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Contents

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[1] Text with EEA relevance

EN

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

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

DECISIONS

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

EN

[1] Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 9 March 2011

on the conclusion of the Agreement between the European Community and the Government of Japan on cooperation in science and technology

(2011/213/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186 in conjunction with point (v) of Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) The Commission negotiated, on behalf of the European Community, an Agreement on cooperation in science and technology with the Government of Japan.

(2) That Agreement was signed by the representatives of the Parties on 30 November 2009 in Brussels subject to its conclusion at a later date.

(3) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.

(4) The Agreement should be concluded on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Community and the Government of Japan on cooperation in science and technology is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The Commission shall adopt the position to be taken by the Union in the Joint Committee established by Article 6(1) of the Agreement with regard to amendments to the Agreement according to Article 13(5) of the Agreement.

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 13(1) of the Agreement and make the following notification to the Government of Japan:

‘As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” in the text of the Agreement are, where appropriate, to be read as “the European Union”.’

Article 4

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

Done at Brussels, 9 March 2011.

For the Council
The President
CSÉFALVAY Z.

AGREEMENT

between the European Community and the Government of Japan on cooperation in science and technology

THE EUROPEAN COMMUNITY hereinafter referred to as 'the Community'

and

THE GOVERNMENT OF JAPAN

DESIRING to further promote the close and friendly relations existing between Japan and the Community, and being aware of the rapid development of scientific knowledge and of its positive contribution in promoting bilateral and international cooperation;

WISHING to broaden the scope of cooperation in science and technology in a number of areas of common interest through the creation of a productive partnership for peaceful purposes and for their mutual benefit;

BELIEVING that such cooperation and the application of the results of such cooperation contribute to the economic and social development of Japan and the Community;

DESIRING to establish a formal framework for the conduct of the overall cooperative activities which will strengthen cooperation in science and technology between the Parties;

HAVE AGREED AS FOLLOWS:

Article 1

1. The Parties shall encourage, develop and facilitate cooperative activities under this Agreement in the areas of science and technology for peaceful purposes.

2. The cooperative activities under this Agreement shall be conducted on the basis of the following principles:

(a) mutual and equitable contributions and benefits;

(b) reciprocal access to research and development programmes and projects and facilities for visiting researchers;

(c) timely exchange of information which may affect the cooperative activities under this Agreement;

(d) promotion of a knowledge-based society for the benefit of the economic and social development of Japan and the Community.

Article 2

1. The cooperative activities under this Agreement consist of direct cooperative activities and indirect cooperative activities.

2. For the purpose of this Agreement:

(a) the term 'the Parties' means the Government of Japan and the Community;

(b) the term 'direct cooperative activities' means cooperative activities between the Parties or their agencies;

(c) the term 'indirect cooperative activities' means cooperative activities between persons of Japan and the Community carried out under research and development programmes and projects;

(d) the term 'research and development programmes and projects' means the Framework Programme for research and technological development operated by the Community or research and development programmes and projects with the competitive funding system operated by the Government of Japan, its agencies or official institutions;

(e) the term 'persons' means:

(i) with respect to Japan, any nationals of Japan or any legal persons established under the national laws of Japan; and

(ii) with respect to the Community, any nationals of the Member States of the Community or any legal persons established under the national laws of the Member States of the Community or the Community law;

(f) the term 'agencies' means:

(i) with respect to Japan, the governmental agencies of Japan; and

(ii) with respect to the Community, the European Commission;

(g) the term 'official institutions' means official institutions whose budgets and operating plans are approved by the competent Ministers of the Government of Japan, and whose research and development programmes and projects with the competitive funding system are included, with their consent, into those programmes and projects for indirect cooperative activities;

(h) the term 'intellectual property rights' shall have the meaning given to 'intellectual property' in Article 2 of the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

Article 3

1. Forms of the direct cooperative activities may include the following:

(a) meetings of various forms, such as those of experts, to discuss and exchange information on scientific and technological aspects of general or specific subjects and to identify research and development programmes and projects that may be usefully undertaken on a cooperative basis;

(b) exchange of information on activities, policies, practices, and laws and regulations concerning research and development;

(c) visits and exchanges of scientists, technical personnel, or other experts on general or specific subjects;

(d) implementation of any other forms of cooperative activities as may be identified, proposed and decided at the Joint Committee on Scientific and Technological Cooperation referred to in Article 6 of this Agreement.

2. For the purpose of developing indirect cooperative activities, any person of a Party can participate in research and development programmes and projects, operated by the other Party, its agencies or official institutions, in accordance with the laws and regulations of the other Party, and subject to Annexes I and II to this Agreement.

Article 4

The details and procedures of each cooperative activity under this Agreement may be decided between the Parties, their agencies or official institutions engaged in that cooperative activity.

Article 5

With regard to the direct cooperative activities under this Agreement, each Party or its agencies may allow, as appropriate, with the consent of the other Party or its agencies, the participation of researchers and organisations from all sectors of the research establishment including the private sector.

Article 6

1. For the purpose of effective implementation of this Agreement, the Parties shall establish a Joint Committee on Scientific and Technological Cooperation (hereinafter referred to as 'the Joint Committee'). The Joint Committee shall be co-chaired by officials of the Ministry of Foreign Affairs of Japan and of the European Commission.

2. The functions of the Joint Committee shall be:

(a) exchanging information and views on scientific and technological policy issues;

(b) identifying, proposing and deciding the cooperative activities under this Agreement;

(c) reviewing and discussing the accomplishments of the cooperative activities under this Agreement;

(d) providing advice and encouragement to the Parties with regard to the implementation of this Agreement;

(e) reviewing regularly the reciprocal access to research and development programmes and projects and arrangements for visiting researchers and examining concrete measures to improve that access and to ensure the effectiveness of the principle on reciprocity mentioned in Article 1 of this Agreement.

3. Decisions of the Joint Committee shall be reached by mutual consent.

4. The Joint Committee shall meet at mutually convenient times, preferably at least once every 2 years.

5. The Government of Japan and the Community shall host alternately the Joint Committee meeting, unless otherwise agreed.

6. For the Joint Committee meeting, the expenses for travel and accommodation of the participants will be borne by the Party to whom they relate. Any other costs associated with the Joint Committee meeting will be borne by the host Party.

7. The Joint Committee will adopt its own internal rules of procedure.

8. The Joint Committee may make decisions through diplomatic channels when it is not in session.

Article 7

Implementation of this Agreement shall be subject to the availability of appropriated funds and to the applicable laws and regulations of each Party.

Article 8

1. Scientific and technological information of a non-proprietary nature resulting from direct cooperative activities may be made available to the public by either Party through customary channels and in accordance with the normal procedures of the participating agencies.

2. Intellectual property rights and undisclosed information resulting from, introduced in the course of, or obtained through the cooperative activities under this Agreement shall be treated in accordance with the provisions of Annex II to this Agreement.

Article 9

Each Party shall make every effort, within the framework of its laws and regulations, to accord to the persons, carrying out the cooperative activities under this Agreement, all possible facilities with a view to facilitating the free movement and stay of researchers participating in those cooperative activities and to facilitating the entry into and exit from its territory of materials, data or equipment intended for use in those cooperative activities.

Article 10

The provisions of this Agreement shall not prejudice rights and obligations with respect to existing and future agreements for cooperation between the Parties or between the Government of Japan and the Government of any Member State of the Community.

Article 11

All questions or disputes related to the interpretation or implementation of this Agreement shall be settled by mutual consultation between the Parties.

Article 12

Annexes I and II to this Agreement form an integral part of this Agreement.

Article 13

1. This Agreement shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that their respective internal procedures necessary for the entry into force of this Agreement have been completed.

2. This Agreement shall remain in force for 5 years and shall continue in force thereafter unless terminated by either Party at the end of the initial 5-year period or at any time thereafter by giving to the other Party at least 6 months' written advance notice of its intention to terminate this Agreement.

3. The termination of this Agreement shall not affect carrying out of the cooperative activities undertaken under this Agreement and not fully executed at the time of the termination of this Agreement, or any specific rights and obligations that have accrued in compliance with Annex II to this Agreement.

4. Each Party may evaluate the impact of this Agreement and activities under this Agreement every 5 years, and the Party which does so shall inform the other Party of the results of the evaluation. Each Party will make every effort to facilitate the evaluation conducted by the other Party.

5. This Agreement may be amended by mutual consent of the Parties through diplomatic notes exchanged between them. Amendments shall enter into force under the same conditions as mentioned in paragraph 1 above, unless otherwise agreed.

This Agreement and Annexes I and II of this Agreement are drawn up in two originals in each of the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Japanese languages with each of these texts being equally authentic. In case of divergence of interpretation, the English and Japanese texts shall prevail over the other language texts.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by the European Community and the Government of Japan respectively, have signed this Agreement.

Done at Brussels, this thirtieth day of November, 2009.

For the European Community

For the Government of Japan

ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF PERSONS IN RESEARCH AND DEVELOPMENT PROGRAMMES AND PROJECTS

I. Where within the framework of this Agreement a Party, its agencies or official institutions conclude a contract with a person of the other Party for research and development programmes and projects, the other Party shall, when requested, endeavour to provide any reasonable and feasible assistance as may be necessary or helpful for the former Party, its agencies or official institutions to facilitate the smooth implementation of such contract.

II. Persons of Japan may participate in the Framework Programme for research and technological development operated by the Community. Such participation of persons of Japan shall be in accordance with the rules for participation, dissemination and implementation of the Framework Programme.

III. Persons of the Community may participate in research and development programmes and projects with the competitive funding system operated by the Government of Japan, its agencies or official institutions in scientific and technological fields similar to those of the Framework Programme for research and technological development. Such participation of persons of the Community shall be in accordance with the laws and regulations of Japan and the relevant rules for participation, dissemination and implementation of the specific programme or project.

ANNEX II

INTELLECTUAL PROPERTY RIGHTS AND UNDISCLOSED INFORMATION

I. **Intellectual property rights of the Parties in direct cooperative activities**

1. The following rules shall apply to intellectual property rights resulting from direct cooperative activities, except copyright and related rights referred to in paragraph 3 below:

   (a) the intellectual property rights shall be owned by the Party or its agencies which generate the intellectual property. Where the intellectual property has been generated jointly, the Parties or their agencies shall consult to agree upon the ownership or allocation of the intellectual property rights taking into account the respective share of the work of the Parties or their agencies;

   (b) the Party or its agencies owning the intellectual property rights shall grant a licence to use such rights to the other Party or its agencies for carrying out any direct cooperative activity if this is needed to enable the other Party or its agencies to carry out their own work for the specific project under this Agreement. In case of patents and utility models, this licence shall be granted on a royalty-free basis. The granting of a licence to use any intellectual property rights under this subparagraph shall be subject to the applicable laws and regulations of each Party, and the conditions to be agreed upon between the Parties or their agencies prior to the start of the project.

2. The Party or its agencies owning the intellectual property rights introduced in the course of direct cooperative activities shall grant a licence to use such rights to the other Party or its agencies for carrying out any direct cooperative activity if this is needed to enable the other Party or its agencies to carry out their own work for the specific project under this Agreement. The granting of a licence to use any intellectual property rights under this paragraph shall be subject to the applicable laws and regulations of each Party, and the conditions to be agreed upon between the Parties or their agencies prior to the start of the project.

3. The following rules shall apply to copyright and related rights of the Parties or their agencies:

   (a) where a Party or its agencies publish scientific and technical data, information and results by means of journals, articles, reports, books, video tapes and digital storage devices, resulting from direct cooperative activities, the Party will make its best efforts to obtain for the other Party a non-exclusive, irrevocable and royalty-free licence in all countries where copyright protection is available to translate, reproduce, adapt, transmit and publicly distribute such works;

   (b) all publicly distributed copies of a copyrighted work under the provisions of subparagraph (a) above shall indicate the name(s) of the author(s) of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

II. **Undisclosed information in direct cooperative activities**

The following rules shall apply to undisclosed information of the Parties or their agencies:

1. When communicating to the other Party or its agencies information necessary to carry out direct cooperative activities, each Party shall identify that information it wishes to remain undisclosed.

2. The Party or its agencies receiving undisclosed information may, under its own responsibility, communicate such undisclosed information to its agencies or persons within or employed by themselves if this is needed to enable those agencies or persons to carry out their own work for the specific project under this Agreement.

3. With the prior written consent of a Party or its agencies providing undisclosed information, the other Party or its agencies may disseminate such undisclosed information more widely than otherwise permitted in paragraph 2 above. The Parties or their agencies shall cooperate with each other in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such consent to the extent permitted by its laws and regulations.

4. Information obtained through seminars, other meetings, assignment of staff and use of facilities arranged under this Agreement, shall remain confidential where the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information communicated at the time such communication was made according to paragraph 1 above, and be treated as indicated in paragraphs 2 and 3 above.

