

Official Journal of the European Union

L 111



English edition

Legislation

Volume 66

26 April 2023

Contents

I *Legislative acts*

REGULATIONS

- ★ **Regulation (EU) 2023/857 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement, and Regulation (EU) 2018/1999 ⁽¹⁾ 1**

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Delegated Regulation (EU) 2023/858 of 23 February 2023 amending Regulation (EU) 2018/196 of the European Parliament and of the Council on additional customs duties on imports of certain products originating in the United States of America 15**
- ★ **Commission Implementing Regulation (EU) 2023/859 of 25 April 2023 amending Implementing Regulation (EU) 2017/2470 as regards the specifications of the novel food 2'-Fucosyllactose (microbial source) to authorise its production by a derivative strain of *Corynebacterium glutamicum* ATCC 13032 ⁽¹⁾ 17**
- ★ **Commission Implementing Regulation (EU) 2023/860 of 25 April 2023 amending and correcting Implementing Regulation (EU) 2022/128 as regards transparency, the management declaration, the coordinating body, the certification body, and certain provisions for EAGF and EAFRD 23**

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2023/857 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 19 April 2023

amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement, and Regulation (EU) 2018/1999

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,Having regard to the opinion of the Committee of the Regions ⁽²⁾,Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) The Paris Agreement ⁽⁴⁾, adopted on 12 December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC) (the 'Paris Agreement'), entered into force on 4 November 2016. The Parties to the Paris Agreement have agreed to hold the increase in the global average temperature well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels. That commitment has been reinforced with the adoption under the UNFCCC of the Glasgow Climate Pact on 13 November 2021, in which the Conference of the Parties to the UNFCCC, serving as the meeting of the Parties to the Paris Agreement, recognises that the impacts of climate change will be much lower at a temperature increase of 1,5 °C compared with 2 °C, and resolves to pursue efforts to limit the temperature increase to 1,5 °C.
- (2) The need for action to reduce greenhouse gas emissions is becoming increasingly urgent, as stated by the Intergovernmental Panel on Climate Change (IPCC) in its reports of 7 August 2021 entitled 'Climate change 2021: The Physical Science Basis', of 28 February 2022 entitled 'Climate Change 2022: Impacts, Adaptation and Vulnerability' and of 4 April 2022 entitled 'Climate Change 2022: Mitigation of Climate Change'. The Union should therefore address that urgency by stepping up its efforts.

⁽¹⁾ OJ C 152, 6.4.2022, p. 189.⁽²⁾ OJ C 301, 5.8.2022, p. 221.⁽³⁾ Position of the European Parliament of 14 March 2023 (not yet published in the Official Journal) and decision of the Council of 28 March 2023.⁽⁴⁾ OJ L 282, 19.10.2016, p. 4.

- (3) The Union has in place a regulatory framework to achieve the 2030 greenhouse gas emission reduction target of at least 40 % that was endorsed, before the entry into force of the Paris Agreement, by the European Council in 2014. That regulatory framework consists, inter alia, of Directive 2003/87/EC of the European Parliament and of the Council ⁽⁵⁾ establishing a system for greenhouse gas emission allowance trading within the Union (EU ETS), Regulation (EU) 2018/841 of the European Parliament and of the Council ⁽⁶⁾ requiring Member States to balance greenhouse gas emissions and removals from land use, land use change and forestry (LULUCF), and Regulation (EU) 2018/842 of the European Parliament and of the Council ⁽⁷⁾ establishing national targets for reduction of greenhouse gas emissions by 2030 in the sectors which are not covered by Directive 2003/87/EC or by Regulation (EU) 2018/841.
- (4) The communication of the Commission of 11 December 2019 on ‘The European Green Deal’ provides a starting point for the achievement of the Union’s climate-neutrality objective at the latest by 2050 and the aim of achieving negative emissions thereafter as laid down in Article 2(1) of Regulation (EU) 2021/1119 of the European Parliament and of the Council ⁽⁸⁾ (‘European Climate Law’). The European Green Deal combines a comprehensive set of mutually reinforcing measures and initiatives aimed at achieving climate neutrality in the Union by 2050 and sets out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, where economic growth is decoupled from resource use. It also aims to protect, conserve and enhance the Union’s natural capital, and protect the health and well-being of citizens from environment-related risks and impacts. At the same time, that transition has gender equality aspects as well as a particular impact on some disadvantaged and vulnerable groups, such as older people, persons with disabilities and persons with a minority racial or ethnic background. It must therefore be ensured that the transition is just and inclusive, leaving no one behind.
- (5) On 16 June 2022, the Council adopted a Recommendation on ensuring a fair transition towards climate neutrality ⁽⁹⁾, in which it highlighted the need for accompanying measures and for paying particular attention to supporting those regions, industries, micro, small and medium-sized enterprises, workers, households and consumers that will face the greatest challenges. That Recommendation encourages Member States to consider a set of measures in the areas of employment and labour market transitions, job creation and entrepreneurship, health and safety at work, public procurement, taxation and social protection systems, essential services and housing, as well as, inter alia, with a view to strengthening gender equality, education and training.
- (6) Through the adoption of Regulation (EU) 2021/1119, the Union has enshrined in legislation a binding objective of economy-wide climate neutrality by 2050, thus reducing emissions to net zero by that date, and the aim of achieving negative emissions thereafter. That Regulation also establishes a binding Union domestic reduction target for net greenhouse gas emissions (emissions after deduction of removals) of at least 55 % compared to 1990 levels by 2030. Furthermore, it establishes that the contribution of net removals to the Union 2030 climate target is to be limited to 225 million tonnes of CO₂ equivalent.

⁽⁵⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

⁽⁶⁾ Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).

⁽⁷⁾ Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

⁽⁸⁾ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’) (OJ L 243, 9.7.2021, p. 1).

⁽⁹⁾ Council Recommendation of 16 June 2022 on ensuring a fair transition towards climate neutrality (OJ C 243, 27.6.2022, p. 35).

- (7) In order to implement the commitments laid down in Regulation (EU) 2021/1119 as well as the Union's contributions under the Paris Agreement, the Union regulatory framework for achieving the 2030 greenhouse gas emission reduction target should be adapted.
- (8) Regulation (EU) 2018/842 lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's current greenhouse gas emission reduction target of 30 % below 2005 levels in 2030 in the sectors covered by Article 2 of that Regulation. It also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions.
- (9) While emissions trading will also apply to greenhouse gas emissions from maritime transport as well as from buildings, road transport and additional sectors, the scope of Regulation (EU) 2018/842 should be maintained. Regulation (EU) 2018/842 should therefore continue to apply to the greenhouse gas emissions from domestic navigation, but not to those from international navigation. The inclusion of installations for the incineration of municipal waste in Annex I to Directive 2003/87/EC, for the purposes of Articles 14 and 15 of that Directive, should not change the scope of Regulation (EU) 2018/842 either. The greenhouse gas emissions of a Member State within the scope of Regulation (EU) 2018/842 to be taken into account for compliance checks will continue to be determined upon completion of inventory reviews in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council ⁽¹⁰⁾.
- (10) In line with the 2006 IPCC guidelines for national greenhouse gas inventories, CO₂ emissions from biomass for energy are reported under land use, land use change and forestry inventory categories under Regulation (EU) 2018/841. To avoid double counting, greenhouse gas emissions from biofuels, bioliquids and biomass fuels are zero-rated for the purpose of determining greenhouse gas emissions under Regulation (EU) 2018/842. In order to take into account the effects of indirect land use change and to promote the sustainability of such fuels, it is important that all Member States fully implement Directive (EU) 2018/2001 of the European Parliament and of the Council ⁽¹¹⁾, including its sustainability and greenhouse gas emission savings criteria for such fuels.
- (11) In some sectors, greenhouse gas emissions have either increased or remained stable. In its communication of 17 September 2020 on 'Stepping up Europe's 2030 climate ambition – Investing in a climate-neutral future for the benefit of our people', the Commission indicated that the increased 2030 overall greenhouse gas emission reduction target can only be achieved with the contribution of all sectors.
- (12) In its conclusions of 11 December 2020, the European Council stated that the new 2030 greenhouse gas emission reduction target will be delivered collectively by the Union in the most cost-effective manner possible, that all Member States will participate in that effort, taking into account considerations of fairness and solidarity, while leaving no one behind, and that the new 2030 target needs to be achieved in a way that preserves the Union's competitiveness and takes account of Member States' different starting points and specific national circumstances and greenhouse gas emission reduction potential, including those of island Member States and islands, as well as efforts made.
- (13) In order to achieve the new Union 2030 target of reducing net greenhouse gas emissions by at least 55 % compared to 1990 levels, the sectors covered by Regulation (EU) 2018/842 will need to reduce their greenhouse gas emissions progressively until they reach – 40 % in 2030 compared to 2005 levels. Regulation (EU) 2018/842 also contributes to achieving the objectives of the Paris Agreement, as well as the Union's objective of climate neutrality at the latest by 2050 under Regulation (EU) 2021/1119, the achievement of which requires convergence of all Member States' efforts over time, while taking into account specific national circumstances.

⁽¹⁰⁾ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).

⁽¹¹⁾ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

- (14) The greenhouse gas emission reduction target for 2030 laid down in Regulation (EU) 2018/842 needs to be revised for each Member State. The methodology used for the revision of the 2030 national greenhouse gas emission reduction targets should be the same as the one that was used when Regulation (EU) 2018/842 was adopted, where the national contributions were determined in consideration of the different capacities and cost-efficiency opportunities in Member States so as to ensure a fair and balanced distribution of the effort. The greenhouse gas emission reduction target for each Member State in 2030 should thus be determined in relation to the level of its 2005 greenhouse gas emissions covered by that Regulation, as reviewed pursuant to Article 4(3) thereof, excluding verified greenhouse gas emissions from installations that operated in 2005 and which were only included in the EU ETS after 2005.
- (15) As a consequence, as from the year of entry into force of this Regulation, new binding national limits, expressed in annual emission allocations, are necessary. Those limits will progressively lead to the 2030 greenhouse gas emission reduction target of each Member State. The annual limits for the years preceding the year of entry into force of this Regulation set out in Commission Implementing Decision (EU) 2020/2126 ⁽¹²⁾ are maintained.
- (16) The COVID-19 pandemic and Russia's war of aggression against Ukraine are impacting the Union's economy and the level of its greenhouse gas emissions to a degree that cannot yet be fully quantified. On the other hand, the Union is deploying its largest stimulus package ever and accelerating the transition away from fossil fuels, which also has a potential impact on the level of greenhouse gas emissions. Due to those uncertainties and other unforeseen events having an impact on greenhouse gas emissions, it is appropriate to review the emissions data in 2025 and, if necessary, update the annual emission allocations in 2025 for the years 2026 to 2030. That update should be based on a comprehensive review of the national inventory data carried out by the Commission in order to determine the average greenhouse gas emissions of each Member State in the years 2021, 2022 and 2023.
- (17) In accordance with Regulation (EU) 2021/1119, priority should be given to reductions in direct greenhouse gas emissions, which will have to be complemented by increased carbon removals in order to achieve climate neutrality. Regulation (EU) 2021/1119 recognises that carbon sinks include natural and technological solutions. It is important that a Union scheme for the certification of safely and permanently stored carbon removals obtained through technological solutions be put in place, offering clarity for Member States and market operators to enhance such carbon removals. When such a certification scheme is in force, an analysis can be made about accounting for such carbon removals under Union law.
- (18) In order to incentivise earlier action and further ensure environmental integrity, it is necessary and appropriate to lower the ceilings for borrowing and banking of annual emission allocations for the whole period from 2021 to 2030. On the other hand, Member States should be able to reduce progressively their greenhouse gas emissions and reach their increased national greenhouse gas emission reduction targets for 2030 in a cost-effective manner. In view of the new and more stringent annual emission allocations required by this Regulation, it is appropriate to increase the existing ceilings on transfers of annual emission allocations between Member States. The possibility of transferring annual emission allocations promotes cooperation between Member States, allowing them to achieve their greenhouse gas emission reduction targets cost-effectively, while preserving environmental integrity. The transparency of such transfers should be ensured, so that they are carried out in a manner that is mutually convenient, including by means of auctioning, by the use of market intermediaries acting on an agency basis, by way of bilateral arrangements or by the use of an electronic interface aiming to facilitate the exchange of information on intended transfers and to reduce transaction costs.

⁽¹²⁾ Commission Implementing Decision (EU) 2020/2126 of 16 December 2020 on setting out the annual emission allocations of the Member States for the period from 2021 to 2030 pursuant to Regulation (EU) 2018/842 of the European Parliament and of the Council (OJ L 426, 17.12.2020, p. 58).

Member States are already required to report the summary information on concluded transfers in accordance with Commission Implementing Regulation (EU) 2020/1208 ⁽¹³⁾. After compilation by the Commission, a summary of the information provided is made available within three months of receipt of the reports from Member States, in electronic form, providing the range of prices paid per annual emission allocations transaction. In addition, within the two periods between the publication of the implementing acts referred to in Article 38(4) of Regulation (EU) 2018/1999 and the start of the compliance check procedure, the Member States can report to the Commission on the 15th of each month on concluded transfers. Moreover, in order to facilitate the exchange of information on intended transfers, Member States are invited to continually update the relevant information. A summary of the information received is compiled by the Commission and made available in a timely manner in electronic form. To improve transparency, before any effective transfer, Member States should inform the Climate Change Committee established by Regulation (EU) 2018/1999 of their intention to proceed with a transfer of part of their annual emission allocation for a given year. It is therefore appropriate to amend Regulation (EU) 2018/1999.

- (19) For certain Member States, it is possible to have a limited cancellation of EU ETS emission allowances taken into account for the purposes of compliance with Regulation (EU) 2018/842 (the 'EU ETS flexibility'). Of those Member States that are eligible, two have not made use of the EU ETS flexibility and one has not made full use of it. In view of the increased ambition level set by this Regulation, those Member States should be granted a new opportunity to make use or further use of that flexibility. It is therefore appropriate to set a new deadline by which it is possible for those Member States to notify the Commission of an intention to make use or further use of that flexibility. In addition, given the particular structure of Malta's economy, the national greenhouse gas emission reduction target of that Member State based on gross domestic product per capita is significantly above its cost-effective reduction potential. It is therefore appropriate to increase Malta's access to that flexibility, without compromising the Union's greenhouse gas emission reduction target for 2030.
- (20) In addition to the EU ETS flexibility, it is possible for a limited quantity of net removals and net emissions from LULUCF to be taken into account for Member States' compliance under Regulation (EU) 2018/842 (the 'LULUCF flexibility'). In order to ensure that sufficient mitigation efforts are deployed up to 2030, it is appropriate to limit the use of the LULUCF flexibility by separating the use of the LULUCF flexibility into two separate time periods, each capped by a limit corresponding to half of the maximum amount of total net removals set out in Annex III to Regulation (EU) 2018/842. It is also appropriate to bring the title of that Annex into line with Regulation (EU) 2018/841 following its amendment by Commission Delegated Regulation (EU) 2021/268 ⁽¹⁴⁾. As a consequence, there is no longer a need for Regulation (EU) 2018/842 to empower the Commission to adopt delegated acts to amend the title of its Annex III. Article 7(2) of Regulation (EU) 2018/842 should therefore be deleted.
- (21) Where the Commission finds that a Member State is not making sufficient progress towards meeting its annual emission levels under Regulation (EU) 2018/842, the corrective action mechanisms under that Regulation should be strengthened in order to allow swift and effective action. It is therefore appropriate to revise the requirements which apply to corrective action plans to be submitted by Member States to the Commission in the case of failure to make sufficient progress.
- (22) The Union and the Member States are parties to the United Nations Economic Commission for Europe Convention on access to information, public participation in decision-making and access to justice in environmental matters ⁽¹⁵⁾ (the 'Aarhus Convention'). Public scrutiny and access to justice are essential elements of the democratic values of the Union and tools to safeguard the rule of law.

⁽¹³⁾ Commission Implementing Regulation (EU) 2020/1208 of 7 August 2020 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) 2018/1999 of the European Parliament and of the Council and repealing Commission Implementing Regulation (EU) No 749/2014 (OJ L 278, 26.8.2020, p. 1).

⁽¹⁴⁾ Commission Delegated Regulation (EU) 2021/268 of 28 October 2020 amending Annex IV to Regulation (EU) 2018/841 of the European Parliament and of the Council as regards the forest reference levels to be applied by the Member States for the period 2021-2025 (OJ L 60, 22.2.2021, p. 21).

⁽¹⁵⁾ OJ L 124, 17.5.2005 p. 4.

- (23) The Union's climate action should make use of the latest science. The advice of the European Scientific Advisory Board on Climate Change, established under Article 10a of Regulation (EC) No 401/2009 of the European Parliament and of the Council ⁽¹⁶⁾, should therefore be considered in the context of Regulation (EU) 2018/842.
- (24) In view of the introduction of a strengthened compliance regime in Regulation (EU) 2018/841 as of 2026, it is appropriate to abolish the deduction of the greenhouse gas emissions generated by each Member State in the period from 2026 to 2030 in the LULUCF sector in excess of its removals. Article 9(2) of Regulation (EU) 2018/842 should therefore be amended accordingly.
- (25) It is appropriate that the review of Regulation (EU) 2018/842 in 2024 take account of the Union's greenhouse gas emission reduction targets under Regulation (EU) 2021/1119, the Union's commitment to the objectives of the Paris Agreement and any relevant commitments resulting from the Conferences of the Parties to the UNFCCC. Moreover, that review should include a reduction pathway for greenhouse gas emissions that is compatible with the binding objective of climate neutrality in the Union by 2050 under Regulation (EU) 2021/1119.
- (26) Non-CO₂ greenhouse gas emissions, such as methane, nitrous oxide and fluorinated gases, account for over 20 % of the Union's greenhouse gas emissions. Non-CO₂ greenhouse gas emissions are covered by Regulation (EU) 2018/842 and therefore will necessarily be part of the measures that Member States will put in place in order to comply with their increased 2030 greenhouse gas emission reduction targets under this Regulation. By 30 June 2023, Member States are to submit a draft update of their integrated national energy and climate plans to the Commission. The Commission will issue guidance in that respect, including to encourage Member States to set out targets and policies to reduce methane emissions. Likewise, Member States are to assess whether their strategic plans under the common agricultural policy should be revised to reflect the increased ambition in Regulation (EU) 2018/842 introduced by the amendments thereto through this Regulation. The Commission will include information on the results obtained by the combination of Union and national efforts in relation to non-CO₂ greenhouse gas emissions in the annual reports under Article 29(5) of Regulation (EU) 2018/1999. The Commission is also to assess draft integrated national energy and climate plans and can issue recommendations to Member States that do not make sufficient progress. The Commission will, in the context of the review of Regulation (EU) 2018/841, assess the current trends and future projections of greenhouse gas emissions from agriculture as well as regulatory options to ensure their consistency with the objective of achieving long-term greenhouse gas emission reductions in all sectors of the economy in accordance with the Union's climate-neutrality objective and the Union's intermediary climate targets set out in Regulation (EU) 2021/1119. When reviewing Regulation (EU) 2018/842, the Commission will assess how all sectors covered by that Regulation contribute to the reduction of greenhouse gas emissions, including in particular the reduction achieved as regards non-CO₂ greenhouse gas emissions, also in sectors other than agriculture.
- (27) Since the objectives of this Regulation, namely to adjust, in light of Regulation (EU) 2021/1119, the obligations of Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's target of reducing its greenhouse gas emissions and to contribute to achieving the objectives of the Paris Agreement, cannot be sufficiently achieved by the Member States but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (28) Regulations (EU) 2018/842 and (EU) 2018/1999 should therefore be amended accordingly,

⁽¹⁶⁾ Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (OJ L 126, 21.5.2009, p. 13).

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2018/842

Regulation (EU) 2018/842 is amended as follows:

- (1) Article 1 is replaced by the following:

'Article 1

Subject matter

This Regulation lays down obligations on Member States with respect to their minimum contributions for the period from 2021 to 2030 to fulfilling the Union's target of reducing its greenhouse gas emissions by 40 % below 2005 levels in 2030 in the sectors covered by Article 2 of this Regulation. It contributes to the long-term target of climate neutrality in the Union at the latest by 2050, with the aim of achieving negative emissions thereafter. It thereby contributes to achieving the objectives of Regulation (EU) 2021/1119 of the European Parliament and of the Council (*) ('European Climate Law') and the Paris Agreement. This Regulation also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions.

(*) Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).;

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

'1. This Regulation applies to the greenhouse gas emissions from IPCC source categories of energy, industrial processes and product use, agriculture and waste as determined pursuant to Regulation (EU) 2018/1999 of the European Parliament and the Council (*), excluding greenhouse gas emissions from the activities listed in Annex I to Directive 2003/87/EC, other than the activity 'maritime transport' and activities only listed therein for the purposes of Articles 14 and 15 of that Directive.

(*) Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).;

- (3) Article 4 is amended as follows:

- (a) paragraphs 1 to 4 are replaced by the following:

'1. Each Member State shall, in 2030, limit its greenhouse gas emissions at least by the percentage set for that Member State in column 2 of Annex I in relation to its greenhouse gas emissions in 2005, determined pursuant to paragraph 3 of this Article.

2. Subject to the flexibilities provided for in Articles 5, 6 and 7 of this Regulation and to the adjustment pursuant to Article 10(2) of this Regulation, and taking into account any deduction resulting from the application of Article 7 of Decision No 406/2009/EC, each Member State shall ensure that its greenhouse gas emissions:

- (a) do not exceed, in the years 2021 and 2022, the limit defined by a linear trajectory, starting on the average of that Member State's greenhouse gas emissions in 2016, 2017 and 2018, as set out pursuant to paragraph 3 of this Article, and ending in 2030 at the limit set for that Member State in column 1 of Annex I to this Regulation; the linear trajectory of a Member State shall start either at five-twelfths of the distance from 2019 to 2020 or in 2020, whichever results in a lower annual emission allocation for that Member State;

- (b) do not exceed, in the years 2023, 2024 and 2025, the limit defined by a linear trajectory, starting in 2022 at the annual emission allocation for that Member State, as set out pursuant to paragraph 3 of this Article for that year, and ending in 2030 at the limit set for that Member State in column 2 of Annex I to this Regulation;
- (c) do not exceed, in the years 2026 to 2030, the limit defined by a linear trajectory, starting on the average of that Member State's greenhouse gas emissions in 2021, 2022 and 2023, as submitted by that Member State pursuant to Article 26 of Regulation (EU) 2018/1999 and in accordance with paragraph 3 of this Article, and ending in 2030 at the limit set for that Member State in column 2 of Annex I to this Regulation; the linear trajectory of a Member State shall start at nine-twelfths of the distance from 2023 to 2024.

3. The Commission shall adopt implementing acts setting out the annual emission allocations for each Member State for the years from 2021 to 2030 in tonnes of CO₂ equivalent in accordance with the linear trajectories set out in paragraph 2 of this Article.

For the years 2021 and 2022, the Commission shall determine the annual emission allocations based on a comprehensive review of the most recent national inventory data for the years 2005, 2016, 2017 and 2018, submitted by the Member States pursuant to Article 7 of Regulation (EU) No 525/2013, and shall indicate the value for the 2005 greenhouse gas emissions of each Member State used to determine those annual emission allocations.

