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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/744

of 2 February 2023

correcting Delegated Regulation (EU) 2022/1172 as regards transitional provisions to facilitate conditionality and cross-compliance checks for certain area-based payments under the common agricultural policy

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 ⁽¹⁾, and in particular Article 105 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2022/1172 ⁽²⁾ aims at ensuring the smooth transition from the arrangements provided for in Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽³⁾. Article 12 of Delegated Regulation (EU) 2022/1172 therefore lays down transitional rules regarding the application of Article 104(1), second subparagraph, point (a)(iv), of Regulation (EU) 2021/2116, in order to avoid excessive administrative costs and burdens related to conditionality and cross-compliance checks applied to beneficiaries who receive area-based payments under both a CAP Strategic Plan pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council ⁽⁴⁾ and a rural development programme implemented under Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽⁵⁾ until 31 December 2025.

⁽¹⁾ OJ L 435, 6.12.2021, p. 187.

⁽²⁾ Commission Delegated Regulation (EU) 2022/1172 of 4 May 2022 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy and the application and calculation of administrative penalties for conditionality (OJ L 183, 8.7.2022, p. 12).

⁽³⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

⁽⁴⁾ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

⁽⁵⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

- (2) However, by omission, references to the provisions on area-based payments for afforestation, the creation of woodland, the establishment of agroforestry systems, payments to areas facing natural or other specific constraints, forest-environmental-climate services and forest conservation are missing in Article 12 of Delegated Regulation (EU) 2022/1172. That error should be corrected in order to avoid unnecessary administrative costs because of overlapping conditionality and cross-compliance checks. References to Article 21(1), points (a) and (b), and Articles 31 and 34 of Regulation (EU) No 1305/2013 should therefore be included in Article 12 of Delegated Regulation (EU) 2022/1172.
- (3) Delegated Regulation (EU) 2022/1172 should therefore be corrected accordingly.
- (4) With a view to ensuring continuity in the provision of checks on compliance with the rules on conditionality, as referred to in Article 83 of Regulation (EU) 2021/2116, this Regulation should enter into force as a matter of urgency and should apply retroactively from the date of application of Delegated Regulation (EU) 2022/1172,

HAS ADOPTED THIS REGULATION:

Article 1

Correction of Delegated Regulation (EU) 2022/1172

In Article 12 of Delegated Regulation (EU) 2022/1172, the first paragraph is replaced by the following:

'By way of derogation from Article 104(1), second subparagraph, point (a)(iv), of Regulation (EU) 2021/2116, checks on compliance with the rules on conditionality, as referred to in Article 83 of that Regulation, shall be carried out on areas supported on the basis of Article 21(1), points (a) and (b), and Articles 28, 29, 30, 31 and 34 of Regulation (EU) No 1305/2013 through rural development programmes implemented until 31 December 2025 under that Regulation, when the beneficiary concerned receives area-based payments also under the CAP Strategic Plan pursuant to Regulation (EU) 2021/2115.'

Article 2

Entry into force and application

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

It shall apply from 1 January 2023.

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

Done at Brussels, 2 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2023/745
of 3 April 2023
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 measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex to this Regulation 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, 3 April 2023.

*For the Commission,
On behalf of the President,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A product (so-called wine set) consisting of: — a ‘waiter’s knife’ of base metal consisting of a foil cutter, a corkscrew, and a combined cork lever/bottle cap opener, — a wine drip ring of base metal lined with non-woven fabric, — a pointed stopper of base metal with a round stud, fitted with 2 rings to seal the bottle, — a glass thermometer with base metal handle to measure the temperature of the wine. The set is presented for retail sale in a wooden box with an insert featuring recesses of the exact dimensions of the articles. (See image) (*)	8205 51 00	Classification is determined by general rules 1, 3(b), 5(a) and 6 for the interpretation (GIR) of the Combined Nomenclature and the wording of CN codes 8205 and 8205 51 00. The goods are put up in a set for retail sale within the meaning of GIR 3(b). The set consists of at least two different articles which are classifiable in different headings, for example, under heading 8205 (bottle openers and corkscrews are included in heading 8205 as hand tools according to the Harmonized System Explanatory Notes (HSEN) to heading 8205 (E)(1)), or under heading 9025 (thermometer)). The goods are put up in a wooden box suitable for sale directly to end users without repacking. They are put up together to carry out a specific activity, namely, serving wine. See the HSEN to GIR 3(b), (X). The ‘waiter’s knife’ consisting of the foil cutter, the corkscrew, and the combined cork lever/bottle cap opener gives the set its essential character, because opening a wine bottle is the main use in serving wine, without which all the other articles in the set have no function. The wooden box is specially fitted to contain the specific articles of the set. Given its construction of solid wood, it is suitable for long term use as a container for the articles presented therein. It is of a kind normally sold with this kind of sets and it does not give the whole its essential character. Therefore, the wooden box is to be classified together with the set within the meaning of GIR 5(a). Consequently, the wine set is to be classified under CN code 8205 51 00 as household tools.

(*) The image is purely for information.



DECISIONS

COUNCIL DECISION (EU) 2023/746

of 28 March 2023

establishing the criteria and the procedure for establishing the position to be taken on the European Union's behalf within the International Civil Aviation Organization as regards the adoption of, or amendments to, international standards and recommended practices, and the notification of differences with respect to adopted international standards

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on International Civil Aviation, which was signed in Chicago on 7 December 1944 (the 'Chicago Convention'), entered into force on 4 April 1947. It established the International Civil Aviation Organization ('ICAO') and regulates international air transport.
- (2) The Member States are Contracting Parties to the Chicago Convention and ICAO Contracting States, while the Union has observer status in certain ICAO bodies.
- (3) Pursuant to Article 54(l) of the Chicago Convention, the Council of the ICAO ('ICAO Council') can adopt international standards and recommended practices ('SARPs') for civil aviation and designate them as Annexes to the Chicago Convention ('ICAO Annexes').
- (4) Pursuant to Article 90 of the Chicago Convention, any ICAO Annex or any amendment to an ICAO Annex becomes effective within three months after its submission to the ICAO Contracting States, or at the end of such longer period of time as the ICAO Council prescribes, unless in the meantime a majority of ICAO Contracting States register their disapproval. Once they have been adopted by the ICAO Council and have become effective, international standards are binding on all ICAO Contracting States, including all Member States of the Union, in accordance with and within the limits set out in the Chicago Convention, in particular in Articles 37 and 38 thereof.
- (5) Pursuant to Article 38 of the Chicago Convention, any ICAO Contracting State which finds it impracticable to comply in all respects with any international standard or to bring its own regulations or practices into full accord with any international standard after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, is to give immediate notification to ICAO of the differences between its own regulations or practices and those established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices is to give notice to ICAO within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take.

- (6) The internal rules of the ICAO, in particular those which cause the latest versions of documents for decisions regarding new SARPs or amendments to SARPs to be available to the ICAO Council only late, the deadlines set by the ICAO for ICAO Contracting States to notify differences with respect to international standards, as well as the sheer number of differences in the areas of civil aviation safety, air navigation and air traffic management to be notified each year, make it difficult to establish the position to be taken on the Union's behalf in a Council Decision based on Article 218(9) Treaty on the Functioning of the European Union in a timely manner for new SARPs or amendments to SARPs to be adopted, or for each difference to be notified.
- (7) It is therefore appropriate to establish the criteria and procedure to be followed for establishing the position to be taken on the Union's behalf regarding the adoption of SARPs or amendments to SARPs, insofar as those SARPs are capable of decisively influencing the content of Union law in the area of civil aviation, as well as regarding decisions to disapprove or not to disapprove SARPs pursuant to Article 90 of the Chicago Convention and regarding the notification of differences with respect to international standards pursuant to Article 38 of the Chicago Convention.
- (8) Given the specificity of civil aviation safety, air navigation and air traffic management compared to other areas dealt with by the ICAO, in particular the high number of SARPs adopted in those areas by the ICAO Council every year and the number of differences to be notified every year, this Decision should relate solely to the civil aviation safety, air navigation and air traffic management in order to streamline processes to swiftly establish the position to be taken on the Union's behalf for the adoption of new SARPs and amendments to SARPs, the decisions to disapprove or not to disapprove SARPs or amendments to SARPs adopted by the ICAO Council and deal with the numerous notifications in an efficient way.
- (9) The SARPs adopted by the ICAO Council in the field of civil aviation safety, air navigation and air traffic management can concern matters of Union exclusive competence and might be capable of decisively influencing the content of Union law. It is therefore efficient and appropriate, by means of a decision, to establish the criteria and procedure to be followed for establishing the position to be taken on the Union's behalf with respect to SARPs in those fields, without prejudice to the rights and obligations of Member States as ICAO Contracting States under the Chicago Convention. At ICAO level, civil aviation safety, air navigation and air traffic management SARPs are mainly contained in ICAO Annexes 1, 2, 3, 4, 6, 8, 10, 11, 14, 15, 18 and 19.
- (10) At Union level, the requirements contained in SARPs for civil aviation safety are mainly reflected and referred to in Regulation (EU) 2018/1139 ⁽¹⁾, Regulation (EC) No 2111/2005 ⁽²⁾ of the European Parliament and of the Council and in the implementing and delegated acts adopted on the basis thereof in particular Commission Regulations

⁽¹⁾ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

⁽²⁾ Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC (OJ L 344, 27.12.2005, p. 15).

(EU) No 1178/2011 ⁽³⁾, (EU) No 748/2012 ⁽⁴⁾, (EU) No 965/2012 ⁽⁵⁾, (EU) No 139/2014 ⁽⁶⁾, (EU) No 452/2014 ⁽⁷⁾, (EU) No 1321/2014 ⁽⁸⁾, (EU) 2015/640 ⁽⁹⁾, Commission Implementing Regulation (EU) 2019/947 ⁽¹⁰⁾, Commission Delegated Regulation (EU) 2019/945 ⁽¹¹⁾, and Commission Implementing Regulation (EU) 2021/664 ⁽¹²⁾.

- (11) At Union level, the requirements contained in SARPs for air navigation and air traffic management are mainly reflected and referred to in Regulations (EC) No 549/2004 ⁽¹³⁾, (EC) No 550/2004 ⁽¹⁴⁾, (EC) No 551/2004 ⁽¹⁵⁾ of the European Parliament and of the Council and in the implementing and delegated acts adopted on the basis thereof in particular Commission Implementing Regulation (EU) No 923/2012 ⁽¹⁶⁾, Commission Regulation (EU) No 1332/2011 ⁽¹⁷⁾, Commission Implementing Regulation (EU) 2018/1048 ⁽¹⁸⁾, and Commission Regulation (EU) 2015/340 ⁽¹⁹⁾.

⁽³⁾ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

⁽⁴⁾ Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

⁽⁵⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

⁽⁶⁾ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1).

⁽⁷⁾ Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 133, 6.5.2014, p. 12).

⁽⁸⁾ Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1).

⁽⁹⁾ Commission Regulation (EU) 2015/640 of 23 April 2015 on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012 (OJ L 106, 24.4.2015, p. 18).

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45).

⁽¹¹⁾ Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems (OJ L 152, 11.6.2019, p. 1).

⁽¹²⁾ Commission Implementing Regulation (EU) 2021/664 of 22 April 2021 on a regulatory framework for the U-space (OJ L 139, 23.4.2021, p. 161).

⁽¹³⁾ Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p. 1).

⁽¹⁴⁾ Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10).

⁽¹⁵⁾ Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) (OJ L 96, 31.3.2004, p. 20).

⁽¹⁶⁾ Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).

⁽¹⁷⁾ Commission Regulation (EU) No 1332/2011 of 16 December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance (OJ L 336, 20.12.2011, p. 20).

⁽¹⁸⁾ Commission Implementing Regulation (EU) 2018/1048 of 18 July 2018 laying down airspace usage requirements and operating procedures concerning performance-based navigation (OJ L 189, 26.7.2018, p. 3).

⁽¹⁹⁾ Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OJ L 63, 6.3.2015, p. 1).

- (12) This Decision should concern only the positions to be taken on Union's behalf within the ICAO in areas of Union exclusive competence. This Decision is without prejudice to the possibility for the Council to adopt, upon a Commission proposal, decisions based on Article 218(9) TFUE establishing the position to be taken on the Union's behalf within the ICAO in particular in areas falling outside the scope of this Decision, including where the shared competence of the Union has not yet been exercised.
- (13) Except in particular cases regarding the notification of certain differences stemming from the adoption of national measures pursuant to Article 71 of Regulation (EU) 2018/1139, the position to be taken on the Union's behalf should be based on a document submitted by the Commission to the Council in due time to allow for discussion and approval. The Commission should endeavour to start preparing such document as soon as possible in order to allow sufficient time for it to be prepared, including for any appropriate consultation to be conducted at expert level. The Commission's document should, where appropriate and on a case-by-case basis, indicate whether flexibility should be granted to Member States as regards the adoption of new SARPs or amendments to SARPs by the ICAO Council, and, in such cases, the extent of such flexibility and the conditions for agreement thereto, or as regards the form of the notification of the differences in question. Where required by the ICAO, notification of differences should follow the format defined by the ICAO in the Electronic Filing of Differences system.

Where, pursuant to this Decision, the position to be taken on behalf of the Union is established in a document submitted by the Commission to the Council for discussion and approval, that document should, where appropriate and on a case-by-case basis, indicate whether flexibility should be granted to Member States as regards the form of the notification of the differences in question. Moreover, the Commission should endeavour to start preparing such document as soon as possible in order to allow sufficient time for it to be prepared, including for any appropriate consultation to be conducted at expert level.

- (14) As regards the adoption of new SARPs or amendments to SARPs and decisions to disapprove or not to disapprove SARPs or amendments to SARPs adopted by the ICAO Council, the document submitted by the Commission should be based on the objectives and guidelines set out in the Annex and should take into account the materials provided by the ICAO ahead of any deliberations on new SARPs or amendments to SARPs at the ICAO Council as well as the information provided by the European Union Aviation Safety Agency (EASA) in accordance with Article 90(1) and (3) of Regulation (EU) 2018/1139, where applicable.
- (15) The position as regards the adoption of new SARPs or amendments to SARPs by the ICAO Council should be expressed by the Member States of the Union that are members of the ICAO Council, acting jointly in the interest of the Union.
- (16) The position as regards decisions whether to disapprove or not to disapprove new SARPs or amendments to SARPs adopted by the ICAO Council should be expressed by the Member States of the Union that are members of the ICAO, acting jointly in the interest of the Union.
- (17) Differences with respect to adopted international standards, that are to be notified to ICAO, should be based in particular on the information provided by EASA in accordance with Article 90(4) of Regulation (EU) 2018/1139, where applicable.

- (18) Differences with respect to international standards adopted by the ICAO Council can stem from Union law due to the adoption of a new or amended international standard by the ICAO Council or due to a change in Union law. The position to be taken on the Union's behalf as regards such differences should be based on a document submitted by the Commission to the Council in due time to allow for discussion and approval.
- (19) Differences with respect to international standards adopted by the ICAO Council can also stem from national measures adopted pursuant to Article 71 of Regulation (EU) 2018/1139 in the event of urgent unforeseeable circumstances, where those measures differ from international standards and therefore require the notification of differences to the ICAO pursuant to Article 38 of the Chicago Convention. It is therefore also appropriate in this Decision to establish the criteria and the procedure to be followed for the identification of such differences. That procedure should depend on the scope and duration of the national measures adopted and should enable Member States to comply with their international obligations under Article 38 of the Chicago Convention without delay. That procedure should be without prejudice to the conditions and procedure laid down in Article 71 of Regulation (EU) 2018/1139.
- (20) The position as regards differences with respect to adopted international standards, that are to be notified to the ICAO, should be expressed by the Member States of the Union that are members of the ICAO, acting jointly in the interest of the Union.
- (21) The implementation of this Decision should not entail a breach of Member States' obligations under Union law or of their international obligations under the Chicago Convention.
- (22) For the purposes of the implementation of this Decision, Member States and the Commission, in line with the Union's observer status, should act in close cooperation in accordance with their duty of sincere cooperation.
- (23) This Decision should apply for a limited period of time, namely only until after the ICAO Council session following the 42nd Assembly of the ICAO. The Commission should submit to the Council a written evaluation of the application of this Decision to serve as the basis for any potential extension or amendment to this Decision.
- (24) It is appropriate to establish the criteria and the procedure for establishing the position to be taken on behalf of the Union within the ICAO as regards the adoption of, or amendments to, international standards and recommended practices, and the notification of differences with respect to adopted international standards,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union within the Council of the International Civil Aviation Organization (ICAO Council), when that body is called upon to adopt new international standards and recommended practices ('SARPs') or amendments to SARPs in the areas of civil aviation safety, air navigation and traffic management relating to Annexes 1, 2, 3, 4, 6, 8, 10, 11, 14, 15, 18 and 19 to the Convention on International Civil Aviation (the 'Chicago Convention'), insofar as such SARPs fall within Union exclusive competence and have legal effects within the meaning of Article 218(9) TFEU, shall be established in accordance with the criteria and procedure set out in Article 2 of this Decision.

Article 2

1. Where the ICAO Council is to adopt new SARPs or amendments to SARPs as referred to in Article 1, the Commission shall:
 - (a) in due time and at least one month before the date of the ICAO Council meeting where new SARPs or amendments to SARPs are to be adopted, submit to the Council, for discussion and approval, a document setting out the particulars of the draft position to be taken on the Union's behalf; in exceptional circumstances, in the case of the urgent adoption of new SARPs or of an amendment, or of the temporary suspension of entry into force of SARPs or of an amendment,

where the text of the relevant draft SARPs or amendments is available less than a month before the date of the ICAO Council meeting where those SARPs or amendments are to be adopted, the Commission shall endeavour to submit the document to the Council without undue delay and in any event at the latest five days after having received the draft new SARPs or draft amendments from the International Civil Aviation Organization ('ICAO');

- (b) in due time and at least one month before the deadline set by the ICAO for the registration of disapproval by contracting States pursuant to Article 90 of the Chicago Convention, submit to the Council, for discussion and approval, a document setting out the draft position to be taken on behalf of the Union.

Where appropriate, the position referred to in point (b) of the first subparagraph may be included in the document submitted to the Council pursuant to point (a) of the first subparagraph.

2. The documents submitted by the Commission pursuant to paragraph 1, points (a) and (b), shall be based on the objectives and guidelines laid out in the Annex and take into account of all relevant information and materials provided by the ICAO ahead of any deliberations and, as appropriate, of the information provided by the European Union Aviation Safety Agency (EASA) in accordance with Article 90(1) and (3) of Regulation (EU) 2018/1139, where applicable.

3. Minor non-substantive changes to the position approved by the Council pursuant to paragraph 1, point (a), may be agreed to on-the-spot, in the light of the developments at the session of the ICAO Council, by the Member States in concertation with the representative of the Union in accordance with the duty of sincere cooperation established in Article 4(3) of the Treaty on European Union.

The documents establishing the position to be taken on behalf of the Union pursuant to paragraph 1, point (a), shall indicate whether further adjustments to that position may be agreed to on-the-spot, in the light of the developments at the meeting of the ICAO Council. Those adjustments shall not affect the essence and purpose of the position.

4. The position referred to in paragraph 1, point (a) shall be expressed within the ICAO Council by the Member States of the Union that are members of the ICAO Council acting jointly in the interest of the Union.

The position referred to in paragraph 1, point (b) shall be expressed by all Member States acting jointly in the interest of the Union.

Article 3

The position to be taken on the Union's behalf within the ICAO as regards the notification of differences with respect to international standards contained in Annexes 1, 2, 3, 4, 6, 8, 10, 11, 14, 15, 18 and 19 to the Chicago Convention, insofar as such international standards fall within the Union's exclusive competence, shall be established according to the criteria and procedure set out in Articles 4 and 5 of this Decision.

Article 4

Where Union law differs from the international standards referred to in Article 3 of this decision and notification to the ICAO of those differences is therefore required in accordance with Article 38 of the Chicago Convention, the Commission shall, in due time and at least two months before any deadline set by the ICAO for the notification of differences, submit to the Council, for discussion and approval, a document, based in particular on the information provided by the EASA in accordance with Article 90(4) of Regulation (EU) 2018/1139, where applicable, setting out details of the differences to be notified to the ICAO, and where appropriate, indicating what flexibility is available to Member States as regards the form of the notification.

The position to be taken pursuant to this Article shall be expressed by all Member States acting jointly in the interests of the Union.

Article 5

1. Where a Member State adopts, in accordance with Article 71 of Regulation (EU) 2018/1139, national measures granting exemptions concerning individual natural or legal persons or with a total duration not exceeding eight months, and where those national measures differ from the international standards referred to in Article 3 of this Decision and require the notification of differences to those standards in accordance with Article 38 of the Chicago Convention, that Member State shall immediately inform the Commission of any difference to be notified.

2. Where the exemptions granted in accordance with Article 71 of Regulation (EU) 2018/1139 are of general application and their total duration exceeds eight months, the Commission shall, no later than two weeks after the Member State concerned notified it of those exemptions in accordance with Article 71(1) of Regulation (EU) 2018/1139 and, where applicable, after receiving the EASA recommendation in accordance with Article 71(2) of that Regulation, submit to the Council, for discussion and approval, a document, taking into account the information provided by the Member State concerned and, when applicable, information provided by EASA in accordance with Article 90(4) of that Regulation, setting out details of the differences to be notified to the ICAO.

The position to be taken pursuant to this paragraph shall be expressed by the Member States having adopted national measures under Article 71 of Regulation (EU) 2018/1139 that require the notification of differences acting in the interest of the Union.

Article 6

The implementation of this Decision shall not entail a breach of Member States' obligations under Union law or their obligations under the Chicago Convention.

Article 7

1. This Decision shall apply until 31 December 2025.
2. The Commission shall submit to the Council a report analysing the application of this Decision, and in particular its effectiveness and the frequency of its use, at least four months before its expiry date.
3. On a proposal from the Commission, the Council may extend the application of or otherwise amend this Decision.

Article 8

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

Done at Brussels, 28 March 2023.

For the Council
The President
E. BUSCH

ANNEX

OBJECTIVES AND GUIDELINES FOR THE ESTABLISHMENT OF THE POSITIONS TO BE TAKEN ON THE UNION'S BEHALF WITHIN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Objectives

1. To promote a safe, efficient, performant, open, and environmentally sound air transport system in line with the communication of the Commission of 9 December 2020 on the Sustainable and Smart Mobility Strategy – putting European transport on track for the future.
2. To promote the development of regional cooperation and of regional aviation systems, and support their recognition by the ICAO and its Contracting States, as well as their integration into the ICAO framework.
3. To promote the development of rules and policies ensuring safe air transport operations and the conduct of proper oversight over safety rules, in line with the Union's aviation safety regulatory framework, including Regulation (EU) 2018/1139 ⁽¹⁾ and taking account of the report from the Commission of 17 October 2022 on the European Aviation Safety Programme.
4. To promote the development and deployment of efficient, performant and interoperable air navigation systems, in line with Regulations (EC) No 549/2004 ⁽²⁾, (EC) No 550/2004 ⁽³⁾ and (EC) No 551/2004 ⁽⁴⁾ and taking account of the Global Air Navigation Plan and aviation system block upgrades (ASBUs).
5. To continue to support, including where relevant through technical assistance and capacity building activities, the development in all ICAO Contracting States of a safe, efficient, and environmentally sound global air transport system, e.g. through the Union's Foreign Policy Instruments (FPI) projects.

Guidelines

The Member States, acting jointly in the interest of the Union, shall endeavour to support the following actions by the ICAO:

1. in order to ensure the development of rules and policies ensuring safe air transport operations and the conduct of proper oversight over safety rules:
 - (a) support the development and implementation of the Global Aviation Safety Plan (GASP);
 - (b) support the development of international standards and recommended practices ('SARPs') for civil aviation adopted pursuant to Articles 37 and 54(l) of the Chicago Convention, in particular where they are necessary to protect passengers and the safety of flights;
 - (c) support the development and implementation of regional aviation safety systems and other frameworks for regional safety cooperation among States, and the need to better integrate them in the ICAO context;

⁽¹⁾ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

⁽²⁾ Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p. 1).

⁽³⁾ Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10).

⁽⁴⁾ Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) (OJ L 96, 31.3.2004, p. 20).

2. in order to ensure the development and deployment of efficient, performant and interoperable air navigation systems:
 - (a) support the development and implementation of the Global Air Navigation Plan (GANP) and its monitoring procedures using suitable performance metrics;
 - (b) support the development and implementation of Air Traffic Management (ATM) standards, global interoperability of new technologies and systems and closer coordination or activities in ATM, such as contributing to works on the development of the trust framework initiative and other related activities;
 - (c) support the development and implementation of rules, policies and actions in the field of Air Traffic Management and Air Navigation Services (ATM/ANS) in particular in line with Resolution A41-6, Resolution A41-7 and Resolution A41-8 adopted at the 41st session of the Assembly;
 3. in order to continue supporting the development of a safe, efficient, and environmentally sound global air transport system in all ICAO Contracting States:
 - (a) support the 'No Country Left Behind' initiative;
 - (b) support the aviation contribution to the United Nations 2030 Agenda for Sustainable Development;
 - (c) support the continuation, where appropriate, of technical assistance and capacity building activities.
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COUNCIL DECISION (EU) 2023/747**of 31 March 2023**

on the position to be taken on behalf of the European Union within the Association Committee in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part as regards the modification of Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to that Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community, and their Member States of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement') entered into force on 1 September 2017.
- (2) Pursuant to Article 11 of Annex XVII to the Agreement, the Association Committee in Trade configuration ('the Trade Committee') may modify Annex XVII to that Agreement.
- (3) The Trade Committee should adopt the draft Decision on modifying Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement in the course of 2023.
- (4) As stated in the preamble to the Agreement and in accordance with Article 124 of the Agreement, the Parties recognise the importance of the approximation of Ukraine's existing legislation to that of the European Union, meaning that Ukraine is to ensure that its existing laws and future legislation will be gradually made compatible with the Union *acquis*.
- (5) Ukraine has requested further integration with regards to the roaming sector in the Union, in particular through internal market treatment of roaming services.
- (6) Considering that Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement should be complemented by the relevant Union acts relating to roaming on public mobile communications networks, it is necessary to modify that Appendix by adding Regulation (EU) 2022/612 of the European Parliament and of the Council ⁽²⁾, Commission Implementing Regulation (EU) 2016/2286 ⁽³⁾, Commission Delegated Regulation (EU) 2021/654 ⁽⁴⁾ and Regulation (EU) 2018/1971 of the European Parliament and of the Council ⁽⁵⁾. Directive (EU) 2018/1972 of the European Parliament and of the Council ⁽⁶⁾ is already covered by Appendix XVII-3 of Annex XVII to the Agreement.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

⁽²⁾ Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April on roaming on public mobile communications networks within the Union (OJ L 115, 13.4.2022, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (OJ L 344, 17.12.2016, p. 46).

⁽⁴⁾ Commission Delegated Regulation (EU) 2021/654 of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate (OJ L 137, 22.4.2021, p. 1).

⁽⁵⁾ Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009 (OJ L 321, 17.12.2018, p. 1).

⁽⁶⁾ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).

- (7) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Trade Committee, as the Decision modifying Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement will be binding upon the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the course of 2023 within the Association Committee in Trade configuration, established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the modification of Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to that Agreement shall be based on the draft Decision of that Committee attached to this Decision.

Article 2

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

Done at Brussels, 31 March 2023.

For the Council
The President
J. ROSWALL

DRAFT

DECISION No.../2023 OF THE EU-UKRAINE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION

of ...

modifying Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION (hereafter referred to as the 'Trade Committee'),

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, and in particular Article 465(3) thereof and Article 11 of Annex XVII thereto,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (the 'Agreement') entered into force on 1 September 2017.
- (2) Article 1(2), point (d), of the Agreement provides that the aim of the Agreement is, inter alia, to support Ukrainian efforts to complete the transition into a functioning market economy by means of, inter alia, the progressive approximation of its legislation to that of the Union.
- (3) In Article 124 of the Agreement, the Parties recognise the importance of the approximation of Ukraine's existing legislation to that of the Union in the telecommunication services sector. Ukraine committed to ensure that its existing laws and future legislation are made compatible with the Union acquis. Such approximation is foreseen to gradually extend to all the acts of the Union acquis referred to in Appendices XVII-2 to XVII-5 of Annex XVII to the Agreement and should, once the conditions for it have been fulfilled, lead to Ukraine's gradual integration in the EU internal market, notably through the reciprocal granting of internal market treatment in accordance with 4(3) of Annex XVII to the Agreement.
- (4) Ukraine has requested further integration with regard to roaming on public mobile communications networks in the Union, in particular internal market treatment for the purpose of roaming on public mobile communications networks.
- (5) Rules on roaming form part of the Union telecommunications acquis, but were not included in Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement. Therefore Appendix XVII-3 should be complemented by the relevant Union acts relating to roaming on public mobile communications networks.
- (6) At the current stage of economic and legal development of the EU internal market related to telecommunications services, the relevant Union acts relating to roaming are the following: Directive (EU) 2018/1972 of the European Parliament and of the Council ⁽¹⁾, Regulation (EU) 2022/612 of the European Parliament and of the Council ⁽²⁾, Commission Implementing Regulation (EU) 2016/2286 ⁽³⁾, and Commission Delegated Regulation (EU) 2021/654 ⁽⁴⁾.