5. If a Party becomes aware that it will be, or may be reasonably expected to become, unable to meet the restrictions and conditions of dissemination in paragraphs 2, 3 and 4 above, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

III. **Intellectual property rights of persons in indirect cooperative activities**

Each Party shall ensure that the intellectual property rights of persons of the other Party participating in research and development programmes and projects operated by the former Party, its agencies or official institutions, and the related rights and obligations resulting from such participation, shall be consistent with the relevant international conventions which are binding on the Government of Japan and the Community or all its Member States, including the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the Marrakech Agreement Establishing the World Trade Organization, as well as the Paris Act of July 24, 1971 of the Berne Convention for the Protection of Literary and Artistic Works and the Stockholm Act of July 14, 1967 of the Paris Convention for the Protection of Industrial Property.

REGULATIONS

COMMISSION REGULATION (EU) No 327/2011

of 30 March 2011

implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for fans driven by motors with an electric input power between 125 W and 500 kW

(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 [1] and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

(1) Under Directive 2009/125/EC ecodesign requirements are to be set by the Commission for energy-related products representing significant volumes of sales and trade, having a significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.

(2) Article 16(2) 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 Consultation Forum, the Commission will, as appropriate, introduce an implementing measure for products using electric motor systems.

(3) Fans driven by motors with an electric input power between 125 W and 500 kW are an important part of various gas handling products. Minimum energy efficiency requirements have been established for electric motors in Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors [2], including electric motors equipped with variable speed drives. They also apply to those motors which are part of a motor-fan system. However, many fans covered by this Regulation are used in combination with motors not covered by Regulation (EC) No 640/2009.

(4) Total electricity consumption of fans driven by motors with an electric input power between 125 W and 500 kW is 344 TWh per year, rising to 560 TWh in 2020 if current Union market trends persist. The cost-efficient improvement potential through design is about 34 TWh per year in 2020, which corresponds to 16 Mt of CO_2 emissions. Consequently, fans with an electric input power between 125 W and 500 kW represent a product for which ecodesign requirements should be established.

(5) Many fans are integrated in other products without being separately placed on the market or put into service within the meaning of Article 5 of Directive 2009/125/EC and of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC [3]. To achieve most of the cost-efficient energy-saving potential and facilitate enforcement of the measure, fans between 125 W and 500 kW integrated in other products should also be subject to the provisions of this Regulation.

(6) Many fans are part of ventilation systems installed in buildings. National legislation based on Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings [4], may set new stricter energy efficiency requirements on those ventilation systems, using the calculation and measurement methods defined in this regulation as regards the efficiency of the fan.

[1] OJ L 285, 31.10.2009, p. 10.

[2] OJ L 191, 23.7.2009, p. 26.

[3] OJ L 157, 9.6.2006, p. 24.

[4] OJ L 153, 18.6.2010, p. 13.

(7) The Commission has carried out a preparatory study which analysed the technical, environmental and economic aspects of fans. The study was developed together with stakeholders and interested parties from the Union and third countries, and the results have been made publicly available. Further work and consultations showed that the scope could be further extended subject to exemptions being made for particular applications where the requirements would not be appropriate.

(8) The preparatory study showed that fans driven by motors with an input power between 125 W and 500 kW are placed on the Union market in large quantities, with their use-phase energy consumption being the most significant environmental aspect of all life-cycle phases.

(9) The preparatory study shows that electricity consumption in use is the only significant ecodesign parameter relating to product design as laid down in Directive 2009/125/EC.

(10) Improvements in the energy efficiency of fans driven by motors with an electric input power between 125 W and 500 kW should be achieved by applying existing non-proprietary cost-effective technologies that can reduce the total combined costs of purchasing and operating them.

(11) Ecodesign requirements should harmonise the energy efficiency requirements for fans driven by motors with an electric input power between 125 W and 500 kW throughout the Union, thus contributing to the functioning of the internal market and to the improvement of the environmental performance of these products.

(12) Small fans (indirectly) driven by an electric motor between 125 W and 3 kW which primarily serves other functionalities are not within the scope. For illustration a small fan to cool the electric motor in a chain saw is not within the scope, even if the motor of the chain saw itself (which is also driving the fan) is above 125 W.

(13) An appropriate timeframe should be provided for manufacturers to redesign products and to adapt production lines. The timing should be such that negative impacts on the supply of fans driven by motors with an electric input power between 125 W and 500 kW are avoided, and cost impacts for manufacturers, in particular small and medium-sized enterprises, are taken into account, while ensuring timely achievement of the objectives of this Regulation.

(14) A review of this Regulation is foreseen no later than 4 years after its entry into force. The review process may be initiated earlier if evidence reaches the Commission that warrants this. The review should in particular assess the setting of technology independent requirements, the potential of the use of variable speed drives (VSD) and the necessity of the number and scope of exemptions as well as the inclusion of fans below 125 W electric input power.

(15) The energy efficiency of fans driven by motors with an electric input power between 125 W and 500 kW should be determined through reliable, accurate and reproducible measurement methods, which take into account the recognised state of the art, 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 [1].

(16) This Regulation should increase the market penetration of technologies that limit the life-cycle environmental impact of fans driven by motors with an electric input power between 125 W and 500 kW, leading to annual estimated electricity savings of 34 TWh by 2020, compared to the situation where no measures are taken.

(17) In accordance with Article 8 of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.

(18) In order to facilitate compliance checks, manufacturers should be requested to provide information in the technical documentation referred to in Annexes IV and V to Directive 2009/125/EC.

(19) In order to further limit the environmental impact of fans driven by motors with an electric input power between 125 W and 500 kW, manufacturers should provide relevant information on disassembly, recycling or disposal at end-of-life of such fans.

(20) Benchmarks for currently available fan types with high energy efficiency should be identified. This will help to ensure the wide availability and easy accessibility of information, in particular for small and medium-sized enterprises and very small firms, which will further facilitate the integration of best design technologies and facilitate the development of more efficient products for reducing energy consumption.

[1] OJ L 204, 21.7.1998, p. 37.

(21) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2009/125/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes ecodesign requirements for the placing on the market or putting into service of fans, including those integrated in other energy-related products as covered by Directive 2009/125/EC.

2. The Regulation shall not apply to fans integrated in:

(i) products with a sole electric motor of 3 kW or less where the fan is fixed on the same shaft used for driving the main functionality;

(ii) laundry and washer dryers ≤ 3 kW maximum electrical input power;

(iii) kitchen hoods < 280 W total maximum electrical input power attributable to the fan(s).

3. This Regulation shall not apply to fans which are:

(a) designed specifically to operate in potentially explosive atmospheres as defined in Directive 94/9/EC of the European Parliament and of the Council [1];

(b) designed for emergency use only, at short-time duty, with regard to fire safety requirements set out in Council Directive 89/106/EC [2];

(c) designed specifically to operate:

(i) (a) where operating temperatures of the gas being moved exceed 100 °C;

(b) where operating ambient temperature for the motor, if located outside the gas stream, driving the fan exceeds 65 °C;

(ii) where the annual average temperature of the gas being moved and/or the operating ambient temperature for the motor, if located outside the gas stream, are lower than – 40 °C;

(iii) with a supply voltage > 1 000 V AC or > 1 500 V DC;

(iv) in toxic, highly corrosive or flammable environments or in environments with abrasive substances;

(d) placed on the market before 1 January 2015 as replacement for identical fans integrated in products which were placed on the market before 1 January 2013; except that the packaging, the product information and the technical documentation must clearly indicate regarding (a), (b) and (c) that the fan shall only be used for the purpose for which it is designed and regarding (d) the product(s) for which it is intended.

Article 2

Definitions

In addition to the definitions set out in Directive 2009/125/EC, the following definitions shall apply:

1. 'Fan' means a rotary bladed machine that is used to maintain a continuous flow of gas, typically air, passing through it and whose work per unit mass does not exceed 25 kJ/kg, and which:

— is designed for use with or equipped with an electrical motor with an electric input power between 125 W and 500 kW (≥ 125 W and ≤ 500 kW) to drive the impeller at its optimum energy efficiency point,

— is an axial fan, centrifugal fan, cross flow fan or mixed flow fan,

— may or may not be equipped with a motor when placed on the market or put into service;

2. 'Impeller' means the part of the fan that is imparting energy into the gas flow and is also known as the fan wheel;

3. 'Axial fan' means a fan that propels gas in the direction axial to the rotational axis of one or more impeller(s) with a swirling tangential motion created by the rotating impeller(s). The axial fan may or may not be equipped with a cylindrical housing, inlet or outlet guide vanes or an orifice panel or orifice ring;

[1] OJ L 100, 19.4.1994, p. 1.
[2] OJ L 40, 11.2.1989, p. 12.

4. 'Inlet guide vanes' are vanes positioned before the impeller to guide the gas stream towards the impeller and which may or may not be adjustable;

5. 'Outlet guide vanes' are vanes positioned after the impeller to guide the gas stream from the impeller and which may or may not be adjustable;

6. 'Orifice panel' means a panel with an opening in which the fan sits and which allows the fan to be fixed to other structures;

7. 'Orifice ring' means a ring with an opening in which the fan sits and which allows the fan to be fixed to other structures;

8. 'Centrifugal fan' means a fan in which the gas enters the impeller(s) in an essentially axial direction and leaves it in a direction perpendicular to that axis. The impeller may have one or two inlets and may or may not have a housing;

9. 'Centrifugal radial bladed fan' means a centrifugal fan where the outward direction of the blades of the impeller(s) at the periphery is radial relative to the axis of rotation;

10. 'Centrifugal forward curved fan' means a centrifugal fan where the outward direction of the blades of the impeller(s) at the periphery is forward relative to the direction of rotation;

11. 'Centrifugal backward curved fan without housing' means a centrifugal fan where the outward direction of the blades of the impeller(s) at the periphery is backward relative to the direction of rotation and which does not have a housing;

12. 'Housing' means a casing around the impeller which guides the gas stream towards, through and from the impeller;

13. 'Centrifugal backward curved fan with housing' means a centrifugal fan with an impeller where the outward direction of the blades at the periphery is backward relative to the direction of rotation and which has a housing;

14. 'Cross flow fan' means a fan in which the gas path through the impeller is in a direction essentially at right angles to its axis both entering and leaving the impeller at its periphery;

15. 'Mixed flow fan' means a fan in which the gas path through the impeller is intermediate between the gas path in fans of centrifugal and axial types;

16. 'Short-time duty' means working of a motor at a constant load, which is not long enough to reach temperature equilibrium;

17. 'Ventilation fan' means a fan that is not used in the following energy-related products:

— laundry and washer dryers > 3 kW maximum electrical input power,

— indoor units of household air-conditioning products and indoor household air-conditioners, ≤ 12 kW maximum airco output power,

— information technology products;

18. The 'specific ratio' means the stagnation pressure measured at the fan outlet divided by the stagnation pressure at the fan inlet at the optimal energy efficiency point of the fan.

Article 3

Ecodesign requirements

1. The ecodesign requirements for fans are set out in Annex I.

2. Each fan energy efficiency requirement of Annex I Section 2 shall apply in accordance with the following timetable:

(a) first tier: from 1 January 2013, ventilation fans shall not have a lower target energy efficiency than as defined in Annex I, Section 2, Table 1;

(b) second tier: from 1 January 2015, all fans shall not have a lower target energy efficiency than as defined in Annex I, Section 2, Table 2.

3. The product information requirements on fans and how they must be displayed are as set out in Annex I, Section 3. These requirements shall apply from 1 January 2013.

4. The fan energy efficiency requirements of Annex I Section 2 shall not apply to fans which are designed to operate:

(a) with an optimum energy efficiency at 8 000 rotations per minute or more;

(b) in applications in which the 'specific ratio' is over 1,11;

(c) as conveying fans used for the transport of non-gaseous substances in industrial process applications.

5. For dual use fans designed for both ventilation under normal conditions and emergency use, at short-time duty, with regard to fire safety requirements as set out in Directive 89/106/EC, the values of the applicable efficiency grades set out in Annex I Section 2 will be reduced by 10 % for Table 1 and by 5 % for Table 2.

6. Compliance with ecodesign requirements shall be measured and calculated in accordance with requirements set out in Annex II.

Article 4

Conformity assessment

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 for assessing conformity set out in Annex V to that Directive.

Article 5

Verification procedure for market surveillance purposes

When performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC, the authorities of the Member States shall apply the verification procedure set out in Annex III to this Regulation.

Article 6

Indicative benchmarks

The indicative benchmarks for the best-performing fans 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 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 feasibility of reducing the number of fan types in order to reinforce competition on grounds of energy efficiency for fans which can fulfil a comparable function. The review shall also assess whether the scope of exemptions can be reduced, including allowances for dual use fans.

Article 8

Entry into force

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, 30 March 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX I

ECODESIGN REQUIREMENTS FOR FANS

1. **Definitions for the purposes of Annex I**

(1) 'Measurement category' means a test, measurement or usage arrangement that defines the inlet and outlet conditions of the fan under test.

(2) 'Measurement category A' means an arrangement where the fan is measured with free inlet and outlet conditions.

(3) 'Measurement category B' means an arrangement where the fan is measured with free inlet and with a duct fitted to its outlet.

(4) 'Measurement category C' means an arrangement where the fan is measured with a duct fitted to its inlet and with free outlet conditions.

(5) 'Measurement category D' means an arrangement where the fan is measured with a duct fitted to its inlet and outlet.

(6) 'Efficiency category' means the fan gas output energy form used to determine the fan energy efficiency, either static efficiency or total efficiency, where:

(a) 'fan static pressure' (p_{sf}) has been used to determine fan gas power in the efficiency equation for fan static efficiency; and

(b) 'fan total pressure' (p_f) has been used to determine fan gas power in the efficiency equation for total efficiency.

(7) 'Static efficiency' means the energy efficiency of a fan, based upon measurement of the 'fan static pressure' (p_{sf}).

(8) 'Fan static pressure' (p_{sf}) means the fan total pressure (p_f) minus the fan dynamic pressure corrected by the Mach factor.

(9) 'Stagnation pressure' means the pressure measured at a point in a flowing gas if it were brought to rest via an isentropic process.

(10) 'Dynamic pressure' means the pressure calculated from the mass flow rate, the average gas density at the outlet and the fan outlet area.

(11) 'Mach factor' means a correction factor applied to dynamic pressure at a point, defined as the stagnation pressure minus the pressure with respect to absolute zero pressure which is exerted at a point at rest relative to the gas around it and divided by the dynamic pressure.

(12) 'Total efficiency' means the energy efficiency of a fan, based upon measurement of the 'fan total pressure' (p_f).

(13) 'Fan total pressure' (p_f) means the difference between the stagnation pressure at the fan outlet and the stagnation pressure at the fan inlet.

(14) 'Efficiency grade' is a parameter in the calculation of the target energy efficiency of a fan of specific electric input power at its optimum energy efficiency point (expressed as parameter 'N' in the calculation of the fan energy efficiency).

(15) The 'target energy efficiency' (η_{target}) is the minimum energy efficiency a fan must achieve in order to meet the requirements and is based on its electrical input power at its point of optimum energy efficiency, where η_{target} is the output value from the appropriate equation in Section 3 of Annex II, using the applicable integer N of the efficiency grade (Annex I, Section 2, Tables 1 and 2) and the electrical power input $P_{e(d)}$ of the fan expressed in kW at its point of optimum energy efficiency in the applicable energy efficiency formula.

(16) 'Variable speed drive (VSD)' means an electronic power converter integrated — or functioning as one system — with the motor and the fan, that continuously adapts the electrical power supplied to the electric motor in order to control the mechanical power output of the motor according to the torque-speed characteristic of the load being driven by the motor, excluding variable voltage controllers where only the supply voltage for the motor is varied.

(17) 'Overall efficiency' is either 'static efficiency' or 'total efficiency', whichever is applicable.

2. **Fan energy efficiency requirements**

The minimum energy efficiency requirements for fans are set out in Tables 1 and 2.

Table 1

First tier minimum energy efficiency requirements for fans from 1 January 2013

Fan types	Measurement category (A-D)	Efficiency category (static or total)	Power range P in kW	Target energy efficiency	Efficiency grade (N)
Axial fan	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 2{,}74 \cdot \ln(P) - 6{,}33 + N$	36
			$10 < P \leq 500$	$\eta_{target} = 0{,}78 \cdot \ln(P) - 1{,}88 + N$	
	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 2{,}74 \cdot \ln(P) - 6{,}33 + N$	50
			$10 < P \leq 500$	$\eta_{target} = 0{,}78 \cdot \ln(P) - 1{,}88 + N$	
Centrifugal forward curved fan and centrifugal radial bladed fan	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 2{,}74 \cdot \ln(P) - 6{,}33 + N$	37
			$10 < P \leq 500$	$\eta_{target} = 0{,}78 \cdot \ln(P) - 1{,}88 + N$	
	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 2{,}74 \cdot \ln(P) - 6{,}33 + N$	42
			$10 < P \leq 500$	$\eta_{target} = 0{,}78 \cdot \ln(P) - 1{,}88 + N$	
Centrifugal backward curved fan without housing	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	58
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
Centrifugal backward curved fan with housing	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	58
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	61
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
Mixed flow fan	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	47
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	58
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
Cross flow fan	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 1{,}14 \cdot \ln(P) - 2{,}6 + N$	13
			$10 < P \leq 500$	$\eta_{target} = N$	

Table 2

Second tier minimum energy efficiency requirements for fans from 1 January 2015

Fan types	Measurement category (A-D)	Efficiency category (static or total)	Power range P in kW	Target energy efficiency	Efficiency grade (N)
Axial fan	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 2{,}74 \cdot \ln(P) - 6{,}33 + N$	40
			$10 < P \leq 500$	$\eta_{target} = 0{,}78 \cdot \ln(P) - 1{,}88 + N$	
	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 2{,}74 \cdot \ln(P) - 6{,}33 + N$	58
			$10 < P \leq 500$	$\eta_{target} = 0{,}78 \cdot \ln(P) - 1{,}88 + N$	

Fan types	Measurement category (A-D)	Efficiency category (static or total)	Power range P in kW	Target energy efficiency	Efficiency grade (N)
Centrifugal forward curved fan and centrifugal radial bladed fan	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 2{,}74 \cdot \ln(P) - 6{,}33 + N$	44
			$10 < P \leq 500$	$\eta_{target} = 0{,}78 \cdot \ln(P) - 1{,}88 + N$	
	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 2{,}74 \cdot \ln(P) - 6{,}33 + N$	49
			$10 < P \leq 500$	$\eta_{target} = 0{,}78 \cdot \ln(P) - 1{,}88 + N$	
Centrifugal backward curved fan without housing	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	62
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
Centrifugal backward curved fan with housing	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	61
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	64
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
Mixed flow fan	A, C	static	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	50
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	62
			$10 < P \leq 500$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$	
Cross flow fan	B, D	total	$0{,}125 \leq P \leq 10$	$\eta_{target} = 1{,}14 \cdot \ln(P) - 2{,}6 + N$	21
			$10 < P \leq 500$	$\eta_{target} = N$	

3. **Product information requirements on fans**

1. The information on fans set out in points 2(1) to 2(14) shall be visibly displayed on:

(a) the technical documentation of fans;

(b) free access websites of manufacturers of fans.

2. The following information shall be displayed:

(1) overall efficiency (η), rounded to 1 decimal place;

(2) measurement category used to determine the energy efficiency (A-D);

(3) efficiency category (static or total);

(4) efficiency grade at optimum energy efficiency point;

(5) whether the calculation of fan efficiency assumed use of a VSD and if so, whether the VSD is integrated within the fan or the VSD must be installed with the fan;

(6) year of manufacture;

(7) manufacturer's name or trade mark, commercial registration number and place of manufacturer;

(8) product's model number;

(9) the rated motor power input(s) (kW), flow rate(s) and pressure(s) at optimum energy efficiency;

(10) rotations per minute at the optimum energy efficiency point;

(11) the 'specific ratio';

(12) information relevant for facilitating disassembly, recycling or disposal at end-of-life;

(13) information relevant to minimise impact on the environment and ensure optimal life expectancy as regards installation, use and maintenance of the fan;

(14) description of additional items used when determining the fan energy efficiency, such as ducts, that are not described in the measurement category and not supplied with the fan.

3. The information in the technical documentation shall be provided in the order as presented in points 2(1) to 2(14). The exact wording used in the list does not need to be repeated. It may be displayed using graphs, figures or symbols rather than text.

4. The information referred to in points 2(1), 2(2), 2(3), 2(4) and 2(5) shall be durably marked on or near the rating plate of the fan, where for point 2(5) one of the following forms of words must be used to indicate what is applicable:

— 'A variable speed drive must be installed with this fan',

— 'A variable speed drive is integrated within the fan'.

5. Manufacturers shall provide information in the manual of instruction on specific precautions to be taken when fans are assembled, installed or maintained. If provision 2(5) of the product information requirements indicates that a VSD must be installed with the fan, manufacturers shall provide details on the characteristics of the VSD to ensure optimal use after assembly.

ANNEX II

MEASUREMENTS AND CALCULATIONS

1. **Definitions for the purposes of Annex II**

(1) 'Inlet stagnation volume flow rate' (q) is the volume of gas that passes through the fan per unit of time (in m^3/s) and is calculated on the basis of the mass of gas moved by the fan (in kg/s) divided by the density of this gas at the fan inlet (in kg/m^3).

(2) 'Compressibility factor' is a dimensionless number that describes the amount of compressibility that the gas stream experiences during the test and is calculated as the ratio of the mechanical work done by the fan on the gas to the work that would be done on an incompressible fluid with the same mass flow, inlet density and pressure ratio, taking into account the fan pressure as 'total pressure' (k_p) or 'static pressure' (k_{ps}).

(3) k_{ps} means compressibility coefficient for the calculation of fan static gas power.

(4) k_p means compressibility coefficient for the calculation of fan total gas power.

(5) 'Final assembly' means a finished or assembled on-site assembly of a fan that contains all the elements to convert electric energy into fan gas power without the need to add more parts or components.

(6) 'Not final assembly' means an assembly of fan parts, consisting of at least the impeller, which needs one or more externally supplied components in order to be able to convert electric energy into fan gas power.

(7) 'Direct drive' means a driving arrangement for a fan where the impeller is fixed to the motor shaft, either directly or with a co-axial coupling, and where the impeller speed is identical to the motor's rotational speed.

(8) 'Transmission' means a driving arrangement for a fan which is not 'direct drive' as defined above. Such driving arrangements may include transmissions using a belt-drive, gearbox or slipping coupling.

(9) 'Low-efficiency drive' means a transmission using a belt whose width is less than three times the height of the belt or using some other form of transmission apart from a 'high-efficiency drive'.

(10) 'High-efficiency drive' means a transmission using a belt whose width is at least three times the height of the belt, a toothed belt or using toothed gears.

2. **Measurement method**

For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations must be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art measurement methods, and whose results are deemed to be of low uncertainty, 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*.

3. **Calculation method**

The methodology for calculating the energy efficiency of a specific fan is based on the ratio of gas power to electrical input power to the motor, where fan gas power is the product of gas volume flow rate and pressure difference across the fan. The pressure is either the static pressure or the total pressure, which is the sum of static and dynamic pressure depending upon the measurement and efficiency category.

3.1. Where the fan is supplied as a 'final assembly', measure the gas power and the electric input power of the fan at its optimum energy efficiency point:

(a) where the fan does not include a variable speed drive, calculate the overall efficiency using the following equation:

$$\eta_e = P_{u(s)} / P_e$$

where:

η_e is the overall efficiency;

$P_{u(s)}$ is the fan gas power, determined according to point 3.3, of the fan when it is operating at its optimal energy efficiency point;

P_e is the power measured at the mains input terminals to the motor of the fan when the fan is operating at its optimal energy efficiency point;

(b) where the fan includes a variable speed drive, calculate the overall efficiency using the following equation:

$$\eta_e = (P_{u(s)} / P_{ed}) \cdot C_c$$

where:

η_e is the overall efficiency;

$P_{u(s)}$ is the fan gas power, determined according to point 3.3, of the fan when it is operating at its optimal energy efficiency point;

P_{ed} is the power measured at the mains input terminals to the variable speed drive of the fan when the fan is operating at its optimal energy efficiency point;

C_c is a part load compensation factor as follows:

— for a motor with a variable speed drive and $P_{ed} \geq 5$ kW, then $C_c = 1{,}04$,

— for a motor with a variable speed drive and $P_{ed} < 5$ kW, then $C_c = -0{,}03 \ln(P_{ed}) + 1{,}088$.

