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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Council Decision (EU) 2019/2025 of 18 November 2019 on the signing, on behalf of the European Union, and the provisional application of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas** 1
- ★ **PROTOCOL to amend the International Convention for the Conservation of Atlantic Tunas** 3

REGULATIONS

- ★ **Council Implementing Regulation (EU) 2019/2026 of 21 November 2019 amending Implementing Regulation (EU) No 282/2011 as regards supplies of goods or services facilitated by electronic interfaces and the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods** 14
- ★ **Commission Implementing Regulation (EU) 2019/2027 of 28 November 2019 derogating from Regulations (EC) Nos 2305/2003, 969/2006 and 1067/2008 and from Implementing Regulations (EU) 2015/2081 and (EU) 2017/2200, Regulation (EC) No 1964/2006 and Implementing Regulation (EU) No 480/2012 and Regulation (EC) No 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in 2020 under the tariff quotas for cereals, rice and olive oil** 28
- ★ **Commission Implementing Regulation (EU) 2019/2028 of 29 November 2019 amending Implementing Regulation (EU) 2016/1799 as regards the mapping tables specifying the correspondence between the credit risk assessments of external credit assessment institutions and the credit quality steps set out in Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽¹⁾** 34
- ★ **Commission Implementing Regulation (EU) 2019/2029 of 29 November 2019 granting a Union authorisation for the single biocidal product ‘CVAS Disinfectant product based on Propan-2-ol’ ⁽¹⁾** 41

⁽¹⁾ Text with EEA relevance.

★ Commission Implementing Regulation (EU) 2019/2030 of 29 November 2019 granting a Union authorisation for the biocidal product family 'Pal IPA Product Family' ⁽¹⁾	51
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DECISIONS

★ Commission Implementing Decision (EU) 2019/2031 of 12 November 2019 establishing best available techniques (BAT) conclusions for the food, drink and milk industries, under Directive 2010/75/EU of the European Parliament and of the Council (notified under document C(2019) 7989) ⁽¹⁾	60
★ Commission Implementing Decision (EU) 2019/2032 of 26 November 2019 establishing measures to prevent the introduction into and the spread within the Union of <i>Fusarium circinatum</i> Nirenberg & O'Donnell (formerly <i>Gibberella circinata</i>) and repealing Decision 2007/433/EC (notified under document C(2019) 8359).....	94

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/2025

of 18 November 2019

on the signing, on behalf of the European Union, and the provisional application of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 13 May 2013, the Council authorised the European Commission to open negotiations on amendments to the International Convention for the Conservation of Atlantic Tunas ⁽¹⁾ (the ICCAT). These negotiations were successfully concluded in November 2018.
- (2) The resulting Protocol to amend the International Convention for the Conservation of Atlantic Tunas ('the Protocol') is expected to improve the effectiveness of the ICCAT and strengthen the conservation and management of species under its purview.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of living marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on the marine ecosystem and fishery resources. Moreover, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations. The Protocol is consistent with those objectives.
- (4) As stated in the Joint Communication by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy entitled 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint Communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora. The Protocol is fully in line with those aims.

⁽¹⁾ OJ L 162, 18.6.1986, p. 34.

⁽²⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

- (5) The Protocol should be signed on behalf of the Union.
- (6) If the Protocol enters into force for other contracting parties before the Union has completed its internal ratification procedures, it should be applied on a provisional basis by the Union as from that entry into force, pending the completion of the procedures necessary for its entry into force for the Union,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas ('the Protocol') is hereby authorised, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

Article 3

The Protocol shall be applied on a provisional basis as from its entry into force in accordance with Article 13 of the Protocol, and under the conditions set out therein, pending the completion of the procedures necessary for its entry into force for the Union.

Article 4

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

Done at Brussels, 18 November 2019.

For the Council
The President
J. LEPPÄ

PROTOCOL

to amend the International Convention for the Conservation of Atlantic Tunas

The Contracting Parties to the International Convention for the Conservation of Atlantic Tunas, done at Rio de Janeiro on 14 May 1966 (hereinafter 'the Convention'),

RECALLING the *Recommendation by ICCAT to establish a Working Group to develop amendments to the ICCAT Convention* [Rec. 12-10] and the resulting draft proposals for amendment developed through this Working Group,

TAKING NOTE of the *Resolution by ICCAT regarding participation by fishing entities under the amended ICCAT Convention* [Res. 19-13] and the *Recommendation by ICCAT on fishes considered to be tuna and tuna-like species or oceanic, pelagic, and highly migratory elasmobranchs* [Rec. 19-01], which are integral components of the proposals for amendment and were adopted by the Commission in conjunction with the finalization of this Protocol,

CONSIDERING that the proposals for amendment to the Convention set out herein involve new obligations,

EMPHASIZING the importance of completing their respective internal acceptance procedures expeditiously in order that this Protocol may enter into force for all Contracting Parties as soon as possible,

HAVE AGREED AS FOLLOWS:

Article 1

The Preamble to the Convention shall be amended to read as follows:

'The Governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes and elasmobranchs that are oceanic, pelagic, and highly migratory found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels that will permit their long term conservation and sustainable use for food and other purposes, resolve to conclude a Convention for the conservation of these resources, and to that end agree as follows:'

Article 2

Articles II and III of the Convention shall be amended to read as follows:

'Article II

Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under international law. This Convention shall be interpreted and applied in a manner consistent with international law.

Article III

1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as "the Commission", which shall carry out the objectives set forth in this Convention. Each Contracting Party shall be a Member of the Commission.
2. Each of the Members of the Commission shall be represented on the Commission by not more than three Delegates. Such Delegates may be assisted by experts and advisors.
3. Decisions of the Commission shall be taken by consensus as a general rule. Except as may otherwise be provided in this Convention, if consensus cannot be achieved, decisions shall be made by a two-thirds majority of the Members of the Commission present and casting affirmative or negative votes, each Member of the Commission having one vote. Two-thirds of all the Members of the Commission shall constitute a quorum.

4. The Commission shall hold a regular meeting once every two years. A special meeting may be called at any time at the request of a majority of all the Members of the Commission or by decision of the Council as constituted in Article VI.
5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect from among the Contracting Parties a Chairman, a first Vice-Chairman and a second Vice-Chairman who shall not be re-elected for more than one term.
6. The meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides.
7. The official languages of the Commission shall be English, French and Spanish.
8. The Commission shall have authority to adopt such rules of procedure and financial regulations as are necessary to carry out its functions.
9. The Commission shall submit a report to the Members of the Commission every two years on its work and findings and shall also inform any Member of the Commission, whenever requested, on any matter relating to the objectives of this Convention.'

Article 3

A new Article IV shall be added to the Convention, which shall read as follows:

'Article IV

The Commission and its Members, in conducting work under this Convention, shall act to:

- (a) apply the precautionary approach and an ecosystem approach to fisheries management in accordance with relevant internationally agreed standards and, as appropriate, recommended practices and procedures;
- (b) use the best scientific evidence available;
- (c) protect biodiversity in the marine environment;
- (d) ensure fairness and transparency in decision making processes, including with respect to the allocation of fishing possibilities, and other activities; and
- (e) give full recognition to the special requirements of developing Members of the Commission, including the need for their capacity building in accordance with international law, to implement their obligations under this Convention and to develop their fisheries.'

Article 4

Articles IV, V, VI, VII, and VIII of the Convention shall be renumbered as Articles V, VI, VII, VIII, and IX, respectively, and amended to read as follows:

'Article V

1. In order to carry out the objectives of this Convention:
 - (a) The Commission shall be responsible for the study of the populations of tuna and tuna-like fishes and elasmobranchs that are oceanic, pelagic, and highly migratory, hereinafter referred to as "ICCAT species", and such other species caught while fishing for ICCAT species in the Convention area, taking into account the work of other relevant international fishery-related organizations or arrangements. Such study shall include research on the above-mentioned species, the oceanography of their environment, and the effects of natural and human factors upon their abundance. The Commission may also study species belonging to the same ecosystem or dependent on or associated with ICCAT species.

- (b) The Commission, in carrying out these responsibilities shall, insofar as feasible, utilise the technical and scientific services of, and information from, official agencies of the Members of the Commission and their political subdivisions and may, when desirable, utilise the available services and information of any public or private institution, organization or individual, and may undertake within the limits of its budget and with the cooperation of concerned Members of the Commission, independent research to supplement the research work being done by governments, national institutions or other international organizations.
 - (c) The Commission shall ensure that any information received from such institution, organization, or individual is consistent with established scientific standards regarding quality and objectivity.
2. The carrying out of the provisions in paragraph 1 of this Article shall include:
- (a) collecting and analysing statistical information relating to the current conditions and trends of ICCAT species in the Convention area;
 - (b) studying and appraising information concerning measures and methods to ensure maintenance of the populations of ICCAT species in the Convention area at or above levels capable of producing maximum sustainable yield and which will ensure the effective exploitation of these species in a manner consistent with this yield;
 - (c) recommending studies and investigations to the Members of the Commission; and
 - (d) publishing and otherwise disseminating reports of its findings and statistical, biological and other scientific information relative to ICCAT species in the Convention area.

Article VI

1. There is established within the Commission a Council which shall consist of the Chairman and the Vice-Chairmen of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds forty, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the Chairman and Vice-Chairmen are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna fishing and tuna processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.

2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

Article VII

To carry out the objectives of this Convention the Commission may establish Panels on the basis of species, group of species, or of geographic areas. Each Panel in such case:

- (a) shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting scientific and other information relating thereto;
- (b) may propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the Members of the Commission; and

- (c) may recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the co-ordination of programmes of investigation by the Members of the Commission.

Article VIII

The Commission shall appoint an Executive Secretary who shall serve at the pleasure of the Commission. The Executive Secretary, subject to such rules and procedures as may be determined by the Commission, shall have authority with respect to the selection and administration of the staff of the Commission. The Executive Secretary shall also perform, *inter alia*, the following functions as the Commission may prescribe:

- (a) coordinating the programmes of investigation carried out pursuant to Articles V and VII of this Convention;
- (b) preparing budget estimates for review by the Commission;
- (c) authorising the disbursement of funds in accordance with the Commission's budget;
- (d) accounting for the funds of the Commission;
- (e) arranging for co-operation with the organizations referred to in Article XIII of this Convention;
- (f) preparing the collection and analysis of data necessary to accomplish the purposes of this Convention, particularly those data relating to the current and maximum sustainable yield of stocks of ICCAT species; and
- (g) preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

Article IX

1. (a) The Commission may, on the basis of scientific evidence, make recommendations designed to:
 - (i) ensure in the Convention area the long-term conservation and sustainable use of ICCAT species by maintaining or restoring the abundance of the stocks of those species at or above levels capable of producing maximum sustainable yield;
 - (ii) promote, where necessary, the conservation of other species that are dependent on or associated with ICCAT species, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened.

These recommendations shall become effective for the Members of the Commission under the conditions laid down in paragraphs 2 and 3 of this Article.

- (b) The recommendations referred to above shall be made:
 - (i) at the initiative of the Commission if an appropriate Panel has not been established;
 - (ii) at the initiative of the Commission with the approval of at least two-thirds of all the Members of the Commission if an appropriate Panel has been established but a proposal has not been approved by the Panel;
 - (iii) on a proposal that has been approved by an appropriate Panel; or
 - (iv) on a proposal that has been approved by the appropriate Panels if the recommendation in question relates to more than one geographic area, species or group of species.

2. Each recommendation made under paragraph 1 of this Article shall become effective for all the Members of the Commission four months after the date of the notification from the Commission transmitting the recommendation to the Members of the Commission, unless otherwise agreed upon by the Commission at the time the recommendation is adopted and except as provided in paragraph 3 of this Article. However, under no circumstances shall a recommendation become effective in less than three months.

3. (a) If any Member of the Commission in the case of a recommendation made under paragraph 1(b)(i) or (ii) above, or any Member of the Commission which is also a member of a Panel concerned in the case of a recommendation made under paragraph 1(b)(iii) or (iv) above, presents to the Commission an objection to such recommendation within the period established pursuant to paragraph 2 above, the recommendation shall not become effective for those Members of the Commission who raised the objection.
- (b) If objections have been presented by a majority of the Members of the Commission within the period established pursuant to paragraph 2 above, the recommendation shall not become effective for any Member of the Commission.
- (c) A Member of the Commission presenting an objection in accordance with sub-paragraph (a) above shall provide to the Commission in writing, at the time of presenting its objection, the reason for its objection, which shall be based on one or more of the following grounds:
- (i) the recommendation is inconsistent with this Convention or other relevant rules of international law;
 - (ii) the recommendation unjustifiably discriminates in form or in fact against the objecting Member of the Commission;
 - (iii) the Member of the Commission cannot practicably comply with the measure because it has adopted a different approach to conservation and sustainable management or because it does not have the technical capabilities to implement the recommendation; or
 - (iv) security constraints as a result of which the objecting Member of the Commission is not in a position to implement or comply with the measure.
- (d) Each Member of the Commission that presents an objection pursuant to this Article shall also provide to the Commission, to the extent practicable, a description of any alternative conservation and management measures, which shall be at least equally effective as the measure to which it is objecting.
4. Any Member of the Commission objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Member of the Commission immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this Article.
5. The Executive Secretary shall promptly circulate to all the Members of the Commission the details of any objection and explanation received in accordance with this Article and of each withdrawal of such an objection, and shall notify all the Members of the Commission of when any recommendation comes into effect.'

Article 5

A new Article X shall be added to the Convention, which shall read as follows:

'Article X

1. Every effort shall be made within the Commission in order to prevent disputes, and the parties to any dispute shall consult each other in order to settle disputes concerning this Convention by amicable means and as quickly as possible.
2. Where a dispute concerns a matter of a technical nature, the parties to the dispute may jointly refer the dispute to an *ad hoc* expert panel established in accordance with the procedures to be adopted by the Commission. The panel shall confer with the parties to the dispute and shall endeavour to expeditiously resolve the dispute without recourse to binding procedures.
3. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of this Convention, best efforts shall be made to have the dispute resolved by peaceful means.

4. Any such dispute that is not resolved through means set out in the paragraphs above, may be submitted to final and binding arbitration for settlement, at the joint request of the parties to the dispute. Prior to jointly requesting arbitration, the parties to the dispute should agree on the scope of the dispute. The parties to the dispute may agree that an arbitral tribunal be constituted and conducted in accordance with Annex 1 of this Convention or in accordance with any other procedures that the parties to the dispute may decide to apply by mutual agreement. Any such arbitral tribunal shall render its decisions in accordance with this Convention, international law and relevant standards recognized by the parties to the dispute for the conservation of living marine resources.

5. The dispute settlement mechanisms set out in this Article shall only apply to disputes that relate to any act, fact, or situation that occurs after the date of the entry into force of this Article.

6. Nothing in this Article shall prejudice the ability of the parties to any dispute to pursue dispute settlement under other treaties or international agreements to which they are parties, in lieu of dispute settlement as provided for in this Article, in accordance with the requirements of that treaty or international agreement.'

Article 6

Articles IX, X, and XI of the Convention shall be renumbered as Articles XI, XII, and XIII respectively, and amended to read as follows:

'Article XI

1. The Members of the Commission agree to take all action necessary to ensure the enforcement of this Convention. Each Member of the Commission shall transmit to the Commission, biennially or at such other times as may be required by the Commission, a statement of the action taken by it for these purposes.
2. The Members of the Commission agree:
 - (a) to furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention;
 - (b) when their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the Members of the Commission, to obtain it on a voluntary basis direct from companies and individual fishermen.
3. The Members of the Commission undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention.
4. The Contracting Parties undertake to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a State is entitled under international law to exercise jurisdiction over fisheries.

Article XII

1. The Commission shall adopt a budget for the joint expenses of the Commission for the biennium following each regular meeting.
2.
 - (a) Each Member of the Commission shall contribute annually to the budget of the Commission an amount calculated in accordance with a scheme provided for in the Financial Regulations, as adopted by the Commission. The Commission, in adopting this scheme, should consider *inter alia* each Member of the Commission's fixed basic fees for Commission and Panel membership, the total round weight of catch and net weight of canned products of Atlantic tuna and tuna-like fishes and the degree of economic development of the Members of the Commission.
 - (b) The scheme of annual contributions in the Financial Regulations shall be established or modified only through the agreement of all the Members of the Commission present and voting. The Members of the Commission shall be informed of this ninety days in advance.

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meetings and, on the basis of current and anticipated developments, may authorise reappportionment of amounts in the Commission budget for the second year within the total budget approved by the Commission.
4. The Executive Secretary of the Commission shall notify each Member of the Commission of its yearly assessment. The contributions shall be payable on January first of the year for which the assessment was levied. Contributions not received before January first of the succeeding year shall be considered as in arrears.
5. Contributions to the biennial budget shall be payable in such currencies as the Commission may decide.
6. At its first meeting the Commission shall approve a budget for the balance of the first year the Commission functions and for the following biennium. It shall immediately transmit to the Members of the Commission copies of these budgets together with notices of the respective assessments for the first annual contribution.
7. Thereafter, within a period not less than sixty days before the regular meeting of the Commission which precedes the biennium, the Executive Secretary shall submit to each Member of the Commission a draft biennial budget together with a schedule of proposed assessments.
8. The Commission may suspend the voting rights of any Member of the Commission when its arrears of contributions equal or exceed the amount due from it for the two preceding years.
9. The Commission shall establish a Working Capital fund to finance operations of the Commission prior to receiving annual contributions, and for such other purposes as the Commission may determine. The Commission shall determine the level of the Fund, assess advances necessary for its establishment, and adopt regulations governing the use of the Fund.
10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission or by the Council in years when there is no regular Commission meeting.
11. The Commission may accept contributions, other than provided for in paragraph 2 of this Article, for the prosecution of its work.

Article XIII

1. The Contracting Parties agree that there should be a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to Article XIII of the Organization's Constitution. Such agreement should provide, *inter alia*, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a Representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.
2. The Members of the Commission agree that there should be co-operation between the Commission and other international fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.
3. The Commission may invite any appropriate international organization and any Government which is a member of the United Nations or of any Specialized Agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.'

Article 7

Article XII of the Convention shall be renumbered as Article XIV. Paragraph 2 of this Article shall be amended to read as follows:

‘2. At any time after ten years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention on December thirty-first of any year including the tenth year by written notification of withdrawal given on or before December thirty-first of the preceding year to the Director-General of the Food and Agriculture Organization of the United Nations.’

Article 8

Article XIII of the Convention shall be renumbered as Article XV. Paragraph 1 of this Article shall be amended to read as follows:

- ‘1. (a) At the initiative of any Contracting Party or of the Commission itself, the Commission may propose amendments to this Convention. Any such proposal shall be made by consensus.
- (b) The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties.
- (c) Any amendment not involving new obligations shall enter into force for all Contracting Parties on the thirtieth day after its acceptance by three-fourths of the Contracting Parties.
- (d) Any amendment involving new obligations shall enter into force for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three-fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly.
- (e) A Government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by this Convention as amended when the said amendment comes into force.’

Article 9

A new Article XVI shall be added to the Convention, which shall read as follows:

‘Article XVI

The Annexes form an integral part of this Convention and a reference to this Convention includes a reference to the Annexes.’

Article 10

Articles XIV, XV, and XVI of the Convention shall be renumbered as Articles XVII, XVIII, and XIX, respectively, and amended to read as follows:

‘Article XVII

1. This Convention shall be open for signature by the Government of any State which is a Member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.
2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.
3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval, or adherence on the date of such deposit.
4. This Convention shall be open for signature or adherence by any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

5. Upon the deposit of its instrument of formal confirmation or adherence, any organization referred to in paragraph 4 shall be a Contracting Party having the same rights and obligations in respect of this Convention as the other Contracting Parties. Reference in the text of this Convention to the term “State” in Article XI, paragraph 4, and to the term “Government” in the Preamble and in Article XV, paragraph 1, shall be interpreted in this manner.

6. When an organization referred to in paragraph 4 becomes a Contracting Party to this Convention, the member states of that organization and those which adhere to it in the future shall cease to be parties to the Convention; they shall transmit a written notification to this effect to the Director-General of the Food and Agriculture Organization of the United Nations.

Article XVIII

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all Governments referred to in Article XVII paragraph 1 and all the organizations referred to in paragraph 4 of the same Article of deposits of instruments of ratification, approval, formal confirmation or adherence, the entry into force of this Convention, proposals for amendment, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

Article XIX

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies of it to the Governments referred to in Article XVII paragraph 1 and to the organizations referred to in paragraph 4 of the same Article.’

Article 11

Two Annexes shall be added to the Convention, which shall read as follows:

‘ANNEX 1

PROCEDURES FOR DISPUTE RESOLUTION

1. The arbitral tribunal referred to in Article X paragraph 4 should be composed, as appropriate, of three arbitrators who may be appointed as follows:
 - (a) One of the parties to the dispute should communicate the name of an arbitrator to the other party to the dispute that should, in turn, within a period of forty days following that notification, communicate the name of the second arbitrator. In disputes between more than two Members of the Commission, parties that have the same interest should jointly appoint one arbitrator. The parties to the dispute should, within a period of sixty days following the appointment of the second arbitrator, appoint the third arbitrator, who is not a national of either Member of the Commission and is not of the same nationality as either of the first two arbitrators. The third arbitrator should preside over the tribunal;
 - (b) If the second arbitrator is not appointed within the prescribed period, or if the parties are not able to concur within the prescribed period on the appointment of the third arbitrator, that arbitrator may be appointed, at the request of the parties to the dispute, by the Chair of the Commission within two months from the date of receipt of the request.
2. The decision of the arbitral tribunal should be made by a majority of its members, which should not abstain from voting.
3. The decision of the arbitral tribunal is final and binding on the parties to the dispute. The parties to the dispute should comply with the decision without delay. The arbitral tribunal may interpret the decision at the request of one of the parties to the dispute.

ANNEX 2

FISHING ENTITIES

1. After the entry into force of the amendments to this Convention adopted on 18 November 2019, only the fishing entity that had attained by 10 July 2013 Cooperating Status in accordance with the procedures established by the Commission, as reflected in Resolution [Res. 19-13] adopted concurrent with this Annex, may, by a written instrument delivered to the Executive Secretary of the Commission, express its firm commitment to abide by the terms of this Convention and comply with recommendations adopted pursuant to it. Such commitment shall become effective thirty days from the date of receipt of the instrument. Such fishing entity may withdraw such commitment by a written notification addressed to the Executive Secretary of the Commission. The withdrawal shall become effective one year after the date of its receipt, unless the notification specifies a later date.
2. In case of any further amendment made to this Convention pursuant to Article XV, the fishing entity referred to in paragraph 1 may, by a written instrument delivered to the Executive Secretary of the Commission, express its firm commitment to abide by the terms of the amended Convention and comply with recommendations adopted pursuant to it. This commitment of a fishing entity shall be effective from the dates referred to in Article XV or on the date of receipt of the written communication referred to in this paragraph, whichever is later.
3. The Executive Secretary shall notify the Contracting Parties of its receipt of such commitments or notifications; make such notifications available to the Contracting Parties; provide notifications from the Contracting Parties to the fishing entity, including notifications of ratification, approval, or adherence and entry into force of this Convention and its amendments; and keep safe custody of any such documents transmitted between the fishing entity and the Executive Secretary.
4. The fishing entity referred to in paragraph 1 which has expressed, through the submission of the written instrument referred to in paragraphs 1 and 2, its firm commitment to abide by the terms of this Convention and comply with recommendations adopted pursuant to it may participate in the relevant work, including decision making, of the Commission, and shall, *mutatis mutandis*, enjoy the same rights and obligations as Members of the Commission as set forth in Articles III, V, VII, IX, XI, XII, and XIII of this Convention.
5. If a dispute involves the fishing entity referred to in paragraph 1 which has expressed its commitment to be bound by the terms of this Convention in accordance with this Annex and cannot be settled by amicable means, the dispute may, with the mutual agreement of the parties to the dispute, be submitted, as the case may be, to an *ad hoc* expert panel or, after seeking to agree on the scope of the dispute, for final and binding arbitration.
6. The provisions of this Annex relating to the participation of the fishing entity referred to in paragraph 1 are only for the purposes of this Convention.
7. Any Non-Contracting Party, Entity, or Fishing Entity that obtains Cooperating Status after 10 July 2013 shall not be considered a Fishing Entity for the purposes of this Annex and, thus, shall not enjoy the same rights and obligations as Members of the Commission as set forth in Articles III, V, VII, IX, XI, XII, and XIII of this Convention.

Article 12

The original of this Protocol, the English, French and Spanish texts of which are equally authentic, shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. It shall be open for signature in Palma de Mallorca, Spain on 20 November 2019 and thereafter in Rome until 20 November 2020. The Contracting Parties to the Convention that have not signed this Protocol may nevertheless deposit their instruments of approval, ratification, or acceptance at any time. The Director-General of the Food and Agriculture Organization of the United Nations shall send a certified copy of this Protocol to each of the Contracting Parties to the Convention.

Article 13

This Protocol shall enter into force for each Contracting Party to the Convention accepting it on the ninetieth day after the deposit with the Director-General of the Food and Agriculture Organization of the United Nations of an instrument of approval, ratification, or acceptance by three-fourths of the Contracting Parties to the Convention, and thereafter for each remaining Contracting Party to the Convention upon approval, ratification, or acceptance by it. A government which becomes a Contracting Party to the Convention after this Protocol has been opened for signature pursuant to Article 12 above shall be considered as having accepted this Protocol.

Article 14

Following the entry into force of this Protocol for those three-fourths of the Contracting Parties to the Convention that have deposited of an instrument of approval, ratification, or acceptance with the Director-General of the Food and Agriculture Organization of the United Nations, the Contracting Parties to the Convention that have not deposited their instruments of approval, ratification, or acceptance shall be deemed to remain Members of the Commission. The Commission shall adopt measures to ensure its orderly functioning until this Protocol enters into force for all Contracting Parties to the Convention. A Contracting Party to the Convention for which this Protocol has not yet entered into force may nonetheless choose to implement these amendments provisionally, and may notify the Director General of the Food and Agriculture Organization to this effect.

Done at Palma de Mallorca, Spain, 20 November 2019.

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2019/2026

of 21 November 2019

amending Implementing Regulation (EU) No 282/2011 as regards supplies of goods or services facilitated by electronic interfaces and the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 397 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Directive 2006/112/EC was amended by Council Directive (EU) 2017/2455 ⁽²⁾ which, inter alia, extended the scope of the special schemes for non-established taxable persons supplying telecommunications, broadcasting or electronic services to non-taxable persons to all types of services as well as to intra-Community distance sales of goods and distance sales of goods imported from third territories or third countries. Directive (EU) 2017/2455 also introduced certain provisions for taxable persons facilitating supplies of goods or services made by other taxable persons through the use of an electronic interface such as a marketplace, platform, portal or similar means.
- (2) The detailed provisions for the application of those special schemes laid down in Council Implementing Regulation (EU) No 282/2011 ⁽³⁾ should be updated following the extension of their scope.
- (3) The definitions of 'intra-Community distance sales of goods' and 'distance sales of goods imported from third territories or third countries' in Directive 2006/112/EC also cover supplies of goods where the supplier intervenes indirectly in their dispatch or transport to the customer. Therefore, to ensure the correct and uniform application of those definitions across Member States and to enhance legal certainty for both economic operators and tax administrations, it is necessary to clarify and define the meaning of the term 'indirectly' in this context.
- (4) In order to ensure the uniform application across Member States of the provisions concerning taxable persons facilitating supplies of goods and services in the Community and to improve legal certainty for taxable persons subject to value added tax (VAT) rules and for tax administrations that enforce those rules, it is necessary to further define the meaning of the term 'facilitates' and to clarify when a taxable person is not considered to facilitate supplies of goods or services through an electronic interface.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

⁽²⁾ Council Directive (EU) 2017/2455 of 5 December 2017 amending Directive 2006/112/EC and Directive 2009/132/EC as regards certain value added tax obligations for supplies of services and distance sales of goods (OJ L 348, 29.12.2017, p. 7).

⁽³⁾ Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

- (5) In order to ensure the uniform application of the VAT rules, it is necessary to clearly define the moment when the payment by the customer can be considered to be accepted so as to determine in which taxable period supplies by taxable persons facilitating supplies of goods in the Community through the use of an electronic interface or by any taxable person making use of the special scheme for distance sales of goods imported from third territories or third countries have to be declared.
- (6) It is necessary to determine which type of information should be kept in the records of taxable persons facilitating supplies of goods and services in the Community through an electronic interface. This should take account of the nature of the information available to such taxable persons, its relevance for tax administrations and the requirement that such accounting and record-keeping be proportionate in order to comply with the rights and obligations laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽⁴⁾.
- (7) A taxable person facilitating certain supplies of goods in the Community through the use of an electronic interface is deemed to have received and supplied the goods himself and is liable to pay VAT on these supplies. It is important to take into account that such a taxable person may be dependent on the accuracy of the information provided by the suppliers selling goods through that electronic interface to correctly declare and pay the amount of VAT due. It is therefore reasonable to provide that, when the information received is erroneous, such a taxable person shall not be held liable for any amount of VAT in excess of the VAT which he declared and paid on these supplies where he can demonstrate that he did not and could not reasonably have known that the information received was incorrect. This should allow Member States to release those taxable persons from additional VAT liability where they act in good faith.
- (8) In order to reduce the administrative burden on taxable persons facilitating certain supplies of goods in the Community through the use of an electronic interface, it is appropriate to release them from the burden of having to prove the status of the seller and customer. Therefore certain rebuttable presumptions should be introduced whereby suppliers selling goods through that electronic interface are presumed to be taxable persons and their customers non-taxable persons.
- (9) To avoid doubt, it is necessary to specify that the identification number allocated to an intermediary acting in the name and on behalf of a taxable person using the import scheme is an authorisation enabling him to act as intermediary and cannot be used by the intermediary to declare VAT on taxable transactions that he carries out himself.
- (10) The provision excluding a taxable person who voluntarily ceased using a special scheme from re-entering that special scheme for a period of two calendar quarters is not considered useful by Member States and may create additional burdens for the taxable person concerned. That provision should therefore be removed.
- (11) To limit the IT impact of the change in the way corrections to previous VAT returns under a special scheme have to be made, it is preferable to provide that corrections to a VAT return relating to a tax period preceding the date from which Member States are to apply national measures to comply with Articles 2 and 3 of Directive (EU) 2017/2455 are to be made by means of amendments to that return. In addition, as corrections to previous VAT returns will have to be submitted in a subsequent return for tax periods as of 1 January 2021, taxable persons excluded from a special scheme will no longer be able to make corrections in a subsequent return. As a consequence, it is necessary to provide that such corrections should be discharged directly with the tax authorities of the relevant Member States of consumption.
- (12) As the name of the customer must only be kept in the records of a taxable person making use of a special scheme if available to that taxable person, is not needed to determine the Member State in which the supply is subject to VAT and may raise data protection issues, it is no longer necessary to include the name of the customer in the records to be kept by taxable persons making use of a special scheme. However, to facilitate the control of supplies of goods covered by a special scheme, it is necessary to include information on returns of goods and consignment or transaction numbers amongst the information to be kept by taxable persons.

⁽⁴⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (13) In order to ensure consistency between the special arrangements for declaration and payment of import VAT on the one hand, and customs provisions regarding deferment of payment of customs duty and obligations of the person presenting the goods to customs on the other hand, and to guarantee the correct payment of import VAT where those arrangements are used, it should be specified that the monthly payment of import VAT under the special arrangements could be made subject to the normal conditions applied under customs law to authorise deferment of payment of import duty. Furthermore, it should be specified that the application of the special arrangements does not oblige Member States to require the person presenting the goods to customs to be empowered by the person for whom the goods are destined to present the goods to customs on his behalf.
- (14) Implementing Regulation (EU) No 282/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 282/2011 is amended as follows:

- (1) Chapter IV is amended as follows:
- (a) the heading of Chapter IV is replaced by the following:

'TAXABLE TRANSACTIONS

(TITLE IV OF DIRECTIVE 2006/112/EC)

SECTION 1

Supply of goods

(Articles 14 to 19 of Directive 2006/112/EC);

- (b) the following Articles are inserted:

'Article 5a

For the application of Article 14(4) of Directive 2006/112/EC, goods shall be considered to have been dispatched or transported by or on behalf of the supplier, including where the supplier intervenes indirectly in the dispatch or transport of the goods, in particular in the following cases:

- (a) where the dispatch or transport of the goods is subcontracted by the supplier to a third party who delivers the goods to the customer;
- (b) where the dispatch or transport of the goods is provided by a third party but the supplier bears either the total or partial responsibility for the delivery of the goods to the customer;
- (c) where the supplier invoices and collects the transport fees from the customer and further remits them to a third party who will arrange the dispatch or transport of the goods;
- (d) where the supplier promotes by any means the delivery services of a third party to the customer, puts the customer and a third party in contact or otherwise provides to a third party the information needed for the delivery of the goods to the consumer.

However, goods shall not be considered to have been dispatched or transported by or on behalf of the supplier where the customer transports the goods himself or where the customer arranges the delivery of the goods with a third person and the supplier does not intervene directly or indirectly to provide or to help organise the dispatch or transport of those goods.

Article 5b

For the application of Article 14a of Directive 2006/112/EC, the term “facilitates” means the use of an electronic interface to allow a customer and a supplier offering goods for sale through the electronic interface to enter into contact which results in a supply of goods through that electronic interface.

However, a taxable person is not facilitating a supply of goods where all of the following conditions are met:

- (a) that taxable person does not set, either directly or indirectly, any of the terms and conditions under which the supply of goods is made;
- (b) that taxable person is not, either directly or indirectly, involved in authorising the charge to the customer in respect of the payment made;
- (c) that taxable person is not, either directly or indirectly, involved in the ordering or delivery of the goods.

Article 14a of Directive 2006/112/EC shall not apply to a taxable person who only provides any of the following:

- (a) the processing of payments in relation to the supply of goods;
- (b) the listing or advertising of goods;
- (c) the redirecting or transferring of customers to other electronic interfaces where goods are offered for sale, without any further intervention in the supply.

Article 5c

For the application of Article 14a of Directive 2006/112/EC, a taxable person, who is deemed to have received and supplied the goods himself, shall not be held liable for the payment of VAT in excess of the VAT which he declared and paid on these supplies where all of the following conditions are met:

- (a) the taxable person is dependent on information provided by suppliers selling goods through an electronic interface or by other third parties in order to correctly declare and pay the VAT on those supplies;
- (b) the information referred to in point (a) is erroneous;
- (c) the taxable person can demonstrate that he did not and could not reasonably know that this information was incorrect.

Article 5d

Unless he has information to the contrary, the taxable person deemed to have received and supplied the goods pursuant to Article 14a of Directive 2006/112/EC shall regard:

- (a) the person selling goods through an electronic interface as a taxable person;
- (b) the person buying those goods as a non-taxable person.’;
- (c) the following heading is inserted before Article 6:

*‘SECTION 2****Supply of services***

(Articles 24 to 29 of Directive 2006/112/EC)’;

- (2) Article 14 is deleted;

(3) the following Chapter is inserted:

‘CHAPTER Va

CHARGEABLE EVENT AND CHARGEABILITY OF VAT

(TITLE VI OF DIRECTIVE 2006/112/EC)

Article 41a

For the application of Article 66a of Directive 2006/112/EC, the time when the payment has been accepted means the time when the payment confirmation, the payment authorisation message or a commitment for payment from the customer is received by or on behalf of the supplier selling goods through the electronic interface, regardless of when the actual payment of money is made, whichever is the earliest.’;

(4) in Chapter X the following Section is inserted:

‘SECTION 1B

Accounting

(Articles 241 to 249 of Directive 2006/112/EC)

Article 54b

1. For the application of Article 242a of Directive 2006/112/EC, the term “facilitates” means the use of an electronic interface to allow a customer and a supplier offering services or goods for sale through the electronic interface to enter into contact which results in a supply of goods or services through that electronic interface.

However, the term “facilitates” shall not cover a supply of goods or services where all of the following conditions are met:

- (a) the taxable person does not set, either directly or indirectly, any of the terms and conditions under which the supply is made;
- (b) the taxable person is not, either directly or indirectly, involved in authorising the charge to the customer in respect of the payment made;
- (c) the taxable person is not, either directly or indirectly, involved in the ordering or delivery of the goods or in the supply of the services.

2. For the application of Article 242a of Directive 2006/112/EC, the term “facilitates” shall not cover instances where a taxable person only provides any of the following:

- (a) the processing of payments in relation to the supply of goods or services;
- (b) the listing or advertising of the goods or services;
- (c) the redirecting or transferring of customers to other electronic interfaces where goods or services are offered, without any further intervention in the supply.

Article 54c

1. The taxable person referred to in Article 242a of Directive 2006/112/EC shall keep the following records in respect of supplies where he is deemed to have received and supplied goods himself in accordance with Article 14a of Directive 2006/112/EC or where he takes part in a supply of electronically-supplied services for which he is presumed to be acting in his own name in accordance with Article 9a of this Regulation:

- (a) the records as set out in Article 63c of this Regulation, where the taxable person has opted to apply one of the special schemes provided for Chapter 6 of Title XII of Directive 2006/112/EC;

(b) the records as set out in Article 242 of Directive 2006/112/EC, where the taxable person has not opted to apply any of the special schemes provided for in Chapter 6 of Title XII of Directive 2006/112/EC.

2. The taxable person referred to in Article 242a of Directive 2006/112/EC shall keep the following information in respect of supplies other than those referred to in paragraph 1:

- (a) the name, postal address and electronic address or website of the supplier whose supplies are facilitated through the use of the electronic interface and, if available:
 - (i) the VAT identification number or national tax number of the supplier;
 - (ii) the bank account number or number of virtual account of the supplier;
- (b) a description of the goods, their value, the place where the dispatch or transport of the goods ends, together with the time of supply and, if available, the order number or unique transaction number;
- (c) a description of the services, their value, information in order to establish the place of supply and time of supply and, if available, the order number or unique transaction number.;

(5) Section 2 of Chapter XI is replaced by the following:

SECTION 2

Special schemes for taxable persons supplying services to non-taxable persons or making distance sales of goods or certain domestic supplies of goods

(Articles 358 to 369x of Directive 2006/112/EC)

Subsection 1

Definitions

Article 57a

For the purposes of this Section, the following definitions shall apply:

- (1) “non-Union scheme” means the special scheme for services supplied by taxable persons not established within the Community as set out in Section 2 of Chapter 6 of Title XII of Directive 2006/112/EC;
- (2) “Union scheme” means the special scheme for intra-Community distance sales of goods, for supplies of goods within a Member State made by electronic interfaces facilitating those supplies and for services supplied by taxable persons established within the Community but not in the Member State of consumption as set out in Section 3 of Chapter 6 of Title XII of Directive 2006/112/EC;
- (3) “import scheme” means the special scheme for distance sales of goods imported from third territories or third countries as set out in Section 4 of Chapter 6 of Title XII of Directive 2006/112/EC;
- (4) “special scheme” means the “non-Union scheme”, the “Union scheme” or the “import scheme” as the context requires;
- (5) “taxable person” means a taxable person referred to in Article 359 of Directive 2006/112/EC who is permitted to use the non-Union scheme, a taxable person referred to in Article 369b of that Directive who is permitted to use the Union scheme or a taxable person referred to in Article 369m of that Directive who is permitted to use the import scheme;
- (6) “intermediary” means a person defined in point (2) in the second paragraph of Article 369l of Directive 2006/112/EC.

Subsection 2

Application of the Union scheme

Article 57b

(deleted)

Subsection 3

Scope of the Union scheme

Article 57c

The Union scheme shall not apply to services supplied in a Member State where the taxable person has established his business or has a fixed establishment. The supply of those services shall be declared to the competent tax authorities of that Member State in the VAT return as provided for in Article 250 of Directive 2006/112/EC.

Subsection 4

Identification

Article 57d

1. Where a taxable person informs the Member State of identification that he intends to make use of the non-Union or the Union scheme, that special scheme shall apply as from the first day of the following calendar quarter.

However, where the first supply of goods or services to be covered by the non-Union scheme or the Union scheme takes place before that date, the special scheme shall apply from the date of that first supply, provided the taxable person informs the Member State of identification of the commencement of his activities to be covered by the scheme no later than the tenth day of the month following that first supply.

2. Where a taxable person or an intermediary acting on his behalf informs the Member State of identification that he intends to make use of the import scheme, that special scheme shall apply from the day the taxable person or the intermediary has been allocated the individual VAT identification number for the import scheme as laid down in Article 369q(1) and (3) of Directive 2006/112/EC.

Article 57e

The Member State of identification shall identify the taxable person using the Union scheme by means of his VAT identification number referred to in Articles 214 and 215 of Directive 2006/112/EC.

The individual identification number allocated to an intermediary pursuant to Article 369q(2) of Directive 2006/112/EC shall enable him to act as intermediary on behalf of taxable persons making use of the import scheme. However, this number cannot be used by the intermediary to declare VAT on taxable transactions.

Article 57f

1. Where a taxable person using the Union scheme ceases to meet the conditions of the definition laid down in point (2) of Article 369a of Directive 2006/112/EC, the Member State in which he has been identified shall cease to be the Member State of identification.

However, where that taxable person still fulfils the conditions for using that special scheme, he shall, in order to continue using that scheme, indicate as the new Member State of identification the Member State in which he has established his business or, if he has not established his business in the Community, a Member State where he has a fixed establishment. Where the taxable person using the Union scheme for the supply of goods is not established in the Community, he shall indicate as the new Member State of identification a Member State from which he dispatches or transports goods.

Where the Member State of identification changes in accordance with the second subparagraph, that change shall apply from the date on which the taxable person ceases to have a place of business or a fixed establishment in the Member State previously indicated as the Member State of identification or from the date on which that taxable person ceases to dispatch or transport goods from that Member State.

2. Where a taxable person using the import scheme or an intermediary acting on his behalf ceases to meet the conditions laid down in points (b) to (e) of point (3) of the second paragraph of Article 369l of Directive 2006/112/EC, the Member State in which the taxable person or his intermediary has been identified shall cease to be the Member State of identification.

However, where that taxable person or his intermediary still fulfils the conditions for using that special scheme, he shall, in order to continue using that scheme, indicate as the new Member State of identification the Member State in which he has established his business or, if he has not established his business in the Community, a Member State where he has a fixed establishment.

Where the Member State of identification changes in accordance with the second subparagraph, that change shall apply from the date on which the taxable person or his intermediary ceases to have a place of business or a fixed establishment in the Member State previously indicated as the Member State of identification.

Article 57g

1. A taxable person using the non-Union or the Union scheme may cease using those special schemes regardless of whether he continues to supply goods or services which can be eligible for those special schemes. The taxable person shall inform the Member State of identification at least 15 days before the end of the calendar quarter prior to that in which he intends to cease using the scheme. Cessation shall be effective as of the first day of the next calendar quarter.

VAT obligations relating to supplies of goods or services arising after the date on which the cessation became effective shall be discharged directly with the tax authorities of the Member State of consumption concerned.

2. A taxable person using the import scheme may cease using that scheme regardless of whether he continues to carry out distance sales of goods imported from third territories or third countries. The taxable person or the intermediary acting on his behalf shall inform the Member State of identification at least 15 days before the end of the month prior to that in which he intends to cease using the scheme. Cessation shall be effective from the first day of the next month and the taxable person shall no longer be allowed to use the scheme for supplies carried out from that day.

Subsection 5

Reporting obligations

Article 57h

1. A taxable person or an intermediary acting on his behalf shall, no later than the tenth day of the next month, inform the Member State of identification by electronic means of any of the following:

- (a) the cessation of his activities covered by a special scheme;
- (b) any changes to his activities covered by a special scheme whereby he no longer meets the conditions necessary for using that special scheme;
- (c) any changes to the information previously provided to the Member State of identification.

2. Where the Member State of identification changes in accordance with Article 57f, the taxable person or the intermediary acting on his behalf shall inform both relevant Member States of the change no later than the tenth day of the month following that change. He shall communicate to the new Member State of identification the registration details required when a taxable person makes use of a special scheme for the first time.

Subsection 6

Exclusion

Article 58

1. Where a taxable person using one of the special schemes meets one or more of the criteria for exclusion laid down in Article 369e or for deletion from the identification register laid down in Article 363 or in Article 369r(1) and (3) of Directive 2006/112/EC, the Member State of identification shall exclude that taxable person from that scheme.

Only the Member State of identification can exclude a taxable person from one of the special schemes.

The Member State of identification shall base its decision on exclusion or deletion on any information available, including information provided by any other Member State.

2. The exclusion of a taxable person from the non-Union scheme or the Union scheme shall be effective from the first day of the calendar quarter following the day on which the decision on exclusion is sent by electronic means to the taxable person. However, where the exclusion is due to a change of place of business or fixed establishment or of the place from which dispatch or transport of goods begins, the exclusion shall be effective from the date of that change.

3. The exclusion of a taxable person from the import scheme shall be effective from the first day of the month following the day on which the decision on exclusion is sent by electronic means to the taxable person except for following situations:

- (a) where the exclusion is due to a change of his place of business or fixed establishment, in which case the exclusion shall be effective from the date of that change;
- (b) where the exclusion is due to his persistent failure to comply with the rules of this scheme, in which case the exclusion shall be effective from the day following that on which the decision on exclusion is sent by electronic means to the taxable person.

4. Except for the situation covered by point (b) of paragraph 3, the individual VAT identification number allocated for the use of the import scheme shall remain valid for the period of time needed to import the goods that were supplied prior to the date of exclusion, which may however not exceed two months as from that date.

5. Where an intermediary meets one of the criteria for deletion laid down in Article 369r(2) of Directive 2006/112/EC, the Member State of identification shall delete that intermediary from the identification register and shall exclude the taxable persons represented by that intermediary from the import scheme.

Only the Member State of identification can delete an intermediary from the identification register.

The Member State of identification shall base its decision on deletion on any information available, including information provided by any other Member State.

The deletion of an intermediary from the identification register shall be effective from the first day of the month following the day on which the decision on deletion is sent by electronic means to the intermediary and the taxable persons he represents, except in the following situations:

- (a) where the deletion is due to a change of his place of business or fixed establishment, in which case the deletion shall be effective as from the date of that change;
- (b) where the deletion of the intermediary is due to his persistent failure to comply with the rules of the import scheme, in which case the deletion shall be effective as from the day following that on which the decision on deletion is sent by electronic means to the intermediary and the taxable persons he represents.

Article 58a

A taxable person using a special scheme who has, for a period of two years, made no supplies of goods or services covered by that scheme in any Member State of consumption shall be assumed to have ceased his taxable activities within the meaning of point (b) of Article 363, point (b) of Article 369e, point (b) of Article 369r(1) or point (b) of Article 369r(3) of Directive 2006/112/EC respectively. This cessation shall not preclude him from using a special scheme if he recommences his activities covered by any scheme.

Article 58b

1. Where a taxable person is excluded from one of the special schemes for persistent failure to comply with the rules relating to that scheme, that taxable person shall remain excluded from using any of the special schemes in any Member State for two years following the return period during which the taxable person was excluded.

However, the first subparagraph shall not apply in respect of the import scheme where the exclusion was due to persistent failure to comply with the rules by the intermediary acting on behalf of the taxable person.

Where an intermediary is deleted from the identification register for persistent failure to comply with the rules of the import scheme, he shall not be allowed to act as an intermediary for two years following the month during which he was deleted from that register.

2. A taxable person or an intermediary shall be regarded as having persistently failed to comply with the rules relating to one of the special schemes, within the meaning of point (d) of Article 363, point (d) of Article 369e, point (d) of Article 369r(1), point (c) of Article 369r(2) or point (d) of Article 369r(3) of Directive 2006/112/EC, in at least the following cases:

- (a) where reminders pursuant to Article 60a have been issued to him or the intermediary acting on his behalf by the Member State of identification for three immediately preceding return periods and the VAT return has not been submitted for each and every one of these return periods within 10 days after the reminder has been sent;
- (b) where reminders pursuant to Article 63a have been issued to him or the intermediary acting on his behalf by the Member State of identification for three immediately preceding return periods and the full amount of VAT declared has not been paid by him or the intermediary acting on his behalf for each and every one of these return periods within 10 days after the reminder has been sent, except where the remaining unpaid amount is less than EUR 100 for each return period;
- (c) where, following a request from the Member State of identification and one month after a subsequent reminder by the Member State of identification, he or the intermediary acting on his behalf has failed to make electronically available the records referred to in Articles 369, 369k and 369x of Directive 2006/112/EC.

Article 58c

A taxable person who has been excluded from the non-Union scheme or the Union scheme shall discharge all VAT obligations relating to supplies of goods or services arising after the date on which the exclusion became effective directly with the tax authorities of the Member State of consumption concerned.

Subsection 7

VAT return

Article 59

1. Any return period within the meaning of Articles 364, 369f or 369s of Directive 2006/112/EC shall be a separate return period.
2. Where, in accordance with the second subparagraph of paragraph 1 of Article 57d, the non-Union or the Union scheme applies from the date of the first supply, the taxable person shall submit a separate VAT return for the calendar quarter during which the first supply took place.
3. Where a taxable person has been registered under the non-Union scheme and the Union scheme during a return period, he shall submit VAT returns and make the corresponding payments to the Member State of identification for each scheme in respect of the supplies made and the periods covered by that scheme.
4. Where the Member State of identification changes in accordance with Article 57f after the first day of the return period in question, the taxable person or the intermediary acting on his behalf shall submit VAT returns and make corresponding payments to both the former and the new Member State of identification covering the supplies made during the respective periods in which the Member States have been the Member State of identification.

Article 59a

Where a taxable person using a special scheme has supplied no goods or services in any Member State of consumption under that special scheme during a return period and has no corrections to make in respect of previous returns, he or the intermediary acting on his behalf shall submit a VAT return indicating that no supplies have been made during that period (a nil-VAT return).

Article 60

Amounts on VAT returns made under the special schemes shall not be rounded up or down to the nearest whole monetary unit. The exact amount of VAT shall be reported and remitted.

Article 60a

The Member State of identification shall remind, by electronic means, taxable persons or intermediaries acting on their behalf who have failed to submit a VAT return under Articles 364, 369f or 369s of Directive 2006/112/EC of their obligation to submit such a return. The Member State of identification shall issue the reminder on the tenth day following that on which the return should have been submitted, and shall inform the other Member States by electronic means that a reminder has been issued.

Any subsequent reminders and steps taken to assess and collect the VAT shall be the responsibility of the Member State of consumption concerned.

Notwithstanding any reminders issued and any steps taken by a Member State of consumption, the taxable person or the intermediary acting on his behalf shall submit the VAT return to the Member State of identification.

Article 61

1. Changes to the figures contained in a VAT return relating to periods up to and including the last return period in 2020 shall, after the submission of that VAT return, be made only by means of amendments to that return and not by adjustments in a subsequent return.

Changes to the figures contained in a VAT return relating to periods from the first return period in 2021 shall, after the submission of that VAT return, be made only by adjustments in a subsequent return.

2. The amendments referred to in paragraph 1 shall be submitted electronically to the Member State of identification within three years of the date on which the initial return was required to be submitted.

However, the rules of the Member State of consumption on assessments and amendments shall remain unaffected.

Article 61a

1. A taxable person or an intermediary acting on his behalf shall submit his final VAT return and any late submissions of previous returns, and the corresponding payments, to the Member State which was the Member State of identification at the time of the cessation, exclusion or change where:

- (a) he ceases to use one of the special schemes;
- (b) he is excluded from one of the special schemes;
- (c) he changes the Member State of identification in accordance with Article 57f.

Any corrections to the final return and previous returns arising after the submission of the final return shall be discharged directly with the tax authorities of the Member State of consumption concerned.

2. In respect of all taxable persons on whose behalf he is acting, an intermediary shall submit the final VAT returns and any late submissions of previous returns, and the corresponding payments, to the Member State which was the Member State of identification at the time of deletion or change where:

- (a) he is deleted from the identification register;
- (b) he changes the Member State of identification in accordance with Article 57f(2).

Any corrections to the final return and previous returns arising after the submission of the final return shall be discharged directly with the tax authorities of the Member State of consumption concerned.

*Subsection 7a***Import scheme — chargeable event***Article 61b*

For the application of Article 369n of Directive 2006/112/EC, the time when the payment has been accepted means the time when the payment confirmation, the payment authorisation message or a commitment for payment from the customer has been received by or on behalf of the taxable person making use of the import scheme, regardless of when the actual payment of money is made, whichever is the earliest.

Subsection 8

Currency

Article 61c

Where a Member State of identification whose currency is not the euro determines that VAT returns are to be made out in its national currency, that determination shall apply to the VAT returns of all taxable persons using the special schemes.

Subsection 9

Payments

Article 62

Without prejudice to the third subparagraph of Article 63a, and to Article 63b, a taxable person or the intermediary acting on his behalf shall make any payment to the Member State of identification.

Payments of VAT made by the taxable person or the intermediary acting on his behalf under Articles 367, 369i or 369v of Directive 2006/112/EC shall be specific to the VAT return submitted pursuant to Articles 364, 369f or 369s of that Directive. Any subsequent adjustment to the amounts paid shall be effected by the taxable person or the intermediary acting on his behalf only by reference to that return and may neither be allocated to another return nor adjusted on a subsequent return. Each payment shall refer to the reference number of that specific return.

Article 63

A Member State of identification which receives a payment in excess of that resulting from the VAT return submitted under Articles 364, 369f or 369s of Directive 2006/112/EC shall reimburse the overpaid amount directly to the taxable person concerned or the intermediary acting on his behalf.

Where a Member State of identification has received an amount in respect of a VAT return subsequently found to be incorrect, and that Member State has already distributed that amount to the Member States of consumption, those Member States of consumption shall each reimburse their respective part of any overpaid amount directly to the taxable person or to the intermediary acting on his behalf.

However, where overpayments relate to periods up to and including the last return period in 2018, the Member State of identification shall reimburse the relevant portion of the corresponding part of the amount retained in accordance with Article 46(3) of Regulation (EU) No 904/2010 and the Member State of consumption shall reimburse the overpayment less the amount that shall be reimbursed by the Member State of identification.

The Member States of consumption shall, by electronic means, inform the Member State of identification of the amount of those reimbursements.

Article 63a

Where a taxable person or the intermediary acting on his behalf has submitted a VAT return under Articles 364, 369f or 369s of Directive 2006/112/EC, but no payment has been made or the payment is less than that resulting from the return, the Member State of identification shall, by electronic means on the tenth day following the latest day on which the payment should have been made in accordance with Articles 367, 369i or 369v of Directive 2006/112/EC, remind the taxable person or the intermediary acting on his behalf of any VAT payment outstanding.

The Member State of identification shall by electronic means inform the Member States of consumption that the reminder has been sent.

Any subsequent reminders and steps taken to collect the VAT shall be the responsibility of the Member State of consumption concerned. When such subsequent reminders have been issued by a Member State of consumption, the corresponding VAT shall be paid to that Member State.

The Member State of consumption shall, by electronic means, inform the Member State of identification that a reminder has been issued.

Article 63b

Where no VAT return has been submitted, or where the VAT return has been submitted late or is incomplete or incorrect, or where the payment of VAT is late, any interest, penalties or any other charges shall be calculated and assessed by the Member State of consumption. The taxable person or the intermediary acting on his behalf shall pay such interests, penalties or any other charges directly to the Member State of consumption.

Subsection 10

Records

Article 63c

1. In order to be regarded as sufficiently detailed within the meaning of Articles 369 and 369k of Directive 2006/112/EC, the records kept by the taxable person shall contain the following information:

- (a) the Member State of consumption to which the goods or services are supplied;
- (b) the type of services or the description and quantity of goods supplied;
- (c) the date of the supply of the goods or services;
- (d) the taxable amount indicating the currency used;
- (e) any subsequent increase or reduction of the taxable amount;
- (f) the VAT rate applied;
- (g) the amount of VAT payable indicating the currency used;
- (h) the date and amount of payments received;
- (i) any payments on account received before the supply of the goods or services;
- (j) where an invoice is issued, the information contained on the invoice;
- (k) in respect of services, the information used to determine the place where the customer is established or has his permanent address or usually resides and, in respect of goods, the information used to determine the place where the dispatch or the transport of the goods to the customer begins and ends;
- (l) any proof of possible returns of goods, including the taxable amount and the VAT rate applied.

2. In order to be regarded as sufficiently detailed within the meaning of Article 369x of Directive 2006/112/EC, the records kept by the taxable person or the intermediary acting on his behalf shall contain the following information:

- (a) the Member State of consumption to which the goods are supplied;
- (b) the description and quantity of goods supplied;
- (c) the date of the supply of goods;
- (d) the taxable amount indicating the currency used;
- (e) any subsequent increase or reduction of the taxable amount;
- (f) the VAT rate applied;
- (g) the amount of VAT payable indicating the currency used;
- (h) the date and amount of payments received;
- (i) where an invoice is issued, the information contained on the invoice;
- (j) the information used to determine the place where the dispatch or the transport of the goods to the customer begins and ends;

- (k) proof of possible returns of goods, including the taxable amount and VAT rate applied;
- (l) the order number or unique transaction number;
- (m) the unique consignment number where that taxable person is directly involved in the delivery.

3. The information referred to in paragraphs 1 and 2 shall be recorded by the taxable person or the intermediary acting on his behalf in such a way that it can be made available by electronic means without delay and in respect of each individual good or service supplied.

Where a taxable person or the intermediary acting on his behalf has been requested to submit, by electronic means, the records referred to in Articles 369, 369k and 369x of Directive 2006/112/EC and he has failed to submit them within 20 days of the date of the request, the Member State of identification shall remind the taxable person or the intermediary acting on his behalf to submit those records. The Member State of identification shall by electronic means inform the Member States of consumption that the reminder has been sent.’.

- (6) in Chapter XI the following Section is inserted:

‘SECTION 3

Special arrangements for declaration and payment of import VAT

(Articles 369y to 369zb of Directive 2006/112/EC)

Article 63d

The application of monthly payment of import VAT in accordance with the special arrangements for declaration and payment of import VAT provided for in Chapter 7 of Title XII of Directive 2006/112/EC may be subject to the conditions applicable for the deferment of payment of customs duty in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council (*).

For the purpose of the application of the special arrangements, Member States may regard the condition “presenting the goods to customs on behalf of the person for whom the goods are destined” as fulfilled if the person presenting the goods to customs declares his intention to make use of the special arrangements and to collect the VAT from the person for whom the goods are destined.

(*) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).’.

Article 2

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

It shall apply from 1 January 2021.

However, Member States shall allow taxable persons and intermediaries acting on their behalf to submit the information required under Articles 360, 369c or 369o of Directive 2006/112/EC for registration under the special schemes as from 1 October 2020.

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

Done at Brussels, 21 November 2019.

For the Council
The President
H. KOSONEN

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2027
of 28 November 2019

derogating from Regulations (EC) Nos 2305/2003, 969/2006 and 1067/2008 and from Implementing Regulations (EU) 2015/2081 and (EU) 2017/2200, Regulation (EC) No 1964/2006 and Implementing Regulation (EU) No 480/2012 and Regulation (EC) No 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in 2020 under the tariff quotas for cereals, rice and olive oil

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular point (e) of the first paragraph of Article 187 thereof,

Whereas:

- (1) Commission Regulations (EC) Nos 2305/2003 ⁽²⁾, 969/2006 ⁽³⁾ and 1067/2008 ⁽⁴⁾ and Commission Implementing Regulations (EU) 2015/2081 ⁽⁵⁾ and 2017/2200 ⁽⁶⁾ lay down specific provisions on the lodging of import licence applications and the issuing of import licences for barley under quota 09.4126, maize under quota 09.4131 and common wheat of a quality other than high quality under quotas 09.4123, 09.4124, 09.4125 and 09.4133 and for certain cereals originating in Ukraine under quotas 09.4306, 09.4307, 09.4308, 09.4277, 09.4278 and 09.4279.
- (2) Commission Regulation (EC) No 1964/2006 ⁽⁷⁾ and Commission Implementing Regulation (EU) No 480/2012 ⁽⁸⁾ lay down specific provisions on the lodging of import licence applications and the issuing of import licences for rice originating in Bangladesh under quota 09.4517 and broken rice under quota 09.4079.
- (3) Commission Regulation (EC) No 1918/2006 ⁽⁹⁾ lays down specific provisions on the lodging of import licence applications and the issuing of import licences for olive oil originating in Tunisia under quota 09.4032.
- (4) In view of the public holidays in 2020, derogations should be made, at certain times, from Regulations (EC) Nos 2305/2003, 969/2006, 1067/2008, Implementing Regulations (EU) 2015/2081 and (EU) 2017/2200, Regulation (EC) No 1964/2006, Implementing Regulation (EU) No 480/2012 and Regulation (EC) No 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in order to ensure compliance with the quota volumes in question. The allocation coefficient set out in Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽¹⁰⁾ is, where appropriate, still applicable.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries (OJ L 342, 30.12.2003, p. 7).

⁽³⁾ Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries (OJ L 176, 30.6.2006, p. 44).

⁽⁴⁾ Commission Regulation (EC) No 1067/2008 of 30 October 2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007 (OJ L 290, 31.10.2008, p. 3).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/2081 of 18 November 2015 opening and providing for the administration of import tariff quotas for certain cereals originating in Ukraine (OJ L 302, 19.11.2015, p. 81).

⁽⁶⁾ Commission Implementing Regulation (EU) 2017/2200 of 28 November 2017 opening and providing for the administration of import tariff quotas of certain cereals from Ukraine (OJ L 313, 29.11.2017, p. 1).

⁽⁷⁾ Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90 (OJ L 408, 30.12.2006, p. 19).

⁽⁸⁾ Commission Implementing Regulation (EU) No 480/2012 of 7 June 2012 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 00 (OJ L 148, 8.6.2012, p. 1).

⁽⁹⁾ Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia (OJ L 365, 21.12.2006, p. 84).

⁽¹⁰⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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

HAS ADOPTED THIS REGULATION:

Article 1

Cereals

1. By way of derogation from the second subparagraph of Article 3(1) of Regulation (EC) No 2305/2003, for 2020, import licence applications for barley under quota 09.4126 may not be lodged after 13.00 (Brussels time) on Friday 11 December 2020.
2. By way of derogation from the first subparagraph of Article 3(4) of Regulation (EC) No 2305/2003, for 2020, import licences for barley issued under quota 09.4126 and applied for during the period listed in Annex I to this Regulation shall be issued on the corresponding date specified therein.
3. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 969/2006, for 2020, import licence applications for maize under quota 09.4131 may not be lodged after 13.00 (Brussels time) on Friday 11 December 2020.
4. By way of derogation from the first subparagraph of Article 4(4) of Regulation (EC) No 969/2006, for 2020, import licences for maize issued under quota 09.4131 and applied for during the period listed in Annex I to this Regulation shall be issued on the corresponding date specified therein.
5. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 1067/2008, for 2020, import licence applications for common wheat of a quality other than high quality under quotas 09.4123, 09.4124, 09.4125 and 09.4133 may not be lodged after 13.00 (Brussels time) on Friday 11 December 2020.
6. By way of derogation from the first subparagraph of Article 4(4) of Regulation (EC) No 1067/2008, for 2020, import licences for common wheat of a quality other than high quality issued under quotas 09.4123, 09.4124, 09.4125 and 09.4133 and applied for during the period listed in Annex I to this Regulation shall be issued on the corresponding date specified therein.
7. By way of derogation from the second subparagraph of Article 2(1) of Implementing Regulation (EU) 2015/2081, for 2020, import licence applications for cereals originating in Ukraine under quotas 09.4306, 09.4307 and 09.4308 may not be lodged after 13.00 (Brussels time) on Friday 11 December 2020.
8. By way of derogation from Article 2(3) of Implementing Regulation (EU) 2015/2081, for 2020, import licences for cereals originating in Ukraine issued under quotas 09.4306, 09.4307 and 09.4308 and applied for during the period listed in Annex I to this Regulation shall be issued on the corresponding date specified therein.
9. By way of derogation from the second subparagraph of Article 2(1) of Implementing Regulation (EU) 2017/2200, for 2020, import licence applications for cereals originating in Ukraine under quotas 09.4277, 09.4278 and 09.4279 may not be lodged after 13.00 (Brussels time) on Friday 11 December 2020.
10. By way of derogation from Article 2(3) of Implementing Regulation (EU) 2017/2200, for 2020, import licences for cereals originating in Ukraine issued under quotas 09.4277, 09.4278 and 09.4279 and applied for during the period listed in Annex I to this Regulation shall be issued on the corresponding date specified therein.

Article 2

Rice

1. By way of derogation from the first subparagraph of Article 4(3) of Regulation (EC) No 1964/2006, for 2020, import licence applications for rice originating in Bangladesh under quota 09.4517 may not be lodged after 13.00 (Brussels time) on Friday 11 December 2020.

2. By way of derogation from Article 5(2) of Regulation (EC) No 1964/2006, for 2020, import licences for rice originating in Bangladesh issued under quota 09.4517 and applied for during the period listed in Annex II to this Regulation shall be issued on the corresponding date specified therein.
3. By way of derogation from the third subparagraph of Article 2(1) of Implementing Regulation (EU) No 480/2012, for 2020, import licence applications for broken rice under quota 09.4079 may not be lodged after 13.00 (Brussels time) on Friday 11 December 2020.
4. By way of derogation from Article 3(2) of Implementing Regulation (EU) No 480/2012, for 2020, import licences for broken rice issued under quota 09.4079 and applied for during the period listed in Annex II to this Regulation shall be issued on the corresponding date specified therein.

Article 3

Olive oil

1. By way of derogation from Article 3(1) of Regulation (EC) No 1918/2006, for 2020, import licence applications for olive oil originating in Tunisia may not be lodged after Tuesday 15 December 2020.
2. By way of derogation from Article 3(3) of Regulation (EC) No 1918/2006, import licences for olive oil originating in Tunisia applied for during the periods listed in Annex III to this Regulation shall be issued on the corresponding dates specified therein.

Article 4

Entry into force

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

It shall expire on 1 January 2021.

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

Done at Brussels, 28 November 2019.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-General for Agriculture and Rural
Development*

ANNEX I

Periods for lodging cereal import licence applications	Dates of issue
Friday 3 April from 13.00 until Friday 10 April 2020 at 13.00, Brussels time	The first working day from Monday 20 April 2020

ANNEX II

Periods for lodging rice import licence applications	Dates of issue
Friday 3 April from 13.00 until Friday 10 April 2020 at 13.00, Brussels time	The first working day from Monday 20 April 2020

ANNEX III

Periods for lodging olive oil import licence applications	Dates of issue
Monday 6 or Tuesday 7 April 2020	The first working day from Friday 17 April
Monday 18 or Tuesday 19 May 2020	The first working day from Thursday 28 May

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2028**of 29 November 2019****amending Implementing Regulation (EU) 2016/1799 as regards the mapping tables specifying the correspondence between the credit risk assessments of external credit assessment institutions and the credit quality steps set out in Regulation (EU) No 575/2013 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms ⁽¹⁾, and in particular the third subparagraph of Article 136(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/1799 ⁽²⁾ specifies, in its Annex III, the correspondence of the relevant credit assessments issued by an external credit assessment institution ('ECAI') to the credit quality steps set out in Section 2 of Chapter 2 of Title II of Part Three of Regulation (EU) No 575/2013 ('mapping').
- (2) Following the latest amendments, by Commission Implementing Regulation (EU) 2018/634 ⁽³⁾, to Annex III to Implementing Regulation (EU) 2016/1799, the quantitative and qualitative factors underpinning the credit assessments of some mappings in Annex III to Implementing Regulation (EU) 2016/1799 have changed. In addition, some ECAIs have extended their credit assessments to new market segments, resulting in new rating scales and new credit rating types. It is therefore necessary to update the mappings of the ECAIs concerned.
- (3) Since the adoption of Implementing Regulation (EU) 2018/634, another credit rating agency has been registered in accordance with Regulation (EC) No 1060/2009 of the European Parliament and of the Council ⁽⁴⁾. As Article 136(1) of Regulation (EU) No 575/2013 requires the specification of mappings for all ECAIs, it is necessary to provide a mapping for that newly registered ECAI. The credit assessments applied by the newly registered ECAI are based on the same methodology as that applied by its parent company, a third country ECAI for which a mapping had already been established in Annex III to Implementing Regulation (EU) 2016/1799. It is therefore appropriate in this specific case that the mapping for the newly registered ECAI mirrors the mapping established for that third country ECAI.
- (4) This Regulation is based on the draft implementing technical standards submitted by the European Banking Authority, the European Securities and Markets Authority and the European Insurance and Occupational Pensions Authority jointly (the European Supervisory Authorities) to the Commission.

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2016/1799 of 7 October 2016 laying down implementing technical standards with regard to the mapping of credit assessments of external credit assessment institutions for credit risk in accordance with Articles 136(1) and 136(3) of Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 275, 12.10.2016, p. 3).

⁽³⁾ Commission Implementing Regulation (EU) 2018/634 of 24 April 2018 amending Implementing Regulation (EU) 2016/1799 as regards the mapping tables specifying the correspondence between the credit risk assessments of external credit assessment institutions and the credit quality steps set out in Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 105, 25.4.2018, p. 14).

⁽⁴⁾ Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies (OJ L 302, 17.11.2009, p. 1).

- (5) The European Supervisory Authorities have conducted open public consultations on the draft implementing technical standards, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽⁵⁾; the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽⁶⁾; and the opinion of the Insurance and Reinsurance Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council ⁽⁷⁾.
- (6) Implementing Regulation (EU) 2016/1799 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) 2016/1799

Annex III to Implementing Regulation (EU) 2016/1799 is replaced by the text set out in the Annex to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth 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, 29 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

⁽⁵⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

⁽⁶⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

⁽⁷⁾ Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48).

Mapping tables for the purposes of Article 16

Credit quality step	1	2	3	4	5	6
<i>ACRA Europe, a.s (formerly European Rating Agency, a.s.)</i>						
Global long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Global short-term rating scale	S1		S2	S3, S4, NS		
<i>AM Best Europe Rating Services</i>						
Long-term issuer credit rating scale	aaa, aa+, aa, aa-	a+, a, a-	bbb+, bbb, bbb-	bb+, bb, bb-	b+, b, b-	ccc+, ccc, ccc-, cc, c, d, e, f, s
Long-term issue rating scale	aaa, aa+, aa, aa-	a+, a, a-	bbb+, bbb, bbb-	bb+, bb, bb-	b+, b, b-	ccc+, ccc, ccc-, cc, c, d, s
Financial strength rating scale	A++, A+	A, A-	B++, B+	B, B-	C++, C+	C, C-, D, E, F, S
Short-term issuer rating scale	AMB-1+	AMB-1-	AMB-2, AMB-3	AMB- 4, d, e, f, s		
Short-term issue rating scale	AMB-1+	AMB-1-	AMB-2, AMB-3	AMB- 4, d, s		
<i>ARC Ratings S.A.</i>						
Medium- and long-term issuer rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Medium- and long-term issue rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term issuer rating scale	A-1+	A-1	A-2, A-3	B, C, D		
Short-term issue rating scale	A-1+	A-1	A-2, A-3	B, C, D		
<i>ASSEKURATA Assekuranz Rating-Agentur GmbH</i>						
Long-term credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC/C, D
Short-term corporate rating scale	A++	A		B, C, D		
<i>Axesor Risk Management SL</i>						
Global rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D, E

Credit quality step	1	2	3	4	5	6
<i>Banque de France</i>						
Global long-term issuer credit rating scale	3++	3+, 3	4+	4, 5+	5, 6	7, 8, 9, P
<i>BCRA — Credit Rating Agency AD</i>						
Global long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Global short-term rating scale	A-1+	A-1	A-2, A-3	B, C, D		
Pension-insurance company long-term scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Pension-insurance company short-term scale	A-1+	A-1	A-2, A-3	B, C, D		
Pension fund long-term scale	AAA pf, AA pf	A pf	BBB pf	BB pf	B pf	C pf
Guarantee fund long-term scale	AAA, AA	A	BBB	BB	B	C, D
Guarantee fund short-term scale	A-1+	A-1	A-2, A-3	B, C, D		
<i>Capital Intelligence Ratings Ltd</i>						
International long-term issuer rating scale	AAA, AA	A	BBB	BB	B	C, RS, SD, D
International long-term issue rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
International long-term insurer financial strength rating scale	AAA, AA	A	BBB	BB	B	C, RS, SD, D
International short-term issuer rating scale	A1+	A1	A2, A3	B, C, RS, SD, D		
International short-term issue rating scale	A1+	A1	A2, A3	B, C, D		
International short-term insurer financial strength rating scale	A1+	A1	A2, A3	B, C, RS, SD, D		
<i>Cerved Rating Agency S.p.A.</i>						
Corporate long-term rating scale	A1.1, A1.2, A1.3	A2.1, A2.2, A3.1	B1.1, B1.2	B2.1, B2.2	C1.1	C1.2, C2.1
<i>Creditreform Rating AG</i>						
Long-term issuer rating scale	AAA, AA	A		BBB	BB	B, C, SD, D
Long-term issue rating scale	AAA, AA	A		BBB	BB	B, C, D
Short-term rating scale	L1	L2		L3, NEL, D		

Credit quality step	1	2	3	4	5	6
<i>CRIF Ratings S.r.l.</i>						
Long-term issuer rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D1S, D
Long-term issue rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, DS
Short-term issuer rating scale	IG-1		IG-2	SIG-1, SIG-2, SIG-3, SIG-4		
Short-term issue rating scale	IG-1		IG-2	SIG-1, SIG-2, SIG-3, SIG-4		
<i>Dagong Europe Credit Rating Srl</i>						
Long-term credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale	A-1		A-2, A-3	B, C, D		
<i>DBRS Ratings</i>						
Long-term obligations rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Commercial paper and short-term debt rating scale	R-1 H, R-1 M	R-1 L	R-2, R-3	R-4, R-5, D		
Financial strength rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, R
<i>Egan-Jones Ratings Co.</i>						
Long-term credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale	A-1+	A-1	A-2	A-3, B, C, D		
<i>Euler Hermes Rating GmbH</i>						
Global long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, SD, D
<i>EuroRating Sp. z o.o.</i>						
Global long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
<i>Fitch Ratings</i>						
Long-term issuer default rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, RD, D
Corporate finance obligations — long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C
Long-term international Insurer Financial Strength rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C

Credit quality step	1	2	3	4	5	6
Derivative counterparty rating scale	AAA dcr, AA dcr	A dcr	BBB dcr	BB dcr	B dcr	CCC dcr, CC dcr, C dcr
Short-term rating scale	F1+	F1	F2, F3	B, C, RD, D		
Short-term IFS rating scale	F1+	F1	F2, F3	B, C		
<i>GBB-Rating Gesellschaft für Bonitätsbeurteilung GmbH</i>						
Global long-term rating scale	AAA, AA		A, BBB	BB	B	CCC, CC, C, D
<i>HR Ratings de México, S.A. de C.V.</i>						
Global long-term rating scale	HR AAA(G)/HR AA(G)	HR A(G)	HR BBB(G)	HR BB(G)	HR B(G)	HR C(G)/HR D(G)
Global short-term rating scale	HR+1(G)/HR1 (G)	HR2(G)	HR3(G)	HR4(G), HR5 (G), HR D(G)		
<i>ICAP Group S.A</i>						
Global long-term rating scale		AA, A	BB, B	C, D	E, F	G, H
<i>INC Rating Sp. z o.o.</i>						
Long-term issuer credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
<i>Japan Credit Rating Agency Ltd</i>						
Long-term issuer rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, LD, D
Long-term issue rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term issuer rating scale	J-1+	J-1	J-2	J-3, NJ, LD, D		
Short-term issue credit rating scale	J-1+	J-1	J-2	J-3, NJ, D		
<i>Kroll Bond Rating Agency</i>						
Long-term credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale	K1+	K1	K2, K3	B, C, D		
<i>Kroll Bond Rating Agency Europe</i>						
Long-term credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale	K1+	K1	K2, K3	B, C, D		

Credit quality step	1	2	3	4	5	6
<i>modeFinance S.r.l.</i>						
Global long-term rating scale	A1, A2	A3	B1	B2	B3	C1, C2, C3, D
<i>Moody's Investors Service</i>						
Global long-term rating scale	Aaa, Aa	A	Baa	Ba	B	Caa, Ca, C
Global short-term rating scale	P-1	P-2	P-3	NP		
<i>QIVALIO SAS (formerly Spread Research)</i>						
Global long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Global short-term rating scale	SR0		SR1, SR2	SR3, SR4, SR5, SRD		
<i>Rating-Agentur Expert RA GmbH</i>						
International credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D, E
International reliability rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D, E
<i>Scope Ratings GmbH</i>						
Long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term rating scale	S-1+	S-1	S-2	S-3, S-4		
<i>S&P Global Ratings Europe Limited</i>						
Long-term issuer credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, R, SD/D
Long-term issue credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Insurer financial strength rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, SD/D, R
Mid-Market Evaluation rating scale		MM1	MM2	MM3, MM4	MM5, MM6	MM7, MM8, MMD
Short-term issuer credit rating scale	A-1+	A-1	A-2, A-3	B, C, R, SD/D		
Short-term issue credit rating scale	A-1+	A-1	A-2, A-3	B, C, D		
<i>The Economist Intelligence Unit Ltd</i>						
Sovereign rating band scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D'

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2029**of 29 November 2019****granting a Union authorisation for the single biocidal product ‘CVAS Disinfectant product based on Propan-2-ol’****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the first subparagraph of Article 44(5) thereof,

Whereas:

- (1) On 29 June 2016, SCC GmbH (on behalf of CVAS Development GmbH), submitted an application in accordance with Article 43(1) of Regulation (EU) No 528/2012 for authorisation of a single biocidal product named ‘CVAS Disinfectant product based on Propan-2-ol’ of product-types 2 and 4, as described in Annex V to that Regulation, providing written confirmation that the competent authority of Germany had agreed to evaluate the application. The application was recorded under case number BC-DH025620-60 in the Register for Biocidal Products.
- (2) ‘CVAS Disinfectant product based on Propan-2-ol’ contains propan-2-ol, as the active substance, which is included in the Union list of approved active substances referred to in Article 9(2) of Regulation (EU) No 528/2012.
- (3) On 17 August 2018, the evaluating competent authority submitted, in accordance with Article 44(1) of Regulation (EU) No 528/2012, an assessment report and the conclusions of its evaluation to the European Chemicals Agency (‘the Agency’).
- (4) On 25 March 2019, the Agency submitted to the Commission an opinion ⁽²⁾, the draft summary of the biocidal product characteristics (‘SPC’) of ‘CVAS Disinfectant product based on Propan-2-ol’ and the final assessment report on the single biocidal product in accordance with Article 44(3) of Regulation (EU) No 528/2012. The opinion concludes that ‘CVAS Disinfectant product based on Propan-2-ol’ is a ‘single biocidal product’ within the meaning of Article 3(1)(r) of Regulation (EU) No 528/2012, that it is eligible for Union authorisation in accordance with Article 42(1) of that Regulation and that subject to compliance with the draft SPC, it meets the conditions laid down in Article 19(1) of that Regulation.
- (5) On 3 June 2019, the Agency transmitted to the Commission the draft SPC in all the official languages of the Union in accordance with Article 44(4) of Regulation (EU) No 528/2012.
- (6) The Commission concurs with the opinion of the Agency and considers it therefore appropriate to grant a Union authorisation for ‘CVAS Disinfectant product based on Propan-2-ol’.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ ECHA opinion of 28 February 2019 on the Union authorisation of ‘CVAS Disinfectant product based on Propan-2-ol’ (ECHA/BPC/222/2019).

HAS ADOPTED THIS REGULATION:

Article 1

A Union authorisation with authorisation number EU-0020461-0000 is granted to CVAS Development GmbH for the making available on the market and use of the single biocidal product 'CVAS Disinfectant product based on Propan-2-ol', in accordance with the summary of the biocidal product characteristics set out in the Annex.

The Union authorisation is valid from 24 December 2019 until 30 November 2029.

Article 2

This Regulation shall enter into force on the twentieth 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, 29 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Summary of product characteristics for a biocidal product

CVAS Disinfectant product based on Propan-2-ol

Product type 2 — Disinfectants and algaecides not intended for direct application to humans or animals (Disinfectants)

Product type 4 — Food and feed area (Disinfectants)

Authorisation number: EU-0020461-0000

R4BP asset number: EU-0020461-0000

1. ADMINISTRATIVE INFORMATION

1.1. Trade name(s) of the product

Trade name(s)	CVAS Disinfectant product based on Propan-2-ol calgonit DS 622 R 3000 SCHNELLDESINFEKTION IPADES 70 Alpha Septin Blu-Sept Disinfect home Schnell Des Disinfect Rapid Bakt-Ex Pur Bakt-Ex Rapid ROTIE-DES quick Bactazol I Dezynfektator EOSSAN-Desinfektionsspray-Fluid FS-7-Spray Gartengeräte Hygiene Spray NeudoClean Hygiene Spray
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1.2. Authorisation holder

Name and address of the authorisation holder	Name	CVAS Development GmbH
	Address	Dr Albert Reimann Str. 16a, 68526, Ladenburg, Germany
Authorisation number	EU-0020461-0000	
R4BP asset number	EU-0020461-0000	
Date of the authorisation	24 December 2019	
Expiry date of the authorisation	30 November 2029	

1.3. Manufacturer(s) of the product

Name of manufacturer	Brenntag GmbH
Address of manufacturer	Messeallee 11, 45131 Essen, Germany
Location of manufacturing sites	Am Nordseekai 22, 73207 Plochingen Germany

Name of manufacturer	Calvatis GmbH
Address of manufacturer	Dr Albert Reimann Str. 16a, 68526 Ladenburg Germany
Location of manufacturing sites	Dr Albert Reimann Str. 16a, 68526 Ladenburg Germany

Name of manufacturer	Arthur Schopf Hygiene GmbH & Co. KG
Address of manufacturer	Pfaffensteinstr. 1, 83115 Neubuurn Germany
Location of manufacturing sites	Pfaffensteinstr. 1, 83115 Neubuurn Germany

1.4. Manufacturer(s) of the active substance(s)

Active substance	Propan-2-ol
Name of manufacturer	Shell Nederland Raffinaderij B.V.
Address of manufacturer	Vondelingenweg 601, 3196 KK, Vodelingenenplaat Rotterdam Netherlands
Location of manufacturing sites	Vondelingenweg 601, 3196 KK, Vodelingenenplaat Rotterdam Netherlands

Active substance	Propan-2-ol
Name of manufacturer	ExxonMobil
Address of manufacturer	4999 Scenic Highway, LA 70897 Baton Rouge, Louisana United States
Location of manufacturing sites	4999 Scenic Highway, LA 70897 Baton Rouge, Louisana United States

Active substance	Propan-2-ol
Name of manufacturer	INEOS Solvents Germany GmbH
Address of manufacturer	Römerstraße 733, 47443 Moers Germany
Location of manufacturing sites	Römerstraße 733, 47443 Moers Germany

2. PRODUCT COMPOSITION AND FORMULATION

2.1. Qualitative and quantitative information on the composition of the product

Common name	IUPAC name	Function	CAS number	EC number	Content (%)
Propan-2-ol		Active Substance	67-63-0	200-661-7	61,25

2.2. **Type of formulation**

Any other liquid (ready-to-use)

3. HAZARD AND PRECAUTIONARY STATEMENTS

Hazard statements	Highly flammable liquid and vapour. Causes serious eye irritation. May cause drowsiness or dizziness. Repeated exposure may cause skin dryness or cracking.
Precautionary statements	If medical advice is needed, have product container or label at hand. Keep out of reach of children. Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking. Keep container tightly closed. Avoid breathing vapours. Use only outdoors or in a well-ventilated area. Wear eye protection. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Call a POISON CENTER if you feel unwell. If eye irritation persists: Get medical advice. Store in a well-ventilated place. Keep cool. Store locked up. Dispose of contents/container in accordance with local regulations. Wash hands thoroughly after handling. IF ON SKIN (or hair): Take off immediately all contaminated clothing. Rinse skin with water. IF INHALED: Remove person to fresh air and keep comfortable for breathing. In case of fire: Use alcohol-resistant foam to extinguish.

4. AUTHORISED USE(S)

4.1. **Use description**

Table 1

Use # 1 — Disinfection of small surfaces by non-professional users (product-type 2)

Product type	PT02 — Disinfectants and algacides not intended for direct application to humans or animals (Disinfectants)
Where relevant, an exact description of the authorised use	-
Target organism(s) (including development stage)	Bacteria Yeasts
Field(s) of use	Indoor Disinfection of non-porous surfaces in domestic areas.

Application method(s)	Spraying Spraying with trigger sprayer or pump spray Spraying and wiping Spraying with trigger sprayer or pump spray and wiping Pouring and wiping
Application rate(s) and frequency	40-50 mL/m ²
Category(ies) of users	General public (non-professional)
Pack sizes and packaging material	1. Bottle: High-density polyethylene (HDPE), 250 - 1 000 mL 2. Bottle with fine mist spray pump or trigger spray head: HDPE, 250 - 1 000 mL

4.1.1. *Use-specific instructions for use*

The authorisation holder has to specify the typical application rate in a simple, easily understandable form on the label:

- Trigger spray: Apply 20 spray strokes per 0,5 m².
- Pump spray: Apply 3 jets per 100 cm².
- Bottle: Apply one measuring cup per m².

4.1.2. *Use-specific risk mitigation measures*

See section 5.2.

4.1.3. *Where specific to the use, the particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment*

See section 5.3.

4.1.4. *Where specific to the use, the instructions for safe disposal of the product and its packaging*

See section 5.4.

4.1.5. *Where specific to the use, the conditions of storage and shelf-life of the product under normal conditions of storage*

See section 5.5.

4.2. **Use description**

Table 2

Use # 2 — Disinfection of small surfaces by professional users (product-type 2)

Product type	PT02 — Disinfectants and algacides not intended for direct application to humans or animals (Disinfectants)
Where relevant, an exact description of the authorised use	-
Target organism(s) (including development stage)	Bacteria Yeasts
Field(s) of use	Indoor Disinfection of non-porous surfaces in industry, small enterprises, institutions and domestic areas.

Application method(s)	Spraying Spraying with trigger sprayer or pump spray Spraying and wiping Spraying with trigger sprayer or pump spray and wiping Pouring and wiping
Application rate(s) and frequency	40-50 mL/m ²
Category(ies) of users	Professional
Pack sizes and packaging material	1. Bottle: HDPE, 250 - 1 000 mL 2. Bottle with fine mist spray pump or trigger spray head: HDPE, 250 - 1 000 mL 3. Intermediate bulk containers (IBC): HDPE, 720 L 4. Drum: Steel, zinc coated and painted, 200 - 220 L 5. Canister: HDPE, 5 - 50 L

4.2.1. *Use-specific instructions for use*

See section 5.1.

4.2.2. *Use-specific risk mitigation measures*

1. The following personal risk mitigation measure can be considered for disinfection of food processing machinery and refilling procedure unless it can be replaced by technical and/or organisational measures: The use of eye protection during handling of the product is recommended.
2. The product must only be applied for disinfection of small surfaces.

4.2.3. *Where specific to the use, the particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment*

See section 5.3.

4.2.4. *Where specific to the use, the instructions for safe disposal of the product and its packaging*

See section 5.4.

4.2.5. *Where specific to the use, the conditions of storage and shelf-life of the product under normal conditions of storage*

See section 5.5.

4.3. **Use description**

Table 3

Use # 3 — Disinfection of small surfaces by non-professional users (product-type 4)

Product type	PT04 — Food and feed area (Disinfectants)
Where relevant, an exact description of the authorised use	-
Target organism(s) (including development stage)	Bacteria Yeasts
Field(s) of use	Indoor Disinfection of non-porous surfaces in kitchens. Disinfection of gardening equipment for human hygiene purpose only.

Application method(s)	Spraying Spraying with trigger sprayer or pump spray Spraying and wiping Spraying with trigger sprayer or pump spray and wiping Pouring and wiping
Application rate(s) and frequency	40-50 mL/m ²
Category(ies) of users	General public (non-professional)
Pack sizes and packaging material	1. Bottle: HDPE, 250 - 1 000 mL 2. Bottle with fine mist spray pump or trigger spray head: HDPE, 250 - 1 000 mL

4.3.1. *Use-specific instructions for use*

1. For use at room temperature (20 ± 2 °C).
2. The authorisation holder has to specify the typical application rate in a simple, easily understandable form on the label:
 - Trigger spray: Apply 20 spray strokes per 0,5 m².
 - Pump spray: Apply 3 jets per 100 cm².
 - Bottle: Apply one measuring cup per m²
3. Disinfection of gardening equipment for human hygiene purpose only.
4. Disinfect gardening equipment only indoors.

4.3.2. *Use-specific risk mitigation measures*

See section 5.2.

4.3.3. *Where specific to the use, the particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment*

See section 5.3.

4.3.4. *Where specific to the use, the instructions for safe disposal of the product and its packaging*

See section 5.4.

4.3.5. *Where specific to the use, the conditions of storage and shelf-life of the product under normal conditions of storage*

See section 5.5.

4.4. **Use description**

Table 4

Use # 4 — Disinfection of small surfaces by professional users (product-type 4)

Product type	PT04 — Food and feed area (Disinfectants)
Where relevant, an exact description of the authorised use	-
Target organism(s) (including development stage)	Bacteria Yeasts

Field(s) of use	Indoor Disinfection of non-porous surfaces in canteens or kitchens, food processing industry (including breweries). Disinfection of gardening equipment for human hygiene purpose only.
Application method(s)	Spraying Spraying with trigger sprayer or pump spray Spraying and wiping Spraying with trigger sprayer or pump spray and wiping Pouring and wiping
Application rate(s) and frequency	40-50 mL/m ²
Category(ies) of users	Professional
Pack sizes and packaging material	1. Bottle: HDPE, 250 - 1 000 mL 2. Bottle with fine mist spray pump or trigger spray head: HDPE, 250 - 1 000 mL 3. IBC: HDPE, 720 L 4. Drum: Steel, zinc coated and painted, 200 - 220 L 5. Canister: HDPE, 5 - 50 L

4.4.1. Use-specific instructions for use

1. For use at room temperature (20 ± 2 °C).
2. Disinfection of gardening equipment for human hygiene purpose only.
3. Disinfect gardening equipment only indoors.

4.4.2. Use-specific risk mitigation measures

1. Provide adequate ventilation (industrial ventilation or keeping windows and doors open).
2. The product must only be applied for disinfection of small surfaces.
3. The following personal risk mitigation measure can be considered for disinfection of food processing machinery and refilling procedure unless it can be replaced by technical and/or organisational measures: The use of eye protection during handling of the product is recommended.

4.4.3. Where specific to the use, the particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment

See section 5.3.

4.4.4. Where specific to the use, the instructions for safe disposal of the product and its packaging

See section 5.4.

4.4.5. Where specific to the use, the conditions of storage and shelf-life of the product under normal conditions of storage

See section 5.5.

5. GENERAL DIRECTIONS FOR USE ⁽¹⁾

5.1. Instructions for use

1. Clean surfaces before use.

⁽¹⁾ Instructions for use, risk mitigation measures and other directions for use under this section are valid for any authorised uses.

2. Apply the product to the surface undiluted by spraying. Make sure to wet surfaces completely. Allow to take effect for at least 15 minutes.
3. Apply the product to the surface undiluted by spraying/pouring the product and wiping of the surface afterwards. Make sure to wet surfaces completely. Allow to take effect for at least 5 minutes.
4. Do not apply more than 50 mL/m².
5. Used wipes must be disposed in a closed container.
6. For non-professional users only: Do not use more than 4 applications per day.

5.2. Risk mitigation measures

1. Keep out of reach of children and pets.
2. Avoid contact with eyes.
3. Do not apply in the presence of small children.
4. Keep children and pets away from rooms, where disinfection is taking place. Provide adequate ventilation before children enter treated rooms.
5. For refilling a funnel must be applied.

5.3. Particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment

First aid:

1. IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing.
2. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses if present and easy to do – continue rinsing.
3. Call a POISON CENTER or doctor/physician if you feel unwell.
4. If eye irritation persists, get medical advice.

5.4. Instructions for safe disposal of the product and its packaging

At the end of the treatment, dispose unused product and the packaging in accordance with local requirements.

5.5. Conditions of storage and shelf-life of the product under normal conditions of storage

Store cool (not above 30 °C) and protect from frost.

Shelf-life: 24 months.

6. OTHER INFORMATION

Please be aware of the European reference value of 129,28 mg/m³ for the active substance propan-2-ol (CAS No.: 67-63-0) which was used for the risk assessment for the product.

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2030**of 29 November 2019****granting a Union authorisation for the biocidal product family ‘Pal IPA Product Family’****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the first subparagraph of Article 44(5) thereof,

Whereas:

- (1) On 29 June 2016, Pal Hygiene Products Limited, submitted an application in accordance with Article 43(1) of Regulation (EU) No 528/2012 for authorisation of a biocidal product family named ‘Pal IPA Product Family’ of product-types 2 and 4, as described in Annex V to that Regulation, providing written confirmation that the competent authority of United Kingdom had agreed to evaluate the application. The application was recorded under the case number BC-DY025578-07 in the Register for Biocidal Products.
- (2) ‘Pal IPA Product Family’ contains propan-2-ol, as the active substance, which is included in the Union list of approved active substances referred to in Article 9(2) of Regulation (EU) No 528/2012.
- (3) On 22 August 2018, the evaluating competent authority submitted, in accordance with Article 44(1) of Regulation (EU) No 528/2012, an assessment report and the conclusions of its evaluation to the European Chemicals Agency (‘the Agency’).
- (4) On 25 March 2019, the Agency submitted to the Commission an opinion ⁽²⁾, including the proposed terms and conditions of the authorisation, the draft summary of the biocidal product characteristics (‘SPC’) of ‘Pal IPA Product Family’ and the final assessment report on the biocidal product family in accordance with Article 44(3) of Regulation (EU) No 528/2012.
- (5) The opinion concludes that ‘Pal IPA Product Family’ is a ‘biocidal product family’ within the meaning of Article 3(1) (s) of Regulation (EU) No 528/2012, that it is eligible for Union authorisation in accordance with Article 42(1) of that Regulation and that subject to compliance with the proposed terms and conditions and the draft SPC, it meets the conditions laid down in Article 19(1) and (6) of that Regulation.
- (6) On 4 June 2019, the Agency transmitted to the Commission the draft SPC in all the official languages of the Union in accordance with Article 44(4) of Regulation (EU) No 528/2012.
- (7) The Commission concurs with the opinion of the Agency and considers it therefore appropriate to grant a Union authorisation for ‘Pal IPA Product Family’.
- (8) In the opinion the Agency also recommends that a long-term storage test at ambient temperature for wipes in their commercial packaging be conducted by the authorisation holder as a condition in the authorisation. The Commission agrees with that recommendation and considers that the submission of this test should be a condition relating to the making available on the market and use of the biocidal product family pursuant to Article 22(1) of Regulation (EU) No 528/2012. The Commission also considers that the fact that data is to be provided after the authorisation is granted does not affect the conclusion on the fulfilment of the condition under Article 19(1)(d) of that Regulation on the basis of the existing data.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ ECHA opinion of 28 February 2019 on the Union authorisation of ‘Pal IPA Product Family’ (ECHA/BPC/223/2019).

HAS ADOPTED THIS REGULATION:

Article 1

A Union authorisation with authorisation number EU-0020463-0000 is granted to Pal Hygiene Products Limited for the making available on the market and use of the biocidal product family 'Pal IPA Product Family', subject to compliance with the terms and conditions set out in Annex I and in accordance with the summary of the biocidal product characteristics set out in the Annex II.

The Union authorisation is valid from 24 December 2019 until 30 November 2029.

Article 2

This Regulation shall enter into force on the twentieth 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, 29 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

*ANNEX I***TERMS AND CONDITIONS****(EU-0020463-0000)**

The authorisation holder shall conduct a long-term storage test at ambient temperature for wipes in their commercial packaging.

By 31 July 2021 the authorisation holder shall submit the results of the test to the Agency.

ANNEX II

SUMMARY OF PRODUCT CHARACTERISTICS FOR A BIOCIDAL PRODUCT FAMILY

Pal IPA Product Family

Product type 2 — Disinfectants and algaecides not intended for direct application to humans or animals (Disinfectants)

Product type 4 — Food and feed area (Disinfectants)

Authorisation number: EU-0020463-0000

R4BP asset number: EU-0020463-0000

PART I

FIRST INFORMATION LEVEL

1. Administrative information

1.1. Family name

Name	Pal IPA Product Family
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1.2. Product type(s)

Product type(s)	PT02 — Disinfectants and algaecides not intended for direct application to humans or animals (Disinfectants) PT04 — Food and feed area (Disinfectants)
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1.3. Authorisation holder

Name and address of the authorisation holder	Name	Pal Hygiene Products Limited
	Address	Unit 5B & Unit 5H Fingal Bay Business Park, K32 NY57, Balbriggan, Co. Dublin, Ireland
Authorisation number	EU-0020463-0000	
R4BP asset number	EU-0020463-0000	
Date of the authorisation	24 December 2019	
Expiry date of the authorisation	30 November 2029	

1.4. Manufacturer(s) of the biocidal products

Name of manufacturer	Pal International Limited
Address of manufacturer	Bilton Way, LE17 4JA Lutterworth, Leicestershire, United Kingdom
Location of manufacturing sites	Bilton Way, LE17 4JA Lutterworth, Leicestershire, United Kingdom

1.5. **Manufacturer(s) of the active substance(s)**

Active substance	Propan-2-ol
Name of manufacturer	Brenntag GmbH
Address of manufacturer	Messeallee 11, 45131 Essen, Germany
Location of manufacturing sites	Baton Rouge Chemical Plant (BRCP), Exxon Mobil Chemical Plant, 4999 Scenic Highway, 70897 Baton Rouge, Louisiana, United States

Active substance	Propan-2-ol
Name of manufacturer	Brenntag GmbH
Address of manufacturer	Messeallee 11, 45131 Essen, Germany
Location of manufacturing sites	Haven 3222, Vondelingenweg 601, 3196 KK Vondelingenplaat, Netherlands

2. **Product family composition and formulation**2.1. **Qualitative and quantitative information on the composition of the family**

Common name	IUPAC name	Function	CAS number	EC number	Content (%)	
					Min	Max
Propan-2-ol		Active Substance	67-63-0	200-661-7	62,9	62,9

2.2. **Type(s) of formulation**

Formulation(s)	AL (any other liquid) - RTU wipe
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PART II

SECOND INFORMATION LEVEL — META SPC(S)

Meta SPC 11. **Meta SPC 1 administrative information**1.1. **Meta SPC 1 identifier**

Identifier	Meta SPC 1 — Pal IPA Product Family Wipes
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1.2. **Suffix to the authorisation number**

Number	1-1
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1.3. **Product type(s)**

Product type(s)	PT02 — Disinfectants and algaecides not intended for direct application to humans or animals (Disinfectants) PT04 — Food and feed area (Disinfectants)
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2. **Meta SPC 1 Composition**2.1. **Qualitative and quantitative information on the composition of the meta SPC 1**

Common name	IUPAC name	Function	CAS number	EC number	Content (%)	
					Min	Max
Propan-2-ol		Active Sub-stance	67-63-0	200-661-7	62,9	62,9

2.2. **Type(s) of formulation of the meta SPC 1**

Formulation(s)	AL (any other liquid) - RTU wipe
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3. **Hazard and precautionary statements of the meta SPC 1**

Hazard statements	Highly flammable liquid and vapour. Causes serious eye irritation. May cause drowsiness or dizziness. Repeated exposure may cause skin dryness or cracking.
Precautionary statements	If medical advice is needed, have product container or label at hand. Keep out of reach of children. Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking. Keep container tightly closed. Avoid breathing vapours. Wash hands thoroughly after handling. Use only outdoors or in a well-ventilated area. Wear eye protection. IF ON SKIN (or hair): Take off immediately all contaminated clothing. Rinse skin with water. IF INHALED: Remove person to fresh air and keep comfortable for breathing. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Call a POISON CENTRE if you feel unwell. If eye irritation persists: Get medical advice. In case of fire: Use alcohol-resistant foam to extinguish. Store in a well-ventilated place. Keep cool. Store locked up. Dispose of contents to/container in accordance with local regulations.

4. Authorised use(s) of the meta SPC 1

4.1. Use description

Table 1. Use # 1 — Professional use

Product type	PT02 — Disinfectants and algaecides not intended for direct application to humans or animals (Disinfectants) PT04 — Food and feed area (Disinfectants)
Where relevant, an exact description of the authorised use	-
Target organism(s) (including development stage)	Bacteria Yeast Mycobacteria
Field(s) of use	Indoor Disinfectant for use against bacteria, mycobacteria and yeast on hard, non-porous surfaces in cleanrooms for biotechnology, pharmaceutical, manufacture of non-invasive medical devices, healthcare industries and other critical life science applications, and in industrial food and feed preparation areas
Application method(s)	Wiping
Application rate(s) and frequency	1 minute contact time for bacteria 1 minute contact time for mycobacteria 3 minute contact time for yeast
Category(ies) of users	Professional
Pack sizes and packaging material	Impregnated 100 % polypropylene wipes in: — High-density polyethylene (HDPE) canister with Polypropylene (PP) lid – 150 wipes (0,5 L), 200 wipes (2 L), 240 wipes (2 L) — PP bucket with PP lid – 500 wipes (8 L), 1 000 wipes (8 L), 1 500 wipes (8 L) Impregnated 100 % polyester wipes in: — laminate film flow wrap packet sealed with PET/PE – 25, 50 or 100 wipes — Aluminium foil – 1 wipe

4.1.1. Use-specific instructions for use

See general directions for use

4.1.2. Use-specific risk mitigation measures

See general directions for use

4.1.3. Where specific to the use, the particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment

See general directions for use

4.1.4. Where specific to the use, the instructions for safe disposal of the product and its packaging

See general directions for use

4.1.5. Where specific to the use, the conditions of storage and shelf-life of the product under normal conditions of storage

See general directions for use

5. **General directions for use ⁽¹⁾ of the meta SPC 1**

5.1. **Instructions for use**

Do not use on surfaces sensitive to alcohol.

Acceptable use temperature (10-20 °C)

For soiled surfaces, clean the surface carefully before application:

1. Follow agreed risk assessment policy guidelines regarding the use of Personal Protective Equipment.
2. Choose the dispenser type and dispense the wipe.
3. Wipe the surface in an S Shape moving from clean to dirty. Use the wipe flat not scrunched. Do not go over the same area twice with the same wipe.
4. Use a fresh wipe if your wipe becomes soiled or dry.
5. Make sure to wet surfaces completely
6. Used wipes must be disposed in a closed container
7. Allow the surface to dry before use.

5.2. **Risk mitigation measures**

Wash hands and exposed skin before meals and after use.

Avoid contact with eyes.

When performing disinfection in areas where members of the public may be present, persons should be prevented from entering the room until the room has been well ventilated.

5.3. **Particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment**

Eye contact: IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists: Get medical advice/attention

5.4. **Instructions for safe disposal of the product and its packaging**

Dispose of contents/container in accordance with local regulations.

Do not flush wipes down the toilet. Do not macerate.

Residual alcohol should be emptied prior to disposal of container.

Discard used wipes in the appropriate waste bin following local agreed guidelines.

5.5. **Conditions of storage and shelf-life of the product under normal conditions of storage**

Store in a cool, dry, well-ventilated place in original container.

Keep container tightly closed.

Shelf-life: 2 years

6. **Other information**

Polypropylene or polyester wipes, 20-45 gsm, containing 1,7-7,5 ml product (0,93-4,12 g propan-2-ol)

The product contains propan-2-ol (CAS No: 67-63-0), for which an European reference value of 129,28 mg/m³ for the professional user was agreed and used for the risk assessment of the product.

⁽¹⁾ Instructions for use, risk mitigation measures and other directions for use under this section are valid for any authorised uses within the meta SPC 1.

7. **Third information level: individual products in the meta SPC 1**7.1. **Trade name(s), authorisation number and specific composition of each individual product**

Trade name(s)	Medipal Alcohol Disinfectant Wipes Pal Tech Precision 70 % IPA Wipes Pal TX IPA Surface Disinfectant Wipes				
Authorisation number	EU-0020463-0001 1-1				
Common name	IUPAC name	Function	CAS number	EC number	Content (%)
Propan-2-ol		Active Substance	67-63-0	200-661-7	62,9

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2019/2031

of 12 November 2019

**establishing best available techniques (BAT) conclusions for the food, drink and milk industries,
under Directive 2010/75/EU of the European Parliament and of the Council**

(notified under document C(2019) 7989)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) ⁽¹⁾, and in particular Article 13(5) thereof,

Whereas:

- (1) Best available techniques (BAT) conclusions are the reference for setting permit conditions for installations covered by Chapter II of Directive 2010/75/EU and competent authorities should set emission limit values which ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the BAT conclusions.
- (2) The forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental protection, established by Commission Decision of 16 May 2011 ⁽²⁾, provided the Commission on 27 November 2018 with its opinion on the proposed content of the BAT reference document for the food, drink and milk industries. That opinion is publicly available ⁽³⁾.
- (3) The BAT conclusions set out in the Annex to this Decision are the key element of that BAT reference document.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 75(1) of Directive 2010/75/EU,

HAS ADOPTED THIS DECISION:

Article 1

The best available techniques (BAT) conclusions for the food drink and milk industries, as set out in the Annex, are adopted.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 November 2019.

For the Commission

Karmenu VELLA

Member of the Commission

⁽¹⁾ OJ L 334, 17.12.2010, p. 17.

⁽²⁾ Commission Decision of 16 May 2011 establishing a forum for the exchange of information pursuant to Article 13 of Directive 2010/75/EU on industrial emissions (OJ C 146, 17.5.2011, p. 3).

⁽³⁾ https://circabc.europa.eu/ui/group/06f33a94-9829-4eee-b187-21bb783a0fbf/library/d00a6ea2-6a30-46fc-8064-16200f9fe7f6?p=1&n=10&sort=modified_DESC

ANNEX

BEST AVAILABLE TECHNIQUES (BAT) CONCLUSIONS FOR THE FOOD, DRINK AND MILK INDUSTRIES

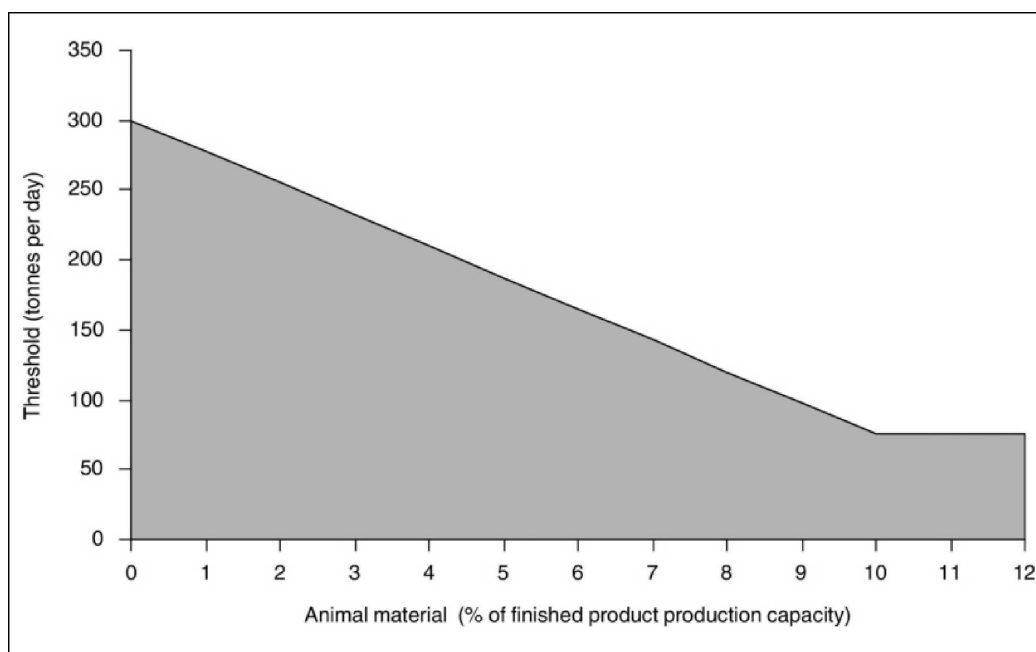
SCOPE

These BAT conclusions concern the following activities specified in Annex I to Directive 2010/75/EU:

- 6.4 (b) Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from:
 - (i) only animal raw materials (other than exclusively milk) with a finished product production capacity greater than 75 tonnes per day;
 - (ii) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year;
 - (iii) animal and vegetable raw materials, both in combined and separate products, with a finished product production capacity in tonnes per day greater than:
 - 75 if A is equal to 10 or more; or,
 - $[300 - (22,5 \times A)]$ in any other case,
 where 'A' is the portion of animal material (in percent of weight) of the finished product production capacity.

Packaging shall not be included in the final weight of the product.

This subsection shall not apply where the raw material is milk only.



- 6.4 (c) Treatment and processing of milk only, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis).
- 6.11 Independently operated treatment of waste water not covered by Council Directive 91/271/EEC ⁽¹⁾ provided that the main pollutant load originates from activities specified in points 6.4 (b) or (c) of Annex I to Directive 2010/75/EU.

⁽¹⁾ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).

These BAT conclusions also cover:

- the combined treatment of waste water from different origins provided that the main pollutant load originates from the activities specified in point 6.4 (b) or 6.4 (c) of Annex I to Directive 2010/75/EU and that the waste water treatment is not covered by Council Directive 91/271/EEC;
- the production of ethanol taking place on an installation covered by the activity description in point 6.4 (b) (ii) of Annex I to Directive 2010/75/EU or as a directly associated activity to such an installation.

These BAT conclusions do not address the following:

- On-site combustion plants generating hot gases that are not used for direct contact heating, drying or any other treatment of objects or materials. This may be covered by the BAT conclusions for Large Combustion Plants (LCP) or by Directive (EU) 2015/2193 of the European Parliament and of the Council ^(*).
- Production of primary products from animal by-products, such as rendering and fat melting, fish-meal and fish oil production, blood processing and gelatine manufacturing. This may be covered by the BAT conclusions for Slaughterhouses and Animal By-products Industries (SA).
- The making of standard cuts for large animals and cuts for poultry. This may be covered by the BAT conclusions for Slaughterhouses and Animal By-products Industries (SA).

Other BAT conclusions and reference documents which could be relevant for the activities covered by these BAT conclusions include the following:

- Large Combustion Plants (LCP);
- Slaughterhouses and Animal By-products Industries (SA);
- Common Waste Water and Waste Gas Treatment/Management Systems in the Chemical Sector (CWW);
- Large Volume Organic Chemical Industry (LVOC);
- Waste Treatment (WT);
- Production of Cement, Lime and Magnesium Oxide (CLM);
- Monitoring of Emissions to Air and Water from IED Installations (ROM);
- Economics and Cross-Media Effects (ECM);
- Emissions from Storage (EFS);
- Energy Efficiency (ENE);
- Industrial Cooling Systems (ICS).

These BAT conclusions apply without prejudice to other relevant legislation, e.g. on hygiene or food/feed safety.

^(*) Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (OJ L 313, 28.11.2015, p. 1).

DEFINITIONS

For the purposes of these BAT conclusions, the following definitions apply:

Term used	Definition
Biochemical oxygen demand (BOD _n)	Amount of oxygen needed for the biochemical oxidation of the organic matter to carbon dioxide in <i>n</i> days (<i>n</i> is typically 5 or 7). BOD is an indicator for the mass concentration of biodegradable organic compounds.
Channelled emissions	Emissions of pollutants into the environment through any kind of duct, pipe, stack, etc.
Chemical oxygen demand (COD)	Amount of oxygen needed for the total chemical oxidation of the organic matter to carbon dioxide using dichromate. COD is an indicator for the mass concentration of organic compounds.
Dust	Total particulate matter (in air).
Existing plant	A plant that is not a new plant.
Hexane	Alkane of six carbon atoms, with the chemical formula C ₆ H ₁₄ .
hl	Hectolitre (equal to 100 litres).
New plant	A plant first permitted at the site of the installation following the publication of these BAT conclusions or a complete replacement of a plant following the publication of these BAT conclusions.
NO _x	The sum of nitrogen monoxide (NO) and nitrogen dioxide (NO ₂), expressed as NO ₂ .
Residue	Substance or object generated by the activities covered by the scope of this document, as waste or by-product.
SO _x	The sum of sulphur dioxide (SO ₂), sulphur trioxide (SO ₃), and sulphuric acid aerosols, expressed as SO ₂ .
Sensitive receptor	Areas which need special protection, such as: — residential areas; — areas where human activities are carried out (e.g. neighbouring workplaces, schools, day-care centres, recreational areas, hospitals or nursing homes).
Total nitrogen (TN)	Total nitrogen, expressed as N, includes free ammonia and ammonium nitrogen (NH ₄ -N), nitrite nitrogen (NO ₂ -N), nitrate nitrogen (NO ₃ -N) and organically bound nitrogen.
Total organic carbon (TOC)	Total organic carbon, expressed as C (in water), includes all organic compounds.
Total phosphorus (TP)	Total phosphorus, expressed as P, includes all inorganic and organic phosphorus compounds, dissolved or bound to particles.
Total suspended solids (TSS)	Mass concentration of all suspended solids (in water), measured via filtration through glass fibre filters and gravimetry.
Total volatile organic carbon (TVOC)	Total volatile organic carbon, expressed as C (in air).

GENERAL CONSIDERATIONS

Best Available Techniques

The techniques listed and described in these BAT conclusions are neither prescriptive nor exhaustive. Other techniques may be used that ensure at least an equivalent level of environmental protection.

Unless otherwise stated, the BAT conclusions are generally applicable.

Emission levels associated with the best available techniques (BAT-AELs) for emissions to air

Unless otherwise stated, emission levels associated with the best available techniques (BAT-AELs) for emissions to air given in these BAT conclusions refer to concentrations, expressed as mass of emitted substances per volume of waste gas under the following standard conditions: dry gas at a temperature of 273,15 K and a pressure of 101,3 kPa, without correction for oxygen content, and expressed in mg/Nm³.

The equation for calculating the emission concentration at the reference oxygen level is:

$$E_R = \frac{21 - O_R}{21 - O_M} \times E_M$$

where:

E_R : emission concentration at the reference oxygen level O_R ;

O_R : reference oxygen level in vol-%;

E_M : measured emission concentration;

O_M : measured oxygen level in vol-%.

For averaging periods of BAT-AELs for emissions to air, the following definition applies.

Averaging period	Definition
Average over the sampling period	Average value of three consecutive measurements of at least 30 minutes each ⁽¹⁾ .

⁽¹⁾ For any parameter where, due to sampling or analytical limitations, 30-minute sampling/measurement is inappropriate, a more suitable measurement period may be employed.

When the waste gases of two or more sources (e.g. dryers or kilns) are discharged through a common stack, the BAT-AEL applies to the combined discharge from the stack.

Specific hexane losses

The emission levels associated with the best available techniques (BAT-AELs) related to specific hexane losses refer to yearly averages and are calculated using the following equation:

$$\text{specific hexane losses} = \frac{\text{hexane losses}}{\text{raw materials}}$$

where: hexane losses is the total amount of hexane consumed by the installation for each type of seeds or beans, expressed in kg/year;
raw materials is the total amount of each type of cleaned seeds or beans processed, expressed in tonnes/year.

Emission levels associated with the best available techniques (BAT-AELs) for emissions to water

Unless otherwise stated, emission levels associated with the best available techniques (BAT-AELs) for emissions to water given in these BAT conclusions refer to concentrations (mass of emitted substances per volume of water), expressed in mg/l.

The BAT-AELs expressed as concentrations refer to daily average values, i.e. 24-hour flow-proportional composite samples. Time-proportional composite samples can be used provided that sufficient flow stability is demonstrated. Alternatively, spot samples may be taken, provided that the effluent is appropriately mixed and homogeneous.

In the case of total organic carbon (TOC), chemical oxygen demand (COD), total nitrogen (TN) and total phosphorus (TP), the calculation of the average abatement efficiency referred to in these BAT conclusions (see Table 1) is based on the influent and effluent load of the waste water treatment plant.

Other environmental performance levels

Specific waste water discharge

The indicative environmental performance levels related to specific waste water discharge refer to yearly averages and are calculated using the following equation:

$$\text{specific waste water discharge} = \frac{\text{waste water discharge}}{\text{activity rate}}$$

where:

Waste water discharge is the total amount of waste water discharged (as direct discharge, indirect discharge and/or land spreading) by the specific processes concerned during the production period, expressed in m³/year, excluding any cooling water and run-off water that is discharged separately.

Activity rate is the total amount of products or raw materials processed, depending on the specific sector, expressed in tonnes/year or hl/year. Packaging is not included in the weight of the product. Raw material is any material entering the plant, treated or processed for the production of food or feed.

Specific energy consumption

The indicative environmental performance levels related to specific energy consumption refer to yearly averages and are calculated using the following equation:

$$\text{specific energy consumption} = \frac{\text{final energy consumption}}{\text{activity rate}}$$

where:

Final energy consumption is the total amount of energy consumed by the specific processes concerned during the production period (in the form of heat and electricity), expressed in MWh/year.

Activity rate is the total amount of products or raw materials processed, depending on the specific sector, expressed in tonnes/year or hl/year. Packaging is not included in the weight of the product. Raw material is any material entering the plant, treated or processed for the production of food or feed.

1. GENERAL BAT CONCLUSIONS

1.1. Environmental management systems

BAT 1. In order to improve the overall environmental performance, BAT is to elaborate and implement an environmental management system (EMS) that incorporates all of the following features:

- (i) commitment, leadership, and accountability of the management, including senior management, for the implementation of an effective EMS;

- (ii) an analysis that includes the determination of the organisation's context, the identification of the needs and expectations of interested parties, the identification of characteristics of the installation that are associated with possible risks for the environment (or human health) as well as of the applicable legal requirements relating to the environment;
- (iii) development of an environmental policy that includes the continuous improvement of the environmental performance of the installation;
- (iv) establishing objectives and performance indicators in relation to significant environmental aspects, including safeguarding compliance with applicable legal requirements;
- (v) planning and implementing the necessary procedures and actions (including corrective and preventive actions where needed), to achieve the environmental objectives and avoid environmental risks;
- (vi) determination of structures, roles and responsibilities in relation to environmental aspects and objectives and provision of the financial and human resources needed;
- (vii) ensuring the necessary competence and awareness of staff whose work may affect the environmental performance of the installation (e.g. by providing information and training);
- (viii) internal and external communication;
- (ix) fostering employee involvement in good environmental management practices;
- (x) Establishing and maintaining a management manual and written procedures to control activities with significant environmental impact as well as relevant records;
- (xi) effective operational planning and process control;
- (xii) implementation of appropriate maintenance programmes;
- (xiii) emergency preparedness and response protocols, including the prevention and/or mitigation of the adverse (environmental) impacts of emergency situations;
- (xiv) when (re)designing a (new) installation or a part thereof, consideration of its environmental impacts throughout its life, which includes construction, maintenance, operation and decommissioning;
- (xv) implementation of a monitoring and measurement programme, if necessary, information can be found in the Reference Report on Monitoring of Emissions to Air and Water from IED Installations;
- (xvi) application of sectoral benchmarking on a regular basis;
- (xvii) periodic independent (as far as practicable) internal auditing and periodic independent external auditing in order to assess the environmental performance and to determine whether or not the EMS conforms to planned arrangements and has been properly implemented and maintained;
- (xviii) evaluation of causes of nonconformities, implementation of corrective actions in response to nonconformities, review of the effectiveness of corrective actions, and determination of whether similar nonconformities exist or could potentially occur;
- (xix) periodic review, by senior management, of the EMS and its continuing suitability, adequacy and effectiveness;
- (xx) following and taking into account the development of cleaner techniques.

Specifically for the food, drink and milk sector, BAT is to also incorporate the following features in the EMS:

- (i) noise management plan (see BAT 13);
- (ii) odour management plan (see BAT 15);

- (iii) inventory of water, energy and raw materials consumption as well as of waste water and waste gas streams (see BAT 2);
- (iv) energy efficiency plan (see BAT 6a).

Note

Regulation (EC) No 1221/2009 of the European Parliament and of the Council ⁽³⁾ establishes the Union eco-management and audit scheme (EMAS), which is an example of an EMS consistent with this BAT.

Applicability

The level of detail and the degree of formalisation of the EMS will generally be related to the nature, scale and complexity of the installation, and the range of environmental impacts it may have.

BAT 2. In order to increase resource efficiency and to reduce emissions, BAT is to establish, maintain and regularly review (including when a significant change occurs) an inventory of water, energy and raw materials consumption as well as of waste water and waste gas streams, as part of the environmental management system (see BAT 1), that incorporates all of the following features:

- I. Information about the food, drink and milk production processes, including:
 - (a) simplified process flow sheets that show the origin of the emissions;
 - (b) descriptions of process-integrated techniques and waste water/waste gas treatment techniques to prevent or reduce emissions, including their performance.
- II. Information about water consumption and usage (e.g. flow diagrams and water mass balances), and identification of actions to reduce water consumption and waste water volume (see BAT 7).
- III. Information about the quantity and characteristics of the waste water streams, such as:
 - (a) average values and variability of flow, pH and temperature;
 - (b) average concentration and load values of relevant pollutants/parameters (e.g. TOC or COD, nitrogen species, phosphorus, chloride, conductivity) and their variability.
- IV. Information about the characteristics of the waste gas streams, such as:
 - (a) average values and variability of flow and temperature;
 - (b) average concentration and load values of relevant pollutants/parameters (e.g. dust, TVOC, CO, NO_x, SO_x) and their variability;
 - (c) presence of other substances that may affect the waste gas treatment system or plant safety (e.g. oxygen, water vapour, dust).
- V. Information about energy consumption and usage, the quantity of raw materials used, as well as the quantity and characteristics of residues generated, and identification of actions for continuous improvement of resource efficiency (see for example BAT 6 and BAT 10).
- VI. Identification and implementation of an appropriate monitoring strategy with the aim of increasing resource efficiency, taking into account energy, water and raw materials consumption. Monitoring can include direct measurements, calculations or recording with an appropriate frequency. The monitoring is broken down at the most appropriate level (e.g. at process or plant/installation level).

Applicability

The level of detail of the inventory will generally be related to the nature, scale and complexity of the installation, and the range of environmental impacts it may have.

1.2. Monitoring

BAT 3. For relevant emissions to water as identified by the inventory of waste water streams (see BAT 2), BAT is to monitor key process parameters (e.g. continuous monitoring of waste water flow, pH and temperature) at key locations (e.g. at the inlet and/or outlet of the pre-treatment, at the inlet to the final treatment, at the point where the emission leaves the installation).

⁽³⁾ Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

BAT 4. BAT is to monitor emissions to water with at least the frequency given below and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.

Substance/parameter	Standard(s)	Minimum monitoring frequency ⁽¹⁾	Monitoring associated with
Chemical oxygen demand (COD) ⁽²⁾ ⁽³⁾	No EN standard available	Once every day ⁽⁴⁾	BAT 12
Total nitrogen (TN) ⁽²⁾	Various EN standards available (e.g. EN 12260, EN ISO 11905-1)		
Total organic carbon (TOC) ⁽²⁾ ⁽³⁾	EN 1484		
Total phosphorus (TP) ⁽²⁾	Various EN standards available (e.g. EN ISO 6878, EN ISO 15681-1 and -2, EN ISO 11885)		
Total suspended solids (TSS) ⁽²⁾	EN 872		
Biochemical oxygen demand (BOD _n) ⁽²⁾	EN 1899-1	Once every month	
Chloride (Cl ⁻)	Various EN standards available (e.g. EN ISO 10304-1, EN ISO 15682)	Once every month	—

⁽¹⁾ The monitoring only applies when the substance concerned is identified as relevant in the waste water stream based on the inventory mentioned in BAT 2.

⁽²⁾ The monitoring only applies in the case of a direct discharge to a receiving water body.

⁽³⁾ TOC monitoring and COD monitoring are alternatives. TOC monitoring is the preferred option because it does not rely on the use of very toxic compounds.

⁽⁴⁾ If the emission levels are proven to be sufficiently stable, a lower monitoring frequency can be adopted but in any case at least once every month.

BAT 5. BAT is to monitor channelled emissions to air with at least the frequency given below and in accordance with EN standards.

Substance/Parameter	Sector	Specific process	Standard(s)	Minimum monitoring frequency ⁽¹⁾	Monitoring associated with
Dust	Animal feed	Drying of green fodder	EN 13284-1	Once every three months ⁽²⁾	BAT 17
		Grinding and pellet cooling in compound feed manufacture		Once every year	BAT 17
		Extrusion of dry pet food		Once every year	BAT 17
	Brewing	Handling and processing of malt and adjuncts		Once every year	BAT 20
	Dairies	Drying processes		Once every year	BAT 23
	Grain milling	Grain cleaning and milling		Once every year	BAT 28

Substance/ Parameter	Sector	Specific process	Standard(s)	Minimum monitoring frequency ⁽¹⁾	Monitoring associated with
	Oilseed processing and vegetable oil refining	Handling and preparation of seeds, drying and cooling of meal		Once every year	BAT 31
	Starch production	Drying of starch, protein and fibre			BAT 34
	Sugar manufacturing	Drying of beet pulp		Once every month ⁽²⁾	BAT 36
PM _{2.5} and PM ₁₀	Sugar manufacturing	Drying of beet pulp	EN ISO 23210	Once every year	BAT 36
TVOC	Fish and shellfish processing	Smoke chambers	EN 12619	Once every year	BAT 26
	Meat processing	Smoke chambers			BAT 29
	Oilseed processing and vegetable oil refining ⁽³⁾	—			—
	Sugar manufacturing	High-temperature drying of beet pulp		Once every year	—
NO _x	Meat processing ⁽⁴⁾	Smoke chambers	EN 14792	Once every year	—
	Sugar manufacturing	High-temperature drying of beet pulp			
CO	Meat processing ⁽⁴⁾	Smoke chambers	EN 15058	Once every year	—
	Sugar manufacturing	High-temperature drying of beet pulp			
SO _x	Sugar manufacturing	Drying of beet pulp when natural gas is not used	EN 14791	Twice every year ⁽²⁾	BAT 37

⁽¹⁾ The measurements are carried out at the highest expected emission state under normal operating conditions.

⁽²⁾ If the emission levels are proven to be sufficiently stable, a lower monitoring frequency can be adopted but in any case at least once every year.

⁽³⁾ The measurement is carried out during a campaign of two days.

⁽⁴⁾ The monitoring only applies when a thermal oxidiser is used.

1.3. Energy efficiency

BAT 6. In order to increase energy efficiency, BAT is to use BAT 6a and an appropriate combination of the common techniques listed in technique b below.

Technique		Description
(a)	Energy efficiency plan	An energy efficiency plan, as part of the environmental management system (see BAT 1), entails defining and calculating the specific energy consumption of the activity (or activities), setting key performance indicators on an annual basis (for example for the specific energy consumption) and planning periodic improvement targets and related actions. The plan is adapted to the specificities of the installation.
(b)	Use of common techniques	Common techniques include techniques such as: — burner regulation and control; — cogeneration; — energy-efficient motors; — heat recovery with heat exchangers and/or heat pumps (including mechanical vapour recompression); — lighting; — minimising blowdown from the boiler; — optimising steam distribution systems; — preheating feed water (including the use of economisers); — process control systems; — reducing compressed air system leaks; — reducing heat losses by insulation; — variable speed drives; — multiple-effect evaporation; — use of solar energy.

Further sector-specific techniques to increase energy efficiency are given in Sections 2 to 13 of these BAT conclusions.

1.4. Water consumption and waste water discharge

BAT 7. In order to reduce water consumption and the volume of waste water discharged, BAT is to use BAT 7a and one or a combination of the techniques b to k given below.

Technique		Description	Applicability
<i>Common techniques</i>			
(a)	Water recycling and/or re-use	Recycling and/or reuse of water streams (preceded or not by water treatment), e.g. for cleaning, washing, cooling or for the process itself.	May not be applicable due to hygiene and food safety requirements.
(b)	Optimisation of water flow	Use of control devices, e.g. photocells, flow valves, thermostatic valves, to automatically adjust the water flow.	
(c)	Optimisation of water nozzles and hoses	Use of correct number and position of nozzles; adjustment of water pressure.	

Technique		Description	Applicability
(d)	Segregation of water streams	Water streams that do not need treatment (e.g. uncontaminated cooling water or uncontaminated run-off water) are segregated from waste water that has to undergo treatment, thus enabling uncontaminated water recycling.	The segregation of uncontaminated rainwater may not be applicable in the case of existing waste water collection systems.

Techniques related to cleaning operations

(e)	Dry cleaning	Removal of as much residual material as possible from raw materials and equipment before they are cleaned with liquids, e.g. by using compressed air, vacuum systems or catchpots with a mesh cover.	Generally applicable.
(f)	Pigging system for pipes	Use of a system made of launchers, catchers, compressed air equipment, and a projectile (also referred to as a 'pig', e.g. made of plastic or ice slurry) to clean out pipes. In-line valves are in place to allow the pig to pass through the pipeline system and to separate the product and the rinsing water.	
(g)	High-pressure cleaning	Spraying of water onto the surface to be cleaned at pressures ranging from 15 bar to 150 bar.	May not be applicable due to health and safety requirements.
(h)	Optimisation of chemical dosing and water use in cleaning-in-place (CIP)	Optimising the design of CIP and measuring turbidity, conductivity, temperature and/or pH to dose hot water and chemicals in optimised quantities.	Generally applicable.
(i)	Low-pressure foam and/or gel cleaning	Use of low-pressure foam and/or gel to clean walls, floors and/or equipment surfaces.	
(j)	Optimised design and construction of equipment and process areas	The equipment and process areas are designed and constructed in a way that facilitates cleaning. When optimising the design and construction, hygiene requirements are taken into account.	
(k)	Cleaning of equipment as soon as possible	Cleaning is applied as soon as possible after use of equipment to prevent wastes hardening.	

Further sector-specific techniques to reduce water consumption are given in Section 6.1 of these BAT conclusions.

1.5. Harmful substances

BAT 8. In order to prevent or reduce the use of harmful substances, e.g. in cleaning and disinfection, BAT is to use one or a combination of the techniques given below.

Technique		Description
(a)	Proper selection of cleaning chemicals and/or disinfectants	Avoidance or minimisation of the use of cleaning chemicals and/or disinfectants that are harmful to the aquatic environment, in particular priority substances considered under the Water Framework Directive 2000/60/EC of the European Parliament and of the Council ⁽¹⁾ When selecting the substances, hygiene and food safety requirements are taken into account.
(b)	Reuse of cleaning chemicals in cleaning-in-place (CIP)	Collection and reuse of cleaning chemicals in CIP. When reusing cleaning chemicals, hygiene and food safety requirements are taken into account.
(c)	Dry cleaning	See BAT 7e.
(d)	Optimised design and construction of equipment and process areas	See BAT 7j.

⁽¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L327, 22.12.2000, p. 1).

BAT 9. In order to prevent emissions of ozone-depleting substances and of substances with a high global warming potential from cooling and freezing, BAT is to use refrigerants without ozone depletion potential and with a low global warming potential.

Description

Suitable refrigerants include water, carbon dioxide or ammonia.

1.6. Resource efficiency

BAT 10. In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below.

Technique		Description	Applicability
(a)	Anaerobic digestion	Treatment of biodegradable residues by microorganisms in the absence of oxygen, resulting in biogas and digestate. The biogas is used as a fuel, e.g. in a gas engine or in a boiler. The digestate may be used, e.g. as a soil improver.	May not be applicable due to the quantity and/or nature of the residues.
(b)	Use of residues	Residues are used, e.g. as animal feed.	May not be applicable due to legal requirements.
(c)	Separation of residues	Separation of residues, e.g. using accurately positioned splash protectors, screens, flaps, catchpots, drip trays and troughs.	Generally applicable.
(d)	Recovery and reuse of residues from the pasteuriser	Residues from the pasteuriser are fed back to the blending unit and are thereby reused as raw materials.	Only applicable to liquid food products.
(e)	Phosphorus recovery as struvite	See BAT 12g.	Only applicable to waste water streams with a high total phosphorus content (e.g. above 50 mg/l) and a significant flow.

Technique		Description	Applicability
(f)	Use of waste water for land spreading	After appropriate treatment, waste water is used for land spreading in order to take advantage of the nutrient content and/or to use the water.	Only applicable in the case of a proven agronomic benefit, a proven low level of contamination and no negative impact on the environment (e.g. on the soil, the ground-water and surface water). The applicability may be restricted due to the limited availability of suitable land adjacent to the installation. The applicability may be restricted by the soil and local climatic conditions (e.g. in the case of wet or frozen fields) or by legislation.

Further sector-specific techniques to reduce waste sent for disposal are given in Sections 3.3, 4.3 and 5.1 of these BAT conclusions.

1.7. Emissions to water

BAT 11. In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water.

Description

The appropriate buffer storage capacity is determined by a risk assessment (taking into account the nature of the pollutant(s), the effects of these pollutants on further waste water treatment, the receiving environment, etc.).

The waste water from this buffer storage is discharged after appropriate measures are taken (e.g. monitoring, treatment, reuse).

Applicability

For existing plants, the technique may not be applicable due to lack of space and/or due to the layout of the waste water collection system.

BAT 12. In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given below.

	Technique ⁽¹⁾	Typical pollutants targeted	Applicability
<i>Preliminary, primary and general treatment</i>			
(a)	Equalisation	All pollutants	Generally applicable.
(b)	Neutralisation	Acids, alkalis	
(c)	Physical separation, e.g. screens, sieves, grit separators, oil/fat separators, or primary settlement tanks	Gross solids, suspended solids, oil/grease	

	Technique ⁽¹⁾	Typical pollutants targeted	Applicability
Aerobic and/or anaerobic treatment (secondary treatment)			
(d)	Aerobic and/or anaerobic treatment (secondary treatment), e.g. activated sludge process, aerobic lagoon, upflow anaerobic sludge blanket (UASB) process, anaerobic contact process, membrane bioreactor	Biodegradable organic compounds	Generally applicable.
Nitrogen removal			
(e)	Nitrification and/or denitrification	Total nitrogen, ammonium/ ammonia	Nitrification may not be applicable in the case of high chloride concentrations (e.g. above 10 g/l). Nitrification may not be applicable when the temperature of the waste water is low (e.g. below 12 ° C).
(f)	Partial nitrification — Anaerobic ammonium oxidation		May not be applicable when the temperature of the waste water is low.
Phosphorus recovery and/or removal			
(g)	Phosphorus recovery as struvite	Total phosphorus	Only applicable to waste water streams with a high total phosphorus content (e.g. above 50 mg/l) and a significant flow.
(h)	Precipitation		Generally applicable.
(i)	Enhanced biological phosphorus removal		
Final solids removal			
(j)	Coagulation and flocculation	Suspended solids	Generally applicable.
(k)	Sedimentation		
(l)	Filtration (e.g. sand filtration, micro-filtration, ultrafiltration)		
(m)	Flotation		

⁽¹⁾ The descriptions of the techniques are given in Section 14.1.

The BAT-associated emission levels (BAT-AELs) for emissions to water given in Table 1 apply to direct emissions to a receiving water body.

The BAT-AELs apply at the point where the emission leaves the installation.

Table 1

BAT-associated emission levels (BAT-AELs) for direct emissions to a receiving water body

Parameter	BAT-AEL ⁽¹⁾ ⁽²⁾ (daily average)
Chemical oxygen demand (COD) ⁽³⁾ ⁽⁴⁾	25-100 mg/l ⁽⁵⁾
Total suspended solids (TSS)	4-50 mg/l ⁽⁶⁾
Total nitrogen (TN)	2-20 mg/l ⁽⁷⁾ ⁽⁸⁾
Total phosphorus (TP)	0,2-2 mg/l ⁽⁹⁾

- (¹) The BAT-AELs do not apply to emissions from grain milling, green fodder processing, and the production of dry pet food and compound feed.
- (²) The BAT-AELs may not apply to the production of citric acid or yeast.
- (³) No BAT-AEL applies for biochemical oxygen demand (BOD). As an indication, the yearly average BOD₅ level in the effluent from a biological waste water treatment plant will generally be ≤ 20 mg/l.
- (⁴) The BAT-AEL for COD may be replaced by a BAT-AEL for TOC. The correlation between COD and TOC is determined on a case-by-case basis. The BAT-AEL for TOC is the preferred option because TOC monitoring does not rely on the use of very toxic compounds.
- (⁵) The upper end of the range is:
- 125 mg/l for dairies;
 - 120 mg/l for fruit and vegetable installations;
 - 200 mg/l for oilseed processing and vegetable oil refining installations;
 - 185 mg/l for starch production installations;
 - 155 mg/l for sugar manufacturing installations; as daily averages only if the abatement efficiency is ≥ 95 % as a yearly average or as an average over the production period.
- (⁶) The lower end of the range is typically achieved when using filtration (e.g. sand filtration, microfiltration, membrane bioreactor), while the upper end of the range is typically achieved when using sedimentation only.
- (⁷) The upper end of the range is 30 mg/l as a daily average only if the abatement efficiency is ≥ 80 % as a yearly average or as an average over the production period.
- (⁸) The BAT-AEL may not apply when the temperature of the waste water is low (e.g. below 12 °C) for prolonged periods.
- (⁹) The upper end of the range is:
- 4 mg/l for dairies and starch installations producing modified and/or hydrolysed starch;
 - 5 mg/l for fruit and vegetable installations;
 - 10 mg/l for oilseed processing and vegetable oil refining installations carrying out soap-stock splitting; as daily averages only if the abatement efficiency is ≥ 95 % as a yearly average or as an average over the production period.

The associated monitoring is given in BAT 4.

1.8. Noise

BAT 13. In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to set up, implement and regularly review a noise management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:

- a protocol containing actions and timelines;
- a protocol for conducting noise emissions monitoring;
- a protocol for response to identified noise events, e.g. complaints;
- a noise reduction programme designed to identify the source(s), to measure/estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures.

Applicability

BAT 13 is only applicable to cases where a noise nuisance at sensitive receptors is expected and/or has been substantiated.

BAT 14. In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to use one or a combination of the techniques given below.

Technique		Description	Applicability
(a)	Appropriate location of equipment and buildings	Noise levels can be reduced by increasing the distance between the emitter and the receiver, by using buildings as noise screens and by relocating buildings' exits or entrances.	For existing plants, the relocation of equipment and buildings' exits or entrances may not be applicable due to lack of space and/or excessive costs.

Technique		Description	Applicability
(b)	Operational measures	These include: (i) improved inspection and maintenance of equipment; (ii) closing of doors and windows of enclosed areas, if possible; (iii) equipment operation by experienced staff; (iv) avoidance of noisy activities at night, if possible; (v) provisions for noise control, e.g. during maintenance activities.	Generally applicable.
(c)	Low-noise equipment	This includes low-noise compressors, pumps and fans.	
(d)	Noise control equipment	This includes: (i) noise reducers; (ii) insulation of equipment; (iii) enclosure of noisy equipment; (iv) soundproofing of buildings.	May not be applicable to existing plants due to lack of space.
(e)	Noise abatement	Inserting obstacles between emitters and receivers (e.g. protection walls, embankments and buildings).	Applicable only to existing plants, as the design of new plants should make this technique unnecessary. For existing plants, the insertion of obstacles may not be applicable due to lack of space.

1.9. Odour

BAT 15. In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:

- A protocol containing actions and timelines.
- A protocol for conducting odour monitoring. It may be complemented by measurement/estimation of odour exposure or estimation of odour impact.
- A protocol for response to identified odour incidents, e.g. complaints.
- An odour prevention and reduction programme designed to identify the source(s); to measure/estimate odour exposure; to characterise the contributions of the sources; and to implement prevention and/or reduction measures.

Applicability

BAT 15 is only applicable to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated.

2. BAT CONCLUSIONS FOR ANIMAL FEED

The BAT conclusions presented in this section apply to animal feed. They apply in addition to the general BAT conclusions given in Section 1.

2.1. Energy efficiency

2.1.1. Compound feed/Pet food

General techniques to increase energy efficiency are given in Section 1.3 of these BAT conclusions. Indicative environmental performance levels are presented in the table below.

Table 2

Indicative environmental performance levels for specific energy consumption

Product	Unit	Specific energy consumption (yearly average)
Compound feed	MWh/tonne of products	0,01-0,10 ⁽¹⁾ ⁽²⁾ ⁽³⁾
Dry pet food		0,39-0,50
Wet pet food		0,33-0,85

⁽¹⁾ The lower end of the range can be achieved when pelleting is not applied.

⁽²⁾ The specific energy consumption level may not apply when fish and other aquatic animals are used as raw material.

⁽³⁾ The upper end of the range is 0,12 MWh/tonne of products for installations located in cold climates and/or when heat treatment is used for Salmonella decontamination.

2.1.2. Green fodder

BAT 16. In order to increase energy efficiency in green fodder processing, BAT is to use an appropriate combination of the techniques specified in BAT 6 and of the techniques given below.

Technique	Description	Applicability
(a) Use of predried fodder	Use of fodder that has been predried (e.g. by flat pre-wilting).	Not applicable in the case of the wet process.
(b) Recycling of waste gas from the dryer	Injection of the waste gas from the cyclone into the burner of the dryer.	Generally applicable.
(c) Use of waste heat for pre-drying	The heat of the outlet steam from the high-temperature dryers is used for predrying part or all of the green fodder.	

2.2. Water consumption and waste water discharge

General techniques to reduce water consumption and the volume of waste water discharged are given in Section 1.4 of these BAT conclusions. The indicative environmental performance level is presented in the table below.

Table 3

Indicative environmental performance level for specific waste water discharge

Product	Unit	Specific waste water discharge (yearly average)
Wet pet food	m ³ /tonne of products	1.3-2.4

2.3. Emissions to air

BAT 17. In order to reduce channelled dust emissions to air, BAT is to use one of the techniques given below.

Technique		Description	Applicability
a	Bag filter	See Section 14.2.	May not be applicable to the abatement of sticky dust.
b	Cyclone		Generally applicable.

Table 4

BAT-associated emission levels (BAT-AELs) for channelled dust emissions to air from grinding and pellet cooling in compound feed manufacture

Parameter	Specific process	Unit	BAT-AEL (average over the sampling period)	
			New plants	Existing plants
Dust	Grinding	mg/Nm ³	< 2-5	< 2-10
	Pellet cooling		< 2-20	

The associated monitoring is given in BAT 5.

3. BAT CONCLUSIONS FOR BREWING

The BAT conclusions presented in this section apply to brewing. They apply in addition to the general BAT conclusions given in Section 1.

3.1. Energy efficiency

BAT 18. In order to increase energy efficiency, BAT is to use an appropriate combination of the techniques specified in BAT 6 and of the techniques given below.

Technique		Description	Applicability
(a)	Mashing-in at higher temperatures	The mashing-in of the grain is carried out at temperatures of approximately 60 °C, which reduces the use of cold water.	May not be applicable due to the product specifications.
(b)	Decrease of the evaporation rate during wort boiling	The evaporation rate can be reduced from 10 % down to approximately 4 % per hour (e.g. by two-phase boiling systems, dynamic low-pressure boiling).	
(c)	Increase of the degree of high-gravity brewing	Production of concentrated wort, which reduces its volume and thereby saves energy.	

Table 5

Indicative environmental performance level for specific energy consumption

Unit	Specific energy consumption (yearly average)
MWh/hl of products	0,02-0,05

3.2. Water consumption and waste water discharge

General techniques to reduce water consumption and the volume of waste water discharged are given in Section 1.4 of these BAT conclusions. The indicative environmental performance level is presented in the table below.

Table 6

Indicative environmental performance level for specific waste water discharge

Unit	Specific waste water discharge (yearly average)
m ³ /hl of products	0,15-0,50

3.3. Waste

BAT 19. In order to reduce the quantity of waste sent for disposal, BAT is to use one or both of the techniques given below.

Technique		Description
(a)	Recovery and (re)use of yeast after fermentation	After fermentation, yeast is collected and can be partially reused in the fermentation process and/or may be further used for multiple purposes, e.g. as animal feed, in the pharmaceutical industry, as a food ingredient, in an anaerobic waste water treatment plant for biogas production.
(b)	Recovery and (re)use of natural filter material	After chemical, enzymatic or thermal treatment, natural filter material (e.g. diatomaceous earth) may be partially reused in the filtration process. Natural filter material can also be used, e.g. as a soil improver.

3.4. Emissions to air

BAT 20. In order to reduce channelled dust emissions to air, BAT is to use a bag filter or both a cyclone and a bag filter.

Description

See Section 14.2.

Table 7

BAT-associated emission levels (BAT-AELs) for channelled dust emissions to air from handling and processing of malt and adjuncts

Parameter	Unit	BAT-AEL (average over the sampling period)	
		New plants	Existing plants
Dust	mg/Nm ³	< 2-5	< 2-10

The associated monitoring is given in BAT 5.

4. BAT CONCLUSIONS FOR DAIRIES

The BAT conclusions presented in this section apply to dairies. They apply in addition to the general BAT conclusions given in Section 1.

4.1. Energy efficiency

BAT 21. In order to increase energy efficiency, BAT is to use an appropriate combination of the techniques specified in BAT 6 and of the techniques given below.

Technique		Description
(a)	Partial milk homogenisation	The cream is homogenised together with a small proportion of skimmed milk. The size of the homogeniser can be significantly reduced, leading to energy savings.
(b)	Energy-efficient homogeniser	The homogeniser's working pressure is reduced through optimised design and thus the associated electrical energy needed to drive the system is also reduced.
(c)	Use of continuous pasteurisers	Flow-through heat exchangers are used (e.g. tubular, plate and frame). The pasteurisation time is much shorter than that of batch systems.
(d)	Regenerative heat exchange in pasteurisation	The incoming milk is preheated by the hot milk leaving the pasteurisation section.
(e)	Ultra-high-temperature (UHT) processing of milk without intermediate pasteurisation	UHT milk is produced in one step from raw milk, thus avoiding the energy needed for pasteurisation.
(f)	Multi-stage drying in powder production	A spray-drying process is used in combination with a downstream dryer, e.g. fluidised bed dryer.
(g)	Precooling of ice-water	When ice-water is used, the returning ice-water is precooled (e.g. with a plate heat exchanger), prior to final cooling in an accumulating ice-water tank with a coil evaporator.

Table 8

Indicative environmental performance levels for specific energy consumption

Main product (at least 80 % of the production)	Unit	Specific energy consumption (yearly average)
Market milk	MWh/tonne of raw materials	0,1-0,6
Cheese		0,10-0,22 ⁽¹⁾
Powder		0,2-0,5
Fermented milk		0,2-1,6

⁽¹⁾ The specific energy consumption level may not apply when raw materials other than milk are used.

4.2. Water consumption and waste water discharge

General techniques to reduce water consumption and the volume of waste water discharged are given in Section 1.4 of these BAT conclusions. Indicative environmental performance levels are presented in the table below.

Table 9

Indicative environmental performance levels for specific waste water discharge

Main product (at least 80 % of the production)	Unit	Specific waste water discharge (yearly average)
Market milk	m ³ /tonne of raw materials	0,3-3,0
Cheese		0,75-2,5
Powder		1,2-2,7

4.3. Waste

BAT 22. In order to reduce the quantity of waste sent for disposal, BAT is to use one or a combination of the techniques given below.

Technique		Description
<i>Techniques related to the use of centrifuges</i>		
(a)	Optimised operation of centrifuges	Operation of centrifuges according to their specifications to minimise the rejection of product.
<i>Techniques related to butter production</i>		
(b)	Rinsing of the cream heater with skimmed milk or water	Rinsing of the cream heater with skimmed milk or water which is then recovered and reused, before the cleaning operations.
<i>Techniques related to ice cream production</i>		
(c)	Continuous freezing of ice cream	Continuous freezing of ice cream using optimised start-up procedures and control loops that reduce the frequency of stoppages.
<i>Techniques related to cheese production</i>		
(d)	Minimisation of the generation of acid whey	Whey from the manufacture of acid-type cheeses (e.g. cottage cheese, quark and mozzarella) is processed as quickly as possible to reduce the formation of lactic acid.
(e)	Recovery and use of whey	Whey is recovered (if necessary using techniques such as evaporation or membrane filtration) and used, e.g. to produce whey powder, demineralised whey powder, whey protein concentrates or lactose. Whey and whey concentrates can also be used as animal feed or as a carbon source in a biogas plant.

4.4. Emissions to air

BAT 23. In order to reduce channelled dust emissions to air from drying, BAT is to use one or a combination of the techniques given below.

Technique		Description	Applicability
(a)	Bag filter	See Section 14.2.	May not be applicable to the abatement of sticky dust.
(b)	Cyclone		Generally applicable.
(c)	Wet scrubber		

Table 10

BAT-associated emission level (BAT-AEL) for channelled dust emissions to air from drying

Parameter	Unit	BAT-AEL (average over the sampling period)
Dust	mg/Nm ³	< 2-10 ⁽¹⁾

⁽¹⁾ The upper end of the range is 20 mg/Nm³ for drying of demineralised whey powder, casein and lactose.

The associated monitoring is given in BAT 5.

5. BAT CONCLUSIONS FOR ETHANOL PRODUCTION

The BAT conclusion presented in this section applies to ethanol production. It applies in addition to the general BAT conclusions given in Section 1.

5.1. Waste

BAT 24. In order to reduce the quantity of waste sent for disposal, BAT is to recover and (re)use yeast after fermentation.

Description

See BAT 19a. The yeast may not be recovered when the stillage is used as animal feed.

6. BAT CONCLUSIONS FOR FISH AND SHELLFISH PROCESSING

The BAT conclusions presented in this section apply to fish and shellfish processing. They apply in addition to the general BAT conclusions given in Section 1.

6.1. Water consumption and waste water discharge

BAT 25. In order to reduce water consumption and the volume of waste water discharged, BAT is to use an appropriate combination of the techniques specified in BAT 7 and of the techniques given below.

Technique		Description
(a)	Removal of fat and viscera by vacuum	Use of vacuum suction instead of water to remove fat and viscera from the fish.
(b)	Dry transport of fat, viscera, skin and fillets	Use of conveyors instead of water.

6.2. Emissions to air

BAT 26. In order to reduce channelled emissions of organic compounds to air from fish smoking, BAT is to use one or a combination of the techniques given below.

Technique		Description
(a)	Biofilter	The waste gas stream is passed through a bed of organic material (such as peat, heather, root, tree bark, compost, softwood and different kinds of combinations) or some inert material (such as clay, activated carbon, and polyurethane), where organic (and some inorganic) components are transformed by naturally occurring microorganisms into carbon dioxide, water, other metabolites and biomass.
(b)	Thermal oxidation	See Section 14.2.
(c)	Non-thermal plasma treatment	
(d)	Wet scrubber	See Section 14.2. An electrostatic precipitator is commonly used as a pre-treatment step.
(e)	Use of purified smoke	Smoke generated from purified primary smoke condensates is used to smoke the product in a smoke chamber.

Table 11

BAT-associated emission level (BAT-AEL) for channelled TVOC emissions to air from a smoke chamber

Parameter	Unit	BAT-AEL (average over the sampling period)
TVOC	mg/Nm ³	15–50 ⁽¹⁾ ⁽²⁾

⁽¹⁾ The lower end of the range is typically achieved when using thermal oxidation.

⁽²⁾ The BAT-AEL does not apply when the TVOC emission load is below 500 g/h.

The associated monitoring is given in BAT 5.

7. BAT CONCLUSIONS FOR THE FRUIT AND VEGETABLE SECTOR

The BAT conclusions presented in this section apply to the fruit and vegetable sector. They apply in addition to the general BAT conclusions given in Section 1.

7.1. Energy efficiency

BAT 27. In order to increase energy efficiency, BAT is to use an appropriate combination of the techniques specified in BAT 6 and to cool fruit and vegetables before deep freezing.

Description

The temperature of the fruit and vegetables is lowered to around 4 °C before they enter the freezing tunnel by bringing them into direct or indirect contact with cold water or cooling air. Water can be removed from the food and then collected for reuse in the cooling process.

Table 12

Indicative environmental performance levels for specific energy consumption

Specific process	Unit	Specific energy consumption (yearly average)
Potato processing (excluding starch production)	MWh/tonne of products	1,0-2,1 ⁽¹⁾
Tomato processing		0,15-2,4 ⁽²⁾ ⁽³⁾

⁽¹⁾ The specific energy consumption level may not apply to the production of potato flakes and powder.

⁽²⁾ The lower end of the range is typically associated with the production of peeled tomatoes.

⁽³⁾ The upper end of the range is typically associated with the production of tomato powder or concentrate.

7.2. Water consumption and waste water discharge

General techniques to reduce water consumption and the volume of waste water discharged are given in Section 1.4 of these BAT conclusions. Indicative environmental performance levels are presented in the table below.

Table 13

Indicative environmental performance levels for specific waste water discharge

Specific process	Unit	Specific waste water discharge (yearly average)
Potato processing (excluding starch production)	m ³ /tonne of products	4,0-6,0 ⁽¹⁾
Tomato processing when water recycling is possible		8,0-10,0 ⁽²⁾

⁽¹⁾ The specific waste water discharge level may not apply to the production of potato flakes and powder.

⁽²⁾ The specific waste water discharge level may not apply to the production of tomato powder.

8. BAT CONCLUSIONS FOR GRAIN MILLING

The BAT conclusions presented in this section apply to grain milling. They apply in addition to the general BAT conclusions given in Section 1.

8.1. Energy efficiency

General techniques to increase energy efficiency are given in Section 1.3 of these BAT conclusions. The indicative environmental performance level is presented in the table below.

Table 14

Indicative environmental performance level for specific energy consumption

Unit	Specific energy consumption (yearly average)
MWh/tonne of products	0,05-0,13

8.2. Emissions to air

BAT 28. In order to reduce channelled dust emissions to air, BAT is to use a bag filter.

Description

See Section 14.2.

Table 15

BAT-associated emission level (BAT-AEL) for channelled dust emissions to air from grain milling

Parameter	Unit	BAT-AEL (average over the sampling period)
Dust	mg/Nm ³	< 2-5

The associated monitoring is given in BAT 5.

9. BAT CONCLUSIONS FOR MEAT PROCESSING

The BAT conclusions presented in this section apply to meat processing. They apply in addition to the general BAT conclusions given in Section 1.

9.1. Energy efficiency

General techniques to increase energy efficiency are given in Section 1.3 of these BAT conclusions. The indicative environmental performance level is presented in the table below.

Table 16

Indicative environmental performance level for specific energy consumption

Unit	Specific energy consumption (yearly average)
MWh/tonne of raw materials	0,25-2,6 ⁽¹⁾ ⁽²⁾

⁽¹⁾ The specific energy consumption level does not apply to the production of ready meals and soups.

⁽²⁾ The upper end of the range may not apply in the case of a high percentage of cooked products.

9.2. Water consumption and waste water discharge

General techniques to reduce water consumption and the volume of waste water discharged are given in Section 1.4 of these BAT conclusions. The indicative environmental performance level is presented in the table below.

Table 17

Indicative environmental performance level for specific waste water discharge

Unit	Specific waste water discharge(yearly average)
m ³ /tonne of raw materials	1,5-8,0 ⁽¹⁾

⁽¹⁾ The specific waste water discharge level does not apply to processes using direct water cooling and to the production of ready meals and soups.

9.3. Emissions to air

BAT 29. In order to reduce channelled emissions of organic compounds to air from meat smoking, BAT is to use one or a combination of the techniques given below.

Technique	Description
(a) Adsorption	Organic compounds are removed from a waste gas stream by retention on a solid surface (typically activated carbon).
(b) Thermal oxidation	See Section 14.2.
(c) Wet scrubber	See Section 14.2. An electrostatic precipitator is commonly used as a pretreatment step.
(d) Use of purified smoke	Smoke generated from purified primary smoke condensates is used to smoke the product in a smoke chamber.

Table 18

BAT-associated emission level (BAT-AEL) for channelled TVOC emissions to air from a smoke chamber

Parameter	Unit	BAT-AEL (average over the sampling period)
TVOC	mg/Nm ³	3-50 ⁽¹⁾ ⁽²⁾

⁽¹⁾ The lower end of the range is typically achieved when using adsorption or thermal oxidation.

⁽²⁾ The BAT-AEL does not apply when the TVOC emission load is below 500 g/h.

The associated monitoring is given in BAT 5.

10. BAT CONCLUSIONS FOR OILSEED PROCESSING AND VEGETABLE OIL REFINING

The BAT conclusions presented in this section apply to oilseed processing and vegetable oil refining. They apply in addition to the general BAT conclusions given in Section 1.

10.1. Energy efficiency

BAT 30. In order to increase energy efficiency, BAT is to use an appropriate combination of the techniques specified in BAT 6 and to generate an auxiliary vacuum.

Description

The auxiliary vacuum used for oil drying, oil degassing or minimisation of oil oxidation is generated by pumps, steam injectors, etc. The vacuum reduces the amount of thermal energy needed for these process steps.

Table 19

Indicative environmental performance levels for specific energy consumption

Specific process	Unit	Specific energy consumption (yearly average)
Integrated crushing and refining of rapeseeds and/or sunflower seeds	MWh/tonne of oil produced	0,45-1,05
Integrated crushing and refining of soybeans		0,65-1,65
Stand-alone refining		0,1-0,45

10.2. Water consumption and waste water discharge

General techniques to reduce water consumption and the volume of waste water discharged are given in Section 1.4 of these BAT conclusions. Indicative environmental performance levels are presented in the table below.

Table 20

Indicative environmental performance levels for specific waste water discharge

Specific process	Unit	Specific waste water discharge (yearly average)
Integrated crushing and refining of rapeseeds and/or sunflower seeds	m ³ /tonne of oil produced	0,15-0,75
Integrated crushing and refining of soybeans		0,8-1,9
Stand-alone refining		0,15-0,9

10.3. Emissions to air

BAT 31. In order to reduce channelled dust emissions to air, BAT is to use one or a combination of the techniques given below.

Technique	Description	Applicability
(a) Bag filter	See Section 14.2.	May not be applicable to the abatement of sticky dust.
(b) Cyclone		Generally applicable.
(c) Wet scrubber		

Table 21

BAT-associated emission levels (BAT-AELs) for channelled dust emissions to air from handling and preparation of seeds as well as drying and cooling of meal

Parameter	Unit	BAT-AEL (average over the sampling period)	
		New plants	Existing plants
Dust	mg/Nm ³	< 2-5 ⁽¹⁾	< 2-10 ⁽¹⁾

⁽¹⁾ The upper end of the range is 20 mg/Nm³ for drying and cooling of meal.

The associated monitoring is given in BAT 5.

10.4. Hexane losses

BAT 32. In order to reduce the hexane losses from oilseed processing and refining, BAT is to use all of the techniques given below.

Technique		Description
(a)	Countercurrent flow of meal and steam in the desolventiser-toaster	Hexane is removed from the hexane-laden meal in a desolventiser-toaster, involving a countercurrent flow of steam and meal.
(b)	Evaporation from the oil/hexane mixture	Hexane is removed from the oil/hexane mixture using evaporators. The vapours from the desolventiser-toaster (steam/hexane mixture) are used to provide thermal energy in the first stage of the evaporation.
(c)	Condensation in combination with a mineral oil wet scrubber	Hexane vapours are cooled to below their dew point so that they condense. Uncondensed hexane is absorbed in a scrubber using mineral oil as a scrubbing liquid for subsequent recovery.
(d)	Gravitational phase separation in combination with distillation	Undissolved hexane is separated from the aqueous phase by means of a gravitational phase separator. Any residual hexane is distilled off by heating the aqueous phase to approximately 80-95 °C.

Table 22

BAT-associated emission levels (BAT-AELs) for hexane losses from oilseed processing and refining

Parameter	Type of seeds or beans processed	Unit	BAT-AEL (yearly average)
Hexane losses	Soybeans	kg/tonne of seeds or beans processed	0,3-0,55
	Rapeseeds and sunflower seeds		0,2-0,7

11. BAT CONCLUSIONS FOR SOFT DRINKS AND NECTAR/JUICE MADE FROM PROCESSED FRUIT AND VEGETABLES

The BAT conclusions presented in this section apply to soft drinks and nectar/juice made from processed fruit and vegetables. They apply in addition to the general BAT conclusions given in Section 1.

11.1. Energy efficiency

BAT 33. In order to increase energy efficiency, BAT is to use an appropriate combination of the techniques specified in BAT 6 and of the techniques given below.

Technique		Description	Applicability
(a)	Single pasteuriser for nectar/juice production	Use of one pasteuriser for both the juice and the pulp instead of using two separate pasteurisers.	May not be applicable due to the pulp particle size.
(b)	Hydraulic sugar transportation	Sugar is transported to the production process with water. As some of the sugar is already dissolved during the transportation, less energy is needed in the process for dissolving sugar.	Generally applicable.
(c)	Energy-efficient homogeniser for nectar/juice production	See BAT 21b.	

Table 23

Indicative environmental performance level for specific energy consumption

Unit	Specific energy consumption (yearly average)
MWh/hl of products	0,01-0,035

11.2. Water consumption and waste water discharge

General techniques to reduce water consumption and the volume of waste water discharged are given in Section 1.4 of these BAT conclusions. The indicative environmental performance level is presented in the table below.

Table 24

Indicative environmental performance level for specific waste water discharge

Unit	Specific waste water discharge (yearly average)
m ³ /hl of products	0,08-0,20

12. BAT CONCLUSIONS FOR STARCH PRODUCTION

The BAT conclusions presented in this section apply to starch production. They apply in addition to the general BAT conclusions given in Section 1.

12.1. Energy efficiency

General techniques to increase energy efficiency are given in Section 1.3 of these BAT conclusions. Indicative environmental performance levels are presented in the table below.

Table 25

Indicative environmental performance levels for specific energy consumption

Specific process	Unit	Specific energy consumption (yearly average)
Potato processing for the production of native starch only	MWh/tonne of raw materials ⁽¹⁾	0,08-0,14
Maize and/or wheat processing for the production of native starch in combination with modified and/or hydrolysed starch		0,65-1,25 ⁽²⁾

⁽¹⁾ The amount of raw materials refers to gross tonnage.

⁽²⁾ The specific energy consumption level does not apply to the production of polyols.

12.2. Water consumption and waste water discharge

General techniques to reduce water consumption and the volume of waste water discharged are given in Section 1.4 of these BAT conclusions. Indicative environmental performance levels are presented in the table below.

Table 26

Indicative environmental performance levels for specific waste water discharge

Specific process	Unit	Specific waste water discharge (yearly average)
Potato processing for the production of native starch only	m ³ /tonne of raw materials ⁽¹⁾	0,4-1,15
Maize and/or wheat processing for the production of native starch in combination with modified and/or hydrolysed starch		1,1-3,9 ⁽²⁾

⁽¹⁾ The amount of raw materials refers to gross tonnage.

⁽²⁾ The specific waste water discharge level does not apply to the production of polyols.

12.3. Emissions to air

BAT 34. In order to reduce channelled dust emissions to air from starch, protein and fibre drying, BAT is to use one or a combination of the techniques given below.

Technique		Description	Applicability
(a)	Bag filter	See Section 14.2.	May not be applicable to the abatement of sticky dust.
(b)	Cyclone		Generally applicable.
(c)	Wet scrubber		

Table 27

BAT-associated emission levels (BAT-AELs) for channelled dust emissions to air from starch, protein and fibre drying

Parameter	Unit	BAT-AEL (average over the sampling period)	
		New plants	Existing plants
Dust	mg/Nm ³	< 2-5 ⁽¹⁾	< 2-10 ⁽¹⁾

⁽¹⁾ When a bag filter is not applicable, the upper end of the range is 20 mg/Nm³.

The associated monitoring is given in BAT 5.

13. BAT CONCLUSIONS FOR SUGAR MANUFACTURING

The BAT conclusions presented in this section apply to sugar manufacturing. They apply in addition to the general BAT conclusions given in Section 1.

13.1. Energy efficiency

BAT 35. In order to increase the energy efficiency, BAT is to use an appropriate combination of the techniques specified in BAT 6 and one or a combination of the techniques given below.

Technique		Description	Applicability
(a)	Pressing of beet pulp	The beet pulp is pressed to a dry matter content of typically 25-32 wt-%.	Generally applicable.
(b)	Indirect drying (steam drying) of beet pulp	Drying of beet pulp by the use of superheated steam.	May not be applicable to existing plants due to the need for a complete reconstruction of the energy facilities.
(c)	Solar drying of beet pulp	Use of solar energy to dry beet pulp.	May not be applicable due to local climatic conditions and/or lack of space.
(d)	Recycling of hot gases	Recycling of hot gases (e.g. waste gases from the dryer, boiler or combined heat and power plant).	Generally applicable.
(e)	Low-temperature (pre)drying of beet pulp	Direct (pre)drying of beet pulp using drying gas, e.g. air or hot gas.	

Table 28

Indicative environmental performance level for specific energy consumption

Specific process	Unit	Specific energy consumption (yearly average)
Sugar beet processing	MWh/tonne of beets	0,15-0,40 ⁽¹⁾

⁽¹⁾ The upper end of the range may include the energy consumption of the lime kilns and dryers.

13.2. Water consumption and waste water discharge

General techniques to reduce water consumption and the volume of waste water discharged are given in Section 1.4 of these BAT conclusions. The indicative environmental performance level is presented in the table below.

Table 29

Indicative environmental performance level for specific waste water discharge

Specific process	Unit	Specific waste water discharge (yearly average)
Sugar beet processing	m ³ /tonne of beets	0,5-1,0

13.3. Emissions to air

BAT 36. In order to prevent or reduce channelled dust emissions to air from beet pulp drying, BAT is to use one or a combination of the techniques given below.

Technique		Description	Applicability
(a)	Use of gaseous fuels	See Section 14.2.	May not be applicable due to the constraints associated with the availability of gaseous fuels.
(b)	Cyclone		Generally applicable.
(c)	Wet scrubber		
(d)	Indirect drying (steam drying) of beet pulp	See BAT 35b.	May not be applicable to existing plants due to the need for a complete reconstruction of the energy facilities.
(e)	Solar drying of beet pulp	See BAT 35c.	May not be applicable due to local climatic conditions and/or lack of space.
(f)	Low-temperature (pre)drying of beet pulp	See BAT 35e.	Generally applicable.

Table 30

BAT-associated emission level (BAT-AEL) for channelled dust emissions to air from beet pulp drying in the case of high-temperature drying (above 500 °C)

Parameter	Unit	BAT-AEL (average over the sampling period)	Reference oxygen level (O _R)	Reference gas condition
Dust	mg/Nm ³	5-100	16 vol-%	No correction for water content

The associated monitoring is given in BAT 5.

BAT 37. In order to reduce channelled SO_x emissions to air from high-temperature beet pulp drying (above 500 °C), BAT is to use one or a combination of the techniques given below.

Technique		Description	Applicability
(a)	Use of natural gas	—	May not be applicable due to the constraints associated with the availability of natural gas.
(b)	Wet scrubber	See Section 14.2.	Generally applicable.
(c)	Use of fuels with low sulphur content	—	Only applicable when natural gas is not available.

Table 31

BAT-associated emission level (BAT-AEL) for channelled SO_x emissions to air from beet pulp drying in the case of high-temperature drying (above 500 °C) when natural gas is not used

Parameter	Unit	BAT-AEL (average over the sampling period) ⁽¹⁾	Reference oxygen level (O _R)	Reference gas condition
SO _x	mg/Nm ³	30-100	16 vol-%	No correction for water content

⁽¹⁾ When using exclusively biomass as a fuel, emission levels are expected to be at the lower end of the range.

The associated monitoring is given in BAT 5.

14. DESCRIPTION OF TECHNIQUES

14.1. Emissions to water

Technique	Description
Activated sludge process	A biological process in which the microorganisms are maintained in suspension in the waste water and the whole mixture is mechanically aerated. The activated sludge mixture is sent to a separation facility from where the sludge is recycled to the aeration tank.
Aerobic lagoon	Shallow earthen basins for the biological treatment of waste water, the content of which is periodically mixed to allow oxygen to enter the liquid through atmospheric diffusion.
Anaerobic contact process	An anaerobic process in which waste water is mixed with recycled sludge and then digested in a sealed reactor. The water/sludge mixture is separated externally.
Precipitation	The conversion of dissolved pollutants into insoluble compounds by adding chemical precipitants. The solid precipitates formed are subsequently separated by sedimentation, air flotation, or filtration. Multivalent metal ions (e.g. calcium, aluminium, iron) are used for phosphorus precipitation.
Coagulation and flocculation	Coagulation and flocculation are used to separate suspended solids from waste water and are often carried out in successive steps. Coagulation is carried out by adding coagulants with charges opposite to those of the suspended solids. Flocculation is carried out by adding polymers, so that collisions of microfloc particles cause them to bond to produce larger flocs.
Equalisation	Balancing of flows and pollutant loads by using tanks or other management techniques.
Enhanced biological phosphorus removal	A combination of aerobic and anaerobic treatment to selectively enrich polyphosphate-accumulating microorganisms in the bacterial community within the activated sludge. These microorganisms take up more phosphorus than is required for normal growth.
Filtration	The separation of solids from waste water by passing it through a porous medium, e.g. sand filtration, microfiltration and ultrafiltration.
Flotation	The separation of solid or liquid particles from waste water by attaching them to fine gas bubbles, usually air. The buoyant particles accumulate at the water surface and are collected with skimmers.
Membrane bioreactor	A combination of activated sludge treatment and membrane filtration. Two variants are used: a) an external recirculation loop between the activated sludge tank and the membrane module; and b) immersion of the membrane module in the aerated activated sludge tank, where the effluent is filtered through a hollow fibre membrane, with the biomass remaining in the tank.
Neutralisation	The adjustment of the pH of waste water to a neutral level (approximately 7) by the addition of chemicals. Sodium hydroxide (NaOH) or calcium hydroxide (Ca(OH) ₂) is generally used to increase the pH, whereas sulphuric acid (H ₂ SO ₄), hydrochloric acid (HCl) or carbon dioxide (CO ₂) is generally used to decrease the pH. The precipitation of some substances may occur during neutralisation.
Nitrification and/or denitrification	A two-step process that is typically incorporated into biological waste water treatment plants. The first step is the aerobic nitrification where microorganisms oxidise ammonium (NH ₄ ⁺) to the intermediate nitrite (NO ₂ ⁻), which is then further oxidised to nitrate (NO ₃ ⁻). In the subsequent anoxic denitrification step, microorganisms chemically reduce nitrate to nitrogen gas.

Technique	Description
Partial nitrification — Anaerobic ammonium oxidation	A biological process that converts ammonium and nitrite into nitrogen gas under anaerobic conditions. In waste water treatment, anaerobic ammonium oxidation is preceded by a partial nitrification (i.e. nitrification) that converts about half of the ammonium (NH_4^+) into nitrite (NO_2^-).
Phosphorus recovery as struvite	Phosphorus is recovered by precipitation in the form of struvite (magnesium ammonium phosphate).
Sedimentation	The separation of suspended particles by gravitational settling.
Upflow anaerobic sludge blanket (UASB) process	An anaerobic process in which waste water is introduced at the bottom of the reactor from where it flows upward through a sludge blanket composed of biologically formed granules or particles. The waste water phase passes into a settling chamber where the solid content is separated; the gases are collected in domes at the top of the reactor.

14.2. Emissions to air

Technique	Description
Bag filter	Bag filters, often referred to as fabric filters, are constructed from porous woven or felted fabric through which gases are passed to remove particles. The use of a bag filter requires the selection of a fabric suitable for the characteristics of the waste gas and the maximum operating temperature.
Cyclone	Dust control system based on centrifugal force, whereby heavier particles are separated from the carrier gas.
Non-thermal plasma treatment	Abatement technique based on creating a plasma (i.e. an ionised gas consisting of positive ions and free electrons in proportions resulting in more or less no overall electric charge) in the waste gas by using a strong electrical field. The plasma oxidises organic and inorganic compounds.
Thermal oxidation	The oxidation of combustible gases and odorants in a waste gas stream by heating the mixture of contaminants with air or oxygen to above its auto-ignition point in a combustion chamber and maintaining it at a high temperature long enough to complete its combustion to carbon dioxide and water.
Use of gaseous fuels	Switching from the combustion of a solid fuel (e.g. coal) to the combustion of a gaseous fuel (e.g. natural gas, biogas) that is less harmful in terms of emissions (e.g. low sulphur content, low ash content or better ash quality).
Wet scrubber	The removal of gaseous or particulate pollutants from a gas stream via mass transfer to a liquid solvent, often water or an aqueous solution. It may involve a chemical reaction (e.g. in an acid or alkaline scrubber). In some cases, the compounds may be recovered from the solvent.

COMMISSION IMPLEMENTING DECISION (EU) 2019/2032

of 26 November 2019

establishing measures to prevent the introduction into and the spread within the Union of *Fusarium circinatum* Nirenberg & O'Donnell (formerly *Gibberella circinata*) and repealing Decision 2007/433/EC

(notified under document C(2019) 8359)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and their spread within the Community ⁽¹⁾, and in particular the third sentence of Article 16(3) thereof,

Whereas:

- (1) Commission Decision 2007/433/EC ⁽²⁾ established provisional emergency measures to prevent the introduction into and the spread within the Union of *Gibberella circinata* Nirenberg & O'Donnell 1998.
- (2) *Gibberella circinata* Nirenberg & O'Donnell 1998 and *Fusarium circinatum* Nirenberg & O'Donnell 1998 are the two names attributed to the same, pleomorphic fungus, denoting the teleomorph (sexual) and the anamorph (asexual) stage of the same organism, respectively. In line with recent scientific consensus ⁽³⁾, the name '*Fusarium circinatum* Nirenberg & O'Donnell 1998q' should be used to typify the organism as from 2013.
- (3) *Fusarium circinatum* Nirenberg & O'Donnell 1998 ('the specified organism') is listed in Section II of Part A of Annex I to Directive 2000/29/EC as from March 2019 ⁽⁴⁾.
- (4) The specified organism is present in Portugal and Spain, and occurring mostly in nurseries and forests, but in private gardens as well. National measures concerning its control and eradication have been adopted by those Member States in order to prevent the further introduction into and spread within their territory of that organism.
- (5) In 2010 the European Food Safety Authority (EFSA) published an opinion on the risk assessment of *Fusarium circinatum* for the Union territory and evaluation of risk management options ⁽⁵⁾.
- (6) The specified organism is mainly associated with plants belonging to the genus *Pinus* and the species *Pseudotsuga menziesii* ('specified plants').
- (7) In the light of the annual surveys submitted by the Member States pursuant to Decision 2007/433/EC and the scientific opinion provided by EFSA, it is concluded that the specified organism is already present in parts of the Union territory. However, it also appears that the currently infested area is considerably smaller than the endangered area, considering, amongst others, ecoclimatic data, the distribution of potential hosts and the very high potential for establishment of the specified organism.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ Commission Decision 2007/433/EC of 18 June 2007 on provisional emergency measures to prevent the introduction into and the spread within the Community of *Gibberella circinata* Nirenberg & O'Donnell (OJ L 161, 22.6.2007, p. 66).

⁽³⁾ Turland, N. J., et al. (eds.) 2018: *International Code of Nomenclature for algae, fungi, and plants (Shenzhen Code) adopted by the Nineteenth International Botanical Congress Shenzhen, China, July 2017*. Regnum Vegetabile 159. Glashütten: Koeltz Botanical Books. DOI <https://doi.org/10.12705/Code.2018>

⁽⁴⁾ Commission Implementing Directive (EU) 2019/523 of 21 March 2019 amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 86, 28.3.2019, p. 41).

⁽⁵⁾ EFSA Panel on Plant Health: Risk assessment of *Gibberella circinata* for the EU territory and identification and evaluation of risk management options. EFSA Journal 2010;8(6):1620. doi:10.2903/j.efsa.2010.1620.

- (8) It is therefore appropriate to update the measures against the specified organism. Those measures should provide for timely detection of the specified organism in the Union territory, its eradication, if found present in the Union territory, and requirements for the movement, within the Union, of plants (including seeds and cones containing seeds, intended for planting), specific forms of wood and wood packaging material out of demarcated areas. Those measures are necessary to ensure a proactive approach against the establishment and spread of the specified organism in the Union.
- (9) The worldwide distribution of the specified organism is unclear. However, and according to the available information, that organism is not known to occur in the European third countries. Moreover, experience has shown that the specified organism has not been introduced into the Union through the trade of the specified plants (including seeds and cones containing seeds, intended for planting), wood, isolated bark and wood packaging material originating from those countries.
- (10) Therefore measures should be adopted for the introduction into the Union of the specified plants (including seeds and cones containing seeds, intended for planting), wood, isolated bark and wood packaging material from non-European third countries only. Such measures should include a phytosanitary certificate, as well as official checks at introduction of those commodities. Those measures should also concern specific forms of wood of conifers (Pinales) and wood packaging material, because they are likely to host the specified organism.
- (11) For reasons of legal certainty, Decision 2007/433/EC should be repealed.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

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

- (1) 'specified organism' means *Fusarium circinatum* Nirenberg & O'Donnell 1998;
- (2) 'specified plants' means plants of the genus *Pinus* L. and the species *Pseudotsuga menziesii* (Mirbel) Franco;
- (3) 'place of production' means:
 - (a) any premises or collection of fields operated as a single production or farming unit, or
 - (b) a forestry stand designated for the production or harvest of seeds of the specified plants;
- (4) 'wood packaging material' means wood packaging material in the form of packaging cases, boxes, crates, drums and similar packagings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except raw wood of 6 mm thickness or less, processed wood produced by glue, heat and pressure, or combination thereof, and dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignments and which meets the same Union phytosanitary requirements as the wood in the consignment.

Article 2

Action upon detection or suspected presence of the specified organism

- 1. Any person who suspects or becomes aware of the presence of the specified organism shall immediately inform the responsible official body and provide it with all relevant information concerning the presence, or suspected presence, of the specified organism.
- 2. The responsible official body shall immediately officially record such information.

3. Where the responsible official body has been informed of the presence, or suspected presence, of the specified organism, it shall take all necessary measures to confirm that presence, or the suspected presence.
4. Member States shall ensure that any person having under its control plants, plant products or wood of specified plants or wood of conifers (Pinales) which may be infected with the specified organism is immediately informed of the presence or the suspected presence of the specified organism, and of the measures to be taken.

Article 3

Surveys of the presence of the specified organism in the territories of the Member States

1. Member States shall conduct annual surveys for the presence of the specified organism in their territories. Those surveys shall not be required to be carried out where it is unequivocally concluded that the specified organism cannot become established or spread in the Member State concerned due to its ecoclimatic conditions or the absence of the host species.
2. Those surveys shall fulfil the following conditions:
 - (a) they shall be carried out by the responsible official body, or under official supervision of the responsible official body;
 - (b) they shall consist of visual examinations and, in the case of any suspicion of infection by the specified organism, collection of samples and performance of tests;
 - (c) they shall be based on sound scientific and technical principles and shall be carried out at appropriate times of the year with regard to the possibility to detect the specified organism by visual inspection, sampling and testing.

Article 4

Establishment of demarcated areas

1. Where the presence of the specified organism is confirmed, the Member State concerned shall, without delay, demarcate an area in accordance with paragraph 2.
2. The demarcated area shall consist of:
 - (a) an infested zone where the presence of the specified organism has been confirmed and which includes all plants known to be infected, or showing signs or symptoms indicating possible infection, or liable to have been or become contaminated or infected by the specified organism; and
 - (b) a buffer zone surrounding the infested zone with a boundary of at least 1 km beyond the infested zone.

In cases where several buffer zones overlap or are geographically close, a wider demarcated area shall be defined which includes the relevant demarcated areas and the areas between them.

The exact delimitation of the infested zone and buffer zone shall be based on sound scientific principles, the biology of the specified organism, the level of infestation and the distribution of specified plants in the area concerned.

3. If the presence of the specified organism is confirmed in the buffer zone, the delimitation of the infested zone and buffer zone shall immediately be reviewed and changed accordingly.
4. Where, based on the surveys referred to in Article 3, the specified organism is not detected in a demarcated area for a period of two consecutive years, the demarcation may be lifted. In such cases, the Member State concerned shall notify the Commission and other Member States of the lifting of the demarcation.
5. Where justified by the development of the respective phytosanitary risk as described in paragraphs 2, 3 or 4, Member States shall adapt the demarcated area accordingly. They shall immediately communicate that adaptation to the Commission and the other Member States.

6. By way of derogation from paragraph 1, the Member State concerned may decide not to establish a demarcated area, where there is evidence that the presence of the specified organism is an isolated finding and there is no establishment of that organism, and that the spread of the specified organism is not possible due to the conditions under which specified plants as well as wood, isolated bark or wood packaging material of specified plants or conifers, were grown or stored.

7. In the case referred to in paragraph 6, the Member State concerned shall:

- (a) take immediate measures to ensure the prompt eradication of the specified organism and to exclude the possibility of its spread, as well as the destruction of any infected material;
- (b) carry out regular and appropriate surveys for at least two years to determine whether any plants have been infected other than those on which the specified organism was first found to be present. Those surveys shall be carried out in a zone surrounding the infested zone with a boundary of at least 1 km beyond the infested zone;
- (c) take any other measures which may contribute to the eradication of the specified organism, taking into account the International Standard for Phytosanitary Measures (ISPM) No 9 ⁽⁶⁾ and applying an integrated approach in accordance with the principles set out in ISPM No 14 ⁽⁷⁾;
- (d) notify to the Commission and the other Member States the justification for not establishing a demarcated area, and the outcome of the surveys referred to in point (b) as soon as they become available.

Article 5

Eradication measures in the demarcated area

1. The Member State concerned shall apply the following measures in the demarcated area:

- (a) plants known to be infected by the specified organism and plants showing symptoms indicating possible infection by that organism, or suspected to be infected by that organism, shall be immediately removed;
- (b) specified plants within a radius of 100 m around infested plants shall be removed;
- (c) any other measure which may contribute to the complete eradication of the specified organism, taking into account ISPM No 9 and applying an integrated approach in accordance with the principles set out in ISPM No 14.

For the purposes of points (a) and (b) of the first subparagraph, removal shall include destruction of the plants and removal and safe disposal of roots, within at least the first 50 cm from the collar, and bark debris.

2. By way of derogation from paragraph 1, specified plants which have been sampled and tested for the purposes of Article 3 and have been confirmed not to be infected by the specified organism, do not have to be removed.

3. The Member State concerned shall carry out appropriate investigations to identify the origin of the infection. It shall trace the specified plants, as well as wood and isolated bark originating from the specified plants or from conifers (Pinales), and associated with the case of infection concerned, including those which were moved before the demarcated area was established. The results of such investigations shall be communicated to the Member States from which the plants concerned originate and to the Member States where those plants have moved into.

Article 6

Movement of specified plants within the Union

1. Specified plants intended for planting may only be moved within the Union territory, if they are accompanied by a plant passport.

⁽⁶⁾ ISPM No 9: Guidelines for pest eradication programmes. Available at <https://www.ippc.int/core-activities/standards-setting/ispms/#614>.

⁽⁷⁾ ISPM No 14: The use of integrated measures in a systems approach for pest risk management. Available at <https://www.ippc.int/core-activities/standards-setting/ispms/#614>.

That plant passport shall be issued for the specified plants intended for planting if one of the following conditions is fulfilled:

- (a) they have been grown throughout their life, or since their introduction into the Union, in a place of production situated outside of a demarcated area;
- (b) they originate in a place of production, including its vicinity of at least 1 km radius, where no symptoms of the specified organism have been observed during official annual inspections within a period of two years prior to their movement and have been tested prior to their movement, on the basis of a representative sample for each lot, and found free from the specified organism.

2. Specified plants, other than plants intended for planting, may only be moved from an infested zone into a buffer zone, and out of a demarcated area into the rest of the Union territory, if they are accompanied by a plant passport.

That plant passport shall only be issued if those specified plants originate in a place of production, including its vicinity of at least 1 km radius, where no symptoms of the specified organism have been observed during official annual inspections within a period of two years prior to their movement and have been tested prior to their movement, on the basis of a representative sample for each lot, and found free from the specified organism.

3. By way of derogation from paragraph 1, no plant passport shall be required for the movement of the specified plants intended for planting to any person acting for purposes which are outside its trade, business or profession, and acquires those plants for its own use.

4. The derogation of paragraph 3 shall, however, not apply to movements from an infested zone into a buffer zone, and out of a demarcated area into the rest of the Union territory.

Article 7

Movement of certain wood and isolated bark out of demarcated areas

1. The following material may only be moved from an infested zone into a buffer zone, and out of a demarcated area into the rest of the Union territory if it is accompanied by a plant passport:

- (a) wood of the specified plants other than wood packaging material;
- (b) wood of conifers (Pinales) in the form of chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from these conifers; and
- (c) isolated bark of conifers (Pinales).

That plant passport shall be issued only when that material has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood.

2. Wood to be treated in accordance with paragraph 1 of this Article may only be moved out of the demarcated area under the following conditions:

- (a) there is no appropriate treatment facility available within the demarcated area;
- (b) the treatment is carried out in the closest treatment facility outside the demarcated area which is capable of doing such treatment; and
- (c) the transport takes place under official control and within enclosed vehicles, which ensure that spillage of the wood is prevented and that the specified organism cannot spread.

Article 8

Movement of wood packaging material out of demarcated areas

Wood from conifers in the form of wood packaging material may only be moved from an infested zone into a buffer zone, and out of a demarcated area into the rest of the Union territory, if all of the following conditions are fulfilled:

- (a) it is made of debarked wood, as specified in ISPM No 15 ⁽⁸⁾;

⁽⁸⁾ ISPM No 15: Regulation of wood packaging material in international trade.

- (b) it is subject to one of the approved treatments as specified in Annex I to ISPM No 15;
- (c) it displays a mark as specified in Annex II to ISPM No 15, indicating that the wood packaging material has been subjected to an approved phytosanitary treatment in accordance with that standard.

Article 9

Introduction into the Union of specified plants

Specified plants may only be introduced into the Union territory from non-European third countries if they are accompanied by the certificate referred to in Article 13(1)(ii) of Directive 2000/29/EC, containing one of the following statements under the entry 'Additional declaration':

- (a) they have been grown throughout their life in a country where the specified organism is known not to occur;
- (b) they have been grown throughout their life in an area free from the specified organism, established by the National Plant Protection Organisation in accordance with International Standards for Phytosanitary Measures;
- (c) they originate in a place of production, including its vicinity of at least 1 km radius, where no symptoms of the specified organism have been observed during official inspections within a period of two years prior to their movement and have been sampled and tested immediately prior to export, on the basis of a representative sample for each lot, and have been found free from the specified organism on those tests.

Article 10

Introduction into the Union of certain wood and isolated bark

1. Wood of the specified plants, other than in the form of chips, particles, sawdust, shavings, wood waste and scrap, and isolated bark, obtained in whole or part from those plants, and other than in the form of wood packaging material, originating from non-European third countries, may only be introduced into the Union territory if it is accompanied by the certificate referred to in Article 13(1)(ii) of Directive 2000/29/EC.

2. That certificate shall contain one of the following statements under the entry 'Additional declaration':

- (a) the wood or isolated bark originates in a country free from the specified organism, established by the National Plant Protection Organization in accordance with the relevant International Standards for Phytosanitary Measures;
- (b) it originates in an area free from the specified organism, established by the National Plant Protection Organization in accordance with the relevant International Standards for Phytosanitary Measures;
- (c) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood; the heat treatment shall be evidenced by a mark 'HT' put on the wood or on any wrapping in accordance with current usage and on the certificate.

3. Wood of conifers (Pinales) in the form of chips, particles, sawdust, shavings, wood waste and scrap, and of isolated bark, obtained in whole or part from these conifers originating from non-European third countries, may only be introduced into the Union territory if it is accompanied by the certificate referred to in Article 13(1)(ii) of Directive 2000/29/EC.

4. That certificate shall contain one of the following statements under the entry 'Additional declaration':

- (a) the wood or isolated bark originates in a country free from the specified organism, established by the National Plant Protection Organisation in accordance with the relevant International Standards for Phytosanitary Measures;
- (b) the wood or isolated bark originates in an area free from the specified organism, established by the National Plant Protection Organisation in accordance with the relevant International Standards for Phytosanitary Measures;

- (c) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood; the heat treatment shall be evidenced by a mark 'HT' put on the wood or any wrapping in accordance with current usage.

Article 11

Official checks at introduction into the Union of specified plants as well as certain wood and isolated bark originating from non-European third countries

1. All consignments of specified plants, wood of the specified plants other than in the form of wood packaging material, and wood of conifers (Pinales) in the form of chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from these conifers, introduced into the Union from a non-European third country where the specified organism is known to be present, shall be subject to meticulous official checks at the point of entry into the Union or at the place of destination established in accordance with Article 1 of Commission Directive 2004/103/EC⁽⁹⁾.
2. Those official checks shall include a visual inspection as well as, where appropriate, sampling and testing of the lot of plants, plant products or other objects to confirm the absence of the specified organism.

Article 12

Compliance

Member States shall repeal or amend the measures which they have adopted to protect their territories against the introduction and spread of the specified organism in order to comply with this Decision. They shall immediately inform the Commission of those measures.

Article 13

Repeal

Decision 2007/433/EC is repealed.

Article 14

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 26 November 2019.

For the Commission

Vytenis ANDRIUKAITIS

Member of the Commission

⁽⁹⁾ Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks (OJ L 313, 12.10.2004, p. 16).

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