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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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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/1656

of 16 June 2023

amending Regulation (EU) No 649/2012 of the European Parliament and of the Council as regards the listing of pesticides and industrial chemicals*(Text with EEA relevance)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals ⁽¹⁾, and in particular Article 23(4), point (a), thereof,

Whereas:

- (1) Regulation (EU) No 649/2012 implements the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ⁽²⁾ ('the Rotterdam Convention').
- (2) By Implementing Regulations (EU) 2021/1379 ⁽³⁾ and (EU) 2022/94 ⁽⁴⁾, the Commission decided not to renew the approval of the substances famoxadone and phosmet, respectively, as active substances under Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽⁵⁾. The effect of that decision is that famoxadone and phosmet are banned from all use in the category 'pesticides', due to the fact that they have not been approved for any other use in that category. Therefore, famoxadone and phosmet should be added to the lists of chemicals set out in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.

⁽¹⁾ OJ L 201, 27.7.2012, p. 60.

⁽²⁾ OJ L 63, 6.3.2003, p. 29.

⁽³⁾ Commission Implementing Regulation (EU) 2021/1379 of 19 August 2021 concerning the non-renewal of approval of the active substance famoxadone, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011 (OJ L 297, 20.8.2021, p. 32).

⁽⁴⁾ Commission Implementing Regulation (EU) 2022/94 of 24 January 2022 concerning the non-renewal of the approval of the active substance phosmet, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 16, 25.1.2022, p. 33).

⁽⁵⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

- (3) By Implementing Regulation (EU) 2021/2081 ⁽⁶⁾, the Commission decided not to renew the approval of the substance indoxacarb as an active substance under Regulation (EC) No 1107/2009. That decision amounts to a severe restriction of the use of that substance at the level of the category 'pesticides', considering that indoxacarb is only approved for use in biocidal products under Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽⁷⁾ for product-type 18 in the subcategory 'other pesticide including biocides'. Therefore, indoxacarb should be added to the lists of chemicals set out in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (4) By Implementing Regulation (EU) 2021/795 ⁽⁸⁾ the Commission decided to withdraw the approval of the substance alpha-cypermethrin as an active substance under Regulation (EC) No 1107/2009. The effect of that decision is that alpha-cypermethrin is banned from use in the subcategory 'pesticide in the group of plant protection products'. In addition, the harmonised classification of alpha-cypermethrin under Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁹⁾ is sufficient evidence that the substance raises concerns for human health or the environment. Therefore, alpha-cypermethrin should be added to the list of chemicals set out in Part 1 of Annex I to Regulation (EU) No 649/2012.
- (5) The active substance bromadiolone has been withdrawn by industry from the approval process under Regulation (EC) No 1107/2009. The effect of that withdrawal is that bromadiolone is banned from use in the subcategory 'pesticide in the group of plant protection products'. In addition, the harmonised classification of bromadiolone under Regulation (EC) No 1272/2008 is sufficient evidence that the substance raises concerns for human health or the environment. Therefore, bromadiolone should be added to the list of chemicals set out in Part 1 of Annex I to Regulation (EU) No 649/2012.
- (6) The active substance metam-sodium has been withdrawn by industry from the approval process under Regulation (EU) No 528/2012. The effect of that withdrawal is that metam-sodium is banned from all use in the subcategory 'other pesticide including biocides'. In addition, the harmonised classification of that substance under Regulation (EC) No 1272/2008 is sufficient evidence that the substance raises concerns for human health or the environment. Therefore, metam-sodium should be added to the list of chemicals set out in Part 1 of Annex I to Regulation (EU) No 649/2012.
- (7) By Implementing Regulation (EU) 2022/782 ⁽¹⁰⁾ the Commission decided to withdraw the approval of the substance isopyrazam as an active substance under Regulation (EC) No 1107/2009. The effect of that decision is that isopyrazam is banned from all use in the category 'pesticides', due to the fact that it has not been approved for any other use in that category. Therefore, isopyrazam should be added to the lists of chemicals set out in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.

⁽⁶⁾ Commission Implementing Regulation (EU) 2021/2081 of 26 November 2021 concerning the non-renewal of approval of the active substance indoxacarb, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011 (OJ L 426, 29.11.2021, p. 28).

⁽⁷⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

⁽⁸⁾ Commission Implementing Regulation (EU) 2021/795 of 17 May 2021 withdrawing the approval of the active substance alpha-cypermethrin in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011 (OJ L 174, 18.5.2021, p. 2).

⁽⁹⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2022/782 of 18 May 2022 withdrawing the approval of the active substance isopyrazam in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, amending Commission Implementing Regulation (EU) No 540/2011 and repealing Implementing Regulation (EU) No 1037/2012 (OJ L 140, 19.5.2022, p. 3).

