Official Journal of the European Union

L 174

English edition

Legislation

Volume 57

13 June 2014

Contents

[1] Text with EEA relevance

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

[1] Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 20 February 2014

on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes

(2014/347/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114, 168, 169 and 172, Article 173(3), and Articles 188 and 192, in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) In accordance with Council Decision 2012/777/EU ([1]), the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes ([2]) ('the Protocol') was signed on behalf of the Union on 17 December 2012.

(2) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes is hereby approved on behalf of the Union.

The text of the Protocol is attached to this Decision.

([1]) OJ L 340, 13.12.2012, p.26.
([2]) See page 3 of this Official Journal.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 10 of the Protocol ([1]).

Article 3

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

Done at Brussels, 20 February 2014.

For the Council
The President
K. HATZIDAKIS

([1]) The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

PROTOCOL

to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part,

and

THE REPUBLIC OF ARMENIA, hereinafter referred to as 'Armenia'

of the other part,

hereinafter referred to as 'the Parties'

Whereas:

(1) Armenia has concluded a Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Armenia, of the other part, (hereinafter referred to as 'the Agreement'), which entered into force on 1 July 1999.

(2) The Brussels European Council of 17 and 18 June 2004 welcomed the European Commission's proposals for a European Neighbourhood Policy (ENP) and endorsed the Council conclusions of 14 June 2004.

(3) The Council has, on numerous further occasions, repeatedly concluded in favour of this policy.

(4) The Council, on 5 March 2007, expressed support for the general and global approach outlined in the European Commission's Communication of 4 December 2006 to enable European Neighbourhood Policy partners to participate in Community agencies and Community programmes on their merits and where the legal bases so allow.

(5) Armenia has expressed its wish to participate in a number of Union programmes.

(6) The specific terms and conditions, in particular, the financial contribution and reporting and evaluation procedures, regarding the participation of Armenia in each particular programme should be determined in a Memorandum of Understanding between the European Commission and the competent authorities of Armenia,

HAVE AGREED AS FOLLOWS:

Article 1

Armenia shall be allowed to participate in all current and future programmes of the Union opened to the participation of Armenia in accordance with the relevant provisions adopting these programmes.

Article 2

Armenia shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which Armenia participates.

Article 3

The representatives of Armenia shall be allowed to take part, as observers and for the points which concern Armenia, in the management committees responsible for monitoring the programmes to which Armenia contributes financially.

Article 4

Projects and initiatives submitted by participants from Armenia shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Armenia in each particular programme, in particular the financial contribution payable and reporting and evaluation procedures, shall be determined in a Memorandum of Understanding between the European Commission and the competent authorities of Armenia on the basis of the criteria established by the programmes concerned.

If Armenia applies for external assistance of the Union to participate in a given Union programme on the basis of Article 3 of Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument or pursuant to any similar Regulation providing for external assistance of the Union to Armenia that may be adopted in the future, the conditions governing the use by Armenia of external assistance of the Union shall be determined in a financing agreement, respecting in particular Article 20 of Regulation (EC) No 1638/2006.

Article 6

Each Memorandum of Understanding concluded pursuant to Article 5, shall stipulate, in accordance with the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, that financial control or audits or other verifications, including administrative investigations will be carried out by, or under the authority of, the European Commission, the European Anti-Fraud Office and the Court of Auditors.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the European Commission, the European Anti-Fraud Office, and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

Article 7

This Protocol shall apply for the period for which the Agreement is in force.

This Protocol shall be signed and approved by the Parties in accordance with their respective procedures.

Either Party may denounce this Protocol by written notification to the other Contracting Party.

This Protocol shall terminate six months after the date of such notification.

Termination of the Protocol following denunciation by any of the Parties shall have no influence on the checks and controls to be carried out under the provisions laid down as provided in Articles 5 and 6 where appropriate.

Article 8

No later than three years after the date of entry into force of this Protocol, and every three years thereafter, both Parties may review the implementation of this Protocol on the basis of the actual participation of Armenia in Union programmes.

Article 9

This Protocol shall apply, on the one hand, to the territories in which the Treaty on the Functioning of the European Union applies and under the conditions laid down in this Treaty, and, on the other hand, to the territory of Armenia.

Article 10

This Protocol shall enter into force on the first day of the month following the date on which the Parties notify each other through diplomatic channels of the completion of their procedures necessary for its entry into force.

Article 11

This Protocol shall form an integral part of the Agreement.

Article 12

This Protocol shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Armenian languages, each of these texts being equally authentic.

Съставено в Брюксел на седемнадесети декември две хиляди и дванадесета година.

Hecho en Bruselas, el diecisiete de diciembre de dos mil doce.

V Bruselu dne sedmnáctého prosince dva tisíce dvanáct.

Udfærdiget i Bruxelles den syttende december to tusind og tolv.

Geschehen zu Brüssel am siebzehnten Dezember zweitausendzwölf.

Kahe tuhande kaheteistkümnenda aasta detsembrikuu seitsmeteistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα εφτά Δεκεμβρίου δύο χιλιάδες δώδεκα.

Done at Brussels on the seventeenth day of December in the year two thousand and twelve.

Fait à Bruxelles, le dix-sept décembre deux mille douze.

Fatto a Bruxelles, addì diciassette dicembre duemiladodici.

Briselē, divi tūkstoši divpadsmitā gada septiņpadsmitajā decembrī.

Priimta du tūkstančiai dvyliktų metų gruodžio septynioliktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenkettedik év december havának tizenhetedik napján.

Magħmul fi Brussell, fis-sbatax-il jum ta' Diċembru tas-sena elfejn u tnax.

Gedaan te Brussel, de zeventiende december tweeduizend twaalf.

Sporządzono w Brukseli dnia siedemnastego grudnia roku dwa tysiące dwunastego.

Feito em Bruxelas, em dezassete de dezembro de dois mil e doze.

Întocmit la Bruxelles la șaptesprezece decembrie două mii doisprezece.

V Bruseli sedemnásteho decembra dvetisícdvanásť.

V Bruslju, dne sedemnajstega decembra leta dva tisoč dvanajst.

Tehty Brysselissä seitsemäntenätoista päivänä joulukuuta vuonna kaksituhattakaksitoista.

Som skedde i Bryssel den sjuttonde december tjugohundratolv.

Կատարված է Բրյուսելում, երկու հազար տասներկու թվականի դեկտեմբերի տասնյոթին

За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Ghall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen
Եվրոպական Միության կողմից

За Република Армения
Por la Republica de Armenia
Za Arménskou republiku
For Republikken Armenien
Für die Republik Armenien
Armeenia Vabariigi nimel
Για τη Δημοκρατία της Αρμενίας
For the Republic of Armenia
Pour la Republique dArménie
Per la Repubblica di Armenia
Armēnijas Republikas vārdā –
Armėnijos Respublikos vardu
Örmény Köztársaság részéről
Ghar-Repubblika tal-Armenja
Voor de Republiek Armenië
W imieniu Republiki Armenii
Pela República da Armenia
Pentru Republica Armenia
Za Armensku republiku
Za Republiko Armenijo
Armenian tasavallan puolesta
För Republiken Armenien
Հայաստանի Հանրապետության կողմից

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) No 622/2014

of 14 February 2014

establishing a derogation from Regulation (EU) No 1290/2013 of the European Parliament and of the Council laying down the rules for participation and dissemination in 'Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)' with regard to the Innovative Medicines Initiative 2 Joint Undertaking

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in 'Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)' and repealing Regulation (EC) No 1906/2006 ([1]), and in particular Article 1(3)(b) and points (i) to (vii) of Article 1(3)(c) thereof,

Whereas:

(1) Regulation (EU) No 1291/2013 of the European Parliament and of the Council ([2]) establishes the Framework Programme for Research and Innovation (2014-2020) (Horizon 2020) and provides for the involvement of the Union in public-private partnerships, including in joint undertakings, in key areas where research and innovation can contribute to the Union's wider competitiveness goals and help tackle societal challenges.

(2) Participation in indirect actions under Horizon 2020 should comply with Regulation (EU) No 1290/2013. However, in order to take into account the specific operating needs of joint undertakings established pursuant to Article 187 of the Treaty in the area of innovative medicines, the power to adopt acts in accordance with Article 290 of the Treaty was delegated to the Commission for the duration of Horizon 2020 with a view to allowing funding bodies established under Article 187 of the Treaty to limit the eligibility for funding to specific types of participants and to adopt specific intellectual property rules.

(3) The Innovative Medicines Initiative Joint Undertaking was set up by Council Regulation (EC) No 73/2008 ([3]) for a period up to 31 December 2017 in order to foster collaboration between all stakeholders such as industry, public authorities (including regulators), organisations of patients, universities and clinical centres and to improve the efficiency and effectiveness of the drug development process with the long term aim that the pharmaceutical sector produce more effective and safer innovative medicines.

(4) Specific operating needs, substantiated by the aim of the Innovative Medicines Initiative (IMI) to bring together large industrial partners with non-profits, public entities or other entities and to maximize exploitation of project results which could bring medicines to patients faster, have been identified as referring to eligibility for funding and intellectual property rules. The Innovative Medicines Initiative 2 Joint Undertaking set up by Council Regulation (EU) No 557/2014 ([4]) should continue to provide funding to entities such as micro, small and medium-sized enterprises, secondary and higher education establishments, and non-profit organizations, therefore a derogation from Article 10(1) of Regulation (EU) No 1290/2013 is necessary.

([1]) OJ L 347, 20.12.2013, p. 81.
([2]) OJ L 347, 20.12.2013, p. 104.
([3]) Council Regulation (EC) No 73/2008 of 20 December 2007 setting up the Joint Undertaking for the implementation of the Joint Technology Initiative on Innovative Medicines, (OJ L 30, 4.2.2008, p. 38).
([4]) Council Regulation (EU) No 557/2014 of 6 May 2014 establishing the Innovative Medicines Initiative 2 Joint Undertaking (OJ L 169, 7.6.2014, p. 54).

(5) Specific operating needs have been identified regarding intellectual property rules in the context of the Innovative Medicines Initiative 2 objectives, in order to achieve an open innovation model, a dynamic system of knowledge sharing providing wider possibilities to create and exploit the knowledge resulted from the IMI projects and wide access of participants, affiliates and third parties to this knowledge, with the ultimate goal of speeding up the development of diagnostics and medical intervention for patients' benefit, including by stimulating clinical, translational research and clinical trials, in particular in the areas of public health interest and high unmet medical need, as identified in the World Health Organisation priority medicines report issued on 9 July 2013 ([1]). Those conditions should apply to all participants in order to protect their background, results and sideground. It is appropriate to allow for the transfer and licensing of results and background and for access rights to the results and background of other participants in order to allow research to be carried out. It is appropriate in that context to differentiate, in the context of exploitation, between research use and direct exploitation. Those conditions should also take into account the participants' prior obligations, while providing for potential direct exploitation of results, including clinical trials on the results *per se*. In order to widely exploit results and facilitate the delivery of innovative medicines to patients and to improve drug research and development, it is necessary to establish derogations from Articles 41 and 44 to 48 of Regulation (EU) No 1290/2013,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 10(1) of Regulation (EU) No 1290/2013, with regard to the Innovative Medicines Initiative 2 Joint Undertaking only the following participants shall be eligible for funding from the Innovative Medicines Initiative 2 Joint Undertaking:

(a) legal entities established in a Member State or an associated country, or created under Union law; and

(b) which fall within one of the following categories:

(i) micro, small and medium-sized enterprises and other companies with an annual turnover of EUR 500 million or less, the latter not being affiliated entities of companies with an annual turnover of more than 500 million; the definition of 'affiliated entities' within the meaning of Article 2(1)(2) of Regulation (EU) No 1290/2013 shall apply *mutatis mutandis*;

(ii) secondary and higher education establishments;

(iii) non-profit organisations, including those carrying out research or technological development as one of their main objectives or those that are patient organisations.

(c) the Joint Research Centre;

(d) international European interest organisations.

Article 2

By way of derogation from Articles 41(2) and 45 to 48 of Regulation (EU) No 1290/2013, the following provisions shall apply to the ownership and access to sideground:

(a) results shall not include any sideground, as tangible or intangible output generated by a participant under the action, such as data, knowledge and information whatever their form or nature, whether or not they can be protected, but which are outside of the action objectives as defined in the grant agreement and which therefore are not needed for implementing the action or for research use of results;

(b) each participant shall remain the exclusive owner of its sideground but a different allocation of ownership may be agreed upon;

(c) participants are not required to grant access rights to sideground.

([1]) Priority Medicines for Europe and the World Update Report, 2013, WHO, ISBN 978 92 4 150575 8 — http://www.who.int/medicines/areas/priority_medicines/en/.

Article 3

By way of derogation from the fourth subparagraph of Article 44(1) of Regulation (EU) No 1290/2013, the following rules shall apply to the transfer and licensing of results and background for affiliated entities, purchasers and any other successor entity:

(a) a participant may, without the consent of the other participants but provided that the other participants are informed without undue delay and that the transferee agrees in writing to be bound by the grant agreement and the consortium agreement, transfer its results to any of the following:

(i) its affiliated entity;

(ii) any purchaser of all or a substantial amount of its relevant assets;

(iii) any successor entity resulting from the merger with or consolidation of such a participant.

The delay referred to in the first subparagraph shall be agreed by the participants in the consortium agreement

(b) each participant shall remain free to license, transfer or otherwise dispose of its ownership rights in background, subject to any rights and obligations of the grant agreement and the consortium agreement.

(c) where a participant transfers ownership of background, it shall pass on its obligations specified under the grant agreement and the consortium agreement, regarding that background, to the transferee including the obligation to pass those obligations on to any subsequent transferee.

(d) a participant may, without the consent of the other participants, but provided that the other participants are informed without undue delay and that the transferee agrees in writing to be bound by the grant agreement and the consortium agreement, transfer its background to any of the following:

(i) its affiliated entity;

(ii) any purchaser of all or a substantial amount of its relevant assets;

(iii) any successor entity resulting from the merger with or consolidation of such a participant.

The delay referred to in the first subparagraph shall be agreed by the participants in the consortium agreement.

Article 4

By way of derogation from Article 44(2) of Regulation (EU) No 1290/2013, the following shall apply to the transfer and licensing of results:

Provided that any access rights to the results can be exercised and that any additional obligations under the grant agreement or consortium agreement are complied with by the participant who owns results, the latter may grant licences or otherwise give the right to exploit them to any legal entity.

Article 5

By way of derogation from Article 46(2) of Regulation (EU) No 1290/2013, the following shall apply to access rights principles:

Any legal entity that enjoys access rights in order to complete the action or for research use may authorize another legal entity to exercise those rights on its behalf provided that the following conditions are fulfilled:

(a) the legal entity that enjoys access rights shall be liable for the acts of the other legal entity as if those acts have been performed by this former legal entity;

(b) access rights granted to the other legal entity shall not include the right to sub-license.

Article 6

By way of derogation from Article 47 of Regulation (EU) No 1290/2013, the following shall apply to the access rights for implementation:

(a) during the action, participants shall enjoy access rights to the results of the other participants solely for the purpose and to the extent necessary for undertaking and completing the action. Such access shall be granted on a royalty-free basis;

(b) during the action, the participants shall, unless prevented or restricted from doing so by obligations to others which exist at the date of accession to the grant agreement, enjoy access rights to the background of the other participants solely for the purpose and to the extent necessary for undertaking and completing the action. Such access shall be granted on a royalty-free basis.

Article 7

By way of derogation from Article 48 of Regulation (EU) No 1290/2013, the following rules shall apply:

(a) The following definitions as regards exploitation shall apply:

(i) 'research use' means the use of results or background needed to use results, for all purposes other than for completing the action or for direct exploitation and which includes but is not limited to the application of results as a tool for research, including clinical research and trials and which directly or indirectly contributes to the objectives set out in the Societal Challenge health, demographic change and well-being referred to in Regulation (EU) No 1291/2013.

(ii) 'direct exploitation' means developing results for commercialization, including through clinical trials, or commercializing results themselves.

(b) During and after completion of the action, participants and their affiliated entities shall enjoy access rights to the results of the other participants for research use.

Access rights for research use shall be granted on a non-exclusive basis under fair and reasonable conditions, i.e. appropriate conditions, including financial terms or royalty-free, taking into account the actual or potential value of the results to which access is requested and other characteristics of the research use envisaged.

Where direct exploitation by a participant or third party requires results owned by another participant, the access rights may be negotiated between the parties involved.

(c) During and after completion of the action, participants and their affiliated entities shall enjoy access rights to the background of the other participants, only to the extent reasonably required for the purpose of the research use of results.

Such access rights for research use shall be granted on a non-exclusive basis under fair and reasonable conditions, i.e. appropriate conditions, including financial terms or royalty-free, taking into account the actual or potential value of the background to which access is requested and other characteristics of the research use envisaged.

Participants are not required to grant access rights for direct exploitation to their own background and may use, exploit, sublicense or otherwise commercialize their background as they see fit, subject to access rights for research use.

Where direct exploitation by a participant or third party, requires background necessary to use results owned by another participant, the access rights may be negotiated between the parties involved.

(d) After the completion of the action, third parties shall have the right to request and receive access rights to the results of the participants for research use.

Such access rights shall be granted on a non-exclusive basis under conditions considered appropriate by the owner of the results and the third party concerned. Those conditions shall not be more favorable than the conditions applied to participants and affiliates for research use.

(e) After completion of the action, third parties shall have the right to request and receive access rights to the background of the participants, only to the extent reasonably required for the purpose of the research use of results.

Such access rights shall be granted on a non-exclusive basis under conditions considered appropriate by the owner of the background and the third party concerned.

(f) Before the signature of the grant agreement, a participant may identify specific elements of the background and provide a reasoned request to the Innovative Medicines Initiative 2 Joint Undertaking Programme office that such elements shall be wholly or partially excluded from the obligations referred to in Article 7(e).

The Innovative Medicines Initiative 2 Joint Undertaking Programme office shall only grant such request in exceptional circumstances and in making its decision shall consider the objectives referred to in Article 2 of Regulation (EU) No 557/2014, the tasks of the Innovative Medicines Initiative 2 Joint Undertaking referred to in its statutes and the legitimate interests of the participant concerned. It may grant such request on conditions agreed with the participant. Any exceptions shall be included in the grant agreement and cannot be changed unless such change is permitted by the grant agreement.

(g) Participants shall agree in the consortium agreement on a time-limit in respect of requests for access under points (b) to (e).

Article 8

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

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

Done at Brussels, 14 February 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION DELEGATED REGULATION (EU) No 623/2014

of 14 February 2014

establishing a derogation from Regulation (EU) No 1290/2013 of the European Parliament and of the Council laying down the rules for participation and dissemination in 'Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)' with regard to the Bio-Based Industries Joint Undertaking

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in 'Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)' and repealing Regulation (EC) No 1906/2006 ([1]), and in particular Article 1(3)(b) thereof,

Whereas:

(1) Regulation (EU) No 1291/2013 ([2]) of the European Parliament and of the Council establishes the Framework Programme for Research and Innovation (2014-2020) (Horizon 2020) and provides for the involvement of the Union in public-private partnerships, including in joint undertakings, in key areas where research and innovation can contribute to the Union's wider competitiveness goals and help tackle societal challenges.

(2) Participation in indirect actions under Horizon 2020 should comply with Regulation (EU) No 1290/2013. However, in order to take into account the specific operating needs of joint undertakings established pursuant to Article 187 of the Treaty in the area of bio-based industries, the power to adopt acts in accordance with Article 290 of the Treaty was delegated to the Commission for the duration of Horizon 2020.

(3) The Bio-Based Industries Joint Undertaking (BBI JU) was set up by Council Regulation (EU) No 560/2014 ([3]) in the area of bio-based industries for a period up to 31 December 2024 in order to implement the Joint Technology Initiative on Bio-Based Industries.

