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⁽¹⁾ Text with EEA relevance

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

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II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 30 November 2009

on the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community

(notified under document C(2009) 8680)

(Text with EEA relevance)

(2009/965/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community ⁽¹⁾, and in particular, Article 27(4) thereof,

Having regard to the recommendation of the European Railway Agency (No ERA/REC/XA/01-2009) of 17 April 2009,

Whereas:

- (1) Article 27(3) of Directive 2008/57/EC requires the European Railway Agency to draft a reference document cross-referencing all the national rules applied by the Member States for placing vehicles in service. This document must contain the national rules of each Member State for each of the parameters listed in Annex VII to Directive 2008/57/EC and specify the group referred to in Section 2 of that Annex to which these rules belong. These rules must comprise those notified under Article 17(3) of Directive 2008/57/EC, including those notified following adoption of TSIs (specific cases, open points, derogations) and

those notified under Article 8 of Directive 2004/49/EC of the European Parliament and of the Council ⁽²⁾. The first version of the reference document is to be presented to the Commission no later than 1 January 2010.

- (2) In order to allow comparison and cross-referencing, in respect of a particular parameter, between the requirements contained within the TSIs and those contained in national rules, the list of parameters to be checked in conjunction with the placing in service of non-TSI conform vehicles, should, on the one hand, preserve compatibility with, and build upon existing agreements based on national rules and, on the other hand, reflect the TSIs. It is therefore necessary for the list of parameters to be at a level of detail significantly higher than that currently reflected in Section 1 of Annex VII to Directive 2008/57/EC. It is appropriate to adopt the detailed list of parameters set out in the Annex to this Decision as the basis for the reference document referred to in Article 27(4) of Directive 2008/57/EC.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee established in accordance with Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS DECISION:

⁽¹⁾ OJ L 191, 18.7.2008, p. 1.

⁽²⁾ OJ L 164, 30.4.2004, p. 44.

Article 1

The reference document referred to in Article 27(4) of Directive 2008/57/EC shall be drawn up on the basis of the list of parameters set out in the Annex to this Decision.

It shall also contain, for each Member State, some basic information on the national legal framework applicable to placing railway vehicles in service.

Article 2

This Decision is addressed to the Member States and to the European Railway Agency, as represented by its Executive Director.

Done at Brussels, 30 November 2009.

For the Commission
Antonio TAJANI
Vice-President

ANNEX

List of parameters to be used for classifying national rules in the reference document referred to in Article 27 of Directive 2008/57/EC

Reference	Parameters	Explanations
1.0	General documentation	General documentation (including description of new, renewed or upgraded vehicle and its intended use, design, repair, operation and maintenance information, technical file, etc.)
1.1	General documentation	General documentation, technical description of the vehicle, its design and intended use for the kind of traffic (long-distance train, suburban vehicles, commuter services, etc.) inclusive of intended and max design speed, including general plans, diagrams and necessary data for registers, e.g. length of vehicle, axle arrangement, axle spacing, mass per unit, etc.
1.2	Maintenance instructions and requirements	
1.2.1	Maintenance instructions	Maintenance manuals and leaflets, including requirements necessary to maintain design safety level of the vehicle Any appropriate professional qualifications i.e. skills that are requested for equipment maintenance
1.2.2	The maintenance design justification file	
1.3	Instructions and documentation for operation	
1.3.1	Instructions for operation in normal and degraded modes of the vehicle	
1.4	Track-side tests of the complete vehicle	
2.0	Structure and mechanical parts	Mechanical integrity and interface between vehicles (including draw and buffer gear, gangways), strength of vehicle structure and fittings (e.g. seats), loading capability, passive safety (including interior and exterior crashworthiness)
2.1	Vehicle structure	
2.1.1	Strength and integrity	This parameter covers, for example, requirements of the mechanical strength of car body, under-frame, suspension systems, couplings, track sweeper and snow plough. Mechanical strength of separate items of this list such as bogie/running gear, axle box, axle, wheel, and pantograph will be defined separately
2.1.2	Load capability	
2.1.2.1	Load conditions and weighted mass	
2.1.2.2	Axle load and wheel load	For individual wheels/axles in accordance with load conditions of item 2.1.2.1
2.1.3	Joining technology	
2.1.4	Lifting and jacking	
2.1.5	Fixing of devices to car body structure	
2.1.7	Connections used between different parts of the vehicle	E.g. connection/suspension between car body and bogie
2.2	Mechanical interfaces for end coupling or inner coupling	
2.2.1	Automatic coupling	

Reference	Parameters	Explanations
2.2.2	Characteristic of rescue coupling	For operational requirements to rescue trains see also 13.1 and 13.3
2.2.3	Screw couplings	
2.2.4	Buffing, inner coupling and draw gear components	Including design, functionality and characteristics, e.g. elasticity of buffers
2.2.5	Buffer marking	
2.2.6	Draw hook	
2.2.7	Gangways	
2.3	Passive safety	Including, e.g. obstacle deflector, limiting deceleration, survival space, structural integrity of occupied areas, reducing the risk of derailment and overriding, limiting consequences of hitting a track obstruction, interior fittings for passive safety
3	Track interaction and gauging	Mechanical interfaces to the infrastructure (including static and dynamic behaviour, clearances and fits, gauge, running gear, etc.)
3.1	Vehicle gauge	Compatibility of the vehicle profile with the infrastructure and other vehicles (static and dynamic gauge) based on reference static and dynamic gauge
3.1.1	Specific case	Specific case (e.g. vehicles to be carried on a ferry)
3.2	Vehicle dynamics	Rolling stock dynamic behaviour including equivalent conicity, instability criterion, tilting, safety against derailments on twisted track, track loading, etc.
3.2.1	Running safety and dynamics	Including tolerance of vehicle to distortion of track, running on curved or twisted tracks, safe running on points and diamond crossings, etc.
3.2.2	Equivalent conicity, wheel profile and limits	
3.2.3	Track loading compatibility parameters	E.g. dynamic wheel force, wheel forces exerted by a wheel set on the track (quasi static wheel force, maximum total dynamic lateral force, quasi static guiding force)
3.2.4	Vertical acceleration	E.g. dynamic effects transmitted to bridge decks including resonance in bridges
3.3	Bogies/running gear	
3.3.1	Bogies	
3.3.2	Wheel set (axle + wheels)	Including variable gauge wheel sets, axle body, etc.
3.3.3	Wheel	
3.3.4	Wheel/rail interface (including wheel flange lubrication and sanding)	Wheel/rail interface (including wheel flange lubrication, upper sway/wearing track wheel interactions and sanding requirements deriving from traction, braking, train detection)
3.3.5	Bearings on the wheel set	
3.3.6	Minimum curve radius to be negotiated	Values and conditions (e.g. coach coupled/uncoupled)
3.3.7	Rail guard	'Protection of wheels from obstacles on the rails'
3.4	Limit of maximum longitudinal positive and negative acceleration	
4	Braking	Braking-related items (including wheel-slide protection, braking control and braking performance in service, emergency and parking modes)
4.1	Functional requirements for braking at train level	E.g. automaticity, continuity, inexhaustibility
4.2	Safety requirements for braking at train level	

Reference	Parameters	Explanations
4.2.1	Traction/braking interlocking	E.g. traction inhibition
4.3	Brake system Recognised architecture and associated standards	Reference to existing solutions, e.g. UIC
4.4	Brake command	Requirement on brake command per type of brake e.g. number and type of device, allowed delay between command and action on brake
4.4.1	Emergency braking command	
4.4.2	Service braking command	
4.4.3	Direct braking command	
4.4.4	Dynamic braking command	
4.4.5	Parking braking command	
4.5	Brake performance	
4.5.1	Emergency braking	
4.5.2	Service braking	
4.5.3	Calculations related to thermal capacity	
4.5.4	Parking brake	
4.6	Braking adhesion management	
4.6.1	Limit of wheel rail adhesion profile	
4.6.2	Wheel slide protection system	
4.7	Braking force production	Requirement on equipment creating the brake force per type of brake
4.7.1	Friction brake	Including material properties, e.g. for composite brake blocks
4.7.1.1	Brake blocks	
4.7.1.2	Brake discs	
4.7.1.3	Brake pads	
4.7.2	Dynamic brake linked to traction	
4.7.3	Magnetic track brake	
4.7.4	Eddy current track brake	
4.7.5	Parking brake	
4.8	Brake state and fault indication	
4.9	Brake requirements for rescue purposes	
5.0	Passenger-related items	Passenger facilities and passenger environment including passenger windows and doors and requirements for persons with reduced mobility etc.
5.1	Access	Functional and technical specifications e.g. for people with reduced mobility
5.1.1	Exterior doors	
5.1.2	Interior doors	
5.1.3	Clearways	
5.1.4	Steps and lighting	
5.1.5	Floor height changes	
5.1.6	Handrails	
5.1.7	Boarding aids	
5.2	Windows	E.g. mechanical characteristics of windows and glass, requirements for emergencies for mechanical characteristics of windscreens see 9.1.3.1

Reference	Parameters	Explanations
5.3	Toilets	See 6.2.1.1 for toilet emissions
5.4	Passenger information	
5.4.1	Public address system	
5.4.2	Signs and information	Including safety instructions to passengers and emergency markings for passengers
5.5	Seats and specific PRM arrangements	Except access (covered by 5.1)
5.6	Specific passenger-related facilities	
5.6.1	Lift systems	Conformity to CE or national regulation if any
5.6.2	Heating, ventilation and air condition systems	E.g. internal air quality, requirement in case of fire (switch off)
5.6.3	Other	E.g. beverage dispensing units
6.0	Environmental conditions and aerodynamic effects	Impact of the environment on the vehicle and impact of the vehicle on the environment (including aerodynamic conditions and both the interface between the vehicle and the trackside part of the railway system and the interface to the external environment)
6.1	Impact of the environment on the vehicle	
6.1.1	Environmental conditions impacting on the vehicle	
6.1.1.1	Altitude	
6.1.1.2	Temperature	
6.1.1.3	Humidity	E.g. anti-condensation and anti-freezing measures
6.1.1.4	Rain	
6.1.1.5	Snow, ice and hail	E.g. snow cleaning devices, snow plough, ice-free heaters, etc.
6.1.1.6	Solar radiation	
6.1.1.7	Chemical and particulate matter	Impact upon vehicle equipment and functions due to chemicals and small airborne objects (e.g. ballast)
6.1.2	Aerodynamic effects on the vehicle	Aerodynamic impacts upon the vehicle's equipment and functions
6.1.2.1	Crosswind effects	Impact upon vehicle equipment and functions due to crosswinds
6.1.2.2	Maximum pressure variation in tunnels	Impact upon vehicle equipment and functions due to rapid changes in ambient pressure
6.2	Impact of the vehicle on the environment	
6.2.1	Chemical and particulate emissions	Limits for chemical and particulate emissions from the vehicle
6.2.1.1	Toilet emissions	Toilet discharge emissions to the external environment
6.2.1.2	Exhaust gas emissions	Exhaust gas emissions to the external environment
6.2.2	Limits for noise emissions	Limits for noise emissions from the vehicle to the external environment
6.2.2.1	Exterior noise impact	Exterior noise impact caused by the vehicle upon the environment external to the railway system
6.2.2.2	Stationary noise impact	Stationary noise impact caused by the vehicle upon the environment external to the railway system
6.2.2.3	Starting noise impact	Starting noise impact caused by the vehicle upon the environment external to the railway system
6.2.2.4	Pass-by noise impact	Pass-by noise impact caused by the vehicle upon the environment external to the railway system

Reference	Parameters	Explanations
6.2.3	Limits for aerodynamic loads impact	Limits for impact of aerodynamic loads caused by the vehicle upon other parts of the railway system and upon the environment
6.2.3.1	Head pressure pulses	Effect of pressure pulses caused by the head of the train at the track side
6.2.3.2	Aerodynamic impact on passengers/materials on the platform	Aerodynamic disturbance to passengers/materials on platform including assessment methods and operational loading conditions
6.2.3.3	Aerodynamic impact on track workers	Aerodynamic disturbance to track workers
6.2.3.4	Ballast pick-up and projection onto neighbouring property	
7.0	External warning, marking functions and software integrity requirements	External warnings, marking functions and integrity of software, e.g. safety-related functions with impact on the train behaviour including train bus
7.1	Integrity of software employed for safety-related functions	E.g. integrity of software of train bus
7.2	Visual and audible vehicle identification and warning functions	
7.2.1	Vehicle marking	
7.2.2	External lights	
7.2.2.1	Headlights	
7.2.2.2	Marker lights	
7.2.2.3	Tail lights	
7.2.2.4	Lamp controls	
7.2.3	Warning horn	
7.2.3.1	Warning horn tones	
7.2.3.2	Warning horn sound pressure levels	Outside the cab — for internal sound level, see 9.2.1.2
7.2.3.3	Warning horns, protection	
7.2.3.4	Warning horns, control	
7.2.3.5	Warning horns verification of sound pressure levels	
7.2.4	Brackets	E.g. requirements for rear end signals: lamps, flags, etc.
8.0	Onboard power supply and control systems	Onboard propulsion, power and control systems plus the interface of the vehicle to the power supply infrastructure plus EMC (all aspects)
8.1	Traction performance requirements	
8.1.1	Residual acceleration at max speed	
8.1.2	Residual traction capability in degraded mode	
8.1.3	Traction wheel/rail adhesion requirements	
8.2	Functional and technical specification related to the interface between the vehicle and the energy subsystem	
8.2.1	Functional and technical specification related to the electric power supply	
8.2.1.1	Power supply	
8.2.1.2	Impedance between pantograph and wheels	
8.2.1.3	Voltage and frequency of overhead contact line power supply	

Reference	Parameters	Explanations
8.2.1.4	Energy recuperation	
8.2.1.5	Maximum power and maximum current that is permissible to draw from the overhead contact line	Including maximum current at standstill
8.2.1.6	Power factor	
8.2.1.7	System energy disturbances	
8.2.1.7.1	Harmonic characteristics and related over-voltages on the overhead contact line	
8.2.1.7.2	Effects of DC content in AC supply	
8.2.1.8	Electrical protection	E.g. selectivity of onboard protections and substation protection system
8.2.2	Pantograph functional and design parameters	
8.2.2.1	Pantograph overall design	
8.2.2.2	Pantograph head geometry	
8.2.2.3	Pantograph static contact force	
8.2.2.4	Pantograph contact force (including dynamic behaviour and aerodynamic effects)	Including quality of current collection
8.2.2.5	Working range of pantographs	
8.2.2.6	Current capacity	
8.2.2.7	Arrangement of pantographs	
8.2.2.8	Insulation of pantograph from the vehicle	
8.2.2.9	Pantograph lowering	
8.2.2.10	Running through phase separation sections	
8.2.2.11	Running through system separation sections	
8.2.3	Contact strip functional and design parameters	
8.2.3.1	Contact strip geometry	
8.2.3.2	Contact strip material	
8.2.3.3	Contact strip assessment	
8.2.3.4	Detection of contact strip breakage	
8.2.3.5	Current capacity	
8.3	Electrical power supply and traction system	
8.3.1	Energy consumption measurement	
8.3.2	Main electrical circuit configuration	
8.3.3	High voltage components	
8.3.4	Earthing	
8.4	Electromagnetic compatibility	The electromagnetic compatibility between the onboard electrical power supply and control system and: — other parts of the onboard electrical power supply and control system on the same vehicle, — other vehicles, — the trackside part of the railway system, — the external environment
8.4.1	Electromagnetic compatibility within the onboard electrical power supply and control system	The electromagnetic compatibility between parts of the onboard electrical power supply and control system
8.4.2	Electromagnetic compatibility with the signalling and telecommunications network	The electromagnetic compatibility between the onboard electrical power supply and control system and the signalling and telecommunications network part of the trackside

Reference	Parameters	Explanations
8.4.3	Electromagnetic compatibility with other vehicles and with the trackside part of the railway system	The electromagnetic compatibility between the onboard electrical power supply and control system and other vehicles and the trackside part of the railway system other than the signalling and telecommunications network
8.4.4	Electromagnetic compatibility with the environment	The electromagnetic compatibility between the onboard electrical power supply and control system and the environment external to the railway system (including people in the neighbourhood or on the platform, passengers, drivers/staff)
8.5	Protection against electrical hazards	
8.6	Diesel and other thermal traction system requirements	
8.7	Systems requiring special monitoring and protection measures	
8.7.1	Tanks and pipe systems for flammable liquids	Special requirements for tanks and pipe systems for flammable liquids (including fuel)
8.7.2	Pressure vessel systems/pressure equipment	
8.7.3	Steam boiler installations	
8.7.4	Technical systems in potentially explosive atmospheres	Special requirements for technical systems in potentially explosive atmospheres (e.g. liquid gas, natural gas and battery-powered systems, including protection of transformer tank)
8.7.5	Ionisation detectors	
8.7.6	Hydraulic/pneumatic supply and control systems	Functional and technical specifications, e.g. compressed air power supply, capacity, type, temperature range, air dryers (towers), dew point indicators, insulation, air intake characteristics, fault indicators, etc.
9.0	Staff facilities, interfaces and environment	The onboard facilities, interfaces, working conditions and environment for staff (including drivers cabs and driver/machine interfaces)
9.1	Driver's cab design	
9.1.1	Cab design	
9.1.1.1	Interior layout	E.g. space availability, cab arrangement and ergonomic requirements
9.1.1.2	Desk ergonomics	
9.1.1.3	Driver's seat	
9.1.1.4	Means for the driver to exchange documents	
9.1.1.5	Other facilities to control operation of the train	
9.1.2	Access to driver's cab	
9.1.2.1	Access, egress and doors	
9.1.2.2	Driver's cab emergency exits	
9.1.3	Windscreen in driver's cab	
9.1.3.1	Mechanical characteristics	
9.1.3.2	Optical characteristics	
9.1.3.3	Equipment	E.g. de-icing, de-misting, external cleaning devices, etc.
9.1.3.4	Front visibility	
9.2	Working conditions	
9.2.1	Environmental conditions	

Reference	Parameters	Explanations
9.2.1.1	Heating, ventilation and air condition systems in driver cabs	
9.2.1.2	Noise in driver cabs	Including horn level inside the cab
9.2.1.3	Lighting in driver cabs	
9.2.2	Others	
9.3	Driver/machine interface	Equipment in driver's cab to supervise and control safe operation of the train
9.3.1	Driver/machine interface	
9.3.1.1	Speed indication	Recording of speed covered by 9.6
9.3.1.2	Driver display unit and screens	
9.3.1.3	Controls and indicators	
9.3.2	Driver supervision	Driver activity control function, e.g. vigilance
9.3.3	Rear and side view	
9.4	Marking and labelling in driver cabs	Static display of basic information for the driver
9.5	Equipment and other facilities onboard for staff	
9.5.1	Facilities onboard for staff	
9.5.1.1	Staff access for coupling/uncoupling	
9.5.1.2	External steps and handrails for shunting staff	
9.5.1.3	Storage facilities for use by staff	
9.5.1.4	Other facilities	
9.5.2	Staff and freight access doors	Doors equipped with security device for opening only by staff including catering
9.5.3	Onboard tools and portable equipment	E.g. equipment needed by driver or staff in emergency situation
9.5.4	Audible communication system	E.g. for communication between: — the train crew, — the train crew and people inside/outside of the train
9.6	Recording device	For the purpose of monitoring the behaviour of driver and train
9.8	Remote control function	
10	Fire safety and evacuation	
10.1	Fire safety	
10.1.1	Fire protection concept	
10.1.1.1	Classification of vehicle/fire categories	
10.1.2	Fire protection measures	
10.1.2.1	General protection measures for vehicles	
10.1.2.2	Fire protection measures for specific kinds of vehicles	E.g. requirements for freight trains or passenger trains on running capability, drivers' protection, etc.
10.1.2.3	Protection of driver's cab	
10.1.2.4	Fire barriers	
10.1.2.5	Material properties	
10.1.2.6	Fire detectors	
10.1.2.7	Fire extinction equipment	
10.2	Emergency	

Reference	Parameters	Explanations
10.2.1	Passenger emergency exits	
10.2.2	Rescue services' information, equipment and access	
10.2.3	Passenger alarm	
10.2.4	Emergency lighting	
10.3	Additional measures	
11	Servicing	Onboard facilities and interfaces for servicing
11.1	Train cleaning facilities	
11.1.1	Train external cleaning facilities	E.g. external cleaning through a washing plant
11.1.2	Train internal cleaning	
11.2	Train refuelling facilities	
11.2.1	Waste water disposal systems	Including interface to toilet discharge system
11.2.2	Water supply system	Conformity to sanitary regulations
11.2.3	Further supply facilities	E.g. special requirement for stabling of trains
11.2.4	Interface to refuelling equipment for non-electric rolling stock	E.g. nozzles used for diesel fuels and others
12.0	Onboard control command and signalling	All the onboard equipment necessary to ensure safety and to command and control movements of trains authorised to travel on the network and its effects on the trackside part of the railway system
12.1	Onboard radio system	
12.1.1	Non-GSM-R radio system	
12.1.2	GSM-R compliant radio system	
12.1.2.1	Text messages	Specific requirements for text messages (e.g. in emergency)
12.1.2.2	Call forwarding	Requirements and conditions governing call forwarding
12.1.2.3	Broadcast calls	Requirements and conditions governing broadcast calls
12.1.2.4	Cab-radio related requirements	I.e. other national mandatory cab radio-related requirements not made mandatory by TSI
12.1.2.5	Network selection by external trigger	
12.1.2.6	General purpose radio-related functions	I.e. other national mandatory general purpose radio-related functions not made mandatory by TSI
12.1.2.7	Primary controller's MMI functionality	Requirements exported to the cab mobile derived from controller's MMI functionality
12.1.2.8	Use of hand portables as cab mobile radio	As primary or fall-back radio
12.1.2.9	Capacity of onboard GSMR	E.g. requirement for packet switching capability
12.1.2.10	GSM-R-ETCS interface	E.g. train ID synchronisation
12.1.2.11	Interconnection and roaming between GSM-R networks	Applicable until new release of Eirene target during 2010
12.1.2.12	Border crossing	Applicable until new release of Eirene target during 2010
12.1.2.13	GPRS and ASCI	Covered by change request. No national rules expected
12.1.2.14	Interface between rolling stock driver's safety device, vigilance device, and GSM-R onboard assembly	Applicable until new release of Eirene target during 2010

Reference	Parameters	Explanations
12.1.2.15	Test specification for mobile equipment GSM-R	To be closed with additions to Eirene specs
12.1.2.16	Directed/automatic network selection	
12.1.2.17	Registration and deregistration	
12.1.2.18	GSM-R version management	No longer an open point — covered by agency procedure — to be removed from open points in TSI. No national rules expected
12.2	Onboard signalling	
12.2.1	National onboard signalling systems	Control and warning systems including, e.g. 'area emergency braking function' and other national requirements for train protection
12.2.2	Compatibility of signalling system with the rest of the train	Compatibility of onboard signalling equipment with other systems onboard a train, e.g. brakes, traction, etc.
12.2.3	Compatibility of rolling stock with track infrastructure	Compatibility, e.g. with track-side detection systems or hot axle box detectors, for EMC see 8.4.2
12.2.3.1	Relation between axle distance and wheel diameter	
12.2.3.2	Metal free space around wheels	
12.2.3.3	Metal mass of a vehicle	
12.2.4	ETCS cab signalling system	
12.2.4.1	Awakening	To be resolved in baseline 3
12.2.4.2	Train categories	To be resolved in baseline 3
12.2.4.3	Performance requirements for onboard GSM-R equipment related to quality of service	Service quality of GSM-R required for ETCS
12.2.4.4	Use of ETCS modes	Requirements on use of ETCS modes that affect vehicle authorisation over and above those in the TSIs
12.2.4.5	ETCS requirements when vehicle is driven from outside the cab	Requirements over and above or conflicting with the TSIs in respect of driving outside the cab, e.g. radio control by ground staff when shunting
12.2.4.6	Level crossing functionality	To be resolved in baseline 3
12.2.4.7	Braking safety margins	To be resolved in baseline 3
12.2.4.8	Reliability — Availability — Safety requirements	To be resolved by TSI revision
12.2.4.9	Marker boards	Requirements exported to vehicle to ensure visibility of boards (e.g. spread of headlight beam, visibility from cab) partially solved in 2.3.0d, to be fully resolved in baseline 3
12.2.4.10	Ergonomic aspects of the DMI	To be resolved in baseline 3
12.2.4.11	ETCS values of variables controlled outside UNISIG — Manual	To be resolved in baseline 3
12.2.4.12	KM conformance requirements	To be resolved in baseline 3
12.2.4.13	Requirements for pre-fitting ETCS onboard equipment	No longer an open point — covered by chapter 7 agreed by RISC March 2009 — will be removed from the next version of the TSI. No national rules expected
12.2.4.14	ETCS version management	No longer an open point — covered by agency procedure — to be removed from open points in TSI. No national rules expected
12.2.4.15	Specification of ETCS variables	To be resolved in baseline 3
12.2.4.16	RBC — RBC interface	Will be covered in 2.3.0d, test specification to be recommended in June 2009 RISC

Reference	Parameters	Explanations
12.2.4.17	Additional requirements on locomotives and multiple units	
12.2.4.18	Functionality and interfaces of staff protection systems to the signalling system	To be resolved in baseline 3
12.2.4.19	Interface with service brake	To be resolved by TSI CCS revision
13	Specific operational requirements	Specific requirements on vehicles for operations (including degraded mode, vehicle recovery, etc.)
13.1	Specific items to place onboard	
13.2	Occupational health and safety	
13.3	Lifting diagram and instructions for rescue	Rescue, lifting and re-railing
14	Freight-related items	Freight-specific requirements and environment (including facilities specifically required for dangerous goods)
14.1	Design, operation and maintenance constraints for the transport of dangerous goods	E.g. requirements derived from RID, national rules or other regulations for the transport of dangerous goods
14.2	Specific facilities for the transport of freight	
14.3	Doors and loading facilities	

COMMISSION DECISION

of 30 November 2009

adopting Community import decisions for certain chemicals pursuant to Regulation (EC) No 689/2008 of the European Parliament and of the Council and amending Commission Decisions 2000/657/EC, 2001/852/EC, 2003/508/EC, 2004/382/EC and 2005/416/EC

(2009/966/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals ⁽¹⁾, and in particular the second subparagraph of Article 12(1) thereof,

After consulting the Committee established by Article 133 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the registration, evaluation, authorisation and restriction of chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽²⁾,

Whereas:

- (1) Under Regulation (EC) No 689/2008 the Commission is to decide on behalf of the Community whether or not to permit the import into the Community of each chemical subject to the Prior Informed Consent (PIC) procedure.
- (2) The United Nations Environment Programme (UNEP) and the Food and Agriculture Organization (FAO) have been appointed to provide secretariat services for the operation of the PIC procedure established by the Rotterdam Convention on the PIC procedure for certain hazardous chemicals and pesticides in international trade, approved by the Community by Council Decision 2006/730/EC of 25 September 2006 on the conclusion, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade ⁽³⁾.
- (3) The Commission, acting as common designated authority, is required to forward import decisions on chemicals subject to the PIC procedure to the Secretariat of the Rotterdam Convention, on behalf of the Community and its Member States.

- (4) It is necessary to revise previous import decisions in relation to the chemicals ethylene oxide, fluoroacetamide, HCH (mixed isomers), lindane, methamidophos, pentachlorophenol and its salts and esters, polybrominated biphenyls (PBBs), polychlorinated terphenyls (PCTs), dustable powder formulations containing a combination of benomyl, carbofuran and thiram and mercury compounds in order to reflect the enlargement of the Community on 1 January 2007 as well as to take account of regulatory developments in the Community since those decisions were adopted.

- (5) The placing on the market and use of ethylene oxide under Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽⁴⁾ is restricted to certain specific areas pursuant to Commission Regulation (EC) No 1451/2007 ⁽⁵⁾ on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC. Consequently, imports are only allowed for those specific uses. Member States can decide which of those uses allowed under Directive 98/8/EC they authorise in their territory.

- (6) Fluoroacetamide and pentachlorophenol and its salts and esters are not included as active substances in Annex I to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁶⁾ or in Annex I, IA or IB to Directive 98/8/EC, with the effect that those active substances are banned for pesticide use. Consequently, it is prohibited to import fluoroacetamide and pentachlorophenol and its salts and esters for use as pesticides.
- (7) Since 1 July 2008 methamidophos is no longer included in Annex I to Directive 91/414/EEC, with the effect that all authorisations for plant protection products containing methamidophos had to be withdrawn by Member States and that any placing on the market of plant protection products containing methamidophos is prohibited. Furthermore, methamidophos has not been identified or notified under the Community review programme for evaluation of existing substances under Directive 98/8/EC and is therefore not allowed to be placed on the market for use as a biocidal product.

⁽¹⁾ OJ L 204, 31.7.2008, p. 1.

⁽²⁾ OJ L 396, 30.12.2006, p. 1.

⁽³⁾ OJ L 299, 28.10.2006, p. 23.

⁽⁴⁾ OJ L 123, 24.4.1998, p. 1.

⁽⁵⁾ OJ L 325, 11.12.2007, p. 3.

⁽⁶⁾ OJ L 230, 19.8.1991, p. 1.

- (8) The production, placing on the market and use of lindane and HCH (mixed isomers) were prohibited by Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC ⁽¹⁾ and the derogation allowed for under that Regulation expired on 31 December 2007. Consequently, any import of those chemicals is prohibited as from that date.
- (9) Any production, placing on the market and use of hexabromo-1,1'-biphenyl is banned. Furthermore, that chemical belongs to the group of PBBs, which is included in Annex III to the Rotterdam Convention and subject to the PIC procedure.
- (10) Bulgaria and Romania became Member States of the European Union on 1 January 2007. Since Regulation (EC) No 1907/2006 allows the Member States to authorise specific uses of PCTs in their territory, the import decision should be revised to reflect national legislation in those two new Member States.
- (11) It is therefore appropriate to replace the import decisions for ethylene oxide, fluoroacetamide, HCH (mixed isomers), lindane, methamidophos, pentachlorophenol and its salts and esters, PBBs and PCTs set out in Commission Decision 2000/657/EC of 16 October 2000 adopting Community import decisions for certain chemicals pursuant to Council Regulation (EEC) No 2455/92 concerning the export and import of certain dangerous chemicals ⁽²⁾, Commission Decision 2001/852/EC of 19 November 2001 on adopting Community import decisions pursuant to Council Regulation (EEC) No 2455/92 concerning the export and import of certain dangerous chemicals and amending Decision 2000/657/EC ⁽³⁾, Commission Decision 2003/508/EC of 7 July 2003 adopting Community import decisions for certain chemicals pursuant to Regulation (EC) No 304/2003 of the European Parliament and of the Council and amending Decisions 2000/657/EC and 2001/852/EC ⁽⁴⁾ and Commission Decision 2005/416/EC of 19 May 2005 adopting Community import decisions for certain chemicals pursuant to Regulation (EC) No 304/2003 of the European Parliament and of the Council and amending Decisions 2000/657/EC, 2001/852/EC and 2003/508/EC ⁽⁵⁾.
- (12) Benomyl is not included as active substance in Annex I to Directive 91/414/EEC or in Annex I, IA or IB to Directive 98/8/EC, with the effect that that active substance is banned for pesticide use. Consequently, dustable powder pesticide formulations containing a combination of benomyl, carbofuran and thiram are banned for placing on the market and use as pesticide. The import decision for dustable powder pesticide formulations containing a combination of benomyl, carbofuran and thiram set out in Commission Decision 2004/382/EC of 26 April 2004 adopting Community import decisions for certain chemicals pursuant to Regulation (EC) No 304/2003 of the European Parliament and of the Council ⁽⁶⁾ should therefore be replaced.
- (13) The placing on the market and use of plant protection products containing mercury compounds as an active substance is prohibited pursuant to Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances ⁽⁷⁾. Furthermore, the placing on the market and use of biocidal products containing mercury compounds in accordance with Directive 98/8/EC is not allowed. The import decision for mercury compounds published in PIC Circular X should therefore be replaced.
- (14) Decisions 2000/657/EC, 2001/852/EC, 2003/508/EC, 2004/382/EC and 2005/416/EC should therefore be amended accordingly.
- HAS DECIDED AS FOLLOWS:
- Article 1*
- The decisions on the import of lindane, methamidophos and pentachlorophenol and its salts and esters as set out in the Annex to Decision 2000/657/EC are replaced by the import decisions set out in the forms for import response in Annex I to this Decision.
- Article 2*
- The decision on the import of ethylene oxide as set out in Annex I to Decision 2001/852/EC is replaced by the import decision set out in the form for import response in Annex II to this Decision.
- Article 3*
- The decision on the import of polybrominated biphenyls (PBBs) as set out in Annex III to Decision 2003/508/EC is replaced by the import decision set out in the form for import response in Annex III to this Decision.
- Article 4*
- The decisions on the import of fluoroacetamide, HCH (mixed isomers) and polychlorinated terphenyls (PCTs) as set out in Annex I to Decision 2005/416/EC are replaced by the import decisions set out in the forms for import response in Annex IV to this Decision.
- Article 5*
- The interim decision on the import of dustable powder formulations containing a combination of benomyl, carbofuran and thiram as set out in Annex III to Decision 2004/382/EC is replaced by the import decision set out in the form for import response in Annex V to this Decision.

⁽¹⁾ OJ L 158, 30.4.2004, p. 7.

⁽²⁾ OJ L 275, 27.10.2000, p. 44.

⁽³⁾ OJ L 318, 4.12.2001, p. 28.

⁽⁴⁾ OJ L 174, 12.7.2003, p. 10.

⁽⁵⁾ OJ L 147, 10.6.2005, p. 1.

⁽⁶⁾ OJ L 144, 30.4.2004, p. 11.

⁽⁷⁾ OJ L 33, 8.2.1979, p. 36.

Article 6

The decision on the import of mercury compounds published in PIC Circular X is replaced by the import decision set out in the form for import response in Annex VI to this Decision.

Done at Brussels, 30 November 2009.

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX I

Revised import decisions for lindane, methamidophos and pentachlorophenol and its salts and esters replacing the import decisions set out in Decision 2000/657/EC

'FORM FOR IMPORT RESPONSE**Country:**

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL

- 1.1 **Common name**
- 1.2 **CAS number**
- 1.3 **Category** ☒ Pesticide
☐ Industrial
☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

- 2.1 ☐ This is a first time import response for this chemical in the country.
- 2.2 ☒ This is a modification of a previous response.
Date of issue of the previous response: 12/06/2005

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

- ☒ Final decision (Fill in section 4 below) OR ☐ Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

- 4.1 ☒ No consent to import
- Is the import of the chemical from all sources simultaneously prohibited? ☒ Yes ☐ No
- Is domestic production of the chemical for domestic use simultaneously prohibited? ☒ Yes ☐ No
- 4.2 ☐ Consent to import

- 4.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to produce, use or place on the market lindane (gamma-HCH). The chemical, whether on its own, in preparations or as a constituent of articles, was banned by Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 229, 29.6.2004, p. 5).

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

- 5.5 Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:Is this chemical currently registered in the country? ☐ Yes ☐ NoIs this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use? ☐ Yes ☐ NoIs this intended for export? ☐ Yes ☐ No

Other remarks

Lindane is classified under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1) as: T; R25 (Toxic; Toxic if swallowed) – Xn; R20/21, R48/22 and R64 (Harmful; Harmful by inhalation and in contact with skin, Harmful danger of serious damage to health by prolonged exposure if swallowed, May cause harm to breastfed babies) – N; R50/53 (Dangerous to the environment; Very Toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment).

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution European Commission, DG Environment

Address BU 9 6/167, B-1049 Brussels, Belgium

Name of person in charge Mr Paul Speight

Position of person in charge Deputy Head of Unit

Telephone 32 2 296 41 35

Telefax 32 2 296 76 16

E-mail address Paul.Speight@ec.europa.eu

Date, signature of DNA and official seal:

PLEASE RETURN THE COMPLETED FORM TO:

Secretariat for the Rotterdam Convention
Food and Agriculture Organization
of the United Nations (FAO)
Viale delle Terme di Caracalla
00100 Rome, Italy
Tel: (+39 06) 5705 3441
Fax: (+39 06) 5705 6347
E-mail: pic@pic.int

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Programme (UNEP)
11-13, Chemin des Anémones
CH – 1219 Châtelaine, Geneva, Switzerland
Tel: (+41 22) 917 8177
Fax: (+41 22) 917 8082
E-mail: pic@pic.int'

'FORM FOR IMPORT RESPONSE**Country:**

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL

- 1.1 **Common name**
- 1.2 **CAS number**
- 1.3 **Category**
- ☐ Pesticide
- ☐ Industrial
- ☒ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

- 2.1 ☐ This is a first time import response for this chemical in the country.
- 2.2 ☒ This is a modification of a previous response.
Date of issue of the previous response: 12/06/2005

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

- ☒ Final decision (Fill in section 4 below) OR ☐ Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

- 4.1 ☒ No consent to import
- Is the import of the chemical from all sources simultaneously prohibited? ☒ Yes ☐ No
- Is domestic production of the chemical for domestic use simultaneously prohibited? ☒ Yes ☐ No
- 4.2 ☐ Consent to import

- 4.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to use or place on the market all plant protection products containing methamidophos. Methamidophos is not included in Annex I to Council Directive 91/414/EEC (OJ L 230, 19.8.1991, p. 1) and thus authorisations for plant protection products containing this active substance had to be withdrawn by 30 June 2008.

Furthermore, it is prohibited to use or place on the market biocidal products containing methamidophos. In accordance with Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1) the chemical is not allowed to be placed on the market for use as a biocidal product.

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

- 5.5 Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:Is this chemical currently registered in the country? ☐ Yes ☐ NoIs this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use? ☐ Yes ☐ NoIs this intended for export? ☐ Yes ☐ No

Other remarks

Methamidophos is classified under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1) as: T; R24 (Toxic; Toxic in contact with skin) – T+; R26/28 (Very Toxic; Very Toxic by inhalation and if swallowed) – N; R50 (Dangerous to the environment; Very Toxic to aquatic organisms).

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution European Commission, DG Environment

Address BU 9 6/167, B-1049 Brussels, Belgium

Name of person in charge Mr Paul Speight

Position of person in charge Deputy Head of Unit

Telephone 32 2 296 41 35

Telefax 32 2 296 76 16

E-mail address Paul.Speight@ec.europa.eu

Date, signature of DNA and official seal:

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'FORM FOR IMPORT RESPONSE**Country:**

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL

- 1.1 **Common name**
- 1.2 **CAS number**
- 1.3 **Category** ☒ Pesticide
☐ Industrial
☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

- 2.1 ☐ This is a first time import response for this chemical in the country.
- 2.2 ☒ This is a modification of a previous response.
Date of issue of the previous response: 12/06/2005

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

- ☒ Final decision (Fill in section 4 below) OR ☐ Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

- 4.1 ☒ No consent to import
- Is the import of the chemical from all sources simultaneously prohibited? ☒ Yes ☐ No
- Is domestic production of the chemical for domestic use simultaneously prohibited? ☒ Yes ☐ No
- 4.2 ☐ Consent to import

- 4.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to use or place on the market pentachlorophenol. The chemical was excluded from Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market and authorisations for plant protection products thus had to be withdrawn by 25 July 2003 (Commission Regulation (EC) No 2076/2002 of 20 November 2002 (OJ L 319, 23.11.2002, p. 3) extending the time period referred to in Article 8(2) of Council Directive 91/414/EEC and concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisations for plant protection products containing these substances).

It is prohibited to use or place on the market all biocidal products containing pentachlorophenol. In accordance with Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market the chemical is not allowed to be placed on the market for use as a biocidal product and had therefore to be withdrawn from the market as from 1 September 2006.

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

5.5

Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country?

☐ Yes ☐ No

Is this chemical manufactured in the country?

☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use?

☐ Yes ☐ No

Is this intended for export?

☐ Yes ☐ No

Other remarks

Pentachlorophenol is classified under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1) as: T; R24/25 (Toxic; Toxic in contact with skin and if swallowed) – T+; R26 (Very Toxic, Very toxic by inhalation) – Carc. Cat.3; R 40 (Carcinogenic category 3; Limited evidence of carcinogenic effect) – Xi; R36/37/38 (Irritating, Irritating to eyes, respiratory system and skin) – N; R50/53 (Dangerous to the environment; Very Toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment).

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution European Commission, DG Environment

Address BU 9 6/167, B-1049 Brussels, Belgium

Name of person in charge Mr Paul Speight

Position of person in charge Deputy Head of Unit

Telephone 32 2 296 41 35

Telefax 32 2 296 76 16

E-mail address Paul.Speight@ec.europa.eu

Date, signature of DNA and official seal:

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Fax: (+41 22) 917 8082
E-mail: pic@pic.int

ANNEX II

Revised import decision for ethylene oxide replacing the import decision set out in Decision 2001/852/EC

FORM FOR IMPORT RESPONSE**Country:**

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL

- 1.1 **Common name**
- 1.2 **CAS number**
- 1.3 **Category**
- ☒ Pesticide
- ☐ Industrial
- ☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

- 2.1 ☐ This is a first time import response for this chemical in the country.
- 2.2 ☒ This is a modification of a previous response.
Date of issue of the previous response: 12/06/2005

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

- ☐ Final decision (Fill in section 4 below) OR ☒ Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

- 4.1 ☐ No consent to import
- Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No
- Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No
- 4.2 ☐ Consent to import

- 4.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☒ Consent to import only subject to specified conditions

The specified conditions are:

For plant protection products

It is prohibited to use or place on the market all plant protection products containing ethylene oxide as an active ingredient according to Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances (OJ L 33, 8.2.1979, p. 36), as last amended by Regulation (EC) No 850/2004 of the European Parliament and of the Council (OJ L 229, 29.6.2004, p. 5).

For biocidal products

In accordance with Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market, this substance is listed in Annex II to the Regulation only allowing placing on the market for uses in PT2 (private area and public health area disinfectants) and PT20 (preservatives for food and feedstock).

Member States that consent to import: Germany, Ireland, Luxembourg and Sweden.

Member States that consent to import (for import prior written authorisation is required): Austria, Belgium, Bulgaria, Denmark, Finland, France, Italy, Lithuania, Netherlands (only for PT2, private area and public health area disinfectants), Poland, Portugal.

Member States that consent to import only for sterilisation of surgical tools in accordance with Directive 93/42/EC (for import prior written authorisation is required): Cyprus, Greece, Slovakia, Spain, Romania.

Member States that do not consent to import: Czech Republic, Estonia, Hungary, Latvia, Malta, Slovenia, UK.

Are the conditions for import of the chemical the same for all sources of import? ☒ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☒ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision
- Is a final decision under active consideration? ☒ Yes ☐ No

- 5.5 Information or assistance requested in order to reach a final decision
- The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country? ☐ Yes ☐ No

Is this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use? ☐ Yes ☐ No

Is this intended for export? ☐ Yes ☐ No

Other remarks

Ethylene oxide is classified under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1) as: F+; R12 (Extremely flammable) – T; R23 (Toxic; Toxic by inhalation) – Carc. Cat.2; R 45 (Carcinogenic category 2; May cause cancer) – Mut. Cat.2; R 46 (Mutagenic category 2; May cause heritable genetic damage) – Xi; R36/37/38 (Irritating to eyes, respiratory system and skin).

SECTION 7 DESIGNATED NATIONAL AUTHORITY

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Position of person in charge	Deputy Head of Unit
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ANNEX III

Revised import decision for polybrominated biphenyls (PBBs) replacing the import decision set out in Decision 2003/508/EC

'FORM FOR IMPORT RESPONSE

Country:

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL

1.1 Common name

Polybrominated biphenyls (PBBs)

1.2 CAS number

36355-01-8
27858-07-7
13654-09-6

1.3 Category

☐ Pesticide☒ Industrial☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

2.1 ☐ This is a first time import response for this chemical in the country.2.2 ☒ This is a modification of a previous response.

Date of issue of the previous response: 12/12/2003

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

☒ Final decision (Fill in section 4 below) OR☐ Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

4.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited?

☐ Yes☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited?

☐ Yes☐ No4.2 ☐ Consent to import

- 4.3 ☒ Consent to import only subject to specified conditions

The specified conditions are:

Within the Community, the placing on the market and use of PBB is prohibited in textile articles, such as garments, undergarments and linen, intended to come into contact with the skin.
There is a total prohibition on PBB in Austria.
No consent is given to imports of hexabromo-1,1'-biphenyl.

Are the conditions for import of the chemical the same for all sources of import? ☒ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☒ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

Within the Community, the placing on the market and use of PBB is subject to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the registration, evaluation, authorisation and restriction of chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). It is prohibited in textile articles, such as garments, undergarments and linen, intended to come into contact with the skin.
Member States that do not consent to import: Austria (there is a total prohibition on PBB (Verordnung über das Verbot von halogenierten Stoffen, Federal Law Gazette 1993/210).
No consent is given to imports of hexabromo-1,1'-biphenyl since any production, placing on the market and use of this substance is prohibited. The chemical, whether on its own, in preparations or as a constituent of articles, was banned by Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 229, 29.6.2004, p. 5).

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

5.5 Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:Is this chemical currently registered in the country? ☐ Yes ☐ NoIs this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use? ☐ Yes ☐ NoIs this intended for export? ☐ Yes ☐ No

Other remarks

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution European Commission, DG Environment

Address BU 9 6/167, B-1049 Brussels, Belgium

Name of person in charge Mr Paul Speight

Position of person in charge Deputy Head of Unit

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Date, signature of DNA and official seal:

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ANNEX IV

Revised import decisions for fluoroacetamide, HCH (mixed isomers) and polychlorinated terphenyls (PCTs)
replacing the import decisions set out in Decision 2005/416/EC

'FORM FOR IMPORT RESPONSE**Country:**

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic,
Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland,
Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal,
Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL

- 1.1 **Common name**
- 1.2 **CAS number**
- 1.3 **Category** ☒ Pesticide
☐ Industrial
☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

- 2.1 ☐ This is a first time import response for this chemical in the country.
- 2.2 ☒ This is a modification of a previous response.
Date of issue of the previous response: 12/06/2005

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

- ☒ Final decision (Fill in section 4 below) OR ☐ Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

- 4.1 ☒ No consent to import
- Is the import of the chemical from all sources simultaneously prohibited? ☒ Yes ☐ No
- Is domestic production of the chemical for domestic use simultaneously prohibited? ☒ Yes ☐ No
- 4.2 ☐ Consent to import

- 4.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to use or place on the market all plant protection products containing fluoroacetamide. The chemical was excluded from Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market and authorisations for plant protection products thus had to be withdrawn by 31 March 2004 (Commission Decision 2004/129/EC of 30 January 2004 concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisations for plant protection products containing these substances (OJ L 37, 10.2.2004, p. 27)).

It is prohibited to use or place on the market all biocidal products containing fluoroacetamide. In accordance with Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market the chemical is not allowed to be placed on the market for any such uses and had therefore been withdrawn from the market as from 1 September 2006.

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

5.5 Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country? ☐ Yes ☐ No

Is this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use? ☐ Yes ☐ No

Is this intended for export? ☐ Yes ☐ No

Other remarks

Fluoroacetamide is classified under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1) as: T; R24 (Toxic; Toxic in contact with skin) – T+; R28 (Very Toxic if swallowed)

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution European Commission, DG Environment

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Position of person in charge Deputy Head of Unit

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E-mail address Paul.Speight@ec.europa.eu

Date, signature of DNA and official seal:

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'FORM FOR IMPORT RESPONSE**Country:**

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL

- 1.1 **Common name**
- 1.2 **CAS number**
- 1.3 **Category** ☒ Pesticide
☐ Industrial
☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

- 2.1 ☐ This is a first time import response for this chemical in the country.
- 2.2 ☒ This is a modification of a previous response.
Date of issue of the previous response: 12/06/2005

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

- ☒ Final decision (Fill in section 4 below) OR ☐ Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

- 4.1 ☒ No consent to import
- Is the import of the chemical from all sources simultaneously prohibited? ☒ Yes ☐ No
- Is domestic production of the chemical for domestic use simultaneously prohibited? ☒ Yes ☐ No
- 4.2 ☐ Consent to import

- 4.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to produce, use or place on the market HCH. The chemical, whether on its own, in preparations or as a constituent of articles, was banned by Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 229, 29.6.2004, p. 5).

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

- 5.5 Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country?

☐ Yes ☐ No

Is this chemical manufactured in the country?

☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use?

☐ Yes ☐ No

Is this intended for export?

☐ Yes ☐ No

Other remarks

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution European Commission, DG Environment

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Name of person in charge Mr Paul Speight

Position of person in charge Deputy Head of Unit

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'FORM FOR IMPORT RESPONSE**Country:**

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL

- 1.1 **Common name**
- 1.2 **CAS number**
- 1.3 **Category** ☐ Pesticide
☒ Industrial
☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

- 2.1 ☐ This is a first time import response for this chemical in the country.
- 2.2 ☒ This is a modification of a previous response.
Date of issue of the previous response: 12/06/2005

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

- ☒ Final decision (Fill in section 4 below) OR ☐ Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

- 4.1 ☒ No consent to import
- Is the import of the chemical from all sources simultaneously prohibited? ☒ Yes ☐ No
- Is domestic production of the chemical for domestic use simultaneously prohibited? ☒ Yes ☐ No
- 4.2 ☐ Consent to import

- 4.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to place on the market or use PCTs, except for certain specific exemptions on a case-by-case basis. The chemicals were banned by Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the registration, evaluation, authorisation and restriction of chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). However Member States may, provided prior notification stating the reasons is sent to the Commission, grant derogations for primary and intermediate products for further processing into other products not prohibited by Regulation (EC) No 1907/2006, in so far as they consider that these derogations have no deleterious effects on health and the environment.

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

5.5 Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country? ☐ Yes ☐ No

Is this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use? ☐ Yes ☐ No

Is this intended for export? ☐ Yes ☐ No

Other remarks

SECTION 7 DESIGNATED NATIONAL AUTHORITY

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Name of person in charge Mr Paul Speight

Position of person in charge Deputy Head of Unit

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Date, signature of DNA and official seal:

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ANNEX V

Revised import decision for dustable powder formulations containing a combination of benomyl, carbofuran and thiram replacing the import decision set out in Decision 2004/382/EC

'FORM FOR IMPORT RESPONSE**Country:**

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL**1.1 Common name**

Dustable powder formulations containing a combination of benomyl, carbofuran and thiram

1.2 CAS number

17804-35-2
1563-66-2
137-26-8

1.3 Category☐ Pesticide☐ Industrial☒ Severely hazardous pesticide formulation**SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY****2.1** ☐ This is a first time import response for this chemical in the country.**2.2** ☒ This is a modification of a previous response.

Date of issue of the previous response: 12/12/2004

SECTION 3 RESPONSE REGARDING FUTURE IMPORT☒ Final decision (Fill in section 4 below) OR☐ Interim response (Fill in section 5 below)**SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES****4.1** ☒ No consent to import

Is the import of the chemical from all sources simultaneously prohibited?

☒ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited?

☒ Yes ☐ No**4.2** ☐ Consent to import

- 4.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to use or place on the market all plant protection products containing benomyl. Benomyl was excluded from Annex I to Council Directive 91/414/EEC and thus authorisations for plant-protection products containing this active substance had to be withdrawn (Commission Decision 2002/928/EC of 26 November 2002, OJ L 322, 27.11.2002, p. 53).

It is prohibited to use or place on the market all biocidal products containing benomyl. In accordance with Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market the chemical is not allowed to be placed on the market for use as a biocidal product and had therefore to be withdrawn from the market as from 1 September 2006.

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

5.5

Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country?

☐ Yes ☐ No

Is this chemical manufactured in the country?

☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use?

☐ Yes ☐ No

Is this intended for export?

☐ Yes ☐ No

Other remarks

SECTION 7 DESIGNATED NATIONAL AUTHORITY

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Name of person in charge	Mr Paul Speight
Position of person in charge	Deputy Head of Unit
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Date, signature of DNA and official seal:

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ANNEX VI

Revised import decision for mercury compounds replacing the import decision published in PIC Circular X

FORM FOR IMPORT RESPONSE**Country:**

European Community
(Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic,
Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland,
Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal,
Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL

- 1.1 **Common name**
- 1.2 **CAS number**
- 1.3 **Category**
- ☒ Pesticide
- ☐ Industrial
- ☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

- 2.1 ☐ This is a first time import response for this chemical in the country.
- 2.2 ☒ This is a modification of a previous response.
Date of issue of the previous response: 12/07/1995

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

- ☒ Final decision (Fill in section 4 below) OR ☐ Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

- 4.1 ☒ No consent to import
- Is the import of the chemical from all sources simultaneously prohibited? ☒ Yes ☐ No
- Is domestic production of the chemical for domestic use simultaneously prohibited? ☒ Yes ☐ No
- 4.2 ☐ Consent to import

- 4.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to use or place on the market all plant protection products containing mercury compounds as an active ingredient according to Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances (OJ L 33 of 8.2.1979, p. 36), as last amended by Regulation (EC) No 850/2004 of the European Parliament and of the Council (OJ L 229, 29.6.2004, p. 5).

Furthermore, in accordance with Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market the chemical is not allowed to be placed on the market for use as a biocidal product.

SECTION 5 INTERIM RESPONSE

- 5.1 ☐ No consent to import

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

- 5.2 ☐ Consent to import

- 5.3 ☐ Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

- 5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

- 5.5 Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:Is this chemical currently registered in the country? ☐ Yes ☐ NoIs this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use? ☐ Yes ☐ NoIs this intended for export? ☐ Yes ☐ No

Other remarks

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution European Commission, DG Environment

Address BU 9 6/167, B-1049 Brussels, Belgium

Name of person in charge Mr Paul Speight

Position of person in charge Deputy Head of Unit

Telephone 32 2 296 41 35

Telefax 32 2 296 76 16

E-mail address Paul.Speight@ec.europa.eu

Date, signature of DNA and official seal:

PLEASE RETURN THE COMPLETED FORM TO:

Secretariat for the Rotterdam Convention
Food and Agriculture Organization
of the United Nations (FAO)
Viale delle Terme di Caracalla
00100 Rome, Italy
Tel: (+39 06) 5705 3441
Fax: (+39 06) 5705 6347
E-mail: pic@pic.int

OR

Secretariat for the Rotterdam Convention
United Nations Environment
Programme (UNEP)
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