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## Legislation

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<sup>(1)</sup> 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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<sup>(1)</sup> Text with EEA relevance.

## II

*(Non-legislative acts)*

## REGULATIONS

## COUNCIL REGULATION (EU) 2023/1569

of 28 July 2023

**amending Regulation (EU) 2022/2309 concerning restrictive measures in view of the situation in Haiti**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2023/1574 of 28 July 2023 amending Decision (CFSP) 2022/2319 concerning restrictive measures in view of the situation in Haiti <sup>(1)</sup>,

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

Whereas:

- (1) On 25 November 2022, the Council adopted Regulation (EU) 2022/2309 <sup>(2)</sup>, which concerns restrictive measures in view of the situation in Haiti.
- (2) Regulation (EU) 2022/2309 gives effect to Council Decision (CFSP) 2022/2319 <sup>(3)</sup> and provides for the freezing of funds and economic resources of certain persons designated by the United Nations Security Council or by the relevant United Nations sanctions committee for engaging in or supporting gang violence, criminal activities or human rights abuses, or otherwise taking action that undermines the peace, stability and security of Haiti and the region.
- (3) Decision (CFSP) 2023/1574 establishes complementary criteria on the basis of which the Union can autonomously apply travel restrictions, asset freezes and prohibitions to make resources available to natural or legal persons, entities or bodies ('complementary measures').
- (4) Decision (CFSP) 2023/1574 further establishes that the humanitarian exemption from the asset-freeze measures pursuant to UNSC Resolution 2664 (2022) is also to apply to complementary measures.
- (5) Regulatory action at the Union level is therefore necessary to give effect to Decision (CFSP) 2023/1574, in particular with a view to ensuring uniform application by economic operators in all Member States.
- (6) The power to establish and amend the lists set out in Annexes I and Ia to Regulation (EU) 2022/2309 should be exercised by the Council in order to ensure consistency with the process for establishing, amending and reviewing Annex II to Decision (CFSP) 2022/2319.

<sup>(1)</sup> See page 21 of this Official Journal.<sup>(2)</sup> Council Regulation (EU) 2022/2309 of 25 November 2022 concerning restrictive measures in view of the situation in Haiti (OJ L 307, 28.11.2022, p. 17).<sup>(3)</sup> Council Decision (CFSP) 2022/2319 of 25 November 2022 concerning restrictive measures in view of the situation in Haiti (OJ L 307, 28.11.2022, p. 135).

- (7) Regulation (EU) 2022/2309 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EU) 2022/2309 is amended as follows:

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

##### *'Article 2*

It shall be prohibited to:

- (a) provide technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts therefor, directly or indirectly to any natural or legal person, entity or body listed in Annex I or Annex Ia;
- (b) provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of arms and related materiel, or for the provision of related technical assistance, directly or indirectly to any natural or legal person, entity or body listed in Annex I or Annex Ia.;

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

##### *'Article 3*

1. All funds and economic resources belonging to, owned, held or controlled, directly or indirectly, by any natural or legal person, entity or body listed in Annex I or Annex Ia shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I or Annex Ia.;

- (3) the following Article is inserted:

##### *'Article 4a*

1. Annex Ia shall include the natural or legal persons, entities or bodies designated by the Council that are:
  - (a) responsible for or complicit in, or having engaged in, directly or indirectly, actions that threaten the peace, stability and security of Haiti, including:
    - (i) engaging in, directly or indirectly, or supporting criminal activities and violence involving armed groups and criminal networks that promote violence, including forcible recruitment of children by such groups and networks, kidnappings, trafficking in persons and the smuggling of migrants, and homicides and sexual and gender-based violence;
    - (ii) supporting illicit trafficking and diversion of arms and related materiel, or illicit financial flows related thereto;
    - (iii) acting for or on behalf of or at the direction of, or otherwise supporting or financing, a person or entity designated in connection with the activity described in points (i) and (ii), including through the direct or indirect use of the proceeds from organised crime, including proceeds from illicit production and trafficking in drugs and their precursors originating in or transiting through Haiti, the trafficking in persons and the smuggling of migrants from Haiti, or the smuggling and trafficking of arms to or from Haiti;
    - (iv) acting in violation of the arms embargo, or having directly or indirectly supplied, sold or transferred to armed groups or criminal networks in Haiti, or having been the recipient of, arms or any related materiel, or any technical advice, training or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in Haiti;

- (v) planning, directing or committing acts that violate international human rights law or acts that constitute human rights abuses, including those involving extrajudicial killing, including of women and children, and the commission of acts of violence, abduction, enforced disappearances or kidnappings for ransom in Haiti;
  - (vi) planning, directing or committing acts involving sexual and gender-based violence, including rape and sexual slavery, in Haiti;
  - (vii) obstructing the delivery of humanitarian assistance to Haiti or access to, or the distribution of, humanitarian assistance in Haiti;
  - (viii) attacking personnel or premises of Union delegations and Member State diplomatic missions and operations in Haiti, or providing support for such attacks;
- (b) undermining democracy or the rule of law in Haiti through serious financial misconduct concerning public funds or the unauthorised export of capital; or
- (c) associated with natural or legal persons, entities or bodies designated under points (a) and (b).

2. Annex Ia shall include the grounds for listing the persons and entities referred to therein.

3. Annex Ia shall also contain, where available, the information necessary to identify the persons or entities concerned. With regard to natural persons, such information may include: names, including aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to entities, such information may include: names; place and date of registration; registration number; and place of business.;

(4) in Article 5, point (f) is replaced by the following:

‘(f) other appropriate actors as determined by the Sanctions Committee as regards Annex I and by the Council as regards Annex Ia.’;

(5) Article 6 is replaced by the following:

#### ‘Article 6

1. By way of derogation from Article 3, the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex I or Annex Ia, and dependent family members of such natural persons, including payments for food, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees or the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources,

where the authorisation concerns a natural or legal person, entity or body listed in Annex I and provided that the competent authority of the Member State concerned has notified the Sanctions Committee of that determination and of its intention to grant an authorisation, and in the absence of a negative decision by the Sanctions Committee within 5 working days of such notification.

2. By way of derogation from Article 3, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are necessary for extraordinary expenses, provided that:

- (a) where the authorisation concerns a natural or legal person, entity or body listed in Annex I, such determination has been notified to the Sanctions Committee by the competent authority of the Member State concerned and that the determination has been approved by that Committee; and

(b) where the authorisation concerns a natural or legal person, entity or body listed in Annex Ia, the Member State concerned has notified other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least 2 weeks prior to granting the authorisation.

3. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within 2 weeks of the authorisation.’;

(6) the following Articles are inserted:

*‘Article 6a*

1. Without prejudice to Article 5, by way of derogation from Article 3(1) and (2), and with regard to a natural or legal person, entity or body listed in Annex Ia, the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary for the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within 2 weeks of the authorisation.

*Article 6b*

1. By way of derogation from Article 3, and with regard to a natural or legal person, entity or body listed in Annex Ia, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within 2 weeks of the authorisation.’;

(7) in Article 7, paragraph 1 is replaced by the following:

‘1. By way of derogation from Article 3(1), the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources for natural or legal persons, entities or bodies listed in Annex I or Annex Ia, or the making available of certain funds or economic resources for natural or legal persons, entities or bodies listed in Annex I or Annex Ia, if the following conditions are met:

(a) the funds or economic resources are the subject of:

- (i) for a natural or legal person, entity or body listed in Annex I, a judicial, administrative or arbitral decision established prior to the date on which the natural or legal person, entity or body referred to in Article 4 was included in Annex I, or of a judicial, administrative or arbitral lien rendered prior to that date;
- (ii) for a natural or legal person, entity or body listed in Annex Ia, an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 4a was included in Annex Ia, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;

(b) the funds or economic resources will be used exclusively to satisfy claims secured by a decision as referred to in point (a) or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the decision or lien is not for the benefit of a natural or legal person, entity or body listed in Annex I or Annex Ia;

(d) the recognition of the decision or lien is not contrary to public policy in the Member State concerned; and

- (e) for a natural or legal person, entity or body listed in Annex I, the Sanctions Committee has been notified by the Member State of the decision or lien.;

(8) Article 8 is amended as follows:

- (a) paragraph 1 is replaced by the following:

‘1. By way of derogation from Article 3(1) and provided that a payment by a natural or legal person, entity or body listed in Annex I or Annex Ia is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned, before the date on which that natural or legal person, entity or body was included in Annex I or Annex Ia, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

- (a) the funds or economic resources will be used for a payment by a natural or legal person, entity or body listed in Annex I or Annex Ia; and
- (b) the payment is not in breach of Article 3(2).;

- (b) the following paragraph is inserted:

‘1a. For a natural or legal person, entity or body listed in Annex I, the intention to grant an authorisation shall be notified by the relevant Member State to the Sanctions Committee 10 working days in advance.’;

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

‘2. Article 3(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 4 was included in Annex I or Annex Ia; or
- (c) payments due to a natural or legal person, entity or body listed in Annex Ia under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned,

provided that any such interest, other earnings and payments are frozen in accordance with Article 3.;

(10) Article 11 is amended as follows:

- (a) paragraph 2 is replaced by the following:

‘2. Natural or legal persons, entities or bodies listed in Annex I or Annex Ia shall:

- (a) report before 9 January 2023 or within 6 weeks from the date of listing in Annex I, whichever is the latest, funds or economic resources within the jurisdiction of a Member State belonging to, owned, held or controlled by them, to the competent authority of the Member State where those funds or economic resources are located;
- (aa) report before 9 September 2023 or within 6 weeks from the date of listing in Annex Ia, whichever is the latest, funds or economic resources within the jurisdiction of a Member State belonging to, owned, held or controlled by them, to the competent authority of the Member State where those funds or economic resources are located; and
- (b) cooperate with the competent authority in any verification of such information.;

- (b) paragraph 4 is replaced by the following:

‘4. The Member State concerned shall inform the Commission within 2 weeks of the information received pursuant to paragraph 2, points (a) and (aa).;

(c) the following paragraph is inserted:

‘5a. The obligation in paragraph 2, point (aa), shall not apply until 2 September 2023 with regard to funds or economic resources located in a Member State that had laid down a similar reporting obligation under national law before 1 August 2023.’;

(11) in Article 13(1), point (a) is replaced by the following:

‘(a) natural or legal persons, entities or bodies listed in Annex I or Annex Ia’;

(12) in Article 14(1), point (a) is replaced by the following:

‘(a) funds frozen under Article 3(1) and authorisations granted under Articles 6, 6a, 6b, 7 and 8’;

(13) Article 16 is replaced by the following:

*‘Article 16*

1. Where the Security Council or the Sanctions Committee lists a natural or legal person, entity or body and has provided a statement of reasons for the designation, the Council shall include that natural or legal person, entity or body in Annex I.

1a. The Council shall establish and amend the list of natural and legal persons, entities and bodies set out in Annex Ia.

1b. The Council shall communicate its decision to a natural or legal person, entity or body as referred to in paragraphs 1 and 1a, including the grounds for listing, either directly, if the address is known, or through the publication of a notice, providing that natural or legal person, entity or body with an opportunity to present observations.

2. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.

3. Where the Security Council or the Sanctions Committee decides to delist a natural or legal person, entity or body, or to amend the identifying data of a listed natural or legal person, entity or body, the Council shall amend Annex I accordingly.

The list set out in Annex Ia shall be reviewed at regular intervals and at least every 12 months.’;

(14) in Article 18, paragraphs 1 and 2 are replaced by the following:

‘1. The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the “High Representative”) shall process personal data in order to carry out their tasks under this Regulation. Those tasks include:

(a) as regards the Council, preparing and making amendments to Annexes I and Ia;

(b) as regards the High Representative, preparing amendments to Annexes I and Ia;

(c) as regards the Commission:

(i) adding the contents of Annexes I and Ia to the electronic, consolidated list of persons, groups and entities subject to Union financial sanctions and to the interactive sanctions map, both publicly available;

(ii) processing information on the impact of the measures provided for in this Regulation such as the value of frozen funds and information on authorisations granted by the competent authorities.

2. The Council, the Commission and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons, only to the extent that such processing is necessary for the preparation of Annexes I and Ia.’;

(15) the text set out in the Annex to this Regulation is inserted as Annex Ia.

*Article 2*

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

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

Done at Brussels, 28 July 2023.

*For the Council*  
*The President*  
P. NAVARRO RÍOS

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*ANNEX**'ANNEX Ia*

List of natural and legal persons, entities and bodies referred to in Article 4a'.

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**COMMISSION DELEGATED REGULATION (EU) 2023/1570****of 23 May 2023****correcting the Hungarian language version of Delegated Regulation (EU) 2020/689 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') <sup>(1)</sup>, and in particular Article 42(6) thereof,

Whereas:

- (1) The Hungarian language version of Commission Delegated Regulation (EU) 2020/689 <sup>(2)</sup> contains an error in Part I, Chapter 1, Section 3, point 1, introductory phrase, of Annex IV that alters the meaning of the provision.
- (2) The Hungarian language version of Delegated Regulation (EU) 2020/689 should therefore be corrected accordingly. The other language versions are not affected,

HAS ADOPTED THIS REGULATION:

*Article 1*

*(Does not concern the English language.)*

*Article 2*

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

<sup>(1)</sup> OJ L 84, 31.3.2016, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2020/689 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases (OJ L 174, 3.6.2020, p. 211).

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

Done at Brussels, 23 May 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## COMMISSION IMPLEMENTING REGULATION (EU) 2023/1571

of 24 July 2023

**entering a name in the register of protected designations of origin and protected geographical indications ('Българско бяло саламурено сирене/Bulgarsko byalo salamureno sirene' (PDO))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Bulgaria's application to register the name 'Българско бяло саламурено сирене/Bulgarsko byalo salamureno sirene' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Българско бяло саламурено сирене/Bulgarsko byalo salamureno sirene' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Българско бяло саламурено сирене/Bulgarsko byalo salamureno sirene' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.3. Cheeses, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.

*Article 2*

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

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

Done at Brussels, 24 July 2023.

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

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 129, 13.4.2023, p. 67.

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

**COMMISSION IMPLEMENTING REGULATION (EU) 2023/1572****of 25 July 2023****establishing a derogation from Implementing Regulation (EU) 2019/2072 concerning the introduction into the Union territory of tubers of *Solanum tuberosum* L., other than those intended for planting, originating in certain regions of Lebanon**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC <sup>(1)</sup>, and in particular Articles 40(2) and 41(1) thereof.

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) <sup>(2)</sup>, and in particular Article 52 thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2019/1614 <sup>(3)</sup> authorised Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC <sup>(4)</sup> in respect of tubers of *Solanum tuberosum* L., other than those intended for planting, originating in the regions of Akkar and Bekaa of Lebanon ('the specified plants').
- (2) On 12 January 2023, Lebanon submitted a request for a prolongation of the derogation, granted by Implementing Decision (EU) 2019/1614, beyond 31 March 2023.
- (3) Regulation (EU) 2016/2031 has replaced Directive 2000/29/EC, while Commission Implementing Regulation (EU) 2019/2072 <sup>(5)</sup> has replaced Annexes I to V to that Directive.

<sup>(1)</sup> OJ L 317, 23.11.2016, p. 4.

<sup>(2)</sup> OJ L 95, 7.4.2017, p. 1.

<sup>(3)</sup> Commission Implementing Decision (EU) 2019/1614 of 26 September 2019 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon (OJ L 250, 30.9.2019, p. 85).

<sup>(4)</sup> Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

<sup>(5)</sup> Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

- (4) Implementing Regulation (EU) 2019/2072 sets out requirements concerning the introduction into the Union territory of certain plants, plant products or other objects to protect the Union territory from phytosanitary risks. Point 17(a) and (b) of Annex VI to that Regulation prohibits the introduction into the Union territory of tubers of *Solanum tuberosum* L., unless they originate in certain third countries or regions, or in countries known to be free from *Clavibacter sepedonicus* ('the specified pest'), or which apply rules recognised as equivalent to the Union rules against that pest.
- (5) Lebanon has submitted information that the regions of Akkar and Bekaa were free from the specified pest during the 2020, 2021 and 2022 growing seasons. That information demonstrates that the specified plants are grown under adequate phytosanitary conditions to ensure the protection of the Union territory from the specified pest. Moreover, during the application of Implementing Decision (EU) 2019/1614, no presence of the specified pest or other Union quarantine pests has been found on the specified plants during and after their introduction into the Union territory. For this reason, that derogation should be granted again subject to certain requirements to ensure that no Union quarantine pests are present on the specified plants when they are introduced into the Union territory.
- (6) The specified plants should be allowed to be introduced into the Union territory only through designated border control posts, to ensure effective controls and reduction of any phytosanitary risk.
- (7) Inspection requirements should be set out to ensure control of the phytosanitary risk. Sampling and testing of the specified plants at the border control posts should be carried out in order to ensure the phytosanitary protection of the Union territory in accordance with the existing test scheme established by Commission Implementing Regulation (EU) 2022/1194 <sup>(6)</sup>, as that scheme complies with the most updated international standards.
- (8) The specified plants should only be introduced into the Union territory if they are appropriately labelled, in particular to indicate the Lebanese origin and that the specified plants are not for planting. This is necessary to prevent the specified plants from being planted and to ensure their identification and traceability.
- (9) Due to the constraints of the COVID-19 pandemic and internal violent conflicts, Lebanon did not possess all resources to carry out a full assessment of the pest status of the regions of Akkar and Bekaa, thus it needs more time to complete that assessment. Therefore, and as this Regulation addresses a particular phytosanitary risk, which is not yet fully assessed, the requirements it provides are to have a temporary character pursuant to Article 7 of Implementing Regulation (EU) 2019/2072.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### Article 1

#### Definitions

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

- (1) 'specified plants' means tubers of *Solanum tuberosum* L., other than those intended for planting, originating in the regions of Akkar or Bekaa of Lebanon;

<sup>(6)</sup> Commission Implementing Regulation (EU) 2022/1194 of 11 July 2022 establishing measures to eradicate and prevent the spread of *Clavibacter sepedonicus* (Spieckermann & Kotthoff 1914) Nouioui et al. 2018 (OJ L 185, 12.7.2022, p. 47).

- (2) 'specified pest' means *Clavibacter sepedonicus* (Spieckermann & Kotthoff 1914) Nouioui *et al.* 2018;
- (3) 'pest free areas' means those areas of Akkar or Bekaa in Lebanon, that have been officially declared to be free from the specified pest by the Lebanese plant protection organization, in accordance with the International Standard for Phytosanitary Measures No 4 on requirements for the establishment of pest free areas <sup>(7)</sup> and have been communicated by Lebanon to the Commission annually.

## Article 2

### **Derogation from the prohibition to introduce the specified plants into the Union territory**

By way of derogation from point 17, (a) and (b), of Annex VI to Implementing Regulation (EU) 2019/2072, the introduction into the Union territory of the specified plants shall be allowed subject to compliance with the requirements set out in Articles 3 to 7 of this Regulation and in the Annex thereto.

## Article 3

### **Phytosanitary certificate**

The specified plants shall be accompanied by a phytosanitary certificate including, under the heading 'Additional declaration', the following elements:

- (a) the statement 'In accordance with European Union requirements laid down in Commission Implementing Regulation (EU) 2023/1572';
- (b) the lot number(s) corresponding to each specific exported lot;
- (c) the name of the pest free area of origin; and
- (d) the name and the registration number of the registered producer(s) referred to in point 3 of the Annex.

## Article 4

### **Requirements for the introduction of the specified plants into the Union territory**

The specified plants shall fulfil the following requirements:

- (a) they have been presented for introduction into the Union territory as lots, each lot being made up of specified plants produced by a single producer and harvested in one single pest free area;
- (b) each lot of the specified plants does not contain more than 1 % by net weight of soil and growing medium; and
- (c) they are moved in bags, packages or other containers, each of which is labelled in accordance with Article 6.

## Article 5

### **Inspections, sampling and testing by Member States**

1. At the border control posts or other control points, the specified plants shall be subject to the identity and physical checks set out in paragraphs 2 to 4 of this Article.

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<sup>(7)</sup> Glossary of Phytosanitary Terms – Reference Standard ISPM No 4 'Requirements for the establishment of pest free areas' by the Secretariat of the International Plant Protection Convention, Rome, 2017.

2. Visual inspections, sampling and testing aiming to detect and identify the specified pest shall be carried out on symptomatic and asymptomatic tubers of the specified plants, in accordance with Annex I to Regulation (EU) 2022/1194.

A sample shall consist of at least 200 tubers of the specified plants.

Where a lot exceeds 25 tons, one sample shall be taken for each 25 tons and one for the remaining part of the lot.

3. While the visual inspections, sampling and testing referred to in paragraph 2 are carried out, and pending the results of those tests, all lots of the consignment concerned, and all other consignments which contain a lot originating in the same pest free area and are under the control of the competent authority of the Member State concerned, shall remain under official supervision and shall not be moved or used.

4. Where the presence of the specified pest is confirmed after completion of the testing, referred to in paragraph 2, any remaining specified plant samples and material resulting from the tests shall be retained and appropriately conserved, and the lot concerned shall not be introduced into the Union territory. All remaining lots referred to in paragraph 3 shall be sampled and tested in accordance with Annex I to Regulation (EU) 2022/1194.

#### *Article 6*

##### **Labelling for introduction into the Union territory**

1. The specified plants shall only be introduced into the Union territory with a label, written in one of the official languages of the Union and containing all of the following elements:

- (a) the indication: 'Origin: Lebanon';
- (b) the name of the pest free area;
- (c) the identification number of the producer;
- (d) the number of the lot;
- (e) the indication 'not for planting'.

2. The label referred to in paragraph 1 shall have been issued by the Lebanese plant protection organization or by a professional operator under the official supervision of that organization.

#### *Article 7*

##### **Disposal of waste**

Waste resulting from packaging or processing of the specified plants in the Union territory shall be disposed of by the professional operators in such a manner that the specified pest cannot become established and spread in the Union territory.

#### *Article 8*

##### **Entry into force and period of application**

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

It shall apply until 31 August 2026.

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

Done at Brussels, 25 July 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX

**Requirements as regards specified plants to be fulfilled in Lebanon referred to in Article 2****1. Areas of production**

The specified plants have been produced in pest free areas which fulfil the requirements as set out in point 2.

**2. Surveys of pest free areas**

The pest free areas have been subject to systematic and representative annual surveys for the detection of the specified pest carried out by the Lebanese plant protection organisation throughout the three years before and during production.

The surveys have taken place in production sites of the specified plants located in the pest free areas, and on specified plants harvested in those areas.

The surveys have consisted of the following:

- (a) visual inspections of the production sites during the growing season;
- (b) visual examination of the harvested specified plants for symptoms of the specified pest on cut tubers;
- (c) laboratory testing on symptomatic and asymptomatic specified plants in accordance with Annex I to Regulation (EU) 2022/1194.

The surveys have not resulted in any finding of the specified pest or of any other evidence which could indicate that the area is not free from the pest.

The results of the surveys of the preceding calendar year have been submitted by the Lebanese plant protection organisation to the Commission, by 31 March of every year.

**3. Producers**

The specified plants have been grown by producers registered by the Lebanese plant protection organization.

**4. Production from certified specified plants for planting**

Specified plants have been grown from plants for planting certified in and imported from the Union into Lebanon or certified by the Lebanese plant protection organization as being free from Union quarantine pests.

**5. Production sites**

The specified plants have been grown in production sites where no specified plants, other than those referred to in point (4), have been grown during the previous 3 years.

**6. Handling**

The specified plants have been handled using machinery which is only used for handling specified plants satisfying conditions set out in points (1) to (5) or, where it has been used for other purposes, it has been cleaned and disinfected in an appropriate manner before handling the specified plants.

**7. Storage**

The specified plants have been stored in storage facilities, which are only used for storing specified plants satisfying conditions set out in points (1) to (6) or, where they have been used for other purposes, they have been subjected to appropriate hygiene measures before being used for storing the specified plants.

**8. Tests prior to packaging and export**

As close as possible to the time of export, and immediately prior to packaging, tubers of the specified plants, including asymptomatic tubers, have been subjected to tests aiming to detect and identify the presence of the specified pest, in accordance with Annex I to Regulation (EU) 2022/1194, and have been found free from the specified pest.

**9. Packaging**

The packaging material used for the specified plants has been new or cleaned and disinfected.

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# DECISIONS

## COUNCIL DECISION (EU) 2023/1573

of 14 July 2023

**establishing the position to be taken on behalf of the European Union regarding the decision of the Participants to the Arrangement on Officially Supported Export Credits on amendments to the Sector Understanding on Export Credits for Renewable Energy, Climate Change Mitigation and Adaptation, and Water Projects contained in Annex IV to that Arrangement**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The guidelines contained in the Arrangement on Officially Supported Export Credits (the 'Arrangement'), developed within the framework of the Organisation for Economic Cooperation and Development ('OECD'), including the Sector Understanding on Export Credits for Renewable Energy, Climate Change Mitigation and Adaptation, and Water Projects (the 'Climate Change Sector Understanding') contained in Annex IV to the Arrangement, have been transposed and thus been made legally binding in the Union by Regulation (EU) No 1233/2011 of the European Parliament and of the Council <sup>(1)</sup>.
- (2) The Participants to the Arrangement (the 'Participants') are to agree on amendments to the Climate Change Sector Understanding with the objective of enlarging its scope and reviewing Appendix III thereto. Any amendments should be in line with the Union's international commitments pursuant to the Paris Agreement and the Union's climate policy.
- (3) At present, the Climate Change Sector Understanding, which was last updated in 2014, focuses only on some sectors of energy generation and transmission. The scope of the Climate Change Sector Understanding limits the impact of the Climate Change Sector Understanding and does not effectively support the Participants' commitments under the Paris Agreement or the Union's ambitions as expressed in the European Green Deal.
- (4) The proposed amendments to the Climate Change Sector Understanding would enlarge its scope to include exports from industry sectors which are not currently covered by it. Accordingly, the amendments would allow exports meeting the applicable criteria from a broader range of industry sectors to benefit from the terms and conditions established under the Climate Change Sector Understanding. This would, in turn, enable export credit agencies from the Union and other Participants to play a greater role in supporting the green transition and to contribute to the achievement of the objectives of the Paris Agreement.
- (5) Pursuant to Article 9 of the Climate Change Sector Understanding, the Participants are to undertake a review of Appendix III by the end of 2020, with a view to assessing the international initiatives related to adaptation, market conditions, and the body of experience developed from the notification process to determine if the definitions, project criteria, terms and conditions should be continued and/or amended. As part of the review, it became

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<sup>(1)</sup> Regulation (EU) No 1233/2011 of the European Parliament and of the Council of 16 November 2011 on the application of certain guidelines in the field of officially supported export credits and repealing Council Decisions 2001/76/EC and 2001/77/EC (OJ L 326, 8.12.2011, p. 45).

apparent that the criteria for identifying adaptation projects, which currently require adaptation to be the principal objective of the project, are not suitable for export credit transactions, which usually also involve commercial activities to generate a cash flow. Consequently, it is appropriate to amend the criteria for adaptation projects set out in Appendix III to the Climate Change Sector Understanding by aligning them more closely with the standards used by development banks.

- (6) It is appropriate to establish the position to be taken on the Union's behalf regarding the decision of the Participants on amendments to the Climate Change Sector Understanding, as the decision will be binding on the Union and capable of decisively influencing the content of Union law, by virtue of Article 2 of Regulation (EU) No 1233/2011.
- (7) The position of the Union should therefore be to support the amendments based on the attached draft consolidated version of the Climate Change Sector Understanding,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The position to be taken on the Union's behalf regarding the decision of the Participants to the Arrangement on Officially Supported Export Credits on amendments to the Sector Understanding on Export Credits for Renewable Energy, Climate Change Mitigation and Adaptation, and Water Projects contained in Annex IV to the Arrangement shall be to support the amendments based on the draft consolidated version of the Climate Change Sector Understanding attached to this Decision <sup>(2)</sup>.

#### *Article 2*

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

Done at Brussels, 14 July 2023.

*For the Council*

*The President*

N. CALVIÑO SANTAMARÍA

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<sup>(2)</sup> See document ST 10121/23 ADD1 on <http://register.consilium.europa.eu>

**COUNCIL DECISION (CFSP) 2023/1574****of 28 July 2023****amending Decision (CFSP) 2022/2319 concerning restrictive measures in view of the situation in Haiti**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 25 November 2022, the Council adopted Decision (CFSP) 2022/2319 <sup>(1)</sup>, which concerns restrictive measures in view of the situation in Haiti. That Decision implements United Nations Security Council (UNSC) Resolution 2653 (2022), which established a sanctions regime for Haiti, including asset-freeze, travel-restriction and targeted arms-embargo measures.
- (2) The Union considers that the situation in Haiti continues to constitute a threat to international peace and security in the region, and remains concerned about the high levels of gang violence and other criminal activities, sexual and gender-based violence, the embezzlement of public funds, ongoing impunity for perpetrators, and the dire humanitarian situation in Haiti, all of which have devastating consequences for the Haitian population.
- (3) The situation in Haiti remains characterised by marked instability, which is linked to the fragility of the State. The general security conditions are extremely precarious due to the pervasive presence of armed gangs involved in illegal activities, hindering also the delivery of humanitarian aid. This situation risks compromising, inter alia, the holding of peaceful, free, fair and transparent legislative and presidential elections, which the Haitian Government is willing to call by 2024 if general security conditions permit, and obstructing the fragile democratic path of the country.
- (4) The Haitian authorities have repeatedly called upon the international community to provide support in re-establishing the authority of the State and the rule of law, including in the fight against armed gangs and other criminal organisations, in particular by asking the United Nations to deploy an international specialised force to assist the Haitian National Police and the Organization of American States in creating a dedicated working group to follow the development of the situation and liaise with the United Nations and the Caribbean Community.
- (5) In this context and in light of the further deteriorating political, economic, humanitarian and security situation in Haiti, the Council considers it appropriate to establish a dedicated framework for targeted restrictive measures against natural or legal persons, entities or bodies responsible for actions that threaten the peace, stability and security of Haiti and for actions that undermine democracy or the rule of law in Haiti, as well as against natural or legal persons, entities or bodies associated with them.
- (6) A threat to the peace, stability and security of Haiti is posed in particular by persons who engage in or support criminal activities and violence involving armed groups and criminal networks, support illicit trafficking and the diversion of arms, act in violation of the UN arms embargo, commit acts that violate international human rights law or that constitute human rights abuses, or obstruct humanitarian action in Haiti.
- (7) A threat to stability, democracy and the rule of law in Haiti is also posed by persons who engage in serious financial misconduct concerning public funds and the unauthorised export of capital.

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<sup>(1)</sup> Council Decision (CFSP) 2022/2319 of 25 November 2022 concerning restrictive measures in view of the situation in Haiti (OJ L 307, 28.11.2022, p. 135).

- (8) The Council considers that the humanitarian exemption from the asset-freeze measures pursuant to UNSC Resolution 2664 (2022) should also apply to the complementary measures concerning the freezing of funds and economic resources in addition to those decided upon by the Committee established by paragraph 19 of UNSC Resolution 2653 (2022).
- (9) Decision (CFSP) 2022/2319 should therefore be amended accordingly.
- (10) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Decision (CFSP) 2022/2319 is amended as follows:

- (1) in Article 1(1), second subparagraph, the words ‘the Annex’ are replaced by ‘Annex I’;
- (2) the following article is inserted:

##### *‘Article 1a*

1. The direct or indirect supply, sale, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, to, or for the benefit of, the persons and entities listed in Annex II by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited, whether originating or not in their territories.
2. It shall be prohibited to:
  - (a) provide technical assistance, training or other assistance, including the provision of armed mercenary personnel, related to military activities or the provision, maintenance or use of any arms and related materiel directly or indirectly to any person or entity listed in Annex II;
  - (b) provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance for any sale, supply, transfer or export of arms and related materiel, or for the provision of related technical or other assistance, directly or indirectly to any person or entity listed in Annex II;
3. Member States shall inspect, in accordance with their national authorities and legislation and consistent with international law, all cargo to Haiti in their territory, including seaports and airports, if they have information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited under this Article.
4. Member States shall ensure that adequate marking and recordkeeping measures are in place to trace arms, including small arms and light weapons, in accordance with the international and regional instruments to which they are parties, and to consider how best to assist, where relevant and upon their request, neighbouring countries in preventing and detecting illicit trafficking and diversion in violation of measures imposed in paragraphs 1 and 2.’;

- (3) Article 2 is amended as follows:

- (a) in paragraph 1, second subparagraph, the words ‘the Annex’ are replaced by ‘Annex I’;
- (b) in paragraph 5, the words ‘the Annex’ are replaced by ‘Annex I’;

- (4) the following article is inserted:

##### *‘Article 2a*

1. Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of natural persons:
  - (a) responsible for or complicit in, or having engaged in, directly or indirectly, actions that threaten the peace, stability and security of Haiti, including:

- (i) engaging in, directly or indirectly, or supporting criminal activities and violence involving armed groups and criminal networks that promote violence, including forcible recruitment of children by such groups and networks, kidnappings, trafficking in persons and the smuggling of migrants, and homicides and sexual and gender-based violence;
  - (ii) supporting illicit trafficking and diversion of arms and related materiel, or illicit financial flows related thereto;
  - (iii) acting for, on behalf of or at the direction of, or otherwise supporting or financing, a person or entity designated in connection with the activity described in point (i) or (ii), including through the direct or indirect use of the proceeds from organised crime, including proceeds from illicit production and trafficking in drugs and their precursors originating in or transiting through Haiti, the trafficking in persons and the smuggling of migrants from Haiti, or the smuggling and trafficking of arms to or from Haiti;
  - (iv) acting in violation of the arms embargo, or having directly or indirectly supplied, sold or transferred to armed groups or criminal networks in Haiti, or having been the recipient of, arms or any related materiel, or any technical advice, training or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in Haiti;
  - (v) planning, directing or committing acts that violate international human rights law or acts that constitute human rights abuses, including those involving extrajudicial killing, including of women and children, and the commission of acts of violence, abduction, enforced disappearances or kidnappings for ransom in Haiti;
  - (vi) planning, directing or committing acts involving sexual and gender-based violence, including rape and sexual slavery, in Haiti;
  - (vii) obstructing the delivery of humanitarian assistance to Haiti or access to, or the distribution of, humanitarian assistance in Haiti;
  - (viii) attacking personnel or premises of Union delegations and Member State diplomatic missions and operations in Haiti, or providing support for such attacks;
- (b) undermining democracy or the rule of law in Haiti through serious financial misconduct concerning public funds or the unauthorised export of capital; or
- (c) associated with natural persons designated under points (a) and (b) or under Article 2(1).

Natural persons as referred to in this paragraph are listed in Annex II.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall be without prejudice to cases where a Member State is bound by an obligation of international law, namely:
- (a) as a host country of an international intergovernmental organisation;
  - (b) as a host country to an international conference convened by, or under the auspices of, the United Nations;
  - (c) under a multilateral agreement conferring privileges and immunities; or
  - (d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.
4. Paragraph 3 shall also apply in cases where a Member State is host country of the Organization for Security and Cooperation in Europe (OSCE).
5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.
6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on the grounds of attending intergovernmental meetings or meetings promoted or hosted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes the policy objectives of restrictive measures.

7. Member States may also grant exemptions from the measures imposed under paragraph 1 where entry or transit is necessary for the fulfilment of a judicial process.

8. A Member State wishing to grant exemptions referred to in paragraphs 6 or 7 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more Member States raise an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more Member States raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

9. Where, pursuant to paragraph 3, 4, 6 or 7, a Member State authorises the entry into, or transit through, its territory of persons listed in Annex II, the authorisation shall be strictly limited to the purpose for which it is given and to the persons directly concerned thereby;

(5) Article 3 is amended as follows:

(a) in paragraph 1, second subparagraph, the words 'the Annex' are replaced by 'Annex I';

(b) in paragraph 2, the words 'the Annex' are replaced by 'Annex I';

(c) in paragraph 4, point (b), the words 'the Annex' are replaced by 'Annex I';

(6) the following article is inserted:

*'Article 3a*

1. All funds and economic resources owned or controlled directly or indirectly by natural or legal persons, entities or bodies:

(a) responsible for or complicit in, or having engaged in, directly or indirectly, actions that threaten the peace, stability and security of Haiti, including:

(i) engaging in, directly or indirectly, or supporting criminal activities and violence involving armed groups and criminal networks that promote violence, including forcible recruitment of children by such groups and networks, kidnappings, trafficking in persons and the smuggling of migrants, and homicides and sexual and gender-based violence;

(ii) supporting illicit trafficking and diversion of arms and related materiel, or illicit financial flows related thereto;

(iii) acting for, on behalf of or at the direction of, or otherwise supporting or financing, a person or entity designated in connection with the activity described in point (i) or (ii), including through the direct or indirect use of the proceeds from organised crime, including proceeds from illicit production and trafficking in drugs and their precursors originating in or transiting through Haiti, the trafficking in persons and the smuggling of migrants from Haiti, or the smuggling and trafficking of arms to or from Haiti;

(iv) acting in violation of the arms embargo, or having directly or indirectly supplied, sold or transferred to armed groups or criminal networks in Haiti, or having been the recipient of, arms or any related materiel, or any technical advice, training or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in Haiti;

(v) planning, directing or committing acts that violate international human rights law or acts that constitute human rights abuses, including those involving extrajudicial killing, including of women and children, and the commission of acts of violence, abduction, enforced disappearances or kidnappings for ransom in Haiti;

(vi) planning, directing or committing acts involving sexual and gender-based violence, including rape and sexual slavery, in Haiti;

(vii) obstructing the delivery of humanitarian assistance to Haiti or access to, or the distribution of, humanitarian assistance in Haiti;

(viii) attacking personnel or premises of Union delegations and Member State diplomatic missions and operations in Haiti, or providing support for such attacks;

- (b) undermining democracy or the rule of law in Haiti through serious financial misconduct concerning public funds or the unauthorised export of capital; or
- (c) associated with natural or legal persons, entities or bodies designated under points (a) and (b) or under Article 3(1),

shall be frozen.

Natural or legal persons, entities or bodies as referred to in this paragraph are listed in Annex II.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex II.

3. By way of derogation from paragraphs 1 and 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the natural or legal persons, entities or bodies listed in Annex II and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation; or
- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph within two weeks of the authorisation.

4. By way of derogation from paragraph 1, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was listed in Annex II, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex II; and
- (d) the recognition of the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph within two weeks of the authorisation.

5. Paragraph 1 shall not prevent a natural or legal person, entity or body listed in Annex II from making a payment due under a contract or agreement entered into, or an obligation that arose, prior to the date on which that natural or legal person, entity or body was listed therein, provided that the Member State concerned has determined that the payment is not, directly or indirectly, received by a natural or legal person, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned,

provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

7. Paragraphs 1 and 2 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources, or to the provision of goods and services, which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by OCHA;
- (e) the employees, grantees, subsidiaries or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) other appropriate actors as determined by the Council.

8. Without prejudice to paragraph 7, by way of derogation from paragraphs 1 and 2, and with regard to a natural or legal person, entity or body listed in Annex II, the competent authorities may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary for the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph within 2 weeks of the authorisation.;

(7) Article 4 is replaced by the following:

*'Article 4*

1. The Council, acting by unanimity, shall amend the list in Annex I in accordance with determinations made by the United Nations Security Council (the "Security Council") or by the Sanctions Committee.

2. The Council, acting by unanimity upon a proposal from a Member State or from the High Representative of the Union for Foreign Affairs and Security Policy (the "High Representative"), shall establish and amend the list in Annex II.;

(8) Article 5 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Where the Security Council or the Sanctions Committee designates a person or entity, the Council shall include that person or entity in Annex I. The Council shall communicate its decision, including the grounds for listing, to the person or entity concerned, either directly, if the address is known, or through the publication of a notice, providing that person or entity with an opportunity to present observations.’;

(b) the following paragraph is inserted:

‘1a. The Council shall communicate the decision referred to in Article 4(2), including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing that natural or legal person, entity or body with an opportunity to present observations.’;

(9) Article 6 is replaced by the following:

*‘Article 6*

1. Annex I shall include the grounds for listing the persons and entities as provided by the Security Council or the Sanctions Committee.

2. Annex I shall also include, where available, information provided by the Security Council or the Sanctions Committee necessary to identify the persons or entities concerned. With regard to natural persons, such information may include: names and aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to legal persons, entities or bodies, such information may include: names; place and date of registration; registration number; and place of business.

3. Annex II shall include the grounds for listing the natural and legal persons, entities and bodies referred to therein.

4. Annex II shall also include, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include: names and aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to legal persons, entities or bodies, such information may include: names; place and date of registration; registration number; and place of business.’;

(10) in Article 7, paragraphs 1 and 2 are replaced by the following:

‘1. The Council and the High Representative shall process personal data in order to carry out their tasks under this Decision, in particular:

(a) as regards the Council, for preparing and making amendments to Annexes I and II;

(b) as regards the High Representative, for preparing amendments to Annexes I and II.

2. The Council and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, and to criminal convictions or security measures concerning such persons, only to the extent that such processing is necessary for the preparation of Annexes I and II.’;

(11) the following article is inserted:

*‘Article 7a*

No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of that type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

(a) a designated natural or legal person, entity or body listed in Annex II; or

- (b) any natural or legal person, entity or body acting through or on behalf of a natural or legal person, entity or body as referred to in point (a).;

(12) Article 8 is replaced by the following:

*'Article 8*

1. This Decision shall be amended or repealed as appropriate, in accordance with determinations made by the Security Council.
2. The measures referred to in Article 2a(1) and Article 3a(1) and (2) shall apply until 29 July 2024 and shall be kept under constant review. They shall be renewed or amended, as appropriate, if the Council deems that their objectives have not been met.
3. In reviewing restrictive measures taken pursuant to Article 2a(1), first subparagraph, point (b), and Article 3a(1), first subparagraph, point (b), the Council shall take into account as appropriate whether the persons in question are subject to judicial proceedings in respect of the conduct for which they were listed.;

(13) the Annex is renamed 'Annex I';

(14) the text set out in the Annex to this Decision is added as Annex II.

*Article 2*

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

Done at Brussels, 28 July 2023.

*For the Council*  
*The President*  
P. NAVARRO RÍOS

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*ANNEX**'ANNEX II*

- A. List of natural persons referred to in Article 2a(1) and in Article 3a(1)
- B. List of legal persons, entities and bodies referred to in Article 3a(1)'.  
  

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**COMMISSION DECISION (EU) 2023/1575****of 27 July 2023****on the Union-wide quantity of allowances to be issued under the EU Emissions Trading System for 2024****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC <sup>(1)</sup>, and in particular Article 9 and Article 9a thereof,

Whereas:

- (1) Commission Decision (EU) 2020/1722 <sup>(2)</sup> set the Union-wide quantity of allowances referred to in Article 9 of Directive 2003/87/EC for 2021 at 1 571 583 007 allowances, applying the increase of the linear reduction factor to 2,2 % starting in 2021. As a result of applying this linear reduction factor, the Union-wide quantity of allowances for 2023 is 1 485 575 977.
- (2) Directive (EU) 2023/959 of the European Parliament and of the Council <sup>(3)</sup> amended Directive 2003/87/EC to decrease the Union-wide quantity of allowances in 2024 by 90 million allowances, as well as to increase it by 78,4 million allowances for maritime transport. The Union-wide quantity of allowances for 2024 set out in this Decision is reduced by the first amount and increased by the second amount.
- (3) Directive (EU) 2023/959 also amended Directive 2003/87/EC to increase the linear factor to 4,3 % for the years 2024 to 2027. The linear factor applies to the average annual total quantity of allowances issued by Member States in accordance with the Commission Decisions on their national allocation plans for the period from 2008 to 2012, and to the quantity of allowances corresponding to the maritime transport activities' average emissions reported in accordance with Regulation (EU) 2015/757 <sup>(4)</sup> for 2018 and 2019 that are addressed in Article 3ga of Directive 2003/87/EC. The application of the linear factor to these quantities amounts to a yearly reduction of the allowances to be issued in the Union of 87 924 231 allowances. In accordance with Article 9 of Directive 2003/87/EC, in order to calculate the value for 2024 set out in this Decision, the Union-wide quantity of allowances resulting from the changes set out in recital 2 is reduced by the total amount due to the linear reduction factor.
- (4) The Union-wide quantity of allowances for 2024 and the yearly reduction of the allowances to be issued in the Union resulting from the application of the linear reduction factor include the States of the European Economic Area and the European Free Trade Association.

<sup>(1)</sup> OJ L 275, 25.10.2003, p. 32.

<sup>(2)</sup> Commission Decision (EU) 2020/1722 of 16 November 2020 on the Union-wide quantity of allowances to be issued under the EU Emissions Trading System for 2021 (OJ L 386, 18.11.2020, p. 26).

<sup>(3)</sup> Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023, amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system (OJ L 130, 16.5.2023, p. 134).

<sup>(4)</sup> Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

- (5) Pursuant to Article 9a(4) of Directive 2003/87/EC, the Union-wide quantity of allowances for 2024 should take into account the exclusion from the EU ETS of small installations pursuant to Article 27 of Directive 2003/87/EC. No such exclusion have taken place since the publication of Decision (EU) 2020/1722.
- (6) In accordance with Article 9 of Directive 2003/87/EC, the Commission is to publish the Union-wide quantity of allowances by 6 September 2023.
- (7) The total quantity of allowances to be allocated in respect of aircraft operators for the year 2024 will be published separately as set out in Article 3c of Directive 2003/87/EC, and is therefore not included in the Union-wide quantity of allowances published in this Decision.
- (8) On this basis, for 2024 the Union-wide quantity of allowances referred to in Article 9 of Directive 2003/87/EC should amount to 1 386 051 745,

HAS ADOPTED THIS DECISION:

*Article 1*

For 2024, the Union-wide quantity of allowances referred to in Article 9 of Directive 2003/87/EC amounts to 1 386 051 745.

*Article 2*

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

Done at Brussels, 27 July 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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**COMMISSION DECISION (EU) 2023/1576****of 28 July 2023****confirming the participation of Ireland in Regulation (EU) 2021/2303 of the European Parliament and of the Council on the European Union Agency for Asylum**

THE EUROPEAN COMMISSION,

Having regard to Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and in particular Article 4 thereof,

Having regard to the notification by Ireland of its wish to accept and be bound by the Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 <sup>(1)</sup>,

Whereas:

- (1) By letter of 27 March 2023, Ireland notified its wish, in accordance with Article 4 of Protocol (No 21), to accept and be bound by Regulation (EU) 2021/2303.
- (2) All Member States participating in the European Union Agency for Asylum (EUAA) provide a certain number of experts to the asylum reserve pool referred to in Article 19(6) of Regulation (EU) 2021/2303. In order to allow Ireland to participate in Regulation (EU) 2021/2303, it is necessary to set out, as a specific condition to be fulfilled by Ireland, that Ireland should provide to the asylum reserve pool a specific number of experts. As Ireland, in the same way as the Member States already participating in the EUAA, has accepted to provide a specific number of experts to the asylum reserve pool, the conditions of participation of Ireland have been fulfilled, and its participation in Regulation (EU) 2021/2303 should be confirmed, in accordance with the procedure provided for in Article 331(1) of the Treaty on the Functioning of the European Union.
- (3) Ireland should provide the specific number of experts to the asylum reserve pool referred to in Article 19(6) of Regulation (EU) 2021/2303 until Regulation (EU) 2021/2303 is amended with regard to the asylum reserve pool,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The participation of Ireland in Regulation (EU) 2021/2303 is confirmed.
2. Ireland shall make available 8 experts to the asylum reserve pool referred to in Article 19(6) of Regulation (EU) 2021/2303.

*Article 2*

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

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<sup>(1)</sup> OJ L 468, 30.12.2021, p. 1.

Done at Brussels, 28 July 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## CORRIGENDA

**Corrigendum to Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union**

*(Official Journal of the European Union L 435 of 6 December 2021)*

On page 313, Article 5(8):

- for:* '8. Wine which meets the labelling requirements of Article 119 of Regulation (EU) No 1308/2013 and aromatised wine products which meet the labelling rules of Regulation (EU) No 251/2014 applicable in both cases before 8 December 2023 and which were produced and labelled before that date may continue to be placed on the market until stocks are exhausted.'
- read:* '8. Wine which meets the labelling requirements of Article 119 of Regulation (EU) No 1308/2013 and aromatised wine products which meet the labelling rules of Regulation (EU) No 251/2014 applicable in both cases before 8 December 2023 and which were produced before that date may continue to be placed on the market until stocks are exhausted.'
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