

Official Journal of the European Union

L 134



English edition

Legislation

Volume 66

22 May 2023

Contents

I *Legislative acts*

DIRECTIVES

- ★ **Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA** 1

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2023/978 of 12 May 2023 entering a name in the register of protected designations of origin and protected geographical indications ('Grebbebestadostron' (PDO))** 25
- ★ **Commission Implementing Regulation (EU) 2023/979 of 15 May 2023 entering a name in the register of protected designations of origin and protected geographical indications ('Nueces de Nerpio' (PDO))** 27
- ★ **Commission Implementing Regulation (EU) 2023/980 of 16 May 2023 amending Implementing Regulation (EU) 2016/799 as regards a transitional smart tachograph and its use of the Galileo Open Service Navigation Message Authentication and amending Implementing Regulation (EU) 2021/1228 ⁽¹⁾** 28
- ★ **Commission Implementing Regulation (EU) 2023/981 of 17 May 2023 amending Regulation (EU) No 37/2010 as regards the classification of the substance praziquantel with respect to its maximum residue limit in foodstuffs of animal origin ⁽¹⁾** 36

⁽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.

DECISIONS

- ★ Council Decision (EU) 2023/982 of 15 May 2023 appointing an alternate member, proposed by the Republic of Finland, of the Committee of the Regions 39
 - ★ Council Decision (EU) 2023/983 of 15 May 2023 on the position to be adopted on behalf of the European Union within the Group of Experts of the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR), within the Working Party on Road Transport of the United Nations Economic Commission for Europe and, if relevant, in relation to a communication by the United Nations Secretary-General pursuant to Article 21(1) of the AETR, as regards an amendment to introduce a ‘force majeure’ clause 41
 - ★ Commission Implementing Decision (EU) 2023/984 of 15 May 2023 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (*notified under document C(2023) 3324*) ⁽¹⁾ 44
 - ★ Commission Implementing Decision (EU) 2023/985 of 15 May 2023 concerning certain interim emergency measures relating to African swine fever in Italy (*notified under document C(2023) 3325*) ⁽¹⁾ 63
-

Corrigenda

- ★ Corrigendum to Council Decision (EU) 2023/701 of 21 March 2023 on the position to be adopted on behalf of the European Union in the Joint Consultative Working Group established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the amendment of its rules of procedure (OJ L 92, 30.3.2023) 67
- ★ Corrigendum to Council Decision (EU) 2023/702 of 21 March 2023 on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards a decision to be adopted, and recommendations and joint and unilateral declarations to be made (OJ L 92, 30.3.2023) 70

⁽¹⁾ Text with EEA relevance.

I

(Legislative acts)

DIRECTIVES

DIRECTIVE (EU) 2023/977 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 10 May 2023****on the exchange of information between the law enforcement authorities of Member States and
repealing Council Framework Decision 2006/960/JHA**

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 87(2), point (a), thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Transnational criminal activities pose a significant threat to the internal security of the Union and call for a coordinated, targeted and adapted response. While national authorities operating on the ground are on the frontline in the fight against crime and terrorism, action at Union level is paramount to ensuring efficient and effective cooperation as regards the exchange of information. Furthermore, organised crime and terrorism, in particular, are emblematic of the link between internal and external security. Transnational criminal activities spread across borders and manifest themselves in organised crime and terrorist groups that engage in a wide range of increasingly dynamic and complex criminal activities. There is, therefore, a need for an improved legal framework to ensure that competent law enforcement authorities can prevent, detect and investigate criminal offences in a more efficient manner.
- (2) For the development of an area of freedom, security and justice, which is characterised by the absence of internal border controls, it is essential that competent law enforcement authorities in one Member State have, within the framework of the applicable Union and national law, the possibility to obtain equivalent access to the information available to their colleagues in another Member State. In that regard, competent law enforcement authorities should cooperate effectively and across the Union. Therefore, police cooperation on the exchange of relevant information for the purpose of preventing, detecting or investigating criminal offences is an essential component of the measures that underpin public security in an interdependent area without internal border controls. The exchange of information on crime and criminal activities, including terrorism, serves the overall objective of protecting the security of natural persons and safeguarding important interests of legal persons protected by law.

⁽¹⁾ Position of the European Parliament of 15 March 2023 (not yet published in the Official Journal) and decision of the Council of 24 April 2023.

- (3) The majority of organised crime groups are present in more than three countries and are composed of members with multiple nationalities who engage in various criminal activities. The structure of organised crime groups is ever more sophisticated, with strong and efficient communication systems and cooperation between their members across borders.
- (4) To fight cross-border crime effectively, it is of paramount importance that competent law enforcement authorities swiftly exchange information and cooperate operationally with one another. Although cross-border cooperation between the competent law enforcement authorities has improved in recent years, certain practical and legal hurdles continue to exist. In that respect, Council Recommendation (EU) 2022/915 ⁽²⁾ will assist the Member States in further enhancing cross-border operational cooperation.
- (5) Some Member States have developed pilot projects to strengthen cross-border cooperation, focusing, for example, on joint patrols by police officers from neighbouring Member States in border regions. A number of Member States have also concluded bilateral or even multilateral agreements to strengthen cross-border cooperation, including the exchange of information. This Directive does not limit such possibilities, provided that the rules on the exchange of information set out in such agreements are compatible with this Directive where it applies. On the contrary, Member States are encouraged to exchange best practice and lessons learnt from such pilot projects and agreements and to make use of available Union funding in that regard, in particular from the Internal Security Fund, established by Regulation (EU) 2021/1149 of the European Parliament and of the Council ⁽³⁾.
- (6) The exchange of information between Member States for the purpose of preventing and detecting criminal offences is regulated by the Convention implementing the Schengen Agreement of 14 June 1985 ⁽⁴⁾, adopted on 19 June 1990, in particular Articles 39 and 46 thereof. Council Framework Decision 2006/960/JHA ⁽⁵⁾ partially replaced those provisions and introduced new rules for the exchange of information and intelligence between competent law enforcement authorities.
- (7) Evaluations, including those carried out under Council Regulation (EU) No 1053/2013 ⁽⁶⁾, have indicated that Framework Decision 2006/960/JHA is not sufficiently clear and does not ensure the adequate and rapid exchange of relevant information between Member States. Evaluations have also indicated that that Framework Decision is scarcely used in practice, in part due to the lack of clarity encountered in practice between the scope of the Convention implementing the Schengen Agreement and the scope of that Framework Decision.
- (8) Therefore, the existing legal framework should be updated with a view to eliminating discrepancies and to establishing clear and harmonised rules to facilitate and ensure the adequate and rapid exchange of information between the competent law enforcement authorities of different Member States and to allow the competent law enforcement authorities to adapt to the rapidly changing and expanding nature of organised crime, including in the context of the globalisation and digitalisation of society.

⁽²⁾ Council Recommendation (EU) 2022/915 of 9 June 2022 on operational law enforcement cooperation (OJ L 158, 13.6.2022, p. 53).

⁽³⁾ Regulation (EU) 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund (OJ L 251, 15.7.2021, p. 94).

⁽⁴⁾ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

⁽⁵⁾ Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (OJ L 386, 29.12.2006, p. 89).

⁽⁶⁾ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

- (9) In particular, this Directive should cover the exchange of information for the purpose of preventing, detecting or investigating criminal offences, thereby fully superseding, in so far as such exchanges are concerned, Articles 39 and 46 of the Convention implementing the Schengen Agreement and providing the necessary legal certainty. In addition, the relevant rules should be simplified and clarified in order to facilitate their effective application in practice.
- (10) It is necessary to lay down harmonised rules governing the crosscutting aspects of the exchange of information between Member States under this Directive at different stages of an investigation, from the phase of gathering criminal intelligence to the phase of criminal investigation. Those rules should include the exchange of information through Police and Customs Cooperation Centres set up between two or more Member States on the basis of bilateral or multilateral arrangements for the purpose of preventing, detecting or investigating criminal offences. However, those rules should not include the bilateral exchange of information with third countries. The rules laid down in this Directive should not affect the application of rules of Union law on specific systems or frameworks for such exchanges, such as Regulations (EU) 2016/794 ⁽⁷⁾, (EU) 2018/1860 ⁽⁸⁾, (EU) 2018/1861 ⁽⁹⁾ and (EU) 2018/1862 ⁽¹⁰⁾ of the European Parliament and of the Council, Directives (EU) 2016/681 ⁽¹¹⁾ and (EU) 2019/1153 ⁽¹²⁾ of the European Parliament and of the Council, and Council Decisions 2008/615/JHA ⁽¹³⁾ and 2008/616/JHA ⁽¹⁴⁾.
- (11) ‘Criminal offence’ is an autonomous concept of Union law as interpreted by the Court of Justice of the European Union. For the purposes of this Directive, in the interest of effectively combating crime, ‘criminal offence’ should be understood as referring to any conduct punishable under the criminal law of the Member State that receives information, either pursuant to a request or pursuant to an own-initiative provision of information in accordance with this Directive, irrespective of the penalty that can be imposed in that Member State and irrespective of whether the conduct is also punishable under the criminal law of the Member State that provides information, without prejudice to the grounds for refusal of requests for information set out in this Directive.
- (12) This Directive is without prejudice to the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations ⁽¹⁵⁾ (Naples II).
- (13) Since this Directive does not apply to the processing of information in the course of an activity which falls outside the scope of Union law, activities concerning national security do not fall within the scope of this Directive.

⁽⁷⁾ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

⁽⁸⁾ Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).

⁽⁹⁾ Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

⁽¹⁰⁾ Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

⁽¹¹⁾ Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132).

⁽¹²⁾ Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122).

⁽¹³⁾ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

⁽¹⁴⁾ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

⁽¹⁵⁾ OJ C 24, 23.1.1998, p. 2.

- (14) This Directive does not govern the provision and use of information as evidence in judicial proceedings. In particular, it should not be understood as establishing a right to use the information provided in accordance with this Directive as evidence and, consequently, it does not affect any requirement provided for in the applicable law to obtain the consent of the Member State providing the information for such use. This Directive does not affect Union legal acts on evidence, such as a Regulation of the European Parliament and of the Council on European Production and Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings, Directive 2014/41/EU of the European Parliament and of the Council ⁽¹⁶⁾ and a Directive of the European Parliament and of the Council laying down harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings. Consequently, even though they are not required to do so under this Directive, Member States providing information under this Directive should be allowed to consent, at the time of providing the information or thereafter, to the use of that information as evidence in judicial proceedings, including, where necessary under national law, through the use of instruments regarding judicial cooperation in force between the Member States.
- (15) All exchanges of information under this Directive should be subject to five general principles, namely the principles of availability, equivalent access, confidentiality, data ownership and data reliability. While those principles are without prejudice to the more specific provisions of this Directive, they should guide its interpretation and application where relevant. First, the principle of availability should be understood as indicating that relevant information available to the Single Point of Contact or the competent law enforcement authorities of one Member State should also be available, to the largest extent possible, to the Single Point of Contact or the competent law enforcement authorities of other Member States. However, that principle should not affect the application, where justified, of specific provisions of this Directive restricting the availability of information, such as those on the grounds for refusal of requests for information and on judicial authorisations, or of the obligation to obtain the consent of the Member State or third country that initially provided the information prior to sharing it. Second, pursuant to the principle of equivalent access, Member States should ensure that the access that the Single Point of Contact and the competent law enforcement authorities of other Member States have to relevant information is substantially the same as, and thus neither stricter nor less strict than, the access that their own Single Point of Contact and the competent law enforcement authorities have to that information, subject to the more specific provisions of this Directive. Third, the principle of confidentiality requires Member States to respect one another's national rules on confidentiality when treating information marked as confidential that is provided to their Single Point of Contact or to their competent law enforcement authorities, by ensuring a similar level of confidentiality in accordance with the rules on confidentiality set out in national law. Fourth, pursuant to the principle of data ownership, information initially obtained from another Member State or from a third country should only be provided with the consent of and in accordance with the conditions imposed by that Member State or third country. Fifth, pursuant to the principle of data reliability, personal data that are found to be inaccurate, incomplete or no longer up to date should be erased or rectified or the processing of those data should be restricted, as appropriate, and any recipient of those data should be notified without delay.
- (16) In order to achieve the objective of facilitating and ensuring the adequate and rapid exchange of information between Member States, this Directive should provide the possibility for Member States to obtain information by addressing a request for information to the Single Point of Contact of other Member States, in accordance with certain clear, simplified and harmonised requirements. As regards the content of requests for information, this Directive should specify, in particular, in an exhaustive and sufficiently detailed manner and without prejudice to the need for a case-by-case assessment, the situations in which requests for information are to be considered urgent, the details they are to contain as a minimum and in which language they are to be submitted.
- (17) While the Single Points of Contact of each Member State should, in any event, be able to submit requests for information to the Single Point of Contact of another Member State, in the interest of flexibility, Member States should be allowed, in addition, to designate some of their competent law enforcement authorities, which might be involved in European cooperation, as designated law enforcement authorities for the purpose of submitting such requests to the Single Points of Contact of other Member States. Each Member State should submit to the Commission a list of its designated law enforcement authorities. Member States should inform the Commission

⁽¹⁶⁾ Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).

where there are any changes to that list. The Commission should publish the lists online. In order for Single Points of Contact to be able to perform their coordinating functions under this Directive, it is, however, necessary that, where a Member State decides to allow some of its competent law enforcement authorities to submit requests for information to the Single Points of Contact of other Member States, that Member State makes its Single Point of Contact aware of all outgoing requests for information and of any communications relating thereto, by always putting its Single Point of Contact in copy. Member States should seek to limit the unjustified duplication of personal data to a strict minimum.

- (18) Time limits are necessary to ensure the rapid processing of requests for information submitted to a Single Point of Contact. Time limits should be clear and proportionate and take into account whether the request for information is to be considered as urgent and whether the request relates to directly accessible information or indirectly accessible information. In order to ensure compliance with the applicable time limits while allowing for a degree of flexibility, where objectively justified, it should only be possible, on an exceptional basis, to deviate from those time limits where, and in so far as, the competent judicial authority of the requested Member State needs additional time to decide on granting the necessary judicial authorisation. Such a need could arise, for example, because of the broad scope or the complexity of the matters raised by the request for information. In order to ensure, as far as possible, that time-critical opportunities to take action in specific cases are not missed, the requested Member State should provide any requested information as soon as it is held by the Single Point of Contact, even where that information is not the only information available that is relevant to the request. The rest of the requested information should be provided thereafter, as soon as it is held by the Single Point of Contact.
- (19) The Single Points of Contact should assess whether the information requested is necessary for and proportionate to achieving the purposes of this Directive and whether the explanation of the objective reasons justifying the request is sufficiently clear and detailed, so as to avoid the unjustified provision of information or the provision of disproportionate amounts of information.
- (20) In exceptional cases, it might be objectively justified for a Member State to refuse a request for information submitted to its Single Point of Contact. In order to ensure the effective functioning of the system created by this Directive in full compliance with the rule of law, those cases should be specified exhaustively and interpreted restrictively. However, the rules set out in this Directive place a strong emphasis on the principles of necessity and proportionality, thereby providing safeguards against any misuse of requests for information, including where it would entail manifest breaches of fundamental rights. The Member States, as an expression of their general due diligence, should therefore always verify the compliance of requests submitted to them under this Directive with the principles of necessity and proportionality and should refuse those requests they find to be non-compliant. Where the reasons for refusing the request relate only to parts of the information requested, the remaining information should be provided within the time limits set out in this Directive. In order to prevent unnecessary refusals of requests for information, the Single Point of Contact or the designated law enforcement authority of the requesting Member State, as applicable, should, on request, provide clarification or specifications that are needed to process the request for information. The applicable time limits should be suspended from the moment that the Single Point of Contact or, where applicable, the designated law enforcement authority of the requesting Member State receives the request for clarification or specifications. However, it should be possible to request clarification or specifications only where clarification or specifications are objectively necessary and proportionate such that without them the request for information would have to be refused for one of the reasons listed in this Directive. In the interest of effective cooperation, it should also remain possible to request necessary clarification or specifications in other situations, without this leading to the suspension of the time limits.
- (21) In order to allow for the necessary flexibility in view of operational needs that might vary in practice, this Directive should provide for two other means of exchanging information, in addition to requests for information submitted to the Single Points of Contact. The first one is the unsolicited provision of information by a Single Point of Contact or by a competent law enforcement authority to the Single Point of Contact or a competent law enforcement authority of another Member State without a prior request, namely the provision of information on its own initiative. The second one is the provision of information upon a request for information submitted either by a Single Point of Contact or by a competent law enforcement authority directly to a competent law enforcement authority of another Member State. In respect of both means of exchange of information, this Directive sets out only a limited number of minimum requirements, in particular on keeping the relevant Single Points of Contact

informed and, as regards own-initiative provisions of information, the situations in which information is to be provided and the language to be used. Those requirements should also apply to situations in which a competent law enforcement authority provides information to the Single Point of Contact of its own Member State in order to provide that information to another Member State, such as where it is necessary to comply with the rules set out in this Directive on the language to be used when providing information.

- (22) The requirement of a prior judicial authorisation for the provision of information, where provided in national law, constitutes an important safeguard which should be respected. However, the Member States' legal systems are different in that respect and this Directive should not be understood as affecting the rules and conditions concerning prior judicial authorisations laid down in national law, other than requiring that domestic exchanges and exchanges between Member States be treated in an equivalent manner, both on substance and procedurally. Furthermore, in order to keep any delays and complications relating to the application of such a requirement to a minimum, the Single Point of Contact or the competent law enforcement authorities, as applicable, of the Member State of the competent judicial authority should take all practical and legal steps, where relevant in cooperation with the Single Point of Contact or the designated law enforcement authority of the requesting Member State, to obtain the judicial authorisation as soon as possible. Although the legal basis of this Directive is limited to law enforcement cooperation under Article 87(2), point (a), of the Treaty on the Functioning of the European Union (TFEU), this Directive might be of relevance to judicial authorities.
- (23) It is particularly important that the protection of personal data, in accordance with Union law, be ensured in connection with all exchanges of information under this Directive. To that end, any personal data processing by a Single Point of Contact or a competent law enforcement authority under this Directive should be carried out in full compliance with Directive (EU) 2016/680 of the European Parliament and of the Council⁽¹⁷⁾. Pursuant to Regulation (EU) 2016/794, the European Union Agency for Law Enforcement Cooperation (Europol) is to process data in accordance with the rules set out therein. That Directive and that Regulation are unaffected by this Directive. In particular, it should be specified that any personal data exchanged by Single Points of Contact and competent law enforcement authorities remain limited to the categories of data per category of data subject listed in Section B of Annex II to Regulation (EU) 2016/794. Accordingly, a clear distinction should be made between the data concerning suspects and the data concerning witnesses, victims, or persons belonging to other groups, for which stricter limitations apply. Furthermore, as far as possible, any such personal data should be distinguished in accordance with their degree of accuracy and reliability. In order to ensure accuracy and reliability, facts should be distinguished from personal assessments. The Single Points of Contact or, where applicable, competent law enforcement authorities should process requests for information under this Directive as quickly as possible in order to ensure the accuracy and reliability of personal data, to avoid unnecessary duplication of data, and to reduce the risk of data becoming outdated or no longer being available to them. Where it appears that the personal data are incorrect, they should be rectified or erased or their processing should be restricted without delay.
- (24) In order to allow for the adequate and rapid provision of information by Single Points of Contact, either upon request or on their own initiative, it is important that the competent law enforcement authorities understand each other. All exchanges of information, including the provision of requested information, refusals of requests for information, including the reasons for such refusals, and, where applicable, requests for clarification or specifications and clarification or specifications provided which relate to a specific request should be transmitted in the language in which that request was submitted. Therefore, to prevent delays in the provision of requested information caused by language barriers and to limit translation costs, Member States should establish a list of one or more languages in which their Single Point of Contact can be addressed and in which it can communicate. Since English is a language that is broadly understood and used in practice with regard to law enforcement cooperation within the Union, it should be included on that list. Member States should provide that list and any updates thereto to the Commission. The Commission should publish online a compilation of those lists.

⁽¹⁷⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

- (25) To ensure the safety and security of European citizens, it is essential that Europol hold the necessary information to fulfil its role as the Union's criminal information hub supporting the competent law enforcement authorities. Therefore, when information is exchanged between Member States, irrespective of whether it is exchanged pursuant to a request for information submitted to a Single Point of Contact or competent law enforcement authority or whether it is provided by a Single Point of Contact or competent law enforcement authority on its own initiative, an assessment should be made, on a case-by-case basis, as to whether a copy of the request for information submitted under this Directive or of the information exchanged under this Directive should be sent to Europol in accordance with Article 7(6) of Regulation (EU) 2016/794 where it concerns a criminal offence falling within the scope of the objectives of Europol. Such assessments should be based on Europol's objectives as set out in Regulation (EU) 2016/794 in so far as the scope of the criminal offence is concerned. Member States should not be obliged to send a copy of the request for information or of the information exchanged to Europol where it would be contrary to the essential interests of the security of the Member State concerned, where it would jeopardise the success of an ongoing investigation or the safety of an individual or where it would disclose information relating to organisations or specific intelligence activities in the field of national security. Moreover, in accordance with the principle of data ownership and without prejudice to the obligation set out in Regulation (EU) 2016/794 concerning the determination of the purpose of, and restrictions on, the processing of information by Europol, information initially obtained from another Member State or a third country should be provided to Europol only where that Member State or third country has given its consent. Member States should ensure that the staff of their Single Point of Contact and competent law enforcement authorities are adequately supported and trained to quickly and accurately identify which information exchanged under this Directive falls within the mandate of Europol and is necessary for it to fulfil its objectives.
- (26) The problem of the proliferation of communication channels used for the transmission of law enforcement information between Member States should be remedied because it hinders the adequate and rapid exchange of such information and increases the risks concerning the security of personal data. Therefore, the use of the Secure Information Exchange Network Application (SIENA), managed and developed by Europol in accordance with Regulation (EU) 2016/794, should be made mandatory for all transmissions and communications under this Directive, including the sending of requests for information to Single Points of Contact and directly to competent law enforcement authorities, the provision of information pursuant to such requests and the provision of information by Single Points of Contact and competent law enforcement authorities on their own initiative, communications on refusals of requests for information, clarification and specifications, and the sending of copies of requests for information or information to Single Points of Contact and Europol. To that end, all Single Points of Contact, and all competent law enforcement authorities that might be involved in exchanges of information, should be directly connected to SIENA. To allow frontline officers, such as police officers involved in dragnet operations, to use SIENA, it should also be operational on mobile devices, where appropriate. In that regard, a short transition period should be provided for in order to allow for the full roll-out of SIENA because it entails a change of the current arrangements in some Member States and requires those staff be trained. In order to take into account the operational reality and not to hamper good cooperation between competent law enforcement authorities, Member States should be able to allow their Single Point of Contact or their competent law enforcement authorities to use another secure communication channel in a limited number of justified situations. Where Member States permit their Single Point of Contact or their competent law enforcement authorities to use another communication channel due to the urgency of the request for information, they should, where practicable and consistent with operational needs, revert to using SIENA after the situation ceases to be urgent. The use of SIENA should not be mandatory for internal exchanges of information within a Member State.
- (27) In order to simplify, facilitate and better manage information flows, each Member State should establish or designate a Single Point of Contact. Single Points of Contact should be competent for coordinating and facilitating the exchange of information under this Directive. Each Member State should notify the Commission of the establishment or designation of its Single Point of Contact and any changes thereto. The Commission should publish those notifications and any updates thereto. The Single Points of Contact should, in particular, contribute to mitigating the obstacles to information flows resulting from the fragmentation of the way in which competent law enforcement authorities communicate with one another, in response to the growing need to jointly tackle cross-border crime, such as drug trafficking, cybercrime, trafficking in human beings, and terrorism. The Single Points of Contact should be assigned a number of specific, minimum tasks and have certain minimum capabilities so that they are able to effectively fulfil their coordinating functions in respect of the cross-border exchange of information for law enforcement purposes under this Directive.

- (28) The Single Points of Contact should have access to all information available within their Member State, including by having user-friendly access to all relevant Union and international databases and platforms, in accordance with the arrangements specified in the applicable Union and national law. In order to be able to meet the requirements of this Directive, in particular those on time limits, the Single Points of Contact should be provided with adequate resources in terms of budget and staff, including adequate translation capabilities, and they should function around the clock. In that regard, having a front desk that is able to screen, process and channel incoming requests for information could increase their efficiency and effectiveness. Single Points of Contact should also have at their disposition, at all times, judicial authorities competent to grant necessary judicial authorisations. In practice, that can be done, for example, by ensuring the physical presence of such judicial authorities within the premises of the Single Point of Contact or the functional availability of such judicial authorities either within the premises of the Single Point of Contact or directly available on call.
- (29) In order for them to be able to effectively perform their coordinating functions under this Directive, the Single Points of Contact should be composed of staff from those competent law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive. While it is for each Member State to decide on the precise organisation and composition needed to meet that requirement, police, customs and other competent law enforcement authorities responsible for preventing, detecting or investigating criminal offences and possible contact points for regional and bilateral offices, such as liaison officers and attachés seconded or posted in other Member States and relevant Union law enforcement agencies, such as Europol, could be represented in the Single Points of Contact. However, in the interest of effective coordination, at a minimum, the Single Points of Contact should be composed of representatives of the Europol national unit, the SIRENE Bureau and the Interpol National Central Bureau, as established by the relevant Union legal act or international agreement and notwithstanding that this Directive does not apply to the exchange of information specifically regulated by those Union legal acts.
- (30) Given the specific demands of cross-border law enforcement cooperation, including the handling of sensitive information in that context, it is essential for the staff of the Single Points of Contact and the competent law enforcement authorities to have the necessary knowledge and skills to carry out their functions under this Directive in a lawful, efficient and effective manner. In particular, the staff of the Single Points of Contact should be offered, and encouraged to benefit from, adequate and regular training courses, provided both at Union and at national level, which correspond to their professional needs and specific backgrounds and which facilitate their contacts with the Single Points of Contact and competent law enforcement authorities of other Member States needed for the application of the rules set out in this Directive. In that respect, particular attention should be paid to the proper use of data processing tools and IT systems, to imparting knowledge about the relevant Union and national legal frameworks in the area of Justice and Home Affairs, with a particular focus on the protection of personal data, law enforcement cooperation and the handling of confidential information, and to the languages in which the Member State concerned has indicated that its Single Point of Contact is able to exchange information, with a view to helping overcome language barriers. For the purpose of providing the training, Member States should also, where appropriate, make use of the training courses and relevant tools offered by the European Union Agency for Law Enforcement Training (CEPOL), established by Regulation (EU) 2015/2219 of the European Parliament and of the Council ⁽¹⁸⁾, consider the possibility for the staff to spend a week at Europol, and make use of relevant offers made under programmes and projects funded by the Union budget, such as the CEPOL exchange programme.
- (31) In addition to technical skills and legal knowledge, mutual trust and common understanding are prerequisites for efficient and effective cross-border law enforcement cooperation under this Directive. Personal contacts acquired through joint operations and the sharing of expertise facilitate the building of trust and the development of a common Union culture of policing. Member States should also consider joint training courses and staff exchanges which focus on the transfer of knowledge about the working methods, investigative approaches and organisational structures of competent law enforcement authorities in other Member States.
- (32) To increase participation in training courses for the staff of the Single Points of Contact and the competent law enforcement authorities, Member States could also consider specific incentives for such staff.

⁽¹⁸⁾ Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA (OJ L 319, 4.12.2015, p. 1).

- (33) It is necessary that the Single Points of Contact deploy and operate a single electronic case management system having certain minimum functions and capabilities in order to allow them to carry out each of their tasks under this Directive in an effective and efficient manner, in particular as regards the exchange of information. The case management system is a workflow system allowing Single Points of Contact to manage the exchange of information. It is desirable that the universal message format standard established by Regulation (EU) 2019/818 of the European Parliament and of the Council ⁽¹⁹⁾ be used in the development of the case management system.
- (34) The rules set out in Directive (EU) 2016/680 apply to the processing of personal data in the case management system. Processing includes storage. In the interests of clarity and the effective protection of personal data, the rules set out in that Directive should be further specified in this Directive. In particular, as regards the requirement set out in Directive (EU) 2016/680 that personal data be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which they are processed, this Directive should specify that, where a Single Point of Contact receives information exchanged under this Directive containing personal data, the Single Point of Contact should keep the personal data in the case management system only in so far as it is necessary and proportionate for it to carry out its tasks under this Directive. Where that is no longer the case, the Single Point of Contact should irrevocably delete the personal data from the case management system. In order to ensure that the personal data is kept only for as long as necessary and proportionate, in accordance with rules concerning time limits for storage and review set out in Directive (EU) 2016/680, the Single Point of Contact should regularly review whether those requirements continue to be met. For that purpose, a first review should take place at the latest six months after an exchange of information under this Directive has concluded, that is, the moment at which the last item of information has been provided or the latest communication relating thereto has been exchanged. The requirements of this Directive regarding such review and deletion should, however, not affect the possibility for the national authorities competent for the prevention, detection and investigation of criminal offences to keep the personal data in their national criminal files under national law, in compliance with Union law, in particular Directive (EU) 2016/680.
- (35) In order to assist Single Points of Contact and competent law enforcement authorities in the exchange of information under this Directive and to foster a common European police culture between Member States, the Member States should encourage practical cooperation among their Single Points of Contact and competent law enforcement authorities. In particular, the Council should organise meetings of the Heads of the Single Points of Contact at least on an annual basis to share experience and best practice regarding the exchange of information for the purposes of this Directive. Other forms of cooperation should include the drafting of manuals on law enforcement information exchange, the compilation of national fact sheets on directly and indirectly accessible information, Single Points of Contact, designated law enforcement authorities and language regimes, or other documents on common procedures, the addressing of difficulties regarding workflows, awareness-raising about the specificities of relevant legal frameworks and the organisation, as appropriate, of meetings between relevant Single Points of Contact.
- (36) To enable the necessary monitoring and evaluation of the application of this Directive, Member States should be required to collect and annually provide to the Commission certain data concerning the implementation of this Directive. That requirement is necessary, in particular, to remedy the lack of comparable data quantifying relevant cross-border information exchanges between competent law enforcement authorities and also facilitates the reporting obligation of the Commission regarding the implementation of this Directive. Data required for that purpose should be automatically generated by the case management system and SIENA.

⁽¹⁹⁾ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

- (37) The cross-border nature of transnational crime and terrorism requires Member States to rely on one another to prevent, detect or investigate such criminal offences. Since the objective of this Directive, namely ensuring adequate and rapid information flows between competent law enforcement authorities and to Europol, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level through the establishment of common rules and a common culture on the exchange of information and through modern tools and communication channels, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (38) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and the Council ⁽²⁰⁾ and delivered an opinion on 7 March 2022.
- (39) This Directive builds upon the values on which the Union is founded, as set out in Article 2 TEU, including the rule of law, freedom and democracy. It also respects fundamental rights and safeguards and observes the principles recognised by the Charter of Fundamental Rights of the European Union (the 'Charter'), in particular the right to liberty and security, the respect for private and family life and the right to the protection of personal data as provided for by Articles 6, 7 and 8 of the Charter respectively, as well as by Article 16 TFEU. Any processing of personal data under this Directive should be limited to that which is strictly necessary and proportionate and subject to clear conditions, strict requirements and effective supervision by the national supervisory authorities established by Directive (EU) 2016/680 and the European Data Protection Supervisor, where appropriate in accordance with their respective mandates.
- (40) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Given that this Directive builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Directive whether it will implement it in its national law.
- (41) Ireland is taking part in this Directive, in accordance with Article 5(1) of Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the TEU and to the TFEU, and Article 6(2) of Council Decision 2002/192/EC ⁽²¹⁾.
- (42) As regards Iceland and Norway, this Directive constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽²²⁾ which fall within the area referred to in Article 1, point H, of Council Decision 1999/437/EC ⁽²³⁾.
- (43) As regards Switzerland, this Directive constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽²⁴⁾ which fall within the area referred to in Article 1, point H, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/149/JHA ⁽²⁵⁾.

⁽²⁰⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁽²¹⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽²²⁾ OJ L 176, 10.7.1999, p. 36.

⁽²³⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽²⁴⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁵⁾ Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 50).

- (44) As regards Liechtenstein, this Directive constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽²⁶⁾ which fall within the area referred to in Article 1, point H, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/349/EU ⁽²⁷⁾,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Directive establishes harmonised rules for the adequate and rapid exchange of information between the competent law enforcement authorities for the purpose of preventing, detecting or investigating criminal offences.

In particular, this Directive establishes rules on:

- (a) requests for information submitted to the Single Points of Contact established or designated by the Member States, in particular on the content of such requests, the provision of information pursuant to such requests, the working languages of the Single Points of Contact, mandatory time limits for providing requested information and the reasons for the refusal of such requests;
- (b) the provision by a Member State, on its own initiative, of relevant information to the Single Points of Contact or to the competent law enforcement authorities of other Member States, in particular the situations and the manner in which such information is to be provided;
- (c) the default channel of communication to be used for all exchanges of information under this Directive and the information to be provided to the Single Points of Contact in relation to the exchange of information directly between the competent law enforcement authorities;
- (d) the establishment or designation and the organisation, tasks, composition and capabilities of each Member State's Single Point of Contact, including on the deployment and operation of a single electronic case management system for carrying out their tasks under this Directive.

2. This Directive shall not apply to exchanges of information between the competent law enforcement authorities for the purpose of preventing, detecting or investigating criminal offences that are specifically regulated by other Union legal acts. Without prejudice to their obligations under this Directive or other Union legal acts, Member States may adopt or maintain provisions further facilitating the exchange of information with the competent law enforcement authorities of other Member States for the purpose of preventing, detecting or investigating criminal offences, including by means of bilateral or multilateral arrangements.

⁽²⁶⁾ OJ L 160, 18.6.2011, p. 21.

⁽²⁷⁾ Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1).

3. This Directive does not impose any obligation on Member States to:
- (a) obtain information by means of coercive measures;
 - (b) store information for the sole purpose of providing it to the competent law enforcement authorities of other Member States;
 - (c) provide information to the competent law enforcement authorities of other Member States to be used as evidence in judicial proceedings.
4. This Directive does not establish any right to use the information provided in accordance with this Directive as evidence in judicial proceedings. The Member State providing the information may consent to its use as evidence in judicial proceedings.

Article 2

Definitions

For the purpose of this Directive:

- (1) ‘competent law enforcement authority’ means any police, customs or other authority of the Member States competent under national law to exercise authority and to take coercive measures for the purpose of preventing, detecting or investigating criminal offences or any authority that takes part in joint entities set up between two or more Member States for the purpose of preventing, detecting or investigating criminal offences, but excludes agencies or units dealing especially with national security issues and liaison officers seconded pursuant to Article 47 of the Convention implementing the Schengen Agreement;
- (2) ‘designated law enforcement authority’ means a competent law enforcement authority that is authorised to submit requests for information to the Single Points of Contact of other Member States in accordance with Article 4(1);
- (3) ‘serious criminal offence’ means any of the following:
 - (a) an offence as referred to in Article 2(2) of Council Framework Decision 2002/584/JHA ⁽²⁸⁾;
 - (b) an offence as referred to in Article 3(1) or (2) of Regulation (EU) 2016/794;
- (4) ‘information’ means any content concerning one or more natural or legal persons, facts or circumstances relevant to competent law enforcement authorities for the purpose of carrying out their tasks under national law of preventing, detecting or investigating criminal offences, including criminal intelligence;
- (5) ‘information available’ means directly accessible information and indirectly accessible information;
- (6) ‘directly accessible information’ means information held in a database that can be directly accessed by the Single Point of Contact or a competent law enforcement authority of the Member State from which information is requested;
- (7) ‘indirectly accessible information’ means information that a Single Point of Contact or a competent law enforcement authority of the Member State from which information is requested can obtain from other public authorities or from private parties established in that Member State, where permitted by and in accordance with national law, without coercive measures;
- (8) ‘personal data’ means personal data as defined in Article 3, point (1), of Directive (EU) 2016/680.

⁽²⁸⁾ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

*Article 3***Principles regarding the exchange of information**

Each Member State shall, in connection with all exchanges of information under this Directive, ensure that:

- (a) information available can be provided to the Single Point of Contact or the competent law enforcement authorities of other Member States ('principle of availability');
- (b) the conditions for requesting information from and providing information to the Single Points of Contact and the competent law enforcement authorities of other Member States are equivalent to those applicable for requesting and providing similar information within that Member State ('principle of equivalent access');
- (c) it protects information provided to its Single Point of Contact or competent law enforcement authorities that is marked as confidential in accordance with the requirements set out in its national law offering a similar level of confidentiality as the national law of the Member State that provided the information ('principle of confidentiality');
- (d) where the requested information was initially obtained from another Member State or a third country, it only provides such information to another Member State or to Europol with the consent of, and in accordance with the conditions imposed on its use by, the Member State or third country that initially provided the information ('principle of data ownership');
- (e) personal data exchanged under this Directive that are found to be inaccurate, incomplete or no longer up to date are erased or rectified or that their processing is restricted, as appropriate, and that any recipient is notified without delay ('principle of data reliability').

CHAPTER II

EXCHANGE OF INFORMATION THROUGH SINGLE POINTS OF CONTACT*Article 4***Requests for information to Single Points of Contact**

1. Member States shall ensure that requests for information submitted by their Single Point of Contact and, where their national law so provides, the designated law enforcement authorities to the Single Point of Contact of another Member State comply with the requirements set out in paragraphs 2 to 6.

Member States shall submit to the Commission a list of their designated law enforcement authorities. Member States shall inform the Commission where there are changes to that list. The Commission shall publish online a compilation of those lists and keep it up to date.

Member States shall ensure that where their designated law enforcement authorities submit a request for information to the Single Point of Contact of another Member State, at the same time, they send a copy of that request to their Single Point of Contact.

2. Member States may permit their designated law enforcement authorities not to send, on a case-by-case basis, a copy of a request for information to their Single Point of Contact at the same time as submitting it to the Single Point of Contact of another Member State in accordance with paragraph 1 where it would jeopardise one or more of the following:

- (a) an ongoing highly sensitive investigation for which the processing of information requires an appropriate level of confidentiality;
- (b) terrorism cases not involving emergency or crisis management situations;
- (c) the safety of an individual.

3. Member States shall ensure that requests for information are submitted to the Single Point of Contact of another Member State only where there are objective reasons to believe that:

- (a) the requested information is necessary for and proportionate to achieving the purpose referred to in Article 1(1), first subparagraph; and
- (b) the requested information is available to that other Member State.

4. Member States shall ensure that any request for information submitted to the Single Point of Contact of another Member State specifies whether it is urgent and, if so, gives reasons for the urgency. Such requests for information shall be considered urgent where, having regard to all relevant facts and circumstances of the case at hand, there are objective reasons to believe that the requested information is one or more of the following:

- (a) essential for the prevention of an immediate and serious threat to the public security of a Member State;
- (b) necessary in order to prevent an imminent threat to life or the physical integrity of a person;
- (c) necessary to adopt a decision that might involve the maintenance of restrictive measures amounting to a deprivation of liberty;
- (d) at imminent risk of losing relevance if not provided urgently and is considered important for the prevention, detection or investigation of criminal offences.

5. Member States shall ensure that requests for information submitted to the Single Point of Contact of another Member State contain all necessary details to allow for their adequate and rapid processing in accordance with this Directive, including at least the following:

- (a) a specification of the requested information that is as detailed as reasonably possible under the given circumstances;
- (b) a description of the purpose for which the information is requested, including a description of the facts and indication of the underlying offence;
- (c) the objective reasons for which it is believed that the requested information is available to the requested Member State;
- (d) an explanation of the connection between the purpose for which the information is requested and any natural or legal person or entity to which the information relates, where applicable;
- (e) the reasons for which the request is considered urgent, where applicable, in accordance with paragraph 4;
- (f) restrictions on the use of the information contained in the request for purposes other than those for which it has been submitted.

6. Member States shall ensure that requests for information are submitted to the Single Point of Contact of another Member State in one of the languages included in the list established by that other Member State in accordance with Article 11.

Article 5

Provision of information pursuant to requests to Single Points of Contact

1. Member States shall ensure that their Single Point of Contact provides the information requested in accordance with Article 4 as soon as possible and in any event within the following time limits, as applicable:

- (a) eight hours in the case of urgent requests relating to directly accessible information;
- (b) three calendar days in the case of urgent requests relating to indirectly accessible information;
- (c) seven calendar days in the case of all other requests.

The time limits set out in the first subparagraph shall commence as soon as the request for information is received.

2. Where, under its national law in accordance with Article 9, a Member State can provide the requested information only after having obtained a judicial authorisation, that Member State may deviate from the time limits set out in paragraph 1 of this Article in so far as necessary for the purpose of obtaining such an authorisation. In such cases, Member States shall ensure that their Single Point of Contact does both of the following:

- (a) immediately inform the Single Point of Contact or, where applicable, the designated law enforcement authority of the requesting Member State of the expected delay, specifying the length of the expected delay and the reasons therefor;
- (b) subsequently keep the Single Point of Contact, or where applicable, the designated law enforcement authority of the requesting Member State updated and provide the requested information as soon as possible after obtaining the judicial authorisation.

3. Member States shall ensure that their Single Point of Contact provides the information requested in accordance with Article 4 to the Single Point of Contact or, where applicable, the designated law enforcement authority of the requesting Member State in the language in which that request for information was submitted in accordance with Article 4(6).

Member States shall ensure that their Single Point of Contact sends a copy of the requested information to the Single Point of Contact of the requesting Member State at the same time as providing the requested information to the designated law enforcement authority of that Member State.

Member States may permit their Single Point of Contact not to send, at the same time as providing information to the designated law enforcement authorities of another Member State in accordance with this Article, a copy of that information to the Single Point of Contact of that other Member State where it would jeopardise one or more of the following:

- (a) an ongoing highly sensitive investigation for which the processing of information requires an appropriate level of confidentiality;
- (b) terrorism cases not involving emergency or crisis management situations;
- (c) the safety of an individual.

Article 6

Refusals of requests for information

1. Member States shall ensure that their Single Point of Contact only refuses to provide the information requested in accordance with Article 4 in so far as any of the following reasons applies:

- (a) the requested information is not available to the Single Point of Contact and the competent law enforcement authorities of the requested Member State;
- (b) the request for information does not meet the requirements set out in Article 4;
- (c) the judicial authorisation required under the national law of the requested Member State in accordance with Article 9 was refused;
- (d) the requested information constitutes personal data other than those falling within the categories of personal data referred to in Article 10, point (b);
- (e) the requested information has been found to be inaccurate, incomplete or no longer up to date and cannot be provided in accordance with Article 7(2) of Directive (EU) 2016/680;
- (f) there are objective reasons to believe that the provision of the requested information would:
 - (i) be contrary to or would harm the essential interests of the national security of the requested Member State;
 - (ii) jeopardise the success of an ongoing investigation of a criminal offence or the safety of an individual;
 - (iii) unduly harm the protected important interests of a legal person;

- (g) the request pertains to:
 - (i) a criminal offence punishable by a maximum term of imprisonment of one year or less under the law of the requested Member State; or
 - (ii) a matter that is not a criminal offence under the law of the requested Member State;
- (h) the requested information was initially obtained from another Member State or a third country and that Member State or third country has not consented to the provision of the information.

Member States shall exercise due diligence in assessing whether the request for information submitted to their Single Point of Contact is in accordance with the requirements set out in Article 4, in particular as to whether there is a manifest breach of fundamental rights.

Any refusal of a request for information shall affect only the part of the requested information to which the reasons set out in the first subparagraph relate and shall, where applicable, not affect the obligation to provide the other parts of the information in accordance with this Directive.

2. Member States shall ensure that their Single Point of Contact informs the Single Point of Contact or, where applicable, the designated law enforcement authority of the requesting Member State of the refusal of the request for information, specifying the reasons therefor, within the time limits set out in Article 5(1).

3. Where relevant, Member States shall ensure that their Single Point of Contact immediately requests, from the Single Point of Contact or, where applicable, the designated law enforcement authority of the requesting Member State, clarification or specifications needed to process a request for information that otherwise would have to be refused.

The time limits set out in Article 5(1) shall be suspended from the moment that the Single Point of Contact or, where applicable, the designated law enforcement authority of the requesting Member State receives the request for clarification or specifications until the moment the requested clarification or specifications are provided.

4. Refusals of requests for information, reasons for such refusals and requests for clarification or specifications and clarification or specifications as referred to in paragraph 3 of this Article, as well as any other communications relating to the requests for information submitted to the Single Point of Contact of another Member State, shall be transmitted in the language in which that request was submitted in accordance with Article 4(6).

CHAPTER III

OTHER EXCHANGES OF INFORMATION

Article 7

Own-initiative provision of information

1. Member States may provide, on their own initiative, through their Single Point of Contact or through their competent law enforcement authorities, information available to it or them to the Single Points of Contact or to the competent law enforcement authorities of other Member States where there are objective reasons to believe that such information could be relevant to those other Member States for the purpose of preventing, detecting or investigating criminal offences.

2. Member States shall ensure that their Single Point of Contact or their competent law enforcement authorities provide, on its or their own initiative, information available to it or them to the Single Points of Contact or to the competent law enforcement authorities of other Member States where there are objective reasons to believe that such information could be relevant to those other Member States for the purpose of preventing, detecting or investigating serious criminal offences. However, no such obligation shall exist in so far as the reasons referred to in Article 6(1), point (c) or (f), apply in respect of such information.

3. Member States shall ensure that, where their Single Point of Contact or their competent law enforcement authorities provide information on its or their own initiative to the Single Point of Contact of another Member State in accordance with paragraph 1 or 2, they do so in one of the languages included in the list established by that other Member State in accordance with Article 11.

Member States shall ensure that, where their Single Point of Contact provides information on its own initiative to the competent law enforcement authority of another Member State, it sends, at the same time, a copy of that information to the Single Point of Contact of that other Member State.

Member States shall ensure that, where their competent law enforcement authorities provide information on their own initiative to another Member State, they send, at the same time, a copy of that information to the Single Point of Contact of their Member State and, where appropriate, to the Single Point of Contact of that other Member State.

4. Member States may permit their competent law enforcement authorities not to send, at the same time as providing information to the Single Point of Contact or the competent law enforcement authorities of another Member State in accordance with this Article, a copy of that information to the Single Point of Contact of their Member State or to the Single Point of Contact of that other Member State where it would jeopardise one or more of the following:

- (a) an ongoing highly sensitive investigation for which the processing of information requires an appropriate level of confidentiality;
- (b) terrorism cases not involving emergency or crisis management situations;
- (c) the safety of an individual.

Article 8

The exchange of information upon requests submitted directly to competent law enforcement authorities

1. Member States shall ensure that, where their Single Point of Contact submits a request for information directly to a competent law enforcement authority of another Member State, at the same time, it sends a copy of that request to the Single Point of Contact of that other Member State. Member States shall ensure that, where one of their competent law enforcement authorities provides information pursuant to such a request, it sends, at the same time, a copy of that information to the Single Point of Contact of its Member State.

2. Member States shall ensure that, where one of their competent law enforcement authorities submits a request for information or provides information pursuant to such a request directly to a competent law enforcement authority of another Member State, at the same time, it sends a copy of that request or that information to the Single Point of Contact of its Member State and to the Single Point of Contact of that other Member State.

3. Member States may permit their Single Point of Contact or competent law enforcement authorities not to send copies of requests or information as referred to in paragraph 1 or 2 where it would jeopardise one or more of the following:

- (a) an ongoing highly sensitive investigation for which the processing of information requires an appropriate level of confidentiality;
- (b) terrorism cases not involving emergency or crisis management situations;
- (c) the safety of an individual.

CHAPTER IV

ADDITIONAL RULES ON THE PROVISION OF INFORMATION UNDER CHAPTERS II AND III*Article 9***Judicial authorisation**

1. A Member State shall not require a judicial authorisation in order to provide information to the Single Point of Contact or to the competent law enforcement authorities of other Member States under Chapter II or III where its national law does not require such a judicial authorisation for providing similar information within that Member State.
2. Member States shall ensure that, where a judicial authorisation is required under their national law in order to provide information to the Single Point of Contact or to the competent law enforcement authorities of other Member States under Chapter II or III, their Single Point of Contact or their competent law enforcement authorities immediately take all the necessary steps, in accordance with their national law, to obtain such a judicial authorisation as soon as possible.
3. Requests for judicial authorisation as referred to in paragraph 2 shall be assessed and decided upon in accordance with the national law of the Member State of the competent judicial authority.

*Article 10***Additional rules for information constituting personal data**

Member States shall ensure that, where their Single Point of Contact or their competent law enforcement authorities provide information under Chapter II or III that constitutes personal data:

- (a) the personal data are accurate, complete and up to date, in accordance with Article 7(2) of Directive (EU) 2016/680;
- (b) the categories of personal data provided per category of data subject remain limited to those listed in Section B of Annex II to Regulation (EU) 2016/794 and are necessary for and proportionate to achieving the purpose of the request;
- (c) their Single Point of Contact or their competent law enforcement authorities also provide, at the same time and in so far as possible, the necessary elements enabling the Single Point of Contact or the competent law enforcement authority of the other Member State to assess the degree of accuracy, completeness and reliability of the personal data and the extent to which the personal data are up to date.

*Article 11***List of languages**

1. Member States shall establish and keep up to date a list indicating one or more of the languages in which their Single Point of Contact is able to exchange information. That list shall include English.
2. Member States shall provide the list referred to in paragraph 1 and any updates thereto to the Commission. The Commission shall publish online a compilation of those lists and keep it up to date.

*Article 12***Provision of information to Europol**

1. Member States shall ensure that, where their Single Point of Contact or their competent law enforcement authorities send requests for information, provide information pursuant to such requests or provide information on its or their own initiative under Chapter II or III of this Directive, the staff of their Single Point of Contact or competent law enforcement authorities also assess, on a case-by-case basis and subject to Article 7(7) of Regulation (EU) 2016/794, whether it is necessary to send a copy of the request for information or of the information provided to Europol, in so far as the information to which the communication relates concerns criminal offences falling within the scope of the objectives of Europol set out in Article 3 of Regulation (EU) 2016/794.

2. Member States shall ensure that, where a copy of a request for information or a copy of information is sent to Europol pursuant to paragraph 1 of this Article, the purposes of the processing of the information and any possible restrictions to that processing pursuant to Article 19 of Regulation (EU) 2016/794 are duly communicated to Europol. Member States shall ensure that information initially obtained from another Member State or a third country is sent to Europol pursuant to paragraph 1 of this Article only where that other Member State or that third country has given its consent.

Article 13

Secure communication channel

1. Member States shall ensure that their Single Point of Contact or their competent law enforcement authorities use Europol's Secure Information Exchange Network Application (SIENA) to send requests for information, to provide information pursuant to such requests or to provide information on its or their own initiative under Chapter II or III or under Article 12.

2. Member States may permit their Single Point of Contact or their competent law enforcement authorities not to use SIENA to send requests for information, to provide information pursuant to such requests or to provide information on its or their own initiative under Chapter II or III or under Article 12 in one or more of the following cases:

- (a) the exchange of information requires the involvement of third countries or international organisations or there are objective reasons to believe that such involvement will be required at a later stage, including through the Interpol communication channel;
- (b) the urgency of the request for information requires the temporary use of another communication channel;
- (c) an unexpected technical or operational incident prevents their Single Point of Contact or their competent law enforcement authorities from using SIENA to exchange the information.

3. Member States shall ensure that their Single Point of Contact, and all their competent law enforcement authorities that might be involved in the exchange of information under this Directive, are directly connected to SIENA, including, where appropriate, through mobile devices.

CHAPTER V

SINGLE POINT OF CONTACT FOR THE EXCHANGE OF INFORMATION BETWEEN MEMBER STATES

Article 14

Establishment or designation and tasks and capabilities of Single Points of Contact

1. Each Member State shall establish or designate a Single Point of Contact. The Single Point of Contact shall be the central entity responsible for coordinating and facilitating the exchange of information under this Directive.

2. Member States shall ensure that their Single Point of Contact is equipped and empowered to carry out at least all of the following tasks:

- (a) receiving and evaluating requests for information submitted in accordance with Article 4 in the languages notified pursuant to Article 11(2);
- (b) channelling requests for information to the relevant competent law enforcement authorities and, where necessary, coordinating among them the processing of such requests and the provision of information pursuant to such requests;
- (c) coordinating the analysis and structuring of information with a view to providing it to the Single Points of Contact and, where applicable, to the competent law enforcement authorities of other Member States;

- (d) providing, on request or on its own initiative, information to other Member States in accordance with Articles 5 and 7;
- (e) refusing to provide information in accordance with Article 6 and, where necessary, requesting clarification or specifications in accordance with Article 6(3);
- (f) sending requests for information to the Single Points of Contact of other Member States in accordance with Article 4 and, where necessary, providing clarification or specifications in accordance with Article 6(3).

3. Member States shall ensure that:

(a) their Single Point of Contact:

- (i) has access to all information available to their competent law enforcement authorities, in so far as necessary to carry out its tasks under this Directive;
- (ii) carries out its tasks 24 hours a day, 7 days a week;
- (iii) is provided with qualified staff, appropriate operational tools, technical and financial resources, infrastructure, and capabilities, including for translation, necessary to carry out its tasks in an adequate, effective and rapid manner in accordance with this Directive, including, where applicable, within the time limits set out in Article 5(1);

(b) the judicial authorities competent to grant the judicial authorisations required under national law in accordance with Article 9 are available on call to the Single Point of Contact 24 hours a day, 7 days a week.

4. Member States shall notify the Commission within one month of the establishment or designation of their Single Point of Contact. They shall inform the Commission where there are changes as regards their Single Point of Contact.

The Commission shall publish those notifications, and any updates thereto, in the *Official Journal of the European Union*.

Article 15

Organisation, composition and training

1. Member States shall determine the organisation and the composition of their Single Point of Contact in such a manner that it can carry out its tasks under this Directive in an efficient and effective manner.

2. Member States shall ensure that their Single Point of Contact is composed of staff from their competent law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive, including at least the following in so far as the Member State concerned is bound by the relevant law or international agreement to establish or designate such units or bureaux:

- (a) the Europol national unit established by Article 7 of Regulation (EU) 2016/794;
- (b) the SIRENE Bureau established by Article 7(2) of Regulation (EU) 2018/1862;
- (c) the Interpol National Central Bureau established by Article 32 of the Constitution of the International Criminal Police Organisation – Interpol.

3. Member States shall ensure that the staff of their Single Point of Contact are adequately qualified in order to carry out their functions under this Directive. To that end, Member States shall provide the staff of their Single Point of Contact with access to adequate and regular training, in particular as regards the following:

- (a) the use of data processing tools used within the Single Point of Contact, in particular SIENA and the case management system;
- (b) the application of Union and national law relevant for the activities of the Single Point of Contact under this Directive, in particular on the protection of personal data, including Directive (EU) 2016/680, on cross-border cooperation between law enforcement authorities, including this Directive and Regulation (EU) 2016/794, and on the handling of confidential information;

- (c) the use of the languages included in the list established by the Member State concerned pursuant to Article 11.

Article 16

Case management system

1. Member States shall ensure that their Single Point of Contact deploys and operates a single electronic case management system as the repository that allows the Single Point of Contact to carry out its tasks under this Directive. The case management system shall have at least all of the following functions and capabilities:

- (a) recording incoming and outgoing requests for information as referred to in Articles 5 and 8 and any other communications relating to such requests with Single Points of Contact and, where applicable, the competent law enforcement authorities of other Member States, including information about refusals of requests for information and requests for and the provision of clarification or specifications as referred to in Article 6(2) and (3) respectively;
- (b) recording communications between the Single Point of Contact and the competent law enforcement authorities, pursuant to Article 14(2), point (b);
- (c) recording provisions of information to the Single Point of Contact and, where applicable, to the competent law enforcement authorities of other Member States in accordance with Articles 5, 7 and 8;
- (d) cross-checking incoming requests for information as referred to in Articles 5 and 8 against information available to the Single Point of Contact, including information provided in accordance with Article 5(3), second subparagraph, and Article 7(3), second subparagraph, and other relevant information recorded in the case management system;
- (e) ensuring adequate and rapid follow-up to incoming requests for information as referred to in Article 4, in particular with a view to respecting the time limits for the provision of the requested information set out in Article 5;
- (f) be interoperable with SIENA, ensuring, in particular, that incoming communications through SIENA can be directly recorded in, and that outgoing communications through SIENA can be directly sent from, the case management system;
- (g) generating statistics in respect of exchanges of information under this Directive for evaluation and monitoring purposes, in particular for the purposes of Article 18;
- (h) logging access and other processing operations in relation to the information contained in the case management system, for accountability and cybersecurity purposes, in accordance with Article 25 of Directive (EU) 2016/680.

2. Member States shall ensure that all cybersecurity risks relating to the case management system, in particular as regards its architecture, governance and control, are managed and addressed in a prudent and effective manner and that adequate safeguards against unauthorised access and abuse are provided for.

3. Member States shall ensure that the case management system contains personal data only for as long as it is necessary and proportionate for the Single Point of Contact to carry out the tasks assigned to it under this Directive and that the personal data contained therein are subsequently irrevocably deleted.

4. Member States shall ensure that their Single Point of Contact reviews, for the first time at the latest six months after an exchange of information has concluded and subsequently on a regular basis, compliance with paragraph 3.

Article 17

Cooperation between Single Points of Contact

1. Member States shall encourage practical cooperation between their Single Points of Contact and competent law enforcement authorities for the purposes of this Directive.

2. Member States shall ensure that the Heads of the Single Points of Contact meet at least once a year to assess the quality of the cooperation between their services, to discuss necessary technical or organisational measures in the event of any difficulties and to clarify procedures where required.

CHAPTER VI

FINAL PROVISIONS

Article 18

Statistics

1. By 1 March of each year, each Member State shall provide the Commission with statistics on the exchanges of information with other Member States under this Directive which took place during the previous calendar year.
2. Each Member State shall ensure that the statistics referred to in paragraph 1 cover, as a minimum:
 - (a) the number of requests for information submitted by their Single Point of Contact and, where relevant, by their competent law enforcement authorities;
 - (b) the number of requests for information that their Single Point of Contact and their competent law enforcement authorities received and the number of requests for information to which they replied, broken down by urgent and non-urgent requests and by requesting Member State;
 - (c) the number of requests for information refused pursuant to Article 6, broken down by requesting Member State and by ground for refusal;
 - (d) the number of cases in which there was a deviation from the time limits set out in Article 5(1) because it was necessary to obtain a judicial authorisation in accordance with Article 5(2), broken down by the Member States that submitted the requests for information concerned.
3. The Commission shall compile the minimum statistics provided by Member States under paragraph 2 and make them available to the European Parliament and to the Council.

Article 19

Reporting

1. The Commission shall, by 12 June 2026 and every five years after 12 June 2027, submit a report to the European Parliament and to the Council assessing the implementation of this Directive and containing detailed information on how each Member State has implemented this Directive. In compiling that report, the Commission shall pay particular attention to how efficiently competent law enforcement authorities exchanged information, the grounds for which requests for information were refused, in particular where requests fall outside the scope of the objectives of this Directive, and the compliance with provisions on data protection and the provision of information to Europol.
2. The Commission shall, by 12 June 2027 and every five years thereafter, submit a report to the European Parliament and to the Council assessing the effectiveness of this Directive, in particular its impact on law enforcement cooperation, the obligations laid down in Article 14(3), point (a)(iii), and the protection of personal data. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive, including, where applicable, practical obstacles that hamper its effective implementation. On the basis of that assessment, the Commission shall decide on appropriate follow-up actions, including, where appropriate, a legislative proposal.

*Article 20***Amendments to the Convention implementing the Schengen Agreement**

From 12 December 2024, the parts of Articles 39 and 46 of the Convention implementing the Schengen Agreement that have not been replaced by Framework Decision 2006/960/JHA are replaced by this Directive in so far as those Articles relate to the exchange of information falling within the scope of this Directive.

*Article 21***Repeal**

Framework Decision 2006/960/JHA is repealed from 12 December 2024.

References to the repealed Framework Decision shall be construed as references to this Directive and shall be read in accordance with the correlation table in the Annex.

*Article 22***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 12 December 2024. They shall immediately inform the Commission thereof.

By way of derogation from the first subparagraph, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 13 by 12 June 2027. They shall immediately inform the Commission thereof.

When Member States adopt the measures referred to in the first and second subparagraphs, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

*Article 23***Entry into force**

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

*Article 24***Addressees**

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg, 10 May 2023.

For the European Parliament
The President
R. METSOLA

For the Council
The President
J. ROSWALL

ANNEX

CORRELATION TABLE

Council Framework Decision 2006/960/JHA	This Directive
Article 1	Article 1
Article 2	Article 2
Article 3	Articles 3 and 9
Article 4	Article 5
Article 5	Article 4
Article 6	Articles 11, 12 and 13
Article 7	Articles 7 and 8
Article 8	Article 10
Article 9	Article 3
Article 10	Article 6
Article 11	Article 21
Article 12	Article 19
Article 13	Article 22

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/978

of 12 May 2023

entering a name in the register of protected designations of origin and protected geographical indications ('Grebbeadostron' (PDO))

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Sweden's application to register the name 'Grebbeadostron' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Grebbeadostron' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Grebbeadostron' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.7. Fresh fish, molluscs and crustaceans and products derived therefrom, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ C 34, 30.1.2023, p. 33.⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 12 May 2023.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2023/979**of 15 May 2023****entering a name in the register of protected designations of origin and protected geographical indications ('Nueces de Nerpio' (PDO))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Spain's application to register the name 'Nueces de Nerpio' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Nueces de Nerpio' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Nueces de Nerpio' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. Fruit, vegetables and cereals, fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 15 May 2023.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 41, 3.2.2023, p. 28.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2023/980**of 16 May 2023****amending Implementing Regulation (EU) 2016/799 as regards a transitional smart tachograph and its use of the Galileo Open Service Navigation Message Authentication and amending Implementing Regulation (EU) 2021/1228****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport ⁽¹⁾, and in particular Article 11 thereof,

Whereas:

- (1) Regulation (EU) No 165/2014 has introduced smart tachographs, which include a connection to the global navigation satellite system ('GNSS').
- (2) The technical specifications for the construction, testing, installation operation and repair of smart tachographs and their components are set out in Implementing Regulation (EU) 2016/799 ⁽²⁾.
- (3) Regulation (EU) 2020/1054 of the European Parliament and of the Council ⁽³⁾ introduced new requirements for the smart tachograph, which required amending its technical specifications. Commission Implementing Regulation (EU) 2021/1228 ⁽⁴⁾ therefore amended Regulation (EU) 2016/799 to introduce a second version of the smart tachograph.
- (4) Implementing Regulation (EU) 2021/1228 introduced the mandatory use of the Galileo Open Service Navigation Message Authentication ('OSNMA') by smart tachographs, to allow the authentication of positions recorded by the tachograph through the use of Galileo Global Navigation Satellite System (GNSS).
- (5) OSNMA is currently in a public testing phase, with a service declaration expected only after the introduction date of the second version of the smart tachograph in newly-registered vehicles. This makes the type-approval of vehicle units uncertain, as well as the behaviour of second version smart tachographs following a future change in signal-in-space in OSNMA.
- (6) To ensure harmonised testing and type approval conditions, as well as harmonised behaviours of vehicle units, it is necessary to ensure a common functioning of second version smart tachographs, both before and after the OSNMA service declaration.
- (7) The initial second version smart tachographs should be type approved on the basis of the OSNMA signal-in-space and cryptographic material available for the public testing phase of the service. In order to ensure that the driver is not disturbed after the change to the operational signal-in-space, these tachographs should ignore OSNMA until they can be updated to fully use the OSNMA service. This creates a transitional period for second version smart tachographs with regards to the use of OSNMA.

⁽¹⁾ OJ L 60, 28.2.2014, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (OJ L 139, 26.5.2016, p. 1).

⁽³⁾ Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs (OJ L 249, 31.7.2020, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2021/1228 of 16 July 2021 amending Implementing Regulation (EU) 2016/799 as regards the requirements for the construction, testing, installation, operation and repair of smart tachographs and their components (OJ L 273, 30.7.2021, p. 1).

- (8) These transitional tachographs should ensure all the functionalities laid down in Chapter II of Regulation (EU) No 165/2014.
- (9) It is expected that no changes to the hardware will be needed once the service declaration of OSNMA takes place for the tachograph to function with the operational OSNMA service. It should therefore be possible for the software of a transitional tachograph to be updated to make full use of OSNMA once it is available.
- (10) In light of future developments regarding the availability and functioning of OSNMA, the feasibility of updating the tachograph in a workshop, or possible manipulation techniques detected against the tachograph in the field, the Commission may re-evaluate whether the technical specifications should be revised, including whether a requirement for the transitional smart tachograph to make full use of its OSNMA capability is necessary.
- (11) Sufficient time should be given to the industry to implement the transitional measures. The request for type approval of transitional tachographs should therefore be possible until at least 31 December 2023. It should also be possible to continue to install transitional tachographs for a limited period of time after the OSNMA Service Declaration.
- (12) Enforcement authorities should be able to recognise, once the transitional period has ended, whether the smart tachograph installed is fitted with a software version that allows it to make use of Galileo OSNMA.
- (13) The current date of application laid out in Article 2 of Implementing Regulation (EU) 2021/1228 prevents type-approval authorities from granting type-approval to equipment pursuant to Implementing Regulation (EU) 2016/799 in accordance with the amendments laid down in Implementing Regulation (EU) 2021/1228 before 21 August 2023. However, pursuant to articles 8(1) and 11 of Regulation (EU) No 165/2014, from that date vehicles registered for the first time in a Member State are to be equipped with the new version of the smart tachograph. Implementing Regulation (EU) 2021/1228 should therefore be amended to allow type-approval to be granted as soon as this Regulation enters into force.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 42(1) of Regulation (EU) No 165/2014,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IC to Implementing Regulation (EU) 2016/799 is amended in accordance with the Annex to this Regulation.

Article 2

The following paragraph is added in Article 2 of Implementing Regulation (EU) 2021/1228:

'However, from 25 May 2023, national authorities shall not refuse to grant EU type approval for a new type of tachograph, tachograph component, or tachograph card, or grant extension for an existing type of tachograph, tachograph component, or tachograph card, or prohibit registration, placing on the market or entry into service of a new tachograph, tachograph component, or tachograph card where the equipment concerned complies with Implementing Regulation (EU) 2016/799 as amended by this Regulation, if a manufacturer so requests.'

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*.

It shall apply from 21 August 2023.

However, from 25 May 2023, national authorities shall not refuse to grant EU type approval for a new type of tachograph, tachograph component, or tachograph card, or grant extension for an existing type of tachograph or tachograph component, or tachograph card, or prohibit registration, placing on the market or entry into service of a new tachograph, tachograph component, or tachograph card where the equipment concerned complies with Implementing Regulation (EU) 2016/799 as amended by Implementing Regulation (EU) 2021/1228 and this Regulation, if a manufacturer so requests.

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

Done at Brussels, 16 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex IC to Implementing Regulation (EU) 2016/799, the following Appendix 17 is added:

*'Appendix 17***TRANSITIONAL PROVISIONS RELATED to THE USE OF OSNMA BY TACHOGRAPHS****1. DEFINITIONS AND ACRONYMS****1.1. Definitions**

Service Declaration of Galileo Open Service Navigation Message Authentication (OSNMA) means the declaration of the European Commission that Galileo OSNMA enters its operational phase.

Transitional vehicle unit: Vehicle unit complying with the provisions of this Appendix.

Transitional vehicle units are constructed in accordance with the SIS ICD and the OSNMA receiver guidelines applicable to the OSNMA public test phase. They contain a GNSS receiver which is capable of using OSNMA available during its public test phase.

Transitional vehicle units are however unable to authenticate the navigation messages available after the Service Declaration of OSNMA, due to a necessary update of the cryptographic material in the vehicle unit. An appropriate software update needs to be applied, so that they can start to use OSNMA, and comply with all the requirements of Annex IC and its Appendixes 1 to 16. Before being updated, transitional vehicle units implement the OSNMA related functionalities as specified in this Appendix. Functionalities unrelated to OSNMA remain unchanged.

If the appropriate software update is applied, transitional vehicle units implement the SIS ICD and the OSNMA receiver guidelines applicable to the OSNMA operational phase, and comply with all the requirements of Annex IC and its Appendixes 1 to 16, using OSNMA available during the operational phase.

Transitional tachograph: tachograph including a transitional vehicle unit.

1.2. Acronyms

ICD	Interface Control Document
OSNMA	Galileo Open Service Navigation Message Authentication
SIS	Signal in Space
VU	Vehicle Unit

2. GENERAL CONSIDERATIONS RELATED TO OSNMA

In order to allow vehicles registered for the first time to be fitted with version 2 of second generation tachographs, starting from the requested introduction date as defined in point (ccc) of Section 1 of Annex I C to Implementing Regulation (EU) 2016/799, there is a need to type-approve, produce and commercialize vehicle units before the Service Declaration of OSNMA. For these vehicle units, referred to as transitional vehicle units, OSNMA-related requirements of Annex IC and its Appendixes 1 to 16 need to be adapted, so that they can be type approved and used in the field.

The provisions laid down in this Appendix define the specific requirements applicable to transitional vehicle units. They only apply to vehicle units with an internal GNSS receiver.

3. REQUIREMENTS APPLICABLE TO THE GNSS RECEIVER OF TRANSITIONAL TACHOGRAPHS

TRA_001 Transitional vehicle units shall include a GNSS receiver capable of using OSNMA available during its public test phase.

TRA_002 Appendix 12 requirements apply to the GNSS receiver included in transitional vehicle units, with the following interpretations:

- SIS ICD and OSNMA Receiver Guidelines referred to are the documents available for the public test phase:
 - Galileo Open Service Navigation Message Authentication (OSNMA) User ICD for the Test Phase, Issue 1.0, November 2021,
 - Galileo Open Service Navigation Message Authentication (OSNMA) Receiver Guidelines for the Test Phase, Issue 1.0, November 2021,
- OSNMA is the service available during the public test phase,
- SIS is the Signal In Space available during the public test phase.

TRA_003 The GNSS receiver included in transitional vehicle units shall be so designed that after an update of its software, applied through a vehicle unit software update, it fully complies with Annex 12 requirements, using OSNMA available during its operational phase.

4. REQUIREMENTS APPLICABLE TO TRANSITIONAL VEHICLE UNITS

Transitional vehicle units may process the OSNMA signal available during its public test phase, but are not able to report the Navigation Messages Authentication Status from the SIS available during OSNMA operational phase, until an appropriate software update is applied. They therefore assume that the standard positions provided by the GNSS receiver are always authenticated.

The requirements of Annex IC and its Appendixes 1 to 16 apply, with the following interpretations.

TRA_004 Annex IC, 3.9.15 ‘Time conflict’ event, requirement 86, shall be understood as:

*This event shall be triggered, **while not in calibration mode**, when the VU detects a discrepancy between the time of the vehicle unit’s time measurement function and the time originating from the standard positions transmitted by the GNSS receiver or the external GNSS facility. A “time discrepancy” is detected if the time difference exceeds ± 3 seconds corresponding to the time accuracy set out in requirement 41a, the latter increased by the maximal time drift per day. This event shall be recorded together with the internal clock value of the recording equipment. The VU shall perform the check for triggering the “time conflict” event right before the VU automatically re-adjusts the VU internal clock, in accordance with requirement 211.*

TRA_005 Annex IC, 3.9.18 “GNSS anomaly” event, requirement 88a, shall be understood as:

This event shall be triggered, while not in calibration mode, when the GNSS receiver detects an attack, as specified in Appendix 12. After a GNSS anomaly event has been triggered, the VU shall not generate other GNSS anomaly events for the next 10 minutes.

TRA_006 Annex IC, 3.12.5 Recording and storing in the data memory, Places and positions where daily work periods begin, end, and/or where 3 hours accumulated driving time is reached, requirement 110, shall be understood as:

Together with each place or position, the recording equipment shall record and store in its data memory:

- the driver and/or co-driver card number and card issuing Member State,
- the card generation,
- the date and time of the entry,

- the type of entry (begin, end or 3 hours accumulated driving time),
- the related GNSS accuracy, date and time if applicable,
- the vehicle odometer value,
- a flag indicating that the position has been assumed as authenticated.

TRA_007 Annex IC, 3.12.17 Recording and storing in the data memory, Border crossings, requirement 133b, shall be understood as:

Together with countries and position, the recording equipment shall record and store in its data memory:

- the driver and/or co-driver card number and card issuing Member State,
- the card generation,
- the related GNSS accuracy, date and time,
- a flag indicating that the position has been assumed as authenticated,
- the vehicle odometer value at the time of border crossing detection.

TRA_008 Annex IC, 3.12.18 Recording and storing in the data memory, Load/unload operations, requirement 133g, shall be understood as:

Together with the type of operation and position, the recording equipment shall record and store in its data memory:

- the driver and/or co-driver card number and card issuing Member State,
- the card generation,
- the date and time of the load/unload operation,
- the related GNSS accuracy, date and time if applicable,
- a flag indicating that the position has been assumed as authenticated,
- the vehicle odometer value.

TRA_009 Annex IC, 3.23 Time adjustment, requirement 211, shall be understood as:

The time setting of the VU internal clock shall be automatically re-adjusted, at variable time intervals. The next automatic time re-adjustment shall be triggered between 72h and 168h after the previous one, and after the VU can access to GNSS time through a valid standard position message in accordance with Appendix 12. Nevertheless, the time adjustment shall never be bigger than the accumulated maximal time drift per day, as calculated by the VU manufacturer in accordance with requirement 41b. If the difference between internal VU clock time and GNSS receiver time is bigger than the accumulated maximum time drift per day, then the time adjustment shall bring the VU internal clock as close as possible to the GNSS receiver time. The time setting may only be done if the time provided by the GNSS receiver is obtained using standard position messages as set out in Appendix 12. The time reference for the automatic time setting of the VU internal clock shall be the time provided in the standard position message.

TRA_010 Annex IC, 3.23 Time adjustment, requirement 212, shall be understood as:

The time adjustment function shall also allow for triggered adjustment of the current time, in calibration mode.

Workshops may adjust time:

- either by writing a time value in the VU, using the WriteDataByIdentifier service in accordance with section 6.2 of Appendix 8,
- or by requesting an alignment of the VU clock to the time provided by the GNSS receiver. This may only be done if the time provided by the GNSS receiver is obtained using standard position messages. In this latter case, the RoutineControl service shall be used in accordance with section 8 of Appendix 8.

TRA_011 Appendix 4, 2. Data blocks specification, first paragraph, seventh indent, shall be understood as:

When printed after the longitude and the latitude of a recorded position, or after the timestamp when the position was determined, the  pictogram indicates that this position has been assumed as authentic.

TRA_012 Appendix 8, 8.1 RoutineControl service (Time adjustment), Message description, requirement CPR_065a, shall be understood as:

The service RoutineControl (TimeAdjustment) provides the ability to trigger an alignment of the VU clock to the time provided by the GNSS receiver.

For the service RoutineControl (TimeAdjustment) execution the VU must be in CALIBRATION mode.

Precondition: it is ensured that the VU is able to receive standard position messages from the GNSS receiver.

As long the time adjustment is ongoing, the VU shall respond to the request RoutineControl, subfunction requestRoutineResults, with routineInfo = 0x78.

Note: the time adjustment may take some time. The diagnostic tester shall request the time adjustment status by using the sub-function requestRoutineResults.

TRA_013 In Appendix 12, 3 Sentences provided by the GNSS receiver, requirement GNS_4a:

Data contained in the AMC sentences provided by the GNSS receiver, if any, shall not be used by the vehicle unit, except for the following values of the Status:

J = jamming or O = other GNSS attack (by implemented consistency checks according to GNS_3a),

V = Void (authenticated position is not available for any other reason).

TRA_014 In Appendix 12, 3 Sentences provided by the GNSS receiver, requirement GNS_5:

Data contained in the ASA sentences provided by the GNSS receiver, if any, shall not be used by the vehicle unit.

TRA_015 In Appendix 12, 5.2 Vehicle Unit without an external GNSS facility, Transfer of information from the GNSS receiver to the VU, requirements GNS_34 and 36:

The VU processor shall not use information extracted from the AMC sentence, except for the following values of the Status:

J = jamming or O = other GNSS attack (by implemented consistency checks according to GNS_3a),

V = Void (authenticated position is not available for any other reason).

The VU processor shall not use information extracted from the ASA sentence.

TRA_016 Appendix 12, 6 Position data processing and recording by the VU, requirement GNS_39, shall be understood as:

Position data shall be stored in the VU, together with a flag indicating if the position has been assumed as authenticated. When position data need to be recorded in the VU, the following rule shall apply:

- (a) *If the standard position is valid, the standard position and its accuracy shall be recorded in the VU and the flag shall be set to 'authenticated'.*

TRA_017 Appendix 12, 6 Position data processing and recording by the VU, requirement GNS_40, shall be understood as:

When the value of the Status in a received AMC sentence is set to 'J' or 'O' in accordance with requirement GNS_4a, the VU shall generate and record a GNSS anomaly event, as defined in requirement 88a of Annex IC and Appendix 1 (EventFaultType). The vehicle unit may perform additional checks before storing a GNSS anomaly event following the reception of a 'J' or 'O' setting.

TRA_018 Appendix 12, 8 Vehicle motion conflict, requirement GNS_42, Trigger condition 2, the first and second indents after the formula shall be understood as:

- *GnssDistance is the distance between the current position of the vehicle and the previous one, both obtained from valid standard position messages, without considering the height,*
- *OdometerDifference is the difference between the current odometer value and the odometer value corresponding to the previous valid standard position message.*

TRA_019 Appendix 14, 5.4.5 DSRC Protocol requirements for RTMElements of RtmData, actions performed and definitions, requirement DSC_41, Table 14.3, second cell in the RTM20 row, shall be understood as:

The VU shall generate an integer value (timeReal from Appendix 1) for data element RTM20.

The VU shall set the value of RTM20 to the time at which the latest standard vehicle position was available from the GNSS receiver.

If no standard vehicle position was available ever from the GNSS receiver the VU shall set the value of RTM20 to 0.

TRA_020 The manufacturer of a type approved transitional vehicle unit shall inform the Commission of its software versions. The Commission shall publish these software versions on a publicly available website.

5. SPECIFIC PROVISIONS FOR TYPE APPROVAL AND USE OF TRANSITIONAL TACHOGRAPHS

TRA_021 Transitional vehicle units shall be type approved according to the requirements of Annex IC and its Annexes 1 to 16, supplemented by the provisions of this Appendix.

TRA_022 Type approval certificates of transitional vehicle units and transitional tachographs may only be requested until 31 December 2023 or the Service Declaration date of OSNMA, whichever is the latest.

TRA_023 Transitional vehicle units may be fitted in vehicles registered for the first time only until 31 May 2024 or 5 months after the Service Declaration date of OSNMA, whichever is the latest.'

COMMISSION IMPLEMENTING REGULATION (EU) 2023/981**of 17 May 2023****amending Regulation (EU) No 37/2010 as regards the classification of the substance praziquantel with respect to its maximum residue limit in foodstuffs of animal origin****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽¹⁾, and in particular Article 14, in conjunction with Article 17 thereof,

Whereas:

- (1) In accordance with Regulation (EC) No 470/2009, the Commission is to establish, by way of a Regulation, maximum residue limits ('MRLs') for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry.
- (2) Table 1 of the Annex to Commission Regulation (EU) No 37/2010 ⁽²⁾ sets out the pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin.
- (3) Praziquantel is already included in that table as an allowed substance for ovine and *equidae* species. The existing entry has a 'no MRL required' classification.
- (4) In accordance with Article 3 of Regulation (EC) No 470/2009, on 27 July 2021, VETHELLAS AEBE submitted a request to the European Medicines Agency ('Agency') for the extension of the existing entry for praziquantel to fin fish.
- (5) On 8 September 2022, the Agency, through the opinion of the Committee for Medicinal Products for Veterinary Use, concluded that the establishment of an MRL for praziquantel in fin fish, in relation to muscle and skin in natural proportions, was appropriate.
- (6) In accordance with Article 5 of Regulation (EC) No 470/2009, the Agency is to consider using MRLs established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or MRLs established for a pharmacologically active substance in one or more species for other species.
- (7) The Agency concluded that the extrapolation of the 'no MRL required' classification for praziquantel in ovine species to other ruminants, except cattle, is appropriate.
- (8) In view of the opinion of the Agency, the Commission considers it appropriate to establish an MRL for praziquantel in fin fish, in relation to muscle and skin in natural proportions and to establish the recommended 'no MRL required' classification for praziquantel in all ruminants except bovine species.
- (9) Regulation (EU) No 37/2010 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

⁽¹⁾ OJ L 152, 16.6.2009, p. 11.

⁽²⁾ Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, 20.1.2010, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, the entry for the substance 'praziquantel' is replaced by the following:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic Classification
Praziquantel	NOT APPLICABLE	All ruminants except bovine, <i>Equidae</i>	No MRL required	NOT APPLICABLE	NO ENTRY	NO ENTRY
	Praziquantel (sum of isomers)	Fin fish	20 µg/kg	Muscle and skin in natural proportions	NO ENTRY	NO ENTRY

DECISIONS

COUNCIL DECISION (EU) 2023/982

of 15 May 2023

appointing an alternate member, proposed by the Republic of Finland, of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the proposal of the Finnish Government,

Whereas:

- (1) Pursuant to Article 300(3) of the Treaty, the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) On 3 February 2020, the Council adopted Decision (EU) 2020/144 ⁽²⁾, appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025.
- (3) An alternate member's seat on the Committee of the Regions has become vacant following the end of the national mandate on the basis of which Ms Annette BERGBO was proposed for appointment.
- (4) The Finnish Government has proposed Mr Jesper JOSEFSSON, representative of a regional body who holds a regional authority electoral mandate, *Lagtingsledamot, Ålands lagting* (Member of Parliament, Parliament of Åland), as an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025,

HAS ADOPTED THIS DECISION:

Article 1

Mr Jesper JOSEFSSON, representative of a regional body who holds an electoral mandate, *Lagtingsledamot, Ålands lagting* (Member of Parliament, Parliament of Åland), is hereby appointed as an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2025.

Article 2

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

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽²⁾ Council Decision (EU) 2020/144 of 3 February 2020 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 32, 4.2.2020, p. 16).

Done at Brussels, 15 May 2023.

For the Council
The President
J. FORSMED

COUNCIL DECISION (EU) 2023/983**of 15 May 2023**

on the position to be adopted on behalf of the European Union within the Group of Experts of the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR), within the Working Party on Road Transport of the United Nations Economic Commission for Europe and, if relevant, in relation to a communication by the United Nations Secretary-General pursuant to Article 21(1) of the AETR, as regards an amendment to introduce a ‘force majeure’ clause

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) ⁽¹⁾ entered into force on 5 January 1976. It was last amended on 20 September 2010.
- (2) Pursuant to Article 21 of the AETR, proposals of amendments to the Agreement may be submitted by any Contracting Party to the Secretary-General of the United Nations. Before submission to the Secretary-General of the United Nations, the proposals are first discussed in the Working Party on Road Transport (‘SC.1’) of the United Nations Economic Commission for Europe (UNECE).
- (3) A Group of Experts has been established by the UNECE in the framework of the AETR. That group is a body empowered to develop and submit proposals for amending the AETR to the Working Party on Road Transport of the UNECE.
- (4) The Group of Experts on AETR, during its 32nd planned session of 12 June 2023, is to discuss a proposal by the Republic of Belarus and the Russian Federation to amend Article 4 of the AETR by introducing a ‘force majeure’ clause, as laid out in ECE/TRANS/SC.1/GE.21/2023/2/Rev.1.
- (5) It is appropriate to establish the position to be adopted on the Union’s behalf in the Group of Experts on the AETR, and possibly in the Working Party on Road Transport of the UNECE, as the amendment to the AETR which they will be called to consider and endorse would be binding under international law in accordance with Article 21(6) of the AETR and is capable of decisively influencing the content of Union legislation, namely Regulations (EC) No 561/2006 ⁽²⁾ and (EU) No 165/2014 ⁽³⁾ of the European Parliament and of the Council.
- (6) In its judgment of 31 March 1971 in Case 22/70 ⁽⁴⁾, the Court of Justice of the European Union recognised that the area of the work of crews of vehicles engaged in road transport is an exclusive external competence of the Union. This competence has been exercised since then in numerous legislative acts adopted by the Union co-legislators, including Regulations (EC) No 561/2006 and (EU) No 165/2014. Since the subject matter of the AETR falls within the scope of Regulation (EC) No 561/2006, the power to negotiate and conclude the AETR and its modifications lies exclusively with the Union pursuant to Article 3(2) of the Treaty on the Functioning of the European Union.

⁽¹⁾ OJ L 95, 8.4.1978, p. 1.

⁽²⁾ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

⁽³⁾ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

⁽⁴⁾ ECLI:EU:C:1971:32.

- (7) The proposed amendment aims at solving a practical problem of the Republic of Belarus and of the Russian Federation that is likely the result of the war of aggression by the Russian Federation against Ukraine, in which the Republic of Belarus has a complicit role, and which led to the application by the Union of restrictive measures against the Russian Federation and the Republic of Belarus. Those restrictive measures have resulted, among other consequences, in certain companies established in the Union, including companies that usually supply digital tachograph cards and chips to the card issuing authorities of the Russian Federation and of the Republic of Belarus, suspending their operations in and with those two countries. As a result, those two Contracting Parties claim to be in a position where it is difficult or impossible to deliver tachograph cards to the drivers in those countries, who can therefore not comply with the AETR when engaged in international road transport operations falling within its scope. The proposed amendment would allow a Contracting Party to unilaterally notify that it could no longer fulfil one of the main requirements of the AETR, namely the use of a harmonised recording equipment for vehicles engaged in international transport (the digital tachograph), for reasons of 'force majeure' which would not be subject to any type of validation or assessment.
- (8) The envisaged amendment would allow, following a declaration of a 'force majeure' by a Contracting Party, not to require the use of digital tachographs and digital tachograph cards for vehicles registered in that Contracting Party when engaged in international road transport operations. It would thus render the enforcement of the drivers' compliance with driving and rest times as laid out elsewhere in the AETR drastically more difficult, creating a loophole that would likely compromise the entire purpose of the AETR.
- (9) The position to be adopted on the Union's behalf within the Group of Experts on the AETR and within the Working Party on Road Transport of the UNECE should be not to support the proposed amendment, in order to prevent a significant weakening of the enforcement of the rules on driving and rest times laid down in the AETR, and to ensure the full effect of the restrictive measures adopted by the Union.
- (10) It cannot be excluded that the Republic of Belarus or the Russian Federation formally submit to the Secretary-General of the United Nations, under Article 21(1) of the AETR, a proposal to amend the AETR irrespective of the discussions in UNECE's bodies. In this case, Member States should object to that proposal under Article 21(2), point (a), of the AETR.
- (11) The Union's position is to be expressed by the Member States of the Union that are members of the Group of Experts of the AETR and of the Working Party on Road Transport of the UNECE, acting jointly in the interest of the Union,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on the Union's behalf at the 32nd session of the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and, as relevant, at the next session of the Working Party on Road Transport of the United Nations Economic Commission for Europe (UNECE), or at any subsequent sessions, shall be not to support the proposed amendment to the AETR as set out in ECE/TRANS/SC.1/GE.21/2023/2/Rev.1 to include a 'force majeure' clause, as well as not to support any similar amendment in substance.
2. The position referred to in paragraph 1 shall be expressed by the Member States of the Union that are members of the Group of Experts on the AETR and of the Working Party on Road Transport of the UNECE, acting jointly in the interest of the Union.

Article 2

Should the Secretary-General of the United Nations communicate to Member States, under Article 21(1) of the AETR, that any Contracting Party, irrespective of the discussions in UNECE's bodies, has formally proposed the amendment set out in ECE/TRANS/SC.1/GE.21/2023/2/Rev.1 as regards the inclusion of a 'force majeure' clause, or any similar amendment in substance, the position to be adopted by Member States on behalf of the Union shall be to object to the proposal under Article 21(2), point (a), of the AETR.

Article 3

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

Done at Brussels, 15 May 2023.

For the Council

The President

J. FORSSMED

COMMISSION IMPLEMENTING DECISION (EU) 2023/984**of 15 May 2023****amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States***(notified under document C(2023) 3324)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 259(1), point (c), thereof,

Whereas:

- (1) Highly pathogenic avian influenza (HPAI) is an infectious viral disease in birds and may have a severe impact on the profitability of poultry farming causing disturbance to trade within the Union and exports to third countries. HPAI viruses can infect migratory birds, which can then spread these viruses over long distances during their autumn and spring migrations. Therefore, the presence of HPAI viruses in wild birds poses a continuous threat for the direct and indirect introduction of these viruses into establishments where poultry or captive birds are kept. In the event of an outbreak of HPAI, there is a risk that the disease agent may spread to other establishments where poultry or captive birds are kept.
- (2) Regulation (EU) 2016/429 establishes a new legislative framework for the prevention and control of diseases that are transmissible to animals or humans. HPAI falls within the definition of a listed disease in that Regulation, and it is subject to the disease prevention and control rules laid down therein. In addition, Commission Delegated Regulation (EU) 2020/687 ⁽²⁾ supplements Regulation (EU) 2016/429 as regards the rules for the prevention and control of certain listed diseases, including disease control measures for HPAI.
- (3) Commission Implementing Decision (EU) 2021/641 ⁽³⁾ was adopted within the framework of Regulation (EU) 2016/429 and it lays down emergency measures at Union level in relation to outbreaks of HPAI.
- (4) More particularly, Implementing Decision (EU) 2021/641 provides that the protection, surveillance and further restricted zones established by the Member States following outbreaks of HPAI, in accordance with Delegated Regulation (EU) 2020/687, are to comprise at least the areas listed as protection, surveillance and further restricted zones in the Annex to that Implementing Decision.
- (5) The Annex to Implementing Decision (EU) 2021/641 was recently amended by Commission Implementing Decision (EU) 2023/901 ⁽⁴⁾ following outbreaks of HPAI in poultry or captive birds in Czechia, Denmark, Germany, Italy, Hungary and Poland that needed to be reflected in that Annex.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases (OJ L 174, 3.6.2020, p. 64).

⁽³⁾ Commission Implementing Decision (EU) 2021/641 of 16 April 2021 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 134, 20.4.2021, p. 166).

⁽⁴⁾ Commission Implementing Decision (EU) 2023/901 of 28 April 2023 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 115, 3.5.2023, p. 20).

- (6) Since the date of adoption of Implementing Decision (EU) 2023/901, Czechia, Germany, France, Hungary and Poland have notified the Commission of new outbreaks of HPAI in establishments where poultry or captive birds were kept, located in Moravian-Silesian Region in Czechia, in Saxony-Anhalt Land in Germany, in Nouvelle-Aquitaine and Occitania administrative regions in France, in Bács-Kiskun County in Hungary, and in Greater Poland Voivodeship in Poland.
- (7) The competent authorities of Czechia, Germany, France, Hungary and Poland have taken the necessary disease control measures required in accordance with Delegated Regulation (EU) 2020/687, including the establishment of protection and surveillance zones around those outbreaks.
- (8) In addition, the competent authority of France decided to establish further restricted zones in addition to the protection and surveillance zones established for certain outbreaks located in that Member State.
- (9) Moreover, the outbreaks confirmed in Czechia are located in close proximity to the border with Poland. Accordingly the competent authorities of these Member States have duly collaborated with regard to the establishment of the necessary surveillance zone in accordance with Delegated Regulation (EU) 2020/687, as the surveillance zone extends into the territory of Poland.
- (10) The Commission has examined the disease control measures taken by Czechia, Germany, France, Hungary and Poland in collaboration with those Member States, and it is satisfied that the boundaries of the protection and surveillance zones in Czechia, Germany, France, Hungary and Poland established by the competent authority of those Member States are at a sufficient distance from the establishments where the outbreaks of HPAI have been confirmed.
- (11) In the Annex to Implementing Decision (EU) 2021/641, there are currently no areas listed as protection zones for France.
- (12) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Czechia, Germany, France, Hungary and Poland, the protection and surveillance zones duly established by those Member States in accordance with Delegated Regulation (EU) 2020/687, as well as the further restricted zones established by France.
- (13) Therefore, the areas listed as protection and surveillance zones for Czechia, Germany, Hungary and Poland, as well as the areas listed as surveillance and further restricted zones for France in the Annex to Implementing Decision (EU) 2021/641 should be amended.
- (14) In addition, protection zones should be listed for France in the Annex to Implementing Decision (EU) 2021/641
- (15) Accordingly, the Annex to Implementing Decision (EU) 2021/641 should be amended to update regionalisation at Union level to take account of the protection and surveillance zones duly established by Czechia, Germany, France, Hungary and Poland, and of the further restricted zones established by France in accordance with Delegated Regulation (EU) 2020/687, and the duration of the measures applicable therein.
- (16) Implementing Decision (EU) 2021/641 should therefore be amended accordingly.
- (17) Given the urgency of the epidemiological situation in the Union as regards the spread of HPAI, it is important that the amendments to be made to Implementing Decision (EU) 2021/641 by this Decision take effect as soon as possible.
- (18) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2021/641 is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 May 2023.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

‘ANNEX

PART A

Protection zones in the concerned Member States* as referred to in Articles 1 and 2:

Member State: Czechia

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
Moravian-Silesian Region		
CZ-HPAI(P)-2023-00022 CZ-HPAI(P)-2023-00023	Orlová (712361); Lazy u Orlové (712434); Poruba u Orlové (712493); Horní Lutyně (712531); Petřvald u Karviné (720488); Rychvald (744441).	26.5.2023

Member State: Denmark

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
DK-HPAI(P)-2023-00003	The parts of Sønderborg municipality that are contained within a circle of radius 3 km, centered on GPS coordinates N 54.96176; E 9.91148	20.5.2023

Member State: Germany

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
BADEN-WÜRTTEMBERG		
SACHSEN-ANHALT		
DE-HPAI(P)-2023-00023 DE-HPAI(P)-2023-00024	Landkreis Jerichower Land 3 km-Radius um den Ausbruchsbetrieb mit den GPS-Koordinaten 12.209378/52.427862 und 12.209555/52.427901. Betroffen sind die Gemeinden oder Teile der Gemeinden Jerichow und Genthin	5.5.2023

Member State: France

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
Department: Gers (32)		
FR-HPAI(P)-2023-00065 FR-HPAI(P)-2023-00066 FR-HPAI(P)-2023-00071 FR-HPAI(P)-2023-00072 FR-HPAI(P)-2023-00073 FR-HPAI(P)-2023-00074	BEAUMARCHES COULOUME-MONDEBAT LASSERADE LOUSSOUS-DEBAT AVERON BERGELLE BASCOUS CRAVENCERES EAUZE ESPAS MANCIET SAINTE CHRISTIE D'ARMAGNAC	26.5.2023
Department: Landes (40)		
FR-HPAI(P)-2023-00067	BORDERES-ET-LAMENSANS CASTANDET CAZERES-SUR-L'ADOUR RENUNG LE VIGNAU	31.5.2023

Member State: Italy

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
Regions: Veneto and Lombardia		
IT-HPAI(P)-2023-00005	The area of the parts of Veneto and Lombardia Regions contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.307002212, E 10.924128439	11.5.2023
Region: Veneto		
IT-HPAI(P)-2023-00010	The area of the parts of Veneto Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.376651349, E 10.887810584	19.5.2023
Region: Lombardia		
IT-HPAI(P)-2023-00008	The area of the parts of Lombardia Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.337184, E 10.46897	11.5.2023

Region: Emilia Romagna

IT-HPAI(P)-2023-00009	The area of the parts of Emilia Romagna Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 44.227425,E 10.897058	13.5.2023
-----------------------	---	-----------

Member State: Hungary

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
---------------------------------------	------------------	---

Bács-Kiskun vármegye

HU-HPAI(P)-2023-00069 HU-HPAI(P)-2023-00075	Bócsa, Bugac, Szank és Tázlár települések közigazgatási területének a 46.609400 és a 19.540600, valamint a 46.622916 és a 19.537992 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	11.5.2023
HU-HPAI(P)-2023-00007 HU-HPAI(P)-2023-00030 HU-HPAI(P)-2023-00032 HU-HPAI(P)-2023-00035 - HU-HPAI(P)-2023-00039 HU-HPAI(P)-2023-00041 - HU-HPAI(P)-2023-00043 HU-HPAI(P)-2023-00047 HU-HPAI(P)-2023-00049 HU-HPAI(P)-2023-00056 - HU-HPAI(P)-2023-00059 HU-HPAI(P)-2023-00072	Csályospálos, Kiskunmajsa és Kömpöc a települések közigazgatási területének a 46.475730 és a 19.743580, a 46.443106 és a 19.844167, a 46.444530 és a 19.840710, a 46.411530 és a 19.852480, a 46.403030 és a 19.836280, a 46.450524 és a 19.779081, a 46.423886 és a 19.854827, a 46.421357 és a 19.851937, a 46.403984 és a 19.880357, a 46.464470 és a 19.763320, a 46.403803 és a 19.834630, a 46.477420 és a 19.864870, a 46.387357 és a 19.867894, a 46.494361 és a 19.781250, a 46.448656 és a 19.743515, a 46.362527 és a 19.889847, a 46.357100 és a 19.886700, valamint a 46.359048 és a 19.888786 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	11.5.2023
HU-HPAI(P)-2023-00074 HU-HPAI(P)-2023-00077 HU-HPAI(P)-2023-00079	Kiskunhalas és Kunfehértó települések közigazgatási területének a 46.415899 és a 19.417376 és a 46.429513, a 19.437763, valamint a 46.416400 és a 19.437296 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	13.5.2023
HU-HPAI(P)-2023-00076 HU-HPAI(P)-2023-00078	Fülöpháza, Kerekegyháza és Szabadszállás települések közigazgatási területének a 46.916900 és a 19.450500, valamint a 46.918392 és a 19.439000 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	12.5.2023

Csongrád-Csanád vármegye

HU-HPAI(P)-2023-00030 HU-HPAI(P)-2023-00035 - HU-HPAI(P)-2023-00036 HU-HPAI(P)-2023-00038 HU-HPAI(P)-2023-00041 HU-HPAI(P)-2023-00043 HU-HPAI(P)-2023-00047 HU-HPAI(P)-2023-00049 HU-HPAI(P)-2023-00050 - HU-HPAI(P)-2023-00051 HU-HPAI(P)-2023-00056 HU-HPAI(P)-2023-00058 - HU-HPAI(P)-2023- 00060 HU-HPAI(P)-2023-00072	Balástya, Bordány, Csengele, Forráskút, Kistelek, Szatymaz, Üllés és Zsombó települések közigazgatási területének a 46.443106 és a 19.844167, a 46.411530 és a 19.852480, a 46.403030 és a 19.836280, a 46.423886 és a 19.854827, a 46.403984 és a 19.880357, a 46.403803 és a 19.834630, a 46.477420 és a 19.864870, a 46.387357 és a 19.867894, a 46.438200 és a 19.936500, a 46.347100 és a 19.941140, 46.494361 és a 19.781250, a 46.362527 és a 19.889847, a 46.357100 és a 19.886700, a 46.341487 és a 19.959773, valamint a 46.359048 és a 19.888786 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	11.5.2023
HU-HPAI(P)-2023-00071	Ruzsa település közigazgatási területének a 46.304143 és a 19.772469 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	11.5.2023

Member State: Poland

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
PL-HPAI(P)-2023-00014	W województwie wielkopolskim: 1. Część gminy: Koźminek, Opatówek, Szczytniki w powiecie kaliskim. zawierająca się w promieniu 3 km od współrzędnych GPS: 51.744 / 18.351	13.5.2023
PL-HPAI(P)-2023-00024	W województwie wielkopolskim: 2. Część gminy: Lisków, Koźminek, Ceków-Kolonia w powiecie kaliskim. zawierająca się w promieniu 3 km od współrzędnych GPS: 51.8368 / 18.3348	19.5.2023

PART B

Surveillance zones in the concerned Member States* as referred to in Articles 1 and 3:

Member State: Czechia

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Moravian-Silesian Region		
CZ-HPAI(P)-2023-00022 CZ-HPAI(P)-2023-00023	Albrechtice u Českého Těšína (600121); Horní Datyně (642720); Karviná-město (663824); Darkov (664014); Antošovice (600393); Dětmárovice (625965); Koukolná (625973); Dolní Datyně (628905); Dolní Lutyně (629731); Doubrava u Orlové (631167); Havířov-město (637556); Bludovice (637696); Šumbark (637734); Prostřední Suchá (637742); Dolní Suchá (637777); Horní Suchá (644404); Karviná-Doly (664103); Staré Město u Karviné (664197); Koblov (667366); Nový Bohumín (707031); Kopytov (707139); Moravská Ostrava (713520); Přívoz (713767); Vítkovice (714071); Kunčice nad Ostravicí (714224); Kunčičky (714241); Heřmanice (714691); Michálkovice (714747); Slezská Ostrava (714828); Hrušov (714917); Muglinov (714941); Radvanice (715018); Bartovice (715085); Petrovice u Karviné (720356); Závada nad Olší (720372); Petřkovice u Ostravy (720470); Pudlov (736716); Skřečůň (748871); Starý Bohumín (754897); Stonava (755630); Šenov u Ostravy (762342); Šilheřovice (762474); Věřňovice (780359); Vratimov (785601); Vrbice nad Odrou (785971); Záblatí u Bohumína (789216).	4.6.2023
	Orlová (712361); Lazy u Orlové (712434); Poruba u Orlové (712493); Horní Lutyně (712531); Petřvald u Karviné (720488); Rychvald (744441).	27.5.2023 – 4.6.2023

