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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 57/2003
of 14 January 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 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 the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 2003.

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

Done at Brussels, 14 January 2003.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 14 January 2003 establishing the 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	052	70,5
	204	47,3
	212	104,8
	999	74,2
0707 00 05	052	137,3
	220	166,2
	628	151,4
	999	151,6
0709 10 00	220	91,4
	999	91,4
0709 90 70	052	90,4
	204	165,3
	999	127,9
0805 10 10, 0805 10 30, 0805 10 50	052	47,1
	204	56,5
	212	52,0
	220	48,8
	999	51,1
0805 20 10	204	83,5
	999	83,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	62,5
	220	54,6
	464	142,2
	624	80,4
	999	84,9
0805 50 10	052	73,3
	220	80,7
	600	77,4
	999	77,1
0808 10 20, 0808 10 50, 0808 10 90	060	43,3
	400	98,6
	404	101,5
	720	127,9
	999	92,8
0808 20 50	052	124,8
	400	115,9
	528	82,9
	720	48,6
	999	93,1

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

DIRECTIVE 2002/92/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 9 December 2002
on insurance mediation

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 47(2) and Article 55 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Insurance and reinsurance intermediaries play a central role in the distribution of insurance and reinsurance products in the Community.
- (2) A first step to facilitate the exercise of freedom of establishment and freedom to provide services for insurance agents and brokers was made by Council Directive 77/92/EEC of 13 December 1976 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of the activities of insurance agents and brokers (ex ISIC Group 630) and, in particular, transitional measures in respect of those activities ⁽⁴⁾.
- (3) Directive 77/92/EEC was to remain applicable until the entry into force of provisions coordinating national rules concerning the taking-up and pursuit of the activities of insurance agents and brokers.
- (4) Commission Recommendation 92/48/EEC of 18 December 1991 on insurance intermediaries ⁽⁵⁾ was largely followed by Member States and helped to bring closer together national provisions on the professional requirements and registration of insurance intermediaries.
- (5) However, there are still substantial differences between national provisions which create barriers to the taking-up and pursuit of the activities of insurance and reinsurance intermediaries in the internal market. It is therefore appropriate to replace Directive 77/92/EEC with a new directive.
- (6) Insurance and reinsurance intermediaries should be able to avail themselves of the freedom of establishment and the freedom to provide services which are enshrined in the Treaty.
- (7) The inability of insurance intermediaries to operate freely throughout the Community hinders the proper functioning of the single market in insurance.
- (8) The coordination of national provisions on professional requirements and registration of persons taking up and pursuing the activity of insurance mediation can therefore contribute both to the completion of the single market for financial services and to the enhancement of customer protection in this field.
- (9) Various types of persons or institutions, such as agents, brokers and 'bancassurance' operators, can distribute insurance products. Equality of treatment between operators and customer protection requires that all these persons or institutions be covered by this Directive.
- (10) This Directive contains a definition of 'tied insurance intermediary' which takes into account the characteristics of certain Member States' markets and whose purpose is to establish the conditions for registration applicable to such intermediaries. This definition is not intended to preclude Member States from having similar concepts in respect of insurance intermediaries who, while acting for and on behalf of an insurance undertaking and under the full responsibility of that undertaking, are entitled to collect premiums or amounts intended for the customer in accordance with the financial guarantees laid down by this Directive.
- (11) This Directive should apply to persons whose activity consists in providing insurance mediation services to third parties for remuneration, which may be pecuniary or take some other form of agreed economic benefit tied to performance.
- (12) This Directive should not apply to persons with another professional activity, such as tax experts or accountants, who provide advice on insurance cover on an incidental basis in the course of that other professional activity, neither should it apply to the mere provision of information of a general nature on insurance products, provided that the purpose of that activity is not to help the customer conclude or fulfil an insurance or reinsurance contract, nor the professional management of claims for an insurance or reinsurance undertaking, nor the loss adjusting and expert appraisal of claims.

⁽¹⁾ OJ C 29 E, 30.1.2001, p. 245.

⁽²⁾ OJ C 221, 7.8.2001, p. 121.

⁽³⁾ Opinion of the European Parliament of 14 November 2001 (OJ C 140 E, 13.6.2002, p. 167), Council Common Position of 18 March 2002 (OJ C 145 E, 18.6.2002, p. 1) and Decision of the European Parliament of 13 June 2002 (not yet published in the Official Journal). Council Decision of 28 June 2002.

⁽⁴⁾ OJ L 26, 31.1.1977, p. 14. Directive as last amended by the Act of Accession of 1994.

⁽⁵⁾ OJ L 19, 28.1.1992, p. 32.

- (13) This Directive should not apply to persons practising insurance mediation as an ancillary activity under certain strict conditions.
- (14) Insurance and reinsurance intermediaries should be registered with the competent authority of the Member State where they have their residence or their head office, provided that they meet strict professional requirements in relation to their competence, good repute, professional indemnity cover and financial capacity.
- (15) Such registration should allow insurance and reinsurance intermediaries to operate in other Member States in accordance with the principles of freedom of establishment and freedom to provide services, provided that an appropriate notification procedure has been followed between the competent authorities.
- (16) Appropriate sanctions are needed against persons exercising the activity of insurance or reinsurance mediation without being registered, against insurance or reinsurance undertakings using the services of unregistered intermediaries and against intermediaries not complying with national provisions adopted pursuant to this Directive.
- (17) Cooperation and exchange of information between competent authorities are essential in order to protect customers and ensure the soundness of insurance and reinsurance business in the single market.
- (18) It is essential for the customer to know whether he is dealing with an intermediary who is advising him on products from a broad range of insurance undertakings or on products provided by a specific number of insurance undertakings.
- (19) This Directive should specify the obligations which insurance intermediaries should have in providing information to customers. A Member State may in this area maintain or adopt more stringent provisions which may be imposed on insurance intermediaries independently of their place of residence where they are pursuing mediation activities on its territory provided that any such more stringent provisions comply with Community law, including Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) ⁽¹⁾.
- (20) If the intermediary declares that he is giving advice on products from a broad range of insurance undertakings, he should carry out a fair and sufficiently wide-ranging analysis of the products available on the market. In addition, all intermediaries should explain the reasons underpinning their advice.
- (21) There is less of a need to require that such information be disclosed when the customer is a company seeking reinsurance or insurance cover for commercial and industrial risks.
- (22) There is a need for suitable and effective complaint and redress procedures in the Member States in order to settle disputes between insurance intermediaries and customers, using, where appropriate, existing procedures.
- (23) Without prejudice to the right of customers to bring their action before the courts, Member States should encourage public or private bodies established with a view to settling disputes out-of-court, to cooperate in resolving cross-border disputes. Such cooperation could for example be aimed at enabling customers to contact extra-judicial bodies established in their Member State of residence about complaints concerning insurance intermediaries established in other Member States. The setting up of the FIN-NET network provides increased assistance to consumers when they use cross-border services. The provisions on procedures should take into account Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes ⁽²⁾.
- (24) Directive 77/92/EEC should accordingly be repealed,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Scope

1. This Directive lays down rules for the taking-up and pursuit of the activities of insurance and reinsurance mediation by natural and legal persons which are established in a Member State or which wish to become established there.
2. This Directive shall not apply to persons providing mediation services for insurance contracts if all the following conditions are met:
 - (a) the insurance contract only requires knowledge of the insurance cover that is provided;
 - (b) the insurance contract is not a life assurance contract;
 - (c) the insurance contract does not cover any liability risks;
 - (d) the principal professional activity of the person is other than insurance mediation;

⁽¹⁾ OJ L 178, 17.7.2000, p. 1.

⁽²⁾ OJ L 115, 17.4.1998, p. 31.

- (e) the insurance is complementary to the product or service supplied by any provider, where such insurance covers:
 - (i) the risk of breakdown, loss of or damage to goods supplied by that provider, or
 - (ii) damage to or loss of baggage and other risks linked to the travel booked with that provider, even if the insurance covers life assurance or liability risks, provided that the cover is ancillary to the main cover for the risks linked to that travel;
- (f) the amount of the annual premium does not exceed EUR 500 and the total duration of the insurance contract, including any renewals, does not exceed five years.

3. This Directive shall not apply to insurance and reinsurance mediation services provided in relation to risks and commitments located outside the Community.

This Directive shall not affect a Member State's law in respect of insurance mediation business pursued by insurance and reinsurance intermediaries established in a third country and operating on its territory under the principle of freedom to provide services, provided that equal treatment is guaranteed to all persons carrying out or authorised to carry out insurance mediation activities on that market.

This Directive shall not regulate insurance mediation activities carried out in third countries nor activities of Community insurance or reinsurance undertakings, as defined in First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance ⁽¹⁾ and First Council Directive 79/267/EEC of 5 March 1979 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct life assurance ⁽²⁾, carried out through insurance intermediaries in third countries.

Article 2

Definitions

For the purpose of this Directive:

- 1. 'insurance undertaking' means an undertaking which has received official authorisation in accordance with Article 6 of Directive 73/239/EEC or Article 6 of Directive 79/267/EEC;
- 2. 'reinsurance undertaking' means an undertaking, other than an insurance undertaking or a non-member-country insurance undertaking, the main business of which consists in accepting risks ceded by an insurance undertaking, a non-member-country insurance undertaking or other reinsurance undertakings;

⁽¹⁾ OJ L 228, 16.8.1973, p. 3. Directive as last amended by Directive 2002/13/EC of the European Parliament and of the Council (OJ L 77, 20.3.2002, p. 17).

⁽²⁾ OJ L 63, 13.3.1979, p. 1. Directive as last amended by Directive 2002/12/EC of the European Parliament and of the Council (OJ L 77, 20.3.2002, p. 11).

- 3. 'insurance mediation' means the activities of introducing, proposing or carrying out other work preparatory to the conclusion of contracts of insurance, or of concluding such contracts, or of assisting in the administration and performance of such contracts, in particular in the event of a claim.

These activities when undertaken by an insurance undertaking or an employee of an insurance undertaking who is acting under the responsibility of the insurance undertaking shall not be considered as insurance mediation.

The provision of information on an incidental basis in the context of another professional activity provided that the purpose of that activity is not to assist the customer in concluding or performing an insurance contract, the management of claims of an insurance undertaking on a professional basis, and loss adjusting and expert appraisal of claims shall also not be considered as insurance mediation;

- 4. 'reinsurance mediation' means the activities of introducing, proposing or carrying out other work preparatory to the conclusion of contracts of reinsurance, or of concluding such contracts, or of assisting in the administration and performance of such contracts, in particular in the event of a claim.

These activities when undertaken by a reinsurance undertaking or an employee of a reinsurance undertaking who is acting under the responsibility of the reinsurance undertaking are not considered as reinsurance mediation.

The provision of information on an incidental basis in the context of another professional activity provided that the purpose of that activity is not to assist the customer in concluding or performing a reinsurance contract, the management of claims of a reinsurance undertaking on a professional basis, and loss adjusting and expert appraisal of claims shall also not be considered as reinsurance mediation;

- 5. 'insurance intermediary' means any natural or legal person who, for remuneration, takes up or pursues insurance mediation;
- 6. 'reinsurance intermediary' means any natural or legal person who, for remuneration, takes up or pursues reinsurance mediation;
- 7. 'tied insurance intermediary' means any person who carries on the activity of insurance mediation for and on behalf of one or more insurance undertakings in the case of insurance products which are not in competition but does not collect premiums or amounts intended for the customer and who acts under the full responsibility of those insurance undertakings for the products which concern them respectively.

Any person who carries on the activity of insurance mediation in addition to his principal professional activity is also considered as a tied insurance intermediary acting under the responsibility of one or several insurance undertakings for the products which concern them respectively if the insurance is complementary to the goods or services supplied in the framework of this principal professional activity and the person does not collect premiums or amounts intended for the customer;

8. 'large risks' shall be as defined by Article 5(d) of Directive 73/239/EEC;
9. 'home Member State' means:
 - (a) where the intermediary is a natural person, the Member State in which his residence is situated and in which he carries on business;
 - (b) where the intermediary is a legal person, the Member State in which its registered office is situated or, if under its national law it has no registered office, the Member State in which its head office is situated;
10. 'host Member State' means the Member State in which an insurance or reinsurance intermediary has a branch or provides services;
11. 'competent authorities' means the authorities which each Member State designates under Article 7;
12. 'durable medium' means any instrument which enables the customer to store information addressed personally to him in a way accessible for future reference for a period of time adequate to the purposes of the information and which allows the unchanged reproduction of the information stored.

In particular, durable medium covers floppy disks, CD-ROMs, DVDs and hard drives of personal computers on which electronic mail is stored, but it excludes Internet sites, unless such sites meet the criteria specified in the first paragraph.

CHAPTER II

REGISTRATION REQUIREMENTS

Article 3

Registration

1. Insurance and reinsurance intermediaries shall be registered with a competent authority as defined in Article 7(2), in their home Member State.

Without prejudice to the first subparagraph, Member States may stipulate that insurance and reinsurance undertakings and other bodies may collaborate with the competent authorities in registering insurance and reinsurance intermediaries and in the application of the requirements of Article 4 to such intermediaries. In particular, in the case of tied insurance intermediaries,

they may be registered by an insurance undertaking or by an association of insurance undertakings under the supervision of a competent authority.

Member States need not apply the requirement referred to in the first and second subparagraphs to all the natural persons who work in an undertaking and pursue the activity of insurance or reinsurance mediation.

As regards legal persons, Member States shall register such persons and shall also specify in the register the names of the natural persons within the management who are responsible for the mediation business.

2. Member States may establish more than one register for insurance and reinsurance intermediaries provided that they lay down the criteria according to which intermediaries are to be registered.

Member States shall see to it that a single information point is established allowing quick and easy access to information from these various registers, which shall be compiled electronically and kept constantly updated. This information point shall also provide the identification details of the competent authorities of each Member State referred to in paragraph 1, first subparagraph. The register shall indicate further the country or countries in which the intermediary conducts business under the rules on the freedom of establishment or on the freedom to provide services.

3. Member States shall ensure that registration of insurance intermediaries — including tied ones — and reinsurance intermediaries is made subject to the fulfilment of the professional requirements laid down in Article 4.

Member States shall also ensure that insurance intermediaries — including tied ones — and reinsurance intermediaries who cease to fulfil these requirements are removed from the register. The validity of the registration shall be subject to a regular review by the competent authority. If necessary, the home Member State shall inform the host Member State of such removal, by any appropriate means.

4. The competent authorities may provide the insurance and reinsurance intermediaries with a document enabling any interested party by consultation of the register(s) referred to in paragraph 2 to verify that they are duly registered.

That document shall at least provide the information specified in Article 12(1)(a) and (b), and, in the case of a legal person, the name(s) of the natural person(s) referred to in the fourth subparagraph of paragraph 1 of this Article.

The Member State shall require the return of the document to the competent authority which issued it when the insurance or reinsurance intermediary concerned ceases to be registered.

5. Registered insurance and reinsurance intermediaries shall be allowed to take up and pursue the activity of insurance and reinsurance mediation in the Community by means of both freedom of establishment and freedom to provide services.

6. Member States shall ensure that insurance undertakings use the insurance and reinsurance mediation services only of registered insurance and reinsurance intermediaries and of the persons referred to in Article 1(2).

Article 4

Professional requirements

1. Insurance and reinsurance intermediaries shall possess appropriate knowledge and ability, as determined by the home Member State of the intermediary.

Home Member States may adjust the required conditions with regard to knowledge and ability in line with the activity of insurance or reinsurance mediation and the products distributed, particularly if the principal professional activity of the intermediary is other than insurance mediation. In such cases, that intermediary may pursue an activity of insurance mediation only if an insurance intermediary fulfilling the conditions of this Article or an insurance undertaking assumes full responsibility for his actions.

Member States may provide that for the cases referred to in the second subparagraph of Article 3(1), the insurance undertaking shall verify that the knowledge and ability of the intermediaries are in conformity with the obligations set out in the first subparagraph of this paragraph and, if need be, shall provide such intermediaries with training which corresponds to the requirements concerning the products sold by the intermediaries.

Member States need not apply the requirement referred to in the first subparagraph of this paragraph to all the natural persons working in an undertaking who pursue the activity of insurance or reinsurance mediation. Member States shall ensure that a reasonable proportion of the persons within the management structure of such undertakings who are responsible for mediation in respect of insurance products and all other persons directly involved in insurance or reinsurance mediation demonstrate the knowledge and ability necessary for the performance of their duties.

2. Insurance and reinsurance intermediaries shall be of good repute. As a minimum, they shall have a clean police record or any other national equivalent in relation to serious criminal offences linked to crimes against property or other crimes related to financial activities and they should not have previously been declared bankrupt, unless they have been rehabilitated in accordance with national law.

Member States may, in accordance with the provisions of the second subparagraph of Article 3(1), allow the insurance undertaking to check the good repute of insurance intermediaries.

Member States need not apply the requirement referred to in the first subparagraph of this paragraph to all the natural persons who work in an undertaking and who pursue the activity of insurance and reinsurance mediation. Member States shall ensure that the management structure of such undertakings and any staff directly involved in insurance or reinsurance mediation fulfil that requirement.

3. Insurance and reinsurance intermediaries shall hold professional indemnity insurance covering the whole territory of the Community or some other comparable guarantee against liability arising from professional negligence, for at least EUR 1 000 000 applying to each claim and in aggregate EUR 1 500 000 per year for all claims, unless such insurance or comparable guarantee is already provided by an insurance undertaking, reinsurance undertaking or other undertaking on whose behalf the insurance or reinsurance intermediary is acting or for which the insurance or reinsurance intermediary is empowered to act or such undertaking has taken on full responsibility for the intermediary's actions.

4. Member States shall take all necessary measures to protect customers against the inability of the insurance intermediary to transfer the premium to the insurance undertaking or to transfer the amount of claim or return premium to the insured.

Such measures shall take any one or more of the following forms:

- (a) provisions laid down by law or contract whereby monies paid by the customer to the intermediary are treated as having been paid to the undertaking, whereas monies paid by the undertaking to the intermediary are not treated as having been paid to the customer until the customer actually receives them;
- (b) a requirement for insurance intermediaries to have financial capacity amounting, on a permanent basis, to 4 % of the sum of annual premiums received, subject to a minimum of EUR 15 000;
- (c) a requirement that customers' monies shall be transferred via strictly segregated client accounts and that these accounts shall not be used to reimburse other creditors in the event of bankruptcy;
- (d) a requirement that a guarantee fund be set up.

5. Pursuit of the activities of insurance and reinsurance mediation shall require that the professional requirements set out in this Article be fulfilled on permanent basis.

6. Member States may reinforce the requirements set out in this Article or add other requirements for insurance and reinsurance intermediaries registered within their jurisdiction.

7. The amounts referred to in paragraphs 3 and 4 shall be reviewed regularly in order to take account of changes in the European Index of Consumer Prices as published by Eurostat. The first review shall take place five years after the entry into force of this Directive and the successive reviews every five years after the previous review date.

The amounts shall be adapted automatically by increasing the base amount in euro by the percentage change in that Index over the period between the entry into force of this Directive and the first review date or between the last review date and the new review date and rounded up to the nearest euro.

*Article 5***Retention of acquired rights**

Member States may provide that those persons who exercised a mediation activity before 1 September 2000, who were entered in a register and who had a level of training and experience similar to that required by this Directive, shall be automatically entered in the register to be created, once the requirements set down in Article 4(3) and (4) are complied with.

*Article 6***Notification of establishment and services in other Member States**

1. Any insurance or reinsurance intermediary intending to carry on business for the first time in one or more Member States under the freedom to provide services or the freedom of establishment shall inform the competent authorities of the home Member State.

Within a period of one month after such notification, those competent authorities shall inform the competent authorities of any host Member States wishing to know, of the intention of the insurance or reinsurance intermediary and shall at the same time inform the intermediary concerned.

The insurance or reinsurance intermediary may start business one month after the date on which he was informed by the competent authorities of the home Member State of the notification referred to in the second subparagraph. However, that intermediary may start business immediately if the host Member State does not wish to be informed of the fact.

2. Member States shall notify the Commission of their wish to be informed in accordance with paragraph 1. The Commission shall in turn notify all the Member States of this.

3. The competent authorities of the host Member State may take the necessary steps to ensure appropriate publication of the conditions under which, in the interest of the general good, the business concerned must be carried on in their territories.

*Article 7***Competent authorities**

1. Member States shall designate the competent authorities empowered to ensure implementation of this Directive. They shall inform the Commission thereof, indicating any division of those duties.

2. The authorities referred to in paragraph 1 shall be either public authorities or bodies recognised by national law or by public authorities expressly empowered for that purpose by national law. They shall not be insurance or reinsurance undertakings.

3. The competent authorities shall possess all the powers necessary for the performance of their duties. Where there is more than one competent authority on its territory, a Member State shall ensure that those authorities collaborate closely so that they can discharge their respective duties effectively.

*Article 8***Sanctions**

1. Member States shall provide for appropriate sanctions in the event that a person exercising the activity of insurance or reinsurance mediation is not registered in a Member State and is not referred to in Article 1(2).

2. Member States shall provide for appropriate sanctions against insurance or reinsurance undertakings which use the insurance or reinsurance mediation services of persons who are not registered in a Member State and who are not referred to in Article 1(2).

3. Member States shall provide for appropriate sanctions in the event of an insurance or reinsurance intermediary's failure to comply with national provisions adopted pursuant to this Directive.

4. This Directive shall not affect the power of the host Member States to take appropriate measures to prevent or to penalise irregularities committed within their territories which are contrary to legal or regulatory provisions adopted in the interest of the general good. This shall include the possibility of preventing offending insurance or reinsurance intermediaries from initiating any further activities within their territories.

5. Any measure adopted involving sanctions or restrictions on the activities of an insurance or reinsurance intermediary must be properly justified and communicated to the intermediary concerned. Every such measure shall be subject to the right to apply to the courts in the Member State which adopted it.

*Article 9***Exchange of information between Member States**

1. The competent authorities of the various Member States shall cooperate in order to ensure the proper application of the provisions of this Directive.

2. The competent authorities shall exchange information on insurance and reinsurance intermediaries if they have been subject to a sanction referred to in Article 8(3) or a measure referred to in Article 8(4) and such information is likely to lead to removal from the register of such intermediaries. The competent authorities may also exchange any relevant information at the request of an authority.

3. All persons required to receive or divulge information in connection with this Directive shall be bound by professional secrecy, in the same manner as is laid down in Article 16 of Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive) ⁽¹⁾ and Article 15 of Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (third life assurance Directive) ⁽²⁾.

Article 10

Complaints

Member States shall ensure that procedures are set up which allow customers and other interested parties, especially consumer associations, to register complaints about insurance and reinsurance intermediaries. In all cases complaints shall receive replies.

Article 11

Out-of-court redress

1. Member States shall encourage the setting-up of appropriate and effective complaints and redress procedures for the out-of-court settlement of disputes between insurance intermediaries and customers, using existing bodies where appropriate.

2. Member States shall encourage these bodies to cooperate in the resolution of cross-border disputes.

CHAPTER III

INFORMATION REQUIREMENTS FOR INTERMEDIARIES

Article 12

Information provided by the insurance intermediary

1. Prior to the conclusion of any initial insurance contract, and, if necessary, upon amendment or renewal thereof, an insurance intermediary shall provide the customer with at least the following information:

- (a) his identity and address;
- (b) the register in which he has been included and the means for verifying that he has been registered;
- (c) whether he has a holding, direct or indirect, representing more than 10 % of the voting rights or of the capital in a given insurance undertaking;
- (d) whether a given insurance undertaking or parent undertaking of a given insurance undertaking has a holding, direct or indirect, representing more than 10 % of the voting rights or of the capital in the insurance intermediary;

- (e) the procedures referred to in Article 10 allowing customers and other interested parties to register complaints about insurance and reinsurance intermediaries and, if appropriate, about the out-of-court complaint and redress procedures referred to in Article 11.

In addition, an insurance intermediary shall inform the customer, concerning the contract that is provided, whether:

- (i) he gives advice based on the obligation in paragraph 2 to provide a fair analysis, or
- (ii) he is under a contractual obligation to conduct insurance mediation business exclusively with one or more insurance undertakings. In that case, he shall, at the customer's request provide the names of those insurance undertakings, or
- (iii) he is not under a contractual obligation to conduct insurance mediation business exclusively with one or more insurance undertakings and does not give advice based on the obligation in paragraph 2 to provide a fair analysis. In that case, he shall, at the customer's request provide the names of the insurance undertakings with which he may and does conduct business.

In those cases where information is to be provided solely at the customer's request, the customer shall be informed that he has the right to request such information.

2. When the insurance intermediary informs the customer that he gives his advice on the basis of a fair analysis, he is obliged to give that advice on the basis of an analysis of a sufficiently large number of insurance contracts available on the market, to enable him to make a recommendation, in accordance with professional criteria, regarding which insurance contract would be adequate to meet the customer's needs.

3. Prior to the conclusion of any specific contract, the insurance intermediary shall at least specify, in particular on the basis of information provided by the customer, the demands and the needs of that customer as well as the underlying reasons for any advice given to the customer on a given insurance product. These details shall be modulated according to the complexity of the insurance contract being proposed.

4. The information referred to in paragraphs 1, 2 and 3 need not be given when the insurance intermediary mediates in the insurance of large risks, nor in the case of mediation by reinsurance intermediaries.

5. Member States may maintain or adopt stricter provisions regarding the information requirements referred to in paragraph 1, provided that such provisions comply with Community law.

Member States shall communicate to the Commission the national provisions set out in the first subparagraph.

⁽¹⁾ OJ L 228, 11.8.1992, p. 1. Directive as last amended by Directive 2000/64/EC of the European Parliament and of the Council (OJ L 290, 17.11.2000, p. 27).

⁽²⁾ OJ L 360, 9.12.1992, p. 1. Directive as last amended by Directive 2000/64/EC of the European Parliament and of the Council.

In order to establish a high level of transparency by all appropriate means, the Commission shall ensure that the information it receives relating to national provisions is also communicated to consumers and insurance intermediaries.

Article 13

Information conditions

1. All information to be provided to customers in accordance with Article 12 shall be communicated:

- (a) on paper or on any other durable medium available and accessible to the customer;
- (b) in a clear and accurate manner, comprehensible to the customer;
- (c) in an official language of the Member State of the commitment or in any other language agreed by the parties.

2. By way of derogation from paragraph 1(a), the information referred to in Article 12 may be provided orally where the customer requests it, or where immediate cover is necessary. In those cases, the information shall be provided to the customer in accordance with paragraph 1 immediately after the conclusion of the insurance contract.

3. In the case of telephone selling, the prior information given to the customer shall be in accordance with Community rules applicable to the distance marketing of consumer financial services. Moreover, information shall be provided to the customer in accordance with paragraph 1 immediately after the conclusion of the insurance contract.

CHAPTER IV

FINAL PROVISIONS

Article 14

Right to apply to the courts

Member States shall ensure that decisions taken in respect of an insurance intermediary, reinsurance intermediary or an insurance undertaking under the laws, regulations and administrative provisions adopted in accordance with this Directive may be subject to the right to apply to the courts.

Article 15

Repeal

Directive 77/92/EEC is hereby repealed with effect from the date referred to in Article 16(1).

Article 16

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 15 January 2005. They shall forthwith inform the Commission thereof.

These measures shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the laws, regulations and administrative provisions which they adopt in the field governed by this Directive. In that communication they shall provide a table indicating the national provisions corresponding to this Directive.

Article 17

Entry into force

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

Article 18

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 9 December 2002.

For the European Parliament

The President

P. COX

For the Council

The President

H. C. SCHMIDT

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 November 2002

establishing revised ecological criteria for the award of the Community eco-label to detergents for dishwashers and amending Decision 1999/427/EC

(notified under document number C(2002) 4632)

(Text with EEA relevance)

(2003/31/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme⁽¹⁾, and in particular the second subparagraph of Article 6(1) thereof,

Whereas:

- (1) Under Regulation (EC) No 1980/2000 the Community eco-label may be awarded to a product possessing characteristics which enable it to contribute significantly to improvements in relation to key environmental aspects.
- (2) Regulation (EC) No 1980/2000 provides that specific eco-label criteria are to be established according to product groups.
- (3) It also provides that the review of the eco-label criteria, as well as of the assessment and verification requirements related to the criteria, is to take place in due time before the end of the period of validity of the criteria specified for each product group.
- (4) It is appropriate to revise the ecological criteria that were established by Commission Decision 1999/427/EC of 28 May 1999 establishing the ecological criteria for the award of the Community eco-label to detergents for dishwashers⁽²⁾, in order to reflect the developments in the market. At the same time, the period of validity of that Decision as extended by Decision 2002/173/EC⁽³⁾ and the definition of the product group should be modified.

- (5) A new Decision should be adopted establishing the specific ecological criteria for this product group, which will be valid for a period of five years.

- (6) It is appropriate that, for a limited period of not more than 18 months, both the new criteria and the criteria established by Decision 1999/427/EC should be valid concurrently, in order to allow sufficient time for companies that have been awarded or that have applied for the award of the eco-label for their products prior to the date of application of this Decision, to adapt those products to comply with the new criteria.

- (7) The measures provided for in this Decision are based on the draft criteria developed by the European Union Eco-Labeling Board established under Article 13 of Regulation (EC) No 1980/2000.

- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee instituted by Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

Article 1

In order to be awarded the Community eco-label under Regulation (EC) No 1980/2000, a detergent for dishwashers must fall within the product group 'detergents for dishwashers' as defined in Article 2, and must comply with the ecological criteria set out in the Annex to this Decision.

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ OJ L 167, 2.7.1999, p. 38.

⁽³⁾ OJ L 56, 27.2.2002, p. 33.

Article 2

The product group 'detergents for dishwashers' shall comprise all detergents intended for use exclusively in automatic domestic dishwashers and all detergents intended for use in automatic dishwashers operated by professional users but similar to automatic domestic dishwashers in terms of machine size and usage.

Article 3

For administrative purposes the code number assigned to the product group 'detergents for dishwashers' shall be '015'.

Article 4

Article 3 of Decision 1999/427/EC is replaced by the following:

'Article 3

The product group definition and the specific ecological criteria for the product group shall be valid until 31 May 2004.'

Article 5

This Decision shall apply from 1 January 2003 until 31 December 2007.

Producers of products falling within the product group 'detergents for dishwashers' which have already been awarded the eco-label before 1 January 2003 may continue to use that label until 31 May 2004.

Producers of products falling within the product group 'detergents for dishwashers' which have already applied for the award of the eco-label before 1 January 2003 may be awarded the eco-label under the terms of Decision 1999/427/EC. In these cases the label may be used until 31 May 2004.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 29 November 2002.

For the Commission

Margot WALLSTRÖM

Member of the Commission

ANNEX

FRAMEWORK

The aims of the criteria

These criteria aim in particular at promoting:

- reduction of water pollution both by reducing the quantity of detergent used and by limiting the quantity of harmful ingredients,
- reduction of energy use by promoting low temperature detergents,
- the minimisation of waste by reducing the amount of primary packaging.

Additionally, the criteria enhance the consumers' environmental awareness. The criteria are set at levels that promote the labelling of detergents for dishwashers that have a low environmental impact.

Assessment and verification requirements

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

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

Where possible, the testing should be performed by laboratories that meet the general requirements of EN ISO 17025 or equivalent.

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

Where appropriate, competent bodies may require supporting documentation and may carry out independent verifications.

Where appropriate, the applicant may use subsequent revisions of the Detergent Ingredient Database as they become available.

The competent bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO14001, when assessing applications and monitoring compliance with the criteria (*note*: it is not required to implement such management schemes.).

Functional unit and reference dosage

The functional unit, to which inputs and outputs should be related, shall be the quantity of product required to wash 12 place settings with a standard soil (as defined by DIN or ISO standards). The dosage recommended by the manufacturer to consumers for normally soiled dishes and 12 place settings is taken as a reference dosage under standard conditions, as laid down in the IKW washing performance test referred to in criterion 6.

CRITERIA

1. Environmental scoring matrix

The following five parameters are included in an environmental matrix and are aggregated and assessed as a whole, as presented below:

- total chemicals,
- critical dilution volume, toxicity (CDV_{tox}),
- phosphates (expressed as sodium tripolyphosphate — STPP),
- aerobic non-biodegradable organics (aNBD0),
- anaerobic non-biodegradable organics (anNBD0).

The following table summarises these parameters and their related scoring, their exclusion hurdles and their weighting factors. The formulae for calculating the score for each parameter and the exclusion hurdles are detailed below in points (a) to (f). The parameters are calculated for each ingredient by considering the dosage per wash, water content and mass percentage in the formulation and they are added up for each product formulation.

Environmental scoring matrix						
Parameter	Score				Excluding hurdle	Weight factor
	4	3	4	1		
Total chemicals	16,5	18	19,5	21	22,5	3
Critical dilution volume, _{toxicity}	60	120	180		200	8
Phosphates (as STPP)	0	2,5	5	7,5	10	2
Aerobically non-biodegradable organics	0	0,25	0,5	0,75	1	1
Anaerobically non-biodegradable organics	0	0,05	0,10	0,15	0,2	1,5
Minimum score required	30					

Note: All values are expressed in g/wash, except CDV_{tox} which is expressed in l/wash.

Assessment and verification: The exact formulation of the product shall be provided, including the exact chemical description of ingredients (e.g. identification according to IUPAC, CAS No, sum and structural formulae, purity, type and percentage of impurities, additives; for mixtures, e.g. surfactants: DID number, composition and spectrum of distribution homologues, isomers, and trade names); analytical evidence of the composition of surfactants, and the exact tonnage of product that is put on the market (reporting on 1 March, related to the year before).

(a) *Toxicity to aquatic organisms*

The critical dilution volume toxicity (CDV_{tox}) is calculated for each ingredient (i) using the following equation:

$$CDV_{tox} (\text{ingredient } i) = \frac{\text{weight } (i) \times LF (i)}{LTE (i)} \cdot 1\,000$$

where weight (i) is the weight of the ingredient per recommended dose, LF is the loading factor and LTE is the long-term toxicity effect concentration of the ingredient. The CDV_{tox} is summed for each ingredient (i), making the CDV_{tox} for the product:

$$CDV_{tox} = \sum CDV_{tox} (\text{ingredient } i)$$

CDV_{tox} shall be ≤ 200 l/wash.

$$\text{Score } (CDV_{tox}) = (5 - (CDV_{tox}/60)) \times 8$$

Assessment and verification: The exact formulation of the product shall be provided to the Competent Body, together with the details of the CDV_{tox} calculations and the related score. For all ingredients included in the Detergent Ingredient Database (DID-list, see Annex IA), the relevant values given in the DID-list shall be used, and the corresponding ingredient number shall be given. In the case of new chemicals or additional ingredients that are not listed in the DID list the approach described in Appendix I.B shall be followed.

(b) *Total chemicals*

Total chemicals, in g/wash, are the recommended dosage minus water content.

Total chemicals shall be $\leq 22,5$ g/wash.

$$\text{Score } (\text{Total chemicals}) = (15 - (\text{Total chemicals}/1,5)) \times 3$$

Assessment and verification: The exact formulation of the product shall be provided to the competent body, together with the details of the total chemical calculations and the related score.

(c) *Phosphates (as STPP — sodium tripolyphosphate)*

Phosphates are the quantity of phosphates in the formulation calculated as STPP.

Phosphates shall be ≤ 10 g/wash.

$$\text{Score } (\text{Phosphates}) = (4 - (\text{Phosphates}/2,5)) \times 2$$

Assessment and verification: The exact formulation of the product shall be provided to the Competent Body, together with the details of phosphate calculations and the related score.

(d) *Aerobically non-biodegradable organics (aNBDO)*

Aerobically non-biodegradable organics is the weight per wash, in g/wash, of all organic ingredients which are aerobically non-biodegradable (see DID-list).

aNBDO shall be ≤ 1 g/wash

$$\text{Score}_{(\text{aNBDO})} = 4 - (\text{aNBDO}/0,25)$$

Assessment and verification: The exact formulation of the product shall be provided to the competent body, together with the details of the aNBDO calculations and the related score. For all ingredients included in the DID-list (Annex IA), the relevant data given in the DID-list shall be used. For ingredients which are not included in the DID list, the relevant information from literature or other sources, or appropriate test results, showing that they are aerobically biodegradable shall be provided. The tests for ready biodegradability shall be as referred to in Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽¹⁾, and its subsequent amendments, in particular the methods detailed in Annex V.C4, or their equivalent OECD 301 A-F test methods, or their equivalent ISO tests. The 10 days window principle shall not apply. The pass levels shall be 70 % for the tests referred to in Annex V.C4-A and C4-B of Directive 67/548/EEC (and their equivalent OECD 301 A and E tests and ISO equivalents), and shall be 60 % for tests C4-C, D, E and F (and their equivalent OECD 301 B, C, D and F tests and ISO equivalents).

(e) *Anaerobically non-biodegradable organics (anNBDO)*

Anaerobically non-biodegradable organics is the weight per wash, in g/wash, of all organic ingredients that are anaerobically non-biodegradable using respective correction factors (see DID-list).

anNBDO shall be $\leq 0,2$ g/wash.

$$\text{Score}_{(\text{anNBDO})} = (4 - (\text{anNBDO}/0,05)) \times 1,5$$

Assessment and verification: The exact formulation of the product shall be provided to the Competent Body, together with the details of the anNBDO calculations and the related score. For all ingredients included in the DID-list (Annex IA), the relevant data given in the DID-list shall be used. For ingredients which are not included in the DID list, the relevant information from literature or other sources, or appropriate test results, showing that they are anaerobically biodegradable shall be provided. The reference test for anaerobic degradability shall be ISO 11734, ECETOC No 28 (June 1988) or an equivalent test method, with the requirement of 60 % ultimate degradability under anaerobic conditions. Test methods simulating the conditions in a relevant anaerobic environment may also be used to document that 60 % ultimate degradability has been attained under anaerobic conditions (see Appendix IC).

(f) *Total score*

The sum of $\text{Score}(\text{CDV}_{\text{tox}})$ + Score (Total chemicals) + Score (Phosphates) + Score (aNBDO) + Score (anNBDO) shall be ≥ 30 .

Assessment and verification: The exact formulation of the product shall be provided to the Competent Body, together with the details of the total score calculations.

2. Biodegradability of surfactants

(a) *Ready aerobic biodegradability*

Each surfactant used in the product shall be readily biodegradable.

Assessment and verification: The exact formulation of the product shall be provided to the competent body. The DID list (see Appendix IA) indicates whether a specific surfactant is aerobically biodegradable or not (i.e. those that have an entry of 'Y' in the column on aerobic biodegradability shall not be used). For surfactants which are not included in the DID list, the relevant information from literature or other sources, or appropriate test results, showing that they are aerobically biodegradable shall be provided. The tests for ready biodegradability shall be as referred to in Directive 67/548/EEC, and its subsequent amendments, in particular the methods detailed in Annex V.C4, or their equivalent OECD 301 A-F test methods, or their equivalent ISO tests. The 10 days window principle shall not apply. The pass levels shall be 70 % for the tests referred to in Annex V.C4-A and C4-B of Directive 67/548/EEC (and their equivalent OECD 301 A and E tests and ISO equivalents), and shall be 60 % for tests C4-C, D, E and F (and their equivalent OECD 301 B, C, D and F tests and ISO equivalents).

⁽¹⁾ OJ 196, 16.8.1967, p. 1.

(b) *Anaerobic biodegradability*

Each surfactant used in the product shall be anaerobically biodegradable.

Assessment and verification: The exact formulation of the product shall be provided. The DID list (see Appendix IA) indicates whether a specific surfactant is anaerobically biodegradable or not (i.e. those that have an entry of 'Y' in the column on anaerobic biodegradability shall not be used). For surfactants which are not included in the DID list, the relevant information from literature or other sources, or appropriate test results, showing that they are anaerobically biodegradable shall be provided. The reference test for anaerobic degradability shall be ISO 11734, Ecetoc No 28 (June 1988) or an equivalent test method, with the requirement of 60 % ultimate degradability under anaerobic conditions. Test methods simulating the conditions in a relevant anaerobic environment may also be used to document that 60 % ultimate degradability has been attained under anaerobic conditions (see Appendix IC).

3. Dangerous, hazardous or toxic substances or preparations

- (a) No ingredient shall be included in the product that, at the time of application, is or may be assigned any of the following risk phrases (or combinations thereof):

- R40 (limited evidence of a carcinogenic effect)
- R45 (may cause cancer)
- R46 (may cause heritable genetic damage)
- R49 (may cause cancer by inhalation)
- R50-53 (very toxic to aquatic organisms and may cause long-term adverse effects in the aquatic environment)
- R51-53 (toxic to aquatic organisms and may cause long-term adverse effects in the aquatic environment)
- R60 (may impair fertility)
- R61 (may cause harm to the unborn child)
- R62 (possible risk of impaired fertility)
- R63 (possible risk of harm to the unborn child)
- R64 (may cause harm to breastfed babies)
- R68 (possible risks of irreversible effects)

as laid down in Directive 67/548/EEC and its subsequent amendments, or in Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations ⁽¹⁾, and its subsequent amendments.

Each ingredient of any preparation used in the formulation that exceeds 0,01 % by weight of the final product shall also meet this requirement.

Assessment and verification: The exact formulation of the product shall be provided to the competent body, together with copies of the material safety data sheets of each ingredient and a declaration of compliance with this criterion. Test results or references to published data shall be given.

- (b) No preservatives shall be used that are or may be classified as R50-53, as laid down in Council Directive 67/548/EEC and its subsequent amendments or Directive 1999/45/EC and its subsequent amendments, whatever their amount.

Assessment and verification: The exact formulation of the product shall be provided to the competent body, together with copies of the material safety data for such ingredients (whether substances or preparations) and a declaration of compliance with this criterion. Test results or references to published data shall be given.

⁽¹⁾ OJ L 200, 30.7.1999, p. 1.

(c) APEOs, APDs, EDTA, NTA

The following ingredients shall not be included in the product, either as part of the formulation or as part of any preparation included in the formulation:

- alkylphenolethoxylates (APEOs) or other alkyl phenol derivatives (APDs).
- EDTA (ethylene-diamine-tetra-acetate)
- NTA (nitrilotriacetate)

Assessment and verification: The exact formulation of the product shall be provided to the competent body, together with a declaration of the absence of these chemical compounds.

(d) Phosphonates

The quantity of phosphonates that are not readily biodegradable (aerobically) shall not exceed 0,2 g/wash.

Assessment and verification: The exact formulation of the product shall be provided to the competent body, together with a declaration of compliance with this criterion.

4. Fragrances

(a) Nitromusks and polycyclic musks.

Nitromusks and polycyclic musks shall not be included in the product, either as part of the formulation or as part of any preparation included in the formulation. This concerns, amongst others, the following:

musk xylene:	5-tert-butyl-2,4,6-trinitro-m-xylene
musk ambrette:	4-tert-butyl-3-methoxy-2,6-dinitrotoluene
moskene:	1,1,3,3,5-pentamethyl-4,6-dinitroindan
musk tibetine:	1-tert-butyl-3,4,5-trimethyl-2,6-dinitrobenzene
musk ketone:	4'-tert-butyl-2',6'-dimethyl-3',5'-dinitroacetaphenone
HHCB:	1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta(g)-2-benzopyran
AHTN:	6-Acetyl-1,1,2,4,4,7-hexamethyltetralin

(b) Code of practice

Any ingredients added to the product as a fragrance shall have been manufactured and/or handled following the code of practice of the International Fragrance Association.

Assessment and verification: The exact formulation of the product shall be provided to the competent body, together with a declaration of compliance for each part (a) and (b) of this criterion.

5. Packaging

- (a) Primary packaging shall not exceed 2,5 grams per functional unit.
- (b) Cardboard primary packaging shall consist of ≥ 80 % recycled material.
- (c) Plastic primary packaging shall be labelled according to ISO 1043.

Assessment and verification: The applicant shall supply the competent body assessing the application with a sample of the packaging. A calculation of the quantity of primary packaging and a declaration regarding the percentage of recycled material in cardboard packaging shall be submitted to the competent body.

6. Washing performance

The product shall have a satisfactory washing performance at the recommended dosage according to the standard test developed by IKW or the EN 50242 (modified as below).

The tests shall be carried out at 55 °C or at a lower temperature.

Assessment and verification: The test report shall be submitted to the competent body. A test other than the IKW test or the modified version of EN 50242 may be used if the competent body assessing the application accepts its equivalence.

If EN 50242: 1998 is used, the following modifications shall apply: the tests shall be carried out at 55 °C $\pm$ 2 °C with cold pre-wash without detergent; the machine used in the test shall be connected to cold water and must hold 12 place settings with a washing index of between 3,35 and 3,75; the machine's drying programme shall be used, but only the cleanliness of the dishes shall be assessed; a weak acidic rinsing agent in accordance with the standard (formula III) shall be used; the rinsing agent setting shall be between 2 and 3; the dosage of dishwashing detergent shall be as recommended by the manufacturer; three attempts shall be carried out at a water hardness in accordance with the standard; an attempt consists of five washes where the result is read after the fifth wash without the dishes being cleaned between the washes; the result shall be better than or identical to the reference detergent after the fifth wash; recipe for the reference detergent (Detergent B IEC 436) and rinsing agent (formula III), see Appendix B in the standard EN 50242: 1998 (the tensides are to be stored in a cool place in watertight containers not exceeding 1 kg and are to be used within three months).

7. Purity of enzymes

The enzyme production micro-organism shall be absent from the final enzyme preparation.

Assessment and verification: A test report or certificate from the enzyme producer shall be provided to the competent body.

8. Consumer information

(a) Information on the packaging

The following text (or equivalent) shall appear on or in the product:

'This eco-labelled detergent works well at low temperatures (**). Select low temperature washing cycles on the dishwasher, wash full loads and do not exceed the recommended dosage. This will minimise both energy and water consumption and reduce water pollution.

For more information about the Flower:

<http://europa.eu.int/ecolabel>.

(**) The applicant shall insert here the recommended temperature or range of temperatures that shall not exceed 55 °C.'

(b) Dosage instructions

Dosage instructions shall appear on the product packages. The recommended dosages shall be specified for 'normally' and 'heavily' soiled dishes, and for the ranges of water hardness appropriate to where the product is marketed. The instructions shall specify how to make best use of the product according to the soil.

The applicant shall take suitable steps to help the consumer respect the recommended dosage, for example by making available a dosage device (for powdered or liquid products), and/or by indicating the recommended dosage at least in ml (for powdered or liquid products). A recommendation shall appear on the packaging for the consumers to contact their water supplier or local authority in order to find out the degree of hardness of their tap water.

(c) Information and labelling of ingredients

Commission Recommendation 89/542/EEC of 13 September 1989 concerning the labelling of detergents and cleaning agents⁽¹⁾ shall be applied and the following groups of ingredients shall be labelled:

Enzymes: indication of the type of enzymes

Preservation agents: characterisation and labelling according to IUPAC (International Union of Pure and Applied Chemistry) nomenclature.

If the product contains perfume, it shall be indicated on the packaging.

Assessment and verification: The applicant shall provide a sample of the product packaging together with a declaration of compliance with each part (a), (b) and (c) of this criterion.

9. Information appearing on the eco-label

Box 2 of the eco-label shall contain the following text

— helps reduce water pollution,

— helps reduce packaging.'

Assessment and verification: The applicant shall provide the competent body assessing the application with a sample of the product packaging showing the label, together with a declaration of compliance with this criterion.

⁽¹⁾ OJ L 291, 10.10.1989, p. 55.

DID-LIST

DETERGENTS INGREDIENTS DATABASE AND APPROACH TO BE FOLLOWED FOR INGREDIENTS NOT LISTED IN THE DATABASE

A. The data given below on the most commonly used detergent ingredients shall be used for the calculation of the ecological criteria

Note: the parameters a NBO, SI, II, THOD as well as the CF-factors for an NBO are not used within this product group)

Detergent ingredients database (DID-list; version 29. September 1998)

DID No	Ingredients	Toxicity		Loading factor (LF)	Anaerobic Non-Biodegradable (an NBO)	Aerobic Non-Biodegradable (a NBO)	Soluble inorganics (SI)	Insoluble inorganics (II)	THOD
		NOEC measured	LTE						
	<i>Anionic surfactants</i>								
1	C 10-13 LAS (Na ø 11,5-11,8, C14<1 %)	0,3	0,3	0,05	Y, CF = 0,75	O	O	O	2,3
2	other LAS (C14 > 1 %)	0,12	0,12	0,05	Y, CF = 1,5	O	O	O	2,3
3	C 14/17 Alk. sulfonate	0,27	0,27	0,03	Y, CF = 0,75	O	O	O	2,5
4	C 8/10 Alkylsulfate	EC50 = 2,9	0,15	0,02	O	O	O	O	1,9
5	C 12-15 AS	0,1	0,1	0,02	O	O	O	O	2,2
6	C 12-18 AS	LC50 = 3	0,15	0,02	O	O	O	O	2,3
7	C 16-18 FAS	0,55	0,55	0,02	O	O	O	O	2,5
8	C 12-15 A 1-3 EO sulphate	0,15	0,15	0,03	O	O	O	O	2,1
9	C 16/18 A 3-4 EO sulphate	no valid data	0,1	0,03	O	O	O	O	2,2
10	C 8-Dialkylsulfosuccinate	LC50 = 7,5	0,4	0,5	Y, CF = 1,5	O	O	O	2
11	C 12/14 sulpho-fat.-acid methylester	EC50 = 5	0,25	0,05	Y, CF = 0,75	O	O	O	2,1
12	C 16/18 sulpho-fat.-acid methylester	0,15	0,15	0,05	Y, CF = 0,75	O	O	O	2,3
13	C 14/16 alpha olefine sulphonate	LC50 = 2,5	0,13	0,05	Y, CF = 0,75	O	O	O	2,3
14	C 14/18 alpha olefine sulphonate	LC50 = 1,4	0,07	0,05	Y, CF = 2,0	O	O	O	2,4
15	SOAPS C12-22	EC0 = 1,6	1,6	0,05	O	O	O	O	2,9
	<i>Nonionic surfactants</i>								
16	C 9/11 A > 3-6 EO lin. or mono br.	EC50 = 3,3	0,7	0,03	O	O	O	O	2,4
17	C 9/11 A > 6-9 EO lin. or mono br.	EC50 = 5,4	1,1	0,03	O	O	O	O	2,2
18	C 12/15 A 2-6 EO lin. or mono br.	0,18	0,18	0,03	O	O	O	O	2,5

DID No	Ingredients	Toxicity		Loading factor (LF)	Anaerobic Non-Biodegradable (an NBO)	Aerobic Non-Biodegradable (a NBO)	Soluble inorganics (SI)	Insoluble inorganics (II)	THOD
		NOEC measured	LTE						
19	C 12-15 (Avg. C < 14) A > 6-9 EO lin. or mono br.	0,24	0,24	0,03	O	O	O	O	2,3
20	C 12-15 (Avg. C > 14) A > 6-9 EO	0,17	0,17	0,03	O	O	O	O	2,3
21	C 12-15 A > 9-12 EO	LC50 = 0,8	0,3	0,03	O	O	O	O	2,2
22	C 12-15 A > 20-30 EO	EC50 = 13	0,65	0,05	O	O	O	O	2
23	C 12-15 A > 30 EO	LC50 = 130	6,5	0,75	O	Y	O	O	0 (*)
24	C 12/18 A 0-3 EO	no data	0,01	0,03	O	O	O	O	2,9
25	C 12-18 A 9 EO	0,2	0,2	0,03	O	O	O	O	2,4
26	C 16/18 A 2-6 EO	0,03	0,03	0,03	O	O	O	O	2,6
27	C 16/18 A > 9-12 EO	LC50 = 0,5	0,05	0,03	O	O	O	O	2,3
28	C 16/18 A 20-30 EO	EC50 = 18	0,36	0,05	O	O	O	O	2,1
29	C 16/18 A > 30 EO	LC50 = 50	2,5	0,75	O	Y	O	O	0 (*)
30	C 12/14 Glucose amide	4,3	4,3	0,03	O	O	O	O	2,2
31	C 16/18 Glucose amide	0,116	0,116	0,03	O	O	O	O	2,5
32	C 12/14 Alkylpolyglucoside	1	1	0,03	O	O	O	O	2,3
<i>Amphoteric surfactants</i>									
33	C 12-15 Alkyl dimethylbetaine	0,03	0,03	0,05	Y, CF = 2,5	O	O	O	2,9
34	C 12-18 Alkyl amidopropylbetaine	0,03	0,03	0,05	Y, CF = 2,5	O	O	O	2,8
<i>Sud controllers</i>									
35	Silicone	EC50 = 241	4,82	0,4	Y, CF = 0,75	Y	O	O	0,0
36	Paraffin	no data	100	0,4	O	Y	O	O	0 (*)
<i>Fabric softening</i>									
37	Glycerol	LC50 > 5-10 gl	1 000	0,13	O	O	O	O	1,2
<i>Builders</i>									
38	Phosphate as sodium-tri-polyphosphate (STPP)		1 000	0,6	O	O	Y	O	0,0
39	Zeolite A	120	120	0,05	O	O	O	Y	0,0
40	Citrate	EC50 = 85	85	0,07	O	O	O	O	0,6
41	Polycarboxylates and related derivates	124	124	0,4	Y, CF = 0,1	Y	O	O	0 (*)
42	Clay		1 000	0,05	O	O	O	Y	0,0
43	Carbonate /bicarbonate	LC50 = 250	250	0,8	O	O	Y	O	0,0

DID No	Ingredients	Toxicity		Loading factor (LF)	Anaerobic Non-Biodegradable (an NBO)	Aerobic Non-Biodegradable (a NBO)	Soluble inorganics (SI)	Insoluble inorganics (II)	THOD
		NOEC measured	LTE						
44	Fatty acid (C ≥ 14)	EC0 = 1,6	1,6	0,05	O	O	O	O	2,9
45	Silicate / disilicate	EC50 > 1 000	1 000	0,8	O	O	Y	O	0,0
46	NTA	19	19	0,13	O	O	O	O	0,6
47	Polyaspartic acid. Na salt	125	12,5	0,13	Y, CF = 0,1	O	O	O	1,2
<i>Bleaching</i>									
48	Perborate mono (as borate)	1 - 10	6	1	O	O	Y	O	0,0
49	Perborate tetra (as borate)	1 - 10	6	1	O	O	Y	O	0,0
50	Percarbonate (see carbonate)	LC50 = 250	250	0,8	O	O	Y	O	0,0
51	TAED	EC0 = 500	EC0 = 500	0,13	O	O	O	O	2,0
<i>Solvents</i>									
52	C 1 - C 4 alcohols	LC50 = 8 000	100	0,13	O	O	O	O	2,3
53	Monoethanolamine	0,78	0,78	0,13	O	O	O	O	2,4
54	Diethanolamine	0,78	0,78	0,13	O	O	O	O	2,3
55	Triethanolamine	0,78	0,78	0,13	O	O	O	O	2
<i>Miscellaneous</i>									
56	Polyvinylpyrrolidon (PVP / PVNO / PVPVI)	EC50 > 100	100	0,75	Y, CF = 0,1	Y	O	O	0 (*)
57	Phosphonates	7,4	7	0,4	Y, CF = 0,5	Y	O	O	0 (*)
58	EDTA	LOEC = 11	11	1	Y, CF = 0,1	Y	O	O	0 (*)
59	CMC	LC50 > 250	250	0,75	Y, CF = 0,1	Y	O	O	0 (*)
60	Na Sulphate	EC50 = 2 460	1 000	1	O	O	Y	O	0,0
61	Mg Sulphate	EC50 = 788	800	1	O	O	Y	O	0,0
62	Na Chloride	EC50 = 650	650	1	O	O	Y	O	0,0
63	Urea	LC50 > 10 000	100	0,13	O	O	O	O	2,1
64	Maleic acid	LC50 = 106	2,1	0,13	O	O	O	O	0,8
65	Malic acid	LC50 = 106	2,1	0,13	O	O	O	O	0,6
66	Ca formiate		100	0,13	O	O	O	O	2,0
67	Silica		100	0,05	O	O	O	Y	0,0
68	High MW polymers PEG > 4000		100	0,4	O	Y	O	O	0 (*)
69	Low MW polymers PEG > 4000		100	0,13	O	O	O	O	1,1

DID No	Ingredients	Toxicity		Loading factor (LF)	Anaerobic Non-Biodegradable (an NBO)	Aerobic Non-Biodegradable (a NBO)	Soluble inorganics (SI)	Insoluble inorganics (II)	THOD
		NOEC measured	LTE						
70	Cumene sulfonate	LC50 = 66	6,6	0,13	Y, CF = 0,25	O	O	O	1,7
71	Xylene sulfonate	LC50 = 66	6,6	0,13	Y, CF = 0,25	O	O	O	1,6
72	Toluene sulfonates	LC50 = 66	6,6	0,13	Y, CF = 0,25	O	O	O	1,4
73	Na-/Mg-/KOH		100	1	O	O	Y	O	0,0
74	Enzymes	LC50 = 25	25	0,13	O	O	O	O	2,0
75	Perfume formulation as used	LC50 = 2-10	0,02	0,1	Y, CF = 3,0	Y	O	O	0 (*)
76	Dyes	LC50 = 10	0,1	0,4	Y, CF = 3,0	Y	O	O	0 (*)
77	Starch	no data	250	0,1	O	O	O	O	0,97
78	Zn phthalocyanine sulfonate	0,16	0,016	0,07 (**)	Y, CF = 2,5	Y	O	O	0 (*)
79	Anionic polyester (Soil release polymer)	EC50 = 310	310	0,4	Y, CF = 0,1	Y	O	O	0 (*)
80	Iminodisuccinate	23	2,3	0,13	Y, CF = 2,5	O	O	O	1,1
<i>Optical brighteners = FWA</i>									
81	FWA 1 ⁽¹⁾	LC0 = 10	1,0	0,4	Y, CF = 1,5	Y	O	O	0 (*)
82	FWA 5 ⁽²⁾	3,13	3,13	0,4	Y, CF = 0,5	Y	O	O	0 (*)
<i>Additional ingredients</i>									
83	Alkyl aminoxides (C12-18)	0,08	0,08	0,05	Y, CF = 2,5	O	O	O	3,2
84	Glycereth (6-17EO) cocoate	EC50 = 32	1,6	0,05	O	O	O	O	2,1
85	Phosphate esters (C12-18)	EC50 = 38	1,9	0,05	Y, CF = 2,5	O	O	O	2,3

⁽¹⁾ FWA 1 = Disodium 4.4-bis (4-anilino-5-morpholino-1,3,5-triazin-2-yl)amino stilbene-2.2-disulfonate

⁽²⁾ FWA 5 = Disodium 4.4-bis(2-sulfostryryl)biphenyl

(*) THOD for aerobically non degradable organic substances is set to zero

(**) rapid photodegradation

Notes:

Y = yes, criterion applies

NOEC = non observed effect concentration

O = no, criterion does not apply

CF = correction factor for anaerobic non degradable organic substances

LTE = long term effect concentration

THOD = theoretical oxygen demand

Appendix I.B

The following approach applies, as appropriate in the case of ingredients that are not listed on the DID-list

Aquatic toxicity

The lowest validated long-term effect (LTE) data on fish, *daphnia magna* or algae should be considered for the calculation of the critical dilution volume criterion (toxicity).

In cases where data on homologues and/or QSARs (quantitative structure activity relationships) are used, a correction could be considered for the finally selected LTE data.

In the absence of LTE data the following procedure has to be applied in order to estimate the LTE data by using the specified uncertainty factor (UF) on the data of the most sensitive species:

Non surfactants

DATA AVAILABLE	UF TO BE USED
At least 2 acute LC ₅₀ on fish or <i>daphnia</i> or algae	100
1 NOEC on fish or <i>daphnia</i> or algae	10
2 NOEC on fish or <i>daphnia</i> or algae	5
3 NOEC on fish, <i>daphnia</i> or algae	1
	Take lowest validated NOEC

Deviation from this rule may be admitted if evidence can be provided that lower factors or data can be scientifically justified. NOEC is the No Observed Effect Concentration (in a chronic test).

Surfactants

DATA AVAILABLE	UF TO BE USED
At least 2 NOECs on fish or <i>daphnia</i> or algae	1 (lowest NOEC)
1 NOEC on fish or <i>daphnia</i> or algae	1 (NOEC-if species is most sensitive in acute toxicity) 10 (NOEC-if species is not the most sensitive in acute toxicity)
3 LC ₅₀ on fish or <i>daphnia</i> or algae	20 (lowest LC ₅₀)
At least 1 LC ₅₀ on fish, <i>daphnia</i> or algae	50 (lowest LC ₅₀) or 20 in specific cases (see below)

In the last case referred to above, an uncertainty factor of 20 may be used instead of 50 only if 1-2 L(E)C₅₀ (LC₅₀ in case of fish toxicity, EC₅₀ in case of *daphnia* or algal toxicity) data are available and if it can be concluded from the information for other compounds that the most sensitive species have been tested. Such a rule can be applied only within a group of homologues. It should be emphasised that the LTEs (long-term effects) used must be consistent within a group of homologues with respect to the influence of e.g. length of alkyl chain for LAS (linear alkylbenzene sulphonate) or number of EO (ethoxy groups) for alcohol-ethoxylate if such QSARs can be established.

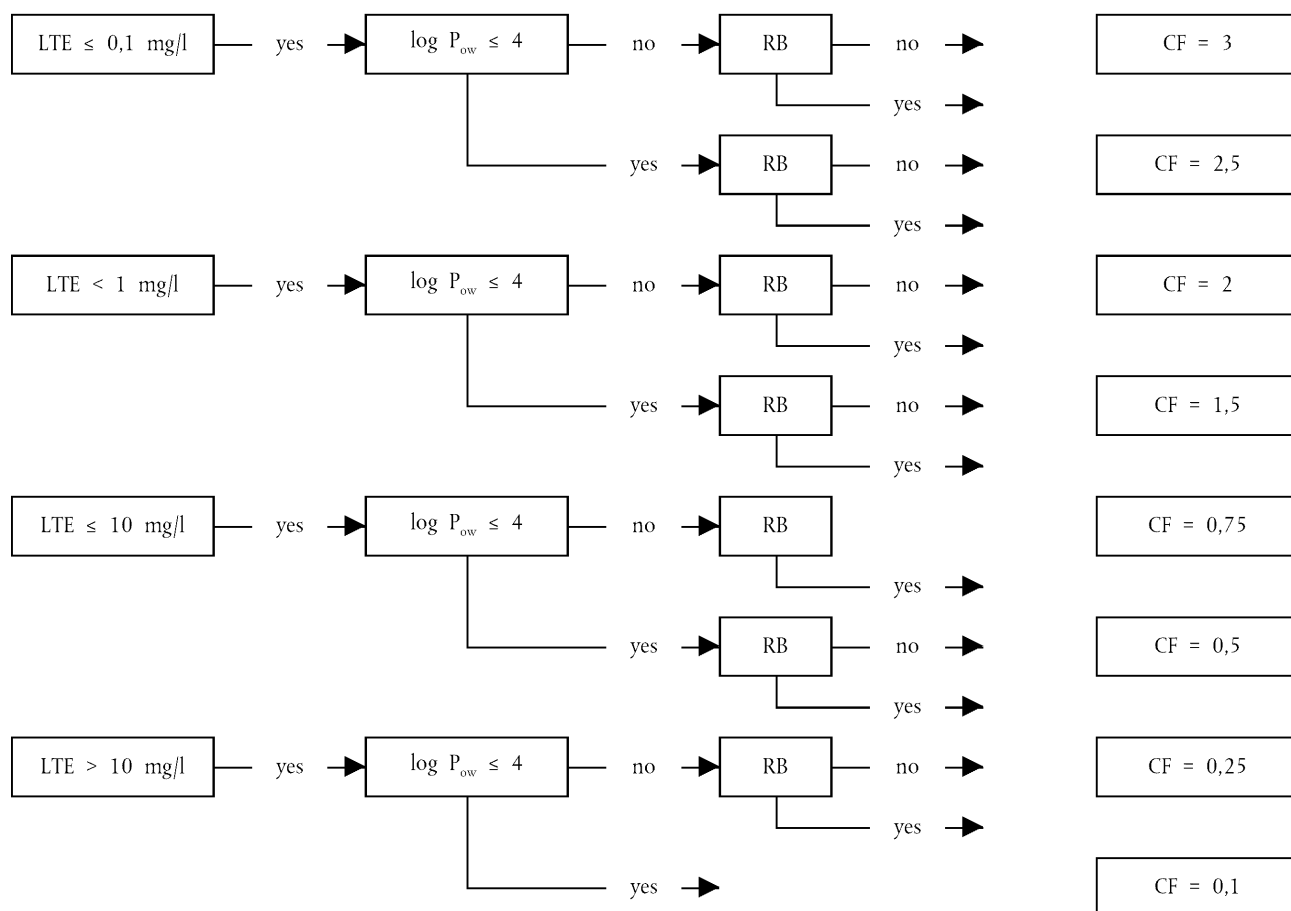
Any deviation from the above-described scheme has to be well reasoned for the specific chemical.

Loading factors

Loading factors shall be established according to Commission Directive 93/67/EEC of 20 July 1993 laying down the principles for assessment of risk to man and the environment of substances ⁽¹⁾ notified in accordance with Council Directive 67/548/EEC and to Council Regulation (EEC) No 793/93 ⁽²⁾.

⁽¹⁾ OJ L 227, 8.9.1993, p. 9.

⁽²⁾ OJ L 84, 5.4.1993, p. 1.

Non-biodegradable organics (anaerobic): flow diagram to define correction factors (CF) ⁽¹⁾

RB: ready aerobic biodegradability

LTE: long-term effect

CF: correction factor

⁽¹⁾ The correction factors are to be established on the basis of the ingredient properties and applied to the dosage expressed in g/wash.

Appendix I.C

Documentation of anaerobic biodegradability

The following approach may be used to provide the necessary documentation of anaerobic degradability in the case of ingredients that are not listed in the DID-list:

1. Apply reasonable extrapolation

Use test results obtained with one raw material to extrapolate the ultimate anaerobic degradability of structurally related surfactants. If anaerobic biodegradability has been confirmed for a surfactant (or a group of homologues) according to the DID-list, it can be assumed that a similar type of surfactant is also anaerobically biodegradable (e.g., C12-15 A 1-3 EO sulphate (DID No 8) is anaerobically biodegradable, and a similar anaerobic biodegradability may also be assumed for C12-15 A 6 EO sulphate). If anaerobic biodegradability has been confirmed for a surfactant by use of an appropriate test method, it can be assumed that a similar type of surfactant is also anaerobically biodegradable (e.g., literature data confirming the anaerobic biodegradability of surfactants belonging to the group alkyl ester ammonium salts may be used as documentation for a similar anaerobic biodegradability of other quaternary ammonium salts containing ester-linkages in the alkyl chain(s)).

2. Perform screening test for anaerobic degradability

If new testing is necessary, perform a screening test by use of ISO 11734, ECETOC No 28 (June 1988) or an equivalent method.

3. Perform low-dosage degradability test

If new testing is necessary, and in the case of experimental problems in the screening test (e.g. inhibition due to toxicity of test substance), repeat testing by using a low dosage of surfactant and monitor degradation by ¹⁴C measurements or chemical analyses. Testing at low dosages may be performed by use of OECD 308 (August 2000) or an equivalent method.
