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⁽¹⁾ Text with EEA relevance.

EN

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

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2023/1190

of 16 June 2023

amending Regulation (EU) 2021/2278 suspending the Common Customs Tariff duties referred to in Article 56(2), point (c), of Regulation (EU) No 952/2013 on certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In order to ensure a sufficient and uninterrupted supply of certain agricultural and industrial products which are not produced in the Union and thereby avoid any disturbances on the market for those products, Common Customs Tariff duties of the type referred to in Article 56(2), point (c), of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾ ('CCT duties') on those products have been suspended by Council Regulation (EU) 2021/2278 ⁽²⁾. As a result, the products listed in the Annex to Regulation (EU) 2021/2278 can be imported into the Union at reduced or zero duty rates without any limitation as regards their quantity.
- (2) The Union production of certain products that are not listed in the Annex to Regulation (EU) 2021/2278 is inadequate to meet the specific requirements of the user industries in the Union. As it is in the Union's interest to ensure an adequate supply of certain products, and having regard to the fact that identical, equivalent or substitute products are not produced in sufficient quantities within the Union, it is necessary to grant a complete suspension of the CCT duties on those products.
- (3) With a view to promoting integrated battery production in the Union, a partial suspension of the CCT duties should be granted in respect of certain products related to battery production that are currently not listed in the Annex to Regulation (EU) 2021/2278 and the respective Union production of which is inadequate to meet the specific requirements of the user industries in the Union. The date for the mandatory review of those suspensions should be 31 December 2023, in order for that review to take into account the short-term evolution of the battery production sector in the Union.
- (4) It is necessary to amend the product description and classification for certain CCT duty suspensions listed in the Annex to Regulation (EU) 2021/2278 in order to take into account technical product developments and economic trends in the market.
- (5) It is no longer in the interest of the Union to maintain the suspension of CCT duties for certain products listed in the Annex to Regulation (EU) 2021/2278. The suspensions for those products should therefore be deleted with effect from 1 July 2023.

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

⁽²⁾ Council Regulation (EU) 2021/2278 of 20 December 2021 suspending the Common Customs Tariff duties referred to in Article 56(2), point (c), of Regulation (EU) No 952/2013 on certain agricultural and industrial products, and repealing Regulation (EU) No 1387/2013 (OJ L 466, 29.12.2021, p. 1).

- (6) Regulation (EU) 2021/2278 should therefore be amended accordingly.
- (7) In order to avoid any interruption in the application of the autonomous tariff suspension scheme and to comply with the guidelines set out in the communication from the Commission of 13 December 2011 concerning autonomous tariff suspensions and quotas, the changes provided for in this Regulation regarding the tariff suspensions for the products concerned should apply from 1 July 2023. This Regulation should therefore enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) 2021/2278 is 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*.

It shall apply from 1 July 2023.

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

Done at Luxembourg, 16 June 2023.

For the Council
The President
E. SVANTESSON

The Annex to Regulation (EU) 2021/2278 is amended as follows:

- (1) the entries with the following serial numbers are deleted: 0.2425, 0.3140, 0.3966, 0.4030, 0.4140, 0.4305, 0.4609, 0.4733, 0.4893, 0.5018, 0.5187, 0.5788, 0.6629, 0.6654, 0.6689, 0.6781, 0.7489, 0.7972, 0.8111, 0.8112, 0.8140 and 0.8311;
- (2) the following entries replace those entries that have the same serial numbers:

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.3227	2846 90 30 2846 90 40 2846 90 50 2846 90 60 2846 90 70 2846 90 90		Compounds, inorganic or organic, of rare-earth metals, of yttrium or of scandium or of mixtures of these metals, other than those of subheading 2846 10 00	0 %	-	31.12.2023
0.7389	ex 2914 29 00	55	1-(Cedr-8-en-9-yl)ethanone (CAS RN 32388-55-9) with a purity by weight of more than 90 %	0 %	-	31.12.2024
0.7722	ex 2919 90 00	55	Reaction products of phosphoryl trichloride and 2-methyloxirane (CAS RN 1244733-77-4)	0 %	-	31.12.2024
0.4058	ex 3204 20 00	10	Colourant C.I. Fluorescent Brightener 184 (CAS RN 7128-64-5) and preparations based thereon with a colourant C.I. Fluorescent Brightener 184 content of 20 % or more by weight	0 %	-	31.12.2026
0.4922	ex 3601 00 00	20	Pyrotechnical mixture in cylindrical shape or granulate form, composed of strontium nitrate or copper nitrate or basic copper nitrate in a matrix of nitroguanidine or guanidine nitrate, also containing a binder and additives, used as a component of airbag inflators (!)	0 %	-	31.12.2026
0.4410	ex 3903 90 90	86	Mixture containing by weight: — 45 % or more but not more than 65 % of polymers of styrene, — 30 % or more but not more than 45 % of poly(phenylene ether), and — not more than 11 % of additives	0 %	-	31.12.2023
0.6351	ex 3907 29 20	50	Poly(p-phenylene oxide) in the form of powder with: — a glass-transition temperature of 210 °C or more, — a weight average molecular weight (Mw) of 35 000 or more but not more than 80 000, — an inherent viscosity of 0,2 or more but not more than 0,6 dl/gram	0 %	-	31.12.2024

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.5506	ex 3920 51 00	30	Biaxially-oriented film of poly(methyl methacrylate), of a thickness of 50 µm or more but not exceeding 125 µm	0 %	-	31.12.2023
0.8438	ex 3920 62 19	28	Non-transparent film of poly(ethylene terephthalate) or poly(vinyl difluoride): — each outer layer with a thickness of 7 µm or more but not more than 80 µm, — with a tensile strength of 300 N/cm ² or more (ASTM D-882), — with a total thickness of 200 µm or more but not more than 350 µm, and — with a width of 600 mm or more but not more than 1 600 mm, — covered on one side with a layer of a fluoropolymer, and on the other side with an adhesive and a layer of polyvinylidene difluoride, or coated on both sides with polyvinylidene difluoride or polyvinyl fluoride based on fluorinated polymer composites	0 %	-	31.12.2027
0.7056	ex 7019 61 00 ex 7019 63 00	70 30	E-fibre glass fabrics: — having a weight of 20 g/m ² or more, but not more than 214 g/m ² , — surface treated with an organosilane coupling agent, — in rolls, — having a humidity content by weight of 0,13 % or less, and — having not more than 3 hollow fibres out of 100 000 fibres, for the exclusive use in the manufacture of prepregs and copper clad laminates ⁽¹⁾	0 %	m ²	31.12.2026
0.8300	ex 8408 90 65 ex 8408 90 67 ex 8408 90 81	20 20 20	Compression-ignition internal combustion piston engines: — of the inline type, — with a cylinder capacity of 7 000 cm ³ or more but not more than 18 100 cm ³ , — with a power of 205 kW or more but not more than 597 kW, — with an exhaust after-treatment module, — with external width/height/depth dimensions of not more than 1 310/1 300/1 040 mm or 2 005/1 505/1 300 mm or 2 005/1 505/1 800 mm, for use in the manufacture of crushing, screening, separation or compost turning machines ⁽¹⁾	0 %	-	31.12.2026
0.6627	ex 8501 10 99	75	Permanently excited DC motor with — a multiple-phase winding, — an external diameter of 24 mm or more but not more than 38 mm, — a rated speed of not more than 12 000 rpm,	0 %	-	31.12.2025

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
			— a power supply voltage of 8 V or more but not more than 27 V, — with or without a pulley, — with or without a gear wheel			
0.2838	ex 8501 10 99	79	DC motor with brushes and an internal rotor with a three-phase winding, whether or not equipped with a worm or a pinion, of a specified temperature range covering at least – 20 °C to + 70 °C	0 %	-	31.12.2023
0.7789	ex 8505 19 10	20	Arc segments of permanent magnets of agglomerated ferrite, with: — a length of 16,8 mm or more, but not more than 110,2 mm, — a width of 14,8 mm or more, but not more than 75,2 mm, — a thickness of 4,8 mm or more, but not more than 13,2 mm, for use in the manufacture of electromotor rotors ⁽¹⁾	0 %	-	31.12.2024
0.6703	ex 8507 60 00	33	Lithium-ion accumulator, with: — a length of 150 mm or more, but not more than 1 310 mm, — a width of 100 mm or more, but not more than 1 000 mm, — a height of 200 mm or more, but not more than 1 500 mm, — a weight of 75 kg or more, but not more than 200 kg, — a nominal capacity not less than 58 Ah and not more than 500 Ah, — a nominal output voltage of 230V AC (line to neutral) or a nominal voltage of 50V (± 10 %)	1,3 %	-	31.12.2023
0.7796	ex 8536 49 00	60	Relay in the shape of a cube with: — a coil operating voltage of 12 VDC (Voltage Direct Current) or more, but not more than 24 VDC (Voltage Direct Current), — a contact current carrying capacity of 5A or more, but not more than 15A, — a contact voltage of 80 VAC (Voltage Alternating Current) or more, but not more than 270 VAC (Voltage Alternating Current), — outer dimensions of 19 mm (± 0,4 mm) x 15,2 mm (± 0,4 mm) x 15,5 mm (± 0,4 mm), for use in the production of control board of household appliances ⁽¹⁾	0 %	-	31.12.2024
0.4616	ex 8536 69 90	83	AC socket with a noise filter, composed of: — AC socket (for power cord connection) of 230 V, — integrated noise filter composed of capacitors and inductors, — cable connector for connecting an AC socket with the PDP (Plasma display panel) power supply unit, whether or not equipped with a metal support, which joins the AC socket to the PDP TV set	0 %	p/st	31.12.2024

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.6507	ex 8537 10 98	50	Electronic control unit BCM (Body Control Module) or IBM (Integrated Body Control Module) or similar: — comprising at least a plastic box with printed circuit board, with operating direct voltage of 9 V or more, but not more than 16 V, — whether or not with metal holder, — able to control, evaluate and manage functions of assisting services in an automobile, at least wiper timing, window heating, interior lighting, seat belt reminder, of a kind used in the manufacture of goods of Chapter 87	0 %	p/st	31.12.2024
0.7409	ex 8540 91 00	20	Thermionic electron source (emitter point) of lanthanum hexaboride (CAS RN 12008-21-8) or cerium hexaboride (CAS RN 12008-02-5), with electric connectors — with or without a metal housing, — with or without a graphite carbon shield mounted in a mini-Vogel type system, — with or without separate pyrolytic carbon blocks used as heating elements, and — a cathode temperature of less than 1 800 K at a filament current of 1,26 A	0 %	-	31.12.2027
0.2434	ex 8548 00 90	44	Parts of TV-apparatus, having micro-processor and video-processor functions, comprising at least a micro-controller and a video-processor, mounted on a leadframe and contained in a plastic housing	0 %	p/st	31.12.2023
0.8279	ex 8708 40 20	80	Transmission gearbox without torque converter, with: — dual clutch, — 7 or more forward gears, — 1 reverse gear, — a maximum torque of 390 Nm, — whether or not with electric motor integrated, — a height of 400 mm or more but not more than 600 mm, — a width 350 mm or more but not more than 600 mm, and — a weight of 70 kg or more but not more than 110 kg, for use in the manufacture of motor vehicles of Heading 8703 ⁽¹⁾	0 %	p/st	31.12.2026

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.7710	ex 8714 99 50 ex 8714 99 50	11 91	Deraillleur gears, consisting of: — rear deraillleur and mounting articles, — with or without front deraillleur, for use in the manufacture of bicycles (including electric bicycles) ⁽¹⁾	0 %	p/st	31.12.2024
0.7708	ex 8714 99 90	40	Stem for bicycle handlebars, for use in the manufacture of bicycles (including electric bicycles) ⁽¹⁾	0 %	p/st	31.12.2024
0.7973	ex 9002 11 00	23	Lens with: — motorized focus, zoom, aperture, — electronically switchable infrared cut filter, — an adjustable focal length not less than 2,7 mm and not more than 55mm, — a weight of not more than 120 g, — a length of less than 70 mm, — a diameter of not more than 70 mm	0 %	-	31.12.2025

⁽¹⁾ Suspension of duties is subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013.;

(3) the following entries are inserted according to the numerical order of the CN and TARIC codes in the second and third columns:

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.8448	ex 2835 10 00	40	Calcium phosphinate (CAS RN 7789-79-9) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8520	ex 2840 20 90	20	Barium borate (CAS RN 13701-59-2) with a purity by weight of 99 % or more	0 %	-	31.12.2027
0.8492	ex 2903 99 80	18	1-Fluoronaphthalene (CAS RN 321-38-0) with a purity by weight of 99 % or more	0 %	-	31.12.2027
0.8482	ex 2907 29 00	13	4,4'-Methylenedi-2,6-xylenol (CAS RN 5384-21-4) with a purity by weight of 98,5 % or more	0 %	-	31.12.2027
0.8495	ex 2915 90 30	20	Chloromethyl dodecanoate (CAS RN 61413-67-0) with a purity by weight of 97 % or more	0 %	-	31.12.2027
0.8457	ex 2915 90 70	53	3-Chloro-2,2-dimethylpropanoyl chloride (CAS RN 4300-97-4) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8489	ex 2916 39 90	40	Ethyl 4-bromo-3-(bromomethyl)benzoate (CAS RN 347852-72-6) with a purity by weight of 97 % or more	0 %	-	31.12.2027
0.8509	ex 2918 19 98	25	(S)-2-Hydroxy-2-phenylacetic acid (CAS RN 17199-29-0) with a purity by weight of 99 % or more	0 %	-	31.12.2027
0.8511	ex 2920 90 10	85	Diethyl carbonate (CAS RN 105-58-8) with a purity by weight of 99,9 % or more	3,2 %	-	31.12.2023
0.8490	ex 2920 90 70	70	4,4,5,5-Tetramethyl-1,3,2-dioxaborolane (CAS RN 25015-63-8) with a purity by weight of 97 % or more, containing not more than 1 % of the stabiliser triethylamine (CAS RN 121-44-8)	0 %	-	31.12.2027
0.8477	ex 2921 19 99	35	N-Ethyl-N-isopropylpropan-2-amine 2-(difluoromethoxy)acetate with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8473	ex 2922 50 00	45	(S)-2-Amino-2-(3-fluoro-5-methoxyphenyl)ethanol hydrochloride (CAS RN 2095692-22-9) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8462	ex 2926 90 70	31	Lambda-cyhalothrin (ISO) (CAS RN 91465-08-6) with a purity by weight of 97 % or more	0 %	-	31.12.2027
0.8474	ex 2928 00 90	53	Ethyl chloro[(4-methoxyphenyl)hydrazono]acetate (CAS RN 27143-07-3) with a purity by weight of 98 % or more	0 %	-	31.12.2027

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.8451	ex 2929 10 00	65	Ethyl isocyanate (CAS RN 109-90-0) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8510	ex 2930 90 98	36	Anhydrous potassium O-isopentyl-dithiocarbonate (CAS RN 928-70-1) with a purity by weight of 90 % or more	0 %	-	31.12.2027
0.8447	ex 2930 90 98	39	Thiodiacetic acid (CAS RN 123-93-3) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8481	ex 2930 90 98	41	2,2'-Diallyl-4,4'-sulphonyldiphenol (CAS RN 41481-66-7) with a purity by weight of 96 % or more	0 %	-	31.12.2027
0.8478	ex 2932 20 90	28	(R)-3-(3,4-difluoro-2-methoxyphenyl)-4,5-dimethyl-5-(trifluoromethyl)furan-2(5H)-one (CAS RN 2875066-35-4) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8452	ex 2933 29 90	38	Cyazofamid (ISO) (CAS RN 120116-88-3) with a purity by weight of 94 % or more	0 %	-	31.12.2027
0.8485	ex 2933 39 99	08	Fluazinam (ISO) (CAS RN 79622-59-6) with a purity by weight of 97 % or more	0 %	-	31.12.2027
0.8456	ex 2933 59 95	32	5-Chloro-3-nitropyrazolo[1,5-a]pyrimidine (CAS RN 1363380-51-1) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8484	ex 2933 59 95	44	1,4,5,6-Tetrahydro-1,2-dimethylpyrimidine (CAS RN 4271-96-9) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8488	ex 2933 59 95	46	Trilaciclib (CAS RN 1374743-00-6) with a purity by weight of 99 % or more	0 %	-	31.12.2027
0.8455	ex 2933 99 80	43	4-([1,2,4]Triazolo[1,5-a]pyridin-7-yloxy)-3-methylaniline (CAS RN 937263-71-3) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8487	ex 2934 99 90	07	Cedazuridine (INN) (CAS RN 1141397-80-9) with a purity by weight of 99 % or more	0 %	-	31.12.2027
0.8472	ex 2934 99 90	08	(R)-tert-butyl 2-(6-(5-chloro-2-((tetrahydro-2H-pyran-4-yl)amino)pyrimidin-4-yl)-1-oxoisindolin-2-yl)propanoate (CAS RN 2095665-45-3) with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8449	ex 2934 99 90	09	3-[2-((2R,3S)-3-((1R)-1-([tert-butyl(dimethyl)silyl]oxy)ethyl)-4-oxoazetidin-2-yl}propanoyl]-4,4-dimethyl-1,3-oxazolidin-2-one (isomeric mixture of CAS RNs 114341-89-8 and 114418-63-2) with a purity by weight of 99 % or more	0 %	-	31.12.2027

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.8479	ex 2935 90 90	16	2-Bromo-N-(4,5-dimethyl-1,2-oxazol-3-yl)-N-(methoxymethyl) benzene-1-sulfonamide (CAS RN 415697-57-3) with a purity by weight of 97 % or more	0 %	-	31.12.2027
0.8467	ex 2935 90 90	26	5-(2-Fluorophenyl)-1-(pyridin-3-ylsulfonyl)-1H-pyrrole-3-carbaldehyde (CAS RN 881677-11-8) with a purity by weight of 97 % or more	0 %	-	31.12.2027
0.8471	ex 3824 99 92	73	Tri-C ₈₋₁₀ -alkyl amines (CAS RN 68814-95-9) with a purity by weight of 95 % or more	0 %	-	31.12.2027
0.8463	ex 3824 99 92	74	Reaction mass containing by weight: — 22,4 % or more, but not more than 26,4 % of 3-methylphenyl diphenyl phosphate (CAS RN 69500-28-3); — 17,3 % or more, but not more than 21,3 % of 4-methylphenyl diphenyl phosphate (CAS RN 78-31-9); — 5 % or more, but not more than 9 % of bis(3-methylphenyl) phenyl phosphate (CAS RN 34909-68-7); — 8,9 % or more, but not more than 12,9 % of 3-methylphenyl 4-methylphenyl phenyl phosphate (CAS RN 222165-66-4); — 26,9 % or more, but not more than 30,9 % of triphenyl phosphate (CAS RN 115-86-6)	0 %	-	31.12.2027
0.8486	ex 3824 99 92	75	Mixture, containing by weight: — not more than 75 % of tetrabutyltin (CAS RN 1461-25-2), — not more than 20 % of tributyltin chloride (CAS RN 1461-22-9), — not more than 4 % of dibutyltin dichloride (CAS RN 683-18-1), for use in the production of butyltin compounds used in glass manufacture and tributyltin chloride used as a catalyst in the pharmaceutical industry (1)	3,2 %	-	31.12.2027
0.8506	ex 3824 99 92	79	Mixture, containing by weight: — tributyltin chloride (CAS RN 1461-22-9) with a purity by weight of 80 % or more, — not more than 5 % tetrabutyltin (CAS RN 1461-25-2), — not more than 6 % dibutyltin dichloride (CAS RN 683-18-1), — not more than 11 % o-xylene (CAS RN 95-47-6), for use in the production of tributyltin chloride used as a catalyst in the pharmaceutical industry (1)	3,2 %	-	31.12.2027
0.8517	ex 3824 99 92	83	1-(Cedr-8-en-9-yl)ethanone (CAS RN 32388-55-9) with a purity by weight of 70 % or more, but not more than 90 %	0 %	-	31.12.2024

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.8499	ex 3824 99 92	86	Tall oil N,N-dimethyl fatty amides (CAS RN 68308-74-7) with a purity by weight of 99 % or more	0 %	-	31.12.2027
0.8498	ex 3824 99 93	33	Preparation containing by weight — 60 % or more but not more than 70 % of calcium <i>rel</i> -(1R,2S)-cyclohexane-1,2-dicarboxylate (CAS RN 491589-22-1), — 30 % or more but not more than 40 % of zinc stearate (CAS RN 557-05-1), — 1 % or more but not more than 5 % of CI Pigment Blue 29 (CAS RN 57455-37-5) and — 1 % or more but not more than 5 % of CI Pigment Violet 15 (CAS RN 12769-96-9)	0 %	-	31.12.2027
0.8497	ex 3824 99 93	36	Preparation containing by weight 60 % or more but not more than 70 % of calcium <i>rel</i> -(1R,2S)-cyclohexane-1,2-dicarboxylate (CAS RN 491589-22-1) and 30 % or more but not more than 40 % of zinc stearate (CAS RN 557-05-1)	0 %	-	31.12.2027
0.8514	ex 3824 99 96	43	2-(Ethylthio)ethanethiol functionalized silicagel with a purity by weight of 98 % or more	0 %	-	31.12.2027
0.8491	ex 3907 29 99	70	Poly(oxy-1,4-phenyleneoxy-1,4-phenylenecarbonyl-1,4-phenylene) (CAS RN 29658-26-2) containing by weight not more than 35 % of additives	0 %	-	31.12.2027
0.8504	ex 4009 31 00 ex 4009 32 00	10 20	Multilayered rubber pipe, reinforced with aramide fabric, whether or not having polyamide connection elements and steel clamps, for use in the manufacture of automotive heat exchangers and/or condenser in automotive air conditioning systems ⁽¹⁾	0 %	-	31.12.2027
0.8480	ex 7326 90 98	60	Vane ring of a kind for fastening gas flow control blades: — of iron or steel alloy, — with a heat resistance of 830 °C or more but not more than 1 050 °C, — with an external diameter of not more than 92 mm, — with holes for holding the gas flow control blades, for use in the manufacture of turbochargers ⁽¹⁾	0 %	-	31.12.2027
0.8512	ex 7326 90 98	70	Disc of a kind for ensuring the gas flow channel width: — of iron or steel alloy, — with a heat resistance of 830 °C or more but not more than 1 050 °C, — with an external diameter of not more than 92,5 mm, — with an internal diameter of not more than 62 mm, for use in the manufacture of turbochargers ⁽¹⁾	0 %	-	31.12.2027

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.8464	ex 7609 00 00	40	Flame brazed aluminium block for connecting tubes in automotive heat exchangers and/or turbocharged air coolers and/or automatic transmission coolers: — with extruded, bent connection tubes with an outer diameter of 5 mm or more, but not more than 25 mm, — with a weight of 0,02 kg or more, but not more than 0,25 kg, for use in the manufacture of cooling system in vehicles of Chapter 87 ⁽¹⁾	0 %	p/st	31.12.2027
0.8503	ex 7609 00 00	50	Machined aluminium components: — containing by weight 0,55 %, or more but not more than 0,61 % of magnesium, — containing by weight 0,55 %, or more but not more than 0,61 % of silicon, — with a hardening state of T5 or T6, — with a mass of 0,05 kg or more, but not more than 0,2 kg, for use in the manufacture of CO ₂ cooling systems in motor vehicles ⁽¹⁾	0 %	p/st	31.12.2027
0.8493	ex 7609 00 00	60	Aluminium connection block: — with a weight of 3 g or more but not more than 400 g, — manufactured from 6061-T6 or 6060-T6 or 6082-T6 aluminium grade, — being an integral part of an air conditioning hose assembly or oil cooling line hose assembly or air brake line hose assembly or water cooling line hose assembly, — with holes (sockets) or splines (pilots) or threads that allow installation in an automotive or other air conditioning system (also understood as installation in the line), — with sockets designed for brazing or fastening, — with at least 1 through-hole with a diameter of 3 mm or more but not more than 25 mm, for the manufacture of automotive cooling and air conditioning systems ⁽¹⁾	0 %	p/st	31.12.2027
0.8466	ex 8409 91 00	33	Camshaft carrier for a spark-ignition piston internal combustion engine, made of ADC12 aluminium alloy, with: — a weight of 4,0 kg or more but not more than 5,5 kg, — a wall thickness of 2,0 mm or more but not more than 6,0 mm, for use in the manufacture of motor vehicle engines ⁽¹⁾	0 %	p/st	31.12.2027

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.8469	ex 8409 91 00	38	Crankcase for 4-cylinder spark-ignition piston internal combustion engine, made of ADC12 aluminium alloy, for use in the manufacture of motor vehicle engines ⁽¹⁾	0 %	-	31.12.2027
0.8483	ex 8414 90 00	15	Fan assembly made of aluminium and magnesium alloy: — with an outer diameter of 54 mm or more but not more than 130 mm, — with a height of 8 mm or more but not more than 30 mm, — with two discs connected by blades of involute shape, — with or without dowel, and with or without washer, for use in the manufacture of electromotors ⁽¹⁾	0 %	-	31.12.2027
0.8494	ex 8414 90 00	25	Scroll type compressor housing of an aluminium alloy of a kind with: — a heat resistance of 200 °C or more but not more than 250 °C, — one or more fixing points suitable for mounting an actuator, for use in the manufacture of turbochargers ⁽¹⁾	0 %	-	31.12.2027
0.8465	ex 8415 90 00	15	Electrically welded manifolds for the condenser in automotive air conditioning systems: — consisting of a tube produced by stamping an aluminium strip and joining the edges by electric arc welding, — containing internal baffles responsible for the proper flow of coolant, — with a length of 190 mm or more, but not more than 460 mm, — with a diameter of 9 mm or more, but not more than 42 mm, — with a weight of 0,01 kg or more, but not more than 0,45 kg, — whether or not having aluminium connection blocks, used in the production of air conditioning systems in vehicles of Chapter 87 ⁽¹⁾	0 %	p/st	31.12.2027
0.8458	ex 8501 53 50	50	Asynchronous traction motor, with: — a continuous power of 140 kW or more but not more than 180 kW, — a liquid cooled system, — a total length of 580 mm or more but not more than 730 mm, — a total width of 550 mm or more but not more than 670 mm, — a total height of 510 mm or more but not more than 630 mm, — with a weight of not more than 390 kg, — with or without reduction gear, — with or without starter generator, — 2 mounting points, for use in the manufacture of the electric drive of hybrid buses ⁽¹⁾	0 %	-	31.12.2027

Serial Number	CN code	TARIC	Description	Rate of autonomous duty	Supplementary Unit	Date envisaged for mandatory review
0.8508	ex 8505 11 10	78	Two permanent magnets made of a praseodymium-neodymium alloy, in a rectangular steel holder with an outer casing of rubber with outer dimensions: — a length of 200 mm or more but not more than 205 mm, — a width of 58 mm or more but not more than 62 mm, — a height of 25 mm or more but not more than 30 mm, with a stud mounted in the middle	0 %	-	31.12.2027
0.8453	ex 8512 30 90	40	Device for simulating engine sound at reduced speed of a hybrid or electric vehicle: — containing at least printed circuit board and loudspeaker, — in a plastic housing with a holder, for use in the manufacture of goods of Chapter 87 ⁽¹⁾	0 %	-	31.12.2027
0.8460	ex 8537 10 91	43	Electronic suspension control unit with: — a printed circuit board in plastic housing, — LIN and CAN buses, — a programmable memory, — a signal processor, — an operating direct current voltage of 9 V or more but not more than 16 V, — at least one connector, — whether or not with metal mounting bracket, for use in the manufacture of goods of Chapter 87 ⁽¹⁾	0 %	-	31.12.2027
0.8461	ex 8708 50 20	18	Propeller shaft for torque transmission from the gearbox to the rear axle, consisting of: — two cardan rods, — central universal joint, — central bearing with suspension in a plastic cover, — universal joints on both ends of the shaft, — slip, tube and end yokes, — of a length of 1,4 m or more but not more than 2,4 m, for use in the production of goods of Chapter 87 ⁽¹⁾	0 %	-	31.12.2027
0.8507	ex 8714 99 90	50	Rear air shock absorber in form of a pneumatic spring element with oil damper for use in the manufacture of bicycles, including electrical bicycles ⁽¹⁾	0 %	-	31.12.2027

⁽¹⁾ Suspension of duties is subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013¹.

COUNCIL REGULATION (EU) 2023/1191**of 16 June 2023****amending Regulation (EU) 2021/2283 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In order to ensure a sufficient and uninterrupted supply of certain agricultural and industrial products which are produced in insufficient quantities in the Union and thereby avoid any disturbances on the market for those products, autonomous tariff quotas of the Union ('quotas') were opened by Council Regulation (EU) 2021/2283 ⁽¹⁾. Within those quotas, products can be imported into the Union at reduced or zero duty rates.
- (2) As it is in the Union's interest to ensure an adequate supply of certain industrial products, and having regard to the fact that identical, equivalent or substitute products are not produced in sufficient quantities within the Union, it is necessary to open new quotas with order numbers 09.2561, 09.2562 and 09.2857 at zero duty rates for appropriate quantities of those products.
- (3) As it is no longer in the Union's interest to maintain the quotas with order numbers 09.2581 and 09.2672, those quotas should be closed with effect from 1 July 2023.
- (4) Taking into account the amendments to be made and for the sake of clarity, the Annex to Regulation (EU) 2021/2283 should be replaced.
- (5) In order to avoid any interruption in the application of the quota scheme and to comply with the guidelines set out in the communication from the Commission of 13 December 2011 concerning autonomous tariff suspensions and quotas, the changes provided for in this Regulation regarding the quotas for the products concerned should apply from 1 July 2023. This Regulation should therefore enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) 2021/2283 is replaced by the text 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*.

It shall apply from 1 July 2023.

⁽¹⁾ Council Regulation (EU) 2021/2283 of 20 December 2021 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products, and repealing Regulation (EU) No 1388/2013 (OJ L 458, 22.12.2021, p. 33).

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

Done at Luxembourg, 16 June 2023.

For the Council
The President
E. SVANTESSON

ANNEX

'ANNEX

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals ⁽¹⁾ ⁽²⁾	1.1.-31.12.	700 tonnes	0 %
09.2664	ex 2008 60 39	30	Sweet cherries containing added spirit, with a sugar content of not more than 9 % by weight, of a diameter of not more than 19,9 mm, with stones, for use in chocolate products ⁽¹⁾	1.1.-31.12.	1 000 tonnes	10 %
09.2925	ex 2309 90 31 ex 2309 90 31 ex 2309 90 96 ex 2309 90 96	41 49 41 49	Feed additive, consisting on dry weight basis of: — 68 % or more, but not more than 80 % of L-lysine sulphate, and — not more than 32 % of other components such as carbohydrates and other amino acids	1.1.-31.12.	100 000 tonnes	0 %
09.2913	ex 2401 10 35 ex 2401 10 70 ex 2401 10 95 ex 2401 10 95 ex 2401 10 95 ex 2401 20 35 ex 2401 20 70 ex 2401 20 95 ex 2401 20 95 ex 2401 20 95	91 10 11 21 91 91 10 11 21 91	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than EUR 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 ⁽¹⁾	1.1.-31.12.	3 000 tonnes	0 %
09.2828	2712 20 90		Paraffin wax containing by weight less than 0,75 % of oil	1.1.-31.12.	140 000 tonnes	0 %
09.2600	ex 2712 90 39	10	Slack wax (CAS RN 64742-61-6)	1.1.-31.12.	100 000 tonnes	0 %
09.2578	ex 2811 19 80	50	Sulphamidic acid (CAS RN 5329-14-6) with a purity by weight of 95 % or more, whether or not with not more than 5 % addition of the anti-caking agent silicon dioxide (CAS RN 112926-00-8)	1.1.-31.12.	27 000 tonnes	0 %
09.2928	ex 2811 22 00	40	Silica filler in the form of granules, with a purity by weight of 97 % or more of silicon dioxide	1.1.-31.12.	1 700 tonnes	0 %
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide (CAS RN 1314-35-8 or CAS RN 39318-18-8)	1.1.-31.12.	12 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2819	ex 2833 25 00	30	Copper hydroxide sulfate (Cu ₄ (OH) ₆ (SO ₄)), hydrate (CAS RN 12527-76-3) with a purity by weight of 98 % or more	1.1.-31.12.	240 000 kilograms	0 %
09.2872	ex 2833 29 80	40	Caesium sulphate (CAS RN 10294-54-9) in solid form or as aqueous solution containing by weight 48 % or more but not more than 52 % of caesium sulphate	1.1.-31.12.	400 tonnes	0 %
09.2567	ex 2903 22 00	10	Trichloroethylene (CAS RN 79-01-6) with a purity by weight of 99 % or more	1.1.-31.12.	11 885 000 kilograms	0 %
09.2837	ex 2903 79 30	20	Bromochloromethane (CAS RN 74-97-5)	1.1.-31.12.	600 tonnes	0 %
09.2933	ex 2903 99 80	30	1,3-Dichlorobenzene (CAS RN 541-73-1)	1.1.-31.12.	2 600 tonnes	0 %
09.2700	ex 2905 12 00	10	Propan-1-ol (propyl alcohol) (CAS RN 71-23-8)	1.1.-31.12.	15 000 tonnes	0 %
09.2830	ex 2906 19 00	40	Cyclopropylmethanol (CAS RN 2516-33-8)	1.1.-31.12.	20 tonnes	0 %
09.2851	ex 2907 12 00	10	O-cresol (CAS RN 95-48-7) having a purity of not less than 98,5 % by weight	1.1.-31.12.	20 000 tonnes	0 %
09.2704	ex 2909 49 80	20	2,2,2',2'-Tetrakis(hydroxymethyl)-3,3'-oxydipropan-1-ol (CAS RN 126-58-9)	1.1.-31.12.	500 tonnes	0 %
09.2565	ex 2914 19 90	70	Calcium acetylacetonate (CAS RN 19372-44-2) with a purity by weight of 95 % or more	1.1.-31.12.	400 tonnes	0 %
09.2852	ex 2914 29 00	60	Cyclopropyl methyl ketone (CAS RN 765-43-5)	1.1.-31.12.	300 tonnes	0 %
09.2638	ex 2915 21 00	10	Acetic acid (CAS RN 64-19-7) of a purity by weight of 99 % or more	1.1.-31.12.	1 000 000 tonnes	0 %
09.2679	2915 32 00		Vinyl acetate (CAS RN 108-05-4)	1.1.-31.12.	450 000 tonnes	0 %
09.2728	ex 2915 90 70	85	Ethyl trifluoroacetate (CAS RN 383-63-1)	1.1.-31.12.	400 tonnes	0 %
09.2665	ex 2916 19 95	30	Potassium (E,E)-hexa-2,4-dienoate (CAS RN 24634-61-5)	1.1.-31.12.	8 250 tonnes	0 %
09.2684	ex 2916 39 90	28	2,5-Dimethylphenylacetyl chloride (CAS RN 55312-97-5)	1.1.-31.12.	700 tonnes	0 %
09.2599	ex 2917 11 00	40	Diethyl oxalate (CAS RN 95-92-1)	1.1.-31.12.	500 tonnes	0 %
09.2769	ex 2917 13 90	10	Dimethyl sebacate (CAS RN 106-79-6)	1.1.-31.12.	1 000 tonnes	0 %
09.2634	ex 2917 19 80	40	Dodecanedioic acid (CAS RN 693-23-2), of a purity by weight of more than 98,5 %	1.1.-31.12.	8 000 tonnes	0 %
09.2808	ex 2918 22 00	10	O-acetylsalicylic acid (CAS RN 50-78-2)	1.1.-31.12.	120 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2646	ex 2918 29 00	75	Octadecyl 3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate (CAS RN 2082-79-3) with: — a sieve passing fraction at a mesh width of 500 µm of more than 99 % by weight, and — a melting point of 49 °C or more, but not more than 54 °C, for use in the manufacture of PVC processing stabilizer-one packs based on powder mixtures (powders or press granulates) ⁽¹⁾	1.1.-31.12.	380 tonnes	0 %
09.2647	ex 2918 29 00	80	Pentaerythritol tetrakis(3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate) (CAS RN 6683-19-8) with: — a sieve passing fraction at a mesh width of 250 µm of more than 75 % by weight and at a mesh width of 500 µm of more than 99 % by weight, and — a melting point of 110 °C or more, but not more than 125 °C, for use in the manufacture of PVC processing stabilizer-one packs based on powder mixtures (powders or press granulates) ⁽¹⁾	1.1.-31.12.	140 tonnes	0 %
09.2975	ex 2918 30 00	10	Benzophenone-3,3',4,4'-tetracarboxylic dianhydride (CAS RN 2421-28-5)	1.1.-31.12.	1 000 tonnes	0 %
09.2598	ex 2921 19 99	75	Octadecylamine (CAS RN 124-30-1)	1.1.-31.12.	400 tonnes	0 %
09.2649	ex 2921 29 00	60	Bis(2-dimethylaminoethyl)(methyl)amine (CAS RN 3030-47-5)	1.1.-31.12.	1 700 tonnes	0 %
09.2682	ex 2921 41 00	10	Aniline (CAS RN 62-53-3) with a purity by weight of 99 % or more	1.1.-31.12.	220 000 tonnes	0 %
09.2617	ex 2921 42 00	89	4-Fluoro-N-(1-methylethyl)benzeneamine (CAS RN 70441-63-3)	1.1.-31.12.	500 tonnes	0 %
09.2602	ex 2921 51 19	10	O-phenylenediamine (CAS RN 95-54-5)	1.1.-31.12.	1 800 tonnes	0 %
09.2921	ex 2922 19 00	22	2-(dimethylamino)ethyl acrylate (CAS RN 2439-35-2) with a purity by weight of 99 % or more	1.1.-31.12.	14 000 tonnes	0 %
09.2563	ex 2922 41 00	20	L-Lysine hydrochloride (CAS RN 657-27-2) or an aqueous solution of L-lysine (CAS RN 56-87-1), containing by weight 50 % or more of L-lysine	1.1.-31.12.	300 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2575	ex 2923 90 00	87	3-Chloro-2-hydroxypropyl)trimethylammonium chloride (CAS RN 3327-22-8), in the form of an aqueous solution containing by weight 65 % or more but not more than 71 % 3-chloro-2-hydroxypropyl) trimethylammonium chloride	1.1.-31.12.	12 000 tonnes	0 %
09.2922	ex 2923 90 00	88	Aqueous solution containing by weight 78 % or more but not more than 82 % of [2-(acryloyloxy)ethyl]trimethylammonium chloride (CAS RN 44992-01-0)	1.1.-31.12.	10 000 tonnes	0 %
09.2854	ex 2924 19 00	85	3-Iodoprop-2-yn-1-yl butylcarbamate (CAS RN 55406-53-6)	1.1.-31.12.	450 tonnes	0 %
09.2874	ex 2924 29 70	87	Paracetamol (INN) (CAS RN 103-90-2)	1.1.-31.12.	20 000 tonnes	0 %
09.2742	ex 2926 10 00	10	Acrylonitrile (CAS RN 107-13-1), for use in the manufacture of goods of chapter 55 and heading 6815 ⁽¹⁾	1.1.-31.12.	60 000 tonnes	0 %
09.2583	ex 2926 10 00	30	Acrylonitrile (CAS RN 107-13-1), for use in the manufacture of goods of headings 2921, 2924, 3903, 3906, 3908, 3911 and 4002 ⁽¹⁾	1.1.-31.12.	40 000 tonnes	0 %
09.2856	ex 2926 90 70	84	2-Nitro-4(trifluoromethyl)benzonitrile (CAS RN 778-94-9)	1.1.-31.12.	900 tonnes	0 %
09.2685	ex 2929 90 00	30	Nitroguanidine (CAS RN 556-88-7)	1.1.-31.12.	6 500 tonnes	0 %
09.2597	ex 2930 90 98	94	Bis[3-(triethoxysilyl)propyl]disulphide (CAS RN 56706-10-6)	1.1.-31.12.	6 000 tonnes	0 %
09.2596	ex 2930 90 98	96	2-Chloro-4-(methylsulphonyl)-3-((2,2,2-trifluoroethoxy)methyl) benzoic acid (CAS RN 120100-77-8)	1.1.-31.12.	300 tonnes	0 %
09.2580	ex 2931 90 00	75	Hexadecyltrimethoxysilane (CAS RN 16415-12-6) with a purity by weight of at least 95 %, for use in the manufacture of polyethylene ⁽¹⁾	1.1.-31.12.	165 tonnes	0 %
09.2842	2932 12 00		2-Furaldehyde (furfuraldehyde)	1.1.-31.12.	10 000 tonnes	0 %
09.2696	ex 2932 20 90	25	Decan-5-olide (CAS RN 705-86-2)	1.1.-31.12.	6 000 kilograms	0 %
09.2697	ex 2932 20 90	30	Dodecan-5-olide (CAS RN 713-95-1)	1.1.-31.12.	6 000 kilograms	0 %
09.2812	ex 2932 20 90	77	Hexan-6-olide (CAS RN 502-44-3)	1.1.-31.12.	4 000 tonnes	0 %
09.2858	2932 93 00		Piperonal (CAS RN 120-57-0)	1.1.-31.12.	220 tonnes	0 %
09.2839	ex 2933 39 99	09	2-(2-Pyridyl)ethanol (CAS RN 103-74-2) with a purity by weight of 99 % or more	1.1.-31.12.	700 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2860	ex 2933 69 80	30	1,3,5-Tris[3-(dimethylamino)propyl]hexahydro-1,3,5-triazine (CAS RN 15875-13-5)	1.1.-31.12.	600 tonnes	0 %
09.2566	ex 2933 99 80	05	1,4,7,10-Tetraazacyclododecane (CAS RN 294-90-6) with a purity by weight of 96 % or more	1.1.-31.12.	60 tonnes	0 %
09.2658	ex 2933 99 80	73	5-(Acetoacetyl amino)benzimidazolone (CAS RN 26576-46-5)	1.1.-31.12.	400 tonnes	0 %
09.2593	ex 2934 99 90	67	5-Chlorothiophene-2-carboxylic acid (CAS RN 24065-33-6)	1.1.-31.12.	45 000 kilograms	0 %
09.2675	ex 2935 90 90	79	4-[[2-Methoxybenzoyl]amino]sulfonyl]benzoyl chloride (CAS RN 816431-72-8)	1.1.-31.12.	1 000 tonnes	0 %
09.2945	ex 2940 00 00	20	D-Xylose (CAS RN 58-86-6)	1.1.-31.12.	400 tonnes	0 %
09.2686	ex 3204 11 00	75	Colourant C.I. Disperse Yellow 54 (CAS RN 7576-65-0) and preparations based thereon with a colourant C.I. Disperse Yellow 54 content of 99 % or more by weight	1.1.-31.12.	250 tonnes	0 %
09.2676	ex 3204 17 00	14	Preparations based on Colourant C.I. Pigment Red 48:2 (CAS RN 7023-61-2) with a content thereof of 60 % or more but less than 85 % by weight	1.1.-31.12.	50 tonnes	0 %
09.2698	ex 3204 17 00	30	Colourant C.I. Pigment Red 4 (CAS RN 2814-77-9) and preparations based thereon with a colourant C.I. Pigment Red 4 content of 60 % or more by weight	1.1.-31.12.	150 tonnes	0 %
09.2659	ex 3802 90 00	19	Soda flux calcinated diatomaceous earth	1.1.-31.12.	35 000 tonnes	0 %
09.2908	ex 3804 00 00	10	Sodium lignosulphonate (CAS RN 8061-51-6)	1.1.-31.12.	40 000 tonnes	0 %
09.2889	3805 10 90		Sulphate turpentine	1.1.-31.12.	25 000 tonnes	0 %
09.2935	ex 3806 10 00	10	Rosin and resin acids obtained from fresh oleoresins	1.1.-31.12.	280 000 tonnes	0 %
09.2832	ex 3808 92 90	40	Preparation containing 38 % or more but not more than 50 % by weight of pyrrithione zinc (INN) (CAS RN 13463-41-7) in an aqueous dispersion	1.1.-31.12.	500 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2923	ex 3808 94 20	40	Aqueous solution containing by weight: — 10,0 % or more but not more than 11,3 % of 5-chloro-2-methyl-2H-isothiazol-3-one, — 3,0 % or more but not more than 4,1 % of 2-methyl-2H-isothiazol-3-one, — a combined concentration of isothiazolones (CAS RN 55965-84-9) of 13,0 % or more but not more than 15,4 %, — 18 % or more but not more than 22 % of nitrates, calculated as sodium nitrate, and — 5 % or more but not more than 8 % of chlorides, calculated as sodium chloride	1.1.-31.12.	3 000 tonnes	0 %
09.2926	ex 3811 21 00	31	Additive consisting essentially of: — Phosphorodithioic acid, mixed O,O-bis (isobutyl and pentyl) esters, zinc salts (CAS RN 68457-79-4), — 8 % or more by weight but not more than 15 % by weight of mineral oil, for use in the manufacture of blends of additives for lubricating oils ⁽¹⁾	1.1.-31.12.	700 tonnes	0 %
09.2876	ex 3811 29 00	57	Additives consisting of reaction products of diphenylamine and branched nonenes with: — more than 20 % but not more than 50 % by weight 4-monononyldiphenylamine, and — more than 50 % but not more than 80 % by weight 4,4'-dinonyldiphenylamine, — a total percentage of 2,4-dinonyldiphenylamine and 2,4'-dinonyldiphenylamine of not more than 15 % by weight, used for the manufacture of lubricating oils ⁽¹⁾	1.1.-31.12.	900 tonnes	0 %
09.2927	ex 3811 29 00	80	Additives containing: — more than 70 % by weight of 2,5-bis(<i>tert</i> -nonyldithio)-[1,3,4]-thiadiazole (CAS RN 89347-09-1), and — more than 15 % by weight of 5-(<i>tert</i> -nonyldithio)- 1,3,4-thiadiazole-2 (3H)-thione (CAS RN 97503-12-3), for use in the manufacture of lubricating oils ⁽¹⁾	1.1.-31.12.	500 tonnes	0 %
09.2814	ex 3815 90 90	76	Catalyst consisting of titanium dioxide and tungsten trioxide	1.1.-31.12.	3 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2644	ex 3824 99 92	77	Preparation containing by weight: — 55 % or more but not more than 78 % of dimethyl glutarate (CAS RN 1119-40-0), — 10 % or more but not more than 30 % of dimethyl adipate (CAS RN 627-93-0), and — not more than 35 % of dimethyl succinate (CAS RN 106-65-0)	1.1.-31.12.	10 000 tonnes	0 %
09.2681	ex 3824 99 92	85	Mixture of bis [3-(triethoxysilyl)propyl]sulphides (CAS RN 211519-85-6)	1.1.-31.12.	9 000 tonnes	0 %
09.2907	ex 3824 99 93	67	Mixture of phytosterols, in the form of powder, containing by weight: — 75 % or more of sterols, — not more than 25 % of stanols, for use in the manufacture of stanols/sterols or stanol/sterol esters ⁽¹⁾	1.1.-31.12.	2 500 tonnes	0 %
09.2568	ex 3824 99 96	91	Mixture, in pellet form, containing by weight: — 49 % or more but not more than 50 % of bis[3-(triethoxysilyl)propyl] polysulphides (CAS RN 211519-85-6), and — 50 % or more but not more than 51 % of carbon black (CAS RN 1333-86-4), of which 75 % by weight or more pass through a sieve with an aperture of 0,60 mm, but not more than 10 % pass through a sieve with an aperture of 0,25 mm (as determined by the ASTM D1511 method)	1.1.-31.12.	1 500 tonnes	0 %
09.2820	ex 3827 90 00	10	Mixtures containing by weight: — 60 % or more but not more than 90 % of 2-chloropropene (CAS RN 557-98-2), — 8 % or more but not more than 14 % of (Z)-1-chloropropene (CAS RN 16136-84-8), — 5 % or more but not more than 23 % of 2-chloropropane (CAS RN 75-29-6), — not more than 6 % of 3-chloropropene (CAS RN 107-05-1), and — not more than 1 % of ethyl chloride (CAS RN 75-00-3)	1.1.-31.12.	6 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2671	ex 3905 99 90	81	Poly(vinyl butyral)(CAS RN 63148-65-2): — containing by weight 17,5 % or more, but not more than 20 % of hydroxyl groups, and — with a median particle size (D50) of more than 0,6 mm	1.1.-31.12.	12 500 tonnes	0 %
09.2846	ex 3907 40 00	25	Polymer blend of polycarbonate and poly(methyl methacrylate) with a polycarbonate content of not less than 98,5 % by weight, in the form of pellets or granules, with a luminous transmittance of not less than 88,5 %, measured using a test sample with a thickness of 4 mm at a wavelength of $\lambda = 400$ nm (according to ISO 13468-2)	1.1.-31.12.	2 000 tonnes	0 %
09.2585	ex 3907 99 80	70	Copolymer of poly(ethylene terephthalate) and cyclohexane dimethanol, containing more than 10 % by weight of cyclohexane dimethanol	1.1.-31.12.	60 000 tonnes	2 %
09.2855	ex 3910 00 00	10	Liquid poly(methylhydrosiloxane) with terminal trimethylsilyl groups (CAS RN 63148-57-2) with a purity by weight of 99,9 % or more	1.1.-31.12.	500 tonnes	0 %
09.2931	ex 3911 90 11	10	Poly (oxy-1,4-phenylenesulphonyl-1,4-phenyleneoxy-1,4-phenyleneisopropylidene-1,4-phenylene) (CAS RN 25135-51-7 and CAS RN 25154-01-2), in one of the forms mentioned in note 6(b) to this chapter containing by weight not more than 20 % of additives	1.1.-31.12.	6 300 tonnes	0 %
09.2723	ex 3911 90 19	35	Poly(oxy-1,4-phenylenesulfonyl-1,4-phenyleneoxy-4,4'-biphenylene) (CAS RNs 25608-64-4 and 25839-81-0) containing by weight not more than 20 % of additives	1.1.-31.12.	5 000 tonnes	0 %
09.2816	ex 3912 11 00	20	Cellulose acetate flakes	1.1.-31.12.	75 000 tonnes	0 %
09.2561	ex 3912 39 85	60	Hypromellose (INN) (CAS RN 9004-65-3), for use in the manufacturing of food supplements or pharmaceuticals ⁽¹⁾	1.7.-31.12.	1 500 tonnes	0 %
09.2573	ex 3913 10 00	20	Sodium alginate extracted from brown seaweed (CAS RN 9005-38-3), with — a loss on drying of not more than 15 % by weight (4h at 105 °C), — a water-insoluble fraction of not more than 2 % by weight, calculated on the dry weight	1.1.-31.12.	2 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2641	ex 3913 90 00	87	Sodium hyaluronate, non sterile, with: — a weight average molecular weight (M_w) of not more than 900 000, — an endotoxin level of not more than 0,008 Endotoxin units (EU)/mg, — an ethanol content of not more than 1 % by weight, — an isopropanol content of not more than 0,5 % by weight	1.1.-31.12.	300 kilograms	0 %
09.2661	ex 3920 51 00	50	Sheets of polymethylmethacrylate conforming to standards: — EN 4364 (MIL-P-5425E) and DTD5592A, or — EN 4365 (MIL-P-8184) and DTD5592A	1.1.-31.12.	100 tonnes	0 %
09.2645	ex 3921 14 00	20	Cellular block of regenerated cellulose, impregnated with water containing magnesium chloride and quaternary ammonium compounds, measuring 100 cm ($\pm$ 10 cm) x 100 cm ($\pm$ 10 cm) x 40 cm ($\pm$ 5 cm)	1.1.-31.12.	1 700 tonnes	0 %
09.2572	ex 5205 26 00 ex 5205 27 00	10 10	Raw white single cotton yarn — of combed fibres, — with an average fibre length of 36,5 mm or more, — produced through the compact ring spinning process with pneumatic compression, — with a tear strength of 26,5 cN/tex or more (according to ISO 2062:2009, at a speed of 5 000 mm/min)	1.1.-31.12.	50 000 tonnes	0 %
09.2848	ex 5505 10 10	10	Waste of synthetic fibres (including noils, yarn waste, and garnetted stock) of nylon or other polyamides (PA6 and PA66)	1.1.-31.12.	10 000 tonnes	0 %
09.2721	ex 5906 99 90	20	Woven and laminated rubberised textile fabric with the following characteristics: — with three layers, — one outer layer consists of acrylic fabric, — the other outer layer consists of polyester fabric, — the middle layer consists of chlorobutyl rubber, — the middle layer has a weight of 452 g/m ² or more but not more than 569 g/m ² ,	1.1.-31.12.	375 000 square meters	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
			— the textile fabric has a total weight of 952 g/m² or more but not more than 1 159 g/m², and — the textile fabric has a total thickness of 0,8 mm or more but not more than 4 mm, used for the manufacture of the retractable roof of motor vehicles ⁽¹⁾			
09.2628	ex 7019 66 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m ² (± 10 g/m ²), of a type used in rolling insect screens with fixed frames	1.1.-31.12.	3 000 000 square meters	0 %
09.2652	ex 7409 11 00 ex 7410 11 00	30 40	Refined copper foil and strips, electrolytically manufactured, with a thickness of 0,015 mm or more	1.1.-31.12.	1 020 tonnes	0 %
09.2662	ex 7410 21 00	55	Plates: — consisting of at least one layer of fibreglass fabric impregnated with epoxide resin, — covered on one or both sides with copper foil with a thickness of not more than 0,15 mm, — with a dielectric constant (DK) of less than 5,4 at 1 MHz, as measured according to IPC-TM-650 2.5.5.2, — with a loss tangent of less than 0,035 at 1 MHz, as measured according to IPC-TM-650 2.5.5.2, — with a comparative tracking index (CTI) of 600 or more	1.1.-31.12.	80 000 square meters	0 %
09.2835	ex 7604 29 10	30	Aluminium alloy rods with a diameter of 300,1 mm or more, but not more than 533,4 mm	1.1.-31.12.	1 000 tonnes	0 %
09.2736	ex 7607 11 90 ex 7607 11 90 ex 7607 11 90 ex 7607 11 90	75 77 78 79	Aluminium and magnesium alloy strip or foil: — of an alloy conforming to standards 5182-H19 or 5052-H19, — in rolls with an outside diameter of minimum 1 250 mm but not more than 1 350 mm, — of a thickness (tolerance – 0,006 mm) of 0,15 mm, 0,16 mm, 0,18 mm or 0,20 mm, — of a width (tolerance ± 0,3 mm) of 12,5 mm, 15,0 mm, 16,0 mm, 25,0 mm, 35,0 mm, 50,0 mm or 356 mm, — having a camber tolerance of not more than 0,4 mm/750 mm,	1.1.-31.12.	600 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
			— of a flatness measurement: I-unit ± 4, — having a tensile strength of more than (5182-H19) 365 MPa or (5052-H19) 320 MPa, and — of an elongation A50 of more than (5182-H19) 3 % or (5052-H19) 2,5 %, for use in the manufacture of slats for blinds ⁽¹⁾			
09.2722	8104 11 00		Unwrought magnesium, containing at least 99,8 % by weight of magnesium	1.1.-31.12.	120 000 tonnes	0 %
09.2840	ex 8104 30 00	20	Magnesium powder: — of purity by weight of 98 % or more, but not more than 99,5 %, and — with a particle size of 0,2 mm or more but not more than 0,8 mm	1.1.-31.12.	2 000 tonnes	0 %
09.2629	ex 8302 49 00	91	Aluminium telescopic handle for use in the manufacture of luggage ⁽¹⁾	1.1.-31.12.	1 500 000 pieces	0 %
09.2720	ex 8413 91 00	50	Pump head for two cylinder high pressure pump made of forged steel, with: — milled threaded fittings with a diameter of 10 mm or more but not more than 36,8 mm, and — drilled fuel channels with a diameter of 3,5 mm or more but not more than 10 mm, of a kind used in diesel injection systems	1.1.-31.12.	65 000 pieces	0 %
09.2569	ex 8414 90 00	80	Turbocharger wheel housing of cast aluminium alloy or cast iron: — with a heat resistance up to 400 °C, — with a hole of 30 mm or more but not more than 300 mm for the insertion of the compressor wheel, for use in the automotive industry ⁽¹⁾	1.1.-31.12.	4 000 000 pieces	0 %
09.2570	ex 8482 91 90	10	Rollers with a logarithmic profile and a diameter of 25 mm or more but not more than 70 mm or balls with a diameter of 30 mm but not more than 100 mm, — made of 100Cr6 steel or 100CrMnSi6-4 steel (ISO 3290), — with a deviation of 0,5 mm or less as determined with the FBH method for use in wind turbine industry ⁽¹⁾	1.1.-31.12.	600 000 pieces	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2562	ex 8482 99 00	30	Brass cages with the following characteristics: — continuously or centrifugally cast, — turned, — containing by weight 35 % or more, but not more than 38 % of zinc, — containing by weight 0,75 % or more, but not more than 1,25 % of lead, — containing by weight 1,0 % or more, but not more than 1,4 % of aluminium, and — with a tensile strength of 415 Pa or more, of a kind used for the manufacture of ball bearings	1.7.-31.12.	275 000 pieces	0 %
09.2857	ex 8482 99 00	60	Inner or outer rings made of steel, not hardened or not grinded, outer ring with internal raceway(s), inner ring with external raceway(s), with external diameters of: — 14 mm or more but not more than 77 mm for the inner ring, — 26 mm or more but not more than 101 mm for the outer ring, for use in the manufacture of bearings ⁽¹⁾	1.7.-31.12.	9 700 000 kilograms	0 %
09.2924	ex 8501 31 00	80	Electronic actuator consisting of: — a DC motor having a power of less than 600 W, — for usage with a supply voltage of 12 V to 48 V, — with motor connection (plug-in connection), — with contactless position sensor, — built in a rectangular housing of a width of less than 100 mm and a length of less than 150 mm, with reduction gear and lever attached to the motor drive shaft or — in a cylindrical housing of a length off less than 150mm and with a diameter of less than 100 mm, with threads integrated into the rotor of the motor for linear movement of the integrated control rod	1.1.-31.12.	650 000 pieces	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2763	ex 8501 40 20 ex 8501 40 80	65 60	Electric AC motor, single-phase, whether or not with commutator — with a nominal output of 180 W or more, — with an input power of 150 W or more but not more than 2 700 W, — with an external diameter of more than 120 mm ($\pm$ 0,2 mm) but not more than 135 mm ($\pm$ 0,2 mm), — with a rated speed of more than 10 000 rpm but not more than 50 000 rpm, — whether or not equipped with air-inducting ventilator, — whether or not with mechanical device (pinion, screws, gear connection etc.) on the shaft, for use in the manufacture of domestic appliances ⁽¹⁾	1.1.-31.12.	2 000 000 pieces	0 %
09.2574	ex 8537 10 91	73	Multifunctional device (instrument cluster) with: — curved TFT LCD display (radius 750 mm) with touch-sensitive surfaces, — microprocessors and memory chips, — acoustic module and loudspeaker, — connections for CAN, 3 x LIN bus, LVDS and Ethernet, — for operating various functions (e.g. chassis, lighting) and — for situation-related display of vehicle and navigation data (e.g. speed, odometer, charge level of the drive battery), for use in the manufacture of passenger cars powered solely by an electric motor covered by HS subheading 8703 80 ⁽¹⁾	1.1.-31.12.	66 900 pieces	0 %
09.2910	ex 8708 99 97	75	Aluminium alloy support bracket, with mounting holes, whether or not with fixation nuts, for indirect connection of the gearbox to the car body for use in the manufacture of goods of Chapter 87 ⁽¹⁾	1.1.-31.12.	200 000 pieces	0 %
09.2668	ex 8714 91 10 ex 8714 91 10 ex 8714 91 10	21 31 75	Bicycle frame, constructed from carbon fibres and artificial resin, for use in the manufacture of bicycles (including electric bicycles) ⁽¹⁾	1.1.-31.12.	600 000 pieces	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2564	ex 8714 91 10 ex 8714 91 10 ex 8714 91 10	25 35 77	Frame, constructed from aluminium or aluminium and carbon fibres and artificial resin, for the use in the manufacture of bicycles (including electric bicycles) ⁽¹⁾	1.1.-31.12.	9 600 000 pieces	0 %
09.2579	ex 9029 20 31 ex 9029 90 00	40 40	Clustered instrument panel with: — stepping motors, — analog pointers and dials, — or without microprocessor control board, — or without LED indicators or LCD display, — showing at least: — speed, — engine revolutions, — engine temperature, — the fuel level, — communicating via CAN-BUS and/or K-LINE protocols, for use in the manufacture of goods of Chapter 87 ⁽¹⁾	1.1.-31.12.	160 000 pieces	0 %

⁽¹⁾ Suspension of duties is subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013.

⁽²⁾ However, the suspension of tariff duties does not apply where the processing is carried out by retail or catering undertakings.’

COMMISSION DELEGATED REGULATION (EU) 2023/1192**of 14 March 2023****supplementing Regulation (EU) 2021/23 of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of the written arrangements and procedures for the functioning of the resolution colleges****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 ⁽¹⁾, and in particular Article 4(7), fourth subparagraph, thereof,

Whereas:

- (1) In order to ensure the homogeneous governance of the resolution of CCPs across the Union, resolution colleges established pursuant to Article 4 of Regulation (EU) 2021/23 should rely on a commonly shared set of functioning rules.
- (2) The resolution colleges are to facilitate cooperation among competent authorities and resolution authorities, notably at the preparatory stages of recovery and resolution, by gathering all relevant competent authorities, the relevant members of the European System of Central Banks, central banks of issue of the relevant Union currencies of the financial instruments cleared, the relevant ministry, the European Securities and Markets Authority (ESMA) and the European Banking Authority (EBA).
- (3) In order to ensure efficient and effective decision making, information exchange processes and cooperation among the authorities, the written arrangements and procedures of the resolution college should include the necessary organisational provisions. In particular, the resolution college should recognise the need for the establishment of flexible substructures within the resolution college to carry out its functions and ensure that members are able to contribute in an appropriate manner in relation to the various activities of the college.
- (4) The written arrangements and procedures of the resolution college should also include the necessary operational provisions. Those operational provisions should enable the resolution authorities to coordinate their input to the supervisory college established pursuant to Article 18 of Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽²⁾ which is covering the day-to-day operation of the CCP. Furthermore, those operational provisions should facilitate the resolution authorities' task of organising the analysis, consideration and evaluation of the input that they receive from the supervisory college. Written arrangements and procedures should, therefore, include a process of communication between the supervisory college and the resolution college.
- (5) To ensure the robustness of the resolution college, the efficiency of its inner processes, and efficient coordination with the supervisory college, the resolution college should rely on a set of operational rules governing the functioning of college meetings, the exchange of information within the resolution college and the communication arrangements.

⁽¹⁾ OJ L 22, 22.1.2021, p. 1.

⁽²⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

- (6) To ensure that operational procedures are effective to address an emergency, the resolution authority of the CCP should undertake appropriate tests for the readiness of the resolution college to act and respond in such a scenario.
- (7) Timely and realistic planning for all joint decision processes is necessary to ensure smooth and efficient decision taking. Every authority involved in those processes should provide the resolution authority of the CCP with its contribution in relation to the respective joint decision in a timely and efficient way and in accordance with the timetables agreed for the respective joint decision.
- (8) It is necessary to ensure that joint decisions are taken swiftly and in a timely manner. This is particularly important for decisions on resolution but is also relevant for resolution planning and resolvability assessment. At the same time, authorities involved in the joint decision-making process should be provided with sufficient time to express their views. The steps for reaching any joint decision should be set out, recognising that some of these steps may be performed in parallel and others sequentially.
- (9) In order to ensure comparability of processes and outcomes, and therefore achieve convergence across different resolution colleges, it is necessary to set out uniform rules on the process and documentation required for the joint decision-making within the resolution colleges.
- (10) It is furthermore necessary to set out the procedural framework for the resolution authority, authorities that are members of the resolution college and, where appropriate, third-party competent authorities and resolution authorities to strive for efficient and workable resolution planning even in the absence of joint decisions.
- (11) This Regulation is based on the draft regulatory technical standards submitted to the Commission by ESMA.
- (12) ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits, and requested the advice of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽³⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

OPERATIONAL ORGANISATION OF RESOLUTION COLLEGES

Article 1

Identification of resolution college members and potential observers

1. The resolution authority of the CCP shall identify the resolution college members referred to in Article 4(2) of Regulation (EU) 2021/23 and shall identify the potential observers referred to in Article 4(4) of Regulation (EU) 2021/23 in accordance with the procedure set out in Article 2 of this Regulation.
2. The resolution authority of the CCP shall communicate the list of members and potential observers and any subsequent changes thereto to the resolution college.

⁽³⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

3. The resolution authority of the CCP shall review and update the list of members and potential observers at least annually and in any case whenever there is any change in that list.

Article 2

Third-country authorities as observers in the resolution college

1. Upon receipt of a relevant request to participate in the resolution college from the competent authority or resolution authority of clearing members established in third countries or the competent authority or resolution authority of third-country CCPs with which the CCP has established interoperability arrangements as referred to in Article 4(4) of Regulation (EU) 2021/23, or when the resolution authority of the CCP intends to invite them to participate in the resolution college, the resolution authority of the CCP shall communicate the request or the intention to invite to the resolution college.
2. The communication shall be accompanied by all of the following:
 - (a) the opinion of the resolution authority of the CCP, also having regard to paragraph 2, point (b) and (c), on the equivalence of the confidentiality requirements applicable to the potential observer;
 - (b) the terms and conditions for the participation of observers in the resolution college referred to in Article 5(2), point (f) of this Regulation;
 - (c) the opinion of the resolution authority of the CCP as to the significance of the exposure of the relevant third-country clearing members or interoperable CCPs;
 - (d) the setting of a deadline for the resolution college to take a decision on the request or the intention to invite to participate in the resolution college, upon the expiration of which consent of the resolution college is to be assumed. Within the deadline set out in this paragraph, point (d), any disagreeing authorities referred to in Article 4(2), points (b) and (c), of Regulation (EU) 2021/23 may express its fully reasoned objection to the opinion of the resolution authority of the CCP referred to in point (a). When an objection is expressed, the resolution authority of the CCP shall take it into account before making its final decision. The final decision of the resolution authority of the CCP on the request or the intention to invite to participate shall be fully reasoned and communicated to all resolution college members and shall, if relevant, reflect the reasons for not taking into account diverging views.
3. When the resolution authority of the CCP makes the decision to invite an authority of a third country to participate in the resolution college, as foreseen in Article 4(4) of Regulation (EU) 2021/23, it shall send an invitation to potential observers. The invitation shall be accompanied by the terms and conditions for the participation of observers in the resolution college referred to in Article 5(2), point (f) of this Regulation. The potential observer receiving the invitation shall be considered an observer upon acceptance of the invitation, which shall be deemed as acceptance of the terms and conditions for the participation of observers referred to in Article 5(2), point (f) of this Regulation.
4. Following acceptance of the invitation, the resolution authority of the CCP shall transmit an updated version of the list referred to in Article 1 of this Regulation to the resolution college.

Article 3

Communication with the CCP

1. The resolution authority of the CCP shall ensure regular interaction with the CCP to enhance the efficient and effective functioning of the resolution college.
2. The resolution authority of the CCP shall communicate to the CCP the establishment of the resolution college and a list of its members and observers, if any, as well as any change to that list.

*Article 4***Establishment and update of contact details**

1. The resolution authority of the CCP shall maintain and share with the resolution college members and observers the contact details of persons appointed by each member for the purpose of performing resolution college tasks as well as the contact details of persons appointed by the observers.

The contact details referred to in the first subparagraph shall also include out-of-hours contact details for emergency situations.

2. All resolution college members and observers shall ensure that the resolution authority of the CCP receives all contact details of the relevant contact persons and is informed, without undue delay, of all relevant changes.

*Article 5***Content of written arrangements and procedures for the functioning of the resolution college**

1. The written arrangements and procedures referred to in Article 4(5), point (a), of Regulation (EU) 2021/23 shall include at least the identification of the resolution college members and observers pursuant to Articles 1 and 2 of this Regulation and shall set out a framework for cooperation between resolution college members and for coordination of activities and tasks of the resolution college.

2. The framework for cooperation and coordination shall include all of the following:

- (a) the rules on resolution college governance, its working language and voting procedures;
- (b) the tasks and decisions to be undertaken by the resolution college, including the right of the resolution college to form committees and the procedures to obtain agreement on the formation of such committees and the delegation of tasks to them, together with any applicable conditions;
- (c) the responsibilities of the resolution authority of the CCP as the chair of the resolution college referred to in Article 4(5) of Regulation (EU) 2021/23 and in relation to the tasks and decisions referred to in point (b) of this paragraph;
- (d) the structure of the resolution college, in particular any committees formed under point (b) and the identification of the resolution college members participating in such committees and observers admitted to such committees;
- (e) the terms and conditions for the participation of members of the resolution college, including their involvement in the tasks and decisions identified in point (b);
- (f) the terms and conditions for the participation of observers in the resolution college, including their involvement in the dialogues and activities of the resolution college, as well as their rights and obligations regarding exchange of information, having regard to Articles 4, 8 and 80 of Regulation (EU) 2021/23. For this purpose, the resolution authority of the CCP shall ensure that the terms and conditions for the participation of observers are not more favourable than terms and conditions set out for resolution college members;
- (g) day-to-day, as well as emergency-situation, communication, cooperation and coordination arrangements, such as regular updates on the corporate structure and business activities of the CCP, including the type of services it provides, the products, asset classes and types of transactions it clears, the CCPs, trading venues, payment systems and central securities depositories and securities settlement systems to which it is linked and the geographical mix of direct and significant indirect participants known to the CCP;
- (h) procedures for the adoption of joint decisions as far as this is not covered by Regulation (EU) 2021/23 and procedures to reach a common understanding where a joint decision is not required but such a common understanding within the resolution college, or within any of its committees, appears necessary to the resolution authority of the CCP;

- (i) arrangements for exchanging confidential and non-confidential information as set out in Article 8, including the relevant scope and frequency of such exchange and the communication channels to be used, having regard to Articles 8, 73 and 80 of Regulation (EU) 2021/23 and to the role of the resolution authority of the CCP as the coordinator for collecting and disseminating information amongst the resolution college members and observers, where applicable;
- (j) a description of relevant information to be shared with resolution college members and observers, in particular in relation to resolution planning, resolvability assessment and other tasks referred to in Article 4 of Regulation (EU) 2021/23, having regard to Articles 8, 73 and 80 of that Regulation and to the role of the resolution authority of the CCP;
- (k) arrangements for the treatment of confidential information having regard to Articles 8, 73 and 80 of Regulation (EU) 2021/23;
- (l) procedures for convening and holding regular and ad hoc meetings referred to in Article 7;
- (m) arrangements relating to the interaction between the resolution college and the supervisory college referred to in Article 2, point (24), of Regulation (EU) 2021/23, including the coordination of inputs from resolution college members and the communication of such input to that supervisory college where required for the purposes of exercising their tasks under that Regulation;
- (n) procedures in relation to the communication policy referred to in Article 9 of this Regulation;
- (o) any other agreement concerning the functioning of the resolution college;
- (p) any provisions covering amendment and discontinuance arrangements.

Article 6

Establishment and update of written arrangements and procedures for the functioning of the resolution college

1. The resolution authority of the CCP shall prepare its proposal for the written arrangements and procedures for the functioning of the resolution college in accordance with Article 5 of this Regulation.
2. The resolution authority of the CCP shall communicate its proposal to the resolution college for consultation, inviting the members to provide their opinion and indicating the deadline for the submission of such opinions.
3. Where the members of the resolution college referred to in paragraph 2 do not submit any opinions within the deadline, the resolution authority of the CCP shall proceed with the adoption of the written arrangements and procedures by the resolution college.

Where the members of the resolution college submit opinions regarding the proposal for the written arrangements and procedures pursuant to paragraph 2, they shall submit those opinions, together with a thorough explanation of the comments and suggestions provided to the resolution authority of the CCP within the deadline.

4. The resolution authority of the CCP shall consider the opinions of the members of the resolution college and reason its decision when it does not take those opinions into account; and it shall proceed with the adoption of the written arrangements and procedures.
5. Upon finalisation, the resolution authority of the CCP shall communicate the written arrangements and procedures for the functioning of the resolution college to the members of the resolution college.
6. The resolution authority of the CCP shall review and update the written arrangements and procedures for the functioning of the resolution college at least annually and after any substantive changes in the composition of the resolution college.

7. While updating the written arrangements and procedures for the functioning of the resolution college, the resolution authority of the CCP and the other members of the resolution college shall follow the procedure set out in paragraphs 1 to 6.

8. All resolution college members and observers shall be bound by the written arrangements and procedures adopted in accordance with this Article.

Article 7

Resolution college meetings and other activities

1. The resolution college shall convene at least one meeting per year. The resolution authority of the CCP, with the consent of all members of the resolution college, taking into account the specificities of the CCP, may determine a higher frequency of meetings of the resolution college having regard to the CCP's size, nature, scale and complexity, the systemic implications of the CCP across jurisdictions and currencies, the potential impact of the activities of the CCP, external circumstances and potential requests by the resolution college members.

2. The resolution authority of the CCP shall organise ad hoc meetings, or other forms of activities between resolution college members and observers, in particular where dialogue between resolution college members and observers is required.

3. The resolution authority of the CCP shall prepare the agenda and objectives of planned meetings and other activities. The resolution authority of the CCP shall communicate the draft agenda to the members and observers of the resolution college for consultation in advance of the meeting, invite them to contribute to it, and add points within an indicated timeline.

4. All resolution college members and observers shall ensure that appropriate representatives from their respective institutions, in view of the objectives of the meeting and other activities of the resolution college, participate in the resolution college meetings and other activities. Those members and observers shall also ensure that those representatives are empowered to commit, to the maximum extent possible, their authorities to decisions taken in those meetings or other activities.

5. The resolution authority of the CCP shall ensure that relevant documents are circulated at least 5 working days in advance before a particular meeting or activity of the resolution college, or within any other time frame agreed by the resolution college. Outcomes and decisions of resolution college meetings or other activities shall be documented in writing and the resolution authority of the CCP shall ensure that they are communicated to resolution college members and observers, to the extent relevant to their participation in the meeting, within 15 working days after the meeting or activity, or within any other time frame agreed by the resolution college.

The resolution authority of the CCP shall at least ensure that:

- (a) the annual resolution college meetings decide on the resolution plan of the CCP for the preceding resolution cycle and discuss the progress made towards resolvability of the CCP;
- (b) the resolution college meetings or activities remain effective, while ensuring that all resolution college members and observers are fully informed of the resolution college activities that are relevant to them;
- (c) the activities of the resolution college are regularly reviewed and remedial action is taken if the resolution college is not operating effectively.

6. The resolution authority of the CCP shall act as a central point of contact for any matter related to the practical organisation of the resolution college.

Article 8

Exchange of information

1. Subject to Articles 8, 73 and 80 of Regulation (EU) 2021/23, the resolution authority of the CCP and the resolution college members and observers shall ensure that they exchange all essential information received from any source and relevant to the activities of the resolution college.

2. The essential information referred to in paragraph 1 shall be appropriate and accurate, and shared in a timely manner.
3. Subject to Articles 8, 73 and 80 of Regulation (EU) 2021/23, the resolution authority of the CCP and the competent authority referred to in Article 2, point (7), of Regulation (EU) 2021/23 shall exchange all information required to ensure that both colleges fulfil their role as set out in Article 18 of Regulation (EU) No 648/2012 and Article 4 of Regulation (EU) 2021/23.
4. When the resolution authority of the CCP receives information as referred to in paragraphs 1 and 2 of this Article, it shall transmit it to the resolution college members and observers, subject to Articles 8, 73 and 80 of Regulation (EU) 2021/23.
5. Where the resolution college is organised in different committees, the resolution authority of the CCP shall keep all resolution college members and observers fully informed, in a timely manner, of actions taken, or measures carried out, in those committees.
6. Unless otherwise provided, the resolution college may use any means of communication with its members and observers to exchange the information referred to in paragraphs 1 and 2. Confidential and sensitive information shall be communicated using secure means as far as possible. Regarding publicly available information, it shall be sufficient that the resolution authority of the CCP provides the reference to such information.
7. Where a secure resolution college website exists, the use of this website shall be the main means of communication.
8. This Regulation shall not affect the information gathering powers of the competent authority of the CCP or resolution authority of the CCP.

Article 9

Communication policy

The resolution authority of the CCP shall be the authority responsible for communication with the CCP, and with the competent authority referred to in Article 2, point (7), of Regulation (EU) 2021/23, where the latter is different from the resolution authority of the CCP.

Article 10

External communication

As far as practicable, the resolution authority of the CCP shall inform the resolution college at least on the following:

- (a) the coordination of external communication and public statements during a going concern situation, in a situation where the CCP is considered as failing or likely to fail pursuant to Article 22, paragraph 3, of Regulation (EU) 2021/23;
- (b) the level of information to be disclosed.

Article 11

Emergency situations

1. The resolution authority of the CCP shall establish and regularly, at least annually, test operational procedures for the functioning of the resolution college in emergency situations, in particular systemic ones which may pose threats to the viability of the CCP.
2. The operational procedures referred to in paragraph 1 shall cover at least the following elements:
 - (a) secure means of communication to be used;
 - (b) set of information to be exchanged;
 - (c) relevant persons to be contacted;
 - (d) communication procedures to be followed by the relevant resolution college members and observers.

CHAPTER 2

RESOLUTION PLANNING AND RESOVABILITY JOINT DECISIONS

SECTION 1

Joint decision process on the resolution plan and the resolvability assessment

Article 12

Planning of the steps of the joint decision process on the resolution plan and the resolvability assessment

1. Prior to the start of the joint decision process on the resolution plan in accordance with Article 14(2) of Regulation (EU) 2021/23, the resolution college members shall agree on a timetable of steps to be followed in that process ('joint decision timetable for a resolution plan').

In case of a failure to agree on the joint decision timetable for a resolution plan, the resolution authority of the CCP shall set that timetable after considering the views and reservations expressed by the resolution college members.

2. The joint decision timetable for a resolution plan shall be updated at least annually by the resolution college members and shall include all of the following steps, to be implemented in a sequence that is agreed by the resolution college or set by the resolution authority of the CCP as set out in paragraph 1, second subparagraph:

- (a) preliminary dialogue at the resolution college on the resolution strategy of the CCP, in preparation of the joint decision on the resolution plan and the resolvability assessment;
- (b) request to the CCP for the information necessary for the drawing up of the resolution plan in accordance with Article 12 of Regulation (EU) 2021/23 and the performance of the resolvability assessment in accordance with Article 15 of that Regulation;
- (c) submission by the CCP of the information requested in point (b) directly to the resolution authority of the CCP;
- (d) transmission of the information that the resolution authority of the CCP receives from the CCP to the resolution college and indication of a deadline for any additional information requests;
- (e) submission of contributions for the development of the resolution plan and the resolvability assessment by the resolution college members and observers to the resolution authority of the CCP;
- (f) submission of the draft resolution plan and draft resolvability assessment from the resolution authority of the CCP to the resolution college members and observers;
- (g) submission of possible comments on the draft resolution plan and on the draft resolvability assessment from the resolution college members to the resolution authority of the CCP;
- (h) discussion with the CCP on the draft resolution plan and resolvability assessment, where it is deemed appropriate by the resolution authority of the CCP;
- (i) dialogue at the resolution college on the draft resolution plan and resolvability assessment;
- (j) circulation of the draft joint decision on the resolution plan by the resolution authority of the CCP to the resolution college;
- (k) dialogue on the draft joint decision on the resolution plan and on the resolvability assessment where it is deemed necessary by the resolution authority of the CCP;
- (l) reaching of the joint decision on the resolution plan and the resolvability assessment;
- (m) communication of the conclusion of the joint decision to the CCP along with a summary of the key elements of the resolution plan.

3. The joint decision timetable for a resolution plan shall:
 - (a) reflect the scope and complexity of each step of the joint decision process;
 - (b) take into account the timetable of other joint decisions to be reached by the resolution college;
 - (c) take into account, to the extent possible, the timetable of other joint decisions to be reached by the relevant supervisory college, in particular the timetable for the joint decision on the review and assessment of the recovery plan in accordance with Article 10 of Regulation (EU) 2021/23.

Article 13

Elements of a joint decision timetable for resolution plan

1. When drafting the joint decision timetable for a resolution plan, the authorities involved, or the resolution authority of the CCP when acting alone, shall take into account Article 16(2) of Regulation (EU) 2021/23 on the need for simultaneous assessment of resolvability and suspension of the process to address material impediments and shall ensure that the relevant deadlines provided in the joint decision timetable for a resolution plan are adjusted accordingly.
2. When drafting the joint decision timetable for a resolution plan, the resolution authority of the CCP shall have regard to the terms and conditions for the participation of observers as set out in the resolution college written arrangements and procedures referred to in Article 4(4) and in Article 5 of Regulation (EU) 2021/23.
3. The following aspects of the joint decision timetable for a resolution plan shall be communicated from the resolution authority of the CCP to the CCP:
 - (a) an estimated date when the request for the information necessary for drawing up the resolution plan and performing the resolvability assessment is expected to be made in accordance with Article 12(2), point (b) of this Regulation, and the deadline for submission of that information in accordance with Article 12(2), point (c) of this Regulation;
 - (b) an estimated date for the organisation of the discussion referred to in Article 12(2), point (h) of this Regulation, where relevant;
 - (c) an estimated date for the communication referred to in Article 12(2), point (m) of this Regulation.

Article 14

Preliminary dialogue on the resolution strategy

The resolution authority of the CCP shall organise a preliminary dialogue with the relevant resolution college members and observers to perform all of the following:

- (a) discuss a preliminary proposal on the resolution strategy for the CCP;
- (b) check whether any of the information necessary for the development of the resolution plan and resolvability assessment is already available to any of the competent authorities, and share this information in accordance with Article 14 of Regulation (EU) 2021/23;
- (c) determine the additional information to be requested from the CCP;
- (d) agree on any contributions needed from the relevant authorities, whether resolution authorities or not, by the resolution authority of the CCP for the development of the resolution plan and the performance of the resolvability assessment.

*Article 15***Information from the CCP**

1. The resolution authority of the CCP shall request to the CCP all the necessary information in accordance with Article 13 of Regulation (EU) 2021/23, taking into account the outcome of the dialogue provided for in Article 14 of this Regulation.
2. The resolution authority of the CCP shall clearly communicate to the CCP the deadline for the provision of such information.
3. The CCP shall provide the information requested to the resolution authority of the CCP in a timely manner, but no later than by the deadline set under paragraph 2.

*Article 16***Transmission of information from the resolution authority**

1. The resolution authority of the CCP shall, without undue delay, transmit information received in accordance with Article 15, and subject to Article 8 of this Regulation, to the resolution college members and shall invite them to provide comments on whether additional information is required within a specific time frame.
2. Any resolution college member receiving information may request additional information from the resolution authority of the CCP within the time frame specified under paragraph 1 of this Article, where the receiving authority deems the additional information to be relevant to the development and maintenance of the resolution plan of the CCP or to the performance of the resolvability assessment. In such case, the relevant provisions of Article 15 of this Regulation shall apply accordingly.
3. The transmission of information from the resolution authority of the CCP to the resolution college members referred to in paragraph 2 shall not be deemed complete until the actual transmission of both the initial and the subsequent information.
4. The resolution authority of the CCP shall, taking into account paragraph 3 of this Article, communicate to the resolution college the starting date of the four-month period for reaching the joint decision on the resolution plan and the resolvability assessment in accordance with Article 14(2) of Regulation (EU) 2021/23.
5. The resolution college members shall exchange additional information necessary to facilitate the drawing up of the resolution plan and the performance of the resolvability assessment, subject to the confidentiality requirements laid down in Articles 8, 73 and 80 of Regulation (EU) 2021/23.

*Article 17***Development and circulation of the draft resolution plan and the draft resolvability assessment**

1. All resolution college members and observers shall provide the resolution authority of the CCP with their contributions to the resolution plan of the CCP and the resolvability assessment in a timely manner and in any event by the deadline set in the joint decision timetable for a resolution plan pursuant to Article 12(2), point (e) of this Regulation.
2. The resolution authority of the CCP shall develop the draft resolution plan in accordance with Article 12 of Regulation (EU) 2021/23, taking into account any contributions submitted by the relevant resolution college members and observers.
3. The resolution authority of the CCP shall circulate the contributions referred to in paragraph 1, the draft resolution plan and the draft resolvability assessment to the resolution college members and observers in a timely manner, however no later than the deadline set in Article 12(2), point (j) of this Regulation.

*Article 18***Discussion with the CCP**

When the resolution authority of the CCP organises a discussion with the CCP on the key elements of the draft resolution plan, based on the opinion received from the CCP in accordance with Article 12(8) of Regulation (EU) 2021/23, and the resolvability assessment of the CCP pursuant to Article 12(2), point (h), of this Regulation, it shall do so in a timely manner and in any event within the deadlines set in the relevant step of the joint decision timetable for a resolution plan. The resolution authority of the CCP shall communicate to the resolution college any observations submitted by the CCP regarding the key elements of the resolution plan, including the resolvability assessment, during this consultation.

*Article 19***Dialogue on the draft resolution plan and the draft resolvability assessment**

1. The resolution authority of the CCP shall organise a dialogue on the draft resolution plan and the draft resolvability assessment with the resolution college members in a timely manner pursuant to Article 12(2), point (i) of this Regulation, however no later than within the deadlines set in the joint decision timetable for a resolution plan.

When the CCP is part of a corporate group which contains (an)other CCP(s), the resolution authorities of the CCPs shall organise among themselves a discussion on the draft resolution plans and the draft resolvability assessments.

2. Based on the dialogue referred to in paragraph 1, the resolution authority of the CCP shall finalise the corresponding CCP resolution plan and the performance of the resolvability assessment.

3. Where material impediments to resolvability are identified, Article 24(1) of this Regulation shall apply.

*Article 20***Drafting of the joint decision on the resolution plan and the resolvability assessment**

The resolution authority of the CCP shall prepare a draft joint decision on the resolution plan and the resolvability assessment of the CCP. The draft joint decision shall set out all of the following:

- (a) the names of the resolution authority of the CCP and the resolution college members reaching the joint decision on the resolution plan and the resolvability assessment of the CCP;
- (b) the names of the observers where those observers were involved in accordance with the terms and conditions for the participation of observers as set out in the written arrangements and procedures referred to in Article 5 of this Regulation;
- (c) a summary of the views expressed by the authorities consulted in the joint decision process on the resolution plan and the resolvability assessment;
- (d) the references to the applicable Union and national law relating to the preparation, finalisation and application of the joint decision on the resolution plan and the resolvability assessment;
- (e) the date of the adoption of the joint decision on the resolution plan and the resolvability assessment, and of any relevant update thereof;
- (f) the resolution plan and the resolvability assessment, including any measures to address or remove material impediments to resolvability in accordance with Articles 15 and 16 of Regulation (EU) 2021/23, subject to which the joint decision is taken. Where the CCP is in the process of implementing those measures, information on the timeline for their implementation shall also be provided.

*Article 21***Reaching joint decision on the resolution plan and the resolvability assessment**

1. The resolution authority of the CCP shall send the draft joint decision on the resolution plan and the resolvability assessment to the resolution college members without undue delay, setting a deadline for the resolution college members with voting rights to provide their written agreement to that joint decision, in accordance with Article 8(6) of this Regulation.
2. Upon receipt of the draft joint decision, the resolution college members with voting rights who do not disagree shall transmit their written agreement to the resolution authority of the CCP within the deadline set under paragraph 1.
3. The final joint decision shall consist of the joint decision document drafted in accordance with Article 20 of this Regulation, the written agreements referred to in paragraph 2 of this Article, and the agreement of the resolution authority of the CCP.
4. The resolution authority of the CCP shall communicate the joint decision on the resolution plan and the resolvability assessment to the resolution college members and observers.

*Article 22***Communication of joint decision on and summary of resolution plan to CCP**

1. The resolution authority of the CCP shall communicate the joint decision on the resolution plan, and a summary of the key elements of the resolution plan, including of the resolvability assessment, to the management body of the CCP in a timely manner and in any event by the deadline set in the joint decision timetable for a resolution plan.
2. The resolution authority of the CCP shall inform the resolution college members and observers about that communication.
3. The resolution authority of the CCP shall explain the key elements of the joint decision on the resolution plan and the resolvability assessment to the CCP.

*Article 23***Process in the absence of joint decision on the resolution plan and the resolvability assessment**

In the absence of a joint decision between the resolution college members within 4 months from the date of transmission of the draft resolution plan in accordance with Article 14(2) of Regulation (EU) 2021/23, the resolution authority of the CCP shall take the decision on the resolution plan and the resolvability assessment, which shall be communicated in writing without undue delay to the resolution college by means of a document containing all of the following items:

- (a) the name of the resolution authority of the CCP;
- (b) the name of the CCP;
- (c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision;
- (d) the date of the decision;
- (e) the resolution plan and the resolvability assessment, including any measures to address or remove material impediments to resolvability in accordance with Articles 15 and 16 of Regulation (EU) 2021/23, subject to which the decision is taken. Where the CCP is in the process of implementing those measures, the timeline for their implementation shall also be provided;
- (f) the names of the resolution college members involved in the joint decision process on the resolution plan and the resolvability assessment, along with a summary of the views expressed by those members and information on the issues leading to disagreement;

- (g) comments of the resolution authority of the CCP on the views expressed by the resolution college members, in particular on the issues leading to disagreement and the possibility for any of the resolution college members with voting rights to refer those issues to ESMA in accordance with Article 19 of Regulation (EU) No 1095/2010.

SECTION 2

Joint decisions on identification of material impediments to resolvability and on measures to address or remove such impediments

Article 24

Suspension of the joint decision process on the resolution plan and the resolvability assessment

1. When the resolution authority of the CCP, in cooperation with the resolution college, identifies material impediments to resolvability, or assents to an opinion on identified material impediments expressed by any resolution college members or observers on the resolution plan and the resolvability assessment, it shall submit a report to the resolution college members and observers in accordance with Article 16(1) of Regulation (EU) 2021/23. The resolution authority of the CCP shall thereby indicate the suspension of the joint decision process in accordance with Article 16(2) of that Regulation.
2. The resolution authority of the CCP shall recommence the joint decision process on the resolution plan, including the performance of the resolvability assessment, upon completion of the joint decision processes referred to in Article 17(3) and (4) of Regulation (EU) 2021/23 on measures to address or remove material impediments to resolvability either proposed by the CCP in accordance with Article 16(3) of that Regulation or on alternative measures from the resolution authority pursuant to Article 16(4) of that Regulation.

Article 25

Planning of the steps of joint decision processes on identification of material impediments to resolvability and on measures to address or remove such impediments

1. Prior to the start of the joint decision processes on the identification of material impediments to resolvability, and measures to address or remove such impediments in accordance with Article 17(2), (3) and (4) of Regulation (EU) 2021/23, the resolution college members shall agree on a timetable of steps to be followed in that process ('joint decision timetable for the identification of material impediments').

In case of a failure to agree on the joint decision timetable for the identification of material impediments, the resolution authority of the CCP shall set that timetable after considering the views and any reservations expressed by the resolution college members.

2. The joint decision timetable for the identification of material impediments shall include the following steps:
 - (a) preparation and circulation of the report on the material impediments identified in accordance with Article 16(1) of Regulation (EU) 2021/23 by the resolution authority of the CCP in consultation with the competent authority of the CCP;
 - (b) submission of the report pursuant to Article 16(1) of Regulation (EU) 2021/23 from the resolution authority of the CCP to the CCP and the resolution college;
 - (c) the date when the CCP submits to the resolution authority of the CCP its observations and alternative measures to remedy the material impediments, if any, in accordance with Article 16(3) of Regulation (EU) 2021/23;
 - (d) dialogue between the resolution authority of the CCP and the resolution college members and observers on any relevant observations or alternative measures to remedy the material impediments proposed by the CCP pursuant to Article 16(3) of Regulation (EU) 2021/23;

- (e) development of the draft joint decisions on the identification of material impediments to resolvability and measures to address or remove such impediments pursuant to Article 17(1), points (a), (b) and (c), of Regulation (EU) 2021/23;
- (f) finalisation of the joint decisions on the identification of material impediments to resolvability and measures to address or remove such impediments pursuant to Article 17(1), points (a), (b) and (c), of Regulation (EU) 2021/23;
- (g) communication to the CCP of the joint decisions on the identification of material impediments to resolvability and measures to address or remove such impediments pursuant to Article 17(1), points (a), (b) and (c), of Regulation (EU) 2021/23.

3. The joint decision timetable for the identification of material impediments shall be reviewed and updated by the resolution authority of the CCP in order to reflect the extension of the joint decision process where the CCP submits observations and proposes any alternative measures to address or remove material impediments to resolvability in accordance with Article 16(3) of Regulation (EU) 2021/23.

4. When drafting the joint decision timetable for the identification of material impediments, the resolution authority of the CCP shall have regard to the terms and conditions for the participation of observers as set out in the resolution college written arrangements and procedures and in Article 4(4) of Regulation (EU) 2021/23.

5. The resolution authority of the CCP shall communicate to the CCP those aspects of the joint decision timetable for the identification of material impediments that envisage the involvement of the CCP.

Article 26

Consultation and communication of report to CCP

1. The resolution authority of the CCP shall prepare a draft report on material impediments to resolvability in accordance with Article 16(1) of Regulation (EU) 2021/23 and shall transmit it to the competent authority of the CCP and to ESMA.
2. Comments and views received on the draft report shall be considered by the resolution authority of the CCP for the purposes of the finalisation of the report.
3. Upon finalisation, the report shall be provided to the CCP and to the resolution college.
4. The resolution authority of the CCP shall communicate to the resolution college the start of the four-month period pursuant to Article 16(3) of Regulation (EU) 2021/23 for the CCP to propose measures to address material impediments to resolvability.

Article 27

Submission of observations of the CCP and consultation with the authorities

1. Where the CCP proposes to the resolution authority of the CCP, within 4 months of the date of receipt of the report in accordance with Article 16(3) of Regulation (EU) 2021/23, alternative measures to remedy the material impediments to resolvability, the resolution authority of the CCP shall forward those measures to the other resolution college members and observers without undue delay and, in any case, within 10 working days.
2. When circulating the alternative measures submitted by the CCP, the resolution authority of the CCP shall set a deadline for the submission of comments by the resolution college members.
3. Where resolution college members do not provide their comments by the deadline referred to in paragraph 2, the resolution authority of the CCP shall presume that those members do not have any comments on the alternative measures submitted by the CCP and shall proceed accordingly.

4. The resolution authority of the CCP shall circulate, without undue delay, any comments submitted by a resolution college member to all the other resolution college members and shall discuss with them the proposed measures submitted by the CCP to address material impediments to resolvability.

5. The resolution authority of the CCP and resolution college members shall duly discuss and consider the potential impact of the proposed measures on the CCP, on all the Member States where the CCP operates, and on the Union as a whole.

Article 28

Drafting joint decisions on identification of material impediments to resolvability and measures to address or remove such impediments

1. The resolution authority of the CCP shall, taking into account the outcome of the dialogue referred to in Article 27(5) of this Regulation, prepare draft joint decisions on the identification of material impediments to resolvability and measures to address or remove such impediments.

2. Each draft joint decision shall set out all of the following items:

- (a) the name of the CCP to which the joint decision relates and applies;
- (b) the names of the resolution authority of the CCP and the resolution college members reaching the joint decision;
- (c) the names of the observers where those observers were involved in the joint decision process in accordance with the terms and conditions for the participation of observers as set out in the written arrangements and procedures of the resolution college;
- (d) a summary of views expressed by the authorities consulted in the joint decision process;
- (e) the references to the applicable Union and national law relating to the preparation, finalisation and application of the joint decision;
- (f) the date of the joint decision;
- (g) the identification of the material impediments to resolvability;
- (h) the assessment of the measures proposed by the CCP pursuant to Article 16(3) of Regulation (EU) 2021/23;
- (i) the measures identified pursuant to Article 16(4) of Regulation (EU) 2021/23, and listed in Article 16(7) of that Regulation agreed by the resolution authority of the CCP and the resolution college members and the time period within which the respective entities are to address those measures;
- (j) where the measures proposed by the CCP are not accepted or are partially accepted by the resolution authority of the CCP, an explanation of how the measures proposed by the CCP are assessed as not fit to remove the material impediments to resolvability and how the measures referred to in point (i) would effectively reduce or remove such impediments.

Article 29

Reaching joint decisions on the identification of the material impediments to resolvability and on the measures to address or remove such impediments

1. The resolution authority of the CCP shall send draft joint decisions on the identification of the material impediments to resolvability and on the measures to address or remove such impediments described in Article 17(1), points (a), (b) and (c), of Regulation (EU) 2021/23 to the resolution college members and observers without undue delay, setting a deadline for the resolution college members with voting rights to provide their written agreement to those joint decisions, in accordance with Article 8(6) of this Regulation.

2. Upon receipt of the draft joint decisions, resolution college members with voting rights who do not disagree with them shall transmit their written agreement to the resolution authority of the CCP within the deadline referred to in paragraph 1.

3. Each final joint decision shall consist of the joint decision document drafted in accordance with Article 28 of this Regulation, the written agreements referred to in paragraph 2 of this Article and the agreement of the resolution authority of the CCP. It shall be provided to all resolution college members.

4. The resolution authority of the CCP shall communicate the joint decisions on the identification of the material impediments to resolvability and on measures to address or remove such impediments to the resolution college members.

Article 30

Communication of the joint decisions on the identification of the material impediments to resolvability and on measures to address or remove such impediments to the CCP

1. The resolution authority of the CCP shall communicate the joint decisions on the identification of the material impediments to resolvability and on measures to address or remove such impediments to the management body of the CCP in a timely manner and, in any event, by the deadline set in the joint decision timetable for the identification of material impediments. The resolution authority of the CCP shall inform the resolution college members and observers of the communication.

2. Where some of the measures taken in accordance with Article 16(7) of Regulation (EU) 2021/23 are addressed to entities other than the CCP, the resolution authority of the CCP shall ensure that it, or the competent authorities of those entities, provide the management bodies of those entities under their jurisdiction with the respective parts of the joint decision on measures to address material impediments to resolvability, in a timely manner and, in any event, by the deadline set in the joint decision timetable for the identification of material impediments.

3. Where necessary, the resolution authority of the CCP may discuss with the CCP details of the content and the application of the joint decisions on the identification of the material impediments to resolvability and on measures to address or remove such impediments described in Article 17(1), points (a), (b) and (c), of Regulation (EU) 2021/23.

Article 31

Monitoring the application of the joint decisions

1. The resolution authority of the CCP shall communicate the outcome of the discussion, if any, referred to in Article 30(3) of this Regulation to the resolution college.

2. The resolution authority of the CCP shall communicate the outcome of the discussion, if any, referred to in Article 30(2) of this Regulation to the resolution authority of any other CCP, central securities depositaries or credit institutions which is part of the same group or with which the CCP has an interoperability link.

3. The resolution authority of the CCP and, where relevant, resolution college members, shall monitor the application of the joint decisions on the identification of the material impediments to resolvability and on measures to address or remove such impediments that are relevant to each of the entities referred to in paragraph 2 for which they are respectively responsible, as the case may be.

Article 32

Process in the absence of a joint decision on measures to address material impediments to resolvability

In the absence of a joint decision on measures to address material impediments to resolvability as referred to in Article 17(8) of Regulation (EU) 2021/23, the decision taken by the resolution authority of the CCP shall be communicated in writing without undue delay to the resolution college by means of a document containing all of the following:

(a) the name of the resolution authority of the CCP taking the decision;

- (b) the name of the CCP and entities to which the decision relates and applies;
- (c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision;
- (d) the date of the decision;
- (e) the identification of the material impediments to resolvability;
- (f) the measures identified pursuant to Article 16(7) of Regulation (EU) 2021/23 decided by the resolution authority of the CCP and the deadline within which those measures are to be addressed;
- (g) where the measures proposed by the CCP are not accepted, or are partially accepted, by the resolution authority of the CCP, an explanation as to how the measures proposed by the CCP are assessed as not fit to remove the material impediments to resolvability and how the measures set out in point (f) of this paragraph would effectively reduce or remove the material impediments to resolvability;
- (h) the names of the resolution college members involved in the joint decision process on the identification of the material impediments to resolvability and on measures to address or remove such impediments, along with a summary of the views expressed by those members and information on the issues leading to disagreement;
- (i) comments of the resolution authority of the CCP on the views expressed by the resolution college members, in particular on issues leading to disagreement;
- (j) the possibility for any of the resolution college members with voting rights to refer those issues to ESMA in accordance with Article 19 of Regulation (EU) No 1095/2010.

Article 33

Entry into force and application

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, 14 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2023/1193**of 14 March 2023****supplementing Regulation (EU) 2021/23 of the European Parliament and of the Council with regard to regulatory technical standards specifying the contents of the resolution plan****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 ⁽¹⁾, and in particular Article 12(9), fourth subparagraph, thereof,

Whereas:

- (1) When drawing up resolution plans, resolution authorities should make sure to consider all the elements referred to Article 12(7), points (a) to (s) of Regulation (EU) 2021/23. The standards for the content of resolution plans should be sufficiently detailed to ensure that resolution plans are targeted and useful for the implementation of resolution strategies, while also allowing for sufficient flexibility to take into account the national legal framework in the area of insolvency law, as well as the nature and complexity of the CCP's clearing business.
- (2) While all elements specifying the content of the resolution plans, which are regulated in Article 12 of Regulation (EU) 2021/23, should be included in the resolution plan, the resolution authority should ensure that these elements are reflected in the resolution plan in a suitable way considering the specific characteristics of the central counterparty (CCP), such as the nature and complexity of the clearing business performed by it.
- (3) The summary of the key elements of the resolution plan referred to in Article 12(7), point (a), of Regulation (EU) 2021/23 should be succinct and focused but at the same time containing sufficient explanations to cover the key elements of the plan that are to be disclosed to the CCP. The summary should make the CCPs aware of key actions that they should be able to perform and data they should be able to submit. The summary should focus on where that plan may have a material impact on the CCP's recovery and crisis management planning, and clarify any expectations from the CCP as regards cooperation in the resolution phase and the measures that may affect the CCP's functions.
- (4) In order to ensure the overall suitability and proportionality of the resolution plan, it should contain resolution scenarios and resolution strategies. The resolution authority should have the tools, in the form of different types of possible scenarios, including combinations thereof, to create relevant and suitable scenarios for the CCP, and a list of key aspects to be considered when establishing resolution strategies for the resolution scenarios.
- (5) In order to take into consideration the specific characteristics of the applicable national legal framework in the area of insolvency law, resolution authorities should have the flexibility to consider some aspects of resolution planning carefully, such as the mechanism under Article 60 of Regulation (EU) 2021/23, and any differences between the creditors ranking under the national insolvency procedures and the loss absorption order established under that Regulation. This overall flexibility is evidenced by this Regulation, which provides the elements to be reflected in the resolution plan, without prejudice to the required flexibility under Regulation (EU) 2021/23. The elements specified in this Regulation also do not preclude the resolution authority from determining other aspects to be reflected in the resolution plan.

⁽¹⁾ OJ L 22, 22.1.2021, p. 1.

- (6) To facilitate and ensure the effective implementation of the resolution plan, it is essential that, where the resolution authority has assessed certain aspects of the CCP differently from in the CCPs' own assessment under the recovery plan, such differences are considered in light of a possible impact on the swift implementation of the resolution plan. Therefore, where any differences are identified, the resolution authority should consider them in the resolution plan and assess them to understand their effect, if any, on the implementation of the resolution plan.
- (7) To ensure that resolution plans, where necessary, can be effectively implemented in due time, it is essential that the resolution authorities have 'proof tested' the application of the intended resolution plan, to the extent possible, by testing processes and procedures in detail. Such testing should include sending emails and information to ensure that any pre-planned actions related to how and when to undertake certain steps and how and when to collect certain information are workable in stressed conditions and that any impediments found are corrected to ensure, to the extent possible, that the estimated time frames are likely to be respected.
- (8) To ensure that key employees remain at the CCP during the resolution phase, the resolution authority should try to assess and pre-empt incentive structures to be used, possibly not only linked to the CCPs future gains, but also direct remunerations and should consider how to ensure sufficient staff by considering short-term hires, exchanges, temporary allocations or consultancy arrangements of employees, where relevant, so that CCPs have the competence they need.
- (9) To ensure a swift and efficient cooperation with the authorities whose areas of competence would be affected by the failure of a CCP, and which are represented in the resolution college as defined under Article 4 of Regulation (EU) 2021/23, the resolution authority should prepare and regularly test the arrangements for notifying the resolution college and communicating any relevant information.
- (10) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the European Securities and Markets Authority (ESMA) after consulting the European Systemic Risk Board.
- (11) ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits, and requested the advice of the Securities and Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Quantification assessment

The resolution authority shall assess how the different aspects of the resolution plan are or may be quantified when drawing up the resolution plan and shall provide explanations as to how and to what extent a quantitative assessment has been undertaken for a certain aspect of the resolution plan. Where the resolution authority reaches the conclusion that, in relation to a specific aspect of the resolution plan, a quantitative assessment is either not appropriate or not possible, that should be stated in the resolution plan.

Article 2

Summary of key elements of the resolution plan

When preparing a summary of the key elements of the resolution plan in accordance with Article 12(7), point (a), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:

- (a) the key elements of the resolution strategies established and the underlying main scenarios under the resolution plan, distinguishing between default events, non-default events and a combination of the two;

⁽²⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331 15.12.2010, p. 84).

- (b) a short summary of the key elements of the resolution plan in relation to each of the points under Article 12(7), points (b) to (s), of Regulation (EU) 2021/23 focusing on the aspects relevant to the CCP:
 - (i) key actions the CCP should be able to perform;
 - (ii) data the CCP should be able to submit;
 - (iii) any aspects of the plan that are likely to have a material impact on the CCP's recovery and crisis management planning.

Article 3

Summary of material changes

When preparing a summary of material changes to the resolution plan in accordance with Article 12(7), point (b), of Regulation (EU) 2021/23, the resolution authority shall ensure that the resolution plan includes material changes concerning at least the following elements:

- (a) the markets where the CCP operates, the business lines considered core to the CCP, and the clearing services offered by the CCP;
- (b) the interoperability arrangements of the CCP or the interdependencies of the CCP, including the service providers of the CCP;
- (c) the capital and capital structure of the CCP, including the amounts of pre-funded dedicated own resources;
- (d) the prudential requirements of the CCP, including changes in the default fund methodologies, margin and liquidity risk management frameworks, investment policies, collateral policies and settlement;
- (e) the non-prudential requirements of the CCP, including organisational aspects such as organisational structure, business continuity and outsourcing, and material changes to the CCP's conduct of business rules, including the composition of the CCP's membership and changes regarding segregation and portability;
- (f) the structure of the CCP's ownership and managers' incentive structures;
- (g) the resolution scenarios and resolution strategies.

Article 4

Critical functions

When preparing a description of how the critical functions of the CCP could be legally and economically separated in accordance with Article 12(7), point (c), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:

- (a) a description of the functions regarded as critical by the resolution authority;
- (b) where material differences compared to the recovery plan's list of critical functions exist, a detailed description of the main reasons why the resolution authority has assessed the critical functions differently, the material effects of such different assessment and how this could affect the resolvability of the CCP;
- (c) a description of the main dependencies between critical functions and critical interdependencies and of the key internal and external arrangements and processes, including operations, IT procedures, a list of key staff and main service providers that are necessary for the CCP to continue providing its critical functions, or any other aspects that may be necessary to consider in view of a possible transfer of some or all of the operations of the CCP to another financial market infrastructure or bridge CCP, where that is part of the proposed resolution strategy;
- (d) a description of how critical functions could be separated from non-critical functions in economic, operational and legal terms and including details on how the resolution authority has assessed the material effects of such separation on stakeholders, including:

- (i) material effects on netting sets for clearing members where transactions are split into different silos of the CCP or a different CCP;
- (ii) where possible to identify, material effects on operations or legal effects of splitting transactions into different CCPs and the effects on clearing members, clients and indirect clients;
- (iii) where possible to identify, material effects on the calculation of collateral requirements and in particular variation margins and how the separation would affect the collateral requested by clearing members, clients and indirect clients;
- (iv) where possible to identify, an evaluation of the price of transfer of such transactions;
- (e) a summary of how the CCP's proposed approach to separating, or not, the CCP's critical functions from its other functions may affect the resolvability assessment for the CCP;
- (f) a mapping of critical functions to identified legal entities and to the CCP's core business lines.

Article 5

Time frame for implementation

1. When preparing an estimation of the time frame for implementation of the resolution plan in accordance with Article 12(7), point (d), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:
 - (a) a list of actions that the resolution authority would envisage taking and, where relevant, whether these actions derive from the application of the recovery plan;
 - (b) a list of the envisaged steps, with allocated time frames, to be taken by the resolution authority for implementing each material aspect of the resolution plan and specifying corresponding steps for such implementation, including an estimated timetable to assess each of the resolution strategies and its applicability;
 - (c) a description of how replenishing of the CCP's financial resources is envisaged under the resolution plan, including where derived from the recovery plan, and the estimated time frame for different measures to replenish the CCP's financial resources.
2. The resolution authority shall ensure that the time frames referred to in paragraph 1 are:
 - (a) suitable and relevant, as shown by a description of how the resolution authority has assessed the feasibility and credibility of the envisaged steps and allocated time frames in the resolution plan;
 - (b) tested regularly, and at least upon the establishment of the resolution plan, and thereafter following any material changes;
 - (c) effective, by taking into account the processes and procedures, including the application of templates.

Article 6

Assessment of resolvability

When preparing a detailed description of the assessment of resolvability to be included in the resolution plan in accordance with Article 12(7), point (e), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:

- (a) the conclusions of the assessment of resolvability, including at least whether or not the CCP is deemed resolvable based on the resolution authority's considerations under Article 15(2) of Regulation (EU) 2021/23;
- (b) a description of how the resolution authority has assessed the extent to which the CCP is resolvable without assuming any of the financing arrangements as set out in Article 15(1), points (a), (b) and (c), of Regulation (EU) 2021/23;

- (c) a description of the rationale of the resolution authority for considering the feasibility of applying the resolution tools in such a way that meets the resolution objectives;
- (d) a description of the resolution authority's assessments of the information received from the CCP under Article 15(3) of Regulation (EU) 2021/23, detailing whether the resolution authority agrees with the CCP's assessment as to the absence of impediments;
- (e) a description providing details of when and how the resolvability has been assessed most recently by the resolution authority;
- (f) a description of the availability of the envisaged assets and rights to the CCP and if such assets would be available for use in resolution or whether such use or transfer of such assets could be hampered or prevented by residual interests of direct and indirect participants in those assets or by legal constraints, such as the legal mechanism by which collateral is provided, including whether collateral is provided as a security interest, pledge or by way of title transfer;
- (g) a description of each of the matters that the resolution authority is to consider when assessing the resolvability of a CCP, as set out in Section C of the Annex to Regulation (EU) 2021/23.

Article 7

Impediments to resolvability

When preparing a description of any measures required pursuant to Article 16 of Regulation (EU) 2021/23 to address or remove impediments to resolvability to be included in the resolution plan in accordance with Article 12(7), point (f), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:

- (a) where a material impediment has been identified, a descriptive summary of the measures required under Article 16 of Regulation (EU) 2021/23, to identify any necessary changes to the structure, operations or risk management frameworks and financial resources of the CCP, or any measures to improve the CCP's resolvability, and the timeline for completing the requested changes;
- (b) a description of any impediments addressed or removed in accordance with Article 16 of Regulation (EU) 2021/23 over a period of 2 years preceding the current review of the impediments under Article 15 of that Regulation.

Article 8

Determining the value of and marketability of critical functions and assets

When preparing a description of the processes for determining the value and marketability of the critical functions and assets to be included in the resolution plan in accordance with Article 12(7), point (g), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:

- (a) a description of the method for determining the value and marketability of the critical functions and assets such as the core business lines, operations and assets of the CCP mainly focusing on aspects that could have an impact on the valuation such as volatility in the market, inaccessibility and/or uncertainty of the market prices, time constraints and legal issues;
- (b) if the method described in point (a) materially deviates from the valuation methodology applied under the recovery plan, a description of the main reasons for which the resolution authority has assessed the valuation methodology differently and the material effects of such a difference, if any.

*Article 9***Information requirements**

When preparing a description of the information requirements set out in Article 12(7), point (h), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:

- (a) a description of the arrangements between the resolution authority and the CCP ensuring access to and sharing of information and how the CCP will maintain the information systems and controls that can promptly produce and make available relevant data and information to the resolution authority; such arrangements including procedures to date the information and providing standardised updates where there are material changes;
- (b) a list of the information required pursuant to Article 13 of Regulation (EU) 2021/23 and a description of how the CCP has envisaged ensuring that such information is kept up to date and available at all times to the resolution authority.

*Article 10***How resolution actions could be financed**

When preparing an explanation regarding the financing of resolution actions in accordance with Article 12(7), point (i), of Regulation (EU) 2021/23, the resolution authority shall ensure that the resolution plan includes at least the following elements:

- (a) a description of the financial resources envisaged as being needed under the resolution plan, clearly separating solvency from liquidity funding needs, including overall descriptions regarding the possible financial resources that are likely to be required in relation to the implementation of the resolution strategy including each relevant resolution scenario;
- (b) where not all contractual obligations and other arrangements have been enforced before the CCP entered into resolution, a pre-assessment of the possible issues with pursuing such obligations and arrangements in relation to resources for financing resolution actions, and of whether such identified issues may negatively affect the possibility of achieving the resolution objectives in a timely manner;
- (c) a description of potential sources of resolution funding, including the main terms of financing, material preconditions for their use, the timing of their availability, and any collateral requirements to the extent they are available *ex ante*;
- (d) a description and analysis of how and when the CCP may apply for the use of central bank facilities, complying with the requirement that resolution plans should not assume any access to central bank facilities on non-standard terms;
- (e) a description and identification of assets that could be used and whether they are expected to qualify as collateral, and how such an expectation of use of the assets may create encumbrances, primarily in the value and use of such assets.

*Article 11***Resolution strategies and scenarios**

When preparing a detailed description of the resolution strategies and scenarios in accordance with Article 12(7), point (j), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:

- (a) at least nine designed resolution plan scenarios based on the matrix for building the resolution plan scenarios as set out in the Annex, or a list of resolution plan scenarios covering all the 'Types of scenarios' set out in the Annex where relevant to the CCP which may be designed differently;
- (b) a description of the resolution scenarios chosen based on the assessment of the resolution authority considering the specific characteristics and level of complexity of the CCP, and of any additional scenarios designed in the resolution plan;

- (c) the resolution authority is to include quantitative assessment tools for each type of scenario, where possible depending on access to data, that is to be used to produce quantitative impacts for the resolution scenarios; where no data is available, and cannot be generated after employing reasonable effort, the resolution authority is to conduct, and reflect in the plan, a qualitative assessment of the tools to the extent possible, including details on to what extent a quantitative assessment has been undertaken for a certain scenario;
- (d) a description of the chosen resolution strategies for the resolution scenarios, specifying the following points:
 - (i) a detailed description of the main resolution strategy that has been chosen, and if several strategies are chosen, how their application differs, whether different time frames would apply for their implementation, and the key strategic analysis that underlies the different choices of chosen resolution strategies;
 - (ii) a detailed description of how the resolution authority has tested the envisaged strategies of the resolution plan, including how the resilience of the envisaged strategies based on the chosen scenario has been considered and whether issues or impediments could arise and if so, how they have been mitigated by revising the chosen strategy and scenario;
 - (iii) a detailed description of conditions, to be assessed by the resolution authority in deciding whether to undertake an intervention under the resolution strategy, together with envisaged resolution tools;
 - (iv) a detailed description of how the resolution strategy takes into account the impact on direct and indirect participants in the CCP as well as interdependencies such as other linked financial markets infrastructures and trading venues;
 - (v) a detailed description of the effects of different resolution actions under the resolution strategies, such as resolution tools that would split netting sets and also descriptions of how this could affect other aspects of the functioning of the CCP such as liquidity and collateral requirements as well as other types of resolution tools including the sale of a business tool or the write-down or conversion;
 - (vi) a detailed description of how the resolution strategy takes into account and ensures continuity of the CCP's legal and technical arrangements and how the plan supports the transfer of its functions, including by providing for advance agreement with other financial markets infrastructures or relevant service providers.

Article 12

Critical interdependencies

When preparing a description of the critical interdependencies referred to in Article 12(7), point (k), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:

- (a) a description under the resolution plan of all critical interdependencies that have been identified;
- (b) if identified interdependencies as referred to in point (a) entail any material differences compared to the recovery plan's list of critical interdependencies, a detailed description of the main reasons for which the resolution authority has assessed the critical interdependencies differently and any material consequence for the application of the resolution plan due to the different assessments of critical interdependencies and how this can affect the resolvability of the CCP;
- (c) a description of the different types of entities with interdependencies to the CCP, including a list containing all relevant stakeholders including the CCP's direct and indirect participants, where possible to identify, owners, financial service providers such as liquidity providers, settlement banks or agents, platforms, investment agents, banks, custodians and other service providers, including IT providers and data providers, and linked financial markets infrastructures, and their relevance to the resolution procedure;
- (d) a description of the assessment of the entities, as referred to in point (c), with an interdependence to the CCP, covering their importance for the CCP, in particular, why they would or would not be considered critical, and if the ability of the CCP to continue providing its critical functions is dependent on these entities;

- (e) a description of outsourcing arrangements to critical service providers that cover part of the CCP's core business, including where another entity undertakes price determination and provides systems for the clearing, margin calculations or other essential parts of the CCP's operations;
- (f) a description of how entities identified to have a critical interdependency with the CCP under point (a) have been assessed and how any identified risks have been mitigated and addressed, including legal enforceability and regulatory constraints of arrangements such as set-off and netting, to ensure operational continuity in resolution;
- (g) a description of how any material issues, due to a potential failure to comply with obligations under outsourcing arrangements by the provider of critical outsourced service arrangements have been mitigated in the resolution plan;
- (h) a description of how the resolution plan has reflected the potential impact of applying the resolution tools on any interoperable CCP, covering the transmission of resolution cash calls or variation margin gains haircutting via an interoperability arrangement;
- (i) a description of possible impacts on other financial market infrastructures linked to the CCP, including by assessing the significance of the CCP's involvement in those entities including whether the CCP's resolution could cause contagion through financial market infrastructures by triggering of default procedures in financial market infrastructures, or leaving other firms without access to financial market infrastructures.

Article 13

Critical intra-group interdependencies

When preparing a description of the critical intra-group interdependencies in accordance with Article 12(7), point (l), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are included in the resolution plan:

- (a) a description of the group that the CCP belongs to and a list of the group entities the CCP has links with, an assessment as to which group entities are to be considered as critical intra-group interdependencies, and a description of the intra-group dependencies identified under the resolution plan;
- (b) if such identified interdependencies entail any material identified differences compared to the recovery plan's list of critical intra-group interdependencies and, where there are differences, a detailed description of the main reasons for which the resolution authority has assessed the critical intra-group interdependencies differently and any material effects due to the different assessment and how this can affect the resolvability of the CCP, if any;
- (c) a description of the impact of resolution actions on other business lines of critical intra-group entities and legal entities, including if resolution measures would affect other entity's ability to continue to operate;
- (d) a description of how relevant intra-group entities would be able to provide financial support either pre-agreed or on a voluntary basis;
- (e) a description of legal enforceability or regulatory constraints that could affect the intra-group interdependencies;
- (f) a description of the mitigating measures related to those critical intra-group interdependencies which will ensure operational continuity in resolution, as necessary to maintain the continuity of the CCP's critical functions.

Article 14

Ensuring certain functions of the CCP

When preparing a description of how certain functions of the CCP are ensured in accordance with Article 12(7), point (m), of Regulation (EU) 2021/23, the resolution authority shall ensure that the resolution plans include at least the descriptions of the following elements:

- (a) each of the essential operations and systems, and a description of how to assess and maintain such essential operations and systems by providing identified options of continued access to infrastructures, processes and operational arrangements in order to maintain the continuous functioning of the CCP's operational processes as listed in Article 12(7), point (m), of Regulation (EU) 2021/23 and the key outcomes of the assessment;

- (b) the options identified to maintain financial resilience;
- (c) the options identified to ensure contractual agreements are maintained, including contractual resilience clauses, resolution-proof clauses and limitations of termination rights in resolution;
- (d) the options identified to ensure internal agreements can be maintained during the resolution phase, including arms' length pricing structures and continued access to operational assets;
- (e) the different arrangements already entered into under the resolution plan to ensure continuity of the functioning of the operational processes, listed in Article 12(7), point (m), of Regulation (EU) 2021/23, during resolution;
- (f) how the resolution plan would allow, using options identified, the CCP to continue to provide uninterrupted critical clearing services, including by using interim solutions, such as a purchaser or bridge institution using existing staff and infrastructure or, where it is not possible to develop such solutions in advance, a list of options that may be applied in resolution and a list of information necessary to draw up such arrangements and agreements at short notice.

Article 15

How to obtain the necessary information to perform valuation

When preparing a description of how to obtain the necessary information to perform the valuation in accordance with Article 12(7), point (n), of Regulation (EU) 2021/23, the resolution authority shall ensure that the resolution plans include at least the descriptions of the following elements:

- (a) how it is envisaged that the resolution authority and the independent valuer will obtain the necessary information to perform the valuation referred to in Article 24 of Regulation (EU) 2021/23;
- (b) the information and processes for ensuring availability in an appropriate time and manner of the information required for the purposes of valuation, in particular pursuant to Title V, Chapter II, of Regulation (EU) 2021/23, and for marketability, in particular pursuant to the marketing requirements for the sale of business and bridge CCP tools;
- (c) how relevant market data is collected, stored, structured, organised and updated by the CCP and how such market data relevant for the resolution plan is prepared and validated as close as possible to the valuation date;
- (d) how the financial statements and regulatory reporting are prepared by the CCP and regularly updated, and how such financial information is prepared, detailed and validated as close as possible to the valuation date, and showing that the valuations of assets and liabilities are complete;
- (e) how the level of detail of information is envisaged to be sufficient for the resolution authority and the independent valuer to take action under the resolution plan, by providing requirements on the level of granularity needed for the valuation, including where the information must include details on line-by-line or portfolio-by-portfolio positions, transactions and collateral and the CCP's own capital;
- (f) the rules, key methodologies, assumptions and assessments used by the CCP in order to prepare the financial statements and regulatory reporting;
- (g) how information is organised, labelled and structured and how it can be used and analysed by the resolution authority and the independent valuer in an effective and secure manner to ensure the resolution authority has the information required to take actions under the resolution plan.

*Article 16***Impact assessment on employees**

When preparing the impact assessment on employees in accordance with Article 12(7), point (o), of Regulation (EU) 2021/23, the resolution authority shall ensure that at least the following elements are reflected in the resolution plan:

- (a) a description of the different types of employees and categorisations of how different types of employees are to be informed and managed in a resolution situation and the estimated impact of the plan on the different types of employees of the CCP;
- (b) a description of how to mitigate loss of critical employees before the resolution and how to create effective incentives in a resolution to maintain critical employees identified based on their value and relevance during a resolution phase; aspects to bear in mind include: (i) any regulatory procedures required to be followed in resolution, (ii) assessments as to the envisaged effectiveness of incentive structures, (iii) the possibility to undertake changes in employment contracts, conditions and organisation during a resolution phase, and (iv) an estimate of any associated costs of maintaining critical employees or recruitment, including an assessment of any associated costs taking into account relevant national rules for compensation and reimbursements during resolution;
- (c) a description of the plan for communication with employees, including a description of envisaged procedures to consult with employees during the resolution process, taking into account any national rules and systems for dialogue with social partners, the management, owners, and staff unions.

*Article 17***Communication plan**

When preparing a description of the communication plan in accordance with Article 12(7), point (p), of Regulation (EU) 2021/23, the resolution authority shall ensure that the resolution plans include at least the descriptions of the following elements:

- (a) the communication plan specifying the following:
 - (i) who informs the media and the public;
 - (ii) when the media and public are to be informed;
 - (iii) what is to be communicated, to ensure only public information on the resolution plan is communicated in accordance with Regulation (EU) 2021/23;
- (b) the operational arrangements and procedures of the communication plan, the criteria for applying the communication strategy, the suitability of the communication plan and how the plan achieves the aim of ensuring that the CCP's communication and disclosure plan manages to meet the objective of acting in a transparent manner;
- (c) details differentiating between legally required formal notifications and voluntary undertaken communication with a description of how the resolution plan has taken into account different regulatory requirements for disclosure of information, in particular where such information could affect critical services in the financial market and where the CCP is a listed company or is owned by a listed company;
- (d) how the resolution plan has assessed possible material negative market reactions to the resolution of a CCP and how the plan envisages mitigating such potentially negative market reactions when disclosing information.

*Article 18***Essential operations and systems**

When preparing a description of the essential operations and systems in accordance with Article 12(7), point (q), of Regulation (EU) 2021/23, the resolution authority shall ensure that the resolution plans include at least the descriptions of the following elements:

- (a) the essential operations and systems identified under the resolution plan;

- (b) where the identified operations and systems are materially different from the essential operations and systems identified under the recovery plan, a description of the main reasons why the resolution authority has assessed the essential operations and systems differently, any material effects due to the different assessment and how this can affect the resolvability of the CCP;
- (c) how such essential operations and systems are identified, the criteria applied, and thresholds used, to differentiate them from other operations and systems of the CCP that are not to be considered essential operations and systems.

Article 19

Notification to resolution college

When preparing a description of the arrangements for notifying the resolution college in accordance with Article 12(7), point (r), of Regulation (EU) 2021/23, the resolution authority shall ensure that the resolution plans include at least the descriptions of the following elements:

- (a) the procedures and processes to follow when notifying the resolution college and, in particular, the information on distribution lists, template documents and timelines on how and when to inform the resolution college;
- (b) the procedures for keeping the distribution lists up to date;
- (c) the arrangements for testing the notifying process of the resolution college, including information on the scope and intervals for such testing exercises and procedures to address any shortcomings such as errors, misunderstanding or delays.

Article 20

Measures to facilitate portability of positions and related assets

When preparing a description of the measures to facilitate portability of positions and related assets in accordance with Article 12(7), point (s), of Regulation (EU) 2021/23, the resolution authority shall ensure that the resolution plans include at least the descriptions of the following elements:

- (a) an assessment of whether the portability of positions and related assets to another CCP is possible, including an assessment as to its feasibility and likely outcome and an assessment of the situation where the portability or transfer is ultimately not possible;
- (b) how the CCP keeps the relevant data on positions in client omnibus and segregated accounts in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽¹⁾ and how the CCP is able to provide details on the resources and systems in place to maintain up-to-date information that could be provided rapidly in resolution to ensure that client positions, where it is possible to identify them, at the CCP could be identified and potentially transferred successfully;
- (c) the measures to facilitate the portability of positions and related assets of the clearing members and clients of the defaulting CCP from the defaulting CCP to another CCP or a bridge CCP.

Article 21

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*.

⁽¹⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

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

Done at Brussels, 14 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

ON THE SCENARIOS TO INCLUDE IN THE CCP RESOLUTION PLAN

Types of scenarios (Article 12(3), point (a), and 12(7), point (j) of Regulation (EU) 2021/23)	Factors to describe type of scenarios (Article 12(3), point (a), and 12(7), point (j) of Regulation (EU) 2021/23)
Default Scenario – Unsuccessful recovery where the CCP does not have sufficient resources and tools for a successful recovery	Establish scenario where a CCP has not fully addressed liquidity shortfalls or established loss allocation arrangements that fully address uncovered credit losses. As a result, recovery resources and tools are insufficient to absorb losses and replenish financial resources to minimum regulatory requirements.
Default Scenario – Failure of loss allocation arrangements	Establish scenario where the CCP's loss allocation arrangements set out in the recovery plan do not operate as intended and as a result, the planned resources or tools are not, or not sufficiently, available at the time of recovery.
Default Scenario – Multiple clearing members do not meet their obligations under the CCP's recovery actions	Establish scenario where the multiple clearing members do not meet their obligations under the CCP's recovery actions. If the group of non-performing clearing members is sufficiently large or if their failure to meet obligations leads to a general loss of confidence in the CCP, the CCP may become unable to continue operations.
Default Scenario – Timing of resolution actions	Establish scenario where the relevant authorities determine that resolution should be initiated before some of the arrangements or tools under the CCP's recovery plan are applied. In this scenario, the relevant authorities have determined that applying recovery arrangements or tools in the prevailing market conditions may threaten financial stability and/or the continuity of critical functions.
Non-default Scenario – Investment risks	Establish scenario where losses on investments of initial margin or default fund assets could arise for example if an investment counterparty fails. A CCP may need to bear such losses, if the loss allocation tools in the CCP's rules do not cover them in another manner. Losses could also occur from the investment of a CCP's own financial resources including SITG and SSITG. Investment losses could materialise suddenly.
Non-default Scenario - Failure of service providers	Establish scenario where, as a result of a failure of a custodian, depository, a payment or settlement bank, a payment system, a securities settlement system or other entity providing similar services, the CCP could lose timely access to its assets, become unable to collect margins or become unable to transform non-cash collateral or investments into cash. This could cause liquidity and/or solvency challenges to a CCP, depending on the nature or consequences of the failure and the time it takes to regain access to the assets.
Non-Default Scenario - Operational risk events	Establish scenario where financial losses or liquidity challenges arise from a range of operational failures, such as human error, information technology failure, fraud, cyber incident, or non-performance of vendors or service providers. A CCP can incur operational losses directly (primary losses) or due to the legal actions taken by others affected by the event (secondary losses). Operational risk events can happen suddenly, but certain losses, particularly secondary losses can take years to fully materialise.

Non-Default Scenario – Financial losses (Comprehensive loss allocation arrangements for custody and investment losses the CCP incurs as a result of its clearing and settlement activity)	Establish scenario where the CCP does not have sufficient financial resources or tools to cover non-default losses (including losses deriving from legal risks, including legal, regulatory, enforcement or contractual penalties that could lead to significant losses or uncertainty for the CCP and that can take a long time to materialise). In this scenario, the non-default losses would be larger than the CCP's capital and contingent resources (e.g. insurance, parental guarantees). Alternatively, in a scenario where the CCP's clearing members would also be required to bear losses, the aggregate resources available would be insufficient to cover the losses and/or to replenish capital back to the required minimum.
	Establish scenario where the CCP's arrangements to cover (specific) non-default losses set out in the recovery plan cannot be used or do not operate as intended. As a result, the planned resources or tools are not, or not sufficiently, available at the time of recovery.
	Establish scenario where the CCP's clearing members do not meet their obligations under the CCP's recovery actions. In this scenario, clearing members do not meet the applicable loss allocation or replenishment obligations.
	Establish scenario where the CCP's shareholders do not support the CCP's recovery actions. In this scenario, the CCP's parent company or other shareholders do not cover the CCP's non-default losses that are not allocated elsewhere and/or are unwilling to recapitalise the CCP, irrespective of whether there is a contractual commitment, parental guarantee, or similar arrangement to provide financial resources or not.
	Establish scenario where the relevant authorities determine that resolution should be initiated before some of the recovery arrangements or tools are applied or the CCP is wound down. In this scenario, the CCP's recovery and wind-down arrangements are consistent with the PFMI, but the relevant authorities have determined that applying them in the prevailing market conditions may threaten financial stability and/or the continuity of critical functions.
Event(s) causing simultaneous default and non-default losses – This scenario addresses the situation in which there are concurrent default and non-default losses as a result of a single event or as a result of multiple events that occur in a reduced time span.	Establish scenario where there are specific entities that are material sources of both default and non-default losses, specific scenarios analysing the effects of default events affecting these entities may be relevant. Considering where non-default losses would be borne by clearing members affecting the path of loss propagation and where there are material differences between different combinations of default and non-default events with respect to the available tools, usage of tools, paths of losses or impact on stakeholders.

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1194**of 20 June 2023****amending Implementing Regulation (EU) 2022/2346 as regards the transitional provisions for certain products without an intended medical purpose listed in Annex XVI to Regulation (EU) 2017/745 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) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC ⁽¹⁾, and in particular Article 1(2), in conjunction with Article 9(1), thereof,

Whereas:

- (1) Article 2(1) and (2) of Commission Implementing Regulation (EU) 2022/2346 ⁽²⁾ set out transitional provisions for products for which clinical investigations are performed or for which a notified body has to be involved in the conformity assessment. Article 2(3) of that Implementing Regulation also sets out specific transitional provisions for products covered by a certificate issued by a notified body in accordance with Council Directive 93/42/EEC ⁽³⁾.
- (2) Regulation (EU) 2023/607 of the European Parliament and of the Council ⁽⁴⁾ extended the transitional period provided for in Regulation (EU) 2017/745 for certain medical devices, including those which are covered by a certificate issued by a notified body in accordance with Directive 93/42/EEC that is valid, until 31 December 2027 or 31 December 2028, depending on the risk class of the device.
- (3) To ensure consistency and provide legal certainty for economic operators, the transitional provisions set out in Implementing Regulation (EU) 2022/2346 for products covered by a certificate issued by a notified body in accordance with Directive 93/42/EEC should be aligned with those set out in Regulation (EU) 2017/745, as amended by Regulation (EU) 2023/607.
- (4) Products covered by a certificate issued by a notified body in accordance with Directive 93/42/EEC benefit from a specific transitional provision laid down in Implementing Regulation (EU) 2022/2346. The provision has been applicable since 22 December 2022 and allows those products to be placed on the market or put into service subject to certain conditions, even if the certificate has expired. To the extent that such products do not benefit from the extended transitional provisions provided for in Regulation (EU) 2017/745, as amended by Regulation (EU) 2023/607, the possibility to continue to place them on the market or put them into service even if the certificate issued by a notified body in accordance with Directive 93/42/EEC has expired, should be provided as a specific transitional provision in this Regulation. To ensure consistency, applicable conditions set out in Article 120 of Regulation (EU) 2017/745, as amended by Regulation (EU) 2023/607, should be met.

⁽¹⁾ OJ L 117, 5.5.2017, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2022/2346 of 1 December 2022 laying down common specifications for the groups of products without an intended medical purpose listed in Annex XVI to Regulation (EU) 2017/745 of the European Parliament and of the Council on medical devices (OJ L 311, 2.12.2022, p. 60).

⁽³⁾ Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1).

⁽⁴⁾ Regulation (EU) 2023/607 of the European Parliament and of the Council of 15 March 2023 amending Regulations (EU) 2017/745 and (EU) 2017/746 as regards the transitional provisions for certain medical devices and *in vitro* diagnostic medical devices (OJ L 80, 20.3.2023, p. 24).

- (5) In order to reduce as much as possible the overlap with conformity assessments of medical devices covered by a certificate issued by a notified body in accordance with Directive 93/42/EEC and thereby reduce the burden on notified bodies and the risk of shortages of devices, the transitional provisions in Implementing Regulation (EU) 2022/2346 for products for which clinical investigations are performed or for which a notified body has to be involved in the conformity assessment procedure should be extended by 18 and 30 months, respectively.
- (6) The transitional provisions in Implementing Regulation (EU) 2022/2346 for products for which clinical investigations are performed or for which a notified body has to be involved in the conformity assessment procedure apply from 22 June 2023. In order to ensure that those products can benefit directly from the extended transitional provisions, the relevant provisions of this Regulation should apply from the same date. Products covered by a certificate issued by a notified body in accordance with Directive 93/42/EEC have benefitted from the transitional provisions set out in Implementing Regulation (EU) 2022/2346 from 22 December 2022. In order to ensure that those products can smoothly benefit from the extended transitional provisions and considering that the specific conditions set out in this Regulation ensure continuity with those previously applicable, the relevant provision of this Regulation should also apply from 22 June 2023. Consequently, the former provision setting out the applicability from 22 December 2022 should be deleted from Implementing Regulation (EU) 2022/2346 from the date of application of the amended provision set out in this Regulation.
- (7) To ensure that economic operators can rapidly access and implement the extended transitional provisions established by this Regulation, it should enter into force from the day of its publication in the *Official Journal of the European Union*.
- (8) Implementing Regulation (EU) 2022/2346 should therefore be amended accordingly.
- (9) The Medical Device Coordination Group has been consulted.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Medical Devices,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2022/2346 is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraph 1 is amended as follows:

- (i) in the first subparagraph, the date '22 June 2028' is replaced by '31 December 2029';
- (ii) in the third subparagraph, the date '22 June 2026' is replaced by '31 December 2027';
- (iii) the fourth subparagraph is replaced by the following:

'By way of derogation from the first subparagraph, from 1 January 2028 until 31 December 2029, a product that meets the conditions laid down in that subparagraph may only be placed on the market or put into service, if a written agreement for the performance of the conformity assessment has been signed by the notified body and the manufacturer in accordance with Section 4.3, second subparagraph, of Annex VII to Regulation (EU) 2017/745.';

(b) paragraph 2 is amended as follows:

- (i) in the first subparagraph, the date '22 June 2025' is replaced by '31 December 2028';
- (ii) the second subparagraph is replaced by the following:

'By way of derogation from the first subparagraph, from 1 January 2027 until 31 December 2028, a product that meets the conditions laid down in that subparagraph may only be placed on the market or put into service, if a written agreement for the performance of the conformity assessment has been signed by the notified body and the manufacturer in accordance with Section 4.3, second subparagraph, of Annex VII to Regulation (EU) 2017/745.';

(c) paragraph 3 is replaced by the following:

‘3. A product which was covered by a certificate issued by a notified body in accordance with Directive 93/42/EEC that expired after 26 May 2021 and before 20 March 2023, and for which the conditions laid down in Article 120(2), second subparagraph, point (a) or (b), of Regulation (EU) 2017/745 are not met, may be placed on the market or put into service until the dates laid down in Article 120(3a) of Regulation (EU) 2017/745, also after the expiry of the certificate, provided that the conditions set out in Article 120 (3c), (3d) and (3e), of Regulation (EU) 2017/745 are met.’;

(2) in Article 3(2), the second sentence is deleted.

Article 2

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

It shall apply from 22 June 2023.

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

Done at Brussels, 20 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1195**of 20 June 2023****laying down rules for the details and the format of the information to be made available by Member States on the results of official investigations concerning cases of contamination with products or substances not authorised for use in organic production**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 ⁽¹⁾, and in particular Article 29(8), point (b), thereof,

Whereas:

- (1) Regulation (EU) 2018/848 provides that the competent authorities of the Member States have to document the results of the investigations and measures they have taken in the event of the presence of products and substances that are not authorised for use in organic production pursuant to Article 9(3), first subparagraph, of that Regulation. In accordance with Article 29(6) of Regulation (EU) 2018/848, Member States have to share information with the other Member States and the Commission on any measures they have taken for the purpose of formulating best practices and on any further measures to avoid the presence of products and substances not authorised for use in organic production.
- (2) Article 29(9) of Regulation (EU) 2018/848 requires the Member States to transmit electronically, through the computer system made available by the Commission, relevant information about cases involving contamination with non-authorised products or substances.
- (3) In order to avoid the duplication of the means by which Member States transmit all the information required by Regulation (EU) 2018/848 to the Commission and other Member States, the details and the format in which they are to communicate the information referred to in Article 29(6) of that Regulation could also be used to transmit the information referred to in Article 29(9) of that Regulation. The Member States should use the Organic Farming Information System (OFIS) for that purpose.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Details and format of the information on official investigations, best practices and further measures related to contamination by non-authorised products and substances

Member States shall use the Organic Farming Information System (OFIS) and the template set out in the Annex to this Regulation to make available to the other Member States and the Commission the documented results of official investigations conducted in accordance with Article 29(1), point (a), of Regulation (EU) 2018/848 and any measures that the competent authorities have taken for the purpose of formulating best practices and further measures to avoid the presence of products and substances not authorised, pursuant to Article 9(3), first subparagraph, of that Regulation for use in organic production.

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

*Article 2***Entry into force**

This Regulation shall enter into force on the third 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, 20 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

OFIS template referred to in Article 1

PART I

Information on the results of the official investigations referred to in Article 29(1), point (a), of Regulation (EU) 2018/848 and on measures to avoid the presence of products and substances not authorised for use in organic production

1. Reference of the official investigations or, if applicable, reference of the cases			
2. Name of the organic or in-conversion product or other material sampled: (a) ☐ Food ☐ Feed ☐ Plant material ☐ Soil ☐ Other (please specify) (b) — CN code product nomenclature	3. Volume of products contaminated (kilograms, litres or, where relevant number of units):	4. Name of the non-authorised product(s) or substance(s) detected:	5. Quantity of the non-authorised product(s) or substance(s) detected: — Was the contamination found above the Maximum Residue Level established by Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽¹⁾ ? ☐ Yes ☐ No ☐ Not applicable (N/A)
6. Stage of the supply chain where the presence of non-authorised product(s) or substance(s) has been detected: ☐ Production <i>Only in case of plant production</i> — Pre-harvest — Post-harvest ☐ Preparation — Processing/preserving — Packaging — Slaughtering, cutting, cleaning or milling ☐ Distribution ☐ Storing	7. Source and cause of the presence of non-authorised product(s) or substance(s): ☐ Operator used products or substances not authorised in organic production ☐ Spray drift of products or substances not authorised in organic production ☐ Commingling of organic or in-conversion products with non-organic or in-conversion products ☐ Sale of non-organic or in-conversion products as organic	8. Measures taken The marketing or use of the product(s) was prohibited in accordance with Article 29(2) of Regulation (EU) 2018/848: ☐ Yes ☐ No ☐ Not applicable (N/A) <i>[additional optional information]</i>	

⁽¹⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1). It is applicable only to food and feed.

☐ Placing on the market — Retail — Wholesale ☐ Import — Border control post — Point of release for free circulation ☐ Export The product is: ☐ Packaged ☐ In bulk	☐ Operator has not taken the precautionary measures referred to in Article 28(1) of Regulation (EU) 2018/848 ☐ Lack of traceability ☐ Contamination occurred in the previous stage of the supply chain (please specify which stage if known) ☐ Source and the cause of the contamination was not identified (please specify the reason) ☐ Other (please specify)	
9. Other information:		

PART II

Best practices

Please provide an annual overview of the best practices documented in your Member State during the previous year in accordance with Article 29(6) of Regulation (EU) 2018/848 to avoid the presence of products and substances not authorised for use in organic production.

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Note: information on cases involving contamination with products or substances that are not authorised pursuant to Article 9(3) of Regulation (EU) 2018/848 for use in organic production in the relevant Member State

Member States may use the template in Part I to transmit to the Commission, by 31 March each year, the cases of contamination detected during the previous year by the competent authority, or, where appropriate, the control authority or control body, when performing official controls in accordance with Article 38 of Regulation (EU) 2018/848 or official investigations in accordance with Article 29 of that Regulation.

The cases of contamination for which the official investigation has not been closed by 31 December are to be included in the transmission for the following year.

DECISIONS

COUNCIL DECISION (EU) 2023/1196

of 16 June 2023

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Bank Ċentrali ta' Malta/Central Bank of Malta

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular Article 27.1 thereof,

Having regard to the Recommendation of the European Central Bank of 24 April 2023 to the Council of the European Union on the external auditors of the Central Bank of Malta (ECB/2023/12) ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) The mandate of KPMG as external auditors of the Bank Ċentrali ta' Malta/Central Bank of Malta was terminated by mutual agreement. It is therefore necessary to appoint external auditors for the 2023 financial year.
- (3) The Bank Ċentrali ta' Malta/Central Bank of Malta has selected Deloitte Audit Ltd as its external auditors for the financial years 2023 to 2027.
- (4) The Governing Council of the ECB recommended that Deloitte Audit Ltd be appointed as the external auditors of the Bank Ċentrali ta' Malta/Central Bank of Malta for the financial years 2023 to 2027.
- (5) Following the recommendation of the Governing Council of the ECB, Council Decision 1999/70/EC ⁽²⁾ should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 1999/70/EC, paragraph 15 is replaced by the following:

'15. Deloitte Audit Ltd are hereby approved as the external auditors of the Bank Ċentrali ta' Malta/Central Bank of Malta for the financial years 2023 to 2027.'

Article 2

This Decision shall take effect on the date of its notification.

⁽¹⁾ OJ C 156, 3.5.2023, p. 1.

⁽²⁾ Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks (OJ L 22, 29.1.1999, p. 69).

Article 3

This Decision is addressed to the European Central Bank.

Done at Luxembourg, 16 June 2023.

For the Council
The President
E. SVANTESSON

COUNCIL IMPLEMENTING DECISION (EU) 2023/1197**of 19 June 2023****authorising Poland to apply reduced rates of excise duty to heavy fuel oil, natural gas, coal and coke, used as heating fuels, in accordance with Article 19 of Directive 2003/96/EC**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾, and in particular Article 19 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By letter dated 3 January 2023, Poland requested authorisation to apply reduced rates of excise duty to heavy fuel oil, natural gas, coal and coke, used as heating fuels, pursuant to Article 19 of Directive 2003/96/EC, which fall below the minimum levels of taxation referred to in Article 9 of that Directive. Additional information and clarifications in support of the request were provided by the Polish authorities on 15 February 2023. It was requested that the authorisation apply for a period of six months, from 1 January 2023 until 30 June 2023.
- (2) According to the Polish authorities, the application of a reduced tax rate aims at mitigating the negative impact that would have been caused by an increase in the level of taxation due to an unfavourably high euro-zloty exchange rate, in accordance with Article 13 of Directive 2003/96/EC. This reduction would correspond to the amount resulting from the exchange-rate difference after the annual adjustment carried out in accordance with Article 13 of that Directive.
- (3) The requested authorisation is not likely to distort competition or hinder the proper functioning of the internal market. Given its short duration and the exceptional circumstances linked to the geopolitical situation, the requested authorisation is considered appropriate and proportionate. The authorisation strikes a balance between the specific policy objectives referred to in Article 19(1), third paragraph, of Directive 2003/96/EC, in particular the Union's environmental policy, and the need to ensure energy affordability for businesses and households. The tax reduction would partially offset the increased energy costs and is not cumulative with any other type of tax reductions.
- (4) Poland should therefore be authorised to apply reduced rates of excise duty to heavy fuel oil, natural gas, coal and coke, used as heating fuels, as requested.
- (5) Pursuant to Article 19(2) of Directive 2003/96/EC, each authorisation granted under that provision is to be strictly limited in time. However, in order not to undermine future general developments of the existing legal framework, it is appropriate to provide that, in the event that the Council, acting on the basis of Article 113 or any other relevant provision of the Treaty on the Functioning of the European Union, introduces a modified general system for the taxation of energy products and electricity to which this authorisation would not be adapted, this authorisation should cease to apply on the day on which that modified general system becomes applicable.
- (6) In order to ensure a smooth tackling of the adverse effects for consumers of high prices of energy products, at the moment where the impact is the biggest due to high inflation and rising prices, it should be ensured that Poland may apply the tax reduction, as requested, with effect from 1 January 2023.
- (7) This Decision is without prejudice to the application of Union rules on State aid,

⁽¹⁾ OJ L 283, 31.10.2003, p. 51.

HAS ADOPTED THIS DECISION:

Article 1

Poland is authorised to apply reduced rates of excise duty to heavy fuel oil, natural gas, coal and coke, used as heating fuels, below the relevant minimum levels of taxation referred to in Article 9 of Directive 2003/96/EC.

Article 2

This Decision shall apply from 1 January 2023 until 30 June 2023.

However, in the event that the Council, acting on the basis of Article 113 or any other relevant provision of the Treaty on the Functioning of the European Union, introduces a modified general system for the taxation of energy products and electricity to which the authorisation granted in Article 1 of this Decision would not be adapted, this Decision shall cease to apply on the day on which that modified general system becomes applicable.

Article 3

This Decision is addressed to the Republic of Poland.

Done at Luxembourg, 19 June 2023.

For the Council
The President
E. BUSCH

COMMISSION IMPLEMENTING DECISION (EU) 2023/1198**of 21 June 2023****amending Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to authorise certain national derogations***(notified under document C(2023) 3900)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods ⁽¹⁾, and in particular Article 6(2) and (4) thereof,

Whereas:

- (1) Section I.3 of Annex I, Section II.3 of Annex II and Section III.3 of Annex III to Directive 2008/68/EC contain lists of national derogations, allowing specific national circumstances to be taken into account. Several amendments to authorised derogations were requested by certain Member States.
- (2) The Commission has examined or reviewed those requests for derogations and found that they fulfil the conditions referred to in Article 6(2) and (4) of Directive 2008/68/EC. The derogations should therefore be authorised.
- (3) As Section I.3 of Annex I, Section II.3 of Annex II and Section III.3 of Annex III to Directive 2008/68/EC should therefore be adapted, it is appropriate, for reasons of clarity, to replace them.
- (4) Directive 2008/68/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee on the transport of dangerous goods,

HAS ADOPTED THIS DECISION:

Article 1

The Member States listed in the Annex are authorised to implement the derogations set out in the Annex regarding the transport of dangerous goods in their territory.

Article 2

Annexes I, II and III to Directive 2008/68/EC are amended in accordance with the Annex to this Decision.

Article 3

This Decision is addressed to the Member States.

⁽¹⁾ OJ L 260, 30.9.2008, p. 13.

Done at Brussels, 21 June 2023.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

ANNEX

Annexes I, II and III to Directive 2008/68/EC are amended as follows:

(1) in Annex I, Section I.3 is replaced by the following:

I.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: RO-a/bi/bii-MS-nn

RO = Road

a/bi/bii = Article 6(2) a/bi/bii

MS = Abbreviation of Member State

nn = order number

Based on Article 6(2)(a) of Directive 2008/68/EC**BE Belgium****RO-a-BE-2**

Subject: Transport of uncleaned empty containers having contained products of different classes.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.6

Content of the national legislation: Indication on the transport document “uncleaned empty packages having contained products of different classes”.

Initial reference to the national legislation: *Derogation 6-97*

Expiry date: 31 December 2028

RO-a-BE-3

Subject: Adoption of RO-a-HU-2.

Initial reference to the national legislation: derogation 4-2004

Expiry date: 31 December 2028

RO-a-BE-4

Subject: exemption of all ADR requirements for the national transport of maximum 1 000 used ionic smoke detectors from private households to the treatment facility in Belgium via the collection points foreseen in the scenario for the selective collection of smoke detectors. Reference to Annex I, Section I.1, to Directive 2008/68/EC: all requirements

Content of the national legislation: The domestic use of ionic smoke detectors is not submitted to regulatory control from a radiological point of view once the smoke detector is of an approved type. The transport of these smoke detectors to the end-user is also exempted from ADR requirements. (see 1.7.1.4. e)).

Directive 2002/96/EC (on waste electric and electronic equipment) requires the selective collection of used smoke detectors for treatment of the circuit boards and, for the ionic smoke detectors, to take out the radioactive substances. To make this selective collection possible a scenario has been developed to stimulate private households to bring their used smoke detectors to a collection point from which these detectors can be carried to a treatment facility sometimes via a second collection point or an intermediate storage place.

At the collection points metal packaging will be made available wherein a maximum of 1 000 smoke detectors can be packed. From these points one such package with the smoke detectors can be transported together with other wastes to an intermediate storage or the treatment facility. The package will be labelled with the word “smoke detector”.

Initial reference to the national legislation: *scenario for the selective collection of smoke detectors makes part of the conditions for removal of approved instruments foreseen in Article 3.1.d.2 of the royal decree of 20 July 2001: the general radiation protection regulation*

Comments: This derogation is necessary to make the selective collection of used ionic smoke detectors possible.

Expiry date: 30 June 2026

DK Denmark

RO-a-DK-2

Subject: Road transport of packaging containing explosive substances and packaging containing detonators on the same vehicle.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5.2.2

Content of the Annex to the Directive: Mixed packing provisions.

Content of the national legislation: The rules in the ADR must be observed when transporting dangerous goods by road.

Initial reference to the national legislation: *Bekendtgørelse nr. 729 of 15. august 2001 om vejtransport af farligt gods § 4, stk. 1*

Comments: There is a practical need for being able to pack explosive substances together with detonators on the same vehicle when transporting such goods from where they are stored to the workplace and back again.

When the Danish legislation concerning the transport of dangerous goods is amended, the Danish authorities will allow such transport under the following conditions:

1. Not more than 25 kg explosive substances under group D are being transported.
2. Not more than 200 pieces of detonators under group B are being transported.
3. Detonators and explosive substances must be packed separately in UN-certified packaging in accordance with the rules set out in Directive 2000/61/EC amending Directive 94/55/EC.
4. The distance between packaging that contains detonators and packaging that contains explosive substances must be at least 1 metre. This distance has to be observed even after a sudden application of the brakes. Packaging containing explosive substances and packaging containing detonators must be placed in a way that makes it possible quickly to remove them from the vehicle.
5. All other rules concerning the transport of dangerous goods by road must be observed.

Expiry date: 30 June 2026

RO-a-DK-3

Subject: Road transport of packaging and articles containing wastes or residues of dangerous goods of certain classes from households and enterprises for the purpose of disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts and chapters 2, 3, 4.1, 5.1, 5.2, 5.4, 6, 8.1 and 8.2.

Content of the Annex to the Directive: Classification provisions, special provisions, packing provisions, consignment procedures, requirements for the construction and testing of packagings, general requirements concerning transport units and equipment on board and training requirements.

Content of the national legislation: Inner packaging and articles containing waste or residues of dangerous goods of certain classes collected from private households or enterprises for the purpose of disposal may be packed together in certain outer packaging and/or overpacks and carried under special consignment procedures including special packing and marking restrictions. The quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit is restricted.

Initial reference to the national legislation: *Bekendtgørelse nr. 818 af 28. juni 2011 om vejtransport af farligt gods § 4, stk. 3*

Comments: It is not possible for waste managers to apply all provisions of Annex I, Section I.1 to Directive 2008/68/EC when wastes with residual amounts of dangerous goods have been collected from private households and enterprises to be carried for disposal. The waste is usually contained in packagings that have been sold in retail.

Expiry date: 1 January 2025

DE Germany

RO-a-DE-1

Subject: Mixed packing and mixed loading of car parts with classification 1.4G together with certain dangerous goods (n4).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.10 and 7.5.2.1

Content of the Annex to the Directive: Provisions on mixed packing and mixed loading.

Content of the national legislation: UN 0431 and UN 0503 may be loaded together with certain dangerous goods (products related to car manufacturing) in certain amounts, listed in the exemption. The value 1 000 (comparable with 1.1.3.6.4) shall not be exceeded.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 28.*

Comments: The exemption is needed to provide fast delivery of safety car parts depending on local demand. Due to the wide product range storage of these products using local garages is not common.

Expiry date: 30 June 2027

RO-a-DE-2

Subject: Exemption from the requirement to carry a transport document and a shippers' declaration for certain quantities of dangerous goods as defined in 1.1.3.6 (n1).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.1 and 5.4.1.1.6

Content of the Annex to the Directive: contents of the transport document.

Content of the national legislation: For all classes except Class 7: no transport document is needed if the quantity of the goods transported does not exceed the quantities given in 1.1.3.6.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 18.*

Comments: The information provided by the marking and labelling of packages is considered sufficient for national transport, as a transport document is not always appropriate where local distribution is involved.

Derogation registered by the Commission as No 22 (under Article 6(10) of Directive 94/55/EC).

Expiry date: 30 June 2027

RO-a-DE-3

Subject: Transportation of measurement standards and fuel pumps (empty, non-cleaned).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Provisions for UN numbers 1202, 1203 and 1223.

Content of the Annex to the Directive: Packaging, marking, documents, transport and handling instructions, instructions for vehicle crews.

Content of the national legislation: Specification of applicable regulations and ancillary provisions for applying the derogation; up to 1 000 l: comparable with empty, non-cleaned packaging; above 1 000 l: compliance with certain regulations for tanks; transportation empty and non-cleaned only.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 24.*

Comments: List No 7, 38, 38a.

Expiry date: 30 June 2027

RO-a-DE-5

Subject: Combined packaging authorisation.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.10.4 MP2

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Classes 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Classes 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 21.*

Comments: List No 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

Expiry date: 30 June 2027

IE Ireland

RO-a-IE-1

Subject: Exemption from the requirement of 5.4.0 of the ADR for a transport document for the carriage of pesticides of ADR Class 3, listed under 2.2.3.3 as FT2 pesticides (f.p. < 23 °C) and ADR Class 6.1, listed under 2.2.61.3 as T6 pesticides, liquid (flash point not less than 23 °C), where the quantities of dangerous goods being carried do not exceed the quantities set out in 1.1.3.6 of the ADR.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4

Content of the Annex to the Directive: Requirement for transport document.

Content of the national legislation: A transport document is not required for the carriage of pesticides of ADR Classes 3 and 6.1, where the quantity of dangerous goods being carried does not exceed the quantities set out in 1.1.3.6 of the ADR.

Initial reference to the national legislation: *Regulation 82(9) of the “Carriage of Dangerous Goods by Road Regulations 2004”*

Comments: Unnecessary, onerous requirement for local transport and delivery of such pesticides.

Expiry date: 30 June 2027

RO-a-IE-4

Subject: Exemption from the requirements of 5.3, 5.4, 7 and Annex B of the ADR, in relation to the carriage of gas cylinders of dispensing agents (for beverages) where they are carried on the same vehicle as the beverages (for which they are to be used).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3, 5.4, 7 and Annex B.

Content of the Annex to the Directive: The marking of the vehicles, the documentation to be carried and the provisions concerning transport equipment and transport operations.

Content of the national legislation: Exemption from the requirements of 5.3, 5.4, 7 and Annex B of the ADR for cylinders of gases, used as dispensing agents for beverages, where these cylinders of gases are carried on the same vehicle as the beverages (for which they are to be used).

Initial reference to the national legislation: *Proposed amendment to “Carriage of Dangerous Goods by Road Regulations, 2004”*

Comments: The main activity consists of the distribution of packages of beverages, which are not substances according to the ADR, together with small quantities of small cylinders of associated dispensing gases.

Previously under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2027

RO-a-IE-5

Subject: Exemption, for national transport within Ireland, from the construction and testing requirements for receptacles, and their provisions on use, contained in 6.2 and 4.1 of the ADR, for cylinders and pressure drums of gases of Class 2 that have undergone a multimodal transport journey, including maritime carriage, where (i) these cylinders and pressure drums are constructed, tested and used in accordance with the IMDG Code; (ii) these cylinders and pressure drums are not refilled in Ireland but returned nominally empty to the country of origin of the multimodal transport journey; and (iii) these cylinders and pressure drums are distributed locally in small quantities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.4.2, 4.1 and 6.2.

Content of the Annex to the Directive: Provisions relating to multimodal transport journeys, including maritime carriage, use of cylinders and pressure drums for gases of ADR Class 2, and construction and testing of these cylinders and pressure drums for gases of ADR Class 2.

Content of the national legislation: The provisions of 4.1 and 6.2 do not apply to cylinders and pressure drums of gases of Class 2, provided (i) these cylinders and pressure drums are constructed and tested in accordance with the IMDG Code; (ii) these cylinders and pressure drums are used in accordance with the IMDG Code; (iii) these cylinders and pressure drums were transported to the consignor by means of multimodal transport, including maritime carriage; (iv) the transport of these cylinders and pressure drums to the final user consists only of a single transport journey, completed within the same day, from the consignee of the multimodal transport operation (referred to in (iii)); (v) these cylinders and pressure drums are not refilled within the State and are returned nominally empty to the country of origin of the multimodal transport operation (referred to in (iii)); and (vi) these cylinders and pressure drums are distributed locally within the State in small quantities.

Initial reference to the national legislation: *Proposed amendment to “Carriage of Dangerous Goods by Road Regulations, 2004”*

Comments: The gases contained in these cylinders and pressure drums are of a specification, required by the final user, which results in the need to import them from outside the ADR area. Following use, these nominally empty cylinders and pressure drums are required to be returned to the country of origin, for refilling with the specially specified gases – they are not to be refilled within Ireland or indeed within any part of the ADR area. Though not in compliance with the ADR, they are in compliance with and accepted for the purposes of the IMDG Code. The multimodal transport, beginning from outside the ADR area, is intended to finish at the importer's premises, from where it is intended that these cylinders and pressure drums be distributed to the final user locally within Ireland in small quantities. This carriage, within Ireland, would fall within the amended Article 6(9) of Directive 94/55/EC.

Expiry date: 30 June 2023

RO-a-IE-6

Subject: Exemption from some of the provisions of Annex I, Section I.1, to Directive 2008/68/EC on the packaging, marking and labelling of small quantities (below the limits in 1.1.3.6) of time expired pyrotechnic articles of classification codes 1.3G, 1.4G and 1.4S of Class 1 of Annex I, Section I.1, to Directive 2008/68/EC, bearing the respective substance identification numbers UN 0092, UN 0093, UN 0191, UN 0195, UN 0197, UN 0240, UN 0312, UN 0403, UN 0404, UN 0453, UN 0505, UN 0506 or UN 0507 for carriage to a military barracks or range for disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1, 2, 4, 5 and 6

Content of the Annex to the Directive: General provisions. Classification. Packaging provisions. Consignment provisions. Construction and testing of packages.

Content of the national legislation: The provisions of Annex I, Section I.1, to Directive 2008/68/EC on the packaging, marking and labelling of time expired pyrotechnic articles bearing the respective UN numbers UN 0092, UN 0093, UN 0191, UN 0195, UN 0197, UN 0240, UN 0312, UN 0403, UN 0404, UN 0453, UN 0505, UN 0506 or UN 0507 for carriage to a military barracks or range do not apply provided the general packaging provisions of Annex I, Section I.1, to Directive 2008/68/EC are complied with and additional information is included in the transport document. The derogation applies only to the local transport, to a military barracks or range, of small quantities of these time-expired pyrotechnics for safe disposal.

Initial reference to the national legislation: *S.I. 349 of 2011 Regulation 57(f) and (g)*

Comments: The carriage of small quantities of “time expired” marine pyrotechnics, especially from pleasure boat owners and ship chandlers, to a military barracks or range for their safe disposal has created difficulties, particularly in relation to packaging requirements. The derogation is for small quantities (below those specified in 1.1.3.6) for local transport, encompassing all UN numbers assigned to maritime pyrotechnics.

Expiry date: 30 June 2027

RO-a-IE-7

Subject: Adoption of **RO-a-HU-2**.

Initial reference to the national legislation: -

Expiry date: 30 June 2027

ES Spain

RO-a-ES-1

Subject: Placarding of containers

Legal basis: Directive 2008/68/EC, Article 6(2)(a).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3.1.2.

Content of the Annex to the Directive: The placards shall be affixed to both sides and at each end of the container, MEGC, tank-container or portable tank.

Content of the national legislation: The placard doesn't have to be fixed to the containers carrying packages when used exclusively in road transport operations. This exemption does not apply to classes 1 or 7.

Initial reference to the national legislation: *Real Decreto 97/2014. Anejo 1. Apartado 8*

Comments: When a container, other than a tank container, is used only for road transport, and is not related to an intermodal transport operation, it is fulfilling the functions of a swap body. Swap bodies for packaged goods carriage do not require any type of danger placards, except for classes 1 and 7.

Therefore, it has been considered convenient to exempt containers used as swap bodies in road transport operations exclusively from the requirement of placarding, excluding the container carrying goods of classes 1 or 7.

In this exemption containers are assimilated to swap bodies in relation to security conditions, there are no reasons to call for more requirements for containers than for swap bodies since these comply with more security requirements due to their specific design and construction. The rest of placarding and marking required for vehicles carrying dangerous goods shall comply with the provisions of Chapter 5.3 of Annex I, Section I.1 to Directive 2008/68/EC.

Expiry date: 1 January 2025

FR France

RO-a-FR-2

Subject: Transport of waste arising from care activities involving a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the national legislation: Exemption from the requirements of the ADR for the transport of waste arising from care activities presenting a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg.

Initial reference to the national legislation: *Arrêté du 1er juin 2001 relatif au transport des marchandises dangereuses par route – Article 12*

Expiry date: 30 June 2027

RO-a-FR-5

Subject: Transport of dangerous goods in public passenger transport vehicles (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.3.1.

Content of the Annex to the Directive: Transport of passengers and dangerous goods.

Content of the national legislation: Transport of dangerous goods other than those of class 7, authorised in public transport vehicles as hand luggage: only the provisions relating to the packaging, marking and labelling of parcels set out in 4.1, 5.2 and 3.4 apply.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 relatif au transport des marchandises dangereuses par voies terrestres, annexe I paragraphe 3.1*

Comments: Only dangerous goods for personal or own professional use are permitted to be carried in hand luggage. Portable gas receptacles are allowed for patients with respiratory problems in the necessary amount for one journey.

Expiry date: 30 June 2027

RO-a-FR-6

Subject: Own-account transport of small quantities of dangerous goods (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Obligation to have a transport document.

Content of the national legislation: Own-account transport of small quantities of dangerous goods other than class 7, not exceeding the limits set in 1.1.3.6 is not subject to the obligation to have a transport document provided for in 5.4.1.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 relatif au transport des marchandises dangereuses par voies terrestres annexe I, paragraphe 3.2.1*

Expiry date: 30 June 2027

RO-a-FR-7

Subject: Road transport of samples of chemical substances, mixtures and articles containing dangerous goods for the purpose of market surveillance.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1 to 9

Content of the Annex to the Directive: General provisions, classification, special provisions and exemptions concerning the carriage of dangerous goods packed in limited quantities, provisions concerning the use of packaging and tanks, consignment procedures, packaging construction requirements, provisions concerning transport conditions, handling, loading and unloading, requirements concerning transport equipment and transport operations, requirements concerning the construction and approval of vehicles.

Content of the national legislation: Samples of chemical substances, mixtures and articles containing dangerous goods and carried for analysis as a part of market surveillance activity shall be packed in combination packagings. They shall comply with the rules concerning maximum quantities for inner packaging depending on the type of the dangerous good involved. The outer packaging shall comply with the requirements for solid plastic boxes (4H2, Chapter 6.1 of Annex I, Section I.1 to Directive 2008/68/EC). The outer packaging must bear the marking of Section 3.4.7, Annex I, Section I.1 to Directive 2008/68/EC and the text “Samples for analysis” (in French: “Echantillons destinés à l’analyse”). Provided that these provisions are complied with, the carriage is not subject to the provisions of Annex I, Section I.1 to Directive 2008/68/EC.

Initial reference to the national legislation: *Arrêté du 12 décembre 2012 modifiant l'arrêté du 29 mai 2009 relatif aux transports de marchandises dangereuses par voies terrestres*

Comments: The exemption of Section 1.1.3, Annex I, Section I.1 to Directive 2008/68/EC does not provide for the transport of samples of dangerous goods for analysis taken by or on behalf of the competent authorities. To ensure effective market surveillance, France has introduced a procedure based on the system applicable to limited quantities for ensuring the safety of transport of samples containing dangerous goods. As it is not always feasible to apply the provisions of table A the quantity limit for the inner packaging has been defined in a more operational way.

Expiry date: 1 January 2025

RO-a-FR-8

Subject: Adoption of RO-a-HU-2. Transport of non-medicinal pharmaceutical products intended for pharmacies and hospitals

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B

Content of the national legislation: Packaging is not required to have marks affixed in accordance with point 6.1.3 of Annex I, Section I.1, to Directive 2008/68/EC or to be identified if it contains dangerous goods in small quantities.

Initial reference to the national legislation: *Arrêté du 29 mai 2009 modifié relatif au transport des marchandises dangereuses par voies terrestres, annexe I, paragraphe 3.10*

Comments: This derogation is strictly limited to companies delivering pharmaceutical products to pharmacies and hospitals. As part of their activities, the companies unpack goods packaged mainly in limited quantities. These products are then placed in sealed outer packaging (plastic or cardboard boxes).

Expiry date: 30 June 2027

HU Hungary

RO-a-HU-1

Subject: Adoption of RO-a-DE-2

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2025

RO-a-HU-2

Subject: Distribution of goods in inner packagings to retailers or from local distribution depots to retailers or users and from retailers to end-users.

Reference to Annex I, Section I.1 to Directive 2008/68/EC: 6.1.

Content of the Annex to the Directive: Requirements for the construction and testing of packaging.

Content of national legislation: The inner packaging is not required to have been allocated a mark according to Section 6.1.3 of Annex I, Section I.1 to Directive 2008/68/EC or to be otherwise marked if it contains dangerous goods originally packed according to Chapter 3.4 of Annex I, Section I.1 to Directive 2008/68/EC and carried in a quantity as set out in Annex 1. to the national legislation.

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Comments: The requirements of Annex I, Section I.1 to Directive 2008/68/EC are inappropriate for the final stages of carriage from a distribution depot to a retailer or user or from a retailer to an end-user. The purpose of this derogation is to allow the inner receptacles of goods for retail distribution to be carried on the final leg of a local distribution journey without an outer packaging.

Expiry date: 30 January 2025

AT Austria

RO-a-AT-1

Subject: Small quantities of all classes except 1, 6.2 and 7

Reference to Annex I, Section I.1 to Directive 2008/68/EC: 3.4

Content of the Annex to the Directive: Transport of dangerous goods packed in limited quantities.

Content of the national legislation: Up to 30 kg or l of dangerous goods not belonging to transport category 0 or 1 in LQ inner packaging or in packages in line with ADR or being robust articles may be packed together in X tested boxes.

End-users are allowed to fetch them from the shop and to bring them back, retailers to carry them to end-users or between their own shops.

The limit per transport unit is 333 kg or l, the permitted perimeter 100 km.

The boxes have to be marked uniformly and accompanied by a simplified transport document.

Only a few loading and handling provisions apply.

Initial reference to the national legislation: „Gefahrgutbeförderungsverordnung Geringe Mengen – GGBV-GM“ from 5.7.2019, BGBl. II Nr. 203/2019“

Expiry date: 30 June 2028

PT Portugal

RO-a-PT-3

Subject: Adoption of **RO-a-HU-2**

Initial reference to the national legislation: *Deliberação n.º 2053/2015, de 9 de novembro 2015*

Expiry date: 30 June 2027

FI Finland

RO-a-FI-1

Subject: Transport of dangerous goods in certain amounts in buses

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Part 1, 4 and 5

Content of the Annex to the Directive: Exemptions, Packaging provisions, Marking and Documentations.

Content of the national legislation: In buses with passengers, small amounts of specified dangerous goods may be transported as freight so that the total quantity does not exceed 200 kilos. In a bus, a private individual may transport dangerous goods referred to in section 1.1.3 where the goods in question are packaged for retail sale and are intended for their personal use. The total quantity of flammable liquids filled in refillable receptacles may not exceed 5 litres.

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road and Government Decree on the Transport of Dangerous Goods by Road (194/2002)*

Expiry date: 30 June 2027

RO-a-FI-2

Subject: Description of empty tanks in the transport document

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Part 5, 5.4.1

Content of the Annex to the Directive: Special provisions for carriage in tank-vehicles or transport units with more than one tank

Content of the national legislation: When transporting empty, uncleaned tank-vehicles or transport units having one or more tanks marked in accordance with 5.3.2.1.3, the last transported substance marked in the transport document may be the substance with the lowest flash-point.

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road*

Expiry date: 30 June 2027

RO-a-FI-3

Subject: Placarding and marking of the transport unit for explosives.

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.3.2.1.1

Content of the Annex to the Directive: General orange-coloured plate marking provisions

Content of the national legislation: Transport units (normally vans) transporting small amounts of explosives (maximum net mass 1 000 kg) to quarries and working sites may be affixed at the front and the rear with a placard model No 1.

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road*

Expiry date: 30 June 2027

SE Sweden

RO-a-SE-1

Subject: Adoption of RO-a-FR-7

Legal basis: Directive 2008/68/EC, Article 6(2)(a) (Small quantities)

Reference to the Annex I, Section I.1 to Directive 2008/68/EC: Part 1 to 9.

Context of the Directive:

Reference to the national legislation: *Särskilda bestämmelser om visa inrikes transporter av farligt gods på väg och i terräng.*

Comments:

Expiry date: 30 June 2027

Based on Article 6(2)(b)(i) of Directive 2008/68/EC

BE Belgium

RO-bi-BE-5

Subject: Carriage of waste to waste disposal plants.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.2, 5.4, 6.1.

Content of the Annex to the Directive: Classification, marking and requirements concerning the packaging.

Content of the national legislation: Instead of classifying waste according to the ADR, waste is assigned to different groups (flammable solvents, paints, acids, batteries, etc.) to avoid dangerous reactions within one group. The requirements for the manufacture of packaging are less restrictive.

Initial reference to the national legislation: *Arrêté royal relatif au transport des marchandises dangereuses par route*

Comments: This regulation may be used for the carriage of small quantities of waste to disposal plants.

Expiry date: 31 December 2028

RO-bi-BE-6

Subject: Adoption of **RO-bi-SE-5**

Initial reference to the national legislation: *derogation 01-2004*

Expiry date: 31 December 2028

RO-bi-BE-7

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: *derogation 02-2003*

Expiry date: 31 December 2028

RO-bi-BE-8

Subject: Exemption from prohibition on driver or driver's assistant opening packages of dangerous goods in a local distribution chain from a local distribution depot to a retailer or end-user and from the retailer to the end-user (except for Class 7).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.3.3.

Content of the Annex to the Directive: Prohibition on driver or driver's assistant opening packages of dangerous goods.

Content of the national legislation: Prohibition of opening packages is qualified by the proviso "Unless authorised to do so by the operator of the vehicle".

Initial reference to the national legislation: *Arrêté royal relatif au transport des marchandises dangereuses par route*

Comments: If taken literally, the prohibition in the Annex as worded can create serious problems for retail distribution.

Expiry date: 31 December 2028

RO-bi-BE-10

Subject: Transport in close proximity of industrial sites including transport on public road.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Annexes A and B.

Content of the national legislation: The derogations concern the documentation, the driver's certificate, labelling and/or marking of packages.

Initial reference to the national legislation: *derogations 10-2012, 12-2012, 24-2013, 31-2013, 07-2014, 08-2014, 09-2014 and 38-2014.*

Expiry date: 31 December 2028

RO-bi-BE-11

Subject: collection of butane-propane cylinders without conforming labelling

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.2.2.1.1

Content of the Annex to the Directive: gas cylinders need to have hazard labels affixed.

Content of the national legislation: during the collection of cylinders which contained UN 1965, the missing hazard labels don't need to be replaced if the vehicle is correctly labelled (model 2.1)

Initial reference to the national legislation: *derogation 14-2016*.

Expiry date: 31 December 2028

RO-bi-BE-12

Subject: transport of UN 3509 in sheeted bulk containers

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.3.2.1

Content of the Annex to the Directive: UN 3509 has to be carried in closed bulk containers

Initial reference to the national legislation: *derogation 15-2016*

Expiry date: 31 December 2028

RO-bi-BE-13

Subject: transport of DOT cylinders

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.2.3.4 to 6.2.3.9

Content of the Annex to the Directive: gas cylinders need to be manufactured and tested according to Chapter 6.2 of ADR

Content of the national legislation: gas cylinders constructed and tested according to the prescriptions of United States Department of Transportation (DOT) can be used for transport of a limited list of gases annexed to the derogation

Initial reference to the national legislation: *derogation BWV01-2017*

Expiry date: 31 December 2028

DK Denmark

RO-bi-DK-1

Subject: UN 1202, 1203, 1223 and Class 2 – no transport document.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Transport document needed.

Content of the national legislation: When transporting mineral oil products in Class 3, UN 1202, 1203 and 1223 and gases in Class 2 in connection with distribution (goods to be delivered to two or more recipients and collection of returned goods in similar situations), a transport document is not required provided the written instructions besides the information requested in the ADR, contain information relating to the UN-No, name and class.

Initial reference to the national legislation: *Bekendtgørelse nr. 729 af 15.8.2001 om vejtransport af farligt gods*.

Comments: The reason for having that national derogation is that the development of electronic equipment makes it possible for e.g. the oil companies using such equipment to transmit continuously to the vehicles information about the customers. As this information is not available at the beginning of the transport operation and will be forwarded to the vehicle during the transport journey, it is not possible – before the transport begins – to draw up the transport documents. These kinds of transport are restricted to limited areas.

Derogation for Denmark for a similar provision under Article 6(10) of Directive 94/55/EC.

Expiry date: 30 June 2026

RO-bi-DK-2

Subject: Adoption of RO-bi-SE-6

Initial reference to the national legislation: *Bekendtgørelse nr. 437 af 6. juni 2005 om vejtransport af farligt gods, as amended.*

Expiry date: 30 June 2026

RO-bi-DK-3

Subject: Transporting dangerous goods within private premises placed in close proximity of one another.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the carriage of dangerous goods on public roads.

Content of the national legislation: Regarding transportation of dangerous goods by road between two or more separate private premises placed in close proximity, the transport can happen with a written permit from the competent authority – certain conditions apply.

Initial reference to the national legislation: *Bekendtgørelse nr. 828 af 10. juni 2017 om vejtransport af farligt gods.*

Comments: A situation can easily occur where goods are transferred between private premises situated nearby each other but where it is still necessary to access public road for a very limited distance (e.g. crossing a road). This does not constitute carriage of dangerous goods on a public road in the normal sense of the term, and only more lenient terms apply.

Expiry date: 30 June 2026

RO-bi-DK-4

Subject: Road transport of dangerous goods of certain classes from private households and enterprises to nearby waste collecting points or intermediate processing facilities for the purpose of disposal.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts 1 to 9

Content of the Annex to the Directive: General provisions, classification provisions, special provisions, packing provisions, consignment procedures, requirements for the construction and testing of packagings, provisions concerning the conditions of carriage, loading, unloading and handling, requirements for vehicle crews, equipment, operation and documentation and requirements concerning the construction and approval of vehicles.

Content of the national legislation: Dangerous goods from private households and enterprises may under certain conditions be carried to nearby waste collecting points or intermediate processing facilities for the purpose of disposal. Different provisions shall be complied with depending on the character and risks related to the transport; such as the quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit, and whether carriage of dangerous goods is ancillary to the main activity of the enterprises or not.

Initial reference to the national legislation: *Bekendtgørelse nr. 818 af 28. juni 2011 om vejtransport af farligt gods § 4, stk. 3.*

Comments: It is not possible for waste managers and enterprises to apply all provisions of Annex I, Section I.1 to Directive 2008/68/EC when wastes that may contain residues of dangerous goods are carried from private households and/or enterprises to nearby waste collecting points for the purpose of disposal. The waste is typically packagings that have been originally carried according to the exemption of sub-section 1.1.3.1 (c) of Annex I, Section I.1 to Directive 2008/68/EC and/or sold in retail. However, exemption 1.1.3.1 (c) does not apply to carriage to waste collecting points, and provisions of chapter 3.4 of Annex I, Section I.1 to Directive 2008/68/EC are not appropriate for carriage of waste inner packagings.

Expiry date: 1 January 2025

RO-bi-DK-5

Subject: Exemption to allow the loading and unloading of dangerous goods, to which the special provision CV1 in 7.5.11 or S1 in 8.5 is assigned, in a public place without special permission from the competent authorities.

Reference to Annex I, section I.1, to this directive: 7.5.11, 8.5

Content of the Annex to the Directive: Additional provisions concerning loading, unloading and handling.

Content of the national legislation: Loading and unloading of dangerous goods in a public place is permitted without special permission from the competent authority, in derogation from the requirements of 7.5.11 or 8.5.

Initial reference to the national legislation: *Bekendtgørelse nr. 828 af 10/06/2017 om vejtransport af farligt gods.*

Comments: For national transport within the state, this provision places a very onerous burden on the competent Authorities as well as on the business community dealing with the dangerous goods in question.

Expiry date: 30 June 2026

DE Germany**RO-bi-DE-1**

Subject: Waiving of certain indications in the transport document (n2).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.1.

Content of the Annex to the Directive: Contents of the transport document.

Content of the national legislation: For all classes except classes 1 (except 1.4S), 5.2 and 7:

No indication needed in the transport document:

- (a) for the consignee in case of local distribution (except for full load and for transport with certain routings);
- (b) for the amount and types of packaging, if 1.1.3.6 is not applied and if the vehicle is in conformity with all the provisions of Annex A and B;
- (c) for empty uncleaned tanks the transport document of the last load is sufficient.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 18.*

Comments: Applying all provisions would not be practicable as regards the kind of traffic concerned.

Derogation was registered by the Commission as No 22 (under Article 6(10) of Directive 94/55/EC).

Expiry date: 30 June 2027

RO-bi-DE-3

Subject: Transportation of packaged hazardous waste.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packaging (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 20.*

Comments: List No 6*.

Expiry date: 30 June 2027

RO-bi-DE-5

Subject: Local transport of UN 3343 (nitroglycerine mixture, desensitised, liquid, flammable, not otherwise specified, with not more than 30 % nitroglycerine by mass) in tank-containers, derogating from sub-section 4.3.2.1.1 of Annex I, Section I.1 to Directive 2008/68/EC.

Reference to Annex I, section I.1 to Directive 2008/68/EC: 3.2, 4.3.2.1.1,

Content of the Annex to the Directive: Provisions on the use of tank-containers.

Content of the national legal provisions: local transport of nitroglycerin (UN 3343) in tankcontainers, over short distances, subject to compliance with the following conditions:

1. Requirements for the tank-containers

- 1.1. Only tank-containers specifically authorised for this purpose may be used, which in other respects comply with the provisions on construction, equipment, authorisation of the construction model, tests, labelling and operation in Chapter 6.8 of Annex I, Section I.1 to Directive 2008/68/EC.
- 1.2. The tank-container's closing mechanism must have a pressure-release system which yields to an internal pressure of 300 kPa (3 bar) above normal pressure and in so doing frees an upward-facing opening with a pressure-release area of at least 135 cm² (diameter 132 mm). The opening must not re-close after being activated. As a safety installation, one or more safety elements with the same activation behaviour and a corresponding pressure-release area can be used. The construction type of the safety installation must have successfully undergone type testing and type approval by the authority responsible.

2. Labelling

Each tank-container is to be labelled on both sides with a danger label in accordance with model 3 in sub-section 5.2.2.2.2 of Annex I, Section I.1 to Directive 2008/68/E.

3. Operating provisions

- 3.1. It must be ensured that during transport the nitroglycerine is evenly distributed in the phlegmatisation medium and no de-mixing can take place.
- 3.2. During loading and unloading it is not permitted to remain in or on a vehicle, except in order to operate the loading and unloading equipment.
- 3.3. At the the place of unloading, the tank-containers are to be completely emptied. If they cannot be completely emptied, they are to be closed tight after unloading until they are filled again.

Original reference to national legal provisions: *derogation North Rhine-Westphalia*

Remarks: This concerns local transport in tank-containers by road over short distances as part of an industrial process between two fixed production locations. In order to manufacture a pharmaceutical product, production location A delivers as part of a rule-compliant transport in 600 l tank-containers a resin solution, flammable (UN 1866), packaging group II, to production location B. Here a nitroglycerine solution is added and mixing takes place, producing a glue mixture containing nitroglycerine, desensitised, liquid, flammable, not otherwise specified, with not more than 30 % nitroglycerine by mass (UN 3343) for further use. The return transport of this substance to production location A also takes place in the said tank-containers, which have been specially checked and approved by the relevant authority for this specific transport operation and bear the tank code L10DN.

End of the period of validity: 30 June 2028

RO-bi-DE-6

Subject: Adoption of **RO-bi-SE-6**.

Initial reference to the national legislation: *f 1 Absatz 3 Nummer 1 der Gefahrgutverordnung Straße, Eisenbahn und Binnenschifffahrt (GGVSEB)*

Expiry date: 30 June 2027

RO-bi-DE-7

Subject: Adoption of RO-bi-BE-10

Initial reference to the national legislation:

Expiry date: 31 December 2027

IE Ireland**RO-bi-IE-3**

Subject: Exemption to allow the loading and unloading of dangerous goods, to which the special provision CV1 in 7.5.11 or S1 in 8.5 is assigned, in a public place without special permission from the competent authorities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5 and 8.5.

Content of the Annex to the Directive: Additional provisions concerning loading, unloading and handling.

Content of the national legislation: Loading and unloading of dangerous goods in a public place is permitted without special permission from the competent authority, in derogation from the requirements of 7.5.11 or 8.5.

Initial reference to the national legislation: *Regulation 82(5) of the "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: For national transport within the state, this provision places a very onerous burden on the competent authorities.

Expiry date: 30 June 2027

RO-bi-IE-6

Subject: Exemption from requirement in 4.3.4.2.2, which requires flexible filling and discharge pipes that are not permanently connected to the shell of a tank-vehicle to be empty during transport.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.3.

Content of the Annex to the Directive: Use of tank-vehicles.

Content of the national legislation: Flexible hose reels (including fixed pipelines associated with them) attached to tank-vehicles engaged in the retail distribution of petroleum products with substance identification numbers UN 1011, UN 1202, UN 1223, UN 1863 and UN 1978 are not required to be empty during carriage by road, provided adequate measures are taken to prevent any loss of contents.

Initial reference to the national legislation: *Regulation 82(8) of the "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: Flexible hoses fitted to home delivery tank-vehicles must remain full at all times even during transport. The discharge system is known as a "wet-line" system that requires the tank-vehicle's meter and hose to be primed so as to ensure the customer receives the correct quantity of product.

Expiry date: 30 June 2027

RO-bi-IE-7

Subject: Exemption from some requirements of 5.4.0, 5.4.1.1.1 and 7.5.11 of the ADR for the transport in bulk of Ammonium Nitrate Fertilizer UN 2067 from ports to consignees.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.0, 5.4.1.1.1 and 7.5.11.

Content of the Annex to the Directive: The requirement for a separate transport document, with the correct total quantity for the particular load included, for each transport journey; and the requirement for the vehicle to be cleaned before and after the journey.

Content of the national legislation: Proposed derogation to allow modifications to the requirements of the ADR on the transport document and vehicle cleaning; to take account of the practicalities of bulk transport from port to consignee.

Initial reference to the national legislation: *Proposed amendment to "Carriage of Dangerous Goods by Road Regulations, 2004"*.

Comments: The provisions of the ADR require (a) a separate transport document, containing the total mass of dangerous goods carried for the particular load; and (b) the Special Provision "CV24" on cleaning for each and every load being transported between the port and the consignee during the unloading of a bulk ship. As the transport is local and as it concerns the unloading of a bulk ship, involving multiple transport loads (on the same or consecutive days) of the same substance between the bulk ship and the consignee, a single transport document, with an approximate total mass of each load, should suffice and it should not be necessary to require the Special Provision "CV24".

Expiry date: 30 June 2027

RO-bi-IE-8

Subject: Transport of dangerous goods between private premises and another vehicle in the immediate vicinity of the premises, or between two parts of private premises situated in the immediate vicinity of each other but separated by a public road.

Reference to the Annex of the Directive: Annex I, Section 1.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the carriage of dangerous goods by road.

Content of the national legislation: Disapplication of the regulations where a vehicle is being used to transfer dangerous goods

- (a) between private premises and another vehicle in the immediate vicinity of those premises; or
- (b) between two parts of private premises in the immediate vicinity of each other but which may be separated by a public road,

provided that the transport is carried out by means of the most direct route.

Initial reference to the national legislation: *European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 and 2013, Regulation 56.*

Comments: Various situations can occur where goods are transferred between two parts of private premises or between private premises and an associated vehicle which are separated by a public road. This form of transport does not constitute the carriage of dangerous goods in the usual sense, and thus the regulations pertaining to the carriage of dangerous goods do not need to be applied. See also RO-bi-SE-3 and **RO-bi-DK-3**.

Expiry date: 30 June 2027

EL Greece

RO-bi-EL-1

Subject: Derogation from the safety requirements for fixed tanks (tank-vehicles) with a gross mass of less than 4 t used for the local transport of gas oil (UN 1202), first registered in Greece between 1 January 1991 and 31 December 2002.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.6.3.6, 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5, 6.8.2.1.17-6.8.2.1.22, 6.8.2.1.28, 6.8.2.2, 6.8.2.2.1, 6.8.2.2.2.

Content of the Annex to the Directive: Requirements for construction, equipment, type approval, inspections and tests, and marking of fixed tanks (tank-vehicles), removable tanks and tank containers and tank swap bodies, with shells made of metallic materials, and battery vehicles and MEGCs.

Content of the national legislation: Transitional provision: Fixed tanks (tank-vehicles) with a gross mass of less than 4 t used for the local transport of gas oil only (UN 1202), first registered in Greece between 1 January 1991 and 31 December 2002 whose shell thickness is less than 3 mm, may still be used. It is intended to cover local transport for vehicles registered during that period. This transitional provision will be in force for tank vehicles only if they are transformed according to 6.8.2.1.20 and adapted according to:

1. Paragraphs of the ADR for inspection and tests: 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5
2. Tanks shall fulfil the requirements of 6.8.2.1.28, 6.8.2.2.1 and 6.8.2.2.2.

In the field H "Duration of validity" of the vehicle's registration certificate shall be written "30.6.2027"

Initial reference to the national legislation: Τεχνικές Προδιαγραφές κατασκευής, εξοπλισμού και ελέγχων των δεξαμενών μεταφοράς συγκεκριμένων κατηγοριών επικινδύνων εμπορευμάτων για σταθερές δεξαμενές (οχήματα-δεξαμενές), αποσυναρμολογούμενες δεξαμενές που βρίσκονται σε κυκλοφορία (Requirements for construction, equipment, inspections and tests of fixed tanks (tank-vehicles) and removable tanks in circulation, for some categories of dangerous goods).

Expiry date: 30 June 2027

ES Spain

RO-bi-ES-2

Subject: Special equipment for distribution of anhydrous ammonia.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 6.8.2.2.2.

Content of the Annex to the Directive: In order to avoid any loss of contents in the event of damage to the external fittings (pipes, lateral shut-off devices), the internal stop valve and its seating must be protected against the danger of being wrenched off by external stresses or be so designed as to resist such stresses. The filling and discharge devices (including flanges or threaded plugs) and protective caps (if any) must be capable of being secured against any unintended opening.

Content of the national legislation: Tanks used for agricultural purposes for the distribution and application of anhydrous ammonia which were brought into service before 1 January 1997 may be equipped with external, instead of internal, safety fittings, provided they offer protection at least equivalent to the protection provided by the wall of the tank.

Initial reference to the national legislation: *Real Decreto 97/2014. Anejo 1. Apartado 3.*

Comments: Before 1 January 1997 a type of tank equipped with external safety fittings was used exclusively in agriculture to apply anhydrous ammonia directly onto the land. Various tanks of this kind are still in use today. They are rarely driven, laden, on the road, but are used solely for fertiliser on large farms.

Expiry date: 30 June 2027

FR France

RO-bi-FR-1

Subject: Utilisation of maritime document as transport document for short-distance trips following unloading of vessel.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1

Content of the Annex to the Directive: Information to appear in the document used as transport document for hazardous goods.

Content of the national legislation: The maritime document is used as transport document within a radius of 15 km.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route – Article 23-4.*

Expiry date: 30 June 2027

RO-bi-FR-3

Subject: Transport of fixed LPG storage tanks (18).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the national legislation: The transport of fixed LPG storage tanks is subject to specific rules. Applicable only to short distances.

Initial reference to the national legislation: *Arrêté du 1^{er} juin 2001 relatif au transport des marchandises dangereuses par route – Article 30.*

Expiry date: 30 June 2027

RO-bi-FR-4

Subject: Adoption of **RO-bi-BE-8**

Initial reference to the national legislation: *Arrêté du 29 mai 2009 modifié relatif aux transports de marchandises dangereuses par voies terrestres.*

Expiry date: 30 June 2027

RO-bi-FR-5

Subject: Adoption of RO-bi-BE-5

Initial reference to the national legislation: -

Expiry date: 30 June 2024

RO-bi-FR-6

Subject: Transport of waste containing free asbestos

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.4

Content of the Annex to the Directive: Packing instruction P002

Content of the national legislation: Transport of waste containing free asbestos (UN No 2212 ASBESTOS, AMPHIBOLE (amosite, tremolite, actinolite, anthophyllite, crocidolite) or UN No 2590 ASBESTOS, CHRYSOTILE) from construction sites:

- the waste is transported in tipper lorries,
- the waste is packaged in large “container bags” – folding bags of the dimensions of the tipper bed – that are closed tight so as to prevent asbestos fibres escaping during transport,
- the container bags are designed to withstand the stresses encountered under normal transport conditions and during unloading at the landfill site,
- the other conditions that apply under the ADR are fulfilled.
- These transport conditions appear particularly suited to the transport of large quantities of waste produced by roadworks or asbestos removal from buildings. The conditions are also suited to the final storage of the waste at approved landfill sites and offer greater ease of loading and therefore better protection of workers from the asbestos compared with the conditions applicable under the P002 packing instruction in chapter 4.1.4 of the ADR.

Initial reference to the national legislation: -

Expiry date: 30 June 2024

HU Hungary

RO-bi-HU-1

Subject: Adoption of RO-bi-SE-3

Initial reference to the national legislation: *A nemzeti fejlesztési miniszter rendelete az ADR Megállapodás A és B Mellékletének belföldi alkalmazásáról*

Expiry date: 30 January 2025

NL The Netherlands

RO-bi-NL-13

Subject: Scheme for transport of domestic hazardous waste 2015

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6, 3.3, 4.1.4, 4.1.6, 4.1.8, 4.1.10, 5.1.2, 5.4.0, 5.4.1, 5.4.3, 6.1, 7.5.4, 7.5.7, 7.5.9, 8 and 9.

Content of the Annex to the Directive: Exemptions for certain quantities; special provisions; use of packaging; use of over-packaging; documentation; construction and testing of packaging; loading, unloading and handling; manning; equipment; operation; vehicles and documentation; construction and approval of vehicles.

Content of the national legislation: provisions relating to the transport of small collected domestic hazardous waste as well as domestic hazardous waste from businesses, which is supplied in appropriate packaging with a maximum capacity of 60 litres. Given the small quantities involved in each instance and given the diverse nature of the various substances, it is not possible to conduct the transport operations in total compliance with ADR rules. Accordingly, a simplified variant deviating from a number of provisions in the ADR is therefore stipulated under the abovementioned scheme.

Initial reference to the national legislation: *Scheme for transport of domestic hazardous waste 2015*

Comments: The scheme was set up to enable individuals and businesses to deposit small chemical waste at a single location. The substances in question therefore consist of residues such as paint waste. The danger level is minimised by the choice of means of transport, involving, inter alia, the use of special transport elements and “no smoking” notices plus a yellow flashing light clearly visible to members of the public. The crucial point as far as transport is concerned is that safety is guaranteed. This can be achieved by, for instance, having the substances transported in sealed packagings so as to avoid dispersal, or the risk of toxic vapours leaking or accumulating in the vehicle. Incorporated in the vehicle are units suitable for storing the various categories of waste and providing protection against shunting and accidental displacement as well as inadvertent opening. At the same time, notwithstanding the small quantities of waste presented, the transport operator must have a certificate of professional competence, given the diverse nature of the substances involved. Because of the lack of knowledge on the part of private individuals regarding the danger levels associated with these substances, written instructions shall be provided, as stipulated in the Annex to the scheme.

Expiry date: 30 June 2027

RO-bi-NL-14

Subject: Adoption of RO-bi-SE-4

Initial reference to the national legislation: *Wet Vervoer Gevaarlijke Stoffen, VLG*

Expiry date: 30 June 2027

PT Portugal**RO-bi-PT-1**

Subject: Transport documentation for UN 1965

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Requirements for transport documentation.

Content of the national legislation: The proper shipping name to be indicated in the transport document, as provided for in Section 5.4.1 of the RPE (*Regulamento Nacional de Transporte de Mercadorias Perigosas por Estrada*), for commercial butane and propane gases covered by the collective heading “UN No 1965 hydrocarbon gas mixture, liquefied, n.o.s.”, transported in cylinders, may be replaced by other trade names as follows:

“UN 1965 Butane” in the case of mixtures A, A01, A02 and A0, as described in subsection 2.2.2.3 of the RPE, transported in cylinders;

“UN 1965 Propane” in the case of mixture C, as described in subsection 2.2.2.3 of the RPE, transported in cylinders.

Initial reference to the national legislation: *Despacho DGTT 7560/2004, 16 April 2004, under Article 5, No 1, of Decreto-Lei No 267-A/2003 of 27 October*

Comments: The importance of making it easier for economic operators to fill in transport documents for dangerous goods is recognised, provided that the safety of these operations is not affected.

Expiry date: 30 June 2027

RO-bi-PT-2

Subject: Transport documentation for empty uncleaned tanks and containers.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Requirements for transport documentation

Content of the national legislation: For the return journeys of empty tanks and containers that have transported dangerous goods, the transport document referred to in Section 5.4.1 of the RPE may be replaced by the transport document issued for the immediately preceding journey made to deliver the goods.

Initial reference to the national legislation: *Despacho DGTT15162/2004, 28 July 2004, under Article 5, No 1, of Decreto-Lei No 267-A/2003, of 27 October*

Comments: The obligation that the transport of empty tanks and containers that have contained dangerous goods be accompanied by a transport document in accordance with the RPE causes, in certain cases, practical difficulties, which can be kept to the minimum without prejudice to safety.

Expiry date: 30 June 2027

RO-bi-PT-3

Subject: Adoption of RO-bi-BE-8

Initial reference to the national legislation: *Deliberação 12/2021, de 5 Janeiro 2021*

Expiry date: 30 June 2027

FI Finland**RO-bi-FI-1**

Subject: Modification of information in the transport document for explosive substances.

Legal basis: Directive 2008/68/EC, Article 6(2)(a)

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.2.1(a)

Content of the Annex to the Directive: Special provisions for Class 1.

Content of the national legislation: In the transport document it is permissible to use the number of detonators (1 000 detonators correspond to 1 kg explosives) instead of the actual net mass of explosive substances.

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road*

Comments: The information is considered sufficient for national transport. This derogation is used mainly for the blasting industry in respect of small amounts transported locally.

Expiry date: 30 June 2027

RO-bi-FI-3

Subject: Adoption of **RO-bi-DE-1**

Initial reference to the national legislation: *The Finnish Transport and Communications Agency Regulation on the Transport of Dangerous Goods by Road*

Expiry date: 30 June 2027

RO-bi-FI-4

Subject: Adoption of **RO-bi-SE-6**

Initial reference to the national legislation: *Government Decree on a Driving Certificate for Drivers of Vehicles Carrying Dangerous Goods (401/2011)*

Expiry date: 30 June 2027

SE Sweden

RO-bi-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to Annex I, Section I.1 to Directive 2008/68/EC: Part 5 and 6.

Content of the Annex to the Directive: Requirements for construction and testing of packages.

Content of the national legislation: Carriage of packagings containing dangerous goods as waste shall be carried out in accordance with the provisions of ADR from which only a few exemptions are allowed. Exemptions are not permitted for all types of substances and articles.

The main exemptions are:

Small packagings (less than 30 kg) of dangerous goods as waste may be packed in packagings, including IBCs and large packagings, without complying with the provisions of sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex I, Section I.1 to this Directive. Packagings, including IBCs and large packagings need not be tested as prepared for carriage with a representative sample of small inner packages.

This is permitted provided that:

- packagings, IBCs and large packagings conform to a type which has been tested and approved according to packing group I or II of the applicable provisions of Sections 6.1, 6.5 or 6.6 of Annex I, Section I.1 to this Directive,
- the small packagings are packed with absorbent material that retains any free liquid that might escape into the outer packagings, IBCs or large packagings during carriage, and

- the packagings, IBCs or large packagings as prepared for carriage have a gross mass of no more than the permitted gross mass stated on the UN design type marking for packing groups I or II for the packagings, IBCs or large packagings; and
- the following sentence is included in the transport document “Packed according to part 16 of ADR-S”.

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act*

Comments: Sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex I, Section I.1 to this Directive are difficult to apply because the packagings, IBCs and large packagings shall be tested with a representative sample of the waste, which is hard to predict on beforehand.

Expiry date: 30 June 2027

RO-bi-SE-2

Subject: The name and address of the consignor in the transport document.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.

Content of the Annex to the Directive: General information required in the transport document.

Content of the national legislation: National legislation states that the name and address of the consignor is not required if empty, uncleaned packaging is returned as part of a distribution system.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: Empty uncleaned packaging being returned will in most cases still contain small quantities of dangerous goods.

This derogation is mainly used by industries when returning empty uncleaned gas receptacles in exchange for full ones.

Expiry date: 30 June 2027

RO-bi-SE-3

Subject: Transport of dangerous goods in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s).

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annexes A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods on public roads.

Content of the national legislation: Transport in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s). The derogations concern the labelling and marking of packages, transport documents, driver's certificate and certificate of approval according to 9.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: There are several situations in which dangerous goods are transferred between premises situated on opposite sides of a public road. This form of transport does not constitute carriage of dangerous goods on a private road and shall therefore be associated with the relevant requirements. Compare also with Article 6(14) of Directive 96/49/EC.

Expiry date: 30 June 2027

RO-bi-SE-4

Subject: Transport of dangerous goods that have been seized by the authorities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annex A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods by road.

Content of the national legislation: Deviations from the regulations may be permitted if they are motivated by reasons of labour protection, unloading risks, submission of evidence etc.

Deviations from the regulations are permitted only if satisfactory safety levels are met during normal conditions of carriage.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: These derogations may be applied only by authorities seizing dangerous goods.

This derogation is intended for local transport e.g. of goods that have been seized by the police, such as explosives or stolen property. The problem with these types of goods is that one can never be sure of classifications. In addition, the goods are often not packed, marked or labelled in accordance with the ADR. There are several hundred such transportations carried out by the police every year. In the case of smuggled liquor, this must be transported from the place where it is seized to a facility where evidence is stored and then on to a facility for destruction; the latter two may be quite far apart from each other. The deviations permitted are: (a) each package does not need to be labelled; and (b) approved packages do not need to be used. However, each pallet containing such packages must be correctly labelled. All other requirements must be fulfilled. There are approximately 20 such transportations each year.

Expiry date: 30 June 2027

RO-bi-SE-5

Subject: Transport of dangerous goods in and in close proximity to ports.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.1.2, 8.1.5, 9.1.2

Content of the Annex to the Directive: Documents to be carried on the transport unit; every transport unit carrying dangerous goods must be equipped with the specified equipment; vehicle approval.

Content of the national legislation: Documents (except for the driver's certificate) need not be carried on the transport unit.

A transport unit need not be equipped with the equipment specified in 8.1.5.

Tractors need not have a certificate of approval.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: Compare Directive 96/49/EC, Article 6(14).

Expiry date: 30 June 2027

RO-bi-SE-6

Subject: Inspectors' ADR training certificate.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.2.1.

Content of the Annex to the Directive: Drivers of vehicles must attend training courses.

Content of the national legislation: Inspectors who perform the yearly technical inspection of the vehicle do not need to attend the training courses mentioned in 8.2 or hold the ADR training certificate.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: In some cases, vehicles being tested in the technical inspection may be carrying dangerous goods as load, e.g. uncleaned, empty tanks.

The requirements in 1.3 and 8.2.3 are still applicable.

Expiry date: 30 June 2027

RO-bi-SE-7

Subject: Local distribution of UN 1202, 1203 and 1223 in tankers.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4.1.1.6, 5.4.1.4.1.

Content of the Annex to the Directive: For empty uncleaned tanks and tank-containers the description shall be in accordance with 5.4.1.1.6. The name and address of multiple consignees may be entered in other documents.

Content of the national legislation: For empty, uncleaned tanks or tank-containers the description in the transport document according to 5.4.1.1.6 is not needed if the amount of the substance in the loading plan is marked with 0. The name and address of the consignees are not required in any document on board the vehicle.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Expiry date: 30 June 2027

RO-bi-SE-9

Subject: Local transport in relation to agricultural sites or construction sites.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 5.4, 6.8 and 9.1.2.

Content of the Annex to the Directive: Transport document; Construction of tanks; Certificate of approval.

Content of the national legislation: Local transport in relation to agricultural sites or construction sites need not comply with some regulations:

- (a) the dangerous goods declaration is not required;
- (b) older tanks/containers not constructed according to 6.8 but according to older national legislation and fitted on crew wagons may still be used;
- (c) older tankers, not fulfilling the requirements in 6.7 or 6.8, intended for the transport of substances of UN 1268, 1999, 3256 and 3257, with or without road surface coating equipment, may still be used for local transport and in close proximity to road work places;
- (d) certificates of approval for crew wagons and tankers with or without road surface coating equipment are not required.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: A crew wagon is a kind of caravan for a work crew with a crew room and fitted with a non-approved tank/container for diesel fuel intended for the operation of forestry tractors.

Expiry date: 30 June 2027

RO-bi-SE-10

Subject: Tank transport of explosives.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 4.1.4.

Content of the Annex to the Directive: Explosives may be packaged only in accordance with 4.1.4.

Content of the national legislation: The competent national authority will approve vehicles intended for tank transport of explosives. Tank transport is permissible only for those explosives listed in the regulation or by special authorisation from the competent authority.

A vehicle loaded with explosives in tanks must be marked and labelled in accordance with 5.3.2.1.1, 5.3.1.1.2 and 5.3.1.4. Only one vehicle in the transport unit may contain dangerous goods.

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act and the Swedish regulation SÄIFS 1993:4.*

Comments: This is applicable only to domestic transport and when the transport operation is mostly of a local nature. The regulations in question were in force before Sweden joined the European Union.

Only two companies perform transport operations with explosives in tank-vehicles. In the near future transition to emulsions is expected.

Old derogation No 84.

Expiry date: 30 June 2027

RO-bi-SE-11

Subject: Driver's licence

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 8.2.

Content of the Annex to the Directive: Requirements concerning the training of the vehicle crew.

Content of the national legislation: Driver training is not permitted with any vehicle referred to in 8.2.1.1.

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act*

Comments: Local transport.

Expiry date: 30 June 2027

RO-bi-SE-12

Subject: Carriage of UN 0335 fireworks.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Annex B, 7.2.4, V2 (1)

Content of the Annex to the Directive: Provisions for the use of EX/II and EX/III vehicles.

Content of the national legislation: When carrying UN 0335 fireworks, Special Provision V2 (1) in 7.2.4 is applicable only to a net explosive content of more than 3 000 kg (4 000 kg with trailer), provided the fireworks have been assigned to UN 0335 according to the default fireworks classification table in 2.1.3.5.5 of the fourteenth revised edition of the UN Recommendations on the Transport of Dangerous Goods.

Such assignment shall be made with the agreement of the competent authority. A verification of the assignment shall be carried on the transport unit.

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act*

Comments: The carriage of fireworks is limited in time to two short periods of the year, the turn of the year and the turn of the month April/May. The carriage from consignors to terminals can be effected by the present fleet of EX-approved vehicles without great problems. However, the distribution both of fireworks from terminals to shopping areas and of the surplus back to the terminal is limited due to a lack of EX-approved vehicles. The carriers are not interested in investing in such approvals because they cannot recover their costs. This places the whole existence of consignors of fireworks in jeopardy because they cannot get their products on the market.

When using this derogation, the classification of the fireworks must be made on the basis of the default list in the UN Recommendations, in order to get the most up-to-date classification possible.

A similar type of exception exists for UN 0336 fireworks incorporated in Special Provision 651, 3.3.1 of the ADR 2005.

Expiry date: 30 June 2027

RO-bi-SE-13

Subject: Adoption of RO-bi-DK-4

Legal basis: Directive 2008/68/EC, Article 6(2)(b)(i) (Local transport over short distances)

Reference to the Annex I, Section n I, 1 to Directive 2008/68/EC: Parts 1 to 9.

Content of the Annex to the Directive:

Reference to national legislation: *Särskilda bestämmelser om visa inrikes transporter av farligt gods på väg och i terräng*

Comments:

Expiry date: 30 June 2027.;

(2) in Annex II, Section II.3 is replaced by the following:

II.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: RA-a/bi/bii-MS-nn

RA = Rail

a/bi/bii = Article 6(2) a/bi/bii

MS = Abbreviation of Member State

nn = order number

Based on Article 6(2)(a) of Directive 2008/68/EC

DE Germany

RA-a-DE-2

Subject: Combined packaging authorisation.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 4.1.10.4 MP2.

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Class 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Class 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 21.*

Comments: List No 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

Expiry date: 30 June 2027

FR France

RA-a-FR-3

Subject: Transport for the needs of the rail carrier.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.4.1.

Content of the Annex to the Directive: Information concerning hazardous materials to be indicated on the consignment note.

Content of the national legislation: Transport for the needs of the rail carrier of quantities not exceeding the limits set in 1.1.3.6 is not subject to the load declaration obligation.

Initial reference to the national legislation: *Arrêté du 5 juin 2001 relatif au transport des marchandises dangereuses par chemin de fer – Article 20.2*

Expiry date: 30 June 2027

RA-a-FR-4

Subject: Exemption from the labelling of certain mail wagons.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Content of the national legislation: Only mail wagons carrying over 3 tonnes of a material in the same class (other than 1, 6.2 or 7) must be labelled.

Initial reference to the national legislation: *Arrêté du 5 juin 2001 relatif au transport des marchandises dangereuses par chemin de fer – Article 21.1*

Expiry date: 30 June 2027

SE Sweden**RA-a-SE-1**

Subject: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 5.3.1.

Content of the Annex to the Directive: Railway carriages carrying dangerous goods must display labels.

Content of the national legislation: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Initial reference to the national legislation: *Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng*

Comments: There are quantity limits in the RID for goods designated as express goods. Therefore it is a small quantity issue.

Expiry date: 30 June 2027

Based on Article 6(2)(b)(i) of Directive 2008/68/EC**DK Denmark****RA-bi-DK-1**

Subject: Carriage of dangerous goods in tunnels

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 7.5

Content of the Annex to the Directive: Loading, unloading and protective distances

Content of the national legislation: The legislation provides for alternative provisions than provided for in Annex II, Section II.1 to Directive 2008/68/EC regarding carriage through the rail tunnel of the fixed link across the Great Belt and Øresund. These alternative provisions relate only to load volume and the distance between dangerous goods loads.

Initial reference to the national legislation: *Bestemmelser om transport af Eksplosiver i jernbanetunnellerne på Storebælt og Øresund, 11. maj 2017*

Comments:

Expiry date: 30 June 2027

DE Germany**RA-bi-DE-2**

Subject: Transportation of packaged hazardous waste.

Reference to Annex II, Section II.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packagings (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. IS. 4350); Ausnahme 20.*

Comments: List No 6*.

Expiry date: 30 June 2027

RA-bi-DE-3

Subject: Local transport of UN 1381 (phosphorus, yellow, under water), Class 4.2, packaging group I, in railway tank wagons.

Reference to Annex II, section II.1 to Directive 2008/68/EC: 6.8, 6.8.2.3.

Content of the Annex to the Directive: Provisions for the construction of tanks and tank wagons. Chapter 6.8, subsection 6.8.2.3, requires type approval for tanks carrying UN 1381 (phosphorus, yellow, under water).

Content of the national legislation: Local transport of UN 1381 (phosphorus, yellow, under water), Class 4.2, packaging group I, over short distances (from Sassnitz-Mukran to Lutherstadt Wittenberg-Piesteritz and Bitterfeld) in railway tank wagons built according to Russian standards. The transport of the goods is subject to additional operational provisions laid down by the competent safety authorities.

Initial reference to the national legislation: *Ausnahme Eisenbahn-Bundesamt Nr. E 1/92*

Expiry date: 30 January 2025

SE Sweden

RA-bi-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to the Annex II, Section II.1 to Directive 2008/68/EC: Part 5 and 6.

Content of the Annex to the Directive: Requirements for construction and testing of packages.

Content of the national legislation: Carriage of packagings containing dangerous goods as waste shall be carried out in accordance with the provisions of this Directive from which only a few exemptions are allowed. Exemptions are not permitted for all types of substances and articles.

The main exemptions are:

Small packagings (less than 30 kg) of dangerous goods as waste may be packed in packagings, including IBCs and large packagings, without complying with the provisions of sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex II, Section II.1 to this Directive. Packagings, including IBCs and large packagings need not be tested as prepared for carriage with a representative sample of small inner packages.

This is permitted provided that:

- packagings, IBCs and large packagings conform to a type which has been tested and approved according to packing group I or II of the applicable provisions of Sections 6.1, 6.5 or 6.6 of Annex II, Section II.1 to this Directive,
- the small packagings are packed with absorbent material that retains any free liquid that might escape into the outer packagings, IBCs or large packagings during carriage, and

- the packagings, IBCs or large packagings as prepared for carriage has a gross mass of no more than the permitted gross mass stated on the UN design type marking for packing groups I or II for the packagings, IBCs or large packagings, and
- the following sentence is included in the transport document “Packed according to part 16 of RID-S”

Initial reference to the national legislation: *Appendix S – Specific regulations for the domestic transport of dangerous goods by rail issued in accordance with the Transport of Dangerous Goods Act*

Comments: Sub-sections 6.1.5.2.1, 6.1.5.8.2, 6.5.6.1.2, 6.5.6.14.2, 6.6.5.2.1 and 6.6.5.4.3 of Annex II, Section II.1 to this Directive are difficult to apply because the packagings, IBCs and large packagings shall be tested with a representative sample of the waste, which is hard to predict on beforehand.

Expiry date: 30 June 2027

Based on Article 6(2)(b)(ii) of Directive 2008/68/EC

DE Germany

RA-bii-DE-2

Subject: local transport on designated routes of UN 1402 (calcium carbide), packaging group I, in containers on wagons.

Reference to Annex II, section II.1 to Directive 2008/68/EC: 3.2, 7.3.1.1

Content of the Annex to the Directive: General provisions for transport in bulk. Chapter 3.2, Table A, does not allow calcium carbide to be carried in bulk.

Content of the national legislation: Local transport by rail of UN 1402 (calcium carbide), packaging group I, on specifically designated routes, as part of a defined industrial process and closely controlled under clearly specified conditions. The loads are transported in purpose-built containers in wagons. The transport of the goods is subject to additional operational provisions laid down by the competent safety authorities.

Initial reference to the national legislation: *Ausnahme Eisenbahn-Bundesamt Nr. E 3/10*

Expiry date: 30 June 2027

(3) in Annex III, Section III.3 is replaced by the following:

III.3. National derogations

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: IW-a/bi/bii-MS-nn

IW = Inland Waterways

a/bi/bii = Article 6(2) a/bi/bii

MS = Abbreviation of Member State

nn = order number

Based on Article 6(2)(bi) of Directive 2008/68/EC

DE Germany

IW-bi-DE-1

Subject: Transportation of packaged hazardous waste.

Reference to Annex III, Section III.1, to Directive 2008/68/EC: 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packaging (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: *Gefahrgut-Ausnahmereverordnung – GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 20.*

Comments: List No 6*.

Expiry date: 30 June 2027.'

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