(4) Specific operating needs have been identified in order to facilitate and encourage the participation of specific types of participants. Those specific operating needs are a result of the current fragmentation of this nascent industrial sector with many small and medium-sized industrial stakeholders. Participation of those stakeholders together with secondary and higher education establishments and others in the BBI JU should also be facilitated and encouraged due to their recognized strength in research and development. In order to achieve an optimal level of leverage effect on private investment, only those stakeholders should be eligible for funding of actions other than innovation actions by the BBI JU.

(5) Accordingly, it is appropriate to establish a derogation from Article 10(1) of Regulation (EU) No 1290/2013 in order to limit the eligibility for funding, for actions other than innovation actions, to entities such as small and medium-sized enterprises or secondary and higher education establishments,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 10(1) of Regulation (EU) No 1290/2013, with regard to the Bio-Based Industries Joint Undertaking only the following participants shall be eligible for funding from the Bio-Based Industries Joint Undertaking for actions in the area of bio-based industries other than innovation actions:

(a) small and medium-sized enterprises;

(b) secondary and higher education establishments;

([1]) OJ L 347, 20.12.2013, p. 81.
([2]) Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).
([3]) Council Regulation (EU) No 560/2014 of 6 May 2014 establishing the Bio-based Industries Joint Undertaking (OJ L 169, 7.6.2014, p. 130).

(c) non-profit legal entities, including those carrying out research or technological development as one of their main objectives;

(d) the Joint Research Centre;

(e) international European interest organisations.

Article 2

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

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

Done at Brussels, 14 February 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION DELEGATED REGULATION (EU) No 624/2014

of 14 February 2014

establishing a derogation from Regulation (EU) No 1290/2013 of the European Parliament and of the Council laying down the rules for participation and dissemination in 'Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)' with regard to the Clean Sky 2 Joint Undertaking

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for the participation and dissemination in 'Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)' and repealing Regulation (EC) No 1906/2006 ([1]), and in particular Article 1(3)(a) thereof,

Whereas:

(1) Regulation (EU) No 1291/2013 of the European Parliament and of the Council ([2]) establishes the Framework Programme for Research and Innovation (2014-2020) (Horizon 2020) and provides for the involvement of the Union in public-private partnerships, including in joint undertakings, in key areas where research and innovation can contribute to Union's wider competitiveness goals and help tackle societal challenges.

(2) Participation in indirect actions under Horizon 2020 should comply with Regulation (EU) No 1290/2013. However, in order to take into account the specific operating needs of joint undertakings established pursuant to Article 187 of the Treaty in the area of aeronautics, the power to adopt acts in accordance with Article 290 of the Treaty was delegated to the Commission for the duration of Horizon 2020 with a view to allowing funding bodies established under Article 187 of the Treaty in the area of aeronautics to reduce the minimum number of participants.

(3) The Clean Sky 2 Joint Undertaking was set up by Council Regulation (EU) No 558/2014 ([3]) in the area of aeronautics for a period up to 31 December 2024. Its aim is to improve the environmental impact of European aeronautical technologies and secure the future international competitiveness of the European aeronautical industry.

(4) Specific operating needs have been identified as regards the rules for participation in Horizon 2020, and in particular the minimum number of participants. Calls for proposals launched by the Joint Undertaking are very specific and targeted, bringing innovative solutions which have to fit into the final demonstrators. In addition, allowing single entities to reply to a call for proposals of the Clean Sky Joint Undertaking has proven very effective in attracting the participation of small and medium-sized enterprises (SMEs) as well as research organisations and universities.

(5) To continue to support a wide participation of SMEs as well as research organisations and universities, it is appropriate to provide for a derogation from the minimum number of participants laid down in Article 9(1) of Regulation (EU) No 1290/2013 in order to allow single entities to reply to a call for proposals launched by the Clean Sky 2 Joint Undertaking,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 9(1) of Regulation (EU) No 1290/2013, as regards calls for proposals issued by the Clean Sky 2 Joint Undertaking, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

([1]) OJ L 347, 20.12.2013, p. 81.
([2]) Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).
([3]) Council Regulation (EU) No 558/2014 of 6 May 2014 establishing the Clean Sky 2 Joint Undertaking (OJ L 169, 7.6.2014, p. 77).

Article 2

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

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

Done at Brussels, 14 February 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION DELEGATED REGULATION (EU) No 625/2014

of 13 March 2014

supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council by way of regulatory technical standards specifying the requirements for investor, sponsor, original lenders and originator institutions relating to exposures to transferred credit risk

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ([1]), and in particular Article 410(2) thereof,

Whereas:

(1) The retention of an economic interest aims at aligning interests between the parties respectively transferring and assuming the credit risk of the securitised exposures. Where an entity securitises its own liabilities, alignment of interests is established automatically, regardless of whether the final debtor collateralises its debt. Where it is clear that the credit risk remains with the originator the retention of interest by the originator is unnecessary and would not improve on the pre-existing position.

(2) It is appropriate to clarify when exposure to transferred credit risk is deemed to occur in relation to certain specific instances in which institutions, other than when acting as originator, sponsor or original lender, may become exposed to the credit risk of a securitisation position, including when institutions act as a counterparty to a derivative instrument with the securitisation transaction, as a hedge counterparty with the securitisation transaction, as a liquidity facility provider to the transaction and when institutions hold securitisation positions in the trading book in the context of market making activities.

(3) In re-securitisation transactions credit risk transfer occurs at the level of the first securitisation of assets and at the second 'repackaged' level of the transaction. The two levels of the transaction, and the two corresponding instances of credit risk transfer, are independent with respect to the requirements set out in this Regulation. Retention of net economic interest and due diligence should be ensured at each level of the transaction by the institutions that become exposed to transferred credit risk at that particular level. Therefore if an institution becomes exposed only to the second 'repackaged' level of the transaction, the requirements relating to retention of net economic interest and due diligence only apply to that institution in relation to the second level of the transaction. Within the same re-securitisation transaction, those institutions who became exposed to the first level of securitisation of assets should comply with the retention and due diligence requirements in relation to the first level of securitisation in the transaction.

(4) It is appropriate to specify in greater detail the application of the retention commitment including compliance when there are multiple originators, sponsors or original lenders, details regarding the different retention options, how to measure the retention requirement at origination and on an on-going basis, and how to apply the exemptions.

(5) Points (a) to (e) of Article 405(1) of Regulation (EU) No 575/2013 lay down various options pursuant to which the required retention of interest may be fulfilled. This Regulation, clarifies in detail the ways to comply with each of those options.

(6) The retention of an interest could be achieved through a synthetic or contingent form of retention, provided that such methods fully comply with one of the options laid down in points (a) to (e) of Article 405(1) of Regulation (EU) No 575/2013, to which the synthetic or contingent form of retention can be equated, and provided that compliance with the disclosure requirements is ensured.

(7) Hedging of or selling the retained interest is prohibited where those techniques undermine the purpose of the retention requirement, implying that they can be permitted where they do not hedge the retainer against the credit risk of either the retained securitisation positions or the retained exposures.

([1]) OJ L 176, 27.6.2013, p. 1.

(8) In order to ensure the ongoing maintenance of the net economic interest, institutions should ensure that there is not any embedded mechanism in the securitisation structure by which the minimum retention requirement at origination would necessarily decline faster than the interest transferred. Similarly, the retained interest should not be prioritised in terms of cash flows to preferentially benefit from being repaid or amortised such that it would fall below 5 % of the ongoing nominal value of the tranches sold or exposures securitised. Moreover, the credit support provided to the institution assuming exposure to a securitisation position should not decline disproportionately relative to the rate of repayment on the underlying exposures.

(9) Institutions should be able to make use of financial models developed by third parties, other than ECAIs, in order to reduce administrative burden and compliance costs for the fulfilment of due diligence obligations. Institutions should only use third party financial models where they have taken due care, prior to investing, to validate the relevant assumptions in, and structuring of, the models and to understand the methodology, assumptions and results of such models.

(10) It is essential to further specify how frequently institutions should review their compliance with due diligence requirements, how to assess whether the use of different policies and procedures for the trading book and non-trading book is appropriate, how to assess compliance when the positions pertain to the correlation trading portfolio and to clarify certain terms under Article 406, Regulation (EU) No 575/2013, such as 'risk characteristics' and 'structural features'.

(11) Pursuant to Article 14(2) of Regulation (EU) No 575/2013, entities established in third countries which are included in the consolidation in accordance with Article 18 of Regulation (EU) No 575/2013, but do not directly fall within the scope of application of the additional risk weights, should, in limited circumstances, such as for exposures held in the trading book for the purpose of market-making activities, not be deemed to be in breach of Article 405 of Regulation (EU) No 575/2013. Institutions should not be considered to be in breach of that Article where any such exposures or positions in the trading book are not material and do not form a disproportionate share of the trading activities, provided that there is a thorough understanding of the exposures or positions, and that formal policies and procedures have been implemented which are appropriate and commensurate with that entity's and the group's overall risk profile.

(12) Initial and ongoing disclosure to investors on the level of the retention commitment and of all materially relevant data, including on the credit quality and performance of the underlying exposure, is necessary for effective due diligence on the securitisation positions. Disclosed data should include details of the identity of the retainer, the retention option chosen and the original and ongoing commitment to retain an economic interest. Where exemptions provided for in Article 405(3) and (4) of Regulation (EU) No 575/2013 are applicable, there should be explicit disclosure of securitised exposures where the retention requirement does not apply and the reason for the disapplication.

(13) This Regulation is based on the draft regulatory technical standards submitted by the European Supervisory Authority (European Banking Authority) to the Commission.

(14) The European Supervisory Authority (European Banking Authority) has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council [1],

HAS ADOPTED THIS REGULATION:

CHAPTER I

DEFINITIONS AND EXPOSURE TO THE RISK OF A SECURITISATION

Article 1

Definitions

For the purposes of this Regulation the following definitions apply:

(a) 'retainer' means the entity acting as originator, sponsor or original lender which retains a net economic interest in the securitisation in accordance with Article 405(1) of Regulation (EU) No 575/2013;

(b) 'Synthetic form of retention' means retention of economic interest through the use of derivative instruments;

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

(c) 'Contingent form of retention' means retention of economic interest through the use of guarantees, letter of credits and other similar forms of credit support ensuring an immediate enforcement of the retention;

(d) 'Vertical tranche' means a tranche which exposes the holder of the tranche to the credit risk of each issued tranche of the securitisation transaction on a pro-rata basis.

CHAPTER II

EXPOSURE TO THE CREDIT RISK OF A SECURITISATION POSITION

Article 2

Particular cases of exposure to the credit risk of a securitisation position

1. Where an institution acts as a credit derivative counterparty or as a counterparty providing the hedge or as a liquidity facility provider with regard to a securitisation transaction, it shall be deemed to become exposed to the credit risk of a securitisation position when the derivative, the hedge or the liquidity facility assumes the credit risk of the securitised exposures or the securitisation positions.

2. For the purposes of Article 405 and 406 of Regulation (EU) No 575/2013, where a liquidity facility complies with the conditions specified in paragraph 2 of Article 255 of Regulation (EU) No 575/2013, the liquidity provider shall not be deemed to become exposed to the credit risk of a securitisation position.

3. In the context of a re-securitisation with more than one level or a securitisation with multiple discrete underlying transactions, an institution shall be deemed to become exposed to the credit risk only of the individual securitisation position or transaction to which it is assuming exposure.

4. Institutions shall not be deemed to be in breach of Article 405 of Regulation (EU) No 575/2013 in accordance with Article 14(2) of Regulation (EU) No 575/2013 on a consolidated basis provided that the following conditions are met:

(a) the entity which holds the securitisation positions is established in a third country and is included in the consolidated group in accordance with Article 18 of Regulation (EU) No 575/2013;

(b) the securitisation positions are held in the trading book of the entity referred to in point (a) for the purposes of market making activities;

(c) the securitisation positions are not material with respect to the overall risk profile of the trading book of the group referred to in point (a) and do not form a disproportionate share of the trading activities of the group.

CHAPTER III

RETENTION OF NET ECONOMIC INTEREST

Article 3

Retainers of material net economic interest

1. The retained material net economic interest shall not be split amongst different types of retainer. The requirement to retain a material net economic interest shall be fulfilled in full by any of the following:

(a) the originator or multiple originators;

(b) the sponsor or multiple sponsors;

(c) the original lender or multiple original lenders.

2. Where the securitised exposures are created by multiple originators, the retention requirement shall be fulfilled by each originator, in relation to the proportion of the total securitised exposures for which it is the originator.

3. Where the securitised exposures are created by multiple original lenders, the retention requirement shall be fulfilled by each original lender, in relation to the proportion of the total securitised exposures for which it is the original lender.

4. By way of derogation from paragraphs 2 and 3, where the securitised exposures are created by multiple originators or multiple original lenders, the retention requirement may be fulfilled in full by a single originator or original lender provided that either of the following conditions are met:

(a) the originator or original lender has established and is managing the programme or securitisation scheme;

(b) the originator or original lender has established the programme or securitisation scheme and has contributed over 50 % of the total securitised exposures.

5. Where the securitised exposures have been sponsored by multiple sponsors, the retention requirement shall be fulfilled by either:

(a) the sponsor whose economic interest is most appropriately aligned with investors as agreed by the multiple sponsors on the basis of objective criteria including the fee structures, the involvement in the establishment and management of the programme or securitisation scheme and exposure to credit risk of the securitisations;

(b) by each sponsor proportionately in relation to the number of sponsors.

Article 4

Fulfilment of the retention requirement through a synthetic or contingent form of retention

1. The retention requirement may be fulfilled in a manner equivalent to one of the options set out in the second subparagraph of Article 405(1) of Regulation (EU) No 575/2013 through a synthetic or contingent form of retention where the following conditions are met:

(a) the amount retained is at least equal to the requirement under the option to which the synthetic or contingent form of retention can be equated;

(b) the retainer has explicitly disclosed that it will retain, on an ongoing basis, a material net economic interest in that manner, including details of the form of retention, the methodology used in its determination and its equivalence to one of those options.

2. Where an entity other than a credit institution as defined in Article 4(1)(1) of Regulation (EU) No 575/2013 acts as a retainer through a synthetic or contingent form of retention, the interest retained on a synthetic or contingent basis shall be fully collateralised in cash and held on a segregated basis as 'clients' funds as referred to in Article 13(8) of Directive 2004/39/EC of the European Parliament and of the Council ([1]).

Article 5

Retention option (a): pro rata retention in each of the tranches sold or transferred to investors

1. A retention of no less than 5 % of the nominal value of each of the tranches sold or transferred as referred to in point (a) of Article 405(1) of the Regulation (EU) No 575/2013 may also be achieved by the following:

(a) retention of at least 5 % of the nominal value of each of the securitised exposures, provided that the credit risk of such exposures ranks *pari passu* with or is subordinated to the credit risk securitised for the same exposures. In the case of a revolving securitisation, as defined in Article 242(13) of Regulation (EU) No 575/2013, this would occur through retention of the originator's interest assuming the originator's interest was for at least 5 % of the nominal value of each of the securitised exposures and ranked *pari passu* with or subordinated to the credit risk that has been securitised with respect to those same exposures;

(b) the provision, in the context of an ABCP programme, of a liquidity facility which may be senior in the contractual waterfall, where the following conditions are fulfilled:

   (i) the liquidity facility covers 100 % of the credit risk of the securitised exposures;

   (ii) the liquidity facility covers the credit risk for as long as the retainer has to retain the economic interest by means of such liquidity facility for the relevant securitisation position;

([1]) Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1).

(iii) the liquidity facility is provided by the originator, sponsor or original lender in the securitisation transaction;

(iv) the institution becoming exposed to such securitisation has been given access to appropriate information to enable it to verify that points (i), (ii) and (iii) are complied with;

(c) retention of a vertical tranche which has a nominal value of no less than 5 % of the total nominal value of all the issued tranches of notes.

Article 6

Retention option (b): retention of the originator's interest for revolving exposures

A retention as referred to in point (b) of Article 405(1) of Regulation (EU) No 575/2013 may be achieved by retaining at least 5 % of the nominal value of each of the securitised exposures, provided that the retained credit risk of such exposures ranks pari passu with or is subordinated to the credit risk securitised for the same exposures.

Article 7

Retention option (c): retention of randomly selected exposures

1. The pool of at least 100 potentially securitised exposures from which retained and securitised exposures are randomly selected, referred to in point (c) of the second subparagraph of Article 405(1) of Regulation (EU) No 575/2013, shall be sufficiently diverse to avoid the excessive concentration of the retained interest. When preparing for the selection process, the retainer shall take appropriate quantitative and qualitative factors into account in order to ensure that the distinction between retained and securitised exposures is genuinely random. The retainer of randomly selected exposures shall take into consideration, where appropriate, factors such as vintage, product, geography, origination date, maturity date, loan to value ratio, property type, industry sector, and outstanding loan balance when selecting exposures.

2. The retainer shall not designate different individual exposures as retained exposures at different points in time, unless this is necessary to fulfil the retention requirement in relation to a securitisation in which the securitised exposures fluctuate over time, either due to new exposures being added to the securitisation or to changes in the level of the individual securitised exposures.

Article 8

Retention option (d): retention of the first loss tranche

1. The retention of the first loss tranche in accordance with point (d) of the second subparagraph of Article 405(1) of Regulation (EU) No 575/2013 shall be fulfilled by either on-balance sheet or off-balance sheet positions and may also be fulfilled by any of the following:

(a) provision of a contingent form of retention as referred to in Article 1(1)(c) or of a liquidity facility in the context of an ABCP programme, which fulfils the following criteria:

(i) it covers at least 5 % of the nominal value of the securitised exposures;

(ii) it constitutes a first loss position in relation to the securitisation;

(iii) it covers the credit risk for the entire duration of the retention commitment;

(iv) it is provided by the originator, sponsor or original lender in the securitisation;

(v) the institution becoming exposed to such securitisation has been given access to appropriate information to enable it to verify that points (i), (ii), (iii) and (iv) are complied with;

(b) overcollateralisation, as a form of credit enhancement, if that overcollateralisation acts as a 'first loss' retention of no less than 5 % of the nominal value of the tranches issued by the securitisation.

2. Where the first loss tranche exceeds 5 % of the nominal value of the securitised exposures, it shall be possible for the retainer to only retain a portion of such first loss tranche, where this portion is equivalent to at least 5 % of the nominal value of the securitised exposures.

3. For the fulfilment of the risk retention requirement at a securitisation scheme level institutions shall not take into account the existence of underlying transactions in which the originators or original lenders retain a first loss exposure at the transaction-specific level.

Article 9

Retention option (e): retention of a first loss in every securitised exposure

1. The retention of a first loss exposure at the level of every securitised exposure in accordance with point (e) of the second subparagraph of Article 405(1) shall be applied so that the credit risk retained is always subordinated to the credit risk that has been securitised in relation to those same exposures.

2. The retention referred to in paragraph 1 may be fulfilled by the sale at a discounted value of the underlying exposures by the originator or original lender, where the amount of the discount is not less than 5 % of the nominal value of each exposure and where the discounted sale amount is only refundable to the originator or original lender where it is not absorbed by losses related to the credit risk associated to the securitised exposures.

Article 10

Measurement of the level of retention

1. Where measuring the level of retention of net economic interest, the following criteria shall be applied:

(a) origination shall be considered as the time at which the exposures were first securitised;

(b) the calculation of the level of retention shall be based on nominal values and the acquisition price of assets shall not be taken into account;

(c) 'excess spread' as defined in Article 242(1) of Regulation (EU) No 575/2013 shall not be taken into account when measuring the retainer's net economic interest;

(d) the same retention option and methodology shall be used to calculate the net economic interest during the life of a securitisation transaction, unless exceptional circumstances require a change and that change is not used as a means to reduce the amount of retained interest.

2. In addition to the criteria set out in paragraph 1, provided that there is no embedded mechanism by which the retained interest at origination would decline faster than the interest transferred, the fulfilment of the retention requirement shall not be deemed to have been affected by the amortisation of the retention via cash flow allocation or through the allocation of losses, which, in effect, reduce the level of retention over time. A retainer shall not be required to constantly replenish or readjust its retained interest to at least 5 % as losses are realised on its exposures or allocated to its retained position.

Article 11

Measurement of retention for the undrawn amounts in exposures in the form of credit facilities

The calculation of the net economic interest to be retained for credit facilities, including credit cards, shall be based only on amounts already drawn, realised or received and shall be adjusted in accordance with changes to those amounts.

Article 12

Prohibition of hedging or selling the retained interest

1. The obligation in the third subparagraph of Article 405(1) of Regulation (EU) No 575/2013 not to subject the retained net economic interest to any credit risk mitigation, short positions, other hedge or sale shall be applied having regard to the purpose of the retention requirement and taking account of the economic substance of the transaction. Hedges of the net economic interest shall not be considered to be a hedge for the purposes of the third subparagraph of Article 405(1) of Regulation (EU) No 575/2013 and may accordingly be permitted only where they do not hedge the retainer against the credit risk of either the retained securitisation positions or the retained exposures.

2. The retainer may use any retained exposures or securitisation positions as collateral for secured funding purposes, as long as such use does not transfer the credit risk of these retained exposures or securitisation positions to a third party.

Article 13

Exemptions to Article 405(1) of Regulation (EU) No 575/2013

The transactions referred to in Article 405(4) of Regulation (EU) No 575/2013 shall include securitisation positions in the correlation trading portfolio which are reference instruments satisfying the criterion in Article 338(1)(b) of Regulation (EU) No 575/2013 or are eligible for inclusion in the correlation trading portfolio.

Article 14

Retention on a consolidated basis

An institution satisfying the retention requirement on the basis of the consolidated situation of the related EU parent credit institution, EU financial holding company, or EU mixed financial holding company in accordance with Article 405(2) of Regulation (EU) No 575/2013 shall, in the case the retainer is no longer included in the scope of supervision on a consolidated basis, ensure that one or more of the remaining entities included in the scope of supervision on a consolidated basis assumes exposure to the securitisation so as to ensure ongoing fulfilment of the requirement.

CHAPTER IV

DUE DILIGENCE REQUIREMENTS FOR INSTITUTIONS BECOMING EXPOSED TO A SECURITISATION POSITION

Article 15

Outsourcing and other general considerations

1. Where there is no available information on the specific exposures to be securitised, including where exposures accumulate before their securitisation or whether they may be substituted into an existing revolving securitisation, an institution is deemed to fulfil its due diligence obligations referred to in Article 406 of Regulation (EU) No 575/2013, for each of its individual securitisation positions on the basis of the relevant eligibility criteria for such exposures.

2. When outsourcing certain tasks of the process for the fulfilment of the obligations set out in Article 406 of Regulation (EU) No 575/2013, including record keeping, institutions becoming exposed to the risks of a securitisation shall retain full control of that process.

Article 16

Specification of risk characteristics and structural features

1. The risk characteristics of the individual securitisation position referred to in Article 406(1)(b) of Regulation (EU) No 575/2013 shall include the following most appropriate and material characteristics, such as:

(a) tranche seniority level;

(b) cash flow profile;

(c) any existing rating;

(d) historical performance of similar tranches;

(e) obligations related to the tranches included in the documentation relating to the securitisation;

(f) credit enhancement.

2. The risk characteristics of the exposures underlying the securitisation position referred to in Article 406(1)(c) of Regulation (EU) No 575/2013 shall include the most appropriate and material characteristics, including the performance information referred to in Article 406(2) of Regulation (EU) No 575/2013 in relation to residential mortgage exposures. Institutions shall identify appropriate and comparable metrics for analysing the risk characteristics of other asset classes.

3. Additional structural features as referred to in Article 406(1)(g) of Regulation (EU) No 575/2013 shall include derivative instruments, guarantees, letter of credits and other similar forms of credit support.

Article 17

Frequency of review

Institutions shall review their compliance with Article 406 of Regulation (EU) No 575/2013 after becoming exposed to a securitisation positions at least annually and more frequently, as soon as institutions become aware of a breach of the obligations included in the documentation relating to the securitisation or of a material change in any of the following:

(a) structural features that can materially impact on the performance of the securitisation position;

(b) the risk characteristics of the securitisation positions and of the underlying exposures.

Article 18

Stress Tests

1. The stress tests referred to in the second subparagraph of Article 406(1) of Regulation (EU) No 575/2013, shall include all relevant securitisation positions and shall be incorporated into the stress testing strategies and processes that the institutions carry out in accordance with the internal capital adequacy assessment process specified in Article 73 of the Directive 2013/36/EU of the European Parliament and of the Council [1].

2. In order to fulfil the stress testing requirements referred to in the second subparagraph of Article 406(1) of Regulation (EU) No 575/2013, institutions may make use of comparable financial models developed by third parties, in addition to those developed by ECAIs, provided that they can demonstrate, when requested that they took due care, prior to investing to validate the relevant assumptions in and structuring of the models and to understand methodology, assumptions and results.

3. When conducting the stress tests referred to in Article 406(1) of Regulation (EU) No 575/2013 within an ABCP programme as referred to in Article 242(9) of Regulation (EU) No 575/2013, which is supported by a liquidity facility which fully covers the credit risk of the securitised exposures, institutions may carry out a stress test on the creditworthiness of the liquidity facility provider rather than on the securitised exposures.

Article 19

Exposures in the trading book and non-trading book

1. The holding of a securitisation position in the trading or non-trading book respectively shall not represent a sufficient justification in itself for the application of different policies and procedures or a different intensity of review to fulfil the due diligence obligations referred to in Article 406 of Regulation (EU) No 575/2013. In determining whether different policies and procedures or a different intensity of review shall be applied, all relevant factors materially impacting the risk profile of each of the books and of the relevant securitisation positions shall be considered, including the size of the positions, the impact on the institution's capital base during a period of stress, and the concentration of risk in one specific transaction, issuer, or asset class.

2. Institutions shall ensure that any material change increasing the risk profile of the securitisation positions in their trading book and non-trading book is reflected by an appropriate change in their due diligence procedures as regards those securitisation positions. In this regard, institutions shall identify in their formal trading book and non-trading book policies and procedures the circumstances which would trigger a review of the due diligence obligations.

[1] Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

Article 20

Positions in the correlation trading portfolio

Article 406 of the Regulation (EU) No 575/2013 shall be deemed to be complied with where the following conditions are fulfilled:

(a) securitisation positions are either held in the correlation trading portfolio and are reference instruments as referred to in Article 338(1)(b) of that Regulation or are eligible for inclusion in the correlation trading portfolio;

(b) the institution complies with Article 377 of that Regulation with regard to calculating the own funds requirements in relation to its correlation trading portfolio;

(c) the institution's approach to calculating own funds in relation to its trading portfolio results in a comprehensive and thorough understanding of the risk profile of its investment in the securitisation positions;

(d) the institution has implemented formal policies and procedures appropriate to its correlation trading portfolio and commensurate with the risk profile of its investments in the corresponding securitised positions, for analysing and recording the relevant information referred to in Article 406(1) of Regulation (EU) No 575/2013.

CHAPTER V

REQUIREMENTS FOR ORIGINATORS, SPONSORS AND ORIGINAL LENDERS

Article 21

Policies for credit granting

1. The fulfilment of the obligation referred to in Article 408 of Regulation (EU) No 575/2013 by originator or sponsor institutions shall not imply that borrower types and loan products must be the same for securitised and non-securitised exposures.

2. Where sponsor and originator institutions have not been engaged in the original credit-granting of exposures to be securitised, or are not active in the credit-granting of the specific types of exposures to be securitised, those institutions shall obtain all the necessary information to assess whether the criteria applied in the credit-granting for those exposures are as sound and well-defined as the criteria applied to non-securitised exposures.

Article 22

Disclosure of the level of the commitment to maintain a net economic interest

1. The retainer shall, pursuant to Article 409 of Regulation (EU) No 575/2013, disclose to investors at least the following information regarding the level of its commitment to maintain a net economic interest in the securitisation:

(a) confirmation of the retainer's identity and of whether it retains as originator, sponsor or original lender;

(b) whether the modalities provided for in points (a), (b), (c), (d) or (e) of the second subparagraph of Article 405(1) of Regulation (EU) No 575/2013 has been applied to retain a net economic interest;

(c) any change to the modality to retain a net economic interest as referred to in point (b) in accordance with Article 10(1)(d);

(d) confirmation of the level of retention at origination and of the commitment to retain on an on-going basis, which shall relate only to the continuation of fulfilment of the original obligation and shall not require data on the current nominal or market value, or on any impairments or write-downs on the retained interest.

2. Where the exemptions referred to in paragraph 3 or 4 of Article 405 of Regulation (EU) No 575/2013 apply to a securitisation transaction, institutions acting as originator, sponsor or original lender shall disclose information on the applicable exemption to investors.

3. The disclosure referred to in paragraphs 1 and 2 shall be appropriately documented and made publicly available, except in bilateral or private transactions where private disclosure is considered by the parties to be sufficient. The inclusion of a statement on the retention commitment in the prospectus for the securities issued under the securitisation programme shall be considered an appropriate means of fulfilling the requirement.

4. The disclosure shall also be confirmed after origination with the same regularity as the reporting frequency of the transaction, at least annually and in any of the following circumstances:

(a) where a breach of the retention commitment referred to in Article 405(1) of Regulation (EU) No 575/2013 occurs;

(b) where the performance of the securitisation position or the risk characteristics of the securitisation or of the underlying exposures materially change;

(c) following a breach of the obligations included in the documentation relating to the securitisation.

Article 23

Disclosure of materially relevant data

1. Originators, sponsors and original lenders shall ensure that materially relevant data under Article 409 of Regulation (EU) No 575/2013 is readily accessible to investors, without excessive administrative burden.

2. The appropriate disclosure referred to in Article 409 of Regulation (EU) No 575/2013 shall be done at least annually and in the following circumstances:

(a) where the performance of the securitisation position or the risk characteristics of the securitisation or of the underlying exposures materially change;

(b) following a breach of the obligations included in the documentation relating to the securitisation;

(c) In order for data to be considered to be materially relevant with regard to the individual underlying exposures, it shall, in general, be provided on a loan-by-loan basis, however there are instances where the data may be provided on an aggregate basis. In assessing whether aggregate information is sufficient, factors to be taken into account shall include the granularity of the underlying pool and whether the management of the exposures in that pool is based on the pool itself or on a loan-by-loan basis.

3. The disclosure requirement shall be subject to any other legal or regulatory requirements applicable to the retainer.

CHAPTER VI

FINAL PROVISIONS

Article 24

Entry into force

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

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

Done at Brussels, 13 March 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 626/2014

of 10 June 2014

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Regulation (EEC) No 2658/87 established a nomenclature of goods, hereinafter referred to as the 'Combined Nomenclature' or 'CN', which is set out in Annex I to that Regulation.

(2) Divergent views exist as regards the classification (under CN headings 2207 and 3824) of mixtures containing ethyl alcohol used as raw material to produce fuels for motor vehicles.

(3) In the interest of legal certainty, it is therefore necessary to clarify the scope of CN subheading 2207 20 relating to denatured ethyl alcohol.

(4) CN subheading 2207 20 should cover ethyl alcohol of an alcoholic strength by volume of 50 % or higher, in particular ethyl alcohol-based mixtures used for the production of fuel for motor vehicles, denatured by adding certain substances to the ethyl alcohol in order to make it irreversibly unsuitable for human consumption.

(5) The European Standard EN 15376, entitled '*Automotive fuels — Ethanol as a blending component for petrol — Requirements and test methods*' and approved by the European Committee for Standardisation on 24 December 2010, contributes to the objectives of the European Union with voluntary technical standards which promote free trade and complete the single market. It provides in point 4.3 a list of recommended denaturants which are not harmful to vehicle systems. The substances named in this list are: automotive petrol conforming to EN 228, ethyl-tertbutylether (ETBE), methyltertbutylether (MTBE), tertiary butyl alcohol (TBA), 2-methyl-1-propanol (isobutanol), and 2-propanol (isopropanol). One or more of those denaturants may be used in the mixture, except isobutanol and isopropanol that are easily separable from the mixture. Therefore they always need to be used in combination with another denaturant.

(6) A new Additional note should therefore be added to Chapter 22 of Part Two of the CN to ensure its uniform interpretation throughout the Union.

(7) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 22 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, the following Additional note 12 is added:

'12. Subheading 2207 20 covers mixtures of ethyl alcohol used as raw material to produce fuels for motor vehicles of an alcoholic strength by volume of 50 % or higher and denatured with one or more of the following substances:

(a) automotive petrol (conforming to EN 228);

(b) tert-butyl ethyl ether (ethyl tert-butylether, ETBE);

[1] OJ L 256, 7.9.1987, p. 1.

(c) methyl tert-butylether (MTBE);

(d) 2-methylpropan-2-ol (tert-butyl alcohol, tertiary butyl alcohol, TBA);

(e) 2-methylpropan-1-ol (2-methyl-1-propanol, isobutanol);

(f) propan-2-ol (isopropyl alcohol, 2-propanol, isopropanol).

The denaturants referred to in points (e) and (f) of the first paragraph must be used in combination with at least one of the denaturants listed in points (a) to (d) of the first paragraph.'

Article 2

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

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

Done at Brussels, 10 June 2014.

For the Commission
On behalf of the President
Algirdas ŠEMETA
Member of the Commission

COMMISSION REGULATION (EU) No 627/2014

of 12 June 2014

amending Regulation (EU) No 582/2011 for the purposes of adapting it to technical progress as regards particulate matter monitoring by the on-board diagnostic system

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC [1], and in particular Article 5(4) and Article 12(3) thereof,

Whereas:

(1) Commission Regulation (EU) No 582/2011 [2] establishes the obligation of the Commission to conduct a review on the technical feasibility of monitoring, for compression ignition vehicles, the performance of the diesel particulate filter (DPF) against the threshold limits of the on-board diagnostic system (OTLs) set out in Table 1 of Annex X to that Regulation.

(2) The Commission has conducted that review and concluded that the technology capable of monitoring the DPF performance against OTLs is available. However, it also results from that review that it is appropriate to defer the date of implementation of those DPF performance requirements in order to provide an adequate lead time to industry for ensuring the availability of the equipment in terms of mass production and its adaptation to the vehicles. It is therefore necessary to adapt Table 1 of Appendix 9 to Annex I to Regulation (EU) No 582/2011, in order to include the new date of implementation.

(3) In addition, and in the case of positive ignition engines, Table 1 of Appendix 9 to Annex I to Regulation (EU) No 582/2011 should also be adapted by inserting a column referring to the requirement of monitoring the levels of carbon monoxide against the OTLs set out in Table 2 of Annex X to Regulation (EU) No 582/2011, as well as a column referring to the in-use performance requirements set out in points 6. to 6.5.5.1 of Annex X to that Regulation.

(4) Regulation (EU) No 582/2011 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 582/2011 is amended as follows:

(1) in Article 4, paragraph 8 is replaced by the following:

'8. At the request of the manufacturer, until 31 December 2015 in the case of new types of vehicles or engines and until 31 December 2016 for all new vehicles sold, registered or put into service within the Union, alternative provisions for the monitoring of the DPF as set out in point 2.3.3.3 of Annex X may be used.';

(2) Annex I is amended in accordance with the Annex to this Regulation.

---

[1] OJ L 188, 18.7.2009, p. 1.

[2] Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1).

Article 2

Type-approvals granted to compression ignition engines and vehicles in accordance with Character B in Table 1 of Appendix 9 to Annex I before the date of application of this Regulation, shall remain valid after that date.

Article 3

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

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

Done at Brussels, 12 June 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

Table 1 of Appendix 9 of Annex I to Regulation (EU) No 582/2011 is replaced by the following:

'Table 1

Character	NO_x OTL (1)	PM OTL (2)	CO OTL (6)	IUPR	Reagent quality and consumption	Implementation dates: new types	Implementation dates: all vehicles	Last date of registration
A	Row "phase-in period" of Table 1 or Table 2	Performance monitoring (3)		Phase-in (7)	Phase in (4)	31.12.2012	31.12.2013	31.8.2015 (9) 30.12.2016 (10)
B (11)	Row "phase-in period" of Table 2		Row "phase-in period" of Table 2	Phase-in (7)	Phase in (4)	1.9.2014	1.9.2015	30.12.2016
C	Row "general requirements" of Table 1 or Table 2	Row "general requirements" of Table 1	Row "general requirements" of Table 2	General (8)	General (5)	31.12.2015	31.12.2016	

Key:
(1) "NO_x OTL" monitoring requirements as set out in Table 1 and 2 of Annex X.
(2) "PM OTL" monitoring requirements as set out in Table 1 of Annex X.
(3) "Performance monitoring" requirements as set out in point 2.1.1 of Annex X.
(4) Reagent quality and consumption "phase-in" requirements as set out in points 7.1.1.1 and 8.4.1.1 of Annex XIII.
(5) Reagent quality and consumption "general" requirements as set out in points 7.1.1 and 8.4.1 of Annex XIII.
(6) "CO OTL" monitoring requirements as set out in Table 2 of Annex X.
(7) IUPR "Phase-in" requirements as set out in points 6.4.4, 6.5.5 and 6.5.5.1 of Annex X.
(8) IUPR "General" requirements as set out in Section 6 of Annex X.
(9) For positive-ignition engines and vehicles equipped with such engines.
(10) For compression-ignition engines and vehicles equipped with such engines.
(11) Only applicable to positive-ignition engines and vehicles equipped with such engines.'

COMMISSION IMPLEMENTING REGULATION (EU) No 628/2014

of 12 June 2014

amending Regulation (EC) No 341/2007 as regards the import tariff quota for garlic originating in China

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Commission Regulation (EC) No 341/2007 [2] opens and provides for the administration of tariff quotas for garlic and certain other agricultural products imported from third countries.

(2) The Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union [3], approved by Council Decision 2014/116/EU [4], provides for an increase of 12 375 tonnes to the allocation for People's Republic of China under the EU tariff rate quota for garlic.

(3) The increase in the tariff rate quota should be reflected in Annex I to Regulation (EC) No 341/2007. Since the Agreement between the European Union and the People's Republic of China was approved by the Council on 28 January 2014, importers should have access to the increased quantities as from the second sub-period of the import tariff quota period 2014/2015.

(4) Regulation (EC) No 341/2007 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EC) No 341/2007

Annex I to Regulation (EC) No 341/2007 is replaced by the text in the Annex to this Regulation.

---

[1] OJ L 347, 20.12.2013, p. 671.
[2] Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries (OJ L 90, 30.3.2007, p. 12).
[3] OJ L 64, 4.3.2014, p. 2.
[4] Council Decision 2014/116/EU of 28 January 2014 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union (OJ L 64, 4.3.2014, p. 1).

Article 2

Entry into force

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

It shall apply from 1 July 2014.

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

Done at Brussels, 12 June 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

'ANNEX I

Tariff quotas opened pursuant to Decisions 2001/404/EC, 2006/398/EC and 2014/116/EU for imports of garlic falling within CN code 0703 20 00

Origin	Order number	Quota (tonnes)				
		First subperiod (June to August)	Second subperiod (September to November)	Third subperiod (December to February)	Fourth subperiod (March to May)	Total
Argentina						**19 147**
Traditional importers	09.4104	—	—	9 590	3 813	
New importers	09.4099	—	—	4 110	1 634	
Total		—	—	*13 700*	*5 447*	
China						**46 075**
Traditional importers	09.4105	8 278	8 278	7210	8 488	
New importers	09.4100	3 547	3 547	3090	3 637	
Total		*11 825*	*11 825*	*10 300*	*12 125*	
Other third countries						**6 023**
Traditional importers	09.4106	941	1 960	929	386	
New importers	09.4102	403	840	398	166	
Total		*1 344*	*2 800*	*1 327*	*552*	
Total		**13 169**	**14 625**	**25 327**	**18 124**	**71 245'**

COMMISSION IMPLEMENTING REGULATION (EU) No 629/2014

of 12 June 2014

amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance methyl nonyl ketone

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular the second alternative of Article 21(3) and Article 78(2) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 608/2012 ([2]) amended Implementing Regulation (EU) No 540/2011 ([3]) as regards the conditions of approval of the active substance methyl nonyl ketone setting the condition that the notifier provides further confirmatory information in the form of studies on the specification with supporting batch data and validated methods of analysis.

(2) The notifier submitted additional information taking the form of studies on the specification with supporting batch data and validated methods of analysis to the rapporteur Member State Belgium within the time period provided for its submission.

(3) Belgium assessed the additional information submitted by the notifier. It submitted its assessment, in the form of a revised draft assessment report, to the other Member States, the Commission and the European Food Safety Authority, hereinafter 'the Authority', on 25 November 2013.

(4) The revised draft assessment report was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 16 May 2014 in the format of the Commission review report for methyl nonyl ketone.

(5) The Commission invited the notifier to submit its comments on the review report for methyl nonyl ketone.

(6) The Commission has come to the conclusion that the further confirmatory information showed that the minimum purity of the active substance should be set at 985 g/kg.

(7) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly. Member States should be provided with time to amend or withdraw authorisations for plant protection products containing methyl nonyl ketone where necessary.

(8) For plant protection products containing methyl nonyl ketone, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, this period should expire at the latest eighteen months after the entry into force of this Regulation.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

([1]) OJ L 309, 24.11.2009, p. 1.

([2]) Commission Implementing Regulation (EU) No 608/2012 of 6 July 2012 amending implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substances denathonium benzoate, methyl nonyl ketone and plant oils/spearmint oil (OJ L 177, 7.7.2012, p. 19).

([3]) Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) No 540/2011

In the column 'Purity' of row 238, methyl nonyl ketone, of Part A of the Annex to Implementing Regulation (EU) No 540/2011, the purity is replaced by '≥ 985 g/kg'.

Article 2

Transitional measures

Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary amend or withdraw existing authorisations for plant protection products containing methyl nonyl ketone as active substance by 3 January 2015.

Article 3

Grace period

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire on 3 January 2016 at the latest.

Article 4

Entry into force

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

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

Done at Brussels, 12 June 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 630/2014

of 12 June 2014

amending for the 215th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network [1], and in particular Article 7(1)(a), 7a(1) and 7a(5) thereof,

Whereas:

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

(2) On 2 June 2014 the Sanctions Committee of the United Nations Security Council (UNSC) decided to add three persons to its list of persons, groups and entities to whom the freezing of funds and economic resources should apply. On the same date, the Sanctions Committee of the UNSC decided to remove two persons from its list and to amend three entries in its list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

(3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with 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*.

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

Done at Brussels, 12 June 2014.

For the Commission
On behalf of the President
Head of the Service for Foreign Policy Instruments

[1] OJ L 139, 29.5.2002, p. 9.

ANNEX

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

(1) The following entries shall be added under the heading 'Legal persons, groups and entities':

(a) 'Al Mouakaoune Biddam (*alias* (a) Les Signataires par le Sang; (b) Ceux Qui Signent avec le Sang; (c) Those Who Sign in Blood). Address: Mali. Date of designation referred to in Article 2a(4)(b): 2.6.2014.'

(b) 'Al Moulathamoun (*alias* (a) Les Enturbannés; (b) The Veiled. Address: (a) Algeria; (b) Mali; (c) Niger). Other information: Active in the Sahel/Sahara. Date of designation referred to in Article 2a(4)(b): 2.6.2014.'

(c) 'Al Mourabitoun (*alias* (a) Les Sentinelles; (b) The Sentinels). Address: Mali. Other information: Active in the Sahel/Sahara region. Date of designation referred to in Article 2a(4)(b): 2.6.2014.'

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

(a) 'Jainal Antel **Sali** (jr.) (*alias* (a) Abu Solaiman, (b) Abu Solayman, (c) Apong Solaiman, (d) Apung). Date of birth: 1.6.1965. Place of birth: Barangay Lanote, Bliss, Isabela, Basilan, the Philippines. Nationality: Filipino. Other information: Reportedly deceased in 2007. Date of designation referred to in Article 2a (4) (b): 6.12.2005.'

(b) 'Mohammad Ilyas **Kashmiri** (*alias* (a) Muhammad Ilyas Kashmiri, (b) Elias al-Kashmiri, (c) Ilyas Naib Amir). Title: Mufti. Address: Thathi Village, Samahni, Bhimber District, Pakistan-administered Kashmir. Date of birth: (a) 2.1.1964, (b) 10.2.1964. Place of birth: Bhimber, Samahani Valley, Pakistan-administered Kashmir. Other information: (a) Former title: Maulana. (b) Reportedly deceased in Pakistan on 11 June 2011. Date of designation referred to in Article 2a(4)(b): 6.8.2010.'

(3) The entry 'Abu Mohammed **Al-Jawlani** (*alias* (a) Abu Mohamed al-Jawlani, (b) Abu Muhammad al-Jawlani, (c) Abu Mohammed al-Julani, (d) Abu Mohammed al-Golani, (e) Abu Muhammad al-Golani, (f) Abu Muhammad Aljawlani, (g) Muhammad al-Jawlani, (h) Shaykh al-Fatih; (i) Al Fatih. Date of birth: Between 1975 and 1979. Place of birth: Syria. Nationality: Syrian. Address: In Syria as at June 2013. Date of designation referred to in Article 2a (4) (b): 24.7.2013.' under the heading 'Natural persons' shall be replaced by the following:

'Abu Mohammed **Al-Jawlani** (*alias* (a) Abu Mohamed al-Jawlani, (b) Abu Muhammad al-Jawlani, (c) Abu Mohammed al-Julani, (d) Abu Mohammed al-Golani, (e) Abu Muhammad al-Golani, (f) Abu Muhammad Aljawlani, (g) Muhammad al-Jawlani, (h) Shaykh al-Fatih; (i) Al Fatih). Date of birth: Between 1975 and 1979. Place of birth: Syria. Nationality: Syrian. Address: In Syria as at June 2013. Other information: Since January 2012, he is the Leader of Al-Nusrah Front for the People of the Levant. Date of designation referred to in Article 2a (4) (b): 24.7.2013.'

(4) The entry 'Doku Khamatovich **Umarov** (alias Умаров Доку Хаматович). Date of birth: 12.5.1964. Place of birth: Kharsenoy Village, Shatoyskiy (Sovetskiy) District, Chechenskaya Respublika, Russian Federation Nationality: (a) Russian, (b) USSR (until 1991). Other information: (a) Resides in the Russian Federation as at November 2010; (b) International arrest warrant issued in the year 2000. Date of designation referred to in Article 2a(4)(b): 10.3.2011.' under the heading 'Natural persons' shall be replaced by the following:

'Doku Khamatovich **Umarov** (*alias* Умаров Доку Хаматович). Date of birth: 12.5.1964. Place of birth: Kharsenoy Village, Shatoyskiy (Sovetskiy) District, Chechenskaya Respublika, Russian Federation. Nationality: (a) Russian, (b) USSR (until 1991). Other information: (a) Resides in the Russian Federation as at November 2010; (b) International arrest warrant issued in the year 2000; (c) Reportedly deceased as of April 2014. Date of designation referred to in Article 2a(4)(b): 10.3.2011.'

(5) The entry 'Al-Qaida in Iraq (*alias* (a) AQI, (b) al-Tawhid, (c) the Monotheism and Jihad Group, (d) Qaida of the Jihad in the Land of the Two Rivers, (e) Al-Qaida of Jihad in the Land of the Two Rivers, (f) The Organization of Jihad's Base in the Country of the Two Rivers, (g) The Organization Base of Jihad/Country of the Two Rivers, (h) The Organization Base of Jihad/Mesopotamia, (i) Tanzim Qa'idat Al-Jihad fi Bilad al-Rafidayn, (j) Tanzeem Qa'idat al Jihad/Bilad al Raafidaini, (k) Jama'at Al-Tawhid Wa'al-Jihad, (l) JTJ, (m) Islamic State of Iraq, (n) ISI, (o) al-Zarqawi network, (p) Jabhat al Nusrah, (q) Jabhet al-Nusra, (r) Al-Nusrah Front, (s) The Victory Front, (t) Islamic State in Iraq and the Levant). Date of designation referred to in Article 2a (4) (b): 18.10.2004.' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Al-Qaida in Iraq (*alias* (a) AQI, (b) al-Tawhid, (c) the Monotheism and Jihad Group, (d) Qaida of the Jihad in the Land of the Two Rivers, (e) Al-Qaida of Jihad in the Land of the Two Rivers, (f) The Organization of Jihad's Base in the Country of the Two Rivers, (g) The Organization Base of Jihad/Country of the Two Rivers, (h) The Organization Base of Jihad/Mesopotamia, (i) Tanzim Qa'idat Al-Jihad fi Bilad al-Rafidayn, (j) Tanzeem Qa'idat al Jihad/Bilad al Raafidaini, (k) Jama'at Al-Tawhid Wa'al-Jihad, (l) JTJ, (m) Islamic State of Iraq, (n) ISI, (o) al-Zarqawi network, (p) Islamic State in Iraq and the Levant). Date of designation referred to in Article 2a (4) (b): 18.10.2004.'

COMMISSION IMPLEMENTING REGULATION (EU) No 631/2014

of 12 June 2014

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

THE EUROPEAN COMMISSION,

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

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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ([2]), and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto.

(2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed 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*.

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

Done at Brussels, 12 June 2014.

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

([1]) OJ L 299, 16.11.2007, p. 1.
([2]) OJ L 157, 15.6.2011, 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	62,3
	TR	71,7
	ZZ	67,0
0707 00 05	MK	50,6
	TR	105,0
	ZZ	77,8
0709 93 10	MA	68,1
	TR	109,3
	ZA	27,3
	ZZ	68,2
0805 50 10	AR	103,3
	TR	120,8
	ZA	121,5
	ZZ	115,2
0808 10 80	AR	135,5
	BR	76,6
	CL	96,5
	CN	99,1
	NZ	133,4
	US	183,9
	UY	168,2
	ZA	99,1
	ZZ	124,0
0809 10 00	TR	248,2
	ZZ	248,2
0809 29 00	TR	456,1
	ZZ	456,1
0809 30	MA	135,6
	ZZ	135,6

(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'.

DECISIONS

COUNCIL DECISION

of 5 June 2014

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

(2014/348/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 46(d), Article 149, Article 153(2)(a), Article 175, third paragraph, and Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ([1]), and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Protocol 31 to the Agreement on the European Economic Area ('the EEA Agreement') contains specific provisions and arrangements concerning cooperation in specific fields outside the four freedoms.

(2) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 1296/2013 of the European Parliament and of the Council ([2]).

(3) Protocol 31 to the EEA Agreement should therefore be amended accordingly, in order to allow for this extended cooperation to take place from 1 January 2014.

(4) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the European Union, in the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

Article 2

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

Done at Luxembourg, 5 June 2014.

For the Council
The President
N. DENDIAS

([1]) OJ L 305, 30.11.1994, p. 6.
([2]) Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ('EaSI') and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 347, 20.12.2013, p. 238).

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No .../2014

of

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

(1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ('EaSI') and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion ([1]).

(2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2014,

HAS ADOPTED THIS DECISION:

Article 1

Article 15 of Protocol 31 to the EEA Agreement shall be amended as follows:

1. In paragraph 2, the words 'and which are carried out before 1 January 2014,' are added after the words 'paragraph 1'.
2. The following is added in paragraph 8:

   '— **32013 R 1296**: Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 347, 20.12.2013, p. 238).

   Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme. Norway shall participate in, and financially contribute to, only the EURES axis of the programme.'
3. The text of paragraph 5 is replaced by the following:

   'The EFTA States shall participate in the Community activities referred to in the first indent of paragraph 8 as from 1 January 1999, in the activities referred to in the second indent as from 1 January 2003 and in the activities referred to in the third indent as from 1 January 2014.'

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

It shall apply from 1 January 2014.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee
The President

The Secretaries
to the EEA Joint Committee

([1]) OJ L 347, 20.12.2013, p. 238.
(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

COUNCIL DECISION 2014/349/CFSP

of 12 June 2014

amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo [1], EULEX KOSOVO

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 42(4) and Article 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 4 February 2008, the Council adopted Joint Action 2008/124/CFSP [2].

(2) On 8 June 2010, the Council adopted Decision 2010/322/CFSP [3] which amended Joint Action 2008/124/CFSP and extended the duration of European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) for a period of two years until 14 June 2012.

(3) On 6 June 2012, the Council adopted Decision 2012/291/CFSP [4] which amended Joint Action 2008/124/CFSP and extended the duration of EULEX KOSOVO for a period of two years until 14 June 2014.

(4) Following the recommendations in the Strategic Review adopted in 2014, it is necessary to extend the duration EULEX KOSOVO for a further period of two years.

(5) On 27 May 2013, the Council adopted Decision 2013/241/CFSP [5] which amended Joint Action 2008/124/CFSP to provide a new financial reference amount intended to cover the period from 15 June 2013 until 14 June 2014. Joint Action 2008/124/CFSP should be amended to provide a new financial reference amount intended to cover the transitional period from 15 June 2014 until 14 October 2014.

(6) EULEX KOSOVO will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty.

(7) Joint Action 2008/124/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Joint Action 2008/124/CFSP is amended as follows:

(1) Article 8 is amended as follows:

(a) the following paragraph is inserted:

'1a. The Head of Mission shall be the representative of the Mission. The Head of Mission may delegate management tasks in staff and financial matters to staff members of the Mission, under his/her overall responsibility.';

(b) paragraph 5 is deleted;

---

[1] This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

[2] Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (OJ L 42, 16.2.2008, p. 92).

[3] Council Decision 2010/322/CFSP of 8 June 2010 amending and extending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (OJ L 145, 11.6.2010, p. 13).

[4] Council Decision 2012/291/CFSP of 5 June 2012 amending and extending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (OJ L 146, 6.6.2012, p. 46).

[5] Council Decision 2013/241/CFSP of 27 May 2013 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (OJ L 141, 28.5.2013, p. 47).

(c) paragraph 9 is replaced by the following:

'9. The Head of Mission shall ensure that EULEX KOSOVO works closely and coordinates with the competent Kosovo authorities and with relevant international actors, as appropriate, including NATO/KFOR, UNMIK, OSCE and third States involved in the rule of law in Kosovo.'.

(2) Article 9(4) is replaced by the following:

'4. All staff shall carry out their duties and act in the interest of the Mission. All staff shall respect the security principles and minimum standards established by Council Decision 2013/488/EU (*).

(*) Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p.1).';

(3) Article 10 (3) is replaced by the following:

'3. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts to be concluded between EULEX KOSOVO and the staff member concerned.';

(4) Article 14 (7) is replaced by the following:

'7. The Head of Mission shall ensure the protection of EU classified information in accordance with Decision 2013/488/EU.';

(5) The following Article is inserted:

'Article 15a

Legal arrangements

EULEX KOSOVO shall have the capacity to procure services and supplies, to enter into contracts and administrative arrangements, to employ staff, to hold bank accounts, to acquire and dispose of assets and to discharge its liabilities, and to be a party to legal proceedings, as required in order to implement this Joint Action.';

(6) Article 16 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The financial reference amount intended to cover the expenditure of EULEX KOSOVO until 14 October 2010 shall be EUR 265 000 000.

The financial reference amount intended to cover the expenditure of EULEX KOSOVO from 15 October 2010 until 14 December 2011 shall be EUR 165 000 000.

The financial reference amount intended to cover the expenditure of EULEX KOSOVO from 15 December 2011 until 14 June 2012 shall be EUR 72 800 000.

The financial reference amount intended to cover the expenditure of EULEX KOSOVO from 15 June 2012 until 14 June 2013 shall be EUR 111 000 000.

The financial reference amount intended to cover the expenditure of EULEX KOSOVO from 15 June 2013 until 14 June 2014 shall be EUR 110 000 000.

The financial reference amount intended to cover the expenditure of EULEX KOSOVO from 15 June 2014 until 14 October 2014 shall be EUR 34 000 000.

The financial reference amount for the subsequent period for EULEX KOSOVO shall be decided by the Council.'

(b) paragraphs 4 to 6 are replaced by the following:

'4. EULEX KOSOVO shall be responsible for the implementation of the Mission's budget. For this purpose, the EULEX KOSOVO shall sign an agreement with the Commission.

5. EULEX KOSOVO shall be responsible for any claims and obligations arising from the implementation of the mandate starting from 15 June 2014, with the exception of any claims relating to serious misconduct by the Head of Mission, for which the Head of Mission shall bear the responsibility.

6. The implementation of the financial arrangements will be without prejudice to the chain of command as provided for in Articles 7, 8 and 11 and the operational requirements of EULEX KOSOVO, including compatibility of equipment and interoperability of its teams.

7. Expenditure shall be eligible as of the date of entry into force of this Joint Action.'.

(7) The following Article is inserted:

'*Article 16a*

Project Cell

1. EULEX KOSOVO shall have a Project Cell for identifying and implementing projects. EULEX KOSOVO shall, as appropriate, coordinate, facilitate, and provide advice on projects implemented by Member States and third States under their responsibility in areas related to EULEX KOSOVO and in support of its objectives.

2. EULEX KOSOVO shall be authorised to seek recourse to financial contributions from the Member States or third States to implement projects identified as supplementing in a consistent manner EULEX KOSOVO's other actions, if the project is:

(a) provided for in the financial statement relating to this Joint Action; or

(b) integrated during the mandate by means of an amendment to the financial statement requested by the Head of Mission. EULEX KOSOVO shall conclude an arrangement with those States, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by EULEX KOSOVO in the use of the funds provided by those States. Under no circumstances may the contributing States hold the Union or the HR liable for acts or omissions by EULEX KOSOVO in the use of the funds provided by those States.

3. The PCS shall agree on the acceptance of a financial contribution from third States to the Project Cell.'

(8) In Article 18 paragraphs 1 and 2 are replaced by the following:

'1. The HR shall be authorised to release to the United Nations, NATO/KFOR and to other third parties, associated with this Joint Action, EU classified information and documents generated for the purposes of EULEX KOSOVO up to the level of the relevant classification respectively for each of them, in accordance with Decision 2013/488/EU. Local technical arrangements shall be drawn up to facilitate this.

2. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the competent local authorities EU classified information and documents up to the level "RESTREINT UE/EU RESTRICTED" generated for the purposes of EULEX KOSOVO, in accordance with Decision 2013/488/EU. In all other cases, such information and documents shall be released to the competent local authorities in accordance with the procedures appropriate to those authorities' level of cooperation with the EU.'.

(9) In Article 20, the second subparagraph is replaced by the following:

'It shall expire on 14 June 2016.'

Article 2

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

Done at Luxembourg, 12 June 2014.

For the Council
The President
Y. MANIATIS

COMMISSION DECISION

of 5 June 2014

establishing the ecological criteria for the award of the EU Ecolabel for textile products

(notified under document C(2014) 3677)

(Text with EEA relevance)

(2014/350/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel [1], and in particular Article 8(2) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

(1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to products which have a reduced environmental impact during their entire life cycle.

(2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.

(3) Commission Decision 2009/567/EC [2] has established the ecological criteria and the related assessment and verification requirements for textile products, which are valid until 30 June 2014.

(4) In order to better reflect the state of the art of the market for this product group and take into account the innovation that has taken place during the intervening period, it is considered appropriate to modify the scope of the product group and establish a revised set of ecological criteria.

(5) The criteria aim, in particular, at identifying products that have a lower environmental impact along their life cycle, with specific improvements so that they are: sourced from more sustainable forms of agriculture and forestry, manufactured using resources and energy more efficiently, manufactured using cleaner, less polluting processes, manufactured using less hazardous substances, designed and specified to be of high quality and durable. Criteria for awarding the EU Ecolabel to textiles are set for the aforementioned aspects and those products with improved performance on these aspects should be promoted. It is therefore appropriate to establish EU Ecolabel criteria for the product group 'textiles'.

(6) The revised criteria, as well as the related assessment and verification requirements should be valid for four years from the date of adoption of this Decision, taking into account the innovation cycle for this product group.

(7) Decision 2009/567/EC should therefore be replaced by this Decision.

(8) A transitional period shall be allowed for producers whose products have been awarded the EU Ecolabel for textile products on the basis of the criteria set out in Decision 2009/567/EC, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements.

(9) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

[1] OJ L 27, 30.1.2010, p. 1.
[2] Commission Decision 2009/567/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Ecolabel for textile products (OJ L 197, 29.7.2009, p. 70).

HAS ADOPTED THIS DECISION:

Article 1

1. The product group 'textile products' shall comprise:

(a) Textile clothing and accessories: clothing and accessories consisting of at least 80 % by weight of textile fibres in a woven, non-woven or knitted form.

(b) Interior textiles: textile products for interior use consisting of at least 80 % by weight of textile fibres in a woven, non-woven or knitted form.

(c) Fibres, yarn, fabric and knitted panels: intended for use in textile clothing and accessories and interior textiles, including upholstery fabric and mattress ticking prior to the application of backings and treatments associated with the final product.

(d) Non-fibre elements: zips, buttons and other accessories that are incorporated into the product. Membranes, coatings and laminates.

(e) Cleaning products: woven or non-woven fabric products intended for the wet or dry cleaning of surfaces and the drying of kitchenware.

2. The following products are not included in the product group 'textile products':

(a) products that are intended to be disposed of after a single use;

(b) floor coverings, covered by Commission Decision 2009/967/EC [1];

(c) fabrics that form part of structures intended for outdoor use.

3. Garments, fabrics and fibres that containing the following are excluded from the product group.

(a) electrical devices or which form an integral part of electrical circuitry;

(b) devices or impregnated substances designed to sense or react to changes in ambient conditions.

Article 2

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

(a) 'textile fibres' means natural fibres, synthetic fibres and man-made cellulose fibres;

(b) 'Natural fibres' means cotton and other natural cellulosic seed fibres, flax and other bast fibres, wool and other keratin fibres;

(c) 'Synthetic fibres' means acrylic, elastane, polyamide, polyester and polypropylene;

(d) 'Man-made cellulose fibres' means lyocell, modal and viscose.

Article 3

For 'textile clothing and accessories' and for 'interior textiles' fillings, linings, padding, membranes and coatings made of fibres included in the scope of this Decision need not be taken into account in the calculation of the percentage of textile fibres.

Article 4

Filling materials that are not made from textile fibres shall comply with restrictions listed in criterion 10 set out in the Annex that relate to auxiliaries, surfactants, biocides and formaldehyde.

Article 5

The criteria for awarding the EU Ecolabel under Regulation (EC) No 66/2010, for a product falling within the product group 'textile products' defined in Article 1 of this Decision as well as the related assessment and verification requirements are set out in the Annex.

[1] Commission Decision 2009/967/EC of 30 November 2009 on establishing the ecological criteria for the award of the Community Ecolabel for textile floor coverings (OJ L 332, 17.12.2009, p. 1).

Article 6

The criteria and the related assessment requirements set out in the Annex, shall be valid for four years from the date of adoption of this Decision.

Article 7

For administrative purposes, the code number assigned to the product group 'textile products' shall be '016'.

Article 8

Decision 2009/567/EC is repealed.

Article 9

1. Applications for the EU Ecolabel for products falling within the product group 'textile products' submitted within two months from the date of adoption of this Decision may be based either on the criteria set out in Decision 2009/567/EC, or on the criteria set out in this Decision. Applications shall be evaluated in accordance with the criteria on which they are based.

2. EU Ecolabel licences awarded in accordance with the criteria set out in Decision 2009/567/EC may be used for 12 months from the date of adoption of this Decision.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 5 June 2014.

For the Commission
Janez POTOČNIK
Member of the Commission

ANNEX

The criteria for awarding the EU Ecolabel to textile products, and the sub-categories under which they are grouped, are as follows:

Textile fibres

1. Cotton and other natural cellulosic seed fibres
2. Flax and other bast fibres
3. Wool and other keratin fibres
4. Acrylic
5. Elastane
6. Polyamide
7. Polyester
8. Polypropylene
9. Man-made cellulose fibres (lyocell, modal and viscose)

Components and accessories

10. Fillings
11. Coatings, laminates and membranes
12. Accessories

Chemicals and processes

13. Restricted Substance List (RSL)
14. Substitution of hazardous substances in dyeing, printing and finishing
15. Washing, drying and curing energy efficiency
16. Treatment of emissions to air and water

Fitness for use

17. Dimensional changes during washing and drying
18. Colour fastness to washing
19. Colour fastness to perspiration (acid, alkaline)
20. Colour fastness to wet rubbing
21. Colour fastness to dry rubbing
22. Colour fastness to light
23. Wash resistance of cleaning products
24. Fabric resistance to pilling and abrasion
25. Durability of function

Corporate Social Responsibility

26. Fundamental principles and rights at work
27. Restriction on the sandblasting of denim

Supporting information

28. Information appearing on the Ecolabel

Appendix 1 additionally contains the RSL referred to in criterion 13. This lists restrictions applying to hazardous substances that may be used to manufacture textile products and which may be contained in the final product.

The Ecolabel criteria reflect the best environmental performing products on the market of textiles. Whilst the use of chemical products and release of pollutants is part of the production process, a product that bears the EU Ecolabel guarantees the consumer that the use of such substances has been limited to the extent technically possible without prejudice to the fitness for use.

The criteria exclude whenever possible or restrict at minimum the concentration (required for providing specific functions and properties) of a number of substances identified as hazardous or potentially hazardous to the human health and the environment that may be used to manufacture textiles. Only where a substance is required to meet consumer performance expectations or mandated requirements for the product (for instance flame retardancy), and where there are no applied and tested available alternatives, derogation for such a substance to be used in the Ecolabel is granted.

Derogations are evaluated on the basis of the precautionary principle and scientific and technical evidence, especially if safer products are available on the market.

Product testing for restricted hazardous substances is requested in order to provide a high level of assurance to consumers. Strict conditions are also imposed on the manufacturing processes for textiles to control pollution of water and air, and to minimise exposure of the workforce. The verification of compliance with the criteria is formulated in a way that provides a high level of assurance to consumers, reflects the practical potential for applicants to obtain information from the supply chain and excludes the potential for 'free riding' by applicants.

Assessment and verification

In order to show compliance with the criteria the applicant is required to declare the following information about the product(s) and their supply chain:

Table 1

Overview of assessment and verification requirements

Criteria set	Verification source
(a) Textile fibre criteria: The complete material composition of the product(s), identifying and showing compliance for textile fibres, components and accessories;	Fibre and component manufacturers, their raw material and chemical suppliers and testing laboratories working in accordance with the specified test methods.
(b) Chemicals and processes: The substances, production recipes and technologies used to manufacture and impart specific qualities and functions to the product at the spinning, pre-treatment, dyeing, printing and finishing stages and to treat air and wastewater emissions;	Production sites, their chemical suppliers and testing laboratories working in accordance with the specified test methods. Where required product analytical testing shall be carried out annually during the license period and submitted to the appropriate competent body for verification.
(c) Fitness for use: The performance of the product(s) as defined by specific testing procedures which address colour fastness under specific conditions, resistance to pilling and abrasion, and the durability of repellency, easycare and flame retardancy functions;	Testing laboratories working in accordance with specified test methods.
(d) Corporate Social Responsibility: Compliance of the applicants' selected cut/make/trim suppliers with the defined ILO standards.	Independent verifiers or documentary evidence based on the auditing of cut/make/trim production sites.

Each criteria contains detailed verification requirements which require the applicant to compile declarations, documentation, analyses, test reports and other evidence relating to the product(s) and their supply chain.

The validity of the license is based on verification upon application and, where specified under criterion 13, product testing which shall be submitted to competent bodies for verification. Changes in suppliers and production sites pertaining to licensed products shall be notified to competent bodies, together with supporting information to verify ongoing compliance with the license conditions.

Competent bodies shall preferentially recognise tests by laboratories which are accredited according to ISO 17025 and verifications performed by bodies which are accredited under the EN 45011 standard or an equivalent international standard.

The functional unit, to which inputs and outputs should be related, is 1 kg of textile product at normal conditions (65 % RH ± 4 % and 20 °C ± 2 °C; these norm conditions are specified in ISO 139 Textiles — standard atmospheres for conditioning and testing).

Where the applicant uses a certification system to provide independent verifications the chosen system and associated systems for accreditation of verifiers shall meet the general requirements of EN 45011 and ISO 17065. Where appropriate, competent bodies may require supporting documentation and may carry out independent verifications and site visits.

The competent bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS, ISO 14001 and ISO 50001, when assessing applications and monitoring compliance with the criteria (note: it is not required to implement such management schemes).

EU ECOLABEL CRITERIA

Applicants shall demonstrate the compliance with the criteria as relevant to the material composition, chemical formulations, production sites and fitness for use of products they wish to carry the Ecolabel.

1. TEXTILE FIBRE CRITERIA

Fibre-specific criteria are set out in this section for the following fibre types:

(a) Natural fibres: Cotton and other natural cellulosic seed fibres, flax and other bast fibres, wool and other keratin fibres;

(b) Synthetic fibres: Acrylic, elastane, polyamide, polyester and polypropylene;

(c) Man-made cellulose fibres: lyocell, modal and viscose.

The criteria for a given fibre-type need not be met if a fibre contributes to less than 5 % of the total weight of the product or if they constitute a padding or lining. With the exception of polyamide and polyester these criteria do not have to be met:

(a) By the whole product if it contains fibres that contain recycled content constituting at least 70 % by weight of all fibres in the product;

(b) By individual fibres forming part of the ecolabelled product which contain at least 70 % by weight of recycled content.

In this context, fibres that contain a recycled content are defined as fibres originating from pre-consumer waste (including polymer and fibre production waste, cuttings from textile and clothing manufacturers) and post-consumer waste (textile and all kind of fibre and textile products, as well as non-textile waste including PET drinking bottles and fishing nets).

Recycled content shall, with the exception of PET bottles used to manufacture polyester, meet the requirements of the criterion 13 RSL. This shall include annual, randomised analytical testing for specified substance groups.

Assessment and verification for recycled content: recycled content shall be traceable back to the reprocessing of the feedstock. This shall be verified by independent third party certification of the chain of custody or by documentation provided by feedstock suppliers and reprocessors. Where required by criterion 13 declarations and laboratory testing results shall be provided by fibre manufacturers and feedstock suppliers.

Criterion 1. Cotton and other natural cellulosic seed fibres (including kapok)

Cotton and other natural cellulosic seed fibres (hereinafter referred to as cotton) shall contain a minimum content of either organic cotton (see criterion 1a) or integrated pest management (IPM) cotton (see criterion 1b). In addition to this:

— All conventional cotton and IPM cotton used shall comply with the pesticide restrictions in criterion 1c,

— For the production standard 1(a) Organic, all conventional cotton and IPM cotton used shall come from non-genetically modified varieties,

— All organic and IPM cotton shall be fully traceable in accordance with criterion 1d,

— Clothing for babies of less than 3 years old shall contain a minimum of 95 % organic cotton.

Products meeting specific content thresholds for organic or IPM cotton shall be permitted to display additional text alongside the Ecolabel communicating the content claim. Guidance is provided in criterion 28.

1(a) Organic production standard

With the exception of the products listed below a minimum of 10 % of the cotton shall be grown according to the requirements laid down in Council Regulation (EC) No 834/2007 ([1]), the US National Organic Programme (NOP) or equivalent legal obligations set by trade partners of the EU. The organic cotton content may include organically grown cotton and transitional organic cotton.

The cotton content of the following products shall contain a minimum of 95 % organic cotton: T-shirts, woman's tops, casual shirts, jeans, pyjamas and nightwear, underwear and socks.

Assessment and verification: Organic content should be certified by an independent control body to have been produced in conformity with the production and inspection requirements laid down in Regulation (EC) No 834/2007 the US National Organic Programme (NOP) or those set by other trade partners.. Verification shall be provided on an annual basis for each country of origin.

Non-genetically modified varieties of cotton shall be verified in conformity with Regulation (EC) No 1830/2003 of the European Parliament and of the Council ([2]).

1(b) Cotton production according to IPM principles

A minimum of 20 % of the cotton shall be grown according to IPM principles as defined by the UN Food and Agricultural Organisation (FAO) IPM programme, or Integrated Crop Management (ICM) systems incorporating IPM principles, and shall comply with the pesticide restrictions in criterion 1(c).

For the following products the minimum percentage of the cotton that shall be grown according to IPM principles as defined above shall be 60 %: T-shirts, woman's tops, casual shirts, jeans, pyjamas and nightwear, underwear and socks.

Assessment and verification: The applicant shall provide evidence that the cotton has been grown by farmers that have participated in formal training programmes of the UN FAO or Government IPM and ICM programmes and/or that have been audited as part of third party certified IPM schemes. Verification shall either be provided on an annual basis for each country of origin or on the basis of certifications for all IPM cotton bales purchased to manufacture the product.

Compliance with the pesticide restriction shall not be required for schemes that prohibit use of the substances listed in criterion 1(c) and where either testing is carried out or declarations of non-use are obtained from farmers and/or farmer producer groups that are verified by site visits carried out by control bodies accredited by either national governments or recognised organic or IPM certification schemes.

([1]) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

([2]) Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (OJ L 268, 18.10.2003, p. 24).

Non-genetically modified IPM cotton used in combination with organic cotton shall be verified in conformity with Regulation (EC) No 1830/2003. IPM schemes that exclude genetically modified cotton shall be accepted as proof of compliance for IPM content.

1(c) Pesticide restrictions applying to conventional and IPM cotton

All cotton used in ecolabelled textile products, with the exception of organic cotton and cotton from IPM schemes exempted in 1(b), shall be grown without the use of any of the following substances:

Alachlor, aldicarb, aldrin, campheclor (toxaphene), captafol, chlordane, 2,4,5-T, chlordimeform, chlorobenzilate, cypermethrin, DDT, dieldrin, dinoseb and its salts, endosulfan, endrin, glyphosulfate, heptachlor, hexachlorobenzene, hexachlorocyclohexane (total isomers), methamidophos, methyl-o-dematon, methylparathion, monocrotophos, neonicotinoids (clothianidine, imidacloprid, thiametoxam), parathion, phosphamidon, pentachlorophenol, thiofanex, triafanex, triazophos

Cotton shall not contain more than 0,5 ppm in total of the substances listed above.

Assessment and verification: Cotton shall be tested for the listed substances. A test report shall be provided based on the following test methods, as appropriate:

— US EPA 8081 B (organo-chlorine pesticides, with ultrasonic or Soxhlet extraction and apolar solvents (iso-octane or hexane)),

— US EPA 8151 A (chlorinated herbicides, using methanol),

— US EPA 8141 B (organophosphorus compounds),

— US EPA 8270 D (semi-volatile organic compounds).

Tests shall be made on samples of raw cotton from each country of origin and before it passes through any wet treatment. For each country of origin testing shall be carried out on the following basis:

(i) Where only one lot of cotton is used per year a sample shall be taken from a randomly selected bale;

(ii) If two or more lots of cotton are used per year composite samples shall be taken from 5 % of the bales.

Cotton is not required to be tested where it has been certified by an IPM scheme that prohibits the use of the listed substances.

1(d) Traceability requirements applying to organic and IPM cotton

All cotton grown according to the organic and IPM production standards and used to manufacture an Ecolabelled textile product shall be traceable from the point of verification of the production standard up until, as a minimum, greige fabric production.

Assessment and verification: the applicant shall demonstrate compliance with the minimum cotton content requirement either for the annual volume of cotton purchased or for the blend of cotton used to manufacture the final product(s) and according to each product line:

(i) On an annualised basis: Transaction records and/or invoices shall be provided that document the quantity of cotton purchased on an annual basis from farmers or producer groups, and/or the total weight of certified bales, up until greige fabric production.

(ii) On a final product basis: Documentation shall be provided from the spinning and/or fabric production stages. All documentation shall reference the Control Body or certifier of the different forms of cotton.

Criterion 2. Flax and other bast fibres (including hemp, jute and ramie)

2(a) Flax and other bast fibres shall be retted under ambient conditions and without thermal energy inputs.

Assessment and verification: the applicant shall provide a declaration of the retting method used from the farmers and/or scutching mills supplying the fibre.

2(b) Where water retting has been used the wastewater from retting ponds shall be treated so as to reduce the COD or TOC by at least 75 % for hemp fibres and by at least 95 % for flax and other bast fibres.

Assessment and verification: if water retting is used, the applicant shall provide a test report showing compliance and using the following test method: ISO 6060 (COD).

Criterion 3. Wool and other keratin fibres (including wool from sheep and lambs, and hair from camel, alpaca and goat)

3(a) The sum totals provided in Table 2 shall not be exceeded for wool ectoparasiticide concentrations on raw wool prior to scouring.

These requirements shall not apply if documentary evidence can be presented that establishes the identity of the farmers producing at least 75 % of the wool or keratin fibres in question, together with an independent verification based on site visits that the substances listed above have not been applied to the fields or animals concerned.

Table 2

Sum total restrictions on ectoparasiticide concentrations in wool

Ectoparasiticide groups	Sum total limit value
γ-hexachlorocyclohexane (lindane), α-hexachlorocyclohexane, β-hexachlorocyclohexane, δ-hexachlorocyclohexane, aldrin, dieldrin, endrin, p,p'-DDT, p,p'-DDD	0,5 ppm
Cypermethrin, deltamethrin, fenvalerate, cyhalothrin, flumethrin	0,5 ppm
Diazinon, propetamphos, chlorfenvinphos, dichlofenthion, chlorpyriphos, fenchlorphos	2 ppm
Diflubenzuron, triflumuron, dicyclanil	2 ppm

Wool scourers that operate closed loop water systems without the discharge of wastewater effluent and which break down the aforementioned ectoparasiticides that may be present in scouring residues and sludge through incineration are derogated from the requirement for wool testing but must comply with at least two of the measures in 3(c).

Assessment and verification: the applicant shall either provide the documentation indicated above or compile test reports, using the following test method: IWTO draft test method 59. The test should be made on sales lots of raw wool, by country of origin (if mixed) and before any wet processing. A minimum of one composite sample of multiple lots from each country of origin shall be tested per processing lot. A composite sample should consist of:

(i) Wool fibres from at least 10 randomly selected farmer lots within the sales lot; or

(ii) One composite sample per farmer supplying the lots where there are less than 10 sales lots within the processing lot.

Alternatively residue test certificates may be submitted for all sales lots in a processing lot.

Where a derogation applies then the applicant shall provide evidence confirming the scouring plant configuration and laboratory test reports demonstrating the breakdown of ectoparasiticides that may be present in scouring residues and sludge.

3(b) Wool scouring operations shall minimise effluent COD by maximising dirt removal and grease recovery, followed by treatment to the value specified in Table 3 either on or off site. The following COD limits shall apply to coarse and fine greasy wool scouring. Fine wool is defined as merino wool of ≤ 23,5 micron in diameter.

Table 3

COD values for the final discharge of effluent from wool scouring

Type of wool	Final discharge to the environment (g COD/kg greasy wool)
Coarse wool	25 g/kg
Fine wool	45 g/kg

Assessment and verification: the applicant shall provide relevant data and test reports related to this criterion, using the following test method: ISO 6060. The data shall demonstrate compliance by the wool scouring site or, if the effluent is treated off-site, by the wastewater treatment operator. Compliance with this criterion shall be on the basis of monthly averages for the six months preceding the application.

3(c) Wool scourers shall implement at least one of the following measures to recover value from either oxidised grease, fibre, suint or sludge arising from the scouring site used for the ecolabelled wool products:

(i) recovery for sale as a chemical feedstock;

(ii) the production of compost or liquid fertiliser;

(iii) the manufacturing of products such as building materials;

(iv) treatment and energy recovery by anaerobic digestion or incineration.

Assessment and verification: the applicant shall provide a report and waste transfer notes confirming the type and proportion of waste recovered and the method used.

Criterion 4. Acrylic

4(a) The emissions to air of acrylonitrile (during polymerisation and up to the solution ready for spinning), expressed as an annual average, shall be less than 1,0 g/kg of fibre produced.

Assessment and verification: the applicant shall provide detailed documentation and/or test reports showing compliance with this criterion, together with a declaration of compliance from the fibre manufacturer(s).

4(b) The workplace emissions to air of N,N-dimethylacetamide (127-19-5) during polymerisation and spinning shall not exceed an Indicative Occupational Exposure Limit Value (IOELV) of 10,0 ppm.

Assessment and verification: emissions values are to be measured at those process stages in which the substances are used, expressed as an 8-hour average value (shift mean value). The applicant shall provide test reports and monitoring data from the fibre manufacturer(s) showing compliance with this criterion.

Criterion 5. Elastane

5(a) Organotin compounds shall not be used to manufacture the fibres.

Assessment and verification: the applicant shall provide a declaration of non-use from the fibre manufacturer(s).

5(b) The workplace emissions to air of the following substances during polymerisation and spinning shall not exceed the following indicative occupational exposure limit values (IOELV):

(i) diphenylmethane-4,4'-diisocyanate (101-68-8) 0,005 ppm

(ii) toluene-2,4-diisocyanate (584-84-9) 0,005 ppm

(iii) N,N-dimethylacetamide (127-19-5) 10,0 ppm

Assessment and verification: emissions values are to be measured at those process stages in which the substances are used, expressed as an 8-hour average value (shift mean value). The applicant shall provide test reports and monitoring data from the fibre manufacturer(s) showing compliance with this criterion.

Criterion 6. Polyamide (or nylon)

Polyamide products shall comply with at least one of the production standards listed in sub-criteria 6(a) and 6(b).

Any product that meets the minimum recycled content threshold shall be permitted to display additional text alongside the Ecolabel communicating a content claim. Guidance is provided in criterion 28.

6(a) Production standard 1: Minimum recycled content.

Fibres shall be manufactured using a minimum content of 20 % nylon that has been recycled from pre and/or post-consumer waste.

Assessment and verification: recycled content shall be traceable back to the reprocessing of the feedstock. This shall be verified by independent certification of the chain of custody or by documentation provided by suppliers and processors.

6(b) Production standard 2: N_2O emissions from monomer production.

The emissions to air of N_2O from nylon monomer production, expressed as an annual average, shall not exceed 9,0 g N_2O/kg of caprolactam (for nylon 6) or adipic acid (for nylon 6,6).

Assessment and verification: the applicant shall provide documentation or test reports showing compliance based on monitoring data, together with a declaration of compliance from fibre manufacturer(s) and their feedstock providers.

Criterion 7. Polyester

Textile products that are primarily for sale to consumers shall comply with sub-criteria (a) and (b). Textile products that are primarily for sale to commercial or public sector customers shall comply with (a) and *either* (b) or (c).

Any product that meets the minimum recycled content threshold shall be permitted to display additional text alongside the Ecolabel communicating this content claim. Guidance is provided in criterion 28.

7(a) The level of antimony present in the polyester fibres shall not exceed 260 ppm. Polyester fibres manufactured from recycled PET bottles are derogated from this requirement.

Assessment and verification: the applicant shall either provide a declaration of non-use or a test report using the following test methods: direct determination by Atomic Absorption Spectrometry or Inductively Coupled Plasma (ICP) Mass Spectrometry. The test shall be carried out on a composite sample of raw fibres prior to any wet processing. A declaration shall be provided for fibres manufactured from recycled PET bottles.

7(b) Fibres shall be manufactured using a minimum content of PET that has been recycled from pre-consumer and/or post-consumer waste. Staple fibres shall contain a minimum content of 50 % and filament fibres 20 %. Microfibres are derogated from this requirement and shall instead comply with (c).

Assessment and verification: recycled content shall be traceable back to the reprocessing of the feedstock. This shall be verified by independent certification of the chain of custody or by documentation provided by suppliers and processors.

7(c) The emissions of VOCs during the production of polyester, expressed as an annual average including both point sources and fugitive emissions, shall not exceed 1,2 g/kg for PET chips and 10,3 g/kg for filament fibre.

Assessment and verification: the applicant shall provide monitoring data and/or test reports demonstrating compliance with EN 12619 or standards with an equivalent test method. Monthly averages for the total emissions of organic compounds from production sites for ecolabelled products shall be provided for a minimum of six months preceding the application.

Criterion 8. Polypropylene

Lead based pigments shall not be used.

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

Criterion 9. Man-made cellulose fibres (including viscose, modal and lyocell)

Pulp production sub-criteria

9(a) A minimum 25 % of pulp fibres shall be manufactured from wood that has been grown according to the principles of sustainable forestry management as defined by the UN FAO. The remaining proportion of pulp fibres shall be from pulp that is sourced from legal forestry and plantations.

Assessment and verification: the applicant shall obtain from the fibre manufacturer(s) valid, independently certified chain of custody certificates demonstrating that the wood fibres have been grown according to sustainable forestry management principles and/or are from legal sources. FSC, PEFC or equivalent schemes shall be accepted as independent certification.

The fibre manufacturer shall demonstrate that due diligence processes have been followed as specified in Regulation (EU) No 995/2010 of the European Parliament and of the Council ([1]) in order to ensure that timber has been legally harvested. Valid EU FLEGT (Forest Law Enforcement, Governance and Trade) or UN CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) licenses and/or third party certification shall be accepted as evidence of legal sourcing.

9(b) Pulp produced from cotton linters shall, as a minimum, meet with the requirements of either cotton criterion 1a or 1b.

Assessment and verification: as indicated in the corresponding criteria

9(c) Pulp used to manufacture fibres shall be bleached without the use of elemental chlorine. The resulting total amount of chlorine and organically bound chlorine in the finished fibres (OX) shall not exceed 150 ppm or in the wastewater from pulp manufacturing (AOX) shall not exceed 0,170 kg/ADt pulp.

Assessment and verification: the applicant shall provide a test report showing compliance with either the OX or the AOX requirement, using the appropriate test method: OX: ISO 11480 (controlled combustion and microcoulometry).

AOX: ISO 9562

9(d) A minimum of 50 % of the pulp used to manufacture fibres shall be purchased from dissolving pulp mills that recover value from their spent process liquors either by:

(i) Generating on-site electricity and steam

(ii) Manufacturing chemical co-products.

([1]) Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market Text with EEA relevance (OJ L 295, 12.11.2010, p. 23).

Assessment and verification: the applicant shall provide a list of pulp suppliers supplying the raw material used to make the fibres and the proportion of pulp that they supply. Documentation and evidence shall be provided that the required proportion of suppliers have the appropriate energy generating equipment and/or co-product recovery and manufacturing systems installed at related production sites.

Fibre production sub-criteria

9(e) For viscose and modal fibres, the sulphur content of the emissions of sulphur compounds to air from fibre production processes, expressed as an annual average, shall not exceed the following performance values in Table 4.

Table 4

Viscose and Modal fibre sulphur emissions values

Fibre type	Performance value (g S/kg)
Staple fibre	30 g/kg
Filament fibre	
— Batch washing	40 g/kg
— Integrated washing	170 g/kg

Assessment and verification: the applicant shall provide detailed documentation and/or test reports showing compliance with this criterion, together with a declaration of compliance.

2. COMPONENT AND ACCESSORIES CRITERIA

The criteria in this section apply to components and accessories that form part of a final product.

Criterion 10. Fillings

10(a) Filling materials consisting of textile fibres shall comply with the textile fibre criteria (1–9) where appropriate.

10(b) Filling materials shall comply with the textile RSL' requirements for biocides and formaldehyde (see Appendix 1).

10(c) Detergents and other chemicals used for the washing of fillings (down, feathers, natural or synthetic fibres) shall comply with the textile RSL' requirements for auxiliary chemicals and for detergents, softeners and complexing agents (see Appendix 1).

Assessment and verification: as indicated in the corresponding criteria

Criterion 11. Coatings, laminates and membranes

11(a) Components made of polyurethane shall comply with Textile fibre criteria 5(a) relating to organic tin and 5(b) relating to workplace exposure to aromatic diisocyanates and DMAc.

11(b) Components made of polyester shall comply with Textile fibre criteria 7(a) and 7(c) regarding antimony content and the emission of VOCs during polymerisation.

11(c) Polymers shall comply with restriction g(v) of the RSL in Appendix 1 of this Decision.

Assessment and verification: as indicated in the corresponding criteria and/or in the Appendix 1 to this Decision.

Criterion 12. Accessories

Metal and plastic components such as zips, buttons and fasteners shall comply with the RSL' requirements for accessories (see Appendix 1).

Assessment and verification: as indicated in the corresponding criteria.

3. CHEMICALS AND PROCESS CRITERIA

The criteria in this section apply, where specified, to the following production stages:

(i) Spinning

(ii) Fabric formation

(iii) Pre-treatment

(iv) Dyeing

(v) Printing

(vi) Finishing

(vii) Cut/make/trim

Unless specified otherwise these criteria, including the requirements for random testing, shall also apply to fibres containing recycled content.

Criterion 13. Restricted Substance List (RSL)

13(a) General requirements

The final product and the production recipes used to manufacture the final product shall not contain the hazardous substances listed in the Restricted Substance List at or above the specified concentration limits or according to the specified restrictions. The RSL can be found in Appendix 1. The restrictions in the RSL take precedence over the derogations listed in Criterion 14, Table 6.

The RSL shall be communicated to suppliers and agents responsible for the spinning, dyeing, printing and finishing stages of production. Verification and testing requirements are specified in the RSL for each production stage and for the final product.

Laboratory testing, where required, shall be carried out for each product line based on random sampling. Testing shall be carried out annually during the license period in order to demonstrate ongoing compliance with the RSL.

Assessment and verification: the applicant shall provide a declaration of compliance with the RSL supported by evidence as applicable to the substances and production recipes used to manufacture the final product. The requirements are indicated in the RSL and include declarations obtained from those responsible for related production stages, declarations from chemical suppliers and test results from laboratory analysis of samples of the final product. Declarations obtained from production stages shall be supported by safety data sheets (SDS) for production recipes and, where necessary, declarations from chemical suppliers. SDS shall be completed in accordance with the guidance in Section 2.3,9,10, 11 and 12 of Annex II to Regulation (EC) No 1907/2006 of the European Parliament and of the Council [1](Guide to the compilation of safety data sheets). Incomplete SDS shall require supplementing by declarations from chemical suppliers.

[1] Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Laboratory analysis of the final product shall be carried out in a representative way for the licensed product lines, where specified in the RSL and according to the test methods listed. Testing, where required, shall be carried out upon application and once a year thereafter for each product line based on a random sample, with results then communicated to the relevant competent body. Test data obtained for the purposes of compliance with industry RSL's and other schemes shall be accepted where the test methods are equivalent and have been carried out on a representative sample of the final product.

Failure of a test result during a license period shall result in retesting for the specific product line. If the second test fails then the license shall be suspended for the specific product line. Remedial action will then be required in order to re-instate the license.

13(b) Substances of Very High Concern (SVHC's)

The final product including any component or accessory shall not, unless specifically derogated, contain substances that:

(i) Meet the criteria in Article 57 of Regulation (EC) No 1907/2006;

(ii) Have been identified according to the procedure described in Article 59(1) of Regulation (EC) No 1907/2006 which establishes the candidate list for substances of very high concern.

This applies to substances used to impart function to the final product and to substances that have been intentionally used in production formulas.

No derogation shall be given concerning substances that meet either of these two conditions, and which are present in a textile article, or in any homogeneous part of a complex textile article, in concentrations higher than 0,10 % (weight by weight).

Assessment and verification: Substances and recipes used at each production stage shall be screened against the latest version of the candidate list published by ECHA. The applicant shall compile declarations of compliance from each production stage supported by screening documentation.

Where a derogation has been granted then the applicant shall show that use of the substance is in compliance with the concentration limits and derogation conditions set out in the RSL.

Criterion 14. Substitution of hazardous substances used in dyeing, printing and finishing

Substances applied to fabrics and knitted panels during dyeing, printing and finishing processes which remain on the final product and, in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([1]) or Council Directive 67/548/EC ([2]), meet the criteria for classification with the hazard classes or risk phrases listed in Table 5 shall not be used unless they have been specifically derogated. These restrictions shall also apply to functional substances incorporated into man-made fibres during their manufacturing.

14(a) Hazard classification restrictions

The hazard classifications restricted are listed in Table 5. The most recent classification rules adopted by the European Union shall take precedence over the listed hazard classifications and risk phrases. Applicants shall therefore ensure that any classifications are based on the most recent classification rules.

The use of substances or mixtures which change their properties upon processing (e.g., become no longer bioavailable, undergo chemical modification) so that the identified hazard no longer applies are exempted from the above requirements. This shall include polymers that have been modified to incorporate a function and monomers or additives which become covalently bonded with polymers.

([1]) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

([2]) Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1).

Table 5

Restricted hazard classifications and risk phrases and their CLP categorisation

Acute toxicity	
Category 1 and 2	Category 3
H300 Fatal if swallowed (R28)	H301 Toxic if swallowed (R25)
H310 Fatal in contact with skin (R27)	H311 Toxic in contact with skin (R24)
H330 Fatal if inhaled (R23/26)	H331 Toxic if inhaled (R23)
H304 May be fatal if swallowed and enters airways (R65)	EUH070 Toxic by eye contact (R39/41)
Specific target organ toxicity	
Category 1	Category 2
H370 Causes damage to organs (R39/23, R39/24, R39/25, R39/26, R39/27, R39/28)	H371 May cause damage to organs (R68/20, R68/21, R68/22)
H372 Causes damage to organs through prolonged or repeated exposure (R48/25, R48/24, R48/23)	H373 May cause damage to organs through prolonged or repeated exposure (R48/20, R48/21, R48/22)
Respiratory and skin sensitisation	
Category 1A	Category 1B
H317: May cause allergic skin reaction (R43)	H317: May cause allergic skin reaction (R43)
H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled (R42)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled (R42)
Carcinogenic, mutagenic or toxic for reproduction	
Category 1A and 1B	Category 2
H340 May cause genetic defects (R46)	H341 Suspected of causing genetic defects (R68)
H350 May cause cancer (R45)	H351 Suspected of causing cancer (R40)
H350i May cause cancer by inhalation (R49)	
H360F May damage fertility (R60)	H361f Suspected of damaging fertility (R62)
H360D May damage the unborn child (R61)	H361d Suspected of damaging the unborn child (R63)
H360FD May damage fertility. May damage the unborn child (R60, R60/61)	H361fd Suspected of damaging fertility. Suspected of damaging the unborn child (R62/63)

Acute toxicity	
Category 1 and 2	Category 3
H360Fd May damage fertility. Suspected of damaging the unborn child (R60/63)	H362 May cause harm to breast fed children (R64)
H360Df May damage the unborn child. Suspected of damaging fertility (R61/62)	

Hazardous to the aquatic environment	
Category 1 and 2	Category 3 and 4
H400 Very toxic to aquatic life (R50)	H412 Harmful to aquatic life with long-lasting effects (R52/53)
H410 Very toxic to aquatic life with long-lasting effects (R50/53)	H413 May cause long-lasting effects to aquatic life (R53)
H411 Toxic to aquatic life with long-lasting effects (R51/53)	

Hazardous to the ozone layer	
EUH059 Hazardous to the ozone layer (R59)	

14(b) Derogations that apply to textile substance groups

In accordance with Article 6(7) of Regulation (EC) No 66/2010 the substance groups in Table 6 are specifically derogated from the requirements set out in Criterion 14(a) and in accordance with the derogation conditions described in Table 6. For each substance group all derogation conditions are provided for the specified hazard classifications. These derogations also apply to substances added to man-made synthetic and cellulosic fibres during their manufacturing.

Table 6

Derogated hazard classifications by substance group

Substances that impart function to the final product		
Substance group	Derogated hazard classifications	Derogation conditions
(i) Dyestuff for dyeing and non-pigment printing	H301, H311, H331, H317, H334	Dust free dye formulations or automatic dosing and dispensing of dyes shall be used by dye houses and printers to minimise worker exposure;
	H411, H412, H413	Dyeing processes using reactive, direct, vat, sulphur dyes with these classifications shall meet a minimum of one of the following conditions: — Use of high affinity dyes; — Achievement of a reject rate of less than 3,0 % — Use of colour matching instrumentation; — Implementation of standard operating procedures for the dyeing process; — Use of colour removal to treat wastewater in compliance with criterion 16(a) The use of solution dyeing and/or digital printing are exempted from these conditions.

Substances that impart function to the final product		
Substance group	Derogated hazard classifications	Derogation conditions
(ii) Flame retardants	H317 (1B), H373, H411, H412, H413	— The product must be intended to be used in applications in which it is required to meet fire protection requirements in ISO, EN, Member State or public sector procurement standards and regulations. — The product shall meet the requirements for durability of function (see criterion 25)
	H351 is derogated for the application of antimony trioxide synergist as a back-coating for interior textiles.	— The product must be intended to be used in applications in which it is required to meet fire protection requirements in ISO, EN, Member State or public sector procurement standards and regulations. — Emissions to air in the workplace where the flame retardant is applied to the textile product shall meet an eight hour occupational exposure limit value of 0,50 mg/m^3.
(iii) Optical brighteners	H411, H412, H413	Optical brighteners may only be applied in the following cases: — In white coloured printing; — To achieve enhanced brightness in uniforms and work wear; — As additives during the production of polyamide and polyester with a recycled content.
(iv) Water, dirt and stain repellents	H413	— The repellent and its degradation products shall be readily andor inherently biodegradable and non-bioaccumulative in the aquatic environment, including aquatic sediment. — The product shall meet the requirements for durability of function (See criterion 25)
Other residual substances that may be found on the final product		
(v) Auxilliaries comprising: Carriers, Levelling agents, Dispersing agents, Surfactants, Thickeners, Binders,	H301, H311, H331, H371, H373, H317 (1B), H334, H411, H412, H413, EUH070,	Recipes shall be formulated using automatic dosing systems and processes shall follow standard operating procedures. Substances classified with H311, H331, H317 (1B) shall not be present on the final product at concentrations of greater than 1,0 % w/w.

Assessment and verification: the applicant shall obtain declarations of compliance from each dyeing, printing and finishing production site and, where necessary, their chemical suppliers. This shall declare that, where used in production recipes, the following substances, together with any additional functional substances used that may remain on the final product, do not meet the criteria for classification with one or more of the hazard classifications and risk phrases listed in Table 5:

— biocides

— dyestuffs and pigments

— auxilliary carriers, levelling agents and dispersing agents

— optical brighteners

— print thickeners, binders and plasticizers

— cross-linking agents (from easy care finishes and printing)

— flame retardants and synergists

— water, dirt and stain repellents

— fabric softeners

Where substances are derogated in Table 6 then the declaration shall specifically identify those derogated substances and provide supporting evidence showing how the derogation conditions are to be met.

Derogation (v) Auxilliaries shall require verification based on laboratory testing of the final product if the production formulas include substances that carry the specified hazard classifications.

The following technical information shall be provided to support the declaration of classification or non-classification for each substance:

(i) For substances that have not been registered under Regulation (EC) No 1907/2006 or which do not yet have a harmonised CLP classification: Information meeting the requirements listed in Annex VII to that Regulation;

(ii) For substances that have been registered under Regulation (EC) No 1907/2006 and which do not meet the requirements for CLP classification: Information based on the REACH registration dossier confirming the non-classified status of the substance;

(iii) For substances that have a harmonised classification or are self-classified: SDS where available. If these are not available or the substance is self-classified then information shall be provided relevant to the substances hazard classification according to Annex II to Regulation (EC) No 1907/2006;

(iv) In the case of mixtures: safety data sheets where available. If these are not available then calculation of the mixture classification shall be provided according to the rules under Regulation (EC) No 1272/2008 together with information relevant to the mixtures hazard classification according to Annex II to Regulation (EC) No 1907/2006.

SDS shall be completed in accordance with the guidance in Section 2.3,9,10, 11 and 12 of Annex II to Regulation (EC) No 1907/2006 (requirements for the compilation of SDS). Incomplete SDS will require supplementing by declarations from chemical suppliers.

Criterion 15. Washing, drying and curing energy efficiency

The applicant shall demonstrate that the energy used in washing, drying and curing steps associated with dyeing, printing and finishing steps for ecolabelled products is measured and benchmarked as part of an energy or carbon dioxide emissions management system.

Furthermore, they shall demonstrate that production sites have implemented a minimum number of Best Available Techniques (BAT) energy efficiency techniques as specified in Table 7 and as listed in Appendix 3 to this decision.

Table 7

Washing, rinsing and drying energy efficiency techniques

BAT themes	Production volume	
	< 10 tonnes/day	> 10 tonnes/day
1. General energy management	Two techniques	Three techniques
2. Washing and rinsing processes	One technique	Two techniques
3. Drying and curing using stenter frames	One technique	Two techniques

Assessment and verification: the applicant shall compile reporting from energy management systems for each dyeing, printing and finishing production site. ISO 50001 or equivalent systems for energy or carbon dioxide emissions shall be accepted as evidence for the energy management system.

The evidence required of BAT implementation shall include, as a minimum, site photographs, technical descriptions of each technique and evaluations of the energy savings achieved.

Criterion 16. Treatment of emissions to air and water

16(a) Wastewater discharges from wet processing

Wastewater discharges to the environment shall not exceed 20 g COD/kg textiles processed. This requirement shall apply to weaving, dyeing, printing and finishing processes used to manufacture the product(s). The requirement shall be measured downstream of on-site wastewater treatment plant and/or off-site wastewater treatment plant receiving wastewater from these processing sites.

If the effluent is treated on site and discharged directly to surface waters, it shall also meet the following requirements:

(i) pH between 6,0 and 9,0 (unless the pH of the receiving water is outside this range)

(ii) temperature of less than 35 °C (unless the temperature of the receiving water is above this value)

If colour removal is required by a derogation condition in criterion 14 then the following spectral absorption coefficients shall be met:

(i) 436 nm (yellow sector) 7 m-1

(ii) 525 nm (red sector) 5 m-1

(iii) 620 nm (blue sector) 3 m-1

Assessment and verification: the applicant shall provide detailed documentation and test reports, using ISO 6060 and ISO 7887 as relevant, and showing compliance with this criterion on the basis of monthly averages for the six months preceding the application, together with a declaration of compliance. The data shall demonstrate compliance by the production site or, if the effluent is treated off-site, by the wastewater treatment operator.

16(b) Emissions to air from printing and finishing processes

Total emissions of organic compounds, as defined in Council Directive 1999/13/EC ([1]), from textile printing and finishing production sites used to manufacture the ecolabelled product(s) shall not exceed 100,0 mg C/Nm^3.

([1]) Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (OJ L 85, 29.3.1999, p. 1).

Where textile coating and drying processes allow for the recovery and reuse of solvents an emissions limit of 150,0 mg C/Nm³ shall apply.

Finishing processes include the thermosetting, thermosoling, coating and impregnating of textiles including their respective drying (stenter) facilities.

Assessment and verification: the applicant shall demonstrate compliance according to EN 12619 or other equivalent standards. Monthly averages for the total emissions of organic compounds from production sites shall be provided for the six months preceding the application. Where recovery and reuse of solvents is carried out then monitoring data shall be provided to evidence the operation of these systems.

4. FITNESS FOR USE CRITERIA

The criteria in this section apply to intermediate fabric and knitted product and to the final product.

Criterion 17. Dimensional changes during washing and drying

The dimensional changes after washing and drying at either domestic or industrial washing temperatures and conditions shall not exceed those specified in Table 8.

Table 8

Tolerances for dimensional changes during washing and drying

Textile products or type of material	Dimensional changes during washing and drying
Knitted fabrics	± 4,0 %
Chunky knit	± 6,0 %
Interlock	± 5,0 %
Woven fabrics: — Cotton and cotton mix — Wool mix — Synthetic fibres	 ± 3,0 % ± 2,0 % ± 2,0 %
Socks and hosiery	± 8,0 %
Bathroom linen, including terry towelling and fine rib fabrics	± 8,0 %
Washable and removable woven upholstery — Curtains and furniture fabric — Mattress ticking	± 2,0 % ± 3,0 %
Non-woven fabrics — Mattress ticking — All other fabrics	 ± 5,0 % ± 6,0 %

This criterion does not apply to:

(a) fibres or yarn;

(b) products clearly labelled ‘dry clean only’ or equivalent;

(c) furniture fabrics that are not removable and washable.

Assessment and verification: the applicant shall provide test reports using the standards appropriate for the product.

For domestic washing EN ISO 6330 in combination with EN ISO 5077 shall be used as follows: three washes at temperatures as indicated on the product, with tumble drying after each washing cycle.

For commercial washing in industrial laundries ISO 15797 in combination with EN ISO 5077 shall be used at a minimum of 75 °C or as indicated in the standard for the fibre and bleaching combination. Drying shall be as indicated on the product label.

Alternatively for removable and washable mattress ticking EN ISO 6330 in combination with EN 25077 shall be used. The default conditions shall be washing 3A (60 °C) and drying C (flat drying) unless the product label states otherwise.

Criterion 18. Colour fastness to washing

The colour fastness to washing shall be at least level 3-4 for colour change and at least level 3-4 for staining.

This criterion does not apply to products labelled 'dry clean only' or equivalent (in so far as it is normal practice for such products to be so labelled), to white products or products that are neither dyed nor printed, or to non-washable furniture fabrics.

Assessment and verification: for domestic washing the applicant shall provide test reports using the test method: ISO 105 C06 (single wash, at temperature as marked on the product, with perborate powder).

For commercial washing in industrial laundries ISO 15797 in combination with ISO 105 C06 shall be used at a minimum of 75 °C or as indicated in the standard for the fibre and bleaching combination.

Criterion 19. Colour fastness to perspiration (acid, alkaline)

The colour fastness to perspiration (acid and alkaline) shall be at least level 3-4 (colour change and staining). A level of 3 is nevertheless allowed when fabrics are both dark coloured (standard depth > 1/1) and made of regenerated wool. This criterion does not apply to white products, to products that are neither dyed nor printed, to furniture fabrics, curtains or similar textiles intended for interior decoration.

Assessment and verification: the applicant shall provide test reports using the following test method: ISO 105 E04 (acid and alkaline, comparison with multi-fibre fabric).

Criterion 20. Colour fastness to wet rubbing

The colour fastness to wet rubbing shall be at least level 2-3. A level of 2 is nevertheless allowed for indigo dyed denim.

This criterion does not apply to white products or products that are neither dyed nor printed.

Assessment and verification: the applicant shall provide test reports using the following test method: ISO 105 X12.

Criterion 21. Colour fastness to dry rubbing

The colour fastness to dry rubbing shall be at least level 4. A level of 3-4 is nevertheless allowed for indigo dyed denim.

This criterion does not apply to white products or products that are neither dyed nor printed, or to curtains or similar textiles intended for interior decoration.

Assessment and verification: the applicant shall provide test reports using the following test method: ISO 105 X12.

Criterion 22. Colour fastness to light

For fabrics intended for furniture, curtains or drapes, the colour fastness to light shall be at least level 5. For all other products the colour fastness to light shall be at least level 4.

A level of 4 is nevertheless allowed when fabrics intended for furniture, curtains or drapes are both light coloured (standard depth < 1/12) and made of more than 20 % wool or other keratin fibres, or more than 20 % linen or other bast fibres.

This requirement does not apply to mattress ticking, mattress protection or underwear.

Assessment and verification: the applicant shall provide test reports using the following test method: ISO 105 B02.

Criterion 23. Wash resistance and absorbency of cleaning products

Cleaning products shall be wash resistant and absorbent according to the relevant testing parameters identified in Tables 9 and 10. The testing specified for absorbency shall not apply to twisted yarn products.

Table 9

Values and parameters for the wash resistance of cleaning products

Textile cleaning products or type of material	Numbers of washes	Temperature	EN ISO 6630 test reference
Woven and non-woven products for wet cleaning	80	40 °C	Procedure 4N
Microfibre products for dusting	200	40 °C	Procedure 4N
Products deriving from recycled textile fibres	20	30 °C	Procedure 3G
Mops for washing floors	200	60 °C	Procedure 6N
Cloths for washing floors	5	30 °C	Procedure 3G

Table 10

Values and parameters for the absorbency of cleaning products

Textile cleaning products or type of material	Liquid absorbency time
Products deriving from recycled textile fibres	≤ 10 seconds
Microfibre products for surface and floor cleaning	≤ 10 seconds
Woven and non-woven products for wet cleaning	≤ 10 seconds
Products for washing floors	≤ 10 seconds

Assessment and verification: the applicant shall provide test reports using the following test methods as relevant: EN ISO 6330 and EN ISO 9073-6. Testing according to EN ISO 6330 shall be carried out using washing machine type A for all products and materials.

Criterion 24. Fabric resistance to pilling and abrasion

Non-woven fabrics and knitted garments, accessories and blankets made of wool, wool blends and polyester (including fleece), shall resist pilling to rating of a minimum of 3.

Woven cotton fabrics used for garments shall resist pilling to a rating of a minimum of 3. Polyamide tights and leggings shall resist to a rating of a minimum of 2.

Assessment and verification: the applicant shall provide reports from tests carried out as appropriate to the substrate:

— Knitted and non-woven products: ISO 12945-1 Pill box method

— Woven fabrics: ISO 12945-2 Martindale method

Criterion 25. durability of function

Finishes, treatments and additives that impart water, oil and stain repellency flame retardancy and easy care (also referred to as non-crease or permanent press) to the textile product when it is in use shall be durable according to the values and parameters set out in sub-criteria 25(a), (b) and (c).

For water, oil and stain repellents consumers shall be provided with guidance on how to maintain the functionality of finishes applied to the product.

Textile fibres, fabrics and membranes that lend the final product intrinsic functional properties are exempt from these requirements.

Assessment and verification: for products with intrinsic properties applicants shall provide test reports demonstrating comparable or improved performance compared with alternatives that may be applied as finishes.

25(a) Water, oil and stain repellent functions

Water repellents shall retain a functionality of 80 out of 90 after 20 domestic wash and tumble dry cycles at 40 °C, or after 10 industrial washing and drying cycles at a minimum of 75 °C.

Oil repellents shall retain a functionality of 3,5 out of 4,0 after 20 domestic wash and tumble dry cycles at 40 °C, or after 10 industrial washing and drying cycles at a minimum of 75 °C.

Stain repellents shall retain a functionality of 3,0 out of 5,0 after 20 domestic wash and tumble dry cycles at 40 °C, or after 10 industrial washing and drying cycles at a minimum of 75 °C.

Industrial washing temperatures may be reduced to 60 °C for garments with taped seams.

Assessment and verification: the applicant shall provide reports from tests carried out according to the following standards, as appropriate to the product:

For all products domestic wash cycles ISO 6330 or industrial laundry cycles ISO 15797 in combination with:

— water repellents: ISO 4920

— oil repellents: ISO 14419

— stain repellents: ISO 22958

25(b) Flame retardant functions

Washable products shall retain their functionality after 50 industrial wash and tumble dry cycles at a minimum of 75 °C. Non-washable products shall retain their functionality after a soak test.

Assessment and verification: The applicant shall provide reports from tests carried out according to the following standards, as appropriate to the product:

For domestic wash cycles ISO 6330 or commercial laundry cycles EN ISO 10528 both in combination with EN ISO 12138. Where the textile is non-removable BS 5651 or equivalent.

25(c) Easy-care (also referred to as non-crease or permanent press)

Natural fibre products shall achieve an SA-3 fabric smoothness grade and blended natural and synthetic fibre products an SA-4 fabric smoothness grade after 10 domestic wash and tumble drying cycles at 40 °C.

Assessment and verification: the applicant shall provide reports from tests carried out according to the ISO 7768 test method for assessing the smoothness appearance of fabrics after washing.

5. CORPORATE SOCIAL RESPONSIBILITY CRITERIA

The criteria in this section apply to the cut/make/trim stages of production for textile products.

Criterion 26. Fundamental principles and rights at work

Applicants shall ensure that the fundamental principles and rights at work as described in the International Labour Organisation's (ILO) Core Labour Standards, the UN Global Compact and the OECD Guidelines for Multi-National Enterprises shall be observed by all cut/make/trim production sites used to manufacture the licensed product(s). For the purpose of verification the following ILO Core Labour Standards shall be referred to:

029 Forced Labour

087 Freedom of Association and Protection of the Right to Organise

098 Right to Organise and Collective Bargaining

100 Equal remuneration

105 Abolition of Forced Labour

111 Discrimination (Employment and Occupation)

155 Occupational safety and health

138 Minimum Age Convention

182 Elimination of the Worst Forms of Child Labour

These standards shall be communicated to cut/make/trim production sites used to manufacture the final product.

Assessment and verification: the applicant shall demonstrate third party verification of compliance, using independent verification or documentary evidence, including site visits by auditors during the Ecolabel verification process for cut/make/trim production sites in the supply chain for their licensed products. This shall take place upon application and subsequently during the license period if new production sites are introduced.

Criterion 27. Restriction on the sandblasting of denim

The use of manual and mechanical sandblasting to achieve distressed denim finishes shall not be permitted.

Assessment and verification: the applicant shall provide details of all production sites used to produce ecolabelled denim products together with documentary and photographic evidence of the alternative processes used to achieve distressed denim finishes.

Criterion 28. Information appearing on the Ecolabel

The optional label with text box may contain wording selected from the following:

— More sustainable fibre production (or a text selected from Table 11 below)

— Less polluting production processes

— Restrictions on hazardous substances

— Tested for durability

Table 11

Text that may appear alongside the Ecolabel depending on product content

Fibres used	Production specification	Text that may be displayed
Cotton fibres	Organic content of more than 50 %	Made with xx % organic cotton
	Organic content of more than 95 %	Made with organic cotton
	IPM content of more than 70 %	Cotton grown with reduced pesticides
Man-made cellulose fibres	Certified sustainable pulp of more than 25 %	Made using xx % wood from sustainable forests
	Certified sustainable pulp of more than 95 %	Made using wood from sustainable forests
Polyamide	Recycled content of more than 20 %	Made with xx % recycled nylon
	Recycled content of more than 95 %	Made with recycled nylon
Polyester	Recycled content of more than 50 %	Made with xx % recycled polyester
	Recycled content of more than 95 %	Made with recycled polyester

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

Appendix 1

EU ECOLABEL TEXTILE RESTRICTED SUBSTANCE LIST

The EU Ecolabel RSL consists of restrictions that apply to the following production stages in the textile supply chain:

(a) fibre and yarn spinning

(b) bleaching and pre-treatment

(c) dye houses

(d) printing processes

(e) finishing processes

(f) all production stages

(g) the final product

A number of restrictions under (g) also apply to the final product, for which analytical testing may be required.

(a) *Restrictions applying to fibre and yarn spinning and weaving*

Substance group	Scope of restriction	Limit values	Verification requirements
(i) Sizing preparations applied to fibres and yarns Applicability: Spinning processes	At least 95 % (by dry weight) of the component substances shall be readily biodegradable. In all cases the sum of each component shall be taken into account.	Readily biodegradable: 70 % degradation of dissolved organic carbon within 28 days or 60 % of theoretical maximum oxygen depletion or carbon dioxide generation within 28 days.	Verification: Declaration from the chemical supplier supported by OECD or ISO test results Test method: OECD 301 A, ISO 7827 OECD 301 B, ISO 9439 OECD 301 C, (2) OECD 301 D, ISO 10708 OECD 301 E, OECD 301 F, ISO 9408,
(ii) Spinning solution additives, spinning additives and preparation agents (including carding oils, spin finishes and lubricants) Applicability: Primary spinning processes	At least 90 % (by dry weight) of the component substances shall be readily biodegradable, inherently biodegradable or eliminable in waste water treatment plants. In all cases the sum of each component shall be taken into account.	Readily biodegradable: See definition under (a)(ii) Inherently biodegradable: 70 % degradation of dissolved organic carbon within 28 days or 60 % of theoretical maximum oxygen depletion or carbon dioxide generation within 28 days. Eliminability: 80 % degradation of dissolved organic carbon within 28 days	Verification: Declaration from chemical supplier supported by OECD or ISO test results Test method: See (a)(ii) for readily biodegradable tests. Inherently biodegradable tests that are accepted: ISO 14593 OECD 302 A, ISO 9887, OECD 302 B, ISO 9888 OECD 302 C, Tests for eliminability: OECD 303A/B ISO 11733

(b) *Restrictions applying to bleaching*

Substance group	Scope of restriction	Limit values	Verification requirements
Bleaching of yarns, fabrics and end products Applicability: All fibre types	Chlorine agents shall not be used for the bleaching of any yarns, fabrics, knitted panels or end-products with the exception of man-made cellulose fibres.	n/a	Verification: Declaration of non-use by production stage(s)

(c) *Restrictions applying to dye houses*

Substance group	Scope of restriction	Limit values	Verification requirements
(i) Halogenated carriers Applicability: Polyester, polyester-wool blends, acrylic and polyamide where disperse dyes are used.	Halogenated dyeing accelerants (carriers) shall not be used to dye synthetic fibres and fabrics or polyester-wool blends. Examples of carriers include1,2-dichlorobenzene, 1,2,4-trichlorobenzene, chlorophenoxyethanol.	n/a	Verification: Declaration of non-use from the chemical supplier supported by SDS.
(ii) Azo dyes Applicability: Application of colours from Appendix 2 to acrylic, cotton, polyamide, wool fibres, knits and fabrics.	Azo dyes shall not be used that may cleave to aromatic amines that are known to be carcinogenic. Appendix 2 contains a list of restricted aryl amines and an indicative list of azo dyes that may cleave to these aryl amines. The latter should be used as a guide to dyes that should not be used. The limit value for aryl amines shall be applied to the final product.	30 mg/kg for each amine [1]	Verification: Final product testing to be carried out as specified. Test method: EN 14362-1 and 3.
(iii) CMR dyes Applicability: All products.	Dyes shall not be used that are carcinogenic, mutagenic or toxic to reproduction. Appendix 2 contains a listing of CMR dyes that shall not be used.	n/a	Verification: Declaration of non-use from the chemical supplier supported by SDS.
(iv) Potentially sensitising dyes Applicability: polyester, — acrylic, — polyamide Elasticated or stretchable skin contact garments or underwear	Dyes shall not be used that are potentially sensitising. Appendix 2 contains a listing of sensitising dyes that shall not be used.		Verification: Declaration of non-use from the chemical supplier supported by SDS.

Substance group	Scope of restriction	Limit values	Verification requirements
(v) Chrome mordant dyes Applicability: Wool, polyamide	Chrome mordant dyes shall not be used.	n/a	Verification: Declaration of non-use from the chemical supplier supported by SDS.
(vi) Metal complex dyes Applicability: Polyamide, wool, cellulose fibres	Metal complex dyes based on copper, chrome and nickel shall only be permitted for dyeing: — wool fibres — polyamide fibres — blends of wool and/or polyamide with man-made cellulose fibres.	n/a	Verification: Declaration of non-use from the chemical supplier supported by SDS

([1]) Measures should be taken to avoid false positives from the presence of 4-aminoazobenzene.

(d) *Restrictions applying to printing processes*

Printing			
(i) Dyes and pigments	Dyes and pigments used to print ecolabelled textiles shall comply with the restrictions applying to dye houses (Section c of this Appendix).	Please refer to the dye house restrictions (Section c)	Verification: As specified for dye houses
(ii) Printing pastes Applicability: Where printing is applied	Printing pastes used shall not contain more than 5 % Volatile Organic Compounds (VOC's). These may include: — aliphatic hydrocarbons (C10 — C20) — monomers such as acrylates, vinyl acetates, styrene — monomers such as acrylonitrile, acrylamide, butadiene — alcohols, esters, polyols — formaldehyde — phosphoric acid esters — benzene as impurity from upper hydrocarbons — ammonia (e.g., urea decomposition, biuret reaction)	< 5,0 % w/w VOC content	Verification: Declaration from applicant that no printing has been made or Declaration from printer supported by SDS and/or calculations for the printing paste.
(iii) Plastisol binders Applicability: Where printing is applied	'Plastisol' additives to print binders, including PVC and restricted phthalates, shall not be used.	n/a	Verification: Declaration from applicant that no printing has been made or Declaration of non-use from chemical suppliers supported by SDS for additives.

(e) *Restrictions applying to finishing processes*

Functional finishes, treatments and additives			
(i) Biocide finishes used to impart biocidal properties to the final products. Applicability: All products	Biocides shall not be incorporated into fibres, fabrics or the final product in order to impart biocidal properties. Common examples include triclosan, nano-silver, zinc organic compounds, tin organic compounds, dichlorophenyl(ester) compounds, benzimidazol derivatives and isothiazolinones.	n/a	Verification: Declaration of non-use from the applicant
(ii) Anti-felting and shrink resistance Applicability: Where applied.	Halogenated substances or preparations shall only be applied to wool slivers and loose scoured wool.	n/a	Verification: Declaration of non-use from wool processors.
(iii) Water, stain and oil repellent treatments Applicability: Where applied to provide the function.	Fluorinated water, stain and oil repellent treatments shall not be used. These shall include perfluorinated and polyfluorinated treatments. Non-fluorinated treatments shall be readily biodegradable and non-bioaccumulative in the aquatic environment including in aquatic sediment. They shall additionally comply with fitness for use criterion 25(a).	n/a	Verification: Declaration of non-use supported by SDS for the repellents used to be provided by finishers. Test method: n/a
(iv) Flame retardants Applicability: Where applied and as specified for synergists.	The following flame retardants shall not be used: HBCDD — Hexabromocyclododecane PeBDE — Pentabromodiphenyl ether OcBDE — Octabromidiphenyl ether DecaBDE — Decabromodiphenyl ether PBBs — Polybrominated biphenyls TEPA — Tris(aziridinyl) phosphinoxide TRIS — Tris (2,3 dibromopropyl) phosphate TCEP — Tris (2,chloroethyl)phosphate Paraffin, C10-C13, chlorinated (SCCP)	n/a	Verification: Declaration of non-use supported by SDS
	The synergist antimony trioxide (H351) is derogated for use as a synergist for the backcoating of interior textiles only under the condition that the product is required to be flame retardant and that workplace occupational exposure limit values are met.	Eight hour mean shift value ELV for 0,50 mg/m^3	Verification: Monitoring data shall be provided by the finisher where the antimony trioxide is applied.

(f) *Restrictions applying to all production stages*

Substances of Very High Concern (SVHC's)			
(i) Substances that have been entered onto the ECHA Candidate List. Applicability All products.	SVHC's that have been identified according to Article 59 of Regulation (EC) No 1907/2006 (REACH) as meeting the criteria of Article 57 of that Regulation and are listed in the candidate list for eventual inclusion in Annex XIV of REACH ('Candidate List') that is current at the time of application shall not be present in the final product, either or to impart function to the final product or that have been intentionally used during production stages, unless a derogation has been approved. The current Candidate List can be consulted at: http://echa.europa.eu/web/guest/candidate-list-table No derogation from the exclusion in this criterion shall be given concerning substances identified as SVHC's and which have been entered onto the list foreseen in Article 59 of Regulation (EC) No 1907/2006, and which are present in the article or in any homogenous part of it in concentrations of more than 0,10 %.	n/a	Verification: Declaration of compliance by each production stage and their chemical suppliers.
Surfactants, softeners and complexing agents			
(ii) All surfactants, fabric softeners and complexing agents Applicability: All wet processes	At least 95 % by weight of fabric softeners, complexing agents and surfactants shall be: — readily biodegradable under aerobic conditions or — inherently biodegradable and/or — eliminable in wastewater treatment plants.The latest revision of the Detergents Ingredients Database should be used as a reference point for biodegradability: http://ec.europa.eu/environment/ecolabel/documents/did_list/didlist_part_a_en.pdf	n/a	Verification: Declaration chemical supplier supported by SDS and/or OECD or ISO test results Test method: See sizing and spinning agents (Appendix 1(a) i/ii)
(iii) Non-ionic and cationic surfactants Applicability: All wet processes	All non-ionic and cationic surfactants must also be readily biodegradable under anaerobic conditions The detergents ingredients database should be used as a reference point for biodegradability: http://ec.europa.eu/environment/ecolabel/documents/did_list/didlist_part_a_en.pdf	n/a	Verification: Declaration from SDS and/or chemical supplier supported by OECD or ISO test results Test method: EN ISO 11734, ECETOC No 28 OECD 311

Substances of Very High Concern (SVHC's)			
Auxilliaries			
(iv) Auxiliaries used in preparations and formulations. Applicability: All products.	The following substances shall not be used in any preparations or formulations used for textiles and are subject to limit values for the presence of substances on the final product: Nonylphenol, mixed isomers 25154-52-3 4-Nonylphenol 104-40-5 4-Nonylphenol, branched 84852-15-3 Octylphenol 27193-28-8 4-Octylphenol 1806-26-4 4-tert-Octylphenol 140-66-9 Alkylphenolethoxylates (APEOs) and their derivatives: Polyoxyethylated octyl phenol 9002-93-1 Polyoxyethylated nonyl phenol 9016-45-9 Polyoxyethylated p-nonyl phenol 26027-38-3	25 mg/kg sum total	Verification: Final product testing is to be carried out as specified for alkyphenols. Test method: Solvent extraction followed by LCMS
	The following substances shall not be used in any textile preparations or formulations: bis(hydrogenated tallow alkyl) dimethyl ammonium chloride (DTDMAC) distearyl dimethyl ammonium chloride (DSDMAC) di(hardened tallow) dimethyl ammonium chloride (DHTDMAC) ethylene diamine tetra acetate (EDTA), diethylene triamine penta acetate (DTPA) 4-(1,1,3,3-tetramethylbutyl)phenol 1-Methyl-2-pyrrolidone Nitrilotriacetic acid (NTA)	n/a	Verification: Declaration of non-use from the chemical suppliers supported by SDS for all production stages.

(g) *Restrictions applying to the final product*

(i) Candidate List SVHC's that are derogated. Applicability: Elastane, acrylic	N,N-Dimethylacetamide (127-19-5) The following limit values apply to end products containing elastane and acrylic:		Verification: Final product testing Test method: Solvent extraction, GCMS or LCMS
	— Products for babies and children under 3 years old	0,001 % w/w	
	— Products that are in direct contact with the skin	0,005 % w/w	
	— Garments with limited skin contact and interior textiles	0,005 % w/w	
(ii) Formaldehyde residues Applicability: All products. Specific conditions apply to garments with easy care finishes (also referred to as non-crease or permanent press)	The following limit values apply to residual formaldehyde from easy care finishes:		Verification: Final product testing for products with an easy care finish. A declaration of non-use is required for all other products. Test method: EN ISO 14184-1
	— Products for babies and children under 3 years old.	16 ppm	
	— All products that are in direct contact with the skin	16 ppm	
	— Garments with limited skin contact and interior textiles	75 ppm	
(iii) Biocides used to protect textiles during transportation and storage. Applicability: All products	Only biocides that are authorised under Directive 98/8/EC of the European Parliament and of the Council [1] and Regulation (EC) No 528/2012 of the European Parliament and of the Council [2] are permitted for use. Applicants should consult the most current authorisation list: http://ec.europa.eu/environment/biocides/annex-i_and_ia.htm The following specific biocides are restricted: — Chlorophenols (their salts and esters) — Polychlorinated biphenyls (PCB) — Organotin compounds, including TBT, TPhT, DBT and DOT — Dimethyl fumarate (DMFu)	n/a	Verification: Declaration of non-use prior to shipping and storage supported by SDS.

(iv) Extractable metals Applicability: All products with different limit values applying to babies and children under 3 years old.	The following limit values apply to products intended for babies and children under 3 years old:	mg/kg	Verification: Final product testing Test method: Extraction — EN ISO 105-E04-2013 (Acid sweat solution) Detection — ICP-MS or ICP-OES
	Antimony (Sb)	30,0	
	Arsenic (As)	0,2	
	Cadmium (Cd)	0,1	
	Chromium (Cr)		
	— Textiles dyed with metal complex dyes	1,0	
	— All other textiles	0,5	
	Cobalt (Co)	1,0	
	Copper (Cu)	25,0	
	Lead (Pb)	0,2	
	Nickel (Ni)		
	— Textiles dyed with metal complex dyes	1,0	
	— All other textiles	0,5	
	Mercury (Hg)	0,02	
	The following limit values apply to all other products including interior textiles:	mg/kg	Verification: Final product testing Test method: Extraction — DIN EN ISO 105-E04-2013 (Acid sweat solution) Detection — ICP-MS or ICP-OES
	Antimony (Sb)	30,0	
	Arsenic (As)	1,0	
	Cadmium (Cd)	0,1	
	Chromium (Cr)		
	— Textiles dyed with metal complex dyes	2,0	
	— All other textiles	1,0	
	Cobalt (Co)		
	— Textiles dyed with metal complex dyes	4,0	
	— All other textiles	1,0	
	Copper (Cu)		
	Lead (Pb)	50,0	
	Nickel (Ni)	1,0	
	Mercury (Hg)	1,0 0,02	

(v) Coatings, laminates and membranes Applicability: Where incorporated into textile structure	Polymers shall not contain the following phthalates: DEHP (Bis-(2-ethylhexyl)-phthalate) BBP (Butylbenzylphthalate) DBP (Dibutylphthalate) DMEP (Bis2-methoxyethyl) phthalate DIBP (Diisobutylphthalat) DIHP (Di-C6-8-branched alkyphthalates) DHNUP (Di-C7-11-branched alkylphthalates) DHP (Di-n-hexylphthalate)	Sum total 0,10 % w/w	Verification: Declaration of non-use by polymer manufacturer supported by SDS for the plasticisers used in the formulation. Where the information is not available testing may be requested. Test method: EN ISO 14389
	Fluoropolymer membranes and laminates may be used for outdoor wear and technical outdoor clothing. They shall not be manufactured using PFOA or any of its higher homologues as defined by the OECD.		Verification: Declaration of compliance from the membrane or laminate manufacturer with respect to the polymer production.
(vi) Accessories such as buttons, rivets and zips Applicability: Where incorporated into garment structure	For metal accessories:		Verification: Testing of the composition of the metal components. Test methods: For nickel migration EN 12472-2005 EN 1811-1998+A1-2008 For other metals Detection — GC-ICP-MS
	A migration limit shall apply to nickel-containing metal alloys that are in direct and prolonged contact with the skin.	Nickel 0,5 µg/cm²/week	
	Additionally testing shall be carried out for the presence of the following metals, to which the following limit values shall apply:		
	Lead (Pb),	90 mg/kg	
	Cadmium (Cd)		
	— products intended for babies and children under 3 years old	50 mg/kg	
	— all other products including interior textiles	100 mg/kg	
	Chrome (Cr) where there is chrome plating	60 mg/kg	
	Mercury (Hg)	60 mg/kg	
	The following phthalates shall not be used in any plastic accessories: — DEHP (Bis-(2-ethylhexyl)-phthalate) — BBP (Butylbenzylphthalate) — DBP (Dibutylphthalate) — DMEP (Bis2-methoxyethyl) phthalate — DIBP (Diisobutylphthalate) — DIHP (Di-C6-8-branched alkyphthalates) — DHNUP (Di-C7-11-branched alkylphthalates) — DHP (Di-n-hexylphthalate)The following phthalates shall not be used in children's clothing where there is a risk that the accessory may be placed in the mouth e.g. zip handles: — DINP (Di-isononyl phthalate) — DIDP (Di-isodecyl phthalate) — DNOP (Di-n-Octyl phthalate)	n/a	Verification: SDS is to be provided for the plastic formulation.

(1) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

(2) Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

Appendix 2

DYE RESTRICTIONS

(a) *Carcinogenic aromatic amines*

Aryl amine	CAS Number
4-aminodiphenyl	92-67-1
Benzidine	92-87-5
4-chloro-o-toluidine	95-69-2
2-naphtylamine	91-59-8
o-amino-azotoluene	97-56-3
2-amino-4-nitrotoluene	99-55-8
4-chloroaniline	106-47-8
2,4-diaminoanisol	615-05-4
4,4′-diaminodiphenylmethane	101-77-9
3,3′-dichlorobenzidine	91-94-1
3,3′-dimethoxybenzidine	119-90-4
3,3′-dimethylbenzidine	119-93-7
3,3′-dimethyl-4,4′-diaminodiphenylmethane	838-88-0
p-cresidine	120-71-8
4,4'-methylene-bis-(2-chloro-aniline)	101-14-4
4,4′-oxydianiline	101-80-4
4,4′-thiodianiline	139-65-1
o-toluidine	95-53-4
2,4-diaminotoluene	95-80-7
2,4,5-trimethylaniline	137-17-7
4-aminoazobenzene	60-09-3
o-anisidine	90-04-0
2,4-Xylidine	95-68-1
2,6-Xylidine	87-62-7

(b) *Indicative list of dyes that may cleave to carcinogenic aromatic amines*

Disperse dyes	
Disperse Orange 60	Disperse Yellow 7
Disperse Orange 149	Disperse Yellow 23

Disperse dyes		
Disperse Red 151	Disperse Yellow 56	
Disperse Red 221	Disperse Yellow 218	
Basic dyes		
Basic Brown 4	Basic Red 114	
Basic Red 42	Basic Yellow 82	
Basic Red 76	Basic Yellow 103	
Basic Red 111		
Acid dyes		
CI Acid Black 29	CI Acid Red 24	CI Acid Red 128
CI Acid Black 94	CI Acid Red 26	CI Acid Red 115
CI Acid Black 131	CI Acid Red 26:1	CI Acid Red 128
CI Acid Black 132	CI Acid Red 26:2	CI Acid Red 135
CI Acid Black 209	CI Acid Red 35	CI Acid Red 148
CI Acid Black 232	CI Acid Red 48	CI Acid Red 150
CI Acid Brown 415	CI Acid Red 73	CI Acid Red 158
CI Acid Orange 17	CI Acid Red 85	CI Acid Red 167
CI Acid Orange 24	CI Acid Red 104	CI Acid Red 170
CI Acid Orange 45	CI Acid Red 114	CI Acid Red 264
CI Acid Red 4	CI Acid Red 115	CI Acid Red 265
CI Acid Red 5	CI Acid Red 116	CI Acid Red 420
CI Acid Red 8	CI Acid Red 119:1	CI Acid Violet 12
Direct dyes		
Direct Black 4	Basic Brown 4	Direct Red 13
Direct Black 29	Direct Brown 6	Direct Red 17
Direct Black 38	Direct Brown 25	Direct Red 21
Direct Black 154	Direct Brown 27	Direct Red 24
Direct Blue 1	Direct Brown 31	Direct Red 26
Direct Blue 2	Direct Brown 33	Direct Red 22
Direct Blue 3	Direct Brown 51	Direct Red 28
Direct Blue 6	Direct Brown 59	Direct Red 37
Direct Blue 8	Direct Brown 74	Direct Red 39
Direct Blue 9	Direct Brown 79	Direct Red 44

Disperse dyes		
Direct Blue 10	Direct Brown 95	Direct Red 46
Direct Blue 14	Direct Brown 101	Direct Red 62
Direct Blue 15	Direct Brown 154	Direct Red 67
Direct Blue 21	Direct Brown 222	Direct Red 72
Direct Blue 22	Direct Brown 223	Direct Red 126
Direct Blue 25	Direct Green 1	Direct Red 168
Direct Blue 35	Direct Green 6	Direct Red 216
Direct Blue 76	Direct Green 8	Direct Red 264
Direct Blue 116	Direct Green 8.1	Direct Violet 1
Direct Blue 151	Direct Green 85	Direct Violet 4
Direct Blue 160	Direct Orange 1	Direct Violet 12
Direct Blue 173	Direct Orange 6	Direct Violet 13
Direct Blue 192	Direct Orange 7	Direct Violet 14
Direct Blue 201	Direct Orange 8	Direct Violet 21
Direct Blue 215	Direct Orange 10	Direct Violet 22
Direct Blue 295	Direct Orange 108	Direct Yellow 1
Direct Blue 306	Direct Red 1	Direct Yellow 24
Direct Brown 1	Direct Red 2	Direct Yellow 48
Direct Brown 1:2	Direct Red 7	
Direct Brown 2	Direct Red 10	

(c) *Dyes that are CMR or which potentially be sensitising*

Dyes that are carcinogenic, mutagenic or toxic to reproduction		
C.I. Acid Red 26	C. I. Direct Black 38	C.I. Disperse Blue 1
C.I. Basic Red 9	C. I. Direct Blue 6	C.I. Disperse Orange 11
C.I. Basic Violet 14	C. I. Direct Red 28	C. I. Disperse Yellow 3
Disperse dyes that are potentially sensitising		
C.I. Disperse Blue 1	C.I. Disperse Blue 124	C.I. Disperse Red 11
C.I. Disperse Blue 3	C.I. Disperse Brown 1	C.I. Disperse Red 17
C.I. Disperse Blue 7	C.I. Disperse Orange 1	C.I. Disperse Yellow 1
C.I. Disperse Blue 26	C.I. Disperse Orange 3	C.I. Disperse Yellow 3
C.I. Disperse Blue 35	C.I. Disperse Orange 37	C.I. Disperse Yellow 9
C.I. Disperse Blue 102	C.I. Disperse Orange 76	C.I. Disperse Yellow 39
C.I. Disperse Blue 106	C.I. Disperse Red 1	C.I. Disperse Yellow 49

Appendix 3

BEST AVAILABLE TECHNIQUE IN THE FIELD OF WASHING, DRYING AND CURING ENERGY EFFICIENCY

Domain	BAT Techniques
1. General energy management	1.1 Sub-metering, 1.2 Process monitoring and automatic control systems for flow control, filling volumes, temperatures and timing; 1.3 Insulation of pipework, valves and flanges 1.4 Frequency controlled electric motors and pumps 1.5 Closed design of machines to reduce vapour loss 1.6 Water and liquor re-use/recycling in batch processes 1.7 Heat recovery e.g. rinse water, steam condensate, process exhaust air, combustion gases
2. Washing and rinsing process	2.1 Use of cooling water as process water 2.2 Replacement of overflow washing with drainage/inflow washing 2.3 Use of 'smart' rinsing technologies with water flow controls and counter currents 2.4 Installation of heat exchangers
3. Drying and curing using stenter frames	3.1 Optimisation of air flow 3.2 Insulation of enclosures 3.3 Installation of Efficient burner systems 3.4 Installation of heat recovery systems

Note:

New BAT techniques referenced and recommended by EU Member State authorities after the date of publication of the European Commission's textile BREF (2003) shall be considered complementary to those listed above.

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)

Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN