

Official Journal

of the European Union

L 196



English edition

Legislation

Volume 52

28 July 2009

Contents

I Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory

REGULATIONS

Commission Regulation (EC) No 673/2009 of 27 July 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 674/2009 of 22 July 2009 concerning the classification of certain goods in the Combined Nomenclature	3
★ Commission Regulation (EC) No 675/2009 of 27 July 2009 opening the invitation to tender for the reduction in the duty on sorghum imported into Spain from third countries	5
★ Commission Regulation (EC) No 676/2009 of 27 July 2009 opening an invitation to tender for the reduction in the duty on maize imported into Spain from third countries	6
★ Commission Regulation (EC) No 677/2009 of 27 July 2009 opening an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries	7
★ Commission Regulation (EC) No 678/2009 of 27 July 2009 amending for the 110th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban	8

DIRECTIVES

- ★ **Council Directive 2009/82/EC of 13 July 2009 amending Directive 91/414/EEC to include tetraconazole as an active substance ⁽¹⁾** 10
 - ★ **Commission Directive 2009/83/EC of 27 July 2009 amending certain Annexes to Directive 2006/48/EC of the European Parliament and of the Council as regards technical provisions concerning risk management ⁽¹⁾** 14
-

II *Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory*

DECISIONS

Council

2009/562/EC:

- ★ **Council Decision of 13 July 2009 concerning the non-inclusion of metam in Annex I to Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance ⁽¹⁾** 22

Commission

2009/563/EC:

- ★ **Commission Decision of 9 July 2009 on establishing the ecological criteria for the award of the Community eco-label for footwear (notified under document number C(2009) 5612) ⁽¹⁾** 27

2009/564/EC:

- ★ **Commission Decision of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label for campsite service (notified under document number C(2009) 5618) ⁽¹⁾** 36



⁽¹⁾ Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 673/2009**of 27 July 2009****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 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 28 July 2009.

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

Done at Brussels, 27 July 2009.

For the Commission

Jean-Luc DEMARTY

*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	MK	24,7
	XS	31,8
	ZZ	28,3
0707 00 05	TR	98,3
	ZZ	98,3
0709 90 70	TR	98,5
	ZZ	98,5
0805 50 10	AR	54,1
	UY	48,0
	ZA	63,0
	ZZ	55,0
0806 10 10	EG	151,1
	MA	165,8
	TR	109,5
	US	141,6
	ZA	126,9
	ZZ	139,0
0808 10 80	AR	83,0
	BR	68,8
	CL	82,9
	CN	81,7
	NZ	88,6
	US	91,3
	ZA	89,3
	ZZ	83,7
0808 20 50	AR	83,4
	CL	81,2
	ZA	117,7
	ZZ	94,1
0809 10 00	TR	160,0
	ZZ	160,0
0809 20 95	CA	324,1
	TR	269,5
	US	365,2
	ZZ	319,6
0809 30	TR	158,1
	ZZ	158,1

⁽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'.

COMMISSION REGULATION (EC) No 674/2009**of 22 July 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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, 22 July 2009.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
A plastic figurine used as a dispenser with a height of 23 cm, having a round shaped corpus with arms and legs constituting a football player which is fixed on a pedestal. The product is destined to be filled with sweets. By moving one arm the sweets come out through a round opening in the corpus.	3926 90 97	Classification is determined by General Rules 1 and 6 on the interpretation of the Combined Nomenclature, Note 1 (v) to Chapter 95 and the wording of CN codes 3926, 3926 90 and 3926 90 97. The plastic dispenser of sweets does not have the character of a toy because it simply dispenses sweets and has no real play value of its own. The product does not have the character of kitchenware or other household articles of heading 3924. This product, used to store sweets, has a utilitarian function within the meaning of Note 1 (v) to Chapter 95 and therefore it has to be classified according to its constituent material under CN code 3926 90 97.

COMMISSION REGULATION (EC) No 675/2009**of 27 July 2009****opening the invitation to tender for the reduction in the duty on sorghum imported into Spain from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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⁾, and in particular Article 144, in conjunction with Article 4 thereof,

Whereas:

- (1) In accordance with the Community's international obligations within the framework of the Uruguay Round multilateral negotiations ⁽²⁾, the Community undertook to import a certain quantity of sorghum into Spain.
- (2) Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾ laid down the specific detailed rules necessary for implementing the invitations to tender.
- (3) In view of the market conditions in Spain, an invitation to tender for the reduction in the import duty on sorghum should be opened to ensure the import quota is completely used.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. A tendering procedure is opened for the reduction in the duty referred to in Article 136 of Regulation (EC) 1234/2007 on sorghum to be imported into Spain.

2. The provisions of Regulation (EC) No 1296/2008 shall apply.

Article 2

The invitation shall remain open until 17 December 2009. During that period partial invitations to tender shall be issued and the dates for submission of tenders shall be laid down in the notice of invitation to tender.

Article 3

Import licences issued in the context of this invitation to tender shall be valid for 50 days from the date of issue within the meaning of Article 11(4) of Regulation (EC) No 1296/2008.

Article 4

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

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

Done at Brussels, 27 July 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 336, 23.12.1994, p. 22.

⁽³⁾ OJ L 340, 19.12.2008, p. 57.

COMMISSION REGULATION (EC) No 676/2009**of 27 July 2009****opening an invitation to tender for the reduction in the duty on maize imported into Spain from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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⁾, and in particular Article 144 in conjunction with Article 4 thereof,

Whereas:

- (1) In accordance with the Community's international obligations within the framework of the Uruguay Round multilateral negotiations ⁽²⁾, the Community undertook to import a certain quantity of maize into Spain.
- (2) Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾ laid down the specific detailed rules necessary for implementing the invitations to tender.
- (3) In view of the market conditions in Spain, an invitation to tender for the reduction in the import duty on maize should be opened to ensure the import quota is completely used.

- (4) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

1. A tendering procedure is opened for the reduction in the duty referred to in Article 136 of Regulation (EC) 1234/2007 on maize to be imported into Spain.
2. The provisions of Regulation (EC) No 1296/2008 shall apply.

Article 2

The invitation shall remain open until 17 December 2009. During that period partial invitations to tender shall be issued and the dates for submission of tenders shall be laid down in the notice of invitation to tender.

Article 3

Import licences issued in the context of this invitation to tender shall be valid for 50 days from the date of issue within the meaning of Article 11(4) of Regulation (EC) No 1296/2008.

Article 4

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

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

Done at Brussels, 27 July 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 336, 23.12.1994, p. 22.

⁽³⁾ OJ L 340, 19.12.2008, p. 57.

COMMISSION REGULATION (EC) No 677/2009**of 27 July 2009****opening an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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⁾, and in particular Article 144 in conjunction with Article 4 thereof,

Whereas:

- (1) In accordance with the Community's international obligations within the framework of the Uruguay Round multilateral negotiations ⁽²⁾, the Community undertook to import a certain quantity of maize into Portugal.
- (2) Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾ laid down the specific detailed rules necessary for implementing the invitations to tender.
- (3) In view of the market conditions in Portugal, an invitation to tender for the reduction in the import duty on maize should be opened to ensure the import quota is completely used.

- (4) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

1. A tendering procedure is opened for the reduction in the duty referred to in Article 136 of Regulation (EC) 1234/2007 on maize to be imported into Portugal.

2. The provisions of Regulation (EC) No 1296/2008 shall apply.

Article 2

The invitation shall remain open until 17 December 2009. During that period partial invitations to tender shall be issued and the dates for submission of tenders shall be laid down in the notice of invitation to tender.

Article 3

Import licences issued in the context of this invitation to tender shall be valid for 50 days from the date of issue within the meaning of Article 11(4) of Regulation (EC) No 1296/2008.

Article 4

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

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

Done at Brussels, 27 July 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 336, 23.12.1994, p. 22.

⁽³⁾ OJ L 340, 19.12.2008, p. 57.

COMMISSION REGULATION (EC) No 678/2009**of 27 July 2009****amending for the 110th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan⁽¹⁾, and in particular the first indent of Article 7(1) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 20 July 2009, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 July 2009.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entries under the heading 'Natural persons' are deleted:

1. Nabil Abdul Salam **Sayadi** (*alias* Abu Zeinab). Address: Vaatjesstraat 29, 2580 Putte, Belgium. Date of birth: 1.1.1966. Place of birth: El Hadid, Tripoli, Lebanon. Nationality: Belgian since 18.9.2001. Other information: spouse of Patricia Vinck; married on 29.5.1992 in Peschawar, Pakistan.
 2. Patricia Rosa **Vinck** (*alias* Souraya P. Vinck). Address: Vaatjesstraat 29, 2580 Putte, Belgium. Date of birth: 4.1.1965. Place of birth: Berchem (Antwerp), Belgium. Nationality: Belgian. Other information: spouse of Nabil Sayadi.
-

DIRECTIVES

COUNCIL DIRECTIVE 2009/82/EC

of 13 July 2009

amending Directive 91/414/EEC to include tetraconazole as an active substance

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes tetraconazole.
- (2) For tetraconazole the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 10(1) of Regulation (EC) No 1490/2002. For tetraconazole the rapporteur Member State was Italy and all relevant information was submitted on 15 July 2005.
- (3) The assessment report has been peer reviewed by the Member States and the EFSA, and presented to the Commission on 31 July 2008 in the format of the EFSA Scientific Report for tetraconazole. This report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 26 February 2009 in the format of the Commission review report for tetraconazole.

- (4) It has appeared from the various examinations made that plant protection products containing tetraconazole may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which have been examined and detailed in the Commission review report. It is therefore appropriate to include tetraconazole in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.
- (5) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EEC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate as regards tetraconazole, to require that the notifier submits further information on a refined consumer risk assessment, on the specification regarding ecotoxicology, on the fate and behaviour of potential metabolites in all relevant compartments, on the refined risk assessment of such metabolites to birds, mammals aquatic organisms and non-target arthropods and on the potential for endocrine disrupting effects to birds, mammals and fish.
- (6) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (7) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection containing tetraconazole to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

- (8) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties, it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.
- (9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (10) The Standing Committee on the Food Chain and Animal Health has not delivered an opinion within the time-limit laid down by its Chairman.
- (11) In accordance with point 34 of the Interinstitutional agreement on better law-making⁽²⁾, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and the transposition measures, and to make them public,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

Member States shall adopt and publish by 30 June 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply these provisions from 1 July 2010.

When they are adopted by Member States, 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 Member States.

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing tetraconazole as an active substance by 30 June 2010.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to tetraconazole are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing tetraconazole as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 December 2009 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning tetraconazole. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in points (b), (c), (d) and (e) of Article 4(1) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing tetraconazole as the only active substance, where necessary, amend or withdraw the authorisation by 30 June 2014; or
- (b) in the case of a product containing tetraconazole as one of several active substances, where necessary, amend or withdraw the authorisation by 30 June 2014 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 January 2010.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

⁽²⁾ OJ C 321, 31.12.2003, p. 1.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 13 July 2009.

For the Council

The President

E. ERLANDSSON

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

Number	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
	Tetraconazole CAS No 112281-77-3 CIPAC No 726	(RS)-2-(2,4-dichlorophenyl)-3-(1H-1,2,4-triazol-1-yl)-propyl-1,1,2,2-tetrafluoroethyl ether	≥ 950 g/kg (racemic mixture) Impurity toluene: not more than 13 g/kg	1 January 2010	31 December 2019	PART A Only uses as fungicide in field crops with an application of max. 0,100 kg/ha every third year on the same field may be authorised. Uses in apples and grapes must not be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on tetraconazole, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2009 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the protection of aquatic organisms and non-target plants; in relation to these identified risks, risk mitigation measures, such as buffer zones, shall be applied where appropriate, — the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions, The Member States concerned shall request: — the submission of further information on a refined consumer risk assessment, — further information on the specification regarding ecotoxicology, — further information on the fate and behaviour of potential metabolites in all relevant compartments, — the refined risk assessment of such metabolites to birds, mammals aquatic organisms and non-target arthropods, — further information on the potential for endocrine disrupting effects to birds, mammals and fish, They shall ensure that the notifier provides such information to the Commission by 31 December 2011.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

COMMISSION DIRECTIVE 2009/83/EC
of 27 July 2009
amending certain Annexes to Directive 2006/48/EC of the European Parliament and of the Council
as regards technical provisions concerning risk management
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Article 1

Directive 2006/48/EC is amended as follows:

Having regard to Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions ⁽¹⁾, in particular Article 150(1)(l) thereof,

1. in Annex V, point 8 is replaced by the following:

Whereas:

‘8. The risks arising from securitisation transactions in relation to which the credit institutions are investor, originator or sponsor shall be evaluated and addressed through appropriate policies and procedures. These policies and procedures shall in particular ensure that the economic substance of the transaction is fully reflected in the risk assessment and management decisions.’;

(1) In order to ensure a coherent implementation and application throughout the EU of Directive 2006/48/EC, the Commission and the Committee of European Banking Supervisors set up a working group (Capital Requirements Directive Transposition Group — CRDTG) in 2006, entrusted with the task of discussing and resolving issues related to the implementation and application of that Directive. According to the CRDTG, certain technical provisions included in Annexes V, VI, VII, VIII, IX, X and XII to Directive 2006/48/EC need to be further specified in order to ensure a convergent application. Moreover, certain provisions are not commensurate with sound risk management practices of credit institutions. It is therefore appropriate to adjust these provisions.

2. Annex VI, Part 1, is amended as follows:

(a) in point 29, the introductory phrase is replaced by the following:

(2) For the sake of achievement of the internal market, the ways in which a credit institution can demonstrate that there is significant transfer of risk off its balance sheet should be clarified. It is also appropriate to increase the credit conversion factor for liquidity facilities granted by credit institutions to off-balance sheet vehicles.

‘29. Exposures to institutions with a residual maturity of more than three months for which a credit assessment by a nominated ECAI is available shall be assigned a risk weight according to Table 4 in accordance with the assignment by the competent authorities of the credit assessments of eligible ECAIs to six steps in a credit quality assessment scale.’;

(3) Directive 2006/48/EC should therefore be amended accordingly.

(b) in point 31, the introductory phrase is replaced by the following:

(4) The measures provided for in this Directive are in accordance with the opinion of the European Banking Committee,

‘31. Exposures to an institution of up to three months residual maturity for which a credit assessment by a nominated ECAI is available shall be assigned a risk-weight according to Table 5 in accordance with the assignment by the competent authorities of the credit assessments of eligible ECAIs to six steps in a credit quality assessment scale.’;

⁽¹⁾ OJ L 177, 30.6.2006, p. 1.

