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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the date of entry into force of the Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union

The Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union ⁽¹⁾, signed in Brussels on 1 February 2023, entered into force on 26 May 2023.

⁽¹⁾ OJ L 142, 1.6.2023, p. 3.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1125

of 8 June 2023

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

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EU) 2016/429 provides that consignments of animals, germinal products and products of animal origin must come from a third country or territory, or zone or compartment thereof, listed in accordance with Article 230(1) of that Regulation in order to enter the Union.
- (2) Commission Delegated Regulation (EU) 2020/692 ⁽²⁾ lays down the animal health requirements that consignments of certain species and categories of animals, germinal products and products of animal origin, from third countries or territories, or zones thereof, or compartments thereof in the case of aquaculture animals, must comply with in order to enter the Union.
- (3) Commission Implementing Regulation (EU) 2021/404 ⁽³⁾ establishes the lists of third countries, or territories, or zones or compartments thereof, from which the entry into the Union of the species and categories of animals, germinal products and products of animal origin falling within the scope of Delegated Regulation (EU) 2020/692 is permitted.
- (4) More particularly, Annexes V and XIV to Implementing Regulation (EU) 2021/404 set out the lists of third countries, or territories, or zones thereof authorised for the entry into the Union, respectively, of consignments of poultry, germinal products of poultry, and of fresh meat of poultry and game birds.
- (5) The United Kingdom has notified the Commission of two outbreaks of highly pathogenic avian influenza (HPAI) in poultry in the counties of East Sussex and Lincolnshire in England, which were confirmed on 18 May 2023 and 24 May 2023, respectively, by laboratory analysis (RT-PCR).

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

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

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

- (6) Following those recent outbreaks of HPAI, the veterinary authorities of the United Kingdom established restricted zones of at least 10 km around the affected establishments and implemented a stamping-out policy in order to control the presence of HPAI and limit the spread of that disease.
- (7) The United Kingdom has submitted information to the Commission on the epidemiological situation on its territory and the measures taken to prevent the further spread of HPAI.
- (8) That information has been evaluated by the Commission. The Commission considers that, in view of the animal health situation in the areas under restrictions established by the veterinary authorities of the United Kingdom, the entry into the Union of consignments of poultry, germinal products of poultry, and fresh meat of poultry and game birds from those areas should be suspended, in order to protect the animal health status of the Union.
- (9) Canada, Chile, the United Kingdom and the United States have provided updated information in relation to situations that gave rise to the suspension of the entry of some products into the Union.
- (10) In particular, Canada has submitted updated information on the epidemiological situation on its territory in relation to eight outbreaks of HPAI in poultry establishments in the provinces of Ontario (2), Quebec (5) and Saskatchewan (1) which were confirmed between 26 September 2022 and 18 April 2023.
- (11) In addition, Chile has submitted updated information on the epidemiological situation on its territory in relation to five outbreaks of HPAI in poultry establishments in the regions of Valparaíso (4) and O'Higgins (1), which were confirmed between 12 March 2023 and 20 April 2023.
- (12) Moreover, the United Kingdom has submitted updated information on the epidemiological situation on its territory in relation to an outbreak of HPAI in poultry establishments in the county of Yorkshire in England, United Kingdom, which was confirmed on 13 April 2023.
- (13) Furthermore, the United States has submitted updated information on the epidemiological situation on its territory in relation to 11 outbreaks of HPAI in poultry establishments in the states of California (1), Iowa (2), Mississippi (1), Nebraska (1), New York (1), Pennsylvania (3), South Dakota (1), Washington (1), which were confirmed between 12 December 2022 and 19 April 2023.
- (14) Canada, Chile, the United Kingdom and the United States have also submitted information on the measures they have taken to prevent the further spread of HPAI. In particular, following those outbreaks of that disease, Canada, Chile, the United Kingdom and the United States have implemented a stamping out policy in order to control and limit the spread of that disease, and they have also completed the requisite cleaning and disinfection following the implementation of the stamping out policy on the infected poultry establishments on their territories.
- (15) The Commission has evaluated the information submitted by Canada, Chile, the United Kingdom and the United States. The Commission considers that Canada, Chile, the United Kingdom and the United States have provided appropriate guarantees that the animal health situation that gave rise to the suspensions, no longer represents a threat to animal or public health within the Union, and that, consequently, the entry into the Union of poultry commodities from the zones of those countries from which entry into the Union had been suspended should be reauthorised.
- (16) Annexes V and XIV to Implementing Regulation (EU) 2021/404 should be therefore amended to take account of the current epidemiological situation as regards HPAI in Canada, Chile, the United Kingdom and the United States.
- (17) Taking into account the current epidemiological situation in Canada, Chile, the United Kingdom and the United States as regards HPAI and the serious risk of its introduction into the Union, the amendments to be made to Annexes V and XIV to Implementing Regulation (EU) 2021/404 by this Regulation should take effect as a matter of urgency.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 8 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

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

(1) Annex V is amended as follows:

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

(i) in the entry for Canada, the row for the zone CA-2.100 is replaced by the following:

'CA Canada	CA-2.100	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		26.9.2023	5.6.2023';
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(ii) in the entry for Canada, the row for the zone CA-2.174 is replaced by the following:

'CA Canada	CA-2.174	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		8.2.2023	29.5.2023';
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(iii) in the entry for Canada, the rows for the zones CA-2.176, CA-2.177 and CA-2.178 are replaced by the following:

'CA Canada	CA-2.176	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		10.3.2023	29.5.2023
	CA-2.177	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		14.3.2023	29.5.2023
	CA-2.178	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		27.3.2023	29.5.2023';

(iv) in the entry for Canada, the row for the zone CA-2.180 is replaced by the following:

'CA Canada	CA-2.180	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		4.4.2023	5.6.2023';
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(v) in the entry for Canada, the row for the zone CA-2.183 is replaced by the following:

'CA Canada	CA-2.183	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		12.4.2023	29.5.2023';
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(vi) in the entry for Canada, the row for the zone CA-2.186 is replaced by the following:

'CA Canada	CA-2.186	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		18.4.2023	5.6.2023';
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(vii) in the entry for Chile, the row for the zone CL-2.1 is replaced by the following:

'CL Chile	CL-2.1	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		12.3.2023	31.5.2023';
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(viii) in the entry for Chile, the row for the zone CL-2.4 is replaced by the following:

'CL Chile	CL-2.4	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		30.3.2022	31.5.2023';
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(ix) in the entry for Chile, the rows for the zones CL-2.7, CL-2.8 and CL-2.9 are replaced by the following:

'CL Chile	CL-2.7	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		14.4.2023	31.5.2023
	CL-2.8	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		18.4.2023	31.5.2023
	CL-2.9	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		20.4.2023	31.5.2023';

(x) in the entry for the United Kingdom, the row for the zone GB-2.299 is replaced by the following:

'GB United Kingdom	GB-2.299	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		13.4.2023	21.5.2023';
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(xi) in the entry for the United Kingdom, the following rows for the zones GB-2.304 and GB-2.305 are added after the row for the zone GB-2.303:

'GB United Kingdom	GB-2.304	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		18.5.2023	
	GB-2.305	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		24.5.2023';	

(xii) in the entry for the United States, the row for the zone US-2.379 is replaced by the following:

US United States	US-2.379	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		12.12.2022	24.5.2023';
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(xiii) in the entry for the United States, the row for the zone US-2.385 is replaced by the following:

US United States	US-2.385	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		14.12.2022	30.5.2023';
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(xiv) in the entry for the United States, the row for the zone US-2.394 is replaced by the following:

US United States	US-2.394	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		22.12.2022	3.6.2023';
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(xv) in the entry for the United States, the row for the zone US-2.397 is replaced by the following:

US United States	US-2.397	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		30.12.2022	29.5.2023';
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(xvi) in the entry for the United States, the row for the zone US-2.406 is replaced by the following:

US United States	US-2.406	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		25.1.2023	25.5.2023';
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(xvii) in the entry for the United States, the row for the zone US-2.410 is replaced by the following:

US United States	US-2.410	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		7.2.2023	18.5.2023';
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(xviii) in the entry for the United States, the row for the zone US-2.415 is replaced by the following:

US United States	US-2.415	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		21.2.2023	20.5.2023';
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(xix) in the entry for the United States, the row for the zone US-2.430 is replaced by the following:

US United States	US-2.430	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		3.3.2023	20.5.2023';
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(xx) in the entry for the United States, the row for the zone US-2.442 is replaced by the following:

US United States	US-2.442	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		16.3.2023	1.6.2023';
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(xxi) in the entry for the United States, the rows for the zones US-2.453 and US-2.454 are replaced by the following:

US United States	US-2.453	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		18.4.2023	20.5.2023
	US-2.454	BPP, BPR, DOC, DOR, SP, SR, POU-LT20, HEP, HER, HE-LT20	N, P1		19.4.2023	4.6.2023';

(b) Part 2 is amended as follows:

(i) in the entry for the United Kingdom, the following descriptions of the zones GB-2.304 and GB-2.305 are added after the description of the zone GB-2.303:

United Kingdom	GB-2.304	near Uckfield, Wealden, East Sussex, England, GB The area contained with a circle of a radius of 3km, centred on WGS84 dec, coordinates Lat: N50.92 and Long: E0.18
	GB-2.305	near Scunthorpe, North Lincolnshire, Lincolnshire, England, GB The area contained with a circle of a radius of 10km, centred on WGS84 dec, coordinates Lat: N53.54 and Long: W0.69';

(2) in Annex XIV, in Part 1, Section B is amended as follows:

(i) in the entry for Canada, the rows for the zone CA-2.100 are replaced by the following:

‘CA Canada	CA-2.100	POU, RAT	N, P1		26.9.2023	5.6.2023
		GBM	P1		26.9.2023	5.6.2023’;

(ii) in the entry for Canada, the rows for the zone CA-2.174 are replaced by the following:

‘CA Canada	CA-2.174	POU, RAT	N, P1		8.2.2023	29.5.2023
		GBM	P1		8.2.2023	29.5.2023’;

(iii) in the entry for Canada, the rows for the zones CA-2.176, CA-2.177 and CA-2.178 are replaced by the following:

‘CA Canada	CA-2.176	POU, RAT	N, P1		10.3.2023	29.5.2023
		GBM	P1		10.3.2023	29.5.2023
	CA-2.177	POU, RAT	N, P1		14.3.2023	29.5.2023
		GBM	P1		14.3.2023	29.5.2023
	CA-2.178	POU, RAT	N, P1		27.3.2023	29.5.2023
		GBM	P1		27.3.2023	29.5.2023’;

(iv) in the entry for Canada, the rows for the zone CA-2.180 are replaced by the following:

‘CA Canada	CA-2.180	POU, RAT	N, P1		4.4.2023	5.6.2023
		GBM	P1		4.4.2023	5.6.2023’;

(v) in the entry for Canada, the rows for the zone CA-2.183 are replaced by the following:

‘CA Canada	CA-2.183	POU, RAT	N, P1		12.4.2023	29.5.2023
		GBM	P1		12.4.2023	29.5.2023’;

(vi) in the entry for Canada, the rows for the zone CA-2.186 are replaced by the following:

‘CA Canada	CA-2.186	POU, RAT	N, P1		18.4.2023	5.6.2023
		GBM	P1		18.4.2023	5.6.2023’;

(vii) in the entry for Chile, the rows for the zone CL-2.1 are replaced by the following:

‘CL Chile	CL-2.1	POU, RAT	N, P1		12.3.2023	31.5.2023
		GBM	P1		12.3.2023	31.5.2023’;

(viii) in the entry for Chile, the rows for the zone CL-2.4 are replaced by the following:

‘CL Chile	CL-2.4	POU, RAT	N, P1		30.3.2022	31.5.2023
		GBM	P1		30.3.2022	31.5.2023’;

(ix) in the entry for Chile, the rows for the zones CL-2.7, CL-2.8 and CL-2.9 are replaced by the following:

‘CL Chile	CL-2.7	POU, RAT	N, P1		14.4.2023	31.5.2023
		GBM	P1		14.4.2023	31.5.2023
	CL-2.8	POU, RAT	N, P1		18.4.2023	31.5.2023
		GBM	P1		18.4.2023	31.5.2023
	CL-2.9	POU, RAT	N, P1		20.4.2023	31.5.2023
		GBM	P1		20.4.2023	31.5.2023’;

(x) in the entry for the United Kingdom, the rows for the zone GB-2.299 are replaced by the following:

‘GB United Kingdom	GB-2.299	POU, RAT	N, P1		13.4.2023	21.5.2023
		GBM	P1		13.4.2023	21.5.2023’;

- (xi) in the entry for the United Kingdom, the following rows for the zones GB-2.304 and GB-2.305 are added after the row for the zone GB-2.303:

'GB United Kingdom	GB-2.304	POU, RAT	N, P1		18.5.2023	
		GBM	P1		18.5.2023	
	GB-2.305	POU, RAT	N, P1		24.5.2023	
		GBM	P1		24.5.2023;	

- (xii) in the entry for the United States, the rows for the zone US-2.379 are replaced by the following:

'US United States	US-2.379	POU, RAT	N, P1		12.12.2022	24.5.2023
		GBM	P1		12.12.2022	24.5.2023;

- (xiii) in the entry for the United States, the rows for the zone US-2.385 are replaced by the following:

'US United States	US-2.385	POU, RAT	N, P1		14.12.2022	30.5.2023
		GBM	P1		14.12.2022	30.5.2023;

- (xiv) in the entry for the United States, the rows for the zone US-2.394 are replaced by the following:

'US United States	US-2.394	POU, RAT	N, P1		22.12.2022	3.6.2023
		GBM	P1		22.12.2022	3.6.2023;

- (xv) in the entry for the United States, the rows for the zone US-2.397 are replaced by the following:

'US United States	US-2.397	POU, RAT	N, P1		30.12.2022	29.5.2023
		GBM	P1		30.12.2022	29.5.2023;

- (xvi) in the entry for the United States, the rows for the zone US-2.406 are replaced by the following:

'US United States	US-2.406	POU, RAT	N, P1		25.1.2023	25.5.2023
		GBM	P1		25.1.2023	25.5.2023;

(xvii) in the entry for the United States, the rows for the zone US-2.410 are replaced by the following:

‘US United States	US-2.410	POU, RAT	N, P1		7.2.2023	18.5.2023
		GBM	P1		7.2.2023	18.5.2023’;

(xviii) in the entry for the United States, the rows for the zone US-2.415 are replaced by the following:

‘US United States	US-2.415	POU, RAT	N, P1		21.2.2023	20.5.2023
		GBM	P1		21.2.2023	20.5.2023’;

(xix) in the entry for the United States, the rows for the zone US-2.430 are replaced by the following:

‘US United States	US-2.430	POU, RAT	N, P1		3.3.2023	20.5.2023
		GBM	P1		3.3.2023	20.5.2023’;

(xx) in the entry for the United States, the rows for the zone US-2.442 are replaced by the following:

‘US United States	US-2.442	POU, RAT	N, P1		16.3.2023	1.6.2023
		GBM	P1		16.3.2023	1.6.2023’;

(xxi) in the entry for the United States, the rows for the zones US-2.453 and US-2.454 are replaced by the following:

‘US United States	US-2.453	POU, RAT	N, P1		18.4.2023	20.5.2023
		GBM	P1		18.4.2023	20.5.2023
	US-2.454	POU, RAT	N, P1		19.4.2023	4.6.2023
		GBM	P1		19.4.2023	4.6.2023’.

COUNCIL IMPLEMENTING REGULATION (EU) 2023/1126**of 8 June 2023****implementing Regulation (EU) 2016/1686 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2016/1686 of 20 September 2016 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them ⁽¹⁾, and in particular Article 4(1) and (4) thereof,

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

Whereas:

- (1) On 20 September 2016, the Council adopted Regulation (EU) 2016/1686.
- (2) On 26 April 2023, the Sanctions Committee of the United Nations Security Council established pursuant to UN Security Council Resolutions 1267(1999), 1989(2011) and 2253(2015) added two persons to the list of persons and entities subject to restrictive measures.
- (3) On 3 May 2023, those persons were added to Annex I to Council Regulation (EC) No 881/2002 ⁽²⁾.
- (4) Since one of those persons was already designated under Regulation (EU) 2016/1686, that person should be removed from Annex I to that Regulation.
- (5) Regulation (EU) 2016/1686 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2016/1686 is amended as set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 255, 21.9.2016, p. 1.

⁽²⁾ Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations (OJ L 139, 29.5.2002, p. 9).

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

Done at Luxembourg, 8 June 2023.

For the Council
The President
M. MALMER STENERGARD

ANNEX

The following entry is deleted from Annex I to Regulation (EU) 2016/1686 under heading 'A. Natural persons referred to in Article 3'

- '9. Sultan Aziz AZAM (a.k.a. Aziz Azam, Sultan Aziz, Sultan Azziz Azzam, Sultan Aziz Ezzam); date of birth: 1985; place of birth: Afghanistan; nationality: Afghan.'
-

COMMISSION DELEGATED REGULATION (EU) 2023/1127**of 2 March 2023****supplementing Regulation (EU) 2022/2065 of the European Parliament and of the Council with the detailed methodologies and procedures regarding the supervisory fees charged by the Commission on providers of very large online platforms and very large online search engines****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) ⁽¹⁾, and in particular Article 43(4) thereof,

Whereas:

- (1) Article 43 of Regulation (EU) 2022/2065 requires the Commission to charge providers of very large online platforms and of very large online search engines annual supervisory fees, the overall amount of which is to cover all estimated costs, as reasonably determinable beforehand, that the Commission incurs regarding the supervisory tasks under that Regulation.
- (2) The costs to be estimated for the supervisory fees charged in year *n* should be determined by taking into account all human resources to be employed by the Commission in the year *n*+1 to carry out the tasks referred to in Article 43(2) of Regulation (EU) 2022/2065, including officials, temporary and contract agents and seconded national experts. Taking into account that the estimation refers to future costs, it should be based on average costs, expressed in terms of Full-Time-Equivalent increased by the average applicable social contributions and operating expenditure related to these human resources. This operating expenditure should therefore include average costs incurred in order to host and enable a Full-Time-Equivalent unit of personnel to work in the Commission IT and physical infrastructure, for instance as regularly determined by Commission services in the context of calculation of average costs of personnel for the purpose of legislative financial statements.
- (3) In addition to the abovementioned costs for human resources, the Commission also needs to estimate other operational and administrative expenditures that are specifically related to the fulfilment of the tasks referred to in Article 43(2) of Regulation (EU) 2022/2065, such as studies, hiring of experts, surveys, missions, organisation of meetings or development or use of specific software or IT tools or services. The yearly estimation of the overall amount of costs, moreover, should take into account the difference between the estimated costs and the incurred costs of the previous year as resulting from the annual report adopted by the Commission.
- (4) The overall amount of costs annually estimated by the Commission should be borne by the providers of very large online platforms and of very large online search engines through the supervisory fees charged in respect of the designated services subject to the supervisory fee in each calendar year. In order to ensure consistency with the designation decisions pursuant to Article 33(4) of Regulation (EU) 2022/2065, the notion of provider of designated service or services should be identified with reference to the addressee or addressees of the related designation decision or decisions pursuant to Article 33(4) of Regulation (EU) 2022/2065. Where the decision adopted pursuant to Article 33(4) of Regulation (EU) 2022/2065 is addressed to more than one legal person, all addressees of that decision should be jointly and severally liable for the payment of the supervisory fee in respect of that service or these services.

⁽¹⁾ OJ L 277, 27.10.2022, p. 1.

- (5) The services to be accounted for in a given year n should include those already subject to the obligations applicable to very large online platforms and very large online search engines at the beginning of the year, as well as those in respect of which a decision to designate or a decision to terminate the designation will take effect during that calendar year, taking into account that decisions of both categories will take effect four months after their notification to the provider pursuant to Article 33(6) of Regulation (EU) 2022/2065. That time limit should be calculated in accordance with the general rules set out in Regulation (EEC, Euratom) No 1182/71 of the Council ⁽²⁾ determining the rules applicable to periods, dates and time limits.
- (6) The Commission should set out the overall amount of the supervisory fee to be charged each year to each provider by first determining a basic amount per designated service. The basic amount per service should result from dividing the overall annual costs estimated for the year $n+1$ by all the designated services accounted for in the year n . To determine the basic amount, account should be taken of the number of days of designation in year n . Secondly, in order to ensure proportionality of the individual supervisory fees with reference to the size of the designated service as resulting from the number of average monthly active recipients in the Union, the Commission should adjust the basic amount by a coefficient proportionate to the number of active recipients resulting from the available information.
- (7) Pursuant to Article 43(5) of Regulation (EU) 2022/2065, any provider of the designated service or services is not to pay an overall amount of supervisory fee exceeding its economic capacity, namely exceeding 0,05 % of its annual worldwide net income. Reference to net income, entailing overall revenues minus costs of the provider, should ensure that the ability to pay of the provider is taken into account, including in case of loss-making providers. In order to identify such limit in accordance with applicable financial reporting standards, reference should be made to the notion of overall worldwide profit in the preceding financial year, to be determined on the basis of the provider's best available figures resulting from the financial statements, as communicated to the Commission. Therefore, reference should be made to the International Financial Reporting Standards applicable in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council ⁽³⁾, where used by the provider concerned, or in the alternative case to the financial statements compiled in accordance with the reporting requirements pursuant to Directive 2013/34/EU of the European Parliament and of the Council ⁽⁴⁾. Where neither International Financial Reporting Standards or Directive 2013/34/EU apply to the provider concerned, reference should be made to any other third country acceptable reporting standard applicable to such provider, such as a third country reporting standard that is considered equivalent to International Financial Reporting Standards or any other third country reporting standard that may be considered generally acceptable for the purpose of any other Union legislation. Where a provider has consolidated accounts, the consolidated worldwide profit of the group to which that provider belongs best reflects its economic capacity to pay the supervisory fee, given that the financial resources of the group are available to that provider in order to bear the overall amount of fee charged for all designated service or services provided by that provider.
- (8) If the basic amount charged on a given provider, or the sum of the relevant basic amounts where a given provider provides more than one designated service, exceeds the maximum overall limit, the final supervisory fee charged on that provider should be reduced accordingly. In order to ensure that in any case the overall annual costs are paid through the supervisory fees levied across all designated services, the residual amount not charged on providers in view of the application of the maximum overall limit should be borne by the remaining providers below the limit, proportionately to the basic allocation formula. The allocation of residual amounts among other providers of designated services, following the application of the maximum overall limit, should continue until no residual amount remains.

⁽²⁾ Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

⁽³⁾ Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (OJ L 243, 11.9.2002, p. 1).

⁽⁴⁾ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

- (9) In accordance with Article 43(3) of Regulation (EU) 2022/2065, the Commission is to adopt each year individual implementing acts setting out the individual amount of the supervisory fee to be charged to each provider for the designated service or services subject to the obligation to pay the supervisory fee during that calendar year. The yearly procedure for charging the fee therefore should be organised in a way that those implementing acts are adopted after the overall annual costs, which will be the basis for the calculation of the overall amount of the supervisory fees to be charged, are determined as stated in the Commission preparatory document attached to the draft budget pursuant to Article 41(8) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁹⁾ on the financial rules applicable to the general budget of the Union. Furthermore, the individual implementing acts can be adopted only after a certain date, where the number and size of the designated services subject to the supervisory fees can be established. The procedure should also take into account the economic capacity in terms of profits of the corresponding providers as identified on the basis of the information provided by the concerned provider. Moreover, the provisional amount of the fee to be charged should be communicated to the concerned provider before the adoption of any implementing decision by the Commission, in order to give the opportunity to submit observations to be taken into account in the final determination of the supervisory fee. After considering the observations submitted, the Commission should adopt the corresponding implementing act setting out the individual supervisory fee payable as amount receivable pursuant to Article 98 of Regulation (EU, Euratom) 2018/1046, to be paid by the end of that same calendar year, so that the necessary resources are available to cover the estimated costs for the following year.
- (10) The failure to pay within the deadline determined by the implementing acts should give rise to the recovery of the unpaid amount together with default interest at the European Central Bank refinancing rate increased by 3,5 %, in accordance with Article 99(2) of Regulation (EU, Euratom) 2018/1046.
- (11) In order to ensure accountability and transparency of the costs incurred and revenues collected by the Commission for the supervisory tasks carried out pursuant to Regulation (EU) 2022/2065, the Commission should annually report them to the European Parliament and the Council and make such report publicly available on its website. Moreover, in order to ensure consistency between the estimation of costs and the specific supervisory costs actually incurred for that year, the report should specifically compare the relevant amounts, based on the payments effectively performed in the relevant period for each concerned category of costs referred to in Article 43(2) of Regulation (EU) 2022/2065, as well as any expenditure commitment undertaken during that year, including following any judicial decision issued during that year. Any difference between the amount estimated and the costs actually incurred should not affect the amount of supervisory fees charged for the relevant year, but it should be taken into account in the next estimation, either by deducting any surplus from the total costs estimated for year $n+2$ or by adding any deficit to the total costs estimated for year $n+2$.
- (12) The estimation of costs should identify the costs that are planned to be incurred in the following calendar year, in order to ensure that sufficient resources are made available to the Commission in advance. In the period from the entry into force of Regulation (EU) 2022/2065 to 1 January 2024, the Commission will have already incurred or planned costs pursuant to Article 43(2) Regulation (EU) 2022/2065 that could not been covered by any previous supervisory fee and therefore had to be generally covered by other appropriations provided for in the voted budget of the Union for 2023. Therefore, for the purpose of the determination of the overall fees to be charged in 2023, only costs not already covered by existing appropriations in the general budget of the Union for 2023 could be added to the costs estimated for 2024, in accordance with the information provided for in the overview accompanying the estimation. Accordingly, for the purpose of establishing any surplus or deficit to be taken into account in the following estimation, the first report to the European Parliament and the Council should only take into account these costs incurred in 2022 since the entry into force of Regulation (EU) 2022/2065 and in 2023 that were not already covered by existing appropriations,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation, the following definitions apply:

⁽⁹⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (1) 'designated service' means an intermediary service designated as a very large online platform or a very large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065;
- (2) 'provider of designated service or services' means any provider to whom one or more Commission decisions designating a very large online platform or a very large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065 is addressed;
- (3) 'basic amount' means the amount calculated for each designated service in accordance with Article 4 and before the application of the maximum overall limit referred to in Article 5.

Article 2

Estimation of overall annual costs

1. In each year *n* the Commission shall estimate the overall annual costs that are expected to be incurred for the performance of the tasks referred to in Article 43(2) of Regulation (EU) 2022/2065 in the following calendar year (year *n* +1) in accordance with the procedure laid down in Article 6(1) of this Regulation. The amount of the overall annual costs estimated for the year *n*+1 shall be the basis for determining the overall amount of supervisory fees charged in the year *n*. That estimated amount shall be fully charged on the providers of designated services through the supervisory fees calculated in accordance with this Regulation.
2. When estimating the overall annual costs, the Commission shall take into account:
 - (a) the human resources necessary for the fulfilment of the tasks referred to in Article 43(2) of Regulation (EU) 2022/2065, taking into account different categories of officials and other servants of the Union employed by the Commission. The estimation of costs shall be based on average costs, expressed as Full-Time-Equivalent, and shall include pro-rata average operating expenditure and applicable social contributions linked to such human resources;
 - (b) any other administrative or operational expenditure necessary for the fulfilment of the tasks referred to in Article 43(2) of Regulation (EU) 2022/2065 that are expected to be incurred during the year *n*+1, taking into account the non-exhaustive list of items listed in Annex I to this Regulation.
3. Any estimation of overall annual costs shall take into account the positive or negative amount of incurred costs as included in the report referred to in Article 8(4). In particular, in the event of a deficit, namely where the amount of estimated costs for the year *n* was lower than the reported costs incurred for that year, the amount of the overall annual costs estimated for year *n*+2 to be charged during year *n*+1 shall be increased by the amount of incurred deficit for year *n*. In the event of a surplus, namely where the amount of estimated costs for the year *n* exceeds the reported costs incurred for that year, the overall annual costs estimated for year *n*+2 to be charged during year *n*+1 shall be reduced by the resulting surplus for year *n*.

Article 3

Annual identification of designated services

The designated services in relation to which a supervisory fee shall be charged in a given year *n* shall be:

- (a) any service which, on 1 January of that year, was already subject to the obligations of Section 5 of Chapter III of Regulation (EU) 2022/2065 in accordance with Article 33(6) of that Regulation, including any service whose termination of the designation becomes applicable pursuant to Article 33(6) of that Regulation after that date;
- (b) any service which becomes subject to the obligations of Section 5 of Chapter III of Regulation (EU) 2022/2065 in accordance with Article 33(6) of that Regulation between 1 January and 31 December of that year.

Article 4

Determination of basic amount per service

1. In respect of each designated service subject to the supervisory fees pursuant to Article 3, the basic amount for the year n shall be calculated as the share of the overall annual costs estimated for the year $n+1$ in accordance with Article 2, proportionate to the number of average monthly active recipients of the designated service in line with the coefficient (U) referred to in paragraph 2 of this Article, and taking into account the period during which the service has been designated in line with the coefficient (T) referred to in paragraph 3 of this Article, in accordance with the following formula:

$$\text{Basic_amount_in_year_n_for_designated_service}_x = \frac{\text{Overall_estimation_costs_in_year_n+1}}{\sum_{\text{for_all_designated_services_n}} (T_n \times U_n)} \times (T_x \times U_x)$$

2. The coefficient (U) for the calculation of the basic amount for each designated service shall have the value set out in Annex II corresponding to the number of average monthly active recipients in terms of millions of units, rounded down to the nearest hundred thousand.

The number of average monthly active recipients of each designated service determining the applicable coefficient pursuant to the first subparagraph of this paragraph shall be that resulting from data reported by the provider of the online platform or of the online search engine pursuant to Article 24(2) of Regulation (EU) 2022/2065, or information requested pursuant to Article 24(3) of that Regulation or any other information available to the Commission, as available on 31 August of year n .

3. The coefficient (T) for the calculation of the basic amount for each designated service shall be the proportion between the number of days during which the service is designated in year n , and the number of days of a year, calculated as follows:

$$T_x = \frac{\text{Number of days of designation in year } n}{\text{Number of days in year } n}$$

In accordance with Article 33(6) of Regulation (EU) 2022/2065, the period of designation shall be considered to start four months after the date of notification of the designation decision pursuant to Article 33(4) of Regulation (EU) 2022/2065 and shall be considered to end four months after the notification of the termination decision pursuant to Article 33(5) of Regulation (EU) 2022/2065.

Article 5

Determination of the overall amount of the supervisory fee and application of the maximum overall limit per provider

1. Each year, the concerned provider of designated service or services shall pay a supervisory fee resulting from the basic amount, or the sum of basic amounts, calculated pursuant to Article 4 for the designated service or services it provides, and the adjustments applied pursuant to this Article.

2. The overall amount of the supervisory fee charged in a given year to a given provider of designated service or services shall not exceed the maximum overall limit equal to 0,05 % of its worldwide profit in the preceding financial year. Where a provider has consolidated accounts, the consolidated worldwide profits of the group to which that provider belongs shall be considered for the purposes of determining the maximum overall limit of the fee.

For the purposes of the first subparagraph of this paragraph, the worldwide profit shall be that resulting from the best available figures from the annual financial statements relating to the last full business year presented by the provider concerned, within the meaning of one of the following:

- (a) the International Financial Reporting Standards applicable in accordance with Regulation (EC) No 1606/2002, where used by the provider;

- (b) point 17 of Annex V or point 15 of Annex VI to Directive 2013/34/EU;
- (c) any acceptable third country reporting standard, where neither point (a) or (b) are used by the provider.

3. Where the basic amount or the sum of basic amounts calculated pursuant to Article 4 for the designated service or services provided by a given provider exceeds the maximum overall limit set out in paragraph 2 of this Article, the overall amount of the supervisory fee charged to that provider shall be reduced to that limit.

4. The sum of any residual amounts not charged pursuant to paragraph 3 of this Article shall be charged to the remaining providers of designated services for whom the maximum overall limit is not reached, in proportion to the number of average monthly active recipients of the designated service, expressed as the coefficient (U) referred to in Article 4(2), and taking into account the period during which the service has been designated, expressed as the coefficient (T) referred to in Article 4(3), in accordance with the following formula:

$$\text{Pro-quota_residual_charges_uncapped_designated_service}_x = \frac{\text{Overall_residual_charges_in_year_N}}{\sum_{\text{for_all_uncapped_designated_services_n}} (T_n \times U_n)} \times (T_x \times U_x)$$

Where the application of this paragraph triggers the applicability of the maximum overall limit for one or more remaining providers of designated service or services, paragraph 3 and this paragraph shall continue to apply until no residual amount remains.

Article 6

Yearly procedure to determine the individual fees

1. In accordance with Article 41(8) of Regulation (EU, Euratom) 2018/1046, in the context of the establishment of the draft budget for year n+1, the Commission shall determine, for each relevant budget line, the estimated amount of external assigned revenues stemming from the supervisory fees that will be made available at the beginning of year n+1, as the amounts corresponding to the overall annual costs estimated for year n+1 in accordance with Article 2 of this Regulation.

The estimation pursuant to the first subparagraph of this paragraph shall be accompanied by an overview prepared by the Commission indicating the elements accounted for such estimation in accordance with the different categories of costs of Article 2, to be published at the latest by 30 June of each calendar year on the Commission website.

2. At the latest by 31 August of each year, any provider of designated service or services subject to the supervisory fee pursuant to Article 3 shall provide to the Commission its latest financial statement, and any other supporting document for the determination of the maximum overall limit pursuant to Article 5 as well as, where applicable, any information necessary for the application of the fee. Where a provider does not provide the documents necessary for the determination of the maximum overall limit, it shall be presumed that this limit is not reached by that provider in that calendar year.

3. At the latest by 30 September of each year, the Commission shall communicate to each provider of designated service or services identified pursuant to Article 3 the provisional determination of the amount of supervisory fee for all designated services provided by that provider calculated in accordance with the methodology set out in Articles 4 and 5. The provider shall communicate to the Commission any observation on such calculation within two weeks from receipt of the communication of that provisional determination.

4. At the latest by 30 November of each year, account taken of the observations referred to in paragraph 3, the Commission shall adopt and notify to each provider of designated service or services identified pursuant to Article 3 of this Regulation an implementing decision adopted in accordance with Article 43(3) of Regulation (EU) 2022/2065, determining the supervisory fee for the designated service or services provided by that provider, calculated in accordance with the methodology set out in Articles 4 and 5 of this Regulation. The implementing decision shall establish the amounts receivable as supervisory fee within the meaning of Article 98 of Regulation (EU, Euratom) 2018/1046 and set a deadline to pay the supervisory fees by 31 December of that year. Where a decision adopted pursuant to Article 33(4) of Regulation (EU) 2022/2065 is addressed to more than one legal person, all addressees of that decision shall be jointly and severally liable for the payment of the supervisory fee in respect of the designated service or services.

*Article 7***Payment modalities and financial consequences in case of non-payment**

1. All supervisory fees shall be payable in euro and in accordance with the payment references provided for in the implementing decision adopted pursuant to Article 6(4).
2. Any late payment, partial payment, non-payment or non-compliance with the conditions for payment as set out in the implementing decision referred to in Article 6(4) of this Regulation shall give rise to the recovery of the amount unpaid together with interest at the rate referred to in Article 99(2) of Regulation (EU, Euratom) 2018/1046. Those payments are without prejudice to the fines and periodic penalty payments applicable pursuant to Articles 74 and 76 of Regulation (EU) 2022/2065.

*Article 8***Reporting of incurred costs and of the supervisory fees charged**

1. By 31 March of each year *n*, the Commission shall report to the European Parliament and the Council on the amount of the overall annual costs incurred for the fulfilment of its tasks pursuant to Regulation (EU) 2022/2065 and the total amount of the annual supervisory fees charged pursuant to Article 6(4) of this Regulation in the preceding year (year *n*-1).
2. The report pursuant to paragraph 1 shall spell out the specific costs incurred for the fulfilment of the tasks referred to in Article 43(2) of Regulation (EU) 2022/2065 in accordance with the costs categories set out in Article 2(2) of this Regulation. The costs shall include any commitments undertaken during the year *n*-1, even if the payments implementing the commitments have not yet been performed.
3. The report pursuant to paragraph 1 shall indicate the overall amount of supervisory fees charged per provider of designated service or services, including the date of respective payments, any missing or late payment, on-going court's proceeding related to the implementing decisions referred to in Article 6(4) and recovery procedures referred to in Article 7(2) related to the supervisory fees charged, at the date of finalisation of the report.
4. The report shall indicate any costs incurred pursuant to paragraph 2 that exceeded the amount of estimated costs for year *n*-1, or any surplus of estimated costs for year *n*-1 compared to the costs incurred in that year pursuant to paragraph 2, as applicable.
5. The Commission shall publish the report pursuant to paragraph 1 on its website.

*Article 9***Transitional provisions**

1. Costs pursuant to Article 2(1) and (2) already incurred or planned for the period from 16 November 2022 until 31 December 2023 may be added to the first estimation of costs referring to the 2024 period pursuant to Article 6(1) unless already covered by initial appropriations voted by the European Parliament and the Council for the general budget of the Union for 2023.
2. The first report pursuant to Article 8 shall be adopted by the Commission by 31 March 2024 and shall encompass the period from 16 November 2022 until 31 December 2023. For the purpose of the identification of incurred costs pursuant to Article 8(2), the costs paid out of the appropriations referred to in paragraph 1 shall be indicated separately and they shall not be taken into account for the purpose of the balance referred to in Article 8(4).

*Article 10***Entry into force**

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

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

Done at Brussels, 2 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Non-exhaustive list of operational and administrative expenditure

The following items linked to the performance of tasks referred to in Article 43(2) of Regulation (EU) 2022/2065 may be taken into account for the purposes of Article 2(2), point (b):

- a prudential estimation of any missions performed in the exercise of the powers assigned to the Commission pursuant to Section 4 of Chapter IV of Regulation (EU) 2022/2065, taking into account an estimation of the number of designated services;
 - the estimated costs for the physical meetings of the European Board for Digital Services pursuant to Regulation (EU) 2022/2065;
 - planned attendance to or organisation of any meetings or events related to the development of expertise and capabilities related to the supervision of emerging and systemic issues;
 - a prudential estimation for studies and external consultants referring to a given designated service, including its audits, or analysing a given category of risk resulting from the risk assessment due by designated services pursuant to Article 34 of Regulation (EU) 2022/2065;
 - any existing or planned agreements between Commission services, with other Union bodies, offices or agencies or any other national authority concerning the analysis underpinning the supervisory scrutiny of designated services;
 - any development or use of any digital tool or environment, including software and APIs, specifically designed to analyse, supervise and test the functioning of any designated service for the purpose of ensuring compliance with Regulation (EU) 2022/2065;
 - a prudential estimation for access to databases and performance of surveys aiming at the identification of services to be designated and at assessing the impact of the functioning of designated services with regards to aspects regulated by Regulation (EU) 2022/2065;
 - a prudential estimation of the expenditure related to the set-up, acquisition, licencing, subscription, development, maintenance and operation of the information sharing system pursuant to Article 85 of Regulation (EU) 2022/2065 and of the database managed by the Commission pursuant to Article 24(5) of Regulation (EU) 2022/2065.
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ANNEX II

U coefficient

Number of average monthly active recipients of the designated service (in millions rounded down to first decimal)	Coefficient
45-54,9	1
55-64,9	1,2
65-74,9	1,4
75-84,9	1,6
85-94,9	1,8
95-104,9	2

For any amount above 105 mil or below 45 mil (pending the effects of any decision pursuant to Article 33(5) of Regulation (EU) 2022/2065): a bracket every 10 mil active recipients, with the corresponding coefficient U calculated as $U = \frac{\text{lower bound of bracket}}{45}$ rounded down to first decimal.

COMMISSION DELEGATED REGULATION (EU) 2023/1128**of 24 March 2023****amending Delegated Regulation (EU) 2015/2446 to provide for simplified customs formalities for trusted traders and for sending parcels into Northern Ireland from another part of the United Kingdom**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 7(a), 131(a), 160 and 183 thereof,

Whereas:

- (1) 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') was concluded on behalf of the Union by Council Decision (EU) 2020/135 ⁽²⁾ and entered into force on 1 February 2020. The transition period referred to in Article 126 of the Withdrawal Agreement, during which Union law continued to apply to and in the United Kingdom in accordance with Article 127 of the Withdrawal Agreement (the 'transition period'), ended on 31 December 2020.
- (2) The Protocol on Ireland/Northern Ireland (the 'Protocol') forms an integral part of the Withdrawal Agreement.
- (3) According to Article 6(3) of the Withdrawal Agreement and Article 5(3) and (4) of the Protocol the customs legislation as defined in point (2) of Article 5 of Regulation (EU) No 952/2013 and the Union acts supplementing or implementing it applies to and in the United Kingdom in respect of Northern Ireland after the end of the transition period.
- (4) As a consequence, in accordance with Commission Delegated Regulation (EU) 2015/2446 ⁽³⁾, goods brought to Northern Ireland from another part of the United Kingdom have to be covered by a customs declaration with the dataset set out for goods released for free circulation in column H1 of Annex B to this Regulation, which includes more than 80 data elements.
- (5) In order to take account of the specific circumstances in Northern Ireland, customs formalities should be facilitated for the economic operators ('trusted traders') authorised under Articles 9 to 11 of Decision No 1/2023 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 ⁽⁴⁾ ('Decision No 1/2023') to bring into Northern Ireland from another part of the United Kingdom by direct transport goods that are considered to be not at risk of subsequently being moved into the Union by themselves or forming part of another good within the meaning of Article 5(1) and (2) of the Protocol ('goods not at risk'). To that end, a super-reduced dataset (H8) should be drawn up for release for free circulation of such goods.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion 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 (OJ L 29, 31.1.2020, p. 1).

⁽³⁾ 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, 29.12.2015, p. 1).

⁽⁴⁾ Decision No 1/2023 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 24 March 2023 laying down arrangements relating to the Windsor Framework [2023/819] (OJ L 102, 17.4.2023, p. 61).

- (6) It is necessary to establish the conditions for trusted traders to be able to benefit from the customs simplification consisting in the entry into the declarant's records when bringing goods not at risk into Northern Ireland from another part of the United Kingdom by direct transport even where the trusted traders do not fulfil all the criteria laid down in Article 39 of Regulation (EU) No 952/2013.
- (7) In order to facilitate the movement of goods not at risk that are of a non-commercial nature sent in parcels by direct transport by a private individual from another part of the United Kingdom to a private individual residing in Northern Ireland, or of goods not at risk that are sent in parcels by direct transport through a carrier registered in accordance with Articles 12 and 13 of Decision No 1/2023 ('authorised carrier') by an economic operator established in the United Kingdom to a private individual residing in Northern Ireland, it is appropriate to waive certain customs formalities for these goods.
- (8) In order to also facilitate the movement of goods sent in parcels that are returned in accordance with Article 203 of the Code to an economic operator established in Northern Ireland by a private individual from another part of the United Kingdom through an authorised carrier, it is appropriate to waive certain customs formalities for these goods as they are returned unchanged to Northern Ireland.
- (9) Delegated Regulation (EU) 2015/2446 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2015/2446 is amended as follows:

- (1) in Article 1, the following points (55) and (56) are added:

'(55) "trusted trader" means an economic operator that is authorised in accordance with Articles 9 to 11 of Decision No 1/2023 (*) 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 (**) ("Decision No 1/2023");

(56) "authorised carrier" means an economic operator moving parcels, including the United Kingdom designated postal operator, authorised in accordance with Article 12 of Decision No 1/2023 to bring goods in parcels into Northern Ireland from another part of the United Kingdom by direct transport.

(*) Decision No 1/2023 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 24 March 2023 laying down arrangements relating to the Windsor Framework [2023/819] (OJ L 102, 17.4.2023, p. 61).

(**) OJ L 29, 31.1.2020, p. 7.;

- (2) in Article 104(1), the following points (r), (s) and (t) are added:

'(r) goods of a non-commercial nature, other than "category 1 goods" as defined in Annex IV to Decision No 1/2023, sent in a parcel as defined in Article 7(3)(a) of that Decision to Northern Ireland from another part of the United Kingdom by direct transport by a private individual to another private individual residing in Northern Ireland.

The application of this point shall be suspended if and for as long as Articles 7(1)(a)(ii), 7(1)(a)(iii), 7(1)(b)(ii) and Articles 9 to 14 of Decision No 1/2023 cease to apply.

The Commission shall publish in the *Official Journal of the European Union* a Notice indicating the date from which the application of the provisions referred to in the previous subparagraph is suspended as well as a Notice indicating the date on which such suspension ends;

- (s) goods other than “category 1 goods” as defined in Annex IV to Decision No 1/2023, sent, exclusively for personal use, in a parcel as defined in Article 7(3) of that Decision to Northern Ireland from another part of the United Kingdom by direct transport by an economic operator established in the United Kingdom through an authorised carrier to a private individual residing in Northern Ireland.

The application of this point shall be suspended if and for as long as Articles 7(1)(a)(ii), 7(1)(a)(iii), 7(1)(b)(ii) and Articles 9 to 14 of Decision No 1/2023 cease to apply.

The Commission shall publish in the *Official Journal of the European Union* a Notice indicating the date from which the application of the provisions referred to in the previous subparagraph is suspended as well as a Notice indicating the date on which such suspension ends;

- (t) goods other than “category 1 goods” as defined in Annex IV to Decision No 1/2023, previously sent by an economic operator established in the United Kingdom from Northern Ireland to a private individual residing in another part of the United Kingdom which are returned by that individual to that economic operator or to another address in Northern Ireland indicated by that economic operator, where the goods are returned goods in accordance with Article 203 of the Code and the goods are sent in a parcel as defined in Article 7(3) of that Decision to Northern Ireland by direct transport through an authorised carrier.’;

- (3) in Article 138, the following points (k), (l) and (m) are added:

- ‘(k) goods of a non-commercial nature other than “category 1 goods” as defined in Annex IV to Decision No 1/2023 sent in a parcel as defined in Article 7(3)(a) of that Decision to Northern Ireland from another part of the United Kingdom by direct transport by a private individual to another private individual residing in Northern Ireland;
- (l) goods other than “category 1 goods” as defined in Annex IV to Decision No 1/2023 sent, exclusively for personal use, in a parcel as defined in Article 7(3) of that Decision to Northern Ireland from another part of the United Kingdom by direct transport by an economic operator established in the United Kingdom through an authorised carrier to a private individual residing in Northern Ireland;
- (m) goods other than “category 1 goods” as defined in Annex IV to Decision No 1/2023, previously sent by an economic operator established in the United Kingdom from Northern Ireland to a private individual residing in another part of the United Kingdom which are returned by that individual to that economic operator or to another address in Northern Ireland indicated by that economic operator, where the goods are returned goods in accordance with Article 203 of the Code and the goods are sent in a parcel as defined in Article 7(3) of that Decision to Northern Ireland by direct transport through an authorised carrier.’;

- (4) Paragraph 1 of Article 141 is amended as follows:

- (a) the introductory sentence is replaced by the following:

‘1. In respect of goods referred to in Articles 138(a) to (d), (h), (k), (l) and (m), 139 and 140(1), any of the following acts shall be deemed to be a customs or a re-export declaration:’;

- (b) in point (d), the following points (vi), (vii) and (viii) are added:

‘(vi) for goods referred to in Article 138(k) of this Regulation provided that the carrier submits to the customs authorities the information laid down in Annex 52-02 at the latest on the day after the delivery of the goods.

The application of this point shall be suspended if and for as long as Articles 7(1)(a)(ii), 7(1)(a)(iii), 7(1)(b)(ii) and Articles 9 to 14 of Decision No 1/2023 cease to apply.

The Commission shall publish in the *Official Journal of the European Union* a Notice indicating the date from which the application of the provisions referred to in the previous subparagraph is suspended as well as a Notice indicating the date on which such suspension ends;

- (vii) for goods referred to in Article 138(l) of this Regulation, provided that the authorised carrier submits to the customs authorities the data at item level laid down in Annex 52-03 prior to the delivery of the goods to the private individual. In cases duly justified by the urgency of the situation, the customs authority of the United Kingdom may allow part of that dataset to be submitted after the delivery of the parcel.

By way of derogation from subparagraph 1, where the parcel referred therein was first brought into a part of the United Kingdom other than Northern Ireland before being sent through an authorised carrier to a private individual residing in Northern Ireland, the authorised carrier shall make available the customs declaration submitted when the goods entered the United Kingdom to the customs authority before the entry of the parcel into Northern Ireland.

The application of this point shall be suspended if and for as long as Articles 7(1)(a)(ii), 7(1)(a)(iii), 7(1)(b)(ii) and Articles 9 to 14 of Decision No 1/2023 cease to apply.

The Commission shall publish in the *Official Journal of the European Union* a Notice indicating the date from which the application of the provisions referred to in the previous subparagraph is suspended as well as a Notice indicating the date on which such suspension ends;

- (viii) for goods referred to in Article 138(m) of this Regulation, provided that the carrier submits to the customs authorities the information laid down in Annex 52-03 prior to the delivery of the goods.

The application of this point shall be suspended if and for as long as Articles 7(1)(a)(ii), 7(1)(a)(iii), 7(1)(b)(ii) and Articles 9 to 14 of Decision No 1/2023 cease to apply.

The Commission shall publish in the *Official Journal of the European Union* a Notice indicating the date from which the application of the provisions referred to in the previous subparagraph is suspended as well as a Notice indicating the date on which such suspension ends.;

- (5) in Article 142, the following point (iii) is added under point (c):

‘(iii) goods referred to in points (k), (l) and (m) of Article 138 of this Regulation;

The application of this point shall be suspended if and for as long as Articles 7(1)(a)(ii), 7(1)(a)(iii), 7(1)(b)(ii) and Articles 9 to 14 of Decision No 1/2023 cease to apply.

The Commission shall publish in the *Official Journal of the European Union* a Notice indicating the date from which the application of the provisions referred to in the previous subparagraph is suspended as well as a Notice indicating the date on which such suspension ends.;

- (6) Article 143b is added as follows:

‘Article 143b

Declaration for release for free circulation of goods considered not at risk of subsequently being moved into the Union within the meaning of Article 5(1) and (2) of the Protocol on Ireland/Northern Ireland (*) (“the Protocol”)

(Article 6(2) of the Code)

A trusted trader may declare goods considered to be not at risk of subsequently being moved into the Union within the meaning of Article 5(1) and (2) of the Protocol and to be brought into Northern Ireland from another part of the United Kingdom by direct transport for release for free circulation on the basis of a specific dataset set out in Annex B, including when such goods are sent in parcels to another economic operator.

The application of the first paragraph of this Article shall be suspended if and for as long as Articles 7(1)(a)(ii), 7(1)(a)(iii), 7(1)(b)(ii) and Articles 9 to 14 of Decision No 1/2023 cease to apply.

The Commission shall publish in the *Official Journal of the European Union* a Notice indicating the date from which the application of the provisions referred to in the previous subparagraph is suspended as well as a Notice indicating the date on which such suspension ends.

This Article shall not apply to goods referred to as “category 1 goods” as defined in Annex IV to Decision No 1/2023.

(*) Protocol on Ireland/Northern Ireland 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 (OJ L 29, 31.1.2020, p. 7).;

(7) in Article 150, paragraph 1a is added as follows:

‘1a. By derogation from paragraph 1, an authorisation to lodge a customs declaration for release for free circulation in the form of an entry in the declarant’s records shall be granted where:

- (1) the applicant is a trusted trader; and
- (2) the goods are to be brought into Northern Ireland from another part of the United Kingdom by direct transport and are considered to be not at risk of subsequently being moved into the Union within the meaning of Article 5(1) and (2) of the Protocol; and
- (3) the applicant ensures that relevant employees are instructed to inform the customs authorities whenever compliance difficulties are discovered and establishes procedures for informing the customs authorities of such difficulties.

The application of this paragraph shall be suspended if and for as long as Articles 7(1)(a)(ii), 7(1)(a)(iii), 7(1)(b)(ii) and Articles 9 to 14 of Decision No 1/2023 ceases to apply.

The Commission shall publish in the *Official Journal of the European Union* a Notice indicating the date from which the application of the provisions referred to in the previous subparagraph is suspended as well as a Notice indicating the date on which such suspension ends.

This paragraph shall not apply to goods referred to as “category 1 goods” as defined in Annex IV to Decision No 1/2023.;

- (8) Annex B is amended as set out in Annex I;
- (9) a new Annex 52-02 as set out in Annex II to this Regulation is inserted;
- (10) a new Annex 52-03 as set out in Annex III to this Regulation is inserted.

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*.

It shall apply as from 30 September 2024, provided that the two declarations referred to in Article 23(5) of Decision No 1/2023 have been made within that Joint Committee:

Should both declarations referred to in the second paragraph have been made earlier than by 30 September 2024 or should any of these declarations not have been made by that date, it shall apply as from the first day of the month following that in which the last of these declarations has been made.

The Commission shall publish a Notice in the *Official Journal of the European Union* indicating the date from which this Regulation applies.

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

Done at Brussels, 24 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex B to Delegated Regulation (EU) 2015/2446 is amended as follows:

- (a) in Title I, chapter 2, in Section 1, after the row relating to column H7, the following row is inserted:

'H8	Customs declaration for release for free circulation relating to goods brought by a trusted trader into Northern Ireland from another part of the United Kingdom by direct transport that are considered to be not at risk of subsequently being moved into the Union within the meaning of Article 5(1) and (2) of the Protocol.	Articles 5(12), 162 and 201 of the Code'
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- (b) in Title I Chapter 3, Section 11, after the column H7, the following column is inserted:

D.E. No	Data element/class name/Data sub-element/sub-class name	'H8
11 03 000 000	Goods item number	A
		SI
12 01 000 000	Previous document	A [72]
		GS SI
12 01 001 000	Reference number	A
		GS SI
12 01 002 000	Type	A
		GS SI
12 03 000 000	Supporting document	A
		GS SI
12 03 001 000	Reference number	A
		GS SI
12 03 002 000	Type	A
		GS SI
12 04 000 000	Additional reference	A
		GS SI
12 04 001 000	Reference number	A
		GS SI

12 04 002 000	Type	A
		GS SI
12 05 000 000	Transport document	A
		GS SI
12 05 001 000	Reference number	A
		GS SI
12 05 002 000	Type	A
		GS SI
12 09 000 000	LRN	A
		D
12 12 000 000	Authorisation	A
		D
12 12 002 000	Type	A
		D
12 12 001 000	Reference number	A
		D
12 12 080 000	Holder of the authorisation	A
		D
13 01 000 000	Exporter	A
		GS SI
13 01 016 000	Name	A [6]
		GS SI
13 01 017 000	Identification number	A [66]
		GS SI
13 01 018 000	Address	A [6]
		GS SI
13 01 018 019	Street and number	A
		GS SI

13 01 018 020	Country	A
		GS SI
13 01 018 021	Postcode	A
		GS SI
13 01 018 022	City	A
		GS SI
13 04 000 000	Importer	A
		D
13 04 016 000	Name	A [6]
		D
13 04 017 000	Identification number	A [8]
		D
13 04 018 000	Address	A [6]
		D
13 04 018 019	Street and number	A
		D
13 04 018 020	Country	A
		D
13 04 018 021	Postcode	A
		D
13 04 018 022	City	A
		D
13 05 000 000	Declarant	A
		D
13 05 016 000	Name	A [6]
		D
13 05 017 000	Identification number	A
		D
13 05 018 000	Address	A [6]
		D
13 05 018 019	Street and number	A
		D

13 05 018 020	Country	A
		D
13 05 018 021	Postcode	A
		D
13 05 018 022	City	A
		D
13 05 074 000	Contact person	C
		D
13 05 074 016	Name	A
		D
13 05 074 075	Phone number	A
		D
13 05 074 076	Email address	A
		D
13 06 000 000	Representative	A
		D
13 06 017 000	Identification number	A
		D
13 06 030 000	Status	A
		D
13 06 074 000	Contact person	C
		D
13 06 074 016	Name	A
		D
13 06 074 075	Phone number	A
		D
13 06 074 076	Email address	A
		D
14 08 000 000	Item amount invoiced	A
		SI
16 03 000 000	Country of destination	A
		GS
16 04 000 000	Region of destination	A
		GS
16 08 000 000	Country of origin	A [20]
		SI

16 15 000 000	Location of goods	A [68]
		GS
16 15 045 000	Type of location	A
		GS
16 15 046 000	Qualifier of identification	A
		GS
16 15 036 000	UN/LOCODE	A
		GS
16 15 047 000	Customs office	A
		GS
16 15 047 001	Reference number	A
		GS
16 15 048 000	GNSS	A
		GS
16 15 048 049	Latitude	A
		GS
16 15 048 050	Longitude	A
		GS
16 15 051 000	Economic operator	A
		GS
16 15 051 017	Identification number	A
		GS
16 15 052 000	Authorisation number	A
		GS
16 15 053 000	Additional identifier	A
		GS
16 15 018 000	Address	A
		GS
16 15 018 019	Street and number	A
		GS
16 15 018 021	Postcode	A
		GS

16 15 018 022	City	A
		GS
16 15 018 020	Country	A
		GS
18 02 000 000	Supplementary units	A
		SI
18 04 000 000	Gross mass	A
		GS SI
18 05 000 000	Description of goods	A
		SI
18 06 000 000	Packaging	A
		SI
18 06 004 000	Number of packages	A [57]
		SI
18 09 000 000	Commodity code	A
		SI
18 09 056 000	Harmonized System sub-heading code	A[87]
		SI
18 09 057 000	Combined nomenclature code	A[87] [88]
		SI'

- (c) in Chapter 3, Section 12, in column I2 in the row 11 09 000 000 '[86]' is inserted underneath [1];
- (d) in Chapter 3, Section 12, in column I2 in the row 12 01 003 000 '[86]' is inserted underneath A;
- (e) in Chapter 3, Section 12, in column I2 in the row 12 01 004 000 '[86]' is inserted underneath A;
- (f) in Chapter 3, Section 12, in column I2 in the row 12 01 005 000 '[86]' is inserted underneath A;
- (g) in Chapter 3, Section 12, in column I2 in the row 12 01 006 000 '[86]' is inserted underneath A;
- (h) in Chapter 3, Section 12, in column I2 in the row 12 01 007 000 '[86]' is inserted underneath A;
- (i) in Chapter 3, Section 12, in column I2 in the row 18 06 003 000 '[86]' is inserted underneath [25];
- (j) in Chapter 3, Section 12, in column I2 in the row 19 07 000 000 '[86]' is inserted underneath [62];

- (k) in Chapter 3, Section 13, the following is inserted after [73]:

[74]	<i>not defined</i>
[75]	<i>not defined</i>
[76]	<i>not defined</i>
[77]	<i>not defined</i>
[78]	<i>not defined</i>
[79]	<i>not defined</i>
[80]	<i>not defined</i>
[81]	<i>not defined</i>
[82]	<i>not defined</i>
[83]	<i>not defined</i>
[84]	<i>not defined</i>
[85]	<i>not defined</i>
[86]	This information shall not be provided where it relates to a customs declaration for release for free circulation relating to goods brought into Northern Ireland from another part of the United Kingdom by direct transport that are considered to be not at risk of subsequently being moved into the Union within the meaning of Article 5(1) and (2) of the Protocol (column H8).
[87]	The customs authority of the United Kingdom may waive this requirement where they are satisfied that their computer systems are able to derive this information without ambiguity from other elements of the declaration, such as the trusted trader identification number (column H8).
[88]	This data element shall only be required in relation to goods referred to as 'category 2 goods' in Annex IV to Decision No 1/2023 (column H8).'

- (l) in Title II, in the notes to data element 11 03 000 000 Goods item number, the text 'Data requirements table columns A1 to A3, B1 to B4, C1, D1, D2, E1, E2, H1 to H7 and I1:' is replaced by the words 'Data requirements table columns A1 to A3, B1 to B4, C1, D1, D2, E1, E2, H1 to H8 and I1:';
- (m) in Title II, in the notes to data class 12 01 000 000 Previous document, the text 'Data requirements table columns A3, B1, C1, C2, D1 to D3, H1 to H6, I1 and I2:' is replaced by the words 'Data requirements table columns A3, B1, C1, C2, D1 to D3, H1 to H6 and H8, I1 and I2:';
- (n) in Title II, in the notes to data sub-class 12 01 001 000 Reference number, the text 'Data requirements table columns H1 to H5, I1 and I2:' is replaced by the words 'Data requirements table columns H1 to H5, H8, I1 and I2:';
- (o) in Title II, in the notes to data sub-class 12 03 001 000 Reference number, the text 'Data requirements table columns B1 to B4, C1, H1 to H7 and I1:' is replaced by the words 'Data requirements table columns B1 to B4, C1, H1 to H8 and I1:';
- (p) in Title II, in the notes to data sub-class 12 05 001 000 Reference number, the text 'Data requirements table columns G2 to G5, H1 to H7, I1 and I2:' is replaced by the words 'Data requirements table columns G2 to G5, H1 to H8, I1 and I2:';
- (q) in Title II, in the notes to data class 13 01 000 000 Exporter, the text 'Data requirements table columns H1, H3, H4 and I1:' is replaced by the words 'Data requirements table columns H1, H3, H4, H8 and I1:';
- (r) in Title II, in the notes to data element 13 01 017 000 Identification number, the text 'Data requirements table columns H1, H3 and H4:' is replaced by the words 'Data requirements table columns H1, H3, H4 and H8:';
- (s) in Title II, in the notes to data element 16 03 000 000 Country of destination, the text 'Data requirements table columns H1, H2 and H5:' is replaced by the words 'Data requirements table columns H1, H2, H5 and H8:';

- (t) in Title II, in the notes to data element 18 04 000 000 Gross mass, the text 'Data requirements table columns B1 to B4, C1, H1 to H6, I1 and I2:' is replaced by the words 'Data requirements table columns B1 to B4, C1, H1 to H6, H8, I1 and I2:' and the text 'Data requirements table columns B1 to B4, C1, D1 to D3, H1 to H7, I1 and I2:' is replaced by the words 'Data requirements table columns B1 to B4, C1, D1 to D3, H1 to H8, I1 and I2:';
 - (u) in Title II, in the notes to data element 18 05 000 000 Description of goods, the text 'Data requirements table columns B1, B2, H1 to H5 and I1:' is replaced by the words 'Data requirements table columns B1, B2, H1 to H5, H8 and I1:';
 - (v) in Title II, in the notes to data element 18 09 000 000 Commodity code, the text 'Data requirements table columns B1 to B4, C1, H1 to H7 and I1:' is replaced by the words 'Data requirements table columns B1 to B4, C1, H1 to H8 and I1:'.
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ANNEX II

'ANNEX 52-02

Information to be provided by the carrier in accordance with Article 141(1)(d)(vi)

- (1) Carrier name
 - (2) Name and address of Consignor in a part of the United Kingdom other than Northern Ireland
 - (3) Name and address of Consignee in Northern Ireland
 - (4) Place of delivery in Northern Ireland if different from the consignee's address
 - (5) Description of the goods in plain language at consignment level
 - (6) Number of packages/pieces in shipment
 - (7) Gross weight
 - (8) Value (where known)
 - (9) Date of delivery'
-

ANNEX III

‘ANNEX 52-03

Data elements to be provided by the carrier in accordance with the first subparagraph in Article 141(1)(d)(vii) and (viii)

Data element name	Description
(1) Goods item number	Number of the item contained in each parcel covered by the declaration, where there is more than one item of goods
(2) Supporting documents	If applicable, reference to any documents produced in support of the declaration
(3) Transport document	If available, reference number to the transport document
(4) Local reference number	Parcel tracking reference number
(5) Authorisation	Reference to the authorisation issued in accordance with Article 12 of Decision No 1/2023 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
(6) Exporter	In the context of Article 141(1)(d)(vii), it is the name and address of the economic operator established in the United Kingdom sending the parcel to the private individual residing in Northern Ireland. In the context of Article 141(1)(d)(viii), it is the name and address of the private individual in a part of the United Kingdom other than Northern Ireland returning the parcel to an economic operator in Northern Ireland.
(7) Importer	In the context of Article 141(1)(d)(vii), it is the name and address of the private individual (final consumer) residing in Northern Ireland to whom the parcel is sent. In the context of Article 141(1)(d)(viii), it is the name and address of the economic operator in Northern Ireland to whom the parcel is returned.
(8) Declarant	The person who makes the declaration or on whose behalf the declaration is made
(9) Representative	To be provided where different from the declarant
(10) Total amount invoiced	Total value of the goods included in the parcel
(11) Region of Destination	By default, the region of destination shall be Northern Ireland
(12) Place of delivery	Place where the parcel is actually delivered as known at the time of data submission. To be provided, if different from the importer's address
(13) Gross mass	Total weight of the parcel
(14) Description of goods	Plain language description that is precise enough for customs authorities to be able to identify the goods
(15) Harmonised System sub-heading code	6-digit commodity code
(16) Returned goods indicator	Indication that the goods in the parcel qualify for returned goods in accordance with Article 138(m)'

COMMISSION REGULATION (EU) 2023/1129**of 2 June 2023****establishing a fisheries closure for horse mackerel in area 8c for vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2023/194 ⁽²⁾ lays down quotas for 2023.
- (2) According to the information received by the Commission, catches of the stock of horse mackerel in area 8c by vessels flying the flag of or registered in Portugal have exhausted the quota allocated for 2023.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Portugal for the stock of horse mackerel in area 8c for 2023 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

1. Fishing for the stock referred to in Article 1 by vessels flying the flag of or registered in Portugal shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to search for fish, shoot, set or haul a fishing gear for the purpose of fishing that stock.
2. Transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products from that stock caught by those vessels shall remain authorised for catches taken prior to that date.
3. Unintended catches of species from that stock by those vessels shall be brought and retained on board the fishing vessels, recorded, landed and counted against quotas in accordance with Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1).

⁽³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

*Article 3***Entry into force**

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

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

Done at Brussels, 2 June 2023.

*For the Commission,
On behalf of the President,
Virginijus SINKEVIČIUS
Member of the Commission*

ANNEX

No	01/TQ194
Member State	Portugal
Stock	JAX/08C. (including special condition JAX/*09.)
Species	Horse mackerel (<i>Trachurus</i> spp.)
Zone	8c
Closing date	18.5.2023

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1130**of 2 June 2023****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications ('Moutarde de Bourgogne' (PGI))**

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 the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined France's application for the approval of amendments to the specification for the protected geographical indication 'Moutarde de Bourgogne', registered under Commission Regulation (EC) No 1131/2009 ⁽²⁾.
- (2) Since the amendment in question is not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendment to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Moutarde de Bourgogne' (PGI) are hereby approved.*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, 2 June 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⁾ Commission Regulation (EC) No 1131/2009 of 24 November 2009 entering a name in the register of protected designations of origin and protected geographical indications (Moutarde de Bourgogne (PGI)) (OJ L 310, 25.11.2009, p. 22).

⁽³⁾ OJ C 55, 14.2.2023, p. 5.

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1131**of 5 June 2023****concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 5 June 2023.

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

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
Vitamin gummies in the form of orange bears, with an average weight of ca. 3 g each, one gummy consisting of (% by weight): — malt syrup (54,3) — sucrose (35,0) — glucose (5,6) Additionally, one gummy has a content of between 10 to 100 % of the recommended daily allowance of the following vitamins and minerals: — vitamin A (as retinol acetate) 375 µg — vitamin B3 5 mg — vitamin B6 1 mg — vitamin B7 5 µg — vitamin C 20 mg — vitamin D 5 µg — vitamin E 10 mg — Selenium 10 µg Furthermore, the following substances are present: Beta-carotene, lutein, lycopene, pectin, sodium citrate, citric acid, vegetable oil and natural orange flavour. The product is put up for retail sale to maintain general health or well-being. The concentration of vitamins, minerals, and the recommended daily dose (one gummy bear per day) are indicated on the label.	2106 90 98	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Additional note 5 to Chapter 21, Additional note 1 to Chapter 30, and the wording of CN codes 2106, 2106 90 and 2106 90 98. Due to its high vitamin content, the product has lost the characteristics of a sugar confectionery of heading 1704 (see also the Harmonized System Explanatory Notes to Chapter 17, General (exclusion), point (b)). Product composition and the labelling, which <i>inter alia</i> includes information about the amount of vitamins per dose unit, indicate that the product is a food preparation for the maintenance of general health or well-being (see also the Harmonized System Explanatory Notes to heading 2106, point (16)). The product does not meet the requirements of Additional note 1 to Chapter 30, and therefore cannot be classified under heading 3004. Consequently, the product is to be classified under CN code 2106 90 98 as a food preparation not elsewhere specified or included.

COMMISSION REGULATION (EU) 2023/1132**of 8 June 2023****amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards carcinogenic, mutagenic or reproductive toxicant substances subject to restrictions****(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 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 ⁽¹⁾, and in particular Article 68(2) thereof,

Whereas:

- (1) Entries 28, 29 and 30 of Annex XVII to Regulation (EC) No 1907/2006 prohibit the placing on the market and use, for supply to the general public, of substances that are classified as carcinogenic, mutagenic or reproductive toxicant (CMR), categories 1A or 1B, and listed in Appendices 1 to 6 to that Annex and of mixtures containing such substances above specified concentrations.
- (2) Substances classified as CMR are listed in Part 3 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁾.
- (3) Appendices 2 and 6 to Annex XVII to Regulation (EC) No 1907/2006 should be amended in order to reflect the new classification of substances as CMR in Regulation (EC) No 1272/2008 as amended by Commission Delegated Regulation (EU) 2022/692 ⁽³⁾. It is therefore appropriate to insert the newly classified CMR substances of categories 1A and 1B in Appendices 2 and 6 to Annex XVII to Regulation (EC) No 1907/2006.
- (4) The new classification of substances in Regulation (EC) No 1272/2008 will apply from 1 December 2023. The restriction introduced by this Regulation as regards the substances classified by Regulation (EU) 2022/692 as CMR category 1A or 1B should therefore apply from the same date. The date of application does not prevent operators from applying the restrictions related to the CMR substances of category 1A or 1B listed in the Annex to Delegated Regulation (EU) 2022/692 earlier.
- (5) A number of group entries are included in Part 3 of Annex VI to Regulation (EC) No 1272/2008. In some cases, there are classification requirements for specific substances that would be covered by the group entry. In such cases a specific entry is included in Part 3 of Annex VI to Regulation (EC) No 1272/2008 for the substance and the group entry in that Regulation is then annotated with the phrase 'except those specified elsewhere in this Annex'. The incorporation of those substances in Appendices 1 to 6 of Annex XVII to Regulation (EC) No 1907/2006 thus needs to reflect that annotation referring to Annex VI to Regulation (EC) No 1272/2008. However, the text in the entries with index numbers 033-005-00-1, 050-008-00-3, 082-001-00-6, 609-026-00-2 and 650-017-00-8 seems to refer to an Annex to Regulation (EC) No 1907/2006 instead of Annex VI to Regulation (EC) No 1272/2008. Those entries should therefore be adapted accordingly.
- (6) Regulation (EC) No 1907/2006 should therefore be amended accordingly.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2022/692 of 16 February 2022 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 129, 3.5.2022, p. 1).

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 133(1) of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1907/2006 is amended in accordance with 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*.

Points (2) and (5) of the Annex shall apply from 1 December 2023.

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

Done at Brussels, 8 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex XVII to Regulation (EC) No 1907/2006 is amended as follows:

(1) in Appendix 1, the entry with index number 033-005-00-1 is replaced by the following:

Substances	Index No	EC No	CAS No	Notes
'Arsenic acid and its salts, except those specified elsewhere in Annex VI to Regulation (EC) No 1272/2008	033-005-00-1	-	-	A'

(2) in Appendix 2, the following entries are inserted in the table in the order of the index numbers set out therein:

Substances	Index No	EC No	CAS No	Notes
'Divanadium pentaoxide; vanadium pentoxide	023-001-00-8	215-239-8	1314-62-1'	
'Cumene	601-024-00-X	202-704-5	98-82-8'	
'2,2-dimethylpropan-1-ol, tribromo derivative; 3-bromo-2,2-bis(bromomethyl)propan-1-ol	603-243-00-6	253-057-0	36483-57-5; 1522-92-5'	
'Benzophenone	606-153-00-5	204-337-6	119-61-9'	

(3) in Appendix 2, the entry with index number 650-017-00-8 is replaced by the following:

Substances	Index No	EC No	CAS No	Notes
'Refractory Ceramic Fibres, Special Purpose Fibres, except those specified elsewhere in Annex VI to Regulation (EC) No 1272/2008; [Man-made vitreous (silicate) fibres with random orientation with alkaline oxide and alkali earth oxide (Na ₂ O+K ₂ O+CaO+MgO+BaO) content less or equal to 18 % by weight]	650-017-00-8	-	-	A, R'

(4) in Appendix 5, the entry with index number 082-001-00-6 is replaced by the following:

Substances	Index No	EC No	CAS No	Notes
'Lead compounds, except those specified elsewhere in Annex VI to Regulation (EC) No 1272/2008	082-001-00-6	-	-	A'

(5) in Appendix 6, the following entries are inserted in the table in the order of the index numbers set out therein:

Substances	Index No	EC No	CAS No	Notes
'Ammonium bromide	035-005-00-7	235-183-8	12124-97-9'	
'Dibutyltin bis(2-ethylhexanoate)	050-032-00-4	220-481-2	2781-10-4'	
'Dibutyltin di(acetate)	050-033-00-X	213-928-8	1067-33-0'	
'Tellurium	052-001-00-0	236-813-4	13494-80-9'	
'Tellurium dioxide	052-002-00-6	231-193-1	7446-07-3'	
'Barium diboron tetraoxide	056-005-00-3	237-222-4	13701-59-2'	
'2-(2-methoxyethoxy)ethanol; diethylene glycol monomethyl ether	603-107-00-6	203-906-6	111-77-3'	
'2,4,6-tri-tert-butylphenol	604-097-00-6	211-989-5	732-26-3'	
'4,4'-sulphonyldiphenol; bisphenol S	604-098-00-1	201-250-5	80-09-1'	
'2-ethylhexanoic acid and its salts, with the exception of those specified elsewhere in Annex VI to Regulation (EC) No 1272/2008	607-230-00-6	-	-'	
'Pentapotassium 2,2',2'',2''',2''''- (ethane-1,2-diynitrilo) pentaacetate	607-734-00-6	404-290-3	7216-95-7'	
'N-carboxymethyliminobis (ethylenenitrilo)tetra (acetic acid)	607-735-00-1	200-652-8	67-43-6'	
'Pentasodium(carboxylatomethyl) iminobis (ethylenenitrilo) tetraacetate	607-736-00-7	205-391-3	140-01-2'	
'Perfluoroheptanoic acid; tridecafluoroheptanoic acid	607-761-00-3	206-798-9	375-85-9'	
'6-[C12-18-alkyl-(branched, unsaturated)-2,5-dioxopyrrolidin- 1-yl]hexanoic acid, sodium and tris(2-hydroxyethyl)ammonium salts	607-763-00-4	-	-'	
'6-[(C10-C13)-alkyl-(branched, unsaturated)-2,5-dioxopyrrolidin- 1-yl]hexanoic acid	607-764-00-X	-	2156592-54-8'	
'6-[C12-18-alkyl-(branched, unsaturated)-2,5-dioxopyrrolidin- 1-yl]hexanoic acid	607-765-00-5	-	-'	

'Theophylline; 1,3-dimethyl-3,7-dihydro-1 <i>H</i> - purine-2,6-dione	613-342-00-6	200-385-7	58-55-9'	
'N-(2-nitrophenyl)phosphoric triamide	616-238-00-9	477-690-9	874819-71-3'	
'Reaction mass of 3-(difluoromethyl)-1-methyl-N- [(1 <i>RS</i> ,4 <i>SR</i> ,9 <i>RS</i>)-1,2,3,4-tetrahy- dro- 9-isopropyl-1,4-methanonaph- thalen-5-yl]pyrazole- 4-carboxamide and 3-(difluoromethyl)- 1-methyl-N- [(1 <i>RS</i> ,4 <i>SR</i> ,9 <i>SR</i>)-1,2,3,4-tetrahy- dro- 9-isopropyl-1,4-methanonaph- thalen-5-yl]pyrazole- 4-carboxamide [> 78 % syn isomers < 15 % anti isomers relative content]; isopyrazam	616-240-00-X	-	881685-58-1'	

(6) in Appendix 6, the entries with index numbers 050-008-00-3 and 609-026-00-2 are replaced by the following:

Substances	Index No	EC No	CAS No	Notes
'Tributyltin compounds, except those specified elsewhere in Annex VI to Regulation (EC) No 1272/2008	050-008-00-3	-	-'	
'Salts and esters of dinoseb, except those specified elsewhere in Annex VI to Regulation (EC) No 1272/2008	609-026-00-2	-	-'	

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1133**of 8 June 2023****granting a Union authorisation for the single biocidal product ‘Superficid express’ in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (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 ⁽¹⁾, and in particular Article 44(5), first subparagraph, thereof,

Whereas:

- (1) On 23 April 2019, Lysoform Dr. Hans Rosemann GmbH submitted to the European Chemicals Agency (‘the Agency’) an application in accordance with Article 43(1) of Regulation (EU) No 528/2012 and Article 4 of Commission Implementing Regulation (EU) No 414/2013 ⁽²⁾ for authorisation of the same single biocidal product, as referred to in Article 1 of that Regulation, named ‘Superficid express’, of product-types 2 and 4, as described in Annex V to Regulation (EU) No 528/2012. The application was recorded under case number BC-FD051101-74 in the Register for Biocidal Products (‘the Register’). The application also indicated the application number of the related reference biocidal product family ‘Knieler & Team Propanol Family’, recorded in the Register under case number BC-AQ050985-22.
- (2) The same single biocidal product ‘Superficid express’ contains propan-1-ol and propan-2-ol as the active substances, which are included in the Union list of approved active substances referred to in Article 9(2) of Regulation (EU) No 528/2012 for product-types 2 and 4.
- (3) On 8 December 2021, the Agency submitted to the Commission an opinion ⁽³⁾ and the draft summary of the biocidal product characteristics (‘SPC’) of ‘Superficid express’ in accordance with Article 6 of Implementing Regulation (EU) No 414/2013.
- (4) The opinion concludes that the proposed differences between the same single biocidal product and the related reference biocidal product are limited to information which can be the subject of an administrative change in accordance with Commission Implementing Regulation (EU) No 354/2013 ⁽⁴⁾, and that based on the assessment of the related reference biocidal product family ‘Knieler & Team Propanol Family’ and subject to compliance with the draft SPC, the same single biocidal product meets the conditions laid down in Article 19(1) of Regulation (EU) No 528/2012.
- (5) On 24 October 2022, the Agency transmitted to the Commission the draft SPC in all the official languages of the Union in accordance with Article 44(4) of Regulation (EU) No 528/2012.
- (6) The Commission concurs with the opinion of the Agency and considers it therefore appropriate to grant a Union authorisation for the same single biocidal product ‘Superficid express’.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 414/2013 of 6 May 2013 specifying a procedure for the authorisation of same biocidal products in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 125, 7.5.2013, p. 4).

⁽³⁾ ECHA opinion for ‘Superficid express’, 8 December 2021, <https://echa.europa.eu/opinions-on-union-authorisation>

⁽⁴⁾ Commission Implementing Regulation (EU) No 354/2013 of 18 April 2013 on changes of biocidal products authorised in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 109, 19.4.2013, p. 4).

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

A Union authorisation with authorisation number EU-0027677-0000 is granted to Lysoform Dr. Hans Rosemann GmbH for the making available on the market and use of the same single biocidal product 'Superficial express' in accordance with the summary of the biocidal product characteristics set out in the Annex.

The Union authorisation is valid from 29 June 2023 until 31 July 2032.

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, 8 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Summary of product characteristics for a biocidal product

Superficid express

Product type 2 - Disinfectants and algacides not intended for direct application to humans or animals
(Disinfectants)

Product type 4 - Food and feed area (Disinfectants)

Authorisation number: EU-0027677-0000

R4BP asset number: EU-0027677-0000

1. ADMINISTRATIVE INFORMATION**1.1. Trade name(s) of the product**

Trade name(s)	Superficid express Bactesil Express IPA Express Twoalko Express MicrobaX Express Alkodes Express Septokil Express Mastersept Express Descoficid Bactoficid Express Supergerm Express Superdes Express Septospace
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1.2. Authorisation holder

Name and address of the authorisation holder	Name	Lysoform Dr. Hans Rosemann GmbH
	Address	Kaiser-Wilhelm-Str. 133, 12247 Berlin Germany
Authorisation number	EU-0027677-0000	
R4BP asset number	EU-0027677-0000	
Date of the authorisation	29 June 2023	
Expiry date of the authorisation	31 July 2032	

1.3. Manufacturer(s) of the product

Name of manufacturer	Lysoform Dr. Hans Rosemann GmbH,
Address of manufacturer	Kaiser-Wilhelm-Str. 133, 12247 Berlin Germany
Location of manufacturing sites	Lysoform Dr. Hans Rosemann GmbH, Kaiser-Wilhelm-Str. 133, 12247 Berlin Germany A.F.P. Antiseptica Forschungs- und Produktionsgesellschaft mbH, Otto-Brenner-Straße 16-18, 21337 Lüneburg Germany Sterisol AB, Kronoängsgatan 3, S 59223 Vadstena Sweden

1.4. Manufacturer(s) of the active substance(s)

Active substance	Propan-1-ol
Name of manufacturer	OQ Chemicals GmbH (formerly Oxea GmbH)
Address of manufacturer	Rheinpromenade 4a, 40789 Monheim am Rhein Germany
Location of manufacturing sites	OQ Chemicals Corporation (formerly Oxea Corporation), 2001 FM 3057 TX, 77414 Bay City United States

Active substance	Propan-1-ol
Name of manufacturer	BASF SE
Address of manufacturer	Carl-Bosch-Str. 38, 67056 Ludwigshafen Germany
Location of manufacturing sites	BASF SE, Carl-Bosch-Str. 38, 67056 Ludwigshafen Germany

Active substance	Propan-2-ol
Name of manufacturer	INEOS Solvent Germany GmbH
Address of manufacturer	Römerstrasse 733, 47443 Moers Germany
Location of manufacturing sites	INEOS Solvent Germany GmbH, Römerstrasse 733, 47443 Moers Germany INEOS Solvent Germany GmbH, Shamrockstrasse 88, 44623 Herne Germany

2. PRODUCT COMPOSITION AND FORMULATION

2.1. Qualitative and quantitative information on the composition of the product

Common name	IUPAC name	Function	CAS number	EC number	Content (%)
Propan-1-ol		Active Substance	71-23-8	200-746-9	14,3
Propan-2-ol		Active Substance	67-63-0	200-661-7	63,14

2.2. Type of formulation

AL - Any other liquid

3. HAZARD AND PRECAUTIONARY STATEMENTS

Hazard statements	Highly flammable liquid and vapour. Causes serious eye damage. May cause drowsiness or dizziness. Repeated exposure may cause skin dryness or cracking.
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Precautionary statements	Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. - No smoking. Keep container tightly closed. Avoid breathing vapours. Use only outdoors or in a well-ventilated area. Wear eye protection. Immediately call a POISON CENTER/doctor. IF INHALED: Remove person to fresh air and keep comfortable for breathing. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Store in a well-ventilated place. Keep cool. Store locked up. Dispose of container to an authorised waste collection point.
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4. AUTHORISED USE(S)

4.1. Use description

Table 1.

Use # 1 – hard non-porous small surface disinfection RTU liquid

Product type	PT02 - Disinfectants and algacides not intended for direct application to humans or animals (Disinfectants)
Where relevant, an exact description of the authorised use	Not relevant
Target organism(s) (including development stage)	Scientific name: no data Common name: Bacteria Development stage: no data Scientific name: no data Common name: Yeasts Development stage: no data Scientific name: no data Common name: Enveloped viruses Development stage: no data
Field(s) of use	Indoor Health care facilities and pharmaceutical and cosmetic industry, for example in patient-near surrounding, working areas/desks, general equipment (excluding food contact surfaces): disinfection of small hard/non-porous surfaces. For professional use only.
Application method(s)	Method: Manual application Detailed description: Ready-to-use surface disinfectant at room temperature (20±2 °C). The entire surface to be disinfected is wetted by pouring or spraying from short distance and subsequently thoroughly wiped with a cloth. The amount of product should be sufficient (max. 50 ml/m²) to keep the surface wet during the contact time.

Application rate(s) and frequency	Application Rate: Minimum exposure time: • for the control of bacteria, yeasts and enveloped viruses: 60 sec Dilution (%): Ready-to-use product Number and timing of application: A reasonable frequency of disinfection in a patient's room is 1-2 per day. Maximum number of applications is 6 per day. No safety intervals need to be considered between the application phases.
Category(ies) of users	Industrial Professional
Pack sizes and packaging material	125, 150, 500, 1 000 ml transparent/white high-density polyethylene (HDPE) bottle with polypropylene (PP) flip top caps (accessory: PP screw closure with spray head); 5 000 ml transparent/white HDPE canister with HDPE screwed cap.

4.1.1. *Use-specific instructions for use*

Surfaces should always be visibly clean prior to disinfection. Maximum number of applications is 6 per day.

4.1.2. *Use-specific risk mitigation measures*

See general directions for use.

4.1.3. *Where specific to the use, the particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment*

See general directions for use.

4.1.4. *Where specific to the use, the instructions for safe disposal of the product and its packaging*

See general directions for use.

4.1.5. *Where specific to the use, the conditions of storage and shelf-life of the product under normal conditions of storage*

See general directions for use.

4.2. **Use description**

Table 2.

Use # 2 – hard non-porous small surface disinfection RTU liquid

Product type	PT04 - Food and feed area (Disinfectants)
Where relevant, an exact description of the authorised use	Not relevant
Target organism(s) (including development stage)	Scientific name: no data Common name: Bacteria Development stage: no data Scientific name: no data Common name: Yeasts Development stage: no data

Field(s) of use	Indoor Health care facilities and in food industry, for example food preparation and handling in kitchens/restaurants): disinfection of small hard/non-porous surfaces. For professional use only.
Application method(s)	Method: Manual application Detailed description: Ready-to-use surface disinfectant at room temperature (20±2 °C). The entire surface to be disinfected is wetted by pouring or spraying from short distance and subsequently thoroughly wiped with a cloth. The amount of product should be sufficient (max. 50 ml/m ²) to keep the surface wet during the contact time.
Application rate(s) and frequency	Application Rate: Minimum exposure time: for the control of bacteria and yeasts at 20°C: 60 sec Dilution (%): Ready-to-use product Number and timing of application: The products can be used as often as necessary. A reasonable frequency in kitchens is 1-2 per day. No safety intervals need to be considered between the application phases.
Category(ies) of users	Industrial Professional
Pack sizes and packaging material	125, 150, 500, 1 000 ml transparent/white high-density polyethylene (HDPE) bottle with polypropylene (PP) flip top caps (accessory: PP screw closure with spray head); 5 000 ml transparent/white HDPE canister with HDPE screwed cap.

4.2.1. *Use-specific instructions for use*

Surfaces should always be visibly clean prior to disinfection.

4.2.2. *Use-specific risk mitigation measures*

See general directions for use.

4.2.3. *Where specific to the use, the particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment*

See general directions for use.

4.2.4. *Where specific to the use, the instructions for safe disposal of the product and its packaging*

See general directions for use.

4.2.5. *Where specific to the use, the conditions of storage and shelf-life of the product under normal conditions of storage*

See general directions for use.

5. **GENERAL DIRECTIONS FOR USE ⁽¹⁾**

5.1. **Instructions for use**

For professional use only.

⁽¹⁾ Instructions for use, risk mitigation measures and other directions for use under this section are valid for any authorised uses.

5.2. Risk mitigation measures

The use of eye protection during handling of the product is mandatory.

Keep out of reach of children.

5.3. Particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment

First-aid measures general: Move the affected person away from the contaminated area. Get medical advice/attention if you feel unwell. If possible show this sheet.

IF INHALED: Move to fresh air and keep at rest in a position comfortable for breathing. Call a POISON CENTRE or a doctor.

IF ON SKIN: Immediately wash skin with plenty of water. Thereafter take off all contaminated clothing and wash it before reuse. Continue to wash the skin with water for 15 minutes. Call a POISON CENTRE or a doctor.

IF IN EYES: Immediately rinse with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing for at least 15 minutes. Call 112/ambulance for medical assistance.

Information to Healthcare personnel/doctor:

The eyes should also be rinsed repeatedly on the way to the doctor if eye exposure to alkaline chemicals (pH > 11), amines and acids like acetic acid, formic acid or propionic acid.

IF SWALLOWED: Immediately rinse mouth. Give something to drink, if exposed person is able to swallow. Do NOT induce vomiting. Call 112/ambulance for medical assistance.

Accidental release measures: Stop leak if safe to do so. Remove ignition sources. Use special care to avoid static electric charges. No open flames. No smoking. Prevent entry to sewers and public waters. Wipe up with absorbent material (for example cloth). Soak up spills with inert solids, such as clay or diatomaceous earth as soon as possible. Take up mechanically (sweeping, shovelling). Dispose of in accordance with relevant local regulations.

5.4. Instructions for safe disposal of the product and its packaging

Disposal must be done according to official regulations. Do not empty into drains. Do not dispose of with domestic waste. Dispose of contents/container to an authorised waste collection point. Empty the packaging completely prior to disposal. When totally empty, containers are recyclable like any other packing.

5.5. Conditions of storage and shelf-life of the product under normal conditions of storage

Shelf-life: 24 months

Store in dry, cool, well-ventilated area. Keep container tightly closed. Keep out of direct sunlight.

Recommended storage temperature: 0-30°C

Do not store at temperatures below 0°C

Do not store near food, drink and animal feedingstuff. Keep away from combustible material.

6. OTHER INFORMATION

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1134**of 8 June 2023****on measures to prevent the introduction into, establishment and spread within the Union territory of *Spodoptera frugiperda* (Smith), amending Implementing Regulation (EU) 2019/2072 and repealing Implementing Decision (EU) 2018/638**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC ⁽¹⁾, and in particular Article 28(1), points (a), (b), (d), (e), (f), (h) and (i), and Article 41(2) thereof,

Whereas:

- (1) *Spodoptera frugiperda* (Smith) ('the specified pest') is listed in Part A of Annex II to Commission Implementing Regulation (EU) 2019/2072 ⁽²⁾ as a pest not known to occur in the Union territory. It is also listed as a priority pest in the Annex to Commission Delegated Regulation (EU) 2019/1702 ⁽³⁾.
- (2) Commission Implementing Decision (EU) 2018/638 ⁽⁴⁾ establishes emergency measures to prevent the introduction into and the spread within the Union territory of that pest.
- (3) Since the adoption of Implementing Decision (EU) 2018/638, the specified pest has continued to spread fast worldwide and towards the Union territory. In January 2023, its presence was officially confirmed in Cyprus.
- (4) Furthermore, the number of cases of non-compliance with Union legislation as regards the presence of the specified pest on imported commodities has remained high, and the number of plant species on which the specified pest is intercepted, has been increasing.
- (5) Given the continuing spread of the specified pest, its recent finding in the Union territory and the cases of non-compliance with Union legislation in the trade with certain plants, measures are needed to protect the Union from that pest.
- (6) Certain plants ('specified plants') should therefore be listed in this Regulation and be subject to specific requirements. The list of specified plants should include plant species whose introduction into the Union has been related to non-compliance with Union legislation as regards the presence of the specified pest.
- (7) Member States should perform annual surveys for the presence of the specified pest, employing a risk-based approach in line with the latest scientific and technical information and based on the Pest Survey Card on *Spodoptera frugiperda* ⁽⁵⁾ published by the European Food Safety Authority ('the Authority'). To ensure a better overview of the presence of the specified pest, Annex I to this Regulation lists the host plants of the specified pest, which should be surveyed.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2019/1702 of 1 August 2019 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests (OJ L 260, 11.10.2019, p. 8).

⁽⁴⁾ Commission Implementing Decision (EU) 2018/638 of 23 April 2018 establishing emergency measures to prevent the introduction into and the spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith) (OJ L 105, 25.4.2018, p. 31).

⁽⁵⁾ Pest survey card on *Spodoptera frugiperda*. EFSA supporting publication 2020:EN-1895. 29 pp. doi:10.2903/sp.efsa.2020.EN-1895

- (8) Member States should draw up and keep up to date a contingency plan for the specified pest in accordance with Regulation (EU) 2016/2031. To achieve a harmonised approach amongst Member States, it is necessary to adopt specific rules implementing Article 25 of that Regulation as regards contingency plans for the specified pest ensuring that the plan contains all the elements needed in case of new findings of the specified pest.
- (9) In order to eradicate the specified pest and prevent its spread in the Union territory, Member States should establish demarcated areas consisting of an infested zone and a buffer zone and apply eradication measures. The buffer zone should be at least 5 km and maximum 100 km wide, as such a large range is appropriate considering the migratory capacity of the specified pest, the presence of the host plants and the geographic characteristics of the area.
- (10) However, in cases of isolated findings of the specified pest, the establishment of a demarcated area should not be required if the specified pest can be eliminated from those plants and if there is evidence that those plants were infested before their introduction into the area or that it is an isolated finding not expected to lead to establishment of the specified pest or a finding in a site of production with physical isolation against the specified pest or in a greenhouse in areas where the pest cannot be established outdoors. This is the most proportionate approach if the surveys carried out in the area concerned confirm the absence of the specified pest.
- (11) In order to prevent further spread of the specified pest to the rest of the Union territory, the surveys of the buffer zones should be carried out annually at the most appropriate time of the year and with sufficient intensity. Lifting of the demarcation should occur after surveys for a sufficient time to confirm the absence of the specified pest.
- (12) Specific eradication measures should be taken by the competent authorities in the infested zones to eradicate the specified pest. Those measures include the control measures to eradicate the specified pest and the movement of soil from the infected area.
- (13) As the specified pest was found in the Union territory, it is justified to establish special requirements for the movement of the specified plants out of the demarcated areas.
- (14) The special requirements for the import into the Union of fruits of *Capsicum* L., *Momordica* L., *Solanum aethiopicum* L., *Solanum macrocarpon* L. and *Solanum melongena* L. and plants of *Zea mays* L., and the provisions regarding the survey obligations of the Member States laid down in Implementing Decision (EU) 2018/638, should be included in this Regulation. This is necessary to improve clarity and legal certainty concerning the application of all temporal requirements regarding the specified pest. For the same reason, that Implementing Decision should be repealed and succeeded by this Regulation.
- (15) The phytosanitary risk of the specified pest is not yet fully assessed, because the range of its specified plants remains uncertain. It needs to be completed following the current finding in the Union territory and its spread and establishment in third countries. This Regulation should therefore apply until 31 December 2025 to allow further evaluation and review of the range of the specified plants, the cases of non-compliance with Union legislation in relation to the specified pest and the effectiveness of the measures taken in the Union territory.
- (16) Plants of *Asparagus officinalis* L., other than stems covered during their entire life by soil, live pollen, plant tissue cultures and seeds, should be listed in Part A of Annex XI to Implementing Regulation (EU) 2019/2072. This is necessary in order to comply with Article 72(1), points (c) and (e) of Regulation (EU) 2016/2031, which sets out the respective listing of plants subject to the provisions referred to in those points.
- (17) In order to address the risk of the specified pest as soon as possible, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*. The provision concerning the contingency plans should apply from 1 August 2023.

- (18) The requirements concerning the introduction of the specified plants into the Union and their movement out of the demarcated areas to the rest of the Union territory, should apply from 1 July 2023, in order to give competent authorities, business operators and third countries sufficient time to adapt to requirements resulting from those provisions.
- (19) The requirements concerning the introduction into the Union of plants of *Asparagus officinalis* L., other than stems covered during their entire life by soil, live pollen, plant tissue cultures and seeds, should apply from 1 September 2023. This is necessary in order to give the competent authorities of the third countries sufficient time to conduct the respective surveys for the presence of the specified pest on those plants.
- (20) Consequently, Articles 3 and 4 of Implementing Decision (EU) 2018/638 concerning the introduction into the Union of the specified plants should continue to apply until 30 June 2023, in order to avoid any legal gap and ensure that the introduction into the Union of the respective plants remains subject to appropriate requirements against the presence of the specified pest.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation sets out measures to prevent the introduction into the Union territory, and establishment and spread within that territory of *Spodoptera frugiperda* (Smith).

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'specified pest' means *Spodoptera frugiperda* (Smith);
- (2) 'specified plants' means:
 - (a) fruits of *Capsicum* L., *Momordica* L., *Solanum aethiopicum* L., *Solanum macrocarpon* L. and *Solanum melongena* L.;
 - (b) plants of *Asparagus officinalis* L., other than stems covered during their entire life by soil, live pollen, plant tissue cultures and seeds;
 - (c) plants of *Zea mays* L., other than live pollen, plant tissue cultures, seeds and grains;
 - (d) plants of *Chrysanthemum* L., *Dianthus* L. and *Pelargonium* l'Hérit. ex Ait., other than seeds;
- (3) 'host plants' means plants listed in Annex I.

Article 3

Surveys of the Union territory

- 1. The competent authorities shall, without prejudice to the obligations provided for in Article 24 of Regulation (EU) 2016/2031, conduct annual risk-based surveys for the presence of the specified pest on host plants, at appropriate times of the year, on the basis of the scientific and technical information referred to in the Authority's Pest Survey Card on *Spodoptera frugiperda*.
- 2. Those surveys shall be conducted in particular:
 - (a) on the basis of the level of the corresponding phytosanitary risk;

- (b) at areas close to regions where the pest is known to be present;
 - (c) at areas where host plants enter the Union territory, where they are handled and repacked, and where their waste is disposed of;
 - (d) at airports and seaports;
 - (e) at nurseries, garden centres and retail shops, as appropriate;
 - (f) in sites of production with physical isolation against the specified pest and in greenhouses, on the basis of visual inspections.
3. The surveys shall in particular consist of:
- (a) the use of traps, such as pheromone or light traps, and in the case of any suspicion of infestation by the specified pest, collection of samples and identification;
 - (b) visual examination, where appropriate.

Article 4

Contingency plans

1. Each Member State shall, in addition to the obligations provided for in Article 25 of Regulation (EU) 2016/2031, include in its contingency plan the actions to be taken in its territory concerning:
- (a) the procedures for identifying the owners of the plants to be destroyed, accessing private properties and notifying the order of destruction;
 - (b) the procedures to mobilise the needed financial support to eradicate the specified pest;
 - (c) where appropriate, the information on the wind patterns in the Member States' territory that would facilitate the migration of the specified pest;
 - (d) the list of appropriate control methods for the pest, which shall be kept updated based on the latest scientific and technical information.
2. Member States shall update their contingency plans, as appropriate, by 31 December of each year.

Article 5

Establishment of demarcated areas

1. Where the presence of the specified pest is confirmed, the Member State concerned shall, without delay, establish a demarcated area consisting of:
- (a) an infested zone, including the location with the infested plants and all plants which are liable to become infested within a 100 m radius around the finding of the specified pest; and
 - (b) a buffer zone of at least 5 km and maximum 100 km wide, beyond the boundary of the infested zone.

The buffer zone may be expanded to more than 100 km if the Member State considers that necessary for the protection of its territory from the specified pest.

2. The delimitation of the demarcated area shall take into account the scientific principles, the biology of the specified pest, including data on migration ability, the level of infestation, the geographic characteristics of the area, the particular distribution of the host plants in the area concerned, and the evidence of establishment of the specified pest.
3. Within the demarcated areas, the competent authorities shall raise public awareness concerning the threat of the specified pest and the measures adopted to prevent its further spread outside those areas. They shall ensure that the general public and professional operators are aware of the delimitation of the demarcated areas.

*Article 6***Derogations from the establishment of demarcated areas**

1. By way of derogation from Article 5, the competent authorities may choose not to establish a demarcated area, if at least one of the following conditions are fulfilled:
 - (a) there is evidence that the specified pest has been introduced into the area with the plants on which it was found, and those plants were infested before their introduction into the area concerned and no multiplication of the specified pest has occurred;
 - (b) there is evidence that it is an isolated finding not expected to lead to establishment of the specified pest;
 - (c) the specified pest is officially confirmed in a site of production with physical isolation against it;
 - (d) the specified pest is officially confirmed in a greenhouse, and there is evidence that the specified pest is not capable to survive the winter conditions outside of that greenhouse.
2. Where the competent authority uses the derogation provided for in paragraph 1, it shall:
 - (a) take measures to ensure the prompt eradication of the specified pest and to exclude the possibility of its spread;
 - (b) immediately increase the number of traps and the frequency with which the traps are checked in that area;
 - (c) intensify the visual examinations, including scouting in the sites of production;
 - (d) carry out a survey by means of traps in an area of at least 5 km wide around the infested plants, or the site of production where the specified pest was found, regularly and intensively for at least two years. In areas where the specified pest is not capable to survive the winter conditions, the survey period may be limited to the period before the start of the winter conditions;
 - (e) raise public awareness of the threat of the specified pest; and
 - (f) take any other appropriate measure to eradicate the specified pest.

*Article 7***Surveys in demarcated areas**

Surveys carried out in the demarcated areas shall, in addition to the requirements specified for surveys in Article 3, include the following measures:

- (a) increased number of traps and higher frequency with which the traps are checked;
- (b) scouting in sites of production where host plants are grown; and
- (c) survey design and sampling scheme used for detection surveys, which is able to identify with at least 95 % of confidence, a level of presence of the specified pest of 1 %.

*Article 8***Lifting of demarcation**

The demarcation may be lifted when, on the basis of the surveys referred to in Article 7, the specified pest is not detected in the demarcated area for at least two consecutive years.

In areas where the specified pest is not capable to survive the winter conditions, that period may be limited to the period before the start of the winter conditions.

Article 9

Eradication measures

In the infested zones, the competent authorities shall take all of the following measures to eradicate the specified pest:

- (a) appropriate treatments against the specified pest, in all the stages of its development, where the migratory nature of the adult pests, the distribution of host plants and the feeding habits of its larvae shall be considered;
- (b) prohibition of the movement of the upper layer of the soil and of used growing media out of the infested zone, unless one of the following conditions has been fulfilled by the professional operators concerned, under the supervision of the competent authorities:
 - (i) the soil or growing medium has been subject to appropriate measures to eliminate the specified pest and transported within closed vehicles ensuring that the pest cannot spread;
 - (ii) the soil or growing medium is transported in closed vehicles ensuring that the specified pest cannot spread and is deeply buried in landfill.

Article 10

Introduction into the Union of the specified plants

1. The specified plants, other than plants of *Chrysanthemum* L., *Dianthus* L. and *Pelargonium* l'Hérit. ex Ait., may only be introduced into the Union if they fulfil one of the following requirements:

- (a) they originate from a country where the pest is not known to occur;
- (b) they originate from an area free from the specified pest, as established by the National Plant Protection Organisation (NPPO) concerned, in accordance with the International Standard for Phytosanitary Measures No 4; the name of that area shall be stated in the phytosanitary certificate under the rubric 'place of origin';
- (c) prior to export they have been subject to an official inspection and found free from the specified pest, and originate from a site of production complying with the following conditions:
 - (i) it is registered and supervised by the NPPO in the country of origin;
 - (ii) official inspections have been carried out during the last three months prior to export, and no presence of the specified pest has been detected on the specified plants;
 - (iii) it has physical isolation against the introduction of the specified pest;
 - (iv) information ensuring traceability of the specified plants to that site of production has been ensured during their movement prior to export;
- (d) prior to their export they have been subject to an official inspection and found free from the specified pest, and they originate from a site of production complying with the following conditions:
 - (i) it is registered and supervised by the NPPO in the country of origin;
 - (ii) official inspections have been carried out during the three months prior to export, and no presence of the specified pest has been detected on the specified plants;
 - (iii) the specified plants have been subjected to an effective treatment to ensure freedom from the specified pest;
 - (iv) information ensuring the traceability of the specified plants to that site of production has been ensured during their movement prior to export;
- (e) they have been subjected to an effective post-harvest treatment to ensure freedom from the specified pest, and that treatment is indicated on the phytosanitary certificate.

2. The specified plants shall be accompanied by a phytosanitary certificate indicating, under the heading 'Additional Declaration', a reference to this Regulation, a reference to the respective point of paragraph 1 which it complies with, and the full wording of the respective option referred to in that paragraph.

Article 11

Movement within the Union territory of the specified plants

1. The specified plants, other than plants of *Chrysanthemum* L., *Dianthus* L. and *Pelargonium* l'Hérit. ex Ait., which have spent part of their lives in demarcated areas established in accordance with Article 5, may only be moved out of the demarcated areas if they fulfil one of the following requirements and are accompanied by a plant passport issued after it is attested that one of those requirements has been fulfilled:

- (a) prior to their movement, they have been subject to an inspection and found free from the specified pest, and originate from a site of production complying with the following conditions:
 - (i) it is registered for the purpose of controlling the requirements of this Regulation;
 - (ii) official inspections have been carried out during the three months prior to movement, and no presence of the specified pest has been detected on the specified plants;
 - (iii) it is with physical isolation against the introduction of the specified pest;
 - (iv) information ensuring the traceability of the specified plants to that site of production has been ensured prior to movement out of the demarcated areas;
- (b) prior to their movement, they have been subject to an inspection and found free from the specified pest, and they originate from a site of production complying with the following conditions:
 - (i) it is registered for the purpose of controlling the requirements of this Regulation;
 - (ii) official inspections have been carried out during the three months prior to movement, and no presence of the specified pest has been detected on the specified plants;
 - (iii) the specified plants have been subjected to an effective treatment to ensure freedom from the specified pest;
 - (iv) information ensuring the traceability of the specified plants to that site of production has been ensured prior to movement out of the demarcated areas;
- (c) they have been subjected to an effective post-harvest treatment to ensure freedom from the specified pest.

2. Plants of *Chrysanthemum* L., *Dianthus* L. and *Pelargonium* l'Hérit. ex Ait., other than seeds, originating in demarcated areas established in accordance with Article 5, may only be moved out of the demarcated areas, if they fulfil one of the following requirements and are accompanied by a plant passport issued after it is attested that one of those requirements has been fulfilled:

- (a) no sign of the specified pest has been observed at the place of production since the beginning of the last complete cycle of vegetation;
- (b) the plants have undergone appropriate treatment to protect them from the specified pest.

Article 12

Reporting

By 30 April of each year, Member States shall submit to the Commission and the other Member States:

- (a) the results of the surveys carried out pursuant to Article 3(1), outside of the demarcated areas, during the preceding calendar year, using the templates referred to in Annex I to Commission Implementing Regulation (EU) 2020/1231 ⁽⁶⁾;

⁽⁶⁾ Commission Implementing Regulation (EU) 2020/1231 of 27 August 2020 on the format and instructions for the annual reports on the results of the surveys and on the format of the multiannual survey programmes and the practical arrangements, respectively provided for in Articles 22 and 23 of Regulation (EU) 2016/2031 of the European Parliament and the Council (OJ L 280, 28.8.2020, p. 1).

- (b) a report on the measures taken during the preceding calendar year pursuant to this Regulation, and on the results of the measures provided for in Articles 5 to 9;
- (c) the results of the surveys carried out, pursuant to Article 7, in the demarcated areas, during the preceding calendar year, using one of the templates referred to in Annex II.

Article 13

Amendment of Implementing Regulation (EU) 2019/2072

The following point 13 is added in Part A of Annex XI to Implementing Regulation (EU) 2019/2072:

'13. Plants of <i>Asparagus officinalis</i> L., other than stems covered during their entire life by soil, live pollen, plant tissue cultures and seeds	Other vegetables, fresh or chilled: — <i>Asparagus</i> ex 0709 20 00	Third countries other than Switzerland'
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Article 14

Repeal of Implementing Decision (EU) 2018/638

Implementing Decision (EU) 2018/638 is repealed.

Articles 3 and 4 of that Decision shall apply until 30 June 2023.

Article 15

Entry into force and application

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

Article 4 shall apply from 1 August 2023.

Articles 10 and 11 shall apply from 1 July 2023.

However, Article 10 shall apply from 1 September 2023 regarding the introduction into the Union of plants of *Asparagus officinalis* L., other than stems covered during their entire life by soil, live pollen, plant tissue cultures and seeds.

This Regulation shall apply until 31 December 2025.

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

Done at Brussels, 8 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

List of host plants

<i>Abelmoschus esculentus</i> (L.) Moench	<i>Convolvulus arvensis</i> L.
<i>Acalypha</i> L.	<i>Cucumis melo</i> L.
<i>Agrostis gigantea</i> Roth	<i>Cucumis sativus</i> L.
<i>Agrostis stolonifera</i> L.	<i>Cucurbita argyrosperma</i> K.Koch
<i>Alcea rosea</i> L.	<i>Cucurbita maxima</i> Lam.
<i>Allium cepa</i> L.	<i>Cydonia oblonga</i> Mill.
<i>Allium sativum</i> L.	<i>Cynara cardunculus</i> L.
<i>Amaranthus quitensis</i> Kunth	<i>Cynodon dactylon</i> (L.) Pers.
<i>Amaranthus spinosus</i> L.	<i>Cyperus rotundus</i> L.
<i>Andropogon virginicus</i> L.	<i>Dactyloctenium aegyptium</i> (L.) Willd.
<i>Arachis hypogaea</i> L.	<i>Dahlia pinnata</i> Cav.
<i>Asclepias</i> L.	<i>Dendranthema grandiflorum</i> (Ramat.) Kitam.
<i>Asparagus officinalis</i> L.	<i>Dianthus</i> L.
<i>Asplenium nidus</i> L.	<i>Digitaria</i> Haller
<i>Atropa belladonna</i> L.	<i>Digitaria sanguinalis</i> (L.) Scop.
<i>Avena sativa</i> L.	<i>Echinochloa colona</i> (L.) Link
<i>Avena strigosa</i> Schreb.	<i>Echinochloa crus-galli</i> (L.) P.Beauv.
<i>Beta vulgaris</i> L.	<i>Eleusine indica</i> (L.) Gaertn.
<i>Brassica napus</i> L.	<i>Elymus repens</i> (L.) Gould
<i>Brassica oleracea</i> L.	<i>Eremochloa ophiuroides</i> Hack.
<i>Brassica rapa</i> L.	<i>Eriochloa punctata</i> (L.) Ham.
<i>Cajanus cajan</i> (L.) Huth	<i>Eryngium foetidum</i> L.
<i>Capsicum</i> L.	<i>Eucalyptus camaldulensis</i> Dehnh.
<i>Carduus</i> L.	<i>Eucalyptus urophylla</i> S.T.Blake
<i>Carex</i> L.	<i>Fagopyrum esculentum</i> Moench
<i>Carica papaya</i> L.	<i>Festuca arundinacea</i> Schreb.
<i>Carya illinoensis</i> (Wangenh.) K.Koch	<i>Ficus</i> L.
<i>Cenchrus incertus</i> M.A.Curtis	<i>Fragaria ananassa</i> (Duchesne ex Weston) Duchesne ex Rosier
<i>Chenopodium album</i> L.	<i>Fragaria chiloensis</i> (L.) Mill.
<i>Chenopodium quinoa</i> Willd.	<i>Fragaria vesca</i> L.
<i>Chloris gayana</i> Kunth	<i>Gladiolus</i> L. and <i>Gladiolus</i> L. hybrids
<i>Chrysanthemum</i> L.	<i>Glycine max</i> (L.) Merr.
<i>Cicer arietinum</i> L.	<i>Gossypium herbaceum</i> L.
<i>Cichorium intybus</i> L.	<i>Gossypium hirsutum</i> L.
<i>Citrullus lanatus</i> (Thunb.) Matsum. & Nakai	<i>Helianthus annuus</i> L.
<i>Citrus aurantium</i> L.	
<i>Citrus limon</i> (L.) Osbeck	
<i>Citrus reticulata</i> Blanco	
<i>Citrus sinensis</i> (L.) Osbeck	
<i>Codiaeum variegatum</i> (L.) A.Juss.	
<i>Coffea arabica</i> L.	

<i>Hevea brasiliensis</i> (Willd. ex Juss.) Müll.Arg.	<i>Poa pratensis</i> L.
<i>Hibiscus cannabinus</i> L.	<i>Portulaca oleracea</i> L.
<i>Hordeum vulgare</i> L.	<i>Prunus persica</i> (L.) Batsch
<i>Ipomoea batatas</i> (L.) Lam.	<i>Psidium guajava</i> L.
<i>Ipomoea purpurea</i> (L.) Roth	<i>Pueraria montana</i> (Lour.) Merr.
<i>Lactuca sativa</i> L.	<i>Pyrus communis</i> L.
<i>Lespedeza bicolor</i> Turcz.	<i>Raphanus sativus</i> L.
<i>Linum usitatissimum</i> L.	<i>Ricinus communis</i> L.
<i>Lolium multiflorum</i> Lam.	<i>Rosa</i> L.
<i>Malpighia glabra</i> L.	<i>Saccharum officinarum</i> L.
<i>Malus domestica</i> (Suckow) Borkh.	<i>Schlumbergera truncata</i> (Haw.) Moran
<i>Mangifera indica</i> L.	<i>Secale cereale</i> L.
<i>Maranta</i> L.	<i>Sesamum indicum</i> L.
<i>Medicago sativa</i> L.	<i>Setaria italica</i> (L.) P.Beauv.
<i>Megathyrsus maximus</i> (Jacq.) B.K.Simon & S.W.L.Jacobs	<i>Setaria parviflora</i> (Poir.) Kerguélen
<i>Melilotus albus</i> Medik.	<i>Setaria viridis</i> (L.) P.Beauv.
<i>Miscanthus giganteus</i> J.M.Greef & Deuter ex Hodk. & Renvoize	<i>Solanum aethiopicum</i> L.
<i>Momordica</i> L.	<i>Solanum lycopersicum</i> L.
<i>Mucuna pruriens</i> (L.) DC	<i>Solanum macrocarpon</i> L.
<i>Musa paradisiaca</i> L.	<i>Solanum melongena</i> L.
<i>Nicotiana tabacum</i> L.	<i>Solanum tuberosum</i> L.
<i>Oryza sativa</i> L.	<i>Sorghum bicolor</i> (L.) Moench
<i>Panicum miliaceum</i> L.	<i>Sorghum caffrorum</i> (Retz.) P.Beauv.
<i>Panicum virgatum</i> L.	<i>Sorghum halepense</i> (L.) Pers.
<i>Paspalum dilatatum</i> Poir.	<i>Sorghum sudanense</i> (Piper) Stapf
<i>Paspalum distichum</i> L.	<i>Spinacia oleracea</i> L.
<i>Paspalum fimbriatum</i> Kunth	<i>Tanacetum cinerariifolium</i> (Trevis.) Sch.Bip.
<i>Paspalum notatum</i> Flügge	<i>Taraxacum officinale</i> F.H.Wigg.
<i>Paspalum urvillei</i> Steud.	<i>Terminalia catappa</i> L.
<i>Passiflora laurifolia</i> L.	<i>Trifolium Tourn.</i> ex L.
<i>Pelargonium</i> l'Hérit. ex Ait.	<i>Trifolium incarnatum</i> L.
<i>Pennisetum clandestinum</i> Hochst. ex Chiov.	<i>Trifolium pratense</i> L.
<i>Pennisetum glaucum</i> (L.) R.Br.	<i>Trifolium repens</i> L.
<i>Phalaris canariensis</i> L.	<i>Triticum aestivum</i> L.
<i>Phaseolus lunatus</i> L.	<i>Urochloa decumbens</i> (Stapf) R.D.Webster
<i>Phaseolus vulgaris</i> L.	<i>Urochloa mutica</i> (Forssk.) T.Q.Nguyen
<i>Phleum pratense</i> L.	<i>Urochloa ramosa</i> (L.) T.Q.Nguyen
<i>Pinus caribaea</i> Morelet	<i>Urochloa texana</i> (Buhl.) R.D.Webster
<i>Piper</i> L.	<i>Vaccinium corymbosum</i> L.
<i>Pisum sativum</i> L.	
<i>Platanus occidentalis</i> L.	
<i>Plumeria Tourn.</i> ex L.	
<i>Plumeria rubra</i> L.	
<i>Poa annua</i> L.	

Vicia faba L.

Vigna unguiculata (L.) Walp.

Viola L.

Vitis vinifera L.

Wisteria sinensis (Sims) DC.

Xanthium strumarium L.

Zea mays L.

Zingiber officinale Roscoe

Zoysia Willd.

PART A

[illegible]

2. Instructions how to fill in the template

If this template is filled, the template in Part B of this Annex is not to be filled.

- | | |
|---------------|---|
| For column 1: | Indicate the name of the geographical area, outbreak number or any information that allows identification of this demarcated area (DA) and the date when it was established. |
| For column 2: | Indicate the size of the DA before the start of the survey. |
| For column 3: | Indicate the size of the DA after the survey. |
| For column 4: | Indicate the approach: Eradication. Please, include as many rows as necessary, depending on the number of DA per pest and the approaches these areas are subject to. |
| For column 5: | Indicate the zone of the DA where the survey was carried out, including as many rows as necessary: Infested (IZ) or buffer zone (BZ), using separate rows. When applicable, indicate the area of the IZ where the survey was carried out (e.g. last 20 km adjacent to the BZ, around nurseries, etc.) in different rows. |
| For column 6: | <p>Indicate the number and the description of the survey sites, by choosing one of the following entries for the description:</p> <ol style="list-style-type: none">1. Open air (production area):<ol style="list-style-type: none">1.1. field (arable, pasture);1.2. orchard/vineyard;1.3. nursery;1.4. forest;2. Open air (other):<ol style="list-style-type: none">2.1. private garden;2.2. public sites;2.3. conservation area;2.4. wild plants in areas other than conservation areas;2.5. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry, wetlands, irrigation and drainage network, etc.);3. Physically closed conditions:<ol style="list-style-type: none">3.1. greenhouse;3.2. private site, other than greenhouse;3.3. public site, other than greenhouse;3.4. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry). |

For column 7:	Indicate, which are the risk areas identified based on the biology of the pest(s), presence of host plants, eco-climatic conditions and risk locations.
For column 8:	Indicate the risk areas included in the survey, from those identified in column 7.
For column 9:	Indicate plants, fruits, seeds, soil, packaging material, wood, machinery, vehicles, water, other, specifying the specific case.
For column 10:	Indicate the list of plant species/genera surveyed using one row per plant species/genera.
For column 11:	Indicate the months of the year when the survey was carried out.
For column 12:	Indicate the details of the survey, depending on the specific legal requirements of each pest. Indicate with N/A when the information of certain column is not applicable.
For columns 13 and 14:	Indicate the results, if applicable, providing the information available in the corresponding columns. 'Undetermined' are those analysed samples for which no result was obtained due to different factors (e.g. below detection level, unprocessed sample-not identified, old).
For column 15:	Indicate the outbreak notifications of the year when the survey took place for findings in the BZ. The outbreak notification number does not need to be included when the competent authority has decided that the finding is one of the cases referred to in Article 14(2), Article 15(2) or Article 16 of Regulation (EU) 2016/2031. In this case, indicate the reason for not providing this information in column 16 ('Comments').

1. Template for reporting of the results of statistically-based annual surveys

1. Description of the Demarcated Area (DA)	
Name	Date of establishment
2. Initial size of DA (ha)	
3. Updated size of DA (ha)	
4. Approach	
5. Zone	
Description	6. Survey sites
Number	
7. Timing	
A. Survey definition (input parameters for RiBESS+)	
Host species	8. Target population
Area (ha or other more relevant unit)	
Inspection units	
Description	9. Epidemiological units
Units	
Visual examinations	10. Detection methods
Trapping	
Testing	
Other methods	
	11. Sampling effectiveness
	12. Method sensitivity
Risk factor	13. Risk factors (activities, locations and areas)
Risk levels	
N° of locations	
Relative risks	
Proportion of the host population	
	14. N° of epidemiological units inspected
	15. N° of visual examinations
	16. N° samples
	17. N° of traps
	18. N° of trapping sites
	19. N° of tests
	20. N° of other measures
Positive	21. Results
Negative	
Undetermined	
Number	22. Notification number of the outbreaks notified, as applicable, in accordance with Implementing Regulation (EU)-2019/1715
Date	
	23 Achieved Confidence level
	24. Design prevalence
	25. Comments

2. Instructions on how to fill in the template

Explain the underlying assumptions for the survey design per pest. Summarise and justify:

- the target population, epidemiological unit and inspection units;
- the detection method and method sensitivity;
- the risk factor(s), indicating the risk levels and corresponding relative risks and proportions of host plant population.

For column 1: Indicate the name of the geographical area, outbreak number or any information that allows identification of this demarcated area (DA) and the date when it was established.

For column 2: Indicate the size of the DA before the start of the survey.

For column 3: Indicate the size of the DA after the survey.

For column 4: Indicate the approach: Eradication. Please, include as many rows as necessary, depending on the number of DA per pest and the approaches these areas are subject to.

For column 5: Indicate the zone of the DA where the survey was carried out, including as many rows as necessary: Infested zone (IZ) or buffer zone (BZ), using separate rows. Where applicable, indicate the area of the IZ where the survey was carried out (e.g. last 20 km adjacent to the BZ, around nurseries, etc.) in different rows.

For column 6: Indicate the number and the description of the survey sites, by choosing one of the following entries for the description:

1. Open air (production area):
 - 1.1. field (arable, pasture);
 - 1.2. orchard/vineyard;
 - 1.3. nursery;
 - 1.4. forest;
2. Open air (other):
 - 2.1. private gardens;
 - 2.2. public sites;
 - 2.3. conservation area;
 - 2.4. wild plants in areas other than conservation areas;
 - 2.5. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry, wetlands, irrigation and drainage network, etc.);
3. Physically closed conditions:
 - 3.1. greenhouse;
 - 3.2. private site, other than greenhouse;
 - 3.3. public site, other than greenhouse;
 - 3.4. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry).

For column 7: Indicate the months of the year when the surveys were carried out.

For column 8: Indicate the chosen target population providing accordingly the list of host species/genera and area covered. The target population is defined as the ensemble of inspection units. Its size is defined typically for agricultural areas as hectares, but could be lots, fields, greenhouses etc. Please justify the choice made in the underlying assumptions. Indicate the inspection units surveyed. 'Inspection unit' means plants, plant parts, commodities, materials, pest vectors that had been scrutinised for identifying and detecting the pests.

For column 9: Indicate the epidemiological units surveyed, indicating its description and unit of measurement. 'Epidemiological unit' means a homogeneous area where the interactions between the pest, the host plants and the abiotic and biotic factors and conditions would result into the same epidemiology, should the pest be present. The epidemiological units are a subdivision of the target population that are homogenous in terms of epidemiology with at least one host plant. In some cases the whole host population in a region/area/country may be defined as epidemiological unit. They could be Nomenclature of territorial units for statistics (NUTS) regions, urban areas, forests, rose gardens or farms, or hectares. The choice of the epidemiological units has to be justified in the underlying assumptions.

For column 10: Indicate the methods used during the survey including the number of activities in each case, depending on the specific legal requirements of each pest. Indicate with N/A when the information of certain column is not available.

For column 11: Indicate an estimation of the sampling effectiveness. Sampling effectiveness means the probability of selecting infected plant parts from an infected plant. For vectors, it is the effectiveness of the method to capture a positive vector when it is present in the survey area. For soil, it is the effectiveness of selecting a soil sample containing the pest when the pest is present in the survey area.

For column 12: 'Method sensitivity' means the probability of a method to correctly detect pest presence. The method sensitivity is defined as the probability that a truly positive host tests positive. It is the multiplication of the sampling effectiveness (i.e. probability of selecting infected plant parts from an infected plant) by the diagnostic sensitivity (characterised by the visual inspection and/or laboratory test used in the identification process).

For column 13: Provide the risk factors in different rows, using as many rows as necessary. For each risk factor indicate the risk level and corresponding relative risk and proportion of host population.

For column B: Indicate the details of the survey, depending on the specific legal requirements for each pest. Indicate with N/A when the information of certain column is not applicable. The information to be provided in these columns is related to the information included in the column 10 'Detection methods'.

For column 18: Indicate the number of trapping sites in case this number differs from the number of traps (column 17) (e.g. the same trap is used in different places).

For column 21: Indicate the number of samples found positive, negative or undetermined. 'Undetermined' are those analysed samples for which no result was obtained due to different factors (e.g. below detection level, unprocessed sample-not identified, old).

For column 22: Indicate the outbreak notifications of the year when the survey took place. The outbreak notification number does not need to be included when the competent authority has decided that the finding is one of the cases referred to in Article 14(2), Article 15(2) or Article 16 of Regulation (EU) 2016/2031. In this case, indicate the reason for not providing this information in column 25 ('Comments').

For column 23: Indicate the sensitivity of the survey, as defined in International Standard for Phytosanitary Measures (ISPM) 31. This value of the achieved confidence level of pest freedom is calculated based on the examinations (and/or samples) performed given the method sensitivity and the design prevalence.

For column 24: Indicate the design prevalence based on a pre-survey estimate of the likely actual prevalence of the pest in the field. The design prevalence is set as a goal of the survey and corresponds to the compromise the risk managers are making between the risk of having the pest and the resources available for the survey. Typically, for a detection survey a value of 1 % is set.

DECISIONS

DECISION (EU) 2023/1135 OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

of 7 June 2023

appointing a judge to the Court of Justice

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 19 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 253 and 255 thereof,

Whereas:

- (1) The terms of office of 14 Judges and six Advocates-General of the Court of Justice, including that of Mr Marko ILEŠIČ, expired on 6 October 2021.
- (2) An appointment to this post should therefore be made for the term of office starting on the date of entry into force of this Decision and expiring on 6 October 2027.
- (3) It has been proposed that the term of office of Mr Marko ILEŠIČ as Judge of the Court of Justice be renewed.
- (4) The panel set up by Article 255 of the Treaty on the Functioning of the European Union has given a favourable opinion on the suitability of this candidate to perform the duties of Judge of the Court of Justice,

HAVE ADOPTED THIS DECISION:

Article 1

Mr Marko ILEŠIČ is hereby appointed Judge to the Court of Justice for the period from the date of entry into force of this Decision to 6 October 2027.

Article 2

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

Done at Brussels, 7 June 2023.

The President
L. DANIELSSON

COUNCIL DECISION (CFSP) 2023/1136**of 8 June 2023****on an assistance measure under the European Peace Facility to support the Nigerien Armed Forces with military equipment designed to deliver lethal force**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) Council Decision (CFSP) 2021/509 ⁽¹⁾ establishes the European Peace Facility (EPF) for the financing by Member States of Union actions under the common foreign and security policy to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF is to be used for the financing of assistance measures such as actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) The Republic of Niger plays a major role in key regional, European and international initiatives aimed at strengthening peace and development in the Sahel, including in the Union's Integrated Strategy in the Sahel, the Sahel Coalition and the Partnership for Security and Stability in the Sahel (P3S), as well as in the Sahel Alliance. The international community, including the Union, has invested considerable efforts to support the Republic of Niger in its fight against terrorism over the recent period.
- (3) On 10 June 2022, the High Representative of the Union for Foreign Affairs and Security Policy received a request from the Republic of Niger for the Union to assist the Nigerien Armed Forces (*Forces armées nigériennes* – FAN) with the procurement of key equipment in order to enhance the close air support capacity of the Air Force of Niger (*Armée de l'air du Niger* – AAN). On 4 April 2023, a revised request was received from the Republic of Niger reflecting the findings of a needs assessment conducted by the Union in February 2023.
- (4) This Decision on an assistance measure under the EPF to support the Nigerien Armed Forces with military equipment designed to deliver lethal force is complemented by Council Decision (CFSP) 2023/1137 ⁽²⁾. Those two Decisions should be implemented simultaneously, but administered separately.
- (5) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, in particular compliance with Council Common Position 2008/944/CFSP ⁽³⁾, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.

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

⁽²⁾ Council Decision (CFSP) 2023/1137 of 8 June 2023 on an assistance measure under the European Peace Facility to support the Nigerien Armed Forces (see page 85 of this Official Journal).

⁽³⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

- (6) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles and to strengthen the rule of law and good governance, in compliance with the United Nations Charter, with the Universal Declaration of Human Rights and with international law, in particular international human rights law and international humanitarian law,

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefitting the Republic of Niger (the 'beneficiary') to be financed under the European Peace Facility (EPF) (the 'assistance measure') is hereby established.
2. The objective of the assistance measure is to strengthen the capacity of the Nigerien Armed Forces (*Forces armées nigériennes* – FAN) in order to defend the territorial integrity and sovereignty of the Republic of Niger and to better protect the civilian population, including against the mounting terrorist threat, in full compliance with relevant international law, in particular international human rights law and international humanitarian law.
3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the provision of air-to-ground ammunition (ML4 on the EU Common Military List) for helicopters MI-35 and MI-171.
4. The implementation of the assistance measure shall be complemented by activities aimed to ensure adequate use, maintenance, storage and monitoring of the air-to-ground ammunition, to be financed under Decision (CFSP) 2023/1137.
5. The duration of the assistance measure shall be 30 months from the adoption of this Decision.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 4 702 998.
2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

Article 3

Arrangements with the beneficiary

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision as a condition for the provision of support under the assistance measure.
2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:
 - (a) the compliance of the Air Force of Niger with relevant international law, in particular international human rights law and international humanitarian law;
 - (b) the proper and efficient use of any assets provided under the assistance measure for the purposes for which they were provided;
 - (c) the sufficient maintenance of any assets provided under the assistance measure to ensure their usability and their operational availability over their life cycle;

(d) that any assets provided under the assistance measure will not be lost, or be transferred without the consent of the Facility Committee established under Decision (CFSP) 2021/509 to persons or entities other than those identified in those arrangements, at the end of their life cycle.

3. The arrangements referred to in paragraph 1 shall include provisions on the suspension and termination of support under the assistance measure in the event of the beneficiary being found in breach of the obligations set out in paragraph 2.

Article 4

Implementation

1. The High Representative shall be responsible for ensuring the implementation of this Decision in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF, in line with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

2. The implementation of the activities referred to in Article 1(3) shall be carried out by *Défense Conseil International* – DCI Group.

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the compliance by the beneficiary with the obligations set out in Article 3. This monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by the Air Force of Niger.

2. The post-shipment control of equipment and supplies shall be organised as follows:

- (a) delivery verification, whereby delivery certificates are to be signed by the end-user forces upon transfer of ownership;
- (b) reporting, whereby the beneficiary is to report annually on the activities conducted with the equipment, services and infrastructure provided under the assistance measure and on the inventory of designated items, until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);
- (c) on-site inspections, whereby the beneficiary is to grant the High Representative access to conduct on-site controls upon request.

3. The High Representative shall conduct a final evaluation upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the objective stated in Article 1(2).

Article 6

Reporting

During the period of implementation, the High Representative shall provide the PSC with six-monthly reports on the implementation of the assistance measure, in accordance with Article 63 of Decision (CFSP) 2021/509. The administrator for assistance measures shall regularly inform the Facility Committee established by Decision (CFSP) 2021/509 on the implementation of revenue and expenditure in accordance with Article 38 of that Decision, including by providing information on the suppliers and subcontractors involved.

*Article 7***Suspension and termination**

1. The PSC may decide to suspend wholly or partially the implementation of the assistance measure in accordance with Article 64 of Decision (CFSP) 2021/509.
2. The PSC may also recommend that the Council terminate the assistance measure.

*Article 8***Entry into force**

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

Done at Brussels, 8 June 2023.

For the Council

The President

M. MALMER STENERGARD

COUNCIL DECISION (CFSP) 2023/1137**of 8 June 2023****on an assistance measure under the European Peace Facility to support the Nigerien Armed Forces**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) Council Decision (CFSP) 2021/509 ⁽¹⁾ establishes the European Peace Facility (EPF) for the financing by Member States of Union actions under the common foreign and security policy to preserve peace, prevent conflicts and strengthen international security pursuant to Article 21(2), point (c), of the Treaty. In particular, pursuant to Article 1(2) of Decision (CFSP) 2021/509, the EPF is to be used for the financing of assistance measures such as actions to strengthen the capacities of third States and regional and international organisations relating to military and defence matters.
- (2) The Republic of Niger plays a major role in key regional, European and international initiatives aimed at strengthening peace and development in the Sahel, including in the Union's Integrated Strategy in the Sahel, the Sahel Coalition and the Partnership for Security and Stability in the Sahel (P3S), as well as in the Sahel Alliance. The international community, including the Union, has invested considerable efforts to support the Republic of Niger in its fight against terrorism over the recent period.
- (3) On 10 June 2022, the High Representative of the Union for Foreign Affairs and Security Policy received a request from the Republic of Niger for the Union to assist the Nigerien Armed Forces (*Forces armées nigériennes* – FAN) with the procurement of key equipment in order to enhance the close air support capacity of the Air Force of Niger (*Armée de l'air du Niger* – AAN). On 4 April 2023, a revised request was received from the Republic of Niger reflecting the findings of a needs assessment conducted by the Union in February 2023.
- (4) This Council Decision on an assistance measure under the EPF to support the Nigerien Armed Forces has been conceived to complement Council Decision (CFSP) 2023/1136 ⁽²⁾. Those two Decisions should be implemented simultaneously, but administered separately.
- (5) Assistance measures are to be implemented taking into account the principles and requirements set out in Decision (CFSP) 2021/509, in particular compliance with Council Common Position 2008/944/CFSP ⁽³⁾, and in accordance with the rules for the implementation of revenue and expenditure financed under the EPF.
- (6) The Council reaffirms its determination to protect, promote and fulfil human rights, fundamental freedoms and democratic principles and to strengthen the rule of law and good governance, in compliance with the United Nations Charter, with the Universal Declaration of Human Rights and with international law, in particular international human rights law and international humanitarian law,

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

⁽²⁾ Council Decision (CFSP) 2023/1136 of 8 June 2023 on an assistance measure under the European Peace Facility to support the Nigerien Armed Forces with military equipment designed to deliver lethal force (see page 81 of this Official Journal).

⁽³⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

HAS ADOPTED THIS DECISION:

Article 1

Establishment, objectives, scope and duration

1. An assistance measure benefitting the Republic of Niger (the 'beneficiary') to be financed under the European Peace Facility (EPF) (the 'assistance measure') is hereby established.
2. The objective of the assistance measure is to strengthen the capacity of the Nigerien Armed Forces (*Forces armées nigériennes* – FAN) in order to defend the territorial integrity and sovereignty of the Republic of Niger and to better protect the civilian population, including against the mounting terrorist threat, in full compliance with relevant international law, in particular international human rights law and international humanitarian law.
3. To achieve the objective set out in paragraph 2, the assistance measure shall finance the following activities to complement the provision of military equipment to the Nigerien Armed Forces by ensuring its adequate use, maintenance, storage and monitoring:
 - (a) equipment: logistics equipment and basic furniture for the Tillabéri Antenna of the National Commission for Human Rights (*Commission Nationale des Droits Humains* – CNDH).
 - (b) capacity-building activities benefitting the Air Force of Niger (*Armée de l'air du Niger* – AAN) and the National Commission for Human Rights in the following areas:
 - (i) risk management;
 - (ii) management or supply;
 - (iii) storage or handling;
 - (iv) maintenance in operational conditions;
 - (v) waste and fire incident management; and
 - (vi) incident analysis and management;
 - (c) infrastructure: upgrade of the ordnance depot of Air Base 101 located in Niamey.
4. The duration of the assistance measure shall be 30 months from the adoption of this Decision.

Article 2

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the assistance measure shall be EUR 297 002.
2. All expenditure shall be managed in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF.

Article 3

Arrangements with the beneficiary

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall make the necessary arrangements with the beneficiary to ensure its compliance with the requirements and conditions established by this Decision as a condition for the provision of support under the assistance measure.
2. The arrangements referred to in paragraph 1 shall include provisions obliging the beneficiary to ensure:
 - (a) the compliance of the Air Force of Niger with relevant international law, in particular international human rights law and international humanitarian law;

- (b) the proper and efficient use of any assets provided under the assistance measure for the purposes for which they were provided;
 - (c) the sufficient maintenance of any assets provided under the assistance measure to ensure their usability and their operational availability over their life cycle.
3. The arrangements referred to in paragraph 1 shall include provisions on the suspension and termination of support under the assistance measure in the event of the beneficiary being found in breach of the obligations set out in paragraph 2.

Article 4

Implementation

1. The High Representative shall be responsible for ensuring the implementation of this Decision in accordance with Decision (CFSP) 2021/509 and the rules for the implementation of revenue and expenditure financed under the EPF, in line with the Integrated Methodological Framework for assessing and identifying the required measures and controls for assistance measures under the EPF.
2. The implementation of the activities referred to in Article 1(3) shall be carried out by *Défense Conseil International* – DCI Group.

Article 5

Monitoring, control and evaluation

1. The High Representative shall monitor the compliance by the beneficiary with the obligations set out in Article 3. This monitoring shall be used to provide awareness of the context and the risks of breaches of the obligations established in accordance with Article 3, and to contribute to the prevention of such breaches, including violations of international human rights law and international humanitarian law by the Air Force of Niger.
2. The post-shipment control of equipment and supplies shall be organised as follows:
- (a) delivery verification, whereby delivery certificates are to be signed by the end-user upon transfer of ownership;
 - (b) reporting, whereby the beneficiary is to report annually on the activities conducted with services and infrastructure provided under the assistance measure, until such reporting is no longer deemed necessary by the Political and Security Committee (PSC);
 - (c) on-site inspections, whereby the beneficiary is to grant the High Representative access to conduct on-site controls upon request.
3. The High Representative shall conduct a final evaluation upon completion of the assistance measure to assess whether the assistance measure has contributed to reaching the objective stated in Article 1(2).

Article 6

Reporting

During the period of implementation, the High Representative shall provide the PSC with six-monthly reports on the implementation of the assistance measure, in accordance with Article 63 of Decision (CFSP) 2021/509. The administrator for assistance measures shall regularly inform the Facility Committee established by Decision (CFSP) 2021/509 on the implementation of revenue and expenditure in accordance with Article 38 of that Decision, including by providing information on the suppliers and subcontractors involved.

*Article 7***Suspension and termination**

1. The PSC may decide to suspend wholly or partially the implementation of the assistance measure in accordance with Article 64 of Decision (CFSP) 2021/509.
2. The PSC may also recommend that the Council terminate the assistance measure.

*Article 8***Entry into force**

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

Done at Luxembourg, 8 June 2023.

For the Council

The President

M. MALMER STENERGARD

COUNCIL DECISION (CFSP) 2023/1138**of 8 June 2023****amending Decision (CFSP) 2016/1693 concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) On 20 September 2016, the Council adopted Decision (CFSP) 2016/1693 ⁽¹⁾.
- (2) On 26 April 2023, the Sanctions Committee of the United Nations Security Council established pursuant to UN Security Council Resolutions 1267(1999), 1989(2011) and 2253(2015) added two persons to the list of persons and entities subject to restrictive measures.
- (3) On 3 May 2023, those persons were added to Annex I to Council Regulation (EC) No 881/2002 ⁽²⁾.
- (4) Since one of those persons was already designated under Article 2, paragraph 2 and Article 3, paragraph 3 of Decision (CFSP) 2016/1693, that person should be removed from the Annex to that Decision.
- (5) Decision (CFSP) 2016/1693 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision (CFSP) 2016/1693 is amended as set out in the Annex to this Decision.

Article 2

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

Done at Luxembourg, 8 June 2023.

For the Council
The President
M. MALMER STENERGARD

⁽¹⁾ Council Decision (CFSP) 2016/1693 of 20 September 2016 concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them and repealing Common Position 2002/402/CFSP (OJ L 255, 21.9.2016, p. 25).

⁽²⁾ Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations (OJ L 139, 29.5.2002, p. 9).

ANNEX

The following entry is deleted from the Annex to Decision (CFSP) 2016/1693 under the heading 'A. Persons referred to in Articles 2 and 3':

- '9. Sultan Aziz AZAM (a.k.a. Aziz Azam, Sultan Aziz, Sultan Azziz Azzam, Sultan Aziz Ezzam); date of birth: 1985; place of birth: Afghanistan; nationality: Afghan.'
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CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) 2023/1100 of 5 June 2023 introducing preventive measures concerning certain products originating in Ukraine*(Official Journal of the European Union L 144 I of 5 June 2023)*

On page 2, in Article 2:

for: 'This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union* and shall apply until 15 September 2023.'

read: 'This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union* and shall apply until 15 September 2023.'

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