For the years 2023, 2024 and 2025, the Commission shall determine the annual emission allocations based on the value for the 2005 greenhouse gas emissions of each Member State indicated pursuant to the second subparagraph of this paragraph and on the reviewed values of the national inventory data for the years 2016, 2017 and 2018 referred to in that second subparagraph.

For the years 2026 to 2030, the Commission shall determine the annual emission allocations based on the value for the 2005 greenhouse gas emissions of each Member State indicated pursuant to the second subparagraph of this paragraph and on a comprehensive review of the most recent national inventory data for the years 2021, 2022 and 2023 submitted by the Member States pursuant to Article 26 of Regulation (EU) 2018/1999.

4. The implementing acts referred to in paragraph 3 shall also specify, based on the percentages notified by Member States pursuant to Article 6(3), (3a) and (3b), the total quantities that may be taken into account for a Member State's compliance under Article 9 between 2021 and 2030. If the sum of all Member States' total quantities exceeds the collective total of 100 million, the total quantities for each Member State shall be reduced on a pro rata basis so that the collective total is not exceeded.;

(b) the following paragraph is added:

'6. When undertaking the actions to limit the greenhouse gas emissions under paragraphs 1 and 2, Member States shall consider the need to ensure a just and socially fair transition for all. The Commission may issue guidance to support Member States in that regard.;

(4) Article 5 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. In respect of the years 2021 to 2025, a Member State may borrow a quantity of up to 7,5 % from its annual emission allocation for the following year.;

(b) paragraphs 3 and 4 are replaced by the following:

'3. A Member State whose greenhouse gas emissions for a given year are below its annual emission allocation for that year, taking into account the use of flexibilities pursuant to this Article and Article 6, may:

- (a) in respect of the year 2021, bank the excess part of its annual emission allocation up to a level of 75 % of its annual emission allocation for 2021 to subsequent years until 2030; and

(b) in respect of the years 2022 to 2029, bank the excess part of its annual emission allocation up to a level of 25 % of its annual emission allocations up to that year to subsequent years until 2030.

4. A Member State may transfer up to 10 % of its annual emission allocation for a given year to other Member States in respect of the years 2021 to 2025, and up to 15 % in respect of the years 2026 to 2030. The receiving Member State may use that quantity for compliance under Article 9 for the given year or for subsequent years until 2030.;

(c) the following paragraph is inserted:

‘5a. Before any transfer of annual emission allocations pursuant to paragraphs 4 and 5, a Member State shall inform, in electronic form, the Climate Change Committee established by Regulation (EU) 2018/1999 of its intention to transfer part of its annual emission allocation for any given year.’;

(d) paragraph 6 is replaced by the following:

‘6. Member States should use revenues, or their equivalent in financial value, generated by transfers of annual emission allocations pursuant to paragraphs 4 and 5 to tackle climate change in the Union or in third countries. Member States shall inform the Commission of any actions taken pursuant to this paragraph and shall make that information public in an easily accessible form.’;

(5) Article 6 is amended as follows:

(a) in paragraph 3, the second subparagraph is replaced by the following:

‘The Member States listed in Annex II may decide to revise the notified percentage once in 2024 and once in 2027. In such case, the Member State concerned shall notify the Commission thereof by 31 December 2024 or by 31 December 2027, respectively.’;

(b) the following paragraphs are inserted:

‘3a. Malta shall notify the Commission by 31 December 2023 if it intends to make use of the limited cancellation of EU ETS allowances referred to in paragraph 1 of this Article, up to the percentage listed in Annex II for each of the years 2025 to 2030, for its compliance under Article 9.

3b. Notwithstanding paragraph 3, the Member States listed in Annex II which have not notified the Commission by 31 December 2019 of an intention to make use or full use of the limited cancellation of EU ETS allowances referred to in paragraph 1 of this Article shall notify the Commission by 31 December 2023 if they intend to make use or further use of that limited cancellation of EU ETS allowances, up to the percentage listed in Annex II for each year of the period from 2025 to 2030 for each Member State concerned, for its compliance under Article 9.’;

(c) paragraphs 4 and 5 are replaced by the following:

‘4. At a Member State’s request, the Central Administrator designated pursuant to Article 20(1) of Directive 2003/87/EC (the “Central Administrator”) shall take into account an amount up to the total quantity determined pursuant to Article 4(4) of this Regulation for that Member States’ compliance under Article 9 of this Regulation. One-tenth of the total quantity of EU ETS allowances determined pursuant to Article 4(4) of this Regulation shall be cancelled pursuant to Article 12(4) of Directive 2003/87/EC for each year from 2021 to 2030 for that Member State. One-sixth of the total quantity of EU ETS allowances determined pursuant to Article 4(4) of this Regulation shall be cancelled pursuant to Article 12(4) of Directive 2003/87/EC for each year from 2025 to 2030 for Member States that have notified the Commission pursuant to paragraphs 3a and 3b of this Article.

5. Where a Member State, in accordance with paragraph 3, has notified the Commission of its decision to revise the previously notified percentage, a correspondingly lower or higher quantity of EU ETS allowances shall be cancelled for that Member State in respect of each year from 2026 to 2030 or from 2028 to 2030, respectively.’;

(6) Article 7 is amended as follows:

(a) the title is replaced by the following:

‘Additional use of net removals from LULUCF’;

(b) paragraph 1 is amended as follows:

(i) the introductory sentence is replaced by the following:

‘1. To the extent that a Member State’s greenhouse gas emissions exceed its annual emission allocations for a given year, including any annual emission allocations banked pursuant to Article 5(3) of this Regulation, a quantity up to the sum of total net removals and total net emissions from the combined land accounting categories included in the scope of Regulation (EU) 2018/841, may be taken into account for its compliance under Article 9 of this Regulation for that year, provided that:’;

(ii) point (a) is replaced by the following:

‘(a) the cumulative quantity taken into account for that Member State for the years 2021 to 2025 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;

(aa) the cumulative quantity taken into account for that Member State for the years 2026 to 2030 does not exceed half of the maximum amount of total net removals set out in Annex III to this Regulation for that Member State;’;

(c) paragraph 2 is deleted;

(7) Article 8 is replaced by the following:

‘Article 8

Corrective action

1. If the Commission finds, in its annual assessment under Article 29 of Regulation (EU) 2018/1999 and taking into account the intended use of the flexibilities referred to in Articles 5, 6 and 7 of this Regulation, that a Member State is not making sufficient progress towards meeting its obligations under Article 4 of this Regulation, that Member State shall, within three months, submit to the Commission a corrective action plan that includes:

- (a) a detailed explanation of why that Member State is not making sufficient progress towards meeting those obligations;
- (b) an assessment of how Union funding has supported that Member State’s efforts towards meeting those obligations and of how it intends to use such funding to make progress towards meeting them;
- (c) additional actions, complementing the integrated national energy and climate plan of that Member State pursuant to Regulation (EU) 2018/1999 or reinforcing its implementation, that it is to implement in order to meet those obligations, through domestic policies and measures and the implementation of Union action, accompanied by a detailed assessment, which is underpinned by quantitative data, where available, of the envisaged greenhouse gas emission reductions resulting from those actions;
- (d) a strict timetable for implementing such actions, which enables the assessment of annual progress in implementation.

Where a Member State has established a national climate advisory body, it may seek its advice to identify the necessary actions referred to in point (c) of the first subparagraph.

2. In accordance with its annual work programme, the European Environment Agency shall assist the Commission in its work to assess any such corrective action plans.

3. The Commission may issue an opinion regarding the robustness of the corrective action plans submitted in accordance with paragraph 1 and shall in that case do so within four months of receipt of those plans. The Member State concerned shall take utmost account of the Commission’s opinion and may revise its corrective action plan accordingly. If the Member State concerned does not address the Commission’s opinion or a substantial part thereof, that Member State shall provide a justification to the Commission.

4. Each Member State shall make its corrective action plan as referred to in paragraph 1 and any justification as referred to in paragraph 3 publicly available. The Commission shall make its opinion as referred to in paragraph 3 publicly available.’;

- (8) in Article 9, paragraph 2 is replaced by the following:

‘2. If the greenhouse gas emissions of a Member State in the period from 2021 to 2025 referred to in Article 4 of Regulation (EU) 2018/841 exceeded its removals, as determined in accordance with Article 12 of that Regulation, the Central Administrator shall deduct from that Member State’s annual emission allocations an amount equal to those excess greenhouse gas emissions in tonnes of CO₂ equivalent for the relevant years.’;

- (9) Article 15 is replaced by the following:

‘Article 15

Review

1. This Regulation shall be kept under review taking into account, inter alia, evolving national circumstances, the manner in which all sectors of the economy contribute to the reduction of greenhouse gas emissions, international developments and efforts undertaken to achieve the long-term objectives of the Paris Agreement and of Regulation (EU) 2021/1119.

2. The Commission shall submit a report to the European Parliament and to the Council, within six months of each global stocktake agreed under Article 14 of the Paris Agreement, on the operation of this Regulation, including the balance between supply and demand for annual emission allocations, as well as on the suitability of the national greenhouse gas emission reduction targets contained in Annex I to this Regulation as regards their contribution to the Union’s climate objectives pursuant to Regulation (EU) 2021/1119 and to the goals of the Paris Agreement. That report shall include in particular an assessment of the need for additional Union policies and measures in view of the necessary greenhouse gas emission reductions by the Union and its Member States in a post-2030 framework. It shall also include an assessment of a reduction pathway for the greenhouse gas emissions covered by this Regulation that is compatible with the objective of climate neutrality at the latest by 2050, taking into account the projected indicative Union greenhouse gas budget referred to in Article 4(4) of Regulation (EU) 2021/1119 as well as the importance of promoting both fairness and solidarity among Member States and cost-effectiveness in achieving that objective. That report may be accompanied, if appropriate, by legislative proposals.

The report referred to in the first subparagraph shall take into account the long-term strategies of Member States prepared and submitted pursuant to Article 15(1) of Regulation (EU) 2018/1999 and the assessment thereof made by the Commission pursuant to Article 15(9) of that Regulation.’;

- (10) the following Article is inserted:

‘Article 15a

Scientific advice

The European Scientific Advisory Board on Climate Change, established under Article 10a of Regulation (EC) No 401/2009 of the European Parliament and of the Council (*), (the “Advisory Board”) may, on its own initiative, provide scientific advice or issue reports on Union measures, climate targets, annual emission levels and flexibilities under this Regulation. The Commission shall consider the relevant advice and reports of the Advisory Board, in particular as regards future measures aiming at further greenhouse gas emission reductions in the sectors covered by this Regulation.

(*) Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (OJ L 126, 21.5.2009, p. 13).;

- (11) Annexes I, II and III are amended in accordance with the Annex to this Regulation.

*Article 2***Amendments to Regulation (EU) 2018/1999**

Regulation (EU) 2018/1999 is amended as follows:

(1) in Article 26, paragraph 3 is replaced by the following:

‘3. From 2023, Member States shall determine and report to the Commission final greenhouse gas inventory data by 15 March each year (year X) and preliminary greenhouse gas inventory data by 15 January each year, including the greenhouse gases and the inventory information listed in Annex V. The report on the final greenhouse gas inventory data shall also include a complete and up-to-date national inventory report. Within three months of receiving the reports, the Commission shall make the information referred to in point (n) of the first paragraph of Part 1 of Annex V available in electronic form to the Climate Change Committee referred to in point (a) of Article 44(1).’;

(2) in Annex V, Part 1, first paragraph, point (n) is replaced by the following:

‘(n) information on:

- (i) the Member State's intentions to make use of the flexibilities referred to in Article 5(4) and (5) of Regulation (EU) 2018/842, including, where possible, information regarding quantities, type of transfer and estimated range of prices;
- (ii) the use of revenues under Article 5(6) of Regulation (EU) 2018/842;
- (iii) the Member State's intentions to make use of the flexibility referred to in Article 7(1) of Regulation (EU) 2018/842.’.