(c) point 14 is replaced by the following:

‘14. EXPOSURES TO INSTITUTIONS AND CORPORATES WITH A SHORT-TERM CREDIT ASSESSMENT’;

(d) in point 73, the introductory phrase is replaced by the following:

‘73. Exposures to institutions where points 29 to 32 apply, and exposures to corporates for which a short-term credit assessment by a nominated ECAI is available shall be assigned a risk weight according to Table 7, in accordance with the mapping by the competent authorities of the credit assessments of eligible ECAIs to six steps in a credit quality assessment scale.’;

(e) the following point 90 is added:

‘90. The exposure value for leases shall be the discounted minimum lease payments. Minimum lease payments are the payments over the lease term that the lessee is or can be required to make and any bargain option (i.e. option the exercise of which is reasonably certain). Any guaranteed residual value fulfilling the set of conditions in Annex VIII, Part 1, points 26, 27 and 28 regarding the eligibility of protection providers as well as the minimum requirements for recognising other types of guarantees provided in Annex VIII, Part 2, points 14 to 19 shall also be included in the minimum lease payments. These exposures shall be assigned to the relevant exposure class in accordance with Article 79. When the exposure is a residual value of leased properties, the risk weighted exposure amounts shall be calculated as follows: $1/t * 100 \% * \text{exposure value}$, where t is the greater of 1 and the nearest number of whole years of the lease remaining.’;

3. Annex VII, Part 1, is amended as follows:

(a) point 25 is replaced by the following:

‘25. The risk weighted exposure amount shall be the potential loss on the credit institution’s equity exposures as derived using internal value-at-risk models subject to the 99th percentile, one-tailed confidence interval of the difference between quarterly returns and an appropriate risk-free

rate computed over a long-term sample period, multiplied by 12.5. The risk weighted exposure amounts at the equity portfolio level shall not be less than the total of the sums of minimum risk weighted exposure amounts required under the PD/LGD Approach and the corresponding expected loss amounts multiplied by 12.5 and calculated on the basis of the PD values set out in Part 2, point 24 and the corresponding LGD values set out in Part 2, points 25 and 26.’;

(b) point 27 is replaced by the following:

‘27. The risk weighted exposure amounts shall be calculated according to the following formula:

$\text{Risk-weighted exposure amount} = 100 \% * \text{exposure value}$,

except for when the exposure is a residual value of leased properties in which case it shall be calculated as follows:

$1/t * 100 \% * \text{exposure value}$,

where t is the greater of 1 and the nearest number of whole years of the lease remaining.’;

4. Annex VII, Part 2, is amended as follows:

(a) point 13(c) is replaced by the following:

‘(c) For exposures arising from fully or nearly-fully collateralised derivative instruments (listed in Annex IV) transactions and fully or nearly-fully collateralised margin lending transactions which are subject to a master netting agreement, M shall be the weighted average remaining maturity of the transactions where M shall be at least 10 days. For repurchase transactions or securities or commodities lending or borrowing transactions which are subject to a master netting agreement, M shall be the weighted average remaining maturity of the transactions where M shall be at least 5 days. The notional amount of each transaction shall be used for weighting the maturity.’;

(b) in point 14, the introductory phrase is replaced by the following:

‘14. Notwithstanding point 13(a), (b), (c), (d) and (e), M shall be at least one-day for’;

5. in Annex VII, Part 4, point 96 is replaced by the following:

‘96. The requirements in points 97 to 104 shall not apply for guarantees provided by institutions, central governments and central banks, and corporate entities which meet the requirements laid down in Annex VIII, Part 1, point 26(g) if the credit institution has received approval to apply the rules of Articles 78 to 83 for exposures to such entities. In this case the requirements of Articles 90 to 93 shall apply.’;

6. Annex VIII, Part 1 is amended as follows:

(a) in point 9, the following paragraph is added:

‘If the collective investment undertaking is not limited to investing in instruments that are eligible for recognition under points 7 and 8, units may be recognised with the value of the eligible assets as collateral under the assumption that the CIU has invested to the maximum extent allowed under its mandate in non-eligible assets. In cases where non-eligible assets can have a negative value due to liabilities or contingent liabilities resulting from ownership, the credit institution shall calculate the total value of the non-eligible assets and shall reduce the value of the eligible assets by that of the non-eligible assets in case the latter is negative in total.’;

(b) in point 11, the following paragraph is added:

‘If the collective investment undertaking is not limited to investing in instruments that are eligible for recognition under point 7 and 8 and the items mentioned in point (a) of this point, units may be recognised with the value of the eligible assets as collateral under the assumption that the CIU has invested to the maximum extent allowed under its mandate in non-eligible assets. In cases where non-eligible assets can have a negative value due to liabilities or contingent liabilities resulting from ownership, the credit institution shall calculate the total value of the non-eligible assets and shall reduce the value of the eligible assets by that of the non-eligible assets in case the latter is negative in total.’;

7. Annex VIII, Part 2, is amended as follows:

(a) point 13 is replaced by the following:

‘13. For life insurance policies pledged to the lending credit institution to be recognised, all the following conditions shall be met:

- (a) the life insurance policy is openly pledged or assigned to the lending credit institution;
- (b) the company providing the life insurance is notified of the pledge or assignment and as a result may not pay amounts payable under the contract without the consent of the lending credit institution;
- (c) the lending credit institution has the right to cancel the policy and receive the surrender value in the event of the default of the borrower;
- (d) the lending credit institution is informed of any non-payments under the policy by the policy-holder;
- (e) the credit protection is provided for the maturity of the loan. Where this is not possible because the insurance relationship ends before the loan relationship expires, the credit institution must ensure that the amount deriving from the insurance contract serves the credit institution as security until the end of the duration of the credit agreement;
- (f) the pledge or assignment is legally effective and enforceable in all jurisdictions which are relevant at the time of the conclusion of the credit agreement;
- (g) the surrender value is declared by the company providing the life insurance and is non-reducible;
- (h) the surrender value is to be paid in a timely manner upon request;
- (i) the surrender value cannot be requested without the consent of the credit institution;
- (j) the company providing the life insurance is subject to Directive 2002/83/EC and Directive 2001/17/EC of the European Parliament and of the Council (*) or is subject to supervision by a competent authority of a third country which applies supervisory and regulatory arrangements at least equivalent to those applied in the Community.

(*) OJ L 110, 20.4.2001, p. 28.’

(b) in point 16, the introductory phrase is replaced by the following:

‘16. Where an exposure is protected by a guarantee which is counter-guaranteed by a central government or central bank, a regional government or local authority, a public sector entity, claims on which are treated as claims on the central government in whose jurisdiction they are established under Articles 78 to 83, a multi-lateral development bank or an international organisation, to which a 0 % risk weight is assigned under or by virtue of Articles 78 to 83, or a public sector entity, claims on which are treated as claims on credit institutions under Articles 78 to 83, the exposure may be treated as protected by a guarantee provided by the entity in question, provided the following conditions are satisfied:’

8. Annex VIII, Part 3, is amended as follows:

(a) point 24 is replaced by the following:

‘24. The Financial Collateral Simple Method shall be available only where risk-weighted exposure amounts are calculated under Articles 78 to 83. A credit institution shall not use both the Financial Collateral Simple Method and the Financial Collateral Comprehensive Method, unless for the purposes of Articles 85(1) and 89(1). Credit institutions shall demonstrate to the competent authorities that this exceptional application of both methods is not used selectively with the purpose of achieving reduced minimum capital requirements and does not lead to regulatory arbitrage.’

(b) point 26 is replaced by the following:

‘26. The risk weight that would be assigned under Articles 78 to 83 if the lender had a direct exposure to the collateral instrument shall be assigned to those portions of exposure values collateralised by the market value of recognised collateral. For this purpose, the exposure value of an off-balance sheet item listed in Annex II shall be 100 % of its value rather than the exposure value indicated in Article 78(1). The risk weight of the collateralised portion shall be a minimum of 20 % except as specified in points 27 to 29. The remainder of the exposure value shall receive the risk weight that would be assigned to an unsecured exposure to the counterparty under Articles 78 to 83.’

(c) in point 33, the definition of the variable ‘E’ is replaced by the following:

‘E is the exposure value as would be determined under Articles 78 to 83 or Articles 84 to 89 as appropriate if the exposure was not collateralised. For this purpose, for credit institutions calculating risk-weighted exposure amounts under Articles 78 to 83, the exposure value of an off-balance sheet item listed in Annex II shall be 100 % of its value rather than the exposure value indicated in Article 78(1), and for credit institutions calculating risk-weighted exposure amounts under Articles 84 to 89, the exposure value of the items listed in Annex VII, Part 3, points 9 to 11 shall be calculated using a conversion factor of 100 % rather than the conversion factors or percentages indicated in those points.’

(d) in point 69, the following sentence is added:

‘For this purpose, the exposure value of the items listed in Annex VII, Part 3, points 9, 10 and 11 shall be calculated using a conversion factor or percentage of 100 % rather than the conversion factors or percentages indicated in those points.’

(e) point 75 is replaced by the following:

‘75. Where the discretion provided for in point 73 is exercised by the competent authorities of a Member State, the competent authorities of another Member State may authorise their credit institutions to assign the risk weights permitted under the treatment of point 73 in respect of exposures collateralised by residential real estate property or commercial real estate property located in the territory of the former Member State subject to the same conditions as apply in the former Member State.’

(f) point 80 is replaced by the following:

‘80. Where the conditions set out in Part 2, point 13 are satisfied, the portion of the exposure collateralised by the current surrender value of credit protection falling within the terms of Part 1, point 24 shall be either of the following:

(a) subject to the risk weights specified in point 80a where the exposure is subject to Articles 78 to 83;

(b) assigned an LGD of 40 % where the exposure is subject to Articles 84 to 89 but not subject to the credit institution's own estimates of LGD.

In case of a currency mismatch, the current surrender value shall be reduced according to point 84, the value of the credit protection being the current surrender value of the life insurance policy;'

(g) the following new point 80a is inserted after point 80:

'80a. For purposes of point 80(a), the following risk weights shall be assigned on the basis of the risk weight assigned to a senior unsecured exposure to the company providing the life insurance:

- (a) a risk weight of 20 %, where the senior unsecured exposure to the company providing the life insurance is assigned a risk weight of 20 %;
- (b) a risk weight of 35 %, where the senior unsecured exposure to the company providing the life insurance is assigned a risk weight of 50 %;
- (c) a risk weight of 70 %, where the senior unsecured exposure to the company providing the life insurance is assigned a risk weight of 100 %;
- (d) a risk weight of 150 %, where the senior unsecured exposure to the company providing the life insurance is assigned a risk weight of 150 %;

(h) point 87 is replaced by the following:

'87. For the purposes of Article 80, g shall be the risk weight to be assigned to an exposure, the exposure value (E) of which is fully protected by unfunded protection (G_A), where:

E is the exposure value according to Article 78; for this purpose, the exposure value of an off-balance sheet item listed in Annex II shall be 100 % of its value rather than the exposure value indicated in Article 78(1);

g is the risk weight of exposures to the protection provider as specified under Articles 78 to 83; and

G_A is the value of G^* as calculated under point 84 further adjusted for any maturity mismatch as laid down in Part 4;'

(i) in point 88, the definition of the variable 'E' is replaced by the following:

'E is the exposure value according to Article 78. For this purpose, the exposure value of an off-balance sheet item listed in Annex II shall be 100 % of its value rather than the exposure value indicated in Article 78(1);'

(j) points 90, 91 and 92 are replaced by the following:

'90. For the covered portion of the exposure value (E) (based on the adjusted value of the credit protection G_A), the PD for the purposes of Annex VII, Part 2 may be the PD of the protection provider, or a PD between that of the borrower and that of the guarantor if a full substitution is deemed not to be warranted. In the case of subordinated exposures and non-subordinated unfunded protection, the LGD to be applied for the purposes of Annex VII, Part 2 may be that associated with senior claims.

91. For any uncovered portion of the exposure value (E) the PD shall be that of the borrower and the LGD shall be that of the underlying exposure.

92. G_A is the value of G^* as calculated under point 84 further adjusted for any maturity mismatch as laid down in Part 4. E is the exposure value according to Annex VII, Part 3. For this purpose, the exposure value of the items listed in Annex VII, Part 3, points 9 to 11 shall be calculated using a conversion factor or percentage of 100 % rather than the conversion factors or percentages indicated in those points;'

9. Annex IX, Part 2 is amended as follows:

(a) point 1 is amended as follows:

(i) the introductory phrase is replaced by the following:

'1. The originator credit institution of a traditional securitisation may exclude securitised exposures from the calculation of risk-weighted exposure amounts and expected loss amounts if either of the following conditions is fulfilled:

- (a) significant credit risk associated with the securitised exposures is considered to have been transferred to third parties;

- (b) the originator credit institution applies a 1 250 % risk weight to all securitisation positions it holds in this securitisation or deducts these securitisation positions from own funds according to Article 57 (r).;
- (ii) the following points 1a to 1d are inserted after the introductory phrase:
- ‘1a. Unless the competent authority decides in a specific instance that the possible reduction in risk weighted exposure amounts which the originator credit institution would achieve by this securitisation is not justified by a commensurate transfer of credit risk to third parties, significant credit risk shall be considered to have been transferred in the following cases:
- (a) the risk-weighted exposure amounts of the mezzanine securitisation positions held by the originator credit institution in this securitisation do not exceed 50 % of the risk weighted exposure amounts of all mezzanine securitisation positions existing in this securitisation;
- (b) where there are no mezzanine securitisation positions in a given securitisation and the originator can demonstrate that the exposure value of the securitisation positions that would be subject to deduction from own funds or a 1 250 % risk weight exceeds a reasoned estimate of the expected loss on the securitised exposures by a substantial margin, the originator credit institution does not hold more than 20 % of the exposure values of the securitisation positions that would be subject to deduction from own funds or a 1 250 % risk weight.
- 1b. For the purposes of point 1a, mezzanine securitisation positions mean securitisation positions to which a risk weight lower than 1 250 % applies and that are more junior than the most senior position in this securitisation and more junior than any securitisation position in this securitisation to which:
- (a) in the case of a securitisation position subject to points 6 to 36 of part 4 a credit quality step 1; or
- (b) in the case of a securitisation position subject to points 37 to 76 of part 4 a credit quality step 1 or 2 is assigned under Part 3.
- 1c. As an alternative to points 1a and 1b significant credit risk may be considered to have been transferred if the competent authority is satisfied that a credit institution has policies and methodologies in place, ensuring that the possible reduction of capital requirements which the originator achieves by the securitisation is justified by a commensurate transfer of credit risk to third parties. The competent authorities shall only be satisfied if the originator credit institution can demonstrate that such transfer of credit risk to third parties is also recognised for purposes of the credit institution’s internal risk management and its internal capital allocation.
- 1d. In addition to points 1 to 1c, all the following conditions shall be met:;
- (b) point 2 is amended as follows:
- (i) the introductory phrase is replaced by the following:
- ‘2. An originator credit institution of a synthetic securitisation may calculate risk-weighted exposure amounts, and, as relevant, expected loss amounts, for the securitised exposures in accordance with points 3 and 4, if either of the following is met:
- (a) significant credit risk is considered to have been transferred to third parties either through funded or unfunded credit protection;
- (b) the originator credit institution applies a 1 250 % risk weight to all securitisation positions he holds in this securitisation or deducts these securitisation positions from own funds according to Article 57 (r).;
- (ii) the following points 2a to 2d are inserted after the introductory phrase:
- ‘2a. Unless the competent authority decides on a case- by-case basis that the possible reduction in risk weighted exposure amounts which the originator credit institution would achieve by this securitisation is not justified by a commensurate transfer of credit risk to third parties, significant credit risk shall be considered to have been transferred if either of the following conditions is met:

- (a) the risk-weighted exposure amounts of the mezzanine securitisation positions which are held by the originator credit institution in this securitisation do not exceed 50 % of the risk weighted exposure amounts of all mezzanine securitisation positions existing in this securitisation;
- (b) where there are no mezzanine securitisation positions in a given securitisation and the originator can demonstrate that the exposure value of the securitisation positions that would be subject to deduction from own funds or a 1 250 % risk weight exceeds a reasoned estimate of the expected loss on the securitised exposures by a substantial margin, the originator credit institution does not hold more than 20 % of the exposure values of the securitisation positions that would be subject to deduction from own funds or a 1 250 % risk weight.
- 2b. For the purposes of point 2a, mezzanine securitisation positions means securitisation positions to which a risk weight lower than 1 250 % applies and that are more junior than the most senior position in this securitisation and more junior than any securitisation positions in this securitisation to which:
- (a) in the case of a securitisation position subject to points 6 to 36 of part 4 a credit quality step 1; or
- (b) in the case of a securitisation position subject to points 37 to 76 of part 4 a credit quality step 1 or 2 is assigned under Part 3.
- 2c. As an alternative to points 2a and 2b, significant credit risk may be considered to have been transferred if the competent authority is satisfied that a credit institution has policies and methodologies in place to ensure that a possible reduction of capital requirements that the originator achieves by the securitisation is justified by a commensurate transfer of credit risk to third parties. The competent authorities shall only be satisfied if the originator credit institution can demonstrate that such transfer of credit risk to third parties is also recognised for purposes of the credit institutions internal risk management and its internal capital allocation.
- 2d. In addition, the transfer shall comply with the following conditions:;
10. Annex IX, Part 4, is amended as follows:
- (a) in point 13 the introductory phrase is replaced by the following:
- ‘When the following conditions are met, to determine its exposure value a conversion figure of 50 % may be applied to the nominal amount of a liquidity facility.’;
- (b) points 2.4.2 and 14 are deleted;
- (c) point 48 is deleted;
- (d) points 3.5.1 and 56 are deleted;
11. in Annex X, Part 2, point 1 is replaced by the following:
- ‘1. The capital requirement for operational risk shall be calculated as the three-year average of the yearly summations of the capital requirements across business lines referred to in Table 2. In any given year, negative capital requirements (resulting from negative gross income) in any business line may offset positive capital requirements in other business lines without limit. However, where the aggregate capital requirements across all business lines within a given year are negative, the input to the numerator for that year shall be zero.’;
12. Annex X, Part 3, is amended as follows:
- (a) point 14 is replaced by the following:
- ‘14. Credit institutions shall be able to map their historical internal loss data into the business lines defined in Part 2 and into the event types defined in Part 5, and to provide these data to competent authorities upon request. Loss events which affect the entire institution may be allocated to an additional business line “corporate items” due to exceptional circumstances. There must be documented, objective criteria for allocating losses to the specified business lines and event types. The operational risk losses that are related to credit risk and have historically been included in the internal credit risk databases must be recorded in the operational risk databases and be separately identified. Such losses shall not be subject to the operational risk charge, as long as they continue to be treated as credit risk for the purposes of calculating minimum capital requirements. Operational risk losses that are related to market risks shall be included in the scope of the capital requirement for operational risk.’;

(b) point 29 is replaced by the following:

‘29. The capital alleviation from the recognition of insurances and other risk transfer mechanisms shall not exceed 20 % of the capital requirement for operational risk before the recognition of risk mitigation techniques.’;

13. in Annex XII, Part 2, point 10 the following points (d) and (e) are added:

‘(d) the highest, the lowest and the mean of the daily value-at-risk measures over the reporting period and the value-at-risk measure as per the end of the period;

(e) a comparison of the daily end-of-day value-at-risk measures to the one-day changes of the portfolio’s value by the end of the subsequent business day together with an analysis of any important overshootings during the reporting period.’;

14. In Annex XII, Part 3, point 3 is replaced by the following:

‘3. The credit institutions using the approach set out in Article 105 for the calculation of their own funds requirements for operational risk shall disclose a description of the use of insurances and other risk transfer mechanisms for the purpose of mitigation of this risk.’

Article 2

1. Member States shall adopt and publish, by 31 October 2010 at the latest, the laws, regulations and administrative

provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 31 December 2010.

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

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27 July 2009.

For the Commission

Charlie McCREEVY

Member of the Commission

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 13 July 2009

concerning the non-inclusion of metam in Annex I to Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance

(Text with EEA relevance)

(2009/562/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

(1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.

(2) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes metam.

(3) For metam the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 10(1) of Regulation (EC) No 1490/2002. For metam the rapporteur Member State was Belgium and all relevant information was submitted on 10 September 2007.

(4) The assessment report has been peer reviewed by the Member States and the EFSA within its Working Group Evaluation and presented to the Commission on 26 November 2008 in the format of the EFSA conclusion regarding the peer review of the pesticide risk assessment of the active substance metam. This report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 26 February 2009 in the format of the Commission review report for metam.

(5) During the evaluation of this active substance, a number of concerns have been identified which did not permit to demonstrate the acceptability of consumer exposure. Those concerns were, in particular, inadequate residues studies and lack of information on a toxicologically relevant impurity, N,N'-dimethylthiourea (DMTU). Furthermore, due to the high rate of application, a large amount of the impurity DMTU is released in the environment and the lack of data with respect to its behaviour in the environment gives rise to concern.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

Consequently, it was not possible to conclude, on the basis of the information made available within the deadlines, that metam met the criteria for inclusion in Annex I to Directive 91/414/EEC.

- (6) The Commission invited the notifier to submit its comments on the results of the peer review and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments put forward by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted and evaluated during the EFSA expert meetings have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing metam satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (7) Metam should therefore not be included in Annex I to Directive 91/414/EEC.
- (8) Measures should be taken to ensure that authorisations granted for plant protection products containing metam are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.
- (9) In the light of the information before the Council it appears that, in the absence of efficient alternatives for certain limited uses in certain Member States, there is a need for further use of the active substance so as to enable the development of alternatives. It is therefore justified in the present circumstances to prescribe under strict conditions aimed at minimising risk a longer period for the withdrawal of existing authorisations for the limited uses considered as essential for which no efficient alternatives appear currently to be available for the control of harmful organisms.
- (10) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing metam should be limited to 12 months in order to allow existing stocks to be used in one further growing season, which ensures that plant protection products containing metam remain available to farmers for 18 months from the adoption of this Decision.
- (11) This Decision does not prejudice the submission of an application for metam according to the provisions of Article 6(2) of Directive 91/414/EEC, the detailed implementation rules of which have been laid down in

Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽¹⁾ in view of the possible inclusion of metam in its Annex I.

- (12) In the absence of a favourable opinion of the Standing Committee on the Food Chain and Animal Health, the Commission has been unable to adopt the provisions it envisaged under the procedure laid down in Article 19 of Council Directive 91/414/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Metam shall not be included as an active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

1. authorisations for plant protection products containing metam are withdrawn by 13 January 2010;
2. no authorisations for plant protection products containing metam are granted or renewed from the date of publication of this Decision.

Article 3

1. By way of derogation from Article 2, a Member State listed in column A of Annex I may maintain authorisations for plant protection products containing metam for the uses listed in column B of that Annex until 31 December 2014, provided that it complies with the following conditions:

- (a) it ensures that no harmful effects to human and animal health and no unacceptable influence on the environment are caused;
- (b) it ensures that such plant protection products remaining on the market are relabelled in order to match the restricted use conditions;
- (c) it imposes all appropriate risk mitigation measures to reduce any possible risks in order to ensure the protection of human and animal health and the environment;
- (d) it ensures that alternative products or methods for such uses are being seriously sought, in particular, by means of action plans.

⁽¹⁾ OJ L 15, 18.1.2008, p. 5.

2. The Member State making use of the derogation provided for in paragraph 1 shall inform the Commission about the measures taken under paragraph 1, and, in particular, under points (a) to (d) by 31 December of each year and provide on a yearly basis estimates of the amounts of metam used for essential uses pursuant to this Article.

Article 4

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible.

For authorisations which are withdrawn in accordance with Article 2, that period shall expire by 13 January 2011 at the latest.

For authorisations which are withdrawn in accordance with Article 3, it shall expire by 31 December 2014 at the latest.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 13 July 2009.

For the Council

The President

E. ERLANDSSON

ANNEX

List of authorisations referred to in Article 3(2)

Column A	Column B
Member State	Use Soil disinfection and weed control before planting/sowing, limited to professional users with appropriate protective equipment under specific authorised conditions as laid down in Article 3 and subject to the following restrictions per Member State:
Belgium	Potting Soil (all crops). Potatoes (seed, ware and starch potatoes), sugar and fodder beets, onions, vegetables, fruit crops, herbs, orchards (replanting), ornamentals.
Bulgaria	Glasshouse use: tomatoes, cucumbers, lettuce, carrots, peppers, aubergines and tobacco.
Cyprus	Nurseries, vegetables, potatoes, ornamentals, deciduous fruits, citrus fruits, and grapes.
France	Vegetable and fruit crops and mainly lamb's lettuce, carrots, tomatoes, strawberries, asparagus, ornamental plants, trees and shrubs.
Greece	Potting soil and soil compost (for all crops), indoor and outdoor use for soil treatment (for vegetable and ornamental crops), tobacco nurseries.
Hungary	Field use: potatoes, carrots, celeriac, parsley root, ornamentals, berries, apples, pears, tobacco, wine grapes, stone fruits, fruit and grapevine nurseries. Glasshouse use: green peppers, tomatoes, cucumbers, carrots, celeriac, parsley root, tobacco, berries, ornamentals.
Italy	Rice, lettuce and similar, tomatoes, peppers and aubergines, cucurbits, carrots, bulb vegetables, stem vegetables, potatoes, tobacco, replanting vineyards and orchards, flowers.
Ireland	Glasshouse use: tomatoes, carnations, cucumbers, ornamentals, chrysanthemum and lettuce. Field use: potatoes, bulbs, hardy nursery stock, cane fruit, turf, strawberries and forestry plantations.
Malta	tomatoes, aubergines, peppers, melons, watermelons, squash, cucumbers and strawberries.
The Netherlands	Potatoes (seed, ware and starch potatoes), sugar and fodder beets, onions, vegetables, strawberries, orchards (replanting), ornamentals (including growing of bulbs), yellow nutsedge in all crops.
Poland	Field use: strawberries, cabbages, carrots, lettuce, onions, garlic. Glasshouse use: tomatoes, cucumbers, peppers, aubergines.
Portugal	Potatoes, onions, carrots, melons, strawberries, cucumbers, peppers, tomatoes, citrus crops, ornamentals, glasshouse soil fumigation, nursery soil fumigation.

Column A	Column B
Member State	Use Soil disinfection and weed control before planting/sowing, limited to professional users with appropriate protective equipment under specific authorised conditions as laid down in Article 3 and subject to the following restrictions per Member State:
Romania	Vegetables and ornamental plants.
Spain	Nurseries, seedbeds, vegetables, tobacco, flowers, strawberries, seed potatoes, vineyards.
United Kingdom	Glasshouse soils, nursery soils, outdoor soils and potting soils prior to planting of fruit crops, vegetable crops, potatoes, herbs, flowers, bulbs, ornamental plants, perennial plants.

COMMISSION

COMMISSION DECISION

of 9 July 2009

on establishing the ecological criteria for the award of the Community eco-label for footwear

(notified under document number C(2009) 5612)

(Text with EEA relevance)

(2009/563/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

related assessment and verification requirements are valid until 31 March 2010.

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,

After consulting the European Union Eco-labelling Board,

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, drawn up on the basis of the criteria drafted by the European Union Eco-labelling Board, 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 those criteria, is to take place in due time before the end of the period of validity of the criteria specified for the product group concerned.

(4) Pursuant to Regulation (EC) No 1980/2000, a timely review has been carried out of the ecological criteria, as well as of the related assessment and verification requirements established by Commission Decision 2002/231/EC of 18 March 2002 establishing revised ecological criteria for the award of the Community eco-label to footwear and amending Decision 1999/179/EC⁽²⁾. Those ecological criteria and the

(5) In the light of that review, it is appropriate, in order to take account of scientific and market developments, to modify the definition of the product group and to establish new ecological criteria.

(6) The ecological criteria, as well as the related assessment and verification requirements, should be valid for four years from the date of adoption of this Decision.

(7) Decision 2002/231/EC should therefore be replaced.

(8) A transitional period should be allowed for producers whose products have been awarded the eco-label for footwear based on the criteria contained in Decision 2002/231/EC, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements. Producers should also be allowed to submit applications set out under the criteria set in Decision 2002/231/EC or set out under the criteria set in this Decision until the lapse of validity of that Decision.

(9) 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

The product group 'footwear' shall comprise all articles of clothing designed to protect or cover the foot, with a fixed outer sole which comes into contact with the ground. Footwear shall not contain any electric or electronic components.

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ OJ L 77, 20.3.2002, p. 50.

Article 2

In order to be awarded the Community eco-label for products falling within the product group footwear under Regulation (EC) No 1980/2000 (hereinafter 'the eco-label'), footwear shall comply with the criteria set out in the Annex to this Decision.

Article 3

The ecological criteria for the product group 'footwear', as well as the related assessment and verification requirements, shall be valid for four years from the date of adoption of this Decision.

Article 4

For administrative purposes the code number assigned to the product group 'footwear' shall be '017'.

Article 5

Decision 2002/231/EC is repealed.

Article 6

1. Applications for the eco-label for products falling within the product group footwear submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2002/231/EC.

2. Applications for the eco-label for products falling within the product group footwear submitted from the date of adoption of this Decision but by 31 March 2010 at the latest may be based either on the criteria set out in Decision 2002/231/EC or on the criteria set out in this Decision.

Those applications shall be evaluated pursuant to the criteria on which they are based.

3. Where the eco-label is awarded on the basis of an application evaluated according to the criteria set out in Decision 2002/231/EC, that eco-label may be used for twelve months from the date of adoption of this Decision.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

FRAMEWORK

The aims of the criteria

These criteria aim in particular at:

- limiting the levels of toxic residues,
- limiting the emissions of volatile organic compounds, and,
- promoting a more durable product,

The criteria are set at levels that promote the labelling of footwear which has a lower environmental impact.

Assessment and verification requirements

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

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

The functional unit is one pair of shoes. Requirements are based on shoe size 40 Paris point. For children's shoes the requirements apply for a size 32 Paris point (or the largest size in the case of maximum sizes smaller than 32 Paris point).

Any upper shoe components weighing less than 3 % of the whole upper part shall not be taken into account for the application of the criteria. Any sole shoe components weighing less than 3 % of the whole outer sole shall not be taken into account for the application of the criteria.

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

The competent bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, when assessing applications and monitoring compliance with the criteria (*note*: it is not required to implement such management schemes).

CRITERIA

1. Dangerous substances in the final product

- (a) For shoes made of leather, there shall be no Chromium VI in the final product.

Assessment and verification: the applicant and/or his supplier(s) shall provide a test report, using test method EN ISO 17075 (detection limit 3 ppm). The sample preparation must follow the indications of the EN ISO 4044.

(*Note*: difficulties in measurement due to interferences may be encountered when analysing certain coloured leather)

- (b) There shall be no Arsenic, Cadmium and Lead in the materials used for the product assembly or in the final product.

Assessment and verification: the applicant and/or his supplier(s) shall provide a test report using one of the following EN 14602 test methods:

- testing the materials for the product assembly. The substances specified in the criterion shall not be detectable in any of the materials used for the manufacturing of the final product,
- testing the final product. The substances specified in the criterion shall not be detectable in either the upper or lower components of the footwear following separation and complete grinding.

For leather products the sample preparation shall follow EN ISO 4044.

- (c) The amount of free and hydrolysed formaldehyde of the components of the footwear shall not exceed the following limits:

- textile: not detectable,
- leather: 150 ppm.

Assessment and verification: the applicant and/or his supplier(s) shall provide a test report, using the following test methods: Textiles: EN ISO 14184-1 (detection limit: 20 ppm); Leather: EN ISO 17226-1 or 2.

2. Reduction of water consumption (only for the tanning of hides and skins)

The following limits to water consumption for the tanning of hide and skin ⁽¹⁾ shall not be exceeded:

- Hides: 35 m³/t,
- Skins: 55 m³/t,

Assessment and verification: the applicant and/or his supplier(s) shall provide appropriate documentation that the mentioned limits have not been exceeded.

3. Emissions from the production of material

- (a) If the waste waters from leather tanning sites and from the textile industries are released directly into fresh waters the content of COD shall not exceed 250 mg COD/l of water discharged.

If the waste waters from leather tanning sites are released into a municipal waste water treatment plant/facility, then this criterion shall not apply, as long as it can be demonstrated:

- that the discharge of waste water from the tanning site into the municipal waste water supply is authorised and,
- that the municipal waste water treatment facility is operational and that the subsequent discharge of treated water into the fresh water system is in line with minimum Community requirements according to Council Directive 91/271/EEC ⁽²⁾.

Assessment and verification: the applicant shall provide a test report and complementary data, using the following test method: COD: ISO 6060 — Water quality, determination of chemical oxygen demand.

Where the waste water is discharged into a municipal waste water treatment facility, documentation must be provided from the relevant authority showing that the discharge is authorised and that that municipal plant is operational and that it meets the minimum requirements of Directive 91/271/EEC.

- (b) Tannery waste water after treatment shall contain less than 1 mg Chromium (III)/l.

Assessment and verification: the applicant shall provide a test report and complementary data, using the following test methods: ISO 9174 or EN 1233 or EN ISO 11885 for Cr.

4. Use of hazardous substances (up until purchase)

- (a) Pentachlorophenol (PCP) and Tetrachlorophenol (TCP) and its salts and esters shall not be used.

Assessment and verification: the applicant and/or his supplier(s) shall provide a declaration that the materials do not contain such chlorophenols along with a test report using the following test methods: Leather, EN ISO 17070 (limit of detection 0,1 ppm); Textile, XP G 08-015 (limit of detection 0,05 ppm)

- (b) No azo dyes shall be used that may cleave to any of the following aromatic amines:

- | | |
|-------------------------------|------------|
| — 4-aminodiphenyl | (92-67-1) |
| — benzidine | (92-87-5) |
| — 4-chloro-o-toluidine | (95-69-2) |
| — 2-naphthylamine | (91-59-8) |
| — o-amino-azotoluene | (97-56-3) |
| — 2-amino-4-nitrotoluene | (99-55-8) |
| — p-chloroaniline | (106-47-8) |
| — 2,4-diaminoanisol | (615-05-4) |
| — 4,4'-diaminodiphenylmethane | (101-77-9) |
| — 3,3'-dichlorobenzidine | (91-94-1) |

⁽¹⁾ Hide is defined as 'the outer covering or a mature or fully-grown animal of the larger kind, e.g. cattle, horses, camels, elephants, etc. ...'. Skin is defined as 'the outer covering of an animal of the smaller kinds, e.g. sheep and goats, or of the immature animals of the larger species, e.g. calves. Pigs, reptiles, birds and fish are included under skins'. (*International Glossary of Leather Terms, ICT*).

⁽²⁾ OJ L 135, 30.5.1991, p. 40.

— 3,3'-dimethoxybenzidine	(119-90-4)
— 3,3'-dimethylbenzidine	(119-93-7)
— 3,3'-dimethyl-4,4'-diaminodiphenylmethane	(838-88-0)
— p-cresidine	(120-71-8)
— 4,4'-methylene-bis-(2-chloraniline)	(101-14-4)
— 4,4'-oxydianiline	(101-80-4)
— 4,4'-thiodianiline	(139-65-1)
— o-toluidine	(95-53-4)
— 2,4-diaminotoluene	(95-80-7)
— 2,4,5-trimethylaniline	(137-17-7)
— 4-aminoazobenzene	(60-09-3)
— o-anisidine	(90-04-0)

Assessment and verification: the applicant and/or his supplier(s) shall provide a declaration that such azo dyes have not been used. Should a verification of this declaration be carried out, the following test methods shall be used: Leather — CEN ISO TS 17234; Textile — EN 14362 1 or 2.

Textiles limit 30 ppm (*note:* false positives are possible for 4-aminoazobenzene and confirmation is therefore recommended);

Leather limit 30 ppm (*note:* false positives are possible for 4-aminoazobenzene, 4-aminodiphenyl and 2-naphthylamine and confirmation is therefore recommended).

(c) The following N-Nitrosamines shall not be detected in rubber:

- N-nitrosodimethylamine (NDMA)
- N-nitrosodiethylamine (NDEA)
- N-nitrosodipropylamine (NDPA)
- N-nitrosodibutylamine (NDBA)
- N-nitrosopiperidine (NPIP)
- N-nitrosopyrrolidine (NPYR)
- N-nitrosomorpholine (NMOR)
- N-nitroso N-methyl N-phenylamine (NMPPhA)
- N-nitroso N-ethyl N-phenylamine (NEPhA)

Assessment and verification: the applicant shall provide a test report, using test method EN 12868 (1999-12) or EN 14602.

(d) C10-C13 chloralkanes shall not be used in leather, rubber or textile components.

Assessment and verification: the applicant and/or his supplier(s) shall provide a declaration that such chloralkanes have not been used.

(e) No dyes meeting the criteria for classification as carcinogenic, mutagenic toxic to reproduction, hazardous/dangerous to the environment with the following R-phrases: R40, R45, R49, R50, R51, R52, R53, R60, R61, R62, R63 or R68 (or any combination), shall be used. (Classification rules as according to Council Directive 67/548/EEC ⁽¹⁾ or Directive 1999/45/EC of the European Parliament and of the Council ⁽²⁾).

⁽¹⁾ OJ 196, 16.8.1967, p. 1.

⁽²⁾ OJ L 200, 30.7.1999, p. 1.

Alternatively, classification may be considered according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁽¹⁾. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with the following hazard statements (or combinations thereof): H351, H350, H350i, H400, H410, H411, H412, H413, H360F, H360D, H361f, H361d, H360FD, H361fd, H360Fd, H360Df, H341.

Assessment and verification: the applicant shall provide a declaration of non-use of such dyes.

- (f) Alkylphenol ethoxylate (APE), and Perfluorooctane sulfonate (PFOS) shall not be used.

Assessment and verification: the applicant shall provide a declaration of non-use of such substances.

- (g) No dyes meeting the criteria for classification as sensitising to skin (R43) shall be used. (Classification rules as according to Directive 67/548/EEC or Directive 1999/45/EC).

Alternatively, classification may be considered according to Regulation (EC) No 1272/2008. In this case no substances or preparations may be added to the raw materials that are assigned, or may be assigned at the time of application, with the following hazard statement: H317.

Assessment and verification: The applicant shall provide a declaration of non-use of these dyes.

- (h) Phthalates: Only phthalates that at the time of application have been risk assessed and have not been classified with the phrases (or combinations thereof): R60, R61, R62, R50, R51, R52, R53, R50/53, R51/53, R52/53, in accordance with Directive 67/548/EEC, may be used in the product (if applicable). Additionally DNOP (di-n-octyl phthalate), DINP (di-isononyl phthalate), DIDP (di-isodecyl phthalate) are not permitted in the product.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion.

- (i) Biocides: Only biocidal products containing biocidal active substances included in Annex IA of the Directive 98/8/EC of the European Parliament and of the Council⁽²⁾, and authorised for use in footwear, shall be allowed for use.

Assessment and verification: The applicant shall provide a declaration that the requirements of this criterion have been met along with a list of biocidal products used.

5. Use of volatile organic compounds (VOCs) during final assembly of shoes

VOCs are any organic compound having at 293,15 K a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use.

The total use of VOCs during final footwear production shall not exceed, on average, 20 gram VOC/pair.

Assessment and verification: the applicant shall provide a calculation of the total use of VOCs during final shoe production, together with supporting data, test results and documentation as appropriate, with the calculation made using EN 14602. (Registration of purchased leather, adhesives, finishes and production of footwear during at least the last six months is required.)

6. Energy Consumption

The energy consumption at the manufacturing stage shall be declared.

Assessment and verification: the applicant is requested to provide the relevant information according to the Technical appendix A1.

7. Packaging of the final product

Where cardboard boxes are used for the final packaging of footwear, they shall be made of 100 % recycled material. Where plastic bags are used for the final packaging of footwear, they shall be made of, at least, 75 % recycled material or they shall be biodegradable or compostable, in agreement with the definitions provided by the EN 13432⁽³⁾.

⁽¹⁾ OJ L 353, 31.12.2008, p. 1.

⁽²⁾ OJ L 123, 24.4.1998, p. 1.

⁽³⁾ EN 13432 'Requirements for packaging recoverable through composting and biodegradation — Testing scheme and evaluation criteria for the final acceptance of packaging'.

Assessment and verification: a sample of the product packaging shall be provided on application, together with a corresponding declaration of compliance with this criterion. Only primary packaging, as defined in the Directive 94/62/EC of the European Parliament and the Council ⁽¹⁾, is subject to the criterion.

8. Information on the packaging

(a) User Instructions

The following information (or equivalent text) shall be supplied with the product:

- 'These shoes have been treated to improve their water resistance. They do not require further treatment.' (This criterion is applicable only to footwear that has been water-resistant treated)
- 'Where possible, repair your footwear rather than throw them away. This is less damaging to the environment.'
- 'When disposing of footwear, please use appropriate local recycling facilities where these are available.'

(b) Information about the eco-label

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

'For more information visit the EU Ecolabel website: <http://www.ecolabel.eu>'

(c) Information to consumers

An information box in which the applicant explains its approach to environmental sustainability should be put on the packaging.

Assessment and verification: the applicant shall provide a sample of the product packaging and of the information supplied with the product, together with a declaration of compliance with each part of this criterion.

9. Information appearing on the eco-label

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

- low air and water pollution,
- harmful substances reduced.

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

10. Parameters contributing to durability

Occupational and safety footwear shall carry the EC mark (in accordance with Council Directive 89/686/EEC ⁽²⁾).

All other footwear shall meet the requirements indicated in the table overleaf.

Assessment and verification: the applicant shall provide a test report corresponding to the parameters indicated in the table overleaf, using the following test methods:

- EN 13512 — Upper — Flex resistance,
- EN 13571 — Upper — Tear strength,
- EN 17707 — Outsoles — Flex resistance,
- EN 12770 — Outsoles — Abrasion resistance,
- EN 17708 — Whole sole — Sole adhesion,
- EN 12771 — Outsoles — Tear strength,
- EN ISO 17700 — Test methods for uppers, linings and in socks — Colour fastness to rubbing.

⁽¹⁾ OJ L 365, 31.12.1994, Article 3(1)(a), p. 10.: 'sales packaging or primary packaging, i.e. packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase'.

⁽²⁾ OJ L 399, 30.12.1989, p. 18.

	General sports	School footwear	Casual	Men's town	Cold weather footwear	Women's town	Fashion	Infants	Indoor
Uppers flex resistant: (kc without visible damage)	Dry = 100 Wet = 20	Dry = 100 Wet = 20	Dry = 80 Wet = 20	Dry = 80 Wet = 20	Dry = 100 Wet = 20 – 20° = 30	Dry = 50 Wet = 10	Dry = 15	Dry = 15	Dry = 15
Uppers tear strength: (Average tear force, N)									
Leather	≥ 80	≥ 60	≥ 60	≥ 60	≥ 60	≥ 40	≥ 30	≥ 30	≥ 30
Other materials	≥ 40	≥ 40	≥ 40	≥ 40	≥ 40	≥ 40	≥ 30	≥ 30	≥ 30
Outsoles flex resistance:									
Cut growth (mm)	≤ 4	≤ 4	≤ 4	≤ 4	≤ 4	≤ 4			
Nsc = no spontaneous crack	Nsc	Nsc	Nsc	Nsc	Nsc at – 10 °C	Nsc			
Outsoles abrasion resistance:									
D ≥ 0,9 g/cm ³ (mm ³)	≤ 200	≤ 200	≤ 250	≤ 350	≤ 200	≤ 400			≤ 450
D < 0,9 g/cm ³ (mg)	≤ 150	≤ 150	≤ 170	≤ 200	≤ 150	≤ 250			≤ 300
Uppersole adhesion: (N/mm)	≥ 4,0	≥ 4,0	≥ 3,0	≥ 3,5	≥ 3,5	≥ 3,0	≥ 2,5	≥ 3,0	≥ 2,5
Outsoles tear strength: (Average strength, N/mm)									
D ≥ 0,9 g/cm ³	8	8	8	6	8	6	5	6	5
D < 0,9 g/cm ³	6	6	6	4	6	4	4	5	4
Colour fastness of the inside of the footwear (lining or inner face of the upper). Grey scale on the felt after 50 cycles wet	≥ 2/3	≥ 2/3	≥ 2/3	≥ 2/3	≥ 2/3	≥ 2/3		≥ 2/3	≥ 2/3

*Technical Appendix***A1. Energy consumption calculation**

The energy consumption calculation refers only to the assembly (manufacturing stage) of the final product.

The average electric consumption (AEC) for each pair of shoes can be calculated two ways:

On the basis of the overall daily production of shoes of the plant:

- MJ_{dp} = average energy used per day in production of shoes [electricity + fossil fuels] (calculated on an annual basis),
- N = average number of pair of shoes produced per day (calculated on a annual basis),

$$AEC = \frac{MJ_{dp}}{N}$$

On the basis of the production of eco-labelled shoes of the plant:

- MJ_{ep} = average energy used per day in production of eco-labelled shoes [electricity + fossil fuels] (calculated on an annual basis),
- N_{ep} = average number of pairs of eco-labelled shoes produced per day (calculated on an annual basis),

$$AEC = \frac{MJ_{ep}}{N_{ep}}$$

COMMISSION DECISION

of 9 July 2009

establishing the ecological criteria for the award of the Community eco-label for campsite service

(notified under document number C(2009) 5618)

(Text with EEA relevance)

(2009/564/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,

After consulting the European Union Eco-labelling Board,

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, drawn up on the basis of the criteria drafted by the European Union Eco-labelling Board, 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 those criteria, is to take place in due time before the end of the period of validity of the criteria specified for the product group concerned.
- (4) Pursuant to Regulation (EC) No 1980/2000, a timely review has been carried out of the ecological criteria, as well as of the related assessment and verification requirements established by Commission Decision 2005/338/EC of 14 April 2005 establishing the ecological criteria for the award of the Community eco-label for campsite service⁽²⁾. Those ecological criteria and the related assessment and verification requirements are valid until 31 October 2009.

- (5) In the light of that review, it is appropriate, in order to take account of scientific and market developments, to modify the definition of the product group and to establish new ecological criteria.
- (6) The ecological criteria, as well as the related assessment and verification requirements, should be valid for four years from the date of adoption of this Decision.
- (7) For campsite service, the ecological criteria should be divided into mandatory and optional criteria.
- (8) As regards the fees relating to applications for and use of the eco-label by micro enterprises, as defined by Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises⁽³⁾, it is appropriate, in order to take account of the limited resources of micro-enterprises and their particular importance within this product group, to provide for reductions additional to those provided for by Regulation (EC) No 1980/2000 and Articles 1 and 2 of Commission Decision 2000/728/EC of 10 November 2000 establishing the application and annual fees of the Community eco-label⁽⁴⁾, pursuant to Article 5 of Decision 2000/728/EC.
- (9) Decision 2005/338/EC should therefore be replaced.
- (10) A transitional period should be allowed for service providers whose services have been awarded the eco-label for campsite service, based on the criteria contained in Decision 2005/338/EC, so that they have sufficient time to adapt their services to comply with the revised criteria and requirements. Service providers should also be allowed to submit applications set out under the criteria set in Decision 2005/338/EC or set out under the criteria set in this Decision, until the lapse of validity of that Decision.
- (11) Measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 17 of Regulation (EC) No 1980/2000,

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ OJ L 108, 29.4.2005, p. 67.

⁽³⁾ OJ L 124, 20.5.2003, p. 36.

⁽⁴⁾ OJ L 293, 22.11.2000, p. 18.

HAS ADOPTED THIS DECISION:

Article 1

1. The product group 'campsite service' shall comprise, as a main service provided for a fee, the provision of pitches equipped for mobile lodging structures within a defined area.

It shall also comprise other accommodation facilities suitable for the provision of shelter to lodgers and collective areas for communal service if they are provided within the defined area.

2. The 'campsite service' provided within the defined area may also include the provision, under the management or ownership of the campsite, of food services and leisure activities.

3. For the purposes of this Decision, food services shall include breakfast; fitness and leisure activities/facilities shall include saunas, swimming pools and all other such facilities, which are within the accommodation grounds and green areas such as parks and gardens, which are open to guests, and which are not part of the campsite structure.

4. For the purposes of this Decision, micro-enterprises shall be as defined in Recommendation 2003/361/EC.

Article 2

1. In order to be awarded the Community eco-label for campsite service under Regulation (EC) No 1980/2000 (hereinafter 'the eco-label'), a campsite service shall fulfil all of the following requirements:

- (a) it shall fall within the product group 'campsite service';
- (b) it shall comply with each of the criteria set out in Section A of the Annex to this Decision;
- (c) it shall comply with a sufficient number of the criteria set out in Section B of the Annex to this Decision, in order to acquire the requisite number of points as referred to in paragraphs 2 and 3.

2. For the purposes of paragraph 1(c), the campsite service shall acquire at least:

- (a) 20 points for the main service;
- (b) 24 points if other accommodation facilities, suitable for the provision of shelters for lodgers, are provided in addition.

3. The respective points referred to in paragraph 2 shall be increased by any of the following, if provided under the same management or ownership of the campsite service:

- (a) 3 points for food services;
- (b) 3 points for green/outside areas available to guests, which are not part of the campsite structure;
- (c) 3 points for leisure/fitness activities or 5 points if the leisure/fitness activity consists in a wellness centre.

Article 3

1. By way of derogation from Article 1(3) of Decision 2000/728/EC, where an application is made by a micro enterprise for award of the Eco-label, the application fee shall be reduced by 75 % with no other reduction possible.

2. By way of derogation from the first sentence of Article 2(5) of Decision 2000/728/EC, the minimum annual fee for a micro enterprise for use of the Eco-label shall be EUR 100.

3. The annual volume of sales for all campsite services shall be calculated by multiplying the delivery price by the number of overnight stays and reducing the resulting product by 50 %. The delivery price shall be considered as the average fee paid by the visitor for the overnight stay, including all the services which do not entail an extra charge.

4. The reductions to the minimum annual fee provided for in paragraphs 6 to 10 of Article 2 of Decision 2000/728/EC shall apply.

Article 4

The ecological criteria for the product group 'campsite service', as well as the related assessment and verification requirements, shall be valid for four years from the date of adoption of this Decision.

Article 5

For administrative purposes the code number assigned to the product group 'campsite service' shall be '026'.

Article 6

Decision 2005/338/EC is repealed.

Article 7

1. Applications for the eco-label falling within the product group 'campsite service' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2005/338/EC.

2. Applications for the eco-label falling within the product group 'campsite service' submitted from the date of adoption of this Decision but by 31 October 2009 at the latest be based either on the criteria set out in Decision 2005/338/EC or on the criteria set out in this Decision.

Those applications shall be evaluated in accordance with the criteria on which they are based.

3. Where the eco-label is awarded on the basis of an application evaluated according to the criteria set out in Decision 2005/338/EC, that eco-label may be used for twelve months from the date of adoption of this Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 9 July 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

FRAMEWORK**The aims of these criteria**

These criteria aim to set limits on the main environmental impacts from the three phases of the service's life cycle of campsite service (purchasing, provision of the service, waste). In particular they aim to:

- limit energy consumption,
- limit water consumption,
- limit waste production,
- favour the use of renewable resources and of substances which are less hazardous to the environment,
- promote environmental communication and education.

Specifications

Mobile lodging structures as referred to in Article 1 are those such as tents, caravans, mobile homes and camper vans. Accommodation facilities suitable for the provision of shelter to lodgers are facilities such as bungalows, rental mobile lodging and apartments. Collective areas for communal services are such as washing and cooking facilities, supermarkets and information facilities.

Assessment and verification requirements

The specific assessment and verification requirements are indicated immediately below each criterion set out in Sections A and B.

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

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.

Competent Bodies shall carry out on site inspections before awarding the license.

Where appropriate, Competent Bodies may require supporting documentation and may carry out independent verifications. During the license period the Competent Bodies shall monitor compliance with criteria.

The Competent Bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, when assessing applications and monitoring compliance with the criteria.

(Note: it is not required to implement such management schemes).

General requirements

In order to apply for the eco-label the applicant must comply with Community, national and local requirements. In particular, it shall be guaranteed that:

1. The physical structure is built legally and respects all relevant laws or regulations of the area on which it is built, especially any related to landscape and biodiversity conservation.
2. The physical structure respects Community, national and local laws and regulations regarding energy conservation, water sources, water treatment and disposal, waste collection and disposal, maintenance and servicing of equipment, safety and health dispositions.
3. The enterprise is operational and registered, as required by national and/or local laws and its staff are legally employed and insured.

SECTION A

MANDATORY CRITERIA REFERRED TO IN ARTICLE 2, PARAGRAPH 1

ENERGY

1. Electricity from renewable sources

At least 50 % of the electricity used for all purposes shall come from renewable energy sources, as defined in Directive 2001/77/EC of the European Parliament and of the Council ⁽¹⁾.

This criterion does not apply to campsites that have no access to a market that offers electricity generated from renewable energy sources.

Binding contract restrictions (such as the prevision of penalties) of at least 2 years for the change of power supplier can be considered as 'no access' to a market that offers electricity generated from renewable energy sources.

Assessment and verification: The applicant shall supply a declaration from (or the contract with) the electricity supplier indicating the nature of the renewable energy source(s), the percentage of electricity supplied that is from a renewable source, documentation on the boilers (heat generators) used, if any and an indication of the maximum percentage that can be supplied. According to Directive 2001/77/EC, renewable energy sources shall mean renewable non-fossil energy sources (wind, solar, geothermal wave, tidal, hydro power, biomass, landfill gas, sewage treatment plant gas and biogases). In case the campsite have no access to a market that offers energy from renewable energy sources, documentation demonstrating the request for renewable energy has to be supplied.

2. Coal and heavy oils

No heavy oils having a sulphur content higher than 0,1 % and no coal shall be used as an energy source. Coal for decorative fireplaces is excluded from this criterion.

This criterion only applies to campsites that have an independent heating system.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, indicating the nature of the energy sources used.

3. Efficiency and heat generation

If a new heat generating capacity is installed within the duration of the eco-label award, it shall be a high efficiency cogeneration unit (as defined by Article 3 and Annex III to Directive 2004/8/EC of the European Parliament and of the Council ⁽²⁾), a heat pump or an efficient boiler. In the latter case, the efficiency of such a boiler shall be of 4 stars (ca. 92 % at 50 °C and 95 % at 70 °C), measured according to Council Directive 92/42/EEC ⁽³⁾, or according to relevant product norms and regulations for those boilers not covered by this Directive.

Existing hot-water boilers fired with liquid or gaseous fuels as defined in Directive 92/42/EEC shall comply with efficiency standards at least equivalent to three stars as stated in the Directive. Existing cogeneration units shall comply with the definition of high efficiency in Directive 2004/8/EC.

The efficiency of boilers excluded from Directive 92/42/EEC ⁽⁴⁾ shall comply with the manufacturer's instructions and with national and local legislation on efficiency, but for such existing boilers (with the exception of biomass boilers) an efficiency lower than 88 % shall not be accepted

Assessment and verification: The applicant shall provide technical specification from those responsible for the sale and/or maintenance of the boiler indicating its efficiency.

⁽¹⁾ OJ L 283, 27.10.2001, p. 33.

⁽²⁾ OJ L 52, 21.2.2004, p. 50.

⁽³⁾ OJ L 167, 22.6.1992, p. 17.

⁽⁴⁾ Article 3 of Directive 92/42/EEC excludes the following boilers: hot-water boilers capable of being fired by different fuels including solid fuels; equipment for the instantaneous preparation of hot water; boilers designed to be fired by fuels the properties of which differ appreciably from the properties of the liquid and gaseous fuels commonly marketed (industrial waste gas, biogas, etc.); cookers and appliances designed mainly to heat the premises in which they are installed and, as a subsidiary function, to supply hot water for central heating and sanitary hot water.

4. Air conditioning

Any household air conditioner bought within the duration of the eco-label award shall have at least Class A energy efficiency as laid down in Commission Directive 2002/31/EC ⁽¹⁾, or have corresponding energy efficiency.

Note: This criterion does not apply to air-conditioners that are appliances that can also use other energy sources, or to air-to-water and water-to-water appliances, or to units with an output (cooling power) greater than 12 kW.

Assessment and verification: The applicant shall provide technical specifications from the manufacturer or the professional technicians responsible for installation, sale and/or maintenance of the air conditioning system.

5. Energy efficiency of buildings

The campsite shall comply with the national legislation and local building codes related to energy efficiency and the energy performance of buildings.

Assessment and verification: the applicant shall provide the energy certification under Directive 2002/91/EC of the European Parliament and of the Council ⁽²⁾ or where not available in the national implementation system, the results of an energy audit performed by an independent expert on the energy performance of buildings.

6. Window insulation

All windows in heated and/or air conditioned rooms and common areas shall have appropriate degree of thermal insulation according to the local regulations and climatic conditions and shall provide an appropriate degree of acoustic insulation. (This does not apply to rental caravans/mobile homes where these are not owned by the campsite management.)

All windows in heated and/or air conditioned rooms and common areas added or renovated after the acquisition of the Community eco-label shall comply with Directive 2002/91/EC (Articles 4, 5 and 6) and Council Directive 89/106/EEC ⁽³⁾ and relative national technical regulations for their implementation

Assessment and verification: The applicant shall provide a declaration from a professional technician indicating compliance with this criterion supplying the thermal transmittance values (U-value). For windows complying with Directive 2002/91/EC, the applicant shall provide the energy certification or where not available in the national implementation system, a declaration from the constructor.

7. Switching off heating or air conditioning

If the heating and/or the air conditioning is not automatically switched off when windows are open, there shall be easily available information reminding the guest to close the window(s) if the heating or air conditioning is on. Individual heating/air conditioning systems acquired after the certification with the Community eco-label shall be equipped with an automatic switch off when windows are opened.

This criterion only applies to campsites that have heating and/or air conditioning.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with the text of the information to guests (if applicable).

8. Switching off lights

If there is no automatic off- switch for the light(s) in the rental accommodation, there shall be easily available information to the guests asking them to turn off the lights when leaving the accommodation.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with the information procedures.

9. Energy efficient light bulbs

- (a) At least 80 % of all light bulbs in the campsite shall have an energy efficiency of Class A as defined in Commission Directive 98/11/EC ⁽⁴⁾. This does not apply to light fittings whose physical characteristics do not allow use of energy saving light bulbs.

⁽¹⁾ OJ L 86, 3.4.2002, p. 26.

⁽²⁾ OJ L 1, 4.1.2003, p. 65.

⁽³⁾ OJ L 40, 11.2.1989, p. 12.

⁽⁴⁾ OJ L 71, 10.3.1998, p. 1.

- (b) 100 % of light bulbs that are situated where they are likely to be turned on for more than five hours a day shall have an energy efficiency of Class A as defined by Directive 98/11/EC. This does not apply to light fittings whose physical characteristics do not allow use of energy saving light bulbs.

Assessment and verification: The applicant shall provide a declaration of compliance with both parts of this criterion, together with an indication of the energy efficiency class of the different light bulbs used.

10. Outside heating appliances

The campsite shall use only appliances powered with renewable energy sources to heat outside areas such as smoking corners or external dining areas.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, indicating the nature of the energy sources used in case of appliances powered with renewable energy sources.

WATER

11. Water flow from taps and showers

The average water flow of the taps and shower heads excluding bath tub taps, kitchen taps and filling stations shall not exceed 9 litres/minute.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, and relevant documentation, including an explanation on how the campsite fulfils the criterion.

12. Waste bins in toilets

Each toilet shall have an appropriate waste bin and the guest shall be invited to use the waste bin instead of the toilet for appropriate waste.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with appropriate documentation regarding the information to the guests.

13. Urinal flushing

All urinals shall be fitted with either automatic (timed) or manual flushing systems so that there is no continuous flushing.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation on the urinals installed.

14. Changing towels and sheets

Guests shall be informed of the environmental policy of the campsite on their arrival. This information shall explain that sheets and towels in rental accommodation shall be changed on their request, or by default at the frequency established by the environmental policy of the campsite or requested by law and/or national regulations. This applies only to rental accommodation where the service includes the provision of towels and/or sheets.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation showing how the guest is informed and how the campsite respects guests' requests.

15. Correct waste water disposal

The campsite shall inform guests and staff on the correct use of the waste water discharge, in order to avoid the disposal of substances that might prevent waste water treatment in accordance with the municipal waste water plan and Community regulations. Where a waste water plan from the Municipality is not available, the campsite shall provide a general list of substances that shall not be disposed of with the waste water according to the Groundwater Directive 2006/118/EC of the European Parliament and of the Council ⁽¹⁾.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion and relevant documentation (if available, waste water plan and communication to guests and staff).

⁽¹⁾ OJ L 372, 27.12.2006, p. 19.

DETERGENTS AND DISINFECTANTS

16. Chemical toilet disposal point (CDP)

Where the campsite is connected to a septic tank, the waste from chemical toilets shall be separately or otherwise correctly collected and treated. Where the site is connected to the public sewage system, a special sink or disposal unit aimed at avoiding spillage shall be sufficient.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, and relevant documentation including any specific disposal requirement by the local authority together with information on the chemical sink.

17. Disinfectants

Disinfectants shall be used only where they are necessary in order to comply with legal hygiene requirements.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with an indication of where and when disinfectants are used.

WASTE

18. Waste separation by guests

Guests shall be informed how and where they can separate waste according to the best local or national systems within the areas to which the campsite belongs. Adequate containers for waste separation shall be as easily reachable as general waste bins.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation on the information to guests and explaining where containers are located on the campsite.

19. Waste separation

Waste shall be separated into the categories that can be handled separately by the local or national waste management facilities, with particular care regarding hazardous waste, which shall be separated, collected and disposed of as listed in Commission Decision 2000/532/EC ⁽¹⁾ and appropriate disposal shall be sought. This list includes toners, inks, refrigerating and electrical equipment, batteries, energy saving light bulbs, pharmaceuticals, fats/oils, and electrical appliances as specified in Directive 2002/96/EC of the European Parliament and of the Council ⁽²⁾ and Directive 2002/95/EC of the European Parliament and of the Council ⁽³⁾.

If the local administration does not offer separate waste collection and/or disposal, the campsite shall write to them expressing their willingness to separate waste, and expressing their concern about the lack of separate collection and/or disposal. If the local authority does not provide disposal of hazardous waste, the applicant shall, every year, provide a declaration from the local authority that there is no hazardous waste disposal system in place.

The request to local authorities to provide separate waste collection and/or disposal shall be made yearly.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with an indication of the different categories of waste accepted by the local authorities, and/or relevant contracts with private agencies. Where appropriate the applicant shall provide every year the corresponding declaration to the local authority.

20. Disposable products

Unless required by law, disposable toiletries (not refillable) such as shampoo and soap, and other products (not reusable), such as shower caps, brushes, nail files, etc. shall not be used. Where such disposable products are requested by law the applicant shall offer to guests both solutions and encourage them with appropriate communication to use the non-disposable products.

Disposable drinking systems (cups and glasses), plates and cutlery shall only be used if they are made out of renewable raw materials and are biodegradable and compostable according to EN 13432.

⁽¹⁾ OJ L 226, 6.9.2000, p. 3.

⁽²⁾ OJ L 37, 13.2.2003, p. 24.

⁽³⁾ OJ L 37, 13.2.2003, p. 19.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation explaining how the criterion is fulfilled (including any legislation requiring use of disposable products), and consistent documentation regarding the refillable products and/or on the information conveyed to the guests, concerning the encouragement to use non-disposable products (if applicable).

For demonstrating that disposable drinking systems (cups and glasses), plates and cutlery meet this criteria evidence of compliance with EN 13432 must be provided.

21. Breakfast Packaging

Except where required by law, no single dose packages shall be used for breakfast or other food service, with the exception of dairy fat spreads (such as butter, margarine and soft cheese), chocolate and peanut butter spreads, and diet or diabetic jams and preserves.

Assessment and verification: The applicant shall provide a declaration of compliance with the criterion and a detailed explanation on how the accommodation fulfils, together with a list of single dose products used and the legislation requiring this.

OTHER SERVICES

22. No smoking in common areas

A no smoking section shall be available in all indoor common areas.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion.

23. Public transportation

Information shall be made easily available to the guests and staff on how to use public transportation to and from the campsite through its main means of communication. Where no appropriate public transport exists, information on other environmentally preferable means of transport shall also be provided.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with copies of the information material available.

GENERAL MANAGEMENT

Applicants with an Environmental Management System registered under Regulation (EC) No 761/2001 of the European Parliament and of the Council ⁽¹⁾ or certified according to ISO 14001 automatically fulfil the following general management criteria with exception of criteria 28, 29 and 30 (data collection and information). In such cases, the means of verification of compliance with those criteria is the EMAS registration or ISO 14001 certification.

24. Maintenance and servicing of boilers and air conditioning systems

Maintenance and servicing of boilers and air conditioning systems shall be carried out at least yearly, or more often if so required by law or need, by appropriately qualified professionals, following CEI and national standards where these apply, or according to the manufacturer's instructions.

For air conditioning systems the maintenance (check for leakage and repair) has to be carried out according to Regulation (EC) No 842/2006 of the European Parliament and of the Council ⁽²⁾, in line with the amount of F (fluorinated greenhouse) gas contained in the application, as follows:

- at least once every 12 months for applications containing 3 kg or more of F gases (this shall not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6 kg of fluorinated greenhouse gases),
- at least once every six months for applications containing 30 kg or more of F gases,
- at least once every three months for applications containing 300 kg or more of F gases.

⁽¹⁾ OJ L 114, 24.4.2001, p. 1.

⁽²⁾ OJ L 161, 14.6.2006, p. 1.

Assessment and verification: The applicant shall provide a declaration of compliance with all parts of this criterion, together with a description of the boilers and their maintenance programme, and details of the persons/companies carrying out the maintenance, and what is checked during the maintenance.

For air conditioning systems containing 3 kg or more of F gases the applicant shall provide records on the quantity and type of F gases installed, any quantities added and the quantity recovered during maintenance, servicing and final disposal as well as the identification of the company or technician who performed the servicing or maintenance, as well as the dates and results of the leakage checks and relevant information specifically identifying the separate stationary equipment with more than 30 kg of F gases.

25. Policy setting and environmental programme

The management shall have an environmental policy and shall draw up a simple environmental policy statement and a precise action programme to ensure the application of the environmental policy.

The action programme shall identify targets on environmental performance regarding energy, water, chemicals and waste, which shall be set every two years, taking into consideration the optional criteria and the data collected where available. It shall identify the person who will act as the environmental manager of the campsite and who is in charge of taking the necessary actions and reaching the targets. The environmental policy shall be available for consultation by the public. Comments and feedback from guests collected by means of a questionnaire or check list shall be taken into account.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a copy of the environmental policy or the policy statement and action programme, and procedures for taking into account input from guests.

26. Staff training

The campsite shall provide information and training to the staff, including written procedures or manuals, to ensure the application of environmental measures and to raise awareness of environmentally responsible behaviour. In particular, the following issues shall be taken into consideration:

Concerning **energy saving**:

- Staff shall be trained on how to save energy.

Concerning **water saving**:

- Staff shall be trained to check every day for visible leaks and to take appropriate action as necessary.
- Flowers and outside areas shall normally be watered before high sun or after sunset, where regional or climatic conditions make it appropriate.
- Staff shall be informed of the campsite's policy regarding criterion 14 about towel change and be instructed how to comply with it.

Concerning **chemical substances**:

- Staff shall be trained not to exceed the recommended amount of detergent and disinfectant indicated on the packaging.

Concerning **waste**:

- Staff shall be trained to collect, separate and bring to appropriate disposal waste into the categories that can be handled separately by the local or national waste management facilities as defined by criterion 19.
- Staff shall be trained to collect, separate and bring to appropriate disposal hazardous waste as listed in Decision 2000/532/EC and defined by criterion 19.

Adequate training shall be provided to all new staff within four weeks of starting employment and for all staff at least once a year.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with details of the training programme, its content, and an indication of which staff have received what training and when. The applicant shall provide also copies of procedures and staff communication concerning all mentioned issues.

27. Information to guests

The campsite shall provide information to the guests, including conference participants, on its environmental policy, including safety and fire safety aspects, inviting them to contribute to its implementation. The information conveyed to the guests shall refer to the actions taken on behalf of its environmental policy and provide information about the Community eco-label. This information shall be actively given to the guests at the reception, together with a questionnaire covering their views about the environmental aspects of the campsite. Notices inviting guests to support the environmental objectives shall be visible to the guests, especially in the common areas and the rental accommodation.

Specific actions for the different areas shall be:

Concerning **energy**:

- Where applicable, according to criteria 7 and 8, inform guests on switching off heating/air conditioning and lights.

Concerning **water and waste water**:

- In the sanitary areas and bathrooms there shall be adequate information to the guest on how to help the campsite to save water.
- The guest shall be invited to inform the staff of any leak.
- In the toilets, signs shall request guests to dispose of their waste into the waste bins instead of the toilets.
- Guests shall be informed about the necessities and obligations of correct disposal of the waste water from their mobile means of lodging.

Concerning **waste**:

- The guest shall be informed about the waste reduction policy of the campsite and the use of quality product alternatives to disposable and single portion products, and should be encouraged to use non-disposable products, in case where any legislation requires the use of disposable products.
- They shall be informed how and where they can separate waste according to local or national systems within the areas belonging to the campsite and where to dispose of their hazardous substances.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with copies of the information signs and notices provided for the guests, and indicate its procedures for distributing and collecting the information and the questionnaire, and for taking the feedback into account.

28. Energy and water consumption data

The campsite shall have procedures for collecting and monitoring data on overall energy consumption (kWh), electricity and other energy sources consumption (kWh), and water consumption (litres).

Data shall be collected where possible, monthly or at least yearly, for the period when the campsite is open, and shall also be expressed as consumption per overnight stay and per m² of indoor area.

The campsite shall report the results yearly to the Competent Body that assessed the application.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a description of the procedures. On application, the applicant shall provide the data for the above-listed consumptions for at least the previous six months (if available), and thereafter shall provide this data every year for the previous year or opening period. For the residential area (long term stay), the number of overnight stays can be based on an estimation by the campsite owner.

29. Other data collection

The campsite shall have procedures for collecting and monitoring data on consumption of chemicals expressed in kg and/or litres specifying if the product is concentrated or not and the quantity of waste produced (litres and/or kg of unsorted waste).

Data shall be collected where possible, monthly or at least yearly, and shall also be expressed as consumption or production per overnight stay and per m² of indoor area.

The campsite shall report the results yearly to the Competent Body that assessed the application.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a description of the procedures. On application, the applicant shall provide the data for the above-listed consumptions for at least the previous six months (if available), and thereafter shall provide this data every year for the previous year or opening period. The applicant shall specify the services offered and if laundry is cleaned on the premises.

30. Information appearing on the eco-label

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

- This campsite is actively taking measures to use renewable energy sources, save energy and water, to reduce waste, to improve the local environment.

Assessment and verification: The applicant shall provide a sample of how they will use the label, together with a declaration of compliance with this criterion.

SECTION B

OPTIONAL CRITERIA REFERRED TO IN ARTICLE 2, PARAGRAPHS 1 AND 2

Each of the criteria set out in this Section has been attributed a value expressed in points or fractions of points. In order to qualify for award of the eco-label, campsites must score a minimum number of points. If the campsite does not offer other accommodations suitable for the provision of shelter to lodgers as part of its services, the minimum score required is 20; if it does, the minimum score required is 24.

The total score required shall be increased by 3 points for each of the following additional services which are offered that are under the management or ownership of the campsite:

- Food services (including breakfast);
- Leisure/fitness activities, which include saunas, swimming pools and all other such facilities which are within the campsite grounds. If the leisure/fitness activities consist in a wellness centre, the score required shall be increased by 5 points, instead of 3;
- Green areas which are not part of the campsite structure, such as parks, woods and gardens which are open to guests.

ENERGY

31. Generation of electricity through renewable energy sources (up to 4 points)

The campsite shall have a photovoltaic (solar panel) or local hydroelectric system, geothermal, biomass or wind power electricity generation that supplies or will supply at least 20 % of the overall electricity consumption per year (2 points).

The campsite shall introduce into the grid a net amount of electrical energy produced from renewable energy sources (2 points).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the photovoltaic, hydroelectric, geothermal, biomass or wind power system and data on both its potential and actual output and documentation regarding the electricity flows from and to the grid as proof of any net contribution or electricity from renewable energy sources to the grid.

32. Energy from renewable energy sources (up to 2 points)

At least 70 % of the total energy used to heat or cool either the rooms or to heat sanitary water shall come from renewable energy sources. (1,5 points, 2 points for 100 % of the campsite's energy used for that purpose, coming from renewable energy sources).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with data on the energy consumed in heating rooms and hot water and documentation showing that at least 70 % or 100 % of this energy comes from renewable energy sources.

33. Boiler energy efficiency (1,5 points)

The campsite shall have a four-star boiler(s) as defined by Directive 92/42/EEC.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with adequate documentation.

34. Boiler NOx emissions (1,5 points)

The boiler(s) shall be class 5 of the EN 297 prA3 norm regulating NOx emissions, and shall emit less than 60 mg NOx/kWh (gas condensing boilers) or 70 mg NOx/kWh (non-condensing gas boilers up to nominal output of 120 kW).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a report or technical specifications from the professional technicians responsible for the sale and/or maintenance of the boiler.

35. District heating (1,5 points)

The heating of the campsite shall be provided by efficient district heating, for the purposes of the eco-label defined as follows.

Generation of heat is done either in high efficiency cogeneration units as defined by Directive 2004/8/EC and any other Commission instruments adopted in application of that Directive, or in heat only boilers with an efficiency that matches or surpasses the applicable reference value established by Commission Decision 2007/74/EC ⁽¹⁾.

And in addition:

- The pipes in the district heating distribution network shall meet the requirements as laid out in the applicable CEN standards for such pipes.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation showing connection to the district heating.

36. Combined heat and power — cogeneration (1,5 points)

Electricity and heating of the sanitary facilities, common areas and rental accommodation shall be provided by a high efficiency cogeneration unit according to Directive 2004/8/EC. If the campsite service has such cogeneration unit on site its output of heat and electricity shall supply at least 70 % of the total heat and electricity consumption on site. The supply shall be calculated in accordance with the methodology provided by Directive 2004/8/EC.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the combined heat and power plant.

37. Heat pump (up to 2 points)

The campsite shall have a heat pump providing heat and/or air conditioning (1,5 points). The campsite shall have a heat pump with the Community eco-label or another ISO type I eco-label (2 points).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the heat pump.

38. Heat recovery (up to 1,5 points)

The campsite shall have a heat recovery system for 1 (1 point) or 2 (1,5 points) of the following categories: refrigeration systems, ventilators, washing machines, dishwashers, swimming pool(s), sanitary waste water.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the heat recovery systems.

39. Thermoregulation (1,5 points)

The temperature in every common area and rental accommodation shall be individually regulated.

⁽¹⁾ OJ L 32, 6.2.2007, p. 183.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with documentation on the thermoregulatory systems.

40. Energy performance audits for buildings (1,5 points)

The campsite service shall be subject to a biannual energy performance audit by an independent expert and implement at least two recommendations on improving the energy performance resulting from the audit.

Assessment and verification: the applicant shall provide the energy performance audit report and provide detailed documentation on how the campsite has fulfilled this criterion.

41. Air conditioning (up to 2 points)

All household air conditioner in the campsite have an energy efficiency 15 % higher than the threshold to qualify for class A in Directive 2002/31/EC (1,5 points). All household air conditioners in the campsite have an energy efficiency 30 % or higher than the threshold to qualify for class A in Directive 2002/31/EC (2 points).

This criterion does not apply to appliances that can also use other energy sources, air-to-water and water-to-water appliances, or units with an output (cooling power) greater than 12 kW.

Assessment and verification: The applicant shall provide relevant documentation showing compliance with the criterion.

42. Automatic switching-off of air conditioning and heating systems (1,5 points)

There shall be an automatic system that turns off the air conditioning and heating of rental accommodation when windows are open.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the installation sale and/or maintenance of the air conditioning system.

43. Bioclimatic architecture (3 points)

Buildings on the campsite ground shall be built according to bioclimatic architectural principles.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate documentation.

44. Energy efficient refrigerators (1 point), ovens (1 point) dishwashers (1 point), washing machines (1 point), dryers/tumblers (1 point) and office equipment (maximum of 3 points)

- (a) (1 point): All household refrigerators shall be of Class A+ or A++ efficiency according to Commission Directive 94/2/EC ⁽¹⁾, and all frigo or mini-bars shall be at least class B efficiency.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all the refrigerators and frigo or mini-bars.

- (b) (1 point): All household electric ovens shall be of class A energy efficiency as laid down in Directive 2002/40/EC ⁽²⁾.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all the household electric ovens.

Note: The criterion does not apply to ovens not operated with electric energy or otherwise not covered by Commission Directive 2002/40/EC (e.g. industrial ovens).

- (c) (1 point): All household dishwashers shall be of class A energy efficiency as laid down in Commission Directive 97/17/EC ⁽³⁾.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all the dishwashers.

Note: The criterion does not apply to dishwashers not covered by Directive 97/17/EC (e.g. industrial dishwashers).

⁽¹⁾ OJ L 45, 17.2.1994, p. 1.

⁽²⁾ OJ L 128, 15.5.2002, p. 45.

⁽³⁾ OJ L 118, 7.5.1997, p. 1.

- (d) (1 point): All household washing machines shall be of class A energy efficiency as laid down in Commission Directive 95/12/EC ⁽¹⁾.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all the washing machines.

Note: The criterion does not apply to washing machines not covered by Directive 95/12/EC (e.g. industrial washing machines).

- (e) (1 point): At least 80 % of office equipment (PCs, monitors, faxes, printers, scanners, photocopying machines) shall qualify for the energy star as laid down in Regulation (EC) No 106/2008 of the European Parliament and of the Council ⁽²⁾ and in Commission Decision 2003/168/EC ⁽³⁾.

Assessment and verification: The applicant shall provide documentation indicating the qualification for the energy star of the office equipment.

- (f) (1 point): All electric tumble driers shall be class A energy efficiency as laid down in Commission Directive 95/13/EC ⁽⁴⁾.

Assessment and verification: The applicant shall provide documentation indicating the energy class of all electric tumble driers.

Note: The criterion does not apply to electric tumble driers not covered by Directive 95/13/EC (e.g. industrial tumble driers).

45. Electric hand and hair driers with proximity sensor (up to 2 points)

All electric hand (1 point) and hair (1 point) driers shall be fitted with proximity sensors or have been awarded an ISO Type I eco-label.

Assessment and verification: The applicant shall provide appropriate supporting documentation of how the campsite fulfils this criterion.

46. Refrigerator positioning (1 point)

The kitchen, kiosk and shop refrigerator(s) shall be positioned and regulated according to energy saving principles, in order to reduce energy waste.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion.

47. Automatic switching off lights in rental accommodation (1,5 points)

Automatic systems which turn the lights off when guests leave the accommodation shall be installed in 95 % of the campsite rental accommodation.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the installation and/or maintenance of these systems.

48. Sauna timer control (1 point)

All sauna units and hammams shall have a timer control or a staff procedure regulating the switching on/off.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the installation and/or maintenance of these systems.

⁽¹⁾ OJ L 136, 21.6.1995, p. 1.

⁽²⁾ OJ L 39, 13.2.2008, p. 1.

⁽³⁾ OJ L 67, 12.3.2003, p. 22.

⁽⁴⁾ OJ L 136, 21.6.1995, p. 28.

49. Swimming pool heating with renewable energy sources (up to 1,5 points)

Energy used to heat swimming pool water shall come from renewable energy sources. At least 50 %: 1 point, 100 %: 1,5 points.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with data on the energy consumed in heating swimming pool water and documentation showing the amount of energy used that comes from renewable energy sources.

50. Automatic switching off outside lights (1,5 points)

Outside lighting not needed for security reasons shall be turned off automatically after a defined time, or be activated through a proximity sensor.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the installation and/or maintenance of these systems.

WATER**51. Use of rainwater (2 points) and recycled water (2 points)**

(a) (2 points): Rainwater shall be collected and used for non-sanitary and non-drinking purposes.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation, and appropriate assurances that the sanitary and drinking water supply is kept entirely separate.

(b) (2 points): Recycled water shall be collected and used for non-sanitary and non-drinking purposes.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation and appropriate assurances that the sanitary and drinking water supply is kept entirely separate.

52. Automatic watering systems for outside areas (1,5 points)

The campsite shall use an automatic system which optimises watering times and water consumption for outside plants/greening.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

53. Water flow from taps and shower heads (1,5 points)

The average flow from all taps and shower heads excluding bath taps and filling stations shall not exceed 8 litres/minute.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

54. WC flushing (1,5 points)

At least 95 % of WCs shall consume 6 litres per full flush or less.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

55. Dishwasher water consumption (1 point)

The water consumption of the dishwashers (expressed as $W_{(measured)}$) shall be lower or equal to the threshold as defined in the equation below using the same test method EN 50242 and programme cycle as chosen for Directive 97/17/EC:

$$W_{(measured)} \leq (0,625 \times S) + 9,25$$

where:

$W_{(measured)}$ = the measured water consumption of the dishwasher in litres per cycle, expressed to the first decimal,

S = the applicable number of standard place settings of the dishwasher.

The criterion only applies to household dishwashers.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the manufacture, sale or maintenance of the dishwashers or evidence that the dishwashers have been awarded the Community eco-label.

56. Washing machine water consumption (1 point)

The washing machines used within the campsite by guests and staff or those used by the campsite laundry service provider shall use no more than 12 litres of water per kg of wash-load measured according to EN 60456, using the same standard 60 °C cotton cycle as chosen for Directive 95/12/EC.

Assessment and verification: The applicant shall provide technical specification from the professional technicians responsible for the manufacture, sale or maintenance of the washing machines or evidence that the washing machines have been awarded the Community eco-label. The campsite management shall provide technical documentation from its laundry service provider that their washing machine complies with the criterion.

57. Tap water temperature and flow (1 point)

At least 95 % of taps shall allow a precise and prompt regulation of the water temperature and of the water flow.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

58. Shower timers (1,5 points)

All showers in sanitary facilities/common areas shall have a timing/proximity device which interrupts water flow after a defined time or if not in use.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

59. Swimming pool cover (1 point)

At night or when the filled swimming pool is not used for more than a day, it shall be covered to prevent the cooling of the water in the pool and to reduce evaporation.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

60. De-icing (up to 1,5 points)

Where de-icing of roads is necessary, mechanical means or sand/gravel shall be used in order to make roads on the campsite ground safe in case of ice/snow (1,5 points).

If chemical de-icing is used, substances which do not contain more than 1 % chloride ion (Cl) (1 point) or de-icers that have been awarded the Community eco-label or other national or regional ISO type I eco-labels (1,5 points) shall be used.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

61. Indications on water hardness (up to 2 points)

In proximity to sanitary areas/washing machines/dishwashers there shall be displayed explanations on local water hardness (1 point) to allow better use of detergents by guests and staff or an automatic dosage system (1 point) shall be used which optimises detergent use according to water hardness.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with relevant documentation showing how the guest is informed.

62. Water saving urinals (1,5 points)

All urinals shall use a waterless system or have a manual/electronic flushing system, which permits single flushing of every urinal only when used.

Assessment and verification: The applicant shall provide detailed supporting documentation of how the campsite fulfils this criterion.

63. Indigenous species used for new outdoor planting (1 point)

Any planting of outdoor areas with trees and hedges shall be composed of indigenous species of vegetation.

Assessment and verification: The applicant shall provide the relevant specification of how the campsite fulfils this criterion, together with appropriate supporting documentation by an expert.

DETERGENTS AND DISINFECTANTS**64. Detergents (up to 3 points)**

At least 80 % by weight of hand dishwashing detergents and/or detergents for dishwashers and/or laundry detergent and/or all purpose cleaners and/or sanitary detergents and/or soaps and shampoos used by the campsite shall have been awarded the Community eco-label or other national or regional ISO Type I eco-labels (1 point for each of these categories of detergents up to a maximum of 3 points).

Assessment and verification: The applicant shall provide data and documentation (including relevant invoices) indicating the quantities of such products used and the quantities that have an eco-label.

65. Indoor and outdoor paints and varnishes (up to 2 points)

At least 50 % of the indoor and/or outdoor painting of structures and rental accommodation, excluding rental caravans and mobile homes, shall be done with indoor and/or outdoor paints and varnishes awarded the Community eco-label or other national or regional ISO Type I eco-labels (1 point for indoor, 1 for outdoor paints and varnishes).

Assessment and verification: The applicant shall provide data and documentation (including relevant invoices) indicating the quantities of such products used and the quantities that have an eco-label.

66. Car washing only in specially outfitted areas (1 point)

Car washing shall not be allowed, or shall be allowed only in areas which are specially equipped to collect the water and detergents used and channel them to the sewerage system.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with appropriate supporting documentation.

67. Support to alternatives to artificial barbecue lighter (1 point)

Excluding artificial barbecue lighting products, alternative products such as rape seed oil, hemp products, shall be sold in shops.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion.

68. Swimming pools: Dosage of disinfectants (1 point) or natural/ecological swimming pools (1 point)

The swimming pool shall have an automatic dosage system that uses the minimum amount of disinfectant for the appropriate hygienic result (1 point).

Or

The swimming pool shall be of the ecological/natural type with only natural elements guaranteeing for the hygiene and safety of the bathers (1 point).

Assessment and verification: The applicant shall provide a technical documentation concerning the automatic dosage system or the type of ecological/natural swimming pool and its maintenance.

69. Mechanical cleaning (1 point)

The campsite shall have precise procedures for conducting chemical-free cleaning, such as use of micro-fibre products or other non-chemical cleaning materials or activities with similar effects.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation if relevant.

70. Organic gardening (2 points)

Outside areas shall be managed either without any use of pesticides or according to organic farming principles, as laid down in Council Regulation (EC) No 834/2007 ⁽¹⁾, or as laid down in national law or recognised national organic schemes.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation if relevant.

71. Insect and pest repellents (up to 2 points)

Architectural design of the accommodation and hygiene practices (such as building on stilts to prevent rats entering premises, use of mosquito nets and coils) shall ensure that the use of insect and pest repellents in the campsite is kept to a strict minimum (1 point).

If insect and pest repellents are used, only substances which are allowed for organic farming (as laid down in Regulation (EC) No 834/2007) or that have been awarded the Community eco-label or other national or regional ISO type I eco-labels shall be used (1 point).

Assessment and verification: The applicant shall provide a detailed explanation how the campsite fulfils this criterion, together with appropriate supporting documentation if relevant.

WASTE

72. Composting (up to 2 points)

The campsite shall separate relevant organic waste (garden waste 1 point; kitchen waste 1 point) and shall ensure that it is composted according to local authority guidelines (e.g. by the local administration, in-house or by a private agency).

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation if relevant.

73. Disposable drink containers (2 points)

Disposable drink containers shall not be offered in the areas under the ownership or the direct management of the campsite.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with an indication of which such disposable products are used, if any, and the legislation requiring this.

74. Fat/oil disposal (up to 2 points)

Fat separators shall be installed and pan fat/oils and deep-frying fat/oils shall be collected and disposed of appropriately (1 point). Proper disposal of own fat/oil is offered to guests (1 point).

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

75. Run-off from car parks (1 point)

Oil and similar run-off from vehicles on the car park shall be collected and correctly disposed of.

Assessment and verification: The applicant shall provide a detailed explanation on how the campsite fulfils this criterion, together with appropriate supporting documentation.

76. Used textiles, furniture and other products (up to 3 points)

Used furniture, textiles and other products such as electronic equipment, shall be given to charity according to the campsite policy (2 points) or sold (1 point) to other associations which collect and redistribute such goods.

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation from the associations.

OTHER SERVICES**77. Regulation of campsite traffic (1 point)**

All traffic (guests and maintenance/transport) inside the camp ground shall be limited to defined hours and areas

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

78. Campsite generated traffic (1 point)

The campsite shall not use combustion motor vehicles for transport and maintenance on the camp ground.

Assessment and verification: The applicant shall provide an explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

79. Trolleys for guests on the campsite (1 point)

For transportation of luggage and shopping on the site, trolleys or other non-motorised means of transport shall be at guests' disposal free of charge.

Assessment and verification: The applicant shall provide an explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

80. Unsealed surfaces (1 point)

At least 90 % of the campsite area surface is not covered with asphalt/cement or other sealing materials, which hinder proper drainage and airing of the soil.

Assessment and verification: The applicant shall provide an explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

81. Roof landscaping (2 points)

At least 50 % of campsite buildings which have suitable roofs (flat roofs or roofs with a small angle of inclination) and are not used for other purposes, shall be grassed or planted.

Assessment and verification: The applicant shall provide an explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

82. Environmental communication and education (up to 3 points)

The campsite shall provide environmental communication and education notices on local biodiversity, landscape and nature conservation measures to guests (1,5 points). Guest entertainment includes elements of environmental education (1,5 points).

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation.

83. No smoking in common areas and rental accommodation (up to 1,5 points)

Smoking shall not be allowed in 100 % of indoor common areas and at least 70 % (1 point) or at least 95 % (1,5 points) of rental accommodation.

Assessment and verification: The applicant shall indicate the number and nature of the areas and shall indicate which of these are non-smoking.

84. Bicycles (1,5 points)

Bicycles shall be made available to guests. (At least three bikes for every 50 pitches and/or rental accommodation units.)

Assessment and verification: The applicant shall provide an explanation of how the campsite fulfils this criterion.

85. Pick up service (1 point)

The campsite shall offer guests travelling with public transport pick up service at arrival with environmentally friendly means of transportation such as electric cars or horse sleds.

Assessment and verification: The applicant shall provide an explanation on how the campsite fulfils this criterion and an example how it is communicated to guests.

86. Returnable or refillable bottles (up to 3 points)

The campsite shall offer beverages in returnable/refillable bottles: soft drinks (1 point), beer (1 point), water (1 point).

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation from the suppliers of the bottles.

87. Use of rechargeable products (up to 2 points)

The campsite shall use only rechargeable batteries for TV remote controls (1 point), and/or rechargeable cartridges for toner for printers and photocopiers (1 point).

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with appropriate supporting documentation from the suppliers of the batteries and/or the refillers of the toner cartridges.

88. Paper products (up to 3 points)

At least 80 % of toilet/tissue paper and/or office paper and/or printed paper used shall have been awarded the Community eco-label or other national or regional ISO Type I eco-labels (1 point for each of these three categories of paper products).

Assessment and verification: The applicant shall provide data and documentation (including relevant invoices) indicating the quantities of such products used and the quantities that have an eco-label.

89. Durable goods (up to 3 points)

At least 30 % of any category of durable goods (such as bed-linen, towels, table linen, PCs, portables, TVs, mattresses, furniture, washing machines, dishwashers, refrigerators, vacuum cleaners, floor coverings, light bulbs) present in the campsite, including rental accommodation, shall have been awarded the Community eco-label or other national or regional ISO Type I eco-labels (1 point for each of up to three categories of durable goods).

Assessment and verification: The applicant shall provide data and documentation indicating the quantities of such products owned and the quantities that have an eco-label.

90. Local food products (up to 3 points)

At least two locally sourced and not out of season (for fresh fruit and vegetables) food products shall be offered at each meal, including breakfast (1,5 points).

Where applicable, consumption of local endangered species such as specific fish and crustacean species and 'bushmeat' and shrimps from mangrove forest endangering cultivation shall be forbidden in the food outlets (1,5 points) and in the shops (1,5 points).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with appropriate supporting documentation.

91. Organic food (up to 3 points)

The main ingredients of at least two dishes (1 point) or the whole menu including breakfast (2 points) and at least 4 products sold in the shop (1 point) shall have been produced by organic farming methods, as laid down in Regulation (EC) No 834/2007 or produced according to an ISO type I eco-label.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with appropriate supporting documentation.

92. Indoor air quality (up to 4 points)

The campsite shall provide an optimal indoor air quality through one or both of the following measures:

- the rooms, rental accommodation and common areas shall correspond to the requirements laid down in point 3 of Annex I to Council Directive 89/106/EEC ⁽¹⁾ and shall contain only painting, decorating, furniture and other materials certified with the Community eco-label or another equivalent low emission ISO type I environmental label (2 points);
- the rooms, rental accommodation and common areas shall be fragrance free, the sheets, towels and textiles shall be washed with fragrance free detergents (1 point) and cleaning shall be carried out with fragrance free means (1 point).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with appropriate supporting documentation. As regards the fragrance free requirement, a list of components/ingredients of fragrance free washing and cleaning shall be considered as sufficient.

GENERAL MANAGEMENT**93. EMAS registration (3 points), ISO certification (2 points) of the campsite**

The campsite shall be registered under the Community eco-management and audit scheme (EMAS) (3 points) or certified according to SO 14001 standard (2 points).

Assessment and verification: The applicant shall provide appropriate evidence of EMAS registration or ISO 14001 certification.

94. EMAS registration (1,5 points) or ISO certification (1 point) of suppliers

At least one of the main suppliers or service providers of the campsite shall be registered with EMAS (1,5 points) or certified according to ISO 14001 (1 point).

Assessment and verification: The applicant shall provide appropriate evidence of EMAS registration or ISO 14001 certification by at least one of his main suppliers.

95. Compliance by subcontractors with mandatory criteria (up to 4 points)

Where additional services of food or leisure/fitness activities are subcontracted, those services shall comply with all the mandatory criteria of this Annex, that apply to that specific services (2 point for each service of food and beverage and/or leisure facilities which is present on the campsite).

Assessment and verification: The applicant shall provide appropriate documentation of contractual agreements with his subcontractors regarding their compliance with the mandatory criteria.

⁽¹⁾ OJ L 40, 11.2.1989, p. 12.

96. Energy and water meters (up to 2 points)

The campsite shall have additional energy and water meters installed so as to allow data collection on consumption of different activities and/or machines, such as rooms, laundry and kitchen service and/or specific machines like refrigerators, washing machines, etc. (1 point). Every pitch has its own energy and/or water meter (1 point).

Assessment and verification: The applicant shall provide a detailed explanation of how the campsite fulfils this criterion, together with an analysis of the data collected (if already available).

97. Additional environmental actions (maximum 3 points)

Either:

- (a) Additional environmental actions (up to 1,5 points each, to a maximum of 3 points): The management of the campsite shall take actions, additional to those provided for by way of criteria in this Section or in Section A, to improve the environmental performance of the campsite. The Competent Body assessing the application shall attribute a score to these actions not exceeding 1,5 points per action.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, together with a full description of each additional action the applicant wishes to be taken into account.

Or:

- (b) Eco-label award (3 points): The campsite shall be awarded one of the national or regional ISO Type I eco-labels.

Assessment and verification: The applicant shall provide appropriate evidence of having been awarded an eco-label.

COMMISSION DECISION

of 24 July 2009

fixing the maximum amount of aid granted for the private storage of olive oil under the tendering procedure opened by Regulation (EC) No 542/2009*(notified under document number C(2009) 6059)***(Only the French, Greek, Italian, Portuguese and Spanish texts are authentic)**

(2009/565/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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⁾, and in particular Article 43(d), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 542/2009 of 23 June 2009 opening the tendering procedure for aid for private storage of olive oil ⁽²⁾ provides for two tendering sub-periods.
- (2) In accordance with Article 13(1) of Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products ⁽³⁾, on the basis of tenders notified by the Member States, the Commission either fixes a maximum amount of the aid or does not fix a maximum amount of the aid.
- (3) On the basis of the tenders submitted in response to the second partial invitation to tender, it is appropriate to fix a maximum amount of the aid for private storage of olive oil for the tendering sub-period ending on 16 July 2009.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS DECISION:

Article 1

For the tendering sub-period ending on 16 July 2009 within the tendering procedure opened by Regulation (EC) No 542/2009, the maximum amount of aid for olive oil shall be as set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic and the Portuguese Republic.

Done at Brussels, 24 July 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*⁽¹⁾ OJ L 299, 16.11.2007, p. 1.⁽²⁾ OJ L 161, 24.6.2009, p. 3.⁽³⁾ OJ L 223, 21.8.2008, p. 3.

ANNEX

(EUR/tonne/day)	
Product	Maximum amount of aid
Extra virgin olive oil	1,3
Virgin olive oil	1,3

COMMISSION DECISION

of 27 July 2009

amending Decision 2008/721/EC as regards indemnities paid to members of Scientific Committees and experts in the field of consumer safety, public health and the environment

(notified under document number C(2009) 5767)

(2009/566/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Articles 152 and 153 thereof,

Whereas:

- (1) Article 19 of Commission Decision 2008/721/EC of 5 September 2008 setting up an advisory structure of Scientific Committees and experts in the field of consumer safety, public health and the environment and repealing Decision 2004/210/EC⁽¹⁾ states that members of the Scientific Committees, scientific advisors from the Pool and external experts shall be entitled to an indemnity for their participation in the meetings of the Committees, thematic workshops, working groups and other meetings and events organised by the Commission, and for serving as Rapporteur on a specific question.
- (2) Annex III to Decision 2008/721/EC fixes at EUR 300 the indemnity for each full day of participation, at EUR 150 the indemnity for participating in a morning or afternoon meeting, and at EUR 300 the indemnity for acting as Rapporteur. The latter may be increased at EUR 600 where fully justified and subject to availability of budget for questions which are particularly demanding in terms of workload.
- (3) That Annex also states that the Commission will regularly assess the need to adapt these indemnities in light of prices indexes, the evaluation of indemnities paid to experts in other European bodies and the experience on the workload for members, associated members, other scientific advisors and external experts. The first assessment should take place in 2009.
- (4) The current level of indemnities was fixed in 1997 for the members and experts of the predecessors of the Scientific Committees in question and has not been re-evaluated since then. The daily indemnity adapted taking into account the consumer prices increase in the period 1997-2008 based on the Consumer Price Index Data of Eurostat would be of EUR 381,50. This amount should be rounded up to EUR 385.
- (5) The distinction between full day and half day meetings should be eliminated in order to take into account travelling and transport time.
- (6) In light of experience, the workload for Rapporteurs depends substantially on the complexity and duration of the activities needed to complete the opinion, taking into account the complexity of the issue, the availability and accessibility of data, the amount of literature to be examined, the need for collaboration with other bodies and the extent and complexity of stakeholder and public consultations required. The current two levels for the Rapporteur indemnity do not reflect the actual range of situations and therefore a wider modulation of the Rapporteur indemnity should be introduced.

HAS DECIDED AS FOLLOWS:

Sole Article

Annex III to Decision 2008/721/EC is replaced by the text in the Annex to this Decision.

Done at Brussels, 27 July 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 241, 10.9.2008, p. 21.

ANNEX

'ANNEX III

INDEMNITIES

Members of the Scientific Committees, scientific advisors from the Pool and the external experts shall be entitled to indemnities related to their participation in the activities of the scientific committees as follows:

For participating in meetings of the Committees, workshops, working groups and other meetings and events organised by the Commission:

— EUR 385 for each of the days during which the attended meeting has taken place,

For acting as Rapporteur:

— The indemnity is modulated, depending on the workload related to the complexity of the matter, the length of the period needed to complete the opinion, the amount and accessibility of data and scientific literature and information to be collected and processed and the extent and complexity of public and stakeholder consultations and contacts with other bodies, in light of the following indicative criteria:

Amount	Indicative Criteria
EUR 385	— Simple and routine issue — Opinion based on examination of a dossier, with limited data search and limited literature examination — No public consultation — No more than 5 months between first and last meeting
EUR 770	— Complex issue — Opinion based on significant data and literature search and examination — Stakeholder and/or public consultation with limited feedback examination workload — From 5 to 9 months between the first and the last meeting
EUR 1 155	— Very complex issue — Need for very extensive data and literature search and analysis — Extensive and complex consultations with stakeholder, the public and other scientific bodies, with important feedback to be examined — More than 9 months between the first and the last meeting

— In each specific case, on the basis of the criteria mentioned above, the Commission shall indicate in the request for an opinion which of the amounts for the indemnity of the Rapporteur applies. The choice of the applicable amount may be modified by the Commission during the preparatory work for the requested opinion if that is justified by unforeseen changes in relation to the relevant criteria.

— The Commission will regularly assess the need to adapt these indemnities in light of prices indexes, the evaluation of indemnities paid to experts in other European bodies and the experience on the workload for members, associated members, other scientific advisors and external experts.'

2009/565/EC:

- ★ **Commission Decision of 24 July 2009 fixing the maximum amount of aid granted for the private storage of olive oil under the tendering procedure opened by Regulation (EC) No 542/2009** (*notified under document number C(2009) 6059*)..... 59

2009/566/EC:

- ★ **Commission Decision of 27 July 2009 amending Decision 2008/721/EC as regards indemnities paid to members of Scientific Committees and experts in the field of consumer safety, public health and the environment** (*notified under document number C(2009) 5767*)..... 61

2009 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 000 per year (*)
EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 100 per month (*)
EU Official Journal, L + C series, paper + annual CD-ROM	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 700 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 70 per month
EU Official Journal, C series, paper edition only	22 official EU languages	EUR 400 per year
EU Official Journal, C series, paper edition only	22 official EU languages	EUR 40 per month
EU Official Journal, L + C series, monthly CD-ROM (cumulative)	22 official EU languages	EUR 500 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week	multilingual: 23 official EU languages	EUR 360 per year (= EUR 30 per month)
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

(*) Sold in single issues: up to 32 pages: EUR 6
from 33 to 64 pages: EUR 12
over 64 pages: Priced individually.

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual CD-ROM.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Priced publications issued by the Publications Office are available from our commercial distributors. The list of commercial distributors is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>