



### Contents

#### I *Legislative acts*

##### DECISIONS

- ★ **Decision (EU) 2022/1628 of the European Parliament and of the Council of 20 September 2022 providing exceptional macro-financial assistance to Ukraine, reinforcing the common provisioning fund by guarantees by Member States and by specific provisioning for some financial liabilities related to Ukraine guaranteed under Decision No 466/2014/EU, and amending Decision (EU) 2022/1201** ..... 1

#### II *Non-legislative acts*

##### REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2022/1629 of 21 September 2022 establishing measures for the containment of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. within certain demarcated areas** ..... 14
- ★ **Commission Implementing Regulation (EU) 2022/1630 of 21 September 2022 establishing measures for the containment of Grapevine flavesence dorée phytoplasma within certain demarcated areas** ..... 27

##### DIRECTIVES

- ★ **Commission Delegated Directive (EU) 2022/1631 of 12 May 2022 amending, for the purposes of adapting to scientific and technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of lead in bismuth strontium calcium copper oxide superconductor cables and wires and lead in their electrical connections <sup>(1)</sup>** ..... 45

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

★ <b>Commission Delegated Directive (EU) 2022/1632 of 12 May 2022 amending, for the purposes of adapting to scientific and technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of lead in certain magnetic resonance imaging devices <sup>(1)</sup> .....</b>	48
--	----

#### DECISIONS

★ <b>Council Implementing Decision (EU) 2022/1633 of 20 September 2022 amending Implementing Decision (EU) 2020/1343 granting temporary support under Regulation (EU) 2020/672 to the Republic of Bulgaria to mitigate unemployment risks in the emergency following the COVID-19 outbreak .....</b>	52
--	----

#### RECOMMENDATIONS

★ <b>Commission Recommendation (EU) 2022/1634 of 16 September 2022 on internal safeguards for editorial independence and ownership transparency in the media sector .....</b>	56
---	----

#### ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

★ <b>Decision No 1/2022 of the EU-Switzerland Joint Committee of 6 September 2022 amending Tables III and IV of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, as amended [2022/1635] .....</b>	66
---	----

#### Corrigenda

★ <b>Corrigendum to Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (OJ L 173, 30.6.2022) .....</b>	70
---	----

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

## I

(Legislative acts)

## DECISIONS

## DECISION (EU) 2022/1628 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 September 2022

**providing exceptional macro-financial assistance to Ukraine, reinforcing the common provisioning fund by guarantees by Member States and by specific provisioning for some financial liabilities related to Ukraine guaranteed under Decision No 466/2014/EU, and amending Decision (EU) 2022/1201**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure <sup>(1)</sup>,

Whereas:

- (1) An association agreement between the Union and Ukraine <sup>(2)</sup>, including a Deep and Comprehensive Free Trade Area, entered into force on 1 September 2017.
- (2) In spring 2014, Ukraine embarked on an ambitious reform programme with the aim of stabilising its economy and improving the livelihoods of its citizens. The fight against corruption, as well as constitutional, electoral and judicial reforms, are among the top priorities on the agenda. The implementation of those reforms was supported by consecutive macro-financial assistance programmes, under which Ukraine has received assistance in the form of loans for a total of EUR 6,6 billion. The emergency macro-financial assistance, which was made available in the context of mounting tensions at the border with Russia, pursuant to Decision (EU) 2022/313 of the European Parliament and of the Council <sup>(3)</sup>, provided EUR 1,2 billion in loans to Ukraine, disbursed in two instalments, each of EUR 600 million, in March and May 2022. The Union's exceptional macro-financial assistance of up to EUR 1 billion pursuant to Decision (EU) 2022/1201 of the European Parliament and of the Council <sup>(4)</sup>, provided swift and urgent support to the Ukrainian budget and was fully disbursed in two tranches on 1 and 2 August 2022. That assistance constituted the first stage of the planned full Union's exceptional macro-financial assistance to Ukraine for up to EUR 9 billion, announced by the Commission in its communication of 18 May 2022 entitled 'Ukraine

<sup>(1)</sup> Position of the European Parliament of 15 September 2022 (not yet published in the Official Journal) and decision of the Council of 20 September 2022.

<sup>(2)</sup> Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (OJ L 161, 29.5.2014, p. 3).

<sup>(3)</sup> Decision (EU) 2022/313 of the European Parliament and of the Council of 24 February 2022 providing macro-financial assistance to Ukraine (OJ L 55, 28.2.2022, p. 4).

<sup>(4)</sup> Decision (EU) 2022/1201 of the European Parliament and of the Council of 12 July 2022 providing exceptional macro-financial assistance to Ukraine (OJ L 186, 13.7.2022, p. 1).

Relief and Reconstruction' and endorsed by the European Council of 23-24 June 2022. This Decision constitutes the second stage in the implementation of that envisaged Union's exceptional macro-financial assistance. It establishes the basis for providing to Ukraine a further amount of up to EUR 5 billion of macro-financial assistance in the form of loans on highly concessional terms. This Decision should be followed swiftly by the adoption of a further decision implementing the third stage of the planned full Union's exceptional macro-financial assistance for a further amount of up to EUR 3 billion once the design of that assistance has been determined.

- (3) Russia's unprovoked and unjustified war of aggression against Ukraine since 24 February 2022 has caused Ukraine a loss of market access and a drastic drop in public revenues, while public expenditure to address the humanitarian situation and to maintain the continuity of State services has increased markedly. In that very uncertain and volatile situation, the best estimates of Ukraine's funding needs by the International Monetary Fund (IMF) point to an extraordinary financing gap of around USD 39 billion in 2022, of which around half could be met if the international support pledged thus far were fully disbursed. The swift provision by the Union of the macro-financial assistance to Ukraine under this Decision is, under the current extraordinary circumstances, considered to be an appropriate short-term response to the sizeable risks to Ukraine's macro-financial stability. The further amount of up to EUR 5 billion of Union's exceptional macro-financial assistance under this Decision is to support Ukraine's macro-financial stabilisation, strengthen the immediate resilience of the country and sustain its capacity towards recovery, thereby contributing to the public debt sustainability of Ukraine and its ability to ultimately be in a position to repay its financial obligations.
- (4) The Union's exceptional macro-financial assistance under this Decision will contribute significantly to satisfying Ukraine's funding needs as estimated by the IMF and other international financial institutions, taking into account Ukraine's capacity to finance itself with its own resources. The determination of the amount of the Union's exceptional macro-financial assistance also takes into account expected financial contributions from bilateral and multilateral donors, the need to ensure fair burden-sharing between the Union and other donors, as well as the pre-existing deployment of the Union's other external financing instruments in Ukraine and the added value of the overall Union involvement. The Ukrainian authorities' commitment to close cooperation with the IMF on the design and implementation of short-term emergency measures and their intent to work with the IMF on an appropriate economic programme when conditions permit should be acknowledged. Such a programme was formally requested in August 2022. The Union's exceptional macro-financial assistance should aim to maintain macro-financial stability and resilience under the war circumstances. The Commission should ensure that the Union's exceptional macro-financial assistance is legally and substantially in accordance with the key principles and objectives of the measures taken within the different areas of external action and other relevant Union policies.
- (5) The Union's exceptional macro-financial assistance should support the Union's external policy towards Ukraine. The Commission and the European External Action Service should work closely together throughout the macro-financial assistance operation in order to coordinate, and ensure the consistency of, Union external policy.
- (6) A precondition for granting the Union's exceptional macro-financial assistance should be that Ukraine respect effective democratic mechanisms, including a multi-party parliamentary system, and the rule of law, and guarantee respect for human rights. The ongoing war, and in particular the current state of martial law, should not encroach on those principles, despite the concentration of power in the executive branch.
- (7) In order to ensure that the Union's financial interests linked to the Union's exceptional macro-financial assistance are protected efficiently, Ukraine should take appropriate measures relating to the prevention of, and fight against, fraud, corruption and any other irregularities linked to that assistance. In addition, provision should be made in the loan agreement for the Commission to carry out checks, for the Court of Auditors to carry out audits and for the European Public Prosecutor's Office to exercise its competences, in accordance with Articles 129 and 220 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council <sup>(9)</sup> (the 'Financial Regulation').

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

- (8) The Union's exceptional macro-financial assistance should be linked to stringent reporting requirements and policy conditions, to be set out in a memorandum of understanding (the 'MoU'). Those stringent reporting requirements should aim, under the current war circumstances, to ensure that the funds are used in an efficient, transparent and accountable manner. The policy conditions should aim to strengthen the immediate resilience of Ukraine and its longer-term debt sustainability, thereby reducing risks linked to the repayment of its outstanding and future financial obligations.
- (9) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(6)</sup>.
- (10) The loans provided under this Decision and Decision (EU) 2022/1201 should together have a maximum average maturity of 25 years.
- (11) Given that the loans under this Decision and Decision (EU) 2022/1201 imply the same risks for the Union budget and should have together a maximum average maturity of 25 years, the total amount of EUR 6 billion of the Union's macro-financial assistance to Ukraine under this Decision and Decision (EU) 2022/1201 should be covered by a common methodology for managing the financial and budgetary implications. In particular, the same level of budgetary cover should be established as adequate protection against the possibility of potential non-repayment by Ukraine of some or all of the loans at the scheduled time. The provisions made available from the Union budget against the two sets of loans of the Union's exceptional macro-financial assistance should be managed as an integrated set of provisions. Such management will enhance the resilience and flexibility of the Union budget in response to any situation of non-payment. Decision (EU) 2022/1201 should therefore be amended accordingly.
- (12) The exceptional macro-financial assistance under this Decision and Decision (EU) 2022/1201 constitutes a financial liability for the Union within the overall volume of the External Action Guarantee under Regulation (EU) 2021/947 of the European Parliament and of the Council <sup>(7)</sup>. The total amount of up to EUR 6 billion of Union's exceptional macro-financial assistance loans to Ukraine should benefit from 9 % of paid-in provisioning available for macro-financial assistance loans under the External Action Guarantee. The amount of provisioning should be financed from the financial envelope programmed for macro-financial assistance under Regulation (EU) 2021/947 for a total amount of EUR 540 million. That amount should be committed and paid into the common provisioning fund under the multiannual financial framework 2021–2027, laid down in Council Regulation (EU, Euratom) 2020/2093 <sup>(8)</sup>.
- (13) In accordance with Article 210(3) of the Financial Regulation, the contingent liabilities arising from budgetary guarantees or financial assistance borne by the Union budget are to be deemed sustainable if their forecast multiannual evolution is compatible with the limits set by Regulation (EU, Euratom) 2020/2093 and the ceiling on annual payment appropriations set out in Article 3(1) of Council Decision (EU, Euratom) 2020/2053 <sup>(9)</sup>. In order to enable the Union to provide substantial support to Ukraine through the Union's exceptional macro-financial

---

<sup>(6)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>(7)</sup> Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).

<sup>(8)</sup> Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).

<sup>(9)</sup> Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom (OJ L 424, 15.12.2020, p. 1).

assistance in unprecedented amounts in a financially safe manner, while preserving the high credit standing of the Union and, hence, its capacity to deliver effective financing in the context of both its internal and external policies, it is essential to adequately protect the Union budget from the materialisation of those contingent liabilities and to ensure they are financially sustainable within the meaning of Article 210(3) of the Financial Regulation.

- (14) In accordance with the principle of sound financial management, the common provisioning fund should be reinforced with means commensurate to the risks arising from the contingent liabilities linked to this unprecedentedly large Union's exceptional macro-financial assistance to a single beneficiary. Without such a reinforcement, the Union budget would not be able to provide, on financially safe grounds, the unprecedentedly large assistance that the war-related needs of Ukraine require. To protect the Union budget, the Union's exceptional macro-financial assistance loans to Ukraine of up to EUR 6 billion should benefit from a 70 % coverage through paid-in provisioning (at the level of 9 %), which may be supplemented with Member States' guarantees to provide budgetary cover for losses of up to a further 61 % of the loan values.
- (15) Resources under Regulation (EU, Euratom) 2020/2093 are under high pressure in view of the Union's overall spending priorities. It is therefore appropriate to seek an alternative solution for additional resources which does not affect the regular expenditure foreseen in the financial programming of the multiannual financial framework 2021–2027.
- (16) Voluntary contributions by Member States in the form of guarantees have been identified as an appropriate tool to provide protection on top of the initial paid-in provisioning. The Member States' guarantees should be provided voluntarily and should constitute an appropriate backstop supporting the Union budget, after the provisions in the common provisioning fund in respect of financial liabilities under this Decision and Decision (EU) 2022/1201 have been or are to be fully drawn down. The contributions under those guarantees should be included into the amount of authorised financial liability by derogation from Article 211(1), first subparagraph, of the Financial Regulation. Those amounts should be taken into account for calculating the provisioning resulting from the provisioning rate referred to in Article 211(1) of the Financial Regulation, by derogation from Article 211(4), second subparagraph, of the Financial Regulation.
- (17) The guarantees provided by Member States should cover the exceptional macro-financial assistance loans under this Decision and Decision (EU) 2022/1201 (the 'covered MFAs'). Those guarantees should be irrevocable, unconditional and on demand. Those guarantees should ensure the Union's ability to repay the funds borrowed on the capital markets or from financial institutions. They should be called only when strict conditions, relating to the adequacy of the available provisions, are met and in the event that the Union does not receive a payment from Ukraine of the exceptional macro-financial assistance loans granted under the covered MFAs in time to satisfy the Union's financial obligations from bonds or in the event that the payment schedule of the loans granted under the covered MFAs were to be changed. A call on the guarantees provided by Member States should be made for an amount corresponding to the amount arising from losses on financial assistance to Ukraine under the covered MFAs and to replenish the common provisioning fund to the required level of paid-in provisioning. The calls on the Member States' guarantees should only be made after the amount of initial provisioning set aside in respect of the exceptional macro-financial assistance under the covered MFAs has been or is to be fully drawn down. Amounts recovered under the loan agreements in respect of the exceptional macro-financial assistance to Ukraine under the covered MFAs should be reimbursed to the Member States that have honoured the guarantee calls, by derogation from Article 211(4), point (c), of the Financial Regulation.
- (18) In the event that payment of the Union's financial obligations arising from bonds for the exceptional macro-financial assistance to Ukraine under the covered MFAs were met temporarily from provisions set aside in the common provisioning fund to cover other financial liabilities of the Union, the call on the guarantees provided by Member States could be used to replenish the provisioning of those financial liabilities.

- (19) Given the exceptional nature of the macro-financial assistance backed by the guarantees, it is appropriate to manage the provisions held against the financial liabilities arising from the macro-financial assistance under the covered MFAs and for any disbursements after 15 July 2022 of loans guaranteed under Decision No 466/2014/EU of the European Parliament and of the Council <sup>(10)</sup> separately from other financial liabilities under the External Action Guarantee and the Guarantee Fund for external actions. It is therefore appropriate to use the provisioning set aside in the common provisioning fund solely for financial liabilities from the exceptional macro-financial assistance under the covered MFAs, instead of applying the general rule set out in Article 31(6) of Regulation (EU) 2021/947. Furthermore, it is appropriate to use the provisioning set aside in the common provisioning fund in respect of the loans guaranteed under Decision No 466/2014/EU disbursed after 15 July 2022 solely for the financial liabilities from those loans and to apply the rules of the Financial Regulation to the provisioning, instead of applying the general rule set out in Article 31(8) of Regulation (EU) 2021/947. That should be complemented by the exclusion of the provisioning set aside in respect of the exceptional macro-financial assistance under this Decision from the application of the effective provisioning rate, by derogation from Article 213 of the Financial Regulation.
- (20) The relative share of the contributions of each Member State (contribution key) to the overall guaranteed amount should correspond to the relative shares of Member States in the total gross national income of the Union. The calls on the guarantees should be made pro rata, applying that contribution key.
- (21) It is important that Member States complete their national procedures for the guarantees to enter into force as a matter of the utmost priority. Given the urgency of the situation, the time needed for the completion of those procedures should not delay the disbursement of the urgently needed exceptional macro-financial assistance to Ukraine under this Decision. The macro-financial assistance loans under this Decision will be arranged swiftly upon the entry into force of this Decision, adoption of the MoU and signing of the loan agreement.
- (22) Given the difficult situation caused by Russia's war of aggression, and to support Ukraine on its long-term stability path, it is appropriate to derogate from Article 220(5), point (e), of the Financial Regulation and to allow the Union the possibility to cover the interest rate costs related to the loans under this Decision and to waive the administrative costs that would otherwise be borne by Ukraine. The interest rate subsidy should be granted as an instrument deemed appropriate to ensure the effectiveness of the support within the meaning of Article 220(1) of the Financial Regulation and should be borne by the Union budget at least during the period of the multiannual financial framework 2021–2027. During the period from 2021 to 2027, the interest rate subsidy should be borne by the financial envelope referred to in Article 6(2), point (a), first indent, of Regulation (EU) 2021/947.
- (23) It should be possible for Ukraine to request the interest rate subsidy and the waiver of administrative costs each year by the end of March. To allow for flexibility in the repayment of the principal, it should also be possible to roll over the associated borrowings contracted on behalf of the Union, by derogation from Article 220(2) of the Financial Regulation.
- (24) Faced with Ukraine's urgent financing needs, the Commission agreed in July 2022 to the repurposing and disbursement of a further EUR 1,59 billion of the European Investment Bank loans to Ukraine guaranteed under the External Lending Mandate 2014–2020 (ELM). However, as those loans are for the Ukrainian sovereign and state-owned entities, they embody the same level of risk for the Union budget as the macro-financial assistance loans. The Union budget should consequently apply the same precautionary approach to those exposures as it does to the macro-financial assistance loans under the covered MFAs. This Decision therefore applies a 70 % provisioning rate to the repurposed ELM loans of EUR 1,59 billion as well as to any further disbursements of ELM loans to Ukraine. That provisioning rate should apply instead of the provisioning rate set out in Article 31(8), third sentence, of Regulation (EU) 2021/947. The 70 % provisioning for the EUR 1,59 billion ELM loans disbursements to Ukraine will be financed from the Union budget.

<sup>(10)</sup> Decision No 466/2014/EU of the European Parliament and of the Council of 16 April 2014 granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union (OJ L 135, 8.5.2014, p. 1).

- (25) A regular review of the provisioning for the respective macro-financial assistance loans and ELM loans should be undertaken every six months, starting on 30 June 2023 or earlier, if appropriate. That review should in particular assess whether the situation of Ukraine has evolved in a way that would warrant an increase or decrease of the provisioning rate. The Commission might re-assess the provisioning rate on an ad hoc basis, in particular if justified by a notable relevant event. In order to ensure that the provisioning rate remains adequate to the financial risks, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of increasing or decreasing the provisioning rate, as appropriate. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>(1)</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (26) Since the objective of this Decision, namely to provide the Union's exceptional macro-financial assistance to Ukraine with a view to supporting, in particular, its economic resilience and stability, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.
- (27) In view of the urgency entailed by the exceptional circumstances caused by Russia's unprovoked and unjustified war of aggression, it is considered to be appropriate to invoke the exception to the eight-week period provided for in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (28) In light of the situation in Ukraine, this Decision should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS DECISION:

#### CHAPTER I

#### UNION'S EXCEPTIONAL MACRO-FINANCIAL ASSISTANCE

##### *Article 1*

#### **Making available of the Union's exceptional macro-financial assistance**

1. The Union shall make available to Ukraine exceptional macro-financial assistance of a maximum amount of EUR 5 000 000 000 (the 'Union's exceptional macro-financial assistance') with a view to supporting Ukraine's macro-financial stability. The Union's exceptional macro-financial assistance shall be provided to Ukraine in the form of loans. It shall contribute to covering Ukraine's financing gap as identified in cooperation with international financial institutions.
2. In order to finance the Union's exceptional macro-financial assistance, the Commission shall be empowered, on behalf of the Union, to borrow the necessary funds on the capital markets or from financial institutions and to on-lend them to Ukraine. The loans provided under paragraph 1 of this Article and under Decision (EU) 2022/1201 shall together have a maximum average maturity of 25 years.

<sup>(1)</sup> OJ L 123, 12.5.2016, p. 1.



3. The Union's exceptional macro-financial assistance shall be made available starting on the day after the entry into force of the MoU referred to in Article 3(1) and during the availability period set out therein, even if the guarantees set out in Chapter II, Section 1, of this Decision have not yet been provided.

4. If the financing needs of Ukraine decrease fundamentally during the period of the disbursement of the Union's exceptional macro-financial assistance compared to the initial projections, the Commission shall reduce the amount of the assistance, suspend it or cancel it.

#### *Article 2*

##### **Precondition for the Union's macro-financial assistance**

1. A precondition for granting the Union's exceptional macro-financial assistance shall be that Ukraine respect effective democratic mechanisms, including a multi-party parliamentary system, and the rule of law, and guarantee respect for human rights.

2. The Commission shall monitor the fulfilment of the precondition set out in paragraph 1 throughout the life-cycle of the Union's exceptional macro-financial assistance, in particular before disbursements are made, also taking into account the circumstances in Ukraine and the consequences of the application there of martial law.

3. Paragraphs 1 and 2 of this Article shall apply in accordance with Council Decision 2010/427/EU <sup>(12)</sup>.

#### *Article 3*

##### **Memorandum of Understanding**

1. The Commission shall agree with Ukraine on policy conditions to which the Union's exceptional macro-financial assistance is to be linked. The policy conditions shall be adopted in accordance with the examination procedure referred to in Article 15(2). Those policy conditions shall be set out in a Memorandum of Understanding (the 'MoU').

2. The reporting requirements that were adopted under Decision (EU) 2022/1201 shall be included in the MoU and shall ensure, in particular, the efficiency, transparency and accountability of the use of the Union's exceptional macro-financial assistance.

3. The detailed financial terms of the Union's exceptional macro-financial assistance shall be laid down in a loan agreement to be concluded between the Commission and Ukraine.

4. The Commission shall verify, at regular intervals, the implementation of the reporting requirements and the progress made towards fulfilling the policy conditions set out in the MoU. The Commission shall inform the European Parliament and the Council about the results of that verification.

#### *Article 4*

##### **Release of the Union's exceptional macro-financial assistance**

1. Subject to the requirements referred to in paragraph 3, the Union's exceptional macro-financial assistance shall be made available by the Commission in instalments, each of which shall consist of a loan. The Commission shall decide on the timeframe for the disbursement of each instalment. An instalment may be disbursed in one or more tranches.

2. The release of the Union's exceptional macro-financial assistance shall be managed by the Commission in a manner consistent with the MoU.

---

<sup>(12)</sup> Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

3. The Commission shall decide on the release of the instalments subject to its assessment of the following requirements:

- (a) respect for the precondition set out in Article 2(1);
- (b) the satisfactory implementation of the reporting requirements agreed in the MoU;
- (c) for the second and subsequent instalments, satisfactory progress towards the implementation of the policy conditions set out in the MoU.

Before the maximum amount of the Union's macro-financial assistance is disbursed, the Commission shall verify the fulfilment of all the policy conditions set out in the MoU.

4. Where the requirements set out in paragraph 3 are not met, the Commission shall temporarily suspend or cancel the disbursement of the Union's exceptional macro-financial assistance. In such cases, it shall inform the European Parliament and the Council of the reasons for the suspension or cancellation.

5. The Union's exceptional macro-financial assistance shall in principle be disbursed to the National Bank of Ukraine. Subject to the provisions to be agreed in the MoU, including a confirmation of residual budgetary financing needs, the Union funds may be disbursed to the Ukrainian Ministry of Finance as the final beneficiary.

#### *Article 5*

### **Borrowing and lending operations**

1. The borrowing and lending operations shall be carried out in accordance with Article 220 of the Financial Regulation.

2. Where necessary, by derogation from Article 220(2) of the Financial Regulation, the Commission may roll over the associated borrowings contracted on behalf of the Union.

#### *Article 6*

### **Interest rate subsidy**

1. By derogation from Article 220(5), point (e), of the Financial Regulation, the Union may bear interest by granting an interest rate subsidy and covering administrative costs related to the borrowing and lending, with the exception of costs related to early repayment of the loan, in respect of the loans under this Decision.

2. Ukraine may request the interest rate subsidy and coverage of the administrative costs by the Union by the end of March of each year.

3. The financial envelope referred to in Article 6(2), point (a), first indent, of Regulation (EU) 2021/947 shall be used to cover the costs of interest payments related to the Union's macro-financial assistance during the period of the multiannual financial framework 2021–2027 as an interest rate subsidy.

#### *Article 7*

### **Information to the European Parliament and to the Council**

The Commission shall inform the European Parliament and the Council of developments regarding the Union's exceptional macro-financial assistance, including disbursements thereof, and developments in the operations referred to in Article 5(2), and shall provide those institutions with the relevant documents in due time.

*Article 8***Assessment of implementation of the Union's exceptional macro-financial assistance**

During the implementation of the Union's exceptional macro-financial assistance, the Commission shall re-assess, by means of an operational assessment, the soundness of Ukraine's financial arrangements, the administrative procedures, and the internal and external control mechanisms which are relevant to the assistance. That operational assessment may be conducted together with the operational assessment provided for under Decision (EU) 2022/1201.

**CHAPTER II****REINFORCEMENT OF THE COMMON PROVISIONING FUND**

## Section 1

**Guarantees by the Member States for the Union's exceptional macro-financial assistance under this Decision and Decision (EU) 2022/1201***Article 9***Contributions in the form of guarantees by Member States**

1. Member States may complement the provisioning in respect of macro-financial assistance kept in the common provisioning fund, by providing guarantees up to a total amount of EUR 3 660 000 000 in respect of the Union's exceptional macro-financial assistance to Ukraine under Article 1 of this Decision and under Decision (EU) 2022/1201 (the 'covered MFAs').
2. Where contributions from the Member States are made, they shall be provided in the form of irrevocable, unconditional and on-demand guarantees through a guarantee agreement to be concluded with the Commission, in accordance with Article 10.
3. The relative share of the contribution of the Member State concerned (contribution key) to the amount referred to in paragraph 1 shall correspond to the relative share of that Member State in the total gross national income of the Union, as resulting from heading 'General Revenue' of the budget for 2022, Part A ('Financing of the Union's annual budget, Introduction'), Table 4, column (1), set out in the general budget of the Union for the financial year 2022, as definitively adopted on 24 November 2021 <sup>(13)</sup>.
4. The guarantees shall become effective in respect of each Member State as of the date of entry into force of the guarantee agreement, referred to in Article 10, between the Commission and the Member State concerned.

*Article 10***Guarantee agreements**

The Commission shall conclude a guarantee agreement with each Member State that provides a guarantee referred to in Article 9. That agreement shall set out the rules governing the guarantee, which shall be the same for all Member States, including, in particular, provisions:

- (a) establishing the obligation of the Member States to honour guarantee calls made by the Commission in respect of the covered MFAs, once the overall amounts of initial, or subsequently replenished, provisioning set aside in the common provisioning fund in respect of financial liability arising from the covered MFAs have been or are to be fully drawn down;

---

<sup>(13)</sup> OJ L 45, 24.2.2022.

- (b) ensuring that the guarantee calls are made pro rata, applying the contribution key referred to in Article 9(3);
- (c) providing that the guarantee calls ensure the Union's ability to repay the funds borrowed, pursuant to Article 1(2), on the capital markets or from financial institutions following a non-payment by Ukraine, including cases of changes to the payment schedule for whatsoever reason as well as expected non-payments;
- (d) ensuring that the guarantee calls may be used to replenish the common provisioning fund for provisioning where it has been drawn down in respect of the covered MFAs;
- (e) ensuring that a Member State that has failed to honour a call remains liable to honour it;
- (f) regarding the payment conditions.

## Section 2

### **Provisioning of the covered MFAs and of some ELM financial liabilities in Ukraine**

#### *Article 11*

##### **Provisioning of the covered MFAs**

1. For the covered MFAs, a provisioning rate of 70 % shall apply instead of the general rule set out in Article 31(5), third subparagraph, of Regulation (EU) 2021/947. However, the level of provisioning paid into the common provisioning fund shall be kept at, and if drawn down replenished, without prejudice to Article 10, point (a), of this Decision, to 9 % of the outstanding liability from the covered MFAs until the guarantees referred to in Article 9 are fully drawn on.
2. Amounts resulting from calls on the guarantees referred to in Article 9 shall constitute external assigned revenue for the repayment of financial liabilities from the covered MFAs and payments to the common provisioning fund in accordance with Article 21(2), point (a)(ii), of the Financial Regulation.
3. By way of derogation from Article 211(1), first subparagraph, second sentence, of the Financial Regulation, the amount of guarantees referred to in Article 9(1) shall be included into the amount of authorised financial liability. By way of derogation from Article 211(4), second subparagraph, of the Financial Regulation, the amounts of provisioning referred to in paragraph 2 of this Article shall be taken into account for calculating the provisioning resulting from the provisioning rate in respect of the covered MFAs.
4. By way of derogation from Article 211(4), point (c), of the Financial Regulation, amounts recovered from Ukraine in respect of the covered MFAs shall not contribute to the provisioning up to the amount of the guarantee calls honoured by Member States pursuant to Article 10, point (a), of this Decision. Those amounts shall be reimbursed to those Member States.

#### *Article 12*

##### **Reinforcement of provisioning in respect of some financial liabilities in Ukraine guaranteed under Decision No 466/2014/EU**

1. By way of derogation from Article 31(8), third sentence, of Regulation (EU) 2021/947, the provisioning rate of 70 % shall apply to loan amounts disbursed after 15 July 2022 under European Investment Bank (EIB) financing operations in Ukraine signed by the EIB before 31 December 2021 and guaranteed by the Union in accordance with Decision No 466/2014/EU (the 'covered ELM financial liabilities in Ukraine'), and Articles 211, 212 and 213 of the Financial Regulation shall apply, subject to Articles 13 and 14 of this Decision.

2. For the purposes of Article 211(1), second subparagraph, of the Financial Regulation, the provisioning shall reach by 31 December 2027 the level corresponding to the provisioning rate applied to the total amount of outstanding liabilities from covered ELM financial liabilities in Ukraine.

#### *Article 13*

##### **Assessment of adequacy of the provisioning rate and review procedure**

1. Every six months starting on 30 June 2023, and whenever the Commission concludes that other reasons or events indicate the need to do so, the Commission shall assess whether there are new developments which could impact in a lasting and meaningful manner the adequacy of the provisioning rate, including the rate of the paid-in provisioning, referred to in Articles 11 and 12. The Commission shall in particular identify the presence of a sustained significant change in the credit risk profile of those exposures using data from a period of at least two years.
2. The Commission is empowered to adopt a delegated act in accordance with Article 16 to amend Articles 11 and 12 to adjust the provisioning rate, in particular to reflect the developments referred to in paragraph 1.

#### *Article 14*

##### **Provisioning held in the common provisioning fund**

1. Instead of the general rule set out in Article 31(6) of Regulation (EU) 2021/947, the financial liability from the covered MFAs shall be covered separately from other financial liabilities under the External Action Guarantee, and the provisioning set aside in the common provisioning fund in respect of the covered MFAs shall be used solely for financial liabilities under the covered MFAs.

Instead of the general rule set out in Article 31(8) of Regulation (EU) 2021/947, the financial liability from the covered ELM financial liabilities in Ukraine shall be covered separately from other financial liabilities under the Guarantee Fund for External Action, and the provisioning set aside in the common provisioning fund in respect of the covered ELM financial liabilities in Ukraine shall be used solely for financial liabilities under the covered MFAs.

2. By way of derogation from Article 213 of the Financial Regulation, the effective provisioning rate shall not apply to the provisioning set aside in the common provisioning fund in respect of the covered MFAs and covered ELM financial liabilities in Ukraine.
3. By way of derogation from Article 213(4), point (a), of the Financial Regulation, any surplus of provisioning referred to in Article 12(2) of this Decision shall constitute external assigned revenue within the meaning of Article 21(5) of the Financial Regulation to the external assistance programme under which Ukraine is eligible.

### CHAPTER III

#### COMMON PROVISIONS

#### *Article 15*

##### **Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 16***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 13(2) shall be conferred on the Commission for an indeterminate period of time from 23 September 2022.
3. The delegation of power referred to in Article 13(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 13(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 17***Annual report**

1. By 30 June of each year, the Commission shall submit to the European Parliament and to the Council, as part of its annual report, an assessment of the implementation of Chapter I of this Decision in the preceding year, including an evaluation of that implementation. That report shall:
  - (a) examine the progress made in implementing the Union's exceptional macro-financial assistance;
  - (b) assess the economic situation and prospects of Ukraine, as well as the implementation of the requirements and conditions referred to in Article 3(1) and (2);
  - (c) indicate the connection between the requirements and conditions set out in the MoU, Ukraine's ongoing macro-financial situation and the Commission's decisions to release the instalments of the Union's exceptional macro-financial assistance.
2. Not later than two years after the end of the availability period, the Commission shall submit to the European Parliament and to the Council an *ex post* evaluation report, assessing the results and efficiency of the completed Union's exceptional macro-financial assistance and the extent to which it has contributed to the aims of the assistance.

## CHAPTER IV

**AMENDMENTS TO DECISION (EU) 2022/1201 AND FINAL PROVISION***Article 18***Amendments to Decision (EU) 2022/1201**

Decision (EU) 2022/1201 is amended as follows:

(1) in Article 1(2), the second sentence is replaced by the following:

'The loans under paragraph 1 and under Decision (EU) 2022/1628 of the European Parliament and of the Council (\*) shall together have a maximum average maturity of 25 years.

(\*) Decision (EU) 2022/1628 of the European Parliament and of the Council of 20 September 2022 providing exceptional macro-financial assistance to Ukraine, reinforcing the common provisioning fund by guarantees by Member States and by specific provisioning for some financial liabilities related to Ukraine guaranteed under Decision No 466/2014/EU, and amending Decision (EU) 2022/1201 (OJ L 245, 21.9.2022, p. 1).';

(2) Article 7 is deleted.

#### *Article 19*

#### **Final provision**

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, 20 September 2022.

*For the European Parliament*  
*The President*  
R. METSOLA

*For the Council*  
*The President*  
M. BEK

---

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2022/1629

of 21 September 2022

**establishing measures for the containment of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. within certain demarcated areas**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072<sup>(2)</sup> lays down, in Part B of Annex II, the list of Union quarantine pests known to occur in the Union territory.
- (2) *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. ('the specified pest') is included in that list, as it is known to occur in certain parts of the Union territory, having significant impact on *Platanus* L. plants ('the specified plants') and on wood of *Platanus* L. ('the specified wood'), the main hosts for that pest.
- (3) The surveys carried out pursuant to Article 19 of Regulation (EU) 2016/2031 show that the eradication of the specified pest in certain demarcated areas is no longer possible.
- (4) Therefore, measures should be established for the containment of the specified pest within those demarcated areas, consisting of infected zones and buffer zones. Those measures should be in line with the available technical and scientific evidence with regard to the specified plants and the specified wood.
- (5) The competent authorities should raise public awareness to ensure that the general public and professional operators, concerned by the containment measures in the demarcated areas, are aware of the applied measures and the delimitation of the demarcated areas for that purpose.
- (6) Nevertheless, if the specified pest is found in a buffer zone surrounding an infected zone subject to measures for the containment of the specified pest, that new finding should result in the establishment of a new demarcated area by the competent authority, where eradication is pursued.

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

<sup>(2)</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).



- (7) Annual surveys for the presence of the specified pest as set out in Article 22 of Regulation (EU) 2016/2031 and Commission Implementing Regulation (EU) 2020/1231 <sup>(?)</sup> should be carried out to ensure the early detection of the specified pest in areas of the Union territory where the specified pest is not known to be present. Those surveys should be based on the pest survey card on the specified pest published by the European Food Safety Authority, as it takes into account the latest scientific and technical developments.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### **Subject matter**

This Regulation establishes measures for the containment of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. within the demarcated areas where its eradication is not possible.

#### Article 2

##### **Definitions**

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

- (1) 'the specified pest' means *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.;
- (2) 'the specified plants' means plants of the genus *Platanus* L. other than seeds;
- (3) 'the specified wood' means wood of the genus *Platanus* L.;
- (4) 'the demarcated area for containment' means an area listed in Annex I, where the specified pest cannot be eradicated;
- (5) 'the pest survey card' means the publication 'Pest survey card on *Ceratocystis platani*' <sup>(\*)</sup> of the European Food Safety Authority.

#### Article 3

##### **Establishment of demarcated areas for containment**

The competent authorities shall establish the demarcated areas for containment of the specified pest consisting of an infected zone and a buffer zone of a width of at least 1 km, surrounding the infected zone.

#### Article 4

##### **Measures within the demarcated areas for containment**

1. In the infected zones, the competent authorities shall ensure:
  - (a) removal of specified plants and specified wood infected with the specified pest before the next growing season, applying appropriate measures to prevent the spread of the specified pest by the stump, sawdust, wood parts and soil debris at the felling site and ensure their destruction at appropriate treatment facilities;

---

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

<sup>(\*)</sup> Pest survey card on *Ceratocystis platani*. EFSA supporting publication 2021:EN-6822. doi:10.2903/sp.efsa.2021.EN-6822. Available online: <https://arcg.is/15CyXW>.

- (b) prohibition on the movement of specified wood resulting from the removal of specified plants infected with the specified pest out of the infected zone, except in cases where:
    - (i) there is no appropriate treatment facility available within the infected zone;
    - (ii) the treatment is carried out in the closest treatment facility outside the infected zone, which is capable of doing such a treatment; and
    - (iii) the transport takes place under official supervision of the competent authorities and within enclosed vehicles, which ensure that spillage of the specified wood is prevented and that the specified pest cannot spread;
  - (c) prohibition on planting specified plants in the respective infected zones, other than those known to be resistant to the specified pest;
  - (d) prohibition on the removal and transport of soil from an infected zone to other zones, unless previous appropriate treatment to ensure freedom from the specified pest has been applied;
  - (e) cleaning and disinfection of pruning tools and machinery before and after being in contact with the specified plants or its soil; and
  - (f) treatment, in case of pruning of specified plants, of pruning wounds with appropriate preventive treatments.
2. In the buffer zones, the competent authorities shall ensure:
- (a) Prohibition on planting specified plants in the buffer zone, other than those known to be resistant to the specified pest;
  - (b) cleaning and disinfection of pruning tools and machinery, before and after being in contact with the specified plants or its soil, or with specified wood; and
  - (c) treatment, in case of pruning of specified plants, of pruning wounds with appropriate preventive treatments.
3. Where the presence of the specified pest has been officially confirmed in the buffer zone, Articles 17 and 18 of Regulation (EU) 2016/2031 shall apply.
4. Within the demarcated areas for containment, the competent authorities shall raise public awareness concerning the threat of the specified pest and the measures adopted to prevent its further spread outside of those areas.

The competent authorities shall inform the general public and the professional operators concerned of the delimitation of the demarcated area for containment.

#### *Article 5*

#### **Surveys**

1. The competent authorities shall carry out the surveys as provided for in paragraphs 2 and 3, taking into account the information referred to in the pest survey card.
2. They shall carry out annual risk based surveys for the presence of the specified pest in the areas of the Union territory where the specified pest is not known to be present but could become established.
3. In the buffer zones of the demarcated areas for containment, they shall carry out annual surveys, as referred to in Article 19(1) of Regulation (EU) 2016/2031, to detect the presence of the specified pest.

Those surveys shall include:

- (a) visual examinations of the specified plants to detect the specified pest; and
- (b) sampling and testing, in the case of suspicion of the presence of the specified pest.

Those surveys shall be more intensive than the surveys referred to in paragraph 2, with a higher number of visual examinations and, where appropriate, sampling and testing.

*Article 6***Reporting**

By 30 April of each year, Member States shall submit to the Commission and to the other Member States the results of the surveys carried out, in the preceding calendar year, pursuant to:

- (a) Article 5(2) of this Regulation, using one of the templates set out in Annex I to Implementing Regulation (EU) 2020/1231;
- (b) Article 5(3) of this Regulation, using one of the templates set out in Annex II to this Regulation.

*Article 7***Entry into force**

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

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

Done at Brussels, 21 September 2022.

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

---

## List of demarcated areas for containment as referred to in Article 2

## France

Number/name of demarcated area (DA)	Zone of DA	Region	Municipalities or other administrative/geographic delimitations
1. Canal du Midi et Canal de la Robine	<b>Infected zone</b>	Aude (11)	<b>100 m on each side of the canal in the following municipalities:</b> Alzonne; Argeliers; Argens-Minervois; Azille; Blomac; Bram; Carcassonne; Castelnaudary; Caux-et-Sauzens; Ginestas; Homps; La Redorte; Lasbordes; Marseillette; Mirepeisset; Montréal; Moussan; Narbonne; Ouveillan; Paraza; Pexiora; Pezens; Puichéric; Roubia; Saint-Martin-Lalande; Saint-Nazaire-d'Aude; Sainte-Eulalie; Sallèle d'Aude; Trèbes; Ventenac-en-Minervois; Villalier; Villedubert; Villemoustausou; Villepinte; Villesèquelande
		Hérault (34)	<b>100 m on each side of the canal in the following municipalities:</b> Agde; Béziers; Capetang; Cers; Colombiers; Cruzy; Nissan-lez-Ensérune; Olonzac; Poilhes; Portiragnes; Quarante; Vias; Villeneuve-les-Béziers
	<b>Buffer zone</b>	Aude (11)	<b>1 km around the infected zone in the following municipalities:</b> Alzonne; Argeliers; Argens-Minervois; Arzens; Azille; Badens; Bages; Baraigne; Barbaira; Berriac; Blomac; Bouilhonnac; Bram; Canet; Capendu; Carcassonne; Castelnaud d'Aude; Castelnaudary; Caux-et-Sauzens; Conques sur Orbjel; Cuxac d'Aude; Floure; Fonties d'Aude; Ginestas; Gruissan; Homps; La Redorte; Labastide-d-Anjou; Lasbordes; Lézignan Corbières; Marseillette; Mas-saintes-Puelles; Mirepeisset; Mireval Lauragais; Montferrand; Montréal; Moussan; Narbonne; Ouveillan; Paraza; Pennautier; Pexiora; Peyriac de Mer; Pezens; Port-la-Nouvelle; Puichéric; Raissac d'Aude; Roquecourbe Minervois; Roubia; Rustiques; Saint-Couat d'Aude; Sainte-Eulalie; Sainte-Valière; Saint-Marcel sur Aude; Saint-Martin-Lalande; Saint-Nazaire-d'Aude; Sallèle d'Aude; Sigean; Tourouzelle; Trèbes; Ventenac Cabardès; Ventenac-en-Minervois; Villalier; Villedubert; Villemoustausou; Villepinte; Villesèquelande
		Hérault (34)	<b>1 km around the infected zone in the following municipalities:</b> Agde; Béziers; Capetang; Cers; Colombiers; Cruzy; Marseillan; Montady; Montels; Montouliers; Nissan-lez-Ensérune; Olonzac; Poilhes; Portiragnes; Quarante; Sauvian; Sérignan; Vias; Villeneuve-les-Béziers

2. Adour et affluents	<b>Infected zone</b>	Hautes-Pyrénées (65)	Andrest; Ansost; Artagnan; Aureilhan; Aurensan; Auriébat; Barbachen; Bazet; Bazillac; Bordères-sur-l'Échez; Bours; Caixon; Camalès; Escondeaux; Estirac; Gayan; Gensac; Horgues; Lafitole; Lagarde; Laloubère; Larreule; Liac; Marsac; Maubourguet; Monfaucon; Nouilhan; Odos; Oursbelille; Pujo; Rabastens-de-Bigorre; Saint-Lézer; Sarniguet; Sarriac-Bigorre; Sauveterre; Ségalas; Séméac; Siarrouy; Sombrun; Soues; Talazac; Tarbes; Tostat; Ugnouas; Vic-en-Bigorre; Villenave-près-Marsac
		Gers (32)	Haget
	<b>Buffer zone</b>	Hautes-Pyrénées (65)	Castelnau-Rivière-Basse; Caussade-Rivière; Hères; Labatut-Rivière; Villefranque <b>1 km around the infected zone in the following municipalities:</b> Barbazan-Debat; Boulin; Buzon; Castéra-Lou; Chis; Dours; Ibos; Juillan; Lacassagne; Lahitte-Toupières; Lascazères; Lescurry; Louey; Momères; Mingot; Orleix; Orois; Pintac; Saint-Martin; Salles-Adour; Sanous; Sarrouilles; Tarasteix
		Gers (32)	Armentieux; Jû-Belloc; Ladevèze-Ville; Tieste-Uragnoux <b>1 km around the infected zone in the following municipalities:</b> Beccas; Betplan; Cazeaux-Villecomtal; Malabat; Marciac; Montégut-Arros; Saint-Justin; Sembouès; Villecomtal-Sur-Arros
		Pyrénées-Atlantique (Région Nouvelle-Aquitaine)	<b>1 km around the infected zone in the following municipalities:</b> Castéide-Doat; Labatut; Lamayou; Moncaup; Montaner; Monségur
	3. Vaucluse/Bouches-du-Rhône/Var	Infected zone	Bouches du Rhône (13)

		Var (83)	Cogolin; Draguignan; Hyères; La Garde; La Londe-les-Maures; La Seyne-sur-Mer; Le Beausset; Le Luc; Les Arcs; Pignans; Saint-Cyr-sur-Mer; Saint-Maximin-la-Sainte-Baume; Saint-Tropez; Saint-Zacharie; Toulon
		Vaucluse (84)	Althen-des-Paluds; Apt; Avignon; Beaufort-de-Venise; Bédarrides; Bonnieux; Cadenet; Caderousse; Camaret-sur-Aigues; Carpentras; Caumont-sur-Durance; Cavaillon; Châteauneuf-de-Gadagne; Châteauneuf-du-Pape; Courthézon; Entraigues-sur-la-Sorgue; Fontaine-se-Vaucluse; Gargas; Gignac; Gigondas; Gordes; Goult; Jonquerettes; Jonquières; La Tour-d'Aigues; Lagnes; Lapalud; Lauris; Le Pontet; Le Thor; L'Isle-sur-la-Sorgue; Lorient-du-Comtat; Lourmarin; Malaucène; Mazan; Mérindol; Modène; Mondragon; Monteux; Morières-lès-Avignon; Oppède; Orange; Pernes-les-Fontaines; Pertuis; Piolenc; Robion; Saignon; Saint-Didier; Saint-Saturnin-lès-Apt; Saint-Saturnin-lès-Avignon; Sarrians; Saumane-de-Vaucluse; Sorgues; Travaillan; Vedène; Velleron; Venasque; Villelaure; Violes
	Buffer zone	Bouches du Rhône (13)	Alleins; Aureille; Aurons; Beaurecueil; Belcodène; Bouc-Bel-Air; Boulbon; Cabriès; Carnoux-en-Provence; Cassis; Charleval; Châteauneuf-le-Rouge; Châteauneuf-les-Martigues; Coudoux; Eguilles; Ensues-la-Redonne; Fontvieille; Fos-sur-Mer; Gardanne; La Barben; La Roque-d'Anthéron; Lançon-Provence; Le Puy-Sainte-Réparate; Le Rove; Les Baux-de-Provence; Mimet; Miramas; Paradou; Peynier; Peypin; Rognac; Rognes; Roquefort-la-Bédoule; Rousset; Saint-Antonin-sur-Bayon; Saint-Cannat; Saintes-Maries-de-la-Mer; Saint-Estève-Janson; Saint-Marc-Jaumegarde; Saint-Mitre-les-Remparts; Saint-Paul-lès-Durance; Saint-Pierre-de-Mézoargues; Saint-Savournin; Sausset-les-Pins; Septèmes-les-Vallons; Vauvenargues; Vernègues
		Var (83)	Ampus; Bandol; Besse-sur-Issole; Bormes-les-Mimosas; Bras; Brue-Auriac; Cabasse; Carnoules; Carqueiranne; Cavalaire-sur-Mer; Châteaudouble; Collobrières; Evenos; Figanières; Flassans-sur-Issole; Flayosc; Gassin; Gonfaron; Grimaud; La Cadière-d'Azur; La Crau; La Croix-Valmer; La Farlède; La Mole; La Motte; La Valette-du-Var; Le Cannet-des-Maures; Le Castellet; Le Muy; Le Pradet; Le Revest-les-Eaux; Le Thoronet; Les Mayons; Lorgues; Nans-les-Pins; Ollières; Ollioules; Pierrefeu-du-Var; Plan-d'Aups-Sainte-Baume; Pourcieux; Pourrières; Puget-Ville; Ramatuelle; Rians; Riboux; Rougiers; Sainte-Maxime; Saint-Mandrier-sur-Mer; Sanary-sur-Mer; Seillons-Source-d'Argens; Signes; Six-Fours-les-Plages; Taradeau; Tourves; Trans-en-Provence; Vidauban

	Vaucluse (84)	Ansouis; Aubignan; Auribeau; Beaumettes; Beaumont-de-Pertuis; Beaumont-du-Ventoux; Bedoin; Blauvac; Bollène; Buoux; Cabrieres-d'Avignon; Cairanne; Caromb; Caseneuve; Castellet; Cheval-Blanc; Crestet; Crillon-le-Brave; Cucuron; Entrechaux; Grambois; Joucas; La Bastidonne; La Motte-d'Aigues; La Roque-Alric; La Roque-sur-Pernes; Lacoste; Lafare; Lagarde-d'Apt; Lamotte-du-Rhône; Le Barroux; Le Beucet; Lioux; Malemort-du-Comtat; Maubec; Ménerbes; Méthamis; Mirabeau; Mormoiron; Mornas; Murs; Puget; Puyvert; Rasteau; Roussillon; Rustrel; Sablet; Saint-Christol; Sainte-Cécile-les-Vignes; Saint-Hippolyte-le-Graveyron; Saint-Léger-du-Ventoux; Saint-Martin-de-Castillon; Saint-Martin-de-la-Brasque; Saint-Pantaléon; Saint-Pierre-de-Vassols; Sannes; Sault; Seguret; Sérignan-du-Comtat; Sivergues; Suzette; Taillades; Uchaux; Vacqueyras; Vaison-la-Romaine; Vaugines; Viens; Villars
	Alpes-de-Haute-Provence (04)	Simiane-la-Rotonde
	Ardèche (07)	Bourg-Saint-Andéol; Saint-Just-d'Ardèche; Saint-Marcel-d'Ardèche
	Drôme (26)	Mollans-sur-Ouvèze; Pierrelatte; Rochegude; Saint-Paul-Trois-Châteaux; Suze-la-Rousse
	Gard (30)	Aramon; Beaucaire; Chusclan; Codolet; Fourques; Laudun-l'Ardoise; Les Angles; Montfaucon; Pont-Saint-Esprit; Roquemaure; Saint-Alexandre; Saint-Etienne-des-Sorts; Saint-Geniès-de-Comolas; Saint-Gilles; Sauveterre; Vallabrègues; Vénéjan; Villeneuve-lès-Avignon





## 2. Instructions how to fill in the template

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

- For column 1: Indicate the name of the geographical area, outbreak number or any information that allows identification of this demarcated area (DA) and the date when it was established.
- For column 2: Indicate the size of the DA before the start of the survey.
- For column 3: Indicate the size of the DA after the survey.
- For column 4: Indicate the approach: Containment (C). Please, include as many rows as necessary, depending on the number of DA per pest and the approaches these areas are subject to.
- For column 5: Indicate the zone of the DA where the survey was carried out, including as many rows as necessary: Infected zone (IZ) or buffer zone (BZ), using separate rows. When applicable, indicate the area of the BZ where the survey was carried out (e.g. last 20 km adjacent to the BZ, around nurseries, etc.) in different rows.
- For column 6: Indicate the number and the description of the survey sites, by choosing one of the following entries for the description:
1. Open air (production area): 1.1. field (arable, pasture); 1.2. orchard/vineyard; 1.3. nursery; 1.4. forest;
  2. Open air (other): 2.1. private garden; 2.2. public sites; 2.3. conservation area; 2.4. wild plants in areas other than conservation areas; 2.5. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry, wetlands, irrigation and drainage network, etc.);
  3. Physically closed conditions: 3.1. greenhouse; 3.2. private site, other than greenhouse; 3.3. public site, other than greenhouse; 3.4. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry).
- For column 7: Indicate which are the risk areas identified based on the biology of the pest(s), presence of host plants, eco-climatic conditions and risk locations.
- For column 8: Indicate the risk areas included in the survey, from those identified in column 7.
- For column 9: Indicate plants, fruits, seeds, soil, packaging material, wood, machinery, vehicles, water, other, specifying the specific case.
- For column 10: Indicate the list of plant species/genera surveyed, using one row per plant species/genera.
- For column 11: Indicate the months of the year when the survey was carried out.
- For column 12: Indicate the details of the survey, depending on the specific legal requirements of each pest. Indicate with N/A when the information of certain column is not applicable.
- For columns 13 and 14: Indicate the results, if applicable, providing the information available in the corresponding columns. 'Undetermined' are those analysed samples for which no result was obtained due to different factors (e.g. below detection level, unprocessed sample-not identified, old).
- For column 15: Indicate the outbreak notifications of the year when the survey took place for findings in the BZ. The outbreak notification number does not need to be included when the competent authority has decided that the finding is one of the cases referred to in Article 14(2), Article 15(2) or Article 16 of Regulation (EU) 2016/2031. In that case, indicate the reason for not providing this information in column 16 ('Comments').



For column 1:	Indicate the name of the geographical area, outbreak number or any information that allows identification of this demarcated area (DA) and the date when it was established.
For column 2:	Indicate the size of the DA before the start of the survey.
For column 3:	Indicate the size of the DA after the survey.
For column 4:	Indicate the approach: Containment (C). Please, include as many rows as necessary, depending on the number of DA per pest and the approaches these areas are subject to.
For column 5:	Indicate the zone of the DA where the survey was carried out, including as many rows as necessary: Infected zone (IZ) or buffer zone (BZ), using separate rows. When applicable, indicate the area of the BZ where the survey was carried out (e.g. last 20 km adjacent to the BZ, around nurseries, etc.) in different rows.
For column 6:	Indicate the number and the description of the survey sites, by choosing one of the following entries for the description: <ol style="list-style-type: none"> <li>1. Open air (production area): 1.1 field (arable, pasture); 1.2. orchard/vineyard; 1.3. nursery; 1.4. forest;</li> <li>2. Open air (other): 2.1. private gardens; 2.2. public sites; 2.3. conservation area; 2.4. wild plants in areas other than conservation areas; 2.5. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry, wetlands, irrigation and drainage network, etc.);</li> <li>3. Physically closed conditions: 3.1. greenhouse; 3.2. private site, other than greenhouse; 3.3. public site, other than greenhouse; 3.4. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry).</li> </ol>
For column 7:	Indicate the months of the year when the surveys were carried out.
For column 8:	Indicate the chosen target population providing accordingly the list of host species/genera and area covered. The target population is defined as the ensemble of inspection units. Its size is defined typically for agricultural areas as hectares, but could be lots, fields, greenhouses, etc. Please justify the choice made in the underlying assumptions. Indicate the inspection units surveyed. 'Inspection unit' means plants, plant parts, commodities, materials, pest vectors that had been scrutinised for identifying and detecting the pests.
For column 9:	Indicate the epidemiological units surveyed, indicating their description and unit of measurement. 'Epidemiological unit' means a homogeneous area where the interactions between the pest, the host plants and the abiotic and biotic factors and conditions would result into the same epidemiology, should the pest be present. The epidemiological units are a subdivision of the target population that are homogenous in terms of epidemiology with at least one host plant. In some cases the whole host population in a region/area/country may be defined as epidemiological unit. They could be Nomenclature of territorial units for statistics (NUTS) regions, urban areas, forests, rose gardens or farms, or hectares. The choice shall be justified in the underlying assumptions.
For column 10:	Indicate the methods used during the survey including the number of activities in each case, depending on the specific legal requirements of each pest. Indicate with N/A when the information of certain column is not available.
For column 11:	Indicate an estimation of the sampling effectiveness. Sampling effectiveness means the probability of selecting infected plant parts from an infected plant. For vectors, it is the effectiveness of the method to capture a positive vector when it is present in the survey area. For soil, it is the effectiveness of selecting a soil sample containing the pest when the pest is present in the survey area.

- For column 12: 'Method sensitivity' means the probability of a method to correctly detect pest presence. The method sensitivity is defined as the probability that a truly positive host tests positive. It is the multiplication of the sampling effectiveness (i.e. probability of selecting infected plant parts from an infected plant) by the diagnostic sensitivity (characterised by the visual inspection and/or laboratory test used in the identification process).
- For column 13: Provide the risk factors in different rows, using as many rows as necessary. For each risk factor indicate the risk level and corresponding relative risk and proportion of host population.
- For column B: Indicate the details of the survey, depending on the specific legal requirements for each pest. Indicate with N/A when the information of certain column is not applicable. The information to be provided in these columns is related to the information included in the column 10 'Detection methods'.
- For column 18: Indicate the number of trapping sites in case this number differs from the number of traps (Column 17) (e.g. the same trap is used in different places).
- For column 21: Indicate the number of samples found positive, negative or undetermined. 'Undetermined' are those analysed samples for which no result was obtained due to different factors (e.g. below detection level, unprocessed sample-not identified, old, etc.).
- For column 22: Indicate the outbreak notifications of the year when the survey took place for findings in the buffer zone. The outbreak notification number does not need to be included when the competent authority has decided that the finding is one of the cases referred to in Articles 14(2), 15(2) or 16 of Regulation (EU) 2016/2031. In this case, please indicate the reason for not providing this information in column 25 ('Comments').
- For column 23: Indicate the sensitivity of the survey, as defined in International Standard for Phytosanitary Measures (ISPM 31). This value of the achieved confidence level of pest freedom is calculated based on the examinations (and/or samples) performed given the method sensitivity and the design prevalence.
- For column 24: Indicate the design prevalence based on a pre-survey estimate of the likely actual prevalence of the pest in the field. The design prevalence is set as a goal of the survey and corresponds to the compromise the risk managers are making between the risk of having the pest and the resources available for the survey. Typically, for a detection survey a value of 1 % is set.

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/1630****of 21 September 2022****establishing measures for the containment of Grapevine flavescence dorée phytoplasma within certain demarcated areas**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072 <sup>(2)</sup> lays down, in Part B of Annex II, the list of Union quarantine pests known to occur in the Union territory.
- (2) Grapevine flavescence dorée phytoplasma ('the specified pest') is included in that list, as it is known to occur in certain parts of the Union territory, having significant impact on the cultivation of plants of *Vitis* L. ('specified plants'), the main host for that pest.
- (3) *Scaphoideus titanus* Ball ('the specified vector') has been identified as an efficient vector of the specified pest. This vector plays an important role in the establishment and further spread of Grapevine flavescence dorée phytoplasma <sup>(3)</sup> in the Union territory, therefore measures for its identification and control should be established.
- (4) The surveys carried out pursuant to Article 19 of Regulation (EU) 2016/2031 show that eradication of the specified pest in certain demarcated areas is no longer possible.
- (5) Therefore, measures should be established for the containment of the specified pest within those demarcated areas, consisting of infected zones and buffer zones. Those measures should consist of destruction and removal of the infected specified plants and application of appropriate treatments in order to prevent the spread of the specified pest to the rest of the Union territory.
- (6) The competent authorities should raise public awareness to ensure that the general public and professional operators, concerned by the containment measures in the demarcated areas, are aware of the applied measures and the delimitation of the demarcated areas for that purpose.
- (7) Nevertheless, if the specified pest is found in a buffer zone surrounding an infected zone subject to measures for the containment of the specified pest, that new finding should result in the establishment of a new demarcated area by the competent authority, where eradication is pursued.

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

<sup>(2)</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).

<sup>(3)</sup> EFSA PLH Panel (EFSA Panel on Plant Health), 2014. Scientific Opinion on pest categorisation of grapevine Flavescence Dorée. EFSA Journal 2014;12(10):3851, 31 pp. doi:10.2903/j.efsa.2014.3851.

- (8) Annual surveys for the presence of the specified pest and the specified vector as set out in Article 22 of Regulation (EU) 2016/2031 and in Commission Implementing Regulation (EU) 2020/1231 <sup>(4)</sup> should be carried out to ensure the early detection of the specified pest in areas of the Union territory where the specified pest is not known to be present. Those surveys should be based on the pest survey card on the specified pest and its vector published by the European Food Safety Authority, as it takes into account the latest scientific and technical developments.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Subject matter

This Regulation establishes measures for the containment of Grapevine flavescence dorée phytoplasma within the demarcated areas where its eradication is not possible.

#### Article 2

##### Definitions

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

- (1) 'the specified pest' means Grapevine flavescence dorée phytoplasma;
- (2) 'the specified plants' means plants of *Vitis* L., other than fruits and seeds;
- (3) 'the specified vector' means *Scaphoideus titanus* Ball;
- (4) 'the demarcated area for containment' means an area listed in Annex I, where the specified pest cannot be eradicated;
- (5) 'the pest survey card' means the publication 'Pest survey card on flavescence dorée phytoplasma and its vector *Scaphoideus titanus*' <sup>(5)</sup> of the European Food Safety Authority.

#### Article 3

##### Establishment of demarcated areas for containment

The competent authorities shall establish the demarcated areas for containment of the specified pest consisting of an infected zone and a buffer zone of a width of at least 2,5 km, surrounding the infected zone.

#### Article 4

##### Measures within the demarcated areas for containment

1. In the infected zones, the competent authorities shall ensure that the following measures are taken:
  - (a) removal and destruction the specified plants found infected with the specified pest as soon as possible and at the latest before the beginning of the next growing season;

---

<sup>(4)</sup> Commission Implementing Regulation (EU) 2020/1231 of 27 August 2020 on the format and instructions for the annual reports on the results of the surveys and on the format of the multiannual survey programmes and the practical arrangements, respectively provided for in Articles 22 and 23 of Regulation (EU) 2016/2031 of the European Parliament and the Council (OJ L 280, 28.8.2020, p. 1).

<sup>(5)</sup> Pest survey card on flavescence dorée phytoplasma and its vector *Scaphoideus titanus*. EFSA supporting publication 2020:EN-1909. 36 pp. doi:10.2903/sp.efsa.2020.EN-1909.

(b) application of appropriate treatments to control the specified vector.

2. In the buffer zones, the competent authorities shall ensure the application of appropriate treatments to control the specified vector, in the case of presence of the specified vector.

Where the presence of the specified pest has been officially confirmed in the specified plants in the buffer zone, Articles 17 and 18 of Regulation (EU) 2016/2031 shall apply.

3. Within the demarcated areas for containment, the competent authorities shall raise public awareness concerning the threat of the specified pest and the measures adopted to prevent its further spread outside of those areas.

The competent authorities shall inform the general public and the professional operators concerned of the delimitation of the demarcated area for containment.

#### *Article 5*

#### **Surveys**

1. The competent authorities shall carry out the surveys as provided for in paragraphs 2 and 3, taking into account the information referred to in the pest survey card.

2. They shall carry out annual risk based surveys for the presence of the specified pest and the specified vector in the areas of the Union territory where the specified pest is not known to be present but could become established.

3. In the buffer zones of the demarcated areas for containment, they shall carry out annual surveys, as referred to in Article 19(1) of Regulation (EU) 2016/2031, to detect the presence of the specified pest and its specified vector.

Those surveys shall include:

- (a) visual examinations of the specified plants to detect the specified pest;
- (b) sampling and testing in case of suspicion of the presence of the specified pest; and
- (c) appropriate trapping for the detection of the specified vector.

Those surveys shall be more intensive than the surveys referred to in paragraph 2 with a higher number of visual examinations, and where appropriate, sampling and testing.

#### *Article 6*

#### **Reporting**

By 30 April of each year, Member States shall submit to the Commission and to the other Member States the results of the surveys carried out in the preceding calendar year pursuant to:

- (a) Article 5(2) of this Regulation, using one of the templates set out in Annex I to Implementing Regulation (EU) 2020/1231;
- (b) Article 5(3) of this Regulation, using one of the templates set out in Annex II to this Regulation.

#### *Article 7*

#### **Entry into force**

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

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

Done at Brussels, 21 September 2022.

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

---



## Lists of demarcated areas for containment referred to in Article 2

## 1. Croatia

Number/ name of demarcated area (DA)	Zone of DA	Region	Municipalities or other administrative/geographic delimitations
1.	Infected zone	Panonic Croatia (Bjelovar-Bilogora county, Virovitica-Podravina county, Požega-Slavonija county, Brod-Posavina county, Osijek-Baranja county, Vukovar-Srijem county, Karlovac county, Sisak-Moslavina county)	<i>Cadastral municipalities</i> Bedenik, Bjelovar, Bojana, Brezovac, Ciglana, Čazma, Dapci, Diklenica, Draganec, Gornje Plavnice, Kapela, Kobasičari, Kraljevac, Križić, Orovac, Petrička, Podgorci, Pupelica, Ribnjička, Sišćani, Veliko Korenovo, Veliko Trojstvo, Vrtlinska, Zrinski Topolovac; Borova, Čačinci, Donja Pištana, Duzluk, Kozice, Krajna, Nova Jošava, Pčelić, Podravska Slatina, Sedlarica, Stara Jošava, Šumeđe, Turnašica, Virovitica, Vukosavljevica; and Kutjevo, Mitrovac, Venje; Cernik, Nova Gradiška, Šumetlica; Draž, Majar, Trnava, Zmajevac I; Bapska, Grabovo, Ilok, Lovas, Mohovo, Opatovac, Sotin, Šarengrad, Tovarnik, Vukovar; Belaj, Bratovanci, Brezник, Brlog Ozaljski, Bubnjarci, Donji Lović, Draganić, Duga Resa 2, Dvorište Vivodinsko, Ferenci, Grščaki, Ilovac, Jurovo, Lišnica, Lović Prekriški, Mala Švarča, Mrzlo Polje Mrežničko, Oštri Vrh Ozaljski, Ozalj, Police Pirišće, Svetice, Svetičko Hrašće, Vivodina, Vrhovac, Zagradci, Zajačko Selo, Zaluka, Žakanje; and Batina, Gornja Jelenska, Ilova, Katoličko Selišće, Kutina, Popovača, Repušnica, Voloder.
	Buffer zone	Panonic Croatia (Bjelovar-Bilogora county, Virovitica-Podravina county, Požega-Slavonija county, Brod-Posavina county, Osijek-Baranja county, Vukovar-Srijem county, Karlovac county, Sisak-Moslavina county)	<i>Cadastral municipalities</i> Bačkovica, Bedenička, Berek, Bjelovar-Sredice, Blatnica, Bosiljevo, Bršljanica, Brzaja, Cerina, Cjepidlake, Cremušina, Čadavac, Dapčevica, Daskatica, Dautan, Dereza, Donja Kovačica, Drljanovac, Đurđić, Galovac, Gornja Garešnica, Gornja Kovačica, Gornje Rovišće, Gudovac, Ivanska, Kakinac, Kaniška Iva, Klisa, Klokočevac, Kostanjevac, Kozarevac Račanski, Križ Gornji, Laminac, Lasovac, Lipovčani, Mala Pisanica, Mali Grđevac, Malo Trojstvo, Martinac, Međurača, Miklouš, Mosti, Narta, Nevinac, Nova Rača, Nove Plavnice-Hrgovljani, Obrovica, Orlovac, Pavlin Kloštar, Pobjenik, PRedavac, Prespa, Prgomelje, Rajić Gudovački, Rašenica, Ravneš, Removac, Rovišće, Ruškovac, Samarica, Sasovac, Severin, Šibenik, Slovinska Kovačica, Sredice Gornje, Srijedska, Stara Ploščica, Stare Plavnice, Šandrovac, Šimljana, Šimljanik, Štefanje, Šušnjara, Tomaš, Topolovica, Trojstveni Markovac, Turčević Polje, Vagovina, Velika Peratovica, Velika Pisanica, Veliki Grđevac, Višnjevac, Vukovje, Zdelice, Zrinska Žabjak, Ždralovi;

			<p>Antunovac, Bačevac, Bakić, Bankovci, Bokane, Brezovljani, Budanica, Budrovac, Lukački, Bušetina, Cabuna, Crnac, Čeralije, Dinjevac, Dobrović, Dolci, Donja Bukovica, Donje Bazije, Donje Kusonje, Donje Predrijevo, Donji Meljani, Duga Međa, Dugo Selo Lukačko, Đuričić, Gačić, Gornja Bukovica, Gornja Pištana, Gornje Bazje, Gornje Kusonje, Gornje Viljevo, Gornji Miholjac, Grabrovnica, Gradina, Gvozdanska, Hum Varoš, Hum Voćinski, Ivanbrijeg, Jasenaš, Kapan, Kapinci, Kladare, Kokočak, Krasković, Kutovi, Levinovac, Lozan, Lukač, Lukavac, Macute, Mala Črešnjevica, Manastir Orahovica, Medinci, Mikleuš, Miljevci, Naudovac, Nova Bukovica, Obradovci, Orahovica, Orešac, Otrovanec, Paušinci, Pitomača I, Pitomača II, Pivnica, Požari, Pušina, Radosavci, Rezovac, Rijenci, Rogovac, Sladojevci, Slatinski Drenovac, Slatinski Lipovac, Slavonske Bare, Sopje, Stari Gradac, Suha Mlaka, Suhopolje, Špišić Bukovica, Turanovac, Vaška, Velika Črešnjevica, Virovitica-centar, Virovitica-city, Vrneševci, Zdenci;</p> <p>Bektež, Bjelajci, Cerovac, Ciglenik, Cikote, Doljanovci, Duboka, Grabarje, Gradište, Jakšić, Kaptol, Knežci, Kričke, Kula, Lakušija, Latinovac, Lukač, Podgorje, Poreč, Rogulje, Sesvete, Šnjegavić, Šumetlica, Tominovac, Vetovo, Zarilac;</p> <p>Adžamovci, Baćin Dol, Banićevac, Bobare, Bodavljaci, Donji Andrijevi, Drežnik, Garčin, Giletinci, Golobrdac, Gorice, Gunjavci, Klokočevik, Kovačevac, Ljupina, Mačkovac, Mašić, Medari, Novo Topolje, Opatovac, Podvrško, Poljane, Prvča, Rešetari, Rogolji, Sičice, Stari Perkovci, Staro Topolje, Šagovina Cernička, Šagovina Mašička, Širinci, Trnava, Vrbje, Žuberkovac;</p> <p>Batina, Beljevina, Bokšić, Branjin Vrh, Branjina, Breznica Đakovačka, Dalj, Donja Motičina, Dragotin, Duboševica, Đurđenovac, Feričanci, Gajić, Gašinci, Gazije, Gornja Motičina, Gradac Našički, Hrkanovci Đakovački, Kneževi Vinogradi, Kondrić, Kotlina, Lapovci, Levanjska Varoš, Mandićevac, Musić, Nabrđe, Novi Perkovci, Paučje, Podolje, Pridvorje, Selci Đakovački, Seona, Slatinik Drenjski, Slobodna Vlast, Suza, Svetoblažje, Topolje;</p> <p>Apševci, Banovci, Berak, Bogdanovci, Borovo, Borovo Naselje, Bršadin, Čakovci, Ilača, Lipovača, Marinci, Mikluševci, Negoslavci, Nijemci, Pačetin, Petrovci, Podgrađe, Srijemske Laze, Stari Jankovci, Svinjarevci, Tompojevci, Trpinja;</p> <p>Banska Selnica, Barilović, Blatnica Pokupska, Brajakovo Brdo, Brašljeвица, Bukovlje, Cerovac Barilovički, Cerovac Vukmanički, Donje Mekuše, Donje Pokupje, Donji Budački, Donji Skrad, Donji Zvečaj, Gornje Mekuše, Gornje Prilišće, Gornje Stative, Gornji Zvečaj, Griče, Jarče Polje, Jaškovo, Kamensko, Karlovac I, Karlovac II, Kosijersko Selo, Kozalj Vrh, Ladešići, Lipa, Lipnik, Luka Pokupska, Mahično, Maletići, Malinci, Martinski Vrh, Modruš Potok, Mračin, Mrežnički Novaki, Mrzljaki, Novaki Ozaljski, Piščetke, Podbrežje, Pokupje, Pravutina, Rečica, Ribnik, Rosopajnik, Skakavac, Slapno, Sračak, Šišljavić, Tomašnica, Trg, Turanj, Tušilović, Velika Jelsa, Vinski Vrh, Vodena Draga, Vukmanić, Zadobarje, Zagrad, Zorkovac; and</p> <p>Banova Jaruga, Bistrač, Bobovac, Cerje Letovaničko, Crkveni Bok, Čaire, Čigoč, Grabrov Potok, Gračenica, Gušće, Husain, Kraljeva Velika, Kratečko, Krivaj, Kutinica, Lipovljani, Lonja, Ludina, Međurić, Mikleuška, Mužilovčica, Okoli, Osekovo, Peščenica, Piljenice, Potok, Puska, Ruškovića, Selište, Stremen, Stružec, Stupovača, Svinjičko, Šartovac, Vidrenjak, Vukojevac, Zbjegovača.</p>
--	--	--	---

2.	Infected zone	Adriatic Croatia (Istria county)	<i>Cadastral municipalities</i> Bačva, Brkač, Brtonigla, Buje, Donja Mirna, Frata, Grožnjan, Kaldir, Karojba, Kaštel, Kaštelir, Kostajnica, Krasica, Kršete, Labinci, Lovrečica, Materada, Motovun, Nova Vas, Novigrad, Petrovija, Savudrija, Sveti Ivan, Sveti Vital, Umag, Višnjan, Vižinada, Završje, Žbandaj.
	Buffer zone	Adriatic Croatia (Istria county)	<i>Cadastral municipalities</i> Baderna, Beram, Brdo, Čepić, Dračevac, Funtana, Fuškulin, Gradina, Grdoselo, Kašćerga, Kringa, Kršikla, Kuberton, Kućibreg, Lim, Lovreč, Marčenegla, Merišće, Momjan, Mugeba, Muntrilj, Mušalež, Novaki Motovunski, Oprtalj, Pazin, Poreč, Rakotule, Rovinj, Rovinjsko Selo, Senj, Sovinjak, Soviščina, Šterna, Tar, Tinjan, Triban, Trviž, Vabriga, Varvari, Vrh, Vrsar, Zamask, Zrenj, Zumesk.
3.	Infected zone	North Croatia with the City of Zagreb region (Međimurje County, Varaždin County, Koprivnica-Križevci county, Krapina-Zagorje county, Zagreb county, the City of Zagreb)	<i>Cadastral municipalities</i> Badličan, Bogdanovec, Donji Vidovec, Dragoslavec, Dunjkovec, Gornja Dubrava, Gornji Mihaljevec, Gradišćak, Kotoriba, Lopatinec, Martinuševec, Preseka, Pretetinec, Prhovec, Robadje, Selnica, Slakovec, Stanetinec, Sveta Marija, Sveti Martin na Muri, Sveti Urban, Šenkovec, Štrigova, Štrukovec, Vukanovec, Zasadbreg, Zebanec, Železna Gora;  Babinec, Bednja, Beletinec, Beretinec, Bolfan, Breznica, Butkovec, Cerje Tužno, Čanjevo, Črešnjevo, Čukovec, Donja Višnjica, Donja Voća, Donje Makojišće, Drenovec, Dubrava Križovljanska, Đurinovec, Gornja Višnjica, Gornje Ladanje, Gornji Martijanec, Grana, Hrastovec Toplički, Hrastovsko, Ivanec, Jakopovec, Jalžbet, Jerovec, Kamena Gorica, Kamenica, Kaniža, Kelemen, Klenovnik, Ključ, Kneginec, Lepoglava, Ludbreg, Ljubelj Kalnički, Ljubeščica, Mali Bukovec, Marčan, Natkrižovljan, Novakovec, Očura, Podevčevo, Poljana, Radovan, Remetinec, Rinkovec, Segovina, Sigetec Ludbreški, Sudovec, Sveti Ilija, Svibovec, Šaša, Šćepanje, Tuhovec, Tužno, Varaždin Breg, Varaždinske Toplice, Vidovec, Vinica Breg, Vinično, Vinogradi Ludbreški, Visoko;  Apatovec, Bakovčica, Bočkovec, Bojnikovec, Borje, Botinovac, Budrovac, Carevdar, Cirkvena, Cubinec, Čepelovac, Dijankovec, Donja Brckovčina, Dubovec, Đurđevac II, Đurđić, Erdovec, Finčevac, Fodrovac, Glogovac, Glogovnica, Gornja Rijeka, Gregurovec, Guščerovec, Hampovica, Hudovljani, Jagnjedovec, Jagnjedovec-grad, Javorovac, Kalinovac, Kalnik, Kamešnica, Kloštar Podravski, Kloštar Vojakovački, Koprivnica, Kozarevac, Križevci, Kunovec, Kunovec Breg, Lemeš, Lukačevac, Majurec, Mala Mučna, Mičetinac, Miholec, Miholjanec, Novi Glog, Novigrad Podravski, Osijek Vojkovački, Plavšinc, Podvinje Miholečko, Pofuki, Potočec, Potok Kalnički, Prkos, Prugovac, Rasinja, Raščani, Raven, Ruševac, Sokolovac, Subotica Podravska, Suha Katalena, Sveta Helena, Sveti Ivan Žabno, Sveti Petar Čvrstec, Sveti Petar Orehovec, Šemovci, Špiranec, Štrigovec, Trema, Velika Mučna, Veliki Grabičani, Veliki Poganac, Virje, Vojakovac, Vojnovec Kalnički, Zaistovec;  Andraševac, Bedekovčina, Belec, Budinščina, Donja Batina, Donja Stubica, Donja Šemnica, Dubovec, Dubrovčan, Globočec, Gornja Stubica, Gubaševo, Hrašćina, Hrašćinski Kraljevec, Hum Stubički, Jertovec, Jesenje, Klanjec, Komor, Kraljev Vrh, Krapina, Krapina jug, Krapina-city, Laz Bistrički, Mače, Marija Bistrica, Martinci Zlatarski, Mirkovec, Oštrc, Peršaves, Petrova Gora, Poljanica Bistrička, Poznanovec, Purga, Pustodol, Radoboj, Ravno

		<p>Brezje, Razvor, Selnica, Slani Potok, Strmec, Strmec Stubički, Stubička Slatina, Stubičko Podgorje, Sveti Križ, Sveti Križ Začretje, Sveti Matej, Šemnica, Špičkovina, Tomaševac, Tugonica, Tuhelj, Veleškovec, Veliko Trgovišće, Veternica, Vojnovac Loborski, Vrtnjakovec, Zabok, Zagorska Sela, Zajezda, Zlatar;</p> <p>Bedenica, Bešlinec, Blaškovec, Blaževdol, Brckovljani, Caginec, Dijaneš, Donja Lomnica, Dubranec, Dubrava, Dugo Selo I, Fuka, Gostović, Gradec, Habjanovac, Haganj, Helena, Hrastje, Hrebinec, Hrnjanec, Hruškovića, Kloštar Ivanić, Komin, Kozjača, Krašić II, Kupljenovo, Laktec, Lonjica, Lovrečka Varoš, Lukavec, Mala Gorica, Molvice, Novoselec, Obreška, Orešje, Paukovec, Pluska, Prekrižje, Prozorje, Psarjevo, Rakitje, Stari Glog, Strmec Samoborski, Sveti Nedelja, Šiljakovina, Šumečani, Tkalec, Tomaševac, Velika, Vrbovec, Zelina, Žitomir; and</p> <p>Adamovec, Blaguša, Čučerje, Đurđekovec, Glavnica, Gornji Stenjevec, Gračani, Granešina, Kašina, Maksimir, Podsused, Remete, Sesvete.</p>
Buffer zone	North Croatia with the City of Zagreb region (Međimurje County, Varaždin County, Koprivnica-Križevci county, Krapina-Zagorje county, Zagreb county, the City of Zagreb)	<p><i>Cadastral municipalities</i></p> <p>Cirkovljan, Čakovec, Črečan, Čukovec, Donja Dubrava, Donji Kraljevec, Donji Mihaljevec, Draškovec, Goričan, Gornji Hrašćan, Gornji Kraljevec, Gornji Pustakovec, Gornji Vidovec, Hemuševac, Hlapičina, Ivanovec, Krištanovec, Križovec, Kuršanec, Macinec, Mačkovec, Mihovljan, Mursko Središće, Nedelišće, Novo Selo Rok, Oporovec, Orehovića, Peklenica, Podbrest, Prelog, Pribislavec, Pušćine, Savska Ves, Strahoninec, Šandrovec, Totovec, Trnovec, Vratašinec, Vularija, Žiškovec;</p> <p>Bela, Bisag, Biškupec, Biškupec II, Čalinec, Črnc Biškupečki, Donje Ladanje, Donji Kućan, Drašković, Druškovec, Družbinec, Gojanec, Gornja Voća, Gornji Kućan, Hrastovljan, Hrženica, Jalkovec, Kapela Kalnička, Kapela Podravska, Karlovec Ludbreška, Križovljan, Kućan Marof, Leskovec Toplički, Lunjkovec, Majerje, Martijanec, Maruševec, Nedeljanec, Nova Ves Petrijanečka, Novi Marof, Novo Selo Podravsko, Petrijanec, Poljana Biškupečka, Radovec, Selnik, Sesvete Ludbreške, Slanje, Slokovec, Sračinec, Struga, Sveti Đurđ, Sveti Petar, Šemovec, Trakoščan, Trnovec, Varaždin, Veliki Bukovec, Vinica, Vratno, Zamlaja, Zbelava, Žabnik;</p> <p>Branjska, Budančevica, Delovi, Drnje, Duga Rijeka, Đelekovec, Đurđevac I, Ferdinandovac, Gola, Gorica, Heršin, Hlebina, Hrsovo, Imbriovec, Koledinec, Koprivnički Bregi, Koprivnički Ivanec, Kutnjak, Kuzminec, Legrad, Lepa Greda, Lepavina, Marinovec, Međa, Mikovec, Molve, Novačka, Novo Virje, Petranec, Podravske Sesvete, Selnica Podravska, Severovci, Sigetec, Sirova Katalena, Srijem, Sveta Ana, Torčec, Veliki Otok, Vojakovečke Sesvete, Zablataje, Ždala;</p> <p>Cigrovec, Črešnjevci, Čret, Desinić, Donja Pačetina, Đurmanec, Gorjakovo, Gornja Pačetina, Gornja Čemehovec, Gotalovec, Gusakovec, Hlevnica, Jelenjak, Jezero Klanječko, Klokovec, Konjščina, Košnica, Kraljevec na Sutli, Krapinske Toplice, Lepa Ves, Lovrečan, Mala Erpenja, Mihovljan, Miljana, Modrovec, Mokrice, Novi Dvori Klanječki, Oroslavje, Pešćeno, Petrovsko, Plemešćina, Podgrađe Bistričko, Poljana Sutlanska, Pregrada, Putkovec, Radakovo, Selno, Sopot, Sušobreg, Svedruža, Škarićevo, Švaljkovec, Velika Erpenja, Velika Horvatska, Velika Ves, Vinagora, Vrbanec;</p>

			<p>Andrilovac, Bađinec, Bistransko Podgorje, Bolč, Brčevac, Brdovec, Breška Greda, Brezine, Brezje, Brlenić, Bukovčak, Cerje Samoborsko, Cerovski Vrh, Cugovec, Cvetković, Cvetković Brdo, Čeglje, Črnkovec, Desinec, Domagović, Domaslovac, Donja Bistra, Donja Kupčina, Donja Zelina, Drežnik Podokički, Dubravica, Dugo Selo II, Farkaševac, Glagovo, Gornja Bistra, Gornja Kupčina, Gornji Hruševac, Gornji Vinkovec, Grabar, Gradići, Gustelnica, Hrastilnica, Hruščica, Hudovo, Ivanić-Grad, Jakovlje, Jastrebarsko, Ježevo, Kabal, Kalinovica, Kalje, Kerestinec, Klinča Sela, Klokočevac, Klokočevac Samoborski, Konščica, Kosnica, Kostanjevac, Kraj, Krašić I, Kravarsko, Križ, Kupinec, Kupljenovo-novo, Kurilovec, Lazina Čička, Lekveno, Leprovica, Lepšić, Lučelnica, Lepšić, Lučelnica, Luka, Lukinić Brdo, Lupoglav, Mahovljic, Marinkovac, Mičevac, Mirkovoplje, Mlaka, Mraclin, Mrzlo Polje Žumberačko, Negovec, Nova Kapela, Nova Marča, Novaki, Novo Brdo, Novo Čiče, Novo Mjesto, Obrezina, Obrež, Okešinec, Okić, Okunščak, Opatinec, Ostrna, Otok Samoborski, Paruževac, Pečno, Petrovina, Pirakovec, Pleso, Podjales, Podvornica, Pojatno, Poljana, Poljanski Lug, Posavski Bregi, Prečec, Preseka, Pribić, Prosinec, Pušća, Radoišće, Rakov Potok, Rakovec, Rakovica, Roženica, Rude, Rugvica, Salnik, Samobor, Samoborec, Slavetić, Sošice, Staro Čiče, Stupnik, Šarampov, Šćitarjevo, Širinec, Šušnjari, Topolje, Trebovec, Tučenik, Valetić, Velika Buna, Velika Gorica, Velika Jamnička, Velika Mlaka, Vinkovec, Volavje, Vrbovec, Vrbovec 1, Vukomerić, Vukovina, Vukšinac, Zabrdje, Zaprešić, Zdenčina, Zetkan, Zvonik, Željezno Žumberačko, Žumberak; and</p> <p>Blato, Brezovica, Centar, Čehi, Črnomerac, Demerje, Dragonožec, Dubrava, Goranec, Gornje Vrapče, Granešina Nova, Horvati, Jakuševac, Klara, Lučko, Lužan, Markuševac, Mikulići, Odra, Odranski Obrež, Peščenica, Planina, Resnik, Rudeš, Sesevski Kraljevec, Starjak, Stenjevec, Šašinovec, Šestine, Trešnjevka, Trnje, Trpuci, Vrapče, Vugrovec, Vurnovec, Zaprudski Otok, Žitnjak.</p>
--	--	--	---

## 2. Hungary

Extension of buffer zones of demarcated areas for containment of Croatia and Slovenia in the territory of Hungary:

Number/ name of demarcated area (DA)	Zone of DA	Region	Municipalities or other administrative/geographic delimitations
1.	Buffer zone	Bács-Kiskun county District of Baja	Hercegszántó
	Buffer zone	Baranya county District of Mohács	Kölked, Homorúd
2.	Buffer zone	Zala county District of Letenye	Tótszerdahely, Molnári
3.	Buffer zone	Zala county District of Lenti	Bödeháza, Nemesnép, Lendvajakabfa, Márokföld, Szentgyörgyvölgy
4.	Buffer zone	Zala county District of Lenti	Lendvadedes

### 3. Italy

Extension of buffer zones of demarcated areas for containment of Slovenia in the territory of Italy:

Number/ name of demarcated area (DA)	Zone of DA	Region	Municipalities or other administrative/geographic delimitations (partially)
1.	Buffer zone	Friuli Venezia Giulia Gorizia Province	Dolegna Del Collio, Gorizia, San Floriano Del Collio, Savogna D'isonzo
2.	Buffer zone	Friuli Venezia Giulia Trieste Province	Duino-Aurisina, Monrupino, Muggia, San Dorligo Della Valle – Dolina, Sgonico, Trieste
3.	Buffer zone	Friuli Venezia Giulia Udine Province	Prepotto

### 4. Portugal

Number/ name of demarcated area (DA)	Zone of DA	Region	Municipalities or other administrative/geographic delimitations
1.	Infected zone	Northern Portugal	Alijó, Amarante, Amares, Baião, Barcelos, Braga, Cabeceiras de Basto, Castelo de Paiva, Celorico de Basto, Cinfães, Esposende, Fafe, Felgueiras, Guimarães, Lousada, Maia, Marco de Canaveses, Monção, Mondim de Basto, Paços de Ferreira, Paredes, Paredes de Coura, Penafiel, Peso da Régua, Ponte de Lima, Póvoa de Lanhoso, Póvoa de Varzim, Ribeira de Pena, Sabrosa, Santa Marta de Penaguião, Santo Tirso, Trofa, Valença, Valongo, Vieira do Minho, Vila do Conde, Vila Nova de Famalicão, Vila Pouca de Aguiar, Vila Real, Vila Verde and Vizela; Part of the following municipalities: Arcos de Valdevez, Ponte da Barca, Terras de Bouro and Viana do Castelo.
	Buffer zone	Northern Portugal	Mesão Frio; Part of the following municipalities: Arcos de Valdevez, Armamar, Arouca, Boticas, Caminha, Chaves, Carrazeda de Ansiães, Gondomar, Lamego, Matosinhos, Melgaço, Montalegre, Murça, Porto, Ponte da Barca, Resende, Santa Maria da Feira, São João da Pesqueira, Tabuaço, Terras de Bouro, Valpaços, Viana do Castelo, Vila Nova de Cerveira, Vinhais..
		Central Portugal	Part of municipality Castro Daire.

## 5. Slovenia

Number/ name of demarcated area (DA)	Zone of DA	Region	Municipalities or other administrative/geographic delimitations
1.	Infected zone	Western Slovenia	Ankaran, Koper, Izola and Piran; and Sežana, Komen (except cadastral municipalilty Brestovica – ID 2408) and Renče-Vogrsko.
	Buffer zone	Western Slovenia	Brda, Nova Gorica, Miren-Kostanjevica, Šempeter- Vrtojba, Ajdovščina, Vipava, Divača and Hrpelje-Kozina, and cadastral municipality Brestovica (ID 2408) in municipality Komen.
2.	Infected zone	South Eastern Slovenia	Dolenjske Toplice, Straža, Mirna peč, Novo mesto (except cadastral municipalities Črešnjice – ID 1458 and Herinja vas – ID 1459).
	Buffer zone	South Eastern Slovenia	Žužemberk, Trebnje, Mirna, Šentrupert, Sevnica, Krško, Brežice, Mokronog-Trebelno, Šmarješke Toplice, Škocjan, Šentjernej, Kostanjevica na Krki, Semič, Črnomelj and Metlika, and cadastral municipalities in municipality Novo mesto: Črešnjice (ID 1458) and Herinja vas (ID 1459).
3.	Infected zone	North-Eastern Slovenia	Dobrovnik and Lendava;  Trnovska vas, Destrnik, Sveti Jurij ob Ščavnici, Sveti Tomaž;  the following cadastral municipalities in municipality Ljutomer: Desnjak (ID 262), Bučkovci – ID 252, Drakovci – ID 253, Moravci – ID 254, Godemarci – ID 255, Presika (ID 271, Nunska Graba (ID 270), Rinčetova Graba (ID 269), Kamensčak (ID 260), Stara cesta (ID 261), Mekotnjak (ID 263), Radomerje (ID 264), Gresovščak (ID 265), Plešivica (ID 266), Ilovci (267), Slamnjak (ID 268) and the part of Globoka (ID 274);  the part of cadastral municipality Globoka belonging to municipality Razkrižje; and  cadastral municipalities in municipality Ormož: Vičanci (ID 322), Senešci (ID 323), Sodinci (ID 324), Velika Nedelja (ID 331), Šardinje (ID 321), Hum (ID 314), Lahonci (ID 290), Žvab (ID 291), Runeč (ID 292), Stanovno (ID 293), Ivanjkovci (ID 294), Žerovinci (ID 295), Cerovec Stanka Vraza (ID 296), Veličane (ID 297), Mali Brebrovnik (ID 299), Veliki Brebrovnik (ID 300), Vinski vrh (ID 301), Miklavž (ID 302), Hermanci (ID 303), Gomila (ID 304), Kog (ID 305), Vuzmetinci (ID 306), Kajžar (ID 307), Zasavci (ID 308), Lačaves (ID 309), Jastrebc (ID 310), Vitan (ID 312), Pavlovski vrh (ID 315), Pavlovci (ID 317), Hardek (ID 318), Ormož (332) and Ključarovci pri Ormožu (ID 287).
	Buffer zone	North-Eastern Slovenia	Cankova, Rogašovci, Kuzma, Grad, Gornji Petrovci, Šalovci, Puconci, Moravske Toplice, Hodoš, Kobilje, Tišina, Murska Sobota, Beltinci, Turnišče, Odranci, Velika Polana, Črenšovci;  Razkrižje, except the part of cadastral municipality Globoka;

			<p>Ljutomer, except the following cadastral municipalities: Desnjak (ID 262), Bučkovci (ID 252), Drakovci (ID 253), Moravci (ID 254), Godemarci (ID 255), Presika (ID 271), Nunska Graba (ID 270), Rinčetova Graba (ID 269), a part of Globoka (ID 274), Kamenščak (ID 260), Stara cesta (ID 261), Mekotnjak (ID 263), Radomerje (ID 264), Gresovščak (ID 265), Plešivica (ID 266), Ilovci (267) and Slamnjak (ID 268);</p> <p>Ormož, except the following cadastral municipalities: Vičanci (ID 322), Senešci (ID 323), Sodinci (ID 324), Velika Nedelja (ID 331), Šardinje (ID 321), Hum (ID 314), Lahonci (ID 290), Žvab (ID 291), Runeč (ID 292), Stanovno (ID 293), Ivanjkovci (ID 294), Žerovinci (ID 295), Cerovec Stanka Vraza (ID 296), Veličane (ID 297), Mali Brebrovnik (ID 299), Veliki Brebrovnik (ID 300), Vinski vrh (ID 301), Miklavž (ID 302), Hermanci (ID 303), Gomila (ID 304), Kog (ID 305), Vuzmetinci (ID 306), Kajžar (ID 307), Zasavci (ID 308), Lačaves (ID 309), Jastrebc (ID 310), Vitani (ID 312), Pavlovski vrh (ID 315), Pavlovci (ID 317), Hardek (ID 318), Ormož (332) and Ključarovci pri Ormožu (ID 287); and</p> <p>Središče ob Dravi, Maribor, Duplek, Lenart, Cerkevjak Kungota, Pesnica, Šentilj, Sveti Jurij v Slovenskih goricah, Sveta Ana, Apače, Benedikt, Sveta Trojica v Slovenskih goricah, Gornja Radgona, Radenci, Križevci, Veržej, Sveti Andraž v Slovenskih goricah, Juršinci, Ptuj, Dornava, Gorišnica, Miklavž na Dravskem polju, Starše, Kidričevo, Hajdina, Markovci, Hoče-Slivnica, Rače-Fram, Zreče, Oplotnica, Slovenska Bistrica, Majšperk, Žetale, Podlehnik, Videm, Cirkulane, Zavrč, Vojnik, Slovenske Konjice, Poljčane, Makole, Šentjur, Šmarje pri Jelšah, Rogaška Slatina, Rogatec, Podčetrtek, Kozeje and Bistrica ob Sotli.</p>
--	--	--	---

## 6. Spain

Extension of buffer zones of demarcated areas for containment of Portugal in the territory of Spain:

Number/ name of demarcated area (DA)	Zone of DA	Region	Municipalities or other administrative/geographic delimitations
1.	Buffer zone	Galicia Pontevedra province	<p>A cañiza:</p> <p>Part of parish of Valeixe (Santa Cristina),</p> <p>Arbo:</p> <p>Parishes of Barcela (San Xoán) and Cequeliños (San Miguel), Part of parishes of Arbo (Santa María), Cabeiras (San Sebastián), Mourentán (San Cristovo) and Sela (Santa María),</p> <p>Crecente:</p> <p>Parishes of Albeos (San Xoán), Quintela (San Caetano) and Ribeira (Santa Mariña)</p> <p>Part of parishes of Crecente (San Pedro), O Freixo (San Roque), Sendelle (Santa Cruz) and Vilar (San Xorxe),</p>



		<p>Tomiño:</p> <p>Parishes of Amorín (San Xoán) and Currás (San Martiño).</p> <p>Part of parishes of Piñeiro (San Salvador), Sobrada (San Salvador) and Taborda (San Miguel),</p> <p>Tui:</p> <p>Parishes of Baldráns (Santiago), Caldelas de Tui (San Martiño), Paramos (San Xoán) and Tui (O Sagrario).</p> <p>Part of parishes of Areas (Santa Mariña), Guillarei (San Mamede), Pazos de Reis (O Sagrario), Pexegueiro (San Miguel), Randufe (Santa María da Guía) and Rebordáns (San Bartolomeu),</p> <p>As Neves:</p> <p>Parishes of As Neves (Santa María), Liñares (Santa María), Setados (Santa Euxenia) and Vide (Santa María).</p> <p>Part of parishes of Rubiós (San Xoán), San Cibrán de Ribarteme (San Cibrán), Santiago de Ribarteme (Santiago) and Tortoreos (Santiago),</p> <p>Salvaterra do Miño:</p> <p>Parishes of Arantei (San Pedro), Oleiros (Santa María) and Porto (San Paulo).</p> <p>Part of parishes of Alxén (San Paio), Cabreira (San Miguel), Fiolledo (San Paio), Meder (Santo Adrián), Pesqueiras (Santa Mariña) and Salvaterra (San Lourenzo),</p> <p>Salceda de Caselas:</p> <p>Part of parishes of Entenza (Santos Xusto e Pastor) and Soutelo (San Vicente).</p>
	Galicia Orense Province	<p>Padrenda:</p> <p>Part of parishes of Crespos (San Xoán), Desteriz (San Miguel), O Condado (Santa María) and Padrenda (San Cibrán).</p>

Templates for reporting of the results of the annual surveys carried out pursuant to Article 6(b)

PART A

1. Template for the reporting of the results of annual surveys

1. Description of the Demarcated Area (DA)		2. Initial size of DA (ha)	3. Updated size of DA (ha)	4. Approach	5. Zone	6. Survey sites		7. Risk areas identified	8. Risk areas inspected	9. Plant material/Commodity	10. List of host plant species	11. Timing	12. Survey details											13. Number of symptomatic samples analysed				14. Number of asymptomatic samples analysed				15. Notification number of the outbreaks notified, as applicable, in accordance with Implementing Regulation (EU) 2019/1715		16. Comments											
Name	Date of establishment					Description	Number						A	B	C	D	E	F	G	H	I	i	ii	iii	iv	i	ii	iii	iv	Number	Date														

2. Instructions on how to fill in the template

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

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

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

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

- For column 4: Indicate the approach: Containment (C). Please, include as many rows as necessary, depending on the number of DA per pest and the approaches these areas are subject to.
- For column 5: Indicate the zone of the DA where the survey was carried out, including as many rows as necessary: Infected zone (IZ) or buffer zone (BZ), using separate rows. When applicable, indicate the area of the IZ where the survey was carried out (e.g. last 20 km adjacent to the BZ, around nurseries, etc.) in different rows.
- For column 6: Indicate the number and the description of the survey sites, by choosing one of the following entries for the description:
1. Open air (production area): 1.1. field (arable, pasture); 1.2. orchard/vineyard; 1.3. nursery; 1.4. forest;
  2. Open air (other): 2.1. private garden; 2.2. public sites; 2.3. conservation area; 2.4. wild plants in areas other than conservation areas; 2.5. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry, wetlands, irrigation and drainage network, etc.);
  3. Physically closed conditions: 3.1. greenhouse; 3.2. private site, other than greenhouse; 3.3. public site, other than greenhouse; 3.4. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry).
- For column 7: Indicate, which are the risk areas identified based on the biology of the pest(s), presence of host plants, eco-climatic conditions and risk locations.
- For column 8: Indicate the risk areas included in the survey, from those identified in column 7.
- For column 9: Indicate plants, fruits, seeds, soil, packaging material, wood, machinery, vehicles, water, other, specifying the specific case.
- For column 10: Indicate the list of plant species/genera surveyed using one row per plant species/genera.
- For column 11: Indicate the months of the year when the survey was carried out.
- For column 12: Indicate the details of the survey, depending on the specific legal requirements of each pest. Indicate with N/A when the information of certain column is not applicable.
- For columns 13 and 14: Indicate the results, if applicable, providing the information available in the corresponding columns. 'Undetermined' are those analysed samples for which no result was obtained due to different factors (e.g. below detection level, unprocessed sample-not identified, old).
- For column 15: Indicate the outbreak notifications of the year when the survey took place for findings in the BZ. The outbreak notification number does not need to be included when the competent authority has decided that the finding is one of the cases referred to in Article 14(2), Article 15(2) or Article 16 of Regulation (EU) 2016/2031. In this case, indicate the reason for not providing this information in column 16 ('Comments').

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

1. Description of the Demarcated Area (DA)		A. Survey definition (input parameters for RiBESS+)													B. Sampling effort				C. Survey results																																
Name	Date of establishment	2. Initial size of DA (ha)		3. Updated size of DA (ha)		4. Approach		5. Zone		6. Survey sites		7. Timing		8. Target population		9. Epidemiological units		10. Detection methods			11. Sampling effectiveness		12. Method sensitivity		13. Risk factors (activities, locations and areas)		14. N° of epidemiological units inspected		15. N° of visual examinations		16. N° samples		17. N° of traps		18. N° of trapping sites		19. N° of tests		20. N° of other measures		21. Results			22. Notification number of the outbreaks notified, as applicable, in accordance with Implementing Regulation (EU) 2019/1715		23. Achieved Confidence level		24. Design prevalence		25. Comments	

2. Instructions on how to fill in the template

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

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

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

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

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

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

- For column 4: Indicate the approach: Containment (C). Please, include as many rows as necessary, depending on the number of DA per pest and the approaches these areas are subject to.
- For column 5: Indicate the zone of the DA where the survey was carried out, including as many rows as necessary: Infected zone (IZ) or buffer zone (BZ), using separate rows. Where applicable, indicate the area of the IZ where the survey was carried out (e.g. last 20 km adjacent to the BZ, around nurseries, etc.) in different rows.
- For column 6: Indicate the number and the description of the survey sites, by choosing one of the following entries for the description:
1. Open air (production area): 1.1 field (arable, pasture); 1.2. orchard/vineyard; 1.3. nursery; 1.4. forest;
  2. Open air (other): 2.1. private gardens; 2.2. public sites; 2.3. conservation area; 2.4. wild plants in areas other than conservation areas; 2.5. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry, wetlands, irrigation and drainage network, etc.);
  3. Physically closed conditions: 3.1. greenhouse; 3.2. private site, other than greenhouse; 3.3. public site, other than greenhouse; 3.4. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry).
- For column 7: Indicate the months of the year when the surveys were carried out.
- For column 8: Indicate the chosen target population providing accordingly the list of host species/genera and area covered. The target population is defined as the ensemble of inspection units. Its size is defined typically for agricultural areas as hectares, but could be lots, fields, greenhouses etc. Please justify the choice made in the underlying assumptions. Indicate the inspection units surveyed. 'Inspection unit' means plants, plant parts, commodities, materials, pest vectors that had been scrutinised for identifying and detecting the pests.
- For column 9: Indicate the epidemiological units surveyed, indicating its description and unit of measurement. 'Epidemiological unit' means a homogeneous area where the interactions between the pest, the host plants and the abiotic and biotic factors and conditions would result into the same epidemiology, should the pest be present. The epidemiological units are a subdivision of the target population that are homogenous in terms of epidemiology with at least one host plant. In some cases the whole host population in a region/area/country may be defined as epidemiological unit. They could be Nomenclature of territorial units for statistics (NUTS) regions, urban areas, forests, rose gardens or farms, or hectares. The choice of the epidemiological units has to be justified in the underlying assumptions.
- For column 10: Indicate the methods used during the survey including the number of activities in each case, depending on the specific legal requirements of each pest. Indicate with N/A when the information of certain column is not available.
- For column 11: Indicate an estimation of the sampling effectiveness. Sampling effectiveness means the probability of selecting infected plant parts from an infected plant. For vectors, it is the effectiveness of the method to capture a positive vector when it is present in the survey area. For soil, it is the effectiveness of selecting a soil sample containing the pest when the pest is present in the survey area.
- For column 12: 'Method sensitivity' means the probability of a method to correctly detect pest presence. The method sensitivity is defined as the probability that a truly positive host tests positive. It is the multiplication of the sampling effectiveness (i.e. probability of selecting infected plant parts from an infected plant) by the diagnostic sensitivity (characterised by the visual inspection and/or laboratory test used in the identification process).
- For column 13: Provide the risk factors in different rows, using as many rows as necessary. For each risk factor indicate the risk level and corresponding relative risk and proportion of host population.
- For column B: Indicate the details of the survey, depending on the specific legal requirements for each pest. Indicate with N/A when the information of certain column is not applicable. The information to be provided in these columns is related to the information included in the column 10 'Detection methods'.
- For column 18: Indicate the number of trapping sites in case this number differs from the number of traps (column 17) (e.g. the same trap is used in different places).
- For column 21: Indicate the number of samples found positive, negative or undetermined. 'Undetermined' are those analysed samples for which no result was obtained due to different factors (e.g. below detection level, unprocessed sample-not identified, old).

- For column 22: Indicate the outbreak notifications of the year when the survey took place. The outbreak notification number does not need to be included when the competent authority has decided that the finding is one of the cases referred to in Article 14(2), Article 15(2) or Article 16 of Regulation (EU) 2016/2031. In this case, indicate the reason for not providing this information in column 25 ('Comments').
- For column 23: Indicate the sensitivity of the survey, as defined in International Standard for Phytosanitary Measures (ISPM) 31. This value of the achieved confidence level of pest freedom is calculated based on the examinations (and/or samples) performed given the method sensitivity and the design prevalence.
- For column 24: Indicate the design prevalence based on a pre-survey estimate of the likely actual prevalence of the pest in the field. The design prevalence is set as a goal of the survey and corresponds to the compromise the risk managers are making between the risk of having the pest and the resources available for the survey. Typically, for a detection survey a value of 1 % is set.
-

# DIRECTIVES

## COMMISSION DELEGATED DIRECTIVE (EU) 2022/1631

of 12 May 2022

**amending, for the purposes of adapting to scientific and technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of lead in bismuth strontium calcium copper oxide superconductor cables and wires and lead in their electrical connections**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment <sup>(1)</sup>, and in particular Article 5(1), point (a), thereof,

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications, which are specific to medical devices and monitoring and control instruments, and are listed in Annex IV to that Directive.
- (2) The categories of electrical and electronic equipment (EEE) to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) On 25 March 2019, the Commission received an application made in accordance with Article 5(3) of Directive 2011/65/EU for an exemption to be listed in Annex IV to that Directive, for the use of lead in bismuth strontium calcium copper oxide superconductor for use in cables and wires and lead in related electrical connections to other EEE components ('the requested exemption'). Lead-doped BSCCO can be used to create superconducting magnetic circuits for medical devices and monitoring and control instruments.
- (5) The evaluation of the requested exemption included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.
- (6) Lead-containing solders are used to connect the superconducting wires and cables to other EEE components. There is currently no lead-free alternative available on the market that would provide a sufficient level of reliability for applications, where properties such as ductility and low electrical resistivity at low temperatures are required.
- (7) The evaluation of the requested exemption, which included a technical and scientific assessment study <sup>(2)</sup>, concluded that the addition of lead to BSCCO provides technical and functional advantages that cannot be achieved without the use of lead. Those technical and functional advantages consist in higher resolution images for medical diagnosis or for research and innovation, and allow a more stable operation mode of the relevant applications. The addition of lead to BSCCO makes it possible to produce more efficient and reliable equipment, which is beneficial for health care and innovation.

<sup>(1)</sup> OJ L 174, 1.7.2011, p. 88.

<sup>(2)</sup> Study to assess seven exemption requests relating to Annex III and IV to Directive 2011/65/EU.

- (8) It is currently not possible to substitute or otherwise eliminate lead in the superconducting material and the related solders with the same technical performance, nor is it expected to be so in the foreseeable future. The requested exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>(3)</sup> and does not weaken the environmental and health protection afforded by it.
- (9) It is, therefore, appropriate to grant the requested exemption.
- (10) The technical advantages of the lead-doped BSCCO-material have the potential to promote improvements and innovation in medical diagnostics and in research. The duration of the exemption is unlikely to have adverse impacts on innovation. Therefore, it is appropriate to grant the exemption for an extensive validity period, in accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU.
- (11) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex IV to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

*Article 2*

1. Member States shall adopt and publish, by 28 February 2023 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate the text of those provisions to the Commission.

They shall apply those provisions from 1 March 2023.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 12 May 2022.

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

---

<sup>(3)</sup> 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).



## ANNEX

In Annex IV to Directive 2011/65/EU, the following entry is added:

'48.	Lead in bismuth strontium calcium copper oxide (BSCCO) superconductor cables and wires and lead in electrical connections to these wires
	Expires on 30 June 2027.'

**COMMISSION DELEGATED DIRECTIVE (EU) 2022/1632****of 12 May 2022****amending, for the purposes of adapting to scientific and technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for the use of lead in certain magnetic resonance imaging devices****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment <sup>(1)</sup>, and in particular Article 5(1), point (a), thereof,

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain the hazardous substances listed in Annex II to that Directive. That restriction does not apply to certain exempted applications, which are specific to medical devices and monitoring and control instruments, and are listed in Annex IV to that Directive.
- (2) The categories of electrical and electronic equipment to which Directive 2011/65/EU applies are listed in Annex I to that Directive.
- (3) Lead is a restricted substance listed in Annex II to Directive 2011/65/EU.
- (4) By Delegated Directive 2014/7/EU <sup>(2)</sup>, the Commission granted an exemption for the use of lead in solders, termination coatings of electrical and electronic components and printed circuit boards, connections of electrical wires, shields and enclosed connectors that are used in certain medical magnetic resonance imaging (MRI) equipment ('the exemption'), by including those applications in Annex IV to Directive 2011/65/EU. The exemption was to expire on 30 June 2020.
- (5) On 12 December 2018, the Commission received an application for renewal of the exemption ('the renewal request') that is within the time limit laid down in Article 5(5) of Directive 2011/65/EU. In accordance with that provision, the exemption remains valid until a decision on the renewal request has been adopted.
- (6) The evaluation of the renewal request included stakeholder consultations in accordance with Article 5(7) of Directive 2011/65/EU. The comments received during those consultations were made publicly available on a dedicated website.
- (7) The evaluation of the renewal request, which included a technical and scientific assessment study <sup>(3)</sup>, concluded that old design MRI devices depend on lead-containing MRI components and are highly limited in their compatibility with new lead-free MRI components. That evaluation further concluded that lead-free models of non-integrated MRI coils are already available. However, as concerns MRI devices with integrated coils, the technical development and the approval procedure to develop lead-free solutions require additional time.

<sup>(1)</sup> OJ L 174, 1.7.2011, p. 88.

<sup>(2)</sup> Commission Delegated Directive 2014/7/EU of 18 October 2013 amending, for the purposes of adapting to technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in solders, termination coatings of electrical and electronic components and printed circuit boards, connections of electrical wires, shields and enclosed connectors which are used (a) in magnetic fields within the sphere of 1 m radius around the isocentre of the magnet in medical magnetic resonance imaging equipment, including patient monitors designed to be used within this sphere, or (b) in magnetic fields within 1 m distance from the external surfaces of cyclotron magnets, magnets for beam transport and beam direction control applied for particle therapy (OJ L 4, 9.1.2014, p. 57).

<sup>(3)</sup> Study to assess seven exemption requests relating to Annex III and IV to Directive 2011/65/EU (Pack 18).

- (8) The use of lead in newly designed non-integrated MRI coils and in upcoming lead-free MRI devices with integrated coils should be excluded from the exemption with specific dates.
- (9) Not granting the renewal request could result in premature wastage of MRI devices due to a lack of compatible components or redesigning options. This could result in a supply gap of MRI equipment, which could in turn adversely affect health care for patients.
- (10) The total negative environmental, health and consumer safety impacts of substitution are likely to outweigh the total environmental, health and consumer safety benefits thereof. The exemption is consistent with Regulation (EC) No 1907/2006 of the European Parliament and of the Council (\*) and thus does not weaken the environmental and health protection afforded by it.
- (11) It is, therefore, appropriate to grant the renewal of the exemption.
- (12) In order to provide compatible MRI equipment for health services and to allow time for the development of lead-free alternatives, it is appropriate to grant the renewal of the exemption, with a revised scope, for the maximum duration of 7 years until 30 June 2027, in accordance with Article 5(2), first subparagraph, of Directive 2011/65/EU. In view of the results of the ongoing efforts to find a reliable substitution, the duration of the exemption is unlikely to have adverse impacts on innovation.
- (13) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

Annex IV to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

#### *Article 2*

1. Member States shall adopt and publish, by 28 February 2023 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate the text of those provisions to the Commission.

They shall apply those provisions from 1 March 2023.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

#### *Article 3*

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

(\*) 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).

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 12 May 2022.

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

---

## ANNEX

In Annex IV to Directive 2011/65/EU, in entry 27, the following points (c) and (d) are added:

	<p>(c) MRI non-integrated coils, for which the Declaration of Conformity of this model is issued for the first time before 23 September 2022, or</p> <p>(d) MRI devices including integrated coils, which are used in magnetic fields within the sphere of 1 m radius around the isocentre of the magnet in medical magnetic resonance imaging equipment, for which the Declaration of Conformity is issued for the first time before 30 June 2024.</p> <p>Expires on 30 June 2027.</p>
--	---

# DECISIONS

## COUNCIL IMPLEMENTING DECISION (EU) 2022/1633

of 20 September 2022

**amending Implementing Decision (EU) 2020/1343 granting temporary support under Regulation (EU) 2020/672 to the Republic of Bulgaria to mitigate unemployment risks in the emergency following the COVID-19 outbreak**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak <sup>(1)</sup>, and in particular Article 6(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Further to a request from Bulgaria on 7 August 2020, the Council, by means of Implementing Decision (EU) 2020/1343 <sup>(2)</sup>, granted financial assistance to Bulgaria in the form of a loan amounting to a maximum of EUR 511 000 000 with a maximum average maturity of 15 years, and with an availability period of 18 months, with a view to complementing Bulgaria's national efforts to address the impact of the COVID-19 outbreak and respond to the socio-economic consequences of that outbreak for workers and the self-employed.
- (2) The loan was to be used by Bulgaria to finance the short-time work schemes and similar measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1343.
- (3) The COVID-19 outbreak continues to immobilise a substantial part of the labour force in Bulgaria. This has led to repeated sudden and severe increase in public expenditure in Bulgaria in respect of the measure referred to in Article 3, point (b), of Implementing Decision (EU) 2020/1343.
- (4) The COVID-19 outbreak and the extraordinary measures implemented by Bulgaria in 2020, 2021 and 2022 to contain that outbreak and its socioeconomic and health-related impact had and are still having a dramatic impact on public finances. In 2020, Bulgaria had a general government deficit and debt of 4,0 % and 24,7 % of gross domestic product (GDP) respectively, which increased to 4,1 % and 25,1 % respectively at the end of 2021. According to the Commission's 2022 spring forecast, Bulgaria is forecast to have a general government deficit and debt of 3,7 % and 25,3 % of GDP respectively by the end of 2022. Bulgaria's GDP is projected to increase by 2,1 % in 2022.
- (5) On 23 June 2022 Bulgaria requested further financial assistance from the Union in the amount of EUR 460 170 000 with a view to continuing to complement its national efforts undertaken in 2020, 2021 and 2022 to address the impact of the COVID-19 outbreak and respond to the socio-economic consequences of the outbreak for workers. In particular, Bulgaria further extended and amended the short-time work schemes and similar measures referred to in recital (6).

<sup>(1)</sup> OJ L 159, 20.5.2020, p. 1.

<sup>(2)</sup> Council Implementing Decision (EU) 2020/1343 of 25 September 2020 granting temporary support under Regulation (EU) 2020/672 to the Republic of Bulgaria to mitigate unemployment risks in the emergency following the COVID-19 outbreak (OJ L 314, 29.9.2020, p. 10).

- (6) The extended wage subsidy is provided to undertakings, which, due to the COVID-19 outbreak, have suffered a revenue reduction of at least 30 % due to restrictions on their activities between 13 March 2020 and 31 December 2020. The employment of employees is required to be maintained during the period of participation in the measure and for an equal period afterwards. The monthly wage subsidy to the eligible undertakings amounts to between 50 and 60 % of the employee's monthly gross salary (including employers' social security contributions), depending on the size of the decrease in revenue. This measure is an extension of the measure described in Article 3, point (b), of Implementing Decision (EU) 2020/1343 and provided for in Decree No 151 of 3 July 2020 of the Council of Ministers, as amended by Decree No 278 of 12 October 2020, Decree No 416 of 30 December 2020, Decree No 93 of 18 March 2021, Decree No 213 of 1 July 2021, Decree No 322 of 7 October 2021, Decree No 482 of 30 December 2021 and Decree No 40 of 31 March 2022 <sup>(3)</sup>.
- (7) Bulgaria fulfils the conditions for requesting financial assistance set out in Article 3 of Regulation (EU) 2020/672. Bulgaria has provided the Commission with appropriate evidence that the actual and planned public expenditure has increased by EUR 1 015 050 000 as of 1 February 2020 as a result of the national measures taken to address the socioeconomic effects of the COVID-19 outbreak. This constitutes a sudden and severe increase because it is related to the extension or amendment of existing national measures directly related to short-time work scheme and similar measures that cover a significant proportion of undertakings and of the labour force in Bulgaria. Bulgaria intends to finance EUR 43 880 000 of the increased amount of expenditure through its own financing.
- (8) The Commission has consulted Bulgaria and verified the sudden and severe increase in the actual and planned public expenditure directly related to short-time work schemes and similar measures, as referred to in the request of 23 June 2022, in accordance with Article 6 of Regulation (EU) 2020/672.
- (9) Financial assistance should therefore be provided with a view to helping Bulgaria to address the socioeconomic effects of the severe economic disturbance caused by the COVID-19 outbreak. The Commission should take the decisions concerning maturities, size and release of instalments and tranches in close cooperation with national authorities.
- (10) Given that the availability period indicated in Implementing Decision (EU) 2020/1343 has expired, a new availability period for the additional financial assistance is needed. The availability period for financial assistance granted by Implementing Decision (EU) 2020/1343 should be extended by 21 months and, as a consequence, the total availability period should be 39 months starting from the first day after Implementing Decision (EU) 2020/1343 has taken effect.
- (11) Bulgaria and the Commission should take this Decision into account in the loan agreement referred to in Article 8(2) of Regulation (EU) 2020/672.
- (12) This Decision should be without prejudice to the outcome of any procedures relating to distortions of the operation of the internal market that may be undertaken, in particular pursuant to Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty.
- (13) Bulgaria should inform the Commission on a regular basis of the implementation of the planned public expenditure, in order to enable the Commission to assess the extent to which Bulgaria has implemented that expenditure.
- (14) The decision to provide financial assistance has been reached taking into account existing and expected needs of Bulgaria, as well as requests for financial assistance pursuant to Regulation (EU) 2020/672 already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency,

<sup>(3)</sup> Prom. State Gazette No 60 of 7 July 2020, amended and supplemented SG No 89 of 16 October 2020, supplemented SG No 110 of 29 December 2020, amended SG No 2 of 8 January 2021, amended and supplemented SG No 24 of 23 March 2021, amended and supplemented SG No 56 of 6 July 2021, amended and supplemented SG No 85 of 12 October 2021, supplemented SG No 97 of 19 November 2021, amended SG No 1 of 4 January 2022, amended SG No 27 of 5 April 2022.

HAS ADOPTED THIS DECISION:

#### Article 1

Implementing Decision (EU) 2020/1343 is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. The Union shall make available to Bulgaria a loan amounting to a maximum of EUR 971 170 000. The loan shall have a maximum average maturity of 15 years.

2. The availability period for financial assistance granted by this Decision shall be 39 months starting from the first day after this Decision has taken effect.’;

(b) paragraph 4 is replaced by the following:

‘4. The first instalment shall be released subject to the entry into force of the loan agreement provided for in Article 8(2) of Regulation (EU) 2020/672. Any further instalments shall be released in accordance with the terms of that loan agreement or, where relevant, be subject to the entry into force of an addendum thereto, or of an amended loan agreement concluded between Bulgaria and the Commission replacing the original loan agreement.’;

(2) Article 3 is replaced by the following:

#### ‘Article 3

Bulgaria may finance the following measures:

(a) wage subsidies to undertakings provided for in Decree No 55 of 30 March 2020 of the Council of Ministers;

(b) wage subsidies to undertakings provided for in Decree No 151 of 3 July 2020 of the Council of Ministers, as amended by Decree No 278 of 12 October 2020, Decree No 416 of 30 December 2020, Decree No 93 of 18 March 2021, Decree No 213 of 1 July 2021, Decree No 322 of 7 October 2021, Decree No 482 of 30 December 2021 and Decree No 40 of 31 March 2022.’;

(3) Article 4 is replaced by the following:

#### ‘Article 4

1. Bulgaria shall inform the Commission by 30 March 2021, and every six months thereafter of the implementation of the planned public expenditure until that planned public expenditure has been fully implemented.

2. Where measures referred to in Article 3 are based on planned public expenditure and have been subject to an implementing decision amending this Decision, Bulgaria shall inform the Commission within six months of the date of adoption of that amending implementing decision, and every six months thereafter of the implementation of the planned public expenditure until that planned public expenditure has been fully implemented.’.

#### Article 2

This Decision is addressed to the Republic of Bulgaria.

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

#### Article 3

This Decision shall be published in the *Official Journal of the European Union*.



Done at Brussels, 20 September 2022.

*For the Council*  
*The President*  
M. BEK

---

# RECOMMENDATIONS

## COMMISSION RECOMMENDATION (EU) 2022/1634

of 16 September 2022

### on internal safeguards for editorial independence and ownership transparency in the media sector

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of 'public watchdog'.
- (2) Media services play a crucial role in democratic societies as they provide information which is a public good. To fulfil such an essential societal role and to thrive on the market, media service providers need to be able to provide their services freely and independently in a market that is open and transparent, and that allows for a plurality of media actors and views.
- (3) Media service providers enjoy not only protection under the Union rules governing the internal market but also under Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter') as they are important for the enjoyment of the right to freedom of expression and information. Article 11 of the Charter also provides that the freedom and pluralism of media shall be respected and that the right to freedom of expression includes freedom to receive and impart information without interference by public authority and regardless of frontiers of Member States. Moreover, the proper functioning of the internal market for media services has a direct impact on the rule of law and on democracy, which are fundamental Union values enshrined in Article 2 of the Treaty on European Union.
- (4) The loss of advertising revenues over the last decade, due in particular to the rise of online distribution of media content and change of consumption habits, has drained financial resources from the traditional media sector affecting its sustainability, and in turn the quality and diversity of content on offer. This trend indicates how the market is failing to provide sustainable returns for independent news and quality journalism, which are public goods, and help counter disinformation.
- (5) As outlined in the European democracy action plan <sup>(1)</sup>, the Commission has put forward a series of initiatives in order to support media freedom and pluralism. It adopted a Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union <sup>(2)</sup>. It has also presented a proposal for a Directive <sup>(3)</sup> and a Recommendation <sup>(4)</sup> on protecting persons who engage in public participation

<sup>(1)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European democracy action plan (COM(2020) 790 final).

<sup>(2)</sup> Commission Recommendation (EU) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union (OJ L 331, 20.9.2021, p. 8).

<sup>(3)</sup> Proposal for a Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation') (COM(2022) 177 final).

<sup>(4)</sup> Commission Recommendation (EU) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation') (OJ L 138, 17.5.2022, p. 30).

from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation'). Furthermore, the Commission has implemented several actions to support the recovery and transformation of the media and audiovisual sector, as part of the media and audiovisual action plan <sup>(5)</sup>. The Commission also closely monitors the transposition and implementation of important pieces of legislation for the media sector, in particular the Audiovisual Media Services Directive <sup>(6)</sup> and the Copyright Directive <sup>(7)</sup>.

- (6) The Commission has put forward a legislative proposal for a Regulation establishing a common framework for media services in the internal market (European Media Freedom Act). That proposal foresees a series of safeguards in Union law in order to protect media pluralism and editorial independence in the internal market. This Recommendation accompanies the proposed Regulation as a tool with immediate effect to foster editorial independence and media ownership transparency.
- (7) At the same time, complementary to legislation and as underlined in the European democracy action plan, the Commission has been actively supporting self-regulatory initiatives by the media sector itself. This Recommendation is part of these efforts.
- (8) The media industry has a long-standing tradition of self-regulation and has taken a number of initiatives in the field. Building on those initiatives and taking into account the diversity of legal traditions and approaches in the Member States, voluntary practices can be identified that could be followed by media service providers to improve their resilience and better withstand political and economic pressure. The sector could engage in a discussion on such voluntary practices while leaving it for the media service providers to decide freely which practices can fit into their individual needs and business models, particularly taking into account the specific needs of micro, small and medium-sized enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council <sup>(8)</sup>.
- (9) Citizens need to be able to trust the information they receive in order to exercise their democratic rights. They need to have access to a plurality of views and reliable sources of information in order to form their own opinions and contribute to the democratic processes. Access to trustworthy information is equally important for businesses to be able to take informed decisions.
- (10) European media service providers are increasingly subject to undue interference in the individual editorial decisions, including from private owners and shareholders, with adverse effects on editorial freedom, capacity to provide independent news and thus the availability of trustworthy information for media audiences. The 2022 Media Pluralism Monitor shows a high risk of undue commercial and owner influence in several Member States <sup>(9)</sup>. In the digital age, because of the increased possibility to easily access information provided by media service providers established in other Member States, it is essential to foster good practices at EU level to ensure that Union citizens and businesses receive independent and diverse news and current affairs content to form their views and make informed choices, contributing to a public sphere in the internal market.

<sup>(5)</sup> Communication from the Commission to the European Parliament, the Council, the European economic and social Committee and the Committee of the Regions – Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation (COM (2020) 784 final).

<sup>(6)</sup> Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69)

<sup>(7)</sup> Directive (EU) 2019/790 of the European Parliament and the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

<sup>(8)</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

<sup>(9)</sup> Media Pluralism Monitor (2022) full report, p. 67.

- (11) Editorial independence shields editors and journalists from conflicts of interest and helps them to resist undue interference and pressure. Therefore, it is a prerequisite for the production and circulation of unbiased information and an essential facet of media freedom. It enables the provision and reception of independent and pluralistic media services by citizens and businesses across the Union. This is particularly relevant for media service providers providing news and current affairs content, irrespective of its format (including documentaries or magazines covering such issues). Therefore, the recommendations relating to voluntary measures on editorial independence are addressed to such providers.
- (12) In this context, some media service providers have already put in place corporate governance measures, standards or mechanisms, such as editorial charters or codes or committees of ethics to protect editorial independence. In some news outlets, journalists have a say on the selection of their editor-in-chief or even on media ownership changes. In certain media companies, journalists have the status of shareholders, and can participate in the strategic decision-making and in the division of the economic gains. In a few Member States, some of those corporate measures are legally required for specific types of media service providers <sup>(10)</sup>. Those and other examples of safeguards should be used as sources of inspiration for voluntary measures and a basis for continuing stakeholder-led discussions on how to improve the protection of editorial independence.
- (13) While it is legitimate for private media owners to choose and decide the long-term editorial direction, it is important to ensure that editors can cover independently news and current affairs in their daily work. Indeed, editors should base individual editorial decisions on the journalistic research and assessment and on the relevance of the information for the readers; they should also be able to freely express critical views without fear of retribution. There is a need for a balanced industry-led approach, with a view to fostering editorial independence, while recognising the legitimate rights and interests of private owners of media service providers from the perspective of both business freedom and their own freedom of expression.
- (14) Media self-regulation and standards of journalistic ethics are effective tools to empower journalists and help them to resist undue pressure, including of a political and commercial nature, thus enhancing public trust in the media <sup>(11)</sup>. However, the application of journalistic standards across the Union can be improved. The 2022 Media Pluralism Monitor points to the deficiencies in the effective implementation of self-regulation <sup>(12)</sup>.
- (15) Moreover, as identified by the Union-funded project 'Media Councils in the Digital Age', media or press councils operate in only over half of Member States <sup>(13)</sup>. In those Member States, they differ with regard to their size, scope of activities as well as type of legal identity or recognition under national law, which can have a bearing on their effective role. In those Member States where media or press councils are not yet established, representatives of the media community often lack incentives to develop them.
- (16) This Recommendation proposes to media service providers a non-exhaustive and non-cumulative catalogue of voluntary measures and strategies with a view to guaranteeing the independent process of news content production. The recommended measures concern key elements of that process, starting from the conditions for independent creation of editorial content, through empowering journalists to participate in crucial decisions for the functioning of media outlets, to strategies for ensuring long-term stability of news content production.
- (17) Nothing in this Recommendation, which by definition is non-binding, should be interpreted as affecting the freedom to provide services in the internal market or the freedom of expression and information, including freedom of the press, or interfering in editorial freedom or freedom to conduct business. The internal safeguards should in no way

<sup>(10)</sup> For instance in France, Law No 2016-1524 (so-called 'Loi Bloche'), and in Portugal, Law No 1/99 of 13 January.

<sup>(11)</sup> Recommendation CM/Rec(2018)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership.

<sup>(12)</sup> Media Pluralism Monitor (2022) (full report), p. 82.

<sup>(13)</sup> R.A. Harder and P. Knapen, Media Councils in the Digital Age: An inquiry into the practices of media self-regulatory bodies in the media landscape today, vzw Vereniging van de Raad voor de Journalistiek, Brussels, 2021.

be considered as depriving media owners of their role in setting strategic goals and fostering the growth and financial viability of their companies. In addition, the leading role played by media service providers and journalists in developing internal safeguards and self-regulatory instruments should be recognised.

- (18) This Recommendation is based on exchanges with concerned stakeholders, notably journalists, media companies and their associations. It builds on the discussions at the European News Media Forum <sup>(14)</sup>, in particular the second edition held on 29 November 2021, which discussed the media sector's industrial transformation and related challenges <sup>(15)</sup>. It also takes account of the existing industry initiatives, including the Journalism Trust Initiative (JTI) by Reporters without Borders and its partners, which aim to foster a healthier information space supported by industry standards.
- (19) The recommended measures build on initiatives that test new business models and collaborations, such as those financed under the journalism partnerships action supported by the Creative Europe programme <sup>(16)</sup>. They also build on the financial support schemes and priorities outlined in the Media and audiovisual action plan, as part of EU-level efforts to support an industrial ecosystem for news media. Furthermore, certain media service providers have resorted to governance structures where non-profit entities, such as trusts or foundations, hold the entirety or a part of their capital and, in some cases, have an important role in appointing the management boards and the editors-in-chief, which are considered to serve to preserve the editorial independence of the provider in a long term. Other governance mechanisms with similar goals include journalistic shareholdership arrangements where members of the editorial staff or their representative bodies control part of the shares or have the power to refuse the entry of a new controlling shareholder that may affect editorial independence. Based on this, the recommended measures reference possible approaches that media service providers may consider to increase their sustainability, and thus resilience to political and market pressures, noting that they remain best placed, as economic operators, to develop the business models that fit their objectives and capacities, according to the market segments they target.
- (20) This Recommendation also aims to further promote media ownership transparency across the Union. Currently, international standards <sup>(17)</sup> and Union media legislation encourage Member States to adopt sector-specific measures to increase media ownership transparency. In particular, Article 5(2) of the Directive 2010/13/EU of the European Parliament and of the Council <sup>(18)</sup> recognises that Member States may require media service providers under their jurisdiction to make accessible information concerning their ownership structure, including information on their beneficial owners, consistent with the general rules on beneficial ownership transparency set out in Directive (EU) 2015/849 of the European Parliament and of the Council <sup>(19)</sup>. The 2018 Council of Europe Recommendation on media pluralism and transparency of media ownership calls on member States to put in place frameworks for the disclosure of accurate and up-to-date information concerning direct and beneficial media ownership. Moreover, the Commission is co-financing the development of the Euromedia Ownership Monitor, which aims to design a searchable and scalable database to provide free and user-friendly information about media ownership across the Union.

---

<sup>(14)</sup> The European News Media Forum was set up by the Commission under the Media and audiovisual action plan to strengthen cooperation with stakeholders on media-related issues.

<sup>(15)</sup> See the recordings and summary of the event: <https://digital-strategy.ec.europa.eu/en/library/european-news-media-forum-industrial-transformation-glance>

<sup>(16)</sup> Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013 (OJ L 189, 28.5.2021, p. 34).

<sup>(17)</sup> Recommendation CM/Rec(2018)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership.

<sup>(18)</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

<sup>(19)</sup> Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

- (21) Measures enhancing media ownership transparency vis-à-vis the general public would be important in light of the specific nature of media services as a public good <sup>(20)</sup>. Since media have a role in reporting on and holding to account political and economic interests, media ownership transparency is a necessary component of any ecosystem aiming at fostering investigative journalism, media diversity and public confidence in media reporting. The lack of media-specific transparency information has been flagged by stakeholders in the consultations carried out in the context of the preparation of this Recommendation.
- (22) It follows from the above that a comprehensive approach to media ownership transparency is appropriate. It would promote availability of information on media ownership (or its exercise) by the government, a state institution, state-owned enterprise or other public body, on the interests, links or activities of owners in other media or non-media businesses as well as any other interests that could influence the strategic decision-making of the media company or its editorial line. It is also appropriate to recommend publication of information on any changes to ownership or control over media, reflecting the importance of up-to-date information concerning the ownership structure for service recipients. The recommended approach should be adjusted depending on the type of media outlet and the nature of its ownership. In particular, in the case of journalist-owned media outlets, only information on the owners with a leadership role, for example, members of the board of directors, should be made available.
- (23) Consequently, this Recommendation seeks to promote high levels of media ownership transparency across the Union through voluntary actions that could be taken both directly by media service providers as well as by the Member States, without prejudice to the Union-level horizontal ownership transparency rules under Directive (EU) 2015/849 and the disclosure rules for companies under Directive (EU) 2017/1132 of the European Parliament and of the Council <sup>(21)</sup>, as well as the existing Union-level systems of interconnection of registers.
- (24) In order to foster the follow-up on this Recommendation, the Commission will facilitate a regular dialogue with Member States and the representatives of media service providers and journalists in the relevant fora, in particular the European News Media Forum. The Commission will closely monitor actions taken by Member States and follow relevant measures taken by media service providers under the Recommendation. For this purpose, Member States should be invited to provide the Commission with the relevant information they can reasonably be expected to supply, to allow the Commission to monitor compliance with the relevant parts of the Recommendation addressed to them. The findings of the monitoring can feed into the stakeholder-led discussions,

HAS ADOPTED THIS RECOMMENDATION:

## SECTION I

### *Purpose of the Recommendation*

- (1) Without prejudice to existing and future Union rules, this Recommendation:
- proposes to media service providers providing news and current affairs content a non-exhaustive catalogue of voluntary measures for potential uptake with a view to guaranteeing the independence of their individual editorial decisions;
  - encourages media service providers and Member States to take actions to promote media ownership transparency in the internal market.

<sup>(20)</sup> See Council of Europe: 'transparency of media ownership can help to make media pluralism effective by bringing ownership structures behind the media – *which can influence editorial policies* – to the awareness of the public and regulatory authorities', preamble of Recommendation CM/Rec(2018)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership. See also European Audiovisual Observatory: 'The transparency of media ownership can stabilise and promote confidence that this power will not be abused for subversively advancing the respective owners' own political, economic and societal interests but instead used to *promote the common good*, namely, to carry out media-related fact checks', see M. Cappello (ed.), *Transparency of media ownership*, IRIS *Special*, European Audiovisual Observatory, Strasbourg, 2021.

<sup>(21)</sup> Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).

## SECTION II

### *Internal safeguards for editorial independence*

- (2) When taking measures with a view to guaranteeing the independence of individual editorial decisions, media service providers are encouraged to give consideration to the catalogue below.
- (3) This catalogue serves as a source of inspiration for the media service providers. The potential choice of safeguards should be guided by their practicability and proportionality, taking into account the size of media service providers and the nature of the media services provided.
- (4) Media service providers are also encouraged to adhere to self-regulatory schemes and journalistic and media industry initiatives promoting editorial standards and standards of trustworthy and ethical journalism.

### *Safeguards to ensure the independence and integrity of editors*

- (5) Media service providers are encouraged to lay down internal rules to protect editorial integrity and independence from undue political and business interests which may affect individual editorial decisions. Where such internal rules exist, it is encouraged that they are fully recognised and endorsed by the owners and management of the media company.
- (6) Such internal rules could be collected in charters, codes or other editorial guidelines and policy documents, which media service providers are encouraged to make publicly available and accessible, to the extent possible, also to persons with disabilities, on their websites.

### Editorial integrity

- (7) The internal rules of media service providers referred to in point 5 could cover the following aspects:
  - (a) rules ensuring the integrity of the editorial content (concerning the production of content), including, for example, an editorial mission statement, policies to foster a diverse and inclusive composition of newsrooms, or policies on responsible use of sources;
  - (b) rules aimed to prevent or disclose conflicts of interest, including in particular requirements to inform the public about any business or professional links between the owners or entities in the ownership structure of or having a stake in the given media service provider and entities or individuals mentioned in its editorial content;
  - (c) policies on corrections, including complaint mechanisms;
  - (d) rules ensuring the separation between commercial and editorial activities, including, for example, requirements to ensure that the editorial content is separated and clearly distinguishable from advertising and promotional content.

### Editorial independence

- (8) Media service providers are encouraged to establish mechanisms enabling members of the editorial staff to protect their editorial independence against any form of undue interference. Such mechanisms could include:
  - (a) by way of complement to the obligations laid down in national rules implementing Directive (EU) 2019/1937 of the European Parliament and of the Council <sup>(22)</sup>, procedures to signal any pressure they might be exposed to; they could provide options for anonymous or confidential signalling of instances of pressure;

<sup>(22)</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

- (b) a right of opposition enabling members of the editorial staff to refuse to sign articles or other editorial content which have been modified without their knowledge or against their will;
- (c) conscience clauses protecting against disciplinary sanctions or arbitrary dismissals of the members of editorial staff who refuse assignments that they consider to be against professional standards;
- (d) without prejudice to the rights and obligations laid down in labour law or other protective rules, the right for members of the editorial staff who believe that an ownership change regarding the media service provider may affect their editorial integrity and independence to leave that provider and retain all the benefits that apply in respect of time spent at the media outlet.

#### Internal bodies or structures

- (9) In order to support the implementation of policies or internal rules on editorial integrity and independence, media service providers are encouraged to set up appropriate internal independent bodies or structures that could include:
  - (a) ethics or supervisory committees, in charge of overseeing the correct implementation of charters, codes or other editorial guidelines and policy documents adopted within the media service provider, and ombudspersons responsible for ensuring compliance with the editorial integrity rules. Those bodies could receive complaints on possible violations of the policies and rules and seek to address them, for example through mediation;
  - (b) newsroom councils, editorial boards, or other bodies functioning as professional representation groups of the editorial staff in the media and as points of contact and dialogue between the management and the journalists and other media professionals. Their members could be elected by the journalists and other media professionals within the media service provider. Particularly, they could seek to ensure that the rights set forth in charters, codes or other editorial guidelines and policy documents adopted within the provider are effectively enjoyed by the journalists and other media professionals. They could also endeavour to ensure compliance with ethical principles;
  - (c) journalistic directors, appointed to the executive committees and responsible for ensuring that the policies of the media service provider respect the principles of independent journalism and freedom of the press;
  - (d) boards responsible for appointing the editor-in-chief and protecting his or her autonomy and independence;
  - (e) consultation or mediation committees, composed of representatives of the editorial staff and of the management or owners, to resolve conflicts between members of the editorial staff and members of the management or owners.
- (10) The rules governing the functioning of those bodies and structures, where they exist, as well as information on their activities, should, to the appropriate extent, be publicly available and accessible, to the extent possible, also to persons with disabilities.

#### *Safeguards to promote the participation of journalists in decision-making of media companies*

- (11) Media service providers are encouraged to foster the involvement of members of the editorial staff or their representative bodies in governance and decision-making processes. Such involvement could take the form of information rights, consultation rights, participation rights, or a combination thereof; this shall not affect Article 16 of the Charter.
- (12) Information rights could be envisaged particularly in the following cases:
  - (a) when owners or management of the media service provider decide to change the editor-in-chief;
  - (b) when the composition of the management board changes;



(c) in cases of major changes concerning the legal form or the ownership of the media service provider, liquidation procedures or other structural changes.

(13) Media service providers are encouraged to ensure that members of the editorial staff or their representative bodies are consulted on the appointment of the editor-in-chief. The management and the editorial staff are encouraged to agree upon the applicable consultation procedure.

(14) Where compatible with the applicable national rules compliant with Union law, members of the editorial staff could be given the possibility to participate in the management of the media service provider by electing one or more representatives in the managing board.

*Safeguards to improve the sustainability of media service providers and long-term investment in content production*

(15) Media service providers are encouraged to promote the sharing of knowledge and to exchange best practices in the relevant forums with the goal of developing strategies to increase their long-term sustainability and resilience. The Commission will facilitate such a dialogue within the European News Media Forum.

(16) Discussions so far have indicated that relevant innovative actions could be explored in several areas, including:

(a) business models that enable to effectively adapt to new consumption habits, including subscription-based schemes, reader-based schemes, crowdfunding or other new monetisation strategies that have proven successful in increasing revenues;

(b) technological solutions instrumental in boosting engagement, including transparent algorithms used to improve content recommendations and adapt paywalls;

(c) approaches aimed at retaining and increasing audiences, notably by proposing new formats, developing audience-listening and community building tools, as well as harnessing of data to better understand audience preferences and behaviour, which in turn enables targeting and diversification strategies;

(d) corporate governance structures, including trusts or foundations, journalistic shareholdership arrangements, journalists' or readers' associations or any other structure that may help in fostering resilience of media service providers. In this context, recourse to such structures or mechanisms may be considered beneficial in preserving editorial independence and promoting quality journalism;

(e) strategies or commitments to re-invest revenues or profits generated with a view to strengthen long-term investment in media content, digitalisation and independent journalism, in light of the increasing need to keep pace with innovations in the attention economy.

(17) Media service providers are encouraged to develop policies ensuring transparency and fair use of donations. This could encompass, for example, the disclosure of donors making donations above a certain threshold or rules on donations from persons or entities whose donation could jeopardise the editorial independence.

(18) Media service providers are also encouraged to explore possibilities for structural cooperation, including across borders, in order to exploit the opportunities offered at the European level by the internal market and reaching further audiences. Likewise, media service providers are encouraged to explore structured partnerships, for example aimed at pooling and exploiting data and boosting their innovation capacities.

(19) Media service providers are encouraged to promote professional education and training opportunities for their journalists and other media professionals, including retraining and reskilling. This can be done in cooperation with media self-regulatory bodies, professional organisations and associations, as well as educational institutions.

**SECTION III*****Media ownership transparency***

- (20) Media service providers are encouraged to ensure that detailed, comprehensive and up-to-date information on their ownership is easily and directly accessible to the public, including, to the extent possible, to persons with disabilities. In particular, it is recommended that media service providers ensure access to the information related to:
- (a) whether and if so to what extent their direct or beneficial ownership is held by the government, a state institution, state-owned enterprise or other public body;
  - (b) the interests, links or activities of their owners in other media or non-media businesses;
  - (c) any other interests that could influence their strategic decision-making or their editorial line;
  - (d) any changes to their ownership or control arrangements.
- (21) Member States are encouraged to take action to effectively implement the Recommendation CM/Rec(2018)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership. In particular, Member States are encouraged to entrust a relevant national regulatory authority or body with developing and maintaining a dedicated online media ownership database, containing disaggregated data about different types of media, including at regional and/or local levels, to which the public would have easy, swift and effective access free of charge, and producing regular reports on the ownership of media services under the jurisdiction of a given Member State.
- (22) Member States and their national regulatory authorities or bodies are encouraged to hold regular exchanges of best practices in the area of media ownership transparency. In particular, such exchanges should focus on identifying and promoting the most effective measures or tools to increase the transparency of media ownership and to improve administrative cooperation in this area.

**SECTION IV*****Monitoring and final provisions***

- (23) To allow for the monitoring of the measures and actions taken to follow up on this Recommendation, Member States should – 18 months after its adoption and subsequently on request – submit to the Commission all relevant information regarding the measures and actions specified in section III.
- (24) The Commission will hold discussions on the measures and actions taken to follow up on this Recommendation with Member States and stakeholders, in particular representatives of media service providers and journalists, in relevant fora, in particular the European News Media Forum.
- (25) If necessary, the Commission will consider adopting a new Recommendation, replacing this Recommendation, taking into account the European Media Freedom Act, as adopted by the co-legislators, as well as discussions with Member States and stakeholders. For the avoidance of doubt, in the case of any overlap between the provisions of this Recommendation and the Regulation establishing a common framework for media services in the internal market (European Media Freedom Act), as finally adopted by the co-legislators, the relevant provisions of this Recommendation will cease to apply when the provisions of that Regulation become applicable.

This Recommendation is addressed to media service providers established in the Union and, as regards actions specified in Section III, also to the Member States.

Done at Brussels, 16 September 2022.

*For the Commission*  
Thierry BRETON  
*Member of the Commission*

---

# ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

## DECISION No 1/2022 OF THE EU-SWITZERLAND JOINT COMMITTEE

of 6 September 2022

amending Tables III and IV of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, as amended [2022/1635]

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 <sup>(1)</sup>, as amended by the Agreement between the European Community and the Swiss Confederation of 26 October 2004 amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products <sup>(2)</sup>, hereinafter 'Agreement', and in particular Article 7 of its Protocol 2,

Whereas:

- (1) In accordance with Article 5(2) of Protocol 2 to the Agreement, the Union and the Swiss Confederation, as Contracting Parties, provided to the Joint Committee the 2021 domestic reference prices of all raw materials for which price compensation measures are applied. It follows from those prices that the actual price situation regarding those raw materials in the territory of the Contracting Parties has changed.
- (2) It is therefore necessary to update the domestic reference prices and the price differences for agricultural raw materials listed in Table III of Protocol 2 to the Agreement, as well as to adapt the basic amounts of the agricultural raw materials listed in Table IV of that Protocol,

HAS ADOPTED THIS DECISION:

### *Article 1*

Protocol 2 to the Agreement is amended as follows:

- (a) Table III is replaced by the text set out in Annex I to this Decision;
- (b) in Table IV, point (b) is replaced by the text set out in Annex II to this Decision.

### *Article 2*

This Decision shall be published in the *Official Journal of the European Union*.

### *Article 3*

This Decision shall enter into force on 1 October 2022.

<sup>(1)</sup> OJ L 300, 31.12.1972, p. 189.

<sup>(2)</sup> OJ L 23, 26.1.2005, p. 19.

Done at Brussels, 6 September 2022.

*For the Joint Committee  
The Chairman  
p.p. Rita ADAM  
Head of Mission*

---

## ANNEX I

## Table III

## EU and Swiss domestic reference prices

Agricultural raw material	Swiss domestic reference price	EU domestic reference price	Article 4(1) Applied on Swiss side Difference Swiss/EU reference price	Article 3(3) Applied on EU side Difference Swiss/EU reference price
	CHF per 100 kg net	CHF per 100 kg net	CHF per 100 kg net	EUR per 100 kg net
Common wheat	51,80	23,54	28,25	0,00
Durum wheat	—	—	1,20	0,00
Rye	42,80	18,50	24,30	0,00
Barley	—	—	—	—
Maize	—	—	—	—
Common wheat flour	91,60	46,68	44,90	0,00
Whole-milk powder	629,60	323,59	306,00	0,00
Skimmed-milk powder	420,10	260,22	159,90	0,00
Butter	1 128,35	409,97	718,40	0,00
White sugar	—	—	—	—
Eggs	—	—	38,00	0,00
Fresh potatoes	40,05	17,05	23,00	0,00
Vegetable fat	—	—	170,00	0,00

## ANNEX II

(b) Basic amounts for agricultural raw materials taken into account for the calculation of the agricultural components:

Agricultural raw material	Applied basic amount on the Swiss side Art. 3(2)	Applied basic amount on the EU side Art. 4(2)
	CHF per 100 kg net	EUR per 100 kg net
Common wheat	23,00	0,00
Durum wheat	1,00	0,00
Rye	19,80	0,00
Barley	—	—
Maize	—	—
Common wheat flour	36,60	0,00
Whole-milk powder	248,45	0,00
Skimmed-milk powder	130,30	0,00
Butter	570,15	0,00
White sugar	—	—
Eggs	30,95	0,00
Fresh potatoes	18,20	0,00
Vegetable fat	138,55	0,00'

**CORRIGENDA****Corrigendum to Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage**

*(Official Journal of the European Union L 173 of 30 June 2022)*

On page 27, Article 1, point (2), in new Article 6d(1)(b):

*for:*            '(b) from 2023: as set pursuant to Article 6a(4).',

*read:*           '(b) from 2023: as set pursuant to Article 6a(7).'.  
  

---





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



Publications Office  
of the European Union  
L-2985 Luxembourg  
LUXEMBOURG

**EN**