*Article 3***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 Strasbourg, 19 April 2023.

For the European Parliament
The President
R. METSOLA

For the Council
The President
J. ROSWALL

ANNEX

Annexes I, II and III to Regulation (EU) 2018/842 are amended as follows:

(1) Annex I is replaced by the following:

‘ANNEX I

MEMBER STATE GREENHOUSE GAS EMISSION REDUCTIONS PURSUANT TO ARTICLE 4(1)

	Member State greenhouse gas emission reductions in 2030 in relation to their 2005 levels determined in accordance with Article 4(3)	
	Column 1	Column 2
Belgium	- 35 %	- 47 %
Bulgaria	- 0 %	- 10 %
Czechia	- 14 %	- 26 %
Denmark	- 39 %	- 50 %
Germany	- 38 %	- 50 %
Estonia	- 13 %	- 24 %
Ireland	- 30 %	- 42 %
Greece	- 16 %	- 22,7 %
Spain	- 26 %	- 37,7 %
France	- 37 %	- 47,5 %
Croatia	- 7 %	- 16,7 %
Italy	- 33 %	- 43,7 %
Cyprus	- 24 %	- 32 %
Latvia	- 6 %	- 17 %
Lithuania	- 9 %	- 21 %
Luxembourg	- 40 %	- 50 %
Hungary	- 7 %	- 18,7 %
Malta	- 19 %	- 19 %
Netherlands	- 36 %	- 48 %
Austria	- 36 %	- 48 %
Poland	- 7 %	- 17,7 %
Portugal	- 17 %	- 28,7 %
Romania	- 2 %	- 12,7 %
Slovenia	- 15 %	- 27 %
Slovakia	- 12 %	- 22,7 %
Finland	- 39 %	- 50 %
Sweden	- 40 %	- 50 %

(2) in Annex II the entry for Malta is replaced by the following:

Malta	7 %
-------	-----

(3) Annex III is amended as follows:

(a) the title of Annex III is replaced by the following:

‘TOTAL NET REMOVALS FROM THE CATEGORIES OF LAND COVERED BY REGULATION (EU) 2018/841 THAT MEMBER STATES MAY TAKE INTO ACCOUNT FOR COMPLIANCE FOR THE PERIOD 2021 TO 2030 PURSUANT TO POINTS (a) AND (aa) OF ARTICLE 7(1) OF THIS REGULATION’;

(b) the entry for the United Kingdom is deleted;

(c) in the last row of the table, ‘280’ is replaced by ‘262,2’.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/858

of 23 February 2023

amending Regulation (EU) 2018/196 of the European Parliament and of the Council on additional customs duties on imports of certain products originating in the United States of America

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/196 of the European Parliament and of the Council of 7 February 2018 on additional customs duties on imports of certain products originating in the United States of America ⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) As a result of the United States' failure to bring the Continued Dumping and Subsidy Offset Act ('CDSOA') in compliance with its obligations under the World Trade Organization ('WTO') agreements, pursuant to Regulation (EU) 2018/196 a 4,3 % *ad valorem* additional customs duty was imposed on imports of certain products originating in the United States. In conformity with the WTO authorisation to suspend the application of concessions to the United States, the Commission is to adjust the level of suspension annually to the level of nullification or impairment caused by the CDSOA to the Union at that time. In 2022, the level of suspension was adjusted to 0,001 % *ad valorem* additional customs duty and Regulation (EU) 2018/196 was amended accordingly ⁽²⁾.
- (2) The CDSOA disbursements for the most recent year for which data are available relate to the distribution of anti-dumping and countervailing duties collected during the Fiscal Year 2022 (1 October 2021 – 30 September 2022). On the basis of the data published by the United States' Customs and Border Protection, the level of nullification or impairment caused to the Union is calculated at USD 317 877,22.
- (3) The level of nullification or impairment and consequently of suspension has increased. The level of suspension cannot be adjusted to the level of nullification or impairment by adding or removing products from the list in Annex I to Regulation (EU) 2018/196. As a consequence, in accordance with Article 3(1)(e) of that Regulation, the Commission should keep the list of products in Annex I unchanged and amend the rate of the additional duty in order to adjust the level of suspension to the level of nullification or impairment. The four products listed in Annex I to Regulation (EU) 2018/196 should therefore be maintained on the list and the rate of additional import duty should be amended and set at 0,164 %.
- (4) The effect of a 0,164 % *ad valorem* additional import duty on imports from the United States of the products in Annex I to Regulation (EU) 2018/196 represents, over one year, a value of trade that does not exceed USD 317 877,22.

⁽¹⁾ OJ L 44, 16.2.2018, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2022/682 of 25 February 2022 amending Regulation (EU) 2018/196 of the European Parliament and of the Council on additional customs duties on imports of certain products originating in the United States of America (OJ L 126, 29.4.2022, p. 4).

- (5) To make sure that there are no delays in the application of the amended rate of additional import duty, this Regulation should enter into force on the day of its publication.
- (6) Regulation (EU) 2018/196 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EU) 2018/196 is replaced by the following, formatting the asterisk and the text linked to it in the manner of a footnote:

‘Article 2

An *ad valorem* duty of 0,164 % additional to the customs duty applicable under Regulation (EU) No 952/2013 of the European Parliament and of the Council (*) shall be imposed on the products originating in the United States listed in Annex I to this Regulation.

(*) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).’

Article 2

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 May 2023.

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

Done at Brussels, 23 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2023/859**of 25 April 2023****amending Implementing Regulation (EU) 2017/2470 as regards the specifications of the novel food 2'-Fucosyllactose (microbial source) to authorise its production by a derivative strain of *Corynebacterium glutamicum* ATCC 13032****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Regulation (EU) 2015/2283 provides that only novel foods authorised and included in the Union list may be placed on the market within the Union.
- (2) Pursuant to Article 8 of Regulation (EU) 2015/2283, Commission Implementing Regulation (EU) 2017/2470 ⁽²⁾ has established a Union list of authorised novel foods.
- (3) Commission Implementing Decision (EU) 2016/376 ⁽³⁾ authorised, in accordance with Regulation (EC) No 258/97 of the European Parliament and of the Council ⁽⁴⁾, the placing on the market of synthetic 2'-Fucosyllactose ('2'-FL') as a novel food ingredient.
- (4) Commission Implementing Decision (EU) 2017/2201 ⁽⁵⁾ authorised, in accordance with Regulation (EC) No 258/97, the placing on the market of 2'-FL (microbial source) produced with *Escherichia coli* strain BL21 as a novel food ingredient.
- (5) On 23 June 2016, the company Glycom A/S, informed the Commission, pursuant to Article 5 of Regulation (EC) No 258/97, of its intention to place on the market 2'-FL (microbial source) produced by bacterial fermentation with *Escherichia coli* strain K-12. 2'-Fucosyllactose of microbial origin produced with *Escherichia coli* strain K-12 was included in the Union list of novel foods on the basis of that notification when the Union was established.
- (6) Commission Implementing Regulation (EU) 2019/388 ⁽⁶⁾ authorised, in accordance with Regulation (EU) 2015/2283, the change of the specifications of the novel food 2'-FL (microbial source) produced with *Escherichia coli* K-12 to modify the levels of 2'-FL, D-Lactose and Difucosyl-D-lactose.

⁽¹⁾ OJ L 327, 11.12.2015, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2017/2470 of 20 December 2017 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods (OJ L 351, 30.12.2017, p. 72).

⁽³⁾ Commission Implementing Decision (EU) 2016/376 of 11 March 2016 authorising the placing on the market of 2'-O-fucosyllactose as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 70, 16.3.2016, p. 27).

⁽⁴⁾ Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel food and novel food ingredients (OJ L 43, 14.2.1997, p. 1).

⁽⁵⁾ Commission Implementing Decision (EU) 2017/2201 of 27 November 2017 authorising the placing on the market of 2'-fucosyllactose produced with *Escherichia coli* strain BL21 as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 313, 29.11.2017, p. 5).

⁽⁶⁾ Commission Implementing Regulation (EU) 2019/388 of 11 March 2019 authorising the change in the specifications of the novel food 2'-fucosyllactose produced with *Escherichia coli* K-12 under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 70, 12.3.2019, p. 21).

- (7) On 7 July 2020, the company Advanced Protein Technologies Corporation ('the applicant') submitted an application to the Commission in accordance with Article 10(1) of Regulation (EU) 2015/2283 for a change in the specifications of 2'-FL (microbial source) to authorise its production by microbial fermentation using a genetically modified derivative strain of *Corynebacterium glutamicum* ATCC 13032.
- (8) On 7 July 2020, the applicant also made a request to the Commission for the protection of proprietary scientific studies and data on nuclear magnetic resonance ('NMR') tests for the determination of the identity of 2'-FL ⁽⁷⁾; a genetic sequence analyses description of the genetically modified 2'-FL production strain ⁽⁸⁾; results of analyses to confirm the absence of viable cells of the derivative strain of *Corynebacterium glutamicum* ATCC 13032 ⁽⁹⁾; a bacterial reverse mutation test with 2'-FL ⁽¹⁰⁾; an *in vitro* chromosome aberration test with 2'-FL ⁽¹¹⁾; an *in vitro* mammalian cell micronucleus test with 2'-FL ⁽¹²⁾; an *in vitro* human lymphocyte micronucleus test with 2'-FL ⁽¹³⁾; an acute oral toxicity study in rats ⁽¹⁴⁾; and, a 90-day oral toxicity study in rats with 2'-FL ⁽¹⁵⁾, submitted in support of the application.
- (9) In accordance with Article 10(3) of Regulation (EU) 2015/2283, on 13 October 2020, the Commission requested the European Food Safety Authority ('the Authority') to carry out an assessment of 2'-FL produced by microbial fermentation using a genetically modified derivative strain of *Corynebacterium glutamicum* ATCC 13032.
- (10) On 26 October 2022, the Authority adopted its scientific opinion on the Safety of 2'-fucosyllactose (2'-FL) produced by a derivative strain (APC199) of *Corynebacterium glutamicum* ATCC 13032 as a novel food pursuant to Regulation (EU) 2015/2283 ⁽¹⁶⁾ in accordance with the requirements of Article 11 of Regulation (EU) 2015/2283.
- (11) In its scientific opinion, the Authority concluded that 2'-FL produced by microbial fermentation using a genetically modified derivative strain of *Corynebacterium glutamicum* ATCC 13032 is safe when used under the currently authorised conditions of use. Therefore, that scientific opinion gives sufficient grounds to establish that 2'-FL produced by microbial fermentation using a genetically modified derivative strain of *Corynebacterium glutamicum* ATCC 13032 when used at under currently authorised conditions of use fulfils the conditions for its placing on the market in accordance with Article 12(1) of Regulation (EU) 2015/2283.
- (12) In its scientific opinion, the Authority noted that its conclusion on the safety of the novel food was based on scientific studies and data from the nuclear magnetic resonance ('NMR') tests for the determination of the identity of 2'-FL; the genetic sequence analyses description of the genetically modified 2'-FL production strain; the results of analyses to confirm the absence of viable cells of the derivative strain of *Corynebacterium glutamicum* ATCC 13032; the bacterial reverse mutation test with 2'-FL; the *in vitro* chromosome aberration test with 2'-FL; the *in vitro* mammalian cell micronucleus test with 2'-FL, the *in vitro* human lymphocyte micronucleus test with 2'-FL; and the 90-day oral toxicity study in rats with 2'-FL, contained in the applicant's file, without which it could not have assessed the novel food and reached its conclusion.
- (13) The Commission requested the applicant to further clarify the justification provided with regard to their proprietary claim over those studies and data, and to clarify their claim to an exclusive right of reference to them in accordance with Article 26(2)(b) of Regulation (EU) 2015/2283.
- (14) The applicant declared that they held proprietary and exclusive rights of reference to the scientific studies and data on the nuclear magnetic resonance ('NMR') tests for the determination of the identity of 2'-FL the genetic sequence analyses description of the genetically modified 2'-FL production strain; the results of analyses to confirm the absence of viable cells of the derivative strain of *Corynebacterium glutamicum* ATCC 13032; the bacterial reverse

⁽⁷⁾ Gyeonggi Busness & Science Accelerator (2021, unpublished).

⁽⁸⁾ Advanced Protein Technologies Corporation (2021, unpublished).

⁽⁹⁾ Advanced Protein Technologies Corporation (2021, unpublished).

⁽¹⁰⁾ Biototech Company, Ltd. (2019a, unpublished).

⁽¹¹⁾ Biototech Company, Ltd. (2019b, unpublished).

⁽¹²⁾ Biototech Company, Ltd. (2019c, unpublished).

⁽¹³⁾ GenEvolutioN (2021, unpublished).

⁽¹⁴⁾ Biototech Company, Ltd. (2019d, unpublished).

⁽¹⁵⁾ Biototech Company, Ltd. (2019e, unpublished).

⁽¹⁶⁾ EFSA Journal 2022;20(12)7647.

mutation test with 2'-FL; the *in vitro* chromosome aberration test with 2'-FL; the *in vitro* mammalian cell micronucleus test with 2'-FL; the *in vitro* human lymphocyte micronucleus test with 2'-FL; and, the 90-day oral toxicity study in rats with 2'-FL, under national law at the time they submitted the application and that third parties cannot lawfully access, use or refer to those data and studies.

- (15) The Commission assessed all the information provided by the applicant and considered that the applicant has sufficiently substantiated the fulfilment of the requirements laid down in Article 26(2) of Regulation (EU) 2015/2283. Therefore, the studies and data on the nuclear magnetic resonance ('NMR') tests for the determination of the identity of 2'-FL; the genetic sequence analyses description of the genetically modified 2'-FL production strain; the results of analyses to confirm the absence of viable cells of the derivative strain of *Corynebacterium glutamicum* ATCC 13032; the bacterial reverse mutation test with 2'-FL, the *in vitro* chromosome aberration test with 2'-FL; the *in vitro* mammalian cell micronucleus test with 2'-FL; the *in vitro* human lymphocyte micronucleus test with 2'-FL; and, the 90-day oral toxicity study in rats with 2'-FL, should be protected in accordance with Article 27(1) of Regulation (EU) 2015/2283. Accordingly, only the applicant should be authorised to place 2'-FL produced with a derivative strain of *Corynebacterium glutamicum* ATCC 13032 on the market within the Union during a period of five years from the entry into force of this Regulation.
- (16) However, restricting the authorisation of 2'-FL produced with a derivative strain of *Corynebacterium glutamicum* ATCC 13032 and the reference to the scientific data contained in the applicant's file for the sole use by them does not prevent subsequent applicants from applying for an authorisation to place on the market the same novel food provided that their application is based on legally obtained information supporting such an authorisation.
- (17) The information provided in the application and the Authority's opinion gives sufficient grounds to establish that the changes in the specifications of the novel food 2'-Fucosyllactose (microbial source) to authorise 2'-FL produced with a derivative strain of *Corynebacterium glutamicum* ATCC 13032 are in accordance with the conditions of Article 12 of Regulation (EU) 2015/2283 and should be approved.
- (18) The Annex to Implementing Regulation (EU) 2017/2470 should therefore be amended accordingly.
- (19) 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

The Annex to Implementing Regulation (EU) 2017/2470 is amended in accordance with the Annex to this Regulation.

Article 2

Only the company 'Advanced Protein Technologies Corporation' ⁽¹⁷⁾ is authorised to place on the market within the Union the novel food 2'-Fucosyllactose (microbial source) produced with a derivative strain of *Corynebacterium glutamicum* ATCC 13032, for a period of five years from 16 May 2023, unless a subsequent applicant obtains an authorisation for that novel food without reference to the scientific data protected pursuant to Article 3 or with the agreement of 'Advanced Protein Technologies Corporation'.

⁽¹⁷⁾ Address: 7th Floor GyeongGi-BioCenter, 147, Gwanggyo-ro, Yeongtong-gu, Suwon-si Gyeonggi-do, 16229 South Korea.

Article 3

The scientific data contained in the application file and fulfilling the conditions laid down in Article 26(2) of Regulation (EU) 2015/2283 shall not be used for the benefit of a subsequent applicant for a period of five years from the date of entry into force of this Regulation without the agreement of 'Advanced Protein Technologies Corporation'.

Article 4

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, 25 April 2023.

For the Commission
The President
Ursula VON DER LEYEN

In Table 2 (Specifications) of the Annex to Implementing Regulation (EU) 2017/2470 the entry for 2'-Fucosyllactose (microbial source) is replaced by the following:

Specifications	Data protection		
	Definition: Chemical name: α-L-Fucopyranosyl-(1 → 2)-β-D-galactopyranosyl-(1 → 4)-D-glucopyranose Chemical formula: $C_{18}H_{32}O_{15}$ CAS No: 41263-94-9 Molecular weight: 488,44 g/mol		
2'-Fucosyllactose (microbial source)	Source: Genetically modified strain of <i>Escherichia coli</i> K-12	Source: Genetically modified strain of <i>Escherichia coli</i> BL-21	Source: Genetically modified strain of <i>Corynebacterium glutamicum</i> ATCC 13032
	Description: 2'-Fucosyllactose is a white to off-white powder that is produced by a microbiological process. Purity: 2'-Fucosyllactose: ≥ 83 % D-Lactose: $\leq 10,0$ % L-Fucose: $\leq 2,0$ % Difucosyl-D-lactose: $\leq 5,0$ % 2'-Fucosyl-D-lactulose: $\leq 1,5$ % Sum of saccharides (2'-Fucosyllactose, D-Lactose, L-Fucose, Difucosyl-D-lactose, 2'-Fucosyl-D-lactulose): ≥ 90 % pH (20 C, 5 % solution): 3,0-7,5 Water: $\leq 9,0$ %	Description: 2'-Fucosyllactose is a white to off white powder and the liquid concentrate (45 % $\pm$ 5 % w/v) aqueous solution is a colourless to slight yellow clear aqueous solution. 2'-Fucosyllactose is produced by a microbiological process. Purity: 2'-Fucosyllactose: ≥ 90 % Lactose: $\leq 5,0$ % Fucose: $\leq 3,0$ % 3-Fucosyllactose: $\leq 5,0$ % Fucosylgalactose: $\leq 3,0$ % Difucosyllactose: $\leq 5,0$ % Glucose: $\leq 3,0$ %	Description: 2'-Fucosyllactose is a white to off white/ivory powder that is produced by a microbiological process. Purity: 2'-Fucosyllactose (w/w dry matter): $\geq 94,0$ % D-Lactose (w/w dry matter): $\leq 3,0$ % L-Fucose (w/w dry matter): $\leq 3,0$ % 3-Fucosyllactose (w/w dry matter): $\leq 3,0$ % Difucosyllactose (w/w dry matter): $\leq 2,0$ % D-Glucose (w/w dry matter): $\leq 3,0$ % D-Galactose (w/w dry matter): $\leq 3,0$ %

2'-Fucosyllactose produced with a genetically modified strain of *Corynebacterium glutamicum* ATCC 13032 authorised on 16 May 2023. This inclusion is based on proprietary scientific evidence and scientific data protected in accordance with Article 26 of Regulation (EU) 2015/2283.
 Applicant: "Advanced Protein Technologies Corporation", 7th Floor GyeongGi-BioCenter, 147, Gwanggyo-ro, Yeongtong-gu, Suwon-si Gyeonggi-do, 16229 South Korea. During the period of data protection, 2'-Fucosyllactose produced with a genetically modified strain of *Corynebacterium glutamicum* ATCC 13032 is authorised for placing on the market within the Union only by "Advanced Protein Technologies Corporation" unless a subsequent applicant obtains authorisation for the novel food without reference to the proprietary scientific evidence or scientific data protected in accordance with Article 26 of Regulation (EU) 2015/2283 or with the agreement of "Advanced Protein Technologies Corporation".
 End date of the data protection: 16 May 2028.'

Sulphated ash: ≤ 2,0 % Acetic acid: ≤ 1,0 % Residual proteins: ≤ 0,01 % Microbiological criteria: Aerobic mesophilic bacteria total count: ≤ 3 000 CFU/g Yeasts: ≤ 100 CFU/g Moulds: ≤ 100 CFU/g Endotoxins: ≤ 10 EU/mg CFU: Colony Forming Units; EU: Endotoxin Units	Galactose: ≤ 3,0 % Water: ≤ 9,0 % (powder) Ash, sulphated: ≤ 0,5 % (powder and liquid) Residual proteins: ≤ 0,01 % (powder and liquid) Heavy Metals: Lead: ≤ 0,02 mg/kg (powder and liquid) Arsenic: ≤ 0,2 mg/kg (powder and liquid) Cadmium: ≤ 0,1 mg/kg (powder and liquid) Mercury: ≤ 0,5 mg/kg (powder and liquid) Microbiological criteria: Total plate count: ≤ 104 CFU/g (powder), ≤ 5 000 CFU/g (liquid) Yeasts and Moulds: ≤ 100 CFU/g (powder); ≤ 50 CFU/g (liquid) Enterobacteriaceae/Coliforms: absence in 11 g (powder and liquid) Salmonella: negative/100 g (powder), negative/200 ml (liquid) Cronobacter: negative/100 g (powder), negative/200 ml (liquid) Endotoxins: ≤ 100 EU/g (powder), ≤ 100 EU/ml (liquid) Aflatoxin M1: ≤ 0,025 µg/kg (powder and liquid) CFU: Colony Forming Units; EU: Endotoxin Units	Water: ≤ 9,0 % Ash: ≤ 0,5 % Residual proteins: ≤ 0,005 % Contaminants: Arsenic: ≤ 0,03 mg/kg Aflatoxin M1: ≤ 0,025 µg/kg Ethanol: ≤ 1 000 mg/kg Microbiological criteria: Total plate count: ≤ 500 CFU/g Yeasts and Moulds: ≤ 100 CFU/g Enterobacteriaceae: absence in 10 g <i>Salmonella</i>: absence in 25 g <i>Cronobacter</i> spp.: absence in 10 g Endotoxins: ≤ 100 EU/g CFU: Colony Forming Units; EU: Endotoxin Units	
--	---	--	--

COMMISSION IMPLEMENTING REGULATION (EU) 2023/860**of 25 April 2023****amending and correcting Implementing Regulation (EU) 2022/128 as regards transparency, the management declaration, the coordinating body, the certification body, and certain provisions for EAGF and EAFRD**

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 11(2), first subparagraph, points (b) and (c), Article 12(4), Article 53(2), Article 55(7), Article 82, Article 92 and Article 100 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2022/128 ⁽²⁾ lays down rules for the application of Regulation (EU) 2021/2116 as regards the publication of information about the beneficiaries of the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD) ('transparency').
- (2) In order to facilitate access by the general public and increase access to published information about the beneficiaries of the EAGF and the EAFRD, the information published by the Member States on their websites should also be available in at least one of the three working languages of the Commission.
- (3) Article 44 of Implementing Regulation (EU) 2022/128 provides that Member States are to collect from beneficiaries information necessary for their identification, including, where applicable, the identification of the group. It should be clarified that only the name and VAT or tax identification number of the parent entity should be published *ex-post* by the Member State. Therefore, that Article should be corrected accordingly.
- (4) To reduce the administrative burden for the Member States, it should be clarified that for all payments, including those paid for the entire financial year 2023 on the basis of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽³⁾, one common form should be used for the publication of information about the beneficiaries of the EAGF and the EAFRD as of 2024.
- (5) Implementing Regulation (EU) 2022/128 repealed Commission Implementing Regulation (EU) No 908/2014 ⁽⁴⁾ with effect from 1 January 2023. However, it did not take into account that certain provisions need to continue to apply in relation to the expenditure incurred and payments made for support schemes under Regulation (EU)

⁽¹⁾ OJ L 435, 6.12.2021, p. 187.

⁽²⁾ Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency (OJ L 20, 31.1.2022, p. 131).

⁽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⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

No 1307/2013 of the European Parliament and of the Council ⁽⁵⁾ up to and including the calendar year 2022, to measures implemented under Regulations of the European Parliament and of the Council (EU) No 228/2013 ⁽⁶⁾, (EU) No 229/2013 ⁽⁷⁾, (EU) No 1308/2013 ⁽⁸⁾ and (EU) No 1144/2014 ⁽⁹⁾ until 31 December 2022, in relation to expenditure incurred and payments made for operations implemented pursuant to Regulation (EU) No 1308/2013 after 31 December 2022 and until the end of those aid schemes, and as regards the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽¹⁰⁾. This created a legal gap.

- (6) While maintaining Article 59 of Implementing Regulation (EU) No 908/2014 applicable to payments made for financial years 2021, 2022 and 2023, Chapter VI of Implementing Regulation (EU) 2022/128, related to transparency only applies to payments made from the financial year 2024 onwards. Consequently, Implementing Regulation (EU) 2022/128 did not take the transitional provisions of Article 104 of Regulation (EU) 2021/2116 sufficiently into account and created a legal gap for the financial year 2023.
- (7) The scope and the date of application of the concerned provisions of Implementing Regulations (EU) 2022/128 and (EU) No 908/2014 need to be corrected. While the provisions related to the information to be published by 31 May 2023 continue to be those laid down in Article 111 of Regulation (EU) No 1306/2013 and in Article 57 of Implementing Regulation (EU) No 908/2014, the new publication requirements apply for the publication obligations as of 31 May 2024, and therefore for the financial year 2023.
- (8) In order to enhance legal clarity on the information to be communicated to the beneficiaries, Article 61 of Implementing Regulation (EU) 2022/128 needs to be corrected.
- (9) It should also be clarified that the information on payments for new measures or types of interventions that might be possible on the basis of future legislation in the field of agricultural policy should also be published by Member States even if the measure or type of intervention is not yet included in the list set out in Annex IX to Implementing Regulation (EU) 2022/128.
- (10) To take into account the need for the continuous application of certain provisions in relation to the expenditure incurred and payments made for support schemes under Regulation (EU) No 1306/2013, to facilitate the transmission of information between the Member States and the Commission, and to ensure coherence in the transition to the current legislative framework applicable from 1 January 2023, only one management declaration, covering the expenditure under Regulation (EU) 2021/2116, as well as under Regulation (EU) No 1306/2013, should be submitted by the Member States. Therefore, Annex I to Implementing Regulation (EU) 2022/128 needs to be corrected.

⁽⁵⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

⁽⁶⁾ Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ L 78, 20.3.2013, p. 23).

⁽⁷⁾ Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006 (OJ L 78, 20.3.2013, p. 41).

⁽⁸⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

⁽⁹⁾ Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 (OJ L 317, 4.11.2014, p. 56).

⁽¹⁰⁾ 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).

- (11) Certain corrections should be done in Annexes VIII and IX to Implementing Regulation (EU) 2022/128 to ensure a uniform wording throughout the act.
- (12) Implementing Regulation (EU) 2022/128 should therefore be amended and corrected accordingly.
- (13) As this Regulation provides for corrections of Implementing Regulation (EU) 2022/128 that applies as of 1 January 2023, the corrections should apply retroactively from 1 January 2023.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 58 of Implementing Regulation (EU) 2022/128, paragraph 4 is replaced by the following:

‘4. The information referred to in paragraph 1 shall be provided in the official language or languages of the Member State and in one of the three working languages of the Commission.’

Article 2

Implementing Regulation (EU) 2022/128 is corrected as follows:

- (1) in Article 44, paragraph 2 is replaced by the following:

‘2. The information on the identification of groups as referred in paragraph 1, first subparagraph, point (c), of this Article shall be published *ex-post* by the Member State, in accordance with Article 98 of Regulation (EU) 2021/2116.’

- (2) in Article 58, paragraph 1 is replaced by the following:

‘1. The information referred to in Article 98 of Regulation (EU) 2021/2116 in connection to Article 49(3), first subparagraph, points (a), (b), (d) and (f) to (l), of Regulation (EU) 2021/1060 and the information referred to in Article 111 of Regulation (EU) No 1306/2013 for the measures referred to in Article 104(1), second subparagraph, points (a)(i) to (iv), of Regulation (EU) 2021/2116 shall be published in open, machine-readable formats, such as CSV or XLXS, and shall contain the information specified in Annex VIII to this Regulation, including, the code of the operation and measures indicated in Annex IX to this Regulation.’

- (3) Article 61 is replaced by the following:

‘Article 61

Information to the beneficiary

The information to the beneficiaries referred to in Article 99 of Regulation (EU) 2021/2116 shall be provided by including it in the application forms for receiving support from the EAGF or the EAFRD, or otherwise at the time when the data are collected.’

- (4) in Article 64, second paragraph, points (a) and (b) are replaced by the following:

‘(a) Article 2, Article 3(1), first subparagraph (2), Article 4(1), point (b), Article 5, Article 6, Article 7, Articles 21 to 25, Article 27, Article 28, Article 29, Article 30(1), points (a), (b), (c), Article 30(2), (3) and (4), Articles 31 to 40 and Articles 42 to 47 of that Implementing Regulation shall continue to apply:

- (i) in relation to expenditure incurred and payments made for support schemes under Regulation (EU) No 1307/2013 in respect of the calendar year 2022 and before;

- (ii) for measures implemented until 31 December 2022 under Regulations (EU) No 228/2013, (EU) No 229/2013, (EU) No 1308/2013 and (EU) No 1144/2014;
 - (iii) for the aid schemes referred to in Article 5(6), first subparagraph, point (c), and Article 5(7) of Regulation (EU) 2021/2117 in relation to expenditure incurred and payments made for operations implemented pursuant to Regulation (EU) No 1308/2013 after 31 December 2022 and until the end of those aid schemes; and
 - (iv) as regards the EAFRD, in relation to expenditure incurred by the beneficiaries and payments made by the paying agency in the framework of the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013;
- (b) Articles 57 and 59 of that Implementing Regulation shall continue to apply to all payments made on the basis of Regulation (EU) No 1306/2013 for all the financial years up to and including 2022;;
- (5) in Article 65, third paragraph, point (c) is replaced by the following:
- ‘(c) Article 60 shall apply from financial year 2023.’;
- (6) Annexes I, VIII and IX are replaced by the text in the Annex to this Regulation.

Article 3

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

Article 2 shall apply from 1 January 2023.

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

Done at Brussels, 25 April 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

‘ANNEX I

Management declaration – Paying Agency as referred to in Article 4

I, ..., Director of the ... Paying Agency, present the accounts for this Paying Agency for the financial year 16/10/xx to 15/10/xx+1.

I declare, based on my own judgement and on the information at my disposal, including, inter alia, the results of work of the internal audit service, that:

- the accounts presented give, to the best of my knowledge, a true, complete and accurate view of the expenditure and receipts for the financial year referred to above. In particular, all debts, advances, guarantees and stocks known to me have been recorded in the accounts, and all receipts collected relating to the EAGF and the EAFRD have been properly credited to the appropriate funds;
- I have put in place a system which provides reasonable assurance:
 - (i) that payments are legal and regular in relation to expenditure incurred and payments made for support schemes under Regulation (EU) No 1307/2013 in respect of the calendar year 2022 and before, as regards for measures implemented until 31 December 2022 under Regulations (EU) No 228/2013, (EU) No 229/2013, (EU) No 1308/2013 and (EU) No 1144/2014; for aid schemes referred to in Article 5(6), first subparagraph, point (c), and Article 5(7) of Regulation (EU) 2021/2117 in relation to expenditure incurred and payments made for operations implemented pursuant to Regulation (EU) No 1308/2013 after 31 December 2022 and until the end of those aid schemes; and as regards the EAFRD, in relation to expenditure incurred by the beneficiaries and payments made by the paying agency in the framework of the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013;
 - (ii) that the governance systems as referred to in Article 9(3), first subparagraph, point (d)(ii), of Regulation (EU) 2021/2116 are functioning properly and ensure that the expenditure was made in accordance with Article 37 of that Regulation;
 - (iii) on the quality and reliability of the reporting system and of data on indicator as regards types of interventions referred to in Regulation (EU) 2021/2115 and that the expenditure matches the corresponding reported output and that it has been effected in accordance with the applicable governance systems.

The expenditure entered in the accounts was used for its intended purpose, as defined in Regulation (EU) 2021/2116.

Furthermore, I confirm that effective and proportionate anti-fraud measures under Article 59 of Regulation (EU) 2021/2116 are in place and take account of the risks identified.

That assurance is, however, subject to the following reservations:

Finally, I confirm that I am not aware of any undisclosed matter which could be damaging to the financial interest of the Union.

Signature

INFORMATION FOR THE PURPOSES OF TRANSPARENCY PURSUANT TO ARTICLE 58

Name of the beneficiary/Legal entity/association	Surname of beneficiary	If belonging to a group, name of the parent entity and VAT or Tax identification number	Municipality	Code of the measure/type of intervention/sector as set in Annex IX	Specific objective ⁽¹⁾	Start date ⁽²⁾	End date ⁽³⁾	Amount by operation under EAGF	Total of EAGF amount for that beneficiary	Amount by operation under EAFRD	Total of EAFRD amount for that beneficiary	Amount by operation under co-financing	Total of co-financed amount for that beneficiary	Total of EAFRD and co-financed amounts	Total of the EU amount and co-financed amount for that beneficiary
									50		70		40	110	160
				Code A				20							
				Code B						40		25			
				Code C				30							
				Code D						30		15			

⁽¹⁾ The specific objective of the operation shall correspond to one or more objectives set in the relevant Union legislation governing the operation concerned as described in Annex IX. In particular, the specific objective(s) of an operation under Regulation (EU) 2021/2115 shall correspond to the specific objectives laid down in Article 6 thereof and be consistent with the CAP Plan of the Member State. Furthermore, the specific objective(s) of an operation under Regulations (EU) No 1305/2013, (EU) No 1307/2013 and (EU) No 1308/2013 shall correspond to the objectives laid down in Article 110(2) of Regulation (EU) No 1306/2013 (for further guidance Member States may refer to the Technical Handbook on the Monitoring and Evaluation Framework of the Common Agricultural Policy 2014 – 2020).

⁽²⁾ The information on the start date of the types of intervention in the form of direct payments, the types of interventions for rural development interventions with regard to natural or other area-specific constraints and to area-specific disadvantages resulting from certain mandatory requirements as well as of the measures under Regulations (EU) No 228/2013 and (EU) No 229/2013 is not relevant as those measures and types of intervention operations are annual.

⁽³⁾ The information on the end date of the types of interventions in the form of direct payments, the types of intervention for rural development interventions with regard to natural or other area-specific constraints and to area-specific disadvantages resulting from certain mandatory requirements as well as of the measures under Regulations (EU) No 228/2013 and (EU) No 229/2013 is not relevant as those measures and types of intervention operations are annual.

For the publication of the following information:

- (a) expenditure incurred and payments made for support schemes under Regulation (EU) No 1307/2013 in respect of the calendar year 2022 and before;
 - (b) for measures implemented under Regulations (EU) No 228/2013, (EU) No 229/2013, (EU) No 1308/2013 and (EU) No 1144/2014 until 31 December 2022;
 - (c) for the aid schemes referred to in Article 5(6), first subparagraph, point (c), and Article 5(7) of Regulation (EU) 2021/2115 in relation to expenditure incurred and payments made for operations implemented pursuant to Regulation (EU) No 1308/2013 after 31 December 2022 and until the end of those aid schemes; and
 - (d) payments made by the paying agency in the framework of the implementation of rural development programmes pursuant to Regulation (EU) No 1305/2013;
- only the information prescribed in Article 111 of Regulation (EU) No 1306/2013 shall be published in this table, the other columns shall be left blank or marked with N/A.

ANNEX IX

Measure/type of intervention/sector as referred to in Article 58 ⁽¹⁾

Code of the measure/type of intervention/sector	Name of the measure/type of intervention/sector	Purpose of the measure/type of intervention/sector
	Operations in the form of types of intervention for direct payments as provided for in Article 16 of Regulation (EU) 2021/2115	
	1. <i>Decoupled income support</i>	
I.1	Basic income support for sustainability	The basic income support is an area payment decoupled from production. The aim is to support viable farm income and resilience across the Union to enhance food security.
I.2	Complementary redistributive income support for sustainability	The complementary redistributive income support for sustainability is an area payment decoupled from production. The aim is to improve the distribution of direct payments by redistributing support from larger to smaller or medium-sized farms.
I.3	Complementary income support for young farmers	The complementary income support for young farmers is a payment decoupled from production providing enhanced income support to young farmers who are setting up for the first time. The aim is to modernise the agricultural sector by attracting young people and improving their business development.
I.4	Schemes for the climate and the environment	Eco-schemes are a payment decoupled from production. The aim is to target income support to agricultural practices beneficial for the environment, climate and animal welfare.
I.5	Small farmer's payments (Article 28)	The small farmer's payments are decoupled from production and replace all other direct payments for the concerned beneficiaries. The purpose of the payments for small farmers is to promote a more balanced distribution of support and to reduce administrative burden for both beneficiaries of small amounts and managing authorities.

	2. Coupled direct payments	
I.6	Coupled income support	Coupled income support covers payments per hectare or head linked to specific productions. The aim is to improve competitiveness, sustainability, and/or quality in certain sectors and products that are particularly important for social, economic or environmental reasons and encounter certain difficulties.
I.7	Crop-specific payment for cotton	The crop-specific payment for cotton is a coupled payment granted per hectare of eligible area of cotton. It is a mandatory scheme for cotton producer's Member States to support the cotton production in regions where it is important for the agricultural economy.
	Measures set out in Annex I to Regulation (EU) No 1307/2013	
II.1	Basic payment scheme (Title III, Chapter 1, Sections 1, 2, 3 and 5)	The basic payment scheme is an area payment decoupled from production operated on the basis of payment entitlements allocated to farmers. The aim is to support the income of farmers which is, on average, significantly below the average income in the rest of the economy.
II.2	Single area payment scheme (Article 36)	The single area payment scheme is an area payment decoupled from production paid for eligible hectares declared by a farmer. The aim is to support the income of farmers which is, on average, significantly below the average income in the rest of the economy.
II.3	Redistributive payment (Title III, Chapter 2)	The redistributive payment is a decoupled area payment. The aim is to support smaller farms by providing them an additional support on their first hectares declared under the basic payment.
II.4	Payment for agricultural practices beneficial for the climate and the environment (Title III, Chapter 3)	Greening is a decoupled area payment per hectare paid. The aim is to observe three agricultural practices in favour of the climate and the environment: crop diversification, maintenance of permanent grassland and having ecological focus area on the agricultural area

II.5	Payment for areas with natural constraints (Title III, Chapter 4)	The payment to areas with natural constraints is an area based decoupled payment, provided on top of the basic payment to farmers. The aim is to give support to farmers who are situated in areas with natural constraints
II.6	Payment for young farmers (Title III, Chapter 5)	Payment for young farmers is a payment decoupled from production providing enhanced income support to young farmers who are newly set up for the first time. The aim is to promote the creation and development of new economic activities in the agricultural sector, which is essential for the competitiveness of the agricultural sector in the Union.
II.7	Voluntary coupled support (Title IV, Chapter 1)	The voluntary coupled support covers payments per hectare or head linked to specific productions. The aim is to improve the competitiveness and sustainability of sectors that are particularly important for economic, social or environmental reasons and undergo certain difficulties.
II.8	Crop-specific payment for cotton (Title IV, Chapter 2)	The crop-specific payment for cotton is a coupled payment granted per hectare of eligible area of cotton. It is a mandatory scheme for Member States producing cotton so as to support its production in regions where it is important for the agricultural economy.
II.9	Small farmers' scheme (Title V)	The small farmers' scheme is decoupled from production and replaces all other direct payments for the concerned beneficiaries. The aim is to promote a more balanced distribution of support and to reduce administrative burden for both beneficiaries of small amounts and managing authorities.
II.10	Measures set out in Annex I to Council Regulation (EC) No 73/2009 ⁽²⁾	The aim of these direct payments is to decouple support from the production of crops and livestock in order to improve the income support of the farmers.

	Operations in the form of sectoral interventions as provided for in Article 42 of Regulation (EU) 2021/2115	
III.1	In the fruit and vegetables sector (Articles 49 to 53)	The aim is to support concentration of supply, competitiveness and sustainability of the fruit and vegetables sector. It is done through producer organisations (PO) or their associations (APO) recognised under Regulation (EU) No 1308/2013 and running operational programmes in accordance with Regulation (EU) 2021/2115. Beneficiaries are POs and APOs. Programmes have a duration of between 3 and 7 years and are managed on a financial year basis. Member States have to approve every single programme.
III.2	In the apiculture products sector (Articles 54, 55 and 56)	The aim is to support beekeepers, quality and market for apiculture products.
III.3	In the wine sector (Articles 57 to 60)	The aim is to support competitiveness and sustainability of the wine sector. Programmes are run by Member States at national level as part of their Strategic Plan and are managed in a financial year basis. Beneficiaries are winegrowers as well as wine-making and wine-trading operators or their associations/organisations. Operations to be approved by Member States can be annual or multiannual.
III.4	In the hops sector (Articles 61 and 62)	The aim is to support concentration of supply, competitiveness and sustainability of the hops sector through producer organisations (PO) or their associations (APO) recognised under Regulation (EU) No 1308/2013 and running operational programmes in accordance with Regulation (EU) 2021/2115. Beneficiaries are POs or APOs. Programmes have a duration of between 3 and 7 years and are managed on a financial year basis. Member States have to approve every single programme.
III.5	In the olive oil and table olives sector (Articles 63, 64 and 65)	The aim is to support concentration of supply, competitiveness and sustainability of the olive oil and table olives sector through producer organisations (PO) and their associations (APO) recognised under Regulation (EU) No 1308/2013 and running operational programmes in accordance with Regulation (EU) 2021/2115. Beneficiaries are POs or APOs. Programmes have a duration of between 3 and 7 years and are managed in a financial year basis. Member States have to approve every single programme.

III.6	In other sectors referred to in Article 1(2), points (a) to (h), (k), (m), (o) to (t) and (w), of Regulation (EU) No 1308/2013 and sectors covering products listed in Annex XIII to Regulation (EU) 2021/2115 (Articles 66, 67 and 68)	The aim is to support concentration of supply, competitiveness and sustainability of the related sectors through producer organisations (PO), their associations (APO) recognised under Regulation (EU) No 1308/2013, as well as Producers Groups (PG) temporarily approved by Member States, and running operational programmes in accordance with Regulation (EU) 2021/2115. Beneficiaries are POs, APOs or PGs. Programmes have a duration of between 3 and 7 years and are managed in a financial year basis. Member States have to approve every single programme.
	Measures set out in Regulation (EU) No 1308/2013	
IV.1	Public intervention (Chapter I, Section 2)	When market prices for certain agricultural products fall below a predetermined level, the public authorities of the Member States may intervene to stabilise the market by purchasing surplus supplies, which may then be stored until the market price increases. The entities that must be published are the ones which benefit from the aid, in other words the entities from which the product has been bought.
IV.2	Aid for private storage (Chapter I, Section 3)	The aim of the aid granted is to temporarily support producers of certain products regarding the cost of private storage.
IV.3	The EU school scheme, school fruit and school milk schemes (Chapter II, Section 1)	The aim of the aid provided is to support the distribution of agricultural products to children in nursery, primary and secondary schools with the objective to increase their fruit, vegetables and milk consumption and improve their eating habits.
IV.4	Exceptional measures (Chapter I, Sections 1, 2 and 3)	The aim of the exceptional measures granted under Article 219(1), Article 220(1) and Article 221(1) and (2) of Regulation (EU) No 1308/2013 is to support agricultural markets in accordance with Article 5(2), point (a), of Regulation (EU) 2021/2116.

IV.5	Aid in the fruit and vegetables sector (Chapter II, Section 3)	Growers are encouraged to join producer organisations (POs). These receive aid for implementing operational programmes, based on a national strategy. The aim of the aid granted is also to mitigate income fluctuation from crises. Aid is offered for crisis prevention and crisis management measures under operational programmes, i.e.: product withdrawal, green harvesting/non-harvesting, promotion and communication tools, training, harvest insurance, help to secure bank loans and cover administrative costs of setting up mutual funds (farmer-owned stabilisation funds).
IV.6	Support in the wine sector (Chapter II, Section 4)	The aim of the various aids granted is to ensure market balance and increase the competitiveness of Union wine: support for promotion of wine on third country markets and information on responsible consumption of wine and the Union system of Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI); co-financing of costs for restructuring and conversion of vineyards, for investments in wineries and in marketing facilities as well as for innovation; support for green harvesting, mutual funds, harvest insurance and by-product distillation.
IV.7	Support in the olive oil and table olives sector (Chapter II, Section 2)	Support granted to the three-year work programmes to be drawn up by producer organisations, associations of producer organisations or interbranch organisations in one or more of the following areas: market follow-up and management in the olive oil and table olives sector; the improvement of the environmental impact of olive cultivation; the improvement of the competitiveness of olive cultivation through modernisation; the improvement of the production quality of olive oil and table olives; the traceability system, the certification and protection of the quality of olive oil and table olives; the dissemination of information on measures carried out by producer organisations, associations of producer organisations or interbranch organisations to improve the quality of olive oil and table olives.

IV.8	Aid in the apiculture sector (Chapter II, Section 5)	The aim of the aid granted is to support this sector through apiculture programmes in order to improve the production and marketing of apiculture products.
IV.9	Aid in the hops sector (Chapter II, Section 6)	Aid granted to support hops producer organisations.
	Operation in the form of types of intervention for rural development as provided for in Article 69 of Regulation (EU) 2021/2115	
V.1	Environmental, climate and other management commitments	The aim of the aid granted is to compensate farmers, forest holders and other land managers for the additional costs and income foregone related to voluntary environment, climate and other management commitments undertaken which go beyond mandatory standards and which contribute to the specific objectives of the CAP, notably in the area of environment, climate and animal welfare.
V.2	Natural or other area-specific constraints	The aim of the aid granted is to compensate farmers for all or part of the additional costs and income foregone related to the natural or other area-specific constraints in the area concerned, such as mountainous areas.
V.3	Area-specific disadvantages resulting from certain mandatory requirements	The aim of the aid granted is to compensate farmers, forest holders and other land managers for all or part of the additional costs and income foregone related to certain area-specific disadvantages in the area concerned which are imposed by requirements resulting from the implementation of the Natura 2000 Directives (Council Directive 92/43/EEC ⁽³⁾ and Directive 2009/147/EC of the European Parliament and of the Council ⁽⁴⁾) or, for agricultural areas, the Water Framework Directive (Directive 2000/60/EC of the European Parliament and of the Council ⁽⁵⁾).
V.4	Investments, including investments in irrigation	The aim of the aid granted is to support investments in tangible or intangible assets, including investments in irrigation, that contribute to achieving one or more of the specific objectives of the CAP.

