party has given consent to import through the import response published in the PIC circular.

Year 1	
Year 2	
Year 3	
Total	

42. Have you experienced difficulties in implementing the explicit consent procedure?

Yes

No

Not applicable

If yes, please specify.

43. Have you had to decide on whether no explicit consent was required in case of chemicals listed in Part 2 of Annex I to be exported to OECD countries?

Yes

No

Not applicable, since your DNA did not receive any such export notification.

If yes, please specify the number of cases per year.

Year 1	
Year 2	
Year 3	
Total	

44. Have you experienced difficulties in taking a decision whether no explicit consent was required in case of chemicals listed in Part 2 of Annex I to be exported to OECD countries?

Yes

No

Not applicable, since no such case occurred.

If yes, please specify.

DNA's decision that export may proceed 60 days after an explicit consent request was made (Article 14(7))

45. Have you received any waiver requests in accordance with Article 14(7)?

- Yes
 No
 Not applicable, since your DNA did not have to make any request for explicit consent.

If yes, please specify the number of cases per year.

Year 1	
Year 2	
Year 3	
Total	

46. Have you experienced difficulties in implementing the procedure under Article 14(7)?

- Yes
 No
 Not applicable, since no such case occurred.

If yes, please specify.

Validity of explicit consent (Article 14(8))

47. Have you experienced cases where the export was allowed to proceed pending a reply to a new request for explicit consent pursuant to the second paragraph of Article 14(8)?

- Yes
 No
 Not applicable, since your DNA did not receive any export notification requiring explicit consent.

If yes, please specify their number.

Year 1	
Year 2	
Year 3	
Total	

Section 8: Obligations in relation to import of chemicals**Import decisions made available to those concerned (Article 13(5))**

48. How are European Union import decisions made available to those concerned within your competence (multiple replies are possible)?

- Email
 DNA websites
 Newsletters
 Other means

If other means, please specify.

Section 9: Information on transit movement

First transit movement information and time frame requirements (Article 16)

49. Have you had to implement Article 16 during the reporting period?

Yes

No

If yes, please specify the number of cases, the parties to the Rotterdam Convention involved and the information required

50. Are you aware of any problems experienced by exporters with the implementation of Article 16?

Yes

No

Not applicable, since no such case occurred.

If yes, please specify.

Section 10: Requirements linked to exported chemicals and information to accompany them

51. Have National Enforcement Authorities in your Member State experienced any compliance issues concerning the information to accompany exported chemicals?

Yes

No

Do not know

If yes, please reply to questions 52-54 and specify whether these compliance issues were related to the following:

52. The application of packaging and labelling requirements under:

Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽¹⁾ (Plant Protection Products — PPP)

Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽²⁾ (Biocidal Products Regulation — BPR)

Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽³⁾ (CLP Regulation)

Other

If other, please specify.

53. The application of safety data sheet requirements under:

Regulation (EC) No 1907/2006 (REACH)

Other

If other, please specify.

54. The obligation to give information:

On the label in one or more official/principal languages of the country of destination

On the safety data sheets in one or more official/principal languages of the country of destination

55. Have you experienced any compliance issues concerning the information and packaging requirements linked to the exported products?

- Yes
 No
 Not applicable

If yes, please specify whether these compliance issues were related to:

- The application of purity specification under Union legislation (e.g. PPP and BPR)
 The optimisation of containers to reduce the risks of creating obsolete stocks
 The expiry date
 The storage conditions on the label
 Others

If others, please specify.

(¹) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

(²) Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

(³) 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).

Section 11: Technical assistance (optional)

Cooperation

56. Have you been involved in cooperation with developing countries, countries with economies in transition or non-governmental organisations to improve the proper management of chemicals and in particular to implement the Rotterdam Convention?

- Yes
 No

If yes, what type of cooperation (multiple replies are possible)?

- Technical information
 Promotion of the exchange of experts
 Support for the establishment or maintenance of DNAs
 Technical expertise for the identification of hazardous pesticides formulations
 Technical expertise for the preparation of notifications to the Secretariat
 Other

If other, please specify.

Please specify the countries benefiting from this cooperation.

Capacity building

57. Have you participated in projects/international activities related to capacity building in chemicals management or supported NGOs involved in such activities?

Yes

No

If yes, please describe these activities.

Section 12: Enforcement of Regulation (EU) No 649/2012

General information

58. Which are the enforcement authorities involved in the enforcement of Regulation (EU) No 649/2012 in your Member State?

Customs

Other enforcement authorities

If other enforcement authorities are involved, please specify.

59. If any, could you please specify which other EU legislation the enforcement authorities (other than customs) are also dealing with:

Regulation (EC) No 1907/2006

Regulation (EC) No 1272/2008

Regulation (EU) No 528/2012

Regulation (EC) No 1107/2009

Other

If other, please specify.

60. Do the enforcement authorities have appropriate resources (optional)?

Yes

No

Please specify.

61. Are inspectors or other persons in charge of enforcement regularly trained on Regulation (EU) No 649/2012?

Yes

No

If yes, please specify (e.g. type of training, topics covered, frequency of training).

If no, please specify why those persons are not regularly trained.

Enforcement strategy

62. Does your authority (or any other relevant authority) have an enforcement strategy for Regulation (EU) No 649/2012?

Yes

No

Please specify as follows:

62(a) If yes, has this enforcement strategy already been implemented?

Yes

No

Please specify.

62(b) If no, are there any plans to develop an enforcement strategy?

Yes

No

Please specify.

Reporting on enforcement activities

63. Please specify the enforcement activities carried out in your Member State (multiple replies are possible).

Conformity checks

On-site visits

Sampling

Others

If others, please specify.

64. Please indicate the total number of official controls on exports, such as inspections or investigations, or other enforcement measures carried out by enforcing authorities in which Regulation (EU) No 649/2012 was covered or enforced during the reporting period.

	Customs	Inspectors	Others
Year 1			
Year 2			
Year 3			
Total			

Please provide comments, if needed.

65. Please indicate the total number of official controls on imports, such as inspections or investigations, or other enforcement measures carried out by enforcing authorities in which Regulation (EU) No 649/2012 was covered or enforced during the reporting period.

	Customs	Inspectors	Others
Year 1			
Year 2			
Year 3			
Total			

Please provide comments, if needed.

Power of enforcement authorities

66. Please describe the measures that can be taken by enforcement authorities to ensure compliance with Regulation (EU) No 649/2012 (e.g. seizure, letter of formal notice, suspension of activity).

Details of infringements

67. Number of infringements to Regulation (EU) No 649/2012 observed by:

	Customs	Inspectors	Others
Year 1			
Year 2			
Year 3			
Total			

68. Type of infringements observed by customs and related numbers per year:

Infringement detected	Year 1	Year 2	Year 3
Labelling requirements			
Safety data sheets			
Expiry date of the chemical			
Chemical not in conformity with export notification			
<i>Others to add in empty rows</i>			

69. Type of infringements observed by inspectors and related numbers per year:

Infringement detected	Year 1	Year 2	Year 3
Labelling requirements			
Safety data sheets			
Expiry date of the chemical			
Chemical not in conformity with export notification			

Infringement detected	Year 1	Year 2	Year 3
<i>Others to add in empty rows</i>			

Penalties

70. Describe the penalties regime in case of infringement of Regulation (EU) No 649/2012 (e.g. criminal/administrative penalties, catch-all provision or specific penalties for specific infringements).
71. How many infringements of Regulation (EU) No 649/2012 have led to penalties during the reporting period?

	Number of penalties
Year 1	
Year 2	
Year 3	
Total	

Collaboration

72. Is there a regular exchange of information between the DNA(s) and enforcement authorities?

- Yes
 No

Please specify.

73. Do you have any suggestion(s) for improving collaboration between the DNA(s) and enforcement authorities?

74. Is there a regular exchange of information between the DNA(s) and the member(s) of your country of the Forum for Exchange of Information on Enforcement ('the Forum')?

- Yes
 No

Please specify.

75. Is the DNA satisfied with its collaboration with the Forum members?

- Yes
 No

If no, please provide details.

76. Do you have any suggestion(s) for improving collaboration between the DNA(s) and Forum members?

Role of the Forum for Exchange of Information on Enforcement ('the Forum'; see Article 18(2))

77. Is the DNA satisfied with the activities carried out by the Forum? (optional)

- Yes
 No
 No experience with the Forum activities

If no, please specify

78. Do you have any suggestion(s) for improving the activities of the Forum with regard to the enforcement of Regulation (EU) No 649/2012 (optional)?

Section 13: IT related aspects

DNAs and the ePIC system

79. Is the ePIC system easy to use for DNAs, in particular when dealing with:

(a) Export notifications (Article 8)?

- Yes
 No
 No experience

If no, please specify the problem(s) encountered.

(b) Requests for explicit consent (Article 14)?

- Yes
 No
 No experience

If no, please specify the problem(s) encountered.

(c) Special RIN requests (Article 19(2))?

- Yes
 No
 No experience

If no, please specify the problem(s) encountered.

(d) Waivers (Article 14 (6) and (7))?

- Yes
 No
 No experience

If no, please specify the problem(s) encountered.

(e) Reporting pursuant to Article 10?

- Yes
 No

If no, please specify the problem(s) encountered.

(f) Other PIC procedures?

Yes

No

No experience

Please specify the nature of the procedure and the problem(s) encountered, if any.

Exporters and the ePIC system

80. Where possible, please provide feedback from exporters on the user-friendliness of the ePIC system for (optional):

(a) Export notifications

Easy to use

Not easy to use

If not easy to use, please specify the problem(s) encountered.

(b) Special RIN requests

Easy to use

Not easy to use

If not easy to use, please specify the problem(s) encountered.

(c) Waivers (Article 14(6) and (7))

Easy to use

Not easy to use

If not easy to use, please specify the problem(s) encountered.

(d) Article 10 Reporting

Easy to use

Not easy to use

If not easy to use, please specify the problem(s) encountered.

(e) Management of mixtures/articles via ePIC

Easy to use

Not easy to use

If not easy to use, please specify the problem(s) encountered.

(f) The ePIC system in general

Easy to use

Not easy to use

If not easy to use, please specify the problem(s) encountered.

Customs, other enforcement authorities and the ePIC system (optional)

81. Are customs authorities in your country using the ePIC system?

Yes

No

If not, please explain how exports of PIC chemicals are monitored by customs authorities in your country.

82. To your knowledge, do customs consider that the ePIC system is easy to use?

Yes

No

No information available

83. To your knowledge, do customs consider that the ePIC system is an adequate tool to support them in controlling the application of Regulation (EU) No 649/2012?