⁽¹⁾ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ EU L 321, 17.12.2018, p. 36).

⁽²⁾ Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (OJ EU L 115, 13.4.2022, p. 1.).

⁽³⁾ Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (OJ EU L 344, 17.12.2016, p. 46.).

⁽⁴⁾ Commission Delegated Regulation (EU) 2021/654 of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate (OJ EU L 137, 22.4.2021, p. 1.).

- (7) Directive (EU) 2018/1972 is already included in Appendix XVII-3 of Annex XVII to the Agreement. It is necessary to include the other acts relevant to roaming on public mobile communications networks in that Appendix in order to enable the gradual transition of Ukraine to full enactment and complete and full implementation of all applicable provisions for the telecommunications sector and notably those on roaming on public mobile communications networks.
- (8) A positive assessment of the Ukrainian legislation, its implementation and enforcement conducted in line with the principles set out in Annex XVII to the Agreement is a necessary precondition for any decision by the Trade Committee to grant internal market treatment pursuant to Article 4(3) of Annex XVII with respect to a particular sector. In the context of the Union *acquis* regarding roaming on public mobile communications networks, the requirement to attain full enactment and complete and full implementation prior to the adoption of the decision on internal market treatment under Article 4(3) of Annex XVII should not be understood as entailing the application between the Parties of the Agreement of the safeguard limits for average wholesale charges for the provision of regulated services related to roaming on public mobile communications networks. The same applies to the regulated maximum voice termination rates for the service of terminating a call to an end user on its network. These are to be granted reciprocally between the Parties of the Agreement as from the date specified in an eventual decision by the Trade Committee to grant internal market treatment for roaming on public mobile communications networks pursuant to Article 4(3) of Annex XVII.
- (9) The gradual integration of Ukraine in the EU internal market, in particular for telecommunication services, will, *inter alia*, require the full and complete implementation of Commission Delegated Regulation (EU) 2021/654, in line with the objectives of that Regulation. Ukraine is presently not in a position to transpose and fully implement the single maximum Union-wide termination rates for the purpose of national termination services in Ukraine. The implementation of the single maximum Union-wide termination rates also for the purpose of national voice termination services in Ukraine, is however not absolutely necessary for further integration with respect to roaming on public mobile communications networks. A different timeline for implementation is therefore provided for that aspect of Commission Delegated Regulation (EU) 2021/654, with respect to which Ukraine commits to fully implement within three years from an eventual decision by the Trade Committee to grant internal market treatment for roaming on public mobile communications networks pursuant to Article 4(3) of Annex XVII to the Agreement.
- (10) Commission Delegated Regulation (EU) 2021/654 also applies under certain conditions to calls originated from third-country numbers, with the aim of applying the single maximum Union-wide voice termination rates in an open, transparent and non-discriminatory way, and to limit the exclusion of calls originated from third country-numbers to what is strictly necessary to ensure the achievement of the internal market objectives and to ensure proportionality. Ukraine is presently not in a position to transpose and fully implement the single maximum Union-wide voice termination rates for the purpose of calls originating from third-country numbers. While the implementation of the single maximum Union-wide termination rates also for the purpose of termination from third-country numbers, is not absolutely necessary for further integration with respect to roaming on public mobile communications networks, full enactment and complete and full implementation of Commission Delegated Regulation (EU) 2021/654 by Ukraine would be needed to ensure alignment with the applicable rules in the EU internal market for telecommunications services. A different timeline for implementation is therefore provided for with regard to that aspect of Commission Delegated Regulation (EU) 2021/654, with respect to which Ukraine commits to fully implement before an eventual decision by the Trade Committee to grant internal market treatment for telecommunication services pursuant to Article 4(3) of Annex XVII to the Agreement.
- (11) Article 1(4) of Regulation (EU) 2022/612 and Article 3(2) and (3) of Commission Delegated Regulation (EU) 2021/654 refer to reference exchange rates published by the European Central Bank in the *Official Journal of the European Union*. The European Central Bank does not publish exchange rates for the Ukrainian hryvnia at present. An adaptation is therefore needed with respect to those provisions to provide for the use of the exchange rates between the euro and the Ukrainian hryvnia published by the National Bank of Ukraine for as long as the European Central Bank does not publish exchange rates for the Ukrainian hryvnia.
- (12) Article 11 of Annex XVII to the Agreement empowers the Trade Committee to add the remaining four Union acts to Annex XVII to the Agreement by way of modification thereof.

- (13) Once Ukraine considers that a particular Union legal act has been properly enacted and implemented, Ukraine is to submit the relevant transposition tables, together with an official English translation of the implementing Ukrainian legal act, to the Union co-secretary of the Trade Committee in order for the European Commission to proceed with the comprehensive assessment provided for in Appendix XVII-6 of Annex XVII to the Agreement.
- (14) In view of the ongoing Russian war of aggression against Ukraine, the implementation of the obligations laid down in this Decision may turn out to be objectively impossible or exceedingly difficult within the provided timelines. In that event, Ukraine should submit the matter to the Trade Committee, in accordance with Article 11 of Annex XVII to the Agreement, which is to consider the matter in conformity with Article 3(4) and (5) of Annex XVII to the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement is hereby modified as set out in the Annex to this Decision.

Article 2

This Decision has been established in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

Article 3

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

Done at Brussels,....

For the Association Committee in Trade configuration

The Chair

The secretaries

ANNEX

Appendix XVII-3 (Rules applicable to telecommunication services) shall be modified by adding under section 'A. Overall European electronic communications policy' and after the item related to 'Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks' the following:

'Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (recast)

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation: Article 1(4) refers to reference exchange rates published by the European Central Bank in the *Official Journal of the European Union*. For as long as the European Central Bank does not publish exchange rates for the Ukrainian hryvnia, exchange rates between the euro and the Ukrainian hryvnia published by the National Bank of Ukraine shall be used for the purposes of applying Article 1(4). The reference periods and conditions laid down in Article 1(4) remain unchanged.

— Implement all provisions with the exception of:

— Article 7 - Implementation of fair use policy and of sustainability mechanism, Paragraphs 1-3. The exception regarding Article 7(1)-(3) is without prejudice to Ukraine's obligation to implement the Implementing Acts on the application of fair use policies, the methodology for assessing sustainability of the provision of retail roaming services at domestic prices and the application to be submitted by a roaming provider for the purpose of the assessment of the sustainability

— Article 20 - Committee procedure

Timetable: the provisions of Regulation (EU) 2022/612 shall be implemented within 12 months after the date of entry into force of Decision [x/2023].

Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment

Timetable: the provisions of Commission Implementing Regulation (EU) 2016/2286 shall be implemented within 12 months after the date of entry into force of Decision [x/2023].

Commission Delegated Regulation (EU) 2021/654 of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations: Article 3(2) and (3) refer to reference exchange rates published by the European Central Bank in the *Official Journal of the European Union*. For as long as the European Central Bank does not publish exchange rates for the Ukrainian hryvnia, exchange rates between the euro and the Ukrainian hryvnia published by the National Bank of Ukraine shall be used for the purposes of applying Article 3(2) and (3). The reference periods and conditions laid down in Article 3(2) and (3) remain unchanged.

Timetable: the provisions of Commission Delegated Regulation (EU) 2021/654 shall be implemented before those of Regulation (EU) 2022/612 and within 11 months after the date of entry into force of Decision [x/2023], with the following exceptions:

— With regard to national calls originated from and terminated to Ukrainian numbers in Ukraine, Article 1(3) shall become applicable within 3 years from the date specified in an eventual decision by the Trade Committee to grant internal market treatment for roaming pursuant to Article 4(3) of Annex XVII

— Article 1(4) shall be implemented before an eventual decision by the Trade Committee to grant internal market treatment for telecommunications services pursuant to Article 4(3) of Annex XVII

Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009

- The national regulatory authority of Ukraine with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services shall participate fully in the work of the Board of Regulators of BEREC, the working groups of BEREC and the Management Board of the BEREC Office. The national regulatory authority of Ukraine shall have the same rights and obligations as the national regulatory authorities of the EU Member States, except for the right to vote and for the Chairmanship of the Board of Regulators and of the Management Board
- In light thereof, the national regulatory authority of Ukraine shall be represented at an appropriate level in accordance with the provisions of the BEREC Regulation. In accordance with the relevant rules of the EU regulations mentioned above, BEREC and the BEREC Office shall, as the case may be, assist the national regulatory authority of Ukraine in the performance of its tasks.
- The national regulatory authority of Ukraine shall take the utmost account of any guideline, opinion, recommendation, common position and best practices adopted by BEREC with the aim of ensuring the consistent implementation of the regulatory framework for electronic communications.

Timetable: the provisions of Regulation (EU) 2018/1971 shall be implemented within 12 months after the date of entry into force of Decision [x/2023].’.

COMMISSION DECISION (EU) 2023/748**of 11 April 2023****laying down detailed rules for the application of Regulation (EC) No 1367/2006 of the European Parliament and of the Council as regards requests for the internal review of administrative acts or omissions**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Union institutions and bodies ⁽¹⁾ and in particular Articles 11(2) and 11a(2) thereof,

Whereas:

- (1) Regulation (EC) No 1367/2006 lays down rules to apply the provisions of the Aarhus Convention within Union institutions and bodies.
- (2) Title IV of that Regulation sets out provisions on internal review of administrative acts and omissions.
- (3) Article 11(1) and 11(1a) of Regulation (EC) No 1367/2006 set out criteria and conditions for the entitlement at Union level of non-governmental organisations and other members of the public to make a request for internal review in accordance with Article 10 thereof, the transparent and consistent application of which requires detailed rules on the evidence to be provided with the requests, the calculation of time limits for reply to requests and cooperation between Union institutions and bodies.
- (4) Pursuant to Article 11a paragraph (2) of Regulation (EC) No 1367/2006, for the sake of transparency and effective case handling, the Commission has established an online system with the objective that all requests addressed to the Commission are submitted through this system. This is without prejudice to any future decision by other Union institutions and bodies who may also establish online systems for receipt of requests for internal review in the future.
- (5) Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽²⁾ applies to the processing of personal data carried out by the Commission in application of this Decision. It is appropriate to clarify that the Commission is to be considered the data controller within the meaning of Regulation (EU) 2018/1725 in relation to the processing of personal data in the online platform.
- (6) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered his formal comments on 17 February 2023.
- (7) Regulation (EC) No 1367/2006 is amended by Regulation (EU) 2021/1767 of the European Parliament and of the Council ⁽³⁾. Amendments to Article 11(1) of Regulation (EC) No 1367/2006 apply from 29 April 2023. This Decision should therefore apply from the same date.

⁽¹⁾ OJ L 264, 25.9.2006, p. 13.

⁽²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁽³⁾ Regulation (EU) 2021/1767 of the European Parliament and of the Council of 6 October 2021 amending Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 356, 8.10.2021, p. 1).

- (8) Since this Decision is laying down new provisions to ensure the effective application of Regulation (EC) No 1367/2006 as amended by Regulation (EU) 2021/1767, Commission Decision 2008/50/EC⁽⁴⁾ should be repealed with effects on the same date.

HAS ADOPTED THIS DECISION:

Article 1

Contents of a request for internal review

1. The request for internal review of an administrative act or omission in accordance with Article 10 of Regulation (EC) No 1367/2006 shall:
 - (a) specify the administrative act or administrative omission whose review is sought and the provisions of environmental law that are alleged to have been breached;
 - (b) state the grounds on which the request is made;
 - (c) provide relevant information and documentation supporting those grounds, putting forward facts or legal arguments of sufficient substance to give rise to serious doubts as to the assessment made by the Union institution or body;
 - (d) specify the name and contact details of the person empowered to represent the requesting party vis-à-vis third parties for the purpose of the internal review in the case at issue;
 - (e) provide evidence of the requesting party's entitlement to make the request in accordance with the criteria and conditions set out in Article 11(1) and (1a) of Regulation (EC) No 1367/2006.
2. The request for internal review shall not exceed 50 pages (not including documents to evidence meeting the criteria for eligibility under Article 11 of Regulation (EC) No 1367/2006 and other annexes to support the request), unless due to the complexity of the issues raised in the request an exceedance of that limit is considered as justified by the Commission services.
3. For purpose of point (d) of the first paragraph, where a joint request is made by several non-governmental organisations or other members of the public, a single contact point shall be designated.

Article 2

Criteria for the entitlement of non-governmental organisations to request internal review

1. Any non-governmental organisation that submits a request for internal review of an administrative act or omission in accordance with Article 10 of Regulation (EC) No 1367/2006 shall provide evidence that it meets the criteria set out in Article 11(1) of that Regulation, in form of the documents listed in paragraph 5 to this Article.
2. Where any of those documents cannot be provided for reasons not attributable to the non-governmental organisation, that organisation may provide evidence in form of any other equivalent document.
3. Where it does not clearly appear from the documents that the non-governmental organisation is independent and non-profit making, that organisation shall submit a declaration to that effect, signed by a person empowered to do so within the non-governmental organisation.
4. Where it does not clearly appear from the documents that the non-governmental organisation has the primary stated objective of promoting environmental protection in the context of environmental law, that it has existed for more than two years and is actively pursuing this objective, or that the subject matter in respect of which the request for internal review is made is covered by the objectives and activities of the non-governmental organisation, that organisation shall submit any other document providing evidence that this criterion is met.

⁽⁴⁾ Commission Decision 2008/50/EC of 13 December 2007 laying down detailed rules for the application of Regulation (EC) No 1367/2006 of the European Parliament and of the Council on the Aarhus Convention as regards requests for the internal review of administrative acts (OJ L 13, 16.1.2008, p. 24).

