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►**B** **COMMISSION IMPLEMENTING REGULATION (EU) 2020/402**

of 14 March 2020

making the exportation of certain products subject to the production of an export authorisation

(OJ L 77I, 15.3.2020, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Implementing Regulation (EU) 2020/426 of 19 March 2020	L 84I	1	20.3.2020

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COMMISSION IMPLEMENTING REGULATION (EU) 2020/402

of 14 March 2020

making the exportation of certain products subject to the production of an export authorisation

Article 1

Export authorisation

1. An export authorisation established in accordance with the form set out in Annex II shall be required for the export outside the Union of personal protective equipment listed in Annex I, whether or not originating in the Union. Such authorisation shall be granted by the competent authorities of the Member State where the exporter is established and shall be issued in writing or by electronic means.

2. Without the production of such export authorisation, the exportation is prohibited.

▼M1

3. Exports to Norway, Iceland, Liechtenstein, Switzerland, as well as the overseas countries and territories listed in Annex II of the Treaty and the Faeroe Islands, Andorra, San Marino and the Vatican City shall not be subject to the measures set out in paragraphs 1 and 2.

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Article 2

Procedural aspects

1. If the protective equipment is located in one or more Member States other than the one where the application for export authorisation has been made, that fact shall be indicated in the application. The competent authorities of the Member State to which the application for export authorisation has been made shall immediately consult the competent authorities of the Member State or States in question and provide the relevant information. The Member State or States consulted shall make known within 10 working days any objections it or they may have to the granting of such an authorisation, which shall bind the Member State in which the application has been made.

2. Member States shall process applications for export authorisations within a period of time to be determined by national law or practice, which shall not exceed 5 working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended by a further period of 5 working days.

3. In deciding whether to grant an export authorisation under this Regulation, Member States shall take into account all relevant considerations including, where appropriate, whether the export serves, inter alia:

— to fulfil supply obligations under a joint procurement procedure in accordance with Article 5 of Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health ([1]);

([1]) OJ L 293, 5.11.2013, p. 1.

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— to support concerted support actions coordinated by the Integrated Political Crisis Response Mechanism (IPCR), the European Commission or other Union institutions;

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— to respond to the requests of assistance addressed to and handled by the UPCM (Union Civil Protection Mechanism), by third countries or international organisations and to enable the provisions of emergency supplies in the context of humanitarian aid;

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— to support the statutory activities of support companies abroad that enjoy protection under the Geneva Convention, and in so far as they do not impair the ability to work as a national support company;

— to support the activities of the World Health Organisation's (WHO) Global Outbreak Alert & Response Network (GOARN);

— to supply foreign operations of EU Member States including, military operations, international police missions and/or civilian international peacekeeping missions;

— for the supply of EU and Member State delegations abroad.

4. Member States may decide to make use of electronic documents for the purpose of processing the applications for export authorisation.

Article 3

Final provisions

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union* and apply for a period of six weeks. It shall automatically cease to apply at the end of this six weeks period.

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

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ANNEX I

Protective Equipment

The equipment listed in this Annex is in conformity with the provisions of Regulation (EU) 2016/425 ([1]).

Category	Description	CN Codes
Protective spectacles and visors	— Protection against potentially infectious material, — Encircling the eyes and surroundings, — Compatible with different models of filtering facepiece (FFP) masks and facial masks, — Transparent lens, — Reusable (can be cleaned and disinfected) or single-use items	ex 9004 90 10 ex 9004 90 90
Face shields	— Equipment for the protection of the facial area and associated mucous membranes (ex: eyes, nose, mouth) against potentially infectious material, — Includes a visor of transparent material, — Usually includes fixations to secure over the face (e.g.: bands, temples) — Can include a mouth-nose protection equipment as described below, — Reusable (can be cleaned and disinfected) or disposable	ex 3926 90 97 ex 9020 00 00
Mouth-nose-protection equipment	— Masks for the protection of the wearer against potentially infectious material and for the protection of the environment against potentially infectious material spread by the wearer, — Can include a face shield as described above, — Whether or not equipped with a replaceable filter	ex 6307 90 98 ex 9020 00 00
Protective garments	Garment (e.g. gown, suit) for the protection of the wearer against potentially infectious material and for the protection of the environment against potentially infectious material spread by the wearer	ex 3926 20 00 ex 4015 90 00 ex 6113 00 ex 6114 ex 6210 10 10 6210 10 92 ex 6210 10 98 ex 6210 20 00 ex 6210 30 00 ex 6210 40 00 ex 6210 50 00 ex 6211 32 10 ex 6211 32 90 ex 6211 33 10 ex 6211 33 90 ex 6211 39 00 ex 6211 42 10 ex 6211 42 90 ex 6211 43 10 ex 6211 43 90 ex 6211 49 00 ex 9020 00 00

([1]) Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51).