Yes

No

No information available

84. To your knowledge, are other enforcement authorities using the ePIC system?

Yes

No

No information available

85. To your knowledge, do these other enforcement authorities consider that the ePIC system is easy to use?

Yes

No

No information available

86. To your knowledge, do these other enforcement authorities consider that the ePIC system is an adequate tool to control the application of Regulation (EU) No 649/2012?

Yes

No

No information available

Section 14: Additional comments

87. Please provide any other information or comments related to the operation of the procedures under Regulation (EU) No 649/2012 that you consider relevant within the framework of the reporting pursuant to Article 22.

COMMISSION IMPLEMENTING DECISION (EU) 2016/771**of 13 May 2016****temporarily authorising Spain to approve for marketing seed of the species *Pinus radiata* D. Don imported from New Zealand, which does not satisfy the requirements of Council Directive 1999/105/EC in respect of identification and labelling, and planting stock produced from that seed***(notified under document C(2016) 2784)***(Only the Spanish text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material ⁽¹⁾, and in particular Article 18(1) thereof,

Having regard to the request of Spain,

Whereas:

- (1) In Spain the production of seed, and planting stock produced from seed, of the species *Pinus radiata* which satisfies the requirements for reproductive material, as provided for in Directive 1999/105/EC, is at present insufficient to meet the demand of end users. The necessary reproductive material cannot be supplied by other Member States as the Member States that could be in a position of supplying these seeds do not have the amounts of material necessary to cover Spain's needs.
- (2) New Zealand is in a position to supply a sufficient amount of material of the species concerned, which is intended for the subsequent production of planting stock. However, that seed does not comply with the requirements of Directive 1999/105/EC in respect of identification and labelling. More specifically, that material is not classified according to any of the marketing categories established by Directive 1999/105/EC.
- (3) In this regard, Spain has requested authorisation from the Commission to approve, for a limited period of time, marketing of seed of *Pinus radiata* from New Zealand, and planting stock produced from that seed.
- (4) Spain is establishing seed orchards to autonomously cover the demand for planting stock. However, due to the longer production times of forestry seeds, it is estimated that the current shortage will persist for the next 5 years. The estimated maximum need of *Pinus radiata* seeds on an annual basis would be 400 kg.
- (5) There is no indication that seed or planting stock of *Pinus radiata* from New Zealand would present any problems or risks with regard to its health, quality, or vigour.
- (6) Since Spain is the only Member State experiencing this temporary difficulty in the supply of seed or planting stock of the species *Pinus radiata* to the end user, the approval for marketing should be restricted to the territory of Spain.
- (7) Consequently, and in order to cover this shortage, Spain should be authorised, for a limited period of time, to approve for marketing seed and planting stock produced from seed of the species *Pinus radiata* satisfying less stringent requirements than those provided for in Articles 13 and 14 of Directive 1999/105/EC in respect of identification and labelling. That authorisation should be restricted to a maximum quantity of 400 kg of seed per year, and should apply until 31 March 2021.
- (8) Such seed and planting stock should be marketed with a document containing details for its identification. Consequently, this Decision should provide for identification and labelling requirements.

⁽¹⁾ OJ L 11, 15.1.2000, p. 17.

- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION

Article 1

1. Until 31 March 2021, Spain is authorised to approve for marketing within its territory, in accordance with the requirements set out in the Annex, a maximum quantity of 400 kg seed per year of *Pinus radiata* D. Don, provenance New Zealand, which is intended for the production of planting stock, and which does not satisfy, in respect of identification and labelling, the requirements provided for in Articles 13 and 14 of Directive 1999/105/EC.

2. Until 31 March 2021, Spain is authorised to approve for marketing within its territory, in accordance with the requirements set out in the Annex, planting stock which has been produced from the seed approved for marketing in accordance with paragraph 1, and which does not satisfy, in respect of identification and labelling, the requirements provided for in Articles 13 and 14 of Directive 1999/105/EC.

Article 2

Spain shall immediately notify the Commission and other Member States of any decisions taken pursuant to this Decision.

Article 3

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 13 May 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

Identification and labelling requirements of seed and planting stock, referred to in Article 1.

1. All of the following information is required for the identification of the reproductive material:
 - (a) identification code for the basic material if available;
 - (b) botanical name;
 - (c) category;
 - (d) purpose;
 - (e) type of basic material;
 - (f) whether it is genetically modified;
 - (g) region of provenance or identity code;
 - (h) origin if appropriate, whether the origin of the material is autochthonous or indigenous, non-autochthonous or non-indigenous, or unknown;
 - (i) provenance or geographical location defined by latitudinal and longitudinal range;
 - (j) altitude or altitudinal range;
 - (k) year of ripening.
 2. The supplier's label or document shall contain all of the following information:
 - (a) the information under point 1 of this Annex;
 - (b) name of supplier;
 - (c) quantity supplied;
 - (d) statement that the seed and planting stock produced from this seed satisfies less stringent requirements than those provided for in Articles 13 and 14 of Directive 1999/105/EC.
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DECISION OF THE BOARD OF GOVERNORS**of 20 January 2016****on the Amendments to the Rules of Procedure of the EIB to reflect the Strengthening of the EIB Governance [2016/772]**

THE BOARD OF GOVERNORS OF THE EUROPEAN INVESTMENT BANK,

HAVING REGARD TO

- (1) Article 7(3)(h) of the Statute pursuant to which the Board of Governors approves the Rules of Procedure of the Bank;
- (2) Article 11(1) of the Statute pursuant to which, upon proposal of the Board of Directors, the Board of Governors appoints members of the Management Committee; and
- (3) Article 11(2) of the Statute pursuant to which, acting by qualified majority, the Board of Governors may decide to compulsorily retire a member of the Management Committee.

WHEREAS the Bank wishes to reinforce the role of its Ethics and Compliance Committee and to strengthen its internal rules regarding the appointment and possible suspension of members of the Bank's Management Committee;

WHEREAS the role of the Ethics and Compliance Committee should be strengthened by introducing the possibility for this Committee to provide opinions on any ethical matter concerning a member of the Management Committee or of the Board of Directors;

WHEREAS the Board of Governors, which is the competent body under the Statute to decide on the compulsory retirement of members of the Bank's Management Committee, may also decide to temporarily suspend a member of the Management Committee;

WHEREAS a delegation of this power to suspend members of the Management Committee in specific defined circumstances and for a limited duration is desirable to allow the Bank to swiftly respond to exceptional situations; the mechanism proposed foresees such a delegation to the President of the Bank with the agreement of the Chairman of the Board of Governors, or, in cases concerning the President of the Bank, to the Chairman of the Board of Governors;

WHEREAS any such suspension decision will be preceded by a consultation of the Ethics and Compliance Committee;

WHEREAS the applicable relevant procedures are set out in a new Article 23.b of the Rules of Procedure of the Bank;

WHEREAS within the framework set by the above-mentioned rules, the adoption of additional implementing rules for both suspension and compulsory retirement procedures shall be delegated to the Board of Directors;

WHEREAS the above-mentioned rules should be voted by qualified majority of the Board of Governors in light of Article 11(2) of the Statute;

WHEREAS to support the Board of Governors of the Bank in their decision on appointments of members of the Management Committee, an ad hoc appointment advisory committee shall be created with the task of providing non-binding opinions;

WHEREAS to facilitate the decision making on such appointments and to respond to recent developments in best banking practice, some criteria to be applied in the appointment decision should be introduced in the Rules of Procedure of the Bank;

WHEREAS a number of technical changes in Article 11(3) of the Rules of Procedure aimed at ensuring a smooth functioning of the various Committees created within the Board of Directors such as the Risk Policy Committee are required,

HAD HEREBY DECIDED AS FOLLOWS, acting by a qualified majority

1. Article 11(3) and (4) of the Rules of Procedure of the Bank are hereby amended and two new Articles 23.a and 23.b are inserted in the Rules of Procedure of the Bank as indicated in Document 16/01;
2. The amended Rules of Procedure shall enter into force on 120 days after the day on which this decision is adopted or 1 September 2016, whichever is the later.
3. The amended Rules of Procedure shall be published in the *Official Journal of the European Union*.

For the Board of Governors

The Chairman
H.-J. SCHELLING

The Secretary
K. TRÖMEL

ANNEX

Rules of Procedure of the European Investment Bank, as approved on 4 December 1958 and amended on 15 January 1973, 9 January 1981, 15 February 1986, 6 April 1995, 19 June 1995, 9 June 1997, 5 June 2000, 7 March 2002, 1 May 2004, 12 May 2010, 25 April 2012, 26 April 2013 and 20 January 2016 by the Board of Governors

CHAPTER I

FINANCIAL YEAR*Article 1*

The Bank's financial year shall run from 1 January to 31 December each year.

CHAPTER II

BOARD OF GOVERNORS*Article 2*

1. The Board of Governors shall meet when convened by its Chairman on his own initiative or at the request of one of its members. The President of the Bank may, on his own initiative or at the request of the Board of Directors, request the Chairman of the Board of Governors to convene the Board.
2. The Board of Governors shall hold an Annual Meeting, for the purpose of examining the annual report and determining the general directives for the Bank.
3. The Board of Governors may decide to approve the annual report comprising the financial statements (balance sheet, the profit and loss account, the statement of Special Section, the notes to the annual accounts, including the consolidated version thereof, and any other statement which may be deemed necessary for the evaluation of the Bank's financial position or results) outside the Annual Meeting, including by written procedure.
4. The members of the Management Committee may be invited to attend the meetings of the Board of Governors. The members of the Board of Directors, Management Committee and Audit Committee shall attend the Annual Meeting of the Board of Governors.

Article 3

1. Notice of meetings of the Board of Governors must be issued not less than 30 days before the date set for each meeting.
2. The members of the Board of Governors must be in possession of the agenda and related documents not less than 20 days before the meeting.
3. Each Governor may require the inclusion of items on the agenda for a meeting of the Board, provided that he conveys his requirement in writing to the Chairman of the Board of Governors not less than 15 days before the meeting.
4. The time limits laid down in the foregoing paragraphs may be waived, if all the members of the Board consent or, in the event of an emergency, by the Chairman of the Board of Governors at the request of the President of the Bank.

Article 4

Decisions of the Board of Governors shall be taken in accordance with Article 8 of the Statute of the European Investment Bank (hereinafter the 'Statute').

Article 5

1. The Chairman of the Board of Governors and the Chairman of the Board of Directors may put decisions to the vote by written or electronic correspondence.
2. Decisions shall be deemed to have been adopted as soon as the secretariat of the Board of Governors has received a sufficient number of votes in favour.
3. Voting by written or electronic correspondence, where appropriate by tacit procedure, shall be the procedure normally used to appoint members of the Board of Directors, the Management Committee and the Audit Committee.
4. Except in areas where unanimity or a qualified majority is required, the Board of Governors may, on a proposal to that effect from the Board of Directors, adopt decisions by tacit procedure. A decision by tacit procedure shall be deemed to have been adopted within 6 weeks of notification thereof having been transmitted, unless half the members of the Board or a number of members representing more than half of the subscribed capital have indicated that they do not agree.