V.5	Setting-up of young farmers, new farmers and rural business start-up	The aim of the aid granted is to support the setting-up of young farmers, new farmers and, under certain conditions, rural business start-up with the view of contributing to the achievement of one or more of the specific objectives of the CAP.
V.6	Risk management tools	The aim of the aid granted is to promote risk management tools, which help farmers manage production and income risks related to their agricultural activity which are outside their control.
V.7	Cooperation	The aim of the aid granted is to support cooperation with the view of contributing to the achievement of one or more of the specific objectives of the CAP. This includes cooperation support to: (a) prepare and implement Operational Group operations of the European Innovation Partnership for agricultural productivity and sustainability; (b) prepare and implement LEADER; (c) promote and support Union and national recognised quality schemes and their use by farmers; (d) support producer groups, producer organisations or inter-branch organisations; (e) prepare and implement Smart Villages strategies; (f) support other forms of cooperation.
V.8	Knowledge exchange and dissemination of information	The aim of the aid granted is to support knowledge exchange and information actions that contribute to one or more of the specific objectives of the CAP, specifically targeting the protection of nature, environment and climate, including environmental education and awareness actions and the development of rural businesses and communities. Such actions may include actions to promote innovation, training and advice as well as exchange and dissemination of knowledge and information.

	Measures provided for in Title III, Chapter I, of Regulation (EU) No 1305/2013	
VI.1	Knowledge transfer and information actions (Article 14)	This measure concerns training and other types of activities such as workshops, coaching, demonstration activities, information actions, short-term farm and forest exchange and visit schemes in order. The aim is to enhance the human potential of persons engaged in the agricultural, food and forestry sectors, land managers and small and medium-sized enterprises (SMEs) operating in rural areas.
VI.2	Advisory services, farm management and farm relief services (Article 15)	This measure, through the use of advisory services as well as the setting up of advisory, farm management and farm relief services, aims to improve the sustainable management and the economic and environmental performance of farm and forest holdings and SMEs operating in rural areas. It also promotes the training of advisors.
VI.3	Quality schemes for agricultural products and foodstuffs (Article 16)	The aim of this measure is to support all new entrants to the Union, national and voluntary quality schemes. Support may also cover costs arising from information and promotion activities in order to improve consumers' awareness of the existence and specifications of products produced under these Union and national quality schemes.
VI.4	Investments in physical assets (Article 17)	The aim of this measure is to improve the economic and environmental performance of agricultural holdings and rural enterprises, improve the efficiency of the agricultural products marketing and processing sectors, provide infrastructure needed for the development of agriculture and forestry and support non-remunerative investments necessary to achieve environmental aims.
VI.5	Restoring agricultural production potential damage by natural disasters and introduction of appropriate prevention actions (Article 18)	The aim of this measure is to improve the economic and environmental performance of agricultural holdings and rural enterprises, improve the efficiency of the agricultural products marketing and processing sectors, provide infrastructure needed for the development of agriculture and forestry and support non-remunerative investments necessary to achieve environmental aims.

VI.6	Farm and business development (Article 19)	The aim of this measure is to support the creation and development of new viable economic activities such as new holdings run by young farmers, new businesses in rural areas, or the development of small farms. Support is also given to new or existing enterprises for investments and development of non-agricultural activities which are essential for the development and competitiveness of rural areas and of all farmers diversifying their agricultural activities. The measure provides payments for farmers eligible for the small farmers scheme who permanently transfer their holding to another farmer.
VI.7	Basic services and village renewal in rural areas (Article 20)	The aim of this measure is to support the interventions stimulating growth and promoting environmental and socioeconomic sustainability of rural areas, in particular through the development of local infrastructure (including broadband, renewable energy and social infrastructure) and local basic services, as well as through the renewal of villages and activities aimed at the restoration and upgrading of the cultural and natural heritage. The measure also supports the relocation of activities and conversion of facilities with a view to improving the quality of life or increasing the environmental performance of the settlement.
VI.8	Investments in forest area development and improvement of the viability of forests (Article 21, Articles 22 to 26)	The aim of this measure is to promote investments in development of woodlands, in forest protection, in innovation in forestry, in forestry technologies and forest products, in order to contribute to the growth potential of rural areas.
VI.9	Afforestation and creation of woodland (Article 22)	The aim of this sub-measure is to provide support for operations of afforestation and creation of woodland on agricultural and non-agricultural land.
VI.10	Establishment, regeneration or renovation of agroforestry systems (Article 23)	The aim of this sub-measure is to support the establishment of agroforestry systems and practices where woody perennials are deliberately integrated with crops and/or animals on the same land unit.

VI.11	Prevention and restoration of damage to forests from forest fires, natural disasters and catastrophic events (Article 24)	This sub-measure aims at preventing and restoring (clearing and replanting) forestry potential after the occurrence of forest fires, other natural disasters including pest and disease outbreaks, as well as climate change related threats.
VI.12	Investments improving the resilience and environmental value of forest ecosystems (Article 25)	The aim of this sub-measure is to support actions that enhance the environmental value of the forest, facilitate the adaptation and mitigation of forests to climate change, provide ecosystem services and enhance the public amenity value of forest. The increase of the environmental value of the forest should be ensured.
VI.13	Investments in forest technologies, processing, mobilising and marketing of forest products (Article 26)	This sub-measure aims at providing support for investment in machinery and/or equipment related to harvesting, cutting, mobilising, processing the wood prior to industrial sawing of wood. The main goal of this sub-measure is to improve the economic value of forests.
VI.14	Setting up of producer groups and organisations (Article 27)	The aim of this measure is to support the setting up of producer groups and organisations, especially in the early years, when additional costs are incurred so as to face jointly market challenges and strengthening bargain power in relation to production and marketing, including in local markets.
VI.15	Agri-environment-climate (Article 28)	The aim of this measure is to encourage land managers to apply farming practices contributing to the protection of the environment, landscape, natural resources and climate mitigation and adaptation. It may concern not only environmentally beneficial improvements to farming practice but also the maintenance of existing beneficial practices.
VI.16	Organic farming (Article 29)	The aim of this measure is to focus on supporting the conversion to and/or the maintenance of organic farming practices and methods, with a view to encourage farmers to participate in such schemes, thus answering to society's demand for the use of environmentally friendly farm practices.

VI.17	Natura 2000 and Water Framework Directive payments (Article 30)	The aim of this measure is to give compensatory support to beneficiaries who suffer from particular disadvantages due to specific mandatory requirements in the areas concerned resulting from the implementation of Directives 92/43/EEC, 2009/147/EC and 2000/60/EC when compared to the situation of farmers and foresters in other areas not concerned by these disadvantages.
VI.18	Payments to areas facing natural or other specific constraints (Article 31)	The aim of this measure is to give support to beneficiaries who suffer from particular constraints due to their location in mountain areas or other areas facing significant natural constraints or specific constraints.
VI.19	Animal welfare (Article 33)	The aim of this measure is to provide payments to farmers who undertake, on a voluntary basis, to carry out operations of one or more animal welfare commitments.
VI.20	Forest-environmental and climate services and forest conservation (Article 34)	The aim of this measure is to respond to the needs of promoting the sustainable management and improvement of forests and woodland, including the maintenance and improvement of biodiversity, water and soil resources and combating climate change and also to the need to conserve the forest genetic resources, including activities such as development of different varieties of forest species in order to adapt to specific local conditions.
VI.21	Cooperation (Article 35)	The aim of this measure is to promote forms of cooperation involving at least two entities and aiming to develop, among others: pilot projects; new products, practices, processes and technologies in the agriculture, food and forestry sectors; tourism services; short supply chains and local markets; joint projects or practices concerning the environment or climate change; projects for the sustainable provision of biomass; non-LEADER local development strategies; forest management plans; and diversification into "social farming" activities.

VI.22	Risk management (Article 36)	This measure represents a new risk management toolkit and takes forward the possibilities that currently exist to support insurances and mutual funds via Member States' national direct payment envelopes to help farmers exposed to increasing economic and environmental risks. The measure also introduces an income stabilisation tool to provide compensation to farmers suffering a severe drop in their income.
VI.22a	Exceptional temporary support to farmers and SMEs particularly affected by the COVID-19 crisis (Article 39b)	The aim of this measure is to offer to farmers and to small and medium-sized enterprises (SMEs) temporary support due to the COVID-19 crisis.
VI.22b	Exceptional temporary support to farmers and SMEs particularly affected by the Russia's invasion of Ukraine (Article 39c)	The aim of this measure is to offer to farmers and to small and medium-sized enterprises (SMEs) temporary support due to Russia's invasion of Ukraine.
VI.23	Financing of complementary national direct payments for Croatia (Article 40)	The aim of this measure is to offer to the farmers eligible for complementary national direct payments in Croatia a top-up payment under the EAFRD.
VI.24	Support for LEADER local development (community-led local development) (Article 35 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council ⁽⁶⁾)	The aim of this measure is to maintain LEADER as an integrated territorial development tool on sub-regional ('local') level which will directly contribute to the balanced territorial development of rural areas, which is one of the overall objectives of the rural development policy.
VI.25	Technical assistance (Articles 51 to 54)	The aim of this measure is to give to Member States the ability to provide a technical assistance to support actions that support administrative capacity linked to the management of European Structural and Investment (ESI) Funds. These actions may be addressed to the preparation, management, monitoring, evaluation, information and communication, networking, complaint resolution and control and audit of the Rural Development Programmes.

VII.1	Measures provided for in Regulation (EU) No 228/2013	POSEI measures are specific agricultural schemes aiming at taking into account the constraints of the Outermost Regions as required by Article 349 of the Treaty. It consists of two main elements: the specific supply arrangements and the measures to support local production. The former aims at mitigating additional costs for supplying essential products resulting from the remoteness of these regions (through aid for products from the Union and exemption from import duties for products from third countries) and the latter at assisting the development of the local agriculture sector (direct payments and market measures). POSEI also allow the financing of plant-health programmes.
VIII.1	Measures provided for in Regulation (EU) No 229/2013	The regime for the Smaller Aegean Islands is similar to POSEI but does not have the same legal basis in the Treaty and operates on a smaller scale than POSEI. It includes both the specific supply arrangements (limited however to aid for products from the Union) and the measures to support the local agricultural activities consisting in top-up payments for specifically defined local products.
IX.1	Information and promotion measures provided for in Regulation (EU) No 1144/2014	Information provision and promotion measures concerning agricultural products and certain food products based on agricultural products implemented in the internal market or in third countries as listed in Regulation (EU) No 1144/2014 may be fully or partly financed by the Union budget, subject to the conditions laid down in this Regulation. These measures shall take the form of information and promotion programmes.

(¹) And further support measures to be adopted pursuant to Article 39(2) of the Treaty and/or to Regulation (EU) No 1308/2013.

(²) Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ L 30, 31.1.2009, p. 16).

(³) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

(⁴) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

(⁵) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

(⁶) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).'

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



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN