CABINET OF MINISTERS OF UKRAINE

RESOLUTION

of 2014 No

Kiev

On approval of the Technical Regulation on environmental labelling,

the Cabinet of Ministers of Ukraine orders as follows:

1. The attached Technical Regulation on environmental labelling and the action plan for its implementation shall be approved.

2. The Ministry of Ecology and Natural Resources of Ukraine shall implement the Technical Regulation on environmental labelling approved by this Resolution.


4. This order shall enter into force six months after the date on which it is published.

Prime Minister of Ukraine

A. Yatsenyuk
Technical Regulation on environmental labelling


2. This Technical Regulation applies to goods and services that are supplied for distribution, consumption or use in Ukraine, whether in return for payment or free of charge. This Technical Regulation does not apply to:
   - medicinal products for human use;
   - veterinary preparations;
   - medical devices;
   - goods containing substances, preparations or compounds classified under Ukrainian regulations and standards as toxic, mutagenic, carcinogenic or hazardous to the natural environment, apart from certain categories of products that cannot be replaced by alternatives for technical reasons or the general environmental characteristics of which are considerably better than those of other products belonging to the same category on condition that the hazardous substances do not account for more than 0.1% of the product by weight;
   - organic products and raw materials.

3. For the purposes of this Technical Regulation, the following definitions shall apply:
   - 'environmental impact' means any change to the natural environment resulting wholly or partly from goods or services (hereinafter referred to as products) during their life cycle;
   - 'environmental certification' means a procedure during which an environmental labelling body certifies that the products meet the set environmental criteria;
   - 'environmental labelling' means a succinct inscription, symbol or image affixed to the labelling or packaging of the products or included in the product documentation, technical reports, advertising material, etc. in order to draw attention to the environmental benefits of the products in terms of set environmental criteria, endorsed by a certificate of conformity;
   - 'environmental labelling symbol' means a logo as an environmental labelling element legally belonging to an environmental labelling body;
   - 'environmental criteria for products' (hereinafter referred to as environmental criteria) are environmental requirements that must be met by products when they are subject to environmental labelling;
   - 'environmental characteristics' are the results of measuring the impact of products on the natural environment and human health;
   - 'product life cycle' means the successive interconnected stages of the production process from acquisition of the raw materials or use of the natural resources to final disposal of the products;
   - 'green products' means products that are environmentally certified as meeting the environmental criteria and therefore as having improved environmental characteristics at all stages of the life cycle;
   - body for assessing the compliance of products with set environmental criteria (hereinafter
referred to as an environmental labelling body), which is independent of the operator and the activities of which include the operation of an environmental labelling programme in accordance with the requirements of national standard DSTU ISO 14024:2002 Environmental labelling and declarations. Type I environmental labelling Principles and methods for verifying compliance with the requirements of national standards setting general requirements for bodies operating product certification systems; 'environmental labelling programme' means a voluntary programme that meets the requirements of national standard DSTU ISO 14024 Environmental labelling and declarations. Type I environmental labelling Principles and methods and makes it possible to use environmental labelling for products to show a reduction of the environmental impact of the products in the relevant category. Other terms are used with the definitions set out in the Ukrainian State Code and the Ukrainian laws On standards, technical regulations and compliance assessment procedures, On standardisation, On the accreditation of compliance assessment bodies, On certifying compliance, On the safety and quality of food products, On the general safety of non-food products and On the protection of consumers' rights.

Basic requirements for the application of environmental labelling

4. Environmental labelling shall be applied by the operator to products that have been assessed to determine their compliance with the environmental criteria laid down for the category of products in question on the basis of a contract concerning the right to apply environmental labelling.

5. Environmental labelling must include the registration number of the certificate of conformity.

An environmental labelling symbol may be used as an environmental labelling element.

6. The location of the environmental labelling shall be chosen at the discretion of the operator, in such a way that it provides the maximum possible information.

7. This Technical Regulation prohibits the use of environmental labelling for goods and services that have not undergone environmental certification, including the use of the following phrases: "environmentally friendly", "environmentally safe", "good for the environment", "good for the soil", "non-polluting", "green", "good for nature", "good for the ozone layer", "pure", "natural", words with the prefix "eco" and any other phrases indicating that the products have environmental benefits.

Environmental labelling bodies

8. Products shall be environmentally certified by an environmental certification body. An environmental labelling body may not:
be the designer, manufacturer or supplier (or be involved in these types of activity) or the owner, user or keeper of the products assessed by it, with the exception of products for its own consumption;
be the representative of an operator applying for the right to use environmental labelling;
carry out any type of activity that might affect the independence of its opinions or impartiality with regard to the environmental certification activities in which it is involved, in particular the provision of consultancy services or advice to an operator that has applied for certification in respect of its products.
9. In order to carry out environmental certification, an environmental labelling body must have:
   a quality management system methodology that is followed in order to assess compliance;
   a methodology for applying environmental criteria to the system for environmentally certifying products;
   a methodology for carrying out the activities of an environmental labelling body, determining its tasks, the number of staff needed to carry out environmental labelling, the level of sophistication of the technology for manufacturing the products and the nature of the production process (batch or series production);
   the logistical basis needed to ensure that the environmental certification tasks are carried out;
   an environmental labelling symbol registered under the legislation in force and rules laid down for its use by operators in connection with the environmental labelling of products.

   The staff of an environmental labelling body must have the necessary education, training, experience in performance of environmental certification tasks and skills in preparing the associated reports.

10. An environmental labelling body shall participate in the activities of the consultation committee of environmental labelling bodies and pass on to its staff the information received as a result of the work of the committee, recommendations and documentation.

11. An environmental labelling body must:
   ensure the impartial, consistent performance of environmental certification in line with the set environmental criteria as laid down in the requirements of this Technical Regulation, the set methodologies and international, national and other standards;
   when the products have been found to meet the environmental criteria, issue the operator with a certificate of conformity and give the operator the right to use environmental labelling for a set period;
   observe confidentiality and prevent the disclosure or use for any purpose unconnected to environmental certification of the information to which it gains access in the course of environmental certification or inspection, ensure the information is protected against falsification.

12. An environmental labelling body shall prepare annual reports on its activities and publish them on the official website and/or in the mass media.

   Environmental criteria

13. Environmental criteria shall be prepared in accordance with the strategic objectives of state environmental policy, taking account of the best environmental efficiency indices, the rules and standards in force and the lists and classifications of the most widespread hazardous pollutants and waste products.

14. Environmental criteria shall be based on environmental characteristics individually determined for a particular category of products and additional requirements determining the impact of the products throughout their life cycle on the natural environment and human health.

15. Environmental criteria shall be determined on a scientific basis taking account of environmental characteristics at all stages of the life cycle of the products. When determining such criteria, it is necessary to take account of:

   the impact of the products on the natural environment when the raw materials are
obtained (extracted) and during production, consumption and disposal (recycling), in
particular on climate change, biological diversity and energy consumption, natural
resources and man-made waste products;
the possibility of replacing hazardous with safer materials and the use of innovative
technologies in so far as this is technically feasible;
reduction in the impact of the products on the natural environment by increasing the
period of use (durability) and reuse of the products;
an overall balance between economic benefits and the burden on the natural environment
and human health during the various stages in the product life cycle;
environmental criteria established by other international, national and regional
environmental labelling programmes that comply with the requirements of national
standard DSTU ISO 14024:2002 Environmental labelling and declarations. Principles
and methods;
the possibility of replacing animal testing with other methods and reducing the amount of
such testing.

16. Environmental criteria must be determined taking account of the most significant
environmental characteristics of products throughout their life cycle and also the means
of conducting qualitative and quantitative measurements regarding the impact of the
products on the natural environment and human health.

Preparation of environmental criteria

17. During the preparation of environmental criteria for reducing the impact on the
natural environment and human health, it is necessary to fully investigate and take
account of the potential impact of particular media or stages in the product life cycle in
terms of the requirements of standard DSTU ISO 1404:2004 Environmental labelling.
Assessment of the life cycle. Principles and structure.

18. Environmental criteria shall be prepared by:
The Ministry of Ecology and Natural Resources;
interested parties.

19. Any interested party may initiate and/or participate in the preparation and/or
review of environmental criteria in so far as experts are available with the requisite
knowledge and experience with regard to the manufacture of products belonging to the
category in question.

20. An interested party shall submit proposals regarding the preparation of
environmental criteria to the Ministry of Ecology and Natural Resources.

21. Work on the preparation of environmental criteria shall be paid for by customers.
Financing may be obtained from the following sources:
expected costs for the completion of programmes and projects;
operators' costs;
other sources not prohibited by law.

22. The preparation of environmental criteria shall include the writing of:
a preliminary report;
draft environmental criteria;
a technical report to support the draft environmental criteria;
a final report;
a manual for potential users of environmental labelling and environmental labelling
bodies;
a manual for official bodies awarding public contracts.

23. The preliminary technical report must include:
   indication, using quantitative or qualitative indices, of the potential benefit from the use of additional environmental requirements for the relevant category of products;
   reasons for the choice of the selected category of products;
   an examination of possible issues relating to barriers to trade;
   the results of an analysis of current international practice regarding the use of environmental criteria for the relevant category of products;
   legislation regulating matters with regard to the manufacture of the relevant category of products;
   proposals concerning the possible replacement of hazardous with safer substances through the use of alternative substances or innovative technologies;
   data concerning the internal market for the relevant category of products (its size in terms of value and volume, exports and imports);
   the current and future potential development of the internal and international market for products with environmental labelling;
   identification of the most significant types of environmental impact associated with the selected category of products on the basis of the results of analysing the life cycle;
   reference to the sources of the information used to prepare the report. 

The Ministry of Ecology and Natural Resources shall publish the preliminary technical report on its website to enable interested parties to submit proposals concerning the preparation of environmental criteria.

24. The draft environmental criteria and the associated technical report shall be prepared following publication of the preliminary technical report.

25. Environmental criteria must:
   be based on the best environmental characteristics of the products and be achievable by no fewer than 20% of the products of the selected category present on the national market. The percentage shall be determined in each particular case in order to promote the products with the best environmental characteristics and ensure sufficient choice for the consumer;
   take account of an overall balance between economic benefit and environmental aspects at different stages in the life cycle of products, including aspects linked to health and safety and social and ethical aspects, if applicable;
   limit the most significant impact of the products on the natural environment and human health and be determined using essential environmental aspects of the products;
   be suitable for the performance of environmental certification in accordance with the requirements of the Technical Regulation;
   be based on reliable data and information concerning impacts on the natural environment and human health throughout the life cycle of the products in order to determine the environmental benefit of the relevant category of products;
   be set within genuinely attainable limits in view of the means available for attaining them and the accuracy the accuracy with which they can be estimated;
   include the comments and proposals of all the interested parties;
   be harmonised with the legislation concerning the relevant category of products when periods, definitions, testing methods and technical documentation are determined;
   take account of state policy for the development of the relevant sector to which the relevant category of products belongs and the environmental criteria laid down for similar categories of products;
   During the preparation of environmental criteria for food products or animal feed,
attention must be given to the possibility of avoiding the use of chemical fertilisers and/or artificial food additives.

26. Qualitative and quantitative indices must be used when the environmental criteria are prepared, in order to lower the limits restricting impact on the natural environment and human health. The indices may take the form of minimum limits that must not be exceeded or systems of coordinates, or some other form.

27. The draft environmental criteria shall be prepared by: inventoring the relevant incoming and outgoing flows of materials, resources and energy; assessing potential impacts on the natural environment and human health associated with the flows; inventoring the results of stocktaking and the stages in assessment of the impacts.

28. Draft environmental criteria must be comprehensible and achievable.

29. The technical report on the environmental criteria must include: a scientific explanation for each requirement that is set; quantitative determination of all the environmental characteristics that are to be limited and the results of analysing the limits in relation to the products on the market; the results of assessing the expected environmental, economic and social impact of the environmental criteria in general; test methods used to assess various categories of products; information about costs relating to testing and a list of information and supporting documentation from the operator for the purposes of environmental certification.

30. Following preparation of the draft environmental criteria and the associated technical report, they shall be published for discussion by the Ministry of Ecology and Natural Resources on its official website or in the mass media. The period allowed for public discussion and the submission of comments, recommendations and proposals concerning these documents shall be no longer than 60 days following their date of publication. For the purpose of discussion of the environmental criteria and the associated technical report, the Ministry of Ecology and Natural Resources shall hold no fewer than two open meetings of the working group, inviting all the interested parties. The drafter of the environmental criteria and the associated technical report shall supply all the interested parties with the corresponding documents no later than one month in advance of the first meeting of the working group. Comments, recommendations and proposals concerning the draft environmental criteria and the associated technical report discussed at the first meeting shall be published by the Ministry of Ecology and Natural Resources on its official website or in the mass media no later than one month in advance of the next meeting of the working group. After the end of the period allowed for public discussion, the Ministry of Ecology and Natural Resources shall examine the comments, recommendations and proposals received and accept or reject them at an open meeting.

31. The final draft of the environmental criteria and the associated technical report shall be revised following examination of the proposals submitted.

32. The final draft of the technical report shall comprise: a description of all the comments, recommendations and proposals and explanations of the decisions taken to accept or reject them;
a brief explanation for the introduction of the environmental criteria;
references to the sources used during preparation of the criteria and copies of the
documents examined;
a list of all the interested parties that participated in discussion of the draft environmental
criteria;
explanatory notes;
proposals concerning the marketing and advertising strategies for the selected category of
products.

33. The final draft of the environmental criteria and the associated technical report
shall be sent by the drafter to the central executive bodies for approval according to their
areas of activity.

34. The drafter of the environmental criteria must prepare instructions for users and
environmental labelling bodies concerning the use of the environmental criteria to assess
products of the relevant category and instructions for use of the environmental criteria
during compilation of the competition documentation for official procurement of
products of the relevant category.

35. The draft environmental criteria shall be approved by the Ministry of Ecology and
Natural Resources.

36. If preparation is solely of the draft environmental criteria and the associated
technical report and the instructions for potential users of environmental labelling and
environmental labelling bodies, an accelerated procedure shall be used to prepare the
environmental criteria.
For this purpose:
it shall be stated in the technical report that the requirements of the Technical Regulation
concerning the preparation of environmental criteria have been met;
if examination of the draft environmental criteria and the associated technical report
shows that all the requirements of the Technical Regulation have been met, the Ministry
of Ecology and Natural Resources shall publish them on its official website or in the
mass media. The period for the submission of comments, recommendations and
proposals shall be no less than 60 calendar days before the date of completion of the
work on the draft environmental criteria and the associated technical report;
the drafter of the environmental criteria and the associated technical report shall examine
all the comments, recommendations and proposals submitted and if it rejects them, give
reasons for doing so;
any decision to reject or accept any amendments or supplements to the draft
environmental criteria and the associated technical report must be explained and duly set
out in writing.

37. If amendments are made to legislation and regulations regarding the use of
innovative technologies that change the nature of the products of the relevant category or
regarding the availability of new environmental information and changes in market
demand, the environmental criteria shall be reviewed a year before the end of their period
of validity.
Only the draft amendments and supplements to the environmental criteria and the
associated technical report shall be prepared for this purpose.
The technical report shall contain:
an explanation of why there is no need for a full review of the environmental criteria and
it is sufficient simply to renew the criteria;
updating of the previous market data used to determine the environmental criteria;
proposals concerning the draft review of the environmental criteria;
quantification of all the environmental characteristics that are to be limited and the results of analysing the limits in relation to the products on the market; revised instructions for potential users of the environmental labelling and environmental labelling bodies; draft amendments and supplements to the environmental criteria and the associated technical report shall be published by the Ministry of Ecology and Natural Resources on its official website or in the mass media for public discussion. The period for the submission of comments, recommendations and proposals shall be no less than 60 calendar days in advance of completion by the working group of the review of the draft environmental criteria and the associated technical report. The drafter of the environmental criteria shall examine all the comments, recommendations and proposals submitted and if it rejects them, provide the interested party with its reasons for doing so and submit the final draft of the environmental criteria and the associated technical report to the central executive bodies for approval according to their areas of activity. The Ministry of Ecology and Natural Resources shall approve the environmental criteria on condition that no request for an open meeting is made by an interested party. If an open meeting is held, the Ministry of Ecology and Natural Resources shall approve the environmental criteria taking account of the comments, recommendations and proposals received during the discussion at the open meeting.

Introduction of the environmental criteria

38. During the month following the approval of the environmental criteria, the Ministry of Ecology and Natural Resources shall prepare measures for the introduction of the environmental criteria, including determination of the period of validity of the environmental criteria.

39. The environmental labelling body shall introduce the requirements relating to the environmental criteria to the system for the environmental certification of products.

Obtaining the right to use environmental labelling

40. In order to obtain the right to use environmental labelling, an operator must undergo environmental certification by an environmental labelling body in respect of its products.

41. In order to undergo environmental certification to show that its products meet the set environmental criteria, an operator shall apply to an environmental labelling body for the environmental certification of its products.

42. An application for the environmental certification of products shall include:
- the full name, location and telephone number of the operator;
- a full description of the products, indicating their category;
- the documentation necessary for assessment of the relevant category of the products as requested by the environmental labelling body;
- the documentation provided for by the measures to introduce environmental labelling.

43. Within two months of receipt of the application, the environmental labelling body shall check whether the submitted documentation is complete and shall inform the operator of the results of the check.

44. Environmental labelling bodies may take account of the results of tests carried out by laboratories that are accredited under DSTU ISO/IEC 17025:2006 General
requirements regarding the competence of test and calibration laboratories and the results of checks made by environmental auditors, other environmental labelling bodies and bodies that are accredited under national standards laying down general requirements for bodies operating product certification systems.

45. If the environmental criteria provide for checking of production by an operator, such a check shall be carried out by the environmental labelling body.

46. When the operator has submitted a full set of the necessary documentation and the products have been found to meet the set environmental criteria, the environmental labelling body shall issue a certificate of conformity with a registration number to the operator and conclude an agreement concerning the right to use environmental labelling during the period of validity of the certificate.

47. The cost of examining the documentation submitted by the operator, environmentally certifying that the products comply with the set environmental criteria and issuing the certificate of conformity shall be determined by the environmental labelling body.

48. The environmental labelling body shall be responsible for adhering to the environmental certification procedure and awarding the right to use environmental labelling for the products of the operator.

49. The environmental labelling body shall inform the Ministry of Ecology and Natural Resources in writing of the results of the environmental certification of products to determine whether they meet the set environmental criteria, on the basis of which the products can be sold with environmental labelling.

50. The environmental labelling procedure shall be carried out impartially in accordance with the environmental legislation in force and the regulatory requirements concerning various stages in the life cycle of the products.

51. The right to use environmental labelling shall not include its use as a component of a trademark.

52. If the products are found not to comply with the set environmental criteria, the operator that has been granted the right to use environmental labelling must immediately cease using the environmental labelling and inform the environmental labelling body of the non-compliance.

The operator must immediately inform the environmental labelling body of any changes that might affect the continuous compliance of the products with the environmental criteria.

The environmental labelling body shall be obliged to examine within a month any changes in the composition of the products or in its production processes that might affect its compliance with the set environmental criteria.
### ACTION PLAN

for implantation of the Technical Regulation on Environmental Labelling

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<td>Section 10</td>
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</tbody>
</table>