Each Governor may require the tacit procedure to be interrupted.

Article 6

Each Governor may receive written authorisation from not more than one of his colleagues to act as his proxy at a meeting of the Board of Governors and to vote in his stead.

Article 7

1. The office of Chairman shall be held by each member of the Board in rotation according to the order of protocol of the Member States established by the Council of the European Union.
2. A member of the Board's term of office as Chairman shall expire at the end of the day either of the Annual Meeting or of the approval of the financial statements for the previous financial year, whichever is the later. The term of office of the new Chairman shall commence the following day.

Article 8

Minutes shall be kept of the proceedings of the Board of Governors. They shall be signed by the Chairman and the Secretary.

Article 9

Each member of the Board of Governors shall be entitled to avail himself of one of the official languages of the Union. He may require that any document for consideration by the Board be drawn up in the language of his choice.

Article 10

Correspondence for the Board of Governors shall be addressed to the Secretariat of the Board of Governors at the seat of the Bank.

CHAPTER III

BOARD OF DIRECTORS*Article 11*

1. The Board of Directors shall meet not less than six times per year and shall decide, on each occasion, the date of its next meeting.
2. The Chairman shall convene the Board of Directors before the scheduled date, should one third of the voting members so require or the Chairman think necessary.
3. A Committee on Staff Remuneration and Budget shall be established within the Board of Directors, as part of its responsibilities and in accordance with Article 18 of these Rules, charged with matters identified in advance, in order to give non-binding opinions to the Board of Directors so as to facilitate the decision making procedure.

As part of its responsibilities and in accordance with Article 18 of these Rules, the Board of Directors may decide to create a Risk Policy Committee and an Equity Participation Policy Committee, whose members shall be appointed and whose rules of procedure shall be adopted upon their constitution. These Committees may hold joint meetings when appropriate and invite the Audit Committee to a meeting. They shall issue recommendations and give non-binding opinions to the Board of Directors so as to facilitate the decision-making procedure.

The Committees referred to in this paragraph shall be composed of some of the directors or their alternates.

The President shall chair and be entitled to delegate the chairmanship of the above Committees to a member of the Board of Directors or to a Vice-President. The Secretary-General shall provide secretarial services for the above Committees.

4. An Ethics and Compliance Committee shall be established, composed of the four longest-serving directors who have volunteered to participate in it, plus the Chairman of the Audit Committee. The Committee shall be chaired by the longest-serving director and the term of office as Chairman of the Committee shall be 3 years and shall be renewable in accordance with the terms laid down in the operating rules of the Committee. The Ethics and Compliance Committee shall:

- rule on any potential conflict of interest of a member or former member of the Board of Directors, the Management Committee or, on a voluntary basis, a member of the Audit Committee,
- provide opinions on any ethical matter concerning a member of the Board of Directors or of the Management Committee,
- exercise all other powers provided for in these Rules.

It shall apply the legal provisions concerning incompatibility with duties adopted by the Board of Governors. The Committee shall inform the Board of Directors and the Board of Governors of the decisions adopted.

The Chief Compliance Officer shall participate in the meetings of the Committee without the right to vote.

The Inspector General shall participate in the meetings of the Committee when fraud related matters, such as matters related to the EIB anti-fraud policy as amended from time to time, are discussed without the right to vote.

The Board of Governors shall adopt the operating rules of the Ethics and Compliance Committee.

Article 12

1. Notice of meetings of the Board of Directors together with details of the agenda must, normally, be issued not less than 15 days before the date set for each meeting.

2. The members of the Board of Directors shall have access to the documents not less than 10 working days before the meeting. The Bank may employ electronic means.
3. Each member of the Board of Directors may require the inclusion of items on the agenda for a meeting of the Board, provided that he conveys his requirement in writing to the Chairman of the Board of Directors not less than 5 days before the meeting.
4. In cases of emergency, the Chairman may convene the Board immediately. Decisions may also be put to the vote by written or electronic correspondence. The Chairman may also use the tacit procedure on the terms laid down by the Board of Directors.

Article 13

Each member of the Board of Directors shall be entitled to avail himself of one of the official languages of the Union. He may require that any document for consideration by the Board be drawn up in the language of his choice.

Article 14

1. Alternates may take part in the meetings of the Board of Directors. Alternates nominated by a State, or by common accord of several States, or by the Commission, may replace directors nominated by that State, by one of those States or by the Commission respectively. Alternates shall not be entitled to vote, except where they replace one or more directors or where they have been delegated to do so in accordance with the provisions of paragraph 5 of this article.
2. Where Article 9(2) of the Statute provides that a State shall nominate one director and two alternates, the director shall indicate which alternate, in order of priority, is to represent him when he is prevented from attending, failing which the rules laid down in the following paragraph shall apply.
3. Where Article 9(2) of the Statute provides that several Member States shall each nominate one director and jointly nominate several alternates, the alternate called upon to perform the duties of a director when he is prevented from attending shall be determined, in the absence of an express delegation, in accordance with the following order:
 - (a) the alternate determined at the time of the nomination or appointment of the alternates;
 - (b) the longest-serving alternate;
 - (c) the alternate who is senior in terms of age.
4. If a director ceases to perform his duties or dies, he shall be replaced by the alternate determined in accordance with the rules provided for in points (a), (b) and (c) of the preceding paragraph until such time as a new director is appointed by the Board of Governors.
5. Where a director, prevented from attending, is unable to arrange for an alternate to represent him, he may delegate his vote in writing to another member of the Board of Directors.
6. No member of the Board of Directors may have more than two votes.

Article 15

1. The quorum provided for in Article 10(2) of the Statute shall be eighteen voting members present.
2. Decisions of the Board of Directors shall be taken in accordance with Article 10(2) of the Statute.
3. The unanimity stipulated in Article 19(5) and (6) of the Statute means the total number of votes in favour cast by voting members present or represented.

Article 16

1. In accordance with the fourth subparagraph of Article 9(2) of the Statute, the Board of Directors shall co-opt six non-voting experts: three as full members and three as alternates.
2. The President shall propose to the Board of Directors the full member candidates and the alternate candidates, for a period expiring at the end of the directors' term of office.
3. These candidates shall be chosen from among persons having a qualification and proven experience in a field relating to the Bank's activities.
4. The Board of Directors shall approve the President's proposal in accordance with the procedure provided for in the first sentence of Article 10(2) of the Statute.
5. The co-opted experts shall enjoy the rights of the non-voting members of the Board of Directors and shall be subject to the same obligations.

Article 17

Minutes shall be kept of the meetings of the Board of Directors. They shall be signed by the Chairman of the meeting and the Chairman presiding over the meeting during which they are approved as well as by the Secretary of the meeting.

Article 18

1. In accordance with Article 9(1) of the Statute, the Board of Directors shall exercise the following powers:
 - it shall lay down, on a proposal from the Management Committee, the terms and conditions constituting the general framework for the Bank's financing, guarantee and borrowing operations, in particular by approving the criteria for the fixing of interest rates, commission and other charges,
 - it shall adopt, on a proposal from the Management Committee, the policy decisions concerning the management of the Bank,
 - it shall ensure the consistency of the EIB Group's policies and activities,
 - it shall approve the financing and guarantee operations proposed by the Management Committee,
 - it shall authorise the Management Committee to carry out borrowing operations and associated treasury and derivatives activities under global programmes which it shall establish,
 - it shall oversee the financial equilibrium of the Bank and risk control,
 - it shall decide on the key management documents of the Bank presented by the Management Committee — in particular the Corporate Operational Plan, the annual budget and the financial statements, including the consolidated version thereof — and, where appropriate, on their implementation,
 - it shall examine all Management Committee proposals to be submitted to the Board of Governors,
 - it shall adopt the special provisions of the Bank concerning access to documents,
 - it shall determine the provisions applicable to co-opted experts,
 - it shall adopt, after having consulted the Audit Committee, the accounting principles applied to the Bank's financial statements.
2. In general, it shall ensure that the Bank is properly run in accordance with the Treaty, the Statute, the directives laid down by the Board of Governors and the other texts governing the Bank's activity in the performance of its task under the Treaty. In the exercise of its powers, the Board of Directors may request the Management Committee to take the initiative and to submit proposals.

3. It may, on the basis of a decision taken by qualified majority, delegate some of its functions to the Management Committee. It shall determine the terms and conditions for such delegation and shall supervise its execution.
4. It shall exercise all other powers provided for in the Statute and shall confer upon the Management Committee, in the rules and decisions that it adopts, the corresponding implementing powers, it being understood that the Management Committee shall, in accordance with Article 11(3) of the Statute, be responsible for the current business of the Bank, under the authority of the President and the supervision of the Board of Directors.

Article 19

1. Members of the Board of Directors shall be entitled to reimbursement of their travel and subsistence expenses when taking part in the meetings of the Board of Directors.
2. The Board of Governors shall determine the amount of the attendance allowance for directors and alternates.

CHAPTER IV

MANAGEMENT COMMITTEE

Article 20

1. The Management Committee shall be the permanent representative and decision-making body of the Bank, without prejudice to the provisions of the Statute.
2. It shall meet as and when required by the business of the Bank.

Article 21

1. At least five members of the Management Committee must be present for decisions taken and opinions delivered by it to be valid.
2. The President shall chair meetings of the Board of Directors, the committees set up in accordance with Article 11(3) of these Rules and the Management Committee. If the President is prevented from attending, is ill or has a conflict of interest, the longest-serving Vice-President shall replace him. Where two or more Vice-Presidents have the same length of service, the Vice-President who is senior in terms of age shall replace the President.
3. Decisions shall be taken by simple majority of the votes cast by members present. Each member of the Management Committee shall have one vote. In the event of a tie in the voting by members of the Management Committee, the President shall have the casting vote.
4. The Management Committee may delegate the adoption of management or administrative measures to the President or one or more Vice-Presidents, subject to the restrictions and conditions laid down in the decision to delegate. Any decision so adopted shall be notified to the Committee forthwith.

The Management Committee may delegate the adoption of other measures jointly to the President and one or more Vice-Presidents, subject to the restrictions and conditions laid down in the decision to delegate, if it is not possible, given the circumstances, to take a decision in the meeting. Any decision so adopted shall be notified to the Committee forthwith.

5. The Management Committee may vote on and adopt decisions via written or electronic correspondence. The Management Committee may also use the tacit procedure and, in exceptional circumstances, have recourse to teleconferencing on terms that it shall lay down.

Article 22

The proceedings of the Management Committee shall be summarised by the Secretary in minutes approved by the Management Committee and signed by the President of the Bank and the Secretary-General.

Article 23

1. In accordance with Article 11(3) and (7) of the Statute, the Management Committee shall be competent to adopt and implement the administrative rules relating to the organisation and operation of the Bank's departments, including as regards staff management, the Staff Rules and the corresponding rights and obligations, without prejudice to the Staff Regulations. It shall inform the Board of Directors thereof.
2. The Management Committee shall also be competent, under the same terms and conditions, to conclude all agreements with the Bank's staff.
3. In the framework of the foregoing, the President shall have the power to decide on all individual staff matters, effect compromises, reconcile differences, conclude agreements and, in general, do everything that is useful and necessary in the Bank's interest, in accordance with Article 11(7) of the Statute.

Article 23.a

1. Members of the Management Committee shall be persons of independence, competence and have experience in financial, banking and/or European Union matters. They shall, at all times:

- be of high integrity and enjoy high reputation,
- possess sufficient knowledge, skills and expertise to perform their duties.

The overall composition of the Management Committee shall aim to reflect an adequately broad range of expertise as well as gender diversity.

2. An Appointment Advisory Committee shall be set up in order to give a non-binding opinion on candidates' suitability to perform the duties of a member of the Management Committee in light of the criteria set out in the foregoing paragraph and specified further in the operating rules of this Committee before the Board of Governors makes the appointments referred to in Article 11.1 of the Statute.

The Committee shall comprise five members external to the Bank, appointed by the Board of Governors upon proposal of the President, having independence, competence, high integrity and high reputation. Members of the Committee shall possess relevant professional experience, in particular banking expertise, including banking supervisory and/or financial expertise, in the private or public sector and/or thorough knowledge of European Union matters. The overall composition of the Committee shall aim to reflect an adequately broad range of expertise as well as gender diversity. Members of the Committee shall be appointed for a period of up to 6 years and may be reappointed once.

The Bank shall organize secretarial services for the Committee. The Board of Governors shall adopt the operating rules of the Committee

Article 23.b

1. In the event of serious or alleged serious misconduct of a member of the Management Committee, whether through a serious failure to honour his/her professional obligations, an infringement of the law or any other event that may seriously affect the reputation of the Bank and/or have the consequence that the member concerned is no longer in a position to exercise his/her duties properly, the President, with the agreement of the Chairman of the Board of Governors, may suspend the concerned member of the Management Committee in accordance with the provisions of this Article 23.b.

In cases concerning the President, the Chairman of the Board of Governors may suspend the President.

2. Any suspension decision:
 - shall be adopted following consultation of the Ethics and Compliance Committee and following receipt of any related observations of the concerned Member of the Management Committee,
 - shall be communicated without delay to the Board of Directors and Board of Governors,
 - shall have a duration limited to a period of 3 months, during which a confirmation of this decision for an additional period of up to 9 months will be put to the vote of the Board of Governors, acting by qualified majority. To this end, the Board of Governors will be provided with the opinion of the Ethics and Compliance Committee and the related observations of the concerned Member of the Management Committee. The Board of Governors will be asked to vote before the end of the 3 months suspension period after which the vote will be closed.
3. Should the Board of Governors within 3 months decide to confirm the suspension for an additional period, the member of the Management Committee concerned will be suspended until the end of such additional suspension period unless:
 - a reinstatement decision is adopted by the Board of Governors, acting by qualified majority,
 - a compulsory retirement decision pursuant to Article 11.2 of the Statute is adopted by the Board of Governors, acting by qualified majority.
4. Should the Board of Governors within 3 months not decide to confirm the suspension for an additional period, the member of the Management Committee concerned will be automatically reinstated.
5. Upon expiration of the suspension period, the concerned member of the Management Committee shall be automatically reinstated unless s/he is subject to a compulsory retirement decision pursuant to Article 11.2 of the Statute.
6. In the event of a compulsory retirement procedure pursuant to Article 11.2 of the Statute, the Ethics and Compliance Committee shall be consulted. The ECC opinion will be transmitted to the Board of Directors together with the related observations of the concerned Member of the Management Committee.
7. The Board of Directors shall lay down the details of the suspension and of the compulsory retirement procedures.

CHAPTER V

AUDIT COMMITTEE

Article 24

1. Pursuant to Article 12 of the Statute, an Audit Committee (hereinafter referred to as 'the Committee') shall annually verify that the operations of the Bank have been conducted and its books kept in a proper manner.
2. It shall be responsible for the auditing of the Bank's accounts.
3. It shall verify that the activities of the Bank conform to best banking practice applicable to it.

Article 25

1. The Committee shall hold a meeting at least once a year with the Management Committee in order to discuss the results of its work during the preceding financial year as well as its work programme for the current financial year.

2. At the end of each financial year and not later than 2 weeks before the submission to the Board of Governors, the Committee must receive the draft annual report of the Board of Directors, containing the draft financial statements.
3. Within 3 weeks of receiving these documents, the Committee, having carried out the tasks deemed necessary, having received assurance from the Management Committee concerning the effectiveness of the internal control systems, risk management and internal administration, and after having examined the report of the external auditors, must forward to the President of the Bank a statement confirming that, to the best of its knowledge and judgement:
 - the activities of the Bank are conducted in a proper manner, in particular with regard to risk management and monitoring,
 - the Committee has verified that the operations of the Bank have been conducted and its books kept in a proper manner and that, to this end, it has verified that the Bank's operations have been carried out in compliance with the formalities and procedures laid down by the Statute and the Rules of Procedure,
 - the Committee confirms that the financial statements, as well as any other financial information contained in the annual accounts drawn up by the Board of Directors, give a true and fair view of the financial position of the Bank in respect of its assets and liabilities, and of the results of its operations and its cash flows for the financial year under review. It shall provide the same confirmation in respect of the consolidated version of the financial statements.
4. Should the Committee consider that it is unable to confirm the foregoing, it must deliver to the President of the Bank within the same time limit a statement containing a reasoned explanation.
5. The Committee's statement shall be communicated to the Board of Governors as an annex to the annual report of the Board of Directors.
6. The Committee shall address to the Board of Governors a detailed report on the results of its work during the preceding financial year, including verification that the activities of the Bank conform to best banking practice applicable to it, a copy of which shall be sent to the members of the Board of Directors and the Management Committee. The Committee's report shall be sent to the Board of Governors together with the annual report of the Board of Directors.

Article 26

1. The Committee shall have access to all the Bank's books and vouchers and may request sight of any other document which it finds necessary to examine in the discharge of its duties. The departments of the Bank shall be at its disposal for any assistance.
2. The Committee shall also have recourse to external auditors which it shall designate after consultation with the Management Committee, and to whom it is empowered to delegate day-to-day work concerning the audit of the Bank's financial statements. To this end, it shall review each year the nature and the scope of the proposed external audit and the audit procedures to be utilised. It shall also review the results and conclusions of such audit, including any comments or recommendations. The external auditors' engagement letter shall be drawn up forthwith by the Bank in accordance with the terms and conditions established by the Committee.
3. The Committee shall also review each year the work programme, the scope and the results of the Bank's internal audit.
4. It shall ensure that there is adequate coordination between the internal and external auditors. If need be, the Committee may call on other experts.
5. The proceedings of the Committee shall be valid only if the majority of its members are present. Apart from the statement and the report referred to in Article 25 of these Rules of Procedure, which can only be adopted unanimously, all decisions of the Committee shall require the assent of the majority of its members. In the event of a tie in the voting by the members of the Committee, the Chairman shall have the casting vote.
6. The Chairman of the Committee may put decisions to the vote by written or electronic correspondence.

7. The Committee itself shall determine all other operating rules.
8. Members of the Committee shall not divulge any information or data coming to their knowledge during the performance of their duties to persons or bodies outside the Bank. This obligation shall also apply to the external auditors designated by the Committee in accordance with paragraph 2 of this Article.

Article 27

1. The members of the Committee shall be appointed by the Board of Governors. Their appointment shall be for 6 consecutive financial years and shall not be renewable. One member of the Committee shall be replaced each year.
2. Members shall be chosen from persons having independence, competence and integrity. Members shall possess financial, audit or banking supervisory expertise in the private or public sector, and among themselves should cover the whole range of expertise.
3. The terms of office of the members of the Committee shall expire at the end of the day either of the Annual Meeting of the Board of Governors referred to in Article 2(2) of these Rules or of the approval of the financial statements, whichever is the later. The term of office of new members shall commence the following day.
4. The Board of Governors, acting by a qualified majority, may compulsorily retire a member of the Committee, if it considers that he is no longer able to discharge his duties.
5. The office of Chairman of the Committee shall be held for 1 year in rotation by the member whose appointment is to come to an end at the end of the day either of the Annual Meeting of the Board of Governors referred to in Article 2(2) or of the approval of the financial statements, whichever is the later.
6. The Board of Governors, on a joint proposal from the President of the Bank and the Chairman of the Audit Committee, may appoint a maximum of three observers for a non-renewable 6-year term. They shall be appointed on the basis of their particular qualifications, especially with regard to banking supervision. They shall assist the Committee in the execution of its tasks and responsibilities, by participating in its work. The full members of the Committee may entrust the observers with certain specific tasks, in particular studies in preparation for the meetings of the Committee.

Article 28

In the event of a vacancy arising as a result of death, voluntary resignation, compulsory retirement or for any other reason, the Board of Governors shall, within 3 months, appoint a replacement for the unexpired remainder of the term of office.

Article 29

The Board of Governors shall determine the emoluments of the members of the Committee and similarly of the observers. Travel and subsistence expenses incurred by them in the performance of their duties shall be reimbursed under the conditions applicable to the members of the Board of Directors.

CHAPTER VI

SECRETARIAT

Article 30

The Secretary-General of the Bank shall provide secretarial services for the Board of Governors, the Board of Directors, the Management Committee and the Audit Committee. He shall also provide secretarial services for committees set up within the Board of Directors and for entities created in the context of mandates of the European Union or of other bodies, where provision is made for the Bank to provide such services.

CHAPTER VII

STAFF OF THE BANK*Article 31*

The Board of Directors shall prescribe the regulations concerning the staff of the Bank. The Management Committee shall adopt the procedures for implementing these regulations in accordance with Article 23 of these Rules.

Article 32

1. The Board of Governors shall ensure that the rights of the Bank's members of staff are safeguarded in the event of liquidation of the Bank.
2. In the event of an emergency the Management Committee shall immediately take the measures it deems necessary, subject to immediate reporting thereon to the Board of Directors.

CHAPTER VIII

FINAL PROVISION*Article 33*

1. These Rules of Procedure, and amendments thereto, shall enter into force on the day of their approval.
 2. The provisions of these Rules of Procedure shall in no respect derogate from the provisions of the Treaty on the Functioning of the European Union or of the Statute.
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