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Price: EUR 18

⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 634/2009**of 22 July 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 July 2009.

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

Done at Brussels, 22 July 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	19,3
	ZZ	19,3
0707 00 05	TR	98,3
	ZZ	98,3
0709 90 70	TR	97,9
	ZZ	97,9
0805 50 10	AR	60,0
	ZA	57,8
	ZZ	58,9
0806 10 10	EG	150,6
	MA	167,5
	TR	109,9
	US	141,6
	ZZ	142,4
0808 10 80	AR	90,5
	BR	72,1
	CL	90,0
	CN	97,8
	NZ	93,7
	US	91,3
	ZA	86,0
ZZ	88,8	
0808 20 50	AR	81,7
	CL	81,8
	NZ	138,3
	ZA	98,6
	ZZ	100,1
0809 10 00	TR	163,1
	ZZ	163,1
0809 20 95	TR	285,7
	US	236,3
	ZZ	261,0
0809 30	TR	153,8
	ZZ	153,8
0809 40 05	IL	167,2
	ZZ	167,2

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

COMMISSION REGULATION (EC) No 635/2009**of 14 July 2009****amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on apples**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143(b) thereof, in conjunction with Article 4,

Whereas:

- (1) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾ provides for surveillance of imports of the products listed in Annex XVII thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of

multilateral trade negotiations and in the light of the latest data available for 2006, 2007 and 2008, the trigger levels for additional duties of apples should be adjusted.

- (3) As a result, Regulation (EC) No 1580/2007 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1580/2007 is replaced by the text set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 September 2009.

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

Done at Brussels, 14 July 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX XVII

ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER II, SECTION 2

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78,0015	0702 00 00	Tomatoes	— 1 October to 31 May	415 817
78,0020			— 1 June to 30 September	40 105
78,0065	0707 00 05	Cucumbers	— 1 May to 31 October	19 309
78,0075			— 1 November to 30 April	17 223
78,0085	0709 90 80	Artichokes	— 1 November to 30 June	16 421
78,0100	0709 90 70	Courgettes	— 1 January to 31 December	65 893
78,0110	0805 10 20	Oranges	— 1 December to 31 May	700 277
78,0120	0805 20 10	Clementines	— 1 November to end of February	385 569
78,0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	95 620
78,0155	0805 50 10	Lemons	— 1 June to 31 December	329 947
78,0160			— 1 January to 31 May	61 422
78,0170	0806 10 10	Table grapes	— 21 July to 20 November	89 140
78,0175	0808 10 80	Apples	— 1 January to 31 August	824 442
78,0180			— 1 September to 31 December	327 526
78,0220	0808 20 50	Pears	— 1 January to 30 April	223 485
78,0235			— 1 July to 31 December	70 116
78,0250	0809 10 00	Apricots	— 1 June to 31 July	5 785
78,0265	0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	133 425
78,0270	0809 30	Peaches, including nectarines	— 11 June to 30 September	131 459
78,0280	0809 40 05	Plums	— 11 June to 30 September	129 925'

COMMISSION REGULATION (EC) No 636/2009**of 22 July 2009****amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 15****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 3 July 2008, the International Financial Reporting Interpretations Committee (IFRIC) published IFRIC Interpretation 15 *Agreements for the Construction of Real Estate*, hereinafter 'IFRIC 15'. IFRIC 15 is an interpretation that provides clarification and guidance on when revenue from the construction of real estate should be recognised in the accounts, in particular, whether a construction agreement is within the scope of IAS 11 Construction Contracts or IAS 18 Revenue.
- (3) The consultation with the Technical Expert Group (TEG) of the European Financial Reporting Advisory Group (EFRAG) confirms that IFRIC 15 meets the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002. In accordance with Commission Decision 2006/505/EC of 14 July 2006 setting up a Standards Advice Review Group to advise the

Commission on the objectivity and neutrality of the European Financial Reporting Advisory Group's (EFRAG's) opinions ⁽³⁾, the Standards Advice Review Group considered EFRAG's opinion on endorsement and advised the Commission that it is well-balanced and objective.

- (4) Regulation (EC) No 1126/2008 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*In the Annex to Regulation (EC) No 1126/2008, International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 15 *Agreements for the Construction of Real Estate* is inserted as set out in the Annex to this Regulation.*Article 2*

Each company shall apply IFRIC 15, as set out in the Annex to this Regulation, at the latest, as from the commencement date of its first financial year starting after 31 December 2009.

*Article 3*This Regulation shall enter into force on the third 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, 22 July 2009.

For the Commission

Charlie McCREEVY

Member of the Commission

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.⁽²⁾ OJ L 320, 29.11.2008, p. 1.⁽³⁾ OJ L 199, 21.7.2006, p. 33.

ANNEX

INTERNATIONAL ACCOUNTING STANDARDS

IFRIC 15	IFRIC Interpretation 15 <i>Agreements for the Construction of Real Estate</i>
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IFRIC INTERPRETATION 15
Agreements for the Construction of Real Estate

REFERENCES

- IAS 1 *Presentation of Financial Statements* (as revised in 2007)
- IAS 8 *Accounting Policies, Changes in Accounting Estimates and Errors*
- IAS 11 *Construction Contracts*
- IAS 18 *Revenue*
- IAS 37 *Provisions, Contingent Liabilities and Contingent Assets*
- IFRIC 12 *Service Concession Arrangements*
- IFRIC 13 *Customer Loyalty Programmes*

BACKGROUND

- 1 In the real estate industry, entities that undertake the construction of real estate, directly or through subcontractors, may enter into agreements with one or more buyers before construction is complete. Such agreements take diverse forms.
- 2 For example, entities that undertake the construction of residential real estate may start to market individual units (apartments or houses) 'off plan', i.e. while construction is still in progress, or even before it has begun. Each buyer enters into an agreement with the entity to acquire a specified unit when it is ready for occupation. Typically, the buyer pays a deposit to the entity that is refundable only if the entity fails to deliver the completed unit in accordance with the contracted terms. The balance of the purchase price is generally paid to the entity only on contractual completion, when the buyer obtains possession of the unit.
- 3 Entities that undertake the construction of commercial or industrial real estate may enter into an agreement with a single buyer. The buyer may be required to make progress payments between the time of the initial agreement and contractual completion. Construction may take place on land the buyer owns or leases before construction begins.

SCOPE

- 4 This Interpretation applies to the accounting for revenue and associated expenses by entities that undertake the construction of real estate directly or through subcontractors.
- 5 Agreements in the scope of this Interpretation are agreements for the construction of real estate. In addition to the construction of real estate, such agreements may include the delivery of other goods or services.

ISSUES

- 6 The Interpretation addresses two issues:
 - (a) Is the agreement within the scope of IAS 11 or IAS 18?
 - (b) When should revenue from the construction of real estate be recognised?

CONSENSUS

- 7 The following discussion assumes that the entity has previously analysed the agreement for the construction of real estate and any related agreements and concluded that it will retain neither continuing managerial involvement to the degree usually associated with ownership nor effective control over the constructed real estate to an extent that would preclude recognition of some or all of the consideration as revenue. If recognition of some of the consideration as revenue is precluded, the following discussion applies only to the part of the agreement for which revenue will be recognised.

- 8 Within a single agreement, an entity may contract to deliver goods or services in addition to the construction of real estate (e.g. a sale of land or provision of property management services). In accordance with paragraph 13 of IAS 18, such an agreement may need to be split into separately identifiable components including one for the construction of real estate. The fair value of the total consideration received or receivable for the agreement shall be allocated to each component. If separate components are identified, the entity applies paragraphs 10-12 of this Interpretation to the component for the construction of real estate in order to determine whether that component is within the scope of IAS 11 or IAS 18. The segmenting criteria of IAS 11 then apply to any component of the agreement that is determined to be a construction contract.
- 9 The following discussion refers to an agreement for the construction of real estate but it also applies to a component for the construction of real estate identified within an agreement that includes other components.

Determining whether the agreement is within the scope of IAS 11 or IAS 18

- 10 Determining whether an agreement for the construction of real estate is within the scope of IAS 11 or IAS 18 depends on the terms of the agreement and all the surrounding facts and circumstances. Such a determination requires judgement with respect to each agreement.
- 11 IAS 11 applies when the agreement meets the definition of a construction contract set out in paragraph 3 of IAS 11: 'a contract specifically negotiated for the construction of an asset or a combination of assets ...' An agreement for the construction of real estate meets the definition of a construction contract when the buyer is able to specify the major structural elements of the design of the real estate before construction begins and/or specify major structural changes once construction is in progress (whether or not it exercises that ability). When IAS 11 applies, the construction contract also includes any contracts or components for the rendering of services that are directly related to the construction of the real estate in accordance with paragraph 5(a) of IAS 11 and paragraph 4 of IAS 18.
- 12 In contrast, an agreement for the construction of real estate in which buyers have only limited ability to influence the design of the real estate, e.g. to select a design from a range of options specified by the entity, or to specify only minor variations to the basic design, is an agreement for the sale of goods within the scope of IAS 18.

Accounting for revenue from the construction of real estate

The agreement is a construction contract

- 13 When the agreement is within the scope of IAS 11 and its outcome can be estimated reliably, the entity shall recognise revenue by reference to the stage of completion of the contract activity in accordance with IAS 11.
- 14 The agreement may not meet the definition of a construction contract and therefore be within the scope of IAS 18. In this case, the entity shall determine whether the agreement is for the rendering of services or for the sale of goods.

The agreement is an agreement for the rendering of services

- 15 If the entity is not required to acquire and supply construction materials, the agreement may be only an agreement for the rendering of services in accordance with IAS 18. In this case, if the criteria in paragraph 20 of IAS 18 are met, IAS 18 requires revenue to be recognised by reference to the stage of completion of the transaction using the percentage of completion method. The requirements of IAS 11 are generally applicable to the recognition of revenue and the associated expenses for such a transaction (IAS 18 paragraph 21).

The agreement is an agreement for the sale of goods

- 16 If the entity is required to provide services together with construction materials in order to perform its contractual obligation to deliver the real estate to the buyer, the agreement is an agreement for the sale of goods and the criteria for recognition of revenue set out in paragraph 14 of IAS 18 apply.
- 17 The entity may transfer to the buyer control and the significant risks and rewards of ownership of the work in progress in its current state as construction progresses. In this case, if all the criteria in paragraph 14 of IAS 18 are met continuously as construction progresses, the entity shall recognise revenue by reference to the stage of completion using the percentage of completion method. The requirements of IAS 11 are generally applicable to the recognition of revenue and the associated expenses for such a transaction.

- 18 The entity may transfer to the buyer control and the significant risks and rewards of ownership of the real estate in its entirety at a single time (e.g. at completion, upon or after delivery). In this case, the entity shall recognise revenue only when all the criteria in paragraph 14 of IAS 18 are satisfied.
- 19 When the entity is required to perform further work on real estate already delivered to the buyer, it shall recognise a liability and an expense in accordance with paragraph 19 of IAS 18. The liability shall be measured in accordance with IAS 37. When the entity is required to deliver further goods or services that are separately identifiable from the real estate already delivered to the buyer, it would have identified the remaining goods or services as a separate component of the sale, in accordance with paragraph 8 of this Interpretation.

Disclosures

- 20 When an entity recognises revenue using the percentage of completion method for agreements that meet all the criteria in paragraph 14 of IAS 18 continuously as construction progresses (see paragraph 17 of the Interpretation), it shall disclose:
- (a) how it determines which agreements meet all the criteria in paragraph 14 of IAS 18 continuously as construction progresses;
 - (b) the amount of revenue arising from such agreements in the period; and
 - (c) the methods used to determine the stage of completion of agreements in progress.
- 21 For the agreements described in paragraph 20 that are in progress at the reporting date, the entity shall also disclose:
- (a) the aggregate amount of costs incurred and recognised profits (less recognised losses) to date; and
 - (b) the amount of advances received.

AMENDMENTS TO THE APPENDIX TO IAS 18

- 22-23 [Amendment not applicable to bare, numbered Standards]

EFFECTIVE DATE AND TRANSITION

- 24 An entity shall apply this Interpretation for annual periods beginning on or after 1 January 2009. Earlier application is permitted. If an entity applies the Interpretation for a period beginning before 1 January 2009, it shall disclose that fact.
- 25 Changes in accounting policy shall be accounted for retrospectively in accordance with IAS 8.
-

COMMISSION REGULATION (EC) No 637/2009

of 22 July 2009

establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species

(Codified version)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species ⁽¹⁾ and in particular Article 9(6) thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽²⁾, and in particular Article 9(6) thereof,

Whereas:

(1) Commission Regulation (EC) No 930/2000 of 4 May 2000 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) Directives 2002/53/EC and 2002/55/EC have laid down general rules in relation to the suitability of variety denominations, by means of a reference to Article 63 of Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights ⁽⁵⁾.

(3) For the purposes of the application of Directives 2002/53/EC and 2002/55/EC, it is appropriate to establish detailed rules for the application of the criteria set out in Article 63 of Regulation (EC) No 2100/94, in particular in respect of the impediments for the designation of a variety denomination as specified in paragraphs 3 and 4 thereof. In a first phase, such detailed rules should be limited to the following impediments:

- use precluded by the prior right of a third party,
- difficulties as regards recognition or reproduction,
- denominations which are identical or may be confused with a variety denomination of another variety,

— denominations which are identical or may be confused with other designations,

— misleading or causing confusion concerning the characteristics of the variety or other features.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes, for the purposes of the application of the first subparagraph of Article 9(6) of Directive 2002/53/EC and of the first subparagraph of Article 9(6) of Directive 2002/55/EC, detailed rules for the application of certain criteria set out in Article 63 of Regulation (EC) No 2100/94 for the eligibility of variety denominations.

Article 2

1. In the case of a trade mark as a prior right of a third party, the use of a variety denomination in the territory of the Community shall be considered to be precluded by the notification to the competent authority for the approval of the variety denomination of a trade mark, which has been registered in one or more Member States or at Community level prior to the approval of the variety denomination, and which is identical or similar to the variety denomination and registered in relation to goods which are identical or similar to the plant variety concerned.

2. In the case of a geographical indication or a designation of origin for agricultural products and foodstuffs as a prior right of a third party, a variety denomination in the territory of the Community shall be considered to be precluded where the variety denomination would breach Article 13 of Council Regulation (EC) No 510/2006 ⁽⁶⁾ with respect to the geographical indication or the designation of origin protected in a Member State or in the Community under Article 3(3), the second subparagraph of Article 5(4), Article 5(6), Article 6 and Article 7(4) of that Regulation or the former Article 17 of Council Regulation (EEC) No 2081/92 ⁽⁷⁾ for goods which are identical or similar to the plant variety concerned.

⁽¹⁾ OJ L 193, 20.7.2002, p. 1.

⁽²⁾ OJ L 193, 20.7.2002, p. 33.

⁽³⁾ OJ L 108, 5.5.2000, p. 3.

⁽⁴⁾ See Annex II.

⁽⁵⁾ OJ L 227, 1.9.1994, p. 1.

⁽⁶⁾ OJ L 93, 31.3.2006, p. 12.

⁽⁷⁾ OJ L 208, 24.7.1992, p. 1.

3. An impediment to the suitability of a denomination due to a prior right referred to in paragraph 2 may be removed where a written consent of the holder of the prior right to the use of the denomination in relation to the variety has been obtained, provided that such a consent is not liable to mislead the public as to the true origin of the product.

4. In the case of a prior right of the applicant in respect of whole or part of the proposed denomination, Article 18(1) of Regulation (EC) No 2100/94 shall apply *mutatis mutandis*.

Article 3

1. A variety denomination shall be considered to cause its users difficulties as regards recognition or reproduction in the following cases:

- (a) where it is in the form of a 'fancy name':
- (i) it consists of a single letter;
 - (ii) it consists of, or contains as a separate element, a series of letters not forming a word pronounceable in an official language of the Community; however, where this series is an established abbreviation, such an established abbreviation shall be limited to a maximum of two sets of up to three characters each, located at each end of the denomination;
 - (iii) it contains a number, except where this is an integral part of the name, or where this indicates that the variety is or will be one of a numbered series of varieties related through their breeding history;
 - (iv) it consists of more than three words or elements, unless the flow of the wording makes it easily recognizable or reproducible;
 - (v) it consists of or contains an excessively long word or element;
 - (vi) it contains a punctuation mark or other symbol, an upper and lower case mixture (save where the first letter is in upper case and the rest of the denomination in lower case), subscript, superscript or a design;
- (b) where it is in the form of a 'code':
- (i) it consists of a number or numbers only, except in the case of inbred lines or of similarly specific types of varieties;
 - (ii) it consists of a single letter;
 - (iii) it contains more than 10 letters, or letters and numbers;
 - (iv) it contains more than four alternating groups of a letter or letters and a number or numbers;

(v) it contains a punctuation mark or other symbol, subscript, superscript or a design.

2. On submission of the proposal for a variety denomination, the applicant shall declare where the proposed denomination is intended to be in the form of a 'fancy name' or of a 'code'.

3. If the applicant makes no declaration on the form of the proposed denomination, the denomination shall be considered to be a 'fancy name'.

Article 4

In evaluating the identity of, or confusion with, a variety denomination of another variety, the following shall apply:

- (a) 'may be confused with' shall be considered to cover, inter alia, a variety denomination, containing a difference of only one letter, or of accents on letters, in relation to the variety denomination of a variety of a closely related species, which has been officially accepted for marketing in the Community, the European Economic Area or in a contracting party to the International Convention for the Protection of New Varieties of Plants (UPOV), or is the subject of a plant variety right in such territories. However, a difference of only one letter in an established abbreviation as a separate entity of the varieties denomination shall not be regarded as confusing. Also, where the different letter is prominent in a way that makes the denomination clearly distinct from already registered variety denominations, it shall not be regarded as confusing. Differences of two or more letters shall not be regarded as confusing except where two letters simply change places. A difference of one digit between numbers (where a number is permissible in a fancy name) shall not be regarded as confusing.

Without prejudice to Article 6, the first subparagraph shall not apply to a variety denomination in the form of a code, if the reference variety denomination is also in the form of a code. In the case of a code a difference of only one character, letter or number shall be deemed to enable two codes to be satisfactorily distinguished. Blank spaces are to be ignored when comparing denominations in code form;

- (b) 'closely related species' shall have the meaning as defined in Annex I;
- (c) 'a variety no longer remains in existence' shall be considered to mean a variety no longer in commercial existence;
- (d) 'an official register of plant varieties' shall be considered as a reference to the common catalogue of varieties of agricultural plant species or of vegetable species, or to any register compiled and maintained by the Community Plant Variety Office, or by an official body of the Member States of the Community or the European Economic Area, or of a contracting party to UPOV;

(e) 'a variety the denomination of which has acquired no special significance' means a situation where the denomination of a variety which has at one time been entered in an official register of plant varieties and thereby acquired special significance is considered to have lost that special significance on the expiry of a 10-year period after deletion from that register.

Article 5

Designations which are commonly used for the marketing of goods or which have to be kept free under other legislation shall mean in particular:

- (a) currency denominations, or terms associated with weights and measures;
- (b) expressions that, by virtue of legislation, shall not be used for purposes other than those envisaged by that legislation.

Article 6

A variety denomination shall be considered to mislead or to cause confusion if:

- (a) it conveys the false impression that the variety has particular characteristics or value;
- (b) it conveys the false impression that the variety is related to, or derived from, another specific variety;
- (c) it refers to a specific characteristic or value in a way which conveys the false impression that only that variety possesses it, whereas in fact other varieties of the same species may possess the same characteristic or value;
- (d) by reason of its similarity to a well-known trading name other than a registered trade mark or variety denomination, it suggests that the variety is another variety, or conveys a false impression concerning the identity of the applicant, the person responsible for the maintenance of the variety, or the breeder;

(e) it consists of, or contains:

- (i) comparatives or superlatives;
 - (ii) the botanical or common names of species, within the group either of agricultural plant species or of vegetable plant species, to which the variety belongs;
 - (iii) the name of a natural or legal person, or a reference thereto, so as to convey a false impression concerning the identity of the applicant, the person responsible for the maintenance of the variety, or the breeder;
- (f) it includes a geographical name that would be likely to deceive the public as to the characteristics or the value of the variety.

Article 7

Variety denominations which have been accepted in the form of a code shall be clearly indicated as such in the relevant official catalogue or catalogues of Member States for officially accepted plant varieties, or in the relevant common catalogue, by a footnote with the following explanation: 'variety denomination approved in the form of a "code"'.

Article 8

Regulation (EC) No 930/2000 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

Article 9

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

2. This Regulation shall not apply to variety denominations which have been proposed by the applicant to the competent authority for their approval before 25 May 2000.

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

Done at Brussels, 22 July 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX I

CLOSELY RELATED SPECIES

For the purpose of defining 'closely related species', as referred to in Article 4(b), the following shall apply:

- (a) if there is more than one class within a genus, the list of classes in point 1 shall apply;
- (b) if classes encompass more than one genus, the list of classes in point 2 shall apply;
- (c) as a general rule, for genera and species not covered by the lists of classes in points 1 and 2, a genus is considered to be a class.

1. Classes within a genus

Classes	Scientific names
Class 1.1	<i>Brassica oleracea</i>
Class 1.2	<i>Brassica</i> other than <i>Brassica oleracea</i>
Class 2.1	<i>Beta vulgaris</i> — sugar beet, fodder beet
Class 2.2	<i>Beta vulgaris</i> — beetroot including Cheltenham beet, spinach beet or chard
Class 2.3	<i>Beta</i> other than classes 2.1 and 2.2.
Class 3.1	<i>Cucumis sativus</i>
Class 3.2	<i>Cucumis melo</i>
Class 3.3	<i>Cucumis</i> other than classes 3.1 and 3.2
Class 4.1	<i>Solanum tuberosum</i>
Class 4.2	<i>Solanum</i> other than class 4.1

2. Classes encompassing more than one genus

Classes	Scientific names
Class 201	<i>Secale</i> , <i>Triticale</i> , <i>Triticum</i>
Class 203 (*)	<i>Agrostis</i> , <i>Dactylis</i> , <i>Festuca</i> , <i>Festulolium</i> , <i>Lolium</i> , <i>Phalaris</i> , <i>Phleum</i> and <i>Poa</i>
Class 204 (*)	<i>Lotus</i> , <i>Medicago</i> , <i>Ornithopus</i> , <i>Onobrychis</i> , <i>Trifolium</i>
Class 205	<i>Cichorium</i> , <i>Lactuca</i>

(*) Classes 203 and 204 are not solely established on the basis of closely related species.

ANNEX II

Repealed Regulation with list of its successive amendments

Commission Regulation (EC) No 930/2000	(OJ L 108, 5.5.2000, p. 3).
Commission Regulation (EC) No 1831/2004	(OJ L 321, 22.10.2004, p. 29).
Commission Regulation (EC) No 920/2007	(OJ L 201, 2.8.2007, p. 3).

ANNEX III

Correlation table

Regulation (EC) No 930/2000	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5(a)	Article 5(a)
Article 5(c)	Article 5(b)
Article 6(a) to (d)	Article 6(a) to (d)
Article 6(e)(i) and (ii)	Article 6(e)(i) and (ii)
Article 6(e)(iv)	Article 6(e)(iii)
Article 6(f)	Article 6(f)
Article 7	Article 7
—	Article 8
Article 8	Article 9
Annex	Annex I
—	Annexes II and III

COMMISSION REGULATION (EC) No 638/2009

of 22 July 2009

amending Regulation (EC) No 1145/2008 laying down detailed rules for implementing Council Regulation (EC) No 637/2008 as regards the national restructuring programmes for the cotton sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 637/2008 of 23 June 2008 amending Regulation (EC) No 1782/2003 and establishing national restructuring programmes for the cotton sector ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) The second subparagraph of Article 4(1) of Regulation (EC) No 637/2008 as amended by Regulation (EC) No 472/2009 ⁽²⁾ introduces the possibility for Member States to submit a single draft modified restructuring programme for duration of eight years. It is necessary to adjust the implementing rules to this possibility.
- (2) In view of the possible prolongation of the length of the programmes, the maximum percentage which may be paid in the form of advances must be increased. The conditions for release of the securities linked to these advances need to be specified, and it must be clarified that securities are not required for advances paid after full completion of the relevant tasks.
- (3) For reasons of non-discriminatory treatment of ginners, it is necessary that the controls referred to in the second subparagraph of Article 7(1) of Commission Regulation (EC) No 1145/2008 ⁽³⁾ cover all the measures listed in Article 7(1) of Regulation (EC) No 637/2008.
- (4) Furthermore, the Member States responsibility to verify respect of the commitment not to use the production site for the ginning of cotton during a period of ten years from the moment of approval of the application for dismantling should be specified.
- (5) With a view to optimising the effects of the restructuring programmes, it is necessary to provide Member States with additional flexibility in setting the amount of aid for dismantling per tonne of unginned cotton, which takes into account the heterogeneity of the ginning industry, while in any case avoiding overcompensation.

(6) Regulation (EC) No 1145/2008 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1145/2008 is amended as follows:

1. Article 6 is amended as follows:

(a) Paragraph 2 is replaced by the following:

'2. For measures referred to in Article 7(1), points (a), (b), (d), and (e) of Regulation (EC) No 637/2008, Member States may pay the beneficiary one or more advances. The combined level of all advances shall not be higher than 87,5 % of the eligible expenditure.

The payment of an advance shall be subject to the lodging of a security of an amount equal to 120 % of the amount of the advance concerned.

When the conditions for the completion of a measure have been fulfilled, and when the controls referred to in the second and third subparagraphs of Article 7(1) have been carried out, securities shall be released and any additional payments shall not be subject to the lodging of a security.;

(b) Paragraph 3 is replaced by the following:

'3. All payments referred to in paragraphs 1 and 2 that relate to a particular application shall be made at the latest:

(a) by 30 June of the fourth year following the year of the deadline for submission of the draft four-year restructuring programmes as laid down in the first subparagraph of Article 4(1) of Regulation (EC) No 637/2008;

⁽¹⁾ OJ L 178, 5.7.2008, p. 1.

⁽²⁾ OJ L 144, 9.6.2009, p. 1.

⁽³⁾ OJ L 308, 19.11.2008, p. 17.

(b) by 30 June of the eight year following the year of the deadline for submission of the draft eight-year restructuring programmes as laid down in the second subparagraph of Article 4(1) of Regulation (EC) No 637/2008.

Payments in the first year of the first programming period shall be made from 16 October 2009.'

2. Article 7(1) is amended as follows:

(a) The second subparagraph is replaced by the following:

'For the measures referred to in Article 7(1), points (a), (b), (d) and (e) of Regulation (EC) No 637/2008, the Member States shall inspect on the spot each factory, production site and beneficiary receiving support under the restructuring programme before a final payment is made, to check that all conditions for obtaining the aid have been met and the measures referred to in

Article 7(1), points (a), (b), (d) and (e) of that Regulation have been completed.'

(b) The following fourth subparagraph is added:

'Member States shall verify whether the commitment referred to in Article 10(1)(e) is respected.'

3. In Article 10(1), point (e) is replaced by the following:

'(e) the written commitment not to use the production site or sites for the ginning of cotton during a period of ten years from the approval of the application as referred to in point (b).';

4. In Article 11, paragraph 2, 'EUR 100' is replaced by 'EUR 190'.

Article 2

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

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

Done at Brussels, 22 July 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 639/2009**of 22 July 2009****laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards specific support**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003⁽¹⁾, and in particular Article 68(7), Article 69(6), first subparagraph, point (a), Article 69(7), fourth subparagraph, Article 71(6), second subparagraph, Article 71(10) and Article 142(c) and (q) thereof,

Whereas:

- (1) Chapter 5 of Title III of Regulation (EC) No 73/2009 provides for specific support to be granted to farmer. Detailed rules for the implementation of that Chapter should be laid down.
- (2) In accordance with Article 68(6) of Regulation (EC) No 73/2009, consistency between specific support granted under that Article and other Community support measures or measures financed by state aids is required. For orderly management of the schemes, similar measures should not be financed twice under both specific support and other Community support schemes. Due to the diversity of choices offered for implementing the specific support, the responsibility of ensuring the consistency should otherwise be left to the Member States according to the decision they take to implement specific support measures, within the framework laid down by Regulation (EC) No 73/2009 and in conformity with the conditions laid down in this Regulation.
- (3) Articles 71(10) and 140 of Regulation (EC) No 73/2009 provide for the Member States to inform the Commission in detail of the measures taken to implement in particular Articles 68 to 72 of that Regulation. Therefore, provision should be made to specify the timing and content of such communications so that the Commission may monitor their implementation.
- (4) Since farmers should always respect legal requirements, specific support should not compensate for complying with them.
- (5) Pursuant to Article 68(1)(a)(i) of Regulation (EC) No 73/2009, specific support may be granted for specific types of farming which are important for the protection or enhancement of the environment. In order to maintain discretion for Member States whilst ensuring that measures are well-managed, the responsibility of defining the specific types of farming should be assigned to the Member States, whilst the measures should nevertheless provide for non-negligible and measurable environmental benefits.
- (6) Pursuant to Article 68(1)(a)(ii) of Regulation (EC) No 73/2009, specific support may be granted for improving the quality of agricultural products. In order to assist Member States, an indicative list of conditions to be met should be laid down.
- (7) Pursuant to Article 68(1)(a)(iii) of Regulation (EC) No 73/2009, specific support may be granted for improving the marketing of agricultural products subject to Article 68(2)(c) of that Regulation which requires the support to satisfy the criteria laid down in Articles 2 to 5 of Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries⁽²⁾. Provision should be made to specify the content of the eligible measures as well as the applicable provisions of Commission Regulation (EC) No 501/2008 of 5 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries⁽³⁾.
- (8) Pursuant to Article 68(1)(a)(iv) of Regulation (EC) No 73/2009, specific support may be granted for practising enhanced animal welfare standards. In order to achieve enhanced animal welfare standards, provision should be made to assign Member States the responsibility for establishing a system allowing for an assessment of the plans of the applicant aiming at addressing various animal welfare aspects.

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 3, 5.1.2008, p. 1.

⁽³⁾ OJ L 147, 6.6.2008, p. 3.

- (9) Pursuant to Article 68(1)(a)(v) of Regulation (EC) No 73/2009, specific support may be granted for specific agricultural activities entailing additional agri-environment benefits. Pursuant to Article 68(2)(a), the support may be granted in particular if it has been approved by the Commission. Therefore, provision should be made to specify the detailed framework to be complied with by Member States in establishing the eligibility criteria for the support. Provision should also be made for establishing the procedure of notification, assessment and approval of the measure by the Commission.
- (10) Pursuant to Article 68(1)(b) of Regulation (EC) No 73/2009, specific support may be granted to address specific disadvantages affecting farmers in specific sectors in economically vulnerable or environmentally sensitive areas or for economically vulnerable types of farming in those sectors. In order to maintain scope for Member States whilst ensuring that measures are well-managed, provision should be made to assign Member States the responsibility of defining the areas and/or types of farming eligible for support and fixing the appropriate level. In order to avoid market distortions, the payments should not however be based on fluctuations of market prices or be equivalent to a deficiency payments system whereby agricultural domestic support is paid by Member States to farmers based on the difference between a target price and a domestic market price.
- (11) Pursuant to Article 68(1)(c) of Regulation (EC) No 73/2009, specific support may be granted in areas subject to restructuring and/or development programs in order to ensure against land abandonment and/or to address specific disadvantages for farmers in those areas. Provision should be made in particular as regards the establishment of reference amounts per eligible farmer, the allocation of payment entitlements and the calculation of the increase of their value as well as regarding the control of the programmes by the Member States which should follow those laid down for the allocation of amounts from the national reserve in the interests of coherence.
- (12) Pursuant to Article 68(1)(d) of Regulation (EC) No 73/2009, specific support may be granted in the form of contributions to crop, animal and plant insurance premiums. A minimum framework should be established within which the Member States shall lay down rules in accordance with their national laws defining the way financial contribution to the premiums for crop, animal and plant insurance is allocated in order to ensure that contributions are maintained at an appropriate level whilst the interests of the farming community are safeguarded.
- (13) Article 68(1)(e) of Regulation (EC) No 73/2009 provides a significant level of detail on the provision of specific support aimed at compensating farmers for certain economic losses in the event of animal or plant diseases and environmental incidents by way of financial contributions to mutual funds. A minimum framework should be established within which the Member States shall lay down rules in accordance with their national laws defining the way financial contribution to mutual funds is organised in order to ensure that contributions are maintained at an appropriate level whilst the interests of the farming community are safeguarded.
- (14) Amounts referred to in Article 69(6)(a) of Regulation (EC) No 73/2009 are to be calculated by the Commission in accordance with paragraph 7 of that Article. Therefore, provision should be made to fix for each Member State the amounts concerned as well as the conditions applicable for the revision of those amounts by the Commission.
- (15) As certain provisions on specific support provided for in Article 69(1) of Regulation (EC) No 73/2009 become applicable on 1 August 2009, the corresponding detailed rules should be applicable as soon as possible after their adoption.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL RULES

Article 1

Definitions

For the purposes of this Regulation:

- (a) 'specific support measures' means measures implementing the specific support provided for in Article 68(1) of Regulation (EC) No 73/2009,
- (b) 'other Community support instruments' means:
- (i) measures provided for in Council Regulations (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁾, (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed ⁽²⁾, (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽³⁾, (EC) No

⁽¹⁾ OJ L 277, 21.10.2005, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 1.

⁽³⁾ OJ L 93, 31.3.2006, p. 12.

834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91⁽¹⁾, (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)⁽²⁾ and (EC) No 3/2008; and

- (ii) measures financed by the European Agricultural Guarantee Fund under Article 3 of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy⁽³⁾ including veterinary and plant health measures.

Article 2

Eligibility for specific support measures

1. Member States shall lay down eligibility criteria for specific support measures in compliance with the framework set out in Regulation (EC) No 73/2009 and the conditions laid down in this Regulation.

2. Member States shall implement this Regulation, and in particular paragraph 1, in accordance with objective criteria and in such a way to ensure equal treatment among farmers and to avoid market and competition distortions.

Article 3

Consistency and cumulation of support

1. Member States shall ensure consistency between:
- (a) specific support measures and measures implemented under other Community support instruments;
 - (b) different specific support measures;
 - (c) specific support measures and measures funded by state aids.

Member States shall in particular ensure that specific support measures do not interfere with the proper functioning of measures implemented under other Community support instruments or measures funded by state aids.

2. Where support under a specific support measure may also be granted under a measure implemented under other Community support instruments, or under another specific support measure, Member States shall ensure that a farmer may receive support for a given operation under only one such measure.

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

⁽²⁾ OJ L 299, 16.11.2007, p. 1.

⁽³⁾ OJ L 209, 11.8.2005, p. 1.

Article 4

Conditions for support measures

1. Specific support measures shall not compensate for the respect of mandatory obligations and, in particular, of the statutory management requirements and standards for good agricultural and environmental condition set out respectively in Annexes II and III to Regulation (EC) No 73/2009 or the other requirements referred to in the first subparagraph of Article 39(3) of Regulation (EC) No 1698/2005.

2. Specific support measures shall not finance taxes.

3. Member States shall ensure that the specific support measures they implement are verifiable and controllable.

Article 5

Transmission of information to the Commission

1. Member States shall inform the Commission of the specific support measures they intend to apply by 1 August of the year preceding the first year of application of that measure.

The content of the information shall be provided in accordance with Part A of Annex I, except for specific support measures for specific agricultural activities entailing additional agri-environmental benefits, which shall be provided in accordance with Part B of Annex I.

2. Member States shall inform the Commission of any decision taken in accordance with Article 136 of Regulation (EC) No 73/2009 by 1 August 2009.

3. Member States shall inform the Commission each year of payments granted to farmers per measure and sector by 15 September of the year following the year in respect of which payments are granted.

4. The annual report to be sent to the Commission by Member States on the implementation of Article 71 of Regulation (EC) No 73/2009 shall be sent by 15 September of each year and shall contain the information listed in Annex II to this Regulation.

5. Member States shall send to the Commission by 1 October 2012 a report on the specific support measures implemented in 2009, 2010 and 2011, their impact on their objectives and any problems encountered.

CHAPTER II

SPECIFIC RULES

Article 6

Specific types of farming which are important for the protection or enhancement of the environment

Member States shall define the specific types of farming which are important for the protection or enhancement of the environment for which an annual additional payment is provided for in Article 68(1)(a)(i) of Regulation (EC) No 73/2009. Those specific types of farming shall provide non-negligible and measurable environmental benefits.

Article 7

Improving the quality of agricultural products

The annual additional payment for improving the quality of agricultural products provided for in Article 68(1)(a)(ii) of Regulation (EC) No 73/2009 may in particular enable farmers to:

- (a) meet the conditions necessary in order to join Community food quality schemes as set out in the acts listed in Article 68(2)(b) of Regulation (EC) No 73/2009 and in Commission Regulations (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed ⁽²⁾, (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control ⁽³⁾ and (EC) No 114/2009 of 6 February 2009 laying down transitional measures for the application of Council Regulation (EC) No 479/2008 as regards the references to wines with a protected designation of origin and a protected geographical indication ⁽⁴⁾ or,
- (b) join private or national food quality certification schemes.

If the specific support measures are granted for the purpose of application of point (b) of the first paragraph, the requirements of Article 22(2) of Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽⁵⁾ shall apply *mutatis mutandis*.

⁽¹⁾ OJ L 369, 23.12.2006, p. 1.

⁽²⁾ OJ L 275, 19.10.2007, p. 3.

⁽³⁾ OJ L 250, 18.9.2008, p. 1.

⁽⁴⁾ OJ L 38, 7.2.2009, p. 26.

⁽⁵⁾ OJ L 368, 23.12.2006, p. 15.

Article 8

Improving the marketing of agricultural products

1. The annual additional payment for farmer for improving the marketing of agricultural products provided for in Article 68(1)(a)(iii) of Regulation (EC) No 73/2009 shall encourage farmers to improve the marketing of their agricultural products by ensuring the provision of better information about and/or promotion of the quality or characteristics of the products or their production methods.
2. Articles 4, 5 and 6 and Annexes I and II of Regulation (EC) No 501/2008 shall apply *mutatis mutandis*.

Article 9

Practising enhanced animal welfare standards

1. When establishing eligibility conditions for the specific support for farmers practising enhanced animal welfare practices provided for in Article 68(1)(a)(iv) of Regulation (EC) No 73/2009, Member States shall, where appropriate, take account of:
 - (a) the type of farming,
 - (b) the size of the farm in terms of density or number of animals and manpower, and
 - (c) the farm management system applicable.
2. Enhanced animal welfare practices shall be those which go beyond the minimum requirements laid down in the applicable Community and national legislation, in particular, the acts referred to in point C of Annex II to Regulation (EC) No 73/2009. Those practices may include the upgraded standards referred to in Article 27(7) of Regulation (EC) No 1974/2006.

Article 10

Specific agricultural activities entailing additional agri-environment benefits

1. When establishing eligibility conditions for the specific support for farmers exercising specific agricultural activities entailing additional agri-environment benefits provided for in Article 68(1)(a)(v) of Regulation (EC) No 73/2009, Member States shall in particular take account of:
 - (a) environmental objectives in the region where the measure is to be applied, and
 - (b) any support granted already under other Community support instruments or other specific support measures or measures funded by state aids.

2. Article 27(2) to (6), (8), (9) and (13), Article 48 and Article 53 of Regulation (EC) No 1974/2006 shall apply *mutatis mutandis* to specific support for farmers exercising specific agricultural activities entailing additional agri-environment benefits.

3. The Commission shall assess the proposed specific support measures for farmers exercising specific agricultural activities entailing additional agri-environment benefits notified to it by the Member States for compliance with Regulation (EC) No 73/2009 and this Regulation.

Where the Commission considers that the proposed measures so comply, it shall approve the measures pursuant to Article 68(2)(a)(ii) of Regulation (EC) No 73/2009 within four months of receipt of the information provided in accordance with Article 5(1) of this Regulation.

Where the Commission considers that the proposed measures do not so comply, it shall request the Member State to revise the proposed measures accordingly and notify them to the Commission. It shall approve the measures if it considers that they have been appropriately revised.

Article 11

Specific disadvantages affecting farmers in the dairy, beef and veal, sheepmeat and goatmeat and rice sectors

1. When establishing eligibility conditions for specific support to address specific disadvantages affecting farmers in the dairy, beef and veal, sheepmeat and goatmeat and rice sectors in economically vulnerable or environmentally sensitive areas, or, in the same sectors, for economically vulnerable types of farming under Article 68(1)(b) of Regulation (EC) No 73/2009, Member States shall define the economically vulnerable and/or environmentally sensitive areas and/or the economically vulnerable types of farming eligible for the support, taking into account in particular, the relevant production structures and conditions.

2. The specific support shall not be based on fluctuations of market prices or be equivalent to a deficiency payments system.

Article 12

Areas subject to restructuring and/or development programmes

1. The eligibility conditions for the specific support measures in areas subject to restructuring and/or development programmes in order to ensure against land being abandoned and/or to address specific disadvantages for farmers in those areas provided for in Article 68(1)(c) of Regulation (EC) No 73/2009 shall in particular:

- (a) set out how individual reference amounts for eligible farmers are to be fixed, and
- (b) set out the restructuring and/or development programmes and/or the conditions for their approval.

2. Where a farmer who does not own any payment entitlement applies for the support referred to in paragraph 1, he may receive a number of payment entitlements not higher

than the number of hectares he holds (owned or leased) at that time.

Where a farmer who owns payment entitlement applies for the support referred to in paragraph 1, he may receive a number of payment entitlements not higher than the number of hectares he holds for which he does not own any payment entitlement.

The unit value of each payment entitlement the farmer already owns may be increased.

The value of each payment entitlement received in accordance with this paragraph, except the third subparagraph, shall be calculated by dividing the individual reference amount established by the Member State by the number of entitlements referred to in the previous subparagraph.

3. The increase of the per hectare amount under the single area payment scheme referred to in Article 131(2) of Regulation (EC) No 73/2009 shall be established by dividing the reference amount of the farmer by the number of eligible hectares he declares for payment under the single area payment scheme.

4. Member States shall ensure that the specific disadvantages for farmers in areas affected by restructuring and/or development programmes, for which the specific support is granted, are not compensated under any other provision of such programmes for the same purpose.

Article 13

Crop, animal and plant insurance

1. Member States shall lay down conditions for contracts to be eligible for the specific support by way of contributions to crop, animal and plant insurance premiums as referred to in Article 68(1)(d) of Regulation (EC) No 73/2009.

2. Contracts shall set out:

- (a) the particular risks insured against,
- (b) the particular economic losses covered and
- (c) the premium paid, excluding taxes.

3. Contracts shall not cover more than one year's production. Where a contract's term covers parts of two calendar years, Member States shall ensure that compensation is not granted twice in respect of the same contract.

4. Member States shall adopt rules to be used for establishing the calculation of the destruction of the average annual production of a farmer in accordance with Article 70(2) of Regulation (EC) No 73/2009.

5. The farmer shall inform the Member State every year of the number of his insurance policy and provide a copy of the contract and proof of payment of the premium.

*Article 14***Mutual funds for animal and plant diseases and environmental incidents**

1. The rules defined by Member States in accordance with Article 71(9) of Regulation (EC) No 73/2009 for mutual funds eligible for financial contributions for animal and plant diseases and environmental incidents as referred to in Article 68(1)(e) of that Regulation shall in particular include:

- (a) the conditions for financing the mutual fund,
- (b) the outbreaks of animal or plant disease or environmental incidents which may give rise to compensation to be paid to farmers, including geographical scope where appropriate,
- (c) the criteria for assessing whether a given event shall give rise to the payment of compensation to farmers,
- (d) the methods for calculating of the additional costs which constitute economic losses under Article 71(2)(b) of Regulation (EC) No 73/2009,
- (e) the calculation of the administrative costs referred to in Article 71(6) of Regulation (EC) No 73/2009,
- (f) any limits to the costs that are eligible for a financial contribution applied under the second subparagraph of Article 71(7) of Regulation (EC) No 73/2009,
- (g) a procedure for the accreditation of a given mutual fund under national law,
- (h) procedural rules, and
- (i) the compliance and clearance audits that the mutual fund shall be subjected to following its accreditation.

2. Where the source of the financial compensation to be paid by the mutual fund is a commercial loan, its minimum and maximum duration shall be between 1 and 5 years respectively.

3. Member States shall ensure that their farming communities are made aware of:

- (a) all mutual funds accredited,
- (b) the conditions for affiliation to a particular mutual fund, and
- (c) the financing arrangements of the mutual funds.

*Article 15***Financial provisions for specific support measures**

1. The amounts referred to in Article 69(6)(a) of Regulation (EC) No 73/2009 are set out in Annex III to this Regulation.

2. For the purposes of the fourth subparagraph of Article 69(7) of Regulation (EC) No 73/2009, Member States may request by 1 August in any given calendar year from 2010 a revision of the amounts referred to in paragraph 1 of this Article where the amount resulting from application of the calculation set out in the first subparagraph of Article 69(7) of Regulation (EC) No 73/2009 for the financial year in question differs by more than 20 % from the amount fixed in Annex III.

Any revised amount provided for by the Commission shall be applicable from the calendar year following that of the request.

CHAPTER III

FINAL PROVISIONS*Article 16***Entry into force**

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

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

Done at Brussels, 22 July 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Content of the information to be submitted to the Commission pursuant to Article 5(1)

PART A

For all specific support measures, except measures for specific agricultural activities entailing additional agri-environmental benefits, the information shall include:

- the title of each measure with the reference to the relevant provision of Article 68(1) of Regulation (EC) No 73/2009;
- a description of each measure, including at least:
 - (a) the sectors concerned;
 - (b) its duration;
 - (c) its objectives;
 - (d) the applicable eligibility conditions;
 - (e) an indicative level of support for it;
 - (f) the total amount fixed for it;
 - (g) the information necessary for establishing the related budget ceilings; and
 - (h) the source of the funds for it;
- any existing measures applied under other Community support schemes or under measures financed by state aids in the same area or sector as the specific support measure and, where appropriate, the demarcation between them;
- where appropriate, a description of:
 - (a) the specific types of farming which are important for the protection or enhancement of the environment referred to in Article 68(1)(a)(i) of Regulation (EC) No 73/2009;
 - (b) the enhanced animal welfare standards referred to in Article 68(1)(a)(iv) of Regulation (EC) No 73/2009;
 - (c) the economically vulnerable areas and/or the environmentally sensitive areas and/or the economically vulnerable types of farming referred to in Article 68(1)(b) of Regulation (EC) No 73/2009 as well as the current levels of production referred to in Article 68(3) of that Regulation;
 - (d) the restructuring and/or development programmes referred to in Article 68(1) (c) of Regulation (EC) No 73/2009.

PART B

For specific support measures for specific agricultural activities entailing additional agri-environmental benefits, the information shall include:

- the title of the measure,
- the geographical area covered by the measure,
- a description of the measure proposed and the expected environmental impact in relation to environmental needs and priorities as well as specific verifiable objectives,
- the rationale for intervention, the scope and actions, indicators, quantified targets and, where appropriate, beneficiaries,
- criteria and administrative rules for ensuring that operations are not also supported by other Community support schemes,

- evidence, as referred to in Article 48(2) of Regulation (EC) No 1974/2006, allowing the Commission to check consistency and plausibility of the calculations,
- a detailed description of the national implementation of the minimum requirements for fertilizer and plant protection products use and other relevant mandatory requirements referred to in point 5.3.2.1 of Part A of Annex II to Regulation (EC) No 1974/2006,
- a description of the methodology and of the agronomic assumptions and parameters (including the description of the baseline requirements as set out in Article 39(3) of Regulation (EC) No 1698/2005 which are relevant for each particular type of commitment) used as reference point for the calculations justifying: (a) additional costs and (b) income foregone resulting from the commitment made; where relevant, this methodology shall take into account aid granted under Regulation (EC) No 73/2009; where appropriate, the conversion method used for other units in accordance with Article 27(9) of Regulation (EC) No 1974/2006,
- amounts of support,
- where appropriate, the information referred to in the fifth and sixth indents of point 5.3.2.1.4 of Part A of Annex II to Regulation (EC) No 1974/2006.

ANNEX II

Content of the information to be included in the annual report on mutual funds as referred to in Article 5(4)

- a list of accredited mutual funds and the number of affiliated farmers per fund,
 - where appropriate, the administrative costs incurred for setting up new mutual funds,
 - the source of funding according to Article 69(6)(a) or (c) of Regulation (EC) No 73/2009 and where applicable, the amount of the linear reduction applied as well as the payments concerned,
 - the types of economic losses compensated by each accredited fund and by cause as referred to in Article 71(1) of that Regulation,
 - the number of farmers compensated by each accredited fund per type of economic loss and by cause as referred to in Article 71(1) of that Regulation,
 - the expenditure of each accredited fund per type of economic loss,
 - the percentage and the amount paid by each fund for the financial contribution referred to in Article 71(7) of that Regulation, and
 - any experience gained in the implementation of the specific support measure on mutual funds.
-

ANNEX III

Amounts referred to in Article 15(1) as calculated under Article 69(6)(a) of Regulation (EC) No 73/2009

	(EUR Millions)
Belgium	8,6
Denmark	15,8
Germany	42,6
Ireland	23,9
Greece	74,3
Spain	144,4
France	97,4
Italy	144,9
Luxembourg	0,8
Malta	0,1
Netherlands	31,7
Austria	11,9
Portugal	21,7
Finland	4,8
Slovenia	2,4
Sweden	13,9
United Kingdom	42,8

COMMISSION REGULATION (EC) No 640/2009

of 22 July 2009

implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council ⁽¹⁾ and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

- (1) Under Directive 2005/32/EC ecodesign requirements are to be set by the Commission for energy-using products representing significant volumes of sales and trade, having a significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.
- (2) Article 16(2) first indent of Directive 2005/32/EC provides that in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Ecodesign Consultation Forum, the Commission shall, as appropriate, introduce an implementing measure for products used in electric motor systems.
- (3) Electric motors are the most important type of electric load in industries within the Community where motors are used in the production processes. The systems in which these motors are operated account for about 70 % of the electricity consumed by the industry. There is a total potential for cost-effective improvement of the energy efficiency of these motor systems by about 20 % to 30 %. One of the major factors in such improvements is the use of energy efficient motors. Consequently, motors in electric motor systems represent a priority product for which ecodesign requirements should be established.

- (4) Electric motor systems include a number of energy-using products, such as motors, drives, pumps or fans. Motors and variable speed drives are an important part of these products. This is why this Regulation requires that certain types of motors be equipped with variable speed drives.
- (5) Many motors are integrated in other products without being separately placed on the market or put into service in the meaning of Article 5 of Directive 2005/32/EC and of Directive 2006/42/EC of the European Parliament and of the Council ⁽²⁾. To achieve the full cost-efficient energy saving potential, motors integrated in other products should be subject to the provisions of this Regulation.
- (6) The Commission has carried out a preparatory study which analysed the technical, environmental and economic aspects of electric motors. The study has been developed together with stakeholders and interested parties from the EU and third countries, and the results have been made publicly available.
- (7) The preparatory study shows that electric motors are placed on the Community market in large quantities, with their use-phase energy consumption being the most significant environmental aspect of all life-cycle phases, and their annual electricity consumption amounting to 1 067 TWh in 2005, corresponding to 427 Mt of CO₂ emissions. In the absence of measures to limit this consumption, it is predicted that energy consumption will increase to 1 252 TWh in 2020. It has been concluded that the life-cycle energy consumption and the use-phase electricity consumption can be improved significantly, in particular if motors in variable speed and load applications are equipped with drives.
- (8) The preparatory study shows that electricity consumption in use is the only significant ecodesign parameter related to product design as referred to in Annex I, Part 1, to Directive 2005/32/EC.
- (9) Improvements in the electricity consumption of electric motors should be achieved by applying existing non-proprietary cost-effective technologies that can reduce the total combined costs of purchasing and operating them.

⁽¹⁾ OJ L 191, 22.7.2005, p. 29.

⁽²⁾ OJ L 157, 9.6.2006, p. 24.

- (10) Ecodesign requirements should harmonise power consumption requirements for motors throughout the Community, thus contributing to the functioning of the internal market and to the improvement of the environmental performance of these products.
- (11) An appropriate timeframe should be provided for manufacturers to redesign products. The timing should be such that negative impacts on the functionalities of motors are avoided, and cost impacts for manufacturers, in particular small and medium-sized enterprises, are taken into account, while ensuring timely achievement of the objectives of this Regulation.
- (12) Power consumption should be determined through reliable, accurate and reproducible measurement methods, which take into account the recognised state of the art including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services ⁽¹⁾.
- (13) This Regulation should increase the market penetration of technologies that improve the life-cycle environmental impact of electric motors, leading to estimated life-cycle energy savings of 5 500 PJ ⁽²⁾ and electricity savings of 135 TWh by 2020, compared to the situation where no measures are taken.
- (14) In accordance with Article 8 of Directive 2005/32/EC, this Regulation should specify the applicable conformity assessment procedures.
- (15) In order to facilitate compliance checks, manufacturers should be requested to provide information in the technical documentation referred to in Annexes IV and V to Directive 2005/32/EC.
- (16) In order to further limit the environmental impact of motors manufacturers should provide relevant information on disassembly, recycling or disposal at end-of-life.
- (17) Benchmarks for currently available technologies with high energy efficiency should be identified. This will help to ensure the wide availability and easy accessibility of information, in particular for small and medium-sized enterprises and very small firms, which will further facilitate the integration of best design technologies for reducing energy consumption.

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

⁽²⁾ 1 TWh = 3,6 PJ.

- (18) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2005/32/EC,

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes ecodesign requirements for the placing on the market and for the putting into service of motors, including where integrated in other products.
2. This Regulation shall not apply to:
 - (a) motors designed to operate wholly immersed in a liquid;
 - (b) motors completely integrated into a product (for example gear, pump, fan or compressor) of which the energy performance cannot be tested independently from the product;
 - (c) motors specifically designed to operate:
 - (i) at altitudes exceeding 1 000 metres above sea-level;
 - (ii) where ambient air temperatures exceed 40 °C;
 - (iii) in maximum operating temperature above 400 °C;
 - (iv) where ambient air temperatures are less than – 15 °C for any motor or less than 0 °C for a motor with air cooling;
 - (v) where the water coolant temperature at the inlet to a product is less than 5 °C or exceeding 25 °C;
 - (vi) in potentially explosive atmospheres as defined in Directive 94/9/EC of the European Parliament and of the Council ⁽³⁾;
 - (d) brake motors;

except as regards the information requirements of Annex I, points 2(3) to (6) and (12).

⁽³⁾ OJ L 100, 19.4.1994, p. 1.

*Article 2***Definitions**

In addition to the definitions set out in Directive 2005/32/EC, the following definitions shall apply:

1. 'Motor' means an electric single speed, three-phase 50 Hz or 50/60 Hz, squirrel cage induction motor that:
 - has 2 to 6 poles,
 - has a rated voltage of U_N up to 1 000 V,
 - has a rated output P_N between 0,75 kW and 375 kW,
 - is rated on the basis of continuous duty operation.
2. 'Variable Speed Drive' means an electronic power converter that continuously adapts the electrical power supplied to the electric motor in order to control the mechanical power output of the motor according to the torque-speed characteristic of the load (being driven by the motor), by adjusting the three-phase 50 Hz power supply to a variable frequency and voltage supplied to the motor.
3. 'Squirrel cage motor' means an electric motor with no brushes, commutators, slip rings or electrical connections to the rotor.
4. 'Phase' means the type of configuration of the mains electrical supply.
5. 'Pole' means the total number of magnetic north and south poles produced by the rotating magnetic field of the motor. The number of poles determines the base speed of the motor.
6. 'Continuous duty operation' means the capability of an electric motor with an integrated cooling system to operate at nominal load without interruption below its rated maximum temperature rise.
7. 'Brake motor' means a motor equipped with an electro-mechanical brake unit operating directly on the motor shaft without couplings.

*Article 3***Ecodesign requirements**

The ecodesign requirements for motors are set out in Annex I.

Each ecodesign requirement shall apply in accordance with the following timetable:

1. from 16 June 2011, motors shall not be less efficient than the IE2 efficiency level, as defined in Annex I, point 1;
2. from 1 January 2015:
 - (i) motors with a rated output of 7,5-375 kW shall not be less efficient than the IE3 efficiency level, as defined in Annex I, point 1, or meet the IE2 efficiency level, as defined in Annex I, point 1, and be equipped with a variable speed drive.
3. from 1 January 2017:
 - (i) all motors with a rated output of 0,75-375 kW shall not be less efficient than the IE3 efficiency level, as defined in Annex I, point 1, or meet the IE2 efficiency level, as defined in Annex I, point 1, and be equipped with a variable speed drive.

The product information requirements on motors are as set out in Annex I. Compliance with ecodesign requirements shall be measured and calculated in accordance with requirements set out in Annex II.

*Article 4***Conformity assessment**

The conformity assessment procedure referred to in Article 8 of Directive 2005/32/EC shall be the internal design control system set out in Annex IV to that Directive or the management system for assessing conformity set out in Annex V to that Directive.

*Article 5***Verification procedure for market surveillance purposes**

When performing the market surveillance checks referred to in Article 3(2) of Directive 2005/32/EC, the authorities of the Member States shall apply the verification procedure set out in Annex III to this Regulation.

*Article 6***Indicative Benchmarks**

The indicative benchmarks for the best-performing motors currently available on the market are identified in Annex IV.

*Article 7***Revision**

The Commission shall review this Regulation in the light of technological progress on both motors and drives no later than seven years after its entry into force and present the result of this review to the Ecodesign Consultation Forum. The review will include resource efficiency, re-use and recycling and the level of measurement uncertainty.

*Article 8***Entry into force**

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

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

Done at Brussels, 22 July 2009.

For the Commission
Andris PIEBALGS
Member of the Commission

ANNEX I

ECODESIGN REQUIREMENTS FOR MOTORS

1. MOTOR EFFICIENCY REQUIREMENTS

The nominal minimum efficiency requirements for motors are set out in Tables 1 and 2.

Table 1

Nominal minimum efficiencies (η) for IE2 efficiency level (50 Hz)

Rated output power (kW)	Number of poles		
	2	4	6
0,75	77,4	79,6	75,9
1,1	79,6	81,4	78,1
1,5	81,3	82,8	79,8
2,2	83,2	84,3	81,8
3	84,6	85,5	83,3
4	85,8	86,6	84,6
5,5	87,0	87,7	86,0
7,5	88,1	88,7	87,2
11	89,4	89,8	88,7
15	90,3	90,6	89,7
18,5	90,9	91,2	90,4
22	91,3	91,6	90,9
30	92,0	92,3	91,7
37	92,5	92,7	92,2
45	92,9	93,1	92,7
55	93,2	93,5	93,1
75	93,8	94,0	93,7
90	94,1	94,2	94,0
110	94,3	94,5	94,3
132	94,6	94,7	94,6
160	94,8	94,9	94,8
200 up to 375	95,0	95,1	95,0

Table 2

Nominal minimum efficiencies (η) for IE3 efficiency level (50 Hz)

Rated output power (kW)	Number of poles		
	2	4	6
0,75	80,7	82,5	78,9
1,1	82,7	84,1	81,0
1,5	84,2	85,3	82,5
2,2	85,9	86,7	84,3

Rated output power (kW)	Number of poles		
	2	4	6
3	87,1	87,7	85,6
4	88,1	88,6	86,8
5,5	89,2	89,6	88,0
7,5	90,1	90,4	89,1
11	91,2	91,4	90,3
15	91,9	92,1	91,2
18,5	92,4	92,6	91,7
22	92,7	93,0	92,2
30	93,3	93,6	92,9
37	93,7	93,9	93,3
45	94,0	94,2	93,7
55	94,3	94,6	94,1
75	94,7	95,0	94,6
90	95,0	95,2	94,9
110	95,2	95,4	95,1
132	95,4	95,6	95,4
160	95,6	95,8	95,6
200 up to 375	95,8	96,0	95,8

2. PRODUCT INFORMATION REQUIREMENTS ON MOTORS

From 16 June 2011, the information on motors set out in points 1 to 12 shall be visibly displayed on:

- (a) the technical documentation of motors;
- (b) the technical documentation of products in which motors are incorporated;
- (c) free access websites of manufacturers of motors;
- (d) free access websites of manufacturers of products in which motors are incorporated.

As regards to the technical documentation, the information must be provided in the order as presented in points 1 to 12. The exact wording used in the list does not need to be repeated. It may be displayed using graphs, figures or symbols rather than text.

1. nominal efficiency (η) at the full, 75 % and 50 % rated load and voltage (U_N);
2. efficiency level: 'IE2' or 'IE3';
3. the year of manufacture;
4. manufacturer's name or trade mark, commercial registration number and place of manufacturer;
5. product's model number;
6. number of poles of the motor;
7. the rated power output(s) or range of rated power output (kW);
8. the rated input frequency(s) of the motor (Hz);
9. the rated voltage(s) or range of rated voltage (V);
10. the rated speed(s) or range of rated speed (rpm);
11. information relevant for disassembly, recycling or disposal at end-of-life;

12. information on the range of operating conditions for which the motor is specifically designed:

- (i) altitudes above sea-level;
- (ii) ambient air temperatures, including for motors with air cooling;
- (iii) water coolant temperature at the inlet to the product;
- (iv) maximum operating temperature;
- (v) potentially explosive atmospheres.

The information referred to in points 1, 2 and 3 shall be durably marked on or near the rating plate of the motor.

The information listed in points 1 to 12 does not need to be published on motor manufacturer's free access website for tailor-made motors with special mechanical and electrical design manufactured on the basis of client request. Information on the mandatory requirement to equip motors, which do not meet the IE3 efficiency level with a variable speed drive, shall be visibly displayed on the rating plate, technical documentation of the motor:

- (a) from 1 January 2015 for motors with a rated output of 7,5-375 kW;
- (b) from 1 January 2017 for motors with a rated output of 0,75-375 kW.

Manufacturers shall provide information in the technical documentation on any specific precautions that must be taken when motors are assembled, installed, maintained or used with variable speed drives, including information on how to minimise electrical and magnetic fields from variable speed drives.

3. DEFINITIONS FOR THE PURPOSES OF ANNEX I

- 1. 'Nominal minimum efficiency' (η) means the efficiency at full rated load and voltage without tolerances.
 - 2. 'Tolerance' means the maximum allowable variation in test measurement result of any given motor compared to the declared value on the rating plate or in the technical documentation.
-

ANNEX II

MEASUREMENTS AND CALCULATIONS

For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*. They shall fulfil all of the following technical parameters.

The energy efficiency is the ratio of mechanical output power to the electrical input power.

The efficiency level of the motor, as specified in Annex I, shall be determined at rated output power (P_N), rated voltage (U_N), and rated frequency (f_N).

The difference between the output mechanical power and the input electrical power is due to losses occurring in the motor.

The determination of total losses shall be carried out by one of the following methods:

- measurement of total losses, or
 - determination of separate losses for summation.
-

ANNEX III

VERIFICATION PROCEDURE

When performing the market surveillance checks referred to in Article 3(2) of Directive 2005/32/EC, the authorities of the Member States shall apply the following verification procedure for the requirements set out in Annex I.

1. The authorities of the Member State shall test one single unit.
2. The model shall be considered to comply with the provisions set out in this Regulation, if in the nominal motor efficiency (η), the losses ($1-\eta$) do not vary from the values set out in Annex I by more than 15 % on power range 0,75-150 kW and 10 % on power range > 150-375 kW.
3. If the result referred to in point 2 is not achieved the market surveillance authority shall randomly test three additional units, except for motors that are produced in lower quantities than five per year.
4. The same model shall be considered to comply with the provisions set out in this Regulation, if in the average of the nominal efficiency (η), the losses ($1-\eta$) of the three units referred to in point 3 do not vary from the values set out in Annex I by more than 15 % on power range 0,75 to 150 kW and 10 % on power range > 150-375 kW.
5. If the results referred to in point 4 are not achieved, the model shall be considered not to comply with this Regulation.

For the purposes of checking conformity with the requirements of this Regulation, Member States shall apply the procedure referred to in Annex II and reliable, accurate and reproducible measurement methods, which take into account the generally recognised state of the art, including methods set in standards the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.

ANNEX IV

INDICATIVE BENCHMARKS REFERRED TO IN ARTICLE 6

At the time of adoption of this Regulation, the best available technology on the market for motors was identified as the IE3 level, or an IE3 motor equipped with a variable speed drive, as defined in Annex I.

COMMISSION REGULATION (EC) No 641/2009

of 22 July 2009

implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

- (1) Under Directive 2005/32/EC ecodesign requirements should be set by the Commission for energy-using products representing significant volumes of sales and trade, having a significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.
- (2) Article 16(2), first indent, of Directive 2005/32/EC provides that, in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2) of that Directive, and after consulting the Ecodesign Consultation Forum, the Commission will, as appropriate, introduce an implementing measure for appliances in electric motor systems and heating equipment, such as for circulators.
- (3) The Commission has carried out a preparatory study to analyse the technical, environmental and economic aspects of circulators typically used in buildings. The study has been developed together with stakeholders and interested parties from the Community and third countries, and the results have been made publicly available.
- (4) Circulators consume much of the energy used in heating systems in buildings. Furthermore, most standard circulators operate continuously, regardless of heating needs. Circulators are therefore one of the priority products for which ecodesign requirements should be established.

- (5) The environmental aspect of circulators that is identified as significant for the purposes of this Regulation is electricity consumption in the use phase.
- (6) The preparatory study shows that approximately 14 million circulators are placed on the Community market annually and that their most significant environmental impact out of all life-cycle phases is the use phase energy consumption amounting to 50 TWh in 2005, corresponding to 23 million tonnes of CO₂ emissions. If no specific measures are taken, electricity consumption is predicted to increase to 55 TWh by 2020. The preparatory study shows that use phase electricity consumption can be significantly improved.
- (7) The preparatory study shows that requirements regarding other ecodesign parameters referred to in Annex I, Part 1, of Directive 2005/32/EC are not necessary as power consumption of circulators in use phase is by far the most important environmental aspect.
- (8) Circulators should be made more efficient by applying existing non-proprietary cost-effective technologies that can reduce the total combined costs of purchasing and operating circulators.
- (9) Ecodesign requirements should harmonise electricity consumption requirements for circulators throughout the Community, thus contributing to the functioning of the internal market and to improving the environmental performance of these products.
- (10) To increase the re-use and recycling of circulators, manufacturers should provide information on the assembly and dismantling of circulators.
- (11) The ecodesign requirements should not have a negative impact on the functionality of circulators and should not negatively affect health, safety or the environment. In particular, the benefits of reducing electricity consumption during the use phase should more than offset any additional environmental impacts during the production phase.

⁽¹⁾ OJ L 191, 22.7.2005, p. 29.

- (12) The ecodesign requirements should be introduced gradually in order to provide a sufficient timeframe for manufacturers to re-design products subject to this Regulation as appropriate. The timing for the introduction of these requirements should be such as to avoid negative impacts on the functionalities of circulators on the market, and to take into account cost impacts for manufacturers, in particular small and medium-sized enterprises, while ensuring timely achievement of the objectives of the Regulation.
- (13) Conformity assessment and measurements of the relevant product parameters should be performed using reliable, accurate and reproducible measurement methods, which take into account the generally recognised state of the art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services ⁽¹⁾.
- (14) This Regulation should quickly ensure the placing on the market of technologies that reduce the life-cycle environmental impact of circulators, leading to estimated electricity savings of 23 TWh by 2020, corresponding to 11 Mt of CO₂ equivalent, compared with the situation, where no action is taken.
- (15) In accordance with Article 8 of Directive 2005/32/EC, this Regulation should specify the applicable conformity assessment procedures.
- (16) In order to facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes IV and V to Directive 2005/32/EC.
- (17) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified to ensure wide availability and easy accessibility of information on the life-cycle environmental performance of circulators.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2005/32/EC,

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes ecodesign requirements for the placing on the market of glandless standalone circulators and glandless circulators integrated in products.
2. This Regulation shall not apply to:
 - (a) drinking water circulators, except as regards information requirements of Annex I, point 2(4);
 - (b) circulators integrated in products and placed on the market not later than 1 January 2020 as replacement for identical circulators integrated in products and placed on the market no later than 1 August 2015. The replacement product or its packaging must clearly indicate the product(s) for which it is intended.

Article 2

Definitions

In addition to the definitions set out in Article 2 of Directive 2005/32/EC, the following definitions shall apply:

1. 'circulator' means an impeller pump which has the rated hydraulic output power of between 1 W and 2 500 W and is designed for use in heating systems or in secondary circuits of cooling distribution systems;
2. 'glandless circulator' means a circulator with the shaft of the motor directly coupled to the impeller and the motor immersed in the pumped medium;
3. 'standalone circulator' means a circulator designed to operate independently from the product;
4. 'product' means an appliance that generates and/or transfers heat;
5. 'drinking water circulator' means a circulator specifically designed to be used in the recirculation of drinking water as defined in Council Directive 98/83/EC ⁽²⁾.

Article 3

Ecodesign requirements

The ecodesign requirements for circulators are set out in Annex I.

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

⁽²⁾ OJ L 330, 5.12.1998, p. 32.

Compliance with ecodesign requirements shall be measured in accordance with requirements set out in Annex II, point 1.

The calculation method for the energy efficiency index of circulators is set out in Annex II, point 2.

Article 4

Conformity assessment

The procedure for assessing conformity referred to in Article 8 of Directive 2005/32/EC shall be the internal design control system set out in Annex IV to that Directive or the management system for assessing conformity set out in Annex V to that Directive.

Article 5

Verification procedure for market surveillance purposes

When performing the market surveillance checks referred to in Article 3(2) of Directive 2005/32/EC, for the requirements set out in Annex I to this Regulation, the authorities of the Member States shall apply the verification procedure described in Annex III to this Regulation.

Article 6

Benchmarks

The indicative benchmarks for best-performing circulators available on the market at the time of entry into force of this Regulation are set out in Annex IV.

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

Done at Brussels, 22 July 2009.

Article 7

Revision

The Commission shall review the methodology for calculating the energy efficiency index, set out in Annex II, point 2 to this Regulation, for glandless circulators integrated in products before 1 January 2012.

It shall review this Regulation before 1 January 2017, in the light of technological progress. The review will include the assessment of design options that can facilitate re-use and recycling.

The results of the reviews shall be presented to the Ecodesign Consultation Forum.

Article 8

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*.

It shall apply in accordance with the following timetable:

1. from 1 January 2013, glandless standalone circulators shall meet the efficiency level defined in Annex I, point 1(1), with the exception of those specifically designed for primary circuits of thermal solar systems and of heat pumps;
2. from 1 August 2015, glandless standalone circulators and glandless circulators integrated in products shall meet the efficiency level defined in Annex I, point 1(2).

For the Commission

Andris PIEBALGS

Member of the Commission

ANNEX I

ECODESIGN REQUIREMENTS

1. ENERGY EFFICIENCY REQUIREMENTS

1. From 1 January 2013, glandless standalone circulators, with the exception of those specifically designed for primary circuits of thermal solar systems and of heat pumps, shall have an energy efficiency index (EEI) of not more than 0,27, calculated in accordance with Annex II, point 2.
2. From 1 August 2015, glandless standalone circulators and glandless circulators integrated in products shall have an energy efficiency index (EEI) of not more than 0,23, calculated in accordance with Annex II, point 2.

2. PRODUCT INFORMATION REQUIREMENTS

From 1 January 2013:

1. the energy efficiency index of circulators, calculated in accordance with Annex II, shall be indicated on the name plate and packaging of the product and in the technical documentation as follows: 'EEI ≤ 0,[xx]';
2. the following information shall be provided: 'The benchmark for most efficient circulators is EEI ≤ 0,20.';
3. information concerning disassembly, recycling, or disposal at end-of-life of components and materials, shall be made available for treatment facilities;
4. the following information shall be provided on the packaging and in the technical documentation of drinking water circulators: 'This circulator is suitable for drinking water only.'.

Manufacturers shall provide information on how to install, use and maintain the circulator in order to minimise its impact on the environment.

The information listed above shall be visibly displayed on freely accessible websites of the circulator manufacturers.

ANNEX II

MEASUREMENT METHODS AND METHODOLOGY FOR CALCULATING THE ENERGY EFFICIENCY INDEX

1. MEASUREMENT METHODS

For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements shall be made using a reliable, accurate and reproducible measurement procedure that takes into account the generally recognised state of the art measurement methods, including methods set out in documents the reference numbers of which have been published for that purpose in the Official Journal of the European Union.

2. METHODOLOGY FOR CALCULATING THE ENERGY EFFICIENCY INDEX

The methodology for calculating the energy efficiency index (EEI) for circulators is as follows:

1. Where a circulator has more than one setting of head and flow, measure the circulator at the maximum setting.

'Head' (H) means head (in metres) produced by the circulator at the specified point of operation.

'Flow' (Q) means the volume flow rate of water through the circulator (m^3/h).

2. Find the point where $Q \cdot H$ is maximum and define the flow and head at this point as: $Q_{100\%}$ and $H_{100\%}$.

3. Calculate the hydraulic power P_{hyd} at this point.

'Hydraulic power' means an expression of the arithmetic product of the flow (Q), Head (H) and a conversion factor that aligns the units used in the calculation.

' P_{hyd} ' means hydraulic power delivered by the circulator to the fluid being pumped at the specified point of operation (in watts).

4. Calculate the reference power as:

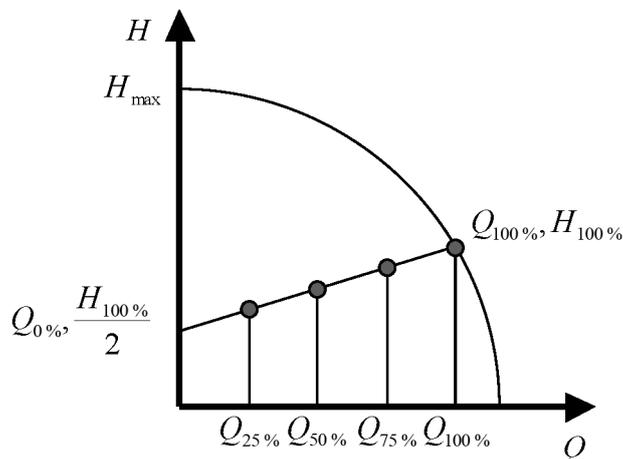
$$P_{\text{ref}} = 1,7 \cdot P_{\text{hyd}} + 17 \cdot (1 - e^{-0,3 \cdot P_{\text{hyd}}}), 1 \text{ W} \leq P_{\text{hyd}} \leq 2\,500 \text{ W}$$

'Reference power' means a relation between hydraulic power and power consumption of a circulator, taking into account the dependency between circulator efficiency and size.

' P_{ref} ' means the reference power consumption (in watts) of the circulator.

5. Define the reference control curve as the straight line between the points:

$$(Q_{100\%}, H_{100\%}) \text{ and } (Q_0, \frac{H_{100\%}}{2})$$



6. Select a setting of the circulator ensuring that the circulator on the selected curve reaches $Q \cdot H = \max$ point.

7. Measure P_1 and H at the flows:

$$Q_{100\%}, 0,75 \cdot Q_{100\%}, 0,5 \cdot Q_{100\%}, 0,25 \cdot Q_{100\%}.$$

' P_1 ' means the electrical power (in watts) consumed by the circulator at the specified point of operation.

8. Calculate at these flows

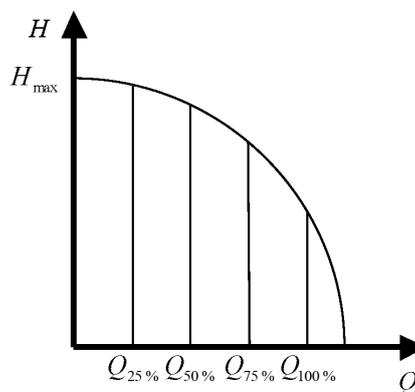
$$P_L = \frac{H_{ref}}{H_{meas}} \cdot P_{1,meas}, \text{ if } H_{meas} \leq H_{ref}$$

$$P_L = P_{1,meas}, \text{ if } H_{meas} > H_{ref}$$

where H_{ref} is the head on the reference control curve at the different flows.

9. Using P_L and this load profile:

Flow [%]	Time [%]
100	6
75	15
50	35
25	44



Calculate the weighted average power $P_{L,avg}$ as:

$$P_{L,avg} = 0,06 \cdot P_{L,100\%} + 0,15 \cdot P_{L,75\%} + 0,35 \cdot P_{L,50\%} + 0,44 \cdot P_{L,25\%}$$

Calculate the energy efficiency index ⁽¹⁾ as:

$$EEI = \frac{P_{L,avg}}{P_{ref}} \cdot C_{20\%}, \text{ where } C_{20\%} = 0,49$$

⁽¹⁾ $C_{XX\%}$ means a scaling factor that ensures that at the time of defining the scaling factor only XX % of circulators of a certain type have an $EEI \leq 0,20$.

ANNEX III

VERIFICATION PROCEDURE

For the purposes of checking conformity with the requirements laid down in Annex I, the authorities of the Member States shall use the measurement and calculation procedure set out in Annex II.

Member States authorities shall test a single circulator. If the energy efficiency index exceeds the values declared by the manufacturer by more than 7 %, the measurements shall be made on three more circulators. The model shall be considered to comply if the arithmetical mean of the measured values for the latter three circulators do not exceed the values declared by the manufacturer by more than 7 %.

Otherwise, the model shall be considered not to comply with the requirements of this Regulation.

In addition to the procedure set out in this Annex, Member States authorities shall use reliable, accurate and reproducible measurement methods, which take into account the generally recognised state of the art, including methods set out in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.

ANNEX IV

INDICATIVE BENCHMARKS

At the time of the adoption of this Regulation, the benchmark for the best available technology on the market for circulators is $EEL \leq 0,20$.

COMMISSION REGULATION (EC) No 642/2009**of 22 July 2009****implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to
ecodesign requirements for televisions****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council ⁽¹⁾ and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

- (1) Under Directive 2005/32/EC ecodesign requirements are to be set by the Commission for energy-using products representing significant volumes of sales and trade, having a significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.
- (2) Article 16(2) first indent of Directive 2005/32/EC provides that in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Ecodesign Consultation Forum, the Commission shall, as appropriate, introduce implementing measures for consumer electronics.
- (3) The Commission has carried out a preparatory study which analysed the technical, environmental and economic aspects of televisions. The study has been developed together with stakeholders and interested parties from the Community and third countries, and the results have been made publicly available on the EUROPA website of the Commission.
- (4) Televisions represent a significant consumer electronic product group in electricity consumption and are therefore a priority in ecodesign policy.

(5) The environmental aspect of televisions that is identified as significant for the purposes of this Regulation is the electricity consumption in the use phase.

(6) Annual electricity consumption related to televisions was estimated to be 60 TWh in 2007 in the Community, corresponding to 24 Mt CO₂ emissions. If no specific measures are taken to limit this consumption, it is predicted that electricity consumption will increase to 132 TWh in 2020. The preparatory study shows that use-phase electricity consumption can be significantly reduced.

(7) Other environmental aspects of relevance relate to hazardous substances used in the production of televisions and waste from televisions disposed at the end of life. Improvements in the related environmental impact are addressed in Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽²⁾, and Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) ⁽³⁾, respectively, and should not be further addressed by this Regulation.

(8) The preparatory study shows that requirements regarding other ecodesign parameters referred to in Annex I, Part 1, to Directive 2005/32/EC are not necessary.

(9) Reduction in the electricity consumption of televisions is possible/viable by applying existing non-proprietary cost-effective technologies which lead to a reduction of the combined expenses for purchasing and operating televisions.

(10) Ecodesign requirements should harmonise electricity consumption requirements for televisions throughout the Community, thus contributing to the functioning of the internal market and to the improvement of the environmental performance of these products.

(11) The ecodesign requirements should not have a negative impact on the functionality of the product or negatively affect health, safety or the environment. In particular, the benefits of reducing electricity consumption during the use phase should more than offset potential additional environmental impacts during the production phase.

⁽¹⁾ OJ L 191, 22.7.2005, p. 29.

⁽²⁾ OJ L 37, 13.2.2003, p. 19.

⁽³⁾ OJ L 37, 13.2.2003, p. 24.

- (12) A progressive introduction of the ecodesign requirements should provide an appropriate timeframe for manufacturers to adapt their products. The timing should be such that negative impacts on the functionalities of equipment already on the market are avoided, and cost impacts for manufacturers, in particular small and medium-sized enterprises, are taken into account, while ensuring timely achievement of the objectives of the Regulation.
- (13) Measurements of the relevant product parameters should be performed through reliable, accurate and reproducible measurement procedures, which take into account the recognised state of the art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services⁽¹⁾.
- (14) This Regulation should increase the market penetration of technologies that reduce the environmental impact of televisions, leading to estimated electricity savings of 28 TWh by 2020, compared to the situation without taking any measures.
- (15) In conformity with Article 8 of Directive 2005/32/EC, this Regulation should specify the applicable conformity assessment procedures.
- (16) In order to facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes IV and V to Directive 2005/32/EC in so far as this information relates to the requirements laid down in this Regulation.
- (17) The currently best available on-mode energy efficiency and reduced environmental impacts related to hazardous substances are identified by Commission Decision 2009/300/EC of 12 March 2009 establishing the revised ecological criteria for the award of the Community ecolabel to televisions⁽²⁾. Such reference will help ensure wide availability and easy access to information, in particular for small and medium-sized enterprises and very small firms, which will further facilitate the integration of best design technologies for reducing the environmental impact of televisions. Benchmarks for best available technology should therefore not be identified in this Regulation.
- (18) The ecodesign requirements, applicable from 7 January 2013, pursuant to Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment⁽³⁾ should apply to televisions at an earlier point in time than provided for in that Regulation because technologies which comply with its provisions can be implemented within a shorter time with regard to televisions and additional energy savings can be achieved. Regulation (EC) No 1275/2008 should therefore not apply to televisions and should be amended accordingly.
- (19) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2005/32/EC,

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Subject matter and scope

This Regulation establishes ecodesign requirements for the placing on the market of televisions.

Article 2

Definitions

In addition to the definitions set out in Directive 2005/32/EC, the following definitions shall apply:

1. 'television' means a television set or a television monitor;
2. 'television set' means a product designed primarily for the display and reception of audiovisual signals which is placed on the market under one model or system designation, and which consists of:
 - (a) a display;
 - (b) one or more tuner(s)/receiver(s) and optional additional functions for data storage and/or display such as digital versatile disc (DVD), hard disk drive (HDD) or videocassette recorder (VCR), either in a single unit combined with the display, or in one or more separate units;
3. 'television monitor' means a product designed to display on an integrated screen a video signal from a variety of sources, including television broadcast signals, which optionally controls and reproduces audio signals from an external source device, which is linked through standardised video signal paths including cinch (component, composite), SCART, HDMI, and future wireless standards (but excluding non-standardised video signal paths like DVI and SDI), but cannot receive and process broadcast signals;

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

⁽²⁾ OJ L 82, 28.3.2009, p. 3.

⁽³⁾ OJ L 339, 18.12.2008, p. 45.

4. 'on-mode' means the condition where the television is connected to the mains power source and produces sound and picture;
5. 'home-mode' means the television setting which is recommended by the manufacturer for normal home use;
6. 'standby-mode(s)' means a condition where the equipment is connected to the mains power source, depends on energy input from the mains power source to function properly and offers the following functions only, which may persist for an indefinite time:
- reactivation function, or reactivation function and only an indication of enabled reactivation function, and/or,
 - information or status display;
7. 'off-mode' means a condition in which the equipment is connected to the mains power source and is not providing any function; it also includes:
- (a) conditions providing only an indication of off-mode condition;
 - (b) conditions providing only functionalities intended to ensure electromagnetic compatibility pursuant to Directive 2004/108/EC of the European Parliament and of the Council ⁽¹⁾;
8. 'reactivation function' means a function facilitating the activation of other modes, including on-mode, by remote switch including remote control, internal sensor, timer to a condition providing additional functions, including on-mode;
9. 'information or status display' means a continuous function providing information or indicating the status of the equipment on a display, including clocks;
10. 'forced menu' means a set of television settings pre-defined by the manufacturer, of which the user of the television must select a particular setting upon initial start-up of the television;

11. 'full HD resolution' means a screen resolution with physical pixel count of at least 1 920 × 1 080 pixels.

Article 3

Ecodesign requirements

The ecodesign requirements for televisions are set out in Annex I.

Compliance with the ecodesign requirements shall be measured in accordance with the methods set out in Annex II.

Article 4

Conformity assessment

The conformity assessment procedure referred to in Article 8 of Directive 2005/32/EC shall be the internal design control system set out in Annex IV to that Directive or the management system for assessing conformity set out in Annex V to that Directive.

The technical documentation to be provided for the conformity assessment is set out in point 1 of Part 5 of Annex I to this Regulation.

Article 5

Verification procedure for market surveillance purposes

Surveillance checks shall be carried out in accordance with the verification procedure set out in Annex III.

Article 6

Revision

The Commission shall review this Regulation no later than 3 years after its entry into force in the light of technological progress and present the result of this review to the Ecodesign Consultation Forum.

Article 7

Amendment to Regulation (EC) No 1275/2008

Annex I, point 3 to Regulation (EC) No 1275/2008 is replaced by the text set out in Annex IV to this Regulation.

Article 8

Entry into force

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

⁽¹⁾ OJ L 390, 31.12.2004, p. 24.

2. The ecodesign requirements set out in point 1 of Part 1, Part 3, Part 4, and point 2 of Part 5 of Annex I shall apply from 20 August 2010.

The ecodesign requirements set out in points 1(a) to 1(d) of Part 2 of Annex I shall apply from 7 January 2010.

The ecodesign requirements set out in point 2, Part 1 of Annex I shall apply from 1 April 2012.

The ecodesign requirements set out in points 2(a) to 2(e) of Part 2 of Annex I shall apply from 20 August 2011.

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

Done at Brussels, 22 July 2009.

For the Commission
Andris PIEBALGS
Member of the Commission

ANNEX I

ECODESIGN REQUIREMENTS

1. ON-MODE POWER CONSUMPTION

1. From 20 August 2010:

The on-mode power consumption of a television with visible screen area A expressed in dm^2 shall not exceed the following limits:

	Full HD resolution	All other resolutions
Television sets	$20 \text{ Watts} + A \cdot 1,12 \cdot 4,3224 \text{ Watts/dm}^2$	$20 \text{ Watts} + A \cdot 4,3224 \text{ Watts/dm}^2$
Television monitors	$15 \text{ Watts} + A \cdot 1,12 \cdot 4,3224 \text{ Watts/dm}^2$	$15 \text{ Watts} + A \cdot 4,3224 \text{ Watts/dm}^2$

2. From 1 April 2012:

The on-mode power consumption of a television with visible screen area A expressed in dm^2 shall not exceed the following limits:

	All resolutions
Television sets	$16 \text{ Watts} + A \cdot 3,4579 \text{ Watts/dm}^2$
Television monitors	$12 \text{ Watts} + A \cdot 3,4579 \text{ Watts/dm}^2$

2. STANDBY/OFF MODE POWER CONSUMPTION

1. From 7 January 2010:

(a) Power consumption in 'off-mode':

Power consumption of televisions in any off-mode condition shall not exceed 1,00 Watt.

(b) Power consumption in 'standby-mode(s)':

The power consumption of televisions in any condition providing only a reactivation function, or providing only a reactivation function and a mere indication of enabled reactivation function, shall not exceed 1,00 Watt.

The power consumption of televisions in any condition providing only information or status display, or providing only a combination of reactivation function and information or status display, shall not exceed 2,00 Watts.

(c) Availability of off-mode and/or standby-mode:

Televisions shall have an off-mode and/or standby-mode, and/or another condition which does not exceed the applicable power consumption requirements for off-mode and/or standby-mode when the television is connected to the mains power source.

(d) For television sets which consist of a display, and one or more tuner(s)/receiver(s) and optional additional functions for data storage and/or display such as digital versatile disc (DVD), hard disk drive (HDD) or videocassette recorder (VCR) in one or more separate units, points (a) to (c) apply for the display and the separate unit(s) individually.

2. From 20 August 2011:

(a) Power consumption in 'off-mode':

Power consumption of televisions in any off-mode condition shall not exceed 0,30 Watts, unless the condition in the next paragraph is fulfilled.

For televisions with an easily visible switch, which puts the television in a condition with power consumption not exceeding 0,01 Watts when operated to the off position, the power consumption of any other off-mode condition of the television shall not exceed 0,50 Watts.

(b) Power consumption in 'standby-mode(s)':

The power consumption of televisions in any condition providing only a reactivation function, or providing only a reactivation function and a mere indication of enabled reactivation function, shall not exceed 0,50 Watts.

The power consumption of televisions in any condition providing only information or status display, or providing only a combination of reactivation function and information or status display, shall not exceed 1,00 Watt.

(c) Availability of off-mode and/or standby-mode:

Televisions shall have an off-mode and/or standby-mode, and/or another condition which does not exceed the applicable power consumption requirements for off-mode and/or standby-mode when the television is connected to the mains power source.

(d) Automatic power-down:

Televisions shall provide a function with the following characteristics:

(i) after no more than 4 hours in on mode following the last user interaction and/or a channel change, the television shall be automatically switched from on mode to:

- standby-mode, or,
- off-mode, or,
- another condition which does not exceed the applicable power consumption requirements for off-mode and/or standby-mode;

(ii) televisions shall display an alert message before the automatic switch from on mode to the applicable condition/modes.

This function shall be set as default.

(e) For television sets which consist of a display, and one or more tuner(s)/receiver(s) and optional additional functions for data storage and/or display such as digital versatile disc (DVD), hard disk drive (HDD) or videocassette recorder (VCR) in a separate unit, points (a) to (d) apply for the display and the separate unit individually.

3. 'HOME-MODE' FOR TELEVISIONS WHICH ARE DELIVERED WITH A FORCED MENU

From 20 August 2010:

Televisions with forced menu on initial activation of the television shall provide a 'home-mode' in the forced menu, which shall be the default choice on initial activation of the television. If the user selects a mode other than 'home-mode' on initial activation of the television, a second selection process shall be prompted to confirm this choice.

4. PEAK LUMINANCE RATIO

From 20 August 2010:

- Televisions without forced menu: the peak luminance of the on-mode condition of the television as delivered by the manufacturer shall not be less than 65 % of the peak luminance of the brightest on-mode condition provided by the television.
- Televisions with forced menu: the peak luminance of the home-mode condition shall not be less than 65 % of the peak luminance of the brightest on-mode condition provided by the television.

5. INFORMATION TO BE PROVIDED BY MANUFACTURERS

1. For the purposes of conformity assessment pursuant to Article 5, the technical documentation shall contain the following elements:

(a) test parameters for measurements:

- ambient temperature,
- test voltage in V and frequency in Hz,
- total harmonic distortion of the electricity supply system,
- the input terminal for the audio and video test signals,
- information and documentation on the instrumentation, set-up and circuits used for electrical testing;

(b) on-mode:

- the power consumption data in Watts rounded to the first decimal place for power measurements up to 100 Watts, and to the first integer for power measurements above 100 Watts,
- the characteristics of the dynamic broadcast-content video signal representing typical broadcast TV content,
- the sequence of steps for achieving a stable condition with respect to power consumption,
- in addition for televisions with a forced menu, the ratio of the peak luminance of the home-mode and the peak luminance of the brightest on-mode condition provided by the television, expressed in per cent,
- in addition for television monitors, a description of the relevant characteristics of the tuner used for measurements;

(c) for each standby and/or off-mode:

- the power consumption data in Watts rounded to the second decimal place,
- the measurement method used,
- description of how the mode was selected or programmed,
- sequence of events to reach the mode where the television automatically changes modes;

(d) automatic power down:

the duration of the on-mode condition before the television reaches automatically standby, or off-mode, or another condition which does not exceed the applicable power consumption requirements for off-mode and/or standby-mode;

(e) hazardous substances:

if the television contains mercury or lead: the content of mercury as X,X mg, and the presence of lead.

2. From 20 August 2010:

The following information shall be made publicly available on free-access websites:

- the on-mode power consumption data in Watts rounded to the first decimal place for power measurements up to 100 Watts, and to the first integer for power measurements above 100 Watts,
 - for each standby and/or off-mode, the power consumption data in Watts rounded to the second decimal place,
 - for televisions without forced menu: the ratio of the peak luminance of the on-mode condition of the television as delivered by the manufacturer and the peak luminance of the brightest on-mode condition provided by the television, expressed in percentage, rounded to the nearest integer,
 - for televisions with a forced menu: the ratio of the peak luminance of the home-mode condition and the peak luminance of the brightest on-mode condition provided by the television, expressed in percentage, rounded to the nearest integer,
 - if the television contains mercury or lead: the content as X,X mg and the presence of lead.
-

ANNEX II

MEASUREMENTS

1. Measurements of on-mode power consumption

Measurements of the power consumption referred to in Annex I, Part 1 shall fulfil all of the following conditions:

- (a) Measurements shall be made using a reliable, accurate and reproducible measurement procedure, which takes into account the generally recognised state of the art measurement methods.
- (b) Conditions of televisions for measuring the on-mode power consumption:
 - Television sets without forced menu: the power consumption referred to in points 1 and 2 shall be measured in the on-mode condition of the television as delivered by the manufacturer, that is, the brightness controls of the television shall be in the position adjusted by the manufacturer for the end user.
 - Television sets with forced menu: the power consumption referred to in points 1 and 2 shall be measured in the 'home-mode' condition.
 - Television monitors without forced menu: the television monitor shall be connected to an appropriate tuner. The power consumption referred to in points 1 and 2 shall be measured in the on-mode condition of the television as delivered by the manufacturer, that is, the brightness controls of the television monitor shall be in the position adjusted by the manufacturer for the end user. The power consumption of the tuner is not relevant for the measurements of on-mode power consumption of the television monitor.
 - Television monitors with forced menu: the television monitor shall be connected to an appropriate tuner. The power consumption referred to in points 1 and 2 shall be established in the 'home mode' condition.
- (c) General conditions:
 - Measurements shall be made at an ambient temperature of 23 °C +/- 5 °C.
 - Measurements shall be made using a dynamic broadcast-content video signal representing typical broadcast TV content. The measurement shall be the average power consumed over 10 consecutive minutes.
 - Measurements shall be made after the television has been in the off-mode for a minimum of 1 hour immediately followed by a minimum of 1 hour in the on-mode and shall be completed before a maximum of 3 hours in on-mode. The relevant video signal shall be displayed during the entire on-mode duration. For televisions that are known to stabilise within 1 hour, these durations may be reduced if the resulting measurement can be shown to be within 2 % of the results that would otherwise be achieved using the durations described here.
 - Measurements shall be made with an uncertainty of less than or equal to 2 % at the 95 % confidence level.
 - Measurements shall be made with the Automatic Brightness Control function, if such a function exists, made inactive. If the Automatic Brightness Control function exists and cannot be made inactive, then the measurements shall be performed with the light entering directly into the ambient light sensor at a level of 300 lux, or more.

2. Measurements of standby/off-mode power consumption

Measurements of the power consumption referred to in Annex I, Part 2 shall fulfil all of the following conditions:

- (a) The power consumption referred to in points 1(a), 1(b), 2(a) and 2(b) shall be measured by a reliable, accurate and reproducible measurement procedure, which takes into account the generally recognised state of the art measurement methods.
- (b) Measurements of power of 0,50 Watt or greater shall be made with an uncertainty of less than or equal to 2 % at the 95 % confidence level. Measurements of power of less than 0,50 Watt shall be made with an uncertainty of less than or equal to 0,01 Watt at the 95 % confidence level.

3. Measurements of peak luminance

Measurements of the peak luminance referred to in Annex I, Part 4 shall fulfil all of the following conditions:

- (a) Measurements shall be made using a reliable, accurate and reproducible measurement procedure, which takes into account the generally recognised state of the art measurement methods.
 - (b) Measurements of peak luminance shall be made with a luminance meter, detecting that portion of the screen exhibiting a full (100 %) white image, which is part of a 'full screen test' test pattern that does not exceed the average picture level (APL) point where any power limiting occurs in the display luminance drive system.
 - (c) Measurements of luminance ratio shall be made without disturbing the luminance meter's detection point on the display whilst switching between the conditions referred to in Annex I, Part 4.
-

ANNEX III

VERIFICATION PROCEDURE

When performing the market surveillance checks referred to in Article 3(2) of Directive 2005/32/EC, the authorities of the Member States shall apply the following verification procedure for the requirements set out in Annex I.

1. Authorities of the Member State shall test one single television unit.
 2. The model shall be considered to comply with the provisions set out in Annex I, if:
 - (a) the result for on-mode power consumption does not exceed the applicable limit value set out in Annex I, points 1 and 2 of Part 1 by more than 7 %; and
 - (b) the results for off-mode/standby conditions, as applicable, do not exceed the applicable limit values set out in Annex I, points 1(a), 1(b), 2(a) and 2(b) of Part 2 by more than 0,10 Watt; and
 - (c) the result for the peak luminance ratio set out in Annex I, Part 3 does not fall below 60 %.
 3. If the results referred to in point 2(a) or (b) or (c) are not achieved, three additional units of the same model shall be tested.
 4. After three additional units of the same model have been tested, the model shall be considered to comply with the requirements set out in Annex I, if:
 - (a) the average of the results for the latter three units for on-mode power consumption does not exceed the applicable limit value set out in Annex I, points 1 and 2 of Part 1 by more than 7 %; and
 - (b) the average of the results for the latter three units for off-mode/standby conditions, as applicable, do not exceed the applicable limit values set out in Annex I, points 1(a), 1(b), 2(a) and 2(b) of Part 2 by more than 0,10 Watt; and
 - (c) the average of the results for the latter three units for the peak luminance ratio set out in Annex I, Part 3 does not fall below 60 %.
 5. If the results referred to in point 4(a) and (b) and (c) are not achieved, the model shall be considered not to comply with the requirements.
 6. For the purposes of checking conformity with the requirements, the authorities of the Member States shall use the procedure set out in Annex II and reliable, accurate and reproducible measurement procedures, which take into account the generally recognised state of the art measurement methods, including methods set in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.
-

ANNEX IV

List of energy-using products covered by Annex I, point 3 to Regulation (EC) No 1275/2008

Radio sets

Videocameras

Video recorders

Hi-fi recorders

Audio amplifiers

Home theatre systems

Musical instruments

And other equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image other than by telecommunications, but excluding televisions as defined in Commission Regulation (EC) No 642/2009.

COMMISSION REGULATION (EC) No 643/2009

of 22 July 2009

implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council⁽¹⁾, and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

- (1) Directive 96/57/EC of the European Parliament and of the Council of 3 September 1996 on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof⁽²⁾ lays down provisions regarding household refrigerating appliances. The requirements laid down in that Directive, which have been applicable since 1999, are now outdated.
- (2) Under Directive 2005/32/EC ecodesign requirements should be set by the Commission for energy-using products representing significant volumes of sales and trade, having significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.
- (3) Article 16(2), first indent, of Directive 2005/32/EC provides that, in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Ecodesign Consultation Forum, the Commission shall, as appropriate, introduce a new implementing measure for household refrigerating appliances repealing Directive 96/57/EC.
- (4) The Commission has carried out a preparatory study to analyse the technical, environmental and economic aspects of refrigerating appliances typically used in households. The study has been developed together

with stakeholders and interested parties from the Community and third countries, and the results have been made publicly available on the Commission's website on EUROPA.

- (5) The energy efficiency of absorption-type refrigerators and thermoelectric cooling refrigerating appliances, such as mini drink chillers, can be significantly improved. Those appliances should therefore be included in this Regulation.
- (6) The environmental aspects identified as significant for the purposes of this Regulation are energy consumption in the use phase and product features designed to ensure more environmentally friendly use of household refrigerating appliances by the end-user.
- (7) The preparatory study shows that requirements regarding other ecodesign parameters referred to in Annex I, Part 1, to Directive 2005/32/EC are not necessary.
- (8) The annual electricity consumption of products subject to this Regulation in the Community was estimated to have been 122 TWh in 2005, corresponding to 56 million tonnes of CO₂ equivalent. While the projected energy consumption of household refrigerating appliances will decrease by 2020, this reduction is expected to slow as a result of outdated requirements and energy labels. The cost-effective energy-savings potential would therefore not be achieved if no further measures are introduced to update the existing ecodesign requirements.
- (9) The electricity consumption of products subject to this Regulation should be made more efficient by applying existing non-proprietary cost-effective technologies that reduce the combined cost of purchasing and operating these products.
- (10) This Regulation should quickly ensure the placing on the market of more energy-efficient products subject to this Regulation.
- (11) The ecodesign requirements should not affect functionality from the end-user's perspective and should not negatively affect health, safety or the environment. In particular, the benefits of reducing electricity consumption during the use phase should more than offset any additional environmental impacts during the production of products subject to this Regulation.

⁽¹⁾ OJ L 191, 22.7.2005, p. 29.

⁽²⁾ OJ L 236, 18.9.1996, p. 36.

- (12) The ecodesign requirements should be introduced gradually in order to provide a sufficient timeframe for manufacturers to re-design products subject to this Regulation as appropriate. The timing should be such as to avoid negative impacts on the functionalities of equipment on the market, and to take into account cost impacts for end-users and manufacturers, in particular small and medium-sized enterprises, while ensuring timely achievement of the objectives of this Regulation.
- (13) Conformity assessment and measurements of the relevant product parameters should be performed using reliable, accurate and reproducible measurement methods, which take into account the generally recognised state of the art measurement methods including where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services⁽¹⁾.
- (14) In accordance with Article 8 of Directive 2005/32/EC, this Regulation should specify the applicable conformity assessment procedures.
- (15) In order to facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes V and VI to Directive 2005/32/EC insofar as this information relates to the requirements laid down in this Regulation.
- (16) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified to ensure the wide availability and accessibility of information on the life-cycle environmental performance of products subject to this Regulation.
- (17) Directive 96/57/EC should therefore be repealed.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2005/32/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes ecodesign requirements for the placing on the market of electric mains-operated household refrigerating appliances with a storage volume up to 1 500 litres.

2. This Regulation shall apply to electric mains-operated household refrigerating appliances, including those sold for non-household use or for the refrigeration of items other than foodstuffs.

It shall also apply to electric mains-operated household refrigerating appliances that can be battery-operated.

3. This Regulation shall not apply to:

- (a) refrigerating appliances that are primarily powered by energy sources other than electricity, such as liquefied petroleum gas (LPG), kerosene and bio-diesel fuels;
- (b) battery-operated refrigerating appliances that can be connected to the mains through an AC/DC converter, purchased separately;
- (c) custom-made refrigerating appliances, made on a one-off basis and not equivalent to other refrigerating appliance models;
- (d) refrigerating appliances for tertiary sector application where the removal of refrigerated foodstuffs is electronically sensed and that information can be automatically transmitted through a network connection to a remote control system for accounting;
- (e) appliances where the primary function is not the storage of foodstuffs through refrigeration, such as stand-alone ice-makers or chilled drinks dispensers.

Article 2

Definitions

In addition to the definitions set out in Directive 2005/32/EC, the following definitions shall apply:

1. 'foodstuffs' means food, ingredients, beverages, including wine, and other items primarily intended for consumption which require refrigeration at specified temperatures;
2. 'household refrigerating appliance' means an insulated cabinet, with one or more compartments, intended for refrigerating or freezing foodstuffs, or for the storage of refrigerated or frozen foodstuffs for non-professional purposes, cooled by one or more energy-consuming processes including appliances sold as building kits to be assembled by the end-user;
3. 'refrigerator' means a refrigerating appliance intended for the preservation of foodstuffs with at least one compartment suitable for the storage of fresh food and/or beverages, including wine;

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

4. 'compression-type refrigerating appliance' means a refrigerating appliance in which refrigeration is effected by means of a motor-driven compressor;
5. 'absorption-type refrigerating appliance' means a refrigerating appliance in which refrigeration is effected by an absorption process using heat as the energy source;
6. 'refrigerator-freezer' means a refrigerating appliance with at least one fresh-food storage compartment and at least one other compartment suitable for the freezing of fresh food and the storage of frozen foodstuffs under three-star storage conditions (the food-freezer compartment);
7. 'frozen-food storage cabinet' means a refrigerating appliance with one or more compartments suitable for the storage of frozen foodstuffs;
8. 'food freezer' means a refrigerating appliance with one or more compartments suitable for freezing foodstuffs with temperatures ranging from ambient temperature down to $-18\text{ }^{\circ}\text{C}$, and which is also suitable for the storage of frozen foodstuffs under three-star storage conditions; a food freezer may also include two-star sections and/or compartments within the compartment or cabinet;
9. 'wine storage appliance' means a refrigerating appliance that has no compartment other than one or more wine storage compartments;
10. 'multi-use appliance' means a refrigerating appliance that has no compartment other than one or more multi-use compartments;
11. 'equivalent refrigerating appliance' means a model placed on the market with the same gross and storage volumes, same technical, efficiency and performance characteristics, and same compartment types as another refrigerating appliance model placed on the market under a different commercial code number by the same manufacturer.

Additional definitions for the purpose of Annexes II to VI are set out in Annex I.

Article 3

Ecodesign requirements

The generic ecodesign requirements for household refrigerating appliances within the scope of this Regulation are set out in Annex II, point 1. The specific ecodesign requirements for household refrigerating appliances within the scope of this Regulation are set out in Annex II, point 2.

Article 4

Conformity assessment

1. The conformity assessment procedure referred to in Article 8 of Directive 2005/32/EC shall be the internal design control system set out in Annex IV to that Directive or the management system set out in Annex V to that Directive.
2. For the purposes of conformity assessment pursuant to Article 8 of Directive 2005/32/EC, the technical documentation file shall contain a copy of the product information provided in accordance with Annex III, point 2, and the results of the calculations set out in Annex IV to this Regulation.

Where the information included in the technical documentation for a particular household refrigerating appliance model has been obtained by calculation on the basis of design, or extrapolation from other equivalent household refrigerating appliances, or both, the documentation shall include details of such calculations or extrapolations, or both, and of tests undertaken by manufacturers to verify the accuracy of the calculations undertaken. In such cases, the technical documentation shall also include a list of all other equivalent household refrigerating appliance models where the information included in the technical documentation was obtained on the same basis.

Article 5

Verification procedure for market surveillance purposes

When performing the market surveillance checks referred to in Article 3(2) of Directive 2005/32/EC for the requirements set out in Annex II to this Regulation, the Member State authorities shall apply the verification procedure described in Annex V to this Regulation.

Article 6

Benchmarks

The indicative benchmarks for best-performing household refrigerating appliances available on the market at the time of entry into force of this Regulation are set out in Annex VI.

Article 7

Revision

The Commission shall review this Regulation in the light of technological progress no later than five years after its entry into force and present the result of this review to the Ecodesign Consultation Forum. The review shall in particular assess the verification tolerances of Annex V and the possibilities for removing or reducing the values of the correction factors of Annex IV.

The Commission shall assess the need to adopt specific ecodesign requirements for wine storage appliances no later than two years after the entry into force of this Regulation.

*Article 8***Repeal**

Directive 96/57/EC is repealed from 1 July 2010.

*Article 9***Entry into force**

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

2. The generic ecodesign requirements set out in point 1(1) of Annex II shall apply from 1 July 2010.

The generic ecodesign requirements set out in point 1(2) of Annex II shall apply from 1 July 2013.

The specific ecodesign requirements for the Energy Efficiency Index set out in point 2 of Annex II shall apply in accordance with the timetable set out in Tables 1 and 2 of Annex II.

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

Done at Brussels, 22 July 2009.

For the Commission

Andris PIEBALGS

Member of the Commission

ANNEX I

Definitions applicable for the purposes of Annexes II to VI

For the purpose of Annexes II to VI, the following definitions shall apply:

- (a) 'other-type refrigerating appliances' means a refrigerating appliance in which refrigeration is effected by any other technology or process than compression or absorption-types;
- (b) 'frost-free system' means a system automatically operated to prevent the permanent formation of frost, where cooling is provided by forced air circulation, the evaporator or evaporators are defrosted by an automatic defrost system, and the water from defrosting is disposed of automatically;
- (c) 'frost-free compartment' means any compartment defrosted by a frost-free system;
- (d) 'built-in appliance' means a fixed refrigerating appliance intended to be installed in a cabinet, in a prepared recess in a wall or similar location, and requiring furniture finishing;
- (e) 'refrigerator-cellar' means a refrigerating appliance where at least one fresh-food storage compartment and one cellar compartment, but no frozen-food storage, chill or ice making compartments, are present;
- (f) 'cellar' means a refrigerating appliance where only one or more cellar compartments are present;
- (g) 'refrigerator-chiller' means a refrigerating appliance where at least a fresh-food storage compartment and a chill compartment, but no frozen-food storage compartments, are present;
- (h) 'compartments' means any of the compartments listed in points (i) to (p);
- (i) 'fresh-food storage compartment' means a compartment designed for the storage of unfrozen foodstuffs, which may itself be divided into sub-compartments;
- (j) 'cellar compartment' means a compartment intended for the storage of particular foodstuffs or beverages at a temperature warmer than that of a fresh-food storage compartment;
- (k) 'chill compartment' means a compartment intended specifically for the storage of highly perishable foodstuffs;
- (l) 'ice-making compartment' means a low-temperature compartment intended specifically for the freezing and storage of ice;
- (m) 'frozen-food storage compartment' means a low-temperature compartment intended specifically for the storage of frozen foodstuffs and classified according to temperature as follows:
 - (i) 'one-star compartment': a frozen-food storage compartment in which the temperature is not warmer than $-6\text{ }^{\circ}\text{C}$;
 - (ii) 'two-star compartment': a frozen-food storage compartment in which the temperature is not warmer than $-12\text{ }^{\circ}\text{C}$;
 - (iii) 'three-star compartment': a frozen-food storage compartment in which the temperature is not warmer than $-18\text{ }^{\circ}\text{C}$;
 - (iv) 'food freezer compartment' (or 'four-star compartment'): a compartment suitable for freezing at least 4,5 kg of foodstuffs per 100 l of storage volume, and in no case less than 2 kg, from ambient temperature down to $-18\text{ }^{\circ}\text{C}$ over a period of 24 hours, which is also suitable for the storage of frozen food under three-star storage conditions, and may include two-star sections within the compartment;
 - (v) '0-star compartment': a frozen-food storage compartment in which the temperature is $< 0\text{ }^{\circ}\text{C}$ and which can also be used for the freezing and storage of ice but is not intended for the storage of highly perishable foodstuffs;

- (n) 'wine storage compartment' means a compartment exclusively designed either for short-term wine storage to bring wines to the ideal drinking temperature or for long-term wine storage to allow wine to mature, with the following features:
- (i) continuous storage temperature, either pre-set or set manually according to the manufacturer's instructions, in the range from + 5 °C to + 20 °C;
 - (ii) storage temperature(s) within a variation over time of less than 0,5 K at each declared ambient temperature specified by the climate class for household refrigerating appliances;
 - (iii) active or passive control of the compartment humidity in the range from 50 % to 80 %;
 - (iv) constructed to reduce the transmission of vibration to the compartment, whether from the refrigerator compressor or from any external source;
- (o) 'multi-use compartment' means a compartment intended for use at two or more of the temperatures of the compartment types and capable of being set by the end-user to continuously maintain the operating temperature range applicable to each compartment type according to the manufacturer's instructions; however, where a feature can shift temperatures in a compartment to a different operating temperature range for a period of limited duration only (such as a fast-freeze facility) the compartment is not a 'multi-use compartment' as defined by this Regulation;
- (p) 'other compartment' means a compartment, other than a wine storage compartment, intended for the storage of particular foodstuffs at a temperature warmer than + 14 °C;
- (q) 'two-star section' means part of a food-freezer, a food-freezer compartment, a three-star compartment or a three-star frozen-food storage cabinet which does not have its own individual access door or lid and in which the temperature is not warmer than - 12 °C;
- (r) 'chest freezer', means a food freezer in which the compartment(s) is accessible from the top of the appliance or which has both top-opening type and upright type compartments but where the gross volume of the top-opening type compartment(s) exceeds 75 % of the total gross volume of the appliance;
- (s) 'top-opening type' or 'chest type' means a refrigerating appliance with its compartment(s) accessible from the top of the appliance;
- (t) 'upright type' means a refrigerating appliance with its compartment(s) accessible from the front of the appliance;
- (u) 'fast freeze' means a reversible feature to be activated by the end-user according to the manufacturer's instructions, which decreases the storage temperature of the freezer or freezer compartment to achieve a faster freezing of unfrozen foodstuffs.
-

ANNEX II

Ecodesign requirements for household refrigerating appliances

1. GENERIC ECODESIGN REQUIREMENTS

1. From 1 July 2010:

- (a) For wine storage appliances, the following information shall be displayed in the instruction booklet provided by manufacturers: *This appliance is intended to be used exclusively for the storage of wine*.
- (b) For household refrigerating appliances, information shall be provided in the instruction booklet provided by manufacturers concerning:
 - the combination of drawers, baskets and shelves that result in the most efficient use of energy for the appliance, and
 - how to minimise the energy consumption of the household refrigerating appliance in the use-phase.

2. From 1 July 2013:

- (a) The fast freezing facility, or any similar function achieved through modification of the thermostat settings, in freezers and freezer compartments, shall, once activated by the end-user according to the manufacturer's instructions, automatically revert to the previous normal storage temperature conditions after no more than 72 hours. This requirement does not apply to refrigerator-freezers with one thermostat and one compressor which are equipped with an electromechanical control board.
- (b) Refrigerator-freezers with one thermostat and one compressor which are equipped with an electronic control board and can be used in ambient temperatures below + 16 °C according to the manufacturer's instructions shall be such that any winter setting switch or similar function guaranteeing the correct frozen-food storage temperature is automatically operated according to the ambient temperature where the appliance is installed.
- (c) Household refrigerating appliances with a storage volume below 10 litres shall automatically enter in an operating condition with a power consumption of 0,00 Watt after no more than 1 hour when empty. The mere presence of a hard off switch shall not be considered sufficient to fulfil this requirement.

2. SPECIFIC ECODESIGN REQUIREMENTS

Household refrigerating appliances within the scope of this Regulation with a storage volume equal to or higher than 10 litres shall comply with the energy efficiency index limits in Tables 1 and 2.

The specific ecodesign requirements in Tables 1 and 2 shall not apply to:

- wine storage appliances, or,
- absorption-type refrigerating appliances and other-type refrigerating appliances belonging to Categories 4 to 9 as set out in Annex IV, point 1.

The Energy Efficiency Index (EEI) of household refrigerating appliances is calculated in accordance with the procedure described in Annex IV.

Table 1

Compression-type refrigerating appliances

Application date	Energy Efficiency Index (EEI)
1 July 2010	EEI < 55
1 July 2012	EEI < 44
1 July 2014	EEI < 42

Table 2

Absorption-type and other-type refrigerating appliances

Application date	Energy Efficiency Index (EEI)
1 July 2010	$EEI < 150$
1 July 2012	$EEI < 125$
1 July 2015	$EEI < 110$

ANNEX III

Measurements

For the purposes of compliance with the requirements of this Regulation, measurements shall be made using a reliable, accurate and reproducible measurement procedure that takes into account the generally recognised state of the art measurement methods, including methods set out in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.

1. GENERAL CONDITIONS FOR TESTING

The following general conditions for testing apply:

1. if anti-condensation heaters that can be switched on and off by the end-user are provided, they shall be switched on and — if adjustable — set at maximum heating;
2. if 'through-the-door devices' (such as ice or chilled water/drinks dispensers) which can be switched on and off by the end-user are provided, they shall be switched on during the energy consumption measurement but not operated;
3. for multi-use appliances and compartments, the storage temperature during the measurement of energy consumption shall be the nominal temperature of the coldest compartment type as claimed for continuous normal use according to the manufacturer's instructions;
4. the energy consumption of a refrigerating appliance shall be determined in the coldest configuration, according to the manufacturer's instructions for continuous normal use for any 'other compartment' as defined in Annex IV, Table 5.

2. TECHNICAL PARAMETERS

The following parameters shall be established:

- (a) 'overall dimensions', which are measured to the nearest millimetre;
 - (b) 'overall space required in use', which is measured to the nearest millimetre;
 - (c) 'total gross volumes(s)', which is measured to the nearest whole number of cubic decimetres or litres;
 - (d) 'storage volume(s) and total storage volume(s)', which is measured to the nearest whole number of cubic decimetres or of litres;
 - (e) 'defrosting type';
 - (f) 'storage temperature';
 - (g) 'energy consumption' which is expressed in kilowatt hours per 24 hours (kWh/24h), to three decimal places;
 - (h) 'temperature rise';
 - (i) 'freezing capacity';
 - (j) 'power consumption', which is measured in Watts rounded to two decimal places; and
 - (k) 'wine storage compartment humidity', which is expressed as a percentage rounded to the nearest integer.
-

ANNEX IV

Method for calculating the Energy Efficiency Index

1. CLASSIFICATION OF HOUSEHOLD REFRIGERATING APPLIANCES

Household refrigerating appliances are classified in categories as in Table 1. Each category is defined by the specific compartment composition as specified in Table 2 and is independent of the number of doors and/or drawers.

Table 1

Household refrigerating appliances categories

Category	Designation
1	Refrigerator with one or more fresh-food storage compartments
2	Refrigerator-cellar, cellar and wine storage appliances
3	Refrigerator-chiller and refrigerator with a 0-star compartment
4	Refrigerator with a 1-star compartment
5	Refrigerator with a 2-star compartment
6	Refrigerator with a 3-star compartment
7	Refrigerator-freezer
8	Upright freezer
9	Chest freezer
10	Multi-use and other refrigerating appliances

Household refrigerating appliances that cannot be classified in categories 1 to 9 because of compartment temperature are classified in Category 10.

Table 2

Household refrigerating appliance classification and relevant compartment composition

Nominal temperature (for the EEI) (°C)	Design T	+ 12	+ 12	+ 5	0	0	- 6	- 12	- 18	- 18	Category (number)
	Other	Wine storage	Cellar	Fresh food storage	Chill	0-star/Ice making	1-star	2-star	3-star	4-star	
Appliance Category	Compartments composition										
REFRIGERATOR WITH ONE OR MORE FRESH-FOOD STORAGE COMPARTMENTS	N	N	N	Y	N	N	N	N	N	N	1
REFRIGERATOR-CELLAR, CELLAR AND WINE STORAGE APPLIANCE	O	O	O	Y	N	N	N	N	N	N	2
	O	O	Y	N	N	N	N	N	N	N	
	N	Y	N	N	N	N	N	N	N	N	
REFRIGERATOR-CHILLER AND REFRIGERATOR WITH A 0-STAR COMPARTMENT	O	O	O	Y	Y	O	N	N	N	N	3
	O	O	O	Y	O	Y	N	N	N	N	
REFRIGERATOR WITH A 1-STAR COMPARTMENT	O	O	O	Y	O	O	Y	N	N	N	4
REFRIGERATOR WITH A 2-STAR COMPARTMENT	O	O	O	Y	O	O	O	Y	N	N	5
REFRIGERATOR WITH A 3-STAR COMPARTMENT	O	O	O	Y	O	O	O	O	Y	N	6
REFRIGERATOR-FREEZER	O	O	O	Y	O	O	O	O	O	Y	7
UPRIGHT FREEZER	N	N	N	N	N	N	N	O	Y ⁽⁴⁾	Y	8
CHEST FREEZER	N	N	N	N	N	N	N	O	N	Y	9
MULTI-USE AND OTHER APPLIANCES	O	O	O	O	O	O	O	O	O	O	10

Notes:

Y = the compartment is present;

N = the compartment is not present;

O = the presence of the compartment is optional;

(4) also includes 3-star frozen-food cabinets.

Household refrigerating appliances are classified in one or more climate classes as shown in Table 3

Table 3
Climate classes

Class	Symbol	Ambient average temperature °C
Extended temperate	SN	+ 10 to + 32
Temperate	N	+ 16 to + 32
Subtropical	ST	+ 16 to + 38
Tropical	T	+ 16 to + 43

The refrigerating appliance shall be capable of maintaining the required storage temperatures in the different compartments simultaneously and within the permitted temperature deviations (during the defrost cycle) as defined in Table 4 for the different types of household refrigerating appliances and for the appropriate climate classes.

Multi-use appliances and/or compartments shall be capable of maintaining the required storage temperatures of the different compartment types where these temperatures can be set by the end-user according to the manufacturer's instructions.

Table 4
Storage temperatures

Storage temperatures (°C)							
Other compartment	Wine storage compartment	Cellar compartment	Fresh-food storage compartment	Chill compartment	One-star compartment	Two-star compartment/section	Food freezer and three-star compartment/cabinet
t_{om}	t_{wma}	t_{cm}	$t_{1m}, t_{2m}, t_{3m}, t_{ma}$	t_{cc}	t^*	t^{**}	t^{***}
$> + 14$	$+ 5 \leq t_{wma} \leq + 20$	$+ 8 \leq t_{cm} \leq + 14$	$0 \leq t_{1m}, t_{2m}, t_{3m} \leq + 8; t_{ma} \leq + 4$	$- 2 \leq t_{cc} \leq + 3$	$\leq - 6$	$\leq - 12^{(a)}$	$\leq - 18^{(a)}$

Notes:

t_{om} : storage temperature of the other compartment

t_{wma} : storage temperature of the wine storage compartment with a variation of 0,5 K

t_{cm} : storage temperature of the cellar compartment

t_{1m}, t_{2m}, t_{3m} : storage temperatures of the fresh-food compartment

t_{ma} : average storage temperature of the fresh-food compartment

t_{cc} : instantaneous storage temperature of the chill compartment

t^*, t^{**}, t^{***} : maximum temperatures of the frozen-food storage compartments

storage temperature for the ice-making compartment and for the '0-star' compartment is below 0 °C

(^a) for frost-free household refrigerating appliances during the defrost cycle, a temperature deviation of no more than 3 K during a period of 4 hours or 20 % of the duration of the operating cycle, whichever is the shorter, is allowed

2. CALCULATION OF THE EQUIVALENT VOLUME

The equivalent volume of a household refrigerating appliance is the sum of the equivalent volumes of all compartments. It is calculated in litres and rounded to the nearest integer as:

$$V_{eq} = \left[\sum_{c=1}^{c=n} V_c \times \frac{(25 - T_c)}{20} \times FF_c \right] \times CC \times BI$$

where:

- n is the number of compartments
- V_c is the storage volume of the compartment(s)
- T_c is the nominal temperature of the compartment(s) as set out in Table 2
- $\frac{(25 - T_c)}{20}$ is the thermodynamic factor as set in Table 5
- FF_o , CC and BI are volume correction factors as set out in Table 6.

The thermodynamic correction factor $\frac{(25 - T_c)}{20}$ is the temperature difference between the nominal temperature of a compartment T_c (defined in Table 2) and the ambient temperature under standard test conditions at + 25 °C, expressed as a ratio of the same difference for a fresh-food compartment at + 5 °C.

The thermodynamic factors for the compartments described in Annex I, points (i) to (p), are set out in Table 5.

Table 5

Thermodynamic factors for refrigerating appliance compartments

Compartment	Nominal temperature	$(25 - T_c)/20$
Other compartment	Design temperature	$\frac{(25 - T_c)}{20}$
Cellar compartment/Wine storage compartment	+ 12 °C	0,65
Fresh-food storage compartment	+ 5 °C	1,00
Chill compartment	0 °C	1,25
Ice-making compartment and 0-star compartment	0 °C	1,25
One-star compartment	- 6 °C	1,55
Two-star compartment	- 12 °C	1,85
Three-star compartment	- 18 °C	2,15
Food freezer compartment (four-star compartment)	- 18 °C	2,15

Notes:

- (i) for multi-use compartments, the thermodynamic factor is determined by the nominal temperature as given in Table 2 of the coldest compartment type capable of being set by the end-user and maintained continuously according to the manufacturer's instructions;
- (ii) for any two-star section (within a freezer) the thermodynamic factor is determined at $T_c = - 12$ °C;
- (iii) for other compartments the thermodynamic factor is determined by the coldest design temperature capable of being set by the end-user and maintained continuously according to the manufacturer's instructions.

Table 6

Value of the correction factors

Correction factor	Value	Conditions
FF (Frost-free)	1,2	For frost-free frozen-food storage compartments
	1	Otherwise
CC (climate class)	1,2	For T class (tropical) appliances
	1,1	For ST class (subtropical) appliances
	1	Otherwise
BI (built-in)	1,2	For built-in appliances under 58 cm in width
	1	Otherwise

Notes:

- (i) FF is the volume correction factor for frost-free compartments.
- (ii) CC is the volume correction factor for a given climate class. If a refrigerating appliance is classified in more than one climate class, the climate class with the highest correction factor is used for the calculation of the equivalent volume.
- (iii) BI is the volume correction factor for built-in appliances.

3. CALCULATION OF THE ENERGY EFFICIENCY INDEX

For the calculation of the Energy Efficiency Index (*EEI*), of a household refrigerating appliance model, the Annual Energy Consumption of the household refrigerating appliance is compared to its Standard Annual Energy Consumption.

1. The Energy Efficiency Index (*EEI*) is calculated and rounded to the first decimal place, as:

$$EEI = \frac{AE_c}{SAE_c} \times 100$$

where:

- *AEC* = Annual Energy Consumption of the household refrigerating appliance
- *SAEC* = Standard Annual Energy Consumption of the household refrigerating appliance.

2. The Annual Energy Consumption (*AE_c*) is calculated in kWh/year and rounded to two decimal places, as:

$$AE_c = E_{24h} \times 365$$

where:

- *E_{24h}* is the energy consumption of the household refrigerating appliance in kWh/24h and rounded to three decimal places.

3. The Standard Annual Energy Consumption (*SAE_c*) is calculated in kWh/year and rounded to two decimal places, as:

$$SAE_c = V_{eq} \times M + N + CH$$

where:

- *V_{eq}* is the equivalent volume of the household refrigerating appliance

- CH is equal to 50 kWh/year for household refrigerating appliances with a chill compartment with a storage volume of at least 15 litres
- the M and N values are given in Table 7 for each household refrigerating appliance category.

Table 7

M and N values by household refrigerating appliance category

Category	M	N
1	0,233	245
2	0,233	245
3	0,233	245
4	0,643	191
5	0,450	245
6	0,777	303
7	0,777	303
8	0,539	315
9	0,472	286
10	(*)	(*)

Note:

(*) for Category 10 household refrigerating appliances the M and N values depend on the temperature and star rating of the compartment with the lowest storage temperature capable of being set by the end-user and maintained continuously according to the manufacturer's instructions. When only an 'other compartment' as defined in Table 2 and Annex I, point (p), is present, the M and N values for Category 1 are used. Appliances with three-star compartments or food-freezer compartments are considered to be refrigerator-freezers.

ANNEX V

Verification procedure for market surveillance purposes

For the purposes of checking conformity with the requirements laid down in Annex II, Member State authorities shall test a single household refrigerating appliance. If the measured parameters do not meet the values declared by the manufacturer, in accordance with Article 4(2), within the range defined in Table 1, the measurements shall be carried out on three additional household refrigerating appliances. The arithmetic mean of the measured values of these three additional household refrigerating appliances shall meet the requirements laid down in Annex II within the range defined in Table 1.

Otherwise, the model and all other equivalent household refrigerating appliance models shall be considered not to comply.

Table 1

Measured parameter	Verification tolerances
Rated gross volume	The measured value shall not be less than the rated value (*) by more than 3 % or 1 l, whichever is the greater value.
Rated storage volume	The measured value shall not be less than the rated value by more than 3 % or 1 l, whichever is the greater value. Where the volumes of the cellar compartment and fresh food storage compartment are adjustable, relative to one another by the user, this measurement uncertainty applies when the cellar compartment is adjusted to its minimum volume.
Freezing capacity	The measured value shall not be less than the rated value by more than 10 %.
Energy consumption	The measured value shall not be greater than the rated value (E_{24h}) by more than 10 %.
Power consumption of household refrigerating appliances with a storage volume below 10 litres	The measured value shall not be greater than the limit value laid down in Annex II, point 1(2c), by more than 0,10 W at the 95 % confidence level.
Wine storage appliances	The value measured for the relative humidity shall not exceed the nominal range by more than 10 %.

(*) 'Rated value' means a value that is declared by the manufacturer.

In addition to the procedure set out in Annex III, Member States authorities shall use reliable, accurate and reproducible measurement procedures, which take into account the generally recognised state of the art, including methods set out in documents the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*.

ANNEX VI

Indicative benchmarks for household refrigerating appliances

At the time of entry into force of this Regulation, the best available technology on the market for household refrigerating appliances in terms of their Energy Efficiency Index (*EEL*) and noise was identified as follows.

Refrigerators, compression-type:

- *EEL* = 29,7 and an annual energy consumption of 115 kWh/year for a total storage volume of 300 litres in a fresh-food compartment plus a 25-litres chill compartment, and T (tropical) climate class,
- Noise: 33 dB(A).

Refrigerators, absorption-type:

- *EEL* = 97,2 and an annual energy consumption of 245 kWh/year for a total storage volume of 28 litres in a fresh-food compartment, and N (temperate) climatic class,
- Noise \approx 0 dB(A).

Refrigerator-freezers, compression-type:

- *EEL* = 28,0 and an annual energy consumption of 157 kWh/year for a total storage volume of 255 litres, of which 236 litres in a fresh-food compartment and 19 litres in a four-star freezer compartment, and T (tropical) climate class,
- Noise = 33 dB(A).

Upright freezers, compression-type:

- *EEL* = 29,3 and an annual energy consumption of 172 kWh/year for a total storage volume of 195 litres in a four-star freezer compartment, and T (tropical) climate class,
- Noise = 35 dB(A).

Chest freezers, compression-type:

- *EEL* = 27,4 and an annual energy consumption of 153 kWh/year for a total storage volume of 223 litres in a four-star freezer compartment, and T (tropical) climate class,
 - Noise = 37 dB(A).
-

COMMISSION REGULATION (EC) No 644/2009
of 22 July 2009
amending Regulation (EC) No 623/2009 fixing the import duties in the cereals sector applicable
from 16 July 2009

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector applicable from 16 July 2009 were fixed by Commission Regulation (EC) No 623/2009 ⁽³⁾.

(2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EC) No 623/2009.

(3) Regulation (EC) No 623/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 623/2009 are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 23 July 2009.

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

Done at Brussels, 22 July 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 161, 29.6.1996, p. 125.

⁽³⁾ OJ L 184, 16.7.2009, p. 3.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 23 July 2009

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	61,37
1005 10 90	Maize seed other than hybrid	31,15
1005 90 00	Maize, other than seed ⁽²⁾	31,15
1007 00 90	Grain sorghum other than hybrids for sowing	66,36

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

15.7.2009-21.7.2009

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

	(EUR/t)					
	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minnéapolis	Chicago	—	—	—	—
Quotation	175,68	94,79	—	—	—	—
Fob price USA	—	—	189,62	179,62	159,62	76,43
Gulf of Mexico premium	—	16,16	—	—	—	—
Great Lakes premium	8,75	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 20,65 EUR/t

Freight costs: Great Lakes–Rotterdam: 19,24 EUR/t

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 22 July 2009

on a financial contribution from the Community towards emergency measures to combat swine vesicular disease in Italy in 2008

(notified under document number C(2009) 5608)

(Only the Italian text is authentic)

(2009/557/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the information requirements foreseen in Article 11 of that decision.

Having regard to the Treaty establishing the European Community,

- (4) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution towards specific veterinary measures, including emergency measures. Pursuant to Article 3(2) of that Decision, Member States shall obtain a financial contribution on the condition that measures are applied to eradicate swine vesicular disease.

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Swine vesicular disease is an infectious viral disease of pigs which is clinically indistinguishable from foot-and-mouth disease and causing therefore disturbance to intra-community trade and export to third countries.
- (2) In the event of an outbreak of swine vesicular disease, there is a risk that the disease agent might spread to other pig holdings within that Member State, but also to other Member States and to third countries through trade in live pigs or their products.
- (3) Commission Decision 2005/779/EC of 8 November 2005 concerning animal health protection measures against swine vesicular disease in Italy ⁽²⁾ lays down animal health rules as regards swine vesicular disease for regions of Italy that are recognised as free from swine vesicular disease and those not recognized as free from that disease. The Italian authorities complied with

- (5) Article 3(5), first indent of Decision 90/424/EEC lays down rules on the percentage of certain costs incurred by the Member State that may be covered by the Community's financial contribution.
- (6) The payment of a Community financial contribution towards emergency measures to eradicate swine vesicular disease is subject to the rules laid down in Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽³⁾.
- (7) Italy has fully complied with its technical and administrative obligations as set out in Article 3(3) of Decision 90/424/EEC and Article 6 of Regulation (EC) No 349/2005.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 293, 9.11.2005, p. 28.

⁽³⁾ OJ L 55, 1.3.2005, p. 12.

- (8) On 10 December 2008, Italy submitted an estimate of the costs incurred in taking measures to eradicate swine vesicular disease.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

taking measures pursuant to Article 3(2) of Decision 90/424/EEC to combat swine vesicular disease in 2008.

Article 2

Addressee

This Decision is addressed to the Italian Republic.

HAS ADOPTED THIS DECISION:

Done at Brussels, 22 July 2009.

Article 1

Financial contribution from the Community to Italy

A financial contribution from the Community may be granted to Italy towards certain costs incurred by that Member State in

For the Commission
Androulla VASSILIOU
Member of the Commission

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