3.2. Where the fan is supplied as 'not final assembly', the fan overall efficiency is calculated at the impeller's optimum energy efficiency point, using the following equation:

$$\eta_e = \eta_r \cdot \eta_m \cdot \eta_T \cdot C_m \cdot C_c$$

where:

η_e is the overall efficiency;

η_r is the fan impeller efficiency according to $P_{u(s)} / P_a$

where:

$P_{u(s)}$ is fan gas power determined at the point of optimal energy efficiency for the impeller and according to point 3.3 below;

P_a is the fan shaft power at the point of optimal energy efficiency of the impeller;

η_m is the nominal rated motor efficiency in accordance with Regulation (EC) No 640/2009 whenever applicable. If the motor is not covered by Regulation (EC) No 640/2009 or in case no motor is supplied a default η_m is calculated for the motor using the following values:

— if the recommended electric input power 'Pe' is ≥ 0,75 kW,

$\eta_m = 0{,}000278*(x^3) - 0{,}019247*(x^2) + 0{,}104395*x + 0{,}809761$,

where $x = \text{Lg}\ (P_e)$,

and P_e is as defined in 3.1(a),

— if the recommended motor input power 'Pe' is < 0,75 kW,

$\eta_m = 0{,}1462*\ln(P_e) + 0{,}8381$,

and P_e is as defined in 3.1(a), where the electric input power Pe recommended by the manufacturer of the fan should be enough for the fan to reach its optimum energy efficiency point, taking into account losses from transmission systems if applicable.

η_T is the efficiency of the driving arrangement for which the following default values must be used:

— for direct drive $\eta_T = 1{,}0$;

— if the transmission is a low-efficiency drive as defined in 1(9) and

— $P_a \geq 5$ kW, $\eta_T = 0{,}96$, or

— 1 kW < P_a < 5 kW, $\eta_T = 0{,}0175 * Pa + 0{,}8725$, or

— $P_a \leq 1$ kW, $\eta_T = 0{,}89$,

— if the transmission is a high-efficiency drive as defined in 1(10) and

— $P_a \geq 5$ kW, $\eta_T = 0{,}98$,

— or 1 kW < P_a < 5 kW, $\eta_T = 0{,}01 * Pa + 0{,}93$, or

— $P_a \leq 1$ kW, $\eta_T = 0{,}94$.

C_m is the compensation factor to account for matching of components = 0,9;

C_c is the part load compensation factor:

— for a motor without a variable speed drive $C_c = 1{,}0$,

— for a motor with a variable speed drive and $P_{ed} \geq 5$ kW, then $C_c = 1{,}04$,

— for a motor with a variable speed drive and $P_{ed} < 5$ kW, then $C_c = -0{,}03 \ln(P_{ed}) + 1{,}088$.

3.3. The fan gas power, $P_{u(s)}$ (kW), is calculated according to the measurement category test method chosen by the fan supplier:

(a) where the fan has been measured according to measurement category A, fan static gas power P_{us} is used from the equation $P_{us} = q \cdot p_{sf} \cdot k_{ps}$;

(b) where the fan has been measured according to measurement category B, fan gas power P_u is used from the equation $P_u = q \cdot p_f \cdot k_p$;

(c) where the fan has been measured according to measurement category C, fan static gas power P_{us} is used from the equation $P_{us} = q \cdot p_{sf} \cdot k_{ps}$;

(d) where the fan has been measured according to measurement category D, fan gas power P_u is used from the equation $P_u = q \cdot p_f \cdot k_p$.

4. **Methodology for calculating the target energy efficiency**

The target energy efficiency is the energy efficiency a fan from a given fan type must achieve in order to comply with the requirements set out in this Regulation (expressed in full percentage points). The target energy efficiency is calculated by efficiency formulas that include the electrical input power $P_{e(d)}$ and the minimum efficiency grade as defined in Annex I. The complete power range is covered by two formulas: one for fans with an electric input power from 0,125 kW up to and including 10 kW and the other for fans above 10 kW up to and including 500 kW.

There are three series of fan types for which energy efficiency formulas are developed to reflect the different characteristics of various fan types:

4.1. The target energy efficiency for axial fans, centrifugal forward curved fans and centrifugal radial bladed fans (axial fan within) is calculated using the following equations:

Power range P from 0,125 kW to 10 kW	Power range P from 10 kW to 500 kW
$\eta_{target} = 2{,}74 \cdot \ln(P) - 6{,}33 + N$	$\eta_{target} = 0{,}78 \cdot \ln(P) - 1{,}88 + N$

where the input power P is the electrical input power $P_{e(d)}$ and N is the integer of the energy efficiency grade required.

4.2. The target energy efficiency for centrifugal backward curved fans without housing, centrifugal backward curved fans with housing and mixed flow fans is calculated using the following equations:

Power range P from 0,125 kW to 10 kW	Power range P from 10 kW to 500 kW
$\eta_{target} = 4{,}56 \cdot \ln(P) - 10{,}5 + N$	$\eta_{target} = 1{,}1 \cdot \ln(P) - 2{,}6 + N$

where the input power P is the electrical input power $P_{e(d)}$ and N is the integer of the energy efficiency grade required.

4.3. The target energy efficiency for cross flow fans is calculated using the following equations:

Power range P from 0,125 kW to 10 kW	Power range P from 10 kW to 500 kW
$\eta_{target} = 1{,}14 \cdot \ln(P) - 2{,}6 + N$	$\eta_{target} = N$

where the input power P is the electrical input power $P_{e(d)}$ and N is the integer of the energy efficiency grade required.

5. **Applying the target energy efficiency**

The fan overall efficiency η_e calculated according to the appropriate method in Section 3 of Annex II must be equal to or greater than the target value η_{target} set by the efficiency grade to meet the minimum energy efficiency requirements.

ANNEX III

VERIFICATION PROCEDURE FOR MARKET SURVEILLANCE PURPOSES

When performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC, the authorities of the Member States shall apply the following verification procedure for the requirements set out in Annex I.

1. The authorities of the Member State shall test one single unit.

2. The model shall be considered to comply with the provisions set out in this Regulation if the overall efficiency of the fan (η_e) is at least target energy efficiency*0,9 calculated using the formulas in Annex II (Section 3) and the applicable efficiency grades from Annex I.

3. If the result referred to in point 2 is not achieved:

   — for models that are produced in lower quantities than five per year, the model shall be considered not to comply with this Regulation,

   — for models that are produced in quantities of five or more per year, the market surveillance authority shall randomly test three additional units.

4. The model shall be considered to comply with the provisions set out in this Regulation if the average of the overall efficiency (η_e) of the three units referred to in point 3 is at least target energy efficiency*0,9 using the formulas in Annex II (Section 3) and the applicable efficiency grades from Annex I.

5. If the results referred to in point 4 are not achieved, the model shall be considered not to comply with this Regulation.

ANNEX IV

INDICATIVE BENCHMARKS REFERRED TO IN ARTICLE 6

At the time of adoption of this Regulation, the best available technology on the market for fans is as indicated in Table 1. These benchmarks may not always be achievable in all applications or for the full power range covered by the Regulation.

Table 1

Indicative benchmarks for fans

Fan types	Measurement category (A-D)	Efficiency category (static or total)	Efficiency grade
Axial fan	A, C	static	65
	B, D	total	75
Centrifugal forward curved fan and centrifugal radial bladed fan	A, C	static	62
	B, D	total	65
Centrifugal backward curved fan without housing	A, C	static	70
Centrifugal backward curved fan with housing	A, C	static	72
	B, D	total	75
Mixed flow fan	A, C	static	61
	B, D	total	65
Cross flow fan	B, D	total	32

COMMISSION REGULATION (EU) No 328/2011

of 5 April 2011

implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics on causes of death

(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 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work [1], and in particular Article 9(1) thereof,

Whereas:

(1) Regulation (EC) No 1338/2008 establishes a common framework for the systematic production of European statistics on public health and health and safety at work.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1338/2008, implementing measures are needed to specify the data and metadata to be provided on causes of death covered by Annex III to that Regulation and to set the reference periods and intervals for providing this data.

(3) Confidential data sent by Member States to the Commission (Eurostat) should be handled in accordance with the principle of statistical confidentiality as laid down in Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics [2] and with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data [3].

(4) A cost-benefit analysis has been carried out and evaluated in accordance with Article 6 of Regulation (EC) No 1338/2008.

(5) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

European statistics in the domain of 'causes of death' shall concern all registered deaths and stillbirths occurring in each Member State, distinguishing residents and non-residents.

Article 2

Definitions

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

(a) 'death' means the permanent disappearance of all evidence of life at any time after live birth has taken place (post-natal cessation of vital functions without capability of resuscitation). This definition excludes stillbirths;

(b) 'stillbirth' means foetal death, namely death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy. Death is indicated by the fact that after such separation from its mother the foetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles;

(c) 'gestational age' means the duration of gestation, measured from the first day of the last normal menstrual period. Gestational age is expressed in completed days or completed weeks;

(d) 'neonatal death' means the death occurring among live births during the first 28 completed days of life (days 0-27);

(e) 'parity' means the number of previous live births or stillbirths (0, 1, 2, 3 or more previous live births or stillbirths);

(f) 'other deaths' means the deaths occurring after the neonatal death period from the 28th completed day of life onwards;

[1] OJ L 354, 31.12.2008, p. 70.
[2] OJ L 87, 31.3.2009, p. 164.
[3] OJ L 8, 12.1.2001, p. 1.

(g) 'underlying cause of death' means the disease or injury which initiated the train of morbid events leading directly to death, or the circumstances of the accident or violence which produced the fatal injury;

(h) 'resident' means 'usual resident' in the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage.

The following persons alone shall be considered to be usual residents of the geographical area in question:

(i) those who have lived in their place of usual residence for a continuous period of at least 12 months before the reference date; or

(ii) those who arrived in their place of usual residence during the 12 months before the reference date with the intention of staying there for at least 1 year.

Where the circumstances described in point (i) or (ii) cannot be established, 'usual residence' shall mean the place of legal or registered residence.

Article 3

Data required

Member States shall transmit to the Commission (Eurostat) the list of variables set out in the Annex. Whenever possible, statistics concerning deaths of residents dying abroad shall be included.

For stillbirths at least one of three reporting criteria shall be applied in the following order: (1) birth weight; (2) gestational age; and (3) crown-heel length. Data collection shall be limited to the following groups:

(a) birth weight from 500 g to 999 g or when birth weight does not apply gestational age from 22 to 27 completed weeks, or when neither of the two applies crown-heel length from 25 to 34 cm (Variable 9); and

(b) birth weight of 1 000 g and more or when birth weight does not apply gestational age after 27 completed weeks or when neither of the two applies crown-heel length of 35 cm or more (Variable 10).

Article 4

Reference period

The reference period shall be the calendar year.

Member States shall provide the data specified in this Regulation to the Commission (Eurostat) within 24 months after the end of the reference year.

The first reference year shall be 2011.

Article 5

Metadata

Relevant information, including information on national differences regarding definitions, coverage of data, the International Classification of Diseases (ICD) revision and updates used and the automated coding systems, as well as information about the selection and modification of the underlying cause of death, shall be transmitted by Member States to the Commission (Eurostat).

Article 6

Provision of data and metadata to the Commission (Eurostat)

Member States shall provide aggregated or micro data (finalised, validated and accepted) and metadata required by this Regulation in accordance with an exchange standard specified by the Commission (Eurostat). Data and metadata shall be provided to Eurostat through the single entry point.

Article 7

Entry into force

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, 5 April 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

List of variables to send to the Commission (Eurostat)

Variables	Residents			Non-residents who died in the reporting country		
	Stillbirths	Neonatal deaths	Other deaths	Stillbirths	Neonatal deaths	Other deaths
1) Year of death (date of occurrence)	C	C	C	C	C	C
2) Sex	V	C	C	V	C	C
3) Underlying cause of death ICD (4 digits)	V	C	C	V	C	C
4) Age (0 days, 1, 2, 3, 4, 5, 6 days, 7-27 days, 28-365 days, 1 year, 2, 3, 4, 5-9, … 85-89, … 105+)	X	C	C	X	C	C
5) Country of occurrence	V	C	C	V	C	C
6) Region of occurrence (NUTS 2)	V	C (*)	C (*)	V	C	C
7) Region of residence (NUTS 2)/Region of residence of the mother (NUTS 2)	V	C	C	V	V	V
8) Country of residence/Country of residence of the mother	X	X	X	V	C	C
9) First group of stillbirth — birth weight from 500 g to 999 g or when birth weight does not apply — gestational age from 22 to 27 completed weeks or when neither of the two applies — crown-heel length from 25 to 34 cm	V	X	X	V	X	X
10) Second group of stillbirth — birth weight of 1 000 g and more or when birth weight does not apply — gestational age after 27 completed weeks or when neither of the two applies — crown-heel length of 35 cm or more	V	X	X	V	X	X
11) Age of mother by age group (less than 15 years of age, 5 years age groups thereafter up to 49 years of age and 50 years of age or more)	V	V	X	V	V	X
12) Parity	V	V	X	V	V	X

N.B.: C - Compulsory; V - Voluntary; X - Not applicable.
(*) Voluntary for residents dying abroad.

COMMISSION IMPLEMENTING REGULATION (EU) No 329/2011

of 5 April 2011

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

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission 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 [2], 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 6 April 2011.

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

Done at Brussels, 5 April 2011.

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

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 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 (1)	Standard import value
0702 00 00	IL	61,9
	JO	71,2
	MA	51,5
	TN	104,8
	TR	92,5
	ZZ	76,4
0707 00 05	EG	158,2
	TR	144,9
	ZZ	151,6
0709 90 70	MA	85,6
	TR	123,5
	ZA	28,9
	ZZ	79,3
0805 10 20	EG	63,1
	IL	76,5
	MA	53,1
	TN	47,6
	TR	73,3
	US	49,1
	ZZ	60,5
0805 50 10	TR	52,7
	ZZ	52,7
0808 10 80	AR	96,2
	BR	81,9
	CA	107,4
	CL	90,7
	CN	104,9
	MK	50,2
	US	165,6
	UY	76,4
	ZA	83,9
	ZZ	95,2
0808 20 50	AR	96,4
	CL	106,2
	CN	67,7
	US	174,8
	ZA	102,3
	ZZ	109,5

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

DECISIONS

COMMISSION DECISION

of 1 April 2011

amending Annexes II to IV to Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs

(notified under document C(2011) 2068)

(Text with EEA relevance)

(2011/214/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs [1], and in particular Article 34 thereof,

Whereas:

(1) Directive 2009/158/EC lays down animal health conditions governing intra-Union trade in, and imports from third countries of, poultry and hatching eggs. Annex II thereto sets out the rules for the approval of establishments for the purposes of intra-Union trade in those commodities. Chapters II, III and IV of that Annex set out the conditions for facilities and operation of establishments, disease surveillance programmes and the criteria for suspending or withdrawing approval of an establishment, which include testing for certain micro-organisms, *Salmonella* and *Mycoplasma*, that have to be carried out in establishments approved for trade within the Union.

(2) Experience gained in implementing the conditions for facilities and operation of establishments set out in Chapter II of Annex II to Directive 2009/158/EC show that it is appropriate to adapt them to current practices in the industry, in particular with respect to the laying behaviour of different poultry species.

(3) In addition, Chapters III and IV of Annex II to Directive 2009/158/EC should be amended to take account of scientific progress made in diagnostic techniques for *Mycoplasma* in line with Chapter 2.3.5 of the Manual of Diagnostic Tests and Vaccines of the World Organisation for Animal Health and changes to the nomenclature of *Salmonella* according to the Collaborating Centre of the World Health Organisation for Reference and Research on *Salmonella* in the White-Kauffmann-Le Minor Scheme for Antigenic Formulae of the *Salmonella* serovars of 2007 and in line with Chapter 2.3.11 of the Manual of Diagnostic Tests and Vaccines of the World Organisation for Animal Health.

(4) Annex III to Directive 2009/158/EC sets out poultry vaccination conditions. It should be amended in order to include specific conditions for vaccination against *Salmonella*.

(5) It is also necessary to amend certain references in relation to vaccination against avian influenza in the model veterinary certificates set out in Annex IV to Directive 2009/158/EC.

(6) Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents [2] lays down rules to ensure that proper and effective measures are taken to detect and control salmonella and other zoonotic agents. It provides that the flocks and herds of origin of certain species listed in Annex I to that Regulation are to be tested for certain specified zoonoses and zoonotic agents prior to any dispatch of live animals or hatching eggs from the food business of origin. The date and the results of testing are to be included in the relevant veterinary certificates provided for in Union legislation, including Directive 2009/158/EC.

(7) Annex IV to Directive 2009/158/EC sets out model veterinary certificates for intra-Union trade in poultry and hatching eggs.

[1] OJ L 343, 22.12.2009, p. 74.

[2] OJ L 325, 12.12.2003, p. 1.

(8) Commission Regulation (EC) No 584/2008 of 20 June 2008 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Community target for the reduction of the prevalence of Salmonella enteritidis and Salmonella typhimurium in turkeys [1] lays down that testing requirements also apply to turkey flocks from 1 January 2010 and the respective veterinary certificates set out in Annex IV to Directive 2009/158/EC should therefore be amended accordingly.

(9) Annexes II, III and IV to Directive 2009/158/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Annexes II, III and IV to Directive 2009/158/EC are amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 April 2011.

For the Commission
John DALLI
Member of the Commission

[1] OJ L 162, 21.6.2008, p. 3.

ANNEX

Annexes II, III and IV to Directive 2009/158/EC are amended as follows:

1. Annex II is amended as follows:

(a) Chapter II is amended as follows:

(i) in Section A, point 2(e) is replaced by the following:

'(e) Eggs must be:

(i) collected at frequent intervals, at least daily and as soon as possible after laying;

(ii) cleaned and disinfected as soon as possible, unless disinfection takes place at a hatchery in the same Member State;

(iii) placed either in new or in clean and disinfected packaging material.';

(ii) in Section B, in point 2(e), the first indent is replaced by the following:

'— eggs, between the time of their arrival at the hatchery and the incubation process or at the time of their dispatch for trade within the Union or export to a third country, unless they have been previously disinfected at the breeding establishment of origin,';

(b) Chapters III and IV are replaced by the following:

'CHAPTER III

DISEASE SURVEILLANCE PROGRAMME

Without prejudice to health measures and to Articles 16 and 17, disease surveillance programmes must, as a minimum, comprise surveillance of the infections and species listed in Sections A to D.

A. *Salmonella* Pullorum (i), *Salmonella* Gallinarum (ii) and *Salmonella arizonae* (iii) infections

1. Species concerned

(a) *Salmonella* Pullorum and *Salmonella* Gallinarum: fowls, turkeys, guinea fowls, quails, pheasants, partridges and ducks.

(b) *Salmonella arizonae*: turkeys.

2. Disease surveillance programme

(a) Serological and/or bacteriological tests must be used to determine whether an infection is present (*).

(b) Samples for testing must be taken, as appropriate, from blood, embryos that fail to hatch (namely embryos dead-in-shell), second grade chicks, meconium, post mortem tissues, especially liver, spleen, ovary/oviduct and ileo-caecal junction (**).

(c) Direct enrichment in Selenite-cysteine broth for faecal/meconium and intestinal samples is to be used. Non-selective pre-enrichment followed by selective enrichment in soya based Rappaport-Vassiliadis (RVS) broth or Müller-Kauffmann Tetrathionate-novobiocin broth (MKTTn) may be used for samples (such as embryos dead-in-shell) where competing flora is expected to be minimal (***), (****).

(d) When blood samples are taken from a flock for serological testing for *Salmonella* Pullorum and *Salmonella* Gallinarum or *Salmonella arizonae*, the prevalence of infection in the Member State concerned and its past incidence in the establishment must be allowed for in determining the number of samples to be taken. However, a statistically valid number of samples for serological and/or bacteriological testing to detect infection must always be taken.

(e) Flocks must be inspected during each laying period at the best time for detecting the disease in question.

(f) Samples for bacteriological testing must not be taken from poultry or eggs that have been treated with antimicrobial medicinal products during the 2 to 3 weeks prior to testing.

(g) Detection techniques must be capable of differentiating serological responses to *Salmonella* Pullorum and *Salmonella* Gallinarum infection from serological responses due to the use of *Salmonella* Enteritidis vaccine, where this vaccine is used (*****). Such vaccination must therefore not be used if serological monitoring is to be used. If vaccination has been used, bacteriological testing must be used, but the confirmation method used must be capable of differentiating live vaccinal strains from field strains.

(*) Note that serological testing in avian species other than fowls may sometimes result in an unacceptable proportion of false-positive reactions.

(**) Note that environmental samples are generally not suitable for reliable detection of *Salmonella* Pullorum and *Salmonella* Gallinarum.

(***) Note that direct plating of aseptically collected tissues on to a minimally selective agar, such as MacConkey agar, is also useful for diagnosis.

(****) *Salmonella* Pullorum and *Salmonella* Gallinarum do not readily grow in the modified semi-solid Rappaport Vassiliadis (MRSV) medium that is used for monitoring of zoonotic *Salmonella* spp. in the Union.

(*****) Note that there is currently no test that can differentiate between the response to *Salmonella* Pullorum and *Salmonella* Gallinarum infection and vaccination for this serotype.

B. *Mycoplasma gallisepticum* and *Mycoplasma meleagridis* infections

1. Species concerned

(a) *Mycoplasma gallisepticum*: fowls and turkeys.

(b) *Mycoplasma meleagridis*: turkeys.

2. Disease surveillance programme

(a) The presence of infection must be tested by validated serological and/or bacteriological and/or molecular tests. The presence of air sacculitis lesions in day-old chicks and turkey poults suggests that a *Mycoplasma* infection is present and must be investigated.

(b) Samples for testing for the presence of *Mycoplasma* infection must be taken, as appropriate, from blood, day-old chicks and turkey poults, sperm, or swabs taken from the trachea, the choanae, cloaca or air sacs and in particular for the detection of *Mycoplasma meleagridis* samples must be taken from oviduct and penis of turkeys.

(c) Tests for detecting *Mycoplasma gallisepticum* or *Mycoplasma meleagridis* must be performed on a representative sample in order to allow continuous surveillance of the infection during rearing and laying, namely just before the start of laying and every 3 months thereafter.

C. Results and measures to be taken

If there are no reactors, the test must be deemed to be negative. Otherwise, the flock must be deemed to be suspect and the measures set out in Chapter IV must be applied to it.

D. In the case of holdings which consist of two or more separate production units, the competent veterinary authority may derogate from the measures set out in point 3(b) of Chapter IV required for restoring of approval as regards healthy production units on a holding where the infection is present provided that the authorised veterinarian has confirmed that the structure and size of those production units and the operations carried out there are such that the production units provide completely separate facilities for housing, keeping and feeding, so that the disease in question cannot spread from one production unit to another.

(i) *Salmonella* Pullorum means *Salmonella enterica* subspecies *enterica* serovar Gallinarum biochemical variant (biovar) Pullorum.

(ii) *Salmonella* Gallinarum means *Salmonella enterica* subspecies *enterica* serovar Gallinarum biochemical variant (biovar) Gallinarum.

(iii) *Salmonella arizonae* means *Salmonella enterica* subspecies *arizonae* serogroup K (O18) arizonae.

CHAPTER IV

CRITERIA FOR SUSPENDING OR WITHDRAWING APPROVAL OF AN ESTABLISHMENT

1. Approval granted to an establishment must be suspended:

(a) when the conditions laid down in Chapter II are no longer met;

(b) until an investigation appropriate to the disease has been completed,

if:

— an outbreak of avian influenza or Newcastle disease is suspected at the establishment,

— the establishment has received poultry or hatching eggs from an establishment with a suspected or confirmed outbreak of avian influenza or Newcastle disease,

— contact liable to transmit the infection has occurred between the establishment and the site of an outbreak of avian influenza or Newcastle disease;

(c) until such time as new tests are performed, if the results of surveillance carried out in accordance with the conditions laid down in Chapters II and III for infection by *Salmonella* Pullorum, *Salmonella* Gallinarum, *Salmonella arizonae*, *Mycoplasma gallisepticum* or *Mycoplasma meleagridis* give cause to suspect an outbreak;

(d) until completion of the appropriate measures required by the official veterinarian, if the establishment is found not to conform with the requirements of point 1(a), (b) and (c) of Chapter I.

2. Approval must be withdrawn if:

(a) an outbreak of avian influenza or Newcastle disease is confirmed on the establishment;

(b) a second test of an appropriate type confirms an outbreak of infection by *Salmonella* Pullorum, *Salmonella* Gallinarum, *Salmonella arizonae, Mycoplasma gallisepticum or Mycoplasma meleagridis*;

(c) after a second notice served by the official veterinarian on the person responsible for the establishment, action to bring the establishment into line with the requirements of point 1(a), (b) and (c) of Chapter I, has not been taken.

3. Conditions for restoring approval if:

(a) approval has been withdrawn because of an outbreak of avian influenza or Newcastle disease, it may be restored 21 days after cleansing and disinfection if sanitary slaughter has been carried out;

(b) approval has been withdrawn because of an outbreak caused by:

— *Salmonella* Pullorum and *Salmonella* Gallinarum, or *Salmonella arizonae*, it may be restored after negative results have been recorded in two tests performed with an interval of at least 21 days on the establishment following sanitary slaughter of the infected flock and after disinfection for which the effectiveness has been verified by suitable tests on dried surfaces,

— *Mycoplasma gallisepticum* or *Mycoplasma meleagridis*, it may be restored either after negative results have been recorded in two tests performed on the entire flock with an interval of at least 60 days or after negative results have been recorded in two tests performed with an interval of at least 21 days on the establishment after disinfection following sanitary slaughter of the entire infected flock.';

2. Annex III is amended as follows:

(a) point 1 is replaced by the following:

'1. Vaccines used for vaccinating poultry or flocks producing hatching eggs must have a marketing authorisation issued by the competent authority of any Member State.';

(b) the following point 3 is added:

'3. In relation to vaccination against any *Salmonella* serotype the following conditions shall be met:

(a) *Salmonella* vaccination programmes must not interfere with serological detection in the context of field investigation, or result in false-positive tests;

(b) live *Salmonella* vaccines must not be used in the framework of national control programmes:

(i) in breeding or productive poultry during their reproductive or laying stage unless the safety of their use has been demonstrated and they are authorised for such purpose in accordance with Directive 2001/82/EC of the European Parliament and of the Council (*);

(ii) where the manufacturer does not provide an appropriate method to distinguish bacteriologically wild-type strains of Salmonella from vaccine strains.

(*) OJ L 311, 28.11.2001, p. 1.'.

3. Annex IV is replaced by the following:

'ANNEX IV

VETERINARY CERTIFICATES FOR TRADE WITHIN THE UNION

(Models 1 to 6)

MODEL 1

EUROPEAN UNION **Intra-Union trade certificate**

Part I: Details of consignment presented

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.	
	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 ☐ Establishment ☐ Name / Approval number Address Postal code		I.13. Place of destination Holding ☐ Establishment ☐ Approved body ☐ Name / Approval number Address Postal code
I.14. Place of loading Postal code		I.15. Date and time of departure
I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification		I.17. Transporter Name / Approval number Address Postal code / Member State
I.18. Description of commodity		I.19. Commodity code (HS code) **04.07**
		I.20. Quantity
I.21.		I.22. Number of packages
I.23. Seal/Container No		I.24.
I.25. Commodities certified for: Breeding ☐ Approved body ☐ Other ☐		
I.26. Transit through third country ☐ Third country / ISO code Exit point / Code Entry point / BIP No		I.27. Transit through Member States ☐ Member State / ISO code Member State / ISO code Member State / ISO code
I.28. Export ☐ Third country / ISO code Exit point / Code		I.29.
I.30.		

I.31. Identification of the commodities

Species (Scientific name)	Category	Identification	Age	Number of packages	Quantity

EUROPEAN UNION **Hatching eggs**

Part II: Certification

II. Health information	II.a. Certificate reference No	II.b.

II.1. **Animal health attestation**

I, the undersigned official veterinarian, certify that the hatching eggs described above:

(a) comply with

([1]) either [the provisions of Articles 6, 8 and 18 of Council Directive 2009/158/EC]

([1]) ([2]) or [the provisions of Article 6(a)(i), (ii) and (b), and Articles 8 and 18 of Council Directive 2009/158/EC];

([3]) (b) comply with the provisions of Article 15(1)(a) of Council Directive 2009/158/EC.

([4]) (c) comply with the provisions of Commission Decision(s) …/…/EU concerning additional guarantees with regard to ..... (indicate disease(s)) and in accordance with Article 16 or Article 17 of Council Directive 2009/158/EC.

(d) come from poultry which:

([1]) either [have not been vaccinated against Newcastle disease;]

([1]) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

On ..... (date) at the age of ..... weeks].

II.2. **Public health attestation**

I, the undersigned official veterinarian, certify that the hatching eggs described above:

([5]) (a) come from a flock which has been tested for *Salmonella* serotypes with public health significance in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council.

Date of last sampling of the flock from which the testing result is known: .....

Result of all testing in the flock:

([1]) ([6]) *either* [positive;]

([1]) ([6]) *or* [negative]

([5]) (b) and, neither *Salmonella* Enteritidis nor *Salmonella* Typhimurium were detected with the control programme referred to in point II.2(a).

II.3. **Additional health information**

([1]) II.3.1. This consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC.

([1]) II.3.2. This consignment complies with the animal health conditions laid down in Commission Decision 2006/563/EC.

([1]) ([7]) II.3.3. This consignment complies with the animal health conditions laid down in Commission Decision …/…/EU in relation to vaccination against avian influenza.

Notes

Part I:

Box I.16: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship)

Box I.31: *Category*: select one of the following: pure line/grandparents/parents/laying pullets/fattening/others.

Identification: indicate the identification details of parent flock and brand name.

Age: provide the date of collection.

EUROPEAN UNION **Hatching eggs**

II. Health information	II.a. Certificate reference No	II.b.

Part II:

(1) Keep as appropriate.

(2) Only applicable if II.3.1. or II.3.2. are complied with.

(3) To certify in case of dispatch to a Member State, which has an EU-approved non-vaccinating status for Newcastle disease; currently: Finland and Sweden. Otherwise delete reference.

(4) Complete if appropriate.

(5) The guarantees under II.2. only apply to poultry belonging to the species of *Gallus gallus* or turkeys.

(6) If any of the results were positive for *Salmonella* Infantis, *Salmonella* Virchow or *Salmonella* Hadar during the life of the flock, indicate as positive.

(7) Only applicable for Member States which carry out vaccination against avian influenza according to an EU-approved vaccination plan.

— The colour of the stamp and signature must be different from that of the other particulars in the certificate.

Official veterinarian or official inspector

Name (in capital letters): Qualification and title:

Local veterinary unit: LVU No:

Date: Signature:

Stamp:

MODEL 2

EUROPEAN UNION **Intra-Union trade certificate**

Part I: Details of consignment presented

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 ☐ Establishment ☐
Name | Approval number
Address
Postal code

I.13. Place of destination
Holding ☐ Establishment ☐ Approved body ☐
Name | Approval number
Address
Postal code

I.14. Place of loading
Postal code

I.15. Date and time of departure

I.16. Means of transport
Aeroplane ☐ Ship ☐ Railway wagon ☐
Road vehicle ☐ Other ☐
Identification

I.17. Transporter
Name | Approval number
Address
Postal code | Member State

I.18. Description of commodity

I.19. Commodity code (HS code)

I.20. Quantity

I.21.

I.22. Number of packages

I.23. Seal/Container No

I.24.

I.25. Commodities certified for:
Breeding ☐ Approved body ☐ Other ☐

I.26. Transit through third country ☐
Third country | ISO code
Exit point | Code
Entry point | BIP No

I.27. Transit through Member States ☐
Member State | ISO code
Member State | ISO code
Member State | ISO code

I.28. Export ☐
Third country | ISO code
Exit point | Code

I.29.

I.30.

I.31. Identification of the commodities

Species (Scientific name)	Category	Identification	Age	Number of packages	Quantity

EUROPEAN UNION **Day-old chicks**

Part II: Certification

II. Health information	II.a. Certificate reference No	II.b.

II.1. **Animal health attestation**

I, the undersigned official veterinarian, certify that the day-old chicks described above:

(a) comply with

([1]) either (i) [the provisions of Articles 6, 9 and 18 of Council Directive 2009/158/EC]

([1]) ([2]) or [the provisions of Article 6(a)(i), (ii) and (b), and Articles 9 and 18 of Council Directive 2009/158/EC];

([1]) ([3]) or (ii) [if derived from hatching eggs imported according to the requirements of Model HEP of Commission Regulation (EC) No 798/2008, with the provisions of Article 6(a) and Article 9(b) and (c) of Council Directive 2009/158/EC]

([1]) ([2]) ([3]) or [if derived from hatching eggs imported according to the requirements of Model HEP of Commission Regulation (EC) No 798/2008, with the provisions of Article 6(a)(i), (ii) and Article 9(b) and (c) of Council Directive 2009/158/EC].

([4]) (b) comply with Article 15(1)(b) of Council Directive 2009/158/EC.

([5]) (c) comply with the provisions of Commission Decision(s) …/…/EU concerning additional guarantees with regard to ..... (indicate disease(s)) and in accordance with Article 16 or Article 17 of Council Directive 2009/158/EC.

([1]) (d) either [have not been vaccinated against Newcastle disease;]

([1]) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

on ..... (date)].

(e) come from poultry which:

([1]) either [have not been vaccinated against Newcastle disease;]

([1]) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

on ..... (date)].

([6]) (f) for introduction into flocks of breeding poultry or flocks of productive poultry come from flocks which have been tested with negative results according to the rules laid down in Commission Decision 2003/644/EC.

II.2. **Public health attestation**

I, the undersigned official veterinarian, certify that the day-old chicks described above:

([7]) (a) come from a flock which has been tested for *Salmonella* serotypes with public health significance in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council.

Date of last sampling of the flock from which the testing result is known: .....

Result of all testing in the flock:

([1]) ([8]) *either* [positive;]

([1]) ([8]) *or* [negative]

([7]) (b) and, if intended for breeding, neither *Salmonella* Enteritidis nor *Salmonella* Typhimurium were detected within the control programme referred to in point II.2(a).

EUROPEAN UNION **Hatching eggs**

II. Health information	II.a. Certificate reference No	II.b.

II.3. **Additional health information**

([1]) ([8]) ([1]) ([1]) II.3.1. The consignment complies with the animal health conditions laid down in Commission Decision …/…/EU in relation to protection measures concerning highly pathogenic avian influenza of another subtype than H5N1.

([1]) II.3.2. This consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC.

([1]) ([9]) II.3.3. This consignment complies with the animal health conditions laid down in Commission Decision …/…/EU in relation to vaccination against avian influenza.

Notes

Part I:

Box I.6: No(s) of accompanying animal health certificates.

Box I.16: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship).

Box I.19: Use the appropriate HS codes: 01.05, 01.06.39.

Box I.31: *Category*: select one of the following: pure line/grandparents/parents/laying pullets/fattening/others.

Age: provide date hatched.

Identification: indicate the identification details of parent flock and brand name.

Number of packages: provide the number of crates or cages.

Part II:

([1]) Keep as appropriate.

([2]) Only applicable if II.3.1.or II.3.2. is complied with.

([3]) In those cases where day-old chicks come from eggs imported from a third country the period of isolation on the holding of destination has to be respected as foreseen in Part II of Annex VIII to Commission Regulation (EC) No 798/2008. The competent authority of the final destination of the day-old chicks must be informed through the TRACES system about this requirement.

([4]) To certify in case of dispatch to a Member State, which has an EU-approved non-vaccinating status for Newcastle disease; currently: Finland and Sweden. Otherwise delete reference.

([5]) Complete if appropriate.

([6]) To certify for consignments to Finland and Sweden. Otherwise delete reference.

([7]) The guarantees under II.2. only apply to poultry belonging to the species of *Gallus gallus* or turkeys.

([8]) If any of the results were positive for the serotypes below during the life of the flock, indicate as positive.

Flocks of breeding poultry of *Gallus gallus*: *Salmonella* Hadar, *Salmonella* Virchow and *Salmonella* Infantis.

Flocks of productive poultry: *Salmonella* Enteritidis and *Salmonella* Typhimurium.

([9]) Only applicable for Member States which carry out vaccination against avian influenza according to an EU-approved vaccination plan.

— The colour of the stamp and signature must be different from that of the other particulars in the certificate.

Official veterinarian or official inspector

Name (in capital letters): Qualification and title:

Local veterinary unit: LVU No:

Date: Signature:

Stamp:

MODEL 3

EUROPEAN UNION **Intra-Union trade certificate**

Part I: Details of consignment presented

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 authorityy	
I.5. Consignee Name Address Postal code		I.6.	
		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 ☐ Establishment ☐ Name Approval number Address Postal code		I.13. Place of destination Holding ☐ Establishment ☐ Approved body ☐ Name Approval number Address Postal code	
I.14. Place of loading Postal code		I.15. Date and time of departure	
I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification		I.17. Transporter Name Approval number Address Postal code Member State	
I.18. Description of commodity		I.19. Commodity code (HS code)	
		I.20. Quantity	
I.21.		I.22. Number of packages	
I.23. Seal/Container No		I.24.	
I.25. Commodities certified for: Breeding ☐ Approved body ☐ Other ☐			
I.26. Transit through third country ☐ Third country ISO code Exit point Code Entry point BIP No		I.27. Transit through Member States ☐ Member State ISO code Member State ISO code Member State ISO code	
I.28. Export ☐ Third country ISO code Exit point Code		I.29.	
I.30.			

I.31. Identification of the commodities

Species (Scientific name)	Category	Identification	Number of packages	Quantity

EUROPEAN UNION **Breeding and productive poultry**

Part II: Certification

II. Health information	II.a. Certificate reference No	II.b.

II.1. **Animal health attestation**

I, the undersigned official veterinarian, certify that the poultry described above:

(a) comply with the provisions of Articles 6, 10 and 18 of Council Directive 2009/158/EC.