Member State: Denmark

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
DK-HPAI(P)-2023-00003	The parts of Sønderborg municipalities beyond the area described in the protection zone and within the circle of radius 10 kilometres, centred on GPS coordinates N 54.96176; E 9.91148	29.5.2023
	The parts of Sønderborg municipality that are contained within a circle of radius 3 km, centered on GPS coordinates N 54.96176; E 9.91148	21.5.2023 – 29.5.2023

Member State: Germany

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
BRANDENBURG		
DE-HPAI(P)-2023-00023 DE-HPAI(P)-2023-00024	Landkreis Havelland 10 km Radius um den Ausbruchsbetrieb mit den GPS-Koordinaten : 12.209378/52.427862 und 12.209555/52.427901. Betroffen ist die Gemeinde Milower Land mit Teilen der Gemarkungen Zollchow, Vieritz, Milow, Jerchel und Nitzhan. Landkreis Potsdam-Mittelmark 10 km Radius um den Ausbruchsbetrieb mit den GPS-Koordinaten : 12.209378/52.427862 und 12.209555/52.427901. Betroffen sind Teile der Gemeinde Bensdorf mit den Ortsteilen Vehlen, Altbensdorf, Neubensdorf und Herrenhölzer; Teile der Gemeinde Wusterwitz und in der Gemeinde Rosenau Teile der Gemarkung Warchau.	17.5.2023
SACHSEN-ANHALT		
DE-HPAI(P)-2023-00023 DE-HPAI(P)-2023-00024	Landkreis Jerichower Land und Landkreis Stendal 10 km-Radius um den Ausbruchsbetrieb mit den GPS-Koordinaten 12.209378 52.427862 und 12.209555/52.427901. Betroffen sind die Gemeinden oder Teile der Gemeinden Jerichow und Genthin (jeweils Landkreis Jerichower Land) und ein Teil der Gemeinde Wust-Fischbeck (Landkreis Stendal)	17.5.2023

Member State: France

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
<i>Département: Côtes-d'Armor (22)</i>		
FR-HPAI(P)-2023-00035 FR-HPAI(P)-2023-00037 FR-HPAI(P)-2023-00038 FR-HPAI(P)-2023-00039	KERPET LANRODEC LE VIEUX-BOURG PLÉSIDY SAINT-ADRIEN SAINT CONNAN SAINT-FIACRE	23.5.2023

FR-HPAI(P)-2023-00040	SAINT-GILDAS SAINT-GILLES-PLIGEAUX SAINT-PEVER SEVEN-LÉHART	
FR-HPAI(P)-2023-00045		
FR-HPAI(P)-2023-00046		
FR-HPAI(P)-2023-00047		
FR-HPAI(P)-2023-00048		
FR-HPAI(P)-2023-00049		
FR-HPAI(P)-2023-00050		
FR-HPAI(P)-2023-00051		
FR-HPAI(P)-2023-00053		
FR-HPAI(P)-2023-00054		
FR-HPAI(P)-2023-00055		
FR-HPAI(P)-2023-00056		
FR-HPAI(P)-2023-00057		
FR-HPAI(P)-2023-00058		
FR-HPAI(P)-2023-00061		
Département: Gers (32)		
FR-HPAI(P)-2023-00065	AIGNAN ARMOUS ET CAU BETOUS BOUZON GELLENAVE CAHUZAC SUR ADOUR CASTELNAVET COURTIES FUSTEROUAU GALIAX GAZAX ET BACCARISSE GOUX IZOTGES JU BELLOC JUILLAC LADEVEZE RIVIERE	4.6.2023

	LADEVEZE VILLE LOUSLITGES LUPIAC MARGOUE MEYME PEYRUSSE GRANDE PEYRUSSE VIEILLE PLAISANCE POUYDRAGUIN PRECHAC SUR ADOUR SABAZAN SAINT AUNIX LENGROS SAINT PIERRE D'AUBEZIES TASQUE TERMES D'ARMAGNAC TIESTE URAGNOUX TOURDUN CASTELNAU RIVIERE BASSE	
	BEAUMARCHES COULOUME-MONDEBAT LASSERADE LOUSSOUS-DEBAT	27.5.2023 – 4.6.2023
FR-HPAI(P)-2023-00066 FR-HPAI(P)-2023-00071 FR-HPAI(P)-2023-00072 FR-HPAI(P)-2023-00073 FR-HPAI(P)-2023-00074	AIZIEU BOURROUILLAN BRETAGNE D'ARMAGNAC CAMPAGNE D'ARMAGNAC CASTILLON DEBATS CAUPENNE D'ARMAGNAC CAZAUBON CAZENEUVE COURRENSAN DEMU EAUZE GONDRIN LAGRAULET DU GERS LANNEPAX LIAS D'ARMAGNAC LOUBEDAT NOGARO NOULENS PANJAS RAMOUZENS	4.6.2023

	REANS SAINTE CHRISTIE D'ARMAGNAC SALLES D'ARMAGNAC SFAILLES SION SORBETS URGOSSE VIC FEZENSAC	
	AVERON BERGELLE BASCOUS CRAVENCERES EAUZE ESPAS MANCIET SAINTE CHRISTIE D'ARMAGNAC	27.5.2023 – 4.6.2023
<i>Département: Landes (40)</i>		
FR-HPAI(P)-2023-00067	AIRE-SUR-L'ADOUR ARTASSENX BAHUS-SOUBIRAN BASCONS BOURDALAT BUANES CLASSUN DUHORT-BACHEN EUGENIE-LES-BAINS FARGUES GRENADE-SUR-L'ADOUR HONTANX LAGLORIEUSE LARRIVIERE-SAINT-SAVIN LUSSAGNET MAURRIN MONTGAILLARD PERQUIE PUJO-LE-PLAN SAINT-GEIN SAINT-MAURICE-SUR-ADOUR	9.6.2023
	BORDERES-ET-LAMENSANS CASTANDET CAZERES-SUR-L'ADOUR RENUNG LE VIGNAU	1.6.2023 – 9.6.2023

Member State: Italy

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
Regions: Veneto and Lombardia		
IT-HPAI(P)-2023-00005	The area of the parts of Veneto and Lombardia Regions extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45.307002212, E 10.924128439	19.5.2023
	The area of the parts of Veneto and Lombardia Regions contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.307002212, E 10.924128439	11.5.2023 – 19.5.2023
IT-HPAI(P)-2023-00007	The area of the parts of Veneto and Lombardia Regions extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45.297457808, E 10.824189031	17.5.2023
	The area of the parts of Veneto and Lombardia Regions contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.297457808, E 10.824189031	9.5.2023 – 17.5.2023
Region: Veneto		
IT-HPAI(P)-2023-00006	The area of the parts of Veneto Region extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45.364675882, E 10.905559196	16.5.2023
	The area of the parts of Veneto Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.364675882, E 10.905559196	8.5.2023 – 17.5.2023
IT-HPAI(P)-2023-00010	The area of the parts of Veneto Region extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45.376651349, E 10.887810584	28.5.2023
	The area of the parts of Veneto Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.376651349, E 10.887810584	20.5.2023 – 28.5.2023
Region: Lombardia		
IT-HPAI(P)-2023-00008	The area of the parts of Lombardia Region extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45.337184, E 10.46897	20.5.2023
	The area of the parts of Lombardia Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 45.337184, E 10.46897	12.5.2023 – 20.5.2023

Region: Emilia Romagna		
IT-HPAI(P)-2023-00009	The area of the parts of Emilia Romagna Region extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 44.227425,E 10.897058	22.5.2023
	The area of the parts of Emilia Romagna Region contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N 44.227425,E 10.897058	14.5.2023 – 22.5.2023

Member State: Hungary

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
---------------------------------------	------------------	---

Bács-Kiskun és Csongrád-Csanád vármegye

HU-HPAI(P)-2023-00005 - HU-HPAI(P)-202300013 HU-HPAI(P)-2023-00015 - HU-HPAI(P)-2023-00025 HU-HPAI(P)-2023-00029 HU-HPAI(P)-2023-00030 HU-HPAI(P)-2023-00032 - HU-HPAI(P)-2023-00075 HU-HPAI(P)-2023-00077	Balotaszállás, Bócsa, Bugac, Bugacpusztaháza, Csólyospálos, Fülöppjakab, Gátér, Harkakötöny, Imrehegy, Jakabszállás, Jánoshalma, Jászszentlászló, Kaskantyú, Kéleshalom, Kiskunhalas, Kiskunmajsa, Kisszállás, Kömpöc, Kunfehértó, Kunszállás, Móricgát, Pálmonostora, Petőfiszállás, Pirtó, Soltvadkert, Szank, Tázlár, Zsana, Algyő, Ásotthalom, Baks, Balástya, Bordány, Csanytelek, Csengele, Derekegyház, Dóc, Domaszék, Forráskút, Hódmezővásárhely, Kistelek, Mártély, Mindszent, Mórahalom, Ópusztaszer, Öttömös, Pusztamértes, Pusztaszer, Ruzsa, Sándorfalva, Szatymaz, Szeged, Szegvár, Tömörkény, Üllés, Zákányszék és Zsombó települések védőközveten kívül eső teljes közigazgatási területe.	22.5.2023
	Kecskemét település közigazgatási területének a 46.698392 és a 19.650317, valamint a 46.704927 és a 19.688536GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe.	
	Kiskőrös település közigazgatási területének a 46.572330 és a 19.486939, a 46.616224 és a 19.444349, a 46.598273 és a 19.462954, valamint a 46.614164 és a 19.439083 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe.	
	Kiskunfélegyháza település közigazgatási területének a 46.551046 és a 19.790439, a 46.561767 és a 19.663297, a 46.569793 és a 19.692088, a 46.570880 és a 19.682400, a 46.550029 és a 19.723605, a 46.544094 és a 19.746475, a 46.589123 és a 19.752358, a 46.544094 és a 19.746475, a 46.642973 és a 19.896612, a 46.664167 és a 19.838889, a 46.598180 és a 19.804550, a 46.613303 és a 19.868162, valamint a 46.550095 és a 19.799990 koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe.	

	Kiskunfélegyháza település közigazgatási területének a 46.642973 és a 19.896612, valamint a 46.664167 és a 19.838889 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Mélykút 46.348170 és a 19.405260, a 46.346178 és a 19.407121, valamint a 46.345334 és a 19.405583 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Orgovány település közigazgatási területének a 46.641252 és a 19.532421, a 46.607374 és a 19.538858, a 46.635031 és a 19.545341, a 46.609697 és a 19.530675, valamint a 46.631954 és a 19.533666, 46.609400 és a 19.540600, valamint a 46.622916 és a 19.537992 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Páhi település közigazgatási területének a 46.641252 és a 19.532421, 46.616224 és a 19.444349, a 46.631954 és a 19.533666, valamint a 46.614164 és a 19.439083 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Tabdi település közigazgatási területének a 46.616224 és a 19.444349, valamint a 46.614164 és a 19.439083 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Városföld település közigazgatási területének a 46.704927 és a 19.688536 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Bordány, Pusztamérges, Ruzsa, Szatymaz, Üllés, Zákányszék és Zsombó települések közigazgatási területének a 46.443106 és a 19.844167, a 46.444530 és a 19.840710, a 46.411530 és a 19.852480, a 46.403030 és a 19.836280, a 46.450524 és a 19.779081, a 46.423886 és a 19.854827, a 46.421357 és a 19.851937, a 46.403984 és a 19.880357, a 46.464470 és a 19.763320, valamint a 46.403803 és a 19.834630 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe. Csongrád és Felgyő települések közigazgatási területének a 46.642973 és a 19.896612, valamint a 46.554700 és a 19.983900 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területe.	
HU-HPAI(P)-2023-00076 HU-HPAI(P)-2023-00078	Ágasegyháza, Ballószög, Fülöpháza, Fülöpszállás, Izsák, Kerekegyháza, Kunadacs, Kunbaracs, Ladánybene, Lajosmizse, Szabadszállás települések közigazgatási területének a 46.916900 és a 19.450500, valamint a 46.918392 és a 19.439000 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül és védőkörzeten kívül eső területe.	21.5.2023

HU-HPAI(P)-2023-00069 HU-HPAI(P)-2023-00075	Bócsa, Bugac, Szank és Tázlár települések közigazgatási területének a 46.609400 és a 19.540600, valamint a 46.622916 és a 19.537992 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	12.5.2023 - 22.5.2023
HU-HPAI(P)-2023-00007 HU-HPAI(P)-2023-00030 HU-HPAI(P)-2023-00032 HU-HPAI(P)-2023-00035 - HU-HPAI(P)-2023-00039 HU-HPAI(P)-2023-00041 - HU-HPAI(P)-2023-00043 HU-HPAI(P)-2023-00047 HU-HPAI(P)-2023-00049 HU-HPAI(P)-2023-00056 - HU-HPAI(P)-2023-00059 HU-HPAI(P)-2023-00072	Csölyospálos, Kiskunmajsa és Kömpöc a települések közigazgatási területének a 46.475730 és a 19.743580, a 46.443106 és a 19.844167, a 46.444530 és a 19.840710, a 46.411530 és a 19.852480, a 46.403030 és a 19.836280, a 46.450524 és a 19.779081, a 46.423886 és a 19.854827, a 46.421357 és a 19.851937, a 46.403984 és a 19.880357, a 46.464470 és a 19.763320, a 46.403803 és a 19.834630, a 46.477420 és a 19.864870, a 46.387357 és a 19.867894, a 46.494361 és a 19.781250, a 46.448656 és a 19.743515, a 46.362527 és a 19.889847, a 46.357100 és a 19.886700, valamint a 46.359048 és a 19.888786 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	12.5.2023 - 22.5.2023
HU-HPAI(P)-2023-00074 HU-HPAI(P)-2023-00077 HU-HPAI(P)-2023-00079	Kiskunhalas és Kunfehértó települések közigazgatási területének a 46.415899 és a 19.417376 és a 46.429513, a 19.437763, valamint a 46.416400 és a 19.437296 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	14.5.2023 - 22.5.2023
HU-HPAI(P)-2023-00076 HU-HPAI(P)-2023-00078	Fülöpháza, Kerekegyháza és Szabadszállás települések közigazgatási területének a 46.916900 és a 19.450500, valamint a 46.918392 és a 19.439000 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	13.5.2023 - 22.5.2023
HU-HPAI(P)-2023-00030 HU-HPAI(P)-2023-00035 - HU-HPAI(P)-2023-00036 HU-HPAI(P)-2023-00038 HU-HPAI(P)-2023-00041 HU-HPAI(P)-2023-00043 HU-HPAI(P)-2023-00047	Balástya, Bordány, Csengele, Forráskút, Kistelek, Szatymaz, Üllés és Zsombó települések közigazgatási területének a 46.443106 és a 19.844167, a 46.411530 és a 19.852480, a 46.403030 és a 19.836280, a 46.423886 és a 19.854827, a 46.403984 és a 19.880357, a 46.403803 és a 19.834630, a 46.477420 és a 19.864870, a 46.387357 és a 19.867894, a 46.438200 és a 19.936500, a 46.347100 és a 19.941140, a 46.494361 és a 19.781250, a 46.362527 és a 19.889847, a 46.357100 és a 19.886700, a 46.341487 és a 19.959773, valamint a 46.359048 és a 19.888786 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	12.5.2023 - 22.5.2023

HU-HPAI(P)-2023-00049 HU-HPAI(P)-2023-00050 - HU-HPAI(P)-2023-00051 HU-HPAI(P)-2023-00056 HU-HPAI(P)-2023-00058 - HU-HPAI(P)-2023-00060 HU-HPAI(P)-2023-00072		
HU-HPAI(P)-2023-00071	Ruzsa település közigazgatási területének a 46.304143 és a 19.772469 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területe.	12.5.2023 - 22.5.2023

Member State: Poland

ADIS reference number of the outbreak	Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
PL-HPAI(P)-2023-00014	W województwie wielkopolskim: Część gmin: Ceków-Kolonia, Koźminek, Lisków, Opatówek, Szczytniki W województwie łódzkim: Część gminy: Goszczanów, Błaszki, Warta w powiecie sieradzkim. 1. zawierająca się w promieniu 10 km od współrzędnych GPS: 51.744 / 18.351	22.5.2023
	W województwie wielkopolskim: Część gminy: Koźminek, Opatówek, Szczytniki w powiecie kaliskim. zawierająca się w promieniu 3 km od współrzędnych GPS: 51.744 / 18.351	14.5.2023 - 22.5.2023
PL-HPAI(P)-2023-00024	W województwie wielkopolskim: 2. Część gminy: Mycielin, Ceków-Kolonia, Żelazków, Lisków, Koźminek, Opatówek, Szczytniki w powiecie kaliskim. 3. Część gminy: Kawęczyn, Małanów w powiecie tureckim. W województwie łódzkim: 2. Część gminy Goszczanów w powiecie sieradzkim zawierająca się w promieniu 10 km od współrzędnych GPS: 51.8368 / 18.3348	28.5.2023

	W województwie wielkopolskim: 1. Część gminy: Lisków, Koźminek, Ceków-Kolonia w powiecie kaliskim zawierająca się w promieniu 3 km od współrzędnych GPS: 51.8368 / 18.3348	20.5.2023 – 28.5.2023
CZ-HPAI(P)-2023-00022 CZ-HPAI(P)-2023-00023	W województwie śląskim 1. W gminie Krzyżanowice: miejscowość Chałupki w powiecie raciborskim 1. W gminie Gorzyce miejscowości: Gorzyczki, Uchylsko 2. W gminie Godów miejscowości Łaziska, Godów, Gołkowice w powiecie wodzisławskim.	4.6.2023

PART C

Further restricted zones in the concerned Member States* as referred to in Articles 1 and 3a:

Member State: France

Area comprising:	Date until measures are to remain applicable in accordance with Article 3a
<i>Les communes suivantes dans le département: Cher (18)</i>	
GENOUILLY GRACAY SAINT-OUTRILLE	12.5.2023
<i>Les communes suivantes dans le département: Landes (40)</i>	
ARTHEZ-D'ARMAGNAC AUBAGNAN BAS-MAUCO BATS BENQUET BOUGUE BRETAGNE-DE-MARSAN CASTELNAU-TURSAN CLEDES COUDURES EYRES-MONCUBE LE FRECHE GAILLERES GEAUNE HAUT-MAUCO	9.6.2023

LATRILLE	
MAURIES	
MAZEROLLES	
MIRAMONT-SENSACQ	
MONT-DE-MARSAN	
MONTEGUT	
MONTSOUE	
PARLEBOSCQ	
PAYROS-CAZAUTETS	
PECORADE	
PUYOL-CAZALET	
SAINT-AGNET	
SAINT-CRICQ-VILLENEUVE	
SAINTE-FOY	
SAINT-LOUBOUER	
SAINT-PIERRE-DU-MONT	
SAINT-SEVER	
SARRAZIET	
SARRON	
SERRES-GASTON	
SORBETS	
URGONS	
VIELLE-TURSAN	
VILLENEUVE-DE-MARSAN	

- * In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member State include the United Kingdom in respect of Northern Ireland.'

COMMISSION IMPLEMENTING DECISION (EU) 2023/985**of 15 May 2023****concerning certain interim emergency measures relating to African swine fever in Italy***(notified under document C(2023) 3325)***(Only the Italian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 259(2) thereof,

Whereas:

- (1) African swine fever is an infectious viral disease affecting kept and wild porcine animals and can have a severe impact on the concerned animal population and the profitability of farming causing disturbance to movements of consignments of those animals and products thereof within the Union and exports to third countries.
- (2) In the event of outbreaks of African swine fever in kept and wild porcine animals, there is a serious risk of the spread of that disease to other establishments of kept porcine animals and to wild porcine animals.
- (3) Commission Delegated Regulation (EU) 2020/687 ⁽²⁾ supplements the rules for the control of the listed diseases referred to in Article 9(1)(a), (b) and (c) of Regulation (EU) 2016/429, and defined as category A, B and C diseases in Commission Implementing Regulation (EU) 2018/1882 ⁽³⁾. In particular, Articles 21 and 22 of Delegated Regulation (EU) 2020/687 provide for the establishment of a restricted zone in the event of an outbreak of a category A disease, including African swine fever, and for certain measures to be applied therein. In addition, Article 21(1) of that Delegated Regulation provides that the restricted zone is to comprise a protection zone, a surveillance zone, and if necessary further restricted zones around or adjacent to the protection and surveillance zones.
- (4) Also, Articles 63 to 66 of Delegated Regulation (EU) 2020/687 provide for certain measures to be taken in the event of an official confirmation of an outbreak of a category A disease in wild animals, including African swine fever in wild porcine animals. Notably, those provisions provide for the establishment of an infected zone and prohibitions on movements of wild animals of listed species and products of animal origin thereof.
- (5) Commission Implementing Regulation (EU) 2023/594 ⁽⁴⁾ lays down special disease control measures regarding African swine fever. In particular, Article 3, point (a), of that Implementing Regulation provides for the establishment of a restricted zone in the case of an outbreak of African swine fever in kept porcine animals, in accordance with Article 21(1) of Delegated Regulation (EU) 2020/687.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases, OJ L 174, 3.6.2020, p. 64.

⁽³⁾ Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).

⁽⁴⁾ Commission Implementing Regulation (EU) 2023/594 of 16 March 2023 laying down special disease control measures for African swine fever and repealing Implementing Regulation (EU) 2021/605 (OJ L 79, 17.3.2023, p. 65).

- (6) Also, in the event of an outbreak of that disease in wild porcine animals in an area of a Member State, Article 3, point (b), of Implementing Regulation (EU) 2023/594 provides for the establishment of an infected zone in accordance with Article 63 of Delegated Regulation (EU) 2020/687. In addition, Article 6 of that Implementing Regulation provides that that area is to be listed as a restricted zone II in Part II of Annex I thereto and that the infected zone, established in accordance with Article 63 of Delegated Regulation (EU) 2020/687, is to be adjusted without delay to comprise at least the restricted zone II. The special control measures for African swine fever laid down in Implementing Regulation (EU) 2023/594 include, inter alia, prohibitions on movements of consignments of porcine animals kept in restricted zones II and products thereof outside those restricted zones.
- (7) Italy has informed the Commission of the current African swine fever situation on its territory, following the confirmation of one outbreak of that disease in kept porcine animals in the Calabria region on 12 May 2023, and, in accordance with Delegated Regulation (EU) 2020/687 and Implementing Regulation (EU) 2023/594, it has established a restricted zone, which comprises protection and surveillance zones, where the general disease control measures laid down in Delegated Regulation (EU) 2020/687 are applied, in order to prevent the further spread of that disease.
- (8) Also, Italy has as informed the Commission of the confirmation of several outbreaks of African swine fever in wild porcine animals in the Calabria region on 11 May 2023. Accordingly, the competent authority of that Member State established an infected zone in accordance with Delegated Regulation (EU) 2020/687 and Implementing Regulation (EU) 2023/594.
- (9) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, it is necessary to identify at Union level the restricted zone, which comprises protection and surveillance zones, and the infected zone for African swine fever in Italy in collaboration with that Member State.
- (10) In order to prevent the further spread of African swine fever, pending the listing of the area of Italy affected by the recent outbreaks in wild porcine animals as a restricted zone II in Part II of Annex I to Implementing Regulation (EU) 2023/594, the special control measures for African swine fever laid down therein, that apply to movements of consignments of porcine animals kept in restricted zones II and products thereof outside those zones, should also apply to movements of those consignments from the infected zone established by Italy following that recent outbreak, in addition to the measures laid down in Articles 63 to 66 of Delegated Regulation (EU) 2020/687.
- (11) Accordingly, that infected zone should be listed in the Annex to this Decision and it should be subject to the special control measures for African swine fever that apply to restricted zones II laid down in Implementing Regulation (EU) 2023/594. However, due to this new epidemiological situation of African swine fever and taking account of the increased immediate risk of the further spread of the disease, movements of consignments of kept porcine animals and products thereof to other Member States and to third countries should not be authorised from the infected zone in accordance with that Implementing Regulation. The duration of that zoning should be also laid down in this Decision.
- (12) Therefore, in order to mitigate the risks arising from the recent outbreak of African swine fever in wild porcine animals in Italy, the movements to other Member States and third countries of consignments of porcine animals kept in the infected zone and products thereof should not be authorised by Italy until the expiry date of this Decision.
- (13) Given the urgency of the epidemiological situation in the Union as regards the spread of African swine fever, it is important that the measures laid down in this Implementing Decision apply as soon as possible.
- (14) Accordingly, pending the opinion of the Standing Committee on Plants, Animals, Food and Feed, the infected zone in Italy should be established immediately and listed in the Annex to this Decision and the duration of that zoning fixed.
- (15) This Decision is to be reviewed at the next meeting of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Italy shall ensure that:

- (a) a restricted zone which comprises a protection zone and a surveillance zone is established immediately by Italy in accordance with Article 21(1) of Delegated Regulation (EU) 2020/687 and under conditions set out in that Article;
- (b) the protection and surveillance zones referred to in paragraph (a) comprise at least the areas listed in the Annex to this Implementing Decision;
- (c) an infected zone for African swine fever is established immediately by Italy in accordance with Article 63 of Delegated Regulation (EU) 2020/687 and Article 3, point (b) of Implementing Regulation (EU) 2023/594, and that it comprises at least the areas listed in the Annex to this Decision

Article 2

Italy shall ensure that the special control measures for African swine fever applicable to restricted zones II laid down in Implementing Regulation (EU) 2023/594 apply in the areas listed as an infected zone in the Annex to this Decision, in addition to the measures laid down in Articles 63 to 66 of Delegated Regulation (EU) 2020/687.

Article 3

Italy shall ensure that consignments of porcine animals kept in the areas listed as an infected zone in the Annex and products thereof are not authorised for movements to other Member States and to third countries.

Article 4

This Decision shall apply until 12 August 2023.

Article 5

This Decision is addressed to Italy.

Done at Brussels, 15 May 2023.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

Areas established as the restricted zone in Italy as referred to in Article 1	Date until applicable
Protection zone The part of Calabria Region contained within a circle of radius of three kilometres, centred on Lat 38.070938. Long 15.946858	12.8.2023
Surveillance zone The part of Calabria Region contained within a circle of radius of ten kilometres, centred on Lat 38.070938. Long 15.946858 Lat. Long.	
Areas established as the infected zone in Italy as referred to in Article 1	Date until applicable
Calabria Region: in the province of Reggio Calabria: Cardeto, Motta San Giovanni, Montebello Ionico, Sant'Eufemia d'Aspromonte, Sant'Alessio in Aspromonte, Sinopoli, San Roberto, San Lorenzo, San Procopio, Roghudi, Palmi, Melito di Porto Salvo, Laganadi, Calanna, Roccaforte di Greco, Melicucco, Santo Stefano in Aspromonte, Seminara, Reggio Calabria, Scilla, Cosoleto, Delianuova, Condofuri, Bagaladi, Bagnara Calabra.	12.8.2023

CORRIGENDA**Corrigendum to Council Decision (EU) 2023/701 of 21 March 2023 on the position to be adopted on behalf of the European Union in the Joint Consultative Working Group established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the amendment of its rules of procedure**

(Official Journal of the European Union L 92 of 30 March 2023)

The following 'Draft' is added to Council Decision (EU) 2023/701:

'DRAFT**DECISION No .../2023 OF THE JOINT CONSULTATIVE WORKING GROUP ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY****of ...****amending its rules of procedure**

THE JOINT CONSULTATIVE WORKING GROUP,

Having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾ ('the Withdrawal Agreement'), and in particular Article 15(6) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement ('the Protocol'),

Whereas:

- (1) Pursuant to Article 15(6) of the Protocol, the Joint Consultative Working Group ('the working group') is to adopt its own rules of procedure by mutual consent. The working group adopted its rules of procedure at its first meeting on 29 January 2021.
- (2) Since its first meeting, the Union and the United Kingdom have developed the operation of the working group and identified practices that would improve the manner in which the working group carries out its tasks as defined in Article 15 of the Protocol.
- (3) In particular, these improvements would better ensure that the United Kingdom is able to discuss its views in the working group on Union acts within the scope of the Protocol, including on the basis of input provided by stakeholders in Northern Ireland, so they can be considered before such Union acts are adopted,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Joint Consultative Working Group shall be amended as set out in the Annex to this Decision.

Article 2

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

⁽¹⁾ OJ L 29, 31.1.2020, p.7.

Done at ...,

*For the Joint Consultative
Working Group
The Co-chairs*

ANNEX

Rule 3 of the Rules of Procedure of the Joint Consultative Working Group (Participation in meetings) is amended as follows:

- (1) the title is replaced by the following: 'Participation in meetings and structured sub-groups';
 - (2) the following points 3, 4 and 5 are added:
 3. Where appropriate, the working group shall be supported by structured sub-groups, composed of officials of the European Commission and of the Government of the United Kingdom, which will assist the working group in carrying out its functions as an effective forum for the exchange of information and mutual consultation.
 4. Meetings in the structured sub-groups shall be held, as necessary, to ensure that the United Kingdom's views on planned Union acts for which information exchange shall take place under Article 15(3) of the Protocol are considered by the Union in a timely manner.
 5. All rules provided in these Rules of Procedure as regards meetings shall apply *mutatis mutandis* to the meetings of the structured sub-groups.'
-

Corrigendum to Council Decision (EU) 2023/702 of 21 March 2023 on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards a decision to be adopted, and recommendations and joint and unilateral declarations to be made

(Official Journal of the European Union L 92 of 30 March 2023)

The following Annexes are added to Council Decision (EU) 2023/702:

'ANNEX 1

DRAFT

**DECISION No .../2023 OF THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT ON THE
WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY**

of ... 2023

laying down arrangements relating to the Windsor Framework

THE JOINT COMMITTEE,

Having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾ ('the Withdrawal Agreement'), and in particular Article 164(5)(d) thereof, Article 5(2) of the Protocol on Ireland/Northern Ireland ('the Protocol'), as well as Article 164(5)(c) of the Withdrawal Agreement and the fifth paragraph of Article 8 of the Protocol,

Whereas:

- (1) Pursuant to Article 166(2) of the Withdrawal Agreement, the decisions adopted by the Joint Committee established under Article 164(1) thereof ('the Joint Committee') are binding on the Union and the United Kingdom. The Union and the United Kingdom are to implement such decisions, which have the same legal effect as the Withdrawal Agreement.
- (2) Under Article 182 of the Withdrawal Agreement, the Protocol forms an integral part of that Agreement.
- (3) Article 164(5)(d) of the Withdrawal Agreement empowers the Joint Committee to adopt decisions amending the Withdrawal Agreement, provided that such amendments are necessary to correct errors, to address omissions or other deficiencies, or to address situations unforeseen when the Agreement was signed, and provided that such decisions do not amend essential elements of that Agreement.
- (4) The Union and the United Kingdom have made a Joint Declaration in the Joint Committee to the effect that, wherever relevant in their dealings under the Withdrawal Agreement, they will, consistent with the requirements of legal certainty, refer to the Protocol as amended as the 'Windsor Framework', and that they may in the same way refer to the Protocol as amended in their domestic legislation.
- (5) The Union and United Kingdom recall their shared commitment that the Good Friday or Belfast Agreement of 10 April 1998 between the Government of the United Kingdom, the Government of Ireland and the other participants in the multi-party negotiations ('the 1998 Agreement'), which is annexed to the British-Irish Agreement of the same date, including its subsequent implementation agreements and arrangements, should be protected in all its parts.

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

- (6) Having regard to the specific circumstances of Northern Ireland, facilitations referred to in Article 6(2) of the Protocol should include specific arrangements for the movement of goods within the United Kingdom's internal market, consistent with Northern Ireland's position as part of the customs territory of the United Kingdom in accordance with the Protocol, where the goods are destined for final consumption or final use in Northern Ireland and where the necessary safeguards are in place to protect the integrity of the Union's internal market and customs union.
- (7) An emergency brake mechanism should be established enabling Members of the Legislative Assembly in Northern Ireland, under each of the conditions set out in paragraph 1 of the Unilateral Declaration by the United Kingdom on involvement of the institutions of the 1998 Agreement annexed to this Decision, to address significant impacts specific to everyday lives of communities arising from the application in Northern Ireland of provisions of Union law, as amended or replaced by future Union acts.
- (8) As regards VAT and excise, having regard to the specific circumstances of Northern Ireland, including its integral place in the United Kingdom's internal market, certain amendments to Annex 3 to the Protocol should be made. These amendments should not lead to fiscal fraud risks or to any potential distortion of competition. Their implementation in Northern Ireland, and in particular the implementation of the special scheme for distance sales of goods imported from third territories or third countries, should neither create risks to the Union's internal market, and the United Kingdom's internal market, nor create undue burdens for businesses operating in Northern Ireland.
- (9) In order to clarify the scope of application of certain acts already listed in Annex 3 to the Protocol, two notes should be added to that Annex. In order to ensure that any other notes could be added to that Annex at any point in time, such possibility should be provided in this Decision.
- (10) As regards the movement of goods, Article 5(2) of the Protocol empowers the Joint Committee to adopt decisions establishing the conditions under which processing is not to be considered as commercial processing and the criteria for considering that a good brought into Northern Ireland from outside the Union is not at risk of subsequently being moved into the Union.
- (11) It is desirable to improve the operation of the schemes set out in Joint Committee Decision No 4/2020, including in relation to goods sent in parcels to Northern Ireland from other parts of the United Kingdom, which will enable provision to be made for far reaching facilitations in the area of customs.
- (12) In accordance with Article 175 of the Withdrawal Agreement, the Union and the United Kingdom will take measures necessary to comply rapidly and in good faith with an arbitration panel ruling concerning the conditions for suspension, termination and becoming applicable of provisions of this Decision.
- (13) Joint Committee Decision No 4/2020 should be replaced by Section 2 of this Decision.
- (14) As regards the establishment of an enhanced coordination mechanism related to the functioning of the Protocol in the areas of VAT and excise, in accordance with Article 164(5)(c) of the Withdrawal Agreement, the Joint Committee may *inter alia* change the tasks assigned to specialised committees.
- (15) Pursuant to Article 8, fourth paragraph, of the Protocol, the Joint Committee is to regularly discuss the implementation of that Article, including as concerns the reductions and exemptions provided for in the provisions referred to in the first paragraph of that Article, and is, where appropriate, to adopt measures for its proper application, as necessary.
- (16) Under Article 8, fifth paragraph, of the Protocol, the Joint Committee may review the application of that Article, taking into account Northern Ireland's integral place in the United Kingdom's internal market, and may adopt appropriate measures as necessary.

- (17) To ensure the effectiveness of Article 8 of the Protocol and in particular to take account of Northern Ireland's integral place in the United Kingdom's internal market, the Union and the United Kingdom should assess in a structured manner any issues arising from the implementation and application of Article 8, including in particular the potential impact on Northern Ireland of any future policy and regulatory initiatives in the Union and the United Kingdom in the areas of VAT and excise concerning goods.
- (18) It is therefore appropriate to establish an enhanced coordination mechanism to allow the Union and the United Kingdom to identify and discuss any issues relating to the functioning of the Protocol in the areas of VAT and excise and to propose appropriate action, as necessary. To that end, specific meetings of the Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland established by Article 165 (1)(c) of the Withdrawal Agreement should be convened to discuss VAT and excise concerning goods as necessary. These meetings will be known as the Enhanced Coordination Mechanism on VAT and excise,

HAS ADOPTED THIS DECISION:

SECTION 1

AMENDMENTS TO THE PROTOCOL

Article 1

In Article 6(2) of the Protocol, the following sentence shall be inserted after the first sentence:

‘This includes specific arrangements for the movement of goods within the United Kingdom's internal market, consistent with Northern Ireland's position as part of the customs territory of the United Kingdom in accordance with this Protocol, where the goods are destined for final consumption or final use in Northern Ireland and where the necessary safeguards are in place to protect the integrity of the Union's internal market and customs union.’

Article 2

In Article 13 of the Protocol, after paragraph (3), the following paragraph shall be added:

‘3a. By derogation from paragraph 3, and subject to the fourth subparagraph of this paragraph, a Union act covered by this paragraph that has been amended or replaced by a specific Union act (“specific Union act”) shall not apply as amended or replaced by the specific Union act as from two weeks after the day on which the United Kingdom has notified the Union in writing through the Joint Committee that the procedure set out in the unilateral declaration on involvement of the institutions of the 1998 Agreement made by the United Kingdom, as annexed as Annex I to Joint Committee Decision No .../2023 ^(?), has been followed. Such notification shall be made within two months of the publication of the specific Union act and shall include a detailed explanation of the United Kingdom's assessment as regards the conditions referred to in the third subparagraph of this paragraph, as well as of the procedural steps taken within the United Kingdom prior to the notification.

If the Union considers that the United Kingdom's explanation is insufficient as regards the circumstances referred to in the third subparagraph of this paragraph, it may request further explanation within two weeks as of the date of notification and the United Kingdom shall provide that further explanation within two weeks as of the date of the request. In that case the Union act covered by this paragraph shall not apply as amended or replaced by the specific Union act as from the third day after the day on which the United Kingdom has provided that further explanation.

^(?) OJ: please insert full title and OJ reference of this Joint Committee Decision.

The United Kingdom shall make the notification referred to in the first subparagraph of this paragraph only where:

- (a) the content or scope of the Union act as amended or replaced by the specific Union act significantly differs, in whole or in part, from the content or scope of the Union act as applicable before being amended or replaced; and
- (b) the application in Northern Ireland of the Union act as amended or replaced by the specific Union act, or of the relevant part thereof as the case may be, would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

Where the conditions set out in points (a) and (b) are met in relation only to a part of the Union act as amended or replaced by the specific Union act, the notification shall be made only in respect of that part, provided that the latter is severable from the other parts of the Union act as amended or replaced by the specific Union act. If the latter is not severable, the notification shall be made in respect of the smallest severable element of the Union act as amended or replaced by the specific Union act containing the part in question.

Where the notification is made in respect of a part of the Union act as amended or replaced by the specific Union act, in accordance with the second sentence of the previous subparagraph, the Union act shall not apply as amended or replaced by the specific Union act only in respect of that part.

Where the notification referred to in the first subparagraph of this paragraph has been made, paragraph 4 shall apply with regard to the Union act as amended or replaced by the specific Union act; in case the Union act as amended or replaced by the specific Union act is added to this Protocol, this shall be in lieu of the Union act before being amended or replaced.

This paragraph covers Union acts referred to in the first indent of heading 1 and headings 7 to 47 of Annex 2 to this Protocol, and the third subparagraph of Article 5(1) thereof.’

Article 3

Annex 3 to the Protocol shall be amended as follows:

- (1) under the heading ‘1. Value Added Tax’, following the entry ‘Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax’, the following note shall be inserted:

‘As regards goods supplied and installed in immovable property located in Northern Ireland by taxable persons, the United Kingdom in respect of Northern Ireland may apply reduced rates, rates lower than 5 % or an exemption with deductibility of the VAT paid at the preceding stage.

The United Kingdom in respect of Northern Ireland shall not be required to apply the third subparagraph of Article 98(1) and the first subparagraph of Article 98(2) of Directive 2006/112/EC and may therefore apply reduced VAT rates to supplies covered in more than 24 points in Annex III and may apply a reduced rate lower than the minimum of 5 % and an exemption with deductibility of the VAT paid at the preceding stage to supplies covered in more than seven points in Annex III of Directive 2006/112/EC.

The United Kingdom in respect of Northern Ireland shall not be required to apply the special scheme on small enterprises, laid down in Title XII, Chapter 1, of Directive 2006/112/EC, as amended by Council Directive (EU) 2020/285 of 18 February 2020 amending Directive 2006/112/EC on the common system of value added tax as regards the special scheme for small enterprises and Regulation (EU) No 904/2010 as regards the administrative cooperation and exchange of information for the purpose of monitoring the correct application of the special scheme for small enterprises ⁽³⁾, to and in the United Kingdom in respect of Northern Ireland, and may therefore apply any exemption scheme to taxable persons whose annual turnover, attributable to supplies of goods and services, complies with the rules on the threshold of turnover laid down in Article 284(1), Article 288

⁽³⁾ OJ L 62, 2.3.2020, p. 1.

and Article 288a(1) and (3) of Directive 2006/112/EC, as amended by Council Directive (EU) 2020/285. The equivalent in pounds sterling of the threshold of turnover referred to in Article 284(1) shall be calculated by applying the exchange rate on the day following the date of entry into force of Directive (EU) 2020/285, as published by the European Central Bank. To take account of variations in this exchange rate over time, a maximum difference of 15 % shall be allowed when calculating the equivalent of the threshold of EUR 85 000.

The United Kingdom in respect of Northern Ireland shall not be required to apply the special scheme for distance sales of goods imported from third territories or third countries, laid down in Title XII, Chapter 6, Section 4, of Directive 2006/112/EC, as regards distance sales of goods from Great Britain to Northern Ireland, provided that the goods are subject to final consumption in Northern Ireland and that value added tax has been charged in the United Kingdom.’;

- (2) under the heading ‘2. Excise’, following the entry ‘Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages’, the following note shall be inserted:

‘The United Kingdom in respect of Northern Ireland shall not be required to apply Article 3(1) and Articles 9, 13, 18 and 21 of Council Directive 92/83/EEC and may therefore apply excise duty rates on alcohol and alcoholic beverages always on the basis of alcoholic strength and may apply reduced duty rates to alcoholic beverages packaged in large draught containers served for immediate consumption in hospitality venues, provided such duty rates in the United Kingdom in respect of Northern Ireland are in no case, even after any applicable relief, below the duty minima rates as laid down in Article 3(1) and Articles 4, 5 and 6 of Directive 92/84/EEC, and shall apply no less favourably to products supplied from the Union as they do to like domestic products.

The United Kingdom in respect of Northern Ireland shall not be required to apply Articles 4, 9a, 13a, 18a, Article 22(1) to (5) and Article 23a of Council Directive 92/83/EEC and may therefore define small producers and set reduced duty rates to alcohol and alcoholic beverages produced by small producers, provided that such reduced duty rates are in no case, even after any applicable relief, lower than the duty minima rates as laid down in Article 3(1) and Articles 4, 5 and 6 of Directive 92/84/EEC, and that the annual production of the small producers entitled to benefit from the application of the reduced duty rate is in no case higher than the production thresholds laid down in the first indents of Articles 4(1), 9a(1), 13a(1), 18a(1) and 22(1) of Council Directive 92/83/EEC. The mutual recognition procedures laid down under Articles 4(3), 9a(3), 13a(5), 18a(4), 22(3) and 23a(3) of Directive 92/83/EEC shall not apply between Member States and the United Kingdom in respect of Northern Ireland.’.

Article 4

1. In Annex 3 to the Protocol, under the heading ‘1. Value Added Tax’ any notes other than those laid down in point 1 of Article 3 of this Decision as will be adopted by the Joint Committee shall be inserted, provided that such notes specify the manner in which the Union acts listed in section 1 of Annex 3 apply to and in the United Kingdom in respect of Northern Ireland. Such notes shall ensure that there is no negative impact on the Union’s internal market in the form of fiscal fraud risks nor any potential distortion of competition.

2. In Annex 3 to the Protocol, under the heading ‘2. Excise’ any notes other than those laid down in point 2 of Article 3 of this Decision as will be adopted by the Joint Committee shall be inserted, provided that such notes specify the manner in which the Union acts listed in section 2 of Annex 3 apply to and in the United Kingdom in respect of Northern Ireland. Such notes shall ensure that there is no negative impact on the Union’s internal market in the form of fiscal fraud risks nor any potential distortion of competition.

SECTION 2

DETERMINATION OF GOODS NOT AT RISK AND REPEAL OF DECISION NO 4/2020*Article 5***Subject matter**

This Section sets out rules for implementing Article 5(2) of the Protocol as regards:

- (a) the conditions for considering that a good brought into Northern Ireland from outside the Union will not be subject to commercial processing in Northern Ireland;
- (b) the criteria for considering that a good brought into Northern Ireland from outside the Union is not at risk of subsequently being moved into the Union.

*Article 6***Non-commercial processing**

For the purposes of point (a) of the first subparagraph, and of the third subparagraph of Article 5(2) of the Protocol, the processing of a good shall be considered as being non-commercial, where:

- (a) the person who lodges a declaration for release for free circulation in respect of that good or on whose behalf such declaration is lodged ('importer') had a total annual turnover of less than GBP 2 000 000 in its most recent complete financial year; or
- (b) the processing is in Northern Ireland and is for the sole purpose of:
 - (i) the sale of food to an end consumer in the United Kingdom;
 - (ii) construction, where the processed goods are to form a permanent part of a structure that is constructed and located in Northern Ireland by the importer or one subsequent entity;
 - (iii) direct provision to the recipient of health or care services in Northern Ireland by the importer or one subsequent entity;
 - (iv) not for profit activities in Northern Ireland by the importer or one subsequent entity, where there is no subsequent sale of the processed good; or
 - (v) the final use of animal feed on premises located in Northern Ireland by the importer or one subsequent entity.

*Article 7***Criteria for considering goods not to be at risk of subsequently being moved into the Union**

1. A good shall be considered not to be at risk of subsequently being moved into the Union, where it is not considered to be subject to commercial processing in accordance with Article 6 of this Decision, and where:

- (a) in the case of goods brought into Northern Ireland from another part of the United Kingdom by direct transport:
 - (i) the duty payable according to the Union Common Customs Tariff is equal to zero; or
 - (ii) the importer has been authorised in accordance with Articles 9 to 11 of this Decision to bring that good into Northern Ireland for its sale to, or final use by, end consumers located in the United Kingdom, including where that good has been subject to non-commercial processing in accordance with Article 6 of this Decision before its sale to, or final use by, end consumers; or

- (iii) it is sent in a parcel, and
 - (aa) it is of a non-commercial nature and is sent by a private individual to another private individual residing in Northern Ireland; or
 - (bb) it is sent by an economic operator through a carrier authorised in accordance with Article 12 of this Decision to a private individual residing in Northern Ireland and is exclusively for personal use.
 - (b) in the case of goods brought into Northern Ireland by direct transport other than from the Union or another part of the United Kingdom:
 - (i) the duty payable according to the Union Common Customs Tariff is equal to or less than the duty payable according to the customs tariff of the United Kingdom; or
 - (ii) the importer has been authorised in accordance with Articles 9 to 11 of this Decision to bring that good into Northern Ireland for its sale to, or final use by, end consumers located in Northern Ireland (including where that good has been subject to non commercial processing in accordance with Article 6 of this Decision before its sale to, or final use by, end consumers), and the difference between the duty payable according to the Union Common Customs Tariff and the duty payable according to the customs tariff of the United Kingdom is lower than 3% of the customs value of the good.
2. Paragraphs 1(a)(ii), 1(a)(iii) and 1(b)(ii) shall not apply to goods subject to trade defence measures adopted by the Union.
3. For the purposes of this Decision, 'parcel' means a package containing:
- (a) goods, other than an item of correspondence, with a total gross weight not exceeding 31,5 kg; or
 - (b) a single item good, other than an item of correspondence, with a total gross weight not exceeding 100 kg, in relation to a commercial transaction.

Article 8

Determination of the applicable duties

For the purposes of Article 7(1)(a)(i) and Article 7(1)(b) of this Decision, the following rules shall apply:

- (a) the duty payable according to the Union Common Customs Tariff to a good shall be determined in accordance with the rules set out in the Union customs legislation;
- (b) the duty payable according to the customs tariff of the United Kingdom to a good shall be determined in accordance with the rules set out in the customs legislation of the United Kingdom.

Article 9

Authorisation for the purposes in Article 7

1. For the purposes of Article 7(1)(a)(ii) and Article 7(1)(b)(ii) of this Decision, an application for an authorisation to bring goods into Northern Ireland by direct transport for sale to, or final use by, end consumers shall be submitted to the competent authority of the United Kingdom.
2. The application for the authorisation referred to in paragraph 1 shall contain information on the applicant's business activities, on the goods typically brought into Northern Ireland, as well as a description of the type of records, systems and controls put in place by the applicant to ensure that the goods covered by the authorisation are properly declared for customs purposes and evidence can be provided to support the undertaking in Article 10(b) of this Decision. The trader shall keep the evidence, e.g. invoices, for the past five years and shall provide it to the competent authorities upon their request. The data requirements of the application are set out in detail in Annex II to this Decision.

3. The authorisation shall at least indicate the following:
 - (a) the name of the person to whom the authorisation has been granted ('authorisation holder');
 - (b) a single reference number attributed by the competent customs authority to the decision ('authorisation reference number');
 - (c) the authority having granted the authorisation;
 - (d) the date of taking effect of the authorisation.
4. The provisions of Union customs legislation on decisions relating to the application of the customs legislation shall apply to applications and authorisations referred to in this Article, including as regards monitoring.
5. In cases where the competent customs authority of the United Kingdom observes deliberate misuse of an authorisation or breaches of conditions for an authorisation set out in this Decision the authority shall suspend or revoke the authorisation.
6. The Union representatives may request that the competent customs authority of the United Kingdom verify a specific authorisation. The competent customs authority of the United Kingdom will take appropriate steps in response to such request and will provide information about the action undertaken within 30 days.

Article 10

General conditions for authorisation

For the purposes of Article 7(1)(a)(ii) and Article 7(1)(b)(ii) of this Decision, an authorisation may be granted to applicants who:

- (a) meet the following establishment criteria:
 - (i) they are established in Northern Ireland or they have a fixed place of business in Northern Ireland
 - where human and technical resources are permanently present; and
 - from where goods are sold to, or provided for final use by, end consumers; and
 - where customs, commercial and transport records and information are available or accessible in Northern Ireland, or
 - (ii) they are established in parts of the United Kingdom other than Northern Ireland and fulfil the following criteria:
 - their customs related operations are carried out in the United Kingdom;
 - they have an indirect customs representative in Northern Ireland;
 - their customs, commercial and transport records and information are available or accessible in the United Kingdom to the competent authorities of the United Kingdom and the Union representatives for verifying compliance with the conditions and undertakings given pursuant to this Decision; and
- (b) undertake to bring goods into Northern Ireland solely for sale to, or final use by, end consumers in the United Kingdom, including where those goods have been subject to non-commercial processing in accordance with Article 6 of this Decision before their sale to, or final use by, end consumers in the United Kingdom; and, in the case of a sale to end consumers in Northern Ireland, undertake that the sale will be from one or several physical outlets in Northern Ireland from which physical direct sales are made to end consumers.

*Article 11***Specific conditions for authorisation of importers**

1. For the purposes of Article 7(1)(a)(ii) and Article 7(1)(b)(ii) of this Decision, an authorisation to bring goods into Northern Ireland shall only be granted to applicants fulfilling the conditions set out in Article 10 of this Decision as well as the following conditions, as further explained in Annex III to this Decision:
 - (a) the applicant declares they will declare for release for free circulation goods brought into Northern Ireland in accordance with Article 7(1)(a)(ii) or Article 7(1)(b)(ii) of this Decision;
 - (b) within three years prior to the application, the applicant must not have committed any serious infringement or repeated infringements of customs legislation and taxation rules and must not have any record of serious criminal offences relating to their economic activity;
 - (c) in respect of goods to be declared as not at risk, the applicant shall demonstrate that they have a high level of control of their operations and of the flow of goods, by means of a system of managing commercial and, where appropriate, transport records, which allows appropriate controls and provision of evidence to support the undertaking in Article 10(b) of this Decision;
 - (d) the applicant is of good financial standing during the three-year period prior to the application, or in the period since its establishment where less than three years, such as to enable the applicant to fulfil its commitments, with due regard to the characteristics of the type of business activity concerned;
 - (e) the applicant should be able to show a clear understanding of its obligations under this authorisation and in relation to the movements of goods under the scheme and how to comply with them.
2. Applicants shall be able to determine whether the goods they bring into Northern Ireland correspond to any of the categories set out in Annex IV to this Decision.
3. Authorisations shall be granted only if the customs authority considers that it will be able to carry out controls in accordance with relevant agreed operational arrangements without disproportionate administrative effort, including control of any evidence that the goods were sold to, or subject to final use by, end consumers.

*Article 12***Specific conditions for authorisation of Carriers**

1. For the purposes of Article 7(1)(a)(iii)(bb) of this Decision, an economic operator moving parcels, including the United Kingdom designated postal operator, can apply to be an authorised carrier moving parcels from another part of the United Kingdom to Northern Ireland ('Authorised Carrier') if it fulfils the following conditions:
 - (a) it has registered as an economic operator;
 - (b) it is established in the United Kingdom and, in case it is not established in Northern Ireland, it has an indirect customs representative there;
 - (c) within three years prior to application it must not have committed any serious infringement or repeated infringements of a legislative or regulatory requirement that is relevant to its economic activity;
 - (d) it must have a high level of control of its operations, by means of a system of managing commercial and, where appropriate, transport records, which allows appropriate controls and provision of evidence to support its economic activity.
2. Authorisations shall be granted only if the United Kingdom competent authority considers that it will be able to carry out controls in accordance with the relevant agreed operational arrangements without disproportionate administrative effort, including control of any evidence that the goods were delivered to private individuals residing in Northern Ireland.

*Article 13***Obligations of Authorised Carriers**

An Authorised Carrier shall:

- (a) take responsibility for establishing that the goods in each parcel are of the type described in Article 138, point (l), of Commission Delegated Regulation (EU) 2015/2446;
- (b) maintain operational processes that enable it to distinguish between economic operators and private individuals as recipients or senders of parcels;
- (c) be able to determine whether the goods they bring into Northern Ireland correspond to category 1 as set out in Annex IV to this Decision;
- (d) maintain systems that enable it to collect and share the data referred to in Annex 52-03 to Commission Delegated Regulation (EU) 2015/2446;
- (e) provide to the United Kingdom competent authority the data referred to in Article 141(1)(d)(vii) of Commission Delegated Regulation (EU) 2015/2446 at regular intervals and under the conditions set out therein;
- (f) report to the United Kingdom competent authority any suspicious activity relating to the movement of parcels referred to in Article 7(1)(a)(iii)(bb) of this Decision;
- (g) respond to ad hoc requests from the United Kingdom competent authority for further information;
- (h) comply with any instructions from the United Kingdom competent authority as to the movements of parcels referred to in Article 7(1)(a)(iii)(bb) of this Decision.

*Article 14***Exchange of information on the application of Article 5(1) and (2) of the Protocol**

1. Without prejudice to its obligations pursuant to Article 5(4) of the Protocol, read in conjunction with Regulation (EC) No 638/2004 of the European Parliament and of the Council ⁽⁴⁾ and Regulation (EC) No 471/2009 of the European Parliament and of the Council ⁽⁵⁾, the United Kingdom shall provide the Union with information on the application of Article 5(1) and (2) of the Protocol as well as of this Decision on a monthly basis. This information shall comprise volumes and values, in aggregated form and per consignment, as well as means of transport, relating to:

- (a) goods brought into Northern Ireland in relation to which no customs duties were payable in accordance with the first subparagraph of Article 5(1) of the Protocol;
- (b) goods brought into Northern Ireland in relation to which the customs duties payable were those applicable in the United Kingdom in accordance with the second subparagraph of Article 5(1) of the Protocol; and
- (c) goods brought into Northern Ireland in relation to which the customs duties payable were in accordance with the Union Common Customs Tariff.

2. The United Kingdom shall provide the information referred to in paragraph 1 on the 15th working day of the following month for which the information is provided.

3. The information shall be provided using electronic data processing techniques.

⁽⁴⁾ Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91 (OJ L 102, 7.4.2004, p. 1).

⁽⁵⁾ Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ L 152, 16.6.2009, p. 23).

4. At the request of the Union representatives referred to in Decision No 6/2020 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and at least twice per year, the competent authorities of the United Kingdom shall provide information in aggregated and per authorisation form to these representatives on the authorisations granted pursuant to Articles 9 to 12 of this Decision, including numbers of accepted, rejected and revoked authorisations, and the place of establishment of the authorisation holders.

Article 15

Review, suspension and termination of Section 2 of this Decision

1. The Joint Committee shall discuss the application of this Section unless the Parties decide otherwise.
2. The Union may notify the United Kingdom within the Joint Committee where the United Kingdom:
 - (a) in a sustained manner, fails to implement Article 5 of Joint Committee Decision No 6/2020 through the provision of access to information contained in United Kingdom networks, information systems and databases and United Kingdom national modules of Union systems referred to in Annex I to that Joint Committee Decision; or
 - (b) six months after the date referred to in Article 23(5) of this Decision or at any moment thereafter, fails to ensure that Union representatives have access to information contained in United Kingdom networks, information systems and databases and United Kingdom national modules of Union systems referred to in point a) in accessible format and in such a way as to allow them to conduct risk analysis including identification of recent and historical trends patterns; or
 - (c) seriously mismanages implementation of Articles 9 to 14 of, and Annex III to, this Decision .

The Union shall provide the United Kingdom with the reasons for which it has made the notification. The Parties shall use their best endeavours to find a mutually satisfactory resolution of the matter. If the Parties do not find a mutually satisfactory resolution within 30 working days of the notification, or such longer period as the Joint Committee may decide, Article 7(1)(a)(ii), Article 7(1)(a)(iii), Article 7(1)(b)(ii) and Articles 9 to 14 of this Decision shall cease to apply from the first day of the month following the end of that period.

In the case referred to in the second subparagraph, the Union and the United Kingdom shall immediately enter into consultations in the Joint Committee and shall use their best endeavours to find a mutually satisfactory resolution of the matter, or to agree on alternative provisions for the period of suspension.

If the situation having given rise to that notification has been remedied, the Union shall notify the United Kingdom within the Joint Committee. In that case, the provisions referred to in the second subparagraph shall apply again from the first day of the month following that during which the second notification was made.

3. The United Kingdom may notify the Union within the Joint Committee where the Union acts providing for facilitations relating to the movement of goods referred to in Article 7(1)(a)(ii) and Article 7(1)(a)(iii) of this Decision cease to be in force, in whole or in part, in such a way that they no longer provide for the same level of facilitations.

The United Kingdom shall provide the Union with the reasons for which it has made the notification. The Parties shall use their best endeavours to find a mutually satisfactory resolution of the matter. If the Parties do not find a mutually satisfactory resolution within 30 working days of the notification, or such longer period as the Joint Committee may decide, Articles 9, 10, 11 and 14 of this Decision shall cease to apply from the first day of the month following the end of that period and instead rules identical to those contained in Articles 5 to 8 of Joint Committee Decision No 4/2020 shall apply.

If the situation having given rise to that notification has been remedied, the United Kingdom shall notify the Union within the Joint Committee. In that case, Articles 9, 10, 11 and 14 of this Decision shall apply again and rules identical to those contained in Articles 5 to 8 of Joint Committee Decision No 4/2020 shall cease to apply from the first day of the month following that during which the second notification was made.

4. If either Party considers there is significant diversion of trade, or fraud or other illegal activities, that Party shall inform the other Party in the Joint Committee at the latest one year after the date referred to in Article 23(5) of this Decision, and the Parties shall use their best endeavours to find a mutually satisfactory resolution of the matter. If the Parties do not find a mutually satisfactory resolution, Article 7(1)(a)(ii), Article 7(1)(a)(iii), Article 7(1)(b)(ii) and Articles 9 to 14 of this Decision shall cease to apply 24 months after the date referred to in Article 23(5) of this Decision, unless the Joint Committee decides within 18 months of the date referred to in Article 23(5) of this Decision to continue their application.

In case Article 7(1)(a)(ii), Article 7(1)(a)(iii), Article 7(1)(b)(ii), and Articles 9 to 14 of this Decision cease to apply in accordance with the first subparagraph, the Joint Committee shall amend this Decision at the latest 24 months after the date referred to in Article 23(5) of this Decision to make appropriate alternative provision applicable from 24 months after the date referred to in Article 23(5) of this Decision, having regard to the specific circumstances in Northern Ireland and fully respecting Northern Ireland's place in the United Kingdom's customs territory.

In case Article 7(1)(a)(ii), Article 7(1)(a)(iii), Article 7(1)(b)(ii) and Articles 9 to 14 of this Decision have been suspended in accordance with paragraphs 2(a) or 2(b) of this Article, the time periods in the first and second subparagraphs shall be extended by the duration of such suspension.

Article 16

Repeal of Joint Committee Decision No 4/2020

This Section of this Decision shall replace Joint Committee Decision No 4/2020, which is hereby repealed.

SECTION 3

ESTABLISHMENT OF AN ENHANCED COORDINATION MECHANISM RELATED TO THE FUNCTIONING OF THE PROTOCOL IN THE AREAS OF VAT AND EXCISE

Article 17

Subject matter

1. An Enhanced Coordination Mechanism on VAT and excise concerning goods ('the Mechanism') is hereby established.
2. The purpose of the Mechanism is to assist the Joint Committee in fulfilling its task to review the implementation and application of Article 8 of the Protocol with regard to the provisions of Union law listed in Annex 3 to the Protocol, taking into account Northern Ireland's integral place in the United Kingdom's internal market, while ensuring the integrity of the Union internal market.

Article 18

Tasks

The Mechanism shall assist the Joint Committee to:

- (a) provide a forum for the enhanced and timely coordination of the exchange of relevant information and for consultation on future United Kingdom and Union VAT and excise legislation whenever in particular it affects the trade in goods in Northern Ireland due to important changes envisaged in the applicable legislative framework or major difficulties that may arise from separation of treatment of goods and services in the field of VAT;

- (b) provide a forum to assess the potential impact and prepare a smooth implementation of the legislation referred to in point (a) in Northern Ireland. This assessment should particularly look at avoiding undue administrative burdens and unnecessary costs for businesses and tax administrations;
- (c) provide a forum to discuss practical difficulties in relation to the application of existing United Kingdom and Union VAT and excise legislation as applicable by virtue of the Protocol;
- (d) adopt decisions or recommendations in relation to provisions of Union law listed in Annex 3 to the Protocol, while avoiding adverse impact on fiscal fraud risks and any potential distortion of competition in the Union. Such decisions and recommendations shall not affect the level of VAT and excise levied on goods; and
- (e) discuss and adopt any other appropriate measures as necessary to address issues arising from the implementation and application of Article 8 of the Protocol.

Article 19

Operation

1. The co-chairs of the Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland established by Article 165(1)(c) of the Withdrawal Agreement ('the Specialised Committee') shall convene specific meetings of the Specialised Committee to discuss VAT and excise concerning goods as necessary. These meetings will be known as the Enhanced Coordination Mechanism on VAT and excise.

The co-chairs of the Specialised Committee shall each designate a lead expert in the area of VAT and excise ('the lead experts').

2. Meetings of the Mechanism shall be arranged when necessary. The lead experts may informally exchange views between the meetings of the Mechanism and may also meet informally. After each informal meeting, the lead experts shall draw up minutes and send them to the co-chairs of the Specialised Committee and the joint consultative working group established by Article 15 of the Protocol ('the joint consultative working group').

3. The lead experts shall submit a final report to the co-chairs of the Specialised Committee summarising the outcome of the discussion on a particular issue and setting out any recommended action, including any issues on which agreement could not be reached.

4. The lead experts may invite representatives of third parties or other experts to talk on particular matters. They will communicate the names of these experts to the co-chairs of the Specialised Committee.

The co-chairs of the joint consultative working group may attend the meetings of the Mechanism. The co-chairs of the joint consultative working group may inform the lead experts about planned Union acts and other issues relating to VAT and excise concerning goods.

5. The Rules of procedure of the Joint Committee and Specialised Committees as set out in Annex VIII to the Withdrawal Agreement shall apply *mutatis mutandis* to the Mechanism unless otherwise provided for in this Decision.

Article 20

Proposals for decisions or recommendations related to this section

On the basis of the final report from the lead experts referred to in Article 19(3), the Specialised Committee may draw up proposals for decisions or recommendations and refer them for adoption by the Joint Committee. These proposals shall set out:

- (a) the issues jointly identified by the Union and the United Kingdom in relation to the application of Article 8 of the Protocol; and
- (b) the proposed solutions.

*Article 21***Review of this section**

The Mechanism shall be regularly reviewed and, if appropriate, revised.

The first review shall take place by 1 January 2027, at the latest.

SECTION 4

FINAL PROVISIONS*Article 22*

Annexes I to IV shall form an integral part of this Decision.

*Article 23***Entry into force and application**

1. This Decision shall enter into force on the day following the date of its adoption.
2. Sections 1, 3 and 4 shall apply as of the date of entry into force of this Decision.
3. Articles 9, 11 and 12 of, and Annex III to, this Decision shall apply as from the date of the entry into force of this Decision. As from that date, Articles 5 and 7 of Joint Committee Decision No 4/2020 shall cease to apply. An authorisation granted pursuant to Articles 5 and 7 of Joint Committee Decision No 4/2020 shall remain valid until the date at which the provisions of this Decision, with the exception of Article 7(1)(a)(iii), Articles 9, 11, 12, 13 and Article 15(3), apply, in accordance with paragraph 3 of this Article. Any authorisation granted under Articles 9 and 11 of this Decision will be treated as an authorisation granted under Articles 5 and 7 of Joint Committee Decision No 4/2020 for as long as the other provisions of that Joint Committee Decision No 4/2020 apply.
4. Subject to the second subparagraph, the other provisions of this Decision, with the exception of Article 7(1)(a)(iii), Article 13 and Article 15(3), shall apply as from 30 September 2023, provided that the following declarations have been made within the Joint Committee:
 - (a) a declaration by the Union to the effect that it is satisfied:
 - (i) with the implementation by the United Kingdom of Article 5 of Joint Committee Decision No 6/2020 through the provision of access to information contained in United Kingdom networks, information systems and databases and United Kingdom national modules of Union systems referred to in Annex I to that Joint Committee Decision; and
 - (ii) that all existing XI EORI registrations are correctly issued; and
 - (iii) that the United Kingdom has issued new guidance for parcels in line with the arrangements set out in this Decision; and
 - (iv) that the United Kingdom has issued its unilateral declaration on export procedures for goods exiting Northern Ireland to other parts of the United Kingdom.
 - (b) a declaration by the United Kingdom to the effect that all importers wishing to operate under Article 7(1)(a)(ii) and Article 7(1)(b)(ii) of this Decision have been granted authorisations in accordance with Articles 9 and 11 of, and Annex III to, this Decision.

Should any of the declarations referred to in the first subparagraph not have been made by 30 September 2023, the provisions of this Decision, with the exception of Article 7(1)(a)(iii), Articles 9, 11, 12, 13 and Article 15(3), shall apply as from the first day of the month following that in which the last of these declarations has been made.

5. Provided that the Union acts providing for facilitations relating to the movement of goods referred to in Article 7(1)(a)(ii) and Article 7(1)(a)(iii) of this Decision have entered into force and subject to the second subparagraph, Article 7(1)(a)(iii), Article 13 and Article 15(3) shall apply as from 30 September 2024, provided that the following declarations have been made within the Joint Committee:

- (a) a declaration by the Union to the effect that it is satisfied that the United Kingdom has set up the networks, information systems and databases in relation to the data referred to in Article 141(10)(d)(vii) of Commission Delegated Regulation (EU) 2015/2446 that are to be provided to the United Kingdom competent authority and is satisfied with the implementation by the United Kingdom of Article 5 of Joint Committee Decision No 6/2020 through the provision of access to information contained in these networks, information systems and databases; and
- (b) a declaration by the United Kingdom to the effect that all authorised carriers are able to comply with the obligations set out in Article 13 of this Decision.

Should both declarations referred to in the first subparagraph have been made earlier than by 30 September 2024 or should any of the declarations referred to in the first paragraph not have been made by that date, Article 7(1)(a)(iii), Article 13 and Article 15(3) shall apply as from the first day of the month following that in which the last of these declarations has been made.

Done at ..., ...

*For the Joint Committee
The Co-chairs*

ANNEX I

Unilateral Declaration by the United Kingdom**Involvement of the institutions of the 1998 Agreement**

1. The United Kingdom will adopt the following procedure to operate the emergency brake mechanism in Article 13(3a) of the Windsor Framework ⁽⁶⁾. This mechanism will apply in the unique circumstances of this Declaration and is without prejudice to the status of cross-community voting and safeguards in the 1998 Agreement, which apply solely and exclusively to devolved matters.
 - a. The mechanism will operate solely and exclusively in the event that after the date of this declaration, the Northern Ireland Executive has been restored and become operational, including with a First Minister and deputy First Minister in post, and the Northern Ireland Assembly has been in regular session. Thereafter, Members of the Legislative Assembly ('MLAs') wishing to operate the mechanism must be individually and collectively seeking in good faith to fully operate the institutions, including through the nomination of Ministers and support for the normal operation of the Assembly.
 - b. The minimum threshold for the mechanism will operate on the same basis as the separate 'Petition of Concern' process within the 1998 Agreement, as updated through the New Decade, New Approach Agreement in 2020. This means 30 MLAs from at least two parties (and excluding the Speaker and Deputy Speakers) will need to notify the UK Government of their wish that the emergency brake mechanism should be applied.
 - c. When providing notification to the UK Government, MLAs will need to demonstrate, in a detailed and publicly available written explanation:
 - i. that they have met the same requirements as those set out in Annex B of Part 2 of the New Decade, New Approach Agreement, namely that the notification is only being made in the most exceptional circumstances and as a last resort, having used every other available mechanism;
 - ii. that the conditions set out in the third subparagraph of Article 13(3a) of the Windsor Framework are met; and
 - iii. that MLAs have sought prior substantive discussion with the UK Government and within the Northern Ireland Executive to examine all possibilities in relation to the Union act; taken steps to consult businesses, other traders and civic society affected by the relevant Union act; and made all reasonable use of applicable consultation processes provided by the European Union for new Union acts relevant to Northern Ireland.
2. If it accepts that the conditions in paragraph 1(a) and (b) have been met and that the explanation provided under paragraph 1(c) is satisfactory, the United Kingdom will notify the Union in accordance with the first subparagraph of Article 13(3a) of the Windsor Framework.
3. The United Kingdom, following a notification by MLAs, commits to informing the Union without delay.
4. The United Kingdom, following a notification to the Union that the emergency brake has been triggered, commits to intensive consultations in the Joint Committee on the relevant Union act as provided for by Article 13(4) of the Windsor Framework.

⁽⁶⁾ See Joint Declaration No .../2023.

ANNEX II

Application for authorisation to bring goods into Northern Ireland for end consumers

(referred to in Article 9)

Application information

1. Supporting documents

Mandatory supporting documents and information to be provided by all applicants:

Document of establishment / proof of a permanent business establishment

2. Other supporting documents and information to be provided by the applicant:

Any other supporting document or information that is considered relevant for checking the applicant's compliance with the conditions referred to in Articles 10 and 11 of this Decision.

Provide information on the type and, if applicable, the identification number and/or the date of issue of the supporting document(s) attached to the application. Indicate also the total number of the documents attached.

3. Date and signature of the applicant

Applications made by using an electronic data processing technique shall be authenticated by the person who lodges the application.

Date on which the applicant has signed or otherwise authenticated the application.

Details of the applicant

4. Applicant

The applicant is the person who applies to the customs authorities for a decision.

Enter the name and address of the person concerned.

5. Applicant identification number

The applicant is the person who applies to the customs authorities for a decision.

Enter the Economic Operators Registration and Identification number (EORI number), of the person concerned, as provided for in Article 1(18) of Commission Delegated Regulation (EU) 2015/2446 ⁽⁷⁾.

6. Legal status of the applicant

The legal status as mentioned in the document of establishment.

7. VAT identification number(s)

Where assigned, enter the VAT identification number.

8. Business activities

Enter information on the business activity of the applicant. Please describe briefly your commercial activity and state your role in the supply chain (e.g. manufacturer of goods, importer, retailer, etc.). Please describe:

— the intended use of the imported goods, including a description of the type of goods and whether they undergo any type of processing;

⁽⁷⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 28.12.2015, p. 1).

- an estimation on the number of customs declarations for release for free circulation for the goods concerned to be made per year;
- the type of records, systems and controls put in place to support the undertaking in Article 10(b).

9. Annual turnover

For the purposes of Article 6 of this Decision, enter the annual turnover for the most recent complete financial year. If a newly established business, provide such records and information as relevant to enable an assessment of anticipated turnover e.g. latest cash flow, balance sheet and profit and loss forecasts, approved by the directors/partners/sole proprietor.

10. Contact person responsible for the application

The contact person shall be responsible for keeping contact with customs as regards the application.

Enter the contact person's name and any of the following: telephone number, e-mail address (preferably of a functional mailbox).

11. Person in charge of the applicant company or exercising control over its management

For the purposes of Article 11(1)(b) of this Decision, enter the name(s) and full details of the person(s) concerned according to the legal establishment/form of the applicant company, in particular: director/manager of the company and board directors if any. Details should include: full name and address, and date of birth and National Identification Number.

Dates, times, periods and places

12. Date of establishment

With numbers – the day, month and year of establishment.

13. Address of establishment / address of residence

The full address of the place where the person is established/resides, including the identifier of the country or territory.

14. Place where records are kept

Enter full address of the location(s) where the applicant's records are kept or intended to be kept. The UN/LOCODE may replace the address, if it provides an unambiguous identification of the location concerned.

15. Place(s) of processing or use

Please indicate the address of the place(s) where the goods will be processed, where applicable, and sold to the end consumers.

ANNEX III

Explanation of conditions referred to in Article 11

This Annex is an explanation of the conditions in Article 11 and does not change (either constrain or expand), those conditions.

Article 11(1)(b)

1. The criterion laid down in Article 11(1)(b) of this Decision shall be considered to be fulfilled if:
 - (a) there is no decision taken by an administrative or judicial authority concluding that one of the persons described in point (b) has committed, within three years prior to the application, a serious infringement or repeated infringements of customs legislation or taxation rules in relation to their economic activity; and
 - (b) none of the following persons has a record of serious criminal offence in relation to their economic activity and, where applicable, the applicant's economic activity:
 - (i) the applicant,
 - (ii) the employee(s) including any direct representative(s) in charge of the applicant's administration related to the movement of goods under this scheme,
 - (iii) the person(s) in charge of the applicant or exercising control over its management, and
 - (iv) a person acting in their own name and on behalf of the applicant in relation to movement of goods under this scheme.
2. The criterion may nevertheless be considered to be fulfilled where the competent authority considers any infringement to be of minor importance, in relation to the number or size of the related operations, and the competent authority has no doubt as to the good faith of the applicant.
3. Where the person referred to in paragraph 1(b)(iii), other than the applicant is established or has their residence outside the UK, the competent authority shall assess the fulfilment of the criterion referred to on the basis of the records and information that are available to it.
4. Where the applicant has been established for less than three years, the competent authority shall assess the fulfilment of the criterion as regards the applicant on the basis of the records and information that are available to it.

Article 11(1)(c)

The criterion laid down in Article 11(1)(c) of this Decision shall be considered to be fulfilled if:

5. The applicant has an administrative organisation and internal controls which correspond to the type and size of business, and which is suitable for the management of the flow of goods. Applicants must have internal controls capable of preventing, detecting and correcting errors and of preventing and detecting illegal activities within their organisation.
6. The applicant should demonstrate adequate record keeping in relation to the movement of goods under this scheme. Procedures for protection against loss of information and archiving procedures with respect to keeping of historical records should be demonstrated including the assessment, back-up and protection of records for five years.
7. The management of records should be consistent with the accounting principles applied in the UK.

8. Records on goods movements into Northern Ireland should either be integrated in the accounting system or, when held separately, there should be a possibility to allow for cross checks between records relating to purchases, sales, stock control and movement of goods.
9. The authorised trader shall provide the competent authority with electronic and/or physical access, upon request, to the records referred to in point 8 in a suitable format.
10. The authorised trader is obliged to inform the competent UK authorities whenever compliance difficulties are discovered as well as any factor arising after the decision to grant the authorised trader status which might influence its continuation or content. Internal instructions should be in place to ensure that relevant staff are aware of how to inform the competent authority of such compliance difficulties.
11. Where authorised traders are handling prohibited and restricted goods, there should be appropriate procedures in place for the handling of those goods in accordance with relevant legislation.
12. An authorised trader needs to have evidence relating to their customers to ensure that they can make accurate assessments in respect of goods moved under this scheme. Measures must be in place to ensure that any goods moved under this scheme are only to be sold or used if in accordance with this Joint Committee Decision. The authorised trader will be obliged to maintain an ongoing understanding of the business operations of new and existing clients, sufficient to ensure compliance with the criteria laid down for a trusted trader in this Joint Committee Decision. The following are examples of scenarios in which an authorised trader who is not responsible for the end destination of the goods could move goods under the scheme:
 - a. a written and signed declaration from the customer stating that the goods will remain in Northern Ireland;
 - b. evidence that the customer only makes retail sales for final use or end-consumption in the UK from a physical outlet in Northern Ireland;
 - c. evidence that the customer only sells goods that will be for final use by end-consumers in the UK and are delivered within the UK;
 - d. commercial contracts and purchase orders showing that goods will be for final use in the UK;
 - e. evidence that the sale is of a good to be permanently installed within the UK.

Article 11(1)(d)

13. The criterion laid down in Article 11(1)(d) of this Decision shall be considered to be fulfilled where the competent authority checks that the applicant complies in particular with the following:
 - a. the applicant is not subject to bankruptcy proceedings;
 - b. during the last three years preceding the submission of the application, the applicant has fulfilled their financial obligations regarding payments of customs duties and all other duties, taxes or charges which are collected on or in connection with the import or export of goods;
 - c. the applicant demonstrates on the basis of the records and information available for the last three years preceding the submission of the application that they have sufficient financial standing to meet their obligations and fulfil their commitments having regard to the type and volume of the business activity.
14. If the applicant has been established for less than three years, their financial solvency shall be checked on the basis of records and information that are available.

Article 11(1)(e)

The criterion laid down in Article 11(1)(e) of this Decision shall be considered to be fulfilled if:

15. The applicant or the person in charge of the applicant's administration related to the movement of goods under this scheme should be able to show a clear understanding of, and how to comply with, their obligations in relation to these criteria and must display sufficient competence in providing accurate information to the competent authority in relation to these obligations and applicable procedures.
-

ANNEX IV

Category 1

The goods referred to as 'category 1 goods' are those goods subject to:

1. restrictive measures in force based on Article 215 Treaty on the Functioning of the European Union, insofar as they relate to trade in goods between the Union and third countries;
2. total bans and prohibitions;
3. trade defence instruments as set out in section 5 of Annex 2 to the Protocol;
4. Union tariff rate quotas when the quota is claimed by the importer;
5. Union quotas other than tariff rate quotas.

Category 2

The goods referred to as 'category 2 goods' are those goods subject to:

1. Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors
2. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC
3. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products
4. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste
5. Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008
6. Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein
7. Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards
8. Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species
9. Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel
10. Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community
11. Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom
12. Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products
13. Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses
14. Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles
15. Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors

16. Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons
 17. Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment
 18. Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds
 19. Union tariff rate quotas when the quota is not claimed by the importer
 20. Article 47 of Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (Official Controls Regulation), except when the goods are also subject to the Regulation of the European Parliament and of the Council on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland as will be adopted on the basis of [reference to the Commission proposal to be inserted before date of Joint Committee meeting]
 21. Union acts listed in point 2 of Annex 3 to the Protocol
 22. Union acts listed in point 20 of Annex 2 to the Protocol
 23. Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals
 24. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC
 25. Regulation (EU) 2019/880 of the European Parliament and of the Council on the introduction and the import of cultural goods
 26. Any Union act as applying to and in the United Kingdom in respect of Northern Ireland in accordance with the Protocol which provides for any steps which must be carried out by an economic operator or by a partner competent authority prior to, or when, goods enter the Union, for the purpose of controlling the goods or controlling other formalities. The Union shall inform without delay the United Kingdom where a Union act is of the nature referred to in the first sentence.
-

DRAFT

RECOMMENDATION No .../2023 OF THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY**of ...****on market surveillance and enforcement**

THE JOINT COMMITTEE,

Having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾ ('the Withdrawal Agreement'), and in particular Article 166(1) thereof,

Whereas:

- (1) Article 166(3) of the Withdrawal Agreement provides that recommendations are to be made by mutual consent.
- (2) Under Article 182 of the Withdrawal Agreement, the Protocol on Ireland/Northern Ireland ('the Protocol') forms an integral part of that Agreement.
- (3) Article 6(2) of the Protocol envisages the establishment of specific arrangements for the movement of goods within the United Kingdom's internal market, consistent with Northern Ireland's position as part of the customs territory of the United Kingdom in accordance with the Protocol, where the goods are destined for final consumption or final use in Northern Ireland and where the necessary safeguards are in place to protect the integrity of the Union's internal market and customs union in accordance with the Protocol,

HAS MADE THE FOLLOWING RECOMMENDATION:

Article 1

The Joint Committee recommends to the Union and the United Kingdom the following:

In the context of the specific arrangements envisaged under Article 6(2) of the Protocol, market surveillance and enforcement tools should be used collaboratively to monitor the flow of goods and manage any risks that goods might illegally enter the Union or the United Kingdom.

Enhanced cooperation between the United Kingdom and the Union, and between the United Kingdom and Member State authorities where appropriate, should underpin those arrangements with effective market surveillance and enforcement activity. This should support monitoring and management of those arrangements without requiring any checks or controls at the border between Northern Ireland and Ireland.

This cooperation could encompass knowledge-sharing, information exchange, work with operators and joint activity where appropriate, in particular between authorities in Northern Ireland and in relevant Member States, to tackle illegal activity and smuggling, ensure that goods are not placed on the market which do not meet the applicable standards, and ensure enforcement and surveillance activity is prioritised based on risk and intelligence. Authorities will also ensure business and operator awareness of the market access available for goods moving between Northern Ireland and the Union, where those goods meet the applicable requirements, in accordance with the Protocol.

The United Kingdom and the Union should work constructively through the structures of the Withdrawal Agreement, including the Joint Committee, to support the effective functioning of the new arrangements, in the interests of people and businesses in Northern Ireland.

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

Article 2

This Recommendation shall take effect on the day following the date on which it is made.

Done at ..., ...

*For the Joint Committee
The Co-chairs*

DRAFT

**RECOMMENDATION No .../2023 OF THE JOINT COMMITTEE ESTABLISHED BY THE
AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY
COMMUNITY**

of ...

on Article 13(3a) of the Protocol on Ireland/Northern Ireland

THE JOINT COMMITTEE,

Having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾ ('the Withdrawal Agreement'), and in particular Article 166(1) thereof,

Whereas:

- (1) Article 166 (3) of the Withdrawal Agreement provides that recommendations are to be made by mutual consent.
- (2) Under Article 182 of the Withdrawal Agreement, the Protocol on Ireland/Northern Ireland ('the Protocol') forms an integral part of that Agreement.
- (3) Where an arbitration panel has ruled that the United Kingdom has failed to comply with the conditions set out in Article 13(3a), third sub-paragraph, of the Protocol, swift compliance with such an arbitration panel ruling should be achieved,

HAS MADE THE FOLLOWING RECOMMENDATION:

Article 1

The Joint Committee recommends to the Union and the United Kingdom the following:

In case the arbitration panel has ruled, in accordance with Article 175 of the Withdrawal Agreement, that the United Kingdom has failed to comply with Article 13(3a), third sub-paragraph, of the Protocol, the Union and the United Kingdom agree no later than 30 days after such notification that in order to comply with the arbitration panel ruling, and as the case may be, to the extent set out therein, the Union act applies as amended or replaced by the specific Union act, as defined in Article 13(3a) of the Protocol, as from the first day of the second month following the notification of the arbitration panel ruling to the Union and the United Kingdom.

Article 2

This Recommendation shall take effect on the day following the date on which it is made.

Done at ..., ...

*For the Joint Committee
The Co-chairs*

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

ANNEX 2

DRAFT

**JOINT DECLARATION No .../2023 OF THE UNION AND THE UNITED KINGDOM IN THE JOINT
COMMITTEE ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION
AND THE EUROPEAN ATOMIC ENERGY COMMUNITY**

of ... 2023

**reflecting the arrangements laid down in Decision No .../2023 of the Joint Committee, the Protocol
on Ireland/Northern Ireland ('the Protocol'), as amended by that Joint Committee Decision, should
now be known as the 'Windsor Framework'**

Therefore, wherever relevant in dealings between the Union and the United Kingdom under the Withdrawal Agreement, the Protocol, as amended by Joint Committee Decision No .../2023, will, consistent with the requirements of legal certainty, be referred to as the 'Windsor Framework'. The Protocol, as amended by Joint Committee Decision No .../2023, may also be referred to as the 'Windsor Framework' in the domestic law of the Union and the United Kingdom.

DRAFT

**JOINT DECLARATION OF THE UNION AND THE UNITED KINGDOM IN THE JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE
EUROPEAN ATOMIC ENERGY COMMUNITY**

of ... 2023

on the application of Article 10(1) of the Windsor Framework ⁽²⁾

The provisions of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part govern the subsidy control obligations between the United Kingdom and the Union generally and ensure a level playing field between the United Kingdom and the Union.

Article 10(1) of the Windsor Framework exists separately from those provisions. The Windsor Framework reflects both Northern Ireland's unique access to the Union's internal market and its integral place in the United Kingdom's internal market. In this context, Article 10(1) of the Windsor Framework should be understood as only relevant for trade in goods or on the electricity market (hereafter referred to as goods) between Northern Ireland and the Union which is subject to the Windsor Framework.

On 17 December 2020, the Union made the following unilateral declaration in the Joint Committee established under Article 164 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community: 'When applying Article 107 TFEU to situations referred to in Art. 10(1) of the Protocol, the European Commission will have due regard to Northern Ireland's integral place in the United Kingdom's internal market. The European Union underlines that, in any event, an effect on trade between Northern Ireland and the Union which is subject to this Protocol cannot be merely hypothetical, presumed, or without a genuine and direct link to Northern Ireland. It must be established why the measure is liable to have such an effect on trade between Northern Ireland and the Union, based on the real foreseeable effects of the measure.'

This Joint Declaration on the application of Article 10(1) of the Windsor Framework builds upon the Union Unilateral Declaration, affirming Northern Ireland's place in the United Kingdom's internal market, and at the same time ensuring that the Union internal market is protected. It clarifies the conditions of application of Article 10(1) of the Windsor Framework setting out the particular circumstances in which it is likely to be engaged when subsidies are granted in the United Kingdom, and can be used to interpret that provision.

For a measure to be considered to have a genuine and direct link to Northern Ireland and thus to have an effect on the trade between Northern Ireland and the Union that is subject to the Windsor Framework, that measure needs to have real foreseeable effects on that trade. The relevant real foreseeable effects should be material, and not merely hypothetical or presumed.

For measures granted to any beneficiary that is located in Great Britain, factors relevant to materiality may include the size of the undertaking, the size of the subsidy, and the market presence of the undertaking in the relevant market in Northern Ireland. While the mere placement of goods on the Northern Ireland market is not sufficient, on its own, to represent a direct and genuine link engaging Article 10(1) of the Windsor Framework, measures that are granted to beneficiaries located in Northern Ireland are more likely to have material effects.

For measures granted to any beneficiary that is located in Great Britain that have a material effect, it must be further demonstrated that the economic benefit of the subsidy would be wholly or partially passed on to an undertaking in Northern Ireland, or through the relevant goods placed on the market in Northern Ireland, for example through selling below market price, for there to be a direct and genuine link engaging Article 10(1) of the Windsor Framework.

The European Commission and the United Kingdom will set out in their respective guidance the circumstances in which Article 10 of the Windsor Framework will apply, providing further detail to enable both granters and businesses across the United Kingdom to operate with greater certainty.

⁽²⁾ See Joint Declaration No .../2023.

DRAFT

**JOINT DECLARATION OF THE UNION AND THE UNITED KINGDOM IN THE JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE
EUROPEAN ATOMIC ENERGY COMMUNITY**

of ... 2023**on Article 13(3a) of the Windsor Framework ⁽³⁾**

The Union and the United Kingdom recognise that for a notification under Article 13(3a) of the Windsor Framework to be made in good faith in accordance with Article 5 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽⁴⁾ ('the Withdrawal Agreement'), it needs to be made under each of the conditions set out in paragraph 1 of the Unilateral Declaration by the United Kingdom on involvement of the institutions of the 1998 Agreement, as annexed to Decision No .../2023 ⁽⁵⁾.

In case the arbitration panel has ruled, in accordance with Article 175 of the Withdrawal Agreement, that the United Kingdom has failed to comply with Article 5 of the Withdrawal Agreement in relation to a notification under Article 13(3a) of the Windsor Framework, swift compliance with the ruling of the arbitration panel should be achieved, as set out in Recommendation No .../2023 ⁽⁶⁾.

⁽³⁾ See Joint Declaration No .../2023.

⁽⁴⁾ OJ L 29, 31.1.2020, p. 7.

⁽⁵⁾ [to insert full title of the Joint Committee decision]

⁽⁶⁾ [to insert full title of the Joint Committee recommendation]

DRAFT

JOINT DECLARATION No .../2023 OF THE UNION AND THE UNITED KINGDOM IN THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY**of ... 2023**

The Union and the United Kingdom wish to restate their commitment to make full use of the structures provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('the Withdrawal Agreement'), namely the Joint Committee, the Specialised Committees and the Joint Consultative Working Group to oversee the implementation of the Agreement. They will assist each other in carrying out tasks which flow from the Windsor Framework ⁽⁷⁾ in full mutual respect and good faith, in accordance with Article 5 of the Withdrawal Agreement.

The United Kingdom recalls its unilateral commitment to ensure full participation of the First Minister and deputy First Minister of Northern Ireland in the United Kingdom's delegation to the Joint Committee, and in that context its determination to ensure that the application of the Windsor Framework should impact as little as possible on the everyday life of communities.

The Union and the United Kingdom intend to organise meetings of the relevant joint bodies on a regular basis in order to foster dialogue and engagement. In this context, the Specialised Committee on the implementation of the Windsor Framework may provide for exchanges of views on any future United Kingdom legislation regarding goods of relevance to the operation of the Windsor Framework. In particular, this would allow the United Kingdom and the Union to assess the potential impact of that future legislation in Northern Ireland, anticipate and discuss any practical difficulties at stake.

To that end, the Specialised Committee may convene in a specific composition, namely the Special Body on Goods. It may request, if necessary, the Joint Consultative Working Group and any of its relevant sub-groups composed of experts from the European Commission and the United Kingdom Government to examine and provide information on a particular issue. As appropriate, representatives from businesses and civic society stakeholders may be invited to attend relevant meetings. The Specialised Committee may make relevant recommendations to the Joint Committee as needed.

The Union and United Kingdom are committed to resolving any issues in the operation of the Windsor Framework in the best and most expeditious way possible. The Union and the United Kingdom will use the joint bodies to address any issues that may arise in the implementation of the Windsor Framework. Such issues can therefore be subject to dialogue in the joint bodies of the Withdrawal Agreement at the request of the Parties. This allows the Parties to regularly discuss relevant developments of importance for the proper fulfilment of their respective obligations under the Windsor Framework.

The Union and the United Kingdom renew their commitment to make every attempt, through dialogue, to arrive at mutually satisfactory resolutions of matters affecting the operation of the Withdrawal Agreement. To this end, the Union and United Kingdom intend to make full use of the powers of the Joint Committee, in good faith, with the aim of reaching mutually agreed solutions on issues of common interest.

Exchanges in such frameworks are without prejudice to the autonomy of the decision-making and respective legal orders of the Union and the United Kingdom.

⁽⁷⁾ See Joint Declaration No XX/2023.

DRAFT

**JOINT DECLARATION OF THE UNION AND THE UNITED KINGDOM IN THE JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE
EUROPEAN ATOMIC ENERGY COMMUNITY**

of ... 2023

**on the VAT regime for goods not being at risk for the Union's internal market and on the VAT
arrangements for cross-border refunds**

The Union and the United Kingdom intend to examine the possibility to adopt a Joint Committee decision, based on Article 4 of Decision No .../2023 ⁽⁸⁾, providing for the rules on rates laid down in Article 98, read in conjunction with Annex III, of Directive 2006/112/EC not to apply to certain goods, other than goods supplied and installed in immovable property located in Northern Ireland by taxable persons. That decision would only relate to such goods which by their nature and by the conditions under which they are supplied would be subject to final consumption in Northern Ireland, and in relation to which not applying the rules on rates laid down in Article 98, read in conjunction with Annex III, of Directive 2006/112/EC would not lead to a negative impact on the Union's internal market in the form of fiscal fraud risks and any potential distortion of competition. Such a decision should establish a detailed list that would be valid for five years. The Union and the United Kingdom indicate their willingness to evaluate and revise such a list on a regular basis.

The Union and the United Kingdom also intend to evaluate the current VAT arrangements for cross-border refunds under Directive 2008/9/EC and Directive 86/560/EEC and examine the need to adopt, if appropriate, based on Article 4 of Decision No .../2023 a Joint Committee decision whereby any necessary adjustments would be laid down or refund arrangements would only be limited to the application of Directive 86/560/EEC. Such evaluation should take account of the administrative burden on taxable persons as well as administrative costs on tax administrations.

⁽⁸⁾ [to insert full title]

ANNEX 3

DRAFT

**UNILATERAL DECLARATION BY THE UNITED KINGDOM IN THE JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE
EUROPEAN ATOMIC ENERGY COMMUNITY****of .../2023****on market surveillance and enforcement**

The United Kingdom recalls its commitment to ensure a robust system of market surveillance and enforcement in the context of the unique arrangements agreed with the European Union in accordance with the Windsor Framework ⁽⁹⁾ to protect trade within the UK's internal market, and Northern Ireland's place in the UK's customs territory, while ensuring the integrity of the European Union's internal market and customs union.

The United Kingdom underlines that there must be robust enforcement to ensure that traders are not abusing these new internal UK trade arrangements to move goods into the European Union.

Market surveillance

The United Kingdom recognises the important role of market surveillance, and the work of market surveillance authorities and other competent authorities, in meeting these objectives. The United Kingdom will therefore continue to ensure that those authorities deliver a programme of activities which drive safety and compliance, including working with businesses to ensure they are aware of their obligations, assessing documentation and checking products on the market where relevant.

The United Kingdom will continue to:

- build capability and capacity amongst market surveillance authorities and other competent authorities;
- improve methodologies for product safety risk assessment;
- ensure that relevant authorities have the necessary powers to undertake effective monitoring activity in the context of the international border between the United Kingdom and the European Union;
- support risk-based and intelligence-led activities from relevant authorities, including appropriate audits, inspections and spot checks, to check compliance against applicable requirements;
- use robust intelligence and data gathering to ensure a detailed evidence base for identifying emerging risks, including of possible movements into the European Union;
- use accurate and detailed information to inform policy and enforcement decisions; and
- share and receive information through any relevant IT systems on the compliance activities of market surveillance authorities and other competent authorities.

The United Kingdom will also continue to support cooperation with market surveillance authorities in other markets, via the Single Liaison Office for market surveillance.

Enforcement

Robust enforcement will not involve new checks or controls at the border between Northern Ireland and Ireland, but will mean enhanced activity by relevant UK authorities, in accordance with international best practice, with the European Union and Member State authorities where appropriate, in order to protect the UK internal market and the European Union's internal market and customs union, and robustly tackle illegal activity and smuggling, including by organised criminal groups.

⁽⁹⁾ See Joint Declaration No XX/2023.

With respect to goods subject to sanitary and phytosanitary rules, market surveillance and enforcement activities will further enhance the specific procedures set out in the applicable rules for the entry of those goods into Northern Ireland. In addition, the United Kingdom will reinforce its monitoring and enforcement activity to effectively manage the risks stemming from goods moved by parcel, recognising the particular reliance placed by consumers on those movements.

The United Kingdom will also maintain its strong regime of penalties for illegal trading and smuggling activities. This will be kept under close review, with a view to increasing penalties relating to the abuse of these new rules by moving goods into the European Union if necessary to provide a further deterrent.

The United Kingdom will take effective, dissuasive and proportionate action in relation to potential non-compliance. This will include risk analysis, risk-based compliance action and ongoing risk assessments of trader populations, underpinned by sanctions and penalties.

DRAFT

**UNILATERAL DECLARATION BY THE UNITED KINGDOM IN THE JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE
EUROPEAN ATOMIC ENERGY COMMUNITY**

of .../2023

**on export procedures for goods moving from Northern Ireland to other parts of the United
Kingdom**

The United Kingdom notes Northern Ireland's place in the United Kingdom's customs territory, the need to protect the Good Friday or Belfast Agreement of 10 April 1998 in all its dimensions, and its commitment to unfettered access for Northern Ireland businesses to the whole of the UK market.

In respect of all goods moving from Northern Ireland to other parts of the United Kingdom's internal market, the United Kingdom confirms that export procedures under Regulation (EU) No 952/2013 will apply only where goods:

1. are placed under a procedure listed in Article 210 of that Regulation;
2. are in temporary storage in accordance with Article 144 of that Regulation;
3. are subject to provisions of Union law falling within the second sentence of Article 6(1) of the Windsor Framework ⁽¹⁰⁾ which prohibit or restrict the exportation of goods;
4. are placed under the export procedure within the Union in accordance with Title V and Title VIII of that Regulation; or
5. do not exceed EUR 3 000 in value and are packed or loaded for export shipment within the Union, in accordance with Article 221 of Regulation (EU) No 2015/2447.

The United Kingdom recalls its commitment to ensure full protection under international requirements and commitments that are relevant to the prohibitions and restrictions on the exportation of goods from the Union to third countries as set out in Union law.

The United Kingdom confirms it will provide to the Union meaningful information in relation to goods subject to prohibitions and restrictions moving from Northern Ireland to other parts of the United Kingdom as regards exports, transfer, brokering and transit of dual use items, exports of cultural goods and shipments of waste.

This Unilateral Declaration will replace the Unilateral Declaration by the United Kingdom of Great Britain and Northern Ireland in the Joint Committee on export declarations of 17 December 2020.

⁽¹⁰⁾ See Joint Declaration No XX/2023.

DRAFT

**UNILATERAL DECLARATION BY THE UNITED KINGDOM IN THE JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE
EUROPEAN ATOMIC ENERGY COMMUNITY**

of .../2023**on the democratic consent mechanism in Article 18 of the Windsor Framework ⁽¹⁾**

The United Kingdom notes that the joint solutions announced in Windsor are intended to constitute a series of practical and sustainable measures to address, in a definitive way, deficiencies and situations unforeseen that have emerged since the Protocol on Ireland/Northern Ireland ('the Protocol') entered into force.

The United Kingdom recognises the importance of ensuring that these arrangements are always able to command the broadest possible support across the community in Northern Ireland, in line with its responsibility to uphold the Good Friday or Belfast Agreement of 10 April 1998, including its subsequent implementation agreements and arrangements, in all its parts – and with regard to its specific responsibilities to respect the identity, ethos and aspirations of both communities. The democratic consent mechanism in Article 18 of the Windsor Framework provides an ongoing and important safeguard in that respect, alongside which the United Kingdom is committed to commissioning an independent review in the circumstances set out in its Unilateral Declaration on consent ⁽¹²⁾. In any such circumstances, whether following the first exercise of the democratic consent mechanism or thereafter, the United Kingdom commits to bring the recommendations of the review to the Joint Committee, recognising the responsibility of the Joint Committee under Article 164 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community to consider any matter of interest relating to an area covered by the Windsor Framework, and to seek appropriate ways and methods of preventing problems that might arise in areas covered by the Windsor Framework.

⁽¹⁾ See Joint Declaration No XX/2023.

⁽¹²⁾ Declaration by Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland concerning the operation of the 'Democratic consent in Northern Ireland' provision of the Protocol on Ireland/Northern Ireland.

DRAFT

**UNILATERAL DECLARATION BY THE UNITED KINGDOM IN THE JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE
EUROPEAN ATOMIC ENERGY COMMUNITY**

of .../2023

**on strengthening enforcement action for goods moved in parcels from another part of the United
Kingdom to Northern Ireland**

Prior to the entirety of the provisions of Decision No .../2023 ⁽¹³⁾ becoming applicable, the United Kingdom is committed to working with the Union to provide protection to the Union internal market by strengthening enforcement action concerning goods moved in parcels from another part of the United Kingdom to Northern Ireland. In that context, the United Kingdom undertakes to:

- Work with economic operators, notably fast parcels and postal operators, to make available to the United Kingdom Government and Union representatives commercial data on the movement of parcels, including the sender, the recipient and the description of the relevant goods. This data would support enforcement and compliance action, supplementing existing risk and intelligence led activity.
- Enhance existing co-operation between UK customs authorities and the European Commission, by collaborating on enforcement and compliance risks on the basis of the agreed operational arrangements referred to in Decision No .../2023.
- The United Kingdom will regularly update the Specialised Committee on issues related to the implementation of the Windsor Framework ⁽¹⁴⁾ on the progress of the work carried out on the abovementioned issues.'

⁽¹³⁾ [to insert full title of the Joint Committee decision]

⁽¹⁴⁾ See Joint Declaration No .../2023.

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



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN