

Official Journal of the European Union

L 75



English edition

Legislation

Volume 66

14 March 2023

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⁽¹⁾ Text with EEA relevance.

EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/573

of 10 March 2023

amending Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 as regards the entries for Argentina, the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments of poultry and germinal products of poultry, fresh meat of and meat products from poultry and game birds

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 230(1) and 232(1) and (3) thereof,

Whereas:

- (1) Regulation (EU) 2016/429 provides that consignments of animals, germinal products and products of animal origin must come from a third country or territory, or zone or compartment thereof, listed in accordance with Article 230(1) of that Regulation in order to enter the Union.
- (2) Commission Delegated Regulation (EU) 2020/692 ⁽²⁾ lays down the animal health requirements that consignments of certain species and categories of animals, germinal products and products of animal origin, from third countries or territories, or zones thereof, or compartments thereof in the case of aquaculture animals, must comply with in order to enter the Union.
- (3) Commission Implementing Regulation (EU) 2021/404 ⁽³⁾ lays down the lists of third countries or territories, or zones or compartments thereof, from which the entry into the Union of those species and categories of animals, germinal products and products of animal origin, that fall within the scope of Delegated Regulation (EU) 2020/692, is permitted.
- (4) More particularly, Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 set out the lists of third countries, territories, or zones thereof authorised for the entry into the Union respectively of consignments of poultry and germinal products of poultry, fresh meat of and meat products from poultry and game birds.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin (OJ L 174, 3.6.2020, p. 379).

⁽³⁾ Commission Implementing Regulation (EU) 2021/404 of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and of the Council (OJ L 114, 31.3.2021, p. 1).

- (5) On 3 March 2023, Argentina notified to the Commission services an outbreak of highly pathogenic avian influenza (HPAI). That outbreak is located in the province of Río Negro, Argentina and was confirmed on 28 February 2023 by laboratory analysis (RT-PCR).
- (6) The lists of third countries, territories, or zones thereof set out in Section B of Part 1 of Annex XIV and in Section A of Part 1 of Annex XV to Regulation (EU) 2021/404 specify that the entry into the Union from Argentina of consignments of fresh meat of and meat products from poultry and game birds are authorised. In addition, Section A of Part 1 of Annex XV to Implementing Regulation (EU) 2021/404 does not currently require any risk-mitigating treatments for the entry into the Union of consignments of meat products from poultry and game birds from that third country.
- (7) Due to the risk of the introduction of HPAI into the Union linked with the entry of consignments of fresh meat of and meat products from poultry and game birds from Argentina, and in the absence of guarantees allowing for regionalisation of that third country, the entry into the Union of such consignments should no longer be authorised. In addition, the risk mitigating treatment D, in accordance with Annex XXVI to Delegated Regulation (EU) 2020/692, should be required for the entry into the Union of consignments of meat products from poultry and game birds from that third country.
- (8) The entries for Argentina in the lists of third countries, territories, or zones thereof set out in the table in Part 1 of Annex XIV and in the table in Section A of Part 1 of Annex XV to Implementing Regulation (EU) 2021/404 should therefore be amended to take account of the current epidemiological situation in that third country.
- (9) Additionally, the United States have notified the Commission of eight outbreaks of highly pathogenic avian influenza in poultry in the states of Florida (1), Illinois (1), Nebraska (1), Pennsylvania (4) and Virginia (1), United States, which were confirmed between 21 February 2023 and 28 February 2023 by laboratory analysis (RT-PCR).
- (10) Following those recent outbreaks of highly pathogenic avian influenza, the veterinary authorities of the United States established control zones of at least 10 km around the affected establishments and implemented a stamping-out policy in order to control the presence of highly pathogenic avian influenza and limit the spread of that disease.
- (11) The United States have submitted information to the Commission on the epidemiological situation on their territory and the measures they have taken to prevent the further spread of highly pathogenic avian influenza. That information has been evaluated by the Commission. On the basis of that evaluation and in order to protect the animal health status of the Union, the entry into the Union of consignments of poultry, germinal products of poultry, and fresh meat of poultry and game birds from the areas under restrictions established by the veterinary authorities of the United States due to the recent outbreaks of highly pathogenic avian influenza should no longer be authorised.
- (12) In addition, the United Kingdom has submitted updated information on the epidemiological situation on its territory in relation to one outbreak of highly pathogenic avian influenza in a poultry establishment in the county of Leicestershire in England, United Kingdom, which was confirmed on 27 October 2022.
- (13) The United Kingdom has also submitted information on the measures it has taken to prevent the further spread of highly pathogenic avian influenza. In particular, following the above mentioned outbreak of that disease, the United Kingdom has implemented a stamping out policy in order to control and limit the spread of that disease, and it has also completed the requisite cleaning and disinfection following the implementation of the stamping out policy on the infected poultry establishment on its territory.
- (14) The Commission has evaluated the information submitted by the United Kingdom and concluded that the outbreak of highly pathogenic avian influenza in a poultry establishment has been cleared and that there is no longer a risk associated with the entry into the Union of poultry commodities from the zone of the United Kingdom from which the entry into the Union of poultry commodities was suspended following this outbreak.
- (15) Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 should be therefore amended accordingly.

- (16) Taking into account the current epidemiological situation in Argentina and in the United States as regards HPAI, the amendments to be made to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.
- (17) 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

Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 10 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes V, XIV and XV to the Implementing Regulation (EU) 2021/404 are amended as follows:

(1) Annex V is amended as follows:

(a) Section B of Part 1 is amended as follows:

(i) in the entry for the United Kingdom, the row for the zone GB-2.223 is replaced by the following:

'GB United Kingdom	GB-2.223	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		27.10.2022	1.3.2023'
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(ii) in the entry for the United States, the following rows for the zones US-2.417 to US-2.424 are added after the row for the zone US-2.416:

'US United States	US-2.417	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		21.2.2023	
	US-2.418		N, P1		23.2.2023	
	US-2.419		N, P1		23.2.2023	
	US-2.420		N, P1		24.2.2023	
	US-2.421		N, P1		24.2.2023	
	US-2.422		N, P1		24.2.2023	
	US-2.423		N, P1		27.2.2023	
	US-2.424		N, P1		28.2.2023'	

(b) Part 2 is amended as follows: in the entry for the United States, the following description of the zones US-2.417 to US-2.424 is added after the description of the zone US-2.416:

'United States	US-2.417	State of Nebraska – Lincoln 01 Lincoln County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 100.8387664°W 41.2235670°N)
	US-2.418	State of Pennsylvania – Lancaster 15 Lancaster County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 76.0163232°W 40.2416586°N)
	US-2.419	State of Virginia – Alexandria 01 Alexandria County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 77.0623573°W 38.8954575°N)
	US-2.420	State of Illinois – Wayne 01 Wayne County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 88.6714315°W 38.4922958°N)
	US-2.421	State of Pennsylvania – Chester 01 Chester County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 76.0065041°W 39.8780320°N)
	US-2.422	State of Pennsylvania – Lancaster 16 Lancaster County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 76.0523464°W 40.2478762°N)

	US-2.423	State of Pennsylvania – Lancaster 17 Lancaster County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 76.0242330°W 40.2422203°N)
	US-2.424	State of Florida – Miami-Dade 01 Miami-Dade County: A circular zone of a 10 km radius starting with North point (GPS coordinates: 80.3743439°W 25.8137553°N)

(2) Section B of Part 1 to Annex XIV is amended as follows:

(i) the entry for Argentina is replaced by the following:

'AR Argentina	AR-0	POU, RAT, GBM	P1		28.2.2023'	
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(ii) in the entry for the United Kingdom, the rows for the zone GB-2.223 are replaced by the following:

'GB United Kingdom	GB-2.223	POU, RAT	N, P1		27.10.2022	1.3.2023
		GBM	P1		27.10.2022	1.3.2023'

(iii) in the entry for the United States, the following rows for the zones US-2.417 to US-2.424 are added after the rows for the zone US-2.416:

'US United States	US-2.417	POU, RAT	N, P1		21.2.2023	
		GBM	P1		21.2.2023	
	US-2.418	POU, RAT	N, P1		23.2.2023	
		GBM	P1		23.2.2023	
	US-2.419	POU, RAT	N, P1		23.2.2023	
		GBM	P1		23.2.2023	
	US-2.420	POU, RAT	N, P1		24.2.2023	
		GBM	P1		24.2.2023	
	US-2.421	POU, RAT	N, P1		24.2.2023	
		GBM	P1		24.2.2023	
	US-2.422	POU, RAT	N, P1		24.2.2023	
		GBM	P1		24.2.2023	
	US-2.423	POU, RAT	N, P1		27.2.2023	
		GBM	P1		27.2.2023	
	US-2.424	POU, RAT	N, P1		28.2.2023	
		GBM	P1		28.2.2023'	

(3) In Section A of Part 1 to Annex XV, the entry for Argentina is replaced by the following:

‘AR Argentina	AR-0	C	C	C	C	C	C	C	D	D	D	MPNT (*) MPST	
	AR-1	C	C	C	C	C	C	C	D	D	D	MPNT (*) MPST	
	AR-2	A	A	C	A	A	C	C	D	D	D	MPNT (*) MPST	

COMMISSION IMPLEMENTING REGULATION (EU) 2023/574**of 13 March 2023****setting out detailed rules for the identification of unacceptable co-formulants in plant protection products in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) Article 27(1) of Regulation (EC) No 1107/2009 specifies that a co-formulant is not to be accepted for inclusion in a plant protection product where it has been established that its residues, consequent on application consistent with good plant protection practice, and having regard to realistic conditions of use, have a harmful effect on human or animal health or on groundwater or an unacceptable effect on the environment, or its use, consequent on application consistent with good plant protection practice and having regard to realistic conditions of use, has a harmful effect on human or animal health or an unacceptable effect on plants, plant products or the environment.
- (2) Pursuant to Article 27(2) of Regulation (EC) No 1107/2009, co-formulants which are not accepted for inclusion in plant protection products must be included in Annex III to Regulation (EC) No 1107/2009. A first list of unacceptable co-formulants has been established by Commission Regulation (EU) 2021/383 ⁽²⁾ amending Annex III to Regulation (EC) No 1107/2009 listing co-formulants which are not accepted for inclusion in plant protection products.
- (3) Annex III to Regulation (EC) No 1107/2009 may need to be updated in light of new technical and scientific knowledge. In order to ensure a predictable and uniform implementation of Article 27 of Regulation (EC) No 1107/2009, it is appropriate to set out precise rules for the identification of unacceptable co-formulants in those same products, which may then be listed in an updated version of that Annex III. For such purposes, this Regulation establishes a set of detailed criteria to determine whether a co-formulant might have harmful or unacceptable effects as provided for in Article 27(1) of Regulation (EC) No 1107/2009, which should ensure that co-formulants meet safety standards that are protective for human health and the environment.
- (4) Co-formulants are chemical substances which may be used for different purposes, including in plant protection products. Their manufacturing, placing on the market and uses are regulated under Regulation (EC) No 1907/2006 of the European Parliament and of the Council ('REACH') ⁽³⁾. Co-formulants must be registered under that Regulation including when they are intended for use in plant protection products. They can be identified as substances of high concern in accordance with Article 59 of Regulation (EC) No 1907/2006 or be subject to restrictions in accordance with Title VIII of that Regulation.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Regulation (EU) 2021/383 of 3 March 2021 amending Annex III to Regulation (EC) No 1107/2009 of the European Parliament and of the Council listing co-formulants which are not accepted for inclusion in plant protection products (OJ L 74, 4.3.2021, p. 7).

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

- (5) A co-formulant should not be accepted for inclusion in plant protection products when it is or has to be classified as carcinogenic, mutagenic or toxic to reproduction, Categories 1A or 1B. To establish a harmonised hazard classification of co-formulants, Member States or manufacturers, importers or downstream users may submit proposals for harmonised classification in accordance with Article 37 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁴⁾.
- (6) A co-formulant should also not be accepted for inclusion in plant protection products where it is identified as substance of very high concern in accordance with Regulation (EC) No 1907/2006 for reasons other than its classification as carcinogenic, mutagenic or toxic to reproduction, Categories 1A or 1B.
- (7) Consequently, if the properties of co-formulants used in plant protection products give rise to concern that their use in plant protection products could lead to harmful effects on human or animal health, Member States should first take appropriate actions in accordance with those two Regulations as such hazard properties are also relevant for all other uses of the substances concerned, and thereafter propose the inclusion of the co-formulants into Annex III to Regulation (EC) No 1107/2009.
- (8) In addition, a co-formulant should not be accepted for inclusion in a plant protection product in cases where the co-formulant has been identified as a persistent organic pollutant under Regulation (EU) 2019/1021 of the European Parliament and of the Council ⁽⁵⁾.
- (9) Furthermore, if a co-formulant used in plant protection products has been identified as having endocrine-disrupting properties under Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽⁶⁾, has not been approved as active substance for use as preservative during storage, or any restrictions have been established in accordance with that Regulation which affect uses in plant protection products, its use in them should be considered unacceptable.
- (10) In the interest of efficiency, consistency and predictability, with regard to the specific restrictions as provided for in Annex XVII to Regulation (EC) No 1907/2006, it is appropriate to guarantee that such restrictions should also apply for all those substances susceptible to be used, or which are currently used, as co-formulants in plant protection products.
- (11) Lastly, in order to maintain coherence with the approval criteria for active substances, safeners and synergists, the criteria for the approval of active substances concerning human or animal health and the environment, as provided for in Annex II to Regulation (EC) No 1107/2009, insofar as not already covered by the other criteria for not accepting co-formulants, should also apply to co-formulants.
- (12) It is necessary and appropriate to lay down rules on the procedure to follow for the inclusion of co-formulants in Annex III to Regulation (EC) No 1107/2009. The information to be submitted by the Member States for such purposes should be specified. To ensure consistency in evaluation, a technical assessment should be performed by the European Food Safety Authority ('the Authority'), following a notification from a Member State and the submission of a pertinent report by the latter on the reasons why a co-formulant might meet the criteria as established in this Regulation, in cases where no action under other Union legislation has been initiated or completed by the notifying Member State. It is necessary to clarify that the Authority should be entitled to require relevant information from the other Member States and, where appropriate, from the European Chemicals Agency.

⁽⁴⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽⁵⁾ Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45).

⁽⁶⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

- (13) Pursuant to Article 27(3) of Regulation (EC) No 1107/2009, the Commission may review co-formulants at any time. In doing so, it may also take into account relevant information provided by the Member States. It is therefore deemed necessary to establish a procedure allowing Member States to notify the Commission about co-formulants already listed in Annex III to Regulation (EC) No 1107/2009 which may need to be deleted from that Annex or about any conditions established in that Annex for co-formulants which may need to be amended.
- (14) This Regulation does not affect the possibility for Member States to temporarily prohibit or restrict the application of a co-formulant within its territory on the basis of Article 81(2) of Regulation (EC) No 1107/2009 subject the conditions laid down in that Article.
- (15) 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

Subject matter

This Implementing Regulation lays down detailed rules and criteria for the identification of co-formulants that are not to be accepted for inclusion in plant protection products ('unacceptable co-formulants').

It applies to applications for authorisation of plant protection products, including for their amendment or renewal, submitted on or after 3 April 2023.

Article 2

Criteria for the identification of unacceptable co-formulants

The criteria for the identification of co-formulants which are considered unacceptable for inclusion in a plant protection product are set out in the Annex.

Article 3

Assessment and notification of co-formulants

1. When assessing applications for authorisation of plant protection products, Member States shall verify whether co-formulants contained in plant protection products could be considered an unacceptable co-formulant based on the criteria set out in the Annex.
2. For the purposes of the verification provided for in paragraph 1, Member State shall carry out an independent, objective and transparent assessment, in the light of current scientific and technical knowledge, on the basis of the information submitted in an application dossier for the authorisation of a plant protection product in accordance with Regulation (EC) No 1107/2009 and including, where appropriate, the information submitted in accordance with Title II of Regulation (EC) No 1907/2006.
3. Following the verification provided for in paragraph 1, the Member State shall notify the other Member States, the Commission and the Authority where it considers that:
 - (a) the co-formulant used or meant to be used in a plant protection product could meet one or more of the criteria set out in the Annex to this Regulation and therefore be an unacceptable co-formulant;

- (b) in the light of new scientific and technical knowledge, the entry of a co-formulant in the list of Annex III to Regulation (EC) No 1107/2009 should be amended; or
- (c) in the light of new scientific and technical knowledge, the entry of a co-formulant in the list of Annex III to Regulation (EC) No 1107/2009 should be deleted.

Article 4

Content of the co-formulant report

1. A notification pursuant to Article 3(3) shall be accompanied by a co-formulant report.
2. The co-formulant report shall contain:
 - (a) the chemical identity of the co-formulant:
 - (1) for a substance as specified in Section 2 of Annex VI to Regulation (EC) No 1907/2006;
 - (2) for a preparation as specified for mixtures in Article 18(3) to Regulation (EC) No 1272/2008;
 - (b) the criteria set out in the Annex which the notifying Member State considers to be met;
 - (c) where appropriate, any specific conditions of use to be set for the co-formulant in Annex III to Regulation (EC) No 1107/2009.
3. Where a co-formulant meets one or more of the criteria set out in points 1 to 3 of the Annex to this Regulation, and it is listed in Annex VI to Regulation (EC) No 1272/2008, the co-formulant report shall include a reference to the relevant entry in Annex VI to Regulation (EC) No 1272/2008 (i.e. the index number or CAS number).

Where a co-formulant is not included in the list in Annex VI to Regulation (EC) No 1272/2008, but the notifying Member State considers that it should be classified for the hazard classes referred to in points 1 to 3 of the Annex to this Regulation, the co-formulant report shall include a reference to the proposal for harmonised classification and labelling that the Member State or a manufacturer, importer or downstream user has submitted pursuant to Article 37 of Regulation (EC) No 1272/2008 to the European Chemicals Agency ('ECHA').

4. Where a co-formulant meets the criterion set out in point 4 of the Annex to this Regulation, the co-formulant report shall include a reference to the relevant entry in Annexes I to V to Regulation (EU) 2019/1021.
5. Where a co-formulant meets one or more of the criteria set out in point 5 of the Annex to this Regulation, and it is included in the list referred to in Article 59(1) of Regulation (EC) No 1907/2006, the co-formulant report shall include a reference to the relevant entry in that list.

Where a co-formulant is not included in the list referred to in Article 59(1) of Regulation (EC) No 1907/2006, but the notifying Member State considers that it should be identified as referred to in point 5 of the Annex to this Regulation, the co-formulant report shall include a reference to the dossier submitted as referred to in Annex XV to Regulation (EC) No 1907/2006.

6. Where a co-formulant meets one or more of the criteria set out in points 6 to 8 of the Annex to this Regulation, the co-formulant report shall include a reference to the opinion adopted in accordance with Article 8(4) of Regulation (EU) No 528/2012.

7. Where a co-formulant is included in Annex XVII to Regulation (EC) No 1907/2006 and the restriction is relevant for the use in plant protection products, the co-formulant report shall include a reference to the relevant entry in Annex XVII to Regulation (EC) No 1907/2006.

Where the use of a co-formulant is not included in Annex XVII to Regulation (EC) No 1907/2006, but the notifying Member State considers that it poses a risk to human health or the environment which is not adequately controlled and which needs to be addressed in accordance with Article 69(1) or (4) of Regulation (EC) No 1907/2006, the co-formulant report shall include a reference to the dossier referred to in Annex XV of Regulation (EC) No 1907/2006 and submitted to ECHA in accordance with Article 69 of Regulation (EC) No 1907/2006.

8. Where the notifying Member State considers that the notified substance meets the criterion set out in point 10 of the Annex, the co-formulant report shall include the conclusions of the assessment carried out pursuant to Article 3(2).

9. In cases where the co-formulant report includes information that is confidential in accordance with Article 63 of Regulation (EC) No 1107/2009 or the relevant provisions on confidentiality of the regulations referred to in paragraphs 2 to 8, the notifying Member States shall submit a confidential and a non-confidential version of the co-formulant report.

Article 5

Publication

The Commission shall, without undue delay, make the co-formulant report available to the public in an electronic format.

Article 6

Call for information

1. Where Article 4(8) applies, the Authority shall request all Member States to report whether they have authorised any plant protection products containing the notified co-formulant.

2. Where Article 4(8) applies, the notifying Member State – supported by the other Member States when necessary – shall require the holders of authorisations of plant protection products containing the notified co-formulant to submit to the Authority all information and studies on the notified co-formulant available to them.

The holders of such authorisations shall submit the information and studies by the end of the period set out in paragraph 4.

Article 63 of Regulation (EC) No 1107/2009 shall apply to the information and studies submitted.

3. Where Article 4(8) applies and where the notified co-formulant is registered in accordance with Title II of Regulation (EC) No 1907/2006, the notifying Member State or ECHA may, where appropriate, request information from the persons referred to in Article 36 of that Regulation.

4. Where Article 4(8) applies, the Authority shall allow for a period of 120 days after publication of the co-formulant report pursuant to Article 5 to submit comments on or data relevant to that report. It shall make the comments or data received publicly available without undue delay. The Authority may request ECHA to contribute to the call for data.

Article 7

Assessment by the Authority

1. Where Article 4(8) applies, the Authority shall, following a notification pursuant to Article 3(3), carry out an assessment in an independent, objective and transparent manner and in the light of current scientific and technical knowledge, to verify whether the co-formulant is to be considered as unacceptable for inclusion in a plant protection product.

2. The Authority shall issue the results of its work on the technical assessment carried out in accordance with paragraph 1 and update the co-formulant report within 12 months from the end of the period referred to in Article 6(4).

Upon request of the Authority, the notifying Member State shall provide scientific assistance in the preparation of the technical assessment and of the updated co-formulant report.

3. The Authority shall, where appropriate, organise a consultation of experts, including experts from the notifying Member State and, where relevant, the other Member States. In that case, the period provided in paragraph 2 shall be extended by 1 month.
4. The Authority shall consult the Member States and the Commission on its draft technical assessment and shall address any comments received prior to its adoption.
5. The Authority shall establish the format of the document reporting the results of its work, which shall include sections concerning the evaluation procedure and the properties of the co-formulant concerned.
6. Where necessary, the Authority's document reporting the results of its work shall specify whether specific conditions of use should be set for the notified co-formulant in Annex III to Regulation (EC) No 1107/2009.

Article 8

Inclusion of the co-formulant in Annex III to Regulation (EC) No 1107/2009

1. When Article 4(3), first subparagraph, Article 4(4), Article 4(5), first subparagraph, Article 4(6) or Article 4(7), first subparagraph, applies, the Commission shall present a draft Regulation to the Committee referred to in Article 79(1) of Regulation (EC) No 1107/2009 within six months from the notification submitted by the Member State, taking into account the co-formulant report.
2. When Article 4(3), second subparagraph, applies, the Commission shall present a draft Regulation to the Committee referred to in Article 79(1) of Regulation (EC) No 1107/2009 within six months from the adoption of the relevant opinion of the Risk Assessment Committee of ECHA.
3. When Article 4(5), second subparagraph, applies, the Commission shall present a draft Regulation to the Committee referred to in Article 79(1) of Regulation (EC) No 1107/2009 within six months after the publication of the updated list including the notified co-formulant in accordance with Article 59(10) of Regulation (EC) No 1907/2006.
4. When Article 4(7), second subparagraph, applies, the Commission shall present a draft Regulation to the Committee referred to in Article 79(1) of Regulation (EC) No 1107/2009 within six months after the amendment of Annex XVII to Regulation (EC) No 1907/2006 has entered into force.
5. When Article 4(8) applies, the Commission shall present a draft Regulation to the Committee referred to in Article 79(1) of Regulation (EC) No 1107/2009 within six months of receiving from the Authority the document reporting the results of its work and the updated co-formulant report.
6. The Commission shall adopt a Regulation on the basis of Article 27(2) and, where required, Article 78(2) of Regulation (EC) No 1107/2009 providing that:
 - (a) a co-formulant is listed in Annex III to Regulation (EC) No 1107/2009, subject to conditions and restrictions, where appropriate;
 - (b) a co-formulant is not listed in Annex III to Regulation (EC) No 1107/2009; or
 - (c) the entry of a co-formulant in the list in Annex III to Regulation (EC) No 1107/2009 is amended; or
 - (d) the entry of a co-formulant is deleted from the list in Annex III to Regulation (EC) No 1107/2009.

*Article 9***Amendments of national lists of unacceptable co-formulants**

Without prejudice to Article 81(2), second subparagraph, of Regulation (EC) No 1107/2009, Member States that have adopted through national provisions lists of unacceptable co-formulants in plant protection products, shall amend those lists in accordance with any Regulation adopted under Article 8.

*Article 10***Entry into force**

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

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

Done at Brussels, 13 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Criteria for identification of an unacceptable co-formulant

- (1) The co-formulant is classified as mutagen category 1A or 1B in Part 3 of Annex VI to Regulation (EC) No 1272/2008.
 - (2) The co-formulant is classified as carcinogen category 1A or 1B in Part 3 of Annex VI to Regulation (EC) No 1272/2008.
 - (3) The co-formulant is classified as toxic for reproduction category 1A or 1B in Part 3 of Annex VI to Regulation (EC) No 1272/2008.
 - (4) The co-formulant is listed in Annexes I to V to Regulation (EU) 2019/1021.
 - (5) The co-formulant is included in the list referred to in Article 59(1) of Regulation (EC) No 1907/2006 (candidate list) due to its identification:
 - (a) as persistent, bioaccumulative and toxic in accordance with Article 57, point (d), of that Regulation;
 - (b) as very persistent and very bioaccumulative in accordance with Article 57, point (e), of that Regulation; or
 - (c) as a substance of very high concern in accordance with Article 57, point (f), of that Regulation due to endocrine disrupting properties.
 - (6) The co-formulant is identified as having endocrine-disrupting properties in accordance with Regulation (EU) No 528/2012.
 - (7) A decision has been adopted not to approve the co-formulant as an active substance for product-type 6 under Regulation (EU) No 528/2012.
 - (8) A decision has been adopted to approve the co-formulant as an active substance under Regulation (EU) No 528/2012 with restrictions which are relevant for uses as co-formulant in plant protection products.
 - (9) The use of a substance as a co-formulant in plant protection products is included in Annex XVII to Regulation (EC) No 1907/2006, as restricted for the use in plant protection products.
 - (10) The co-formulant does not fall under any of the points 1 to 9, but, having regard to realistic conditions of use and good plant protection practice, it does not comply with one of the criteria for the approval of active substances as provided for in Annex II to Regulation (EC) No 1107/2009, when used as a co-formulant in a plant protection product.
-

DECISIONS

COUNCIL DECISION (EU) 2023/575

of 9 March 2023

authorising Poland to ratify, in the interest of the European Union, the amendment to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with point (v) of Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Union is a Contracting Party to the United Nations Convention on the Law of the Sea of 10 December 1982 ⁽²⁾, which requires all members of the international community to cooperate in conserving and managing the living resources of the sea.
- (2) The Union is also a Contracting Party to the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks ⁽³⁾.
- (3) The Union has exclusive competence in the field of conservation of marine biological resources under the Common Fisheries Policy. The powers thus conferred on the Union on the internal level also include the Union's power to cooperate in international organisations, including in the framework of regional fisheries management organisations.
- (4) Poland is a Contracting Party to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (the 'Convention'). The Union is not a party to the Convention. By virtue of Article 6(9) of the 2003 Act of Accession, as from the date of accession, fisheries agreements concluded by acceding Member States with third countries are to be managed by the Union. The Union should therefore implement in its legal order any decisions established under the Convention.
- (5) It is in the Union's interest to play an effective role in the implementation of the Convention. Such a course of action will also promote consistency in the Union's conservation approach across oceans and reinforce its commitment to the long-term conservation and sustainable use of fisheries resources globally.
- (6) By its Decision of 11 April 2016 the Council authorised Poland to negotiate, in the interest of the Union, an amendment to the Convention that would allow the participation of the Union as a full party to the Convention. To that end, Poland was to propose an amendment to the Convention in order to allow the participation of regional economic integration organisations and to allow for the Union to become a party to the Convention.

⁽¹⁾ Consent of 15 February 2023 (not yet published in the Official Journal).

⁽²⁾ Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

⁽³⁾ Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).

- (7) In October 2016, Poland proposed such an amendment to the Convention to the Depositary of the Convention.
- (8) Poland should therefore be authorised to ratify the amendment to the Convention,

HAS ADOPTED THIS DECISION:

Article 1

Poland is hereby authorised to ratify, in the interest of the European Union, the amendment to Article XVI.4 of the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea enabling regional economic integration organisations to become party to that Convention.

Article 2

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

Article 3

This Decision is addressed to the Republic of Poland.

Done at Brussels, 9 March 2023.

For the Council
The President
G. STRÖMMER

COUNCIL DECISION (EU) 2023/576**of 9 March 2023**

on the position to be taken on behalf of the European Union in the Joint Committee established by the Agreement between the European Union and Ukraine on the carriage of freight by road as regards the adoption of the rules of procedure of the Joint Committee and the continuation of the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and Ukraine on the carriage of freight by road ⁽¹⁾ ('the Agreement') was signed by the Union in accordance with Council Decision (EU) 2022/1158 ⁽²⁾ and has been provisionally applied since 29 June 2022.
- (2) Article 7(1) of the Agreement establishes a Joint Committee to supervise and monitor the application and implementation of the Agreement and periodically review its functioning in light of its objectives.
- (3) Article 7(6) of the Agreement provides that the Joint Committee is to adopt its rules of procedure. In order to ensure the proper implementation of the Agreement, the Joint Committee's rules of procedure should be adopted.
- (4) As set out in Article 6(1) of the Agreement, the Agreement is to apply until 30 June 2023. The Joint Committee is, however, to be convened at the latest three months before the expiry of the Agreement in order to assess and decide on the need for the continuation of the Agreement.
- (5) In order for both the Union and Ukraine to continue benefitting from the positive effects of the Agreement on facilitating road freight transport between and through Ukraine and the Union and on ensuring well-functioning solidarity lanes in the context of Russia's war of aggression against Ukraine, it should be prolonged until 30 June 2024.
- (6) The Joint Committee is to adopt decisions establishing its rules of procedure and on the need for the continuation of the Agreement, including the duration thereof.
- (7) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Joint Committee on the adoption of the rules of procedure and the continuation of the Agreement, as its decisions will be binding on the Union.
- (8) The position of the Union within the Joint Committee should therefore be based on the attached draft Decisions,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the Joint Committee established by Article 7 of the Agreement between the European Union and Ukraine on the carriage of freight by road ('the Agreement') as regards the adoption of its rules of procedure and the continuation of the Agreement, including the duration thereof, shall be based on the draft Decisions of the Joint Committee attached to this Decision.

⁽¹⁾ OJ L 179, 6.7.2022, p. 4.

⁽²⁾ Council Decision (EU) 2022/1158 of 27 June 2022 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and Ukraine on the carriage of freight by road (OJ L 179, 6.7.2022, p. 1).

Minor changes to the draft Decisions of the Joint Committee may be agreed to by the representatives of the Union within the Joint Committee without a further decision of the Council.

Article 2

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

Done at Brussels, 9 March 2023.

For the Council
The President
G. STRÖMMER

DRAFT**DECISION No 1/2023 OF THE JOINT COMMITTEE established by the Agreement between the European Union and Ukraine on the carriage of freight by road****of ...****as regards the adoption of its Rules of Procedure**

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Union and Ukraine on the carriage of freight by road ⁽¹⁾, and in particular Article 7(6) thereof,

Whereas pursuant to Article 7(6) of the Agreement between the European Union and Ukraine on the carriage of freight by road ('the Agreement'), the Joint Committee is to adopt its rules of procedure. The Rules of Procedure as set out in the Annex to this Decision should therefore be adopted,

HAS ADOPTED THIS DECISION:

*Article 1***Rules of Procedure**

The Rules of Procedure of the Joint Committee, as set out in the Annex to this Decision, are hereby adopted.

*Article 2***Entry into force**

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

Done at ...,

For the Joint Committee
The Co-chairs

⁽¹⁾ OJ EU L 179, 6.7.2022, p. 4.

ANNEX**RULES OF PROCEDURE OF THE JOINT COMMITTEE***Article 1***Heads of delegation**

1. The Joint Committee shall be composed of representatives of the Parties. Each Party shall appoint the Head and, where necessary, Deputy Head of its delegation. The Head of Delegation may be replaced by the Deputy Head or by a designee for a particular meeting.
2. The Joint Committee shall be chaired in turn by a representative of the European Union and a representative of Ukraine. The Head of the relevant delegation, or in that person's absence, the Deputy Head or the designee appointed to replace them shall act as chair.

*Article 2***Meetings**

1. The Joint Committee shall meet as and when necessary. Either Party may request the convening of a meeting. The Joint Committee shall also be convened at the latest three months before the expiry of the Agreement, in order to assess and decide on the need for the continuation of the Agreement in accordance with Article 6(2) thereof.
2. The Joint Committee shall hold meetings in person or via other means (e.g. conference calls or video conferences).
3. Meetings shall take place, as much as possible, alternately in a European Union Member State and in Ukraine, unless agreed otherwise by the Parties.
4. The working language shall be English.
5. Once the date and the place of the meetings have been agreed between the Parties, meetings shall be convened by the European Commission for the European Union and by the Ministry in charge of road transport for Ukraine.
6. Except as otherwise agreed by the Parties, the meetings of the Joint Committee shall not be public. If necessary, a press release may be drafted by mutual agreement at the end of the meeting.

*Article 3***Delegations**

1. Prior to each meeting, the Heads of Delegation shall inform each other of the intended composition of their delegations for the meeting.
2. Road transport industry stakeholder representatives may be invited to attend meetings or parts of the meetings as observers, if the Joint Committee so agrees by consensus.
3. The Joint Committee may invite, if so agreed by consensus, other interested parties or experts to attend its meetings or parts thereof in order to provide information on particular subjects.
4. Observers shall not take part in the decision-making process of the Joint Committee.

*Article 4***Secretariat**

An official of the European Commission services and an official of the Ministry in charge of road transport of Ukraine shall act jointly as secretaries of the Joint Committee.

*Article 5***Agenda of the meetings**

1. The Heads of Delegation shall establish the provisional agenda of each meeting by mutual agreement. The provisional agenda shall be sent by the secretaries to the members of the delegations at the latest fifteen days before the date of the meeting.
2. The agenda shall be adopted by the Joint Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be included in the agenda if the Joint Committee so agrees.
3. The Heads of Delegation may shorten the time limit specified in paragraph 1 in order to take account of the requirements or urgency of a particular matter.

*Article 6***Minutes**

1. Draft minutes of each Joint Committee meeting shall be drawn up after each meeting. They shall indicate the items discussed and decisions adopted.
2. Within one month following the meeting, the draft minutes shall be submitted by the hosting Head of Delegation to the other Head of Delegation, via the Joint Committee secretaries, for approval by written procedure.
3. When approved, the minutes shall be signed in duplicate by the Heads of Delegation and one original copy shall be filed by each of the Parties. The Heads of Delegation may decide that signing and exchanging electronic copies satisfies this requirement.
4. The minutes of the Joint Committee meetings shall be public unless otherwise requested by one of the Parties.
5. The Heads of Delegation may shorten the time limit specified in paragraph 2 and agree on a date as regards the approval specified in paragraph 3 in order to take account of the requirements or urgency of a particular matter.

*Article 7***Written procedure**

Where necessary and duly motivated, decisions of the Joint Committee may be adopted by written procedure. To that end, the Heads of Delegation shall exchange on the draft measures on which the decision of the Joint Committee is requested, which may then be confirmed by exchange of correspondence. Any Party may, however, request that the Joint Committee be convened to discuss the matter.

*Article 8***Deliberations**

1. The Joint Committee shall take decisions on the basis of consensus of the Parties.
2. The decisions of the Joint Committee shall be entitled 'Decision' and followed by a serial number, the date of their adoption and a description of their subject.
3. The decisions of the Joint Committee shall be signed by the Heads of Delegation and attached to the minutes.

4. The decisions adopted by the Joint Committee shall be implemented by the Parties in accordance with their own internal procedures.
5. The decisions adopted by the Joint Committee may be published by the Parties in their respective official publications. One original copy of the decisions shall be filed by each of the Parties.

Article 9

Working groups

1. The Joint Committee may set up working groups to assist the Joint Committee in carrying out its duties. Terms of reference for a working group shall be approved by the Joint Committee in accordance with Article 7(5) of the Agreement and be included in an annex to the decision setting up the working group.
2. The working groups shall be composed of representatives of the Parties.
3. The working groups shall work under the authority of the Joint Committee, to which they shall report after each of their meetings. They shall not take decisions, but may make recommendations to the Joint Committee.
4. The Joint Committee may at any time decide to abolish existing working groups, modify their terms of reference or establish new working groups to assist it in carrying out its duties.

Article 10

Expenses

1. The Parties shall each defray the expenses related to their participation in the meetings of the Joint Committee and of working groups, both in respect of staff, travelling and subsistence expenditure and of postal and telecommunications costs.
2. Any other expenditure relating to the material organisation of meetings shall be borne by the Party hosting the meeting.

Article 11

Amendment of the Rules of Procedure

The Joint Committee may, at any time, amend these Rules of Procedure by means of a decision taken in accordance with Article 7(5) of the Agreement.

COUNCIL DECISION (CFSP) 2023/577
of 13 March 2023
amending Decision (CFSP) 2021/509 establishing a European Peace Facility

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1), 41(2), 42(4) and 30(1) thereof,

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

Whereas:

- (1) On 12 December 2022, the Council agreed that the overall financial ceiling of the European Peace Facility (the 'Facility') should be increased by EUR 2 000 million (in 2018 prices) across the years between 2024 and 2027. The implementation of this increase is to respect the ceiling for payments agreed for 2023. The Council also acknowledged that the evolution of the international security environment could make further increases of the Facility's overall financial ceiling necessary until 2027. Any further increase is to be decided by the Council acting unanimously and is to be laid down in an amendment of Council Decision (CFSP) 2021/509 ⁽¹⁾. The total overall increase of the Facility's financial ceiling until 2027 is not to exceed EUR 5 500 million (in 2018 prices).
- (2) In its conclusions of 15 December 2022, the European Council reiterated the global dimension of the Facility and welcomed the agreement in the Council on 12 December 2022 to ensure its financial sustainability.
- (3) The Strategic Compass for Security and Defence, approved by the Council on 21 March 2022, calls for a re-assessment by 2023 of the scope and definition of common costs to enhance solidarity and stimulate participation in military missions and operations, as well as of exercise-related costs, also in view of proposals regarding the EU Rapid Deployment Capacity. The financing of the eligible costs of the EU Crisis Management Military Exercise 2023 (MILEX 2023), by an amount of up to EUR 5 000 000, is without prejudice to future decisions regarding the financing of common costs.
- (4) The experience gathered since the adoption of Decision (CFSP) 2021/509 makes it necessary to introduce more flexibility in the collection and use of financial contributions from Member States and in their use by the Facility, notably by allowing the receipt and use of advance contributions. Contributions which a Member State chooses to pay in advance do not affect the amount of contributions due by that Member State or by other Member States, or the ability of the Facility to achieve its goals. Such advance contributions cannot be earmarked for any specific purpose.
- (5) In addition, it is necessary to introduce more flexibility by expanding the use of early financing for assistance measures subject to authorisation by the Facility Committee. Contributions to early financing by a Member State will not be used to finance assistance measures from which that Member State abstains in accordance with Article 5(3) of Decision (CFSP) 2021/509.
- (6) Decision (CFSP) 2021/509 should therefore be amended accordingly,

⁽¹⁾ Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 (OJ L 102, 24.3.2021, p. 14).

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2021/509 is amended as follows:

(1) in Article 2, paragraph 1 is replaced by the following:

‘1. The financial ceiling for the implementation of the Facility for the period 2021–2027 shall be EUR 7 979 000 000 in current prices.’;

(2) in Article 4, the following point is added:

‘(g) “exercise” means a Union military CSDP exercise or the military component of a civilian CSDP exercise, conducted in accordance with the Exercise Policy of the European Union under the CFSP.’;

(3) in Article 17, the following paragraph is inserted:

‘3a. By derogation from paragraph 3 of this Article, each administrator may propose to the Committee to enter in the titles of the budget under his or her responsibility for a given year additional commitment appropriations related to payments financed with advance contributions, as referred to in Article 29(15), to cover unforeseen implementation needs. The additional commitment appropriations entered in the budget shall be deducted from the annual financial ceilings in future years.’;

(4) in Article 26, paragraph 8 is replaced by the following:

‘8. Contributions of Member States in any given year shall not exceed their respective share of the payment ceiling referred to in Article 25(2). This limit shall not apply to additional contributions pursuant to paragraph 7 of this Article resulting from abstentions from assistance measures, or to advance contributions as referred to in Article 29(15).’;

(5) Article 28 is replaced by the following:

‘Article 28

Early financing

1. The Facility shall have a minimum deposit system to provide early financing for Union rapid response operations, urgent measures as referred to in Article 58 and, subject to the prior authorisation by the Committee, for individual assistance measures, where sufficient funds are not available and the ordinary procedure for collecting contributions would not allow for those needs to be met in good time. The minimum deposits shall be managed by each administrator respectively.

2. The amount of the minimum deposits shall be decided, and revised as necessary, by the Committee, following proposals by the administrator.

3. For the purpose of early financing of the minimum deposits, the Member States shall either:

(a) pay contributions to the Facility in advance; or

(b) when the Council decides to launch a rapid response operation to which they contribute, approves an urgent measure, or when the Committee authorises its use for individual assistance measures pursuant to paragraph 1, and it is necessary to resort to the minimum deposit, pay their contributions within 10 days following dispatch of the call at the level of the reference amount of the rapid response operation or of the authorised cost of the urgent measure or individual assistance measure, unless the Council decides otherwise.’;

(6) in Article 29, paragraph 9 is replaced by the following:

‘9. Any part used of the advance contributions to the minimum deposits shall be replenished by increasing the contribution of the relevant Member States in the next ordinary call for contributions, unless they have replenished their contribution beforehand. If there is a need to resort to the minimum deposit and the Member States concerned have not replenished their contribution meanwhile, they shall pay the amount needed, if any, within 10 days, pursuant to Article 28(3), point (b).’;

(7) in Article 29, the following paragraph is added:

‘15. In addition to the payments made following a call for contributions issued in accordance with this Article, a Member State, on a voluntary basis and in coordination with the responsible administrator, may pay advance contributions in a given financial year. In such case, the Member State that provided the advance contribution shall indicate in coordination with the responsible administrator the financial years in respect of which that amount is to be deducted from its future contributions.’;

(8) in Article 73, the following paragraph is added:

‘9. The financial reference amount for the common costs of the EU Crisis Management Military Exercise 2023 (MILEX 23) shall be EUR 5 000 000. In addition to the common costs eligible for exercises pursuant to Article 45, the following incremental costs incurred for providing support to the headquarters and forces participating in the exercise shall exceptionally be eligible for that exercise:

- (a) transport, as indicated in Annex IV for the EU Battlegroup, including for its strategic enablers, and within the simulated theatre of operations, temporary barracks and temporary lodging;
- (b) works for deployment/temporary infrastructure: expenditure absolutely needed for the headquarters and forces participating in the exercise to achieve its objective;
- (c) identification marking: specific identification marks, ‘European Union’ identity cards, badges, medals, flags in Union colours or other Force or headquarter identification marking (excluding clothes, hats or uniforms);
- (d) running costs: incremental costs for services absolutely needed for the direct support to the deployment at air and/or maritime entry points and logistical and assembly areas.’;

(9) Annex I is replaced by the following:

‘ANNEX I

ANNUAL FINANCIAL CEILINGS

The annual appropriations shall be authorised within the limits of the following amounts, without prejudice to Article 17(3) and (3a) and subject to Article 73(2):

Current prices, in million euros

	2021	2022	2023	2024	2025	2026	2027
Current prices	399	591	980	1 800	1 375	1 400	1434’

Article 2

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

Done at Brussels, 13 March 2023.

For the Council
The President
J. PEHRSON

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2022 OF THE SPECIALISED COMMITTEE ON ROAD TRANSPORT ESTABLISHED BY THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART

of 21 November 2022

on the technical and procedural specifications of the use of the Internal Market Information System (IMI) by the United Kingdom, the participation of the United Kingdom in the administrative cooperation under Article 6 of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI [2023/578]

THE SPECIALISED COMMITTEE ON ROAD TRANSPORT,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ⁽¹⁾ ('the Trade and Cooperation Agreement'), and in particular Article 7(5) and (6) of Section 2 of Part A of Annex 31 thereto,

Whereas:

- (1) As set out in Article 6(1), point (a), of Section 2 of Part A to Annex 31 to the Trade and Cooperation Agreement, an operator established in the other Party is to submit a posting declaration to the competent authorities of the Party or, in the case of the Union, of the Member State to which the driver is posted, using from 2 February 2022 a multilingual standard form of the public interface connected to the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council ⁽²⁾. A competent authority can be any body established at either national, regional or local level and registered in IMI with specific responsibilities relating to the application of certain legal provisions.
- (2) As set out in Article 6(1), point (c), second subparagraph, of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, IMI also allows requests to be made for the assistance of the competent authorities of the Party of establishment or, in the case of the Union, the Member State of establishment, if the operator fails to submit the requested documentation within eight weeks from the date of the request.
- (3) It is possible for third countries to use IMI if the conditions laid down in Article 23 of Regulation (EU) No 1024/2012 are met, and provided that the third country which is given access to IMI participates in the operating costs of IMI.
- (4) As set out in Article 7(5) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, the Specialised Committee on Road Transport is to set the technical and procedural specifications of the use of IMI by the United Kingdom. Those specifications are necessary in order to allow the connection of operators and competent authorities to IMI, and thereby allow the operators to submit their posting declarations and competent authorities to take part in the administrative cooperation described in recitals 1 and 2. The Union has implemented those specifications by means of Commission Implementing Regulation (EU) 2021/2179 ⁽³⁾.

⁽¹⁾ OJ L 149, 30.4.2021, p. 10.

⁽²⁾ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2021/2179 of 9 December 2021 on the functionalities of the public interface connected to the Internal Market Information System for posting drivers in the road transport sector (OJ L 443, 10.12.2021, p. 68).

- (5) As set out in Article 7(6) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, each Party is to participate in the operating costs of IMI. The Specialised Committee on Road Transport is to determine the costs to be borne by each Party. It is therefore necessary to determine the amount and the modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI. The financial contribution will consist of two parts: annual maintenance costs (annual contribution) and development costs (one-off payment),

HAS ADOPTED THIS DECISION:

Article 1

General functionalities

1. The Union shall ensure that the multilingual public interface connected to IMI provides, in particular, for the following technical functionalities to United Kingdom operators:

- (a) creating an account for secure access to the operator's reserved area;
- (b) ensuring appropriate logging of user activity;
- (c) recording in the account the details of the operator, the authorised users, the transport manager and the posted drivers;
- (d) managing of the posting declarations:
 - (i) recording the information referred to in Article 6(1), point (a), of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement;
 - (ii) submitting a posting declaration containing the information referred to in point (i), covering a minimum period of one day up to a maximum period of six months;
 - (iii) amending the information in the posting declaration in order to keep it up-to-date;
 - (iv) downloading the copy of a posting declaration in electronic form and in a format that allows for printing;
 - (v) renewing the posting declaration;
 - (vi) withdrawing the posting declaration;
- (e) receiving and responding to requests for documentation pursuant to Article 6(1), point (c), of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement;
- (f) accessing and viewing any documents provided by the competent authorities of the State of establishment;
- (g) communicating with the competent authorities of the State where the posting took place;
- (h) being informed of the closure of the request by the competent authorities of the host State.

2. The Union shall ensure that the multilingual public interface connected to IMI also provides the technical functionalities allowing one or more competent authorities of the United Kingdom to:

- (a) receive posting declarations;
- (b) request documents under the procedure set out in Article 6(1), point (c), of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement;
- (c) enter the final outcome of the assessment of compliance of the operator with the posting rules into the system, and close the request in IMI.

3. The competent authorities of the United Kingdom shall be any body established at either national, regional or local level and registered in IMI with specific responsibilities relating to the application of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement. The competent authorities of the United Kingdom shall be registered in IMI by the United Kingdom IMI contact point referred to in Article 4(2) of this Decision.

4. The Union shall be entitled to stop the access of the United Kingdom to IMI if the United Kingdom ceases to meet the conditions set out in Article 23(1), point (c), of Regulation (EU) No 1024/2012.

Article 2

Functionalities relating to requests for documents

1. The public interface shall allow a competent authority of the State where the posting took place to request the operator to send documents set out in Article 6(1), point (c), first subparagraph, of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement for a period covering up to the preceding 12 months from the date of the request. The public interface connected to IMI shall allow the operator to provide the requested documents in one or more stages.

2. In the event that the operator is requested to provide one or more additional documents that were not included in the request referred to in paragraph 1, the public interface shall calculate the eight-week time period for providing documents from the date of request for the additional document(s).

3. The public interface shall allow for the operator to be informed in cases where the host State asks for the assistance of the State of establishment.

4. Any document uploaded by the competent authority of the State of establishment, following a request for assistance made by the competent authority of the host State, pursuant to Article 6(1), point (c), second subparagraph, of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, shall be visible in the operator's account.

5. The public interface shall allow the operator to be notified of the closure of the request for documents with an indication of the final outcome, once the requested documents have been checked by the competent authorities.

6. Requests for documents that have not been closed by the requesting competent authority of the host State shall be automatically closed 24 months after the date of the request.

Article 3

Functionalities relating to the retention of data

1. The public interface connected to IMI shall allow for the deletion of all data stored in that public interface and the operators' accounts when those data are no longer needed for the purposes for which they were collected and processed. The public interface shall allow for the sending of a reminder to the operator to review and delete, when necessary, the driver's personal data.

2. The public interface shall allow for the automatic deletion of the posting declarations, which have been submitted through that public interface after the 24-month period referred to in Article 6(5) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement.

3. Where documents have been submitted by the operator as part of a request for documents, the requested documents shall remain available for no longer than necessary for the purposes for which they were collected and no longer than 12 months after the closure of the request.

*Article 4***The use of IMI**

1. The United Kingdom shall use IMI established by the IMI Regulation for exchanges of information, including of personal data, with the competent authorities.
2. The United Kingdom shall appoint an IMI contact point for the purposes of the administrative cooperation set out in Article 2 and inform the Commission and the Specialised Committee on Road Transport thereof.

*Article 5***Amount and modalities of the United Kingdom's financial contribution**

1. The United Kingdom shall contribute annually to the operational and maintenance costs of IMI. The annual contribution shall apply as of the date of entry into force of this Decision. For the first year it shall be paid within 20 days from the date of the entry into force of this Decision. For the following years it shall be paid by 31 December of the preceding year. The amount of the contribution for the first year shall be fixed at EUR 86 204 and shall be revised according to the development of the European Consumer Price Index (HICP) every year thereafter. The European Commission shall communicate the revised amount to the United Kingdom in writing.
2. The United Kingdom shall contribute to the overall development costs of the public interface connected to IMI. This contribution shall be provided once and is a fixed amount of EUR 232 835. The one-off development cost shall be paid within 20 days from the date of the entry into force of this Decision.
3. The contributions referred to in paragraphs 1 and 2 shall be paid in euros into the euro-denominated bank account of the Commission indicated in the debit note.
4. In case of a substantial change to the overall cost of IMI, due to technological adaptations or for other reasons, the Specialised Committee for Road Transport shall adopt a new decision on the United Kingdom's financial contribution, at the request of one of the Co-chairs of the Committee.

*Article 6***Entry into force**

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

Done at London, 21 November 2022.

For the Specialised Committee on Road Transport

The Co-chairs

Jean-Louis COLSON

Katherine MACDIVITT

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

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