([1]) (b) comply with Article 15(1)(c) of Council Directive 2009/158/EC.

([2]) (c) comply with the provisions of Commission Decision(s) …/…/EU concerning additional guarantees with regard to ..... (indicate disease(s)) and in accordance with Article 16 or Article 17 of Council Directive 2009/158/EC.

([3]) (d) either [have not been vaccinated against Newcastle disease;]

([3]) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

on ..... (date) at the age of ..... weeks].

([4]) (e) the breeding poultry has been tested with negative results according to the rules laid down in Commission Decision 2003/644/EC.

([3]) (f) the laying hens (productive poultry reared with the view to producing eggs for consumption) have been tested with negative results according to the rules laid down in Commission Decision 2004/235/EC.

II.2. **Public health attestation**

I, the undersigned official veterinarian, certify that the poultry described above:

([5]) (a) come from a flock which has been tested for *Salmonella* serotypes with public health significance in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council.

Date of last sampling of the flock from which the testing result is known: .....

Result of all testing in the flock:

([3]) ([6]) *either* [positive;]

([3]) ([6]) *or* [negative]

([5]) (b) and, if intended for breeding, neither *Salmonella* Enteritidis nor Salmonella Typhimurium were detected within the control programme referred to in point II.2(a).

II.3. **Additional health information**

([1]) ([7]) II.3.1. This consignment complies with the animal health conditions laid down in Commission Decision …/…/EU in relation to vaccination against avian influenza.

Notes

Part I:

Box I.16: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship).

Box I.19: Use the appropriate HS codes: 01.05, 01.06.39.

Box I.31: *Category*: select one of the following: pure line/grandparents/parents/laying pullets/fattening/others.

Identification: indicate the identification details of flock of origin and brand name.

Part II:

([1]) To certify in case of dispatch to a Member State, which has an EU-approved non-vaccinating status for Newcastle disease; currently: Finland and Sweden. Otherwise delete reference.

EUROPEAN UNION **Breeding and productive poultry**

II. Health information	II.a. Certificate reference No	II.b.

(2) Complete if appropriate.

(3) Keep as appropriate.

(4) To certify for consignments to Finland and Sweden. Otherwise delete reference.

(5) The guarantees under II.2. only apply to poultry belonging to the species of *Gallus gallus* or turkeys.

(6) If any of the results were positive for the serotypes below during the life of the flock, indicate as positive.

Flocks of breeding poultry of *Gallus gallus*: *Salmonella* Hadar, *Salmonella* Virchow and *Salmonella* Infantis.

Flocks of productive poultry: *Salmonella* Enteritidis and *Salmonella* Typhimurium.

(7) Only applicable for Member States which carry out vaccination against avian influenza according to an EU-approved vaccination plan.

— The colour of the stamp and signature must be different from that of the other particulars in the certificate.

Official veterinarian or official inspector

Name (in capital letters): Qualification and title:

Local veterinary unit: LVU No:

Date: Signature:

Stamp:

MODEL 4

EUROPEAN UNION **Intra-Union trade certificate**

Part I: Details of consignment presented

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.

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 ☐ Establishment ☐
Name | Approval number
Address
Postal code

I.13. Place of destination
Holding ☐ Establishment ☐ Approved body ☐
Name | Approval number
Address
Postal code | Member State

I.14. Place of loading
Postal code

I.15. Date and time of departure

I.16. Means of transport
Aeroplane ☐ Ship ☐ Railway wagon ☐
Road vehicle ☐ Other ☐
Identification

I.17. Transporter
Name | Approval number
Address
Postal code

I.18. Description of commodity

I.19. Commodity code (HS code)

I.20. Quantity

I.21.

I.22. Number of packages

I.23. Seal/Container No

I.24.

I.25. Commodities certified for:
Breeding ☐ Game restocking ☐ Slaughter ☐ Pets ☐ Approved body ☐ Other ☐

I.26. Transit through third country ☐
Third country | ISO code
Exit point | Code
Entry point | BIP No

I.27. Transit through Member States ☐
Member State | ISO code
Member State | ISO code
Member State | ISO code

I.28. Export ☐
Third country | ISO code
Exit point | Code

I.29.

I.30.

I.31. Identification of the commodities

Species (Scientific name)	Category	Identification	Age	Number of packages	Quantity

EUROPEAN UNION

Poultry, day-old chicks and hatching eggs in lots of under 20 (except for ratites and hatching eggs thereof)

Part II: Certification

II. Health information	II.a. Certificate reference No	II.b.

II.1. **Animal health attestation**

I, the undersigned official veterinarian, certify that:

(1) (a) either [the poultry, day-old chicks or hatching eggs described above comply with the provisions of Article 14 of Council Directive 2009/158/EC.]

(1) (2) or [day-old chicks or hatching eggs described above comply with the provisions of Article 14(1), Article 14(2)(a) to (d) and the second subparagraph of Article 14(2) of Council Directive 2009/158/EC.]

(3) (b) the poultry, day-old chicks or hatching eggs described above comply with Article 15(1) of Council Directive 2009/158/EC.

(4) (c) the poultry, day-old chicks or hatching eggs described above comply with the provisions of Commission Decision(s) …/…/EU concerning additional guarantees with regard to ..... (indicate disease(s)) and in accordance with Article 16 or 17 of Council Directive 2009/158/EC.

(d) the poultry:

(1) either [have not been vaccinated against Newcastle disease;]

(1) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

on ..... (date) at the age of ..... weeks].

(e) the day-old chicks:

(1) either [have not been vaccinated against Newcastle disease;]

(1) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

on ..... (date)].

(f) the poultry from which the day-old chicks come:

(1) either [have not been vaccinated against Newcastle disease;]

(1) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

on ..... (date) at the age of ..... weeks].

(g) the poultry from which the hatching eggs come:

(1) either [have not been vaccinated against Newcastle disease;]

(1) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

on ..... (date) at the age of ..... weeks].

II.2. **Public health attestation**

I, the undersigned official veterinarian, certify that:

(5) (8) (a) the poultry, the day-old chicks or the hatching eggs come from a flock which has been tested for *Salmonella* serotypes with public health significance in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council.

Date of last sampling of the flock from which the testing result is known: .....

Result of all testing in the flock:

EUROPEAN UNION

Poultry, day-old chicks and hatching eggs in lots of under 20 (except for ratites and hatching eggs thereof)

II. Health information	II.a. Certificate reference No	II.b.

([1]) ([6]) either [positive;]

([1]) ([6]) or [negative]

([5]) (b) and, if breeding poultry, day-old chicks or hatching eggs are intended for breeding, neither *Salmonella* Enteritidis nor *Salmonella* Typhimurium were detected within the control programme referred to in point II.2(a).

II.3. **Additional health information**

([1]) II.3.1. This consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC.

([1]) II.3.2. This consignment complies with the animal health conditions laid down in Commission Decision 2006/563/EC.

([1]) ([7]) II.3.3. This consignment complies with the animal health conditions laid down in Commission Decision …/…/EU in relation to vaccination against avian influenza.

Notes

Part I:

Box I.16: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship).

Box I.19: Use the appropriate HS codes: 01.05, 01.06.39, 04.07.

Box I.31: *Category*: select one of the following: pure line/grandparents/parents/laying pullets/fattening/others.

Identification: indicate the identification details of flocks of origin.

Age: provide the date of collection (in case of eggs) or the approximate age (in case of poultry)

Part II:

([1]) Keep as appropriate.

([2]) Only applicable if II.3.1. or II.3.2. is complied with.

([3]) To certify in case of dispatch to a Member State, which has an EU-approved non-vaccinating status for Newcastle disease; currently: Finland and Sweden. Otherwise delete reference.

([4]) Complete if appropriate.

([5]) The guarantees under II.2. only apply to poultry and day-old chicks belonging to, or to hatching eggs derived from the species *Gallus gallus* or turkeys.

([6]) If any of the results were positive for the serotypes below during the life of the flock, indicate as positive.

Flocks of breeding poultry of *Gallus gallus*: *Salmonella* Hadar, *Salmonella* Virchow and *Salmonella* Infantis.

Flocks of productive poultry: *Salmonella* Enteritidis and *Salmonella* Typhimurium.

([7]) Only applicable for Member States which carry out vaccination against avian influenza according to an EU-approved vaccination plan.

([8]) In case of primary production of poultry for private domestic use or leading to the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the primary products to the final consumer according to Article 1(3) of Regulation (EC) No 2160/2003 an appropriate test immediately before dispatch shall be performed and the date of this test and its result should be entered.

— The colour of the stamp and signature must be different from that of the other particulars in the certificate.

Official veterinarian or official inspector

Name (in capital letters): Qualification and title:

Local veterinary unit: LVU No:

Date: Signature:

Stamp:

MODEL 5

EUROPEAN UNION **Intra-Union trade certificate**

Part I: Details of consignment presented

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.	
		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 ☐ Establishment ☐ Name / Approval number Address Postal code		I.13. Place of destination Holding ☐ Establishment ☐ Approved body ☐ Name / Approval number Address Postal code / Member State	
I.14. Place of loading Postal code		I.15. Date and time of departure	
I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification		I.17. Transporter Name / Approval number Address Postal code / Member State	
I.18. Description of commodity		I.19. Commodity code (HS code)	
		I.20. Quantity	
I.21.		I.22. Number of packages	
I.23. Seal/Container No		I.24.	
I.25. Commodities certified for: Slaughter ☐			
I.26. Transit through third country ☐ Third country / ISO code Exit point / Code Entry point / BIP No		I.27. Transit through Member States ☐ Member State / ISO code Member State / ISO code Member State / ISO code	
I.28. Export ☐ Third country / ISO code Exit point / Code		I.29.	
I.30.			

I.31. Identification of the commodities

Species (Scientific name)	Category	Identification	Age	Number of packages	Quantity

EUROPEAN UNION **Slaughter poultry**

Part II: Certification

II. Health information	II.a. Certificate reference No	II.b.

II.1. **Animal health attestation**

I, the undersigned official veterinarian, certify that the poultry described above:

(1) (a) either [comply with the provisions of Articles 11 and 18 of Council Directive 2009/158/EC]

(1) (2) or [comply with the provisions of Article 11(a), (b), (c) and Article 18 of Council Directive 2009/158/EC.]

(3) (b) comply with Article 15(1)(d) of Council Directive 2009/158/EC.

(4) (c) comply with the provisions of Commission Decision(s) …/…/EU concerning additional guarantees with regard to ..... (indicate disease(s)) and in accordance with Article 16 or 17 of Council Directive 2009/158/EC.

(1) (d) either [have not been vaccinated against Newcastle disease;]

(1) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

on ..... (date) at the age of ..... weeks].

(5) (e) comply with Article 13 of Council Directive 2009/158/EC.

II.2. **Public health attestation**

I, the undersigned official veterinarian, certify that the poultry described above:

(6) are tested for *Salmonella* serotypes with public health significance in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council.

Date of last sampling of the flock from which the testing result is known: .....

Result of all testing in the flock:

(1) (7) either [positive;]

(1) (7) or [negative]

II.3. **Additional health information**

(1) II.3.1. This consignment complies with the animal health conditions laid down in Commission Decision 2006/415/EC.

(1) II.3.2. This consignment complies with the animal health conditions laid down in Commission Decision 2006/563/EC.

(1) (8) II.3.3. This consignment complies with the animal health conditions laid down in Commission Decision …/…/EU in relation to vaccination against avian influenza.

Notes

Part I:

Box I.16: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship).

Box I.19: Use the appropriate HS codes: 01.05, 01.06.39.

Box I.31: *Category*: select one of the following: pure line/grandparents/parents/laying pullets/fattening/others.

Identification: indicate the identification details of parent flock and brand name.

Age: provide the approximate age of the poultry.

EUROPEAN UNION **Slaughter poultry**

II. Health information	II.a. Certificate reference No	II.b.

Part II:

(1) Keep as appropriate.

(2) Only applicable if II.3.1 or II.3.2 is complied with.

(3) To certify in case of dispatch to a Member State, which has an EU-approved non-vaccinating status for Newcastle disease; currently: Finland and Sweden. Otherwise delete reference.

(4) Complete if appropriate.

(5) To certify for consignments to Finland and Sweden. Otherwise delete reference.

(6) The guarantees under II.2. only apply to slaughter poultry belonging to the species *Gallus gallus* or turkeys.

(7) If any of the results were positive for *Salmonella* Enteritidis and *Salmonella* Typhimurium during the life of the flock, indicate as positive.

(8) Only applicable for Member States which carry out vaccination against avian influenza according to an EU-approved vaccination plan.

— The colour of the stamp and signature must be different from that of the other particulars in the certificate.

Official veterinarian or official inspector

Name (in capital letters): Qualification and title:

Local veterinary unit: LVU No:

Date: Signature:

Stamp:

MODEL 6

EUROPEAN UNION **Intra-Union trade certificate**

Part I: Details of consignment presented

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.

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 ☐ Establishment ☐
Name | Approval number
Address
Postal code

I.13. Place of destination
Holding ☐ Establishment ☐ Approved body ☐
Name | Approval number
Address
Postal code | Member State

I.14. Place of loading
Postal code

I.15. Date and time of departure

I.16. Means of transport
Aeroplane ☐ Ship ☐ Railway wagon ☐
Road vehicle ☐ Other ☐
Identification

I.17. Transporter
Name | Approval number
Address
Postal code | Member State

I.18. Description of commodity

I.19. Commodity code (HS code)

I.20. Quantity

I.21.

I.22. Number of packages

I.23. Seal/Container No

I.24.

I.25. Commodities certified for:
Game restocking ☐

I.26. Transit through third country ☐
Third country | ISO code
Exit point | Code
Entry point | BIP No

I.27. Transit through Member States ☐
Member State | ISO code
Member State | ISO code
Member State | ISO code

I.28. Export ☐
Third country | ISO code
Exit point | Code

I.29.

I.30.

I.31. Identification of the commodities

Species (Scientific name)	Category	Identification	Age	Number of packages	Quantity

EUROPEAN UNION **Poultry for restocking game supplies**

Part II: Certification

II. Health information	II.a. Certificate reference No	II.b.

II.1. **Animal health attestation**

I, the undersigned official veterinarian, certify that poultry described above:

(a) comply with the provisions of Articles 12 and 18 of Council Directive 2009/158/EC.

([1]) (b) comply with Article 15(1)(c) of Council Directive 2009/158/EC.

([2]) (c) comply with the provisions of Commission Decision(s) .../.../EU concerning additional guarantees with regard to ..... (indicate disease(s)) and in accordance with Article 16 or 17 of Council Directive 2009/158/EC.

([3]) (d) either [have not been vaccinated against Newcastle disease;]

([3]) or [have been vaccinated against Newcastle disease using:

.....

(name and type (live or inactivated) of Newcastle disease virus strain used in vaccine(s))

on ..... (date) at the age of ..... weeks].

II.2. **Additional health information**

([3]) II.2.1. This consignment complies with the animal health conditions laid down in Commission Decision 2006/605/EC.

([3]) ([4]) II.2.2. This consignment complies with the animal health conditions laid down in Commission Decision .../.../EU in relation to vaccination against avian influenza.

Notes

Part I:

Box I.16: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship).

Box I.19: Use the appropriate HS codes: 01.05, 01.06.39.

Box I.31: *Category*: select one of the following: pure line/grandparents/parents/laying pullets/fattening/others.

Identification: indicate the identification details of flocks of origin.

Age: provide the approximate age of the poultry.

Part II:

([1]) To certify in case of dispatch to a Member State, which has an EU-approved non-vaccinating status for Newcastle disease; currently: Finland and Sweden. Otherwise delete reference.

([2]) Complete if appropriate.

([3]) Keep as appropriate.

([4]) Only applicable for Member States which carry out vaccination against avian influenza according to an EU-approved vaccination plan.

— The colour of the stamp and signature must be different from that of the other particulars in the certificate.

Official veterinarian or official inspector

Name (in capital letters): Qualification and title:

Local veterinary unit: LVU No:

Date: Signature:

Stamp:'

COMMISSION IMPLEMENTING DECISION

of 4 April 2011

implementing Council Directive 97/78/EC as regards transhipment at the border inspection post of introduction of consignments of products intended for import into the Union or for third countries

(notified under document C(2011) 2067)

(Text with EEA relevance)

(2011/215/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries [1], and in particular Articles 9(2) and 11(4) thereof,

Whereas:

(1) Directive 97/78/EC provides that veterinary checks on products of animal origin and on certain plant products from third countries introduced into the Union are to be carried out by Member States in accordance with that Directive. It also provides that Member States are to ensure that consignments of such products are introduced into the Union via a border inspection post.

(2) Article 9 of Directive 97/78/EC provides for the procedures to be carried out at the border inspection post of introduction in the case of consignments intended for import into the Union via another border inspection post, but which are transhipped at the border inspection post of introduction, within the customs area of the same port or airport in the Union.

(3) Article 11 of Directive 97/78/EC concerns consignments coming from a third country and which are transhipped at the border inspection post of arrival, within the customs area of the same port or airport in the Union but which are intended for another third country either via the territory of the Union via another border inspection post or directly to a third country without introduction at another border inspection post.

(4) In addition, Articles 9 and 11 of Directive 97/78/EC provide for a number of derogations from the general rules on veterinary checks performed at the border inspection post of introduction. Those derogations have a different scope and are linked to the final destination of the consignments and to the duration of the storage of the consignments during the transhipment process at the border inspection post of arrival.

(5) That duration is determined by reference to a minimum and a maximum period for such storage, which are to be determined in accordance with the procedure referred to in Directive 97/78/EC.

(6) Commission Decision 2000/25/EC of 16 December 1999 establishing the detailed rules for the application of Article 9 of Council Directive 97/78/EC concerning the transhipment of products at a Border Inspection Post where the consignments are intended for eventual import into the European Community, and amending Commission Decision 93/14/EEC [2] currently lays down the minimum and maximum periods applicable in cases where the consignments are intended for import into the Union via another border inspection post situated in the same territory or situated in the territory of another Member State.

(7) Decision 2000/25/EC it is not entirely clear as regards the scope of the rules concerning consignments being transhipped from one aircraft to another or from one vessel to another within the customs area of the same port or airport to transit to a third country either without further stop on the territory of the Union or via the territory of the Union. It is therefore necessary to lay down rules in this Decision, to clarify the provisions already set out in Decision 2000/25/EC, including rules on the relevant minimum periods.

(8) In order to safeguard public and animal health, the official veterinarian at the border inspection post of introduction should receive appropriate information in the case of consignments covered by Articles 9 and 11 of Directive 97/78/EC. It is therefore appropriate to lay down rules on the information to be provided by the person responsible for the load at the time of arrival of a consignment at the border inspection post.

[1] OJ L 24, 30.1.1998, p. 9.

[2] OJ L 9, 13.1.2000, p. 27.

(9) The minimum period after which veterinary checks must be carried out on consignments which are transhipped from one vessel to another in the same port and which are intended for import or for transit to third countries as foreseen in Articles 9 and 11 of Directive 97/78/EC is seven days.

(10) For consignments which are transhipped from one vessel to another in the same port at the border inspection post of arrival and which are intended directly for a third country without further stop on the territory of the Union, the animal and public health risks for the Union are reduced, since the contact of the consignments with the territory of the Union is limited. In such cases, it may be appropriate to extend the minimum period referred to in Articles 9 and 11 of Directive 97/78/EC.

(11) That extension should be subject to appropriate guarantees from the Member State of the border inspection post of arrival. In particular, that Member State should ensure that such consignments are prevented from moving to another Union port and that they are dispatched directly to a third country. In addition, that Member State should provide the Commission and the other Member States with appropriate information concerning those guarantees, including information on the monitoring system to ensure that time periods and onward transportation arrangements to a specific destination as indicated in the notification of the consignment are respected.

(12) In addition, it is important to specify that consignments must be submitted to the full range of veterinary checks laid down in Directive 97/78/EC after the expiry of the maximum periods laid down in this decision.

(13) In the interests of clarity and consistency of Union legislation, it is appropriate to repeal Decision 2000/25/EC and replace it by this Decision.

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

HAS ADOPTED THIS DECISION:

Article 1

Where consignments are presented at a border inspection post for subsequent transhipment, the person responsible for the load shall notify the official veterinarian at that border inspection post of the following:

(a) the estimated time of unloading of the consignment;

(b) the border inspection post of destination in the Union in case of import or transit through the Union or the third country of destination in case of transit directly to a third country;

(c) the exact location of the consignment, if it is not loaded directly on the aircraft or vessel to the onward destination;

(d) the estimated time of loading of the consignment on the aircraft or vessel bound to the onward destination.

That notification shall be made at the time of arrival of the consignment at the border inspection post and by a means fixed by the competent authority.

Article 2

1. The minimum period provided for in Article 9(1)(b)(i) of Directive 97/78/EC shall be:

(a) 12 hours for an airport;

(b) seven days for a port.

2. The maximum period provided for in Article 9(1)(b)(i) of Directive 97/78/EC shall be:

(a) 48 hours for an airport;

(b) 20 days for a port.

Article 3

1. For the purposes of the application of Article 11 of Directive 97/78/EC, the minimum period provided for in Article 9(1)(a) of that Directive shall be:

(a) 12 hours for an airport;

(b) seven days for a port.

2. For the purposes of the application of Article 11(1) of Directive 97/78/EC and of the second indent of Article 11(2)(b) of that Directive, Member States may extend the minimum period laid down in paragraph 1(b) of this Article to 14 days, provided that:

(a) the consignments come from a third country and are intended for another third country without any further stop on the territories listed in Annex I to Directive 97/78/EC;

(b) the consignments are transhipped from one vessel to another at the border inspection post within the customs area of the same port of the Union;

(c) the Member State concerned presents a detailed justification to the Commission and the other Member States in the framework of the Standing Committee on the Food Chain and Animal Health, which specifies that they have taken all the measures necessary to prevent such consignments from being moved to another Union port instead of being transhipped directly to a third country.

Those measures shall include a monitoring system to ensure that the time periods and the onward destination as indicated in notification provided for in Article 1 are respected.

Article 4

In cases where the maximum period laid down in Article 2(2) has elapsed, the consignment shall be submitted to the identity and physical checks as provided for in Article 4 of Directive 97/78/EC, at the border inspection post of introduction.

Article 5

Decision 2000/25/EC is repealed.

Article 6

This decision shall apply from 1 May 2011.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 4 April 2011.

For the Commission
John DALLI
Member of the Commission

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2011 OF THE JOINT COMMITTEE ON AGRICULTURE SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS

of 31 March 2011

concerning the amendment of Annex 3 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(2011/216/EU)

THE JOINT COMMITTEE ON AGRICULTURE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products [1], hereinafter referred to as 'the Agreement', and in particular Article 11 thereof,

Whereas:

(1) The Agreement entered into force on 1 June 2002.

(2) Annex 3 to the Agreement provides for concessions regarding cheeses, in particular for gradual liberalisation of trade in cheeses over a period of 5 years following the entry into force of the Agreement.

(3) The European Union and the Swiss Confederation agree to insert into the Agreement a new Annex 12 on the protection of designations of origin and geographical indications for agricultural products and foodstuffs, which calls for consistency in the specifications, in particular those of cheeses.

(4) As a consequence, Annex 3 needs to be revised to take into account both the full liberalisation in bilateral trade in cheeses, with effect from 1 June 2007, and the protection of geographical indications, to be provided for in a new Annex 12,

HAS ADOPTED THIS DECISION:

Article 1

Annex 3 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products and its appendices shall be replaced by the text in the Annex to this Decision.

Article 2

This Decision shall enter into force on the day after its adoption by the Joint Committee.

Done at Brussels, 31 March 2011.

For the Joint Committee on Agriculture

The President and Head of the Swiss Delegation
Jacques CHAVAZ

The Head of the EU Delegation
Nicolas VERLET

The Secretary of the Committee
Chantal MOSER

[1] OJ L 114, 30.4.2002, p. 132.

ANNEX

'ANNEX 3

1. Bilateral trade in all products falling under heading 0406 of the Harmonised System is fully liberalised as from 1 June 2007 by abolishing all the tariffs and quotas.

2. The European Union shall not apply export refunds for cheeses exported to Switzerland. Switzerland shall not apply export subsidies [1] for cheeses exported to the European Union.

3. All products falling under CN code 0406 originating in the European Union or in Switzerland and traded between those two Parties are exempted from the presentation of an import licence.

4. The European Union and Switzerland shall ensure that the benefits they grant each other are not undermined by other measures affecting imports and exports.

5. Should the development of prices and/or imports give rise to a disturbance on the market of either Party, consultations shall be held as soon as possible within the Committee set up under Article 6 of the Agreement at the request of either Party with a view to finding appropriate solutions. In this connection, the Parties hereby agree to exchange information periodically on prices and any other relevant information on the market in locally produced and imported cheeses.

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[1] The basic amounts on which the elimination of export subsidies were based were calculated by common agreement by the Parties on the basis of the difference in the institutional prices for milk likely to be in force when the Agreement entered into force, plus an additional amount for milk processed into cheese, obtained on the basis of the quantity of milk needed to manufacture the cheeses concerned, minus (except in the case of cheeses subject to quotas) the reduction of customs duty applied by the Community.'

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