

Official Journal

of the European Union

L 173



English edition

Legislation

Volume 62

27 June 2019

Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Council Decision (EU) 2019/1088 of 6 June 2019 on the signing, on behalf of the European Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024)** 1
- Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) 3
- ★ **Information on the date of signature of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau** 35

REGULATIONS

- ★ **Council Regulation (EU) 2019/1089 of 6 June 2019 on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024)** 36
- ★ **Commission Implementing Regulation (EU) 2019/1090 of 26 June 2019 concerning the non-renewal of approval of the active substance dimethoate, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽¹⁾** 39
- ★ **Commission Regulation (EU) 2019/1091 of 26 June 2019 amending Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the requirements for export of products containing processed animal protein derived from ruminants and non-ruminants ⁽¹⁾** 42

⁽¹⁾ Text with EEA relevance.

EN

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

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

DECISIONS

- ★ **Council Decision (CFSP) 2019/1092 of 26 June 2019 amending Decision (CFSP) 2017/2302 in support of the OPCW activities to assist clean-up operations at the former chemical weapons storage site in Libya in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction** 47
 - ★ **Council Decision (EU) 2019/1093 of 26 June 2019 on the financial contributions to be paid by Member States to finance the European Development Fund, including the second instalment for 2019 and a revised ceiling for the annual amount for 2020** 49
 - ★ **Commission Implementing Decision (EU) 2019/1094 of 17 June 2019 authorising Member States to adopt certain derogations pursuant to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods (notified under document C(2019) 4303) ⁽¹⁾** 52
 - ★ **Commission Implementing Decision (EU) 2019/1095 of 25 June 2019 amending Annex II to Decision 2007/777/EC as regards the entries for Bosnia and Herzegovina and Russia in the list of third countries or parts thereof from which the introduction into the Union of meat products and treated stomachs, bladders and intestines is authorised (notified under document C(2019) 4285) ⁽¹⁾** 93
-

Corrigenda

- ★ **Corrigendum to Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (O) L 143, 30.4.2004)** 96

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/1088

of 6 June 2019

on the signing, on behalf of the European Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 17 March 2008, the Council adopted Regulation (EC) No 241/2008 ⁽¹⁾, concluding the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau ⁽²⁾ ('the Agreement'). The Agreement entered into force on 15 April 2008, was tacitly renewed and remains in force.
- (2) Following the Commission recommendation, the Council decided on 28 February 2017 to authorise the opening of negotiations with the Republic of Guinea-Bissau for the conclusion of a new protocol implementing the Agreement.
- (3) The previous protocol to the Agreement expired on 23 November 2017.
- (4) The Commission has negotiated on behalf of the Union a new protocol. As a result of those negotiations the new protocol was initialled on 15 November 2018.
- (5) The objective of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) ('the Protocol') is to enable the Union and the Republic of Guinea-Bissau to work more closely on promoting a sustainable fisheries policy, sound exploitation of fisheries resources in Guinea-Bissau waters and efforts by Guinea-Bissau to develop a blue economy.
- (6) In order to ensure an expeditious start to fishing activities by Union vessels, the Protocol should be applied on a provisional basis as from the signature thereof.
- (7) The Protocol should be signed and applied on a provisional basis, pending the completion of the procedures necessary for its entry into force,

⁽¹⁾ Council Regulation (EC) No 241/2008 of 17 March 2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (OJ L 75, 18.3.2008, p. 49).

⁽²⁾ Fisheries partnership Agreement between the European Community and the Republic of Guinea-Bissau for the period 16 June 2007 to 15 June 2011 (OJ L 342, 27.12.2007, p. 5).

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) is hereby authorised, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

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

Article 3

The Protocol shall be applied on a provisional basis as from the date of the signature thereof ⁽³⁾, pending the completion of the procedures necessary for its entry into force.

Article 4

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

Done at Luxembourg, 6 June 2019.

For the Council
The President
A. BIRCHALL

⁽³⁾ The date from which the Protocol will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

PROTOCOL
on the implementation of the Fisheries Partnership Agreement between the European Community
and the Republic of Guinea-Bissau (2019-2024)

Article 1

Period of application and fishing opportunities

The fishing opportunities granted to European Union vessels ('Union vessels') under Article 5 of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau ⁽¹⁾ ('the Agreement') are set out in this Article.

1. During the first and second years of application of this Protocol, fishing opportunities shall be expressed in terms of fishing effort (based on gross register tonnage, GRT) as specified below:

(a) demersal species (crustaceans, cephalopods and fish) and small pelagics:

- (i) shrimp freezer trawlers: 3 700 GRT per year;
- (ii) fin-fish and cephalopod freezer trawlers: 3 500 GRT per year;
- (iii) small pelagics trawlers: 15 000 GRT per year;

(b) highly migratory species (species listed in Annex I to the 1982 United Nations Convention on the Law of the Sea), except the *Alopiidae* family, the *Sphyrnidae* family and the following species: *Cetorhinus maximus*, *Rhincodon typus*, *Carcharodon carcharias*, *Carcharinus falciformis*, *Carcharinus longimanus*;

- (i) tuna freezer seiners and longliners: 28 vessels;
- (ii) pole-and-line tuna vessels: 13 vessels.

2. From the third year of application of this Protocol, fishing opportunities shall be expressed in terms of catch limits per species (based on total allowable catch, TAC) as specified below:

(a) demersal species (crustaceans, cephalopods and fish) and small pelagics:

- (i) shrimp freezer trawlers: 2 500 tonnes per year;
- (ii) fin-fish freezer trawlers: 11 000 tonnes per year;
- (iii) cephalopod freezer trawlers: 1 500 tonnes per year;
- (iv) small pelagics trawlers: 18 000 tonnes per year;

(b) highly migratory species (species listed in Annex I to the 1982 United Nations Convention on the Law of the Sea), except the *Alopiidae* family, the *Sphyrnidae* family and the following species: *Cetorhinus maximus*, *Rhincodon typus*, *Carcharodon carcharias*, *Carcharinus falciformis*, *Carcharinus longimanus*;

- (i) tuna freezer seiners and longliners: 28 vessels;
- (ii) pole-and-line tuna vessels: 13 vessels.

3. The transition from an effort management system (based on GRT) to a catch limit system (based on TAC) shall be accompanied by the implementation of the system of electronic catch reporting (Electronic Reporting System, ERS) and catch data processing. Guidelines designed to ensure uniform application of this system to all industrial fleets shall be drawn up by the Joint Committee provided for in Article 10 of the Agreement ('Joint Committee') before the third year of application of this Protocol.

4. Paragraphs 1 and 2 of this Article shall apply subject to Articles 8 and 9.

⁽¹⁾ OJ L 342, 27.12.2007, p. 5.

*Article 2***Duration**

This Protocol and the Annex thereto shall apply for a period of five years from the first day of its provisional application pursuant to Article 16, unless notice of termination is given as provided for in Article 15.

*Article 3***Principles**

1. The Parties undertake to promote responsible fishing in the Republic of Guinea-Bissau's ('Guinea-Bissau') fishing zone on the basis of the principle of non-discrimination. Guinea-Bissau undertakes not to grant more favourable technical conditions than those contained in this Protocol to other foreign fleets operating in Guinea-Bissau's fishing zone that have the same characteristics and target the same species.
2. The Parties undertake to ensure that this Protocol is implemented in accordance with Article 9 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, as last amended ⁽²⁾ ('Cotonou Agreement') concerning essential elements regarding human rights, democratic principles and the rule of law, and fundamental elements regarding good governance, sustainable development and sound environmental management.
3. The Parties undertake to publish and exchange information on any agreement allowing foreign vessels to enter Guinea-Bissau's fishing zone and on the resulting fishing effort, in particular the number of authorisations issued and the catches made.
4. In accordance with Article 5 of the Agreement, Union vessels may engage in fishing activities in Guinea-Bissau's fishing zone only if they are in possession of a fishing authorisation issued under this Protocol as set out in the Annex thereto.

*Article 4***Financial contribution**

1. For the period referred to in Article 1 of this Protocol, the financial contribution referred to in Article 7 of the Agreement shall be EUR 15 600 000 per year.
2. The financial contribution comprises:
 - (a) an annual amount for access to fishery resources in Guinea-Bissau's fishing zone of EUR 11 600 000; and
 - (b) a specific amount of EUR 4 000 000 per year in support of Guinea-Bissau's sectoral fisheries policy.
3. The amount which corresponds to the fees payable by the vessel owners for the fishing authorisations issued under Article 4 of the Agreement as provided for in Chapter II of this Protocol is estimated at EUR 4 000 000.
4. Paragraph 1 of this Article shall apply subject to Articles 8, 9, 14, 15 and 16.
5. Payment of the financial contribution pursuant to points (a) and (b) of paragraph 2 shall be made no later than 90 days after the date of provisional application of this Protocol and no later than 30 days after the anniversary date of the provisional application of this Protocol the following years.
6. The authorities of Guinea-Bissau shall have full discretion regarding the use to which the financial contribution referred to in point (a) of paragraph 2 is put.
7. The payments provided for in this Article shall be paid into a single Public Treasury account opened at Guinea-Bissau's Central Bank, the references of which shall be notified each year by the Ministry responsible for fisheries. The financial contribution for sectoral support referred to in point (b) of paragraph 2 shall be made available to Guinea-Bissau in a Public Treasury account. The authorities of Guinea-Bissau shall notify the European Commission of the relevant bank account numbers on an annual basis.

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

*Article 5***Sectoral support**

1. Sectoral support under this Protocol shall contribute to the implementation of the national strategy for fisheries and the blue economy. It aims to support the sustainable management of fishery resources and the development of the sector, in particular by:
 - strengthening the monitoring, control and surveillance of fishing activities (including by putting in place the ERS and ensuring it is operational);
 - strengthening the collection and processing of data for scientific purposes and the capacity to analyse and assess fishery resources and fisheries;
 - boosting the capacity of operators in the fisheries sector;
 - supporting small-scale fishing;
 - strengthening international cooperation;
 - improving the conditions for exporting fishery products and promoting investment in the sector;
 - developing infrastructure relevant to fisheries;
 - supporting the blue economy and developing aquaculture.
2. No later than three months after the entry into force or, if applicable, the provisional application of this Protocol, the Joint Committee shall agree on a multiannual sectoral programme and rules for implementing it, in particular:
 - (a) annual and multiannual guidelines for using the financial contribution referred to in point (b) of Article 4(2);
 - (b) the objectives, both annual and multiannual, to be achieved with a view to promoting sustainable and responsible fishing, taking account of the priorities expressed by Guinea-Bissau in its national fisheries policy or other relevant policies, in particular as regards support for small-scale fisheries, surveillance, monitoring and combating of illegal, undeclared and unregulated fishing ('IUU') as well as priorities for reinforcing Guinea-Bissau's scientific capacities in the fisheries sector;
 - (c) the criteria and procedures, including, where appropriate, budgetary and financial indicators, to be used for evaluating the results obtained each year.
3. Any proposed amendments to the multiannual sectoral programme must be approved by the Parties within the Joint Committee.
4. Each year Guinea-Bissau shall submit a progress report, to be examined by the Joint Committee, setting out progress made in the projects implemented with sectoral financial support. A final report shall also be submitted by Guinea-Bissau before this Protocol expires.
5. The European Union ('the Union') may revise or suspend, partially or totally, the payment of the specific financial contribution provided for in point (b) of Article 4(2) in the event of failure to implement this financial contribution or if the results obtained are inconsistent with the programming, following an evaluation carried out by the Joint Committee.
6. Payment of the financial contribution shall resume, following consultation and agreement between the Parties, as soon as this is justified by the results achieved. Nevertheless, the financial contribution may not be paid out beyond a period of six months after this Protocol expires.
7. The Parties shall ensure the visibility of actions financed by means of sectoral support.

*Article 6***Scientific cooperation to ensure responsible fishing**

1. The Parties undertake to promote responsible fishing and to combat IUU fishing in Guinea-Bissau's fishing zone, based on the principle of non-discrimination between the various fleets operating in those waters and based on the principles of sustainable management of fishery resources and marine ecosystems.

2. During the period covered by this Protocol, the Union and Guinea-Bissau shall cooperate to monitor the evolution of stocks and fisheries in Guinea-Bissau's fishing zone.
3. The Parties undertake to promote compliance with the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and of the Fishery Committee for the Eastern Central Atlantic (CECAF), as well as cooperation at subregional level regarding the sustainable management of fisheries, particularly within the Subregional Fisheries Commission (SRFC).
4. The Parties shall consult each other within the Joint Committee to adopt, where necessary and by mutual agreement, new measures to ensure the sustainable management of fishery resources.

Article 7

Joint Scientific Committee

1. The Joint Scientific Committee referred to in Article 4 of the Agreement ('Joint Scientific Committee') shall be made up of scientists appointed in equal number by each of the Parties. If both Parties agree, participation in the Joint Scientific Committee can be extended to include observers, particularly representatives of regional fisheries organisations such as the CECAF.
2. The Joint Scientific Committee shall meet at least once a year in accordance with Article 4(1) of the Agreement. In principle, the meetings are to be held alternately in Guinea-Bissau and in the Union. At the request of one of the Parties, other meetings may also be convened. The meetings shall be chaired alternately by the Parties.
3. The duties of the Joint Scientific Committee shall cover in particular the following activities:
 - (a) compiling data on the fishing efforts and catches of national and foreign fleets operating in Guinea-Bissau's fishing zone and fishing for species covered by this Protocol;
 - (b) proposing, monitoring or analysing the annual surveys that contribute to the stock assessment process and allow fishing opportunities to be determined, bearing in mind exploitation options which guarantee the conservation of stocks and their ecosystems;
 - (c) drawing up, on this basis, an annual scientific report on the fisheries covered by this Protocol;
 - (d) issuing, on its own initiative or in response to a request from the Joint Committee or from one of the Parties, a scientific opinion relating to management measures deemed necessary for the sustainable exploitation of the stocks and fisheries covered by this Protocol.
4. Based on the recommendations and resolutions adopted by ICCAT and in the light of the best available scientific advice such as that of CECAF and, where appropriate, the findings of the Joint Scientific Committee, the Joint Committee shall adopt measures to ensure the sustainable management of fishery resources covered by this Protocol and affecting the activities of Union vessels.

Article 8

Review of fishing opportunities and technical measures

1. In the event that Guinea-Bissau, on the basis of a Joint Scientific Committee opinion, decides to impose closed areas or periods as part of a resource conservation measure, the Joint Committee shall meet to analyse the basis for that decision, assess the impact of this closure on the activity of Union vessels in the context of the Agreement and decide on potential corrective measures.
2. In the cases provided for in paragraph 1, the Joint Committee shall agree on a proportional reduction in the financial contribution paid by the Union under the Agreement and on any compensation to be provided to the vessel owners.
3. Any closure of a fishery decided by Guinea-Bissau following a scientific opinion shall be applied in a non-discriminatory manner to all the vessels concerned by that fishery, including national vessels and those flying the flag of a third country.

4. The fishing opportunities provided for in Article 1 may be revised by mutual agreement in the Joint Committee on the basis of a recommendation from the Joint Scientific Committee. In such a case, the financial contribution referred to in point (a) of Article 4(2) shall be adjusted proportionately on a pro rata basis according to the length of time, and the necessary amendments shall be made to this Protocol and to the Annex thereto.
5. The Joint Committee may, where necessary, examine and adapt by mutual agreement the provisions governing fishing activities and the rules for implementing this Protocol and the Annex thereto, including the arrangements for monitoring sectoral support.

Article 9

Experimental fisheries and new fishing opportunities

1. In cases where Union vessels are interested in fishing activities not provided for in Article 1 for the purpose of testing the technical feasibility and the economic viability of new fisheries, licences for carrying out such activities on an exploratory basis may be allocated in accordance with the existing legislation of Guinea-Bissau. Where possible such exploratory fishing shall be carried out with the support of locally available scientific and technical expertise. The aim of the experimental fishing trips is to test the technical feasibility and the economic viability of new fisheries.
2. To this end, the European Commission shall communicate to the authorities of Guinea-Bissau the applications for experimental fishing licences on the basis of a technical file indicating:
 - (a) the targeted species;
 - (b) the technical characteristics of the vessel;
 - (c) the experience of the vessel's officers with regard to the fishing activities in question;
 - (d) the proposed technical parameters of the trip (length, gear, exploration regions, etc.);
 - (e) the type of data collected to ensure scientific monitoring of the fishing activities' impact on the resource and the ecosystems.
3. Experimental fishing licences are to be granted for a maximum period of six months. They shall be subject to the payment of a fee set by the authorities of Guinea-Bissau.
4. A scientific observer from the flag State and an observer chosen by Guinea-Bissau shall be present on board throughout the duration of the trip.
5. The authorities of Guinea-Bissau shall determine the allowable catches for the experimental fishing trip. Catches consistent with and obtained during the experimental trip shall remain the property of the vessel owner. Fish of a non-prescribed size or fish whose capture is not allowed under the existing legislation of Guinea-Bissau may not be held on board or sold.
6. The detailed results of the trip shall be sent to the Joint Committee and the Joint Scientific Committee for analysis.
7. In cases where the Union vessels are interested in fishing activities not covered by Article 1 of this Protocol, the Parties shall consult the Joint Scientific Committee. The Parties shall agree on the conditions applicable to those new fishing opportunities and shall amend this Protocol and the Annex thereto accordingly, with effect until this Protocol expires. The financial compensation referred to in point (a) of Article 4(2) of this Protocol shall be increased accordingly. The fees and other conditions applicable to vessel owners under the Annex shall be amended accordingly.

Article 10

Economic integration of Union operators into Guinea-Bissau's fisheries sector

1. The Parties undertake to promote the economic integration of Union operators into Guinea-Bissau's fishing industry as a whole, in particular by setting up joint ventures and building infrastructure.

2. The Parties shall cooperate in order to raise awareness of commercial and industrial opportunities among private Union operators, in particular with regard to direct investments, in Guinea-Bissau's fisheries sector as a whole.
3. Guinea-Bissau may give incentives to Union operators who undertake such investments in pursuit of the same objective.
4. The Parties shall cooperate to identify investment opportunities and financing instruments for the implementation of the actions or projects identified.
5. The Joint Committee shall report annually on the implementation of this Article.

Article 11

Exchange of information

1. The Parties undertake to give priority to electronic systems for the exchange of information and documents linked to the implementation of this Protocol.
2. The electronic version of documents provided for in this Protocol shall be considered equivalent to the paper version in every respect.
3. The Parties shall notify each other immediately of any malfunction of a computer system. The information and documents relating to the implementation of the Agreement shall then be automatically replaced by their paper version as set out in the Annex to this Protocol.

Article 12

Confidentiality of data

1. The Parties undertake to ensure that all nominative data relating to Union vessels and their fishing activities obtained within the framework of the Agreement will, at all times, be processed strictly in accordance with the principles of confidentiality and data protection.
2. The Parties shall ensure that only aggregated data is made public on the fishing activities of the Union fleet in Guinea-Bissau's fishing zone in accordance with the corresponding provisions of the ICCAT and other regional and sub-regional fisheries organisations.
3. Data which may be considered confidential must be used by the competent authorities exclusively for the purposes of implementing the Agreement and for fisheries management, monitoring, control and surveillance.
4. With regard to personal data transmitted by the Union, appropriate safeguards and legal remedies may be established by the Joint Committee in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council ^(?) (the General Data Protection Regulation, GDPR).

Article 13

Applicable legislation

1. The activities of Union vessels operating in Guinea-Bissau waters shall be governed by the applicable legislation of Guinea-Bissau, unless otherwise provided for in the Agreement, this Protocol or the Annex and Appendices thereto.
2. The Parties shall notify each other in writing of any changes in their fisheries policy or legislation. Any such legislative or regulatory changes having a technical impact on fishing activities shall apply to Union vessels at the end of a period of three months following their official notification.

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

*Article 14***Suspension of the implementation of this Protocol**

1. The implementation of this Protocol, including payment of the financial contribution referred to in points (a) and (b) of Article 4(2), may be suspended, after consultation within the Joint Committee, if one or more of the following conditions apply:

- (a) unusual circumstances, other than natural phenomena, prevent fishing activities in Guinea-Bissau's fishing zone;
- (b) significant changes in the formulation or implementation of the fisheries policy of either of the Parties affecting the provisions of this Protocol;
- (c) activation of the consultation mechanisms laid down in Article 96 of the Cotonou Agreement for reason of violation of one of the essential and fundamental elements of human rights set out in Article 9 of that agreement;
- (d) non-payment by the Union of the financial contribution provided for in point (a) of Article 4(2), for reasons other than those provided for in point (c) of this paragraph;
- (e) a major and unresolved dispute between the Parties on the interpretation or implementation of the Agreement or of this Protocol.

2. Payment of the financial contribution shall resume, after consultation and agreement between the Parties, as soon as the situation prior to the events referred to in paragraph 1 has been restored. Nevertheless, the specific financial contribution provided for in point (b) of Article 4(2) shall not be paid out beyond a period of six months after this Protocol expires.

3. The fishing authorisations granted to Union vessels may be suspended at the same time as the suspension of the payment of the financial contribution under point (a) of Article 4(2). If resumed, the validity of those fishing authorisations shall be extended for a period equal to the period of suspension of fishing activities. All activities of Union vessels in Guinea-Bissau's fishing zone shall be interrupted during the period of suspension.

4. Suspension of the implementation of this Protocol shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect, except in cases as provided for in point (c) of paragraph 1, which shall result in an immediate suspension. In the intervening time the Parties shall conduct consultations within the Joint Committee.

5. In the event of suspension, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Where a settlement is reached, the implementation of this Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and *pro rata temporis* according to the period during which the implementation of this Protocol was suspended.

*Article 15***Termination**

1. In the event of termination of this Protocol, the Party concerned shall notify the other Party in writing of its intention to terminate this Protocol at least six months before the date on which such termination would take effect.

2. Dispatch of the notification, as referred to in paragraph 1, shall open consultations between the Parties.

*Article 16***Provisional application**

This Protocol shall be provisionally applied as from the date of its signature.

*Article 17***Entry into force**

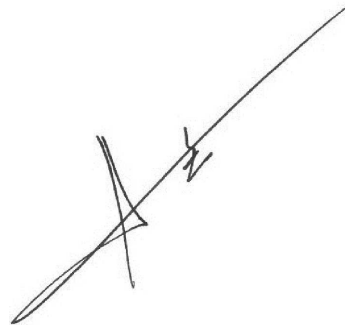
This Protocol shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

Съставено в Брюксел на петнадесети юни две хиляди и деветнадесета година.
 Hecho en Bruselas, el quince de junio de dos mil diecinueve.
 V Bruselu dne patnáctého června dva tisíce devatenáct.
 Udfærdiget i Bruxelles den femtende juni to tusind og nitten.
 Geschehen zu Brüssel am fünfzehnten Juni zweitausendneunzehn.
 Kahe tuhande üheksateistkümnenda aasta juunikuu viieteistkümnendal päeval Brüsselis.
 Έγινε στις Βρυξέλλες, στις δέκα πέντε Ιουνίου δύο χιλιάδες δεκαεννέα.
 Done at Brussels on the fifteenth day of June in the year two thousand and nineteen.
 Fait à Bruxelles, le quinze juin deux mille dix-neuf.
 Sastavljeno u Bruxellesu petnaestog lipnja godine dvije tisuće devetnaeste.
 Fatto a Bruxelles, addì quindici giugno duemiladiciannove.
 Briselē, divi tūkstoši deviņpadsmiņā gada piecpadsmiņajā jūnijā.
 Priimta du tūkstančiai devynioliktų metų birželio penkioliktą dieną Briuselyje.
 Kelt Brüsszelben, a kétézer-tizenkilencedik év június havának tizenötödik napján.
 Magħmul fi Brussell, fil-ħmistax-il jum ta' Ġunju fis-sena elfejn u dsatax.
 Gedaan te Brussel, vijftien juni tweeduizend negentien.
 Sporządzono w Brukseli dnia piętnastego czerwca roku dwa tysiące dziewiętnastego.
 Feito em Bruxelas, em quinze de junho de dois mil e dezanove.
 Întocmit la Bruxelles la cincisprezece iunie două mii nouăsprezece.
 V Bruseli pātnāsteho jūna dvetisīcdevātnāst.
 V Bruslju, dne petnajstega junija leta dva tisoč devetnajst.
 Tehty Brysselissä viidentenätoista päivänä kesäkuuta vuonna kaksituhattayhdeksäntoista.
 Som skedde i Bryssel den femtonde juni år tjugohundranitton.

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

L. Odobercu

Za Republika Gvineja Bissau
Por la República de Guinea-Bissau
Za Republiku Guinea-Bissau
For Republikken Guinea-Bissau
Für die Republik Guinea-Bissau
Guinea-Bissau Vabariigi nimel
Για την Δημοκρατία της Γουινέας-Μπισσάου
For the Republic of Guinea-Bissau
Pour la République de Guinée-Bissau
Za Republiku Gvineju Bissau
Per la Repubblica di Guinea-Bissau
Gvinejas-Bisavas Republikas vārdā –
Bissau Gvinējos Respublikos vardu
A Bissau-guineai Köztársaság részéről
Għar-Repubblika tal-Ginea Bissaw
Voor de Republiek Guinee-Bissau
W imieniu Republiki Gwinei Bissau
Pela República da Guiné-Bissau
Pentru Republica Guineea-Bissau
Za Guinejsko-bissauskú republiku
Za Republiko Gvinejo Bissau
Guinea-Bissaun tasavallan puolesta
För Republiken Guinea-Bissau



ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY UNION VESSELS IN GUINEA-BISSAU'S FISHING ZONE

CHAPTER I

General provisions

1. Designation of the competent authority

For the purposes of this Annex and unless otherwise specified hereinafter, any reference to the Union or to Guinea-Bissau competent authority shall mean:

- for the Union: the European Commission, where applicable via the Union delegation in Guinea-Bissau;
- for Guinea-Bissau: the government department responsible for fisheries.

2. Authorised fishing zone

The authorised fishing zone in which Union vessels are permitted to fish shall correspond to the fishing zone of Guinea-Bissau, including the part corresponding to the area managed jointly by Guinea-Bissau and Senegal, in accordance with Guinea-Bissau legislation and the relevant international conventions to which Guinea-Bissau is a party.

The baselines shall be defined by national legislation.

3. Appointment of a local agent

With the exception of tuna vessels, any Union vessel which plans to obtain a fishing authorisation under this Protocol must be represented by an agent resident in Guinea-Bissau.

4. Bank account

Guinea-Bissau shall notify the Union before the entry into force of this Protocol of the details of the bank account(s) into which the financial sums payable by Union vessels under the Agreement should be paid. The costs of the bank transfers shall be borne by the vessel owners.

5. Focal points

The Parties shall inform each other of their respective focal points set up to enable exchanges of information on the implementation of this Protocol, in particular on issues linked to the exchange of aggregate catch and effort data, procedures relating to fishing authorisations and the implementation of sectoral support.

CHAPTER II

Fishing authorisations

Section 1

Applicable procedures

1. Condition for obtaining a fishing authorisation – eligible vessels

The fishing authorisations referred to in Article 6 of the Agreement shall be issued on condition that the vessel is listed in the Union register of fishing vessels and complies with the provisions of Regulation (EU) 2017/2403 of the European Parliament and of the Council⁽¹⁾. All prior obligations of the vessel owner, the master or the vessel itself arising from their fishing activities in Guinea-Bissau under the Agreement must have been met.

2. Application for a fishing authorisation

The Union shall submit to Guinea-Bissau an application for a fishing authorisation in respect of any vessel wishing to fish under the Agreement at least 40 days before the start of the requested period of validity, using the form in the Appendix to the Annex to this Protocol.

⁽¹⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

For each initial application for a fishing authorisation on the basis of this Protocol, or following a technical change to the vessel concerned, the application shall be accompanied by:

- (a) proof of payment of the flat-rate fee for the requested period of validity of the fishing authorisation;
- (b) the name and address of any local agent for the vessel;
- (c) for trawlers, proof of prepayment of the flat-rate contribution to the costs of the observer;
- (d) for trawlers, certification of the vessel's tonnage, issued by the flag State.

For renewal of a fishing authorisation under this Protocol for a vessel whose technical specifications have not been modified, the renewal application shall only be accompanied by proof of payment of the fee and, where applicable, the flat-rate contribution to the costs of the observer.

3. Issuing the fishing authorisation

Guinea-Bissau shall issue the original fishing authorisation no later than 25 days after receipt of the complete application file, and at least 15 days before the beginning of the fishing period. The authorisation shall be sent to the vessel owners:

- for trawlers, through the agents, with a copy to the Union; and
- for tuna vessels, through the Union delegation in Guinea-Bissau.

In the case of tuna vessels the competent authority shall immediately send, by electronic means, a copy of the fishing authorisation to the vessel owner and, where appropriate, to their local agent, with a copy to the Union. The validity of that copy shall expire on receipt of the original fishing authorisation. That copy, held on board tuna vessels, shall be valid for 40 days and shall be considered equivalent to the original during that period.

Where a fishing authorisation is renewed during the period in which this Protocol applies, the new fishing authorisation must contain a clear reference to the initial fishing authorisation.

The Union shall forward the fishing authorisation to the vessel owner or to the agent. If the Union offices are closed, Guinea-Bissau may issue the fishing authorisation directly to the vessel owner or his agent and send a copy to the Union.

4. List of vessels authorised to fish

Once the fishing authorisation has been issued, Guinea-Bissau shall immediately draw up, for each category of vessel, the final list of vessels authorised to fish in its fishing zone. This list shall be sent immediately to the national body responsible for supervising fishing, and electronically to the Union.

5. Period of validity of the fishing authorisation

The fishing authorisations shall be drawn up for a quarterly, half-yearly or yearly period.

In order to establish the start of the period of validity, 'annual period' shall mean:

- (a) for the first year of application of this Protocol, the period between the date of its provisional application and 31 December of the same year;
- (b) then, each complete calendar year;
- (c) for the last year of application of this Protocol, the period between 1 January and the date of expiry of this Protocol.

A quarterly or half-yearly validity period shall start on the first of each month. However, fishing authorisations may not be valid beyond 31 December of the year in which they are issued.

6. Keeping the fishing authorisation on board

The fishing authorisation must be kept on board at all times.

However, tuna vessels and surface longliners shall be authorised to fish as soon as they are included on the provisional list. Such vessels must keep the provisional list on board at all times until their fishing authorisation is issued.

7. Transfer of fishing authorisations

A fishing authorisation shall be issued for a given vessel and shall not be transferable.

However, in the event of *force majeure* and at the request of the Union, the fishing authorisation shall be replaced by a new authorisation, issued for another vessel similar to the vessel to be replaced.

In this case the fishing authorisation to be replaced shall be returned by the vessel owner or his agent in Guinea-Bissau and a replacement authorisation shall immediately be drawn up by Guinea-Bissau. On return of the authorisation to be replaced, the replacement authorisation shall be issued immediately to the vessel owner or his agent as soon as a technical inspection has been carried out in accordance with point 9 of this Chapter. The replacement authorisation shall take effect on the day on which the authorisation to be replaced is returned.

For trawlers, if the tonnage of the replacement vessel is greater than that of the vessel being replaced, an additional fee shall be calculated in proportion to the difference in tonnage and the remaining validity period. Such additional fee shall be paid by the vessel owner when the fishing authorisation is transferred.

Guinea-Bissau shall immediately update the list of vessels authorised to fish. The new list shall be sent immediately to the national body responsible for supervising fishing, and to the Union.

8. Support vessels

At the request of the Union, Guinea-Bissau shall authorise Union vessels which are holders of a fishing authorisation to be assisted by support vessels. The support vessels shall fly the flag of an Union Member State or belong to an Union company, and may not be equipped for fishing.

Guinea-Bissau shall draw up the list of authorised support vessels and send it immediately to the national body responsible for supervising fishing, and to the Union.

Support vessels must hold an authorisation issued under Guinea-Bissau law for this purpose, subject to payment of an annual fee.

9. Technical inspection of trawlers

Once a year, or following a change in the vessel's tonnage, or where the use of other fishing gear entails a change of fishing category, all Union trawlers shall present themselves in the port of Bissau for a technical inspection, in accordance with the existing legislation of Guinea-Bissau.

The technical inspection shall verify that the vessel's technical characteristics and the fishing gear on board are in conformity and that health regulations and the rules on the signing-on of national seamen have been complied with.

Guinea-Bissau must carry out the technical inspection no later than 48 hours after the trawler arrives in port, provided that its arrival was notified in advance.

After the technical inspection, Guinea-Bissau shall issue a certificate of conformity to the master of the vessel immediately.

The certificate of conformity shall be valid for a period of one year. However, a new certificate of conformity shall be required in the event of any change to or from the shrimp fishing category. Furthermore, a new certificate of conformity shall be required if the vessel leaves Guinea-Bissau's fishing zone for a period of more than 45 days.

The certificate of conformity must be kept on board at all times.

The costs of the technical inspection shall be borne by the vessel owner and shall be the amount determined by the rates set out in Guinea-Bissau legislation. Such costs may not exceed the amounts paid for the same service by national vessels or vessels flying the flag of a third State.

Section 2

Fees and advance payments

The amount of the flat-rate fee is specified for each category of vessel in the datasheets appended to this Annex. It includes all local and national taxes, with the exception of port taxes and charges for the provision of services.

Where the fishing authorisation is valid for a period of less than one year, the amount of the flat-rate fee shall be adapted in proportion to the requested period of validity. To such adapted fee shall be added the amounts due for quarterly or half-yearly periods, as the case may be, based on the rates set out in the corresponding datasheets.

CHAPTER III

Technical conservation measures

Technical measures applicable to Union vessels holding a fishing authorisation, relating to the fishing zone, the fishing gear and by-catch limits, are defined for each fishing category in the datasheets appended to this Annex.

Tuna vessels and surface longliners shall comply with all the recommendations adopted by the ICCAT.

CHAPTER IV

Catch reporting

1. Fishing logbook

The master of an Union vessel fishing under the Agreement shall be required to keep a fishing logbook. For tuna vessels, the fishing logbook shall be in accordance with the relevant ICCAT resolutions on the collection and transmission of data on fishing activities.

Each day the master shall record in the fishing logbook the quantity of each species, identified by its FAO alpha 3 code, caught and kept on board, expressed in kilograms of live weight or, where necessary, the number of individual fish. For each main species, the master shall also include the no catches.

Where applicable, the master shall also record each day in the fishing logbook the quantities of each species thrown back into the sea, expressed in kilograms of live weight or, where necessary, the number of individual fish.

The fishing logbook shall be filled in legibly, in block capitals, and shall be signed by the master.

The master shall be responsible for the accuracy of the data recorded in the fishing logbook.

2. Reporting of catches

2.1. Under the effort management system during this Protocol's first and second year of application

The master shall declare the vessel's catch by submitting to Guinea-Bissau its fishing logbooks for the period of its presence in Guinea-Bissau's fishing zone.

The master shall send the fishing logbooks to Guinea-Bissau, using the e-mail address provided for this purpose. Guinea-Bissau shall confirm receipt thereof immediately by return e-mail.

Alternatively, fishing logbooks may be transmitted in the following manner:

- (a) when passing through a Guinea-Bissau port, the original of each fishing logbook shall be submitted to the representative of the Directorate-General for Industrial Fisheries of the Ministry of Fisheries of Guinea-Bissau ('Directorate-General for Industrial Fisheries'), who shall confirm receipt thereof in writing;
- (b) when leaving Guinea-Bissau's fishing zone without first passing through a Guinea-Bissau port, the original of each fishing logbook shall be submitted within a period of 14 days after arrival in any other port, and in any case within a period of 30 days after leaving Guinea-Bissau's fishing zone.

The master shall send a copy of all the fishing logbooks to the Union. For tuna vessels and surface longliners, the master shall also send a copy of all the fishing logbooks to one of the following scientific institutes:

- (a) IRD (Institut de recherche pour le développement);
- (b) IEO (Instituto Español de Oceanografía); or
- (c) IPMA (Instituto Português do Mar e da Atmosfera).

The vessel must again report on its activities and catches if it returns to Guinea-Bissau's fishing zone within the period of validity of its fishing authorisation.

If the provisions of this chapter are not complied with, Guinea-Bissau may suspend the fishing authorisation of the vessel concerned until all missing catch reports have been submitted and penalise the vessel owner pursuant to the relevant provisions of the existing national legislation. If the offence is repeated, Guinea-Bissau may refuse to renew the fishing authorisation. Guinea-Bissau shall inform the Union immediately of any penalty applied in this context.

2.2. Under the quota management system from this Protocol's third year of application

1. The master of a Union vessel fishing under the Agreement shall keep a fishing logbook in accordance with the relevant ICCAT resolutions and recommendations. The master shall be responsible for the accuracy of the data recorded in the electronic fishing logbook.
2. All Union vessels holding an authorisation issued under this Protocol shall be equipped with an electronic reporting system (ERS) capable of recording and transmitting data on the vessel's fishing activity ('ERS data').
3. Catches shall be notified in the following manner:
 - (a) the masters of all vessels operating under this Protocol in Guinea-Bissau waters shall fill in the electronic fishing logbook each day and send it via ERS (Appendix 4 to this Annex) or, in the event of malfunction of the system, by e-mail to the fisheries monitoring centre (FMC) of the flag State and Guinea-Bissau's FMC within seven days of leaving the fishing zone;
 - (b) the electronic fishing logbook must specify the quantity of each species, identified by its FAO alpha 3 code, caught and kept on board, expressed in kilograms of live weight or, where necessary, the number of individual fish. For each main species, the master shall also include the no catches. The master shall also record the quantities of each species thrown back into the sea, expressed in kilograms of live weight or, where necessary, the number of individual fish.
4. ERS data shall be transmitted by the vessel to its flag State, which will make them automatically available to Guinea-Bissau. The flag State shall ensure that the data is received and recorded in a computer database enabling the data to be stored securely for at least 36 months.
5. The flag State and Guinea-Bissau shall ensure that they have the necessary IT equipment and software to automatically transmit ERS data in the format set out in point 3 of Appendix 4 to this Annex.
6. ERS data must be transmitted using the electronic means of communication operated by the European Commission to exchange fisheries data in a standardised form.
7. Where the provisions on catch reporting are not complied with, Guinea-Bissau may suspend the fishing authorisation of the vessel concerned until all missing catch reports have been submitted and penalise the vessel owner pursuant to the relevant provisions of the existing national legislation. If the offence is repeated, Guinea-Bissau may refuse to renew the fishing authorisation. Guinea-Bissau shall inform the Union immediately of any penalty applied in this context.
8. The flag State and Guinea-Bissau shall each designate an ERS correspondent who will act as the point of contact for matters concerning the implementation of this Annex. The flag State and Guinea-Bissau shall notify each other of the contact details of their ERS correspondents and, where necessary, update that information immediately.

3. Transition to an electronic system

The Parties shall liaise within the Joint Committee on the arrangements for the transition to the ERS through which Union vessels will be required to record and communicate to Guinea-Bissau, by electronic means, data on fishing operations carried out under the Agreement as set out in the Appendices to this Annex.

The transition should be completed no later than at the beginning of the third year of the application of this Protocol.

4. Final statement of fees for tuna vessels and surface longliners

For each tuna vessel and surface longliner, the Union shall draw up, on the basis of its catch reporting, a final statement of the fees owed by the vessel in respect of its annual season for the previous calendar year.

The Union shall send this final statement to Guinea-Bissau and to the vessel owner by 31 May of the year following the year in which the catches were made.

Where the final statement is greater than the flat-rate fee paid to obtain the fishing authorisation, the vessel owner shall pay the outstanding balance to Guinea-Bissau immediately. Where the final statement is less than the flat-rate fee, the remaining amount may not be reclaimed by the vessel owner.

CHAPTER V

Landings and transhipments

1. Landing or transhipment of catches

Where the master of an Union vessel wishes to land or tranship catches from Guinea-Bissau's fishing zone in the port of Bissau, they must notify the representative of the Directorate-General for Industrial Fisheries of the following, at least 24 hours before the landing or transhipment:

- (a) the name of the Union vessel which will land or tranship;
- (b) the port of landing or transhipment;
- (c) the date and time scheduled for the landing or transhipment;
- (d) the quantity (expressed in kilograms of live weight or, if necessary, the number of individual fish) of each species to be landed or transhipped (identified by its FAO alpha 3 code);
- (e) in the case of transhipment, the name of the receiving vessel.

In the case of transhipment, the master must ensure that the receiving vessel has an authorisation issued by the authorities competent for such an operation.

The transhipment operation must be carried out within the port of Bissau, the geographical coordinates of which shall be transmitted by the competent authorities to the vessel's master and agent. Transhipment at sea is prohibited.

Non-compliance with those provisions shall lead to the imposition of penalties as provided for in Guinea-Bissau legislation.

2. Contribution in kind for food security

Trawlers shall be required to land part of their catch in Guinea-Bissau in the interest of the country's food security. Landings shall meet the following requirements:

- 2,5 tonnes per quarter and per vessel for fin-fish/cephalopod vessels;
- 1,25 tonnes per quarter and per vessel for shrimp vessels.

In order to facilitate the implementation of such measure, the contribution per vessel may be grouped together by several vessels and made available cumulatively for several quarters. The landings shall be carried out in the port of Bissau and shall be received by the representative of the Directorate-General for Industrial Fisheries.

A standard receipt for such contributions in kind shall be drawn up and signed each time by the Directorate-General for Industrial Fisheries and returned to the master.

Such landings may be made subject to arrangements to be agreed on between the Parties.

CHAPTER VI

Monitoring and inspection

1. Entering and leaving the fishing zone

Any entry into or departure from Guinea-Bissau's fishing zone by an Union vessel holding a fishing authorisation must be notified to Guinea-Bissau within 24 hours of the entry or departure. Such period is reduced to 4 hours for tuna vessels and surface longliners.

When notifying its entry or exit, the vessel shall specify in particular:

- (a) the date, time and point of passage scheduled;
- (b) the quantity of all species held on board, identified by its FAO alpha 3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
- (c) the product presentation.

Notification shall be given preferably by e-mail or, failing that, by fax or radio, to an e-mail address, a telephone number or a frequency communicated by Guinea-Bissau. Guinea-Bissau shall immediately notify the vessels concerned and the Union of any change to the e-mail addresses, telephone number or transmission frequency.

Any vessel found to be fishing in Guinea-Bissau's fishing zone without having previously notified its presence shall be considered to be an unauthorised fishing vessel.

2. Vessel position messages – VMS

Whilst they are in Guinea-Bissau's fishing zone, Union vessels must be equipped with a satellite monitoring system (Vessel Monitoring System, VMS) to enable automatic and continuous communication of their position, at all times, to the FMC of their flag State.

It shall be prohibited to move, disconnect, destroy, damage or render inoperative the continuous tracking system using satellite communications placed on board the vessel for the purposes of data transmission or to intentionally alter, divert or falsify data transmitted or recorded by such a system.

Position messages and catch notifications shall be given preferably through the VMS/ERS system or, in the event of malfunction of the system, by e-mail, by fax or by radio. Guinea-Bissau shall immediately notify the vessels concerned and the Union of any change to the e-mail address, telephone number or transmission frequency.

Each position message must contain:

- (a) the vessel identification;
- (b) the most recent geographical position of the vessel (longitude, latitude), with a margin of error of less than 500 metres and with a confidence interval of 99 %;
- (c) the date and time the position is recorded;
- (d) the speed and the course of the vessel; and
- (e) comply with the format set out in Appendix 3.

Any vessel found to be fishing in Guinea-Bissau's fishing zone without having previously notified its presence shall be considered to be a vessel in breach of the rules.

3. Inspection at sea or in port

Inspection at sea in Guinea-Bissau's fishing zone, or in port, of Union vessels holding a fishing authorisation shall be carried out by vessels and inspectors from Guinea-Bissau who are clearly identified as being assigned to carry out fishing checks.

Before boarding, the Guinea-Bissau inspectors shall inform the Union vessel of their decision to carry out an inspection. The inspection shall be carried out by a maximum of two inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection. They may be accompanied, where appropriate, by representatives of Guinea-Bissau's national security forces in accordance with the international law of the sea.

The Guinea-Bissau inspectors shall only stay on board the Union vessel for the time necessary to carry out tasks linked to the inspection. They shall carry out the inspection in a way which minimises the impact on the vessel, its fishing activity and cargo.

Guinea-Bissau may authorise inspectors accredited by the Union to participate in the inspection as observers.

The master of the Union vessel shall allow the Guinea-Bissau inspectors to come on board and carry out their work.

At the end of each inspection, the Guinea-Bissau inspectors shall draw up an inspection report. The master of the Union vessel has the right to include his comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the Union vessel.

The Guinea-Bissau inspectors shall give a copy of the inspection report to the master of the Union vessel before leaving the vessel. Guinea-Bissau shall send a copy of the inspection report to the Union within a period of eight days after the inspection.

4. Inspection of catches

During the first two years of the application of this Protocol, when the GRT-based management system is used, spot checks will be carried out, on a rotational basis, on one third of the Union trawlers authorised to fish each quarter to check that catches comply with the information recorded in the fishing logbooks.

Each inspection shall be carried out at the end of a trip, giving 24 hours' notice, and may not last for more than four hours.

The inspections shall be carried out at a location the geographical coordinates of which will be transmitted by the competent authorities to the vessel's master and agent.

From the third year of the application of this Protocol, when the TAC-based management system is used, the frequency of inspections of catches will be reviewed to take account of the verification of catch data introduced with the ERS.

CHAPTER VII

Infringements

1. Handling of infringements

Any infringement of the provisions of this Annex by an Union vessel holding a fishing authorisation must be referred to in an inspection report.

The signature of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of a reported infringement.

2. Detention of a vessel – information meeting

Where permitted under national legislation in respect of the reported infringement, any Union vessel having committed an infringement may be forced to cease its fishing activity and, if the vessel is at sea, to return to a Guinea-Bissau port.

Guinea-Bissau shall notify the Union within 48 hours of any detention of an Union vessel holding a fishing authorisation. That notification shall be accompanied by documentary evidence of the reported infringement.

Before taking any measures against the vessel, the master or the cargo concerned, with the exception of measures aimed at protecting evidence, Guinea-Bissau shall organise, at the request of the Union, within one working day of notification of the detention of the vessel, an information meeting to clarify the facts which have led to the vessel being detained and to explain what further action may be taken. A representative of the vessel's flag State may attend such information meeting.

3. Penalties for infringements – compromise procedure

The penalty for the reported infringement shall be set by Guinea-Bissau pursuant to the relevant provisions of the existing national legislation.

Where settling the infringement involves legal proceedings, a compromise procedure between Guinea-Bissau and the Union shall take place before the proceedings are launched to determine the terms and level of the penalty. A representative of the vessel's flag State may participate in such compromise procedure. The compromise procedure shall finish at the latest four days after notice is given of the vessel's detention.

4. Legal proceedings – bank security

If the compromise procedure fails and the infringement is brought before the competent court, the owner of the vessel which committed the infringement shall deposit a bank security at a bank designated by Guinea-Bissau, the amount of which, as set by Guinea-Bissau, covers the costs linked to the detention of the vessel, the estimated fine and any compensation. The bank security may not be recovered until the legal proceedings have been concluded.

The bank security shall be released and returned to the vessel owner immediately after judgment has been given:

- (a) in full, if no penalty has been imposed;
- (b) for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security.

Guinea-Bissau shall inform the Union of the outcome of the legal proceedings within eight days of the judgement.

5. Release of the vessel

The vessel and its master shall be authorised to leave the port once the penalty has been paid in a compromise procedure, or once the bank security has been deposited.

CHAPTER VIII

Signing-on of seamen

1. Number of seamen to be signed on

Each Union trawler shall sign on Guinea-Bissau seamen for the period during which its fishing authorisation is valid, subject to the following limits:

- (a) five seamen, for a capacity of less than 250 GRT;
- (b) six seamen, for a capacity of between 250 and 400 GRT;
- (c) seven seamen, for a capacity of between 400 and 650 GRT;
- (d) eight seamen, for a capacity greater than 650 GRT.

The owners of Union vessels shall endeavour to sign on additional national seamen.

2. Selection of seamen

The competent authorities of Guinea-Bissau shall draw up and keep up to date an indicative list of qualified seamen who, in particular, have a maritime safety training certificate (under the rules of International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, STCW) and are candidates to be signed on by Union vessels. That list, and its regular updates, shall be notified to the Union.

The list referred to in the first subparagraph shall be drawn up on the basis of criteria which allow skilled and qualified seamen to be selected. The seaman must:

- (a) hold a valid Guinea-Bissau passport;
- (b) be in possession of a valid seaman's registration book stating that they have received basic training on safety at sea for staff of fishing vessels in accordance with existing international standards;
- (c) have proven experience of working on industrial fishing vessels;
- (d) hold a valid medical certificate attesting to their fitness to perform duties on board a fishing vessel.

The vessel owner or his agent may choose from this list the seamen to be signed on, and shall notify Guinea-Bissau of their inclusion in the crew.

3. Seamen's contracts

The employment contract for the seamen shall be drawn up by the vessel owner or their agent and the seaman, if necessary represented by their trade union, in liaison with Guinea-Bissau. It shall stipulate in particular the date and port of signing on.

The contract shall guarantee the seaman the social security cover applicable to them in Guinea-Bissau. It shall include life assurance and sickness and accident insurance.

A copy of the contract shall be given to the signatories.

The basic working rights laid down in the declaration of the International Labour Organisation (ILO) shall be afforded to Guinea-Bissau seamen. This concerns in particular the freedom of association and effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

4. Seamen's wages

The wages of the Guinea-Bissau seamen shall be paid by the vessel owner. They shall be set before the fishing authorisation is issued and by mutual agreement between the vessel owner or his agent and Guinea-Bissau.

The wages shall not be lower than those of crews on Guinea-Bissau vessels, nor below the ILO standards.

5. Seamen's obligations

The seaman must report to the master of the vessel to which they have been appointed the day before the signing-on date stipulated in the contract. The master shall inform the seaman of the date and time of signing on. If the seaman fails to show at the date and time agreed for their boarding, or if their qualifications do not match the master's expectations, the seaman's contract shall be considered to be null and void. They shall be replaced by another Guinea-Bissau seaman, without this delaying the vessel's departure.

CHAPTER IX

Observers

1. Observation of fishing activities

Vessels holding a fishing authorisation shall be subject to a scheme for observing their fishing activities carried out under the Agreement.

For tuna vessels and surface longliners, the Parties shall consult each other as well as other interested countries as soon as possible on the definition of a system of regional observers and the choice of the competent fisheries organisation.

Other vessels shall take on board an observer appointed by Guinea-Bissau. If the observer does not appear at the agreed time and place, he must be replaced so that the vessel can commence its activities immediately.

2. Designated vessels and observers

When the fishing authorisation is issued, Guinea-Bissau shall inform the Union and the vessel owner, or their agent, of the designated vessels and observers and the times at which the observer will be present on board each vessel. Guinea-Bissau shall immediately inform the Union and the vessel owner or their agent of any change in the designated vessels and observers.

The observer shall not spend more time on board the vessel than is necessary to carry out his duties.

3. Flat-rate financial contribution

At the time of paying its fee, the vessel owner shall pay Guinea-Bissau a flat-rate sum of EUR 8 000 per year for each trawler, adapted on a pro rata basis according to the duration of the designated vessels' fishing authorisations.

4. Observer's salary

The salary and social contributions of the observer shall be borne by Guinea-Bissau.

5. Signing-on conditions

Observers shall be treated on board as officers. However, account must be taken of the technical structure of the vessel when the observer is received on board.

The vessel owner shall bear the costs of providing accommodation and food for the observer on board.

The master shall take all the measures under their responsibility to guarantee the observer's physical safety and general wellbeing.

The observer shall be offered every facility needed to carry out his duties. He shall have access to means of communication and to documents relating to the vessel's fishing activities, in particular the fishing logbook and navigation log, and the parts of the vessel directly linked to his duties.

6. Observer's obligations

Whilst on board the observer shall:

- (a) take all appropriate measures so as not to interrupt or hinder fishing operations;
- (b) respect on-board property and equipment;
- (c) respect the confidential nature of any document belonging to the vessel.

7. Observer's boarding and leaving the vessel

The vessel owner or his agent shall inform Guinea-Bissau, giving 10 days' notice prior to boarding, of the date, time and port of boarding of the observer. If the observer is taken on board in a foreign country, his travel costs to the port of boarding shall be borne by the vessel owner.

Where the observer is not put ashore in a Guinea-Bissau port, the vessel owner shall bear the costs of repatriating the observer to Guinea-Bissau as soon as possible.

8. Tasks of the observer

The observer shall carry out the following duties:

- (a) observe the fishing activities of the vessel;
- (b) verify the position of the vessel during fishing operations;
- (c) perform operations in the context of scientific programmes, including biological sampling;
- (d) note the fishing gear used;

- (e) verify the catch data for catches in Guinea Bissau's fishing zone recorded in the logbook;
- (f) verify the percentages of by-catches on the basis of that defined in the datasheets for each category and estimate the discarded catches;
- (g) send their observations once a day as part of the performance of their duties, including the quantity of catches and by-catches on board.

9. Observer's report

Before leaving the vessel, the observer shall submit a report on his observations to the master of the vessel. The master of the vessel shall have the right to make comments in the observer's report. The report shall be signed by the observer and the master. The master shall receive a copy of the observer's report.

The observer shall submit his report to Guinea-Bissau. Data on catches and discards shall be transmitted to the Scientific Institute of Guinea-Bissau (CIPA), which, after processing and analysis, shall submit this data to the Joint Scientific Committee. A copy of the observer's report shall be sent electronically to the Union.

Appendices to the Annex

- Appendix 1 Fishing authorisation application form
 - Appendix 2 Datasheets by category
 - Appendix 3 Vessel monitoring system (VMS)
 - Appendix 4 Implementation of the electronic system for reporting fishing activities (ERS)
-

Appendix 1

Fishing authorisation application form

FISHERIES PARTNERSHIP AGREEMENT GUINEA-BISSAU - EUROPEAN UNION

I. APPLICANT

1. Name of applicant:
2. Name of producer organisation (PO) or vessel owner:
3. Address of PO or vessel owner:
4. Tel.: Fax: E-mail address:
5. Master's name: Nationality: E-mail address:
6. Name and address of local agent

II. VESSEL IDENTIFICATION

7. Vessel name:
8. Flag State: Port of registry:
9. External marking: MMSI: IMO No:
10. Date of current flag registration (DD/MM/YYYY): .../.../...
Previous flag, if any:
11. Place of construction: Date (DD/MM/YYYY): .../.../...
12. Call frequency: HF: VHF:
13. Satellite telephone number: IRCS:

III. VESSEL TECHNICAL DETAILS

14. Vessel LOA (mts): BOA (mts):
Tonnage (expressed in GT London):
15. Engine type: Engine power (in kW):
16. No of crew:
17. Conservation method on board: ice chilling mixed freezing
18. Processing capacity per day (24 h) in tonnes:
No of fish holds: Total capacity of fish holds (m³):
19. VMS. Details of the automatic location device:
Manufacturer: Model: Serial number:
Software version: Satellite operator (MCSP):

IV. FISHING ACTIVITY

20. Fishing gear authorised: purse seine longlines pole-and-line
21. Place for landing catch:
22. Licence period requested
from: (DD/MM/YYYY) .../.../... to (DD/MM/YYYY) .../.../...

I, the undersigned, hereby certify that the information provided in this application is true and correct and given in good faith.

Done at, on .../.../...

Applicant's signature:

Appendix 2

Datasheets by category

SHEET 1

FISHING CATEGORY 1 – FIN-FISH AND CEPHALOPOD FREEZER TRAWLERS

1. Fishing zone

Beyond 12 nautical miles from the base line, including the Guinea-Bissau/Senegal joint management area, extending north to the azimuth 268°.

2. Authorised gear

2.1 Standard otter trawls and other selective gear are permitted.

2.2 Outriggers are permitted.

2.3 No methods or devices may be used, for any fishing gear, to seek to obstruct the mesh of the nets or reduce their selective effect. However, in the interests of reducing wear or damage, protective aprons of netting or other material may be attached, but only to the underside of the codend of a bottom trawl. Such aprons shall be attached only to the forward and lateral edges of the codend of the trawl. Protective devices may be used for the top of the trawl, but these must consist of a single section of net of the same material as the codend, with the mesh measuring at least 300 millimetres when stretched out.

2.4 Doubling of the codend's netting yarn, whether single or multiple, is prohibited.

3. Minimum authorised mesh

70 mm.

4. By-catch

For the first two years of the application of this Protocol, vessels may not, at the end of a trip, have on board crustaceans accounting for more than 5 % of their total catch in Guinea-Bissau's fishing zone.

From the third year of the application of this Protocol:

Fin-fish trawlers may not, at the end of a fishing trip, have on board crustaceans accounting for more than 5 % or cephalopods accounting for more than 15 % of their total catch in Guinea-Bissau's fishing zone. Squid (*Todarodes sagittatus* and *Todaropsis eblanae*) may be caught and counted among the target species.

Cephalopod vessels may not, at the end of a fishing trip, have on board fish accounting for more than 60 % or crustaceans accounting for more than 5 % of their total catch in Guinea-Bissau's fishing zone.

Any by-catch in excess of those authorised limits will lead to penalties under Guinea-Bissau regulations.

The Parties shall consult each other within the Joint Committee to adjust the authorised by-catch rates on a recommendation from the Joint Scientific Committee.

5. Authorised tonnage/fees

5.1 Authorised tonnage (GRT) for the first two years of the application of this Protocol

3 500 GRT per year

5.2 Fees in EUR per GRT for the first two years of the application of this Protocol

EUR 282 per GRT per year

In the case of three-month and six-month authorisations, the fees shall be calculated on a pro rata basis according to the length of time, plus 4 % and 2,5 %, respectively.

5.3	Approved tonnage (TACs) from the third year of the application of this Protocol until this Protocol expires	11 000 tonnes per year for demersal fish 1 500 tonnes per year for cephalopods
5.4	Fees in EUR per tonne from the third year of the application of this Protocol until this Protocol expires	EUR 90 per tonne for demersal fish EUR 270 per tonne for cephalopods

SHEET 2

FISHING CATEGORY 2 – SHRIMP TRAWLERS

1. Fishing zone

Beyond 12 nautical miles from the base line, including the Guinea-Bissau/Senegal joint management area, extending north to the azimuth 268°.

2. Authorised gear

2.1 Standard otter trawls and other selective gear are permitted.

2.2 Outriggers are permitted.

2.3 No methods or devices may be used, for any fishing gear, to seek to obstruct the mesh of the nets or reduce their selective effect. However, in the interests of reducing wear or damage, protective aprons of netting or other material may be attached, but only to the underside of the codend of a bottom trawl. Such aprons shall be attached only to the forward and lateral edges of the codend of the trawl. Protective devices may be used for the top of the trawl, but these must consist of a single section of net of the same material as the codend, with the mesh measuring at least 300 millimetres when stretched out.

2.4 Doubling of the codend's netting yarn, whether single or multiple, is prohibited.

3. Minimum authorised mesh

50 mm.

4. By-catch

4.1 Shrimp vessels may not, at the end of a fishing trip, have on board cephalopods accounting for more than 15 % or fish accounting for more than 70 % of their total catch in Guinea-Bissau's fishing zone.

4.2 Any by-catch in excess of these authorised limits will lead to penalties under Guinea-Bissau regulations.

4.3 The Parties shall consult each other within the Joint Committee to adjust the authorised by-catch rates on a recommendation from the Joint Scientific Committee.

5. Authorised tonnage/fees

5.1	Authorised tonnage (GRT) for the first two years of the application of this Protocol	3 700 GRT per year
5.2	Fees in EUR per GRT for the first two years of the application of this Protocol	EUR 395 per GRT per year In the case of three-month and six-month authorisations, the fees shall be calculated on a pro rata basis according to the length of time, plus 4 % and 2,5 %, respectively.

5.3	Approved tonnage (TACs) from the third year of the application of this Protocol until this Protocol expires	2 500 tonnes per year
5.4	Fees in EUR per tonne from the third year of the application of this Protocol until this Protocol expires	EUR 280 per tonne

SHEET 3

FISHING CATEGORY 3 – POLE-AND-LINE TUNA VESSELS

1. Fishing zone:

- 1.1 Beyond 12 nautical miles from the base line, including the Guinea-Bissau/Senegal joint management area, extending north to the azimuth 268°.
- 1.2 Pole-and-line tuna vessels shall be authorised to fish for live bait with a view to engaging in fishing activities in Guinea-Bissau's fishing zone.

2. Authorised gear:

- 2.1 Pole and line.
- 2.2 Purse seines with live bait: 16 mm.

3. By-catch:

- 3.1 In accordance with the Convention on the Conservation of Migratory Species and Wild Animals (CMS) and with the relevant ICCAT resolutions, fishing for the basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), bigeye thresher shark (*Alopias superciliosus*), hammerhead sharks in the *Sphyrnidae* family (with the exception of the bonnethead shark), oceanic whitetip shark (*Carcharhinus longimanus*) and the silky shark (*Carcharhinus falciformis*) shall be prohibited. Fishing for the sandtiger shark (*Carcharias taurus*) and the tope shark (*Galeorhinus galeus*) shall be prohibited.
- 3.2 The Parties shall consult within the Joint Committee to update this list on the basis of scientific recommendations.

4. Authorised tonnage/fees:

4.1	Annual flat-rate advance	EUR 2 500 for up to 45,5 tonnes per vessel
4.2	Additional fee per tonne fished	EUR 55 per tonne
4.3	Number of vessels authorised to fish	13 vessels

SHEET 4

FISHING CATEGORY 4 – TUNA FREEZER SEINERS AND LONGLINERS

1. Fishing zone:

Beyond 12 nautical miles from the base line, including the Guinea-Bissau/Senegal joint management area, extending north to the azimuth 268°.

2. Authorised gear:

Seine and surface longline.

3. By-catch:

In accordance with the Convention on the Conservation of Migratory Species and Wild Animals (CMS) and with the relevant ICCAT resolutions, fishing for the basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), bigeye thresher shark (*Alopias superciliosus*), hammerhead sharks in the *Sphyrnidae* family (with the exception of the bonnethead shark), oceanic whitetip shark (*Carcharhinus longimanus*) and the silky shark (*Carcharhinus falciformis*) shall be prohibited. Fishing for the sandtiger shark (*Carcharias taurus*) and the tope shark (*Galeorhinus galeus*) shall be prohibited.

The Parties shall consult within the Joint Committee to update this list on the basis of scientific recommendations.

4. Authorised tonnage/fees:

4.1 Annual flat-rate advance	EUR 4 500 for up to 64,3 tonnes per seiner EUR 3 000 for up to 54,5 tonnes per longliner
4.2 Additional fee per tonne caught	EUR 70 per tonne for seiners EUR 55 per tonne for longliners
4.3 Fees for support vessels	EUR 3 000 per year per vessel
4.4 Number of vessels authorised to fish	28 vessels

SHEET 5

FISHING CATEGORY 5 – SMALL PELAGICS VESSELS

1. Fishing zone

Beyond 12 nautical miles from the base line, including the Guinea-Bissau/Senegal joint management area, extending north to the azimuth 268°.

2. Authorised vessels and gear

Only vessels with a capacity not exceeding 5 000 GT shall be authorised in accordance with Guinea-Bissau legislation.

Authorised gear: pelagic trawl and industrial purse seine.

3. Minimum authorised mesh

70 mm for trawls.

4. By-catch

4.1 Trawlers may not, at the end of a fishing trip, have on board fish other than pelagics accounting for more than 10 %, cephalopods accounting for more than 10 % or crustaceans accounting for more than 5 % of their total catch in Guinea-Bissau's fishing zone.

4.2 Any by-catch in excess of these authorised limits will lead to penalties under Guinea-Bissau regulations.

4.3 The Parties shall consult each other within the Joint Committee to adjust the authorised by-catch rates on a recommendation from the Joint Scientific Committee.

5. Authorised tonnage/fees

5.1 Authorised tonnage (GRT) for the first two years of the application of this Protocol	15 000 GRT per year
--	---------------------

5.2 Fees in EUR per GRT for the first two years of the application of this Protocol	EUR 250 per GRT per year In the case of three-month and six-month authorisations, the fees shall be calculated on a pro rata basis according to the length of time, plus 4 % and 2,5 %, respectively.
5.3 Approved tonnage (TACs) from the third year of the application of this Protocol until this Protocol expires	18 000 tonnes per year
5.4 Fees in EUR per tonne from the third year of the application of this Protocol until this Protocol expires	EUR 100 per tonne (for vessels of more than 1 000 GT) EUR 75 per tonne (for vessels of a tonnage not exceeding 1 000 GT)

Definition of a trip:

For the purposes of this Appendix, the duration of a trip by a Union vessel is defined as follows:

- the period elapsing between entering and leaving Guinea-Bissau's fishing zone, or
- the period elapsing between entering Guinea-Bissau's fishing zone and a transshipment, or
- the period elapsing between entering Guinea-Bissau's fishing zone and a landing in Guinea-Bissau.

Appendix 3

VESSEL MONITORING SYSTEM (VMS)

1. Vessel position messages – VMS

The first position recorded after entry into the Guinea-Bissau zone shall be identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after departure from the Guinea-Bissau zone, which shall be identified by the code 'EXI'.

The FMC of the flag State shall ensure the automatic processing and, where relevant, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.

2. Transmission by the vessel in the event of breakdown of the VMS system

The master shall ensure at all times that the VMS of their vessel is fully operational and that the position messages are correctly transmitted to the flag State's FMC.

In the event of breakdown, the VMS of the vessel shall be repaired or replaced within 30 days. After that period, the vessel shall no longer be authorised to fish in the Guinea-Bissau's fishing zone.

Vessels fishing in the Guinea-Bissau's fishing zone with a defective VMS must communicate their position messages by e-mail, radio or fax to the flag State's FMC, at least every four hours, and must provide all the mandatory information.

3. Secure communication of position messages to Guinea-Bissau

The FMC of the flag State shall automatically send position messages of the vessels concerned to Guinea-Bissau's FMC. The flag State's and Guinea-Bissau's FMCs shall exchange their contact e-mail addresses and inform each other immediately of any change to these addresses.

The transmission of position messages between the flag State's and Guinea-Bissau's FMCs shall be carried out electronically using a secure communication system.

Guinea-Bissau's FMC shall inform the flag State's FMC and the Union immediately of any interruption in the reception of consecutive position messages from a vessel holding a fishing authorisation if the vessel concerned has not notified its exit from the zone.

4. Malfunction of the communication system

Guinea-Bissau shall ensure the compatibility of its electronic equipment with that of the flag State's FMC and inform the Union immediately of any malfunction as regards the sending and receiving of position messages with a view to finding a technical solution as soon as possible. The Joint Committee shall deal with any dispute that may arise.

The master shall be considered responsible if a vessel's VMS is found to have been tampered with in order to disturb its operation or falsify its position messages. Any infringement shall be subject to the penalties provided for in the existing Guinea-Bissau legislation.

5. Revision of the frequency of position messages

On the basis of documentary evidence pointing to an infringement, Guinea-Bissau may ask the flag State's FMC, copying in the Union, to reduce the interval for sending position messages from a vessel to every 30 minutes for a set period of investigation. Guinea-Bissau must send this documentary evidence to the flag State's FMC and to the Union. The flag State's FMC shall immediately send position messages to Guinea-Bissau at the new frequency.

At the end of the set investigation period, Guinea-Bissau shall inform the flag State's FMC and the Union of any monitoring which is required.

6. Secure communication of position messages to Guinea-Bissau

Data	Code	Mandatory (M) / optional (O)	Content
Start of record	SR	M	System detail indicating start of record
Addressee	AD	M	Message detail – Addressee Alpha-3 country code (ISO-3166)
From	FR	M	Message detail – Sender Alpha-3 country code (ISO-3166)
Flag State	FS	M	Message detail – Flag State Alpha-3 code (ISO-3166)
Type of message	TM	M	Message detail – Type of message (ENT, POS, EXI, MAN)
Radio call sign (IRCS)	RC	M	Vessel detail – Vessel international radio call sign (IRCS)
Contracting Party's internal reference number	IR	O	Vessel detail – Unique Contracting Party's Alpha-3 code (ISO-3166) followed by number
External registration number	XR	M	Vessel detail – Number on side of vessel (ISO 8859.1)
Latitude	LT	M	Vessel position detail – Position in degrees and decimal degrees N/S DD.ddd (WGS84)
Longitude	LG	M	Vessel position detail – Position in degrees and decimal degrees E/W DD.ddd (WGS84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Date	DA	M	Vessel position detail – Date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail – Time of recording UTC position (HHMM)
End of record	ER	M	System detail indicating end of record

The following information is required at the time of transmission to allow Guinea-Bissau's FMC to identify the issuing FMC:

IP address of the FMC server or DNS references

SSL certificate (complete chain of certification authorities)

Each data transmission is structured as follows:

Characters used must comply with ISO 8859.1.

A double slash (//) and the characters 'SR' indicate the start of a message.

Each data element is identified by its code and separated from the other data elements by a double slash (//).

A single slash (/) separates the field code and the data.

The code 'ER' followed by a double slash (//) indicates the end of the message.

Appendix 4

Implementation of the electronic system for recording fishing activities (ERS)

Recording fishing data and sending statements by ERS

- (1) The master of a Union vessel holding an authorisation issued under this Protocol shall, when in the Guinea-Bissau's fishing zone:
 - (a) record each entry into and exit from the fishing zone by a specific message indicating the quantities of each species held on board at the time of such entry into or exit from the fishing zone, and the date, time and position of such entry or exit. Such message shall be transmitted to Guinea-Bissau's FMC by ERS or by other means of communication no later than two hours before entry or exit;
 - (b) record daily the position of the vessel at noon if no fishing was carried out;
 - (c) record for each fishing operation carried out the position of that operation, the gear type and the quantity of each species caught, distinguishing between catches retained and discarded. Each species must be identified by its FAO 3 alpha code; express quantities in kilograms of live weight and, where necessary, the number of individual fish;
 - (d) transmit daily to its flag State, and no later than at 24.00, the data recorded in the electronic fishing logbook; this data shall be transmitted for each day spent in the fishing zone, even where no catch has been made. Data shall also be transmitted before leaving the fishing zone.
- (2) The master shall be responsible for the accuracy of the data recorded and sent.
- (3) In accordance with Chapter IV of the Annex to this Protocol, the flag State shall make the ERS data available to Guinea-Bissau's FMC.

Data in UN/CEFACT format shall be transmitted via the FLUX network provided by the European Commission.

Alternatively, until the end of the transition period, the data shall be transmitted via the Data Exchange Highway (DEH) in EU-ERS (v 3.1) format.

The flag State's FMC shall transmit instant messages from the vessel (COE, COX, PNO) automatically and immediately to Guinea-Bissau's FMC. Other types of messages shall also be transmitted automatically once a day from the effective date of use of the UN-CEFACT format or, in the meantime, shall be made available immediately to Guinea-Bissau's FMC, upon request made automatically to the flag State's FMC via the European Commission's central node. As from the effective implementation of the new format, the latter delivery mode will only concern specific requests for historical data.

- (4) Guinea-Bissau's FMC shall confirm that it has received the instant ERS data sent to it by means of a return message acknowledging receipt and confirming the validity of the received message. No acknowledgement of receipt shall be provided for data that Guinea-Bissau receives in response to a request it has submitted itself. Guinea-Bissau shall handle all ERS data confidentially.

Failure of the electronic transmission system on board the vessel or of the communication system

- (5) The flag State's and Guinea-Bissau's FMCs shall inform each other immediately of any event likely to affect the transmission of the ERS data of one or more vessels.
- (6) If Guinea-Bissau's FMC does not receive the data to be transmitted by a vessel, it shall notify this to the flag State's FMC immediately. The flag State's FMC shall promptly look for the causes of this non-receipt of ERS data and inform Guinea-Bissau's FMC of the result of those investigations.
- (7) Where a failure occurs in the transmission between the vessel and the flag State's FMC, the latter shall notify this immediately to the master or the operator of the vessel or to their agent(s). On receipt of this notification, the master of the vessel shall transmit the missing data to the competent authorities of the flag State by any appropriate means of telecommunication every day, no later than 24.00.

- (8) In the event of a failure of the electronic transmission system installed on board the vessel, the master or the operator of the vessel shall ensure that the ERS is repaired or replaced within 10 days of detecting the failure. Once that deadline has passed, the vessel shall no longer be authorised to fish in the fishing zone and must leave or call at a Guinea-Bissau port within 24 hours. The vessel shall not be authorised to leave that port or to return to the fishing zone until the FMC of its flag State has established that the ERS system is again functioning correctly.
 - (9) If the non-receipt of the ERS data by Guinea-Bissau is caused by the failure of the electronic systems under the supervision of the Union or Guinea-Bissau, the Party concerned shall take prompt action to resolve the problem rapidly. The other Party shall be notified once the problem has been resolved.
 - (10) The flag State's FMC shall send Guinea-Bissau's FMC every 24 hours, using any electronic means of communication available, all ERS data received by the flag State since the last transmission. The same procedure may be applied at the request of Guinea-Bissau in the case of maintenance operations lasting more than 24 hours and affecting the systems under the supervision of the Union. Guinea-Bissau shall inform its competent monitoring services so that Union vessels are not considered to be in breach of their obligation to transmit ERS data. The flag State's FMC shall ensure that the missing data are entered into the electronic database it keeps in accordance with point 3.
-

Information on the date of signature of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau

The Protocol ⁽¹⁾ on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau was signed on 15 June 2019.

The Protocol applies provisionally from 15 June 2019, date of signature, in accordance with its Article 16.

⁽¹⁾ See page 3 of this Official Journal.

REGULATIONS

COUNCIL REGULATION (EU) 2019/1089

of 6 June 2019

on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 17 March 2008, the Council adopted Regulation (EC) No 241/2008 ⁽¹⁾, concluding the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau ⁽²⁾ ('the Agreement'). The Agreement entered into force on 15 April 2008, was tacitly renewed and remains in force.
- (2) The previous protocol to the Agreement expired on 23 November 2017.
- (3) The Commission has negotiated on behalf of the Union a new protocol. As a result of those negotiations the new protocol was initialled on 15 November 2018.
- (4) In accordance with Council Decision (EU) 2019/1088 ⁽³⁾, the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) ('the Protocol') was signed on 15 June 2019.
- (5) The fishing opportunities provided for in the Protocol should be allocated among the Member States for the duration of application of the Protocol.
- (6) The Protocol will apply on a provisional basis as from the signature thereof in order to ensure an expeditious start to fishing activities of Union vessels. This Regulation should therefore apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation 'highly migratory species' means the species listed in Annex I to the 1982 United Nations Convention on the Law of the Sea, except for the family *Alopiidae*, the family *Sphyrnidae*, and the following species: *Cetorhinus maximus*, *Rhincodon typus*, *Carcharodon carcharias*, *Carcharinus falciformis*, *Carcharinus longimanus*.

⁽¹⁾ Council Regulation (EC) No 241/2008 of 17 March 2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (OJ L 75, 18.3.2008, p. 49).

⁽²⁾ OJ L 342, 27.12.2007, p. 5.

⁽³⁾ Council Decision (EU) 2019/1088 of 6 June 2019 on the signing, on behalf of the European Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) (see page 1 of this Official Journal).

*Article 2***Fishing opportunities**

The fishing opportunities established under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) shall be allocated among the Member States in accordance with Articles 3 and 4 of this Regulation.

*Article 3***Demersal and small pelagic species**

Fishing opportunities for demersal and small pelagic species shall be allocated among the Member States as follows:

(1) during the first and second years of application of the Protocol, based on a system of fishing effort (gross register tonnage, GRT):

(a) freezer shrimp trawlers:

Spain	2 500 GRT;
Greece	140 GRT;
Portugal	1 060 GRT;

(b) freezer fin-fish and cephalopod trawlers:

Spain	2 900 GRT;
Greece	225 GRT;
Italy	375 GRT;

(c) small-pelagic trawlers:

Spain	3 500 GRT;
Portugal	500 GRT;
Lithuania	5 000 GRT;
Latvia	5 000 GRT;
Poland	1 000 GRT;

(2) from the third year of application of the Protocol, based on a system setting catch limits for each species (total allowable catch, TAC):

(a) freezer shrimp trawlers:

Spain:	1 650 tonnes;
Greece:	100 tonnes;
Portugal:	750 tonnes;

(b) freezer fin-fish trawlers:

Spain:	9 500 tonnes;
Greece:	500 tonnes;
Italy:	1 000 tonnes;

(c) freezer cephalopod trawlers:

Spain:	1 200 tonnes;
Greece:	150 tonnes;
Italy:	150 tonnes;

(d) small-pelagic trawlers:

Spain:	3 900 tonnes;
Portugal:	700 tonnes;
Lithuania:	6 000 tonnes;
Latvia:	6 000 tonnes;
Poland:	1 400 tonnes.

Article 4

Highly migratory species

Fishing opportunities for highly migratory species shall be allocated as follows:

(a) freezer tuna seiners and surface longliners:

Spain:	14 vessels;
France:	12 vessels;
Portugal:	2 vessels;

(b) pole-and-line tuna vessels:

Spain:	10 vessels;
France:	3 vessels.

Article 5

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

It shall apply from 15 June 2019.

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

Done at Luxembourg, 6 June 2019.

For the Council
The President
A. BIRCHALL

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1090**of 26 June 2019****concerning the non-renewal of approval of the active substance dimethoate, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 20(1) and Article 78(2) thereof,

Whereas:

- (1) Commission Directive 2007/25/EC ⁽²⁾ included dimethoate as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance dimethoate, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 July 2020.
- (4) An application for the renewal of the approval of dimethoate was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 5 May 2017.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 2 October 2018 the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether dimethoate can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented to the Standing Committee on Plants, Animal, Food and Feed the draft renewal report for dimethoate on 13 December 2018 and the draft regulation on 25 January 2019.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2007/25/EC of 23 April 2007 amending Council Directive 91/414/EEC to include dimethoate, dimethomorph, glufosinate, metribuzin, phosmet and propamocarb as active substances (OJ L 106, 24.4.2007, p. 34).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽⁶⁾ EFSA (European Food Safety Authority), 2018. Conclusion on the peer review of the pesticide risk assessment of the active substance dimethoate EFSA Journal 2018;16(10):5454. <https://www.efsa.europa.eu/en/efsajournal/pub/5454>

- (9) The Authority identified specific concerns. In particular, it was not possible to exclude exposure risk to consumers, operators, workers, bystanders and residents due to their exposure to residues of dimethoate, for which the genotoxic potential could not be excluded, and its main metabolite omethoate which was concluded to be an *in vivo* mutagenic agent by the majority of experts in the peer review. Furthermore, the Authority concluded that a high risk to mammals, and to non-target arthropods for dimethoate, and to honeybees for both dimethoate and omethoate was concluded for all the assessed representative uses. In addition, the Authority concluded that the technical specification, whether the current or the revised one, is not supported by the (eco) toxicological assessment
- (10) The Commission invited the applicant to submit its comments on the conclusion of the Authority. Furthermore, in accordance with third subparagraph of Article 14(1) of Implementing Regulation (EU) No 844/2012, the Commission invited the applicant to submit comments on the draft renewal report. The applicant submitted their comments, which have been carefully examined.
- (11) However, despite the arguments put forward by the applicant, the concerns regarding the active substance could not be eliminated.
- (12) Consequently, it has not been established with respect to one or more representative uses of at least one plant protection product that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. The approval of the active substance dimethoate should therefore not be renewed.
- (13) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (14) Member States should be provided with sufficient time to withdraw authorisations for plant protection products containing dimethoate.
- (15) For plant protection products containing dimethoate, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should, at the latest, expire on 17 October 2019 for plant protection products used on cherries and on 17 July 2020 for plant protection products used on other crops.
- (16) Commission Implementing Regulation (EU) 2019/707 ⁽⁷⁾ extended the approval period of dimethoate to 31 July 2020 in order to allow the renewal process to be completed before the expiry of the approval period of that substance. Given that a decision on the non-renewal of the approval has been taken ahead of that extended expiry date, this Regulation should apply as soon as possible.
- (17) This Regulation does not prevent the submission of a further application for the approval of dimethoate pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (18) 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

Non-renewal of approval of active substance

The approval of the active substance dimethoate is not renewed.

⁽⁷⁾ Commission Implementing Regulation (EU) 2019/707 of 7 May 2019 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances alpha-cypermethrin, beflubutamid, benalaxyl, bentiavalicarb, bifenazate, boscalid, bromoxynil, captan, cyazofamid, desmedipham, dimethoate, dimethomorph, diuron, ethephon, etoxazole, famoxadone, fenamiphos, flumioxazine, fluoxastrobin, folpet, foramsulfuron, formetanate, metalaxyl-m, methiocarb, metribuzin, milbemectin, *Paecilomyces lilacinus* strain 251, phenmedipham, phosmet, pirimiphos-methyl, propamocarb, prothioconazole, s-metolachlor and tebuconazole (OJ L 120, 8.5.2019, p. 16).

*Article 2***Amendment to Implementing Regulation (EU) No 540/2011**

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 149, on dimethoate, is deleted.

*Article 3***Transitional measures**

Member States shall withdraw authorisations for plant protection products containing dimethoate as active substance by 17 January 2020 at the latest.

*Article 4***Grace period**

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire by 17 October 2019 for plant protection products used on cherries and by 17 July 2020 for plant protection products used on other crops, at the latest.

*Article 5***Entry into force**

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

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

Done at Brussels, 26 June 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION REGULATION (EU) 2019/1091**of 26 June 2019****amending Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the requirements for export of products containing processed animal protein derived from ruminants and non-ruminants****(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 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular the first paragraph of Article 23 and Article 23a (m) thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies ("TSEs") in animals. It applies to the production and placing on the market of live animals and products of animal origin and in certain specific cases to exports thereof.
- (2) The ban on exports to third countries of processed animal protein derived from ruminants and of products containing such processed animal protein, thus including organic fertilisers and soil improvers, was initially introduced by Commission Regulation (EC) No 1234/2003 ⁽²⁾ to prevent the transmission of bovine spongiform encephalopathies (BSE) to third countries through potentially contaminated processed animal protein and to prevent the risk of it re-entering the Union.
- (3) The European Food Safety Authority (EFSA) updated the quantitative risk assessment of the BSE risk posed by processed animal proteins in June 2018 ⁽³⁾. EFSA concluded that total BSE infectivity posed by processed animal protein was in 2018 four times lower than that estimated in 2011.
- (4) Following the opinion delivered by EFSA related to processed animal protein, it is appropriate to include organic fertilisers or soil improvers containing processed animal proteins derived from ruminants in the derogation laid down in point 2 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001, should they not contain Category 1 material and products derived therefrom or Category 2 material and products derived therefrom other than processed manure.
- (5) Point 2 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 which prohibits the export of products containing processed animal protein derived from ruminants should therefore be amended accordingly.
- (6) Point 3 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 lays down the conditions applicable to exports of processed animal proteins derived only from non-ruminants or compound feed containing such protein. However, the conditions to export organic fertilisers or soil improvers containing processed animal proteins derived from non-ruminants have not been established. A new point 5 should therefore be added to Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 laying down such conditions.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 147, 31.5.2001, p. 1.

⁽²⁾ Commission Regulation (EC) No 1234/2003 amending Annexes I, IV and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council and Regulation (EC) No 1326/2001 as regards transmissible spongiform encephalopathies and animal feeding (OJ L 173, 11.7.2003, p. 6).

⁽³⁾ EFSA Journal 2018;16(7):5314.

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 999/2001 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 26 June 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Annex IV to Regulation (EC) No 999/2001 is amended as follows:

(1) in Section E of Chapter V, point 2 is replaced by the following:

‘2. Without prejudice to point 1, the export of products containing processed animal protein derived from ruminants shall be prohibited.

By way of derogation, that prohibition shall not apply to:

(a) processed petfood containing processed animal protein derived from ruminants which:

(i) has been processed in establishments or plants approved in accordance with Article 24(1)(e) of Regulation (EC) No 1069/2009; and

(ii) is packaged and labelled in accordance with Union legislation.

(b) organic fertilisers or soil improvers, as defined in point 22 of Article 3 of Regulation (EC) No 1069/2009, that contain in their composition processed animal proteins derived from ruminants or a mixture of processed animal proteins from ruminants and non-ruminants provided that:

(i) they do not contain Category 1 material and products derived therefrom or Category 2 material and products derived therefrom, other than manure, as defined in point 20 of Article 3 of Regulation (EC) No 1069/2009, processed in accordance with the rules for placing on the market of processed manure, laid down in Section 2(a), (b), (d) and (e) of Chapter I of Annex XI to Commission Regulation (EU) No 142/2011;

(ii) the processed animal proteins contained in the organic fertilisers or soil improvers are in compliance with the specific requirements described in Section 1 of Chapter II of Annex X to Regulation (EU) No 142/2011;

(iii) the organic fertilisers or soil improvers may contain other category 3 materials, that have been processed in accordance to:

— any of the processing methods 1 to 7 set out in Chapter III of Annex IV to Regulation (EU) No 142/2011, or

— the requirements laid down in Section 1 Chapter III of Annex V to Regulation (EU) No 142/2011 in the case of compost or digestion residues from the transformation of animal by-products into biogas, or;

— the specific requirements set out in Annex XIII to Regulation (EU) No 142/2011, where such materials may be used for organic fertilisers and soil improvers in accordance to that Regulation.

(iv) they have been produced in establishments or plants approved in accordance with Article 24(1)(f) of Regulation (EC) No 1069/2009;

(v) are mixed with a sufficient proportion of a component, authorised by the competent authority of the Member State where the organic fertilisers or soil improvers are produced, which renders the product unpalatable to animals or is otherwise effective to prevent misuse of the mixture for feeding purposes. This component is to be mixed with the organic fertilizers or soil improvers in the plant manufacturing them or in a plant registered for this purpose in accordance with point 2 of Section 1 of Chapter II of Annex XI to Regulation (EU) No 142/2011.

If required by the competent authority of the third country of destination, the competent authority of the Member State where the organic fertilisers or soil improvers are produced may accept the use of other components or other methods to prevent the use of the organic fertilisers or soil improvers as feed, different than those authorised in this Member State, provided that these are not in contradiction with the rules laid down in point 3 of Article 22 and point 3 of Section 1 of Chapter II of Annex XI to Regulation (EU) No 142/2011;

(vi) they have been processed to ensure decontamination of pathogens in accordance with point 5 of Section 1 of Chapter II of Annex XI to Regulation (EU) No 142/2011;

- (vii) they have a label attached to the packaging or container bearing the words “organic fertilisers or soil improvers/no grazing of farmed animals or use of crops as herbage during at least 21 days following application”;
- (viii) they are exported in compliance with the following conditions:
- they shall be transported in sealed containers, directly from the plant manufacturing the organic fertilisers or soil improvers or the registered plant where the component which renders the product unpalatable to animals is added, to the point of exit from the Union territory, which shall be a border control post listed in Annex I to Commission Decision 2009/821/EC. Before leaving the Union territory, the operator responsible for arranging the transport of the organic fertilisers or soil improvers shall inform the competent authority at that border control post of the arrival of the consignment at the point of exit;
 - the consignment shall be accompanied by a duly completed commercial document produced according to the model set out in point 6 of Chapter III of Annex VIII to Regulation (EU) No 142/2011 and issued from the integrated computerised veterinary system (TRACES) introduced by Commission Decision 2004/292/EC. On that commercial document, the border control post of exit must be indicated in Box I.28;
 - when the consignment arrives at the point of exit, the competent authority at the border control post shall, on a risk basis, verify the seal of the containers presented at the border control post. If the seal is verified and the verification is not satisfactory, the consignment must either be destroyed or must be re-dispatched to the establishment of origin, indicated in box I.12 of the commercial document;
 - the competent authority at the border control post shall inform, via TRACES, the competent authority indicated in box I.4 of the commercial document of the arrival of the consignment at the point of exit and, where applicable, of the outcome of the verification of the seal and of any corrective action taken;
 - The competent authority responsible for the manufacturing plant of origin or the registered plant where the component which renders the product unpalatable to animals is added shall carry out risk based official controls to verify compliance with the first and second indents and to verify that, for each consignment of organic fertilisers and soil improvers that contain in their composition processed animal proteins derived from ruminants or a mixture of processed animal proteins from ruminants and non-ruminants exported, the confirmation of the control carried out at the exit point was received from the competent authority of the border control post, through TRACES.

The conditions set out in points (v), (vii) and (viii) of point 2(b) shall not apply to organic fertilisers or soil improvers which are in ready-to-sell packages of not more than 50 kg in weight for use by the final consumer.’

(2) in Section E of Chapter V, the following point 5 is added:

- ‘5. The export of organic fertilisers or soil improvers that contain in their composition processed animal proteins derived only from non-ruminants and do not contain any materials of ruminant origin, shall be subject to compliance with the following conditions:
- (a) the requirements set out in points 2(b)(i), (ii), (iii), (iv), (v), (vi) and (vii) of this section shall apply. The conditions set out in points 2(b)(v) and (vii) shall not apply to organic fertilisers or soil improvers which are in ready-to-sell packages of not more than 50 kg in weight for use by the final consumer.
 - (b) the processed animal protein derived from non-ruminants contained in them shall be produced in processing plants which fulfil the requirements point (c) of Section D of Chapter IV, and are listed in accordance with point 1(d) of Section A of Chapter V.
 - (c) they have been produced in establishments or plants that are dedicated exclusively to processing non-ruminant organic fertilisers or soil improvers.

By way of derogation from this specific condition, the competent authority may authorise the export of organic fertilisers or soil improvers referred to in this point produced in establishments or plants processing organic fertilisers or soil improvers containing ruminant material, if effective measures to prevent cross contamination between organic fertilisers or soil improvers containing only non-ruminant material and organic fertilisers or soil improvers containing ruminant material are implemented;

- (d) they are transported to the point of exit from the Union territory in new packaging material, or in bulk containers which are not used for the transport of materials of ruminant origin or that have been cleaned beforehand in order to avoid cross-contamination in accordance with a documented procedure which has been given prior authorisation by the competent authority.

The conditions set out in points (c) and (d) of point 5 shall not apply to organic fertilisers or soil improvers which are in ready-to-sell packages of not more than 50 kg in weight for use by the final consumer.'

DECISIONS

COUNCIL DECISION (CFSP) 2019/1092

of 26 June 2019

amending Decision (CFSP) 2017/2302 in support of the OPCW activities to assist clean-up operations at the former chemical weapons storage site in Libya in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

- (1) On 12 December 2017, the Council adopted Decision (CFSP) 2017/2302 ⁽¹⁾.
- (2) Decision (CFSP) 2017/2302 provides for a 20-month implementation period of the activities referred to in Article 1(2) thereof from the date of conclusion of the financing agreement referred to in Article 3(3) thereof.
- (3) On 27 March 2019, the implementing entity, the Organisation for the Prohibition of Chemical Weapons (OPCW), requested the Union to extend the duration of Decision (CFSP) 2017/2302. Extending the duration of that Decision by 12 months would allow the OPCW to continue the activities referred to in Article 1(2) thereof beyond the expiry date referred to in Article 5(2) thereof and to reach its planned objectives.
- (4) The requested amendment of Decision (CFSP) 2017/2302 concerns Article 5(2) thereof, and Section 6 of the Annex thereto.
- (5) As specifically mentioned in the OPCW's request of 27 March 2019, the continuation of the activities referred to in Article 1(2) of Decision (CFSP) 2017/2302 could be performed without any resource implication.
- (6) The duration of Decision (CFSP) 2017/2302 should therefore be extended to enable the continued implementation of the activities referred to in Article 1(2) thereof,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2017/2302 is hereby amended as follows:

- (1) Article 5(2) is replaced by the following:

‘2. It shall expire 32 months after the date of the conclusion of the financing agreement between the Commission and the OPCW referred to in Article 3(3), or it shall expire six months after its entry into force if that financing agreement has not been concluded by that time.’;

- (2) the text of Section 6 of the Annex is replaced by the following:

‘6. Estimated duration

The duration of the project is envisaged to be 32 months.’

⁽¹⁾ Council Decision (CFSP) 2017/2302 of 12 December 2017 in support of the OPCW activities to assist clean-up operations at the former chemical weapons storage site in Libya in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 329, 12.12.2017, p. 49).

Article 2

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

Done at Luxembourg, 26 June 2019.

For the Council
The President
G.L. GAVRILESCU

COUNCIL DECISION (EU) 2019/1093**of 26 June 2019****on the financial contributions to be paid by Member States to finance the European Development Fund, including the second instalment for 2019 and a revised ceiling for the annual amount for 2020**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies ⁽¹⁾, and in particular Article 7 thereof,

Having regard to the Council Regulation (EU) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund, and repealing Regulation (EU) 2015/323 ⁽²⁾, and in particular Article 19(3) and (4) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with the procedure laid down in Article 19(3) of Regulation (EU) 2018/1877 ('the 11th EDF Financial Regulation'), the Commission is to present a proposal by 15 June 2019 specifying the amount of the second instalment of the contribution for 2019 and a revised annual amount of the contribution for 2019, in cases where that annual amount deviates from actual needs.
- (2) On 24 April 2019, in accordance with Article 46 of the 11th EDF Financial Regulation, the European Investment Bank ('EIB') sent to the Commission its updated estimates of commitments and payments under the instruments it manages.
- (3) Article 20(1) of the 11th EDF Financial Regulation provides that calls for contributions first use up the amounts provided for in previous EDFs. Therefore a call for funds under the 10th EDF for the EIB and 11th EDF for the Commission should be made.
- (4) On 12 November 2018, the Council adopted Decision (EU) 2018/1715 ⁽³⁾, setting the annual amount of the Member States' EDF contributions for 2019 at EUR 4 400 000 000 for the Commission and at EUR 300 000 000 for the EIB.
- (5) Given that the Commission has proposed to carry out development and international cooperation for the period 2021-2027 with new implementation modalities, the Commission is decreasing its estimates of payments under the EDFs and therefore reduces by EUR 200 000 000 the ceiling for the annual amount for 2020,

HAS ADOPTED THIS DECISION:

Article 1

The individual EDF contributions to be paid by Member States to the Commission and the EIB as the second instalment for 2019 are provided for in the table set out in the Annex.

⁽¹⁾ OJ L 210, 6.8.2013, p. 1.

⁽²⁾ OJ L 307, 3.12.2018, p. 1.

⁽³⁾ Council Decision (EU) 2018/1715 of 12 November 2018 on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2020, the annual amount for 2019, the first instalment for 2019 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2021 and 2022 (OJ L 286, 14.11.2018, p. 30).

Article 2

The ceiling for the annual amount of the Member States' EDF contributions for 2020 is hereby revised at EUR 4 700 000 000. It shall be divided into EUR 4 400 000 000 for the Commission and EUR 300 000 000 for the EIB.

Article 3

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

Done at Luxembourg, 26 June 2019.

For the Council
The President
G.L. GAVRILESCU

ANNEX

MEMBER STATES	Key 10th EDF %	Key 11th EDF %	2nd instalment 2019 (EUR)		Total
			Commission 11th EDF	EIB 10th EDF	
BELGIUM	3,53	3,24927	48 739 050,00	3 530 000,00	52 269 050,00
BULGARIA	0,14	0,21853	3 277 950,00	140 000,00	3 417 950,00
CZECHIA	0,51	0,79745	11 961 750,00	510 000,00	12 471 750,00
DENMARK	2,00	1,98045	29 706 750,00	2 000 000,00	31 706 750,00
GERMANY	20,50	20,57980	308 697 000,00	20 500 000,00	329 197 000,00
ESTONIA	0,05	0,08635	1 295 250,00	50 000,00	1 345 250,00
IRELAND	0,91	0,94006	14 100 900,00	910 000,00	15 010 900,00
GREECE	1,47	1,50735	22 610 250,00	1 470 000,00	24 080 250,00
SPAIN	7,85	7,93248	118 987 200,00	7 850 000,00	126 837 200,00
FRANCE	19,55	17,81269	267 190 350,00	19 550 000,00	286 740 350,00
CROATIA	0,00	0,22518	3 377 700,00	0,00	3 377 700,00
ITALY	12,86	12,53009	187 951 350,00	12 860 000,00	200 811 350,00
CYPRUS	0,09	0,11162	1 674 300,00	90 000,00	1 764 300,00
LATVIA	0,07	0,11612	1 741 800,00	70 000,00	1 811 800,00
LITHUANIA	0,12	0,18077	2 711 550,00	120 000,00	2 831 550,00
LUXEMBOURG	0,27	0,25509	3 826 350,00	270 000,00	4 096 350,00
HUNGARY	0,55	0,61456	9 218 400,00	550 000,00	9 768 400,00
MALTA	0,03	0,03801	570 150,00	30 000,00	600 150,00
NETHERLANDS	4,85	4,77678	71 651 700,00	4 850 000,00	76 501 700,00
AUSTRIA	2,41	2,39757	35 963 550,00	2 410 000,00	38 373 550,00
POLAND	1,30	2,00734	30 110 100,00	1 300 000,00	31 410 100,00
PORTUGAL	1,15	1,19679	17 951 850,00	1 150 000,00	19 101 850,00
ROMANIA	0,37	0,71815	10 772 250,00	370 000,00	11 142 250,00
SLOVENIA	0,18	0,22452	3 367 800,00	180 000,00	3 547 800,00
SLOVAKIA	0,21	0,37616	5 642 400,00	210 000,00	5 852 400,00
FINLAND	1,47	1,50909	22 636 350,00	1 470 000,00	24 106 350,00
SWEDEN	2,74	2,93911	44 086 650,00	2 740 000,00	46 826 650,00
UNITED KINGDOM	14,82	14,67862	220 179 300,00	14 820 000,00	234 999 300,00
TOTAL EU-28	100,00	100,00	1 500 000 000,00	100 000 000,00	1 600 000 000,00

COMMISSION IMPLEMENTING DECISION (EU) 2019/1094**of 17 June 2019****authorising Member States to adopt certain derogations pursuant to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods***(notified under document C(2019) 4303)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods ⁽¹⁾, and in particular Articles 6(2) and (4) thereof,

Whereas:

- (1) Annex I, Section I.3 and Annex II, Section II.3 to Directive 2008/68/EC contain lists of national derogations, allowing specific national circumstances to be taken into account. Several new national derogations and several amendments to authorised derogations were requested by certain Member States.
- (2) These derogations should be authorised.
- (3) As Annex I, Section I.3 and Annex II, Section II.3 have therefore to be adapted, it is appropriate, for reasons of clarity, to replace them in their entirety.
- (4) Directive 2008/68/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee on transport of dangerous goods set up by Directive 2008/68/EC,

HAS ADOPTED THIS DECISION:

Article 1

The Member States listed in the Annex are authorised to implement the derogations set out therein regarding the transport of dangerous goods in their territory.

These derogations shall be applied without discrimination.

Article 2

Annex I, Section I.3 and Annex II, Section II.3 to Directive 2008/68/EC are amended in accordance with the Annex to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 June 2019.

For the Commission

Violeta BULC

Member of the Commission

⁽¹⁾ OJ L 260, 30.9.2008, p. 13.

ANNEX

Annexes I and II to Directive 2008/68/EC are amended as follows:

(1) in Annex I, Section I.3 is replaced by the following:

I.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: RO-a/bi/bii-MS-nn

RO = Road

a/bi/bii = Article 6(2) a/bi/bii

MS = Abbreviation of Member State

nn = order number

Based on Article 6(2)(a) of Directive 2008/68/EC

AT Austria

RO-a-AT-1

Subject: Small quantities of all classes except 1, 6.2 and 7

Reference to Annex I, Section I.1 to Directive 2008/68/EC: 3.4

Content of the Annex to the Directive: Transport of dangerous goods packed in limited quantities

Content of the national legislation: Up to 30 kg or l of dangerous goods not belonging to transport category 0 or 1 in LQ inner packagings or in packages in line with ADR or being robust articles may be packed together in X tested boxes.

End-users are allowed to fetch them from the shop and to bring them back, retailers to carry them to end-users or between their own shops.

The limit per transport unit is 333 kg or l, the permitted perimeter 100 km.

The boxes have to be marked uniformly and accompanied by a simplified transport document.

Only a few loading and handling provisions apply.

Initial reference to the national legislation: -

Comments:

Expiry date: 30 June 2022

BE Belgium

RO-a-BE-1

Subject: Class 1 — Small quantities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6

Content of the Annex to the Directive: 1.1.3.6 limits to 20 kg the quantity of mining explosives which can be transported in an ordinary vehicle.

Content of the national legislation: Operators of depots remote from supply points may be authorised to transport 25 kg of dynamite or powerful explosives and 300 detonators at the most in ordinary motor vehicles, subject to conditions to be set by the explosives service.

Initial reference to the national legislation: *Article 111 de l'arrêté royal 23 septembre 1958 sur les produits explosifs.*

Expiry date: 30 June 2020

RO-a-BE-2

Subject: Transport of uncleaned empty containers having contained products of different classes.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.6

Content of the national legislation: Indication on the transport document "uncleaned empty packages having contained products of different classes".

Initial reference to the national legislation: *Dérogation 6-97.*

Expiry date: 31 December 2022

RO-a-BE-3

Subject: Adoption of RO-a-UK-4.

Initial reference to the national legislation: *derogation 4-2004*

Expiry date: 31 December 2022

RO-a-BE-4

Subject: exemption of all ADR requirements for the national transport of maximum 1 000 used ionic smoke detectors from private households to the treatment facility in Belgium via the collection points foreseen in the scenario for the selective collection of smoke detectors.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: all requirements

Content of the national legislation: The domestic use of ionic smoke detectors is not submitted to regulatory control from a radiological point of view once the smoke detector is of an approved type. The transport of these smoke detectors to the end-user is also exempted from ADR requirements. (see 1.7.1.4. e)).

Directive 2002/96/EC (on waste electric and electronic equipments) requires the selective collection of used smoke detectors for treatment of the circuit boards and, for the ionic smoke detectors, to take out the radioactive substances. To make this selective collection possible a scenario has been developed to stimulate private households to bring their used smoke detectors to a collection point from which these detectors can be carried to a treatment facility sometimes via a second collection point or an intermediate storage place.

At the collection points metal packagings will be made available wherein a maximum of 1 000 smoke detectors can be packed. From these points one such package with the smoke detectors can be transported together with others wastes to an intermediate storage or the treatment facility. The package will be labelled with the word "smoke detector".

Initial reference to the national legislation: scenario for the selective collection of smoke detectors makes part of the conditions for removal of approved instruments foreseen in Article 3.1.d.2 of the royal decree of 20 July 2001: the general radiation protection regulation.

Comments: This derogation is necessary to make the selective collection of used ionic smoke detectors possible.

Expiry date: 30 June 2020

DE Germany

RO-a-DE-1

Subject: Mixed packing and mixed loading of car parts with classification 1.4G together with certain dangerous goods (n4).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.10 and 7.5.2.1

Content of the Annex to the Directive: Provisions on mixed packing and mixed loading.

Content of the national legislation: UN 0431 and UN 0503 may be loaded together with certain dangerous goods (products related to car manufacturing) in certain amounts, listed in the exemption. The value 1 000 (comparable with 1.1.3.6.4) shall not be exceeded.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 28.*

Comments: The exemption is needed to provide fast delivery of safety car parts depending on local demand. Due to the wide product range storage of these products using local garages is not common.

Expiry date: 30 June 2021

RO-a-DE-2

Subject: Exemption from the requirement to carry a transport document and a shippers' declaration for certain quantities of dangerous goods as defined in 1.1.3.6 (n1).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.1 and 5.4.1.1.6

Content of the Annex to the Directive: contents of the transport document.

Content of the national legislation: For all classes except Class 7: no transport document is needed if the quantity of the goods transported does not exceed the quantities given in 1.1.3.6.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 18.*

Comments: The information provided by the marking and labelling of packages is considered sufficient for national transport, as a transport document is not always appropriate where local distribution is involved.

Derogation registered by the Commission as No 22 (under Article 6(10) of Directive 94/55/EC).

Expiry date: 30 June 2021

RO-a-DE-3

Subject: Transportation of measurement standards and fuel pumps (empty, non-cleaned).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Provisions for UN numbers 1202, 1203 and 1223.

Content of the Annex to the Directive: Packaging, marking, documents, transport and handling instructions, instructions for vehicle crews.

Content of the national legislation: Specification of applicable regulations and ancillary provisions for applying the derogation; up to 1 000 l: comparable with empty, non-cleaned packaging; above 1 000 l: compliance with certain regulations for tanks; transportation empty and non-cleaned only.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 24.*

Comments: List No 7, 38, 38a.

Expiry date: 30 June 2021

RO-a-DE-5

Subject: Combined packaging authorisation.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.10.4 MP2

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Classes 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Classes 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 21.*

Comments: List No 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

Expiry date: 30 June 2021

DK Denmark

RO-a-DK-2

Subject: Road transport of packaging containing explosive substances and packaging containing detonators on the same vehicle.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5.2.2

Content of the Annex to the Directive: Mixed packing provisions.

Content of the national legislation: The rules in the ADR must be observed when transporting dangerous goods by road.

Initial reference to the national legislation: *Bekendtgørelse nr. 729 of 15. august 2001 om vejtransport af farligt gods § 4, stk. 1.*

Comments: There is a practical need for being able to pack explosive substances together with detonators on the same vehicle when transporting such goods from where they are stored to the workplace and back again.

When the Danish legislation concerning the transport of dangerous goods is amended, the Danish authorities will allow such transport under the following conditions:

1. Not more than 25 kg explosive substances under group D are being transported.
2. Not more than 200 pieces of detonators under group B are being transported.
3. Detonators and explosive substances must be packed separately in UN-certified packaging in accordance with the rules set out in Directive 2000/61/EC amending Directive 94/55/EC.
4. The distance between packaging that contains detonators and packaging that contains explosive substances must be at least 1 metre. This distance has to be observed even after a sudden application of the brakes. Packaging containing explosive substances and packaging containing detonators must be placed in a way that makes it possible quickly to remove them from the vehicle.
5. All other rules concerning the transport of dangerous goods by road must be observed.

Expiry date: 30 June 2021

RO-a-DK-3

Subject: Road transport of packagings and articles containing wastes or residues of dangerous goods of certain classes from households and enterprises for the purpose of disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts and chapters 2, 3, 4.1, 5.1, 5.2, 5.4, 6, 8.1 and 8.2.

Content of the Annex to the Directive: Classification provisions, special provisions, packing provisions, consignment procedures, requirements for the construction and testing of packagings, general requirements concerning transport units and equipment on board and training requirements.

Content of the national legislation: Inner packagings and articles containing waste or residues of dangerous goods of certain classes collected from private households or enterprises for the purpose of disposal may be packed together in certain outer packagings and/or overpacks and carried under special consignment procedures including special packing and marking restrictions. The quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit is restricted.

Initial reference to the national legislation: *Bekendtgørelse nr. 818 af 28. juni 2011 om vejtransport af farligt gods § 4, stk. 3.*

Comments: It is not possible for waste managers to apply all provisions of Annex I, Section I.1 to Directive 2008/68/EC when wastes with residual amounts of dangerous goods have been collected from private households and enterprises to be carried for disposal. The waste is usually contained in packagings that have been sold in retail.

Expiry date: 1 January 2025

ES Spain

RO-a-ES-1

Subject: Placarding of containers

Legal basis: Directive 2008/68/EC, Article 6(2)(a).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3.1.2.

Content of the Annex to the Directive: The placards shall be affixed to both sides and at each end of the container, MEGC, tank-container or portable tank.

Content of the national legislation: The placard doesn't have to be fixed to the containers carrying packages when used exclusively in road transport operations. This exemption does not apply to classes 1 or 7.

Initial reference to the national legislation: *Real Decreto 97/2014. Anejo 1. Apartado 8.*

Comments: When a container, other than a tank container, is used only for road transport, and is not related to an intermodal transport operation, it is fulfilling the functions of a swap body. Swap bodies for packaged goods carriage do not require any type of danger placards, except for classes 1 and 7.

Therefore, it has been considered convenient to exempt containers used as swap bodies in road transport operations exclusively from the requirement of placarding, excluding the container carrying goods of classes 1 or 7.

In this exemption containers are assimilated to swap bodies in relation to security conditions, there are no reasons to call for more requirements for containers than for swap bodies since these comply with more security requirements due to their specific design and construction. The rest of placarding and marking required for vehicles carrying dangerous goods shall comply with the provisions of Chapter 5.3 of Annex I, Section I.1 to Directive 2008/68/EC.

Expiry date: 1 January 2025.

FI Finland

RO-a-FI-1

Subject: Transport of dangerous goods in certain amounts in buses

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Part 1, 4 and 5

Content of the Annex to the Directive: Exemptions, Packaging provisions, Marking and Documentations.

Content of the national legislation:

In buses with passengers, small amounts of specified dangerous goods may be transported as freight so that the total quantity does not exceed 200 kilos. In a bus, a private individual may transport dangerous goods referred to in section 1.1.3 where the goods in question are packaged for retail sale and are intended for their personal use. The total quantity of flammable liquids filled in refillable receptacles may not exceed 5 litres.

Initial reference to the national legislation:

Finnish Transport Safety Agency Regulation on the Transport of Dangerous Goods by Road and Government Decree on the Transport of Dangerous Goods by Road (194/2002)

Expiry date: 30 June 2021

RO-a-FI-2

Subject: Description of empty tanks in the transport document

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Part 5, 5.4.1

Content of the Annex to the Directive:

Special provisions for carriage in tank-vehicles or transport units with more than one tank

Content of the national legislation:

When transporting empty, uncleaned tank-vehicles or transport units having one or more tanks marked in accordance with 5.3.2.1.3, the last transported substance marked in the transport document may be the substance with the lowest flash-point.

Initial reference to the national legislation:

Finnish Transport Safety Agency Regulation on the Transport of Dangerous Goods by Road

Expiry date: 30 June 2021

RO-a-FI-3

Subject: Placarding and marking of the transport unit for explosives.

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3.2.1.1

Content of the Annex to the Directive: General orange-coloured plate marking provisions

Content of the national legislation:

Transport units (normally vans) transporting small amounts of explosives (maximum net mass 1 000 kg) to quarries and working sites may be affixed at the front and the rear with a placard model No 1.

Initial reference to the national legislation:

Finnish Transport Safety Agency Regulation on the Transport of Dangerous Goods by Road

Expiry date: 30 June 2021

FR France

RO-a-FR-2

Subject: Transport of waste arising from care activities involving a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the national legislation: Exemption from the requirements of the ADR for the transport of waste arising from care activities presenting a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route — Article 12.*

Expiry date: 30 June 2021

RO-a-FR-5

Subject: Transport of dangerous goods in public passenger transport vehicles (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.3.1.

Content of the Annex to the Directive: Transport of passengers and dangerous goods.

Content of the national legislation: Transport of dangerous goods other than those of class 7, authorised in public transport vehicles as hand luggage: only the provisions relating to the packaging, marking and labelling of parcels set out in 4.1, 5.2 and 3.4 apply.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 relatif au transport des marchandises dangereuses par voies terrestres, annexe I paragraphe 3.1.*

Comments: Only dangerous goods for personal or own professional use are permitted to be carried in hand luggage. Portable gas receptacles are allowed for patients with respiratory problems in the necessary amount for one journey.

Expiry date: 28 February 2022

RO-a-FR-6

Subject: Own-account transport of small quantities of dangerous goods (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Obligation to have a transport document.

Content of the national legislation: Own-account transport of small quantities of dangerous goods other than class 7, not exceeding the limits set in 1.1.3.6 is not subject to the obligation to have a transport document provided for in 5.4.1.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 relatif au transport des marchandises dangereuses par voies terrestres annexe I, paragraphe 3.2.1.*

Expiry date: 28 February 2022

RO-a-FR-7

Subject: Road transport of samples of chemical substances, mixtures and articles containing dangerous goods for the purpose of market surveillance

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1 to 9

Content of the Annex to the Directive: General provisions, classification, special provisions and exemptions concerning the carriage of dangerous goods packed in limited quantities, provisions concerning the use of packaging and tanks, consignment procedures, packaging construction requirements, provisions concerning transport conditions, handling, loading and unloading, requirements concerning transport equipment and transport operations, requirements concerning the construction and approval of vehicles.

Content of the national legislation: Samples of chemical substances, mixtures and articles containing dangerous goods and carried for analysis as a part of market surveillance activity shall be packed in combination packagings. They shall comply with the rules concerning maximum quantities for inner packaging depending on the type of the dangerous good involved. The outer packaging shall comply with the requirements for solid plastic boxes (4H2, Chapter 6.1 of Annex I, Section I.1 to Directive 2008/68/EC). The outer packaging must bear the marking of Section 3.4.7, Annex I, Section I.1 to Directive 2008/68/EC and the text "Samples for analysis" (in French: "Echantillons destinés à l'analyse"). Provided that these provisions are complied with, the carriage is not subject to the provisions of Annex I, Section I.1 to Directive 2008/68/EC.

Initial reference to the national legislation: *Arrêté du 12 décembre 2012 modifiant l'arrêté du 29 mai 2009 relatif aux transports de marchandises dangereuses par voies terrestres*

Comments: The exemption of Section 1.1.3, Annex I, Section I.1 to Directive 2008/68/EC does not provide for the transport of samples of dangerous goods for analysis taken by or on behalf of the competent authorities. To ensure effective market surveillance, France has introduced a procedure based on the system applicable to limited quantities for ensuring the safety of transport of samples containing dangerous goods. As it is not always feasible to apply the provisions of table A the quantity limit for the inner packaging has been defined in a more operational way.

Expiry date: 1 January 2025

HU Hungary

RO-a-HU-1

Subject: Adoption of RO-a-DE-2

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2025

RO-a-HU-2

Subject: Adoption of RO-a-UK-4

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2025

IE Ireland

RO-a-IE-1

Subject: Exemption from the requirement of 5.4.0 of the ADR for a transport document for the carriage of pesticides of ADR Class 3, listed under 2.2.3.3 as FT2 pesticides (f.p. < 23 °C) and ADR Class 6.1, listed under 2.2.61.3 as T6 pesticides, liquid (flash point not less than 23 °C), where the quantities of dangerous goods being carried do not exceed the quantities set out in 1.1.3.6 of the ADR.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4

Content of the Annex to the Directive: Requirement for transport document.

Content of the national legislation: A transport document is not required for the carriage of pesticides of ADR Classes 3 and 6.1, where the quantity of dangerous goods being carried does not exceed the quantities set out in 1.1.3.6 of the ADR.

Initial reference to the national legislation: *Regulation 82(9) of the "Carriage of Dangerous Goods by Road Regulations 2004"*.

Comments: Unnecessary, onerous requirement for local transport and delivery of such pesticides.

Expiry date: 30 June 2021

RO-a-IE-4

Subject: Exemption from the requirements of 5.3, 5.4, 7 and Annex B of the ADR, in relation to the carriage of gas cylinders of dispensing agents (for beverages) where they are carried on the same vehicle as the beverages (for which they are to be used).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3, 5.4, 7 and Annex B.

Content of the Annex to the Directive: The marking of the vehicles, the documentation to be carried and the provisions concerning transport equipment and transport operations.

Content of the national legislation: Exemption from the requirements of 5.3, 5.4, 7 and Annex B of the ADR for cylinders of gases, used as dispensing agents for beverages, where these cylinders of gases are carried on the same vehicle as the beverages (for which they are to be used).

Initial reference to the national legislation: *Proposed amendment to "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: The main activity consists of the distribution of packages of beverages, which are not substances according to the ADR, together with small quantities of small cylinders of associated dispensing gases.

Previously under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2021

RO-a-IE-5

Subject: Exemption, for national transport within Ireland, from the construction and testing requirements for receptacles, and their provisions on use, contained in 6.2 and 4.1 of the ADR, for cylinders and pressure drums of gases of Class 2 that have undergone a multimodal transport journey, including maritime carriage, where (i) these cylinders and pressure drums are constructed, tested and used in accordance with the IMDG Code; (ii) these cylinders and pressure drums are not refilled in Ireland but returned nominally empty to the country of origin of the multimodal transport journey; and (iii) these cylinders and pressure drums are distributed locally in small quantities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.4.2, 4.1 and 6.2.

Content of the Annex to the Directive: Provisions relating to multimodal transport journeys, including maritime carriage, use of cylinders and pressure drums for gases of ADR Class 2, and construction and testing of these cylinders and pressure drums for gases of ADR Class 2.

Content of the national legislation: The provisions of 4.1 and 6.2 do not apply to cylinders and pressure drums of gases of Class 2, provided (i) these cylinders and pressure drums are constructed and tested in accordance with the IMDG Code; (ii) these cylinders and pressure drums are used in accordance with the IMDG Code; (iii) these cylinders and pressure drums were transported to the consignor by means of multimodal transport, including maritime carriage; (iv) the transport of these cylinders and pressure drums to the final user consists only of a single transport journey, completed within the same day, from the consignee of the multimodal transport operation (referred to in (iii)); (v) these cylinders and pressure drums are not refilled within the State and are returned nominally empty to the country of origin of the multimodal transport operation (referred to in (iii)); and (vi) these cylinders and pressure drums are distributed locally within the State in small quantities.

Initial reference to the national legislation: Proposed amendment to “Carriage of Dangerous Goods by Road Regulations, 2004”.

Comments: The gases contained in these cylinders and pressure drums are of a specification, required by the final user, which results in the need to import them from outside the ADR area. Following use, these nominally empty cylinders and pressure drums are required to be returned to the country of origin, for refilling with the specially specified gases — they are not to be refilled within Ireland or indeed within any part of the ADR area. Though not in compliance with the ADR, they are in compliance with and accepted for the purposes of the IMDG Code. The multimodal transport, beginning from outside the ADR area, is intended to finish at the importer’s premises, from where it is intended that these cylinders and pressure drums be distributed to the final user locally within Ireland in small quantities. This carriage, within Ireland, would fall within the amended Article 6(9) of Directive 94/55/EC.

Expiry date: 30 June 2021

RO-a-IE-6

Subject: Exemption from some of the provisions of Annex I, Section I.1, to Directive 2008/68/EC on the packaging, marking and labelling of small quantities (below the limits in 1.1.3.6) of time expired pyrotechnic articles of classification codes 1.3G, 1.4G and 1.4S of Class 1 of Annex I, Section I.1, to Directive 2008/68/EC, bearing the respective substance identification numbers UN 0092, UN 0093, UN 0191, UN 0195, UN 0197, UN 0240, UN 0312, UN 0403, UN 0404, UN 0453, UN 0505, UN 0506 or UN 0507 for carriage to a military barracks or range for disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1, 2, 4, 5 and 6

Content of the Annex to the Directive: General provisions. Classification. Packaging provisions. Consignment provisions. Construction and testing of packages.

Content of the national legislation: The provisions of Annex I, Section I.1, to Directive 2008/68/EC on the packaging, marking and labelling of time expired pyrotechnic articles bearing the respective UN numbers UN 0092, UN 0093, UN 0191, UN 0195, UN 0197, UN 0240, UN 0312, UN 0403, UN 0404, UN 0453, UN 0505, UN 0506 or UN 0507 for carriage to a military barracks or range do not apply provided the general packaging provisions of Annex I, Section I.1, to Directive 2008/68/EC are complied with and additional information is included in the transport document. The derogation applies only to the local transport, to a military barracks or range, of small quantities of these time-expired pyrotechnics for safe disposal.

Initial reference to the national legislation: S.I. 349 of 2011 Regulation 57(f) and (g)

Comments: The carriage of small quantities of “time expired” marine pyrotechnics, especially from pleasure boat owners and ship chandlers, to a military barracks or range for their safe disposal has created difficulties, particularly in relation to packaging requirements. The derogation is for small quantities (below those specified in 1.1.3.6) for local transport, encompassing all UN numbers assigned to maritime pyrotechnics.

Expiry date: 30 January 2025

RO-a-IE-7

Subject: Adoption of RO-a-UK-4

Initial reference to the national legislation: -

Expiry date: 30 June 2022

PT Portugal

RO-a-PT-3

Subject: Adoption of RO-a-UK-4

Initial reference to the national legislation: -

Expiry date: 30 January 2022

SE Sweden

RO-a-SE-1

Subject: Adoption of RO-a-FR-7

Legal basis: Directive 2008/68/EC, Article 6(2)(a) (Small quantities)

Reference to the Annex I, Section I.1 to Directive 2008/68/EC: Part 1 to 9.

Context of the Directive:

Reference to the national legislation: *Särskilda bestämmelser om visa inrikes transporter av farligt gods på väg och i terräng.*

Comments:

Expiry date: 30 June 2022

UK United Kingdom

RO-a-UK-1

Subject: Carriage of certain items containing low-hazard radioactive material, such as clocks, watches, smoke detectors, compass dials (E1).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Most requirements of the ADR

Content of the Annex to the Directive: Requirements concerning the carriage of Class 7 material.

Content of the national legislation: Total exemption from the provisions of the national regulations for certain commercial products containing limited quantities of radioactive material. (A luminous device intended to be worn by a person; in any one vehicle or railway vehicle no more than 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or in any one vehicle or railway vehicle no more than five gaseous tritium light devices with an individual activity not exceeding 10 GBq).

Initial reference to the national legislation: *The Radioactive Material (Road Transport) Regulations 2002: Regulation 5(4) (d). The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(10).*

Comments: This derogation is a short-term measure, which will no longer be required when similar amendments to the International Atomic Energy Agency ("IAEA") regulations have been incorporated into the ADR.

Expiry date: 30 June 2021

RO-a-UK-2

Subject: Exemption from the requirement to carry a transport document for certain quantities of dangerous goods (other than Class 7) as defined in 1.1.3.6 (E2).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6.2 and 1.1.3.6.3.

Content of the Annex to the Directive: Exemptions from certain requirements for certain quantities per transport unit.

Content of the national legislation: Transport document is not required for limited quantities, except where these form part of a larger load.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(7)(a)*.

Comments: This exemption is suited to national transport, where a transport document is not always appropriate in cases where local distribution is involved.

Expiry date: 30 June 2021

RO-a-UK-3

Subject: Exemption from the requirement for vehicles carrying low-level radioactive material to carry fire-fighting equipment (E4).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.1.4.

Content of the Annex to the Directive: Requirement for vehicles to carry fire-fighting appliances.

Content of the national legislation: Removes requirement to carry fire extinguishers when carrying only excepted packages (UN 2908, 2909, 2910 and 2911).

Restricts the requirement where only a small number of packages are carried.

Initial reference to the national legislation: *The Radioactive Material (Road Transport) Regulations 2002: Regulation 5(4)(d)*.

Comments: Carriage of fire-fighting equipment is in practice irrelevant to the transport of UN 2908, 2909, 2910, UN 2911, which may often be carried in small vehicles.

Expiry date: 30 June 2021

RO-a-UK-4

Subject: Distribution of goods in inner packagings to retailers or users (excluding those of classes 1, 4.2, 6.2 and 7) from local distribution depots to retailers or users and from retailers to end-users (N1).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.1.

Content of the Annex to the Directive: Requirements for the construction and testing of packaging.

Content of national legislation: Packaging is not required to have been allocated an RID/ADR or UN mark or to be otherwise marked if it contains goods as set out in Schedule 3.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7(4) and Regulation 36 Authorisation Number 13*.

Comments: The requirements of the ADR are inappropriate for the final stages of carriage from a distribution depot to a retailer or user or from a retailer to an end-user. The purpose of this derogation is to allow the inner receptacles of goods for retail distribution to be carried on the final leg of a local distribution journey without an outer packaging.

Expiry date: 30 June 2021

RO-a-UK-5

Subject: To allow different “maximum total quantity per transport unit” for Class 1 goods in categories 1 and 2 of table in 1.1.3.6.3 (N10).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6.3 and 1.1.3.6.4.

Content of the Annex to the Directive: Exemptions related to quantities carried per transport unit.

Content of the national legislation: Lays down rules regarding exemptions for limited quantities and mixed loading of explosives.

Initial reference to the national legislation: *Carriage of Explosives by Road Regulations 1996, reg. 13 and Schedule 5; reg. 14 and Schedule 4.*

Comments: To allow different quantity limits for Class 1 goods, viz “50” for Category 1 and “500” for category 2. For the purpose of calculating mixed loads, the multiplication factors to read “20” for Transport Category 1 and “2” for Transport Category 2.

Previously under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2021

RO-a-UK-6

Subject: Increase of maximum net mass of explosive articles permissible in EX/II vehicles (N13).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5.5.2.

Content of the Annex to the Directive: Limitations on quantities carried for explosive substances and articles.

Content of the national legislation: Limitations on quantities carried for explosive substances and articles.

Initial reference to the national legislation: *Carriage of Explosives by Road Regulations 1996, reg. 13, Schedule 3.*

Comments: UK Regulations allow a maximum net mass of 5 000 kg in Type II vehicles for Compatibility Groups 1.1C, 1.1D, 1.1E and 1.1 J.

Many articles of Class 1.1C, 1.1D, 1.1E and 1.1 J being moved in the Union are large or bulky and exceed about 2,5 m in length. They are primarily explosive articles for military use. The limitations on the construction for EX/III vehicles (which are required to be closed vehicles) make it very difficult to load and unload such articles. Some articles would require specialist loading and unloading equipment at both ends of the journey. In practice, this equipment rarely exists. There are few EX/III vehicles in use in the UK and it would be extremely onerous on industry to require further specialist EX/III vehicles to be constructed to carry this type of explosive.

In the UK military explosives are mostly carried by commercial carriers and are thus unable to take advantage of the exemption for military vehicles in Directive 2008/68/EC. To overcome this problem, the UK has always permitted the carriage of up to 5 000 kg of such articles on EX/II vehicles. The present limit is not always sufficient because an article may contain more than 1 000 kg of explosive.

Since 1950 there have been only two incidents (both in the 1950s) involving blasting explosives with a weight above 5 000 kg. The incidents were caused by a tyre fire and a hot exhaust system setting fire to the sheeting. The fires could have occurred with a smaller load. There were no fatalities or injuries.

There is empirical evidence to suggest that correctly packaged explosive articles would be unlikely to ignite due to impact, e.g. from vehicle collisions. Evidence from military reports and from trials data on missile impact tests shows that it needs an impact velocity in excess of that created by the 12 metre drop test to bring about the ignition of cartridges.

Present safety standards would not be affected.

Expiry date: 30 June 2021

RO-a-UK-7

Subject: Exemption from supervision requirements for small quantities of certain Class 1 goods (N12).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.4 and 8.5 S1(6).

Content of the Annex to the Directive: Supervision requirements for vehicles carrying certain quantities of dangerous goods.

Content of the national legislation: Provides for safe parking and supervision facilities but does not require that certain Class 1 loads be supervised at all times as required in the ADR 8.5 S1(6).

Initial reference to the national legislation: *Carriage of Dangerous Goods by Road Regulations 1996, reg. 24.*

Comments: The supervision requirements of the ADR are not always feasible in a national context.

Expiry date: 30 June 2021

RO-a-UK-8

Subject: Easing of restrictions on transporting mixed loads of explosives, and explosives with other dangerous goods, in wagons, vehicles and containers (N4/5/6).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5.2.1 and 7.5.2.2.

Content of the Annex to the Directive: Restrictions on certain types of mixed loading.

Content of the national legislation: National legislation is less restrictive regarding mixed loading of explosives, providing such carriage can be accomplished without risk.

Initial reference to the national legislation: *Carriage of Dangerous Goods by Road Regulations 1996, Regulation 18.*

Comments: The UK wishes to permit some variations on the rules for mixing explosives with other explosives and for explosives with other dangerous goods. Any variation will have a quantity limitation on one or more constituent parts of the load and would only be permitted provided that "all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such goods".

Examples of variations the UK may want to permit are:

1. Explosives allocated on classification to UN Numbers 0029, 0030, 0042, 0065, 0081, 0082, 0104, 0241, 0255, 0267, 0283, 0289, 0290, 0331, 0332, 0360 or 0361 may be carried in the same vehicle with dangerous goods allocated on classification to UN Number 1942. The quantity of UN 1942 permitted to be carried shall be limited by deeming it to be an explosive of 1.1D.
2. Explosives allocated on classification to UN Numbers 0191, 0197, 0312, 0336, 0403, 0431 or 0453 may be carried in the same vehicle with dangerous goods (except flammable gases, infectious substances and toxic substances) in transport category 2 or dangerous goods in transport category 3, or any combination of them, provided the total mass or volume of dangerous goods in transport category 2 does not exceed 500 kg or l and the total net mass of such explosives does not exceed 500 kg.

3. Explosives of 1.4G may be carried with flammable liquids and flammable gases in transport category 2 or non-flammable, non-toxic gases in transport category 3, or in any combination of them in the same vehicle, provided the total mass or volume of dangerous goods when added together does not exceed 200 kg or l and the total net mass of explosives does not exceed 20 kg.
4. Explosive articles allocated on classification to UN Numbers 0106, 0107 or 0257 may be carried with explosive articles in Compatibility Group D, E or F for which they are components. The total quantity of explosives of UN Numbers 0106, 0107 or 0257 shall not exceed 20 kg.

Expiry date: 30 June 2021

RO-a-UK-9

Subject: Alternative to display of orange plates for small consignments of radioactive material in small vehicles.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3.2.

Content of the Annex to the Directive: Requirement for orange plates to be displayed on small vehicles carrying radioactive material.

Content of the national legislation: Permits any derogation approved under this process. The derogation requested is:

Vehicles must either:

- (a) be placarded according to the applicable provisions of ADR paragraph 5.3.2; or
- (b) in the case of a vehicle carrying not more than ten packages containing non-fissile or fissile excepted radioactive material and where the sum of the transport indexes of these packages does not exceed 3, may alternatively carry a notice complying with the requirements laid down in national legislation.

Initial reference to the national legislation: *The Radioactive Material (Road Transport) Regulations 2002, Regulation 5(4)(d)*.

Comments:

Expiry date: 30 June 2021

RO-a-UK-10

Subject: Transport of waste arising from care activities involving a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: all provisions.

Content of national legislation: Exemption from the requirements of Annex I, Section I.1 for the transport of waste arising from care activities involving a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Initial reference to the national legislation: This derogation was initially issued under The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 as amended.

Expiry date: 1 January 2023.

Based on Article 6(2)(b)(i) of Directive 2008/68/EC

BE Belgium

RO-bi-BE-4

Subject: Transport of dangerous goods in tanks for elimination by incineration.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 3.2.

Content of the national legislation: By derogation from the table in 3.2 it is permitted to use a tank-container with tank-code L4BH instead of tank-code L4DH for the carriage of water reactive liquid, toxic, III, n.o.s. under certain conditions.

Initial reference to the national legislation: *Dérogation 01 — 2002*.

Comments: This regulation may only be used for the short-distance transport of hazardous waste.

Expiry date: 30 June 2020

RO-bi-BE-5

Subject: Carriage of waste to waste disposal plants.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.2, 5.4, 6.1.

Content of the Annex to the Directive: Classification, marking and requirements concerning the packaging.

Content of the national legislation: Instead of classifying waste according to the ADR, waste is assigned to different groups (flammable solvents, paints, acids, batteries, etc.) to avoid dangerous reactions within one group. The requirements for the manufacture of packaging are less restrictive.

Initial reference to the national legislation: *Arrêté royal relatif au transport des marchandises dangereuses par route*

Comments: This regulation may be used for the carriage of small quantities of waste to disposal plants.

Expiry date: 31 December 2022

RO-bi-BE-6

Subject: Adoption of RO-bi-SE-5

Initial reference to the national legislation: *derogation 01-2004*

Expiry date: 31 December 2022

RO-bi-BE-7

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: *derogation 02-2003*

Expiry date: 31 December 2022

RO-bi-BE-8

Subject: Adoption of RO-bi-UK-2

Initial reference to the national legislation: *Arrêté royal relatif au transport des marchandises dangereuses par route*

Expiry date: 31 December 2022

RO-bi-BE-10

Subject: Transport in close proximity of industrial sites including transport on public road.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Annexes A and B.

Content of the national legislation: The derogations concern the documentation, the driver's certificate, labelling and/or marking of packages.

Initial reference to the national legislation: derogations 10-2012, 12-2012, 24-2013, 31-2013, 07-2014, 08-2014, 09-2014 and 38-2014.

Expiry date: 31 December 2022

RO-bi-BE-11

Subject: collection of butane-propane cylinders without conforming labelling

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.2.2.1.1

Content of the Annex to the Directive: gas cylinders need to have hazard labels affixed.

Content of the national legislation: during the collection of cylinders which contained UN 1965, the missing hazard labels don't need to be replaced if the vehicle is correctly labelled (model 2.1)

Initial reference to the national legislation: derogation 14-2016

Expiry date: 31 December 2022

RO-bi-BE-12

Subject: transport of UN 3509 in sheeted bulk containers

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.3.2.1

Content of the Annex to the Directive: UN 3509 has to be carried in closed bulk containers

Content of the national legislation: UN 3509 can be carried in sheeted bulk containers

Initial reference to the national legislation: derogation 15-2016

Expiry date: 31 December 2022

RO-bi-BE-13

Subject: transport of DOT cylinders

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.2.3.4 to 6.2.3.9

Content of the Annex to the Directive: gas cylinders need to be manufactured and tested according to Chapter 6.2 of ADR

Content of the national legislation: gas cylinders constructed and tested according to the prescriptions of United States Department of Transportation (DOT) can be used for transport of a limited list of gases annexed to the derogation

Initial reference to the national legislation: derogation BWV01-2017

Expiry date: 31 December 2022

DE Germany

RO-bi-DE-1

Subject: Waiving of certain indications in the transport document (n2).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.1.

Content of the Annex to the Directive: Contents of the transport document.

Content of the national legislation: For all classes except classes 1 (except 1.4S), 5.2 and 7:

No indication needed in the transport document:

- (a) for the consignee in case of local distribution (except for full load and for transport with certain routings);
- (b) for the amount and types of packaging, if 1.1.3.6 is not applied and if the vehicle is in conformity with all the provisions of Annex A and B;
- (c) for empty uncleaned tanks the transport document of the last load is sufficient.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 18.*

Comments: Applying all provisions would not be practicable as regards the kind of traffic concerned.

Derogation was registered by the Commission as No 22 (under Article 6(10) of Directive 94/55/EC).

Expiry date: 30 June 2021

RO-bi-DE-3

Subject: Transportation of packaged hazardous waste.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packaging (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 20.*

Comments: List No 6*.

Expiry date: 30 June 2021

RO-bi-DE-5

Subject: Local transport of UN 3343 (nitroglycerine mixture, desensitised, liquid, flammable, not otherwise specified, with not more than 30 % nitroglycerine by mass) in tank-containers, derogating from sub-section 4.3.2.1.1 of Annex I, Section I.1 to Directive 2008/68/EC.

Reference to Annex I, section I.1 to Directive 2008/68/EC: 3.2, 4.3.2.1.1.

Content of the Annex to the Directive: Provisions on the use of tank-containers

Content of the national legal provisions: local transport of nitroglycerin (UN 3343) in tank-containers, over short distances, subject to compliance with the following conditions:

1. Requirements for the tank-containers

1.1. Only tank-containers specifically authorised for this purpose may be used, which in other respects comply with the provisions on construction, equipment, authorisation of the construction model, tests, labelling and operation in Chapter 6.8 of Annex I, Section I.1 to Directive 2008/68/EC.

- 1.2. The tank-container's closing mechanism must have a pressure-release system which yields to an internal pressure of 300 kPa (3 bar) above normal pressure and in so doing frees an upward-facing opening with a pressure-release area of at least 135 cm² (diameter 132 mm). The opening must not re-close after being activated. As a safety installation, one or more safety elements with the same activation behaviour and a corresponding pressure-release area can be used. The construction type of the safety installation must have successfully undergone type testing and type approval by the authority responsible.

2. Labelling

Each tank-container is to be labelled on both sides with a danger label in accordance with model 3 in subsection 5.2.2.2.2 of Annex I, Section I.1 to Directive 2008/68/EC.

3. Operating provisions

- 3.1. It must be ensured that during transport the nitroglycerine is evenly distributed in the phlegmatisation medium and no de-mixing can take place.
- 3.2. During loading and unloading it is not permitted to remain in or on a vehicle, except in order to operate the loading and unloading equipment.
- 3.3. At the place of unloading, the tank-containers are to be completely emptied. If they cannot be completely emptied, they are to be closed tight after unloading until they are filled again.

Original reference to national legal provisions: derogation North Rhine-Westphalia

Remarks: This concerns local transport in tank-containers by road over short distances as part of an industrial process between two fixed production locations. In order to manufacture a pharmaceutical product, production location A delivers as part of a rule-compliant transport in 600 l tank-containers a resin solution, flammable (UN 1866), packaging group II, to production location B. Here a nitroglycerine solution is added and mixing takes place, producing a glue mixture containing nitroglycerine, desensitised, liquid, flammable, not otherwise specified, with not more than 30 % nitroglycerine by mass (UN 3343) for further use. The return transport of this substance to production location A also takes place in the said tank-containers, which have been specially checked and approved by the relevant authority for this specific transport operation and bear the tank code L10DN.

End of the period of validity: 30 June 2022

RO-bi-DE-6

Subject: Adoption of RO-bi-SE-6.

Initial reference to the national legislation: § 1 Absatz 3 Nummer 1 der Gefahrgutverordnung Straße, Eisenbahn und Binnenschifffahrt (GGVSEB)

Expiry date: 30 June 2021

RO-bi-DE-7

Subject: Adoption of RO-bi-BE-10

Initial reference to the national legislation:

Expiry date: 20 March 2021

DK Denmark

RO-bi-DK-1

Subject: UN 1202, 1203, 1223 and Class 2 — no transport document.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Transport document needed.

Content of the national legislation: When transporting mineral oil products in Class 3, UN 1202, 1203 and 1223 and gases in Class 2 in connection with distribution (goods to be delivered to two or more recipients and collection of returned goods in similar situations), a transport document is not required provided the written instructions besides the information requested in the ADR, contain information relating to the UN-No, name and class.

Initial reference to the national legislation: *Bekendtgørelse nr. 729 af 15.8.2001 om vejtransport af farligt gods.*

Comments: The reason for having that national derogation is that the development of electronic equipment makes it possible for e.g. the oil companies using such equipment to transmit continuously to the vehicles information about the customers. As this information is not available at the beginning of the transport operation and will be forwarded to the vehicle during the transport journey, it is not possible — before the transport begins — to draw up the transport documents. These kinds of transport are restricted to limited areas.

Derogation for Denmark for a similar provision under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2021

RO–bi–DK–2

Subject: Adoption of RO–bi–SE–6

Initial reference to the national legislation: *Bekendtgørelse nr. 437 af 6. juni 2005 om vejtransport af farligt gods, as amended.*

Expiry date: 30 June 2021

RO–bi–DK–3

Subject: Adoption of RO–bi–UK–1

Initial reference to the national legislation: *Bekendtgørelse nr. 437 af 6. juni 2005 om vejtransport af farligt gods, as amended.*

Expiry date: 30 June 2021

RO–bi–DK–4

Subject: Road transport of dangerous goods of certain classes from private households and enterprises to nearby waste collecting points or intermediate processing facilities for the purpose of disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1 to 9

Content of the Annex to the Directive: General provisions, classification provisions, special provisions, packing provisions, consignment procedures, requirements for the construction and testing of packagings, provisions concerning the conditions of carriage, loading, unloading and handling, requirements for vehicle crews, equipment, operation and documentation and requirements concerning the construction and approval of vehicles.

Content of the national legislation: Dangerous goods from private households and enterprises may under certain conditions be carried to nearby waste collecting points or intermediate processing facilities for the purpose of disposal. Different provisions shall be complied with depending on the character and risks related to the transport; such as the quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit, and whether carriage of dangerous goods is ancillary to the main activity of the enterprises or not.

Initial reference to the national legislation: *Bekendtgørelse nr. 818 af 28. juni 2011 om vejtransport af farligt gods § 4, stk. 3.*

Comments: It is not possible for waste managers and enterprises to apply all provisions of Annex I, Section I.1 to Directive 2008/68/EC when wastes that may contain residues of dangerous goods are carried from private households and/or enterprises to nearby waste collecting points for the purpose of disposal. The waste is typically packagings that have been originally carried according to the exemption of sub-section 1.1.3.1 (c) of Annex I, Section I.1 to Directive 2008/68/EC and/or sold in retail. However, exemption 1.1.3.1 (c) does not apply to carriage to waste collecting points, and provisions of chapter 3.4 of Annex I, Section I.1 to Directive 2008/68/EC are not appropriate for carriage of waste inner packagings.

Expiry date: 1 January 2025

EL Greece

RO-bi-EL-1

Subject: Derogation from the safety requirements for fixed tanks (tank-vehicles) with a gross mass of less than 4 t used for the local transport of gas oil (UN 1202), first registered in Greece between 1 January 1991 and 31 December 2002.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.6.3.6, 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5, 6.8.2.1.17-6.8.2.1.22, 6.8.2.1.28, 6.8.2.2, 6.8.2.2.1, 6.8.2.2.2.

Content of the Annex to the Directive: Requirements for construction, equipment, type approval, inspections and tests, and marking of fixed tanks (tank-vehicles), removable tanks and tank containers and tank swap bodies, with shells made of metallic materials, and battery-vehicles and MEGCs.

Content of the national legislation: Transitional provision: Fixed tanks (tank-vehicles) with a gross mass of less than 4 t used for the local transport of gas oil only (UN 1202), first registered in Greece between 1 January 1991 and 31 December 2002 whose shell thickness is less than 3 mm, may still be used. It is intended to cover local transport for vehicles registered during that period. This transitional provision will be in force for tank vehicles only if they are transformed according to 6.8.2.1.20 and adapted according to:

1. Paragraphs of the ADR for inspection and tests: 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5
2. Tanks shall fulfil the requirements of 6.8.2.1.28, 6.8.2.2.1 and 6.8.2.2.2.

In the field "Notes" of the vehicle's registration certificate, the following shall be written: "VALID UNTIL 30.6.2021".

Initial reference to the national legislation: Τεχνικές Προδιαγραφές κατασκευής, εξοπλισμού και ελέγχων των δεξαμενών μεταφοράς συγκεκριμένων κατηγοριών επικινδύνων εμπορευμάτων για σταθερές δεξαμενές (οχήματα-δεξαμενές), αποσυναρμολογούμενες δεξαμενές που βρίσκονται σε κυκλοφορία (Requirements for construction, equipment, inspections and tests of fixed tanks (tank-vehicles) and removable tanks in circulation, for some categories of dangerous goods).

Expiry date: 30 June 2021

ES Spain

RO-bi-ES-2

Subject: Special equipment for distribution of anhydrous ammonia.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.8.2.2.2.

Content of the Annex to the Directive: In order to avoid any loss of contents in the event of damage to the external fittings (pipes, lateral shut-off devices), the internal stop valve and its seating must be protected against the danger of being wrenched off by external stresses or be so designed as to resist such stresses. The filling and discharge devices (including flanges or threaded plugs) and protective caps (if any) must be capable of being secured against any unintended opening.

Content of the national legislation: Tanks used for agricultural purposes for the distribution and application of anhydrous ammonia which were brought into service before 1 January 1997 may be equipped with external, instead of internal, safety fittings, provided they offer protection at least equivalent to the protection provided by the wall of the tank.

Initial reference to the national legislation: *Real Decreto 97/2014. Anejo 1. Apartado 3.*

Comments: Before 1 January 1997 a type of tank equipped with external safety fittings was used exclusively in agriculture to apply anhydrous ammonia directly onto the land. Various tanks of this kind are still in use today. They are rarely driven, laden, on the road, but are used solely for fertiliser on large farms.

Expiry date: 28 February 2022

FI Finland

RO-bi-FI-1

Subject: Modification of information in the transport document for explosive substances.

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.2.1(a)

Content of the Annex to the Directive: Special provisions for Class 1.

Content of the national legislation:

In the transport document it is permissible to use the number of detonators (1 000 detonators correspond to 1 kg explosives) instead of the actual net mass of explosive substances.

Initial reference to the national legislation:

Finnish Transport Safety Agency Regulation on the Transport of Dangerous Goods by Road

Comments:

The information is considered sufficient for national transport. This derogation is used mainly for the blasting industry in respect of small amounts transported locally.

Expiry date: 30 June 2021

RO-bi-FI-3

Subject: Adoption of RO-bi-DE-1

Initial reference to the national legislation:

Expiry date: 28 February 2022

RO-bi-FI-4

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: Government Decree on a Driving Certificate for Drivers of Vehicles Carrying Dangerous Goods (401/2011)

Expiry date: 30 June 2021

FR France

RO-bi-FR-1

Subject: Utilisation of maritime document as transport document for short-distance trips following unloading of vessel.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1

Content of the Annex to the Directive: Information to appear in the document used as transport document for hazardous goods.

Content of the national legislation: The maritime document is used as transport document within a radius of 15 km.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route — Article 23-4.*

Expiry date: 30 June 2021

RO-bi-FR-3

Subject: Transport of fixed LPG storage tanks (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the national legislation: The transport of fixed LPG storage tanks is subject to specific rules. Applicable only to short distances.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route — Article 30.*

Expiry date: 30 June 2021

RO-bi-FR-4

Subject: Adoption of RO-bi-UK-2

Initial reference to the national legislation: *Arrêté du 29 mai 2009 modifié relatif aux transports de marchandises dangereuses par voies terrestres.*

Expiry date: 30 January 2022

RO-bi-FR-5

Subject: Adoption of RO-bi-BE-5

Initial reference to the national legislation: -

Expiry date: 30 June 2024

RO-bi-FR-6

Subject: Transport of waste containing free asbestos

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.4

Content of the Annex to the Directive: Packing instruction P002

Content of the national legislation: Transport of waste containing free asbestos (UN No 2212 ASBESTOS, AMPHIBOLE (amosite, tremolite, actinolite, anthophyllite, crocidolite) or UN No 2590 ASBESTOS, CHRYSOTILE) from construction sites:

— the waste is transported in tipper lorries,

— the waste is packaged in large “container bags” — folding bags of the dimensions of the tipper bed — that are closed tight so as to prevent asbestos fibres escaping during transport,

- the container bags are designed to withstand the stresses encountered under normal transport conditions and during unloading at the landfill site,
- the other conditions that apply under the ADR are fulfilled.

These transport conditions appear particularly suited to the transport of large quantities of waste produced by roadworks or asbestos removal from buildings. The conditions are also suited to the final storage of the waste at approved landfill sites and offer greater ease of loading and therefore better protection of workers from the asbestos compared with the conditions applicable under the P002 packing instruction in chapter 4.1.4 of the ADR.

Initial reference to the national legislation: -.

Expiry date: 30 June 2024

HU Hungary

RO-bi-HU-1

Subject: Adoption of RO-bi-SE-3

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2025

IE Ireland

RO-bi-IE-3

Subject: Exemption to allow the loading and unloading of dangerous goods, to which the special provision CV1 in 7.5.11 or S1 in 8.5 is assigned, in a public place without special permission from the competent authorities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5 and 8.5.

Content of the Annex to the Directive: Additional provisions concerning loading, unloading and handling.

Content of the national legislation: Loading and unloading of dangerous goods in a public place is permitted without special permission from the competent authority, in derogation from the requirements of 7.5.11 or 8.5.

Initial reference to the national legislation: *Regulation 82(5) of the "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: For national transport within the state, this provision places a very onerous burden on the competent authorities.

Expiry date: 30 June 2021

RO-bi-IE-6

Subject: Exemption from requirement in 4.3.4.2.2, which requires flexible filling and discharge pipes that are not permanently connected to the shell of a tank-vehicle to be empty during transport.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.3

Content of the Annex to the Directive: Use of tank-vehicles.

Content of the national legislation: Flexible hose reels (including fixed pipelines associated with them) attached to tank-vehicles engaged in the retail distribution of petroleum products with substance identification numbers UN 1011, UN 1202, UN 1223, UN 1863 and UN 1978 are not required to be empty during carriage by road, provided adequate measures are taken to prevent any loss of contents.

Initial reference to the national legislation: *Regulation 82(8) of the "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: Flexible hoses fitted to home delivery tank-vehicles must remain full at all times even during transport. The discharge system is known as a "wet-line" system that requires the tank-vehicle's meter and hose to be primed so as to ensure the customer receives the correct quantity of product.

Expiry date: 30 June 2021

RO-bi-IE-7

Subject: Exemption from some requirements of 5.4.0, 5.4.1.1.1 and 7.5.11 of the ADR for the transport in bulk of Ammonium Nitrate Fertilizer UN 2067 from ports to consignees.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.0, 5.4.1.1.1 and 7.5.11.

Content of the Annex to the Directive: The requirement for a separate transport document, with the correct total quantity for the particular load included, for each transport journey; and the requirement for the vehicle to be cleaned before and after the journey.

Content of the national legislation: Proposed derogation to allow modifications to the requirements of the ADR on the transport document and vehicle cleaning; to take account of the practicalities of bulk transport from port to consignee.

Initial reference to the national legislation: *Proposed amendment to "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: The provisions of the ADR require (a) a separate transport document, containing the total mass of dangerous goods carried for the particular load; and (b) the Special Provision "CV24" on cleaning for each and every load being transported between the port and the consignee during the unloading of a bulk ship. As the transport is local and as it concerns the unloading of a bulk ship, involving multiple transport loads (on the same or consecutive days) of the same substance between the bulk ship and the consignee, a single transport document, with an approximate total mass of each load, should suffice and it should not be necessary to require the Special Provision "CV24".

Expiry date: 30 June 2021

RO-bi-IE-8

Subject: Transport of dangerous goods between private premises and another vehicle in the immediate vicinity of the premises, or between two parts of private premises situated in the immediate vicinity of each other but separated by a public road.

Reference to the Annex of the Directive: Annex I, Section 1.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the carriage of dangerous goods by road.

Content of the national legislation: Disapplication of the regulations where a vehicle is being used to transfer dangerous goods

- (a) between private premises and another vehicle in the immediate vicinity of those premises; or
- (b) between two parts of private premises in the immediate vicinity of each other but which may be separated by a public road,

provided that the transport is carried out by means of the most direct route.

Initial reference to the national legislation: *European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 and 2013, Regulation 56.*

Comments: Various situations can occur where goods are transferred between two parts of private premises or between private premises and an associated vehicle which are separated by a public road. This form of transport does not constitute the carriage of dangerous goods in the usual sense, and thus the regulations pertaining to the carriage of dangerous goods do not need to be applied. See also RO-bi-SE-3 and RO-bi-UK-1.

Expiry date: 30 January 2025

NL *The Netherlands*

RO-bi-NL-13

Subject: Scheme for transport of domestic hazardous waste 2015

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6, 3.3, 4.1.4, 4.1.6, 4.1.8, 4.1.10, 5.1.2, 5.4.0, 5.4.1, 5.4.3, 6.1, 7.5.4, 7.5.7, 7.5.9, 8 and 9.

Content of the Annex to the Directive: Exemptions for certain quantities; special provisions; use of packaging; use of over-packaging; documentation; construction and testing of packaging; loading, unloading and handling; manning; equipment; operation; vehicles and documentation; construction and approval of vehicles.

Content of the national legislation: provisions relating to the transport of small collected domestic hazardous waste as well as domestic hazardous waste from businesses, which is supplied in appropriate packaging with a maximum capacity of 60 litres. Given the small quantities involved in each instance and given the diverse nature of the various substances, it is not possible to conduct the transport operations in total compliance with ADR rules. Accordingly, a simplified variant deviating from a number of provisions in the ADR is therefore stipulated under the abovementioned scheme.

Initial reference to the national legislation: *Scheme for transport of domestic hazardous waste 2015*.

Comments: The scheme was set up to enable individuals and businesses to deposit small chemical waste at a single location. The substances in question therefore consist of residues such as paint waste. The danger level is minimised by the choice of means of transport, involving, inter alia, the use of special transport elements and “no smoking” notices plus a yellow flashing light clearly visible to members of the public. The crucial point as far as transport is concerned is that safety is guaranteed. This can be achieved by, for instance, having the substances transported in sealed packagings so as to avoid dispersal, or the risk of toxic vapours leaking or accumulating in the vehicle. Incorporated in the vehicle are units suitable for storing the various categories of waste and providing protection against shunting and accidental displacement as well as inadvertent opening. At the same time, notwithstanding the small quantities of waste presented, the transport operator must have a certificate of professional competence, given the diverse nature of the substances involved. Because of the lack of knowledge on the part of private individuals regarding the danger levels associated with these substances, written instructions should be provided, as stipulated in the Annex to the scheme.

Expiry date: 30 June 2021

PT *Portugal*

RO-bi-PT-1

Subject: Transport documentation for UN 1965

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Requirements for transport documentation.

Content of the national legislation: The proper shipping name to be indicated in the transport document, as provided for in Section 5.4.1 of the RPE (*Regulamento Nacional de Transporte de Mercadorias Perigosas por Estrada*), for commercial butane and propane gases covered by the collective heading “UN No 1965 hydrocarbon gas mixture, liquefied, n.o.s.”, transported in cylinders, may be replaced by other trade names as follows:

“UN 1965 Butane” in the case of mixtures A, A01, A02 and A0, as described in subsection 2.2.2.3 of the RPE, transported in cylinders;

“UN 1965 Propane” in the case of mixture C, as described in subsection 2.2.2.3 of the RPE, transported in cylinders.

Initial reference to the national legislation: *Despacho DGTT 7560/2004, 16 April 2004, under Article 5, No 1, of Decreto-Lei No 267-A/2003 of 27 October.*

Comments: The importance of making it easier for economic operators to fill in transport documents for dangerous goods is recognised, provided that the safety of these operations is not affected.

Expiry date: 30 June 2021

RO-bi-PT-2

Subject: Transport documentation for empty uncleaned tanks and containers.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Requirements for transport documentation

Content of the national legislation: For the return journeys of empty tanks and containers that have transported dangerous goods, the transport document referred to in Section 5.4.1 of the RPE may be replaced by the transport document issued for the immediately preceding journey made to deliver the goods.

Initial reference to the national legislation: *Despacho DGTT 15162/2004, 28 July 2004, under Article 5, No 1, of Decreto-Lei No 267-A/2003, of 27 October.*

Comments: The obligation that the transport of empty tanks and containers that have contained dangerous goods be accompanied by a transport document in accordance with the RPE causes, in certain cases, practical difficulties, which can be kept to the minimum without prejudice to safety.

Expiry date: 30 June 2021

SE Sweden

RO-bi-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to Annex I, Section I.1 to Directive 2008/68/EC: Part 5 and 6

Content of the Annex to the Directive: Requirements for construction and testing of packages.

Content of the national legislation: Carriage of packagings containing dangerous goods as waste shall be carried out in accordance with the provisions of ADR from which only a few exemptions are allowed. Exemptions are not permitted for all types of substances and articles.

The main exemptions are:

Small packagings (less than 30 kg) of dangerous goods as waste may be packed in packagings, including IBCs and large packagings, without complying with the provisions of sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex I, Section I.1 to this Directive. Packagings, including IBCs and large packagings need not be tested as prepared for carriage with a representative sample of small inner packages.

This is permitted provided that:

— packagings, IBCs and large packagings conform to a type which has been tested and approved according to packing group I or II of the applicable provisions of Sections 6.1, 6.5 or 6.6 of Annex I, Section I.1 to this Directive,

- the small packagings are packed with absorbent material that retains any free liquid that might escape into the outer packagings, IBCs or large packagings during carriage, and
- the packagings, IBCs or large packagings as prepared for carriage have a gross mass of no more than the permitted gross mass stated on the UN design type marking for packing groups I or II for the packagings, IBCs or large packagings; and
- the following sentence is included in the transport document “Packed according to part 16 of ADR-S”

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act.*

Comments: Sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex I, Section I.1 to this Directive are difficult to apply because the packagings, IBCs and large packagings shall be tested with a representative sample of the waste, which is hard to predict on beforehand.

Expiry date: 30 June 2021

RO–bi–SE–2

Subject: The name and address of the consignor in the transport document.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.

Content of the Annex to the Directive: General information required in the transport document.

Content of the national legislation: National legislation states that the name and address of the consignor is not required if empty, uncleaned packaging is returned as part of a distribution system.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: Empty uncleaned packaging being returned will in most cases still contain small quantities of dangerous goods.

This derogation is mainly used by industries when returning empty uncleaned gas receptacles in exchange for full ones.

Expiry date: 30 June 2021

RO–bi–SE–3

Subject: Transport of dangerous goods in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods on public roads.

Content of the national legislation: Transport in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s). The derogations concern the labelling and marking of packages, transport documents, driver's certificate and certificate of approval according to 9.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: There are several situations in which dangerous goods are transferred between premises situated on opposite sides of a public road. This form of transport does not constitute carriage of dangerous goods on a private road and should therefore be associated with the relevant requirements. Compare also with Article 6(14) of Directive 96/49/EC.

Expiry date: 30 June 2021

RO-bi-SE-4

Subject: Transport of dangerous goods that have been seized by the authorities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annex A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods by road.

Content of the national legislation: Deviations from the regulations may be permitted if they are motivated by reasons of labour protection, unloading risks, submission of evidence etc.

Deviations from the regulations are permitted only if satisfactory safety levels are met during normal conditions of carriage.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: These derogations may be applied only by authorities seizing dangerous goods.

This derogation is intended for local transport e.g. of goods that have been seized by the police, such as explosives or stolen property. The problem with these types of goods is that one can never be sure of classifications. In addition, the goods are often not packed, marked or labelled in accordance with the ADR. There are several hundred such transportations carried out by the police every year. In the case of smuggled liquor, this must be transported from the place where it is seized to a facility where evidence is stored and then on to a facility for destruction; the latter two may be quite far apart from each other. The deviations permitted are: (a) each package does not need to be labelled; and (b) approved packages do not need to be used. However, each pallet containing such packages must be correctly labelled. All other requirements must be fulfilled. There are approximately 20 such transportations each year.

Expiry date: 30 June 2021

RO-bi-SE-5

Subject: Transport of dangerous goods in and in close proximity to ports.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.1.2, 8.1.5, 9.1.2

Content of the Annex to the Directive: Documents to be carried on the transport unit; every transport unit carrying dangerous goods must be equipped with the specified equipment; vehicle approval.

Content of the national legislation:

Documents (except for the driver's certificate) need not be carried on the transport unit.

A transport unit need not be equipped with the equipment specified in 8.1.5.

Tractors need not have a certificate of approval.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: Compare Directive 96/49/EC, Article 6(14).

Expiry date: 30 June 2021

RO-bi-SE-6

Subject: Inspectors' ADR training certificate.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.2.1.

Content of the Annex to the Directive: Drivers of vehicles must attend training courses.

Content of the national legislation: Inspectors who perform the yearly technical inspection of the vehicle do not need to attend the training courses mentioned in 8.2 or hold the ADR training certificate.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: In some cases, vehicles being tested in the technical inspection may be carrying dangerous goods as load, e.g. uncleaned, empty tanks.

The requirements in 1.3 and 8.2.3 are still applicable.

Expiry date: 30 June 2021

RO-bi-SE-7

Subject: Local distribution of UN 1202, 1203 and 1223 in tankers.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.6, 5.4.1.4.1.

Content of the Annex to the Directive: For empty uncleaned tanks and tank-containers the description shall be in accordance with 5.4.1.1.6. The name and address of multiple consignees may be entered in other documents.

Content of the national legislation: For empty, uncleaned tanks or tank-containers the description in the transport document according to 5.4.1.1.6 is not needed if the amount of the substance in the loading plan is marked with 0. The name and address of the consignees are not required in any document on board the vehicle.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Expiry date: 30 June 2021

RO-bi-SE-9

Subject: Local transport in relation to agricultural sites or construction sites.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4, 6.8 and 9.1.2.

Content of the Annex to the Directive: Transport document; Construction of tanks; Certificate of approval.

Content of the national legislation: Local transport in relation to agricultural sites or construction sites need not comply with some regulations:

- (a) the dangerous goods declaration is not required;
- (b) older tanks/containers not constructed according to 6.8 but according to older national legislation and fitted on crew wagons may still be used;
- (c) older tankers, not fulfilling the requirements in 6.7 or 6.8, intended for the transport of substances of UN 1268, 1999, 3256 and 3257, with or without road surface coating equipment, may still be used for local transport and in close proximity to road work places;
- (d) certificates of approval for crew wagons and tankers with or without road surface coating equipment are not required.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: A crew wagon is a kind of caravan for a work crew with a crew room and fitted with a non-approved tank/container for diesel fuel intended for the operation of forestry tractors.

Expiry date: 30 June 2021

RO-bi-SE-10

Subject: Tank transport of explosives.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.4.

Content of the Annex to the Directive: Explosives may be packaged only in accordance with 4.1.4.

Content of the national legislation: The competent national authority will approve vehicles intended for tank transport of explosives. Tank transport is permissible only for those explosives listed in the regulation or by special authorisation from the competent authority.

A vehicle loaded with explosives in tanks must be marked and labelled in accordance with 5.3.2.1.1, 5.3.1.1.2 and 5.3.1.4. Only one vehicle in the transport unit may contain dangerous goods.

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act and the Swedish regulation SÄIFS 1993:4.*

Comments: This is applicable only to domestic transport and when the transport operation is mostly of a local nature. The regulations in question were in force before Sweden joined the European Union.

Only two companies perform transport operations with explosives in tank-vehicles. In the near future transition to emulsions is expected.

Old derogation No 84.

Expiry date: 30 June 2021

RO-bi-SE-11

Subject: Driver's licence

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.2.

Content of the Annex to the Directive: Requirements concerning the training of the vehicle crew.

Content of the national legislation: Driver training is not permitted with any vehicle referred to in 8.2.1.1.

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act.*

Comments: Local transport.

Expiry date: 30 June 2021

RO-bi-SE-12

Subject: Carriage of UN 0335 fireworks.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annex B, 7.2.4, V2 (1)

Content of the Annex to the Directive: Provisions for the use of EX/II and EX/III vehicles.

Content of the national legislation: When carrying UN 0335 fireworks, Special Provision V2 (1) in 7.2.4 is applicable only to a net explosive content of more than 3 000 kg (4 000 kg with trailer), provided the fireworks have been assigned to UN 0335 according to the default fireworks classification table in 2.1.3.5.5 of the fourteenth revised edition of the UN Recommendations on the Transport of Dangerous Goods.

Such assignment shall be made with the agreement of the competent authority. A verification of the assignment shall be carried on the transport unit.

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act.*

Comments: The carriage of fireworks is limited in time to two short periods of the year, the turn of the year and the turn of the month April/May. The carriage from consignors to terminals can be effected by the present fleet of EX-approved vehicles without great problems. However, the distribution both of fireworks from terminals to shopping areas and of the surplus back to the terminal is limited due to a lack of EX-approved vehicles. The carriers are not interested in investing in such approvals because they cannot recover their costs. This places the whole existence of consignors of fireworks in jeopardy because they cannot get their products on the market.

When using this derogation, the classification of the fireworks must be made on the basis of the default list in the UN Recommendations, in order to get the most up-to-date classification possible.

A similar type of exception exists for UN 0336 fireworks incorporated in Special Provision 651, 3.3.1 of the ADR 2005.

Expiry date: 30 June 2021

RO-bi-SE-13

Subject: Adoption of RO-bi-DK-4

Legal basis: Directive 2008/68/EC, Article 6(2)(b)(i) (Local transport over short distances)

Reference to the Annex I, Section n I,1 to Directive 2008/68/EC: Parts 1 to 9.

Content of the Annex to the Directive:

Reference to national legislation: *Särskilda bestämmelser om visa inrikes transporter av farligt gods på väg och i terräng.*

Comments:

Expiry date: 30 June 2022

UK United Kingdom

RO-bi-UK-1

Subject: Crossing of public roads by vehicles carrying dangerous goods (N8).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the carriage of dangerous goods on public roads.

Content of the national legislation: Disapplication of the dangerous goods regulations to carriage within private premises separated by a road. For Class 7 this derogation does not apply to any provisions of the Radioactive Material (Road Transport) Regulations 2002.

Initial reference to the national legislation: *Carriage of Dangerous Goods by Road Regulations 1996, reg. 3 Schedule 2(3)(b); Carriage of Explosives by Road Regulations 1996, reg. 3(3)(b).*

Comments: A situation can easily occur where goods are transferred between private premises situated on both sides of a road. This does not constitute carriage of dangerous goods on a public road in the normal sense of the term, and none of the provisions of the dangerous goods regulations should apply in such a case.

Expiry date: 30 June 2021

RO-bi-UK-2

Subject: Exemption from prohibition on driver or driver's assistant opening packages of dangerous goods in a local distribution chain from a local distribution depot to a retailer or end-user and from the retailer to the end-user (except for Class 7) (N11).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.3.3.

Content of the Annex to the Directive: Prohibition on driver or driver's assistant opening packages of dangerous goods.

Content of the national legislation: Prohibition of opening packages is qualified by the proviso "Unless authorised to do so by the operator of the vehicle".

Initial reference to the national legislation: *Carriage of Dangerous Goods by Road Regulations 1996, reg. 12 (3)*.

Comments: If taken literally, the prohibition in the Annex as worded can create serious problems for retail distribution.

Expiry date: 30 June 2021

RO-bi-UK-3

Subject: Alternative carriage provisions for wooden casks containing UN 3065 of Packing Group III.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.4, 4.1, 5.2 and 5.3.

Content of the Annex to the Directive: Packaging and labelling requirements.

Content of the national legislation: Permits the carriage of alcoholic beverages of more than 24 %, but not more than 70 % alcohol by volume (Packing Group III) in non-UN approved wooden casks without danger labels, subject to more stringent loading and vehicle requirements.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7 (13) and (14)*.

Comments: This is a high-value product subject to government excise duty which must be moved between the distillery and bonded warehouses in secure sealed vehicles bearing government duty seals. The relaxation on packaging and labelling is taken into account in the additional requirements to ensure safety.

Expiry date: 30 June 2021

RO-bi-UK-4

Subject: Adoption of RO-bi-SE-12

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 Part 1*.

Expiry date: 30 June 2021

RO-bi-UK-5

Subject: Collection of used batteries for disposal or recycling.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Special Provision 636

Content of the national legislation: Permits the following alternative conditions for Special Provision 636 of Chapter 3.3:

Used lithium cells and batteries (UN 3090 and UN 3091) collected and presented for carriage for disposal between the consumer collecting point and the intermediate processing facility, together with other non-lithium cells or batteries (UN 2800 and UN 3028), are not subject to the other provisions of ADR if they meet the following conditions:

- They shall be packed in IH2 drums or 4H2 boxes conforming to the packing group II performance level for solids,
- Not more than 5 % of each package shall be lithium and lithium ion batteries,
- The maximum gross mass of each package shall not exceed 25 kg,
- The total quantity of packages per Transport Unit shall not exceed 333 kg,
- No other dangerous goods may be carried.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment 2007 part 1*.

Comments: Consumer collection points are usually in retail outlets and it is not practical to train large numbers of people to sort and package used batteries in accordance with ADR. The UK system would operate under guidelines set by the UK Waste and Resources Action Programme and would involve the supplying of suitable ADR compliant packaging and appropriate instructions.

Expiry date: 30 June 2021;

(2) in Annex II, Section II.3 is replaced by the following:

II.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: RA-a/bi/bii-MS-nn

RA = Rail

a/bi/bii = Article 6(2) a/bi/bii

MS = Abbreviation of Member State

nn = order number

Based on Article 6(2)(a) of Directive 2008/68/EC

DE Germany

RA-a-DE-2

Subject: Combined packaging authorisation.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 4.1.10.4 MP2.

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Class 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Class 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 21*.

Comments: List No 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

Expiry date: 30 June 2021

FR France

RA-a-FR-3

Subject: Transport for the needs of the rail carrier.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Information concerning hazardous materials to be indicated on the consignment note.

Content of the national legislation: Transport for the needs of the rail carrier of quantities not exceeding the limits set in 1.1.3.6 is not subject to the load declaration obligation.

Initial reference to the national legislation: *Arrêté du 5 juin 2001 relatif au transport des marchandises dangereuses par chemin de fer — Article 20.2.*

Expiry date: 30 June 2021

RA-a-FR-4

Subject: Exemption from the labelling of certain mail wagons.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Content of the national legislation: Only mail wagons carrying over 3 tonnes of a material in the same class (other than 1, 6.2 or 7) must be labelled.

Initial reference to the national legislation: *Arrêté du 5 juin 2001 relatif au transport des marchandises dangereuses par chemin de fer — Article 21.1.*

Expiry date: 30 June 2021

SE Sweden

RA-a-SE-1

Subject: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.

Content of the Annex to the Directive: Railway carriages carrying dangerous goods must display labels.

Content of the national legislation: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.*

Comments: There are quantity limits in the RID for goods designated as express goods. Therefore it is a small quantity issue.

Expiry date: 30 June 2021

UK United Kingdom

RA-a-UK-1

Subject: Carriage of items containing certain low-hazard radioactive material such as clocks, watches, smoke detectors, compass dials.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: Most requirements of the RID.

Content of the Annex to the Directive: Requirements concerning the carriage of Class 7 material.

Content of the national legislation: Total exemption from the provisions of the national regulations for certain commercial products containing limited quantities of radioactive material.

Initial reference to the national legislation: *Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 1996, reg. 2(6) (as amended by Schedule 5 of the Carriage of Dangerous Goods (Amendment) Regulations 1999)*.

Comments: This derogation is a short-term measure, which will no longer be required when similar amendments to the IAEA regulations are incorporated into the RID.

Expiry date: 30 June 2021

RA-a-UK-2

Subject: Easing of restrictions on transporting mixed loads of explosives, and explosives with other dangerous goods, in wagons, vehicles and containers (N4/5/6).

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 7.5.2.1 and 7.5.2.2.

Content of the Annex to the Directive: Restrictions on certain types of mixed loading.

Content of the national legislation: National legislation is less restrictive regarding mixed loading of explosives, providing such carriage can be accomplished without risk.

Initial reference to the national legislation: *Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 1996, reg. 2(6) (as amended by Schedule 5 of the Carriage of Dangerous Goods (Amendment) Regulations 1999)*.

Comments: The UK wishes to permit some variations on the mixing rules for explosives with other explosives and for explosives with other dangerous goods. Any variation will have a quantity limitation on one or more constituent parts of the load and would be permitted only if "all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such goods".

Examples of variations the UK may want to permit are:

1. Explosives allocated on classification to UN Numbers 0029, 0030, 0042, 0065, 0081, 0082, 0104, 0241, 0255, 0267, 0283, 0289, 0290, 0331, 0332, 0360 or 0361 may be carried in the same vehicle with the dangerous goods allocated on classification UN Number 1942. The quantity of UN 1942 that may be carried shall be limited by deeming it to be an explosive of 1.1D.
2. Explosives allocated on classification to UN Numbers 0191, 0197, 0312, 0336, 0403, 0431 or 0453 may be carried in the same vehicle with dangerous goods (except flammable gases, infectious substances and toxic substances) in transport category 2 or dangerous goods in transport category 3, or any combination of them, provided the total mass or volume of dangerous goods in transport category 2 does not exceed 500 kg or l and the total net mass of such explosives does not exceed 500 kg.
3. Explosives of 1.4G may be carried with flammable liquids and flammable gases in transport category 2 or non-flammable, non-toxic gases in transport category 3, or in any combination of them in the same vehicle, provided the total mass or volume of dangerous goods when added together does not exceed 200 kg or l and the total net mass of explosives does not exceed 20 kg.

4. Explosive articles allocated on classification to UN Numbers 0106, 0107 or 0257 may be carried with explosive articles in Compatibility Group D, E or F for which they are components. The total quantity of explosives of UN Numbers 0106, 0107 or 0257 shall not exceed 20 kg.

Expiry date: 30 June 2021

RA-a-UK-3

Subject: To allow different maximum total quantity per transport unit for Class 1 goods in categories 1 and 2 of table in 1.1.3.1.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 1.1.3.1.

Content of the Annex to the Directive: Exemptions related to the nature of the transport operation.

Content of the national legislation: To lay down rules regarding exemptions for limited quantities and mixed loading of explosives.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(7)(b)*.

Comments: To allow different limited quantity limits and mixed loading multiplication factors for Class 1 goods, namely "50" for Category 1 and "500" for Category 2. For the purpose of calculating mixed loads, the multiplication factors are to read "20" for Transport Category 1 and "2" for Transport Category 2.

Expiry date: 30 June 2021

RA-a-UK-4

Subject: Adoption of RA-a-FR-6.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.3.2.

Content of the Annex to the Directive: Relaxation of placarding requirement for piggyback carriage.

Content of the national legislation: The placarding requirement does not apply in cases where the vehicle placards are clearly visible.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7(12)*.

Comments: This has always been a UK national provision.

Expiry date: 30 June 2021

RA-a-UK-5

Subject: Distribution of goods in inner packagings to retailers or users (excluding those of classes 1, 4.2, 6.2, and 7) from local distribution depots to retailers or users and from retailers to end-users.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 6.1.

Content of the Annex to the Directive: Requirements for the construction and testing of packagings.

Content of the national legislation: Packagings are not required to have been allocated an RID/ADR or UN mark.

Initial reference to the national legislation: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007: Regulation 26*.

Comments: RID requirements are inappropriate for the final stages of carriage from a distribution depot to a retailer or user or from a retailer to an end-user. The purpose of this derogation is to allow the inner receptacles of goods for retail distribution to be carried on the rail leg of a local distribution journey without an outer packaging.

Expiry date: 30 June 2021

Based on Article 6(2)(b)(i) of Directive 2008/68/EC

DE Germany

RA-bi-DE-2

Subject: Transportation of packaged hazardous waste.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packagings (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 20.*

Comments: List No 6*.

Expiry date: 30 June 2021

RA-bi-DE-3

Subject: Local transport of UN 1381 (phosphorus, yellow, under water), Class 4.2, packaging group I, in railway tank wagons.

Reference to Annex II, section II.1 to Directive 2008/68/EC: 6.8, 6.8.2.3.

Content of the Annex to the Directive: Provisions for the construction of tanks and tank wagons. Chapter 6.8, subsection 6.8.2.3, requires type approval for tanks carrying UN 1381 (phosphorus, yellow, under water).

Content of the national legislation: Local transport of UN 1381 (phosphorus, yellow, under water), Class 4.2, packaging group I, over short distances (from Sassnitz-Mukran to Lutherstadt Wittenberg-Piesteritz and Bitterfeld) in railway tank wagons built according to Russian standards. The transport of the goods is subject to additional operational provisions laid down by the competent safety authorities.

Initial reference to the national legislation: *Ausnahme Eisenbahn-Bundesamt Nr. E 1/92.*

Expiry date: 30 January 2025

DK Denmark

RA-bi-DK-1

Subject: Carriage of dangerous goods in tunnels

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 7.5

Content of the Annex to the Directive: Loading, unloading and protective distances

Content of the national legislation: The legislation provides for alternative provisions than provided for in Annex II, Section II.1 to Directive 2008/68/EC regarding carriage through the rail tunnel of the fixed link across the Great Belt. These alternative provisions relate only to load volume and the distance between dangerous goods loads.

Initial reference to the national legislation: *Bestemmelser om transport af Eksplosiver i jernbanetunnellerne på Storebælt og Øresund, 11. maj 2017.*

Comments:

Expiry date: 30 June 2022

RA-bi-DK-2

Subject: Carriage of dangerous goods in tunnels

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 7.5

Content of the Annex to the Directive: Loading, unloading and protective distances

Content of the national legislation: The legislation provides for alternative provisions than provided for in Annex II, Section II.1 to Directive 2008/68/EC regarding carriage through the rail tunnel of the fixed link across Øresund. These alternative provisions relate only to load volume and the distance between dangerous goods loads.

Initial reference to the national legislation: *Bestemmelser om transport af Eksplosiver i jernbanetunnellerne på Storebælt og Øresund, 11. maj 2017.*

Comments:

Expiry date: 28 February 2022

SE Sweden

RA-bi-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to the Annex II, Section II.1 to Directive 2008/68/EC: Part 5 and 6.

Content of the Annex to the Directive: Requirements for construction and testing of packages.

Content of the national legislation: Carriage of packagings containing dangerous goods as waste shall be carried out in accordance with the provisions of this Directive from which only a few exemptions are allowed. Exemptions are not permitted for all types of substances and articles.

The main exemptions are:

Small packagings (less than 30 kg) of dangerous goods as waste may be packed in packagings, including IBCs and large packagings, without complying with the provisions of sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex II, Section II.1 to this Directive. Packagings, including IBCs and large packagings need not be tested as prepared for carriage with a representative sample of small inner packages.

This is permitted provided that:

- packagings, IBCs and large packagings conform to a type which has been tested and approved according to packing group I or II of the applicable provisions of Sections 6.1, 6.5 or 6.6 of Annex II, Section II.1 to this Directive,
- the small packagings are packed with absorbent material that retains any free liquid that might escape into the outer packagings, IBCs or large packagings during carriage, and
- the packagings, IBCs or large packagings as prepared for carriage has a gross mass of no more than the permitted gross mass stated on the UN design type marking for packing groups I or II for the packagings, IBCs or large packagings, and
- the following sentence is included in the transport document “Packed according to part 16 of RID-S”

Initial reference to the national legislation: *Appendix S — Specific regulations for the domestic transport of dangerous goods by rail issued in accordance with the Transport of Dangerous Goods Act.*

Comments: Sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex II, Section II.1 to this Directive are difficult to apply because the packagings, IBCs and large packagings shall be tested with a representative sample of the waste, which is hard to predict on beforehand.

Expiry date: 30 June 2021

Based on Article 6(2)(b)(ii) of Directive 2008/68/EC

DE Germany

RA-bii-DE- 1

Subject: Local transport of UN 1051 (Hydrogen Cyanide, stabilised, liquid, containing 1 % or less water by mass), in railway tank wagons, derogating from subsection 1 of Annex II, Section II. 1, to Directive 2008/68/EC.

Reference to Annex II, Section II. 1, to Directive 2008/68/EC: 3.2, 4.3.2.1.1.

Content of the Annex to the Directive: Ban on the transport of UN 1051 (hydrogen cyanide), stabilised, liquid, containing 1 % or less water by mass, in railway tank wagons, RID tanks).

Content of the national legislation: Local transport by rail on particular designated routes as part of a defined industrial process and closely controlled under clearly specified conditions. Transport takes place in tank wagons licensed specifically for this purpose and whose construction and fittings are continually adapted in line with the latest safety requirements. The transport process is regulated in detail by additional operational safety provisions in agreement with the relevant safety and emergency authorities and is monitored by the relevant supervisory authorities.

Original reference to national legal provisions: *Ausnahmezulassung Eisenbahn-Bundesamt, No E 1/97.*

End of the period of validity: 1 January 2023

RA-bii-DE-2

Subject: local transport on designated routes of UN 1402 (calcium carbide), packaging group I, in containers on wagons.

Reference to Annex II, section II.1 to Directive 2008/68/EC: 3.2, 7.3.1.1

Content of the Annex to the Directive: General provisions for transport in bulk. Chapter 3.2, Table A, does not allow calcium carbide to be carried in bulk.

Content of the national legislation: Local transport by rail of UN 1402 (calcium carbide), packaging group I, on specifically designated routes, as part of a defined industrial process and closely controlled under clearly specified conditions. The loads are transported in purpose-built containers in wagons. The transport of the goods is subject to additional operational provisions laid down by the competent safety authorities.

Initial reference to the national legislation: *Ausnahme Eisenbahn-Bundesamt Nr. E 3/10.*

Expiry date: 15 January 2024¹.

COMMISSION IMPLEMENTING DECISION (EU) 2019/1095**of 25 June 2019****amending Annex II to Decision 2007/777/EC as regards the entries for Bosnia and Herzegovina and Russia in the list of third countries or parts thereof from which the introduction into the Union of meat products and treated stomachs, bladders and intestines is authorised***(notified under document C(2019) 4285)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the introductory phrase of Article 8, the first subparagraph of point (1) of Article 8, point (4) of Article 8, and Article 9(4)(c) thereof,

Whereas:

- (1) Commission Decision 2007/777/EC ⁽²⁾ lays down, amongst other issues, the animal and public health conditions for the introduction into the Union of consignments of certain meat products and of treated stomachs, bladders and intestines which have undergone one of the treatments set out in Part 4 of Annex II thereto ('the commodities').
- (2) Part 2 of Annex II to Decision 2007/777/EC sets out a list of third countries or parts thereof from which the introduction into the Union of the commodities is authorised, provided that the commodities have undergone one of the treatments referred to therein. Part 4 of that Annex sets out a non-specific treatment 'A' and specific treatments 'B' to 'F' listed in descending order of severity of the animal health risk they are intended to eliminate.
- (3) Bosnia and Herzegovina has requested to be listed in Part 2 of Annex II to Decision 2007/777/EC as third country from which the introduction into the Union of commodities which have been obtained from poultry and farmed feathered game (except ratites) is authorised.
- (4) Commission Regulation (EC) No 798/2008 ⁽³⁾ lays down, amongst other issues, a list of third countries, territories, zones or compartments from which consignments of poultry and certain poultry commodities may be imported into and transit through the Union. Regulation (EC) No 798/2008, as recently amended by Commission Implementing Regulation (EU) 2019/298 ⁽⁴⁾, authorises the import into and transit through the Union of meat of poultry from Bosnia and Herzegovina, on the basis of the favourable outcome of a Commission audit to evaluate the animal health controls in place for meat of poultry intended for the Union. That audit evaluated also the animal health controls in place for meat products from poultry and farmed feathered game (except ratites), with a favourable outcome. Therefore, Decision 2007/777/EC should also authorise the introduction into the Union of commodities obtained from poultry and farmed feathered game (except ratites) which have undergone a non-specific treatment 'A' and Bosnia and Herzegovina should be listed in Part 2 of Annex II to Decision 2007/777/EC for that purpose. In addition, the current entry for that third country in that Annex needs to be adapted to cover this new authorisation. The entry for Bosnia and Herzegovina in that Annex should therefore be amended accordingly.
- (5) Decision 2007/777/EC currently authorises the introduction into the Union of commodities obtained from poultry and farmed feathered game (except ratites) from Russia, subject to those commodities having undergone a non-specific treatment 'A' and Russia is duly listed in Part 2 of Annex II to Decision 2007/777/EC for that purpose.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC (OJ L 312, 30.11.2007, p. 49).

⁽³⁾ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/298 of 20 February 2019 amending Annex I to Regulation (EC) No 798/2008 as regards the entries for Belarus, Bosnia and Herzegovina and Japan in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union (OJ L 50, 21.2.2019, p. 20).

- (6) On 17 November 2016, Russia confirmed the presence of HPAI of subtype H5N8 on its territory. Since November 2016, Russia has confirmed several outbreaks of HPAI in poultry holdings on its territory. Due to those outbreaks since November, 2016 Russia cannot be considered as free from that disease. Therefore, in order to prevent the introduction of the HPAI virus into the Union, the introduction into the Union of commodities obtained from poultry and farmed feathered game (except ratites) from Russia should be authorised, but subject to such commodities having undergone the specific treatment 'D', as set out in Part 4 of Annex II to Decision 2007/777/EC. The entry for Russia in Part 2 of Annex II to Decision 2007/777/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 2007/777/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 June 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

Part 2 of Annex II to Decision 2007/777/EC is amended as follows:

(1) the entry for Bosnia and Herzegovina is replaced by the following:

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game (except ratites)	Farmed ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian (excluding ungulates, solipeds and leporidae)
'BA	Bosnia and Herzegovina	A ⁽³⁾	XXX	XXX	XXX	A	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX'

(2) the entry for Russia is replaced by the following:

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game (except ratites)	Farmed ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian (excluding ungulates, solipeds and leporidae)
'RU	Russia RU	XXX	XXX	XXX	XXX	D	XXX	A	C	C	XXX	A	XXX	A
	Russia ⁽³⁾ RU-1	C	C	C	B	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
	Russia RU-2	C or D1	C or D1	C	B	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX'

CORRIGENDA**Corrigendum to Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC**

(Official Journal of the European Union L 143 of 30 April 2004)

On the cover, in the table of contents, and on page 87, in the title:

for: 'Directive 2004/42/CE',

read: 'Directive 2004/42/EC'.

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



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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