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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.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/66

of 16 January 2019

on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽¹⁾, and in particular Article 22(3) thereof,

Whereas:

- (1) Official controls in the premises and, where applicable, in other locations used by professional operators authorised to issue plant passports in accordance with Article 84(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council ⁽²⁾, should be carried out at least once per year. This is necessary to ensure a regular and consistent control covering the productive cycles of the relevant plants and also the life cycle of all relevant pests and their vectors.
- (2) The frequency of those controls should take into account the inspections at least once a year, and the sampling and testing if appropriate referred to in Article 92(1) of Regulation (EU) 2016/2031 in order to make sure that any inspections, and any sampling and testing performed under that Regulation are not repeated under this Regulation.
- (3) If necessary, on the basis of risk-related criteria, the competent authorities may increase the frequency of official controls in the premises and, where applicable, in other locations used by professional operators authorised to issue plant passports in accordance with Article 84(1) of Regulation (EU) 2016/2031.
- (4) Professional operators who have implemented for at least two consecutive years a pest risk management plan in accordance with Article 91 of Regulation (EU) 2016/2031 provide more reliable guarantees concerning the level of phytosanitary protection in their premises and, where applicable, in their other locations. Therefore, it is appropriate to allow competent authorities to reduce the frequency of official controls on those operators to at least once every two years.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

- (5) A premise and, where applicable, other locations used by professional operators authorised to issue plant passports in accordance with Article 84(1) of Regulation (EU) 2016/2031 should be subject to at least one official control in addition to the one referred to in recital 1 if they are the place of origin of plants, plant products and other objects as defined in points (1), (2) and (5) of Article 2 of Regulation (EU) 2016/2031, which have been grown at least part of their life or have been located in a demarcated area established in accordance with Article 18(1) of that Regulation, and which can be expected to be infested by the pest for which that demarcated area had been established. That additional official control should be carried out as close as possible to the point in time when those plants, plant products and other objects are moved out of that demarcated area or from the infested zone to the buffer zone of that demarcated area. This is necessary to ensure that no phytosanitary risks occur after any normal official control and before the movement of the plants, plant products and other objects out of the demarcated area or from the infested zone to the buffer zone.
- (6) In order to ensure an appropriate level of phytosanitary protection as well as an effective overview on the import of plants into the Union and the risks thereof, the competent authorities, when the plants referred to in the first paragraph of Article 73 of Regulation (EU) 2016/2031 are imported into the Union territory, should perform official controls at arrival into the Union on at least 1 % of the consignments of those plants.
- (7) The official controls in the premises and, where applicable, in other locations used by professional operators authorised to apply the mark on wood packaging material referred to in Article 98(1) of Regulation (EU) 2016/2031 should be carried out at least once per year. This is necessary to ensure a regular and consistent control covering the phytosanitary risks associated with the production and trade of that type of material. If necessary, on the basis of risk-related criteria, the competent authorities may increase the frequency of official controls in the premises and, where applicable, in other locations used by professional operators authorised to apply the mark on wood packaging material referred to in Article 98(1) of Regulation (EU) 2016/2031.
- (8) As Regulations (EU) 2016/2031 and (EU) 2017/625 apply from 14 December 2019, this Regulation should also apply from that date.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Uniform frequency of official controls on professional operators authorised to issue plant passports

Competent authorities shall perform official controls at least once per year in the premises and, where applicable, in other locations used by professional operators authorised to issue plant passports in accordance with Article 84(1) of Regulation (EU) 2016/2031.

Those controls shall include inspections and, in the case of suspicion of risks to plant health, the sampling and testing referred to in Article 92(1) of Regulation (EU) 2016/2031.

Those controls shall be carried out at the most appropriate time with regard to the possibility of detecting the presence of relevant pests or signs or symptoms thereof.

Article 2

Increase of frequency of official controls on professional operators authorised to issue plant passports

Competent authorities may increase the frequency of the official controls referred to in Article 1, if the risk so requires, taking into account at least the following elements:

- (a) increased phytosanitary risks for the specific family, genera or species of the plants or plant products produced in those premises and, where applicable, in other locations, where more than one control is necessary due to the pest biology or the environmental conditions;

- (b) phytosanitary risks linked to the origin or provenance within the Union of particular plants, plant products or other objects;
- (c) number of production cycles in a year;
- (d) history of compliance of the professional operator with the applicable provisions of Regulations (EU) 2016/2031 and (EU) 2017/625;
- (e) available infrastructure and where the premises and, where applicable, where other locations used by the professional operator are situated.

Article 3

Reduction of frequency of official controls on professional operators authorised to issue plant passports

Competent authorities may reduce the frequency of the official controls referred to in Article 1 to at least once every two years, if the risk so allows and the following conditions are fulfilled:

- (a) the professional operator has implemented for at least two consecutive years a pest risk management plan in accordance with Article 91 of Regulation (EU) 2016/2031;
- (b) the competent authority has concluded that that plan has been effective in reducing relevant phytosanitary risks and that the professional operator concerned has complied with the applicable provisions of Regulations (EU) 2016/2031 and (EU) 2017/625.

Article 4

Uniform minimum frequency of official controls on plants, plant products and other objects of a particular origin or provenance within the Union

1. A premise and, where applicable, other locations used by professional operators authorised to issue plant passports in accordance with Article 84(1) of Regulation (EU) 2016/2031 shall be subject to at least one official control in addition to the one referred to in Article 1 if they are the place of origin of plants, plant products and other objects as defined in points (1), (2) and (5) of Article 2 of Regulation (EU) 2016/2031, which have been grown at least part of their life or have been located in a demarcated area established in accordance with Article 18(1) of that Regulation, and which can be expected to be infested by the pest for which that demarcated area had been established. That additional official control shall be carried out as close as possible to the point in time when those plants, plant products and other objects are moved out of that demarcated area or from the infested zone to the buffer zone of that demarcated area.

2. When carrying out the official controls referred to in paragraph 1, the competent authorities shall assess the following elements:

- (a) the risk that the plants, plant products and other objects carry the relevant pest;
- (b) the risk of the presence of potential vectors of that pest, taking into account the origin or provenance within the Union of the consignments, the degree of susceptibility of the plants to infestation and the compliance by the professional operator responsible for the movement with any other measure taken to eradicate or contain that pest.

Article 5

Uniform minimum frequency of official controls on the plants referred to in the first paragraph of Article 73 of Regulation (EU) 2016/2031

Identity checks and physical checks on the plants which are referred to in the first paragraph of Article 73 of Regulation (EU) 2016/2031 and enter the Union shall be carried out on at least 1 % of consignments of those plants.

*Article 6***Uniform frequency of official controls on professional operators authorised to apply the mark on wood packaging material**

Competent authorities shall perform official controls at least once per year in the premises and, where applicable, in other locations used by professional operators authorised to apply the mark on wood packaging material referred to in Article 98(1) of Regulation (EU) 2016/2031.

Those controls shall include the supervision referred to in Article 98(3) of Regulation (EU) 2016/2031.

*Article 7***Increase of frequency of official controls on professional operators authorised to apply the mark on wood packaging material**

Competent authorities may increase the frequency of the official controls referred to in Article 6, if the risk so requires, taking into account one or more of the following elements:

- (a) increased phytosanitary risks linked to the presence of the pests in the Union territory;
- (b) wood packaging material, other plants, plant products or other objects having been subject to interceptions of pests;
- (c) history of compliance of the professional operator with the applicable provisions of Regulations (EU) 2016/2031 and (EU) 2017/625;
- (d) available infrastructure and where the premises and, where applicable, where other locations used by the professional operator are situated.

*Article 8***Entry into force and application**

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

It shall apply from 14 December 2019.

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

Done at Brussels, 16 January 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/67**of 16 January 2019****imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 ⁽¹⁾, and in particular Article 26 thereof,

Whereas:

1. PROCEDURE**1.1. Initiation**

- (1) On 16 February 2018, the Commission received a request from Italy pursuant to Article 22 of Regulation (EU) No 978/2012 (hereinafter 'the GSP-Regulation'). The request called for the adoption of safeguard measures concerning rice of the type 'Indica' originating in Cambodia and Myanmar/Burma. Other rice producing Union Member States, i.e. Spain, France, Portugal, Greece, Romania, Bulgaria and Hungary supported the request made by Italy.
- (2) Having determined that the request contained sufficient evidence showing that Indica rice originating in Myanmar/Burma and Cambodia was imported in volumes and at prices causing serious difficulties to the Union industry, the Commission published, on 16 March 2018, after informing the Member States, a Notice of Initiation of a safeguard investigation ⁽²⁾.
- (3) In order to obtain the information necessary to carry out an in-depth assessment, the Commission informed the known producers ('millers') of the like or directly competitive products in the Union and their association, and the known exporting millers and their federations, including their governments, and invited them to participate to the investigation.

1.2. Sampling

- (4) In view of the large number of Union producers, exporting millers and importers involved in this proceeding and, in order to complete the investigation within the statutory time limits, the Commission has decided to limit the investigation to a reasonable number of individual Union millers. Pursuant to Article 11(6) of Commission Delegated Regulation (EU) No 1083/2013 ⁽³⁾, the Commission has based its investigation by selecting a representative sample.
- (5) In its notice of initiation, the Commission stated that it had provisionally selected a sample of Union millers based on the largest representative volume of production of the like product, whilst ensuring a geographical spread. Whereas rice is grown in eight Member States, production is very much concentrated in Italy and Spain: these two countries account for 80 % of total rice production in the Union (approximately 50 % in Italy and 30 % in Spain) and are thus representative for the Union industry. On this basis, the Commission considered sending questionnaires to three Italian millers and one Spanish miller as justified.
- (6) One party questioned whether the sample was representative. It asked the Commission to confirm how much production the sampled millers represented as compared to the total Union production and how their situation developed as compared to the Union industry. As explained, in recital (5), the selection of the sample was based

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.

⁽²⁾ OJ C 100, 16.3.2018, p. 30.

⁽³⁾ Commission Delegated Regulation (EU) No 1083/2013 of 28 August 2013 establishing rules related to the procedure for temporary withdrawal of tariff preferences and adoption of general safeguard measures under Regulation (EU) No 978/2012 of the European Parliament and the Council applying a scheme of generalised tariff preferences (OJ L 293, 5.11.2013, p. 16).

on the largest representative volume of production which could be reasonably investigated within the time available. The three Italian sampled millers represented 50 % of the Italian production during the marketing year 2016/2017 and the sampled Spanish miller represented 17 % of the Spanish production in the same year. Together, the sampled millers represented 26 % of total Union production. Furthermore, during the period investigated, i.e. from 1 September 2012 to 31 August 2017, the production of the sampled companies developed in a similar fashion as the production of the entire industry. The production decreased by 36 % for the sampled producers and by 38 % for the entire Union industry. This reinforces the conclusion that the sample is indeed representative.

- (7) Questionnaires were also sent to some growers ('farmers'), but given the high fragmentation of the sector (around 4 000) this only gives a very limited picture of the situation (*).
- (8) As to the selection of the exporters, the Commission received in total 13 replies to the sampling exercise from exporting millers from Cambodia and 15 replies from exporting millers from Myanmar/Burma. Sampling was therefore necessary and all parties were informed accordingly. On the basis of the information received from the exporting millers, the Commission initially selected a sample of three exporters in Cambodia and three exporters in Myanmar/Burma. They were selected on the basis of the highest export volume to the Union. However, following further assessment and comments received by the Cambodian Rice Federation, two exporters from Cambodia were not in a position to cooperate and were therefore replaced. Only one company finally replied to the questionnaire. As regards Myanmar/Burma, all three selected companies finally replied to the questionnaire.
- (9) In reaction to the notice of initiation, four unrelated importers made themselves known. In view of the limited number of cooperating importers, a sampling was not deemed necessary. The Commission sent questionnaire to all four companies, which did however not all provide a complete reply.

1.3. Verification visits

- (10) The Commission sought and verified all information deemed necessary for its investigations. Verification visits were carried out at the premises of the following companies, pursuant to Article 12 of Delegated Regulation (EU) No 1083/2013:
 - (a) Millers:
 - Riso Scotti S.p.a. and the related company (Riso Scotti Danubio), Italy;
 - Curti S.r.l. and the related company (Riso Ticino Soc. Coop.), Italy;
 - Riso Viazzo S.r.l., Italy;
 - Herba Ricemills S.L., Spain.
 - (b) Associations:
 - Ente Nazionale Risi (Enterisi), Italy

1.4. Investigation period

- (11) The investigation covered the five last marketing years, i.e. the period from 1 September 2012 to 31 August 2017 ('the investigation period').

1.5. Disclosure

- (12) After disclosure, the Commission received eight submissions, including submissions from Italy and Spain. The Commission also received submissions from three companies and one association that were not interested parties. Even though these parties were not registered as interested parties, their comments were to a large extent taken into account and addressed in the Commission conclusions since they mostly corresponded to comments made by registered interested parties.

(*) Questionnaires were sent to and verification visits were carried out at the premises of the following growers: Laguna de Santaolalla S.L., Spain, Vercellino Flavio e Paolo S.S., Italy, Coppo e Garrione Societa' Agricola S.S., Italy, Maro Giovanni, Paolo e Pietro, Italy, Locatelli Francesco, Italy.

2. PRODUCT CONCERNED AND LIKE OR DIRECTLY COMPETING PRODUCT

2.1. Product concerned

- (13) The 'product concerned' is semi-milled or milled Indica rice originating in Cambodia and Myanmar/Burma benefiting from an exemption from customs duties in light of the GSP Regulation currently falling within CN codes 1006 30 27, 1006 30 48, 1006 30 67 and 1006 30 98.
- (14) The product concerned is imported into the Union either in bulk, for further processing (milling, cleaning and packaging), or in small bags up to 5 kg or between 5 kg and 20 kg that can be sold by retailers directly without further processing.

2.2. Like or directly competing product

- (15) Indica and Japonica are the two main types of rice. The first type is long grain rice which stays separate after cooking. The second type, Japonica, is a rather round type of rice. The rice sticks together and is used for dishes like paella or risotto.
- (16) When the rice is harvested, the rice has a husk and is referred to as 'paddy rice'. After the harvest, the rice goes through a series of milling processes. 'Husked rice' is the rice from which the husk has been removed. Further milling is necessary to obtain 'semi-milled' or 'milled rice'.
- (17) In this assessment, the Commission has determined that the Indica milled or semi-milled rice produced in the Union is like or directly competing with the product concerned.
- (18) Both the Union-produced and the imported Indica milled or semi-milled rice have indeed the same basic physical, technical and chemical characteristics. They have the same uses and are sold via similar or identical sales channels, to the same type of customers. These customers are either retailers or processors in the Union.

2.3. Comments by the parties

- (19) After the disclosure, several interested parties ⁽⁹⁾ have claimed that aromatic Indica rice should be excluded from the scope of the investigation since it has different characteristics than other types of Indica rice and since it does not compete with rice produced in the Union. They also claimed that aromatic rice is, since 2017, classified under a different CN code, which would reinforce the conclusions that this type of rice is different than the others.
- (20) First of all, and as confirmed by various interested parties, Indica rice covers a wide range of specific rice types and rice varieties, including fragrant or aromatic rice. Even if there are slight differences between all these types, e.g. in taste and structure, they nevertheless all share the same basic physical, technical and chemical characteristics.
- (21) Furthermore, all these different types serve the same end use, are milled by the same millers, are sold through the same commercial channels and compete with each other. The fact that since 2017 there is a specific CN code for aromatic rice is not relevant since, as mentioned in the Notice of initiation, CN codes are given for information only and are not a decisive factor for defining a product within the framework of a trade defence investigation. The claims were therefore rejected.

3. EXISTENCE OF SERIOUS DIFFICULTIES

3.1. Definition of the Union industry

- (22) According to the GSP regulation, the relevant industry should consist of millers of like or directly competing products. In this case, the Commission considers that the Union industry consists of rice millers. Millers of rice process rice grown/produced in the Union that directly competes with the Indica milled or semi-milled rice exported from Myanmar/Burma or Cambodia.

⁽⁹⁾ These interested parties were Haudecoeur, Amru Rice, the government of Cambodia and the Myanmar Rice Federation (MRF).

- (23) In its request, Italy has argued that, given the close interrelationship between the farmers and the millers, both millers and farmers should be examined for the injury assessment. Even though the situation of farmers may also be strongly affected by imports of rice from Cambodia and Myanmar/Burma, they should rather be considered as a supplier of raw material, but not as a miller of like or directly competing products.

3.2. Union consumption

- (24) The consumption of Indica rice in the Union was established on the basis of the data collected from the Member States by the Commission and import statistics available through Eurostat ⁽⁶⁾.
- (25) The consumption in the Union developed as follows:

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Total Union consumption (in tonne)	1 061 793	1 146 701	1 090 662	1 040 969	993 184
<i>Index</i> (2012/13 = 100)	100	108	103	98	94

Source: Data compiled by the Commission based on data received from the Member States and Eurostat — Indica milled rice equivalent

- (26) The consumption of Indica rice in the Union has decreased by 6 % over the investigation period. The highest consumption was reached in 2013/2014 (+ 8 %) coinciding with an important increase in imports on Indica rice from Cambodia and Myanmar/Burma which led a saturation of the market. In the following marketing years the consumption showed a downward trend.

3.3. Development of imports

- (27) The imports into the Union from Cambodia and Myanmar/Burma of the product concerned have developed as follows:

		2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Cambodia	tonne	163 337	228 878	251 666	299 740	249 320
	<i>index</i>	100	140	154	184	153
Myanmar/Burma	tonne	2 075	28 856	52 680	36 088	62 683
	<i>index</i>	100	1 391	2 539	1 739	3 021
Total	tonne	165 412	257 734	304 346	335 828	312 003
	<i>index</i>	100	156	184	203	189

Source: Eurostat statistics (semi-milled converted into milled equivalent (for the purpose of converting quantities relating to the various stages of the processing of rice (paddy, husked, semi-milled or milled), a conversion rate has been fixed by the Commission in Regulation (EC) No 1312/2008 of 19 December 2008 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing (OJ L 344, 20.12.2008, p. 56). For example, the conversion rate between husked Indica rice and milled Indica rice is 0.69. It applies both to imports as well as rice produced in the Union) and data compiled by the Commission based on data received from the Member States.

- (28) Import volumes from Cambodia increased from 163 000 tonnes to 249 000 tonnes. They have increased significantly until 2015/2016 and then slightly decreased coinciding with a decrease in consumption in 2016/2017. Despite the decrease, imports remained 50 % higher than in 2012/2013. Cambodia represented at the end of the investigation period 25 % of the total imports.

⁽⁶⁾ Data is publicly available data on Europa Webpage: https://ec.europa.eu/agriculture/cereals/trade_en

(29) As to imports from Myanmar/Burma, they also increased remarkably during the investigation period, from 2 000 tonnes to 62 000 tonnes. They however remained at a lower level as compared to Cambodia. Imports from Myanmar/Burma represented 6,3 % of the total Union rice imports at the end of the investigation period (cf. table on market share below).

(30) In terms of market shares, the imports developed as such:

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Market share of Cambodia (%)	15,4	20,0	23,1	28,8	25,1
Market share of Myanmar/Burma (%)	0,2	2,5	4,8	3,5	6,3
Total	15,6	22,5	27,9	32,3	31,4

Source: Eurostat and data compiled by the Commission based on data received from the Member States in milled equivalent

(31) Cambodia significantly increased its market share from 15,4 % to 25,1 % while the market share of Myanmar/Burma increased from 0,2 % to 6,3 %.

(32) The development of prices followed the following trends:

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Import price from Cambodia (EUR/tonne)	588,4	512,8	562,6	547,4	552,2
Index (2012/13 = 100)	100	87	96	93	94
Import price from Myanmar/Burma (EUR/tonne)	420,0	366,5	414,7	410,1	405,4
Index (2012/13 = 100)	100	87	99	98	97
Weighted average	586,3	496,2	536,7	532,6	523,1
Index (2012/13 = 100)	100	85	92	91	89

Source: Eurostat

(33) Cambodian import prices overall decreased by 6 %, while import price of Myanmar/Burma decreased by 3 %. Despite the limited decrease in prices of imports from Cambodia and Myanmar/Burma, based on a comparison of the average import price with the unit sales prices of the Union industry (see recital (64), prices of imports from Cambodia and Myanmar/Burma (based on Eurostat data) were both found to significantly undercut Union prices by respectively 22 % and 43 %.

(34) After the disclosure, the Ministry of Commerce of Cambodia (hereinafter 'Cambodia') questioned the methodology used by the Commission to calculate the undercutting margins. They claimed that post-importation costs were not added to calculate the Cambodian export price and that price undercutting has been based on a comparison between average prices, not considering the different level of trade. Cambodia also questioned whether the data provided by the cooperating exporters were used for the injury determination.

(35) In view of the arguments received after disclosure, the Commission decided to review its undercutting calculations, in order to include relevant post-importation or transport costs, to reflect the differences in level of trade affecting price comparability and to use data provided by the cooperating exporters, to the extent possible.

- (36) In order to ensure a fair comparison, the Commission decided to adjust import prices as claimed by Cambodia, by taking into account the post-importation costs. On the other hand, the Commission considered that Union industry prices should also be adjusted in order to take into account the transportation costs of the rice from southern Europe (Italy and Spain in this case) to northern Europe as the competition for semi-milled and milled Indica rice predominantly takes place in northern Europe. Based on the information available (data obtained in the framework of a previous investigation concerning another food product, i.e. satsumas) the Commission estimated post-importation costs to be around 2 % of the import price and transport costs into the Union are estimated at 49 EUR/tonne, based on information included in the complaint and verified during the on-spot investigation.
- (37) Furthermore, in order to reflect differences in levels of trade, the Commission has carried out the price comparison between sales of milled rice in bulk and sales in small packages. It should be noted that, based on the statistics derived from the CN codes, while Cambodia exports rice in bulk and in small packages, Myanmar/Burma almost exclusively exports rice in bulk.
- (38) Finally, it was decided to determine the export price based on questionnaire replies received from exporting producers. In the case of Cambodia, since only 1 Cambodian exporter replied to the questionnaire, the sample exercise failed. Since the cooperating exporter only represents a very small portion of the imports from Cambodia, the Commission had to make use of the best facts available, pursuant to Article 13 of Delegated Regulation (EU) No 1083/2013. Eurostat prices were therefore used in the case of Cambodia. For Myanmar/Burma, the prices from the questionnaire replies were used.
- (39) On the basis of the above, the Commission came to the conclusion that the price undercutting for bulk sales is 13 % for Cambodia and 43 % for Myanmar/Burma. As regards the price comparison of the packaged rice, the price undercutting found was 14 % for Cambodia.
- (40) This price difference between the imported and the Union produced rice is thus significant in particular when considering that rice is in general a price-sensitive product. In general, consumers do not make any distinction between various origins.
- (41) Cambodia also claimed that the Commission's determination of serious difficulties was based on a cumulative assessment of the volume and price effect of rice import from Cambodia and Myanmar/Burma. This claim is however rejected since the above analysis clearly distinguishes the situation between Cambodia and Myanmar/Burma.
- (42) In conclusion, imports from Cambodia and Myanmar/Burma increased substantially in absolute terms as well as in terms of market share during the investigation period. Even if the combined import volume slightly decreased in 2016/2017, it remained overall much higher than at the beginning of the investigation period. In addition, the combined weighted average import price of both countries decreased during the period of investigation and significantly undercut Union prices.

3.4. Economic situation of the Union industry

3.4.1. General remarks

- (43) Pursuant to Article 23 of the GSP Regulation, serious difficulties should be considered to exist where Union millers suffer deterioration in their economic and/or financial situation. In examining whether such deterioration exists, the Commission should take account the factors listed in Article 23, concerning Union millers, where such information is available.
- (44) As mentioned in recital (5), the Commission used sampling for the determination of serious difficulties suffered by the Union industry. For the purpose of its injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators.
- (45) The Commission evaluated the macroeconomic indicators (market share, production, and stocks — imports are analysed above) based on the general market data collected on a monthly basis based on rice output converted into milled rice equivalent. Reliable data on bankruptcies and employment for the Union industry is not available and therefore could not be included in the analysis.

- (46) The Commission evaluated the microeconomic indicators (prices and profitability) based on the verified data at the level of the sample. In the absence of data at macro level, production capacity was also analysed at the level of the sample.

3.4.2. Macroeconomic indicators

- (47) The Union industry market share during the investigation period developed as follows:

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Market shares (%)	61,4	54,8	46,7	40,5	39,3
<i>Index (2012/13 = 100)</i>	100	101	80	66	62

Source: Data compiled by the Commission based on data received from the Member States

- (48) The market shares also dropped significantly from 61 % to 39 %, i.e. a decrease of more than 20 % points.

- (49) The production of Indica rice by the Union industry also followed a significant decreasing trend during the investigation period:

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Production volume (tonnes)	685 183	692 740	547 908	449 313	423 962
<i>Index (2012/13 = 100)</i>	100	101	80	66	62

Source: Data compiled by the Commission based on data received from the Member States

- (50) The production decreased by almost 40 %, from 685 000 tonnes to 424 000 tonnes.

- (51) The stocks of milled rice in the Union increased by 4 % during the investigation period from 255 000 thousand tonnes to 265 000 tonnes. They first increased significantly by 11 % and then slightly decreased.

- (52) Cambodia has claimed after disclosure that the Union production data is flawed as the Union production data minus the sales data do not match the closing stock as reported below. Indeed, the Commission has provided only a partial calculation as the data do not reflect the opening stock, the use of rice as seeds, etc. Nevertheless, the calculation is in line with the calculation of the balance sheet that is being used by the Commission (cf. recital (24)).

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Closing Stocks (tonnes)	255 301	280 507	283 126	272 136	264 766
<i>Index (2012/13 = 100)</i>	100	110	111	107	104

Source: Data compiled by the Commission based on data received from the Member States

- (53) In the absence of data of production capacity at macro level, the Commission examined these data at the level of the sample. The area dedicated to growing Indica rice in the Union however gives a fairly good indication of Indica rice available for millers, and therefore their potential capacity utilisation. This area generally showed a decrease of 37 % during the investigation period and developed as such:

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Area (hectares)	145 781	145 783	124 270	101 865	91 685
<i>Index (2012/13 = 100)</i>	100	100	85	70	63

Source: Data compiled by the Commission based on data received from the Member States

3.4.3. *Micro-economic indicators*

- (54) On the basis of the questionnaire replies received from the Union millers, the prices and profitability developed as follows:

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Price (EUR/ton)	667,3	649,5	693,3	728,3	711,5
<i>Index</i> (2012/13 = 100)	100	97	104	109	107
Profitability (%)	1,4	0,1	1,5	4,3	1,2
<i>Index</i> (2012/13 = 100)	100	8	107	312	88

Source: Questionnaire replies (The data provided by the millers is based on calendar years and not marketing years. Given the fact that there is significant overlap between these periods, the trends nevertheless remain representative for the investigation period).

- (55) The unit prices of the sampled millers increased by 7 % during the investigation period. Based on the result of the verifications carried out by the Commission, it appears that given the increasing pressure of low price imports, the Union sampled millers decided, when possible, to concentrate their sales on smaller volumes of semi-milled and milled Indica rice and focus on branded products rather than selling under a private label to the distributors.
- (56) By changing their original product-mix, Union millers were thus able to maintain a stable degree of profitability at the expense of their market share, which dramatically decreased. Nevertheless, this change in product-mix may have helped especially in 2015/2016 (when the profitability even increased), but in 2016/2017, the profit levels had come down again. In a situation whereby import prices were found to significantly undercut Union prices in 2016/2017 (by 22 and 43 % respectively), this strategy can only be a short-term solution. Millers will face increasingly pressure with low import prices in the near future. Indeed, Cambodia has already moved partially from bulk sales to sales of small packaged products that are sold at retailer's level. This sales channel is more remunerative than bulk sales and it is likely that Cambodia will increasingly sell and compete with Union industry at this level, including on niche markets.
- (57) As far as profitability is concerned, it remained at a relatively stable – but low – level since the increase of price could compensate for the loss of volume. A profitability level of 1 %-2 % is moreover far below the 6 % that is considered the adequate level of profitability needed to cover full costs and investments, research and development (R & D) and innovation.
- (58) Following disclosure, one party requested further information on the 6 % used in the above paragraph. With the modernisation of the EU's trade defence instruments in 2018, it has been laid down in the respective legislation that when calculating the injury margin, the level of profit to be expected in normal conditions of competition shall not be lower than 6 % ⁽⁷⁾. This benchmark used in trade defence investigations is also relevant in a safeguard investigation. That explains why the Commission has also used in this case this benchmark.
- (59) The production capacity of the Union industry for the like products, i.e. Indica rice, is difficult to assess since the processing industry can use its capacity to mill both Indica and Japonica rice whether imported or grown in the Union. In addition, there is no macro data available (see above). Based on the sample, the capacity utilisation, as showed below, decreased from 22 % to 14 %. While these percentages may seem relatively low because they are based on a comparison of the output of the like product (Indica rice) as compared a production capacity installed for all types of rice.

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Capacity. Utilisation (%)	22,1	21,1	19,0	13,0	14,0
<i>Index</i> (2012/13 = 100)	100	96	86	59	64

Sources: Questionnaire replies

⁽⁷⁾ Regulation (EU) 2018/825 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union (OJ L 143, 7.6.2018, p. 1).

3.4.4. Conclusion

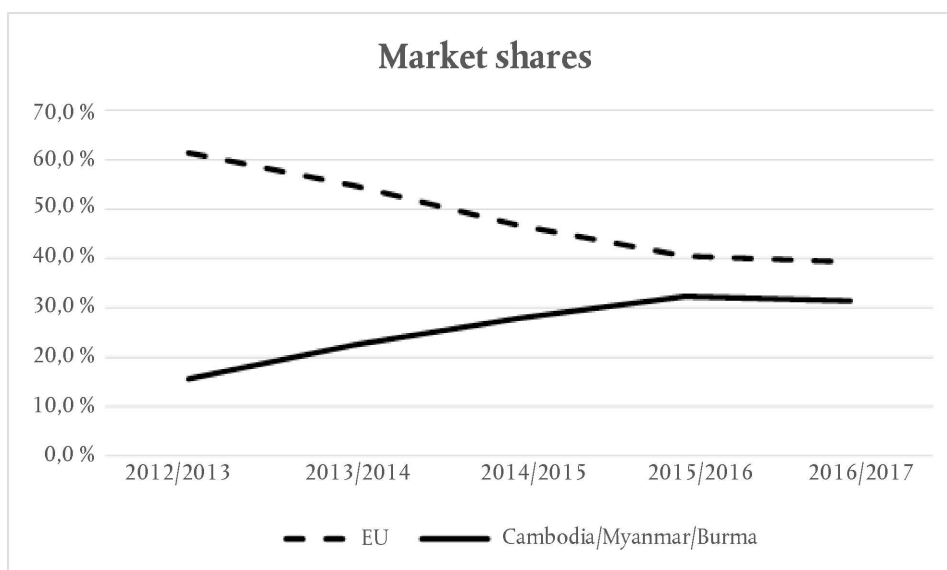
- (60) In conclusion, the situation of the Union industry deteriorated in economic terms. While the imports from Cambodia and Myanmar/Burma increased substantially in absolute terms, the Union industry lost around 6 % of market share to Myanmar/Burma and 10 % to Cambodia. The Union industry was also subject to an important price undercutting of 22 % and 43 %. The production in the Union further decreased by 38 %. The economic difficulties therefore mainly materialised in terms of volume during the investigation period. Union millers decided not to decrease their price level despite the competition of low prices imports and maintained a certain level of profit. Where possible, Union millers indeed decided to change their product mix and focus on niche segments and branded products in order to maintain their level of profit despite a decrease of their sales and production volume. This is however only a temporary solution as imports from Cambodia and Myanmar/Burma have already moved, albeit to a limited extent, from bulk sales to small packaged sales, also competing with the Union industry at retail level. It is expected that both countries will increase their low price imports on this more remunerative sales channel, and also compete on niche markets and branded products, with negative consequences also for the financial situation of the Union industry.

4. CAUSATION

- (61) The Commission has made a determination that there is a causal link between the volume of imports of the product concerned on the one hand and the serious difficulties of the Union millers on the other hand, on the following basis. The Commission has also analysed whether the serious difficulties are not attributable to factors other than imports and prices.

4.1. Effects of imports from Cambodia and Myanmar/Burma

- (62) The graph below clearly establishes a coincidence in time between the imports from Cambodia and Myanmar/Burma and the situation of the Union industry, evidenced by a substantial loss of market shares, causing serious difficulties to the Union millers.



Source: Eurostat and data compiled by the Commission based on data received from the Member States

- (63) The Commission considers that the imports from Cambodia and Myanmar/Burma have also individually caused serious difficulties. Indeed, imports from both Cambodia and Myanmar/Burma have increased individually both in absolute volume (by 53 % and more than 2 000 % respectively) and in terms of market shares (by 9,7 percentage points and 6,1 percentage points respectively). In addition, imports from Cambodia and Myanmar/Burma have each undercut the Union price individually (by around 22 % and 43 % respectively). Therefore, the conclusion can be drawn that imports from both Cambodia as well as Myanmar/Burma have caused serious difficulties to the Union industry as well.
- (64) The rapid expansion of imports from Cambodia and Myanmar/Burma is explained by their low price level, which significantly undercut the prices of the Union industry. Indica rice is a price sensitive product, especially because

consumers do generally not make the difference between Union and imported products. To consumers buying rice at the retailers, the origin of the rice is largely unknown. This is in particular the case when rice is sold under a private label, i.e. the brand of the retailer. By supplying rice at a very low price, as illustrated by the levels of undercutting as referred to in recital (33), Cambodia and Myanmar/Burma managed to significantly and rapidly expand their rice exports to Union market. Moreover, Cambodia — which used to export mostly rice in bulk for further processing in the Union — increasingly sells packaged rice directly to Union retailers, which is causing additional price pressure and competition at the level of the millers in the Union.

4.2. Other factors

- (65) Other factors that may have contributed to the serious difficulties suffered by the Union industry have also been assessed.

4.2.1. Imports from other third countries

- (66) The imports from other third countries have also increased during the investigation period from 23 % to 29,3 % (+ 6,3 %) in terms of market share.

Market share (%)	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Union	61,4	54,8	46,7	40,5	39,3
Cambodia	15,4	20,0	23,1	28,8	25,1
Myanmar/Burma	0,2	2,5	4,8	3,5	6,3
Cambodia & Myanmar/Burma	15,6	22,5	27,9	32,3	31,4
Thailand	12,2	11,5	11,8	12,9	13,8
India	4,7	4,0	5,8	6,8	7,3
Pakistan	2,5	2,9	3,3	3,3	3,2
Other countries	3,7	4,4	4,5	4,3	5,1
All other countries together (Cambodia and Myanmar/Burma excluded)	23,0	22,8	25,4	27,3	29,3

Source: Eurostat

- (67) Even if imports from other third countries may partially explain the decrease in Union market shares, the increase in market share of these countries, even cumulatively, is much more limited than that of Cambodia and Myanmar/Burma (+ 15 %).
- (68) Furthermore, and most importantly, as shown in the table below, the weighted average prices of other imports are during the investigation period much higher than imports from Cambodia and Myanmar/Burma, and those of the Union ⁽⁸⁾. Comparing the price of imports from Thailand with Myanmar/Burma shows that there is a price difference of 85 %. When comparing prices of imports from India with Cambodia, the price difference is 72 %. This also reinforces the above conclusion that lower prices allowed Myanmar/Burma and Cambodia to rapidly expand their Union exports during the investigation period.

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Union	667,3	649,5	693,3	728,3	711,5
Cambodia	588,4	512,8	562,6	547,4	552,2
Myanmar/Burma	420,0	366,5	414,7	410,1	405,4

⁽⁸⁾ These prices do not include post-importation costs nor transport costs.

	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Thailand	946,7	863,5	896,8	825,7	751,1
India	925,7	1 054,1	1 061,0	893,0	949,2
Pakistan	924,3	999,7	996,0	846,3	926,3

Source: Eurostat and questionnaire replies

4.2.2. Structural difficulties in the Italian rice sector

- (69) In its submission upon initiation, the Cambodian Rice Federation claimed that the difficulties of the Italian rice sector are generally worse than in the rest of the Union and can therefore not be attributed only to the increase of imports.
- (70) The replies to the questionnaire and the verification have indeed shown that the situation of the Union industry is worse in Italy than in Spain. That is partially due to the fact that the Spanish rice market is organised differently and is therefore more resilient in terms of supply and demand and also in terms of pricing. Nevertheless, the Commission has carried out a Union wide investigation based on the situation of the overall Union industry and based on a representative sample. The investigation showed — as explained above — that there are overall difficulties for the Union industry.

4.2.3. Imports of 'paddy rice' from Guyana

- (71) Interested parties have also claimed that increased imports of rice from Guyana have contributed to the serious difficulties. Rice imported from Guyana is not milled (it consists of so-called 'paddy rice') and therefore falls outside the scope of the investigation and is not included in the above import statistics and not relevant here.

4.2.4. Exports by the Union industry

- (72) The Cambodian government submitted that one of the aspects that have been overlooked in the context of causation is the export orientation of the Union industry. This claim was however not substantiated and, although exports have indeed increased from 3 % of total production to 7 % of total production during the investigation period, they nevertheless represent a very small proportion of the Union production. In addition, the increase of exports (+ 11 000 tonnes) is much smaller than the increase of imports from Cambodia and Myanmar/Burma (+ 147 000 tonnes).

4.2.5. Reduction in production of Indica is due to an increase of production of Japonica

- (73) The Government of Cambodia also claimed that the Union production of Indica rice has not been affected by imports, but is simply subject to a cyclical shift between Japonica and Indica rice based on the decision of Union growers.
- (74) It is correct that growers can shift production between Indica and Japonica rice. Such shift is however based on economic considerations, including demand and market price. In this context, the investigation confirmed that, when faced with the increased competition of low priced imports of Indica rice, some growers indeed had no alternative but to switch to the production of Japonica rice. It is therefore neither a cyclical shift nor a deliberate choice but an act of self-defence. In the medium term, this is however also not a viable option since switching production from Indica to Japonica has in turn caused an oversupply of Japonica rice on the market and price pressure for this type of rice. Farmers are therefore overall in a difficult situation.
- (75) The above argument is however of limited relevance since the Union industry consists of rice millers and not growers, who are suppliers of the raw material.

4.2.6. Conclusion on causality

- (76) The Commission has established a causal link between the serious difficulties suffered by the Union industry and the imports from Cambodia and Myanmar/Burma. The Commission has also identified factors which have also contributed to these difficulties. This is in particular imports from third countries and imports of paddy rice from Guyana. These factors were however not found to attenuate the causal link, even when considering their possible combined effect. Consequently, it appears that any impact of the above mentioned factors on the situation of the Union industry do not attenuate the link between the imports volume and the prices from Cambodia and Myanmar/Burma and the serious difficulties suffered by Union industry.

5. CONCLUSIONS AND ADOPTION OF MEASURES

- (77) It is concluded that Indica rice from Cambodia and Myanmar/Burma is imported in volumes and at prices which cause serious difficulties to the Union industry and consequently safeguard measures are warranted.
- (78) According to Article 22(1) of the GSP Regulation, the Common Customs Tariff applied duties of 175 EUR/tonne should therefore be reinstated.
- (79) Pursuant to Article 28 of the GSP Regulation the safeguard measures should be reintroduced as long as necessary to counteract the deterioration in the economic and financial situation of Union millers. The period of reintroduction should however not exceed three years, unless it is extended in duly justified circumstances.
- (80) The Commission considers that in this case measures should be introduced for a period of three years in order to allow the Union industry to fully recover from the effects of the imports from Cambodia and Myanmar/Burma.
- (81) The Commission is however of the view that the safeguard measures should be progressively liberalised during this period for the following reasons.
- (82) The GSP Regulation has the prime objective to assist developing countries in their efforts to reduce poverty and promote good governance and sustainable development, by helping them to generate in particular employment, industrialisation and additional revenue through international trade. The special arrangement Everything But Arms (EBA), as laid down in the GSP Regulation, helps the world's poorest and weakest countries to take advantage of trading opportunities. These countries largely share a similar economic profile. They are vulnerable because of low and non-diversified export base and enjoy, therefore, certain protections under the GSP Regulation such as, for example, exemption from product graduation and from the application of automatic safeguards.
- (83) Therefore the Commission considered that, in principle, a progressive reduction in the duty rate over the period of three years, as outlined below, is warranted for EBA beneficiaries.
- (84) A progressive reduction would also be sufficient to counteract the deterioration in the economic and/or financial situation of the Union millers. On the other hand, Cambodia and Myanmar/Burma would not be facing full duties for the full three years making exports more difficult but would gradually be able to export more Indica rice to the Union.
- (85) Accordingly, the following reintroduction of the tariff duty is foreseen for a period three years:

	year 1	year 2	year 3
Tariff duty (EUR/tonne)	175	150	125

- (86) The currently applied Common Customs Tariff duty rate of 175 EUR/tonne is potentially subject to downward adjustments pursuant to Article 180 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁽⁹⁾. Therefore, if — as a result of these adjustments — the applied Common Customs Tariff duties would become lower than the duties referred to in recital (85), the latter should be aligned so that it does not exceed the applied Common Customs Tariff duty at any point in time during the period of imposition of measures. The applicable safeguard measures shall therefore be the lower of the adjusted customs duties and the applicable duty referred to in recital (85).
- (87) Finally, in order to provide legal certainty to the importers of the products concerned, various interested parties requested that products that are already on their way to the Union should not be covered by the above measures. In line with its current practice in safeguard cases, the Commission considers that such a 'shipping clause' is indeed warranted in this case and the claims were therefore accepted.
- (88) The measures provided for in this Regulation are in accordance with the opinion of the Generalised Preferences Committee referred to in Article 39(3) of Regulation (EU) No 978/2012,

⁽⁹⁾ 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 (OJ L 347, 20.12.2013, p. 671).

HAS ADOPTED THIS REGULATION:

Article 1

1. The Common Customs Tariff duties are temporarily reintroduced on imports of Indica rice originating in Cambodia and Myanmar/Burma and currently falling within CN codes 1006 30 27, 1006 30 48, 1006 30 67 and 1006 30 98.
2. The duty applicable in EUR per tonne of the product described in paragraph 1 shall be 175 for the first year, 150 for the second year and 125 for the third year from the date on which this Regulation enters into force.
3. If the Commission adjusts the Common Customs Tariff duty pursuant to Article 180 of Regulation (EU) No 1308/2013, the tariff duty referred to in paragraph 2 should be set at the level of the lower of the adjusted Common Customs Tariff and the tariff duty referred to in paragraph 2.

Article 2

Imports of the products referred to in Article 1, which are already on the way to the Union on the date of entry into force of this Regulation, provided that the destination of such products cannot be changed, shall not be subject to the duty specified in Article 1(2).

Article 3

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

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

Done at Brussels, 16 January 2019.

For the Commission
The President
Jean-Claude JUNCKER

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/68

of 16 January 2019

establishing technical specifications for the marking of firearms and their essential components under Council Directive 91/477/EEC on control of the acquisition and possession of weapons

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons ⁽¹⁾, and in particular Article 4(2a) thereof,

Whereas:

- (1) Article 4(1) of Directive 91/477/EEC obliges Member States to ensure that firearms and their essential components, whether part of a firearm or placed separately on the market, have a clear, permanent and unique marking applied to them. Article 4(2) of that Directive defines the information to be included in the marking in order to increase the traceability of firearms and their essential components and to facilitate their free movement. For very small essential components, the information that has to be included in the marking is confined to a serial number or alphanumeric or digital code. Article 4(4) of that Directive requires Member States to maintain a data-filing system and to record in it all information needed in order to trace and identify firearms, including information about the marking applied to a firearm and its essential components and information about any conversions or modifications to a firearm leading to a change in its category or sub-category, such as information about the entity that replaced or modified an essential component.
- (2) In the case of a transfer from government stocks to permanent civilian use, the identity of the transferring entity must also be included in the marking. Unless the identity is already present as part of an existing marking, it must be included when the transfer to civilian use occurs.
- (3) Directive 91/477/EEC further obliges Member States to ensure that each elementary package of complete ammunition is marked in such a way as to indicate the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition. Given current market practice for packaging ammunition and the current state of technology, it is not necessary at this stage to establish technical specifications for that marking. This Directive should therefore apply to the marking of firearms and their essential components only (including very small essential components).
- (4) Adequate font size of markings is critical to achieve the objective of increasing traceability of firearms and their essential components. The technical specifications should therefore lay down a minimum font size that Member States should be required to follow when setting the font size for those markings in their national law.
- (5) Having regard to the United Nations International Small Arms Control Standard (ISACS) on marking and record-keeping, frames and receivers made from non-metallic materials of a kind that risks compromising the clarity and permanence of the marking (for example, frames or receivers made from certain categories of polymer) should be required to have their marking applied to a metal plate that is permanently embedded in the material of the frame or receiver. Member States should be free to allow the use of some other technique, such as deep cut laser engraving, that ensures an equivalent level of clarity and permanence for the marking of frames and receivers made of non-metallic materials.

⁽¹⁾ OJ L 256, 13.9.1991, p. 51.

- (6) To facilitate the traceability of firearms and their essential components in Member States' data-filing systems, Member States should be required to choose from amongst only Latin, Cyrillic or Greek when determining which alphabet or alphabets may be used to mark firearms and their essential components. Similarly, the numeral systems that may be used for the marking of firearms and their essential components should be restricted to Arabic or Roman, as determined by each Member State.
- (7) This Directive is without prejudice to Article 3 of Directive 91/477/EEC.
- (8) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ⁽²⁾, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 13b(1) of Directive 91/477/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Scope

This Directive applies to firearms and their essential components, but it does not apply to elementary packages of complete ammunition.

Article 2

Technical specifications for the marking of firearms and their essential components

Member States shall ensure that the marking required by Article 4 of Directive 91/477/EEC meets the technical specifications set out in the Annex to this Directive.

Article 3

Transposition provisions

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 January 2020 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

Article 4

Entry into force

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

⁽²⁾ OJ C 369, 17.12.2011, p. 14.

*Article 5***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 16 January 2019.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Technical specifications for the marking of firearms and their essential components

1. The font size used in the marking is as laid down by the Member State. The size or minimum size laid down by each Member State shall be at least 1,6 mm. Where required, a smaller font size may be used for the marking of essential components that are too small to be marked in compliance with Article 4 of Directive 91/477/EEC.
2. For frames or receivers made from a non-metallic material of a kind specified by the Member State, the marking is applied to a metal plate that is permanently embedded in the material of the frame or receiver in such a way that:
 - (a) the plate cannot be easily or readily removed; and
 - (b) removing the plate would destroy a portion of the frame or receiver.

Member States may also permit the use of other techniques for marking such frames or receivers, provided that those techniques ensure an equivalent level of clarity and permanence for the marking.

In determining which non-metallic materials to specify for the purposes of this specification, Member States shall have regard to the extent to which the material may compromise the clarity and permanence of the marking.

3. The alphabet used in the marking is as laid down by the Member State. The alphabet or alphabets laid down by each Member State shall be Latin, Cyrillic or Greek.
4. The numeral system used in the marking shall be as laid down by the Member State. The numeral system or systems laid down by each Member State shall be Arabic or Roman.

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/69**of 16 January 2019****laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons ⁽¹⁾, and in particular Article 10a(3) thereof,

Whereas:

- (1) Annex I to Directive 91/477/EEC provides that objects which correspond to the definition of a firearm set out in that Directive are not included in that definition if they are designed for alarm, signalling or life-saving purposes and can only be used for the stated purpose.
- (2) Some devices designed for alarm, signalling or life-saving purposes that are currently available on the market can be easily converted to firearms using ordinary tools. Therefore, in order to count as an alarm and signal weapon for the purposes of Directive 91/477/EEC and to avoid the controls that apply to firearms under that Directive, devices should be such that they cannot be modified through the use of ordinary tools either to expel or to become capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant.
- (3) The specification described in recital (2) should form part of a package of technical specifications aimed cumulatively at ensuring that a device is not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant. In particular, as the barrel of a device is critical for the conversion of such devices into firearms, the barrel should be such that it cannot be removed or modified without making the whole device inoperable. In addition, irremovable barriers should be inserted in the barrel, and the cartridge chamber and barrel should be offset, tilted or staggered in such a way as to prevent ammunition from being loaded in and fired from the device.
- (4) In order to ensure that the technical specifications for alarm and signal weapons are suitable for the wide variety of alarm and signal weapons that currently exist, the specifications laid down by this Directive should take into account commonly accepted international standards and values for cartridges and chambers for alarm and signal weapons, in particular Table VIII of the Tables of Dimensions of Cartridges and Chambers (TDCC) established by the Permanent International Commission for the Proof of Small Arms (C.I.P.).
- (5) To deter alarm and signal weapons from being easily converted into firearms, Member States should ensure that weapons manufactured in or imported into the Union are subject to checks in order to determine their compliance with the technical specifications laid down by this Directive. The checks could, for example, involve checking different models or types of device, or individual devices, or both.
- (6) Member States should be required to provide each other, on request, with information about the results of the checks carried out by them on alarm and signal weapons. In order to facilitate that exchange of information, Member States should be required to designate at least one national focal point capable of providing the information to other Member States.
- (7) With a view to facilitating the carrying out of checks on alarm and signal weapons, Member States should be required to cooperate with each other in the carrying out of such checks.
- (8) This Directive is without prejudice to Article 3 of Directive 91/477/EEC.

⁽¹⁾ OJ L 256, 13.9.1991, p. 51

- (9) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ⁽²⁾, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 13b(1) of Directive 91/477/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Technical specifications

Member States shall ensure that, in order not to be considered a firearm under Directive 91/477/EEC, devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds are required to comply at all times with the technical specifications set out in the Annex to this Directive.

Article 2

Checking compliance with the technical specifications

1. Member States shall ensure that devices of a kind referred to in Article 1 are subject to checks in order to determine their compliance with the technical specifications set out in the Annex.
2. Member States shall cooperate with each other in carrying out the checks referred to in paragraph 1.

Article 3

Exchange of information

Upon request, a Member State shall provide another Member State with the results of the checks carried out by it in accordance with Article 2. For these purposes, each Member State shall designate at least one national focal point to provide such results, and shall communicate the contact details of the national focal point to the Commission.

Article 4

Transposition provisions

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 January 2020 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

Article 5

Entry into force

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

⁽²⁾ OJ C 369, 17.12.2011, p. 14.

*Article 6***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 16 January 2019.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Technical specifications for devices referred to in Article 1

1. The devices are such that they meet the following requirements:
 - (a) they are capable of shooting pyrotechnic signalling rounds only if an adaptor at the muzzle is attached;
 - (b) they have a durable device within the device that prevents the firing of cartridges loaded with single or multiple solid shots, solid bullets or solid projectiles;
 - (c) they are designed for a cartridge listed in, and complying with the dimensions and other standards referred to in, Table VIII of the Tables of Dimensions of Cartridges and Chambers (TDCC) established by the Permanent International Commission for the Proof of Small Arms (C.I.P.), as that Table applies in the version in effect at the time of adoption of this Directive.
2. The devices are not capable of being modified through the use of ordinary tools to expel, or to become capable of being converted to expel, a shot, bullet or projectile by the action of a combustible propellant.
3. All essential components of the devices are such that they cannot be fitted or used as essential components of firearms.
4. Barrels of the devices are not capable of being removed or modified without significantly damaging or destroying the device.
5. In the case of devices with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres, the device incorporates irremovable barriers along the full length of the barrel such that a shot, bullet or projectile is not able to pass through the barrel by the action of a combustible propellant, and such that any free space left at the muzzle is no more than 1 cm in length.
6. In the case of devices not falling within point 5, the device incorporates irremovable barriers on at least one third of the barrel length such that a shot, bullet or projectile is not able to pass through the barrel by the action of a combustible propellant, and such that any free space left at the muzzle is no more than 1 cm in length.
7. In all cases, whether the device falls within point 5 or point 6, the first barrier in the barrel is placed as close as possible after the chamber of the device while allowing the expulsion of gases through exit holes.
8. For devices designed to fire only blanks, the barriers referred to in point 5 or point 6 wholly block the barrel apart from one or more exit holes for gas pressure. In addition, the barriers wholly block the barrel in such a way that no gas can be fired from the front of the device.
9. All barriers are permanent and incapable of being knocked out without destroying the chamber or barrel of the device.

For devices designed to fire only blanks, the barriers are wholly made of a material which is resistant to being cut, drilled, bored or ground (or any similar process) and which has a minimum hardness of 700 HV 30 (according to the Vickers hardness test).

For devices not covered by the second subparagraph of this point, the barriers are made of a material which is resistant to being cut, drilled, bored or ground (or any similar process) and which has a minimum hardness of 610 HV 30. The barrel may have a channel along its axis to enable the irritants or other active substances to be expelled from the device.

In either case, the barriers are such that they prevent occurrence of the following:

- (a) creation or enlargement of a hole in the barrel along its axis;
- (b) removal of the barrel, except where the frame and chamber area of the device is rendered useless as a result of the removal, or where the integrity of the device is so compromised that it cannot be used to form the basis of a firearm without significant repair or addition.

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10. The cartridge chamber and barrel are both offset or tilted or staggered in such a way as to prevent ammunition from being loaded in and fired from the device. In addition, in the case of revolver-type devices:
- (a) the cylinder chamber front openings are narrowed to ensure that bullets are blocked in the chamber;
 - (b) those openings are offset to the chamber.
-

DECISIONS

COMMISSION DECISION (EU) 2019/70

of 11 January 2019

establishing the EU Ecolabel criteria for graphic paper and the EU Ecolabel criteria for tissue paper and tissue products

(notified under document C(2019) 3)

(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 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 Ecolabelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to those products with 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 2011/333/EU ⁽²⁾ established criteria and related assessment and verification requirements for the product group 'copying and graphic paper'. The period of validity of those criteria and requirements was extended to 31 December 2018 by Commission Decision (EU) 2015/877 ⁽³⁾.
- (4) Commission Decision 2012/448/EU ⁽⁴⁾ established the criteria and related assessment and verification requirements for the product group 'newsprint paper'. The period of validity of those criteria and requirements was extended to 31 December 2018 by Decision (EU) 2015/877.
- (5) Commission Decision 2009/568/EC ⁽⁵⁾ established criteria and related assessment and verification requirements for the product group 'tissue paper'. The period of validity of those criteria and requirements set out in Decision 2009/568/EC was extended to 31 December 2018 by Decision (EU) 2015/877.
- (6) The EU Ecolabel Fitness check (REFIT) of 30 June 2017, reviewing the implementation of Regulation (EC) No 66/2010 ⁽⁶⁾, concluded on the need to develop a more strategic approach for the EU Ecolabel, including the bundling of closely related product groups where appropriate.

⁽¹⁾ OJ L 27, 30.1.2010, p. 1.

⁽²⁾ Commission Decision 2011/333/EU of 7 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for copying and graphic paper (OJ L 149, 8.6.2011, p. 12).

⁽³⁾ Commission Decision (EU) 2015/877 of 4 June 2015 amending Decisions 2009/568/EC, 2011/333/EU, 2011/381/EU, 2012/448/EU and 2012/481/EU in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products (OJ L 142, 6.6.2015, p. 32).

⁽⁴⁾ Commission Decision 2012/448/EU of 12 July 2012 establishing the ecological criteria for the award of the EU Ecolabel for newsprint paper (OJ L 202, 28.7.2012, p. 26).

⁽⁵⁾ Commission Decision 2009/568/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Eco-label for tissue paper (OJ L 197, 29.7.2009, p. 87).

⁽⁶⁾ Report from the Commission to the European Parliament and the Council on the review of implementation of Regulation (EC) No 1221/2009 of the European Parliament and of the Council on 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) and the Regulation (EC) No 66/2010 of the Parliament and of the Council of 25 November 2009 on the EU Ecolabel (COM(2017) 355).

- (7) In line with those conclusions and after consulting the EU Ecolabelling Board the product groups 'copying and graphic paper' and 'newsprint paper' should be merged together to form a single product group 'graphic paper', with a new definition covering both of the old product groups together with certain modifications that are appropriate to take account of scientific and market developments. In particular, the new definition should remove the weight limit that applied to the old product groups, now including a wider variety of paper with higher rigidity.
- (8) In addition, in line with the review, certain modifications should be made to the definition of the product group 'tissue paper', notably to make a clearer distinction based on the ISO Standard 12625-1 between the tissue paper and the final tissue product; the product group should be renamed 'tissue paper and tissue products'.
- (9) To better reflect best practice in the market for these product groups and to take account of innovations introduced in the intervening period, it is appropriate to establish a new set of criteria for each of the two product groups.
- (10) The new criteria for each product group aim to promote energy efficient manufacturing processes which deliver reduced emissions of substances that contribute to the eutrophication of watercourses, the acidification of the atmosphere and climate change, restrict the use of hazardous substances and use raw materials sourced from sustainably managed forests or recycled materials which contributes to facilitate the transition to a more circular economy.
- (11) The new criteria and related assessment and verification requirements for each product group should remain valid until 31 December 2024, taking into account the innovation cycle for the two product groups.
- (12) Since the two product groups 'graphic paper' and 'tissue paper and tissue products' are closely related and their criteria will be similar, it is appropriate to adopt a single decision establishing both sets of criteria in the same act. This should also increase the visibility of the schemes for market participants and reduce the administrative burden for national authorities.
- (13) For reasons of legal certainty, Decision 2011/333/EU, Decision 2012/448/EU and Decision 2009/568/EC should be repealed.
- (14) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for copying and graphic paper, newsprint paper or tissue paper on the basis of the criteria set out in Decision 2011/333/EU, Decision 2012/448/EU or Decision 2009/568/EC respectively, so that they have sufficient time to adapt their products to comply with the new criteria and requirements. For a limited period after adoption of this Decision, producers should also be allowed to submit applications based either on the criteria established by those Decisions or on the new criteria established by this Decision. Where the EU Ecolabel was awarded on the basis of the criteria established by one of the old Decisions, use of it should be permitted only until 31 December 2019.
- (15) 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,

HAS ADOPTED THIS DECISION:

Article 1

The product group 'graphic paper' shall comprise sheets or reels of not converted, unprinted blank paper or board, whether plain or coloured, made from pulp and fit to be used for writing, printing or conversion purposes.

The product group shall not include:

- (a) packaging;
- (b) thermally sensitive paper;

- (c) photographic or carbonless paper;
- (d) fragranced paper;
- (e) paper falling within the product group 'tissue paper and tissue products' as defined in Article 2.

Article 2

The product group 'tissue paper and tissue products' shall comprise the following:

- (1) sheets or reels of not converted tissue paper for conversion into products falling within point (2);
- (2) tissue products fit for use for personal hygiene, absorption of liquids or the cleaning of surfaces, or for a combination of those purposes; including but not limited to tissue products of the following kinds: handkerchiefs, toilet tissues, facial tissues, kitchen or household towels, hand towels, table napkins, mats and industrial wipes.

The product group shall not include:

- (a) products falling within the product group 'absorbent hygiene products' as defined in Commission Decision 2014/763/EU ⁽⁷⁾;
- (b) products containing cleaning agents designed for the cleaning of surfaces;
- (c) tissue products laminated with materials other than tissue paper;
- (d) cosmetic products within the meaning of Regulation (EC) No 1223/2009 of the European Parliament and of the Council ⁽⁸⁾, including wet wipes;
- (e) fragranced paper;
- (f) products falling within the product group 'graphic paper' as defined in Article 1 or products falling within the product group 'printed paper' as defined in Commission Decision 2012/481/EU ⁽⁹⁾.

Article 3

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

- (1) 'pulp' means fibrous material in papermaking produced in a pulp mill either mechanically or chemically from fibrous cellulose raw material (wood being the most common);
- (2) 'packaging' means all products made of any material of any nature to be used for the containment, protection, handling, delivery or presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer;
- (3) 'tissue paper' means lightweight paper made of pulp that may be dry or wet creped or non-creped;
- (4) 'tissue products' mean converted products made of tissue paper in one or several plies, folded or unfolded, embossed or unembossed, with or without lamination, printed or not printed and possibly finished by post-treatment.

⁽⁷⁾ Commission Decision 2014/763/EU of 24 October 2014 establishing the ecological criteria for the award of the EU Ecolabel for absorbent hygiene products (OJ L 320, 6.11.2014, p. 46).

⁽⁸⁾ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

⁽⁹⁾ Commission Decision 2012/481/EU of 16 August 2012 establishing the ecological criteria for the award of the EU Ecolabel for printed paper (OJ L 223, 21.8.2012, p. 55).

Article 4

1. In order for a product to be awarded the EU Ecolabel under Regulation (EC) No 66/2010 for the product group 'graphic paper', it shall fall within the definition of that product group in Article 1 of this Decision and shall comply with the criteria and related assessment and verification requirements set out in Annex I to this Decision.
2. In order for a product to be awarded the EU Ecolabel under Regulation (EC) No 66/2010 for the product group 'tissue paper and tissue products', it shall fall within the definition of that product group in Article 2 of this Decision and shall comply with the criteria and related assessment and verification requirements set out in Annex II to this Decision.

Article 5

The criteria for the product groups 'graphic paper' and 'tissue paper and tissue products' and the related assessment and verification requirements for each product group shall be valid until 31 December 2024.

Article 6

1. For administrative purposes, the code number assigned to the product group 'graphic paper' shall be '011'.
2. For administrative purposes, the code number assigned to the product group 'tissue paper and tissue products' shall be '004'.

Article 7

Decision 2009/568/EC, Decision 2011/333/EU and Decision 2012/448/EU are repealed.

Article 8

1. Notwithstanding Article 7, applications submitted before the date of adoption of this Decision for the EU Ecolabel for products falling within both the product group 'graphic paper', as defined in this Decision, and the product group 'copying and graphic paper', as defined in Decision 2011/333/EU, shall be evaluated in accordance with the conditions laid down in Decision 2011/333/EU.
2. Notwithstanding Article 7, applications submitted before the date of adoption of this Decision for the EU Ecolabel for products falling within both the product group 'graphic paper', as defined in this Decision, and the product group 'newsprint paper' as defined in Decision 2012/448/EU, shall be evaluated in accordance with the conditions laid down in Decision 2012/448/EU.
3. Notwithstanding Article 7, applications submitted before the date of adoption of this Decision for the EU Ecolabel for products falling within both the product group 'tissue paper and tissue products', as defined in this Decision, and the product group 'tissue paper' as defined in Decision 2009/568/EC, shall be evaluated in accordance with the conditions laid down in Decision 2009/568/EC.
4. Applications for the EU Ecolabel for products falling within the product group 'graphic paper' or 'tissue paper and tissue products' submitted on or after the date of adoption of this Decision but no later than 31 December 2018 may be based either on the criteria set out in this Decision or on the criteria set out in Decision 2011/333/EU, Decision 2012/448/EU or Decision 2009/568/EC, as applicable. Those applications shall be evaluated in accordance with the criteria on which they are based.
5. Where the EU Ecolabel is awarded on the basis of an application evaluated in accordance with the criteria set out in Decision 2009/568/EC, Decision 2011/333/EU or Decision 2012/448/EU, the EU Ecolabel may be used only until 31 December 2019.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2019.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX I

EU ECOLABEL CRITERIA FOR AWARDING THE EU ECOLABEL TO GRAPHIC PAPER

FRAMEWORK

Aims of the criteria

The criteria aim, in particular, to reduce discharges of toxic or eutrophic substances into waters and environmental damage or risks related to the use of energy (climate change, acidification, ozone depletion, depletion of non-renewable resources). To this end, the criteria aim to:

- reduce energy consumption and related emissions to air,
- reduce environmental damage by reducing emissions to water and waste creation,
- reduce environmental damage or risks related to the use of hazardous chemicals, and
- safeguard forests by requiring recycled fibres or virgin fibres to be sourced from forests and areas that are managed in a sustainable manner.

Criteria for awarding the EU Ecolabel to 'graphic paper':

1. Emissions to water and air;
2. Energy use;
3. Fibres: conserving resources, sustainable forest management;
4. Restricted hazardous substances and mixtures;
5. Waste management;
6. Fitness for use;
7. Information on the packaging;
8. Information appearing on the EU Ecolabel.

The ecological criteria cover the production of pulp, including all constituent sub-processes from the point at which virgin fibres or recycled fibres enter the production site to the point at which the pulp leaves the pulp mill. For the paper production processes, the ecological criteria cover all sub-processes in the paper mill, from pulp preparation for graphic papermaking to winding onto the mother reel.

The ecological criteria do not cover the transport and packaging of the raw materials (e.g. wood), pulp or paper. Paper conversion is also not included.

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

Where the applicant is required to provide declarations, documentation, analyses, test reports or other evidence to show compliance with the criteria, these may originate from the applicant and/or his supplier(s) and/or their suppliers, etc. as appropriate.

Competent bodies shall preferentially recognise attestations and verifications that are issued by bodies accredited according to the relevant harmonised standard for testing and calibration laboratories, and verifications issued by bodies that are accredited according to the relevant harmonised standard for bodies certifying products, processes and services.

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

Where appropriate, competent bodies may require supporting documentation and may carry out independent verifications or on-site inspections to check compliance with these criteria.

The graphic paper product needs to meet all respective requirements of the country where it is placed on the market. The applicant shall declare the product's compliance with this requirement.

The following definitions shall apply:

- (1) 'air dry tonne' means air dry tonne (ADt) of pulp expressed as 90 % dryness;
- (2) 'chemical pulp' means fibrous material obtained by removal from the raw material of a considerable part of non-cellulosic compounds that can be removed by chemical treatment (cooking, delignification, bleaching);
- (3) 'CMP' means chemimechanical pulp;
- (4) 'CTMP' means chemithermomechanical pulp;
- (5) 'de-inked pulp' means pulp made from paper for recycling from which inks and other contaminants have been removed;
- (6) 'dyes' means an intensely coloured or fluorescent organic material, which imparts colour to a substrate by selective absorption. Dyes are soluble and/or go through an application process which, at least temporarily, destroys any crystal structure of the dye. Dyes are retained in the substrate by absorption, solution, and mechanical retention, or by ionic or covalent chemical bonds;
- (7) 'ECF pulp' means elemental chlorine-free bleached pulp;
- (8) 'integrated production' means pulp and paper is produced at the same site. The pulp is not dried before paper manufacture. The production of paper/board is directly connected with the production of pulp;
- (9) 'mechanical woodpulp paper or board' means paper or board containing mechanical woodpulp as an essential constituent of its fibre composition;
- (10) 'metal-based pigments and dyes' means dyes and pigments containing more than 50 % by weight of the relevant metal compound(s);
- (11) 'non-integrated production' means production of market pulp (for sale) in mills that do not operate paper machines, or production of paper/board using only pulp produced in other plants (market pulp);
- (12) 'paper machine broke' means paper materials that are discarded by the paper machine process but that have properties allowing it to be reused on site by being incorporated back into the same manufacturing process that generated it. For the purposes of this Decision, this term shall not be extended to conversion processes, which are considered as distinct processes to the paper machine;
- (13) 'pigments' means coloured, black, white or fluorescent particulate organic or inorganic solids which usually are insoluble in, and essentially physically and chemically unaffected by, the vehicle or substrate in which they are incorporated. They alter appearance by selective absorption and/or by scattering of light. Pigments are usually dispersed in vehicles or substrates for application, for instance in the manufacture of inks, paints, plastics or other polymeric materials. Pigments retain a crystal or particulate structure throughout the coloration process;
- (14) 'recycled fibres' means fibres diverted from the waste stream during a manufacturing process or generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product. These fibres can no longer be used for their intended purpose. It excludes reutilisation of materials generated in a process and capable of being reclaimed within the same process that generated them (paper machine broke — own produced or purchased);
- (15) 'TCF pulp' means totally chlorine-free bleached pulp;
- (16) 'TMP' means thermomechanical pulp.

EU ECOLABEL CRITERIA

Criterion 1 — Emissions to water and air

As a prerequisite, the pulp and paper production site must meet all respective legal requirements of the country in which it is located.

Assessment and verification: The applicant shall provide a declaration of compliance, supported by relevant documentation and declarations from the pulp supplier(s).

Criterion 1(a) Chemical oxygen demand (COD) sulphur (S), NOx, phosphorous (P)

The requirement is based on information on emissions in relation to a specified reference value. The ratio between actual emissions and the reference value translates into an emissions score.

The score for any individual emission parameter shall not exceed 1,3.

In all cases, the total number of points ($P_{\text{total}} = P_{\text{COD}} + P_{\text{S}} + P_{\text{NOx}} + P_{\text{P}}$) shall not exceed 4,0.

In case of non-integrated production, the applicant shall provide a calculation that includes pulp and paper production.

For pulp and papermaking as a whole, the calculation of P_{COD} shall be made as follows (P_{S} , P_{NOx} , and P_{P} to be calculated in exactly the same way).

For each pulp 'i' used, the related measured COD emissions ($\text{COD}_{\text{pulp},i}$ expressed in kg/air dry tonne — ADt) shall be weighted according to the proportion of each pulp used (pulp 'i' with respect to air dry tonne of pulp), and added together. Air dry tonne assumes 90 % dry matter content for pulp, and 95 % for paper.

The weighted COD emission for the pulp is then added to the measured COD emission from the paper production to give the total COD emission, $\text{COD}_{\text{total}}$.

The weighted COD reference value for the pulp production shall be calculated in the same way, with the sum of the weighted reference value for each pulp used and added to the reference value for the paper production to give a total COD reference value $\text{COD}_{\text{ref, total}}$. Table 1 contains the reference values for each pulp type used and for the paper production.

Finally, the total COD emission shall be divided by the total COD reference value as follows:

$$P_{\text{COD}} = \frac{\text{COD}_{\text{total}}}{\text{COD}_{\text{ref, total}}} = \frac{\sum_{i=1}^n [\text{pulp},i \times (\text{COD}_{\text{pulp},i})] + \text{COD}_{\text{papermachine}}}{\sum_{i=1}^n [\text{pulp},i \times (\text{COD}_{\text{ref pulp},i})] + \text{COD}_{\text{ref papermachine}}}$$

Table 1

Reference values for emissions from different pulp types and from paper production

Pulp grade/paper	Emissions (kg/ADt)			
	COD reference	P reference	S reference	NOx reference
Bleached chemical pulp (other than sulphite)	16,00	0,025 0,09 ⁽¹⁾	0,35	1,60
Bleached chemical pulp (sulphite)	24,00	0,04	0,75	1,60
Magnefite pulp	28,00	0,056	0,75	1,60
Unbleached chemical pulp	6,50	0,016	0,35	1,60
CTMP/CMP	16,00	0,008	0,20	0,25/0,70 ⁽²⁾
TMP/groundwood pulp	3,00/5,40 ⁽³⁾	0,008	0,20	0,25
Recycled fibre pulp without de-inking	1,10	0,006	0,20	0,25
Recycled fibre pulp with de-inking	2,40	0,008	0,20	0,25
Paper mill (kg/tonne)	1,00	0,008	0,30	0,70

⁽¹⁾ The higher value refers to mills using eucalyptus from regions with higher levels of phosphorous (e.g. Iberian eucalyptus).

⁽²⁾ NOx emission value for non-integrated CTMP mills using flash-drying of pulp with biomass-based steam.

⁽³⁾ COD value for highly bleached mechanical pulp (70-100 % of fibre in final paper).

In cases where co-generation of heat and electricity occurs at the same plant, the emissions of S and NO_x resulting from on-site electricity generation can be subtracted from the total amount. The following equation can be used to calculate the proportion of emissions resulting from electricity generation:

$$2 \times (\text{MWh}(\text{electricity})) / [2 \times \text{MWh}(\text{electricity}) + \text{MWh}(\text{heat})]$$

The electricity in this calculation is the electricity produced at the co-generation plant. The heat in this calculation is the net heat delivered from the co-generation plant to the pulp/paper production.

Assessment and verification: The applicant shall provide detailed calculations and test data showing compliance with this criterion, together with related supporting documentation that include test reports using the following continuous or periodical monitoring standard test methods (or equivalent standard methods that are accepted by the competent body as providing data of equivalent scientific quality): COD: ISO 15705 or ISO 6060; NO_x: EN 14792 or ISO 11564; S(sulphur oxides): EN 14791 or EPA no 8; S(reduced sulphur): EPA no 15A,16A or 16B; S content in oil: ISO 8754; S content in coal: ISO 19579; S content in biomass: EN 15289; Total P: EN ISO 6878.

Rapid tests can also be used to monitor emissions as long as they are checked regularly (e.g. monthly) against the relevant aforementioned standards or suitable equivalents. In the case of COD emissions, continuous monitoring based on analysis of total organic carbon (TOC) shall be accepted as long as a correlation between TOC and COD results has been established for the site in question.

The minimum measurement frequency, unless specified otherwise in the operating permit, shall be daily for COD emissions and weekly for Total P emissions. In all cases, emissions of S and NO_x shall be measured on a continuous basis (for emissions from boilers with a capacity exceeding 50 MW) or a periodic basis (at least once a year for boilers and driers with a capacity less than or equal to 50 MW each).

Data shall be reported as annual averages except in cases where:

- the production campaign is for a limited time period only,
- the production plant is new or has been rebuilt, in which case the measurements shall be based on at least 45 subsequent days of stable running of the plant.

In either case, data may only be accepted if it is representative of the respective campaign and a sufficient number of measurements have been taken for each emission parameter.

The supporting documentation shall include an indication of the measurement frequency and calculation of the points for COD, Total P, S and NO_x.

Emissions to air shall include all emissions of S and NO_x that occur during the production of pulp and paper, including steam generated outside the production site, minus any emissions allocated to the production of electricity. Measurements shall include recovery boilers, lime kilns, steam boilers and destructor furnaces for strong smelling gases. Diffuse emissions shall also be taken into account. Reported emission values for S to air shall include both oxidised and reduced S emissions. The S emissions related to the heat energy generation from oil, coal and other external fuels with known S content may be calculated instead of measured, and shall be taken into account.

Measurements of emissions to water shall be taken on unfiltered and unsettled samples at the effluent discharge point of the mills' wastewater treatment plant. In cases where mill effluent is sent to a municipal or other third-party wastewater treatment plant, unfiltered and unsettled samples from the mill effluent sewer discharge point shall be analysed and the results multiplied by a standard removal efficiency factor for the municipal or third-party wastewater treatment plant. The removal efficiency factor shall be based on information provided by the operator of the municipal or other third-party wastewater treatment plant.

For integrated mills, due to the difficulties in getting separate emission figures for pulp and paper, if a combined figure is only available for pulp and paper production, the emission values for pulp(s) shall be set to zero and the combined emissions shall be compared against the combined reference values for the relevant pulp and paper production. The weighted content of each pulp granted a specific reference value from Table 1 shall be reflected in the equation.

Criterion 1(b) Adsorbable organic halogens (AOX)

This criterion refers to elemental chlorine free (ECF) pulp.

The AOX emissions from the production of each pulp used in EU Ecolabel graphic paper shall not exceed 0,17 kg/ADt.

Assessment and verification: The applicant shall provide test reports using the AOX ISO 9562 test method or equivalent methods, accompanied by detailed calculations showing compliance with this criterion and any related supporting documentation.

The applicant shall provide a declaration of compliance with this criterion, supported by a list of the different ECF pulps used in the pulp mix, their respective weightings and their individual amount of AOX emissions, expressed as kg AOX/ADt pulp.

The supporting documentation shall include an indication of the measurement frequency. AOX shall only be measured in processes where chlorine compounds are used for bleaching the pulp. AOX does not need to be measured in the effluent from non-integrated paper production or in the effluents from pulp production without bleaching or where bleaching is performed with chlorine-free substances.

Measurements of AOX emissions to water shall be taken on unfiltered and unsettled samples at the effluent discharge point of the mills' wastewater treatment plant. In cases where mill effluent is sent to a municipal or other third-party wastewater treatment plant, unfiltered and unsettled samples from the mill effluent sewer discharge point shall be analysed and the results multiplied by a standard removal efficiency factor for the municipal or third-party wastewater treatment plant. The removal efficiency factor shall be based on information provided by the operator of the municipal or other third-party wastewater treatment plant.

Information on the emissions shall be expressed as the annual average from measurements taken at least once every 2 months. In case of a new or rebuilt production plant, measurements shall be based on at least 45 subsequent days of stable running of the plant. They shall be representative of the respective campaign.

In case the applicant does not use any ECF pulp, a corresponding declaration to the competent body is sufficient.

Criterion 1(c) CO₂

Carbon dioxide emissions from fossil fuels used for the production of process heat and electricity (whether on-site or off-site) must not exceed the following limit values:

- (1) 1 100 kg CO₂/tonne for paper made from 100 % de-inked/recycled pulp;
- (2) 1 000 kg CO₂/tonne for paper made from 100 % chemical pulp;
- (3) 1 600 kg CO₂/tonne for paper made from 100 % mechanical pulp.

For paper composed of any combination of chemical pulp, recycled pulp and mechanical pulp, a weighted limit value shall be calculated based on the proportion of each pulp type in the mixture. The actual emission value shall be calculated as the sum of the emissions from the pulp and paper production, taking into account the mixture of pulps used.

Assessment and verification: The applicant shall provide data and detailed calculations showing compliance with this criterion, together with related supporting documentation.

For each pulp used, the pulp manufacturer shall provide the applicant with a single CO₂ emission value in kg CO₂/ADt. The applicant shall also provide a single CO₂ emission value for the relevant paper machine(s) used to produce EU Ecolabel graphic paper. For integrated mills, CO₂ emissions for pulp and paper production may be reported as a single value.

To define the maximum CO₂ emissions allowed, the applicant shall define the pulp mix in terms of pulp type (i.e. chemical pulp, mechanical pulp and recycled pulp).

To calculate the actual CO₂ emissions, the applicant shall define the pulp mix in terms of individual pulps supplied, calculate the weighted average CO₂ emissions for pulp production and add this value to CO₂ emissions from the paper machine(s).

The CO₂ emission data shall include all sources of non-renewable fuels used during the production of pulp and paper, including the emissions from the production of electricity (whether on-site or off-site).

Emission factors for fuels shall be used in accordance with Annex VI of Commission Regulation (EU) No 601/2012 ⁽¹⁾.

For grid electricity, an emission calculation factor of 384 (kg CO₂/MWh) shall be used in accordance with the MEERP methodology ⁽²⁾.

The period for the calculations or mass balances shall be based on the production over 12 months. In case of a new or rebuilt production plant, the calculations shall be based on at least 45 subsequent days of stable running of the plant. The calculations shall be representative of the respective campaign.

For grid electricity, the value provided above (the European average) shall be used unless the applicant presents documentation establishing the average value for its suppliers of electricity (contracting suppliers), in which case the applicant may use this value instead of the value quoted. The documentation used as proof of compliance shall include technical specifications that indicate the average value (i.e. copy of a contract).

The amount of energy from renewable sources purchased and used for the production processes counts as zero CO₂ emission when calculating CO₂ emissions. The applicant shall provide appropriate documentation that this kind of energy is actually used at the mill or has been externally purchased.

Criterion 2 — Energy use

The requirement is based on information on actual energy use during pulp and paper production in relation to specific reference values.

The energy consumption includes electricity and fuel consumption for heat production to be expressed in terms of points (P_{total}) as detailed below.

The total number of points ($P_{total} = P_E + P_F$) shall not exceed 2,5.

Table 2 contains the reference values for calculating the energy consumption.

In case of a mix of pulps, the reference value for electricity and fuel consumption for heat production shall be weighted according to the proportion of each pulp used (pulp 'i' with respect to air dry tonne of pulp), and added together.

Criterion 2(a) Electricity

The electricity consumption related to pulp and paper production shall be expressed in terms of points (P_E) as detailed below.

Calculation for pulp production: For each pulp i used, the related electricity consumption ($E_{pulp,i}$ expressed in kWh/ADt) shall be calculated as follows:

$E_{pulp,i}$ = internally produced electricity + purchased electricity – sold electricity

Calculation for paper production: Similarly, the electricity consumption related to paper production (E_{paper}) shall be calculated as follows:

E_{paper} = internally produced electricity + purchased electricity – sold electricity

Finally, the points for pulp and paper production shall be combined to give the overall number of points (P_E) as follows:

$$P_E = \frac{\sum_{i=1}^n [\text{pulp},i \times E_{pulp,i}] + E_{paper}}{\sum_{i=1}^n [\text{pulp},i \times E_{ref \text{ pulp},i}] + E_{ref \text{ paper}}}$$

In case of integrated mills, due to the difficulties in getting separate electricity figures for pulp and paper, if a combined figure is only available for pulp and paper production, the electricity values for pulp(s) shall be set to zero and the figure for the paper mill shall include both pulp and paper production.

⁽¹⁾ Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 181, 12.7.2012, p. 30).

⁽²⁾ Methodology for the Ecodesign of Energy-related Products

Criterion 2(b) Fuel consumption for heat production

The fuel consumption related to pulp and paper production shall be expressed in terms of points (P_f) as detailed below.

Calculation for pulp production: For each pulp i used, the related fuel consumption ($F_{pulp,i}$ expressed in kWh/ADt) shall be calculated as follows:

$$F_{pulp,i} = \text{internally produced fuel} + \text{purchased fuel} - \text{sold fuel} - 1,25 \times \text{internally produced electricity}$$

Note:

1. $F_{pulp,i}$ (and its contribution to P_f pulp) does not need to be calculated for mechanical pulp unless it is market air dried mechanical pulp containing at least 90 % dry matter.
2. The amount of fuel used to produce the sold heat shall be added to the term 'sold fuel' in the equation above.

Calculation for paper production: Similarly, the fuel consumption related to paper production (F_{paper} expressed in kWh/ADt) shall be calculated as follows:

$$F_{paper} = \text{internally produced fuel} + \text{purchased fuel} - \text{sold fuel} - 1,25 \times \text{internally produced electricity}$$

Finally, the points for pulp and paper production shall be combined to give the overall number of points (PF) as follows:

$$P_f = \frac{\sum_{i=1}^n [\text{pulp},i \times F_{pulp,i}] + F_{paper}}{\sum_{i=1}^n [\text{pulp},i \times F_{ref pulp,i}] + F_{ref paper}}$$

Table 2

Reference values for electricity and fuel

Pulp grade	Fuel kWh/ADt $F_{reference}$		Electricity kWh/ADt $E_{reference}$	
	Non-admp	Admp	Non-admp	admp
Chemical pulp	3 650	4 650	750	750
Thermomechanical pulp (TMP)	0	900	2 200	2 200
Groundwood pulp (including pressurised groundwood)	0	900	2 000	2 000
Chemithermomechanical pulp (CTMP)	0	800	1 800	1 800
Recycled pulp	350	1 350	600	600
Paper grade	kWh/tonne			
Uncoated fine paper, magazine paper (SC), newsprint paper	1 700		750	
Coated fine paper, coated magazine paper (LWC, MWC)	1 700		800	

admp = air dried market pulp

Assessment and verification (for both (a) and (b)): The applicant shall provide detailed calculations showing compliance with this criterion, together with all related supporting documentation. Reported details shall therefore include the total electricity and fuel consumption.

The applicant shall calculate all energy inputs, divided into heat/fuels and electricity used during the production of pulp and paper, including the energy used in the de-inking of waste paper for the production of recycled pulp. Energy used in the transportation of raw materials, as well as in conversion and in packaging, is not included in the energy consumption calculations.

Total heat energy includes all purchased fuels. It also includes heat energy recovered by incinerating liquors and waste from on-site processes (e.g. wood waste, sawdust, liquors, waste paper, paper broke) as well as heat recovered from the internal generation of electricity. However, the applicant only needs to count 80 % of the heat energy from such sources when calculating the total heat energy.

Electric energy means net imported electricity coming from the grid and the internal generation of electricity measured as electric power. Electricity used for wastewater treatment does not need to be included.

Where steam is generated using electricity as the heat source, the heat value of the steam shall be calculated, then divided by 0,8 and added to the total fuel consumption.

In case of integrated mills, due to the difficulties in getting separate fuel (heat) figures for pulp and paper, if a combined figure is only available for pulp and paper production, the fuel (heat) values for pulp(s) shall be set to zero and the figure for the paper mill shall include both pulp and paper production.

Criterion 3 — Fibres — conserving resources, sustainable forest management

The fibre raw material may consist of recycled fibres or virgin fibres.

Any virgin fibres must not originate from GMO species.

All fibres shall be covered by valid chain of custody certificates issued by an independent third-party certification scheme such as the Forest Stewardship Council (FSC), the Programme for the Endorsement of Forest Certification (PEFC) or equivalent, or be covered by delivery notes of paper for recycling in accordance with EN 643.

At least 70 % of the fibre material allocated to the product or production line shall originate from forests or areas managed according to sustainable forestry management principles that meet the requirements set out by the relevant independent chain of custody scheme and/or originate from recycled materials.

Excluded from the calculation of recycled fibre content is the reutilisation of waste materials that are capable of being reclaimed within the same process that generated them (i.e. paper machine broke — own produced or purchased). However, inputs of broke from conversion operations (own or purchased) may be considered as contributing towards the recycled fibre content if covered by EN 643 delivery notes.

Any uncertified virgin material shall be covered by a verification system that ensures that it is legally sourced and meets any other requirement of the certification scheme with respect to uncertified material.

The certification bodies issuing forest and/or chain of custody certificates shall be accredited or recognised by that certification scheme.

Assessment and verification: The applicant shall provide the competent body with a declaration of compliance supported by a valid, independently certified chain of custody certificate from the manufacturer of EU Ecolabel graphic paper and for all virgin fibres used in the product or production line. FSC, PEFC or equivalent schemes shall be accepted as independent third-party certification. In case recycled fibre has been used and FSC or PEFC or equivalent recycled claims are not used, evidence shall be covered by EN 643 delivery notes.

The applicant shall provide audited accounting documents that demonstrate that at least 70 % of the materials allocated to the product or production line originate from forests or areas managed according to sustainable forestry management principles that meet the requirements set out by the relevant independent chain of custody scheme and/or originate from recycled materials.

If the product or production line includes uncertified virgin material, proof shall be provided that the content of uncertified virgin material does not exceed 30 % and is covered by a verification system that ensures that it is legally sourced and meets any other requirement of the certification scheme with respect to uncertified material.

In case the certification scheme does not specifically require that all virgin material is sourced from non-GMO species, additional evidence shall be provided to demonstrate this.

Criterion 4 — Restricted hazardous substances and mixtures

The basis for demonstrating compliance with each of the sub-criteria under criterion 4 shall be the applicant providing a list of all the relevant chemicals used together with appropriate documentation (safety data sheet or a declaration from the chemical supplier).

Criterion 4(a) Restrictions on Substances of Very High Concern (SVHC)

Note: All process and functional chemicals used in the paper mill must be screened. This criterion does not apply to chemicals used for wastewater treatment unless the treated wastewater is recirculated back into the paper production process.

The paper product shall not contain substances that have been identified according to the procedure described in Article 59(1) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾ and included in the Candidate List for Substances of Very High Concern in concentrations greater than 0,10 % (weight by weight). No derogation from this requirement shall be granted.

Assessment and verification: The applicant shall provide a declaration that the paper product does not contain any SVHC in concentrations greater than 0,10 % (weight by weight). The declaration shall be supported by safety data sheets or appropriate declarations from chemical suppliers of all process and functional chemicals used in the paper mill that show that none of the chemicals contain SVHC in concentrations greater than 0,10 % (weight by weight).

The list of substances identified as SVHC and included in the candidate list in accordance with Article 59(1) of Regulation (EC) No 1907/2006 can be found here:

http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp

Reference to the list shall be made on the date of application.

Criterion 4(b) Classification, Labelling and Packaging (CLP) restrictions

Note: All process and functional chemicals used in the paper mill must be screened. This criterion does not apply to chemicals used for wastewater treatment unless the treated wastewater is recirculated back into the paper production process.

Unless derogated in Table 3, the paper product shall not contain substances or mixtures in concentrations greater than 0,10 % (weight by weight) that are classified with any of the following hazard statements in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁴⁾:

- **Group 1 hazards:** Category 1A or 1B carcinogenic, mutagenic and/or toxic for reproduction (CMR): H340, H350, H350i, H360, H360F, H360D, H360FD, H360Fd, H360Df.
- **Group 2 hazards:** Category 2 CMR: H341, H351, H361, H361f, H361d, H361fd, H362; Category 1 aquatic toxicity: H400, H410; Category 1 and 2 acute toxicity: H300, H310, H330; Category 1 aspiration toxicity: H304; Category 1 specific target organ toxicity (STOT): H370, H372, Category 1 skin sensitiser ^(*): H317.
- **Group 3 hazards:** Category 2, 3 and 4 aquatic toxicity: H411, H412, H413; Category 3 acute toxicity: H301, H311, H331; Category 2 STOT: H371, H373.

The use of substances or mixtures that are chemically modified during the paper production process (e.g. inorganic flocculating agents, cross-linking agents, inorganic oxidising and reducing agents) so that any relevant restricted CLP hazard no longer applies shall be exempted from the above requirement.

⁽³⁾ 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).

⁽⁴⁾ 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).

^(*) H317 restrictions shall only apply to commercial dye formulations, surface finishing agents and coating materials applied to paper.

Table 3

Derogations to the CLP hazard restrictions and applicable conditions

Substance/mixture type	Applicability	Derogated classification(s)	Derogation conditions
Dyes and pigments	Used in wet end or surface application during the production of coloured paper.	H411, H412, H413	The chemical supplier shall declare that a fixation rate of 98 % can be achieved on the paper and provide instructions about how this can be ensured.
Basic dyes	Dyeing of paper based mainly on mechanical pulp and/or unbleached chemical pulp.	H400, H410, H411, H412, H413, H317	The paper producer shall provide a declaration of compliance with any relevant instructions.
Cationic polymers (including polyethyleneimines, polyamides and polyamines)	Various uses possible, which include use as retention aids, improve wet-web strength, dry strength and wet strength.	H411, H412, H413	The paper producer shall provide a declaration of compliance with any relevant instructions for safe handling and dosing specified in the safety data sheet.

Assessment and verification: The applicant shall provide a list of all relevant chemicals used together with the relevant safety data sheet or supplier declaration.

Any chemicals containing substances or mixtures with restricted CLP classifications shall be highlighted. The approximate dosing rate of the chemical, together with the concentration of the restricted substance or mixture in that chemical (as provided in the safety data sheet or supplier declaration) and an assumed retention factor of 100 %, shall be used to estimate the quantity of the restricted substance or mixture remaining in the final product.

Justifications for any deviation from a retention factor of 100 % or for chemical modification of a restricted hazardous substance or mixture must be provided in writing to the competent body.

For any restricted substances or mixtures that exceed 0,10 % (weight by weight) of the final paper product but are derogated, proof of compliance with the relevant derogation conditions must be provided.

Criterion 4(c) Chlorine

Note: This requirement shall apply to pulp and paper producers. While it also applies to the bleaching of recycled fibres, it is accepted that the fibres in their previous life cycle may have been bleached with chlorine gas.

Chlorine gas shall not be used as a bleaching agent. This requirement does not apply to chlorine gas related to the production and use of chlorine dioxide.

Assessment and verification: The applicant shall provide a declaration that chlorine gas has not been used as a bleaching agent in the paper production process, together with declarations from any relevant pulp suppliers.

Criterion 4(d) Alkylphenol ethoxylates (APEOs)

Note: This requirement shall apply to pulp and paper producers.

APEOs or other alkylphenol derivatives shall not be added to cleaning chemicals, de-inking chemicals, foam inhibitors, dispersants or coatings. Alkylphenol derivatives are defined as substances that upon degradation produce alkylphenols.

Assessment and verification: The applicant shall provide a declaration(s) from its chemical supplier(s) that APEOs or other alkylphenol derivatives have not been added to these products.

Criterion 4(e) Surfactants used in de-inking

Note: This requirement shall apply to the producer(s) of de-inked pulp.

All surfactants used in de-inking processes shall demonstrate ready biodegradability or inherent ultimate biodegradability (see test methods and pass levels below). The only exemption to this requirement shall be the use of surfactants based on silicone derivatives provided that paper sludge from the de-inking process is incinerated.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion together with the relevant safety data sheets or test reports for each surfactant. These shall indicate the test method, threshold and conclusion reached using one of the following test methods and pass levels:

- For ready biodegradability: OECD No 301 A-F (or equivalent ISO standards) with a percentage degradation (including absorption) within 28 days of at least 70 % for 301 A and E, and of at least 60 % for 301 B, C, D and F.
- For inherent ultimate biodegradability: OECD 302 A-C (or equivalent ISO standards), with a percentage degradation (including adsorption) within 28 days of at least 70 % for 302 A and B, and of at least 60 % for 302 C.

In cases where silicone-based surfactants are used, the applicant shall provide a safety data sheet for the chemicals used and a declaration that paper sludge from the de-inking process is incinerated, including details of the destination incineration facility or facilities.

Criterion 4(f) Biocidal product restrictions for slime control

Note: This requirement shall apply to the paper producer.

The active substances in biocidal products used to counter slime-forming organisms in circulation water systems containing fibres shall have been approved for this purpose, or be under examination pending a decision on approval, under Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽⁵⁾ and shall not be potentially bio-accumulative.

For the purposes of this criterion, the potential to bio-accumulate shall be characterised by log K_{ow} (log octanol/water partition coefficient) ≤ 3,0 or an experimentally determined bioconcentration factor ≤ 100.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion together with the relevant material safety data sheet or test report. This shall indicate the test method, threshold and conclusion reached using one of the following test methods: OECD 107, 117 or 305 A-E.

Criterion 4(g) Azo dye restrictions

Note: This requirement shall apply to the paper producer.

Azo dyes, which by reductive cleavage of one or more azo groups may release one or more of the aromatic amines listed in Directive 2002/61/EC of the European Parliament and of the Council ⁽⁶⁾ or Regulation (EC) No 1907/2006 Annex XVII, Appendix 8, shall not be used in the production of EU Ecolabel graphic paper.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion from the supplier(s) of all colourants used in the production process for EU Ecolabel graphic paper. The colourant supplier declaration should be supported by test reports according to the appropriate methods described in Appendix 10 to Annex XVII to Regulation (EC) No 1907/2006 or equivalent methods.

⁽⁵⁾ 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).

⁽⁶⁾ Directive 2002/61/EC of the European Parliament and of the Council of 19 July 2002 amending for the nineteenth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (azocolourants) (OJ L 243, 11.9.2002, p. 15).

Criterion 4(h) Metal-based pigments and dyes

Note: This requirement shall apply to the paper producer. See definition of metal-based pigments and dyes in the preamble of this Annex.

Dyes or pigments based on aluminium (**), silver, arsenic, barium, cadmium, cobalt, chromium, copper (**), mercury, manganese, nickel, lead, selenium, antimony, tin or zinc shall not be used.

Assessment and verification: The applicant shall provide a declaration of compliance with the requirements of this criterion from the supplier(s) of all colourants used in the production process for EU Ecolabel graphic paper. The supplier declaration(s) shall be supported by safety data sheets or other relevant documentation.

Criterion 4(i) Ionic impurities in dye-stuffs

Note: This requirement shall apply to the paper producer.

The levels of ionic impurities in the dye-stuffs used shall not exceed the following limits: silver 100 ppm; arsenic 50 ppm; barium 100 ppm; cadmium 20 ppm; cobalt 500 ppm; chromium 100 ppm; copper 250 ppm; mercury 4 ppm; nickel 200 ppm; lead 100 ppm; selenium 20 ppm; antimony 50 ppm; tin 250 ppm; zinc 1 500 ppm.

The restriction for copper impurities shall not apply to dye-stuffs based on copper phthalocyanine.

Assessment and verification: The applicant shall provide a declaration of compliance with the requirements of this criterion from the supplier(s) of all colourants used in the production process for EU Ecolabel graphic paper. The supplier declaration(s) shall be supported by safety data sheets or other relevant documentation.

Criterion 5 — Waste management

All pulp and paper production sites shall have a system in place for the handling of waste arising from the production process and a waste management and minimisation plan that describes the production process and includes information on the following aspects:

- (1) procedures in place for waste prevention;
- (2) procedures in place for waste separation, reuse and recycling;
- (3) procedures in place for the safe handling of hazardous waste;
- (4) continuous improvement objectives and targets relating to the reduction of waste generation and the increase of reuse and recycling rates.

Assessment and verification: The applicant shall provide a waste minimisation and management plan for each of the sites concerned and a declaration of compliance with the criterion.

Applicants registered with EU Eco-Management and Audit Scheme (EMAS) and/or certified according to ISO 14001 shall be considered as having fulfilled this criterion if:

- (1) the inclusion of waste management is documented in the EMAS environmental statement for the production site(s),
or
- (2) the inclusion of waste management is sufficiently addressed by the ISO 14001 certification for the production site(s).

Criterion 6 — Fitness for use

The paper product shall be suitable for its purpose.

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

Producers shall guarantee the fitness for use of their products, providing documentation that demonstrates the product quality in accordance with EN ISO/IEC 17050. The standard provides general criteria for suppliers' declaration of conformity with normative documents.

(**) The restriction for copper shall be exempted in the case of copper phthalocyanine and the restriction for aluminium shall not apply to aluminosilicates.

Criterion 7 — Information on the packaging

At least one of the following pieces of information shall appear on the product packaging:

'Please print double sided' (applicable for paper for office printing purposes)

'Please collect used paper for recycling'

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, supported by an image of the product packaging bearing the information required.

Criterion 8 — Information appearing on the EU Ecolabel

The applicant shall follow the instructions on how to properly use the EU Ecolabel logo provided in the EU Ecolabel Logo Guidelines:

http://ec.europa.eu/environment/ecolabel/documents/logo_guidelines.pdf

If the optional label with text box is used, it shall contain the following three statements:

- Low emissions to air and water during production,
- Low energy use during production,
- xx % sustainably sourced fibres/xx % recycled fibres (as appropriate).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, supported by an image of the product packaging that clearly shows the label, the registration/licence number and, where relevant, the statements that can be displayed together with the label.

ANNEX II

EU ECOLABEL CRITERIA FOR AWARDING THE EU ECOLABEL TO TISSUE PAPER AND TISSUE PRODUCTS

FRAMEWORK

Aims of the criteria

The criteria aim, in particular, to reduce discharges of toxic or eutrophic substances into waters and environmental damage or risks related to the use of energy (climate change, acidification, ozone depletion, depletion of non-renewable resources). To this end, the criteria aim to:

- reduce energy consumption and related emissions to air,
- reduce environmental damage by reducing emissions to water and waste creation,
- reduce environmental damage or risks related to the use of hazardous chemicals, and
- safeguard forests by requiring recycled fibres or virgin fibres to be sourced from forests and areas that are managed in a sustainable manner.

Criteria for awarding the EU Ecolabel to 'tissue paper and tissue products':

1. Emissions to water and air;
2. Energy use;
3. Fibres: conserving resources, sustainable forest management;
4. Restricted hazardous substances and mixtures;
5. Waste management;
6. Final product requirements;
7. Information appearing on the EU Ecolabel.

The ecological criteria cover the production of pulp, including all constituent sub-processes from the point at which virgin fibres or recycled fibres enter the production site to the point at which the pulp leaves the pulp mill. For the paper production processes, the ecological criteria cover all sub-processes in the paper mill, from pulp preparation for tissue paper making to winding onto the mother reel.

Energy use and emissions to water and air during the conversion of tissue paper into tissue products are not included. The ecological criteria do not cover the transport and packaging of the raw materials (e.g. wood), pulp or the final paper product.

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

Where the applicant is required to provide declarations, documentation, analyses, test reports or other evidence to show compliance with the criteria, these may originate from the applicant and/or his supplier(s) and/or their suppliers, etc. as appropriate.

Competent bodies shall preferentially recognise attestations and verifications issued by bodies that are accredited according to the relevant harmonised standard for testing and calibration laboratories, and verifications issued by bodies that are accredited according to the relevant harmonised standard for bodies certifying products, processes and services.

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

Where appropriate, competent bodies may require supporting documentation and may carry out independent verifications or on-site inspections to check compliance with these criteria.

The tissue product needs to meet all respective requirements of the country where it is placed on the market. The applicant shall declare the product's compliance with this requirement.

The following definitions shall apply:

- (1) 'air dry tonne' means air dry tonne (ADt) of pulp expressed as 90 % dryness;
- (2) 'chemical pulp' means fibrous material obtained by removal from the raw material of a considerable part of non-cellulosic compounds that can be removed by chemical treatment (cooking, delignification, bleaching);

- (3) 'CMP' means chemimechanical pulp;
- (4) 'CTMP' means chemithermomechanical pulp;
- (5) 'de-inked pulp' means pulp made from paper for recycling from which inks and other contaminants have been removed;
- (6) 'dyes' means an intensely coloured or fluorescent organic material, which imparts colour to a substrate by selective absorption. Dyes are soluble and/or go through an application process which, at least temporarily, destroys any crystal structure of the dye. Dyes are retained in the substrate by absorption, solution, and mechanical retention, or by ionic or covalent chemical bonds;
- (7) 'ECF pulp' means elemental chlorine-free bleached pulp;
- (8) 'integrated production' means pulp and paper is produced at the same site. The pulp is not dried before paper manufacture. The production of paper/board is directly connected with the production of pulp;
- (9) 'mechanical woodpulp paper or board' means paper or board containing mechanical woodpulp as an essential constituent of its fibre composition;
- (10) 'metal-based pigments and dyes' means dyes and pigments containing more than 50 % by weight of the relevant metal compound(s);
- (11) 'mother reel' means a large roll of tissue paper, wound onto the winding station, covering either the full width or part of the width of the tissue paper machine;
- (12) 'non-integrated production' means production of market pulp (for sale) in mills that do not operate paper machines, or production of paper/board using only pulp produced in other plants (market pulp);
- (13) 'paper machine broke' means paper materials that are discarded by the paper machine process but that have properties allowing it to be reused on site by being incorporated back into the same manufacturing process that generated it. For the purposes of this Decision, this term shall not be extended to conversion processes, which are considered as distinct processes to the paper machine;
- (14) 'pigments' means coloured, black, white or fluorescent particulate organic or inorganic solids which usually are insoluble in, and essentially physically and chemically unaffected by, the vehicle or substrate in which they are incorporated. They alter appearance by selective absorption and/or by scattering of light. Pigments are usually dispersed in vehicles or substrates for application, for instance in the manufacture of inks, paints, plastics or other polymeric materials. Pigments retain a crystal or particulate structure throughout the coloration process;
- (15) 'recycled fibres' means fibres diverted from the waste stream during a manufacturing process or generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product. These fibres can no longer be used for their intended purpose. It excludes reutilisation of materials generated in a process and capable of being reclaimed within the same process that generated them (paper machine broke — own produced or purchased);
- (16) 'structured tissue paper' means paper characterised by high bulk and absorption capacity obtained with significant local areas of high and low fibre density in the form of fibre pockets in the base sheet, generated by specific processes in the tissue paper machine;
- (17) 'TCF pulp' means totally chlorine-free bleached pulp;
- (18) 'TMP' means thermomechanical pulp.

EU ECOLABEL CRITERIA

Criterion 1 — Emissions to water and air

As a prerequisite, the pulp and paper production site must meet all respective legal requirements of the country in which it is located.

Assessment and verification: The applicant shall provide a declaration of compliance, supported by relevant documentation and declarations from the pulp supplier(s).

Criterion 1(a) Chemical oxygen demand (COD), sulphur (S), NO_x, phosphorous (P)

The requirement is based on information on emissions in relation to a specified reference value. The ratio between actual emissions and the reference value translates into an emissions score.

The score for any individual emission parameter shall not exceed 1,3.

In all cases, the total number of points ($P_{\text{total}} = P_{\text{COD}} + P_{\text{S}} + P_{\text{NOx}} + P_{\text{p}}$) shall not exceed 4,0.

In case of non-integrated production, the applicant shall provide a calculation that includes pulp and paper production.

For pulp and papermaking as a whole, the calculation of P_{COD} shall be made as follows (P_{S} , P_{NOx} , P_{p} to be calculated in exactly the same way).

For each pulp 'i' used, the related measured COD emissions ($\text{COD}_{\text{pulp},i}$, expressed in kg/air dry tonne — ADt) shall be weighted according to the proportion of each pulp used (pulp 'i' with respect to air dry tonne of pulp), and added together. Air dry tonne assumes 90 % dry matter content for pulp, and 95 % for paper.

The weighted COD emission for the pulp is then added to the measured COD emission from the paper production to give the total COD emission, $\text{COD}_{\text{total}}$.

The weighted COD reference value for the pulp production shall be calculated in the same way, with the sum of the weighted reference value for each pulp used and added to the reference value for the paper production to give a total COD reference value $\text{COD}_{\text{ref, total}}$. Table 1 contains the reference values for each pulp type used and for the paper production.

Finally, the total COD emission shall be divided by the total COD reference value as follows:

$$P_{\text{COD}} = \frac{\text{COD}_{\text{total}}}{\text{COD}_{\text{ref, total}}} = \frac{\sum_{i=1}^n [\text{pulp},i \times (\text{COD}_{\text{pulp},i})] + \text{COD}_{\text{papermachine}}}{\sum_{i=1}^n [\text{pulp},i \times (\text{COD}_{\text{ref pulp},i})] + \text{COD}_{\text{ref papermachine}}}$$

Table 1

Reference values for emissions from different pulp types and from paper production

Pulp grade/paper	Emissions (kg/ADt)			
	$\text{COD}_{\text{reference}}$	$P_{\text{reference}}$	$S_{\text{reference}}$	$\text{NOx}_{\text{reference}}$
Bleached chemical pulp (other than sulphite)	16,00	0,025 0,09 ⁽¹⁾	0,35	1,60
Bleached chemical pulp (sulphite)	24,00	0,04	0,75	1,60
Magnefite pulp	28,00	0,056	0,75	1,60
Unbleached chemical pulp	6,50	0,016	0,35	1,60
CTMP/CMP	16,00	0,008	0,20	0,25/0,70 ⁽²⁾
TMP/groundwood pulp	3,00/5,40 ⁽³⁾	0,008	0,20	0,25
Recycled fibre pulp without de-inking	1,10	0,006	0,20	0,25
Recycled fibre pulp with de-inking	3,20	0,012	0,20	0,25
	Emissions (kg/tonne)			
Tissue paper making	1,20	0,01	0,30	0,50
Structured tissue paper making	1,20	0,01	0,30	0,70

⁽¹⁾ The higher value refers to mills using eucalyptus from regions with higher levels of phosphorous (e.g. Iberian eucalyptus).

⁽²⁾ NOx emission value for non-integrated CTMP mills using flash-drying of pulp with biomass-based steam.

⁽³⁾ COD value for highly bleached mechanical pulp (70-100 % of fibre in final paper).

In cases where co-generation of heat and electricity occurs at the same plant, the emissions of S and NOx resulting from on-site electricity generation can be subtracted from the total amount. The following equation can be used to calculate the proportion of emissions resulting from electricity generation:

$$2 \times (\text{MWh}(\text{electricity})) / [2 \times \text{MWh}(\text{electricity}) + \text{MWh}(\text{heat})]$$

The electricity in this calculation is the electricity produced at the co-generation plant. The heat in this calculation is the net heat delivered from the co-generation plant to the pulp/paper production.

Assessment and verification: The applicant shall provide detailed calculations and test data showing compliance with this criterion, together with related supporting documentation that include test reports using the following continuous or periodical monitoring standard test methods (or equivalent standard methods that are accepted by the competent body as providing data of equivalent scientific quality): COD: ISO 15705 or ISO 6060; NO_x: EN 14792 or ISO 11564; S(sulphur oxides): EN 14791; or EPA no 8; S(reduced sulphur): EPA no 15A,16A or 16B; S content in oil: ISO 8754; S content in coal: ISO 19579; S content in biomass: EN 15289; Total P: EN ISO 6878.

Rapid tests can also be used to monitor emissions as long as they are checked regularly (e.g. monthly) against the relevant aforementioned standards or suitable equivalents. In the case of COD emissions, continuous monitoring based on analysis of total organic carbon (TOC) shall be accepted as long as a correlation between TOC and COD results has been established for the site in question.

The minimum measurement frequency, unless specified otherwise in the operating permit, shall be daily for COD emissions and weekly for Total P emissions. In all cases, emissions of S and NO_x shall be measured on a continuous basis (for emissions from boilers with a capacity exceeding 50 MW) or a periodic basis (at least once a year for boilers and driers with a capacity less than or equal to 50 MW each).

Data shall be reported as annual averages except in cases where:

- the production campaign is for a limited time period only,
- the production plant is new or has been rebuilt, in which case the measurements shall be based on at least 45 subsequent days of stable running of the plant.

In either case, data may only be accepted if it is representative of the respective campaign and a sufficient number of measurements have been taken for each emission parameter.

The supporting documentation shall include an indication of the measurement frequency and calculation of the points for COD, Total P, S and NO_x.

Emissions to air shall include all emissions of S and NO_x which occur during the production of pulp and paper, including steam generated outside the production site, minus any emissions allocated to the production of electricity. Measurements shall include recovery boilers, lime kilns, steam boilers and destructor furnaces for strong smelling gases. Diffuse emissions shall also be taken into account. Reported emission values for S to air shall include both oxidised and reduced S emissions. The S emissions related to the heat energy generation from oil, coal and other external fuels with known S content may be calculated instead of measured, and shall be taken into account.

Measurements of emissions to water shall be taken on unfiltered and unsettled samples at the effluent discharge point of the mills' wastewater treatment plant. In cases where mill effluent is sent to a municipal or other third-party wastewater treatment plant, unfiltered and unsettled samples from the mill effluent sewer discharge point shall be analysed and the results multiplied by a standard removal efficiency factor for the municipal or third-party wastewater treatment plant. The removal efficiency factor shall be based on information provided by the operator of the municipal or other third-party wastewater treatment plant.

For integrated mills, due to the difficulties in getting separate emission figures for pulp and paper, if a combined figure is only available for pulp and paper production, the emission values for pulp(s) shall be set to zero and the combined emissions shall be compared against the combined reference values for the relevant pulp and paper production. The weighted content of each pulp granted a specific reference value from Table 1 shall be reflected in the equation.

Criterion 1(b) Adsorbable organic halogens (AOX)

This criterion refers to elemental chlorine free (ECF) pulp.

The AOX emissions from the production of each pulp used in EU Ecolabel tissue paper shall not exceed 0,17 kg/ADt.

Assessment and verification: The applicant shall provide test reports using the AOX ISO 9562 test method or equivalent methods, accompanied by detailed calculations showing compliance with this criterion and any related supporting documentation.

The applicant shall provide a declaration of compliance with this criterion, supported by a list of the different ECF pulps used in the pulp mix, their respective weightings and their individual amount of AOX emissions, expressed as kg AOX/ADt pulp.

The supporting documentation shall include an indication of the measurement frequency. AOX shall only be measured in processes where chlorine compounds are used for bleaching the pulp. AOX does not need to be measured in the effluent from non-integrated paper production or in the effluents from pulp production without bleaching or where bleaching is performed with chlorine-free substances.

Measurements of AOX emissions to water shall be taken on unfiltered and unsettled samples at the effluent discharge point of the mills' wastewater treatment plant. In cases where mill effluent is sent to a municipal or other third-party wastewater treatment plant, unfiltered and unsettled samples from the mill effluent sewer discharge point shall be analysed and the results multiplied by a standard removal efficiency factor for the municipal or third-party wastewater treatment plant. The removal efficiency factor shall be based on information provided by the operator of the municipal or other third-party wastewater treatment plant.

Information on the emissions shall be expressed as the annual average from measurements taken at least once every 2 months. In case of a new or rebuilt production plant, measurements shall be based on at least 45 subsequent days of stable running of the plant. They shall be representative of the respective campaign.

In case the applicant does not use any ECF pulp, a corresponding declaration to the competent body is sufficient.

Criterion 1(c) CO₂

Note: The criterion refers to the sum total of CO₂ emissions from pulp and paper manufacturing processes. Conversion is not included.

Carbon dioxide emissions from fossil fuels used for the production of process heat and electricity (whether on-site or off-site) must not exceed the following limit values:

- (1) 1 200 kg CO₂/tonne for conventional tissue paper;
- (2) 1 850 kg CO₂/tonne for structured tissue paper.

The actual emission value shall be calculated as the sum of the emissions from the pulp and paper production, taking into account the mixture of pulps used.

Assessment and verification: The applicant shall provide data and detailed calculations showing compliance with this criterion, together with related supporting documentation.

For each pulp used, the pulp manufacturer shall provide the applicant with a single CO₂ emission value in kg CO₂/ADt. The applicant shall also provide a single CO₂ emission value for the relevant paper machine(s) used to produce EU Ecolabel tissue paper. For integrated mills, CO₂ emissions for pulp and paper production may be reported as a single value.

The CO₂ emission data shall include all sources of non-renewable fuels used during the production of pulp and paper, including the emissions from the production of electricity (whether on-site or off-site).

Emission factors for fuels shall be used in accordance with Annex VI of Regulation (EU) No 601/2012.

For grid electricity, an emission calculation factor of 384 (kg CO₂/MWh) shall be used in accordance with the MEErP methodology ⁽¹⁾.

The period for the calculations or mass balances shall be based on the production over 12 months. In case of a new or a rebuilt production plant, the calculations shall be based on at least 45 subsequent days of stable running of the plant. The calculations shall be representative of the respective campaign.

For grid electricity, the value provided above (the European average) shall be used unless the applicant presents documentation establishing the average value for its suppliers of electricity (contracting suppliers), in which case the applicant may use this value instead of the value quoted. The documentation used as proof of compliance shall include technical specifications that indicate the average value (i.e. copy of a contract).

The amount of energy from renewable sources purchased and used for the production processes counts as zero CO₂ emission when calculating CO₂ emissions. The applicant shall provide appropriate documentation that this kind of energy is actually used at the mill or has been externally purchased.

Criterion 2 — Energy use

The requirement is based on information on actual energy use during pulp and paper production in relation to specific reference values.

⁽¹⁾ Methodology for the Ecodesign of Energy-related Products

The energy consumption includes electricity and fuel consumption for heat production to be expressed in terms of points (P_{total}) as detailed below.

The total number of points ($P_{\text{total}} = P_{\text{E}} + P_{\text{F}}$) shall not exceed 2,5.

Table 2 contains the reference values for calculating the energy consumption.

In case of a mix of pulps, the reference value for electricity and fuel consumption for heat production shall be weighted according to the proportion of each pulp used (pulp 'i' with respect to air dry tonne of pulp), and added together.

Criterion 2(a) Electricity

The electricity consumption related to pulp and paper production shall be expressed in terms of points (P_{E}) as detailed below.

Calculation for pulp production: For each pulp i used, the related electricity consumption ($E_{\text{pulp},i}$ expressed in kWh/ADt) shall be calculated as follows:

$E_{\text{pulp},i}$ = internally produced electricity + purchased electricity – sold electricity

Calculation for paper production: Similarly, the electricity consumption related to paper production (E_{paper}) shall be calculated as follows:

E_{paper} = internally produced electricity + purchased electricity – sold electricity

Finally, the points for pulp and paper production shall be combined to give the overall number of points (P_{E}) as follows:

$$P_{\text{E}} = \frac{\sum_{i=1}^n [\text{pulp},i \times E_{\text{pulp},i}] + E_{\text{paper}}}{\sum_{i=1}^n [\text{pulp},i \times E_{\text{ref pulp},i}] + E_{\text{ref paper}}}$$

In case of integrated mills, due to the difficulties in getting separate electricity figures for pulp and paper, if a combined figure is only available for pulp and paper production, the electricity values for pulp(s) shall be set to zero and the figure for the paper mill shall include both pulp and paper production.

Criterion 2(b) Fuel consumption for heat production

The fuel consumption related to pulp and paper production shall be expressed in terms of points (P_{F}) as detailed below.

Calculation for pulp production: For each pulp i used, the related fuel consumption ($F_{\text{pulp},i}$ expressed in kWh/ADt) shall be calculated as follows:

$F_{\text{pulp},i}$ = internally produced fuel + purchased fuel – sold fuel – 1,25 × internally produced electricity

Note:

1. $F_{\text{pulp},i}$ (and its contribution to P_{F} pulp) does not need to be calculated for mechanical pulp unless it is market air dried mechanical pulp containing at least 90 % dry matter.
2. The amount of fuel used to produce the sold heat shall be added to the term 'sold fuel' in the equation above.

Calculation for paper production: Similarly, the fuel consumption related to paper production (F_{paper} expressed in kWh/ADt) shall be calculated as follows:

F_{paper} = internally produced fuel + purchased fuel – sold fuel – 1,25 × internally produced electricity

Finally, the points for pulp and paper production shall be combined to give the overall number of points (P_{F}) as follows:

$$P_{\text{F}} = \frac{\sum_{i=1}^n [\text{pulp},i \times F_{\text{pulp},i}] + F_{\text{paper}}}{\sum_{i=1}^n [\text{pulp},i \times F_{\text{ref pulp},i}] + F_{\text{ref paper}}}$$

Table 2

Reference values for electricity and fuel

Pulp grade	Fuel kWh/ADt $F_{\text{reference}}$		Electricity kWh/ADt $E_{\text{reference}}$	
	Non-admp	admp	Non-admp	admp
Chemical pulp	3 650	4 650	750	750
Thermomechanical pulp (TMP)	0	900	2 200	2 200
Groundwood pulp (including pressurised groundwood)	0	900	2 000	2 000
Chemithermomechanical pulp (CTMP)	0	800	1 800	1 800
Recycled pulp	350	1 350	700	700
Paper grade	kWh/tonne			
Tissue paper	1 950		950	
Structured tissue	3 000		1 500	

admp = air dried market pulp

Assessment and verification (for both (a) and (b)): The applicant shall provide detailed calculations showing compliance with this criterion, together with all related supporting documentation. Reported details shall therefore include the total electricity and fuel consumption.

The applicant shall calculate all energy inputs, divided into heat/fuels and electricity used during the production of pulp and paper, including the energy used in the de-inking of waste paper for the production of recycled pulp. Energy used in the transportation of raw materials, as well as in packaging, is not included in the energy consumption calculations.

Total heat energy includes all purchased fuels. It also includes heat energy recovered by incinerating liquors and waste from on-site processes (e.g. wood waste, sawdust, liquors, waste paper, paper broke) as well as heat recovered from the internal generation of electricity. However, the applicant only needs to count 80 % of the heat energy from such sources when calculating the total heat energy.

Electric energy means net imported electricity coming from the grid and the internal generation of electricity measured as electric power. Electricity used for wastewater treatment does not need to be included.

Where steam is generated using electricity as the heat source, the heat value of the steam shall be calculated, then divided by 0,8 and added to the total fuel consumption.

In case of integrated mills, due to the difficulties in getting separate fuel (heat) figures for pulp and paper, if a combined figure is only available for pulp and paper production, the fuel (heat) values for pulp(s) shall be set to zero and the figure for the paper mill shall include both pulp and paper production.

Criterion 3 — Fibres — conserving resources, sustainable forest management

The fibre raw material may consist of recycled fibres or virgin fibres.

Any virgin fibres must not originate from GMO species.

All fibres shall be covered by valid chain of custody certificates issued by an independent third-party certification scheme such as the Forest Stewardship Council (FSC), the Programme for the Endorsement of Forest Certification (PEFC) or equivalent, or be covered by delivery notes of paper for recycling in accordance with EN 643.

At least 70 % of the fibre material allocated to the product or production line shall originate from forests or areas managed according to sustainable forestry management principles that meet the requirements set out by the relevant independent chain of custody scheme and/or originate from recycled materials.

Excluded from the calculation of recycled fibre content is the reutilisation of waste materials that are capable of being reclaimed within the same process that generated them (i.e. paper machine broke — own produced or purchased). However, inputs of broke from conversion operations (own or purchased) may be considered as contributing towards the recycled fibre content if covered by EN 643 delivery notes.

Any uncertified virgin material shall be covered by a verification system which ensures that it is legally sourced and meets any other requirement of the certification scheme with respect to uncertified material. The certification bodies issuing forest and/or chain of custody certificates shall be accredited or recognised by that certification scheme.

Assessment and verification: The applicant shall provide the competent body with a declaration of compliance supported by a valid, independently certified chain of custody certificate from the manufacturer of EU Ecolabel tissue paper and for all fibres used in the product or production line. FSC, PEFC or equivalent schemes shall be accepted as independent third-party certification. In case recycled fibre has been used and FSC or PEFC or equivalent recycled claims are not used, evidence shall be covered by EN 643 delivery notes.

The applicant shall provide audited accounting documents that demonstrate that at least 70 % of the materials allocated to the product or production line originate from forests or areas managed according to sustainable forestry management principles that meet the requirements set out by the relevant independent chain of custody scheme and/or originate from recycled materials.

If the product or production line includes uncertified virgin material, proof shall be provided that the content of uncertified virgin material does not exceed 30 % and is covered by a verification system that ensures that it is legally sourced and meets any other requirement of the certification scheme with respect to uncertified material.

In case the certification scheme does not specifically require that all virgin material is sourced from non-GMO species, additional evidence shall be provided to demonstrate this.

Criterion 4 — Restricted hazardous substances and mixtures

The basis for demonstrating compliance with each of the sub-criteria under criterion 4 shall be the applicant providing a list of all the relevant chemicals used together with appropriate documentation (safety data sheet or a declaration from the chemical supplier).

Criterion 4(a) Restrictions on Substances of Very High Concern (SVHC)

Note: All process and functional chemicals used in the paper mill and, where relevant, during the tissue paper conversion process must be screened. This criterion does not apply to chemicals used for wastewater treatment unless the treated wastewater is recirculated back into the paper production process.

The paper product shall not contain substances that have been identified according to the procedure described in Article 59(1) of Regulation (EC) No 1907/2006 and included in the Candidate List for Substances of Very High Concern in concentrations greater than 0,10 % (weight by weight). No derogation from this requirement shall be granted.

Assessment and verification: The applicant shall provide a declaration that the paper product does not contain any SVHC in concentrations greater than 0,10 % (weight by weight). The declaration shall be supported by safety data sheets or appropriate declarations from chemical suppliers of all process and functional chemicals used in the paper mill that show that none of the chemicals contain SVHC in concentrations greater than 0,10 % (weight by weight).

The list of substances identified as SVHC and included in the candidate list in accordance with Article 59(1) of Regulation (EC) No 1907/2006 can be found here:

http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp

Reference to the list shall be made on the date of application.

Criterion 4(b) Classification, Labelling and Packaging (CLP) restrictions

Note: All process and functional chemicals used in the paper mill and, where relevant, during the tissue paper conversion process must be screened. This criterion does not apply to chemicals used for wastewater treatment unless the treated wastewater is recirculated back into the paper production process.

Unless derogated in Table 3, the paper product shall not contain substances or mixtures in concentrations greater than 0,10 % (weight by weight) that are classified with any of the following hazard statements in accordance with Regulation (EC) No 1272/2008:

— **Group 1 hazards:** Category 1A or 1B carcinogenic, mutagenic and/or toxic for reproduction (CMR): H340, H350, H350i, H360, H360F, H360D, H360FD, H360Fd, H360Df.

- **Group 2 hazards:** Category 2 CMR: H341, H351, H361, H361f, H361d, H361fd, H362; Category 1 aquatic toxicity: H400, H410; Category 1 and 2 acute toxicity: H300, H310, H330; Category 1 aspiration toxicity: H304; Category 1 specific target organ toxicity (STOT): H370, H372, Category 1 skin sensitiser (*): H317.
- **Group 3 hazards:** Category 2, 3 and 4 aquatic toxicity: H411, H412, H413; Category 3 acute toxicity: H301, H311, H331; Category 2 STOT: H371, H373.

The use of substances or mixtures that are chemically modified during the paper production process (e.g. inorganic flocculating agents, cross-linking agents, inorganic oxidising and reducing agents) so that any relevant restricted CLP hazard no longer applies shall be exempted from the above requirement.

Table 3

Derogations to the CLP hazard restrictions and applicable conditions

Substance/mixture type	Applicability	Derogated classification(s)	Derogation conditions
Dyes and pigments	Used in wet end or surface application during the production of coloured paper.	H411, H412, H413	The chemical supplier shall declare that a fixation rate of 98 % can be achieved on the paper and provide instructions about how this can be ensured. The paper producer shall provide a declaration of compliance with any relevant instructions.
Polyamidoamine-epichlorohydrin (PAE)-based wet strength agents	Used as retention agents to improve runnability or to impart wet strength to the product.	H411, H412, H413	The combined residual monomer content of epichlorohydrin (ECH, CAS No 106-89-8) and its breakdown products 1,3-dichloro-2-propanol (DCP, CAS No 96-23-1) and 3-monochloro-1,2-propanediol (MCPD, CAS No 96-24-2) must not exceed 0,35 % (w/w) of the active solids content of the formulation.
Glyoxal (recycled fibre)	Impurity in recycled fibres.	H341, H317	Only permitted in concentrations exceeding 0,10 % (w/w) if due to contaminants from recycled materials used in the papermaking process. In such cases, compliance with the limit defined in criterion 6c) must be demonstrated.
Polyamidoamine-epichlorohydrin (PAE)-based Yankee auxiliary chemicals	Used as creping aids.	H411, H412, H413	The combined residual monomer content of epichlorohydrin (ECH, CAS No 106-89-8) and its breakdown products 1,3-dichloro-2-propanol (DCP, CAS No 96-23-1) and 3-monochloro-1,2-propanediol (MCPD, CAS No 96-24-2) must not exceed 0,05 % (w/w) of the active solids content of the formulation.
Cationic polymers (including polyethyleneimines, polyamides and polyamines)	Various uses possible, which include use as retention aids, improve wet-web strength, dry strength and wet strength.	H411, H412, H413	The paper producer shall provide a declaration of compliance with any relevant instructions for safe handling and dosing specified in the safety data sheet.

(*) H317 restrictions shall only apply to commercial dye formulations, surface finishing agents and coating materials applied to paper.

Assessment and verification: The applicant shall provide a list of all relevant chemicals used together with the relevant safety data sheet or supplier declaration.

Any chemicals containing substances or mixtures with restricted CLP classifications shall be highlighted. The approximate dosing rate of the chemical, together with the concentration of the restricted substance or mixture in that chemical (as provided in the safety data sheet or supplier declaration) and an assumed retention factor of 100 %, shall be used to estimate the quantity of the restricted substance or mixture remaining in the final product.

Justifications for any deviation from a retention factor of 100 % or for chemical modification of a restricted hazardous substance or mixture must be provided in writing to the competent body.

For any restricted substances or mixtures that exceed 0,10 % (weight by weight) of the final paper product but are derogated, proof of compliance with the relevant derogation conditions must be provided.

Criterion 4(c) Chlorine

Note: This requirement shall apply to pulp and paper producers. While it also applies to the bleaching of recycled fibres, it is accepted that the fibres in their previous life cycle may have been bleached with chlorine gas.

Chlorine gas shall not be used as a bleaching agent. This requirement does not apply to chlorine gas related to the production and use of chlorine dioxide.

Assessment and verification: The applicant shall provide a declaration that chlorine gas has not been used as a bleaching agent in the paper production process, together with declarations from any relevant pulp suppliers.

Criterion 4(d) Alkylphenol ethoxylates (APEOs)

Note: This requirement shall apply to pulp and paper producers.

APEOs or other alkylphenol derivatives shall not be added to cleaning chemicals, de-inking chemicals, foam inhibitors or dispersants. Alkylphenol derivatives are defined as substances that upon degradation produce alkylphenols.

Assessment and verification: The applicant shall provide a declaration(s) from its chemical supplier(s) that APEOs or other alkylphenol derivatives have not been added to these products.

Criterion 4(e) Surfactants used in de-inking

Note: This requirement shall apply to the producer(s) of de-inked pulp.

All surfactants used in de-inking processes shall demonstrate ready biodegradability or inherent ultimate biodegradability (see test methods and pass levels below). The only exemption to this requirement shall be the use of surfactants based on silicone derivatives provided that paper sludge from the de-inking process is incinerated.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion together with the relevant safety data sheets or test reports for each surfactant. These shall indicate the test method, threshold and conclusion reached using one of the following test methods and pass levels:

- For ready biodegradability: OECD No 301 A-F (or equivalent ISO standards) with a percentage degradation (including absorption) within 28 days of at least 70 % for 301 A and E, and of at least 60 % for 301 B, C, D and F.
- For inherent ultimate biodegradability: OECD 302 A-C (or equivalent ISO standards), with a percentage degradation (including adsorption) within 28 days of at least 70 % for 302 A and B, and of at least 60 % for 302 C.

In cases where silicone-based surfactants are used, the applicant shall provide a safety data sheet for the chemicals used and a declaration that paper sludge from the de-inking process is incinerated, including details of the destination incineration facility or facilities.

Criterion 4(f) Biocidal product restrictions for slime control

Note: This requirement shall apply to the paper producer.

The active substances in biocidal products used to counter slime-forming organisms in circulation water systems containing fibres shall have been approved for this purpose, or be under examination pending a decision on approval, under Regulation (EU) No 528/2012 and shall not be potentially bio-accumulative.

For the purposes of this criterion, the potential to bio-accumulate shall be characterised by log Kow (log octanol/water partition coefficient) $\leq 3,0$ or an experimentally determined bioconcentration factor ≤ 100 .

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion together with the relevant material safety data sheet or test report. This shall indicate the test method, threshold and conclusion reached, using one of the following test methods: OECD 107, 117 or 305 A-E.

Criterion 4(g) Azo dye restrictions

Note: This requirement shall apply to the paper producer.

Azo dyes, which by reductive cleavage of one or more azo groups may release one or more of the aromatic amines listed in Directive 2002/61/EC or Regulation (EC) No 1907/2006 Annex XVII, Appendix 8, shall not be used in the production of EU Ecolabel tissue paper.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion from the supplier(s) of all colourants used in the production process for EU Ecolabel tissue paper and tissue products. The colourant supplier declaration should be supported by test reports according to the appropriate methods described in Appendix 10 to Annex XVII to Regulation (EC) No 1907/2006 or equivalent methods.

Criterion 4(h) Metal-based pigments and dyes

Note: This requirement shall apply to the paper producer or, where relevant, to the tissue paper converter. See definition of metal-based pigments and dyes in the preamble of this Annex.

Dyes or pigments based on aluminium (**), silver, arsenic, barium, cadmium, cobalt, chromium, mercury, manganese, nickel, lead, selenium, antimony, tin or zinc shall not be used.

Assessment and verification: The applicant shall provide a declaration of compliance with the requirements of this criterion from the supplier(s) of all colourants used in the production process for EU Ecolabel tissue products. The supplier declaration(s) shall be supported by safety data sheets or other relevant documentation.

Criterion 4(i) Ionic impurities in dye-stuffs

Note: This requirement shall apply to the paper producer or, where relevant, to the tissue paper converter.

The levels of ionic impurities in the dyestuffs used shall not exceed the following limits: silver 100 ppm; arsenic 50 ppm; barium 100 ppm; cadmium 20 ppm; cobalt 500 ppm; chromium 100 ppm; mercury 4 ppm; nickel 200 ppm; lead 100 ppm; selenium 20 ppm; antimony 50 ppm; tin 250 ppm; zinc 1 500 ppm.

Assessment and verification: The applicant shall provide a declaration of compliance with the requirements of this criterion from the supplier(s) of all colourants used in the production process for EU Ecolabel tissue paper. The supplier declaration(s) shall be supported by safety data sheets or other relevant documentation.

Criterion 4(j) Lotions

No substances that are classified as H317, H334, CMR or listed on the Candidate List for Substances of Very High Concern shall be added to lotion formulations used during the conversion of EU Ecolabel tissue products. Furthermore, no parabens, triclosan, formaldehyde, formaldehyde releasers or methylisothiazolinone shall be added to lotion formulations.

Furthermore, no lotion formulation used shall be dosed in quantities that result in any individual substances with the CLP restricted classifications listed in criterion 4(b) being present in quantities exceeding 0,010 % (w/w) of the final tissue product. The sum of substances with any particular restricted CLP classifications shall not exceed 0,070 % (w/w) of the tissue product.

Assessment and verification: The applicant shall provide a list of any relevant lotion formulations used in the production of EU Ecolabel tissue products together with declarations of compliance from the respective suppliers of those lotion formulations, relevant safety data sheets and, for demonstrating compliance with the limits in the final product, calculations based on dosing rates used by the applicant that estimate the concentrations of any restricted CLP substances in the formulation that would remain in the final EU Ecolabel tissue product.

(**) The restriction for aluminium shall not apply to aluminosilicates.

Criterion 5 — Waste management

All pulp and paper production sites, including converted tissue production sites, shall have a system in place for the handling of waste arising from the production process and a waste management and minimisation plan that describes the production process and includes information on the following aspects:

- (1) procedures in place for waste prevention;
- (2) procedures in place for waste separation, reuse, and recycling;
- (3) procedures in place for the safe handling of hazardous waste;
- (4) continuous improvement objectives and targets relating to the reduction of waste generation and the increase of reuse and recycling rates.

Assessment and verification: The applicant shall provide a waste minimisation and management plan for each of the sites concerned and a declaration of compliance with the criterion.

Applicants registered with EU Eco-Management and Audit Scheme (EMAS) and/or certified according to ISO 14001 shall be considered as having fulfilled this criterion if:

- (1) the inclusion of waste management is documented in the EMAS environmental statement for the production site(s);
or
- (2) the inclusion of waste management is sufficiently addressed by the ISO 14001 certification for the production site(s).

Criterion 6 — Final product requirements**Criterion 6(a) Dyes and optical brighteners**

For dyed tissue paper, good fastness (level 4 or higher) shall be demonstrated according to the short procedure defined in EN 646.

For tissue paper treated with optical brightening agents, good fastness (level 4 or higher) shall be demonstrated according to the short procedure defined in EN 648.

Assessment and verification: The applicant or the chemical supplier(s) shall provide a declaration of compliance with this criterion supported by relevant test reports in accordance with standards EN 646 and/or EN 648 as appropriate.

Otherwise, the applicant shall provide a declaration stating that no dyes or optical brightening agents have been used.

Criterion 6(b) Slimicides and antimicrobial substances

Samples of the final tissue product shall not result in the growth inhibition of micro-organisms in accordance with EN 1104.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion supported by relevant test reports in accordance with EN 1104.

Criterion 6(c) Product safety

Any final tissue product that contains recycled fibre shall not contain any of the following hazardous substances above the specified limits and according to the specified test standards:

- Formaldehyde: 1 mg/dm² in accordance with EN 1541 (cold water extraction),
- Glyoxal: 1.5 mg/dm² in accordance with DIN 54603,
- Pentachlorophenol (PCP): 2 mg/kg in accordance with EN ISO 15320 (cold water extraction).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion supported by relevant test reports in accordance with the respective standards.

Criterion 6(d) Fitness for use

The EU Ecolabel tissue product needs to meet all respective requirements of the country where it is placed on the market.

For structured tissue paper, the absorbency of the individual base sheet of tissue paper before conversion shall be equal to or higher than 10,0 g water/g tissue paper.

Assessment and verification: The applicant shall provide a declaration of compliance with the criterion supported by relevant documentation.

Producers shall guarantee the fitness for use of their products, providing documentation that demonstrates the product quality in accordance with EN ISO/IEC 17050. The standard provides general criteria for suppliers' declaration of conformity with normative documents.

For structured tissue paper, the applicant shall provide a declaration of compliance with the requirement supported by a relevant test report in accordance with EN ISO 12625-8:2010.

Criterion 7 — Information appearing on the EU Ecolabel

The applicant shall follow the instructions on how to properly use the EU Ecolabel logo provided in the EU Ecolabel Logo Guidelines:

http://ec.europa.eu/environment/ecolabel/documents/logo_guidelines.pdf

If the optional label with text box is used, it shall contain the following three statements:

- Low emissions to air and water during production,
- Low energy use during production,
- xx % sustainably sourced fibres/xx % recycled fibres (as appropriate).

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, supported by an image of the product packaging that clearly shows the label, the registration/licence number and, where relevant, the statements that can be displayed together with the label.

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