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

## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION REGULATION (EU) No 1013/2010

of 10 November 2010

laying down implementing rules on the Union Fleet Policy as defined in Chapter III of Council Regulation (EC) No 2371/2002

*(codification)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy <sup>(1)</sup>, and in particular Article 11(7), the first subparagraph of Article 12(1), Article 12(2), Article 13(2) and Article 14(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1438/2003 of 12 August 2003 laying down implementing rules on the Community Fleet Policy as defined in Chapter III of Council Regulation (EC) No 2371/2002 <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. In the interests of clarity and rationality the said Regulation should be codified.
- (2) The adjustment in fishing capacity of the Union fishing fleet should be monitored closely to bring it into line with the available resources. To that end, Chapter III of Regulation (EC) No 2371/2002 sets out a number of specific measures.
- (3) Rules should be laid down to ensure the correct implementation of Chapter III of Regulation (EC) No 2371/2002 by the Member States, taking into account all relevant parameters for the management of fleet capacity, in terms of tonnage (GT) and power (kW), provided for in that Regulation and also in Council Regulation (EC) No 2792/1999 of 17 December 1999 laying

down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector <sup>(4)</sup>. This Regulation should take account of the Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia on 1 May 2004 and of Bulgaria and Romania on 1 January 2007.

- (4) Reference levels for fishing capacity should be fixed at 1 January 2003 for the fleet of each Member State listed in Annex I, Part A, with the exception of their fleets registered in the outermost regions.
- (5) Article 11 of Regulation (EC) No 2371/2002 allows Member States to rebuild 4 % of the annual average tonnage scrapped with public aid between 1 January 2003 and 31 December 2006 and 4 % of the tonnage scrapped with public aid as from 1 January 2007.
- (6) Article 13 of Regulation (EC) No 2371/2002 takes account of the requirement, as currently laid down in Article 25(3)(b) and (c) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on a European Fisheries Fund <sup>(5)</sup>, to reduce by at least 20 % the power of an engine that has been replaced with public aid, excluding engine replacements in the small-scale coastal fisheries as defined in that Regulation.
- (7) It is necessary to establish rules for the adjustment of the reference levels to take account of Article 11(4), (5) and (6), and, for reasons of transparency, Article 13(1)(b)(ii) of Regulation (EC) No 2371/2002 and of the remeasurement of the Union fishing fleet. After completion of the measurement of all fishing vessels, the adjustment rule should be maintained for a strict application of the entry-exit regime in terms of tonnage.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.<sup>(2)</sup> OJ L 204, 13.8.2003, p. 21.<sup>(3)</sup> See Annex IV.<sup>(4)</sup> OJ L 337, 30.12.1999, p. 10.<sup>(5)</sup> OJ L 223, 15.8.2006, p. 1.

- (8) Requests by the Member States listed in Annex I, Part A submitted to the Commission before 31 December 2002 to increase their objectives in the Fourth Multiannual Guidance Programme (MAGP IV), as was provided for in Article 6(2) of Regulation (EC) No 2792/1999, and Article 3 and Article 4(2) of Council Decision 97/413/EC <sup>(1)</sup>, are to be taken into account where appropriate for the determination of reference levels.
- (9) It is necessary to establish a calculation method in order to assess whether Member States manage entries into and exits from their fleet of fishing vessels in compliance with Regulation (EC) No 2371/2002.
- (10) The exemption from the entry-exit regime for the vessels that joined the fleet as from 1 January 2003 or, for the Member States listed in Annex I, Part B, as from the accession date, should take into account an administrative decision adopted respectively before 1 January 2003 or before the accession date. For the calculation of the overall fishing capacity of the fleet at 1 January 2003 special treatment should be given to entries into the fleet of vessels for which such administrative decisions were taken, provided that those vessels entered the fleet not later than 5 years after the date of the administrative decision by the concerned Member State.
- (11) Implementing rules are needed for decisions by Member States on the eligibility of modernisation works to improve safety, working conditions, product quality and hygiene on board vessels as referred to in Article 11(5) of Regulation (EC) No 2371/2002, in order to ensure a transparent assessment and an equal treatment of the requests, while preventing any increase in fishing effort as a result of such works.
- (12) Increases in enclosed volume over the main deck do not affect the tonnage of vessels under 15 m in length
- overall, in accordance with Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels <sup>(2)</sup>. Therefore, the modernisation of these vessels above the main deck is not taken into account when adapting the reference levels according to Article 11(5) of Regulation (EC) No 2371/2002.
- (13) Member States should be allowed to grant a limited increase in tonnage to new or existing vessels in order to improve safety, hygiene, working conditions and product quality on board, provided it does not increase the ability of the vessels to catch fish and gives priority to small-scale coastal fisheries within the meaning of Article 26 of Regulation (EC) No 1198/2006. That increase should be linked to their efforts to adjust fishing capacity with public aid between 1 January 2003 or 1 May 2004 and 31 December 2006 and from 1 January 2007 onwards.
- (14) It is necessary to lay down implementing rules to ensure that clear rules and procedures are set for the way Member States transmit data to the Union fishing fleet register and new validation rules are needed to guarantee the quality and the reliability of such data.
- (15) The annual reports and the summary thereof made by the Commission in accordance with Article 14 of Regulation (EC) No 2371/2002 should give a clear picture of the equilibrium between fleet fishing capacity and fishing opportunities.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,
- HAS ADOPTED THIS REGULATION:

## CHAPTER I

### SCOPE AND DEFINITIONS

#### Article 1

##### Scope

This Regulation lays down the implementing rules for Chapter III of Regulation (EC) No 2371/2002. It shall apply to the fishing capacity of Union fishing vessels with the exception of vessels which are:

- (a) exclusively used in aquaculture as defined in Article 3(d) of Regulation (EC) No 1198/2006; or
- (b) registered in the outermost regions of France, Portugal and Spain as indicated in point 1 of Article 355 of the Treaty.

<sup>(1)</sup> OJ L 175, 3.7.1997, p. 27.

<sup>(2)</sup> OJ L 274, 25.9.1986, p. 1.

*Article 2***Definitions**

For the purpose of this Regulation the following definitions shall apply:

- (1) 'GT<sub>a1</sub>' or 'the total tonnage of vessels that left the fleet with public aid between 1 January 2003 and 31 December 2006' means the total tonnage of vessels that left the fleet with public aid between 1 January 2003 and 31 December 2006. In the formula concerning the reference level in tonnage in Article 4 this value is only taken into account for the amount of capacity that went beyond the tonnage reduction necessary to comply with the reference levels under Article 12(1) of Regulation (EC) No 2371/2002.

For the Member States listed in Annex I, Part B, 'GT<sub>a1</sub>' or 'the total tonnage of vessels that left the fleet with public aid between 1 January 2003 and 31 December 2006' means the total tonnage of vessels that left the fleet with public aid between the accession date and 31 December 2006;

- (2) 'GT<sub>s</sub>' or 'the total tonnage increases granted under the provisions of Article 11(5) of Regulation (EC) No 2371/2002' means the total tonnage increases granted under Article 11(5) of Regulation (EC) No 2371/2002 and registered before the date for which GT<sub>t</sub> is calculated;
- (3) 'GT<sub>a2</sub>' or 'the total tonnage of vessels leaving the fleet with public aid after 31 December 2006' means the total tonnage of vessels that left the fleet with public aid between 1 January 2007 and the date for which GT<sub>t</sub> is calculated. In the formula concerning the reference level in tonnage in Article 4 this value is only taken into account for the amount of capacity that went beyond the tonnage reduction necessary to comply with the reference levels under Article 12(1) of Regulation (EC) No 2371/2002;
- (4) 'GT<sub>100</sub>' or 'the total tonnage of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002' means the total tonnage of vessels of more than 100 GT that entered into the fleet between 1 January 2003 and the date for which GT<sub>t</sub> is calculated, and for which an administrative decision by the Member State concerned to grant aid was taken after 31 December 2002.

For the Member States listed in Annex I, Part B 'GT<sub>100</sub>' or 'the total tonnage of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002' means the total tonnage of vessels of more than 100 GT that entered into the fleet between 1 May 2004 and the date for which GT<sub>t</sub> is calculated, and for which an administrative decision by the Member State concerned to grant aid was taken after 30 April 2004;

- (5) 'kW<sub>a</sub>' or 'the total power of vessels leaving the fleet with public aid after 31 December 2002' means the total power of vessels that left the fleet with public aid between 1 January 2003 and the date for which kW<sub>t</sub> is calculated. In the formula concerning the reference level in power in Article 4 this value is only taken into account for the amount of capacity that went beyond the power reduction necessary to comply with the reference levels under Article 12(1) of Regulation (EC) No 2371/2002.

For the Member States listed in Annex I, Part B 'kW<sub>a</sub>' or 'the total power of vessels leaving the fleet with public aid after 31 December 2002' means the total power of vessels that left the fleet with public aid between 1 May 2004 and the date for which kW<sub>t</sub> is calculated;

- (6) 'kW<sub>100</sub>' or 'the total power of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002' means the total power of vessels of more than 100 GT that entered into the fleet between 1 January 2003 and the date for which kW<sub>t</sub> is calculated, and for which an administrative decision by the Member State concerned to grant aid was taken after 31 December 2002.

For the Member States listed in Annex I, Part B 'kW<sub>100</sub>' or 'the total power of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002' means the total power of vessels of more than 100 GT that entered into the fleet between 1 May 2004 and the date for which kW<sub>t</sub> is calculated, and for which an administrative decision by the Member State concerned to grant aid was taken after 30 April 2004;

- (7) 'GT<sub>t</sub>' means the total tonnage of the fleet, calculated at any given date after 1 January 2003;
- (8) 'Δ(GT-GRT)' or 'the result of the remeasurement of the fleet' means the difference between the total capacity in terms of tonnage of the fleet on 1 January 2003 and the same value recalculated once the remeasurement of the fleet in GT is completed in accordance with Regulation (EEC) No 2930/86;
- (9) 'kW<sub>t</sub>' means the total power of the fleet calculated at any date after 1 January 2003;
- (10) 'main deck' means the 'upper deck' as defined by the International Convention on Tonnage Measurement of Ships, 1969;
- (11) 'kW<sub>r</sub>' or 'the total power of the engines replaced with public aid conditional to a power reduction' means the total power of the engines replaced with public aid after 31 December 2006 under the provisions of Article 25(3)(b) and (c) of Regulation (EC) No 1198/2006.

## CHAPTER II

### REFERENCE LEVELS FOR FISHING FLEETS

#### Article 3

#### Fixing of reference levels

For each Member State listed in Annex I, Part A the reference levels in tonnage (GT) and power (kW) at 1 January 2003 as referred to in Article 12 of Regulation (EC) No 2371/2002, except those for the outermost regions, are set out in Annex I, Part A.

#### Article 4

#### Monitoring of reference levels

1. For each Member State listed in Annex I, Part A, the reference level in tonnage at any given date after 1 January 2003 (R(GT)<sub>t</sub>) shall be equal to the reference level for that Member State set out in Annex I, Part A at 1 January 2003 (R(GT)<sub>03</sub>) adjusted by:

- (a) deducting:
  - (i) 99 % of the total tonnage of vessels that left the fleet with public aid between 1 January 2003 and 31 December 2006 (GT<sub>a1</sub>);
  - (ii) 96 % of the total tonnage of vessels leaving the fleet with public aid after 31 December 2006 (GT<sub>a2</sub>);
- (b) and adding the total tonnage increases granted under the provisions of Article 11(5) of Regulation (EC) No 2371/2002 (GT<sub>S</sub>).

Those reference levels shall be determined according to the following formula:

$$R(GT)_t = R(GT)_{03} - 0,99 \text{ GT}_{a1} - 0,96 \text{ GT}_{a2} + \text{GT}_S$$

When new fishing capacity enters the fleet in accordance with Article 13(1)(b)(ii) of Regulation (EC) No 2371/2002 the reference levels mentioned in the second subparagraph of this paragraph shall be reduced by 35 % of the total tonnage of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002 ( $GT_{100}$ ) according to the following formula:

$$R(GT)_t = R(GT)_{03} - 0,99 GT_{a1} - 0,96 GT_{a2} - 0,35 GT_{100} + GT_S$$

2. For each Member State listed in Annex I, Part A, the reference level in power at any given date after 1 January 2003 ( $R(kW)_t$ ) shall be equal to the reference level for that Member State set out in Annex I, Part A at 1 January 2003 ( $R(kW)_{03}$ ) as adjusted by deducting the total power of vessels leaving the fleet with public aid after 31 December 2002 ( $kW_a$ ) and 20 % of the total power of the engines replaced with public aid conditional to a power reduction ( $kW_r$ ).

Those reference levels shall be determined according to the following formula:

$$R(kW)_t = R(kW)_{03} - kW_a - 0,2 kW_r$$

When new fishing capacity enters the fleet in accordance with Article 13(1)(b)(ii) of Regulation (EC) No 2371/2002 the reference levels referred to in the second subparagraph of this paragraph shall be reduced by 35 % of the total power of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002 ( $kW_{100}$ ) according to the following formula:

$$R(kW)_t = R(kW)_{03} - kW_a - 0,2 kW_r - 0,35 kW_{100}$$

### CHAPTER III

#### MANAGEMENT OF ENTRIES AND EXITS

##### Article 5

##### **Fishing capacity of the fleet on 1 January 2003**

Except for the Member States listed in Annex I, Part B, for the purposes of Article 7 the fishing capacity in terms of tonnage ( $GT_{03}$ ) and power ( $kW_{03}$ ) at 1 January 2003 shall be determined taking into account, in accordance with Annex II, the entries of vessels which are based on an administrative decision by the Member State concerned taken between 1 January 1998 and 31 December 2002 in conformity with the legislation applicable at that time, and in particular in accordance with the national entry/exit regime notified to the Commission under Article 6(2) of Decision 97/413/EC, and which take place not later than 5 years after the date of that administrative decision.

##### Article 6

##### **Fishing capacity of the fleet of the Member States listed in Annex I, Part B at the accession date**

For the Member States listed in Annex I, Part B, for the purposes of Article 8, the fishing capacity in terms of tonnage ( $GT_{acc}$ ) and power ( $kW_{acc}$ ) at the accession date shall be determined taking into account, in accordance with Annex III, the entries of vessels which are based on an administrative decision by the Member State concerned taken up to 5 years before the accession date, and which take place not later than 5 years after the date of that administrative decision.

##### Article 7

##### **Monitoring of entries and exits**

1. In order to comply with Article 13 of Regulation (EC) No 2371/2002 each Member State listed in Annex I, Part A to this Regulation, shall ensure that at all times the fishing capacity in tonnage ( $GT_t$ ) is equal to or less than the fishing capacity at 1 January 2003 ( $GT_{03}$ ) as adjusted by:



(a) deducting:

- (i) 99 % of the total tonnage of vessels that left the fleet with public aid between 1 January 2003 and 31 December 2006 ( $GT_{a1}$ );
- (ii) 96 % of the total tonnage of vessels leaving the fleet with public aid after 31 December 2006 ( $GT_{a2}$ );
- (iii) 35 % of the total tonnage of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002 ( $GT_{100}$ );

(b) and adding:

- (i) the total tonnage increases granted under the provisions of Article 11(5) of Regulation (EC) No 2371/2002 ( $GT_s$ );
- (ii) the result of the remeasurement of the fleet ( $\Delta(GT-GRT)$ ).

Those Member States shall ensure that the following formula is complied with:

$$GT_t \leq GT_{03} - 0,99 GT_{a1} - 0,96 GT_{a2} - 0,35 GT_{100} + GT_s + \Delta(GT-GRT)$$

2. In order to comply with Article 13 of Regulation (EC) No 2371/2002, each Member State listed in Annex I, Part A to this Regulation, shall ensure that at all times the fishing capacity in power ( $kW_t$ ) is equal to or less than the fishing capacity at 1 January 2003 ( $kW_{03}$ ) as adjusted by deducting:

- (a) the total power of vessels leaving the fleet with public aid after 31 December 2002 ( $kW_a$ );
- (b) 20 % of the total power of the engines replaced with public aid conditional to a power reduction ( $kW_r$ );
- (c) 35 % of the total power of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002 ( $kW_{100}$ ).

Those Member States shall ensure that the following formula is complied with:

$$kW_t \leq kW_{03} - kW_a - 0,2 kW_r - 0,35 kW_{100}$$

#### Article 8

##### **Monitoring of entries and exits in the Member States listed in Annex I, Part B**

1. In order to comply with Article 13 of Regulation (EC) No 2371/2002, each Member State listed in Annex I, Part B to this Regulation shall ensure that at all times the fishing capacity in tonnage ( $GT_t$ ) is equal to or less than the fishing capacity at the accession date ( $GT_{acc}$ ), as adjusted by:

(a) deducting:

- (i) for the Member States listed in Annex I, Part B that acceded to the Union on 1 May 2004, 98,5 % of the total tonnage of vessels that left the fleet with public aid between that date and 31 December 2006 ( $GT_{a1}$ );
- (ii) for each Member State listed in Annex I, Part B, 96 % of the total tonnage of vessels leaving the fleet with public aid after 31 December 2006 ( $GT_{a2}$ );
- (iii) for each Member State listed in Annex I, Part B, 35 % of the total tonnage of vessels of more than 100 GT entering the fleet with public aid granted on or after the accession date ( $GT_{100}$ );



(b) and adding:

- (i) the total tonnage increases granted under the provisions of Article 11(5) of Regulation (EC) No 2371/2002 (GT<sub>S</sub>);
- (ii) the result of the remeasurement of the fleet ( $\Delta(\text{GT-GRT})$ ).

Those Member States shall ensure that the following formula is complied with:

$$\text{GT}_t \leq \text{GT}_{\text{acc}} - 0,985 \text{ GT}_{\text{a1}} - 0,96 \text{ GT}_{\text{a2}} - 0,35 \text{ GT}_{100} + \text{GT}_S + \Delta(\text{GT-GRT})$$

2. In order to comply with Article 13 of Regulation (EC) No 2371/2002, each Member State listed in Annex I, Part B to this Regulation shall ensure that at all times the fishing capacity in power (kW<sub>t</sub>) is equal to or less than the fishing capacity at the accession date (kW<sub>acc</sub>), as adjusted by deducting:

- (a) the total power of vessels leaving the fleet with public aid on or after the accession date (kW<sub>a</sub>);
- (b) 20 % of the total power of the engines replaced with public aid conditional to a power reduction (kW<sub>r</sub>);
- (c) 35 % of the total power of vessels of more than 100 GT entering the fleet with public aid granted on or after the accession date (kW<sub>100</sub>).

Those Member States shall ensure that the following formula is complied with:

$$\text{kW}_t \leq \text{kW}_{\text{acc}} - \text{kW}_a - 0,2 \text{ kW}_r - 0,35 \text{ kW}_{100}$$

#### CHAPTER IV

### INCREASE IN TONNAGE TO IMPROVE SAFETY ON BOARD, WORKING CONDITIONS, HYGIENE AND PRODUCT QUALITY

#### Article 9

#### Eligibility of requests to increase tonnage

A request to increase the tonnage of a vessel under Article 11(5) of Regulation (EC) No 2371/2002 shall be considered eligible subject to compliance with the following conditions:

- (a) the vessel has not already been granted an increase in tonnage under those provisions;
- (b) the vessel has an overall length of 15 m or more;
- (c) the age of the vessel, calculated as the difference between the date of receipt of the application and the date of entry into service as defined in Article 6 of Regulation (EEC) No 2930/86, is at least 5 years;
- (d) the increase in tonnage is the result of modernisation works to be performed with the purpose of improving safety on board, working conditions, hygiene or product quality;
- (e) the works referred to in point (d) do not increase the volume under the main deck;
- (f) the works referred to in point (d) do not result in additional volume devoted to fish holds or fishing gear.

#### Article 10

#### Responsibilities of Member States

1. Member States shall assess the requests to increase the tonnage and decide if they are eligible in accordance with the conditions provided for in Article 9.

2. Member States shall keep a file for each vessel for which a decision on an increase in tonnage under the provisions of Article 11(5) of Regulation (EC) No 2371/2002 has been taken. That file shall include all technical information used in the assessment of the request by the Member State. Member States shall make such files available to the Commission upon request and without delay.

#### CHAPTER V

#### DATA COLLECTION

##### *Article 11*

#### **Collection of information by the Member State and communication of information to the Commission**

1. Each Member State shall collect information on:

- (a) each entry into or exit from the fleet;
- (b) each modernisation of a vessel that affects its fishing capacity.

2. Member States shall communicate at least the following data to the Commission:

- (a) the internal number and the name of the vessel;
- (b) the fishing capacity of the vessel in GT and kW;
- (c) the port of registration of the vessel;
- (d) the nature and dates of the following events:
  - (i) exit (e.g. scrapping, export, transfer to another Member State, joint venture, transfer to another activity);
  - (ii) entry (e.g. construction, import, transfer from another Member State, transfer from another activity);  
or
  - (iii) modernisation, specifying if it is for reasons of safety in accordance with Article 11(5) of Regulation (EC) No 2371/2002;
- (e) whether the event is supported with public aid;
- (f) if appropriate, the date of the administrative decision by the Member State to grant that aid;
- (g) in the case of a modernisation, the modification of power (in kW), the modification of tonnage (in GT) above and below the main deck.

#### CHAPTER VI

#### EXCHANGE OF INFORMATION AND ANNUAL REPORT

##### *Article 12*

#### **Exchange of information**

Member States shall make available to other Member States and to the Commission the information related to the implementation of Union legislation on fleet policy including the following:

- (a) national implementing rules and instruments to ensure compliance with Chapter III of Regulation (EC) No 2371/2002;
- (b) administrative procedures for fleet monitoring and surveillance and information on which authorities are involved;

- (c) information on the development of fleet capacity, in particular on withdrawals and renewals with public aid;
- (d) plans to reduce the fleet in order to comply with the reference levels where appropriate;
- (e) information on the development of fleet capacity in their outermost regions in relation to transfers of vessels between the mainland and the outermost regions;
- (f) information on the impact on fleet capacity of effort limitation schemes, in particular when they are part of a recovery plan or a multiannual management plan;
- (g) any other information deemed relevant and useful for the purpose of the exchange of information and best practices between Member States.

#### *Article 13*

##### **Annual report**

1. Each Member State shall send to the Commission by 30 April each year, in electronic format, a report on its efforts during the previous year to achieve a sustainable balance between fishing capacity and fishing opportunities.

2. On the basis of the data in the Union fishing fleet register and information contained in the reports received in accordance with paragraph 1, the Commission shall prepare a summary and present it to the Scientific, Technical and Economic Committee for Fisheries and to the Committee for Fisheries and Aquaculture established under Article 30(1) of Regulation (EC) No 2371/2002, before 31 July each year.

Those two committees shall transmit their opinion to the Commission no later than 31 October each year.

3. By 31 December each year, the Commission shall send the summary with the Member States' reports attached to the European Parliament and the Council, accompanied by the opinions of the committees mentioned in paragraph 2.

#### *Article 14*

##### **Information to be contained in the annual reports**

1. The reports by the Member States as provided for in Article 13 shall contain at least the following information:

- (a) a description of the fishing fleets in relation to fisheries: development(s) during the previous year, including fisheries covered by multiannual management or recovery plans;
- (b) the impact on fishing capacity of fishing effort reduction schemes adopted under multiannual management or recovery plans or, if appropriate, under national schemes;
- (c) information on the compliance with the entry/exit scheme and with the level of reference;
- (d) a summary report on the weaknesses and strengths of the fleet management system together with a plan for improvements and information on the general level of compliance with fleet policy instruments;
- (e) any information on changes of the administrative procedures relevant to the management of the fleet.

2. The reports by Member State shall not exceed 10 pages.

*Article 15*

Regulation (EC) No 1438/2003 is repealed.

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

*Article 16*

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

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

Done at Brussels, 10 November 2010.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX I

## PART A

**Reference levels by Member State <sup>(1)</sup>**

Member State	Reference levels 1 January 2003	
	R(GT) <sub>03</sub>	R(kW) <sub>03</sub>
Belgium	23 372	67 857
Denmark	132 706	459 526
Germany	84 262	175 927
Ireland	88 700	244 834
Greece	119 910	653 497
Spain (excluding the capacity registered in the Canary Islands at 31 December 2002)	728 344	1 671 739
France (excluding the MAGP IV objectives for the segments of the French overseas departments)	230 257	920 969
Italy	229 862	1 338 971
Netherlands	197 599	487 809
Portugal (excluding the MAGP IV objectives for the segments of Azores and Madeira)	171 502	412 025
Finland	23 203	216 195
Sweden	51 993	261 028
United Kingdom	286 120	1 129 194
Total	2 367 830	8 039 571

<sup>(1)</sup> The levels of reference may be revised to take into account vessels that existed on 31 December 2002 but were either not covered by MAGP IV or not registered on the date this table was prepared.

## PART B

**List of Member States that acceded after 1 January 2003**

Bulgaria	Latvia	Poland
Czech Republic	Lithuania	Romania
Estonia	Hungary	Slovenia
Cyprus	Malta	Slovakia

## ANNEX II

**Rules for the calculation of the fishing capacity in terms of tonnage (GT<sub>03</sub>) and power (kW<sub>03</sub>) at 1 January 2003**

For the purposes of this Annex:

1. 'GT<sub>FR</sub>' means the fishing capacity of the fleet on 1 January 2003 in terms of tonnage as calculated on the basis of the Union fishing fleet register;
2. 'GT<sub>1</sub>' means the total tonnage of vessels which entered the fleet after 31 December 2002 with public aid based on an administrative decision taken between 1 January 1998 and 31 December 2002, for which an associated capacity was withdrawn without public aid between 1 January 1998 and 31 December 2002;
3. 'GT<sub>2</sub>' means the total tonnage of vessels which entered the fleet after 31 December 2002 with public aid based on an administrative decision taken between 1 January 2002 and 30 June 2002 in an MAGP IV segment that did not comply with its objectives, for which an associated capacity withdrawal without public aid has taken place after 31 December 2002;
4. 'GT<sub>3</sub>' means the total tonnage of vessels which entered the fleet after 31 December 2002 without public aid based on an administrative decision taken between 1 January 1998 and 31 December 2002, for which an associated capacity was withdrawn without public aid between 1 January 1998 and 31 December 2002;
5. 'GT<sub>4</sub>' means the total tonnage of vessels which entered the fleet after 31 December 2002 with public aid based on an administrative decision taken between 1 January 2000 and 31 December 2001 in an MAGP IV segment that did not comply with its objectives, for which an associated capacity withdrawal without public aid has taken place 31 December 2002;
6. 'kW<sub>FR</sub>' means fishing capacity of the fleet on 1 January 2003 in terms of power as calculated on the basis of the Union fishing fleet register;
7. 'kW<sub>1</sub>' means the total power of vessels which entered the fleet after 31 December 2002 with public aid based on an administrative decision taken between 1 January 1998 and 31 December 2002, for which an associated capacity was withdrawn without public aid between 1 January 1998 and 31 December 2002;
8. 'kW<sub>2</sub>' means the total power of vessels which entered the fleet after 31 December 2002 with public aid based on an administrative decision taken between 1 January 2002 and 30 June 2002 in an MAGP IV segment that did not comply with its objectives, for which an associated capacity withdrawal without public aid has taken place 31 December 2002;
9. 'kW<sub>3</sub>' means the total power of vessels which entered the fleet after 31 December 2002 without public aid based on an administrative decision taken between 1 January 1998 and 31 December 2002, for which an associated capacity was withdrawn without public aid between 1 January 1998 and 31 December 2002;
10. 'kW<sub>4</sub>' means the total power of vessels which entered the fleet after 31 December 2002 with public aid based on an administrative decision taken between 1 January 2000 and 31 December 2001 in an MAGP IV segment that did not comply with its objectives, for which an associated capacity withdrawal without public aid has taken place 31 December 2002.

The fishing capacity of the fleet expressed in terms of tonnage GT<sub>03</sub> and power kW<sub>03</sub>, as defined in Article 6, shall be calculated in accordance with the following formulae:

$$GT_{03} = GT_{FR} + GT_1 - 0,35 GT_2 + GT_3 - 0,30 GT_4$$

$$kW_{03} = kW_{FR} + kW_1 - 0,35 kW_2 + kW_3 - 0,30 kW_4$$

## ANNEX III

**Rules for the calculation of the fishing capacity in terms of tonnage ( $GT_{acc}$ ) and power ( $kW_{acc}$ ) for the Member States listed in Annex I, Part B on the accession date**

For the purposes of this Annex:

1. ' $GT_{FR}$ ' means the fishing capacity of the fleet on the date of accession in terms of tonnage as calculated on the basis of the Union fishing fleet register;
2. ' $GT_1$ ' means the total tonnage of vessels which entered the fleet after the accession date based on an administrative decision taken up to 5 years before the accession date;
3. ' $kW_{FR}$ ' means fishing capacity of the fleet on the date of accession in terms of power as calculated on the basis of the Union fishing fleet register;
4. ' $kW_1$ ' means the total power of vessels which entered the fleet after the accession date based on an administrative decision taken up to 5 years before the accession date.

The fishing capacity of the fleet expressed in terms of tonnage  $GT_{acc}$  and power  $kW_{acc}$ , as defined in Article 6, shall be calculated in accordance with the following formulae:

$$GT_{acc} = GT_{FR} + GT_1$$

$$kW_{acc} = kW_{FR} + kW_1$$

## ANNEX IV

**Repealed Regulation with list of its successive amendments**

Commission Regulation (EC) No 1438/2003	(OJ L 204, 13.8.2003, p. 21)
Commission Regulation (EC) No 916/2004	(OJ L 163, 30.4.2004, p. 81)
Commission Regulation (EC) No 1277/2007	(OJ L 284, 30.10.2007, p. 14)
Commission Regulation (EC) No 1086/2008	(OJ L 297, 6.11.2008, p. 9)



## ANNEX V

**Correlation table**

Regulation (EC) No 1438/2003	This Regulation
Article 1	Article 1
Article 2, points 1 to 10	Article 2, points (1) to (10)
Article 2, point 11	—
Article 2, point 12	Article 2, point (11)
Articles 3 and 4	Articles 3 and 4
Article 6	Article 5
Article 6a	Article 6
Article 7	Article 7
Article 7a	Article 8
Article 8	Article 9
Article 9	Article 10
Article 10(1) and (2)	Article 11(1) and (2)
Article 10(3)	—
Article 11	Article 12
Article 12	Article 13
Article 13	Article 14
—	Article 15
Article 14, first paragraph	Article 16
Article 14, second paragraph	—
Annex I	Annex I, Part A
—	Annex I, Part B
Annexes II and III	Annexes II and III
—	Annex IV
—	Annex V

**COMMISSION REGULATION (EU) No 1014/2010****of 10 November 2010****on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles<sup>(1)</sup>, and in particular the first subparagraph of Article 8(9) thereof,

Whereas:

- (1) According to Article 8 of Regulation (EC) No 443/2009 Member States must every year record and transmit certain data to the Commission about new passenger cars registered in their territory in the previous year. As those data are to serve as the basis for determining the specific CO<sub>2</sub> emissions target for manufacturers of new passenger cars and for the assessment of whether manufacturers comply with those targets, it is necessary to harmonise the rules on the collection and reporting of those data.
- (2) In order to assess fully whether each manufacturer complies with its specific CO<sub>2</sub> emissions target established according Regulation (EC) No 443/2009 and to gain the necessary experience of the application of that Regulation, the Commission needs detailed data at manufacturer level for each vehicle series defined by type, variant and version. Member States should therefore ensure that such data are recorded and transmitted to the Commission together with the aggregated data in accordance with Article 8(2) of that Regulation.
- (3) Pursuant to Articles 18 and 26 of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles<sup>(2)</sup>, a manufacturer must ensure that each new passenger car placed on the

market in the EU is accompanied by a valid certificate of conformity and a Member State cannot register such a vehicle unless it is accompanied by such a certificate of conformity. It is logical, therefore, that the certificate of conformity should be the primary source for the information that the Member States are required to record, make available to manufacturers pursuant to Article 8(1) of Regulation (EC) No 443/2009 and report to the Commission. In order to allow Member States to use information from sources other than the certificate of conformity, as indicated in recital 26 of Regulation (EC) No 443/2009, for the purpose of completing the process of registration and entry into service of a new passenger car, it is appropriate to establish which other documents provide equivalent accuracy and which therefore should also be permitted for use by the Member States.

- (4) It is important that the data on the registration of new passenger cars is accurate and can be processed effectively for the purpose of establishing the specific emission target in accordance with Article 4 of Regulation (EC) No 443/2009. Manufacturers should therefore provide the Commission with up-to-date information on the names and the first section of the Vehicle Identification Number as specified in Council Directive 76/114/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to statutory plates and inscriptions for motor vehicles and their trailers, and their location and method of attachment<sup>(3)</sup> that are used on the certificates of conformity in the different Member States of registration. That information will enable the Commission to provide the Member States with an updated list of designated manufacturers' names which should be used for the purpose of data reporting.
- (5) Member States should record and report information about newly registered vehicles that are designed to use alternative fuels. In order to allow the Commission to take into account reductions to the specific emissions target due to the use of ethanol (E85) fuel in accordance with Article 6 of Regulation (EC) No 443/2009, Member States should provide the Commission with the necessary information including the proportion of filling stations in their territory and, where applicable, the total number of those which provide ethanol (E85) fuel meeting the sustainability criteria set out in Directive 2009/28/EC of the European Parliament and of the Council of

<sup>(1)</sup> OJ L 140, 5.6.2009, p. 1.

<sup>(2)</sup> OJ L 263, 9.10.2007, p. 1.

<sup>(3)</sup> OJ L 24, 30.1.1976, p. 1.

23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC <sup>(1)</sup>, and in Article 7b of Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC <sup>(2)</sup>.

- (6) Articles 23 and 24 of Directive 2007/46/EC provide for a simplified approval procedure for which it is not required to issue a European certificate of conformity. Member States should monitor the number of vehicles registered under those procedures in order to assess its impact on the monitoring process and the attainment of the EU's average CO<sub>2</sub> emissions target for the new passenger car fleet.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Definitions

In addition to the definitions set out in Articles 2 and 3 of Regulation (EC) No 443/2009, the following definitions shall apply:

- (1) 'type-approval documentation' means the documents including the data specified in the third column of the table set out in Annex I to this Regulation;
- (2) 'aggregated monitoring data' means the aggregated data specified in the first table in Part C of Annex II to Regulation (EC) No 443/2009;
- (3) 'detailed monitoring data' means the detailed data specified in the second table in Part C of Annex II to Regulation (EC) No 443/2009 which is disaggregated by manufacturer and vehicle series as defined by the type, variant and version;
- (4) 'base vehicle' is as defined in Article 3(18) of Directive 2007/46/EC;
- (5) 'bi-fuel gas vehicle' and 'flex-fuel ethanol vehicle' are as defined in Article 2 of Commission Regulation (EC) No 692/2008 <sup>(3)</sup>.

#### Article 2

##### Data transmission

The aggregated monitoring data together with the detailed monitoring data shall be transmitted by the Member States via electronic data transfer to the Central Data Repository managed by the European Environmental Agency. Member States shall notify the Commission when the data is transmitted.

#### Article 3

##### Data sources

1. Irrespective of the data source used by each Member State to prepare the aggregated monitoring data and the detailed monitoring data, these data shall be based upon information contained in the certificate of conformity of the relevant passenger car or the type-approval documentation including the information specified in Annex III and Annex VIII to Directive 2007/46/EC as specified in the table in Annex I to this Regulation.

2. The parameter 'total number of new registrations' in the detailed monitoring data shall be determined from the total number of registration records created in each year which relate to a unique vehicle.

3. Where there is more than one name of a manufacturer on the certificate of conformity or type-approval documentation, the Member State shall report the manufacturer of the base vehicle.

4. The CO<sub>2</sub> emission values to be reported under the parameter 'Specific emissions of CO<sub>2</sub>' in the detailed monitoring data shall be taken from the entry 'combined' in the certificate of conformity or the type-approval documentation, except in the case when the entry for 'weighted combined' applies.

5. In reporting the alternative fuel vehicles in the detailed monitoring data, the competent authority shall provide the fuel type and fuel mode as specified in Annex I to this Regulation.

6. In the case of bi-fuel gas or flex-fuel ethanol vehicles, the competent authority shall report the following CO<sub>2</sub> emission values under the parameter 'Specific emissions of CO<sub>2</sub> (g/km)' in the detailed monitoring data:

- (a) for bi-fuel gas vehicles using petrol and gaseous fuels, the CO<sub>2</sub> emissions value for the liquefied petroleum gas (LPG) or natural gas (NG) in accordance with point 2 in Part A of Annex II to Regulation (EC) No 443/2009;
- (b) for flex-fuel ethanol vehicles using petrol and ethanol (E85) fuel referred to in Article 6 of Regulation (EC) No 443/2009, the CO<sub>2</sub> emission value for petrol.

<sup>(1)</sup> OJ L 140, 5.6.2009, p. 16.

<sup>(2)</sup> OJ L 350, 28.12.1998, p. 58.

<sup>(3)</sup> OJ L 199, 28.7.2008, p. 1.

In the case of point (b), Member States shall report the petrol value also where the conditions for a reduction set out in Article 6 of Regulation (EC) No 443/2009 are not met. Member States may however also report the E85 value.

7. Where the vehicle is equipped with axle tracks of different widths, the Member State shall report the maximum axle width under the parameter 'Footprint — track width (mm)' in the detailed monitoring data.

8. Where the aggregated monitoring data and the detailed monitoring data are taken from the type-approval documentation, and where those data contains ranges of values, the Member States shall ensure that the reported data provide adequate accuracy, and are in accordance with the data contained in the certificate of conformity.

#### Article 4

##### Data maintenance and control

The Member States shall ensure the maintenance, collection, control, verification and transmission of the aggregated monitoring data and the detailed monitoring data.

#### Article 5

##### Preparation of data by Member States

1. For the purpose of calculating the average specific emission of CO<sub>2</sub> to be included in the aggregated monitoring data, Member States shall not take into account any of the following:

- (a) the percentages laid down in Article 4 of Regulation (EC) No 443/2009;
- (b) the super-credits laid down in Article 5 of Regulation (EC) No 443/2009;
- (c) the CO<sub>2</sub> emissions reduction granted in accordance with Article 6 of Regulation (EC) No 443/2009;
- (d) the CO<sub>2</sub> emissions reduction achieved through innovative technologies considered in accordance with Article 12 of Regulation (EC) No 443/2009.

2. For the purpose of calculating the average mass and footprint to be included in the aggregated monitoring data, Member States shall not take into account any of the following:

- (a) the percentages laid down in Article 4 of Regulation (EC) No 443/2009;
- (b) the super-credits laid down in Article 5 of Regulation (EC) No 443/2009.

3. When completing the detailed monitoring data, Member States shall include:

- (a) for each vehicle with specific emissions of CO<sub>2</sub> of less than 50 g CO<sub>2</sub>/km, the number of vehicles registered without applying the multiplication factors laid down in Article 5 of Regulation (EC) No 443/2009;
- (b) for each vehicle designed to be capable of running on ethanol (E85) fuel, the specific emissions of CO<sub>2</sub> without applying the 5 % CO<sub>2</sub> emissions reduction granted to such vehicles in accordance with Article 6 of Regulation (EC) No 443/2009;
- (c) for each vehicle equipped with innovative technologies, the specific emissions of CO<sub>2</sub> without taking into account the CO<sub>2</sub> emissions reduction through innovative technologies granted in accordance with Article 12 of Regulation (EC) No 443/2009.

4. The aggregated monitoring data and the detailed monitoring data shall be reported with the precision set out in Tables 1 and 2 of Annex II to this Regulation.

#### Article 6

##### Reporting of filling stations supplying ethanol (E85) fuel

1. The information on the proportion of filling stations in the respective territory of the Member States that supply ethanol (E85) fuel complying with the sustainability criteria for biofuels set out in Article 17 of Directive 2009/28/EC and in Article 7b of Directive 98/70/EC shall be provided electronically to the Commission together with the aggregated monitoring data.

The proportion of filling stations shall be specified in at least 5 % band intervals stating the lowest end of the interval.

2. Where the proportion of filling stations supplying ethanol (E85) fuel exceeds 30 %, Member States shall provide the Commission with the total number of filling stations supplying ethanol (E85) fuel that is made available in the same way as other liquid hydrocarbon fuel and that satisfies the sustainability criteria referred to in paragraph 1.

3. The information laid down in paragraphs 1 and 2 shall be submitted to the Commission by 28 February every year.

Where the Commission has raised no objections within 3 months of receipt of the information provided pursuant to paragraph 2 of this Article, the reduction provided for in Article 6 of Regulation (EC) No 443/2009 shall apply.

*Article 7***Vehicles not covered by EC type approval**

1. Where passenger cars are subject to national type approval of small series in accordance with Article 23 of Directive 2007/46/EC or to individual approvals in accordance with Article 24 of that Directive, Member States shall inform the Commission of the respective numbers of such cars registered in their territory.

2. In completing the aggregated monitoring data the competent authority shall, instead of the name of manufacturer, indicate one of the following:

- (a) 'AA-IVA' for reporting vehicle types approved individually;
- (b) 'AA-NSS' for reporting vehicle types approved nationally in small series.

Member States may also complete the detailed monitoring data for these vehicles, and shall in that case use the denominations referred to in points (a) and (b).

*Article 8***List of manufacturers**

1. Manufacturers shall by 15 December 2010, notify the Commission of the following:

- (a) the names they indicate or intend to indicate on the certificates of conformity;
- (b) the first section of any Vehicle Identification Number as specified in Directive 76/114/EEC that they indicate or intend to indicate on the certificates of conformity.

They shall notify the Commission without delay of any changes to the information referred to in points (a) and (b). New manufacturers entering the market shall notify the details referred to in the first subparagraph to the Commission without delay.

2. In completing the aggregated monitoring data and the detailed monitoring data, the competent authority shall use the names of the manufacturers taken from the list that is to be drawn up by the Commission on the basis of the names notified pursuant to paragraph 1. That list shall be published on the Internet for the first time on 31 December 2010 and shall be updated at regular intervals.

3. Where the name of a manufacturer is not included in that list, the competent authority shall use the name on the certificate of conformity or in the type-approval documentation for the purpose of completing the aggregated monitoring data and the detailed monitoring data.

*Article 9***Additional information to be provided by manufacturers**

1. For the purpose of the notification referred to in the second subparagraph of Article 8(4) of Regulation (EC) No 443/2009, manufacturers shall, at the latest by 31 May every year, inform the Commission of the relevant name and address of the contact person to whom the notification shall be addressed.

In the event of any change to the provided data the manufacturer shall inform the Commission without delay. New manufacturers entering the market shall inform the Commission without delay of their contact details.

2. Where a group of connected undertakings forms a pool, it shall for the purposes of determining the applicability of Article 7(6) of Regulation (EC) No 443/2009 provide evidence to the Commission of the connection between the members of the group in accordance with the criteria laid down in Article 3(2) of that Regulation.

*Article 10***Entry into force**

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

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

Done at Brussels, 10 November 2010.

*For the Commission*

*The President*

José Manuel BARROSO

## ANNEX I

## Data sources

Parameter	Certificate of conformity (Part 1, Model B set out in Annex IX to Directive 2007/46/EC)	Type-approval documentation (Directive 2007/46/EC)
Manufacturer	Section 0.5	Section 0.5 of Part 1 of Annex III
Type	Section 0.2	Section 0.2 of Part 1 of Annex III
Variant	Section 0.2	Section 3 of Annex VIII
Version	Section 0.2	Section 3 of Annex VIII
Make	Section 0.1	Section 0.1 of Part 1 of Annex III
Commercial name	Section 0.2.1	Section 0.2.1 of Part 1 of Annex III
Category of the vehicle type approved	Section 0.4	Section 0.4 of Part 1 of Annex III
Mass (kg)	until 29 April 2010: Section 12.1 from 30 April 2010: Section 13	Section 2.6 of Part 1 of Annex III <sup>(1)</sup>
Footprint — Wheel base (mm)	until 29 April 2010: Section 3 from 30 April 2010: Section 4	Section 2.1 of Part 1 of Annex III <sup>(2)</sup>
Footprint — Track width (mm)	until 29 April 2010: Section 5 from 30 April 2010: Section 30	Section 2.3.1 and 2.3.2 of Part 1 of Annex III <sup>(3)</sup>
Specific CO <sub>2</sub> emissions (g/km) <sup>(4)</sup>	until 29 April 2010: Section 46.2 from 30 April 2010: Section 49.1	Section 3 of Annex VIII
Fuel type	until 29 April 2010: Section 25 from 30 April 2010: Section 26	Section 3.2.2.1 of Part 1 of Annex III
Fuel mode	from 30 April 2010: Section 26.1	Section 3.2.2.4 of Part 1 of Annex III

<sup>(1)</sup> In accordance with Article 3(8) of this Regulation.

<sup>(2)</sup> In accordance with Article 3(8) of this Regulation.

<sup>(3)</sup> In accordance with Article 3(7) and 3(8) of this Regulation.

<sup>(4)</sup> In accordance with Article 3(4) of this Regulation.

## ANNEX II

## Tables of data precision

Table 1

**The required precision of the aggregated monitoring data to be reported in accordance with Article 2**

CO <sub>2</sub> (g/km)	in accordance with second subparagraph of Article 9(2) of Regulation (EC) No 443/2009
Mass (kg)	integer
Footprint (m <sup>2</sup> )	rounded to the nearest three decimal digits

Table 2

**The required precision of the detailed monitoring data to be reported in accordance with Article 2**

CO <sub>2</sub> (g/km)	integer
Mass (kg)	integer
Footprint — Wheel base (mm)	integer
Footprint — Track width (mm)	integer
Emission reduction through innovative technologies (g/km)	rounded to the nearest one decimal place



**COMMISSION REGULATION (EU) No 1015/2010****of 10 November 2010****implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to  
ecodesign requirements for household washing machines****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products<sup>(1)</sup>, and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

- (1) Under Directive 2009/125/EC ecodesign requirements should be set by the Commission for energy-related products representing significant volumes of sales and trade, having significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.
- (2) Article 16(2), first indent, of Directive 2009/125/EC provides that in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Ecodesign Consultation Forum, the Commission shall, as appropriate, introduce an implementing measure for domestic appliances, including household washing machines.
- (3) The Commission has carried out a preparatory study to analyse the technical, environmental and economic aspects of household washing machines typically used in households. The study has been developed together with stakeholders and interested parties from the Union and third countries, and the results have been made publicly available.
- (4) This Regulation should cover products designed for washing laundry in households.
- (5) Household combined washer-driers have particular characteristics and should therefore be excluded from the scope of this Regulation. However, considering that they offer similar functionalities as household washing machines, they should be addressed as soon as possible in another implementing measure of Directive 2009/125/EC.
- (6) The environmental aspect of the household washing machines, identified as significant for the purposes of this Regulation, is energy and water consumption in

the use phase. The annual electricity and water consumption of products subject to this Regulation was estimated to have been 35 TWh and 2 213 million m<sup>3</sup>, respectively, in the Union in 2005. Unless specific measures are taken, annual electricity and water consumption is predicted to be 37,7 TWh and 2 051 million m<sup>3</sup> in 2020. The preparatory study shows that the electricity and water consumption of products subject to this Regulation can be significantly reduced.

- (7) The preparatory study shows that requirements regarding other ecodesign parameters referred to in Part 1 of Annex I to Directive 2009/125/EC are not necessary as electricity and water consumptions of household washing machines in the use phase are by far the most important environmental aspect.
- (8) The electricity and water consumptions of products subject to this Regulation should be made more efficient by applying existing non-proprietary cost-effective technologies that can reduce the combined costs of purchasing and operating these products.
- (9) The ecodesign requirements should not affect functionality from the end-user's perspective and should not negatively affect health, safety or the environment. In particular, the benefits of reducing electricity and water consumption during the use phase should more than offset any additional environmental impacts during the production phase.
- (10) The ecodesign requirements should be introduced gradually in order to provide a sufficient timeframe for manufacturers to redesign products subject to this Regulation. The timing should be such as to avoid negative impacts on the functionalities of equipment on the market, and to take into account cost impacts for end-users and manufacturers, in particular small and medium-sized enterprises, while ensuring timely achievement of the objectives of this Regulation.
- (11) Measurements of the relevant product parameters should be performed using reliable, accurate and reproducible measurement methods, which take into account the recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services<sup>(2)</sup>.

<sup>(1)</sup> OJ L 285, 31.10.2009, p. 10.

<sup>(2)</sup> OJ L 204, 21.7.1998, p. 37.

- (12) In accordance with Article 8 of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.
- (13) In order to facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes V and VI to Directive 2009/125/EC in so far as this information relates to the requirements laid down in this Regulation.
- (14) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified to ensure the wide availability and easy accessibility of information on the lifecycle environmental performance of products subject to this Regulation.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 19(1) of Directive 2009/125/EC,
- (5) 'programme' means a series of operations that are pre-defined and are declared by the manufacturer as suitable for washing certain types of textile;
- (6) 'cycle' means a complete washing, rinsing and spinning process, as defined for the selected programme;
- (7) 'programme time' means the time that elapses from the initiation of the programme until the completion of the programme excluding any end-user programmed delay;
- (8) 'rated capacity' means the maximum mass in kilograms stated by the manufacturer at 0,5 kg intervals kg of dry textiles of a particular type, which can be treated in a household washing machine on the selected programme, when loaded in accordance with the manufacturer's instructions;
- (9) 'partial load' means half of the rated capacity of a household washing machine for a given programme;

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Subject matter and scope

1. This Regulation establishes ecodesign requirements for the placing on the market of electric mains-operated household washing machines and electric mains-operated household washing machines that can also be powered by batteries, including those sold for non-household use and built-in household washing machines.
2. This Regulation shall not apply to household combined washer-driers.

#### Article 2

##### Definitions

In addition to the definitions laid down in Article 2 of Directive 2009/125/EC, the following definitions shall apply for the purpose of this Regulation:

- (1) 'household washing machine' means an automatic washing machine which cleans and rinses textiles using water which also has a spin extraction function and which is designed to be used principally for non-professional purposes;
- (2) 'built-in household washing machine' means a household washing machine intended to be installed in a cabinet, a prepared recess in a wall or a similar location, requiring furniture finishing;
- (3) 'automatic washing machine' means a washing machine where the load is fully treated by the machine without the need for user intervention at any point during the programme;
- (4) 'household combined washer-drier' means a household washing machine which includes both a spin extraction function and also a means for drying the textiles, usually by heating and tumbling;
- (10) 'remaining moisture content' means the amount of moisture contained in the load at the end of the spinning phase;
- (11) 'off-mode' means a condition where the household washing machine is switched off using appliance controls or switches accessible to and intended for operation by the end-user during normal use to attain the lowest power consumption that may persist for an indefinite time while the household washing machine is connected to a power source and used in accordance with the manufacturer's instructions; where there is no control or switch accessible to the end-user, 'off-mode' means the condition reached after the household washing machine reverts to a steady-state power consumption on its own;
- (12) 'left-on mode' means the lowest power consumption mode that may persist for an indefinite time after completion of the programme without any further intervention by the end-user besides unloading of the household washing machine;
- (13) 'equivalent washing machine' means a model of household washing machine placed on the market with the same rated capacity, technical and performance characteristics, energy and water consumption and airborne acoustical noise emissions during washing and spinning as another model of household washing machine placed on the market under a different commercial code number by the same manufacturer.

#### Article 3

##### Ecodesign requirements

The generic ecodesign requirements for household washing machines are set out in point 1 of Annex I.

The specific ecodesign requirements for household washing machines are set out in point 2 of Annex I.

*Article 4***Conformity assessment**

1. The conformity assessment procedure referred to in Article 8 of Directive 2009/125/EC shall be the internal design control system set out in Annex IV to that Directive or the management system set out in Annex V to that Directive.

2. For the purposes of conformity assessment pursuant to Article 8 of Directive 2009/125/EC, the technical documentation file shall contain a copy of the calculation set out in Annex II to this Regulation.

Where the information included in the technical documentation for a particular household washing machine model has been obtained by calculation on the basis of design, or extrapolation from other equivalent washing machines, or both, the technical documentation shall include details of such calculations or extrapolations, or both, and of tests undertaken by manufacturers to verify the accuracy of the calculations undertaken. In such cases, the technical documentation shall also include a list of all other equivalent household washing machine models where the information included in the technical documentation was obtained on the same basis.

*Article 5***Verification procedure for market surveillance purposes**

Member States shall apply the verification procedure described in Annex III to this Regulation when performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC for compliance with requirements set out in Annex I to this Regulation.

*Article 6***Benchmarks**

The indicative benchmarks for best-performing household washing machines available on the market at the time of entry into force of this Regulation are set out in Annex IV.

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

Done at Brussels, 10 November 2010.

*Article 7***Revision**

The Commission shall review this Regulation in the light of technological progress no later than 4 years after its entry into force and present the result of this review to the Ecodesign Consultation Forum. The review shall in particular assess the verification tolerances set out in Annex III, the opportunity of setting requirements on rinsing and spin-drying efficiency and the potential for hot water inlet.

*Article 8***Entry into force and application**

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

2. It shall apply from 1 December 2011.

However, the ecodesign requirements listed below shall apply in accordance with the following timetable:

- (a) the generic ecodesign requirements set out in point 1(1) of Annex I shall apply from 1 December 2012;
- (b) the generic ecodesign requirements set out in point 1(2) of Annex I shall apply from 1 June 2011;
- (c) the generic ecodesign requirements set out in point 1(3) of Annex I shall apply from 1 December 2013;
- (d) the specific ecodesign requirements set out in point 2(2) of Annex I shall apply from 1 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

## ANNEX I

**Ecodesign requirements****1. GENERIC ECODESIGN REQUIREMENTS**

- (1) For the calculation of the energy consumption and other parameters for household washing machines, the cycles which clean normally soiled cotton laundry (hereafter standard cotton programmes) at 40 °C and 60 °C shall be used. These cycles shall be clearly identifiable on the programme selection device of the household washing machines or the household washing machines display, if any, or both, and indicated as 'standard 60 °C cotton programme' and 'standard 40 °C cotton programme'.
- (2) The booklet of instructions provided by the manufacturer shall provide:
  - (a) the standard 60 °C and 40 °C cotton programmes, referred to as 'standard 60 °C cotton programme' and 'standard 40 °C cotton programme', and shall specify that they are suitable to clean normally soiled cotton laundry and that they are the most efficient programmes in terms of combined energy and water consumptions for washing that type of cotton laundry; in addition, an indication that the actual water temperature may differ from the declared cycle temperature;
  - (b) the power consumption of the off-mode and of the left-on mode;
  - (c) indicative information on the programme time, remaining moisture content, energy and water consumption for the main washing programmes at full or partial load, or both;
  - (d) recommendation on the type of detergents suitable for the various washing temperatures.
- (3) Household washing machines shall offer to end-users a cycle at 20 °C. This programme shall be clearly identifiable on the programme selection device of the household washing machines or the household washing machines display, if any, or both.

**2. SPECIFIC ECODESIGN REQUIREMENTS**

Household washing machines shall comply with the following requirements:

**(1) From 1 December 2011:**

- for all household washing machines, the Energy Efficiency Index (*EEI*) shall be less than 68,
- for household washing machines with a rated capacity higher than 3 kg, the Washing Efficiency Index (*I<sub>w</sub>*) shall be greater than 1,03,
- for household washing machines with a rated capacity equal to or lower than 3 kg, the Washing Efficiency Index (*I<sub>w</sub>*) shall be greater than 1,00,
- for all household washing machines, the Water Consumption (*W<sub>t</sub>*) shall be:

$$W_t \leq 5 \times c + 35$$

where *c* is the household washing machine's rated capacity for the standard 60 °C cotton programme at full load or for the standard 40 °C cotton programme at full load, whichever is the lower.

**(2) From 1 December 2013:**

- for household washing machines with a rated capacity equal to or higher than 4 kg, the Energy Efficiency Index (*EEI*) shall be less than 59,
- for all household washing machines, the water consumption shall be,

$$W_t \leq 5 \times c_{1/2} + 35$$

where *c<sub>1/2</sub>* is the household washing machine's rated capacity for the standard 60 °C cotton programme at partial load or for the standard 40 °C cotton programme at partial load, whichever is the lower.

The Energy Efficiency Index (*EEI*), the Washing Efficiency Index (*I<sub>w</sub>*) and the Water Consumption (*W<sub>t</sub>*) are calculated in accordance with Annex II.

## ANNEX II

**Method for calculating the Energy Efficiency Index, Washing Efficiency Index, water consumption and remaining moisture content**

## 1. CALCULATION OF THE ENERGY EFFICIENCY INDEX

For the calculation of the Energy Efficiency Index (*EEl*) of a household washing machine model, the weighted annual energy consumption of a household washing machine for the standard 60 °C cotton programme at full and partial load and for the standard 40 °C cotton programme at partial load is compared to its standard annual energy consumption.

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

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

where:

$AE_C$  = weighted annual energy consumption of the household washing machine;

$SAE_C$  = standard annual energy consumption of the household washing machine.

(b) The standard annual energy consumption ( $SAE_C$ ) is calculated in kWh/year as follows and rounded to two decimal places:

$$SAE_C = 47,0 \times c + 51,7$$

where:

$c$  = rated capacity of the household washing machine for the standard 60 °C cotton programme at full load or the standard 40 °C cotton programme at full load, whichever is the lower.

(c) The weighted annual energy consumption ( $AE_C$ ) is calculated in kWh/year as follows and is rounded to two decimal places:

(i)

$$AE_C = E_t \times 220 + \frac{\left[ P_o \times \frac{525\,600 - (T_t \times 220)}{2} + P_l \times \frac{525\,600 - (T_l \times 220)}{2} \right]}{60 \times 1\,000}$$

where:

$E_t$  = weighted energy consumption;

$P_o$  = weighted power in 'off-mode';

$P_l$  = weighted power in the 'left-on mode';

$T_t$  = programme time;

220 = total number of standard washing cycles per year.

(ii) Where the household washing machine is equipped with a power management system, with the household washing machine reverting automatically to 'off-mode' after the end of the programme, the weighted annual energy consumption ( $AE_C$ ) is calculated taking into consideration the effective duration of the 'left-on mode', according to the following formula:

$$AE_C = E_t \times 220 + \frac{\{(P_l \times T_l \times 220) + P_o \times [525\,600 - (T_t \times 220) - (T_l \times 220)]\}}{60 \times 1\,000}$$

where:

$T_l$  = time in 'left-on mode'.

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

$$E_t = [3 \times E_{t,60} + 2 \times E_{t,60\frac{1}{2}} + 2 \times E_{t,40\frac{1}{2}}] / 7$$

where:

$E_{t,60}$  = energy consumption of the standard 60 °C cotton programme;

$E_{t,60\frac{1}{2}}$  = energy consumption of the standard 60 °C cotton programme at partial load;

$E_{t,40\frac{1}{2}}$  = energy consumption of the standard 40 °C cotton programme at partial load.

- (e) The weighted power in 'off-mode' ( $P_o$ ) is calculated in W as follows and rounded to two decimal places:

$$P_o = (3 \times P_{o,60} + 2 \times P_{o,60\frac{1}{2}} + 2 \times P_{o,40\frac{1}{2}}) / 7$$

where:

$P_{o,60}$  = power in 'off-mode' of the standard 60 °C cotton programme at full load;

$P_{o,60\frac{1}{2}}$  = power in 'off-mode' of the standard 60 °C cotton programme at partial load;

$P_{o,40\frac{1}{2}}$  = power in 'off-mode' of the standard 40 °C cotton programme at partial load.

- (f) The weighted power in the 'left-on mode' ( $P_l$ ) is calculated in W as follows and rounded to two decimal places:

$$P_l = (3 \times P_{l,60} + 2 \times P_{l,60\frac{1}{2}} + 2 \times P_{l,40\frac{1}{2}}) / 7$$

where:

$P_{l,60}$  = power in 'left-on mode' of the standard 60 °C cotton programme at full load;

$P_{l,60\frac{1}{2}}$  = power in 'left-on mode' of the standard 60 °C cotton programme at partial load;

$P_{l,40\frac{1}{2}}$  = power in 'left-on mode' of the standard 40 °C cotton programme at partial load.

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

$$T_t = (3 \times T_{t,60} + 2 \times T_{t,60\frac{1}{2}} + 2 \times T_{t,40\frac{1}{2}}) / 7$$

where:

$T_{t,60}$  = programme time of the standard 60 °C cotton programme at full load;

$T_{t,60\frac{1}{2}}$  = programme time of the standard 60 °C cotton programme at partial load;

$T_{t,40\frac{1}{2}}$  = programme time of the standard 40 °C cotton programme at partial load.

- (h) The weighted time in 'left-on mode' ( $T_l$ ) is calculated in minutes as follows and rounded to the nearest minute:

$$T_l = (3 \times T_{l,60} + 2 \times T_{l,60\frac{1}{2}} + 2 \times T_{l,40\frac{1}{2}}) / 7$$

where:

$T_{l,60}$  = time in 'left-on mode' of the standard 60 °C cotton programme at full load;

$T_{l,60\frac{1}{2}}$  = time in 'left-on mode' of the standard 60 °C cotton programme at partial load;

$T_{l,40\frac{1}{2}}$  = time in 'left-on mode' of the standard 40 °C cotton programme at partial load.

## 2. CALCULATION OF THE WASHING EFFICIENCY INDEX

For the calculation of the Washing Efficiency Index ( $I_w$ ), the weighted washing efficiency of the household washing machine for the standard 60 °C cotton programme at full and partial load and for the standard 40 °C cotton programme at partial load is compared to the washing efficiency of a reference washing machine, where the reference washing machine shall have the characteristics indicated in the generally recognised state-of-the-art measurement methods, including methods set out in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.

- (a) The Washing Efficiency Index ( $I_w$ ) is calculated as follows and rounded to three decimal places

$$I_w = \frac{(3 \times I_{W,60} + 2 \times I_{W,60\frac{1}{2}} + 2 \times I_{W,40\frac{1}{2}})}{7}$$

where:

$I_{W,60}$  = Washing Efficiency Index of the standard 60 °C cotton programme at full load;

$I_{W,60\frac{1}{2}}$  = Washing Efficiency Index of the standard 60 °C cotton programme at partial load;

$I_{W,40\frac{1}{2}}$  = Washing Efficiency Index of the standard 40 °C cotton programme at partial load.

- (b) The Washing Efficiency Index of one standard cotton programme ( $p$ ) is calculated as follows:

$$I_{W,p} = \frac{1}{n} \times \sum_{i=1}^n \left( \frac{W_{T,i}}{W_{R,d}} \right)$$

where:

$W_{T,i}$  = Washing Efficiency of the household washing machine under test for one test cycle ( $i$ );

$W_{R,d}$  = Average Washing Efficiency of the reference washing machine;

$n$  = number of test cycles,  $n \geq 3$  for the standard 60 °C cotton programme at full load,  $n \geq 2$  for the standard 60 °C cotton programme at partial load and  $n \geq 2$  for the standard 40 °C cotton programme at partial load.

- (c) The Washing Efficiency ( $W$ ) is the average of the reflectance values of each test strip after completion of a test cycle.

### 3. CALCULATION OF WATER CONSUMPTION

The water consumption ( $W_t$ ) is calculated as follows and rounded to one decimal place:

$$W_t = W_{t,60}$$

where:

$W_{t,60}$  = water consumption of the standard 60 °C cotton programme at full load.

### 4. CALCULATION OF THE REMAINING MOISTURE CONTENT

The remaining moisture content ( $D$ ) of a programme is calculated in percentage and rounded to the nearest whole percent.



## ANNEX III

**Verification procedure for market surveillance purposes**

For the purposes of checking conformity with the requirements laid down in Annex I, authorities of Member State shall test a single household washing machine. If the measured parameters do not meet the values declared in the technical documentation file within the meaning of Article 4(2) by the manufacturer within the ranges set out in Table 1, the measurements shall be carried out on three more household washing machines. The arithmetic mean of the measured values of these three household washing machines shall meet the requirements within the ranges set out in Table 1, except for the energy consumption, where the measured value shall not be greater than the rated value of  $E_t$  by more than 6 %.

Otherwise, the model and all other equivalent household washing machines models shall be considered not to comply with the requirements laid down in Annex I.

Member State authorities shall use reliable, accurate and reproducible measurement procedures, which take into account the generally recognised state-of-the-art measurement methods, including methods set out in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.

Table 1

Measured parameter	Verification tolerances
Annual energy consumption	The measured value shall not be greater than the rated value (*) of $AE_c$ by more than 10 %.
Washing efficiency index	The measured value shall not be less than the rated value of $I_W$ by more than 4 %.
Energy consumption	The measured value shall not be greater than the rated value of $E_t$ by more than 10 %.
Programme time	The measured value shall not be longer than the rated values of $T_t$ by more than 10 %.
Water consumption	The measured value shall not be greater than the rated value of $W_t$ by more than 10 %.
Power consumption in off-mode and left-on mode	The measured value of power consumption $P_o$ and $P_l$ of more than 1,00 W shall not be greater than the rated value by more than 10 %. The measured value of power consumption $P_o$ and $P_l$ of less than or equal to 1,00 W shall not be greater than the rated value by more than 0,10 W.
Duration of the left-on mode	The measured value shall not be longer than the rated value of $T_l$ by more than 10 %.

(\*) 'rated value' means a value that is declared by the manufacturer.

## ANNEX IV

**Benchmarks**

At the time of entry into force of this Regulation, the best available technology on the market for household washing machines, in terms of their water and energy consumptions, washing efficiency and airborne acoustical noise emissions during washing/spinning for the standard 60 °C cotton programme at full load, is identified as follows (\*):

- (1) Household washing machines with a rated capacity of 3 kg:
  - (a) energy consumption: 0,57 kWh/cycle (or 0,19 kWh/kg), corresponding to an overall annual energy consumption of 117,84 kWh/year, of which 105,34 kWh/year for 220 cycles and 12,5 kWh/year during the low-power modes;
  - (b) water consumption: 39 litres/cycle, corresponding to 8 580 litres/year for 220 cycles;
  - (c) washing efficiency index: of  $1,03 \geq I_w > 1,00$ ;
  - (d) airborne acoustical noise emissions during washing/spinning (900 rpm): not available;
- (2) Household washing machines with a rated capacity of 3,5 kg:
  - (a) energy consumption: 0,66 kWh/cycle (or 0,19 kWh/kg), corresponding to an overall annual energy consumption of 134,50 kWh/year, of which 122,00 kWh/year for 220 cycles and 12,5 kWh/year during the low-power modes;
  - (b) water consumption: 39 litres/cycle, corresponding to 8 580 litres/year for 220 cycles;
  - (c) washing efficiency index:  $I_w$  of 1,03;
  - (d) airborne acoustical noise emissions during washing/spinning (1 100 rpm): not available;
- (3) Household washing machines with a rated capacity of 4,5 kg:
  - (a) energy consumption: 0,76 kWh/cycle (or 0,17 kWh/kg) corresponding to an overall annual energy consumption of 152,95 kWh/year, of which 140,45 kWh/year for 220 cycles and 12,5 kWh/year during the low-power modes;
  - (b) water consumption: 40 litres/cycle, corresponding to 8 800 litres/year for 220 cycles;
  - (c) washing efficiency index:  $I_w$  of 1,03;
  - (d) airborne acoustical noise emissions during washing/spinning (1 000 rpm): 55/70 dB(A) re 1 pW;
- (4) Household washing machines with a rated capacity of 5 kg:
  - (a) energy consumption: 0,850 kWh/cycle (or 0,17 kWh/kg) corresponding to an overall annual energy consumption of 169,60 kWh/year, of which 157,08 kWh/year for 220 cycles and 12,5 kWh/year during the low-power modes;
  - (b) water consumption: 39 litres/cycle, corresponding to an annual water consumption of 8 580 litres for 220 cycles;
  - (c) washing efficiency index:  $I_w$  of 1,03;
  - (d) airborne acoustical noise emissions during washing/spinning (1 200 rpm): 53/73 dB(A) re 1pW;
- (5) Household washing machines with a rated capacity of 6 kg:
  - (a) energy consumption: 0,90 kWh/cycle (or 0,15 kWh/kg) corresponding to an overall annual energy consumption of 178,82 kWh/year, of which 166,32 kWh/year for 220 cycles and 12,5 kWh/year during the low-power modes;
  - (b) water consumption: 37 litres/cycle, corresponding to an annual water consumption of 8 140 litres for 220 cycles;

(\*) For evaluation of the annual energy consumption, the calculation method set out in Annex II was used for a programme time of 90 min along with an off-mode power of 1 W and a left-on mode power of 2 W.

- (c) washing efficiency index:  $I_w$  of 1,03;
  - (d) airborne acoustical noise emissions during washing/spinning (1 600 rpm): not available;
- (6) Household washing machines with a rated capacity of 7 kg:
- (a) energy consumption: 1,05 kWh/cycle (or 0,15 kWh/kg) corresponding to an overall annual energy consumption of 201,00 kWh/year, of which 188,50 kWh/year for 220 cycles and 12,5 kWh/year during the low-power modes;
  - (b) water consumption: 43 litres/cycle, corresponding to an annual water consumption of 9 460 litres for 220 cycles;
  - (c) washing efficiency index:  $I_w$  of 1,03;
  - (d) airborne acoustical noise emissions during washing/spinning (1 000 rpm): 57/73 dB(A) re 1pW;
  - (e) airborne acoustical noise emissions during washing/spinning (1 400 rpm): 59/76 dB(A) re 1pW;
  - (f) airborne acoustical noise emissions during washing/spinning (1 200 rpm): 48/62 dB(A) re 1pW (for built-in household washing machines);
- (7) Household washing machines with a rated capacity of 8 kg:
- (a) energy consumption: 1,200 kWh/cycle (or 0,15 kWh/kg) corresponding to an overall annual energy consumption of 234,26 kWh/year, of which 221,76 kWh/year for 220 cycles and 12,5 kWh/year during the low-power modes;
  - (b) water consumption: 56 litres/cycle, corresponding to an annual water consumption of 12 320 litres for 220 cycles;
  - (c) washing efficiency index:  $I_w$  of 1,03;
  - (d) airborne acoustical noise emissions during washing/spinning (1 400 rpm): 54/71 dB(A) re 1 pW;
  - (e) airborne acoustical noise emissions during washing/spinning (1 600 rpm): 54/74 dB(A) re 1 pW.
-

**COMMISSION REGULATION (EU) No 1016/2010****of 10 November 2010****implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to  
ecodesign requirements for household dishwashers****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products<sup>(1)</sup>, and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

- (1) Under Directive 2009/125/EC ecodesign requirements should be set by the Commission for energy-related products representing significant volumes of sales and trade, having significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.
- (2) Article 16(2), first indent, of Directive 2009/125/EC provides that in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Ecodesign Consultation Forum, the Commission shall, as appropriate, introduce an implementing measure for domestic appliances, including household dishwashers.
- (3) The Commission has carried out a preparatory study to analyse the technical, environmental and economic aspects of household dishwashers typically used in households. The study has been developed together with stakeholders and interested parties from the Union and third countries, and the results have been made publicly available.
- (4) This Regulation should cover products designed for washing tableware in households.
- (5) The environmental aspect of household dishwashers, identified as significant for the purposes of this

Regulation, is energy consumption in the use phase. The annual electricity consumption of products subject to this Regulation was estimated to have been 24,7 TWh in the Union in 2005 corresponding to 13 million tonnes of CO<sub>2</sub>. Unless specific measures are taken, annual electricity consumption is estimated to increase to 35 TWh in 2020. The preparatory study shows that the electricity and water consumption of products subject to this Regulation can be significantly reduced.

- (6) The preparatory study shows that requirements regarding other ecodesign parameters referred to in Annex I, Part 1 to Directive 2009/125/EC are not necessary as electricity consumption of household dishwashers in the use phase is by far the most important environmental aspect.
- (7) The electricity consumption of products subject to this Regulation should be made more efficient by applying existing non-proprietary cost-effective technologies that can reduce the combined costs of purchasing and operating these products.
- (8) The ecodesign requirements should not affect functionality from the end-user's perspective and should not negatively affect health, safety or the environment. In particular, the benefits of reducing electricity consumption during the use phase should more than offset any additional environmental impacts during the production phase.
- (9) The ecodesign requirements should be introduced gradually in order to provide a sufficient time-frame for manufacturers to redesign products subject to this Regulation. The timing should be set in such a way as to avoid negative impacts on the functionalities of equipment on the market, and to take into account cost impacts for end-users and manufacturers, in particular small and medium-sized enterprises, while ensuring timely achievement of the objectives of this Regulation.
- (10) Measurements of the relevant product parameters should be performed using reliable, accurate and reproducible measurement methods, which take into account the recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies,

<sup>(1)</sup> OJ L 285, 31.10.2009, p. 10.

as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services <sup>(1)</sup>.

- (11) In accordance with Article 8 of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.
- (12) In order to facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes V and VI to Directive 2009/125/EC in so far as this information relates to the requirements laid down in this Regulation.
- (13) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified to ensure the wide availability and easy accessibility of information on the lifecycle environmental performance of products subject to this Regulation.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 19(1) of Directive 2009/125/EC,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Subject matter and scope

This Regulation establishes ecodesign requirements for the placing on the market of electric mains-operated household dishwashers and electric mains-operated household dishwashers that can also be powered by batteries, including those sold for non-household use and built-in household dishwashers.

#### Article 2

##### Definitions

In addition to the definitions laid down in Article 2 of Directive 2009/125/EC, the following definitions shall apply for the purpose of this Regulation:

- (1) 'household dishwasher' means a machine which cleans, rinses, and dries dishware, glassware, cutlery and cooking utensils by chemical, mechanical, thermal, and electric means and which is designed to be used principally for non-professional purposes;
- (2) 'built-in household dishwasher' means a household dishwasher intended to be installed in a cabinet, a prepared recess in a wall or a similar location, requiring furniture finishing;

(3) 'place settings' means a defined set of crockery, glass and cutlery for use by one person;

(4) 'rated capacity' means the maximum number of place settings together with the serving pieces, as stated by the manufacturer, which can be treated in a household dishwasher on the programme selected when loaded in accordance with the manufacturer's instructions;

(5) 'programme' means a series of operations that are pre-defined and are declared as suitable by the manufacturer for specified levels of soil or types of load, or both, and together form a complete cycle;

(6) 'programme time' means the time that elapses from the initiation of the programme until the completion of the programme, excluding any user-programmed delay;

(7) 'cycle' means a complete cleaning, rinsing, and drying process, as defined for the selected programme;

(8) 'off-mode' means a condition where the household dishwasher is switched off using appliance controls or switches accessible to and intended for operation by the end-user during normal use to attain the lowest power consumption that may persist for an indefinite time while the household dishwasher is connected to a power source and used in accordance with the manufacturer's instructions; where there is no control or switch accessible to the end-user, 'off-mode' means the condition reached after the household dishwasher reverts to a steady-state power consumption on its own;

(9) 'left-on mode' means the lowest power consumption mode that may persist for an indefinite time after completion of the programme and unloading of the machine without any further intervention of the end-user;

(10) 'equivalent dishwasher' means a model of household dishwasher placed on the market with the same rated capacity, technical and performance characteristics, energy and water consumption and airborne acoustical noise emissions as another model of household dishwasher placed on the market under a different commercial code number by the same manufacturer.

#### Article 3

##### Ecodesign requirements

The generic ecodesign requirements for household dishwashers are set out in point 1 of Annex I.

The specific ecodesign requirements for household dishwashers are set out in point 2 of Annex I.

<sup>(1)</sup> OJ L 204, 21.7.1998, p. 37.

*Article 4***Conformity assessment**

1. The conformity assessment procedure referred to in Article 8 of Directive 2009/125/EC shall be the internal design control system set out in Annex IV to that Directive or the management system set out in Annex V to that Directive.

2. For the purposes of conformity assessment pursuant to Article 8 of Directive 2009/125/EC, the technical documentation file shall contain the results of the calculation set out in Annex II to this Regulation.

Where the information included in the technical documentation for a particular household dishwasher model has been obtained by calculation on the basis of design, or extrapolation from other equivalent household dishwashers, or both, the technical documentation shall include details of such calculations or extrapolations, or both, and of tests undertaken by manufacturers to verify the accuracy of the calculations undertaken. In such cases, the technical documentation shall also include a list of all other equivalent household dishwasher models where the information included in the technical documentation was obtained on the same basis.

*Article 5***Verification procedure for market surveillance purposes**

Member States shall apply the verification procedure described in Annex III to this Regulation when performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC for compliance with the requirements set out in Annex I to this Regulation.

*Article 6***Benchmarks**

The indicative benchmarks for best-performing household dishwashers available on the market at the time of entry into force of this Regulation are set out in Annex IV.

*Article 7***Revision**

The Commission shall review this Regulation in the light of technological progress no later than 4 years after its entry into force and present the result of this review to the Ecodesign Consultation Forum. The review shall in particular assess the verification tolerances set out in Annex III, the possibilities for setting requirements with regard to the water consumption of household dishwashers and the potential for hot water inlet.

*Article 8***Entry into force and application**

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

2. It shall apply from 1 December 2011.

However, the ecodesign requirements listed below shall apply in accordance with the following timetable:

- (a) the generic ecodesign requirements set out in point 1(1) of Annex I shall apply from 1 December 2012;
- (b) the generic ecodesign requirements set out in point 1(2) of Annex I shall apply from 1 June 2012;
- (c) the specific ecodesign requirements set out in point 2(2) of Annex I shall apply from 1 December 2013;
- (d) the specific ecodesign requirements set out in point 2(3) of Annex I shall apply from 1 December 2016;

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

Done at Brussels, 10 November 2010.

*For the Commission*

*The President*

José Manuel BARROSO

## ANNEX I

**Ecodesign requirements****1. GENERIC ECODESIGN REQUIREMENTS**

- (1) For the calculation of the energy consumption and other parameters for household dishwashers, the cycle which cleans normally soiled tableware (hereafter standard cleaning cycle) shall be used. This cycle shall be clearly identifiable on the programme selection device of the household dishwasher or the household dishwasher display, if any, or both, and named 'standard programme' and shall be set as the default cycle for household dishwashers equipped with automatic programme selection or any function for automatically selecting a cleaning programme or maintaining the selection of a programme.
- (2) The booklet of instructions provided by the manufacturer shall provide:
  - (a) the standard cleaning cycle referred to as 'standard programme' and shall specify that it is suitable to clean normally soiled tableware and that it is the most efficient programme in terms of its combined energy and water consumption for that type of tableware;
  - (b) the power consumption of the off-mode and of the left-on mode;
  - (c) indicative information on the programme time, energy and water consumption for the main cleaning programmes.

**2. SPECIFIC ECODESIGN REQUIREMENTS**

Household dishwashers shall comply with the following requirements:

- (1) From 1 December 2011:
  - (a) for all household dishwashers, except household dishwashers with a rated capacity of 10 place settings and a width equal to or less than 45 cm, the Energy Efficiency Index (*EEL*) shall be less than 71;
  - (b) for household dishwashers with a rated capacity of 10 place settings and a width equal to or less than 45 cm, the Energy Efficiency Index (*EEL*) shall be less than 80;
  - (c) for all household dishwashers, the Cleaning Efficiency Index (*IC*) shall be greater than 1,12.
- (2) From 1 December 2013:
  - (a) for household dishwashers with a rated capacity equal to or higher than 11 place settings and household dishwashers with a rated capacity of 10 place settings and a width higher than 45 cm, the Energy Efficiency Index (*EEL*) shall be less than 63;
  - (b) for household dishwashers with a rated capacity of 10 place settings and a width equal to or less than 45 cm, the Energy Efficiency Index (*EEL*) shall be less than 71;
  - (c) for household dishwashers with a rated capacity equal to or higher than 8 place settings, the Drying Efficiency Index (*ID*) shall be greater than 1,08;
  - (d) for household dishwashers with a rated capacity equal to or less than 7 place settings, the Drying Efficiency Index (*ID*) shall be greater than 0,86.
- (3) From 1 December 2016:
  - (a) for household dishwashers with a rated capacity of 8 and 9 place settings and household dishwashers with a rated capacity of 10 place settings and a width equal to or less than 45 cm, the Energy Efficiency Index (*EEL*) shall be less than 63.

The Energy Efficiency Index (*EEL*), the Cleaning Efficiency Index (*IC*) and the Drying Efficiency Index (*ID*) of household dishwashers are calculated in accordance with Annex II.

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## ANNEX II

**Method for calculating the Energy Efficiency Index, the Cleaning Efficiency Index and the Drying Efficiency Index****1. CALCULATION OF THE ENERGY EFFICIENCY INDEX**

For the calculation of the Energy Efficiency Index (*EEL*) of a household dishwasher model, the Annual Energy Consumption of the household dishwasher is compared to its Standard Energy Consumption.

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

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

where:

$AE_C$  = Annual Energy Consumption of the household dishwasher;

$SAE_C$  = Standard Annual Energy consumption of the household dishwasher.

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

(i)

$$AE_C = E_t \times 280 + \frac{\left[ P_o \times \frac{525\,600 - (T_t \times 280)}{2} + P_l \times \frac{525\,600 - (T_t \times 280)}{2} \right]}{60 \times 1\,000}$$

where:

$E_t$  = energy consumption for the standard cycle, in kWh and rounded to three decimal places;

$P_l$  = power in 'left-on mode' for the standard cleaning cycle, in W and rounded to two decimal places;

$P_o$  = power in 'off-mode' for the standard cleaning cycle, in W and rounded to two decimal places;

$T_t$  = programme time for the standard cleaning cycle, in minutes and rounded to the nearest minute;

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

$$AE_C = E_t \times 280 + \frac{\{(P_l \times T_l \times 280) + P_o \times [525\,600 - (T_t \times 280) - (T_l \times 280)]\}}{60 \times 1\,000}$$

where:

$T_l$  = measured time in 'left-on mode' for the standard cleaning cycle, in minutes and rounded to the nearest minute;

280 = total number of standard cleaning cycles per year.

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

(i) for household dishwashers with rated capacity  $ps \geq 10$  and width  $> 50$  cm:

$$SAE_C = 7,0 \times ps + 378$$

- (ii) for household dishwashers with rated capacity  $ps \leq 9$  and household dishwashers with rated capacity  $ps > 9$  and width  $\leq 50$  cm:

$$SAE_C = 25,2 \times ps + 126$$

where:

$ps$  = number of place settings.

## 2. CALCULATION OF THE CLEANING EFFICIENCY INDEX

For the calculation of the Cleaning Efficiency Index ( $I_C$ ) of a household dishwasher model, the cleaning efficiency of the household dishwasher is compared to the cleaning efficiency of a reference dishwasher, where the reference dishwasher shall have the characteristics indicated in the generally recognised state-of-the-art measurement methods, including methods set out in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.

- (a) The Cleaning Efficiency Index ( $I_C$ ) is calculated as follows and rounded to two decimal places

$$\ln I_C = \frac{1}{n} \times \sum_{i=1}^n \ln \left( \frac{C_{T,i}}{C_{R,i}} \right)$$

$$I_C = \exp(\ln I_C)$$

where:

$C_{T,i}$  = cleaning efficiency of the household dishwasher under test for one test cycle ( $i$ )

$C_{R,i}$  = cleaning efficiency of the reference dishwasher for one test cycle ( $i$ )

$n$  = number of test cycles,  $n \geq 5$

- (b) The cleaning efficiency ( $C$ ) is the average of the soil score of each load item after completion of a standard cleaning cycle. The soil score is calculated as shown in Table 1:

Table 1

Number of small dot-shaped soil particles ( $n$ )	Total soiled area ( $A_S$ ) in mm <sup>2</sup>	Soil score
$n = 0$	$A_S = 0$	5 (most efficient)
$0 < n \leq 4$	$0 < A_S \leq 4$	4
$4 < n \leq 10$	$0 < A_S \leq 4$	3
$10 < n$	$4 < A_S \leq 50$	2
Not applicable	$50 < A_S \leq 200$	1
Not applicable	$200 < A_S$	0 (least efficient)

## 3. CALCULATION OF THE DRYING EFFICIENCY INDEX

For the calculation of the Drying Efficiency Index ( $I_D$ ) of a household dishwasher model, the drying efficiency of the household dishwasher is compared to the drying efficiency of a reference dishwasher, where the reference dishwasher shall have the characteristics indicated in the generally recognised state-of-the-art measurement methods, including methods set out in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.

- (a) The Drying Efficiency Index ( $I_D$ ) is calculated as follows and rounded to two decimal places:

$$\ln I_D = \frac{1}{n} \times \sum_{i=1}^n \ln \left( \frac{D_{T,i}}{D_{R,i}} \right)$$

$$I_D = \exp(\ln I_D)$$

where:

$D_{T,i}$  = drying efficiency of the household dishwasher under test for one test cycle (i)

$D_{R,i}$  = drying efficiency of the reference dishwasher for one test cycle (i)

$n$  = number of test cycles,  $n \geq 5$

- (b) The Drying Efficiency ( $D$ ) is the average of the wet score of each load item after completion of a standard cleaning cycle. The wet score is calculated as shown in Table 2:

Table 2

Number of water traces ( $W_T$ ) or wet streak ( $W_S$ )	Total wet area ( $Aw$ ) in mm <sup>2</sup>	Wet score
$W_T = 0$ and $W_S = 0$	Not applicable	2 (most efficient)
$1 < W_T \leq 2$ or $W_S = 1$	$Aw < 50$	1
$2 < W_T$ or $W_S = 2$ or $W_S = 1$ and $W_T = 1$	$Aw > 50$	0 (least efficient)

## ANNEX III

**Verification procedure for market surveillance purposes**

For the purposes of checking conformity with the requirements laid down in Annex I, authorities of the Member State shall test a single household dishwasher. If the measured parameters do not meet the values declared in the technical documentation file within the meaning of Article 4(2) by the manufacturer within the range set out in Table 1, the measurements shall be carried out on three more household dishwashers. The arithmetic mean of the measured values of these three household dishwashers shall meet the requirements within the ranges defined in Table 1, except for the energy consumption, where the measured value shall not be greater than the rated value of  $E_t$  by more than 6 %.

Otherwise, the model and all other equivalent household dishwasher models shall be considered not to comply with the requirements laid down in Annex I.

Member State authorities shall use reliable, accurate and reproducible measurement procedures, which take into account the generally recognised state-of-the-art measurement methods, including methods set out in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.

Table 1

Measured parameter	Verification tolerances
Annual energy consumption	The measured value shall not be greater than the rated value (*) of $AE_C$ by more than 10 %.
Cleaning efficiency index	The measured value shall not be less than the rated value of $I_C$ by more than 10 %.
Drying efficiency index	The measured value shall not be less than the rated value of $I_D$ by more than 19 %.
Energy consumption	The measured value shall not be greater than the rated value of $E_t$ by more than 10 %.
Programme time	The measured value shall not be longer than the rated values $T_t$ by more than 10 %.
Power consumption in off-mode and left-on mode	The measured value of power consumption $P_o$ and $P_l$ of more than 1,00 W shall not be greater than the rated value by more than 10 %. The measured value of power consumption $P_o$ and $P_l$ of less than or equal to 1,00 W shall not be greater than the rated value by more than 0,10 W.
Duration of left-on mode	The value measured shall not be longer than the rated value of $T_l$ by more than 10 %.

(\*) 'rated value' means a value declared by the manufacturer.

## ANNEX IV

**Benchmarks**

At the time of entry into force of this Regulation, the best available technology on the market for household dishwashers in terms of their energy efficiency, energy and water consumption, cleaning and drying efficiency and airborne acoustical noise emissions is identified as follows:

- (1) Household dishwashers with 15 place settings (built-in model):
  - (a) energy consumption: 0,88 kWh/cycle, corresponding to an overall annual energy consumption of 268,9 kWh/year, of which 246,4 kWh/year for 280 washing cycles and 12,5 kWh/year due to the low power modes;
  - (b) water consumption: 10 litres/cycle, corresponding to 2 800 litres/year for 280 cycles;
  - (c) cleaning efficiency index:  $I_C > 1,12$ ;
  - (d) drying efficiency index:  $I_D > 1,08$ ;
  - (e) airborne acoustical noise emissions: 45 dB(A) re 1 pW;
- (2) Household dishwashers with 14 place settings (under-table model):
  - (a) energy consumption: 0,83 kWh/cycle, corresponding to an overall annual energy consumption of 244,9 kWh/year, of which 232,4 kWh/year for 280 washing cycles and 12,5 kWh/year due to the low power modes;
  - (b) water consumption: 10 litres/cycle, corresponding to 2 800 litres/year for 280 cycles;
  - (c) cleaning efficiency index:  $I_C > 1,12$ ;
  - (d) drying efficiency index:  $I_D > 1,08$ ;
  - (e) airborne acoustical noise emissions: 41 dB(A) re 1 pW;
- (3) Household dishwashers with 13 place settings (under-table model):
  - (a) energy consumption: 0,83 kWh/cycle, corresponding to an overall annual energy consumption of 244,9 kWh/year, of which 232,4 kWh/year for 280 washing cycles and 12,5 kWh/year due to the low power modes;
  - (b) water consumption: 10 litres/cycle, corresponding to 2 800 litres/year for 280 cycles;
  - (c) cleaning efficiency index:  $I_C > 1,12$ ;
  - (d) drying efficiency index:  $I_D > 1,08$ ;
  - (e) airborne acoustical noise emissions: 42 dB(A) re 1 pW;
- (4) Household dishwashers with 12 place settings (free-standing model):
  - (a) energy consumption: 0,950 kWh/cycle, corresponding to an overall annual energy consumption of 278,5 kWh/year, of which 266 kWh/year for 280 washing cycles and 12,5 kWh/year due to the low power modes;
  - (b) water consumption: 9 litres/cycle, corresponding to 2 520 litres/year for 280 cycles;
  - (c) cleaning efficiency index:  $I_C > 1,12$ ;
  - (d) drying efficiency index:  $I_D > 1,08$ ;
  - (e) airborne acoustical noise emissions: 41 dB(A) re 1 pW;
- (5) Household dishwashers with 9 place settings (built-in model):
  - (a) energy consumption: 0,800 kWh/cycle, corresponding to an overall annual energy consumption of 236,5 kWh/year, of which 224 kWh/year for 280 washing cycles and 12,5 kWh/year due to the low power modes;
  - (b) water consumption: 9 litres/cycle, corresponding to 2 520 litres/year for 280 cycles;
  - (c) cleaning efficiency index:  $I_C > 1,12$ ;
  - (d) drying efficiency index:  $I_D > 1,08$ ;
  - (e) airborne acoustical noise emissions: 44 dB(A) re 1 pW;

(6) Household dishwashers with 6 place settings (built-in model):

- (a) energy consumption: 0,63 kWh/cycle, corresponding to an overall annual energy consumption of 208,5 kWh/year, of which 196 kWh/year for 280 washing cycles and 12,5 kWh/year due to the low power modes;
- (b) water consumption: 7 litres/cycle, corresponding to 1 960 litres/year for 280 cycles;
- (c) cleaning efficiency index:  $I_C > 1,12$ ;
- (d) drying efficiency index:  $1,08 \geq I_D > 0,86$ ;
- (e) airborne acoustical noise emissions: 45 dB(A) re 1 pW;

(7) Household dishwashers with 4 place settings (free-standing model):

- (a) energy consumption: 0,51 kWh/cycle, corresponding to an overall annual energy consumption of 155,3 kWh/year, of which 142,8 kWh/year for 280 washing cycles and 12,5 kWh/year due to the low power modes;
  - (b) water consumption: 9,5 litres/cycle, corresponding to 2 660 litres/year for 280 cycles;
  - (c) cleaning efficiency index:  $I_C > 1,12$ ;
  - (d) drying efficiency index:  $1,08 \geq I_D > 0,86$ ;
  - (e) airborne acoustical noise emissions: 53 dB(A) re 1 pW.
-

**COMMISSION REGULATION (EU) No 1017/2010****of 10 November 2010****opening the sale on the internal market of cereals held by the intervention agencies of the Member States**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 43(f) in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention <sup>(2)</sup> provides that cereals held by the intervention agencies are to be sold by invitation to tender.
- (2) The Member States have intervention stocks of common wheat and barley. To meet market needs, these stocks of cereals should be made available on the internal market. To this end, standing invitations to tender should be opened for the resale on the internal market of cereals held by the intervention agencies of the Member States. Each sale should be considered to constitute a separate invitation to tender.
- (3) To take account of the situation on the internal market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.
- (4) To ensure sound management of the system, the conditions and deadlines for transmission of the information required by the Commission should be laid down.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

*Article 1***Scope**

A tendering procedure shall be opened for the resale of intervention stocks of cereals on the internal market, in accordance with the provisions of Title III of Regulation (EU) No 1272/2009.

The maximum quantities available per Member State are listed in the Annex to this Regulation.

*Article 2***Dates of submission**

1. The closing date for the submission of tenders for the first partial invitation to tender shall be 11:00 (Brussels time) on 24 November 2010.

The deadline for the submission of tenders under subsequent partial invitations to tender shall be on the following days at 11:00 (Brussels time):

— 8 and 15 December 2010,

— 12 and 26 January 2011,

— 9 and 23 February 2011,

— 9 and 23 March 2011,

— 13 and 27 April 2011,

— 11 and 25 May 2011,

— 15 and 29 June 2011.

2. Tenders shall be submitted to the intervention agencies approved by the Member States, the list of which is published on the internet <sup>(3)</sup>.

<sup>(3)</sup> The addresses of the intervention agencies are available on the European Commission website CIRCA ([http://circa.europa.eu/Public/irc/agri/cereals/library?l=/publicdomain/cereals/intervention\\_agencies&vm=detailed&sb=Title](http://circa.europa.eu/Public/irc/agri/cereals/library?l=/publicdomain/cereals/intervention_agencies&vm=detailed&sb=Title))

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

<sup>(2)</sup> OJ L 349, 29.12.2009, p. 1.

*Article 3***Notification to the Commission**

The notification provided for in Article 45 of Regulation (EU) No 1272/2009 shall be made by 16:00 (Brussels time), on the closing date for submission of tenders referred to in Article 2 of this Regulation.

*Article 4***Decisions on the basis of tenders**

In accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007 the Commission shall fix, for each cereal concerned and by Member State, the minimum selling price, or decide to take no action in respect of the tenders received, in accordance with Article 46 of Regulation (EU) No 1272/2009.

*Article 5***Entry into force**

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

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

Done at Brussels, 10 November 2010.

*For the Commission,  
On behalf of the President,  
Dacian CIOLOȘ  
Member of the Commission*

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## ANNEX

## List of invitations to tender

(tonnes)

Member State	Quantities made available for sale on the internal market		
	Common wheat	Barley	Maize
CN Code	1001 90	1003 00	1005 90 00
Belgium	—	0	—
Bulgaria	0	0	—
Czech Republic	60 937	136 395	—
Denmark	—	59 550	—
Germany	—	1 100 935	—
Estonia	—	40 060	—
Ireland	—	—	—
Greece	—	—	—
Spain	—	—	—
France	—	70 385	—
Italy	—	—	—
Cyprus	—	—	—
Latvia	—	0	—
Lithuania	0	91 377	—
Luxembourg	—	—	—
Hungary	4 418	30 258	0
Malta	—	—	—
Netherlands	—	—	—
Austria	—	20 541	—
Poland	0	0	—
Portugal	—	—	—
Romania	—	0	—
Slovenia	—	—	—
Slovakia	0	80 112	—
Finland	22 757	784 136	—
Sweden	—	148 260	—
United Kingdom	—	151 136	—

‘—’ means: no intervention stock of this cereal in this Member State.

**COMMISSION REGULATION (EU) No 1018/2010****of 10 November 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector <sup>(2)</sup>, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 11 November 2010.

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

Done at Brussels, 10 November 2010.

*For the Commission,  
On behalf of the President,**Jean-Luc DEMARTY  
Director-General for Agriculture and  
Rural Development*<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.<sup>(2)</sup> OJ L 350, 31.12.2007, p. 1.

## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	AL	68,6
	MA	73,9
	MK	35,0
	ZZ	59,2
0707 00 05	AL	54,8
	EG	161,4
	TR	149,8
	ZA	121,6
	ZZ	121,9
0709 90 70	MA	83,5
	TR	112,9
	ZZ	98,2
0805 20 10	MA	69,7
	ZA	147,7
	ZZ	108,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	47,9
	TR	69,5
	UY	54,6
	ZA	60,7
	ZZ	58,2
0805 50 10	AR	40,0
	CL	81,9
	EC	92,5
	TR	73,2
	UY	61,0
	ZA	109,5
0806 10 10	ZZ	76,4
	BR	242,2
	PE	182,7
	TR	160,8
	US	269,2
	ZA	79,2
0808 10 80	ZZ	186,8
	AR	75,7
	AU	149,8
	CA	73,1
	CL	84,2
	CN	82,6
	MK	22,1
	NZ	117,5
	US	111,4
	ZA	84,4
0808 20 50	ZZ	89,0
	CN	48,5
	US	48,2
	ZZ	48,4

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

**COMMISSION REGULATION (EU) No 1019/2010****of 10 November 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EU) No 1012/2010 <sup>(4)</sup>

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 11 November 2010.

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

Done at Brussels, 10 November 2010.

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

Jean-Luc DEMARTY  
*Director-General for Agriculture and  
Rural Development*

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

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

<sup>(3)</sup> OJ L 259, 1.10.2010, p. 3.

<sup>(4)</sup> OJ L 292, 10.11.2010, p. 34.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 11 November 2010**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 <sup>(1)</sup>	63,80	0,00
1701 11 90 <sup>(1)</sup>	63,80	0,00
1701 12 10 <sup>(1)</sup>	63,80	0,00
1701 12 90 <sup>(1)</sup>	63,80	0,00
1701 91 00 <sup>(2)</sup>	57,71	0,16
1701 99 10 <sup>(2)</sup>	57,71	0,00
1701 99 90 <sup>(2)</sup>	57,71	0,00
1702 90 95 <sup>(3)</sup>	0,58	0,18

<sup>(1)</sup> For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.<sup>(2)</sup> For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.<sup>(3)</sup> Per 1 % sucrose content.

# DIRECTIVES

## COMMISSION DIRECTIVE 2010/77/EU

of 10 November 2010

amending Council Directive 91/414/EEC as regards the expiry dates for inclusion in Annex I of certain active substances

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular Article 6(1) thereof,

Whereas:

- (1) The inclusions in Annex I to Directive 91/414/EEC of the active substances listed in the Annex to this Directive expire between 31 May 2011 and 31 December 2012.
- (2) Article 5(5) of Directive 91/414/EEC provides that the inclusion of an active substance can be renewed, upon request, provided an application is made at the latest two years before the inclusion period is due to lapse. The Commission has received requests regarding renewals of inclusions for all the substances referred to in recital 1.
- (3) Detailed rules will be needed concerning the submission and evaluation of further information necessary for the renewal of Annex I inclusion. Therefore, it is justified to renew the inclusion of the active substances referred to in recital 1 for a period necessary to enable the applicants to prepare their applications and to enable the Commission to evaluate and decide upon such applications.
- (4) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

### Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

### Article 2

Member States shall adopt and publish, by 31 March 2011 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 April 2011.

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

### Article 3

#### Entry into force

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

This Directive is addressed to the Member States.

Done at Brussels, 10 November 2010.

For the Commission

The President

José Manuel BARROSO

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

Annex I to Directive 91/414/EEC is amended as follows:

(1) Row 7 is replaced by the following:

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
'7	Metsulfuron methyl CAS No 74223-64-6 EEC No 441	Methyl 2-(4-methoxy-6-methyl-1,3,5-triazin-2-ylcarbamoysulfamoyl) benzoate	960 g/kg	1 July 2001	31 December 2015	Only uses as herbicide may be authorised.  In their decision making according to the Uniform Principles Member States — must pay particular attention to the protection of groundwater;  — must pay particular attention to the impact on aquatic organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.  Date of Standing Committee on Plant Health at which the review report was finalised: 16 June 2000.'

(\*) Further details on identity and specification of active substances are provided in their review reports.

(2) Rows 9 to 28 are replaced by the following:

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
'9	Triasulfuron CAS No 82097-50-5 CIPAC No 480	1-[2-(2-chloroethoxy)phenylsulfonyl] -3 - (4-methoxy-6-methyl-1,3,5-triazin-2-yl)urea	940 g/kg	1 August 2001	31 December 2015	Only uses as herbicide may be authorised.  In their decision making according to the Uniform Principles Member States: — must pay particular attention to the protection of groundwater;  — must pay particular attention to the impact on aquatic organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.  Date of Standing Committee on Plant Health at which the review report was finalised: 13 July 2000.
10	Esfenvalerate CAS No 66230-04-4 CIPAC No 481	(S)- $\alpha$ -Cyano-3-phenoxybenzyl-(S)-2-(4-chlorophenyl)-3-methylbutyrate	830 g/kg	1 August 2001	31 December 2015	Only uses as insecticide may be authorised.  In their decision making according to the Uniform Principles Member States: — must pay particular attention to the potential impact on aquatic organisms and non-target arthropods and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.  Date of Standing Committee on Plant Health at which the review report was finalised: 13 July 2000.

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
11	Bentazone CAS No 25057-89-0 CIPAC No 366	3-isopropyl-(1H)-2,1,3-benzo- thiadiazin-4-(3H)-one-2,2- dioxide	960 g/kg	1 August 2001	31 December 2015	Only uses as herbicide may be authorised.  In their decision making according to the Uniform Principles Member States must pay particular attention to the protection of groundwater.  Date of Standing Committee on Plant Health at which the review report was finalised: 13 July 2000.
12	Lambda-cyhalothrin CAS No 91465-08-6 CIPAC No 463	A 1:1 mixture of:  (S)- $\alpha$ -cyano-3-phenoxybenzyl (Z)-(1R,3R)-3-(2-chloro-3,3,3- trifluoropropenyl)-2,2-dimethyl- cyclopropanecarboxylate,  and  (R)- $\alpha$ -cyano-3-phenoxybenzyl (Z)-(1S,3S)-3-(2-chloro-3,3,3- trifluoropropenyl)-2,2-dimethyl- cyclopropanecarboxylate	810 g/kg	1 January 2002	31 December 2015	Only uses as insecticide may be authorised.  In their decision making according to the Uniform Principles Member States: — must pay particular attention to operator safety;  — must pay particular attention to the potential impact on aquatic organisms and non-target arthropods including bees and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures;  — must pay particular attention to the residues in food and especially the acute effects thereof.  Date of Standing Committee on Plant Health at which the review report was finalised: 19 October 2000.
13	Fenhexamid CAS No 126833-17-8 CIPAC No 603	N-(2,3-dichloro-4-hydro- xyphenyl)-1-methylcyclohex- anecarboxamide	$\geq 950$ g/kg	1 June 2001	31 December 2015	Only uses as a fungicide may be authorized.  In decision making according to the Uniform Principles Member States must pay particular attention to the potential impact on aquatic organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.  Date of Standing Committee on Plant Health at which the review report was finalised: 19 October 2000.
14	Amitrole CAS No 61-82-5 CIPAC No 90	H-[1,2,4]-triazole-3-ylamine	900 g/kg	1 January 2002	31 December 2015	Only uses as herbicide may be authorised  For the implementation of the uniform principles of Annex VI, the conclusions of the review report on amitrole, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plant Health on 12 December 2000 shall be taken into account. In this overall assessment Member States:  — must pay particular attention to the protection of operators;  — must pay particular attention to the protection of the groundwater in vulnerable areas, in particular with respect to non-crop uses;  — must pay particular attention to the protection of beneficial arthropods;  — must pay particular attention to the protection of birds and wild mammals.



No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
						Use of amitrole during the breeding season may only be authorised when an appropriate risk assessment has demonstrated that there is no unacceptable impact and when the conditions of authorisation include, where appropriate, risk mitigation measures.
15	Diquat CAS No 2764-72-9 (ion), 85-00-7 (dibromide) CIPAC No 55	9,10-dihydro-8a,10a-diazonia-phenanthrene ion (dibromide)	950 g/kg	1 January 2002	31 December 2015	<p>On the basis of currently available information, only uses as terrestrial herbicide and desiccant may be authorised. Uses in aquatic weed control shall not be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the Review report on diquat, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plant Health on 12 December 2000 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the potential impact on aquatic organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures;</li> <li>— must pay particular attention to operator safety as related to non-professional use and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.</li> </ul>
16	Pyridate CAS No 55512-33.9 CIPAC No 447	6-chloro-3-phenylpyridazin-4-yl S-octyl thiocarbonate	900 g/kg	1 January 2002	31 December 2015	<p>Only uses as herbicide may be authorized.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the Review report on Pyridate, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plant Health on 12 December 2000 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the protection of groundwater;</li> <li>— must pay particular attention to the potential impact on aquatic organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.</li> </ul>
17	Thiabendazole CAS No 148-79-8 CIPAC No 323	2-Thiazol-4-yl-1H-benzimidazole	985 g/kg	1 January 2002	31 December 2015	<p>Only uses as fungicide may be authorised. Foliar spray applications shall not be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the Review report on thiabendazole, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plant Health on 12 December 2000 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the protection of aquatic and sediment-dwelling organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.</li> </ul>

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
						Suitable risk mitigation measures (e.g. depuration with diatom earth or activated carbon) have to be implemented to protect surface waters from unacceptable levels of contamination via wastewater.
18	<i>Paecilomyces fumosoroseus</i> Apopka strain 97, PFR 97 or CG 170, ATCC20874	Not applicable	the absence of secondary metabolites should be checked in each fermentation broth by HPLC.	1 July 2001	31 December 2015	Only uses as an insecticide may be authorised.  Each fermentation broth should be checked by HPLC to ensure that no secondary metabolites are present.  Date of Standing Committee on Plant Health at which the review report was finalised: 27 April 2001.
19	DPX KE 459 (flupyr-sulfuron-methyl) CAS No 144740-54-5 CIPAC No 577	2-(4,6-dimethoxypyrimidin-2-ylcarbamoylsulfamoyl)-6-trifluoromethylnicotinate monosodium salt	903 g/kg	1 July 2001	31 December 2015	Only uses as a herbicide may be authorised.  In decision making according to the Uniform Principles Member States must pay particular attention to the protection of groundwater.  Date of Standing Committee on Plant Health at which the review report was finalised: 27 April 2001.
20	Acibenzolar-s-methyl CAS No 135158-54-2 CIPAC No 597	benzo[1,2,3]thiadiazole-7-carbothioic acid S-methyl ester	970 g/kg	1 November 2001	31 December 2015	Only uses as a plant activator may be authorised.  Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001
21	Cyclanilide CAS No 113136-77-9 CIPAC No 586	Not available	960 g/kg	1 November 2001	31 December 2015	Only uses as a plant growth regulator may be authorised.  The maximum content of the impurity 2,4-dichloroaniline (2,4-DCA) in the active substance as manufactured should be 1 g/kg.  Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001.
22	Ferric phosphate CAS No 10045-86-0 CIPAC No 629	Ferric Phosphate	990 g/kg	1 November 2001	31 December 2015	Only uses as a molluscicide may be authorised.  Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001.
23	Pymetrozine CAS No 123312-89-0 CIPAC No 593	(E)-6-methyl-4-[(pyridin-3-ylmethylene)amino]-4,5-dihydro-2H-[1,2,4]-triazin-3 one	950 g/kg	1 November 2001	31 December 2015	Only uses as an insecticide may be authorised.  In decision making according to the Uniform Principles Member States must pay particular attention to the protection of aquatic organisms.  Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001.

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
24	Pyraflufen-ethyl CAS No 129630-19-9 CIPAC No 605	Ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-pyrazol-3-yl)-4-fluorophenoxy-acetate	956 g/kg	1 November 2001	31 December 2015	<p>Only uses as a herbicide may be authorised.</p> <p>In decision making according to the Uniform Principles Member States must pay particular attention to the protection of algae and aquatic plants and should apply, where appropriate, risk mitigation measures.</p> <p>Date of Standing Committee on Plant Health at which the review report was finalised: 29 June 2001.</p>
25	Glyphosate CAS No 1071-83-6 CIPAC No 284	N-(phosphonomethyl)-glycin	950 g/kg	1 July 2002	31 December 2015	<p>Only uses as herbicide may be authorised</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on glyphosate, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plant Health on 29 June 2001 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the protection of the groundwater in vulnerable areas, in particular with respect to non-crop uses.</li> </ul>
26	Thifensulfuron-methyl CAS No 79277-27-3 CIPAC No 452	Methyl 3-(4-methoxy-6-methyl-1,3,5-triazin-2-ylcarbamoyl-sulfamoyl)thiophene-2-carboxylate	960 g/kg	1 July 2002	31 December 2015	<p>Only uses as herbicide may be authorised</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on thifensulfuron-methyl, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plant Health on 29 June 2001 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the protection of groundwater;</li> <li>— must pay particular attention to the impact on aquatic plants and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.</li> </ul>
27	2,4-D CAS No 94-75-7 CIPAC No 1	(2,4-dichlorophenoxy) acetic acid	960 g/kg	1 October 2002	31 December 2015	<p>Only uses as herbicide may be authorised</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on 2,4-D, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plant Health on 2 October 2001 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions;</li> <li>— must pay particular attention to the dermal absorption;</li> <li>— must pay particular attention to the protection of non-target arthropods and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.</li> </ul>

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
28	Isoproturon CAS No 34123-59-6 CIPAC No 336	3-(4-isopropylphenyl)-1,1-dimethylurea	970 g/kg	1 January 2003	31 December 2015	<p>Only uses as herbicide may be authorised</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on isoproturon, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plant Health on 7 December 2001 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions or at use rates higher than those described in the review report and must apply risk mitigation measures, where appropriate;</li> <li>— must pay particular attention to the protection of aquatic organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.'</li> </ul>

(\*) Further details on identity and specification of active substances are provided in their review reports.

(3) Rows 30 to 39 are replaced by the following:

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
'30	Iprovalicarb CAS No 140923-17-7 CIPAC No 620	{2-Methyl-1-[1-(4-methyl-phenyl)ethylcarbonyl]propyl}-carbamic acid isopropylester	950 g/kg (provisional specification)	1 July 2002	31 December 2015	<p>Only uses as fungicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on iprovalicarb, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2002 shall be taken into account. In this overall assessment:</p> <ul style="list-style-type: none"> <li>— the specification of the technical material as commercially manufactured must be confirmed and supported by appropriate analytical data. The test material used in the toxicity dossier should be compared and verified against this specification of the technical material;</li> <li>— Member States must pay particular attention to the protection of operators.</li> </ul>
31	Prosulfuron CAS No 94125-34-5 CIPAC No 579	1-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea	950 g/kg	1 July 2002	31 December 2015	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on prosulfuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2002 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> <li>— must carefully consider the risk to aquatic plants if the active substance is applied adjacent to surface waters. Risk mitigation measures should be applied where appropriate;</li> </ul>

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
						— must pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climate conditions. Risk mitigation measures should be applied where appropriate.
32	Sulfosulfuron CAS No 141776-32-1 CIPAC No 601	1-(4,6-dimethoxypyrimidin-2-yl)-3-[(2-ethanesulfonyl-imidazo[1,2-a]pyridine)sulfonyl]urea	980 g/kg	1 July 2002	31 December 2015	<p>Only uses as a herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on sulfosulfuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2002 shall be taken into account. In this overall assessment</p> <p>— Member States must pay particular attention to the protection of aquatic plants and algae. Where appropriate, risk mitigation measures should be applied;</p> <p>— Member States must pay particular attention to the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions.</p>
33	Cinidon-ethyl CAS No 142891-20-1 CIPAC No 598	(Z)-ethyl 2-chloro-3-[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)phenyl]acrylate	940 g/kg	1 October 2002	31 December 2015	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cinidon-ethyl, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 19 April 2002 shall be taken into account. In this overall assessment Member States:</p> <p>— should pay particular attention to the potential for ground water contamination, when the active substance is applied in regions with vulnerable soil (e.g. soils with neutral or high pH values) and/or climatic conditions;</p> <p>— should pay particular attention to the protection of aquatic organisms.</p> <p>Conditions of authorisation must include risk mitigation measures, where appropriate.</p>
34	Cyhalofop butyl CAS No 122008-85-9 CIPAC No 596	Butyl-(R)-2-[4(4-cyano-2-fluorophenoxy) phenoxy]propionate	950 g/kg	1 October 2002	31 December 2015	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cyhalofop butyl, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 19 April 2002 shall be taken into account. In this overall assessment</p> <p>— Member States must carefully consider the potential impact of aerial applications to non-target organisms and in particular to aquatic species. Conditions of authorisation must include restrictions or risk mitigation measures, where appropriate.</p>

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
						— Member States must carefully consider the potential impact of terrestrial applications on aquatic organisms within paddy fields. Conditions of authorisation must include risk mitigation measures, where appropriate.
35	Famoxadone CAS No 131807-57-3 CIPAC No 594	3-anilino-5-methyl-5-(4-phenoxyphenyl)-1,3-oxazolidine-2,4-dione	960 g/kg	1 October 2002	31 December 2015	<p>Only uses as fungicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on famoxadone, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 19 April 2002 shall be taken into account. In this overall assessment:</p> <ul style="list-style-type: none"> <li>— Member States must pay particular attention to potential chronic risks of the parent substance or metabolites to earthworms;</li> <li>— Member States must pay particular attention to the protection of aquatic organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures;</li> <li>— Member States should pay particular attention to the protection of operators.</li> </ul>
36	Florasulam CAS No 145701-23-1 CIPAC No 616	2', 6', 8-Trifluoro-5-methoxy-[1,2,4]-triazolo [1,5-c] pyrimidine-2-sulphonanilide	970 g/kg	1 October 2002	31 December 2015	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on florasulam, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 19 April 2002 shall be taken into account. In this overall assessment Member States:</p> <ul style="list-style-type: none"> <li>— should pay particular attention to the potential for ground water contamination, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation must include risk mitigation measures, where appropriate.</li> </ul>
37	Metalaxyl-M CAS No 70630-17-0 CIPAC No 580	Methyl (R)-2-[(2,6-dimethylphenyl)methoxyacetyl] amino} propionate	910 g/kg	1 October 2002	31 December 2015	<p>Only uses as fungicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on Metalaxyl-M, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 19 April 2002 shall be taken into account. In this overall assessment:</p> <ul style="list-style-type: none"> <li>— particular attention should be given to the potential for groundwater contamination by the active substance or its degradation products CGA 62826, and CGA 108906 when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Risk mitigation measures should be applied, where appropriate.</li> </ul>

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Entry into force	Expiration of inclusion	Specific provisions
38	Picolinafen CAS No 137641-05-5 CIPAC No 639	4'-Fluoro-6-[( $\alpha,\alpha$ -trifluoro-m-tolyl)oxy]picolinanilide	970 g/kg	1 October 2002	31 December 2015	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on picolinafen, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 19 April 2002 shall be taken into account. In this overall assessment Member States:</p> <p>— must pay particular attention to the protection of aquatic organisms. Conditions of authorisation should include risk mitigation measures, where appropriate.</p>
39	Flumioxazine CAS No 103361-09-7 CIPAC No 578	N-(7-fluoro-3,4-dihydro-3-oxo-4-prop-2-ynyl-2H-1,4-benz-oxazin-6-yl)cyclohex-1-ene-1,2-dicarboximide	960 g/kg	1 January 2003	31 December 2015	<p>Only uses as herbicide may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on flumioxazine, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 June 2002 shall be taken into account. In this overall assessment Member States:</p> <p>— must carefully consider the risk to aquatic plants and algae. Conditions of authorisation must include risk mitigation measures, where appropriate.'</p>

(\*) Further details on identity and specification of active substances are provided in their review reports.

# DECISIONS

## COUNCIL DECISION

of 8 November 2010

**on the launch of automated data exchange with regard to dactyloscopic data in Slovakia**

(2010/682/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime <sup>(1)</sup>, in particular Article 25 thereof,

Having regard to Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA <sup>(2)</sup>, in particular Article 20 and Chapter 4 of the Annex thereof,

Whereas:

(1) According to the Protocol on Transitional Provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, the legal effects of the acts of the institutions, bodies, offices and agencies of the Union adopted prior to the entry into force of the Treaty of Lisbon are preserved until those acts are repealed, annulled or amended in implementation of the Treaties.

(2) Accordingly, Article 25 of Decision 2008/615/JHA is applicable and the Council must unanimously decide whether the Member States have implemented the provisions of Chapter 6 of that Decision.

(3) Article 20 of Decision 2008/616/JHA provides that decisions referred to in Article 25(2) of Decision 2008/615/JHA are to be taken on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is to be based on an evaluation visit and a pilot run.

(4) According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.

(5) Slovakia has completed the questionnaire on data protection and the questionnaire on dactyloscopic data exchange.

(6) A successful pilot run has been carried out by Slovakia with Austria.

(7) An evaluation visit has taken place in Slovakia and a report on the evaluation visit has been produced by the Austrian/German evaluation team and forwarded to the relevant Council Working Group.

(8) An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning dactyloscopic data exchange has been presented to the Council,

HAS ADOPTED THIS DECISION:

### Article 1

For the purposes of automated searching of dactyloscopic data, Slovakia has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA and is entitled to receive and supply personal data pursuant to Article 9 of that Decision as from the date of the entry into force of this Decision.

<sup>(1)</sup> OJ L 210, 6.8.2008, p. 1.

<sup>(2)</sup> OJ L 210, 6.8.2008, p. 12.



*Article 2*

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

Done at Brussels, 8 November 2010.

*For the Council*  
*The President*  
M. WATHELET

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**COMMISSION DECISION****of 9 November 2010****amending Decision 97/555/EC on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards cements, building limes and other hydraulic binders***(notified under document C(2010) 7603)***(Text with EEA relevance)****(2010/683/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/106/EEC of 21 December 1988, on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products <sup>(1)</sup>, and in particular Article 13(4)(a) thereof,

After consulting the Standing Committee on Construction,

Whereas:

- (1) The Commission has adopted Decision 97/555/EC of 14 July 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards cements, building limes and other hydraulic binders <sup>(2)</sup>.
- (2) Following a review of the product family 'building limes' the Member States and the Commission considered

necessary to strengthen the role of the third party involved in the certification of the factory production control.

- (3) Decision 97/555/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex III to Decision 97/555/EC is amended in accordance with the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 9 November 2010.

*For the Commission*

Antonio TAJANI

Vice-President

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 12.

<sup>(2)</sup> OJ L 229, 20.8.1997, p. 9.

## ANNEX

In Annex III to Decision 97/555/EC, the entry related to product family 'Building limes, including: Calcium limes, Dolomitic limes, Hydraulic limes' is replaced by the following:

'Building lime, including: — Calcium lime — Dolomitic lime — Hydraulic lime		—	2 +'
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**COMMISSION DECISION****of 10 November 2010****amending Part 1 of Annex E to Council Directive 92/65/EEC as regards the model health certificate for animals from holdings***(notified under document C(2010) 7640)***(Text with EEA relevance)****(2010/684/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC <sup>(1)</sup>, and in particular the first paragraph of Article 22 thereof,

Whereas:

- (1) Article 10 of Directive 92/65/EEC lays down the animal health requirements governing trade in dogs, cats and ferrets.
- (2) Part 1 of Annex E to Directive 92/65/EEC sets out the model health certificate for trade in animals from holdings, including dogs, cats and ferrets.
- (3) Regulation (EC) No 998/2003 of the European Parliament and of the Council <sup>(2)</sup> lays down the animal health requirements applicable to the non-commercial movement of pet animals and the rules applying to checks on such movements. It applies to movements between Member States or from third countries of pet animals of the species listed in Annex I thereto. Dogs, cats and ferrets are listed in Parts A and B of that Annex.
- (4) The requirements laid down in Regulation (EC) No 998/2003 differ, depending on whether the pet animals are moved between Member States or from third countries to Member States. In addition, the requirements for such movements from third countries are further differentiated between third countries listed in Section 2 of Part B of Annex II to that Regulation and those third countries which are listed in Part C of that Annex.

- (5) In order to avoid that commercial movements are fraudulently disguised as non-commercial movements of pet animals within the meaning of Regulation (EC) No 998/2003, Article 12 of that Regulation provides that the requirements and checks laid down in Directive 92/65/EEC are to apply to the movement of more than five pet animals where the animals are brought into the Union from a third country other than those listed in Section 2 of Part B of Annex II to that Regulation.
- (6) In order to avoid the same practices and ensure a uniform application of Regulation (EC) No 998/2003, Commission Regulation (EU) No 388/2010 of 6 May 2010 implementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the maximum number of pet animals of certain species that may be the subject of non-commercial movement <sup>(3)</sup> provides that the same rules apply where more than five pet dogs, cats and ferrets are moved into a Member State from another Member State or a third country listed in Section 2 of Part B of Annex II to Regulation (EC) No 998/2003.
- (7) The certificate set out in Part 1 of Annex E to Directive 92/65/EEC, as amended by Commission Decision 2010/270/EU <sup>(4)</sup>, takes into account the provisions of Regulation (EU) No 388/2010.
- (8) Experience in the application of Regulation (EU) No 388/2010 has shown that in certain cases the provisions of that Regulation affect in a disproportionate manner the movement of a limited population of pet dogs, cats and ferrets that are frequently moved for non-commercial purposes in numbers higher than five to take part in certain sport events and shows.
- (9) For those cases it is appropriate to introduce a period of validity of the health certificate which is longer than the period of validity of health certificates issued for other species covered by the certificate set out in Part 1 of Annex E to Directive 92/65/EEC.

<sup>(1)</sup> OJ L 268, 14.9.1992, p. 54.

<sup>(2)</sup> OJ L 146, 13.6.2003, p. 1.

<sup>(3)</sup> OJ L 114, 7.5.2010, p. 3.

<sup>(4)</sup> OJ L 118, 12.5.2010, p. 56.

(10) Commission Decision 2004/824/EC of 1 December 2004 establishing a model health certificate for non-commercial movements of dogs, cats and ferrets from third countries into the Community <sup>(1)</sup> provides that the certificate set out in the Annex thereto is valid for movements within the Union for a period of 4 months from the date of issue or until the date of expiry of the vaccination against rabies, whichever is earlier.

HAS ADOPTED THIS DECISION:

*Article 1*

Part 1 of Annex E to Directive 92/65/EEC is replaced by the text in the Annex to this Decision.

(11) In the interest of consistency of Union legislation, it is appropriate that the validity of certificates for pet dogs, cats and ferrets set out in Part 1 of Annex E to Directive 92/65/EEC be the same as the one laid down for the certificate set out in the Annex to Decision 2004/824/EC.

*Article 2*

This Decision is addressed to the Member States.

(12) Directive 92/65/EEC should therefore be amended accordingly.

Done at Brussels, 10 November 2010.

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

*For the Commission*

John DALLI

*Member of the Commission*

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<sup>(1)</sup> OJ L 358, 3.12.2004, p. 12.

## ANNEX

Part 1 — Health Certificate for trade in animals from holdings (ungulates, birds, lagomorphs, dogs, cats and ferrets)

92/65 EI

## EUROPEAN UNION

## Intra-trade certificate

Part I: Details of dispatched consignment	I.1. Consignor Name  Address Postal code		I.2. Certificate reference No		I.2.a. Local reference No	
			I.3. Central competent authority			
			I.4. Local competent authority			
	I.5. Consignee Name  Address Postal code		I.6. No(s) of related original certificates		No(s) of accompanying documents	
			I.7.			
	I.8. Country of origin	ISO code	I.9. Region of origin	Code	I.10. Country of destination	ISO code
					I.11. Region of destination	Code
	I.12. Place of origin  Holding <input type="checkbox"/>  Name Address Postal code  Approval number		I.13. Place of destination  Holding <input type="checkbox"/> Establishment <input type="checkbox"/> Approved body <input type="checkbox"/> Semen centre <input type="checkbox"/> Embryo team <input type="checkbox"/> Other <input type="checkbox"/> Name Address Postal code  Approval number			
	I.14. Place of loading Postal code		I.15. Date and time of departure			
	I.16. Means of transport  Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification		I.17. Transporter Name Address Postal code  Approval number			
I.18. Description of commodity				I.19. Commodity code (HCN code)		
				I.20. Quantity		
I.21.				I.22. Number of packages		
I.23. Seal/Container No				I.24.		
I.25. Commodities certified for: Breeding <input type="checkbox"/> Fattening <input type="checkbox"/> Artificial reproduction <input type="checkbox"/> Slaughter <input type="checkbox"/> Pets <input type="checkbox"/> Approved body <input type="checkbox"/>						
I.26. Transit through third country <input type="checkbox"/> Third country Exit point Entry point			I.27. Transit through Member States <input type="checkbox"/> Member State Member State Member State			
I.28. Export <input type="checkbox"/> Third country Exit point			I.29. Estimated journey time			
I.30. Route plan Yes <input type="checkbox"/> No <input type="checkbox"/>						
I.31. Identification of the commodities  Species (scientific name)    Identification system    Identification number    Sex    Age    Quantity						

EUROPEAN UNION		92/65 EI Animals from holdings (ungulates, birds, lagomorphs, dogs, cats and ferrets)	
II. Health information		II.a. Certificate reference number	II.b.
Part II: Certification	I, the undersigned official veterinarian <sup>(1)</sup> /veterinarian responsible for the establishment of origin and approved by the competent authority <sup>(1)</sup> certify that:		
	either <sup>(1)</sup>	[II.1	at the time of inspection the above animals were fit to be transported on the intended journey in accordance with the provisions of Council Regulation (EC) No 1/2005.]
	or <sup>(1)</sup>	[II.1	at the time of inspection the pet dogs <sup>(1)</sup> /cats <sup>(1)</sup> /ferrets <sup>(1)</sup> were fit to travel;]
		II.2.	the conditions of Article 4 of Council Directive 92/65/EEC <sup>(2)</sup> are fulfilled.
	either <sup>(1)</sup>	[II.3	the ruminant(s) <sup>(1)</sup> / <i>Suidae</i> <sup>(1)</sup> other than that/those covered by Council Directive 64/432/EEC <sup>(1)</sup> or Council Directive 91/68/EEC <sup>(1)</sup> :
		(a)	belong(s) to the species .....;
		(b)	at the time of examination, do(does) not show any clinical sign of any disease to which it/they is/are susceptible;
		(c)	come(s) from an officially tuberculosis-free <sup>(1)</sup> /officially brucellosis-free <sup>(1)</sup> or brucellosis-free <sup>(1)</sup> herd <sup>(1)</sup> /holding <sup>(1)</sup> not subject to swine fever restrictions or from a holding where it/they was/were subjected with negative results to the test(s) laid down in Article 6(2)(b) of Council Directive 92/65/EEC.]
	or <sup>(1)</sup>	[II.3	the birds other than those referred to in Council Directive 2009/158/EC
		(a)	satisfy the requirements of Article 7 of Council Directive 92/65/EEC; and
		(b)	at the time of examination do not show any clinical sign of any disease to which they are susceptible.]
	or <sup>(1)</sup>	[II.3	the lagomorphs
		(a)	satisfy the requirements of Article 9 of Council Directive 92/65/EEC; and
		(b)	at the time of examination do not show any clinical signs of disease.]
	or <sup>(1)</sup>	[II.3	the dogs <sup>(1)</sup> /cats <sup>(1)</sup> /ferrets <sup>(1)</sup> underwent a clinical examination, within 24 hours of dispatch, by a veterinarian authorised by the competent authority, and this examination showed the animals to be in good health,
and	either <sup>(1)</sup>	[satisfy, in accordance with Article 10(2) of Council Directive 92/65/EEC, the requirements laid down in Articles 5 and 16 of Regulation (EC) No 998/2003 of the European Parliament and of the Council.]	
	or <sup>(1)</sup>	[satisfy, in accordance with Article 10(3) of Council Directive 92/65/EEC, the requirements laid down in Articles 6 and 16 of Regulation (EC) No 998/2003 of the European Parliament and of the Council.]	
	or <sup>(1)</sup>	[satisfy, in accordance with Commission Regulation (EU) No 388/2010, the requirements laid down in Article 10(2) of Council Directive 92/65/EEC where the total number of pet animals moved for non-commercial purposes exceeds five.]	
	or <sup>(1)</sup>	[satisfy, in accordance with Commission Regulation (EU) No 388/2010, the requirements laid down in Article 10(3) of Council Directive 92/65/EEC where the total number of pet animals moved for non-commercial purposes into Ireland, Malta, Sweden or the United Kingdom exceeds five.]	
	II.4	The additional guarantees regarding diseases listed in Annex B <sup>(3)</sup> to Council Directive 92/65/EEC are as follows: <sup>(1)</sup>	
		Disease	Decision
		Disease	Decision
		Disease	Decision
	II.5	This certificate is valid until ..... <sup>(4)</sup>	
Notes			
Part I:			
— Box references I.1 to I.4, I.8, I.20, I.25 and I.31: Required for non-commercial movement of more than five pet dogs, cats and ferrets.			
— Box reference I.6: No(s) of accompanying documents: CITES, if applicable.			
— Box reference I.19: Use the appropriate HS code: 01.06.19, 01.06.31, 01.06.32, 01.06.39.			
— Box reference I.31: Identification: individual identification must be used wherever possible but in the case of small animals, batch identification may be used.			

## EUROPEAN UNION

## 92/65 EI Animals from holdings (ungulates, birds, lagomorphs, dogs, cats and ferrets)

II. Health information	II.a. Certificate reference No	II.b.								
<p><b>Part II:</b></p> <p>(<sup>1</sup>) Delete as necessary. (<sup>2</sup>) Not applicable to pet dogs, cats and ferrets. (<sup>3</sup>) As requested by a Member State benefiting from additional guarantees under Union legislation. (<sup>4</sup>) The period of validity of this certificate is 10 days from the date of issue, except for pet dogs, cats and ferrets in which case the certificate is valid for 4 months or until the date of expiry of the anti-rabies vaccination shown in section IV of the passport, whichever is earlier.</p> <p>— The colour of the stamp and signature must be different from that of the other particulars in the certificate.</p> <p>Official veterinarian or official inspector</p> <table border="0" data-bbox="225 613 1225 775"><tr><td>Name (in capital letters):</td><td>Qualification and title:</td></tr><tr><td>Local veterinary unit:</td><td>LVU No:</td></tr><tr><td>Date:</td><td>Signature:</td></tr><tr><td>Stamp:</td><td></td></tr></table>			Name (in capital letters):	Qualification and title:	Local veterinary unit:	LVU No:	Date:	Signature:	Stamp:	
Name (in capital letters):	Qualification and title:									
Local veterinary unit:	LVU No:									
Date:	Signature:									
Stamp:										



**COMMISSION DECISION**  
**of 10 November 2010**  
**amending Chapter 3 of Annex I to Regulation (EC) No 715/2009 of the European Parliament and of**  
**the Council on conditions for access to the natural gas transmission networks**

(Text with EEA relevance)

(2010/685/EU)

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS DECISION:

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

*Article 1*

Having regard to Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks <sup>(1)</sup>, and in particular Article 23(2) thereof,

Chapter 3 of the Annex I to Regulation (EC) No 715/2009 is replaced by the text in the Annex to this Decision.

*Article 2*

Whereas:

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

- (1) Regulation (EC) No 715/2009 sets up guidelines on the definition of the technical information necessary for network users to gain effective access to the system.
- (2) The guidelines should introduce transparency requirements in order to ensure effective access to natural gas transmission systems and to provide a minimum guarantee of equal market access conditions in practice.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to Article 28 of Regulation (EC) No 715/2009,

It shall apply from 3 March 2011.

Done at Brussels, 10 November 2010.

*For the Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> OJ L 211, 14.8.2009, p. 36.

## ANNEX

**3. Definition of the technical information necessary for network users to gain effective access to the system, the definition of all relevant points for transparency requirements and the information to be published at all relevant points and the time schedule according to which this information shall be published**

*3.1. Definition of the technical information necessary for network users to gain effective access to the system*

**3.1.1. Form of publication**

(1) Transmission system operators (TSOs) shall provide all information referred to under paragraph 3.1.2 and paragraph 3.3(1) to 3.3(5) in the following manner:

- (a) on a website accessible to the public, free of charge and without any need to register or otherwise sign on with the transmission system operator;
- (b) on a regular/rolling basis; the frequency shall be according to the changes that take place and the duration of the service;
- (c) in a user-friendly manner;
- (d) in a clear, quantifiable, easily accessible way and on a non-discriminatory basis;
- (e) in downloadable format that allows for quantitative analyses;
- (f) in consistent units, in particular kWh (with a combustion reference temperature of 298,15 K) shall be the unit for energy content and m<sup>3</sup> (at 273,15 K and 1,01325 bar) shall be the unit for volume. The constant conversion factor to energy content shall be provided. In addition to the format above, publication in other units is also possible;
- (g) in the official language(s) of the Member State and in English.

(2) Transmission system operators shall provide details on actual changes to all information referred to under paragraph 3.1.2 and paragraph 3.3(1) to 3.3(5) in a timely manner as soon as available to them.

**3.1.2. Content of publication**

Transmission system operators shall publish at least the following information about their systems and services:

- (a) a detailed and comprehensive description of the different services offered and their charges;
- (b) the different types of transportation contracts available for these services;
- (c) the network code and/or the standard conditions outlining the rights and responsibilities of all network users including:
  - 1. harmonised transportation contracts and other relevant documents;
  - 2. if relevant for access to the system, for all relevant points as defined in paragraph 3.2 of this Annex, a specification of relevant gas quality parameters, including at least the gross calorific value and the Wobbe index, and the liability or costs of conversion for network users in case gas is outside these specifications;
  - 3. if relevant for access to the system, for all relevant points information on pressure requirements;
  - 4. the procedure in the event of an interruption of interruptible capacity, including, where applicable, the timing, extent, and ranking of individual interruptions (for example pro-rata or first-come-last-interrupted);
- (d) the harmonised procedures applied when using the transmission system, including the definition of key terms;
- (e) provisions on capacity allocation, congestion management and anti-hoarding and reutilisation procedures;
- (f) the rules applicable for capacity trade on the secondary market vis-à-vis the transmission system operator;
- (g) rules on balancing and methodology for the calculation of imbalance charges;
- (h) if applicable, the flexibility and tolerance levels included in transportation and other services without separate charge, as well as any flexibility offered in addition to this and the corresponding charges;

- (i) a detailed description of the gas system of the transmission system operator and its relevant points of interconnection as defined in paragraph 3.2 of this Annex as well as the names of the operators of the interconnected systems or facilities;
- (j) the rules applicable for connection to the system operated by the transmission system operator;
- (k) information on emergency mechanisms, as far as it is the responsibility of the transmission system operator, such as measures that can lead to the disconnection of customers groups and other general liability rules that apply to the transmission system operator;
- (l) procedures agreed upon by transmission system operators at interconnection points, of relevance for access of network users to the transmission systems concerned, relating to interoperability of the network, agreed procedures on nomination and matching procedures and other agreed procedures that set out provisions in relation to gas flow allocations and balancing, including the methods used;
- (m) transmission system operators shall publish a detailed and comprehensive description of the methodology and process, including information on the parameters employed and the key assumptions, used to calculate the technical capacity.

### 3.2. Definition of all relevant points for transparency requirements

- (1) Relevant points shall include at least:
  - (a) all entry and exit points to and from a transmission network operated by a transmission system operator, with the exception of exit points connected to a single final customer, and with the exception of entry points linked directly to a production facility of a single producer that is located within the EU;
  - (b) all entry and exit points connecting balancing zones of transmission system operators;
  - (c) all points connecting the network of a transmission system operator with an LNG terminal, physical gas hubs, storage and production facilities, unless these production facilities are exempted under (a);
  - (d) all points connecting the network of a given transmission system operator to infrastructure necessary for providing ancillary services as defined by Article 2(14) of Directive 2009/73/EC.
- (2) Information for single final customers and for production facilities, that is excluded from the definition of relevant points as described under 3.2(1)(a), shall be published in aggregate format, at least per balancing zone. The aggregation of single final customers and of production facilities, excluded from the definition of relevant points as described under 3.2(1)(a), shall for the application of this Annex be considered as one relevant point.
- (3) Where points between two or more transmission operators are managed solely by the transmission operators concerned, with no contractual or operational involvement of system users whatsoever, or where points connect a transmission system to a distribution system and there is no contractual congestion at these points, transmission system operators shall be exempted for these points from the obligation to publish the requirements under paragraph 3.3 of this Annex. The national regulatory authority may require the transmission system operators to publish the requirements under paragraph 3.3 of this Annex for groups or all of the exempted points. In such case, the information, if available to the TSO, shall be published in an aggregated form at a meaningful level, at least per balancing zone. This aggregation of these points shall for the application of this annex be considered as one relevant point.

### 3.3. Information to be published at all relevant points and the time schedule according to which this information should be published

- (1) At all relevant points, transmission system operators shall publish the information as listed in paragraphs (a) to (g), for all services and ancillary services provided (in particular information on blending, ballasting and conversion). This information shall be published on a numerical basis, in hourly or daily periods, equal to the smallest reference period for capacity booking and (re-)nomination and the smallest settlement period for which imbalance charges are calculated. If the smallest reference period is different from a daily period, information as listed in paragraphs (a) to (g) shall be made available also for the daily period. This information and updates shall be published as soon as available to the system operator ("near real time").
  - (a) the technical capacity for flows in both directions;
  - (b) the total contracted firm and interruptible capacity in both directions;
  - (c) the nominations and re-nominations in both directions;
  - (d) the available firm and interruptible capacity in both directions;
  - (e) actual physical flows;

- (f) planned and actual interruption of interruptible capacity;
  - (g) planned and unplanned interruptions to firm services as well as the information on restoration of the firm services (in particular, maintenance of the system and the likely duration of any interruption due to maintenance). Planned interruptions shall be published at least 42 days in advance.
- (2) At all relevant points, the information under paragraph 3.3(1)(a), (b) and (d) shall be published for a period of at least 18 months ahead.
  - (3) At all relevant points, transmission system operators shall publish historical information on the requirements of paragraph 3.3(1)(a) to (g) for the past 5 years on a rolling basis.
  - (4) Transmission system operators shall publish measured values of the gross calorific value or the Wobbe index at all relevant points, on a daily basis. Preliminary figures shall be published at the latest 3 days following the respective gas day. Final figures shall be published within 3 months after the end of the respective month.
  - (5) For all relevant points, transmission system operators shall publish available capacities, booked and technical capacities, on an annual basis over all years where capacity is contracted plus 1 year, and at least for the next 10 years. This information shall be updated at least every month or more frequently, if new information becomes available. The publication shall reflect the period for which capacity is offered to the market.
- 3.4. *Information to be published regarding the transmission system and the time schedule according to which this information should be published*
- (1) Transmission system operators shall ensure the publication on a daily basis and updated every day the aggregated amounts of capacities offered, and contracted on the secondary market (i.e. sold from one network user to another network user), where the information is available to the TSO. This information shall include the following specifications:
    - (a) interconnection point where the capacity is sold;
    - (b) type of capacity, i.e. entry, exit, firm, interruptible;
    - (c) quantity and duration of the capacity usage rights;
    - (d) type of sale, e.g. transfer or assignment;
    - (e) the total number of trades/transfers;
    - (f) any other conditions known to the transmission system operator as mentioned in 3.3.
- In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.
- (2) Transmission system operators shall publish harmonised conditions under which capacity transactions (e.g. transfers and assignments) will be accepted by them. These conditions must at least include:
    - (a) a description of standardised products which can be sold on the secondary market;
    - (b) lead time for the implementation/acceptation/registration of secondary trades. In case of delays the reasons have to be published;
    - (c) the notification to the transmission system operator by the seller or the third party as referred to under 3.4(1) about name of seller and buyer and capacity specifications as outlined in 3.4(1).
- In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.
- (3) Regarding the balancing service of its system, each transmission system operator shall provide to each network user, for each balancing period, its specific preliminary imbalance volumes and cost data per individual network user, at the latest 1 month after the end of the balancing period. Final data of customers supplied according to standardised load profiles may be provided up to 14 months later. In so far such information is provided by a third party, transmission system operators shall be exempted from this provision. The provision of this information shall respect confidentiality of commercially sensitive information.

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- (4) Where flexibility services, other than tolerances, are offered for third party access, transmission system operators shall publish daily forecasts on a day-ahead basis of the maximum amount of flexibility, the booked level of flexibility and the availability of flexibility for the market for the next gas day. The transmission system operator shall also publish *ex-post* information on the aggregate utilisation of every flexibility service at the end of each gas day. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.
- (5) Transmission system operators shall publish, per balancing zone, the amount of gas in the transmission system at the start of each gas day and the forecast of the amount of gas in the transmission system at the end of each gas day. The forecast amount of gas for the end of the gas day shall be updated on an hourly basis throughout the gas day. If imbalance charges are calculated on an hourly basis, the transmission system operator shall publish the amount of gas in the transmission system on an hourly basis. Alternatively, transmission system operators shall publish, per balancing zone, the aggregate imbalance position of all users at the start of each balancing period and the forecast of the aggregated imbalance position of all users at the end of each gas day. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.
- (6) Transmission system operators shall provide user-friendly instruments for calculating tariffs.
- (7) Transmission system operators shall keep at the disposal of the relevant national authorities, for at least 5 years, effective records of all capacity contracts and all other relevant information in relation to calculating and providing access to available capacities, in particular individual nominations and interruptions. Transmission system operators must keep documentation of all relevant information under point 3.3(4) and (5) for at least 5 years and make them available to the regulatory authority upon request. Both parties shall respect commercial confidentiality.'
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**CORRIGENDA****Corrigendum to Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin**

*(Official Journal of the European Union L 15 of 20 January 2010)*

On page 52, in the sixth column of the entry for Oxytetracycline:

*for:* 'MRLs for fat, liver and kidney do not apply to fin fish.'

*read:* 'MRLs for liver and kidney do not apply to fin fish.'

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