- (8) The active substance diuron has been withdrawn by industry from the approval process under Regulation (EC) No 1107/2009. The effect of that withdrawal is that the use of diuron is severely restricted at the level of the category 'pesticides', considering that diuron is only allowed to be used in biocidal products under Regulation (EU) No 528/2012 for product-types 7 and 10 in the subcategory 'other pesticide including biocides'. In addition, the harmonised classification of diuron under Regulation (EC) No 1272/2008 is sufficient evidence that the substance raises concerns for human health or the environment. Therefore, diuron should be added to the lists of chemicals set out in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (9) The active substances azimsulfuron, carbetamide, carboxin, cyproconazole, ethametsulfuron-methyl, etridiazole, fenbuconazole, fluquinconazole, lufenuron, metosulam, myclobutanil, pencycuron, prochloraz, profoxydim, spirodiclofen and triflumizole have been withdrawn by industry from the approval process under Regulation (EC) No 1107/2009. The effect of that withdrawal is that those substances are banned from all use in the category 'pesticides', due to the fact that they have not been approved for any other use in that category. In addition, the harmonised classification of those substances under Regulation (EC) No 1272/2008 is sufficient evidence that the substances raise concerns for human health or the environment. Therefore, those substances should be added to the lists of chemicals set out in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (10) By Implementing Decisions (EU) 2018/622 ⁽¹¹⁾, (EU) 2020/1765 ⁽¹²⁾ and (EU) 2021/98 ⁽¹³⁾, the Commission decided not to approve the substances chlorophene and esbiothrin as active substances under Regulation (EU) No 528/2012. The effect of that decision is that chlorophene and esbiothrin are banned from all use in the category 'pesticides', due to the fact that the substances have not been approved for any other use in that category. Therefore, chlorophene and esbiothrin should be added to the lists of chemicals set out in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (11) The active substance fenoxycarb has been withdrawn by industry from the approval processes under Regulation (EC) No 1107/2009 and under Regulation (EU) No 528/2012. The effect of those withdrawals is that fenoxycarb is banned from use in the category 'pesticides'. In addition, the harmonised classification of fenoxycarb under Regulation (EC) No 1272/2008 is sufficient evidence that the substance raises concerns for human health or the environment. Therefore, fenoxycarb should be added to the lists of chemicals set out in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (12) By Commission Delegated Regulation (EU) 2018/172 ⁽¹⁴⁾, the substance triflumuron has been added to the list of chemicals set out in Part 1 of Annex I to Regulation (EU) No 649/2012, based on a ban in the subcategory 'other pesticide including biocides'. In addition, the active substance triflumuron has been withdrawn by industry from the approval process under Regulation (EC) No 1107/2009 and the conclusions of the risk assessment under Regulation (EU) No 528/2012 constitute sufficient evidence that the substance raises concerns for human health or the environment, which amounts to a ban in the subcategory 'pesticide in the group of plant protection products'. Consequently, triflumuron is banned from all use in the category 'pesticides' and should be added to the list of chemicals set out in Part 2 of Annex I to Regulation (EU) No 649/2012.
- (13) By Commission Delegated Regulation (EU) No 1078/2014 ⁽¹⁵⁾, the substance cyfluthrin has been added to the list of chemicals set out in Part 1 of Annex I to Regulation (EU) No 649/2012, based on a ban in the subcategory 'pesticide in the group of plant protection products'. That ban amounts to a severe restriction of the use of that substance at the level of the category 'pesticides', considering that cyfluthrin is only approved for use in biocidal products under Regulation (EU) No 528/2012 for product-type 18 in the subcategory 'other pesticide including biocides'. Therefore, cyfluthrin should be added to the list of chemicals set out in Part 2 of Annex I to Regulation (EU) No 649/2012.

⁽¹¹⁾ Commission Implementing Decision (EU) 2018/622 of 20 April 2018 not approving chlorophene as an existing active substance for use in biocidal products of product-type 3 (OJ L 102, 23.4.2018, p. 80).

⁽¹²⁾ Commission Implementing Decision (EU) 2020/1765 of 25 November 2020 not approving chlorophene as an existing active substance for use in biocidal products of product-type 2 (OJ L 397, 26.11.2020, p. 24).

⁽¹³⁾ Commission Implementing Decision (EU) 2021/98 of 28 January 2021 not approving esbiothrin as an existing active substance for use in biocidal products of product-type 18 (OJ L 31, 29.1.2021, p. 214).

⁽¹⁴⁾ Commission Delegated Regulation (EU) 2018/172 of 28 November 2017 amending Annexes I and V to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals (OJ L 32, 6.2.2018, p. 6).

⁽¹⁵⁾ Commission Delegated Regulation (EU) No 1078/2014 of 7 August 2014 amending Annex I to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals (OJ L 297, 15.10.2014, p. 1).

- (14) The substances chlorfenvinphos and terbufos are not approved as active substances under Regulation (EC) No 1107/2009 and those substances are not approved as active substances under Regulation (EU) No 528/2012. Consequently, chlorfenvinphos and terbufos are banned from all use in the category 'pesticides' and should be listed in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012. Since chlorfenvinphos and terbufos are already listed in Part 1 they should be added to the list of chemicals set out in Part 2 of Annex I to Regulation (EU) No 649/2012.
- (15) The substances 1-bromopropane, diisopentyl phthalate, 1,2-benzenedicarboxylic acid, di-C6-8-branched alkyl esters, C7 rich, 1,2-benzenedicarboxylic acid, di-C7-11-branched and linear alkyl esters, 1,2-benzenedicarboxylic acid, dipentylester, branched and linear, bis(2-methoxyethyl) phthalate, dipentyl phthalate and n-pentyl-isopentyl phthalate are listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽¹⁶⁾ since they have been previously identified as substances of very high concern. Consequently, those substances are subject to authorisation in accordance with Title VII of Regulation (EC) No 1907/2006. Since no authorisations have been granted, those substances are severely restricted for industrial use. Therefore, those substances should be added to the lists of chemicals set out in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.
- (16) At its tenth meeting held from 6 to 17 June 2022, the Conference of the Parties to the Rotterdam Convention decided to include decabromodiphenyl ether and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in Annex III to that Convention, with the effect that those chemicals became subject to the prior informed consent procedure under that Convention. Consequently, those chemicals should be added to the list of chemicals set out in Part 3 of Annex I to Regulation (EU) No 649/2012. Since decabromodiphenyl ether and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds are already listed in Part 2 of Annex I to that Regulation, those chemicals should be removed from the list of chemicals set out in Part 2 of Annex I to Regulation (EU) No 649/2012.
- (17) The entries for bromoxynil, epoxiconazole and nonylphenol ethoxylates included in the lists of chemicals set out in Parts 1 and 2 of Annex I should be amended by clarifying the scope or adding additional numerical identifiers in order to facilitate implementation of Regulation (EU) No 649/2012.
- (18) Regulation (EU) No 649/2012 should therefore be amended accordingly.
- (19) It is appropriate to provide for a reasonable period of time for interested parties to take the measures necessary to comply with this Regulation and for Member States to take the measures necessary for its implementation,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 649/2012 is amended in accordance with the Annex to this Regulation.

Article 2

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

⁽¹⁶⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

It shall apply from 1 November 2023.

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

Done at Brussels, 16 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Regulation (EU) No 649/2012 is amended as follows:

(1) in Part 1, in the table, the following entries are added:

Chemical	CAS No	EC No	CN code(***)	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
1-bromopropane (n-propyl bromide) (*)	106-94-5	203-445-0	ex 2903 69 19	i(1)-i(2)	sr-b	
1,2-Benzenedicarboxylic acid, di-C6-8-branched alkyl esters, C7-rich (*)	71888-89-6	276-158-1	ex 2917 34 00	i(1)-i(2)	sr-b	
1,2-Benzenedicarboxylic acid, di-C7-11-branched and linear alkyl esters (*)	68515-42-4	271-084-6	ex 2917 34 00	i(1)-i(2)	sr-b	
1,2-Benzenedicarboxylic acid, dipentyl ester, branched and linear (*)	84777-06-0	284-032-2	ex 2917 34 00	i(1)-i(2)	sr-b	
Alpha-cypermethrin	67375-30-8		ex 2926 90 70	p(1)	b	
Azimsulfuron (*)	120162-55-2		ex 2935 90 90	p(1)	b	
Bis (2-methoxyethyl) phthalate (*)	117-82-8	204-212-6	ex 2917 34 00	i(1)-i(2)	sr-b	
Bromadiolone	28772-56-7	249-205-9	ex 2932 20 90	p(1)	b	
Carbetamide (*)	16118-49-3	240-286-6	ex 2924 29 70	p(1)	b	
Carboxin (*)	5234-68-4	226-031-1	ex 2934 99 90	p(1)	b	
Chlorophene (*)	120-32-1	204-385-8	ex 2908 19 00	p(2)	b	
Cyproconazole (*)	94361-06-5		ex 2933 99 80	p(1)	b	
Diisopentyl phthalate (*)	605-50-5	210-088-4	ex 2917 34 00	i(1)-i(2)	sr-b	
Dipentyl phthalate (*)	131-18-0	205-017-9	ex 2917 34 00	i(1)-i(2)	sr-b	
Diuron (*)	330-54-1	206-354-4	ex 2924 21 00	p(1)	b	

Esbiothrin (*)	260359-57-7		ex 2916 20 00	p(2)	b	
Ethametsulfuron-methyl (*)	97780-06-8		ex 2935 90 90	p(1)	b	
Etridiazole (*)	2593-15-9	219-991-8	ex 2934 99 90	p(1)	b	
Famoxadone (*)	131807-57-3		ex 2934 99 90	p(1)	b	
Fenbuconazole (*)	114369-43-6	406-140-2	ex 2933 99 80	p(1)	b	
Fenoxycarb (*)	72490-01-8	276-696-7	ex 2924 29 70	p(1)-p(2)	b-b	
Fluquinconazole (*)	136426-54-5	411-960-9	ex 2933 59 95	p(1)	b	
Indoxacarb (*)	173584-44-6 144171-61-9		ex 2934 99 90	p(1)	b	
Isopyrazam (*)	881685-58-1		ex 2933 19 90	p(1)	b	
Lufenuron (*)	103055-07-8	410-690-9	ex 2924 21 00	p(1)	b	
Metam-sodium	137-42-8	205-293-0	ex 2930 20 00	p(2)	b	
Metosulam (*)	139528-85-1	410-240-1	ex 2935 90 30	p(1)	b	
Myclobutanil (*)	88671-89-0	410-400-0	ex 2933 99 80	p(1)	b	
n-pentyl-isopentyl phthalate (*)	776297-69-9		ex 2917 34 00	i(1)-i(2)	sr-b	
Pencycuron (*)	66063-05-6	266-096-3	ex 2924 21 00	p(1)	b	
Phosmet (*)	732-11-6	211-987-4	ex 2930 90 98	p(1)	b	
Prochloraz (*)	67747-09-5	266-994-5	ex 2933 29 90	p(1)	b	
Profoxydim (*)	139001-49-3		ex 2934 99 90	p(1)	b	
Spirodiclofen (*)	148477-71-8		ex 2932 20 90	p(1)	b	
Triflumizole (*)	68694-11-1		ex 2933 29 90	p(1)	b'	

- (2) in Part 1, in the table, the entries for bis(pentabromophenyl) ether, bromoxynil, chlorfenvinphos, cyfluthrin, epoxiconazole, nonylphenol ethoxylates, perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, terbufos and triflumuron are replaced by the following entries:

Chemical	CAS No	EC No	CN code(***)	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Bis (pentabromophenyl) ether (decabromodiphenyl ether) (#)	1163-19-5	214-604-9	ex 2909 30 38	i(1)-i(2)	sr-b	
Bromoxynil and its butyryl, heptanoyl and octanoyl esters (*)	1689-84-5 3861-41-4 56634-95-8 1689-99-2	216-882-7 223-374-9 260-300-4 216-885-3	ex 2926 90 70	p(1)	b	
Chlorfenvinphos (*)	470-90-6	207-432-0	ex 2919 90 00	p(1)-p(2)	b-b	
Cyfluthrin (*)	68359-37-5	269-855-7	ex 2926 90 70	p(1)	b	
Epoxiconazole (*)	135319-73-2 133855-98-8	406-850-2	ex 2934 99 90	p(1)	b	
Nonylphenol ethoxylates (C ₂ H ₄ O) _n C ₁₅ H ₂₄ O (*)	9016-45-9 26027-38-3 68412-54-4 37205-87-1 127087-87-0 and others	500-024-6 500-045-0 500-209-1 932-337-2 500-315-8 and others	ex 3402 42 00 ex 3907 29 11 ex 3824 99 92	i(1)-i(2) p(1)-p(2)	sr-sr b-b	
Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds (#)	335-67-1 and others	206-397-9 and others	ex 2915 90 70	i(1)-i(2)	sr-b	
Terbufos (*)	13071-79-9	235-963-8	ex 2930 90 98	p(1)-p(2)	b-b	
Triflumuron (*)	64628-44-0	264-980-3	ex 2924 21 00	p(1)-p(2)	b-b'	

- (3) in Part 2, in the table, the following entries are added:

Chemical	CAS No	EC No	CN code(***)	Category (*)	Use limitation (**)
'1-bromopropane (n-propyl bromide)	106-94-5	203-445-0	ex 2903 69 19	i	sr
1,2-Benzenedicarboxylic acid, di-C6-8-branched alkyl esters, C7-rich	71888-89-6	276-158-1	ex 2917 34 00	i	sr

1,2-Benzenedicarboxylic acid, di-C7-11-branched and linear alkyl esters	68515-42-4	271-084-6	ex 2917 34 00	i	sr
1,2-Benzenedicarboxylic acid, dipentyl ester, branched and linear	84777-06-0	284-032-2	ex 2917 34 00	i	sr
Azimsulfuron	120162-55-2		ex 2935 90 90	p	b
Bis(2-methoxyethyl) phthalate	117-82-8	204-212-6	ex 2917 34 00	i	sr
Carbetamide	16118-49-3	240-286-6	ex 2924 29 70	p	b
Carboxin	5234-68-4	226-031-1	ex 2934 99 90	p	b
Chlorfenvinphos	470-90-6	207-432-0	ex 2919 90 00	p	b
Chlorophene	120-32-1	204-385-8	ex 2908 19 00	p	b
Cyfluthrin	68359-37-5	269-855-7	ex 2926 90 70	p	sr
Cyproconazole	94361-06-5		ex 2933 99 80	p	b
Diisopentyl phthalate	605-50-5	210-088-4	ex 2917 34 00	i	sr
Dipentyl phthalate	131-18-0	205-017-9	ex 2917 34 00	i	sr
Diuron	330-54-1	206-354-4	ex 2924 21 00	p	sr
Esbiothrin	260359-57-7		ex 2916 20 00	p	b
Ethametsulfuron-methyl	97780-06-8		ex 2935 90 90	p	b
Etridiazole	2593-15-9	219-991-8	ex 2934 99 90	p	b
Famoxadone	131807-57-3		ex 2934 99 90	p	b
Fenbuconazole	114369-43-6	406-140-2	ex 2933 99 80	p	b
Fenoxycarb	72490-01-8	276-696-7	ex 2924 29 70	p	b
Fluquinconazole	136426-54-5	411-960-9	ex 2933 59 95	p	b
Indoxacarb	173584-44-6 144171-61-9		ex 2934 99 90	p	sr
Isopyrazam	881685-58-1		ex 2933 19 90	p	b
Lufenuron	103055-07-8	410-690-9	ex 2924 21 00	p	b
Metosulam	139528-85-1	410-240-1	ex 2935 90 30	p	b
Myclobutanil	88671-89-0	410-400-0	ex 2933 99 80	p	b
n-pentyl-isopentyl phthalate	776297-69-9		ex 2917 34 00	i	sr
Pencycuron	66063-05-6	266-096-3	ex 2924 21 00	p	b

Phosmet	732-11-6	211-987-4	ex 2930 90 98	p	b
Prochloraz	67747-09-5	266-994-5	ex 2933 29 90	p	b
Profoxydim	139001-49-3		ex 2934 99 90	p	b
Spirodiclofen	148477-71-8		ex 2932 20 90	p	b
Terbufos	13071-79-9	235-963-8	ex 2930 90 98	p	b
Triflumizole	68694-11-1		ex 2933 29 90	p	b
Triflumuron	64628-44-0	264-980-3	ex 2924 21 00	p	b'

- (4) in Part 2, in the table, the entries for bromoxynil, epoxiconazole and nonylphenol ethoxylates are replaced by the following entries:

Chemical	CAS No	EC No	CN code(**)	Category (*)	Use limitation (**)
Bromoxynil and its butyryl, heptanoyl and octanoyl esters	1689-84-5 3861-41-4 56634-95-8 1689-99-2	216-882-7 223-374-9 260-300-4 216-885-3	ex 2926 90 70	p	b
Epoxiconazole	135319-73-2 133855-98-8	406-850-2	ex 2934 99 90	p	b
Nonylphenol ethoxylates (C ₂ H ₄ O) _n C ₁₅ H ₂₄ O	9016-45-9 26027-38-3 68412-54-4 37205-87-1 127087-87-0 and others	500-024-6 500-045-0 500-209-1 932-337-2 500-315-8 and others	ex 3402 42 00 ex 3907 29 11 ex 3824 99 92	i p	sr b'

- (5) in Part 2, in the table, the following entries are deleted:

Chemical	CAS No	EC No	CN code(**)	Category (*)	Use limitation (**)
Bis (pentabromophenyl) ether	1163-19-5	214-604-9	ex 2909 30 38	i(1)-i(2)	sr-b
Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds	335-67-1 and others	206-397-9 and others	ex 2915 90 70 and others	i(1)-i(2)	sr-b'

- (6) in Part 3, in the table, the following entries are added:

Chemical	Relevant CAS number(s)	HS code Pure substance (**)	HS code Mixtures containing substance (**)	Category
Bis(pentabromophenyl) ether (decabromodiphenyl ether)	1163-19-5	2909.30	3824.99	Industrial
Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds	335-67-1 and others	2915.90 and others		Industrial'

COMMISSION REGULATION (EU) 2023/1657**of 21 August 2023****establishing a fisheries closure for cod in Norwegian waters of 1 and 2 for vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated for 2023 to Spain for the stock of cod in Norwegian waters of 1 and 2 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in Article 1 by vessels flying the flag of or registered in Spain shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

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

Done at Brussels, 21 August 2023.

*For the Commission,
On behalf of the President,
Helena DALLI
Member of the Commission*

ANNEX

No	06/TQ194
Member State	Spain
Stock	COD/1N2AB.
Species	Cod (<i>Gadus Morhua</i>)
Zone	Norwegian waters of 1 and 2
Closing date	29 June 2023

COMMISSION REGULATION (EU) 2023/1658**of 21 August 2023****establishing a fisheries closure for undulate ray in Union waters of 9 for vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2023/194 ⁽²⁾ lays down quotas for 2023.
- (2) According to the information received by the Commission, catches of the stock of undulate ray in Union waters of 9 by vessels flying the flag of or registered in Spain have exhausted the quota allocated for 2023.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Spain for the stock of undulate ray in Union waters of 9 for 2023 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

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

*Article 3***Entry into force**

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

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

Done at Brussels, 21 August 2023.

*For the Commission,
On behalf of the President,
Helena DALLI
Member of the Commission*

ANNEX

No	07/TQ194
Member State	Spain
Stock	RJU/9-C.
Species	Undulate ray (<i>Raja undulata</i>)
Zone	Union waters of 9
Closing date	1 March 2023

COMMISSION REGULATION (EU) 2023/1659**of 21 August 2023****establishing a fisheries closure for Blue marlin in the Atlantic ocean for vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated for 2023 to Portugal for the stock of Blue marlin in the Atlantic ocean referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in Article 1 by vessels flying the flag of or registered in Portugal shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

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

Done at Brussels, 21 August 2023.

*For the Commission,
On behalf of the President,
Helena DALLI
Member of the Commission*

ANNEX

No	09/TQ194
Member State	Portugal
Stock	BUM/ATLANT
Species	Blue marlin (<i>Makaira nigricans</i>)
Zone	Atlantic Ocean
Closing date	31 July 2023

COMMISSION REGULATION (EU) 2023/1660**of 21 August 2023****establishing a fisheries closure for undulate ray in Union waters of 8 for vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Spain for the stock of undulate ray in Union waters of 8 for 2023 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

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

*Article 3***Entry into force**

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

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

Done at Brussels, 21 August 2023.

*For the Commission,
On behalf of the President,
Helena DALLI
Member of the Commission*

ANNEX

No	08/TQ194
Member State	Spain
Stock	RJU/8-C.
Species	Undulate ray (<i>Raja undulata</i>)
Zone	Union waters of 8
Closing date	1 May 2023

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1661**of 24 August 2023****operating deductions from fishing quotas available for certain stocks in 2023 on account of overfishing in the previous years**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 105(1), (2) and (3) thereof,

Whereas:

- (1) Fishing quotas for the year 2022 have been established by Council Regulations (EU) 2021/91 ⁽²⁾, (EU) 2021/1888 ⁽³⁾, (EU) 2022/109 ⁽⁴⁾ and (EU) 2022/110 ⁽⁵⁾.
- (2) Fishing quotas for the year 2023 have been established by Council Regulations (EU) 2022/2090 ⁽⁶⁾, (EU) 2023/194 ⁽⁷⁾ and (EU) 2023/195 ⁽⁸⁾.
- (3) Pursuant to Article 105(1) of Regulation (EC) No 1224/2009, when the Commission has established that a Member State has exceeded the fishing quotas which have been allocated to it, the Commission is to operate deductions from future fishing quotas of that Member State.
- (4) Article 105(2) and (3) of Regulation (EC) No 1224/2009 provides that such deductions are to be operated in the following year or years by applying the respective multiplying factors as set out therein.
- (5) Certain Member States have exceeded their fishing quotas for the year 2022. Deductions should therefore be operated on the fishing quotas allocated to them in 2023 and, where relevant, in subsequent years, for the overfished stocks.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2021/91 of 28 January 2021 fixing, for the years 2021 and 2022, the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 31, 29.1.2021, p. 20).

⁽³⁾ Council Regulation (EU) 2021/1888 of 27 October 2021 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2021/92 as regards certain fishing opportunities in other waters (OJ L 384, 29.10.2021, p. 1).

⁽⁴⁾ Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 21, 31.1.2022, p. 1).

⁽⁵⁾ Council Regulation (EU) 2022/110 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 21, 31.1.2022, p. 165).

⁽⁶⁾ Council Regulation (EU) 2022/2090 of 27 October 2022 fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2023 and amending Regulation (EU) 2022/109 as regards certain fishing opportunities in other waters (OJ L 281, 31.10.2022, p. 1).

⁽⁷⁾ Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1).

⁽⁸⁾ Council Regulation (EU) 2023/195 of 30 January 2023 fixing for 2023 the fishing opportunities for certain stocks and groups of fish stocks applicable in the Mediterranean and Black Seas and amending Regulation (EU) 2022/110 as regards the fishing opportunities for 2022 applicable in the Mediterranean and the Black Seas (OJ L 28, 31.1.2023, p. 220).

- (6) Commission Implementing Regulation (EU) 2022/1926 ⁽⁹⁾ established deductions from fishing quotas for certain fish stocks in 2022 on account of overfishing in the previous years. In 2021, Portugal overfished its fishing quota for anchovy in areas 9 and 10; Union waters of CECAF 34.1.1 (ANE/9/3411). Following Portugal's request on 22 August 2022, the Commission agreed to spread the deduction over two years in accordance with point 3(a) of the Communication from the Commission 2022/C 369/03 ⁽¹⁰⁾ ('the Guidelines'). Article 3 of Commission Implementing Regulation (EU) 2022/2458 ⁽¹¹⁾ provides that the annual deduction shall amount to 1 477,376 tonnes in 2022 and 2023. On 19 April 2023, considering that Portugal expected to have sufficient quota left at the end of the 2022 fishing season for ANE/9/3411, it requested the Commission to cancel the spreading over two years of the deduction. Therefore, the Commission operated the entire deduction, i.e. 2 954,752 tonnes – including a multiplying factor of 1,40 – on the Portuguese quota for ANE/9/3411 for the 2022 fishing season. Consequently, there is no outstanding deduction to be operated on the Portuguese quota allocated for the 2023 fishing season for this stock.
- (7) The Guidelines replaced Communication 2012/C 72/07 to adapt, where applicable, the timeline for deductions in case of overfishing of a quota for stocks managed by regional fisheries management organisations to the timeline for deductions set in the regional fisheries management organisations concerned for these stocks. Recommendation 21-01 by the International Commission for the Conservation of Atlantic Tuna (ICCAT) on a multiannual conservation and management programme for tropical tunas ⁽¹²⁾ as well as Recommendation 22-03 by ICCAT for the conservation of North Atlantic swordfish ⁽¹³⁾ establish that any excess of the annual adjusted quota in the year 2022 shall be deducted from the respective quota/catch limit for 2024. On this basis, deductions – including those resulting from applicable multiplying factors – on account of overfishing established in 2022 for the stock of bigeye tuna in the Atlantic Ocean (BET/ATLANT) and the stock of swordfish in the Atlantic Ocean, north of 5° N (SWO/AN05N), both managed by ICCAT, should only be applied in 2024.
- (8) Further updates or corrections may still occur following the detection, for the current or previous deduction exercise, of errors, omissions or misreporting in the catch figures declared by the Member States pursuant to Article 33 of Regulation (EC) No 1224/2009.
- (9) Since quotas are expressed in tonnes, overfishing involving quantities of less than 1 tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed for the year 2023 in Regulations (EU) 2022/2090, (EU) 2023/194 and (EU) 2023/195 shall be reduced as set out in the Annex to this Regulation.

Article 2

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

⁽⁹⁾ Commission Implementing Regulation (EU) 2022/1926 of 11 October 2022 operating deductions from fishing quotas available for certain stocks in 2022 on account of overfishing in the previous years (OJ L 265, 12.10.2022, p. 67).

⁽¹⁰⁾ Communication from the Commission on guidelines for the deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009, and replacing Communication 2012/C 72/07 (2022/C 369/03) (OJ C 369, 27.9.2022, p. 3).

⁽¹¹⁾ Commission Implementing Regulation (EU) 2022/2458 of 14 December 2022 operating deductions from fishing quotas available for certain stocks in 2022 in accordance with Council Regulation (EC) No 1224/2009 on account of overfishing of other stocks in the previous years and amending Commission Implementing Regulation (EU) 2022/1926 (OJ L 321, 15.12.2022, p. 10).

⁽¹²⁾ Recommendation 21-01 by ICCAT replacing Recommendation 19-02 replacing Recommendation 16-01 on a multi-annual conservation and management programme for tropical tunas.

⁽¹³⁾ Recommendation 22-03 by ICCAT replacing supplemental recommendation 21-02 extending and amending Recommendation 17-02 for the conservation of North Atlantic swordfish

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

Done at Brussels, 24 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2023 FOR STOCKS WHICH HAVE BEEN OVERFISHED

Mem-ber State	Species code	Area code	Species name	Area name	Initial quota 2022 (in tonnes)	Permitted landings 2022 (Total adapted quantity in tonnes) ⁽¹⁾	Total catches 2022 (quantity in tonnes)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in tonnes)	Multi-plying factor ⁽²⁾	Addi-tional Multi-plying factor ⁽³⁾ ⁽⁴⁾	Out-standing deduc-tions from previous year(s) ⁽⁵⁾ (quantity in tonnes)	Deductions to apply in 2023 (quantity in tonnes)
BE	SRX	07D.	Skates and rays	7d	134,000	136,500	137,765	100,93 %	1,265	/	/	/	1,265
BE	SRX	67AKXD	Skates and rays	United Kingdom and Union waters of 6a, 6b, 7a-c and 7e-k	814,000	1 207,000	1 209,702	100,22 %	2,702	/	/	/	2,702
DE	HER	4AB.	Herring	Union, United Kingdom and Norwegian waters of 4 north of 53° 30' N	41 147,000	37 114,880	38 224,556	102,99 %	1 109,676	/	A ⁽⁶⁾	/	1 109,676
DE	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	71,000	72,800	92,797	127,47 %	19,997	1,00	/	/	19,997
DK	COD	03AN.	Cod	Skagerrak	1 515,000	1 503,751	1 521,783	101,20 %	18,032	/	C ⁽⁶⁾	/	18,032
DK	COD	2A3AX4	Cod	4; United Kingdom waters of 2a; the part of 3a not covered by the Skagerrak and Kattegat	1 951,000	1 980,700	2 018,970	101,93 %	38,270	/	C ⁽⁶⁾	/	38,270
DK	HAD	03A.	Haddock	3a	2 225,000	2 508,851	2 735,449	109,03 %	226,598	/	C ⁽⁶⁾	/	226,598

DK	HER	5B6ANB	Herring	6b and 6aN; United Kingdom and international waters of 5b	/	/	8,077	N/A	8,077	1,00	/		8,077
DK	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	/	/	2,038	N/A	2,038	1,00	/	/	2,038
DK	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	/	17,317	N/A	17,317	1,00	/	/	17,317
DK	PRA	4N-S62	Northern prawn	Norwegian waters south of 62°N	200,000	203,000	205,041	101,01 %	2,041	/	/	/	2,041
DK	SPR	03A.	Sprat and associated by-catches	3a	8 422,000	20,186	34,428	170,55 %	14,242	1,00	/	/	14,242
DK	WHB	1X14	Blue whiting	United Kingdom, Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	36 723,000	45 035,026	45 516,979	101,07 %	481,953	/	/	/	481,953
ES	ALF	3X14-	Alfonsinos	United Kingdom, Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14	51,000	58,000	59,069	101,84 %	1,069	/	/	/	1,069
ES	COD	1/2B.	Cod	1 and 2b	9 688,000	9 290,212	9 409,547	101,28 %	119,335	/	A ⁽⁶⁾	/	119,335
ES	COD	1N2AB.	Cod	Norwegian waters of 1 and 2	2 602,000	2 744,006	2 804,069	102,19 %	60,063	/	/	/	60,063
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	32,719	55,066	168,30 %	22,347	1,00	A	/	33,521

ES	HAD	1N2AB.	Haddock	Norwegian waters of 1 and 2	/	0,554	17,963	3 242,42 %	17,409	1,00	/	/	17,409
ES	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	/	/	35,447	N/A	35,447	1,00	A	/	53,171
ES	POL	08C.	Pollack	8c	149,000	172,001	173,627	100,95 %	1,626	/	/	/	1,626
ES	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	17,250	25,413	147,32 %	8,163	1,00	/	/	8,163
ES	REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	106,000	103,211	104,593	101,34 %	1,382	/	/	/	1,382
ES	RJU	9-C.	Undulate ray	Union waters of 9	15,000	18,000	19,348	107,49 %	1,348	/	/	/	1,348
FR	JAX	4BC7D	Horse mackerel and associated by-catches	United Kingdom and Union waters of 4b, 4c and 7d	267,000	396,532	461,312	116,34 %	64,780	1,00	/	/	64,780
FR	RJE	7FG.	Small-eyed ray	7f and 7g	36,000	57,000	83,299	146,14 %	26,299	1,00	/	/	26,299
FR	RJU	8-C.	Undulate ray	Union waters of 8	13,000	23,000	24,081	104,70 %	1,081	/	/	/	1,081
IE	HER	6AS7BC	Herring	6aS, 7b, 7c	1 236,000	1 267,563	1 298,400	102,43 %	30,837	/	/	/	30,837
IE	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	28,810	51,017	177,08 %	22,207	1,00	/	/	22,207
MT	ALB	MED	Mediterranean albacore	Mediterranean Sea	41,190	41,190	49,876	121,09 %	8,686	1,00	/	/	8,686

NL	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	4,000	47,097	1 177,43 %	43,097	1,00	/	/	43,097
PL	MAC	2A34.	Mackerel	3a; United Kingdom and Union waters of 2a, 3b, 3c, 3d and 4	/	/	10,934	N/A	10,934	1,00	/	/	10,934
PT	ALF	3X14-	Alfonsinos	Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14	145,000	142,314	145,155	102,00 %	2,841	/	A ⁽⁶⁾	/	2,841
PT	RJU	9-C.	Undulate ray	Union waters of 9	15,000	32,000	33,907	105,96 %	1,907	/	/	/	1,907
SE	I/F	04-N	Industrial fish	Norwegian waters of 4	800,000	800,000	808,349	101,04 %	8,349	/	/	/	8,349

⁽¹⁾ Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22), quota transfers from 2021 to 2022 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3) and with Article 15(9) of Regulation (EU) No 1380/2013 or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009.

⁽²⁾ As set out in Article 105(2) of Regulation (EC) No 1224/2009. Deduction equal to the overfishing * 1,00 shall apply in all cases of overfishing equal to, or less than, 100 tonnes.

⁽³⁾ As set out in Article 105(3) of Regulation (EC) No 1224/2009 and provided that the extent of overfishing exceeds 10 %.

⁽⁴⁾ Letter 'A' indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2020, 2021 and 2022. Letter 'C' indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.

⁽⁵⁾ Remaining quantities from previous year(s).

⁽⁶⁾ Additional multiplying factor not applicable because the overfishing does not exceed 10 % of the permitted landings.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2023/1662

of 16 August 2023

on the request for registration, pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council, of the European citizens' initiative entitled 'Preservation and development of Ukrainian culture, education, language, and traditions in EU states'

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ⁽¹⁾, and in particular Article 6(2) and (3) thereof,

Whereas:

- (1) A request for registration of a European citizens' initiative entitled 'Preservation and development of Ukrainian culture, education, language, and traditions in EU states' was submitted to the Commission on 17 July 2023.
- (2) That request follows the request for registration of a European citizens' initiative entitled 'EU Citizens' Initiative on granting special status to the Ukrainian language in the European Union' which was submitted to the Commission on 26 April 2023.
- (3) By letter of 24 May 2023 (C(2023) 3440 final), pursuant to Article 6(4) of Regulation (EU) 2019/788, the Commission informed the group of organisers that as regards the request for registration submitted on 26 April 2023, the requirements for registration set out in Article 6(3), first subparagraph, points (a), (d) and (e), of that Regulation were fulfilled and that Article 6(3), first subparagraph, point (b), thereof was not applicable. However, the Commission also explained that the initiative did not fulfil the requirement set out in Article 6(3), first subparagraph, point (c), of Regulation (EU) 2019/788. The initiative referred to the Council of Europe's European Charter for Regional and Minority Languages as the relevant legal basis, rather than provisions of the Treaties. In examining the objectives of the initiative, the Commission referred to Article 342 of the Treaty on the Functioning of the European Union (TFEU) and explained that this did not provide a legal basis for the Commission to propose a Council regulation governing the use of the Ukrainian language in the institutions of the Union, as Article 342 TFEU does not provide for any role for the Commission. Similarly, as regards the right to use the Ukrainian language to communicate with local authorities and government bodies, the Commission is not empowered to propose any legislation in this regard. As regards the objective of increasing awareness of linguistic diversity and multilingualism in the Union and promoting policies that support the protection and promotion of minority languages and cultures across Europe, while the Commission could propose legislation based on Article 167 TFEU, in light of Article 167(5) TFEU, any action by the Commission would have to be limited to 'incentive measures'. The Commission therefore informed the organisers pursuant to Article 6(4), first subparagraph, of Regulation (EU) 2019/788 that they could either amend the initiative to take into account the Commission's assessment, or maintain, or withdraw, the initial initiative in accordance with Article 6(4), second subparagraph, of Regulation (EU) 2019/788.
- (4) On 17 July 2023, the group of organisers resubmitted the initiative.

⁽¹⁾ OJ L 130, 17.5.2019, p. 55.

- (5) The objectives of the amended initiative are expressed by the organisers as follows: 'for the EU to take additional actions in supporting Ukrainian refugees. The Commission could propose legislation based on Article 167 TFEU, focusing on national and regional diversity and cultural heritage. The initiative aims to bridge cultural gaps and empower Ukrainian cultural and linguistic heritage in the EU community, fostering a sense of belonging and promoting integration for Ukrainian refugees. We can work towards a more inclusive and harmonious Europe by recognizing and embracing linguistic diversity and cultural identities, by establishing a pan-European structure of integration centers.'
- (6) An annex to the amended initiative provides further details on the subject matter, objectives and background to the initiative. It refers to the preservation of culture, language, traditions and heritage of Ukrainian refugees and the 'formulation of a legislative strategy to protect the Ukrainian language as a future language of the EU'. In this context, the annex mentions Ukraine's status as a candidate for Union membership among the 'grounds for the full integration of Ukrainian citizens into the European community'. The amended initiative thus aims to 'preserve and develop Ukrainian culture, education, language and traditions in EU countries' on the basis of Article 167(2), (3) and (4) TFEU. In order to achieve these aims, the organisers propose the establishment of information centres in Member States with a Ukrainian refugee population of no less than 10 000 persons, 'with financial support and under the auspices of European Union structures'.
- (7) The Commission considers that the measures called for by the initiative could, in principle, be proposed under Article 79(4) TFEU, which allows for the adoption of 'measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories' but 'excluding any harmonisation of the laws and regulations of the Member States'. Provided that the initiative is limited to the promotion of the integration of Ukrainian refugees in the Member States concerned, Article 79(4) TFEU would be an appropriate legal basis. Such integration could imply the acquisition of the knowledge of the national languages and of the society of the Member States concerned with a view to facilitating communication between Ukrainian refugees and citizens of the Union, and encouraging interaction and the development of social relations between them.
- (8) The Commission also considers that Article 78(2), point (c), TFEU, whereby legislative measures may be adopted for 'a common system of temporary protection for displaced persons in the event of a massive inflow', could be an additional legal basis, provided that the initiative is limited to Ukrainian refugees that are beneficiaries of temporary protection only and that the temporal scope of the initiative is then limited to the duration of the temporary protection.
- (9) In addition, as regards the specific measures proposed by the amended initiative to preserve the culture, language, traditions and heritage of Ukrainian people, the Commission has powers to submit a proposal for a legal act of the Union on the basis of Article 167 TFEU, in order to improve the knowledge and dissemination of the culture of the European peoples and safeguard cultural heritage. However, pursuant to Article 167(5) TFEU, any action by the Commission in this respect would have to be limited to proposing 'incentive measures'.
- (10) For those reasons, the Commission considers that none of the parts of the amended initiative manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.
- (11) That conclusion is without prejudice to the assessment of whether the concrete substantive conditions required for the Commission to act, including compliance with the principles of proportionality and subsidiarity and compatibility with fundamental rights, would be met in this case.
- (12) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph, of that Regulation.

- (13) The amended initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union or to the rights enshrined in the Charter of Fundamental Rights of the European Union.
- (14) The initiative entitled 'Preservation and development of Ukrainian culture, education, language, and traditions in EU states' should therefore be registered.
- (15) The conclusion that the conditions for registration under Article 6(3) of Regulation (EU) 2019/788 are fulfilled does not imply that the Commission in any way confirms the factual correctness of the content of the amended initiative, which is the sole responsibility of the group of organisers of the initiative. The content of the amended initiative only expresses the views of the group of organisers, and can in no way be taken to reflect the views of the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'Preservation and development of Ukrainian culture, education, language, and traditions in EU states' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the citizens' initiative 'Preservation and development of Ukrainian culture, education, language, and traditions in EU states', represented by Mr Konstantins ČERNENOKS and Mr Dmitrijs SARAFAHOVS acting as contact persons.

Done at Brussels, 16 August 2023.

For the Commission
Věra JOUROVÁ
Vice-President

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