5. List of documents to be provided under paragraph 1:

- (a) statute or by-laws of the non-governmental organisation, or any other document fulfilling the same role under national practice, in respect of those EU Member States where national law does not require or provide for a non-governmental organisation to adopt statute or by-laws;
- (b) annual activity reports of the non-governmental organisation of the last two years;
- (c) in respect of non-governmental organisations established in countries where the fulfilment of such procedures is a prerequisite for a non-governmental organisation to obtain legal personality, copy of the legal registration with the national authorities;
- (d) where relevant, information and documentation that the non-governmental organisation has previously been acknowledged by a Union institution or body as being entitled to make a request for internal review of an administrative act or omission in accordance with Article 10 of Regulation (EC) No 1367/2006; and a declaration by the non-governmental organisation that the conditions for eligibility continue to be met.

Article 3

Conditions set out under Article 11(1a), first subparagraph, point b, of Regulation (EC) No 1367/2006

1. Members of the public that are entitled to submit a request for internal review of an administrative act or omission in accordance with Article 10 of Regulation (EC) No 1367/2006, shall provide the list of documents under paragraph (2) in support of fulfilling the criteria and conditions set out in Article 11(1a), first subparagraph, point b, of that Regulation.

2. List of documents to be provided:

- (a) a summary description of the sufficient public interest at stake;
- (b) a description of the method by which the public support was collected. In case of a campaign to collect signatures online, the details of the platform and the methods to ensure that the results are genuine, shall be provided. Any collection method shall ensure that duplicative or fake entries are excluded, data from members of the public who are not residing or established in the EU are excluded, and a breakdown per Member State is provided. The description shall also explain what evidence was considered to demonstrate the authenticity of the documents and the data submitted;
- (c) a summary description of the magnitude of the public support for the request, including, specifically, the number of persons supporting it, with a breakdown by Member State, demonstrating that the request is supported by at least 4 000 members of the public residing or established in at least five Member States, with at least 250 members of the public coming from each of those Member States.

3. The following information shall be provided for each signatory who is a natural person:

- (a) proof of signature;
- (b) first name and family name;
- (c) address and Member State of residence;
- (d) confirmation of meeting the minimal age requirement (depending on the requirements of the Member State of residence for the exercise of voting rights at the European Parliamentary elections).

4. The following information shall be provided for each signatory who is an organisation:

- (a) proof of signature;
- (b) name of the organisation;
- (c) address and Member State of establishment;
- (d) national registry number;
- (e) first name and family name of the representative and their title.

5. The Union institution and body to whom the request has been submitted shall use personal data provided under paragraphs 3 and 4 only to verify whether the requesting parties meet the criteria and conditions set out in Article 11(1a), first subparagraph, point b, of Regulation (EC) No 1367/2006, and shall delete these data one year after the submission of the request, unless meeting the eligibility criteria is disputed, in which case the personal data may be retained until such dispute has been resolved.

Article 4

Representation by a non-governmental organisation or a lawyer

1. Where non-governmental organisations or other members of the public are represented by a non-governmental organisation, Article 2 of this Decision applies.
2. Where non-governmental organisations or other members of the public are represented by a lawyer, the request shall include documents and data proving that the lawyer is authorised to practise before a court of a Member State. Those documents may include a certificate issued by a bar association in a Member State or any other document fulfilling the same role under national practice. The lawyer shall also provide a power-of-attorney evidencing that it is entitled to represent his or her client.

Article 5

Assessment of the entitlement to request internal review

1. The Union institution or body concerned shall verify that the persons who submitted the request and their representatives meet the criteria or conditions set out in Article 11(1) and 11(1a) of Regulation (EC) No 1367/2006 by assessing the information provided in accordance with this Decision.
2. Where, on the basis of the information provided in accordance with this Decision, it is not possible for the Union institution or body concerned to fully assess whether the criteria/and or conditions are met, it shall request additional documentation or information from the requesting party, within a reasonable period to be specified by the Union institution or body concerned, which shall not exceed 30 days. During that period, the time limits laid down in Article 10 of Regulation (EC) No 1367/2006 shall be suspended.
3. Where relevant, the Union institution or body concerned may consult the relevant national authorities in any Union Member State to verify and assess the information provided by the non-governmental organisation or lawyer concerned regarding the eligibility criteria set out in Article 11 of Regulation (EC) No 1367/2006. During this period of consultation, which shall not exceed 30 days, the time limits laid down in Article 10 of Regulation (EC) No 1367/2006 shall be suspended.

Article 6

Administrative cooperation

Union institutions and bodies shall cooperate among themselves to ensure a transparent and consistent application of this Decision.

Article 7

Submission of internal review requests to the Commission

1. Requests for internal review of an administrative act or omission in accordance with Article 10 of Regulation (EC) No 1367/2006 addressed to the Commission shall be submitted only via the online system for receipt of requests for internal review, which is publicly accessible on the website of the Commission.
2. For review requests to be submitted to the Commission under Article 11(1a), first subparagraph, point b, of that Regulation, the signatures shall be collected via an online-system provided by the Commission (EU-Survey), following the guidance and methodology provided by the Commission. This is without prejudice to the possibility for the requesting party to collect handwritten signatures. In that case, the requesting party shall digitalise the information required under Article 3, third and fourth paragraphs of this Decision and shall submit these via the online system for receipt of requests for internal review.

*Article 8***Repeal**

Decision 2008/50/EC is repealed.

*Article 9***Entry into force and application**

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

It shall apply from 29 April 2023.

Done at Brussels, 11 April 2023.

For the Commission

The President

Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2023/749**of 14 April 2023****amending Annexes I and II to Implementing Decision (EU) 2021/260 as regards the national measures which apply in Denmark concerning bacterial kidney disease (BKD) and infectious pancreatic necrosis (IPN) and the national measures which apply in the United Kingdom (Northern Ireland) concerning Ostreid herpesvirus-1 μ var (OsHV-1 μ var)****(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 226(3) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2021/260 ⁽²⁾ establishes, in Annexes I and II thereto, lists of Member States or parts thereof which are regarded as being free from certain diseases of aquatic animals, not listed under Article 9(1), point (d) of Regulation (EU) 2016/429, or which are subject to an eradication programme for those diseases.
- (2) Denmark has notified the Commission that four of the compartments within its territory, which are listed in Annex I to Implementing Decision (EU) 2021/260, have ceased to exist and should, therefore, be removed from the list of compartments which are regarded as being free from infectious pancreatic necrosis (IPN) in Denmark. One of those compartments should also be removed from the list of compartments which are regarded as being free from bacterial kidney disease (BKD).
- (3) Denmark has also notified the Commission that there has been an outbreak of IPN in one of the compartments within its territory, which is listed in Annex II to Implementing Decision (EU) 2021/260. That compartment is no longer subject to an eradication programme for IPN and should, therefore, be removed from the list.
- (4) In addition, Denmark has notified the Commission that a new compartment within its territory has commenced an eradication programme for BKD. This compartment should, therefore, be added to the list of compartments that are subject to an eradication programme for BKD in Annex II to Implementing Decision (EU) 2021/260.
- (5) Denmark has also notified the Commission that a compartment within its territory, which is listed in Annex II to Implementing Decision (EU) 2021/260, has successfully completed an eradication programme for BKD and an eradication programme for IPN. This compartment should, therefore, be removed from the list in that Annex and should, instead, be inserted into the list of compartments, that are regarded as being free from BKD and the list of compartments which are free from IPN, in Annex I to that Implementing Decision.
- (6) Furthermore, the United Kingdom in respect of Northern Ireland, has notified the Commission that as all areas of Northern Ireland where aquaculture animals which are susceptible to Ostreid herpesvirus-1 μ var are kept, are no longer free from that disease, maintaining national measures to control it, is no longer considered necessary. The territory of Northern Ireland except Dundrum Bay, Killough Bay, Lough Foyle, Carlingford Lough, Larne Lough and Strangford Lough, which is listed in Annex I to Implementing Decision (EU) 2021/260 should, therefore, be removed from that list.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2021/260 of 11 February 2021 approving national measures designed to limit the impact of certain diseases of aquatic animals in accordance with Article 226(3) of Regulation (EU) 2016/429 of the European Parliament and of the Council and repealing Commission Decision 2010/221/EU (OJ L 59, 19.2.2021, p. 1).

- (7) Annexes I and II to Implementing Decision (EU) 2021/260 should, therefore, be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and II to Implementing Decision (EU) 2021/260 are replaced by the text set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 14 April 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

‘ANNEX I

Member States ⁽¹⁾ or parts thereof, regarded as being free from certain diseases affecting aquatic animals and for which the national measures are approved in accordance with Article 226(3) of Regulation (EU) 2016/429

Disease	Member State	Code	Geographical demarcation of the area for which the national measures are approved
Koi herpes virus disease (KHV)	France	FR	Zone of the Durançole, from the source of the river Durançole to the outlet from FR 13092001 CE Ferme Marine de la Durançole The following individual compartments each comprising of an aquaculture establishment with the specified approval number: FR 17116001 CE Pisciculture de l'EARL Carpio FR 34023506 CE SCEA les poissons du Soleil FR 34195501 CE Olivier Germaine – Pisciculture FR 39366002 CE Pisciculture du Moulin de Pierre FR 63263022 CE Pisciculture de Fontanas FR 66190003 CE SCEA les poissons du Soleil FR 72261001 CE Ecloserie de l'AAPPMA de Conlie – Bernay – Ruillé FR 72294001 CE Ecloserie de l'AAPPMA 72 – Sougé Le Ganelon
	Italy	IT	Zone of the Monticolo lakes encompassing the hatchery IT004BZ106, the “Grande lago di Monticolo/Große Montiggler see” and the “Piccolo lago di Monticolo/Kleiner Montiggler see”
	Ireland	IE	Whole territory
	Portugal	PT	The following compartment comprising of an aquaculture establishment with the specified approval number: PT 06001 CP Herdade de Entre Águas/PT
	United Kingdom (Northern Ireland)	UK (NI)	Northern Ireland
Spring viraemia of carp (SVC)	Denmark	DK	Whole territory
	Finland	FI	Whole territory
	Hungary	HU	Whole territory
	Ireland	IE	Whole territory
	Sweden	SE	Whole territory
	United Kingdom (Northern Ireland)	UK (NI)	Northern Ireland

Bacterial kidney disease (BKD)	Denmark	DK	The following individual compartments each comprising of an aquaculture establishment with the specified approval number: 84470 Brænderigårdens Dambrug 92158 Hørup Mølle Dambrug 103471 Abildvad Dambrug 103559 Fårup Mølle Dambrug 103587 Trend Å Dambrug 103623 Hårkjær Dambrug 103647 Egebæk Dambrug 103670 Refsgårds Dambrug 103682 Sangild Dambrug 103733 Skade Dambrug 117789 Funderholme Fiskeopdræt 118656 AquaSearch Ova, Billund 118844 Ravning ægpakkeri 128165 Ollerupgård Dambrug
	Finland	FI	The following individual compartments each comprising of aquaculture establishments with the specified approval numbers: 177-1/ Hanka-Taimen Oy, 177-2 Vanaja and Venekoski Fish Farms 386-1 Pohjois-Karjalan kalanviljely Oy, Keskijärvi Fish Farm 386-2 Pohjois-Karjalan kalanviljely Oy, Kontiolahti Fish Farm 065-3 Kainuun Lohi Oy, Likolampi Fish Farm 185-2 Terhontammi Oy, Sorsakoski hatchery 383 Kuusamon Jalokala Oy, Käylä hatchery 253-3 Natural Resources Institute Finland – Luke, Taivalkoski Fish Farm
	Ireland	IE	Whole territory
	United Kingdom (Northern Ireland)	UK (NI)	Northern Ireland
Infectious pancreatic necrosis (IPN)	Denmark	DK	The following individual compartments each comprising of an aquaculture establishment with the specified approval number: 83138 Hallesøhuse Dambrug 84470 Brænderigårdens Dambrug 92158 Hørup Mølle Dambrug 103554 Fruerlund Dambrug

			103559 Fårup Mølle Dambrug 103571 Hallesø Dambrug 103623 Hårkjær Dambrug 103647 Egebæk Dambrug 103668 Ravning Dambrug 103670 Refsgårds Dambrug 103682 Sangild Dambrug 103802 Ådal Dambrug 103910 Piledal Dambrug 104106 Hallundbæk Dambrug 106314 Ravningkær Dambrug 117789 Funderholme Fiskeopdræt 118656 AquaSearch Ova, Billund 118844 Ravning ægpakkeri 122355 FREA 125770 Aquasearch Ova 128165 Ollerupgård Dambrug 129695 Ravning Avlsstation
	Finland	FI	Continental parts of the territory
	Slovenia	SI	The following individual compartments each comprising of an aquaculture establishment with the specified approval number: SIRIB050108 Pšata SIRIB120102 Ilirska Bistrica
	Sweden	SE	Continental parts of the territory
Infection with <i>Gyrodactylus salaris</i> (GS)	Finland	FI	Water catchment areas of the Tenojoki and Näätämöjoki; the water catchment areas of the Paatsjoki, Tuulomajoki, and Uutuanjoki are considered as buffer zones
	Ireland	IE	Whole territory
	United Kingdom (Northern Ireland)	UK (NI)	Northern Ireland
Infection with salmonid alphavirus (SAV)	Finland	FI	Continental parts of the territory

(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, for the purposes of this Annex, references to Member States include the United Kingdom in respect of Northern Ireland.

ANNEX II

Member States ⁽¹⁾ or parts thereof, with eradication programmes for certain diseases affecting aquatic animals and for which the national measures are approved in accordance with Article 226(3) of Regulation (EU) 2016/429

Disease	Member State	Code	Geographical demarcation of the area for which the national measures are approved
Bacterial kidney disease (BKD)	Denmark	DK	The following individual compartments each comprising of an aquaculture establishment with the specified approval number: 106314 Ravningkær Dambrug 108516 Hulsig Dambrug 118738 Øster Højgård Avlsdambrug 122491 Tarp Dambrug 129695 Ravning Avlsstation
	Sweden	SE	Continental parts of the territory
Infectious pancreatic necrosis (IPN)	Denmark	DK	The following individual compartments each comprising of an aquaculture establishment with the specified approval number: 103606 Lundby Dambrug 108516 Hulsig Dambrug
	Sweden	SE	Coastal parts of the territory

⁽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, for the purposes of this Annex, references to Member States include the United Kingdom in respect of Northern Ireland.'

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