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⁽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.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2021/598**of 14 December 2020****supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for assigning risk weights to specialised lending exposures***(Text with EEA relevance)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular the third subparagraph of Article 153(9) thereof,

Whereas:

- (1) Under the Internal Ratings Based Approach ('IRB Approach'), for specialised lending exposures in respect of which an institution is not able to estimate PDs or the institutions' PD estimates do not meet certain requirements, institutions are to assign risk weights to specialised lending exposures in accordance with Article 153(5) of Regulation (EU) No 575/2013 by attributing them to one of the categories in Table 1 set out in the first subparagraph of Article 153(5) based on their assessment of the specialised lending exposure against each of the factors referred to in its second subparagraph. In order to ensure a harmonised approach to the assignment of the specialised lending exposures to categories, it should be laid down how those factors are to be taken into account by providing for a calculation of values on the basis of which the factors can be linked to the risk categories of that Table. As the specialised lending exposures belong to the corporate exposure class within the IRB Approach and as the method for assigning risk weights to such exposures specified in Article 153(5) of Regulation (EU) No 575/2013 is a form of rating system, the regulatory technical standards for assigning risk weights to specialised lending exposures set by this Regulation should apply in addition to the general rules concerning the assignment of risk weights to corporate exposures and other requirements with regard to rating systems under the IRB Approach.
- (2) In order for the institutions to adequately apply each of those factors, they should be further specified in the form of sub-factors with a view to clarifying the assessment criteria for each situation. In order to adequately assess the sub-factors, it is necessary to further specify some sub-factors in sub-factor components.
- (3) In order to reflect the internationally agreed standards on assigning risk weights to specialised lending exposures, as specified by the Basel Committee on Banking Supervision in the Basel II framework ⁽²⁾, and to take into account the large number of variations in specialised lending exposures, different assessment criteria should be applied to each of

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ International Convergence of Capital Measurement and Capital Standards, A Revised Framework, Comprehensive Version, June 2006.

those classes of specialised lending exposures when applying the factors. Before assigning a risk weight to a specialised lending exposure, institutions should determine to which of those classes the specialised lending exposure most closely corresponds.

- (4) Where an obligor is in default, institutions should assign the risk weight category 5 in Table 1 of Article 153(5) of Regulation (EU) No 575/2013 and the highest expected loss category, i.e. category 5 in Table 2 of Article 158(6) of that Regulation, to the specialised lending exposure in line with the Basel II framework.
- (5) The attribution by the institutions of a category to each factor should be done on the basis of an overall assessment taking into consideration the categories attributed to the sub-factors of the factor as well as the relative importance which each sub-factor has for the type of specialised lending exposure. The same procedure should be followed when attributing a category to sub-factors where a sub-factor is further specified in sub-factor components.
- (6) In order to achieve the greatest possible accuracy and consistency in the assignment of specialised lending exposures to categories, the institutions should attribute a weight to each factor having regard to its relative importance for the type of specialised lending exposures and determine the weighted average of the values of the categories which have been attributed to the factors. In order to ensure that the institutions assign these weights in a sufficiently prudent way, a lower and an upper limit should be set for the weight that can be assigned to each factor.
- (7) Under Regulation (EU) No 575/2013 institutions are required to document the assignment of risk weights under the IRB Approach in general. In order to facilitate the verification by the competent authorities of the correct application of the rules on the assignment of risk weights to specialised lending exposures as referred to in the second subparagraph of Article 153(5) of Regulation (EU) No 575/2013, certain specific documentation requirements should be laid down for the assignment of risk weights to those exposures.
- (8) This Regulation is largely based on the internationally agreed standards on assigning risk weights to specialised lending exposures. Given the variety of specialised lending exposures and given the specificities of such exposures, it may not capture all risk drivers which institutions identify in their daily business, either for particular types of exposures within the meaning of point 2 of Article 142(1) of Regulation (EU) No 575/2013 or for individual specialised lending exposures. Given that the institutions are required by Article 171(2) of Regulation (EU) No 575/2013 to take into account all relevant information for assignment of obligors and facilities to grades or pools, the institutions should be required to take into account each of any additional risk drivers and consider it jointly with the sub-factor of the specialised lending exposure framework which most closely corresponds to the risk driver. Where this is done for an individual specialised lending exposure, it should be considered an override for the purposes of Article 172(3) of Regulation (EU) No 575/2013. The institution should document why it was appropriate to take into account additional risk drivers and provide a justification for it.
- (9) The provisions on the application of overrides in the IRB Approach also apply to specialised lending exposures. Therefore, the institutions are allowed, exceptionally, not to apply a certain sub-factor or sub-factor component, for an individual specialised lending exposure, where they find it not to be relevant. Institutions should also be allowed, exceptionally, not to apply a certain sub-factor or sub-factor component for all specialised lending exposures belonging to a type of exposures as defined in point (2) of Article 142(1) of Regulation (EU) No 575/2013 when that sub-factor or sub-factor component is not a relevant risk driver for that type of specialised lending exposures. The institutions should be required to document the decision not to apply a sub-factor or a sub-factor component and to provide a justification for it.
- (10) The institutions should be allowed a sufficient period of time to adapt their rating systems for assigning risk weights to specialised lending exposures in order to comply with the rules laid down in this Regulation.
- (11) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the European Banking Authority.

- (12) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Applicable assessment criteria for different classes of specialised lending exposures

1. Where the purpose of a specialised lending exposure is to finance the development or acquisition of large, complex and expensive installations, including in particular power plants, chemical processing plants, mines, transportation infrastructure, environment, and telecommunications infrastructure, and the income to be generated by the assets is the money generated by the contracts for the output of the installation obtained from one or several parties which are not under management control of the sponsor ('project finance exposures'), institutions shall apply the assessment criteria set out in Annex I to this class of exposures when assigning risk weights in accordance with the second subparagraph of Article 153(5) of Regulation (EU) No 575/2013.
2. Where the purpose of a specialised lending exposure is to finance the development or acquisition of real estate, including in particular office buildings to let, retail space, multifamily residential buildings, industrial or warehouse space, hotels and land, and the income to be generated by the real estate is lease or rental payments or the proceeds from the sale of such real estate obtained from one or several third parties ('real estate exposures'), institutions shall apply the assessment criteria set out in Annex II to this class of exposures when assigning risk weights in accordance with the second subparagraph of Article 153(5) of Regulation (EU) No 575/2013.
3. Where the purpose of a specialised lending exposure is to finance the acquisition of physical assets, including in particular ships, aircraft, satellites, railcars, and fleets, and the income to be generated by those assets is lease or rental payments obtained from one or several third parties ('object financing exposures'), institutions shall apply the assessment criteria set out in Annex III to this class of exposures when assigning risk weights in accordance with the second subparagraph of Article 153(5) of Regulation (EU) No 575/2013.
4. Where the purpose of a specialised lending exposure is to finance reserves, inventories or receivables of exchange-traded commodities, including in particular crude oil, metals, or crops, and the income to be generated by those reserves, inventories or receivables is to be the proceeds from the sale of the commodity ('commodities financing exposures'), institutions shall apply the assessment criteria set out in Annex IV to this class of exposures when assigning risk weights in accordance with the second subparagraph of Article 153(5) of Regulation (EU) No 575/2013.

Article 2

Assessment at factor level and risk weight assignment

1. Institutions shall, on the basis of an overall assessment, attribute a category to each factor set out in the annex which is applicable to the class of specialised lending exposures in accordance with Article 1. For each specialised lending exposure, the institution shall carry out this attribution taking into consideration the categories attributed to each applicable sub-factor in accordance with Articles 3 and 4, as well as the relative importance of each sub-factor for the type of specialised lending exposures as defined in point (2) of Article 142(1) of Regulation (EU) No 575/2013.

⁽³⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

2. The institution shall assign a weight in percentage that is not lower than 5 % and not higher than 60 % to each factor having regard to its relative importance for the type of specialised lending exposures.
3. The institution shall determine the weighted average of the categories, which have been attributed to the factors in accordance with paragraph 1, applying the weights assigned in accordance with paragraph 2. Where the weighted average is a decimal number, institutions shall round that number to the nearest cardinal number.
4. The institution shall assign the specialised lending exposure to the category set out in Table 1 of Article 153(5) of Regulation (EU) No 575/2013 for which the number corresponds to the weighted average calculated in accordance with paragraph 3.

Article 3

Assessment at sub-factor level

1. Where a sub-factor of a given factor listed in Annex I, II, III or IV is not further specified in sub-factor components, the institution shall attribute a category to the sub-factor on the basis of the assessment criteria set out for that sub-factor.
2. Where a sub-factor of a given factor listed in Annex I, II, III or IV is further specified in sub-factor components, the institution shall:
 - (a) attribute a category to each sub-factor component on the basis of the assessment criteria set out for that sub-factor component;
 - (b) attribute a category to the sub-factor on the basis of an overall assessment carried out taking into consideration the categories attributed in accordance with point (a) as well as the relative importance of each sub-factor component for the type of specialised lending exposure.
3. Where the institution takes into account additional relevant information (an 'additional risk driver') in accordance with Article 171(2) of Regulation (EU) No 575/2013 for a type of specialised lending exposures, it shall consider it jointly with the sub-factor, which most closely corresponds to that additional risk driver.
4. Where, exceptionally, a sub-factor or sub-factor component is not relevant for all specialised lending exposures belonging to a certain type of specialised lending exposures, the institution may decide not to apply that sub-factor or sub-factor component for any of the specialised lending exposures belonging to that type.

Article 4

Overlapping criteria at sub-factor and sub-factor component levels

Where a sub-factor or a sub-factor component has identical assessment criteria in two or more categories ('overlapping criteria'), and the specialised lending exposure conforms to those overlapping criteria, institutions shall attribute a category to the sub-factor or sub-factor component as follows:

- (a) where overlapping criteria occur in two categories, institutions shall attribute the higher of the two categories;
- (b) where overlapping criteria occur in three categories, institutions shall attribute the category between the lowest and the highest of the three categories.

Article 5

Default of an obligor

By way of derogation from Articles 1 to 4, where the obligor is in default in the meaning of Article 178 of Regulation (EU) No 575/2013, the institution shall assign a risk weight of category 5 as set out in Table 1 of Article 153(5) of that Regulation to the specialised lending exposure.

*Article 6***Documentation**

1. Institutions shall document the following information for each type of specialised lending exposures for which they assign risk weights in accordance with this Regulation:
 - (a) the assignment of weights to each factor in accordance with Article 2(2) and the justification for that assignment;
 - (b) a description of additional risk drivers and a justification for taking them into account in accordance with Article 3(3), where applicable;
 - (c) the justification for deciding not to apply a certain sub-factor or sub-factor component in accordance with Article 3(4), where applicable.
2. Institutions shall document the following information for each specialised lending exposure for which they assign risk weights in accordance with this Regulation:
 - (a) the class of the specialised lending exposure as set out in Article 1;
 - (b) the category of Table 1 of the first subparagraph of Article 153(5) of Regulation (EU) No 575/2013 to which the specialised lending exposure has been assigned;
 - (c) the remaining maturity as referred to in Table 1 of the first subparagraph of Article 153(5) of Regulation (EU) No 575/2013;
 - (d) the assessment of the specialised lending exposure at each step of the process laid down in Articles 2 to 5 that led to the assignment of the risk weight to the exposure.

*Article 7***Entry into force and application**

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

It shall apply from 14 April 2022.

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

Done at Brussels, 14 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

Assessment criteria for project finance exposures

	Category 1	Category 2	Category 3	Category 4
Factor: financial strength				
(a) Sub-factor: market conditions	Few competing suppliers or substantial and durable advantage in location, cost, or technology. Demand is strong and growing.	Few competing suppliers or better than average location, cost, or technology but this situation may not last. Demand is strong and stable.	Project has no advantage in location, cost, or technology. Demand is adequate and stable.	Project has worse than average location, cost, or technology. Demand is weak and declining.
(b) Sub-factor: financial ratios (e.g. debt service coverage ratio (DSCR ⁽¹⁾), Interest Coverage Ratio (ICR ⁽²⁾), loan life coverage ratio (LLCR ⁽³⁾) and debt-to-equity ratio)	Strong financial ratios considering the level of project risk; very robust economic assumptions.	Strong to acceptable financial ratios considering the level of project risk; robust project economic assumptions.	Standard financial ratios considering the level of project risk	Aggressive financial ratios considering the level of project risk.
(c) Sub-factor: stress analysis on the basis of the income being generated during the tenor of the loan ⁽⁴⁾	The project can meet its financial obligations under sustained, severely stressed economic or sectoral conditions.	The project can meet its financial obligations under normal stressed economic or sectoral conditions. The project is only likely to default under severe economic conditions.	The project is vulnerable to stresses that are not uncommon through an economic cycle, and may default in an economic downturn.	The project is likely to default unless conditions improve soon.
(d) Sub-factor: financial Structure				
• Amortisation schedule (sub-factor component)	Amortising debt without bullet repayment	Amortising debt with no or insignificant bullet repayment	Amortising debt repayments with limited bullet payment	Bullet repayment or amortising debt repayments with high bullet repayment
• Market/cycle and refinancing risk (sub-factor component)	There is no or very limited exposure to market or cycle risk since the expected cashflows cover all future loan repayments during the tenor of the loan and there are no significant delays between the cashflows and the loan repayments. There is no or very low refinancing risk.	The exposure to market or cycle risk is limited since the expected cashflows cover the majority of future loan repayments during the tenor of the loan and there are no significant delays between the cashflows and the loan repayments. There is low refinancing risk.	There is moderate exposure to market or cycle risk since the expected cashflows cover only a part of future loan repayments during the tenor of the loan or there are some significant delays between the cashflows and the loan repayments. Average refinancing risk.	There is significant exposure to market or cycle risk since the expected cashflows cover only a small part of future loan repayments during the tenor of the loan or there are some significant delays between the cashflows and the loan repayments. High refinancing risk.

(e) Sub-factor: foreign exchange risk	There is no foreign exchange risk because there is no difference in the currency of the loan and the income of the project or because the foreign exchange risk is fully hedged.	There is no foreign exchange risk because there is no difference in the currency of the loan and the income of the project or because the foreign exchange risk is fully hedged.	There is a difference in the currency of the loan and the income of the project, but the foreign exchange risk is considered low because the exchange rate is stable or because the foreign exchange risk is hedged to a large extent.	There is a difference in the currency of the loan and the income of the project, and the foreign exchange risk is considered high because the exchange rate is volatile and the foreign exchange risk is not hedged to a large extent.
Factor: political and legal environment				
(a) Sub-factor: political risk, including transfer risk, considering project type and mitigants	Very low exposure; strong mitigation instruments, if needed	Low exposure; satisfactory mitigation instruments, if needed	Moderate exposure; fair mitigation instruments	High exposure; no or weak mitigation instruments
(b) Sub-factor: <i>force majeure</i> risk (war, civil unrest, etc.)	No or very low exposure to <i>force majeure</i> risk	Limited exposure to <i>force majeure</i> risk	Significant exposure to <i>force majeure</i> risk which is not sufficiently mitigated	Significant exposure to <i>force majeure</i> risk which is not mitigated
(c) Sub-factor: government support and project's importance for the country over the long term	Project of strategic importance for the country (preferably export-oriented). Strong support from Government.	Project considered important for the country. Good level of support from Government.	Project may not be strategic but brings unquestionable benefits for the country. Support from Government may not be explicit.	Project not key to the country. No or weak support from Government.
(d) Sub-factor: stability of legal and regulatory environment (risk of change in the law)	Favourable and stable regulatory environment over the long term	Favourable and stable regulatory environment over the medium term	Regulatory changes can be predicted with a fair level of certainty	Current or future regulatory issues may affect the project
(e) Sub-factor: acquisition of all necessary supports and approvals for such relief from local content laws	Strong	Satisfactory	Fair	Weak
(f) Sub-factor: enforceability of contracts, collateral and security	Contracts, collateral and security are enforceable.	Contracts, collateral and security are enforceable.	Contracts, collateral and security are considered enforceable even if certain non-key issues may exist.	There are unresolved key issues in respect if actual enforcement of contracts, collateral and security.

Factor: transaction characteristics				
(a) Sub-factor: design and technology risk	Fully proven technology and design	Fully proven technology and design	Proven technology and design – start-up issues are mitigated by a strong completion package	Unproven technology and design; technology issues exist and/or complex design.
(b) Sub-factor: construction risk				
Permitting and siting (sub-factor component)	All permits have been obtained	Some permits are still outstanding but their receipt is considered very likely	Some permits are still outstanding but the permitting process is well defined and they are considered routine.	Key permits still need to be obtained and are not considered routine. Significant conditions may be attached.
Type of construction contract (sub-factor component)	Fixed-price date-certain turnkey construction EPC ⁽⁵⁾ (engineering and procurement contract)	Fixed-price date-certain turnkey construction EPC	Fixed-price date-certain turnkey construction contract with one or several contractors	No or partial fixed-price turnkey contract and/or interfacing issues with multiple contractors
Likelihood to finish the project at the agreed time and cost (sub-factor component)	It is almost certain that the project will be finished within the agreed time horizon and at the agreed cost.	It is very likely that the project will be finished within the agreed time horizon and at the agreed cost.	It is uncertain whether the project will be finished within the agreed time horizon and at the agreed cost.	There are indications that the project will not be finished within the agreed time horizon and at the agreed cost.
Completion guarantees ⁽⁶⁾ or liquidated damages ⁽⁷⁾ (sub-factor component)	Substantial liquidated damages supported by financial substance and/or strong completion guarantee from sponsors with excellent financial standing	Significant liquidated damages supported by financial substance and/or completion guarantee from sponsors with good financial standing	Adequate liquidated damages supported by financial substance and/or completion guarantee from sponsors with good financial standing	Inadequate liquidated damages or not supported by financial substance or weak completion guarantees
Track record and financial strength of contractor in constructing similar projects (sub-factor component)	Strong	Good	Satisfactory	Weak

(c) Sub-factor: operating risk				
Scope, nature and complexity of operations and maintenance (O & M) contracts (sub-factor component)	Strong long-term O&M contract ⁽⁸⁾ , preferably with contractual performance incentives ⁽⁹⁾ , and/or O&M reserve accounts ⁽¹⁰⁾ , although an O&M contract is not strictly necessary to perform the required maintenance because the O&M activities are straightforward and transparent.	The O&M activities are relatively straightforward and transparent, and there is a long-term O&M contract, and/or O&M reserve account.	The O&M activities are complex and an O&M contract is necessary. There is a limited long-term O&M contract and/or reserve account.	The O&M activities are complex and an O&M contract is strictly necessary. There is no O&M contract. There is therefore the risk of high operational cost overruns beyond mitigants.
Operator's expertise, track record, and financial strength (sub-factor component)	Very strong, or committed technical assistance of the sponsors	Strong	Acceptable	Limited/weak, or local operator dependent on local authorities
(d) Sub-factor: revenue assessment, including off –take risk ⁽¹¹⁾				
What is the robustness of the revenue contracts (e.g. off-take contracts ⁽¹²⁾, concession agreements, public private partnership income stream, and other revenue contracts)? What is the quality of the termination clauses ⁽¹³⁾? (sub-factor component)	Excellent robustness of the revenues	Good robustness of the revenues	Acceptable robustness of the revenues	The revenues of the project are not certain and there are indications that some of the revenues may not be obtained.
If there is a take-or-pay ⁽¹⁴⁾ or fixed-price off-take contract (sub-factor component)	Excellent creditworthiness of off-taker; strong termination clauses; tenor of contract comfortably exceeds the maturity of the debt.	Good creditworthiness of off-taker; strong termination clauses; tenor of contract exceeds the maturity of the debt.	Acceptable financial standing of off-taker; normal termination clauses; tenor of contract generally matches the maturity of the debt.	Weak off-taker; weak termination clauses; tenor of contract does not exceed the maturity of the debt.
If there is no take-or-pay or fixed-price off-take contract (sub-factor component)	Project produces essential services or a commodity sold widely on a world market; output can readily be absorbed at projected prices even at lower than historic market. growth rates.	Project produces essential services or a commodity sold widely on a regional market that will absorb it at projected prices at historical growth rates.	Commodity is sold on a limited market that may absorb it only at lower than projected prices.	Project output is demanded by only one or a few buyers or is not generally sold on an organised market.

(e) Sub-factor: supply risk				
Price, volume and transportation risk of feed-stocks; supplier's track record and financial strength (sub-factor component)	Long-term supply contract with supplier of excellent financial standing.	Long-term supply contract with supplier of good financial standing.	Long-term supply contract with supplier of good financial standing – a degree of price risk may remain.	Short-term supply contract or long-term supply contract with financially weak supplier – a degree of price risk definitely remains.
Reserve risks ⁽¹⁵⁾ (e.g. natural resource development) (sub-factor component)	Independently audited, proven and developed reserves well in excess of requirements over lifetime of the project.	Independently audited, proven and developed reserves in excess of requirements over lifetime of the project.	Proven reserves can supply the project adequately through the maturity of the debt.	Project relies to some extent on potential and undeveloped reserves.
Factor: strength of sponsor (including any public private partnership)				
(a) Sub-factor: financial strength of the sponsor	Strong sponsor with high financial standing	Good sponsor with good financial standing	Sponsor with adequate financial standing	Weak sponsor with clear financial weaknesses
(b) Sub-factor: track record of the sponsor and its country/sector experience	Sponsor with excellent track record and country/sector experience	Sponsor with satisfactory track record and country/sector experience	Sponsor with adequate track record and country/sector experience	Sponsor with no or questionable track record or country/sector experience
(c) Sub-factor: sponsor support, as evidenced by equity, ownership clause ⁽¹⁶⁾ and incentive to inject additional cash if necessary	Strong. Project is highly strategic for the sponsor (core business – long-term strategy).	Good. Project is strategic for the sponsor (core business – long-term strategy).	Acceptable. Project is considered important for the sponsor (core business).	Limited. Project is not key to sponsor's long-term strategy or core business.
Factor: security package				
(a) Sub-factor: assignment of contracts and accounts	Fully comprehensive	Comprehensive	Acceptable	Weak
(b) Sub-factor: pledge of assets, taking into account quality, value and liquidity of assets	First perfected security interest ⁽¹⁷⁾ in all project assets, contracts, permits and accounts necessary to run the project	Perfected security interest in all project assets, contracts, permits and accounts necessary to run the project	Acceptable security interest in all project assets, contracts, permits and accounts necessary to run the project	Little security or collateral for lenders; weak negative pledge clause ⁽¹⁸⁾

(c) Sub-factor: lender's control over cash flow (e.g. cash sweeps ⁽¹⁹⁾ , independent escrow accounts ⁽²⁰⁾)	Strong	Satisfactory	Fair	Weak
(d) Sub-factor: strength of the covenant package (mandatory prepayments ⁽²¹⁾ , payment deferrals ⁽²²⁾ , payment cascade ⁽²³⁾ , dividend restrictions ⁽²⁴⁾ ...)	Covenant package is strong for this type of project. Project may issue no additional debt.	Covenant package is satisfactory for this type of project. Project may issue extremely limited additional debt.	Covenant package is fair for this type of project. Project may issue limited additional debt.	Covenant package is Insufficient for this type of project. Project may issue unlimited additional debt.
(e) Sub-factor: reserve funds (debt service, O&M, renewal and replacement, unforeseen events, etc.)	Longer than average coverage period, all reserve funds fully funded in cash or letters of credit from highly rated bank	Average coverage period, all reserve funds fully funded	Average coverage period, all reserve funds fully funded	Shorter than average coverage period, reserve funds funded from operating cash flows

⁽¹⁾ The Debt Service Coverage ratio ('DSCR') refers to the ratio of the cashflow available for debt service which can be generated from the asset to the required repayment of the principal and the interest payments during the life of the loan, where the cashflow available for debt service is calculated by subtracting operating expenditure, capital expenditure, debt and equity funding, taxes and working capital adjustments from the revenues generated by the project.

⁽²⁾ The Interest Coverage Ratio ('ICR') refers to the ratio of the cashflow available for debt service which can be generated from the asset to the required repayment of the interest payments during the life of the loan, where the cashflow available for debt service is calculated by subtracting operating expenditure, capital expenditure, debt and equity funding, taxes and working capital adjustments from the revenues generated by the project.

⁽³⁾ The Loan Life Coverage Ratio ('LLCR') refers to the ratio of the net present value of the cashflow available for debt service to the outstanding debt balance, and refers to the number of times the cashflow available for debt service which can be generated from the asset can repay the outstanding debt balance over the scheduled life of the loan, where the cashflow available for debt service calculated by subtracting operating expenditure, capital expenditure, debt and equity funding, taxes and working capital adjustments from the revenues generated by the project.

⁽⁴⁾ The tenor of a loan refers to the amount of time left for the repayment of a loan.

⁽⁵⁾ An Engineering and Procurement Contract ('EPC') or 'turnkey contract' refers to an agreement between the engineering and procurement contractor ('EPC contractor') and the developer, whereby the EPC contractor agrees to develop the detailed engineering design of the project, procure all the equipment and materials necessary, construct and deliver a functioning facility or asset to the developer, usually within an agreed time and budget.

⁽⁶⁾ A completion guarantee refers to a guarantee provided by the contractor to the project's lenders to undertake to deliver the project within the specified timeframe, and to pay for the cost overruns, if any.

⁽⁷⁾ A liquidated damage refers to a monetary compensation for a loss, detriment or injury to a person's rights or property, awarded by a court judgment or by a contract stipulation regarding breach of contract.

⁽⁸⁾ An Operation and Maintenance ('O&M') contract refers to a contract between the developer and the operator. The developer delegates the operation, maintenance and often performance management of the project to an operator with expertise in the industry under the terms of the O&M contract (i.e. scope, term, operator responsibility, fees, and liquidated damages).

⁽⁹⁾ Performance incentives or performance based contracting refer to strategic performance metrics which directly relate contracting payment to these performance metrics. Performance metrics may measure availability, reliability, maintainability, supportability.

⁽¹⁰⁾ An O&M reserve account refers to a fund into which money is deposited to be used for the purpose of meeting the costs of operation and maintenance of the project.

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- ⁽¹¹⁾ Off-take risk refers to the risk that the demand for the output or service does not exist at the price at which it is provided or the off-taker is unable or refuses to honour his commitment to purchase the output or service.
- ⁽¹²⁾ An off-take contract refers to a contract between a producer of a resource/product/service and a buyer ('off-taker') of a resource to purchase/sell portions of the producer's future production. An off-take contract is normally negotiated prior to the construction of a facility in order to secure a market for the future output of the facility. The purpose is to provide the producer with stable and sufficient revenue to pay its debt obligation, cover the operating costs and provide certain required return.
- ⁽¹³⁾ A termination clause refers to a provision in a contract which allows for its termination under specified circumstances.
- ⁽¹⁴⁾ A take-or-pay contract refers to a contract in which it is agreed that a client buys the output or service from the supplier or the client pays the supplier a penalty. Both the price and the penalty are fixed in the contract.
- ⁽¹⁵⁾ Reserve risk refers to the risk that the accessible reserves are smaller than estimated.
- ⁽¹⁶⁾ An ownership clause refers to a provision that states that a project cannot be owned by a different entity than the actual owner (sponsor).
- ⁽¹⁷⁾ First perfected security interest refers to a security interest in an asset (mortgaged as a collateral) protected from claims by other parties. A lien is perfected by registering it with appropriate statutory authority so that it is made legally enforceable and any subsequent claim on that asset is given a junior status.
- ⁽¹⁸⁾ A negative pledge clause refers to a provision that indicates that the institution will not pledge any of its assets if doing so gives the lenders less security.
- ⁽¹⁹⁾ A cash sweep refers to the mandatory use of excess free cash flows to pay down outstanding debt rather than distribute it to shareholders.
- ⁽²⁰⁾ An independent escrow account refers to an account held in the sponsor's name by a bank under the support of an escrow account agreement between the lender and borrower providing for irrevocable instructions from the borrower to the effect that all operational revenue or proceeds from sale of assets of the project will be paid into this account, and where the bank is authorised to make payments from available funds only as agreed in the project financing documents.
- ⁽²¹⁾ A mandatory prepayment refers to a provision that requires the borrower to prepay a portion of the debt with certain proceeds if and when received before the maturity date.
- ⁽²²⁾ A payment deferral refers to a provision that indicates that the borrower is allowed to start making payments at some specified time in the future.
- ⁽²³⁾ A payment cascade refers to a provision whereby the project's cash flows are summarised using a cash flow waterfall, which shows the priority of each cash inflow and outflow.
- ⁽²⁴⁾ A dividend restriction refers to a provision that defines the circumstances in which the lender is able to prevent equity distributions.
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Assessment criteria for real estate exposures

	Category 1	Category 2	Category 3	Category 4
Factor: financial strength				
(a) Sub-factor: market conditions	The supply and demand for the project's type and location are currently in equilibrium. The number of competitive properties coming to market is equal or lower than forecasted demand.	The supply and demand for the project's type and location are currently in equilibrium. The number of competitive properties coming to market is roughly equal to forecasted demand.	Market conditions are roughly in equilibrium. Competitive properties are coming on the market and others are in the planning stages. The design and capabilities of existing comparable properties are not state of the art as compared to new projects.	Market conditions are weak. It is uncertain when conditions will improve and return to equilibrium. Comparable properties in the market are losing tenants at lease expiration. New lease terms of comparable properties are less favourable compared to those existing.
(b) Sub-factor: financial ratios, i.e. Indicators of the borrower's ability to repay	The property's financial ratios, measured by the property's debt service coverage ratio (DSCR ⁽¹⁾) or interest coverage ratio (ICR ⁽²⁾), are considered strong and are expected to remain strong taking into account the past evolution in financial ratios. DSCR or ICR is not relevant and should not be calculated for properties that are in the construction phase.	The property's financial ratios, measured by the property's DSCR or ICR, are considered good and are expected to remain good taking into account the past evolution in financial ratios. The DSCR or ICR is not relevant and should not be calculated for properties that are in the construction phase.	The property's financial ratios measured by the property's DSCR or ICR are satisfactory and are expected to remain satisfactory taking into account the past evolution in financial ratios. The DSCR or ICR is not relevant and should not be calculated for properties that are in the construction phase.	The property's financial ratios, measured by the property's DSCR or ICR are weak and are expected to remain weak taking into account the past evolution in financial ratios. The DSCR or ICR is not relevant and should not be calculated for properties that are in the construction phase.
(c) Sub-factor: advance ratio, i.e. the loan-to-value (LTV ⁽³⁾) ratio as an indicators of the borrower's willingness to repay	The property's loan to value ratio (LTV) is considered low given its property type. Where a secondary market exists, the transaction is underwritten to market standards.	The property's LTV is considered satisfactory given its property type. Where a secondary market exists, the transaction is underwritten to market standards.	The property's LTV is considered relatively high given its property type.	The property's LTV ratio is well above underwriting standards for new loans.
(d) Sub-factor: stress analysis on the basis of the income being generated during the tenor of the loan ⁽⁴⁾	The property's resources, contingencies and liability structure allow it to meet its financial obligations during a period of severe financial stress (e.g. interest rates, economic growth).	The property can meet its financial obligations under a sustained period of financial stress (e.g. interest rates, economic growth). The property is likely to default only under severe economic conditions.	During an economic downturn, the property would suffer a decline in revenue that significantly increase the risk of default.	The property's financial condition is strained and is likely to default unless conditions improve in the near term.

(e) Sub-factor: cash-flow predictability				
For complete and stabilised property (sub-factor component)	The property's leases are long-term with creditworthy tenants and their maturity dates are scattered, or a public private partnership guarantees a considerable part of the tenancy contracts. The property has a track record of tenant retention upon lease expiration. Its vacancy rate is low. Expenses (maintenance, insurance, security, and property taxes) are predictable.	The majority of the property has several tenant lease contracts that are long-term, and with tenants that have on average a high creditworthiness, and with scattered maturity dates. A public private partnership may guarantee part of the tenancy contracts. Where the property has only one lease contract or one tenant has a very significant share in the income generated by the property, this tenant is of excellent creditworthiness and the contract includes covenants that ensure lease payments until the end of the project life or beyond. The property experiences a normal level of tenant turnover upon lease expiration. Its vacancy rate is low. Expenses are predictable.	Most of the property's leases are medium rather than long-term with tenants that range in creditworthiness. A public private partnership may guarantee only a minor part of the tenancy contracts. Where the property has only one lease contract or one tenant has a very significant share in the income generated by the property, this one tenant, the contract includes covenants that ensure lease payments until the end of the project life or beyond but the tenant has moderate creditworthiness. The property experiences a moderate level of tenant turnover upon lease expiration. Its vacancy rate is moderate. Expenses are relatively predictable but vary in relation to revenue.	The proportion of short term leases is significant with tenants that range in creditworthiness, or the property has only one lease contract, or one tenant has a very significant share in the income generated by the property, where that tenant has a low creditworthiness and/or the contract does not include the necessary covenants that ensure lease payments until the end of the project life or beyond. The property experiences a very high level of tenant turnover upon lease expiration. Its vacancy rate is high. Significant expenses are incurred preparing space for new tenants.
For complete but not stabilised property (sub-factor component)	The cashflows obtained from the leasing activity, for instance obtained from a public private partnership, meet or exceed the expected cashflows used in the valuation of the property. The project should achieve stabilisation in the near future.	The cashflows obtained from the leasing activity, for instance obtained from a public private partnership, meet or exceed the expected cashflows used in the valuation of the property. The project should achieve stabilisation in the near future.	Most of the cashflows obtained from the leasing activity meet the expected cashflows used in the valuation of the property, however, stabilisation will not occur for some time.	The cashflows obtained from the leasing activity do not meet the expected cashflows used in the valuation of the property. Despite achieving target occupancy rate, cash flow coverage is tight due to disappointing revenue.

For construction phase (sub-factor component)	The property is entirely preleased through the tenor of the loan ⁽³⁾ or pre-sold to a tenant or buyer of high creditworthiness, or the bank has a binding commitment for take-out financing from a tenant or buyer of high creditworthiness, for instance through a public private partnership.	The property is entirely pre-leased or pre-sold to a creditworthy tenant or buyer, or the bank has a binding commitment for permanent financing from a creditworthy lender, for instance through a public private partnership.	Leasing activity is within projections but the building may not be pre-leased and there may not exist a take-out financing. The bank may be the permanent lender.	The property is deteriorating due to cost overruns, market deterioration, tenant cancellations or other factors. There may be a dispute with the party providing the permanent financing.
Factor: political and legal environment				
(a) Sub-factor: legal and regulatory risks	Jurisdiction is very favourable to repossession and enforcement of contracts.	Jurisdiction is generally favourable to repossession and enforcement of contracts.	Jurisdiction is generally favourable to repossession and enforcement of contracts, but repossession might be long and/or difficult.	Poor or unstable legal and regulatory environment. Jurisdiction may make repossession and enforcement of contracts lengthy or impossible.
(b) Sub-factor: political risk, including transfer risk, considering property type and mitigants	Very low exposure; strong mitigation instruments, if needed	Low exposure; satisfactory mitigation instruments, if needed	Moderate exposure; fair mitigation instruments	High exposure; no or weak mitigation instruments
Factor: asset/transaction characteristics				
(a) Sub-factor: location	Property is located in highly desirable location that is convenient to services that tenants desire.	Property is located in desirable location that is convenient to services that tenants desire.	The property location lacks a competitive advantage.	The property is located in an undesirable location.
(b) Sub-factor: design and condition	Property is favoured due to its design, configuration, and maintenance, and is highly competitive with new properties.	Property is appropriate in terms of its design, configuration and maintenance. The property's design and capabilities are competitive with new properties.	Property is adequate in terms of its configuration, design and maintenance.	The property's configuration, design and maintenance have contributed to the property's difficulties. Weaknesses exist in the property's configuration, design or maintenance.
(c) Sub-factor: property is under construction	Construction budget is conservative and technical hazards are limited. Contractors are highly qualified and have high credit standing.	Construction budget is conservative and technical hazards are limited. Contractors are highly qualified and have good credit standing.	Construction budget is adequate and contractors are ordinarily qualified and have average credit standing.	Project is over budget or unrealistic given its technical hazards. Contractors may be under qualified and have low credit standing.

(d) Sub-factor: financial structure:				
Amortisation schedule (sub-factor component)	Amortising debt without bullet repayment	Amortising debt with no or insignificant bullet repayment	Amortising debt repayments with limited bullet payment	Bullet repayment or amortising debt repayments with high bullet repayment
Market/cycle and refinancing risk (sub-factor component)	There is no or very limited exposure to market or cycle risk since the expected cashflows cover all future loan repayments during the tenor of the loan and there are no significant delays between the cashflows and the loan repayments. There is no or very low refinancing risk.	The exposure to market or cycle risk is limited since the expected cashflows cover the majority of future loan repayments during the tenor of the loan and there are no significant delays between the cashflows and the loan repayments. There is low refinancing risk.	There is moderate exposure to market or cycle risk since the expected cashflows cover only a part of future loan repayments during the tenor of the loan or there are some significant delays between the cashflows and the loan repayments. Average refinancing risk.	There is significant exposure to market or cycle risk since the expected cashflows cover only a small part of future loan repayments during the tenor of the loan or there are some significant delays between the cashflows and the loan repayments. High refinancing risk.
Factor: strength of sponsor/developer (including any public private partnership)				
(a) Sub-factor: financial capacity and willingness to support the property.	The sponsor/developer made a substantial cash contribution to the construction or purchase of the property. The sponsor/developer has substantial resources and limited direct and contingent liabilities. The sponsor/developer's properties are diversified geographically and by property type.	The sponsor/developer made a material cash contribution to the construction or purchase of the property. The sponsor/developer's financial condition allows it to support the property in the event of a cash flow shortfall. The sponsor/developer's properties are located in several geographic regions.	The sponsor/developer's contribution may be immaterial or non-cash. The sponsor/developer is average to below average in financial resources.	The sponsor/developer lacks capacity or willingness to support the property.
(b) Sub-factor: reputation and track record with similar properties.	Experienced management and high sponsors' quality; strong reputation and lengthy and successful record with similar properties	Appropriate management and sponsors' quality. The sponsor or management has a successful record with similar properties.	Moderate management and sponsors' quality. Management or sponsor track record does not raise serious concerns.	Ineffective management and substandard sponsors' quality. Management and sponsor difficulties have contributed to difficulties in managing properties in the past.

(c) Sub-factor: relationships with relevant real estate actors	Strong relationships with leading actors such as leasing agents	Proven relationships with leading actors such as leasing agents	Adequate relationships with leasing agents and other parties providing important real estate services	Poor relationships with leasing agents and/or other parties providing important real estate services
Factor: security package				
(a) Sub-factor: nature of lien	Perfected first lien ⁽⁶⁾	Perfected first lien	Perfected first lien	Ability of lender to foreclose is constrained.
(b) Sub-factor: assignment of rents	The lender has obtained an assignment for the majority of the rents. They maintain current tenant information that would facilitate providing notice to remit rents directly to the lender, such as a current rent roll and copies of the project's leases.	The lender has obtained an assignment for a significant part of the rents. They maintain current tenant information that would facilitate providing notice to the tenants to remit rents directly to the lender, such as current rent roll and copies of the project's leases.	The lender has obtained an assignment for a relatively small part of the rent. The lender has not maintained current tenant information that would facilitate providing notice to the tenants to remit rents directly to the lender, such as current rent roll and copies of the project's leases.	The lender has not obtained an assignment of the leases.
(c) Sub-factor: quality of the insurance coverage	Very good quality	Good quality	Appropriate quality	Substandard quality

⁽¹⁾ The Debt Service Coverage ratio ('DSCR') refers to the ratio of the cashflow available for debt service which can be generated from the asset to the required repayment of the principal and the interest payments during the life of the loan, where the cashflow available for debt service is calculated by subtracting operating expenditure, capital expenditure, debt and equity funding, taxes and working capital adjustments from the revenues generated by the project.

⁽²⁾ The Interest Coverage Ratio ('ICR') refers to the ratio of the cashflow available for debt service which can be generated from the asset to the required repayment of the interest payments during the life of the loan, where the cashflow available for debt service is calculated by subtracting operating expenditure, capital expenditure, debt and equity funding, taxes and working capital adjustments from the revenues generated by the project.

⁽³⁾ The Loan-to-Value ratio ('LTV') refers to the ratio of the loan amount to the value of the pledged assets.

⁽⁴⁾ The tenor of a loan refers to the amount of time left for the repayment of a loan.

⁽⁵⁾ The tenor of a loan refers to the amount of time left for the repayment of a loan.

⁽⁶⁾ Lenders in some markets exclusively use loan structures that include junior liens. Junior liens may be indicative of this level of risk if the total LTV inclusive of all senior positions does not exceed a typical first loan LTV.

Assessment criteria for object finance exposures

	Category 1	Category 2	Category 3	Category 4
Factor: financial strength				
(a) Sub-factor: market conditions	Demand is strong and growing, strong entry barriers, low sensitivity to changes in technology and economic outlook.	Demand is strong and stable. Some entry barriers, some sensitivity to changes in technology and economic outlook.	Demand is adequate and stable, limited entry barriers, significant sensitivity to changes in technology and economic outlook.	Demand is weak and declining, vulnerable to changes in technology and economic outlook, highly uncertain environment.
(b) Sub-factor: financial ratios, i.e. DSCR ⁽¹⁾ or ICR ⁽²⁾	Strong financial ratios considering the type of asset. Very robust economic assumptions.	Strong/acceptable financial ratios considering the type of asset. Robust project economic assumptions.	Standard financial ratios for the asset type	Aggressive financial ratios considering the type of asset
(c) Sub-factor: advance ratio, i.e. loan-to-value (LTV ⁽³⁾) ratio	Strong LTV ratio considering the type of asset	Strong/good LTV ratio considering the type of asset	Standard LTV ratio for the asset type	Aggressive LTV ratio considering the type of asset
(d) Sub-factor: stress analysis on the basis of the income being generated during the tenor of the loan ⁽⁴⁾	Stable long-term revenues, capable of withstanding severely stressed conditions through an economic cycle	Satisfactory short-term revenues. Loan can withstand some financial adversity. Default is only likely under severe economic conditions	Uncertain short-term revenues. Cash flows are vulnerable to stresses that are not uncommon through an economic cycle. The loan may default in an economic downturn	Revenues subject to strong uncertainties; even in normal economic conditions the asset may default, unless conditions improve
(e) Sub-factor: market liquidity	Market is structured on a worldwide basis; assets are highly liquid.	Market is worldwide or regional; assets are relatively liquid.	Market is regional with limited prospects in the short term, implying lower liquidity.	Local market and/or poor visibility. Low or no liquidity, particularly on niche markets.
Factor: political and legal environment				
(a) Sub-factor: legal and regulatory risks	Jurisdiction is favourable to repossession and enforcement of contracts.	Jurisdiction is favourable to repossession and enforcement of contracts.	Jurisdiction is generally favourable to repossession and enforcement of contracts, even if repossession might be long and/or difficult.	Poor or unstable legal and regulatory environment. Jurisdiction may make repossession and enforcement of contracts lengthy or impossible.

(b) Sub-factor: political risk, including transfer risk, considering object type and mitigants	Very low exposure; strong mitigation instruments, if needed	Low exposure; satisfactory mitigation instruments, if needed	Moderate exposure; fair mitigation instruments	High exposure; no or weak mitigation instruments
Factor: transaction characteristics				
(a) Sub-factor: amortisation schedule	Amortising debt without bullet repayment	Amortising debt with no or insignificant bullet repayment	Amortising debt repayments with limited bullet payment	Bullet repayment or amortising debt repayments with high bullet repayment
(b) Sub-factor: market/cycle and re-financing risk	There is no or very limited exposure to market or cycle risk since the expected cashflows cover all future loan repayments during the tenor of the loan ^(?) and there are no significant delays between the cashflows and the loan repayments. There is no or very low refinancing risk.	The exposure to market or cycle risk is limited since the expected cashflows cover the majority of future loan repayments during the tenor of the loan and there are no significant delays between the cashflows and the loan repayments. There is low refinancing risk.	There is moderate exposure to market or cycle risk since the expected cashflows cover only a part of future loan repayments during the tenor of the loan or there are some significant delays between the cashflows and the loan repayments. Average refinancing risk.	There is significant exposure to market or cycle risk since the expected cashflows cover only a small part of future loan repayments during the tenor of the loan or there are some significant delays between the cashflows and the loan repayments. High refinancing risk.
(c) Sub-factor: operating risk				
Permits/licensing (sub-factor component)	All permits have been obtained; asset meets current and foreseeable safety regulations.	All permits obtained or in the process of being obtained; asset meets current and foreseeable safety regulations.	Most permits obtained or in process of being obtained, outstanding ones considered routine, asset meets current safety regulations.	Problems in obtaining all required permits, part of the planned configuration and/or planned operations might need to be revised.
Scope and nature of O & M contracts (sub-factor component)	Strong long-term O&M contract ⁽⁶⁾ , preferably with contractual performance incentives, and/or O&M reserve accounts (if needed)	Long-term O&M contract, and/or O&M reserve accounts ⁽⁷⁾ (if needed)	Limited O&M contract or O&M reserve account (if needed)	No O&M contract: risk of high operational cost overruns beyond mitigants
Operator's financial strength, track record in managing the asset type and capability to re-market asset when it comes off-lease (sub-factor component)	Excellent track record and strong re-marketing capability	Satisfactory track record and re-marketing capability	Weak or short track record and uncertain re-marketing capability	No or unknown track record and inability to re-market the asset

Factor: asset characteristics				
(a) Sub-factor: configuration, size, design and maintenance (i.e. age, size for a plane) compared to other assets on the same market	Strong advantage in design and maintenance. Configuration is standard such that the object meets a liquid market.	Above average design and maintenance. Standard configuration, maybe with very limited exceptions – such that the object meets a liquid market	Average design and maintenance. Configuration is somewhat specific, and thus might cause a narrower market for the object.	Below average design and maintenance. Asset is near the end of its economic life. Configuration is very specific; the market for the object is very narrow.
(b) Sub-factor: resale value	Current resale value is well above debt value.	Resale value is moderately above debt value.	Resale value is slightly above debt value.	Resale value is below debt value.
(c) Sub-factor: sensitivity of the asset value and liquidity to economic cycles	Asset value and liquidity are relatively insensitive to economic cycles.	Asset value and liquidity are sensitive to economic cycles.	Asset value and liquidity are quite sensitive to economic cycles.	Asset value and liquidity are highly sensitive to economic cycles.
Factor: strength of sponsor (including public private partnership)				
(a) Sub-factor: sponsors' track record and financial strength	Sponsors with excellent track record and high financial standing	Sponsors with good track record and good financial standing	Sponsors with adequate track record and good financial standing	Sponsors with no or questionable track record and/or financial weaknesses
Factor: security package				
(a) Sub-factor: asset control	Legal documentation provides the lender effective control (e.g. a first perfected security interest ⁽⁸⁾ , or a leasing structure including such security) on the asset, or on the company owning it.	Legal documentation provides the lender effective control (e.g. a perfected security interest, or a leasing structure including such security) on the asset, or on the company owning it.	Legal documentation provides the lender effective control (e.g. a perfected security interest, or a leasing structure including such security) on the asset, or on the company owning it.	The contract provides little security to the lender and leaves room to some risk of losing control on the asset.
(b) Sub-factor: rights and means at the lender's disposal to monitor the location and condition of the asset	The lender is able to monitor the location and condition of the asset, at any time and place (regular reports, possibility to lead inspections).	The lender is able to monitor the location and condition of the asset, almost at any time and place.	The lender is able to monitor the location and condition of the asset, almost at any time and place.	The lender's ability to monitor the location and condition of the asset are limited.

(c) Sub-factor: insurance against damages	Strong insurance coverage including collateral damages with top quality insurance companies	Satisfactory insurance coverage (not including collateral damages) with good quality insurance companies	Fair insurance coverage (not including collateral damages) with acceptable quality insurance	Weak insurance coverage (not including collateral damages) or with weak quality insurance
⁽¹⁾ The Debt Service Coverage ratio ('DSCR') refers to the ratio of the cashflow available for debt service which can be generated from the asset to the required repayment of the principal and the interest payments during the life of the loan, where the cashflow available for debt service shall be calculated by subtracting operating expenditure, capital expenditure, debt and equity funding, taxes and working capital adjustments from the revenues generated by the project. ⁽²⁾ The Interest Coverage Ratio ('ICR') refers to the ratio of the cashflow available for debt service which can be generated from the asset to the required repayment of the interest payments during the life of the loan, where the cashflow available for debt service shall be calculated by subtracting operating expenditure, capital expenditure, debt and equity funding, taxes and working capital adjustments from the revenues generated by the project. ⁽³⁾ The Loan-to-Value ratio ('LTV') refers to the ratio of the loan amount to the value of the pledged assets. ⁽⁴⁾ The tenor of a loan refers to the amount of time left for the repayment of a loan. ⁽⁵⁾ The tenor of a loan refers to the amount of time left for the repayment of a loan. ⁽⁶⁾ An Operation and Maintenance ('O&M') contract refers to a contract between the developer and the operator. The developer delegates the operation, maintenance and often performance management of the project to an operator with expertise in the industry under the terms of the O&M contract (i.e. scope, term, operator responsibility, fees, and liquidated damages). ⁽⁷⁾ An O&M reserve account refers to a fund into which money is deposited to be used for the purpose of meeting the costs of operation and maintenance of the project. ⁽⁸⁾ First perfected security interest refers to a security interest in an asset (mortgaged as a collateral) protected from claims by other parties. A lien is perfected by registering it with appropriate statutory authority so that it is made legally enforceable and any subsequent claim on that asset is given a junior status.				

Assessment criteria for commodities finance exposures

	Category 1	Category 2	Category 3	Category 4
Factor: financial strength				
(a) Sub-factor: degree of over-col-lateralisation of trade	Strong	Good	Satisfactory	Weak
Factor: political and legal environment				
(a) Sub-factor: country risk	No country risk	Limited exposure to country risk (in particular, offshore location of reserves in an emerging country)	Exposure to country risk (in particular, offshore location of reserves in an emerging country)	Strong exposure to country risk (in particular, inland reserves in an emerging country)
(b) Sub-factor: mitigation of country risks	Very strong mitigation: Strong offshore mechanisms Strategic commodity 1st class buyer	Strong mitigation: Offshore mechanisms Strategic commodity Strong buyer	Acceptable mitigation: Offshore mechanisms Less strategic commodity Acceptable buyer	Only partial mitigation: No offshore mechanisms Non-strategic commodity Weak buyer
Factor: asset characteristics				
(a) Sub-factor: liquidity and susceptibility to damage	Commodity is quoted and can be hedged through futures or OTC instruments. Commodity is not susceptible to damage.	Commodity is quoted and can be hedged through OTC instruments. Commodity is not susceptible to damage.	Commodity is not quoted but is liquid. There is uncertainty about the possibility of hedging. Commodity is not susceptible to damage.	Commodity is not quoted. Liquidity is limited given the size and depth of the market. No appropriate hedging instruments. Commodity is susceptible to damage.
Factor: strength of sponsor (including public private partnership)				
(a) Sub-factor: financial strength of trader	Very strong, relative to trading philosophy and risks	Strong	Adequate	Weak
(b) Sub-factor: track record, including ability to manage the logistic process	Extensive experience with the type of transaction in question. Strong record of operating success and cost efficiency.	Sufficient experience with the type of transaction in question. Above average record of operating success and cost efficiency.	Limited experience with the type of transaction in question. Average record of operating success and cost efficiency.	Limited or uncertain track record in general. Volatile costs and profits.

(c) Sub-factor: trading controls and hedging policies	Strong standards for counterparty selection, hedging, and monitoring	Adequate standards for counterparty selection, hedging, and monitoring	Past deals have experienced no or minor problems	Trader has experienced significant losses on past deals
(d) Sub-factor: quality of financial disclosure	Excellent	Good	Satisfactory	Financial disclosure contains some uncertainties or is insufficient
Factor: security package				
(a) Sub-factor: asset control	First perfected security interest ⁽¹⁾ provides the lender legal control of the assets at any time if needed.	First perfected security interest provides the lender legal control of the assets at any time if needed.	At some point in the process, there is a rupture in the control of the assets by the lender. The rupture is mitigated by knowledge of the trade process or a third party undertaking as the case may be.	Contract leaves room for some risk of losing control over the assets. Recovery could be jeopardised.
(b) Sub-factor: insurance against damages	Strong insurance coverage including collateral damages with top quality insurance companies	Satisfactory insurance coverage (not including collateral damages) with good quality insurance companies	Fair insurance coverage (not including collateral damages) with acceptable quality insurance companies	Weak insurance coverage (not including collateral damages) or with weak quality insurance companies

⁽¹⁾ First perfected security interest refers to a security interest in an asset (mortgaged as a collateral) protected from claims by other parties. A lien is perfected by registering it with appropriate statutory authority so that it is made legally enforceable and any subsequent claim on that asset is given a junior status.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/599**of 7 April 2021****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications ('Rheinisches Zuckerrübenkraut'/'Rheinischer Zuckerrübensirup'/'Rheinisches Rübenkraut' (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Germany's application for the approval of amendments to the specification for the protected geographical indication 'Rheinisches Zuckerrübenkraut'/'Rheinischer Zuckerrübensirup'/'Rheinisches Rübenkraut', registered under Commission Implementing Regulation (EU) No 628/2012 ⁽²⁾, as amended by Commission Implementing Regulation (EU) 2017/356 ⁽³⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Rheinisches Zuckerrübenkraut'/'Rheinischer Zuckerrübensirup'/'Rheinisches Rübenkraut' (PGI) are hereby approved.*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*.⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ Commission Implementing Regulation (EU) No 628/2012 of 6 July 2012 entering a name in the register of protected designations of origin and protected geographical indications [Rheinisches Zuckerrübenkraut/Rheinischer Zuckerrübensirup/Rheinisches Rübenkraut (PGI)] (OJ L 182, 13.7.2012, p. 10).⁽³⁾ Commission Implementing Regulation (EU) 2017/356 of 15 February 2017 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Rheinisches Zuckerrübenkraut/Rheinischer Zuckerrübensirup/Rheinisches Rübenkraut (PGI)] (OJ L 54, 1.3.2017, p. 2).⁽⁴⁾ OJ C 424, 8.12.2020, p. 43.

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

Done at Brussels, 7 April 2021.

*For the Commission,
On behalf of the President,
Janusz WOJCIECHOWSKI
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) 2021/600
of 7 April 2021
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The Customs Code Committee has not delivered an opinion within the time limit laid down by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 7 April 2021.

For the Commission
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
Rods of tungsten alloy, containing more than 94 % by weight of tungsten and 1,5 % by weight of lanthanum, with a length of 150 mm and a diameter of 3 mm. The rods are not obtained only by sintering, they have no coating and are not cored with flux material. They are blunt at their ends (i.e. without pointed tips) and they are individually marked by color. The color marking indicates the alloying element and tungsten content. The rods are packed in batches. The rods are designed to be sharpened and used as welding electrodes for TIG (Tungsten Inert Gas) welding. The purpose of the electrode during this welding process is to form the arc between the electrode and the workpiece. The electrode does not melt during the process; i.e. it is non-consumable.	8101 99 10	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 and note 5 (a) to Section XV, note 1 (d) to Chapter 74, subheading note 1 to Chapter 81 and by the wording of CN codes 8101, 8101 99 and 8101 99 10. The rods need to undergo a special tip grinding process in order to obtain the shape of the tip required to become electrodes properly usable for TIG welding. Therefore, upon presentation to customs, the objective characteristics of the article are not those of welding electrodes for welding machines of heading 8515. Consequently, classification as parts of machines or apparatus for arc welding of metals of heading 8515 is excluded. Given its objective characteristics and properties, the article corresponds to the wording of heading 8101, which includes tungsten (wolfram) and articles thereof. (See also the first paragraph of the Harmonized System Explanatory Notes (HSEN) to heading 8101, which indicates that tungsten (wolfram) in the form of rolled or drawn bars falls in this heading. That provision is also in line with the first paragraph of the HSEN to heading 8311, according to which electrodes of base metal not coated or cored with flux material are excluded from heading 8311 and are to be classified in the appropriate Chapters according to their constituent material.) The article is therefore to be classified under CN code 8101 99 10 as bars and rods, other than those obtained simply by sintering, of tungsten.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/601**of 13 April 2021****concerning a coordinated multiannual control programme of the Union for 2022, 2023 and 2024 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin****(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 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, in particular Article 29(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1213/2008 ⁽²⁾ established a first coordinated multiannual Community control programme, covering the years 2009, 2010 and 2011. That programme continued under consecutive Commission Regulations. The latest one was Commission Implementing Regulation (EU) 2020/585 ⁽³⁾.
- (2) Thirty to forty foodstuffs constitute the major components of the diet in the Union. Since pesticide uses show significant changes over a period of three years, pesticides should be monitored in those foodstuffs over a series of three-year cycles to allow consumer exposure and the application of Union legislation to be assessed.
- (3) The European Food Safety Authority ('the Authority') submitted a scientific report on a design assessment of the pesticide monitoring program. It concluded that an MRL exceedance rate above 1 % could be estimated with a margin of error of 0,75 % by selecting 683 sample units for a minimum of 32 different food items ⁽⁴⁾. Collection of those samples should be apportioned among Member States according to population numbers, with a minimum of 12 samples per product and per year.
- (4) Analytical results from the previous official control programmes of the Union have been taken into account to ensure that the range of pesticides covered by the control programme is representative for the pesticides used.
- (5) Guidance concerning 'Analytical quality control and validation procedures for pesticide residues analysis in food and feed' is published on the Commission website ⁽⁵⁾.
- (6) Where the residue definition of a pesticide includes other active substances, metabolites and/or breakdown or reaction products, those compounds should be reported separately as far as they are measured individually ⁽⁶⁾.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Regulation (EC) No 1213/2008 of 5 December 2008 concerning a coordinated multiannual Community control programme for 2009, 2010 and 2011 to ensure compliance with maximum residue levels of and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 328, 6.12.2008, p. 9).

⁽³⁾ Commission Implementing Regulation (EU) 2020/585 of 27 April 2020 concerning a coordinated multiannual control programme of the Union for 2021, 2022 and 2023 to ensure compliance with maximum levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 135, 29.4.2020, p. 1).

⁽⁴⁾ European Food Safety Authority; pesticide monitoring program: design assessment. EFSA Journal 2015;13(2):4005.

⁽⁵⁾ Document No. SANTE/12682/2019.

https://ec.europa.eu/food/sites/food/files/plant/docs/pesticides_mrl_guidelines_wrkdoc_2019-12682.pdf in its most recent version.

⁽⁶⁾ SANCO/12574/2014, Working Document on the summing up of LOQs in case of complex residue definitions.

- (7) Implementing measures, such as the Standard Sample Description version 2 (SSD2) and the Chemical Monitoring Reporting Guideline, for submitting results of pesticide residues analysis, relating to the submission of information by Member States, have been agreed by Member States, the Commission and the Authority.
- (8) For the sampling procedures, Commission Directive 2002/63/EC ⁽⁷⁾, which incorporates the sampling methods and procedures recommended by the Codex Alimentarius Commission, should apply.
- (9) It is necessary to assess whether maximum residue levels for food for infants and young children provided for in Article 10 of Commission Directive 2006/141/EC ⁽⁸⁾, Article 7 of Commission Directive 2006/125/EC ⁽⁹⁾ and Article 4 of Commission Delegated Regulation (EU) 2016/127 ⁽¹⁰⁾ are respected, taking into account only the residue definitions as they are set out in Regulation (EC) No 396/2005.
- (10) As regards single residue methods, Member States may be able to meet their obligations of analysis by having recourse to official laboratories already having the required validated methods.
- (11) Member States should submit by 31 August of each year the information concerning the previous calendar year.
- (12) In order to avoid any confusion due to an overlap between consecutive multiannual programmes, Implementing Regulation (EU) 2020/585 should be repealed in the interest of legal certainty. It should, however, continue to apply to samples tested in 2021.
- (13) 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

Member States (*) shall, during the years 2022, 2023 and 2024, take and analyse samples for the pesticide/product combinations, as set out in Annex I.

The number of samples of each product, including foods for infants and young children and products originating from organic farming, shall be as set out in Annex II.

Article 2

1. The lot to be sampled shall be chosen randomly.

The sampling procedure, including the number of units, shall comply with Directive 2002/63/EC.

2. All samples, including those of foods intended for infants and young children and products originating from organic farming, shall be analysed for the pesticides referred to in Annex I in accordance with the residue definitions set out in Regulation (EC) No 396/2005.

⁽⁷⁾ Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC (OJ L 187, 16.7.2002, p. 30).

⁽⁸⁾ Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC (OJ L 401, 30.12.2006, p. 1).

⁽⁹⁾ Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children (OJ L 339, 6.12.2006, p. 16).

⁽¹⁰⁾ Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding (OJ L 25, 2.2.2016, p. 1).

(*) Pursuant to Article 5(4) and Section 24 of Annex 2 of the Protocol on Ireland/Northern Ireland, which is an integral part of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, this Regulation applies to and in the United Kingdom in respect of Northern Ireland and references to Member States are read as including the United Kingdom in respect of Northern Ireland as long as that Protocol applies.

3. For foods intended for infants and young children, samples shall be evaluated on the products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers, taking into account the MRLs set out in Directives 2006/125/EC and 2006/141/EC and in Delegated Regulation (EU) 2016/127. Where such foods can be consumed both as sold and as reconstituted, the results shall be reported on the non-reconstituted product as sold.

Article 3

Member States shall submit the results of the analysis of samples tested in 2022, 2023 and 2024 by 31 August 2023, 2024 and 2025 respectively. Those results shall be submitted in the electronic reporting format as set out by the Authority.

Where the residue definition of a pesticide includes more than one compound (active substance and/or metabolite or breakdown or reaction product), Member States shall report the analysis results in accordance with the full residue definition. In addition, the results of all analytes that are part of the residue definition shall be submitted separately, as far as they are measured individually.

Article 4

Implementing Regulation (EU) 2020/585 is repealed.

However, as regards samples tested in 2021, it shall continue to apply until 1 September 2022.

Article 5

This Regulation shall enter into force on 1 January 2022.

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

Done at Brussels, 13 April 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Part A: Products of plant origin ⁽¹⁾ to be sampled in 2022, 2023 and 2024

2022	2023	2024
(c)	(a)	(b)
Apples ⁽²⁾	Oranges ⁽²⁾	Table grapes ⁽²⁾
Strawberries ⁽²⁾	Pears ⁽²⁾	Bananas ⁽²⁾
Peaches, including nectarines and similar hybrids ⁽²⁾	Kiwi fruits ⁽²⁾	Grapefruits ⁽²⁾
Wine (red or white) made from grapes (where no specific processing factors for wine are available, Member States shall report the wine processing factors used).	Cauliflowers ⁽²⁾	Aubergines ⁽²⁾
Lettuces ⁽²⁾	Onions ⁽²⁾	Broccoli ⁽²⁾
Head cabbages ⁽²⁾	Carrots ⁽²⁾	Melons ⁽²⁾
Tomatoes ⁽²⁾	Potatoes ⁽²⁾	Cultivated fungi ⁽²⁾
Spinaches ⁽²⁾	Beans (dried) ⁽²⁾	Sweet peppers/bell peppers ⁽²⁾
Oat grain ⁽³⁾⁽⁴⁾	Rye grain ⁽⁴⁾	Wheat grain ⁽⁴⁾
Barley grain ⁽⁴⁾⁽⁵⁾	Brown rice (husked rice), defined as rice after the removal of the hull from paddy rice ⁽⁶⁾	Virgin olive oil (where no specific oil processing factor is available, Member States shall report the processing factors used).

⁽¹⁾ For the raw commodities to be analysed, the parts of the products to which MRLs apply shall be analysed for the main product of the group or subgroup as listed in part A of Annex I to Regulation (EU) 2018/62 unless stated otherwise.

⁽²⁾ Unprocessed products shall be analysed. In case of products sampled in frozen state, a processing factor shall be reported, if applicable.

⁽³⁾ If no sufficient samples of oat grains are available, the part of the required sample number for oat grains that could not be taken, can be added to the sample number for barley grains, resulting in a reduced sample number for oat grains and a proportionately increased sample number for barley grains.

⁽⁴⁾ If no sufficient samples of rye, wheat, oat or barley grains are available, also rye, wheat, oat or barley whole grain flour can be analysed and a processing factor shall be reported.

⁽⁵⁾ If no sufficient samples of barley grains are available, the part of the required sample number for barley grains that could not be taken, can be added to the sample number for oat grains, resulting in a reduced sample number for barley grains and a proportionately increased sample number for oat grains.

⁽⁶⁾ Where appropriate, also polished rice grain can be analysed. It shall be reported to the Authority whether polished or husked rice was analysed. If polished rice was analysed, a processing factor shall be reported.

Part B: Products of animal origin ⁽¹⁾ to be sampled in 2022, 2023 and 2024

2022	2023	2024
(e)	(f)	(d)
Cow's milk ⁽²⁾	Poultry fat ⁽³⁾⁽⁴⁾	Bovine fat ⁽³⁾⁽⁴⁾
Swine fat ⁽³⁾⁽⁴⁾	Bovine Liver ⁽³⁾	Chicken eggs ⁽³⁾⁽⁵⁾

⁽¹⁾ For the raw commodities to be analysed, the parts of the products to which MRLs apply shall be analysed for the main product of the group or subgroup as listed in part A of Annex I to Reg. (EU) No 2018/62 unless stated otherwise.

⁽²⁾ Fresh (unprocessed) milk shall be analysed, including frozen, pasteurised, heated, sterilised or filtrated milk.

⁽³⁾ Unprocessed products shall be analysed. In case of products sampled in frozen state, a processing factor shall be reported, if applicable.

⁽⁴⁾ Meat may also be sampled according to Table 3 of the Annex to Directive 2002/63/EC.

⁽⁵⁾ Whole eggs without the shell shall be analysed.

Part C: Pesticide/product combinations to be monitored in/on products of plant origin

	2022	2023	2024	Remarks
2,4-D	(c)	(a)	(b)	It shall only be analysed in and on lettuces, spinaches and tomatoes in 2022; in and on oranges, cauliflowers, brown rice and dried beans in 2023; in and on grapefruits, table grapes, aubergines and broccoli in 2024.
2-Phenylphenol	(c)	(a)	(b)	
Abamectin	(c)	(a)	(b)	
Aclonifen		(a)		It shall only be analysed in and on carrots in 2023
Acephate	(c)	(a)	(b)	
Acetamiprid	(c)	(a)	(b)	
Acrinathrin	(c)	(a)	(b)	
Aldicarb	(c)	(a)	(b)	
Aldrin and dieldrin	(c)	(a)	(b)	
Ametoctradin	(c)	(a)	(b)	
Azinphos-methyl	(c)	(a)	(b)	
Azoxystrobin	(c)	(a)	(b)	
Bifenthrin	(c)	(a)	(b)	
Biphenyl	(c)	(a)	(b)	
Bitertanol	(c)	(a)	(b)	
Boscalid	(c)	(a)	(b)	
Bromide ion	(c)	(a)	(b)	It shall only be analysed in and on lettuces and tomatoes in 2022; in and on brown rice in 2023; in and on sweet peppers in 2024.
Bromopropylate	(c)	(a)	(b)	
Bupirimate	(c)	(a)	(b)	
Buprofezin	(c)	(a)	(b)	
Captan	(c)	(a)	(b)	
Carbaryl	(c)	(a)	(b)	
Carbendazim and benomyl	(c)	(a)	(b)	
Carbofuran	(c)	(a)	(b)	
Chlorantraniliprole	(c)	(a)	(b)	
Chlorfenapyr	(c)	(a)	(b)	

	2022	2023	2024	Remarks
Chlormequat	(c)	(a)	(b)	It shall only be analysed in and on tomatoes, oats and barley in 2022; in and on carrots, pears, rye and brown rice in 2023; in and on aubergines, table grapes, cultivated fungi and wheat in 2024.
Chlorothalonil	(c)	(a)	(b)	
Chlorpropham	(c)	(a)	(b)	
Chlorpyrifos	(c)	(a)	(b)	
Chlorpyrifos-methyl	(c)	(a)	(b)	
Clofentezine	(c)	(a)	(b)	
Clothianidin	(c)	(a)	(b)	
Cyantraniliprole	(c)	(a)	(b)	
Cyazofamid	(c)	(a)	(b)	
Cyflufenamid	(c)	(a)	(b)	
Cyfluthrin	(c)	(a)	(b)	
Cymoxanil	(c)	(a)	(b)	
Cypermethrin	(c)	(a)	(b)	
Cyproconazole	(c)	(a)	(b)	
Cyprodinil	(c)	(a)	(b)	
Cyromazine	(c)	(a)	(b)	It shall only be analysed in and on lettuces and tomatoes in 2022; in and on potatoes, onions and carrots in 2023; in and on aubergines, sweet peppers, melons and cultivated fungi in 2024.
Deltamethrin	(c)	(a)	(b)	
Diazinon	(c)	(a)	(b)	
Dichlorvos	(c)	(a)	(b)	
Dicloran	(c)	(a)	(b)	
Dicofol	(c)	(a)	(b)	
Diethofencarb	(c)	(a)	(b)	
Difenoconazole	(c)	(a)	(b)	
Diffubenzuron	(c)	(a)	(b)	
Dimethoate	(c)	(a)	(b)	
Dimethomorph	(c)	(a)	(b)	
Diniconazole	(c)	(a)	(b)	
Diphenylamine	(c)	(a)	(b)	
Dithianon	(c)	(a)	(b)	It shall only be analysed in and on apples and peaches in 2022; in and on pears and brown rice in 2023; in and on table grapes in 2024.

	2022	2023	2024	Remarks
Dithiocarbamates	(c)	(a)	(b)	It shall be analysed in and on all listed commodities except broccoli, cauliflowers, head cabbages, olive oil, wine and onions.
Dodine	(c)	(a)	(b)	
Emamectin benzoate B1a, expressed as emamectin	(c)	(a)	(b)	
Endosulfan	(c)	(a)	(b)	
Epoxiconazole	(c)	(a)	(b)	
Ethephon	(c)	(a)	(b)	It shall only be analysed in and on apples, peaches, tomatoes and wine in 2022; in and on oranges and pears in 2023; in and on sweet peppers, wheat and table grapes in 2024.
Ethion	(c)	(a)	(b)	
Ethirimol	(c)	(a)	(b)	
Etofenprox	(c)	(a)	(b)	
Etoxazole	(c)	(a)	(b)	
Famoxadone	(c)	(a)	(b)	
Fenamidone	(c)	(a)	(b)	
Fenamiphos	(c)	(a)	(b)	
Fenarimol	(c)	(a)	(b)	
Fenazaquin	(c)	(a)	(b)	
Fenbuconazole	(c)	(a)	(b)	
Fenbutatin oxide	(c)	(a)	(b)	It shall only be analysed in and on apples, strawberries, peaches, tomatoes and wine in 2022; in and on oranges and pears in 2023; in and on aubergines, grapefruits, sweet peppers and table grapes in 2024.
Fenhexamid	(c)	(a)	(b)	
Fenitrothion	(c)	(a)	(b)	
Fenoxycarb	(c)	(a)	(b)	
Fenpropathrin	(c)	(a)	(b)	
Fenpropidin	(c)	(a)	(b)	
Fenpropimorph	(c)	(a)	(b)	
Fenpyrazamine	(c)	(a)	(b)	
Fenpyroximate	(c)	(a)	(b)	
Fenthion	(c)	(a)	(b)	
Fenvalerate	(c)	(a)	(b)	
Fipronil	(c)	(a)	(b)	

	2022	2023	2024	Remarks
Flonicamid	(c)	(a)	(b)	
Fluazifop-P	(c)	(a)	(b)	It shall only be analysed in and on strawberries, head cabbages, lettuces, spinaches and tomatoes in 2022; in and on cauliflowers, dried beans, potatoes and carrots in 2023; in and on aubergines, broccoli, sweet peppers and wheat in 2024.
Flubendiamide	(c)	(a)	(b)	
Fludioxonil	(c)	(a)	(b)	
Flufenoxuron	(c)	(a)	(b)	
Fluopicolide	(c)	(a)	(b)	
Fluopyram	(c)	(a)	(b)	
Fluquinconazole	(c)	(a)	(b)	
Flusilazole	(c)	(a)	(b)	
Flutriafol	(c)	(a)	(b)	
Fluxapyroxad	(c)	(a)	(b)	
Folpet	(c)	(a)	(b)	
Formetanate	(c)	(a)	(b)	
Fosetyl-Al	(c)	(a)	(b)	
Fosthiazate	(c)	(a)	(b)	
Glyphosate	(c)	(a)	(b)	
Glufosinate ammonium	(c)	(a)	(b)	
Haloxyfop including haloxyfop-P	(c)	(a)	(b)	It shall only be analysed in and on strawberries and head cabbages in 2022; in and on dried beans in 2023; in and on broccoli, grapefruits, sweet peppers and wheat in 2024.
Hexaconazole	(c)	(a)	(b)	
Hexythiazox	(c)	(a)	(b)	
Imazalil	(c)	(a)	(b)	
Imidacloprid	(c)	(a)	(b)	
Indoxacarb	(c)	(a)	(b)	
Iprodione	(c)	(a)	(b)	
Iprovalicarb	(c)	(a)	(b)	
Isocarbophos	(c)	(a)	(b)	
Isoprothiolane		(a)		The substance shall not be analysed in or on any product in 2022 and 2024. It shall only be analysed in and on brown rice in 2023.

	2022	2023	2024	Remarks
Kresoxim-methyl	(c)	(a)	(b)	
Lambda-cyhalothrin	(c)	(a)	(b)	
Linuron	(c)	(a)	(b)	
Lufenuron	(c)	(a)	(b)	
Malathion	(c)	(a)	(b)	
Mandipropamid	(c)	(a)	(b)	
Mepanipyrim	(c)	(a)	(b)	
Mepiquat	(c)	(a)	(b)	It shall only be analysed in and on barley and oats in 2022; in and on pears, rye and brown rice in 2023; in and on cultivated fungi and wheat in 2024.
Metaflumizone	(c)	(a)	(b)	
Metalaxyl and metalaxyl-M	(c)	(a)	(b)	
Methamidophos	(c)	(a)	(b)	
Methidathion	(c)	(a)	(b)	
Methiocarb	(c)	(a)	(b)	
Methomyl	(c)	(a)	(b)	
Methoxyfenozide	(c)	(a)	(b)	
Metrafenone	(c)	(a)	(b)	
Monocrotophos	(c)	(a)	(b)	
Myclobutanil	(c)	(a)	(b)	
Omethoate	(c)	(a)	(b)	
Oxadixyl	(c)	(a)	(b)	
Oxamyl	(c)	(a)	(b)	
Oxydemeton-methyl	(c)	(a)	(b)	
Paclobutrazole	(c)	(a)	(b)	
Parathion methyl	(c)	(a)	(b)	
Penconazole	(c)	(a)	(b)	
Pencycuron	(c)	(a)	(b)	
Pendimethalin	(c)	(a)	(b)	
Permethrin	(c)	(a)	(b)	
Phosmet	(c)	(a)	(b)	
Pirimicarb	(c)	(a)	(b)	
Pirimiphos-methyl	(c)	(a)	(b)	

	2022	2023	2024	Remarks
Prochloraz	(c)	(a)	(b)	
Procymidone	(c)	(a)	(b)	
Profenofos	(c)	(a)	(b)	
Propamocarb	(c)	(a)	(b)	It shall be only analysed in and on strawberries, head cabbages, spinaches, lettuces, tomatoes and barley in 2022; in and on carrots, cauliflowers, onions and potatoes in 2023; in and on table grapes, melons, aubergines, broccoli, sweet peppers and wheat in 2024.
Propargite	(c)	(a)	(b)	
Propiconazole	(c)	(a)	(b)	
Propyzamide	(c)	(a)	(b)	
Proquinazid	(c)	(a)	(b)	
Prosulfocarb	(c)	(a)	(b)	
Prothioconazole	(c)	(a)	(b)	It shall be only analysed in and on head cabbages, lettuces, tomatoes, oats and barley in 2022; in and on carrots, onions, rye and brown rice in 2023; in and on sweet peppers and wheat in 2024.
Pymetrozine	(c)		(b)	It shall only be analysed in and on head cabbages, lettuces, strawberries, spinaches and tomatoes in 2022; in and on aubergines, melons and sweet peppers in 2024. The substance shall not be analysed in or on any product in 2023.
Pyraclostrobin	(c)	(a)	(b)	
Pyridaben	(c)	(a)	(b)	
Pyridalyl	(c)	(a)	(b)	
Pyrimethanil	(c)	(a)	(b)	
Pyriproxyfen	(c)	(a)	(b)	
Quinoxifen	(c)	(a)	(b)	
Spinosad	(c)	(a)	(b)	
Spinetoram	(c)	(a)	(b)	
Spirodiclofen	(c)	(a)	(b)	
Spiromesifen	(c)	(a)	(b)	
Spiroxamine	(c)	(a)	(b)	
Spirotetramat	(c)	(a)	(b)	
Sulfoxaflor	(c)	(a)	(b)	
Tau-Fluvalinate	(c)	(a)	(b)	

	2022	2023	2024	Remarks
Tebuconazole	(c)	(a)	(b)	
Tebufenozide	(c)	(a)	(b)	
Tebufenpyrad	(c)	(a)	(b)	
Teflubenzuron	(c)	(a)	(b)	
Tefluthrin	(c)	(a)	(b)	
Terbuthylazine	(c)	(a)	(b)	
Tetraconazole	(c)	(a)	(b)	
Tetradifon	(c)	(a)	(b)	
Thiabendazole	(c)	(a)	(b)	
Thiacloprid	(c)	(a)	(b)	
Thiamethoxam	(c)	(a)	(b)	
Thiophanate-methyl	(c)	(a)	(b)	
Tolclofos-methyl	(c)	(a)	(b)	
Triadimefon	(c)	(a)	(b)	
Triadimenol	(c)	(a)	(b)	
Thiodicarb	(c)	(a)	(b)	
Triazophos	(c)	(a)	(b)	
Tricyclazole		(a)		It shall only be analysed in and on brown rice in 2023.
Trifloxystrobin	(c)	(a)	(b)	
Triflumuron	(c)	(a)	(b)	
Vinclozolin	(c)	(a)	(b)	

Part D: Pesticide/product combinations to be monitored in/on products of animal origin

	2022	2023	2024	Remarks
Aldrin and dieldrin	(e)	(f)	(d)	
Bifenthrin	(e)	(f)	(d)	
Chlordane	(e)	(f)	(d)	
Chlorpyrifos	(e)	(f)	(d)	
Chlorpyrifos-methyl	(e)	(f)	(d)	
Cypermethrin	(e)	(f)	(d)	
DDT	(e)	(f)	(d)	
Deltamethrin	(e)	(f)	(d)	

	2022	2023	2024	Remarks
Diazinon	(e)	(f)	(d)	
Endosulfan	(e)	(f)	(d)	
Famoxadone	(e)	(f)	(d)	
Fenvalerate	(e)	(f)	(d)	
Fipronil	(e)	(f)	(d)	
Glyphosate	(e)	(f)	(d)	
Glufosinate ammonium	(e)	(f)	(d)	
Heptachlor	(e)	(f)	(d)	
Hexachlorobenzene	(e)	(f)	(d)	
Hexachlorocyclohexan (HCH, Alpha-Isomer)	(e)	(f)	(d)	
Hexachlorocyclohexan (HCH, Beta-Isomer)	(e)	(f)	(d)	
Indoxacarb	(e)			It shall only be analysed in and on milk in 2022.
Lindane	(e)	(f)	(d)	
Methoxychlor	(e)	(f)	(d)	
Parathion	(e)	(f)	(d)	
Pendimethalin	(e)	(f)	(d)	
Permethrin	(e)	(f)	(d)	
Pirimiphos-methyl	(e)	(f)	(d)	

ANNEX II

Number of samples referred to in Article 1

- (1) The number of samples to be taken for each commodity and analysed for the pesticides listed in Annex I is set out in point (5).
- (2) In addition to the samples required in accordance with point (5), in 2022 each Member State shall take and analyse ten samples of foods for infants and young children other than infant formulae, follow-on formulae and processed cereal-based baby food.

In addition to the samples required in accordance with point (5), in 2023 each Member State shall take and analyse five samples of infant formulae and five samples of follow-on formulae.

In addition to the samples required in accordance with point (5), in 2024 each Member State shall take and analyse ten samples of processed cereal-based baby food.

- (3) In accordance with point (5), samples from commodities originating from organic farming shall, where available, be taken in proportion to the market share of those commodities in each Member State with a minimum of 1.
- (4) Member States using multi-residue methods may use qualitative screening methods on up to 15 % of the samples to be taken and analysed in accordance with point (5). Where qualitative screening methods are used, the remaining number of samples shall be analysed by quantitative multi-residue methods.

Where the results of qualitative screening are positive, Member States shall use a usual target method to quantify the findings.

- (5) Minimum number of samples per year per commodity:

BE	15	LT	12
BG	15	LU	12
CZ	15	HU	15
DK	12	MT	12
DE	106	NL	20
EE	12	AT	15
IE	12	PL	51
EL	15	PT	15
ES	55	RO	22
FR	78	SI	12
HR	12	SK	12
IT	75	FI	12
CY	12	SE	15
LV	12	UK in respect of Northern Ireland ⁽¹⁾	12

⁽¹⁾ In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, this Regulation applies to and in the United Kingdom in respect of Northern Ireland.TOTAL

DECISIONS

COUNCIL DECISION (EU) 2021/602

of 8 April 2021

on the appointment of a Deputy Executive Director of Europol

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ⁽¹⁾, and in particular Articles 54 and 55 thereof,

Acting as the authority vested with the power to appoint the Executive Director and Deputy Executive Directors of Europol,

Whereas:

- (1) The term of office of one of the current Deputy Executive Directors of Europol ended on 31 December 2020. It is therefore necessary to appoint a new Deputy Executive Director of Europol.
- (2) The decision of the Management Board of Europol of 1 May 2017 establishes the rules for the selection, extension of the term of office and removal from office of the Executive Director and Deputy Executive Directors of Europol.
- (3) Under point (b) of Article 3(1) of the decision of the Management Board of Europol of 1 May 2017, one of the posts for a Deputy Executive Director of Europol has been deemed to be vacant since 3 July 2020. A vacancy notice for the post of a Deputy Executive Director of Europol was published in the *Official Journal of the European Union* on 4 September 2020 ⁽²⁾.
- (4) In accordance with Article 54(2) of Regulation (EU) 2016/794, a shortlist of candidates has been drawn up by a selection committee set up by the Management Board (the 'Selection Committee'). The Selection Committee prepared a duly reasoned report and submitted it to the Management Board on 25 November 2020.
- (5) On the basis of the report of the Selection Committee and in accordance with Regulation (EU) 2016/794 and the decision of the Management Board of 1 May 2017, the Management Board issued a reasoned opinion on 10 December 2020 on the appointment of a new Deputy Executive Director of Europol, in which it proposed a shortlist of three candidates suitable for the post to the Council.
- (6) On 25 January 2021, the Council selected Mr Jean-Philippe LECOUFFE as the new Deputy Executive Director of Europol and informed the Civil Liberties, Justice and Home Affairs Committee of the European Parliament ('LIBE Committee'), which is the competent committee for the purposes of fourth subparagraph of Article 54(2) of Regulation (EU) 2016/794, about that selection.
- (7) On 24 February 2021, Mr Jean-Philippe LECOUFFE appeared before the LIBE Committee. On 23 March 2021, the LIBE Committee gave its opinion in accordance with the fourth subparagraph of Article 54(2) of Regulation (EU) 2016/794,

⁽¹⁾ OJ L 135, 24.5.2016, p. 53.

⁽²⁾ OJ C 293 A, 4.9.2020, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

Mr Jean-Philippe LECOUFFE is hereby appointed as Deputy Executive Director of Europol for the period from 1 May 2021 to 30 April 2025 at grade AD 14.

Article 2

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

Done at Brussels, 8 April 2021.

For the Council
The President
A. P. ZACARIAS

COUNCIL DECISION (EU) 2021/603**of 9 April 2021****appointing a member, proposed by the Kingdom of Belgium, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to Council Decision (EU) 2019/852 of 21 May 2019 determining the composition of the Committee of the Regions ⁽¹⁾,

Having regard to the proposal from the Belgian Government,

Whereas:

- (1) Pursuant to Article 300(3) of the Treaty on the Functioning of the European Union, the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) On 26 March 2020 the Council adopted Decision (EU) 2020/511 ⁽²⁾, appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025.
- (3) A member's seat on the Committee of the Regions has become vacant following the resignation of Mr Willem-Frederik SCHILTZ.
- (4) The Belgian government has proposed Ms Gwendolyn RUTTEN, who holds a regional electoral mandate as a member of the *Vlaams Parlement* (Flemish parliament), as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025:

— Ms Gwendolyn RUTTEN, Member of a Regional Assembly: *Vlaams Parlement*.

Article 2

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

Done at Brussels, 9 April 2021.

For the Council
The President
A. P. ZACARIAS

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽²⁾ Council Decision (EU) 2020/511 of 26 March 2020 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 113, 8.4.2020, p. 18).

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