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Category	Description	CN Codes
Gloves	Gloves for the protection of the wearer against potentially infectious material and for the protection of the environment against potentially infectious material spread by the wearer	ex 3926 20 00 4015 11 00 ex 4015 19 00 ex 6116 10 20 ex 6116 10 80 ex 6216 00 00

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ANNEX II

Model for export authorisation forms referred to in Article 1

When granting export authorisations, Member States will strive to ensure the visibility of the nature of the authorisation on the form issued. This is an export authorisation valid in all Member States of the European Union until its expiry date.

<table>
<tr><td colspan="2">EUROPEAN UNION</td><td colspan="3">Export of personal protective equipment (Regulation (EU) 2020/402)</td></tr>
<tr><td colspan="2">1. Exporter
(EORI number if applicable)</td><td colspan="2">2. Authorisation number</td><td>3. Expiry date</td></tr>
<tr><td colspan="2">4. Issuing authority</td><td>5. Destination country</td><td colspan="2">6. Final recipient</td></tr>
<tr><td>7. Commodity code</td><td rowspan="2">8. Quantity</td><td rowspan="2">9. Unit</td><td rowspan="2">10. Description of the goods</td></tr>
<tr><td>11. Location</td></tr>
<tr><td>7. Commodity code</td><td rowspan="2">8. Quantity</td><td rowspan="2">9. Unit</td><td rowspan="2">10. Description of the goods</td></tr>
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<tr><td>11. Location</td></tr>
<tr><td colspan="4">12. Signature, place and date, stamp</td></tr>
</table>

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Explanatory notes to the export authorisation form

The completion of all the boxes is mandatory except when stated otherwise.

Boxes 7 to 11 are repeated 4 times to allow requesting an authorisation for 4 different products.

Box 1	Exporter	Full name and address of the exporter for whom the authorisation is issued + EORI number if applicable.
Box 2	Authorisation number	The authorisation number is completed by the authority issuing the export authorisation and has the following format: XXyyyy999999, where XX is the 2-letter geonomenclature code ([1]) of the issuing Member State, yyyy is the 4-digit year of issuance of the authorisation, 999999 is a 6-digit number unique within XXyyyy and attributed by the issuing authority.
Box 3	Expiry date	The issuing authority can define an expiry date for the authorisation. This expiry date cannot be later than 6 weeks after the entry into force of this regulation. If no expiry date is defined by the issuing authority, the authorisation expires at the latest 6 weeks after the entry into force of this regulation.
Box 4	Issuing authority	Full name and address of the Member State authority that issued the export authorisation.
Box 5	Destination country	2-letter geonomenclature code of the country of destination of the goods for which the authorisation is issued.
Box 6	Final recipient	Full name and address of the final recipient of the goods, if known at the time of issuance + EORI number if applicable. If the final recipient is not known at the time of issuance, the field is left empty.
Box 7	Commodity code	The numerical code from the Harmonised System or the Combined Nomenclature ([2]) under which the goods to export are classified when the authorisation is issued.
Box 8	Quantity	The quantity of goods measured in the unit declared in box 9.
Box 9	Unit	The measurement unit in which the quantity declared in box 8 is expressed. The units to use are "P/ST" for goods counted by number of pieces (e.g. masks), and "PA" for goods counted by pairs (e.g. gloves).
Box 10	Description of the goods	Plain language description precise enough to allow identification the goods.
Box 11	Location	The geonomenclature code of the Member State where the goods are located. If the goods are located in the Member State of the issuing authority, this box must be left empty.
Box 12	Signature, stamp, place and date,	The signature and stamp of the issuing authority. The place and the date of issuance of the authorisation.

([1]) Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7).

([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).