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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2264

of 14 November 2022

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [‘Piadina Romagnola/Piada Romagnola’ (PGI)]

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Italy’s application for the approval of amendments to the specification for the protected geographical indication ‘Piadina Romagnola/Piada Romagnola’, registered under Commission Implementing Regulation (EU) No 1174/2014 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name ‘Piadina Romagnola/Piada Romagnola’ (PGI) are hereby approved.

Article 2

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 1174/2014 of 24 October 2014 entering a name in the register of protected designations of origin and protected geographical indications (Piadina Romagnola/Piada Romagnola (PGI)) (OJ L 316, 4.11.2014, p. 3).

⁽³⁾ OJ C 278, 20.7.2022, p. 27.

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

Done at Brussels, 14 November 2022.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2265**of 14 November 2022****entering a name in the register of protected designations of origin and protected geographical indications ('Κατσικάκι Λήμνου / Katsikaki Limnou' (PGI))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Greece's application to register the name 'Κατσικάκι Λήμνου / Katsikaki Limnou' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Κατσικάκι Λήμνου / Katsikaki Limnou' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Κατσικάκι Λήμνου / Katsikaki Limnou' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.1 – Fresh meat (and offal), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 14 November 2022.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 281, 22.7.2022, p. 12.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2266**of 14 November 2022****entering a name in the register of protected designations of origin and protected geographical indications ('Samoborska češnjovka/Samoborska češnofka' (PGI))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Croatia's application to register the name 'Samoborska češnjovka/Samoborska češnofka' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Samoborska češnjovka/Samoborska češnofka' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Samoborska češnjovka/Samoborska češnofka' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.2 – Meat products (cooked, salted, smoked, etc.), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 14 November 2022.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 278, 20.7.2022, p. 35.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2267**of 14 November 2022****entering a name in the register of protected designations of origin and protected geographical indications ('Meso istarskog goveda – boškarina/Meso istrskega goveda – boškarina' (PDO))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Croatia and Slovenia's application to register the name 'Meso istarskog goveda – boškarina/Meso istrskega goveda – boškarina' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Meso istarskog goveda – boškarina/Meso istrskega goveda – boškarina' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Meso istarskog goveda – boškarina/Meso istrskega goveda – boškarina' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.1 – Fresh meat (and offal), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 14 November 2022.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 288, 29.7.2022, p. 46.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2268**of 18 November 2022****terminating the ‘new exporter’ review of Implementing Regulation (EU) 2019/1379 imposing a definitive anti-dumping duty on imports of bicycles originating in the People’s Republic of China following an interim review pursuant to Article 11(4) of Regulation (EU) 2016/1036 of the European Parliament and of the Council and terminating the registration of imports**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ (the ‘basic Regulation’) and in particular Article 11(4) thereof,

Whereas:

1. MEASURES IN FORCE

- (1) By Regulation (EEC) No 2474/93 ⁽²⁾ (‘the original investigation’), the Council imposed a definitive anti-dumping duty of 30,6 % on imports of bicycles originating in the People’s Republic of China (‘China’). Several investigations followed since then, which extended or amended the initial measures.
- (2) By Regulation (EU) No 502/2013 ⁽³⁾, the Council, following an interim review pursuant to Article 11(3) of the Council Regulation (EC) No 1225/2009 ⁽⁴⁾, amended the measures. In that investigation, sampling was not applied for exporting producers in China and the countrywide anti-dumping duty of 48,5 %, based on the dumping margin, established by Council Regulation (EC) No 1095/2005 ⁽⁵⁾, was maintained.
- (3) The measures currently in force are anti-dumping measures imposed by Commission Implementing Regulation (EU) 2019/1379 ⁽⁶⁾, under which imports of the product under review produced by the applicant are subject to a definitive anti-dumping duty of 48,5 %.

2. CURRENT INVESTIGATION**2.1. Request for a review**

- (4) The Commission received a request for a ‘new exporter’ review under Article 11(4) of the basic Regulation. The request was lodged on 10 September 2019 and updated on 26 November 2021 by Zhejiang Feishen Vehicle Industry Co., Ltd (‘the applicant’), an exporting producer of bicycles in China.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Regulation (EEC) No 2474/93 of 8 September 1993 imposing a definitive anti-dumping duty on imports into the Community of bicycles originating in the People’s Republic of China and collecting definitively the provisional anti-dumping duty (OJ L 228, 9.9.1993, p. 1).

⁽³⁾ Council Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People’s Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 153, 5.6.2013, p. 17).

⁽⁴⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

⁽⁵⁾ Council Regulation (EC) No 1095/2005 of 12 July 2005 imposing a definitive anti-dumping duty on imports of bicycles originating in Vietnam, and amending Regulation (EC) No 1524/2000 imposing a definitive anti-dumping duty on imports of bicycles originating in the People’s Republic of China (OJ L 183, 14.7.2005, p. 1).

⁽⁶⁾ Commission Implementing Regulation (EU) 2019/1379 of 28 August 2019 imposing a definitive anti-dumping duty on imports of bicycles originating in the People’s Republic of China as extended to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka, Tunisia, Cambodia, Pakistan and the Philippines, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 (OJ L 225, 29.8.2019, p. 1).

- (5) The applicant claimed that it was not related to any of the exporting producers of bicycles subject to the measures in force. In addition, the applicant claimed that it had only exported bicycles to the Union after the end of the investigation period of the original investigation.

2.2. Initiation of a new exporter review

- (6) The Commission examined the evidence available and concluded that there was sufficient evidence to justify the initiation of 'new exporter' reviews pursuant to Article 11(4) of the basic Regulation. After the Union producers had been given an opportunity to comment, the Commission initiated, by Commission Implementing Regulation (EU) 2022/358 ⁽⁷⁾ the review of Implementing Regulation (EU) 2019/1379 with regard to the applicant.

2.3. Product concerned

- (7) The product under review is bicycles and other cycles (including delivery tricycles, but excluding unicycles), not motorised, currently falling under CN codes 8712 00 30 and ex 8712 00 70 (TARIC codes 8712 00 70 91, 8712 00 70 92 and 8712 00 70 99) and originating in China.

2.4. Parties concerned

- (8) The Commission officially informed the applicant, the Union industry as well as the representatives of the exporting country, of the initiation of this review. Interested parties were given the opportunity to make their views known in writing and to be heard.
- (9) On the day of initiation, the Commission requested the applicant to fill in the questionnaire.

2.5. Review investigation period

- (10) The investigation covered the period from 1 January 2021 to 31 December 2021 ('review investigation period').

2.6. Disclosure

- (11) On 29 July 2022 the Commission disclosed to interested parties its intention to terminate the review investigation without determining individual dumping margin for the applicant. Interested parties were given the opportunity to comment.
- (12) In its comments submitted on 12 August 2022 the applicant disagreed with the Commission's analysis refusing the new exporter's status on the basis of the representativity of the applicant's sales and claimed the lack of legal basis for such a decision and that it is inconsistent with the Panel and the Appellate Body reports in *Mexico – Definitive anti-dumping measures on beef and rice* ⁽⁸⁾.
- (13) The Commission points out that the Panel and the Appellate Body examined the conditions to accept or reject a request to conduct an expedited new exporter review, as set out in Mexican law. In the present case, the Commission has accepted the request of the applicant and has dutifully initiated the new exporter review but To perform a reliable dumping margin calculation, the Commission needs a sound export price that is considered to

⁽⁷⁾ Commission Implementing Regulation (EU) 2022/358 of 2 March 2022 initiating a 'new exporter' review of Implementing Regulation (EU) 2019/1379 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China for one Chinese exporting producer, repealing the duty with regard to imports from that exporting producer and making these imports subject to registration (OJ L 68, 3.3.2022, p. 9).

⁽⁸⁾ Appellate Body Report, *Mexico – Anti-Dumping Measures on Rice*, para. 323.

reflect the normal pricing behaviour of the exporting producer concerned. As explained in recitals (25) to (28) the transaction made by the applicant cannot be used as a basis for the dumping margin calculation as it does not constitute a sufficiently accurate reflection of a normal and sustainable export pricing behaviour that could form the basis for determining an individual dumping margin that could apply to future transactions. This claim is therefore rejected.

- (14) The applicant referred to several new exporters' review investigations, where the exporters only made one sales transaction and were nevertheless granted a favourable dumping margin. The applicant requested the Commission to follow consistent practice as regards the request in the current case.
- (15) The reviews the applicant referred to concerned investigations where the sample average rate was indeed available. Therefore, it has not been necessary to determine the individual dumping margins. Contrary to what the applicant claims, the Commission's method to assess the new exporter's situation is consistent. In the review concerning the trichloroisocyanuric acid originating in the People's Republic of China ⁽⁹⁾ the Commission was unable to use the export price and this caused the termination of the review without being able to grant an individual rate to the applicant.
- (16) The applicant claimed that the Commission erroneously assessed the factual evidence in the context of determination of the representativeness of the sales, the comparison of the export price with statistical data and the resale price of their customer.
- (17) For the comparison of the export price, the applicant claimed that its products were positioned as high-end products and awarded design prices in international contests, therefore the comparison with mixed-pool statistics which showed a higher price is not relevant. The applicant also contested the relevance of the information provided by the Austrian importer, which defined the transaction as a trial, and claimed that from the applicant's perspective, it was an ordinary transaction and not a trial.
- (18) The Commission notes that none of the applicant's arguments contained any information that would put into question the information the Commission considered in its assessment of the facts. Therefore, as such they are rejected.
- (19) As an alternative, the applicant proposed the monitoring of the measures or determination of a minimum import price.
- (20) The Commission cannot accept neither of those two requests submitted by the applicant. Neither the monitoring nor the minimum import price is appropriate for the situation of a new exporting producer. In the example of the pins and staples case ⁽¹⁰⁾ monitoring brought forward by the applicant, it was used to monitor the situation of the imports in a case of a non-imposition of anti-dumping measures. The minimum import price mechanism is a tool to determine the duty level over the total exports of the country concerned in proceedings where the Commission considers that this form of measure is appropriate in view of the specific circumstances of the case. In the case at hand, the measures take the form of ad valorem duties and the purpose of a newcomer review is not to review the form of measures.

⁽⁹⁾ Commission Implementing Regulation (EU) 2022/619 of 12 April 2022 terminating the 'new exporter' reviews of Implementing Regulation (EU) 2017/2230 imposing a definitive anti-dumping duty on imports of trichloroisocyanuric acid originating in the People's Republic of China, for three Chinese exporting producers, imposing the duty with regard to these producers' imports and terminating the registration of these imports (OJ L 115, 13.4.2022, p. 66).

⁽¹⁰⁾ Commission Implementing Decision (EU) 2020/1202 of 14 August 2020 terminating the anti-dumping proceeding concerning imports of pins and staples originating in the People's Republic of China and subjecting imports of pins and staples originating in the People's Republic of China to surveillance (OJ L 269, 17.8.2020, p. 40).

3. RESULTS OF THE INVESTIGATION

3.1. 'New exporting producer' criteria

- (21) Pursuant to Article 11(4) of the basic Regulation, the criteria to be met for a new exporting producer are the following:
- (a) it did not export to the Union the product concerned during the period of investigation on which the measures are based;
 - (b) it is not related to any of the exporters or producers in China which are subject to the anti-dumping measures in force; and
 - (c) it has actually exported to the Union the product concerned after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union.
- (22) The investigation confirmed that the applicant had not exported the product concerned during the original investigation period.
- (23) The applicant demonstrated that it is not related to any of the Chinese exporting producers subject to the anti-dumping measures in force with regard to the product concerned.
- (24) Regarding the criterion that the applicant had started exporting the product concerned to the Union after the original investigation period the Commission assessed the following. The applicant only made one single export transaction of a limited volume during the review investigation period ('RIP'), therefore the Commission examined whether that export transaction could be deemed sufficient to provide an accurate reflection of the applicant's current and future export behaviour. Specifically, the Commission further analysed the share of the exported quantity in relation to total production and the sales prices to the EU in relation to the average prices of other Chinese exporting producers who exported significant volumes to the EU during the RIP.
- (25) The applicant made a single sale of 30 children's bicycles, representing 1 % of its total production, to an Austrian importer. The price of the applicant's transaction at CIF level was 73 % ⁽¹¹⁾ higher than the average price of other Chinese exporting producers in the Austrian market. This indicated that this transaction was not made under normal commercial terms.
- (26) The Commission contacted the importer to obtain further information about the nature of the transaction and the resale value.
- (27) The Austrian importer also confirmed that this was just a trial transaction (not an ordinary business transaction), that the purchase price was too high and that consequently it resold the bicycles to final customers at a price lower than the purchase price.

3.2. Conclusion

- (28) In light of the above, the Commission considered that the transaction submitted by the applicant did not constitute a sufficiently representative basis and did not provide a sufficiently accurate reflection of its current and future export pricing behaviour that could form the basis for determining an individual dumping margin. On this basis, the review investigation should be terminated.

⁽¹¹⁾ Comparison between the price at which the company sold in the EU with the average import price from China in the specific EU market in the same period. This comparison was made at CIF level, i.e. the price at which the bicycles arrived at the EU border. Considering the 48,5 % anti-dumping duty, the price was 99 % higher.

4. LEVYING OF AN ANTI-DUMPING DUTY

- (29) In view of the findings outlined above, the Commission concluded that the review concerning imports of bicycles manufactured by the applicant and originating in China should be terminated. The duty applicable to 'all other companies' pursuant to Article 1(2) of Implementing Regulation (EU) 2019/1379 should apply to products manufactured by the applicant. Consequently, the registration of the applicant's imports should cease and the country-wide duty applicable to all other companies (48,5 %), imposed by Implementing Regulation (EU) 2019/1379, should be levied on these imports from the date of initiation of this review. This is without prejudice to the possibilities of importers asking for a refund in accordance with Article 11(8) of the basic Regulation.
- (30) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The 'new exporter' review initiated by Implementing Regulation (EU) 2022/358 is hereby terminated.
2. Article 2 of Implementing Regulation (EU) 2022/358 is hereby repealed.
3. The anti-dumping duty applicable according to Article 1 of Implementing Regulation (EU) 2019/1379 to 'all other companies' in the People's Republic of China (TARIC additional code B999) hereby applies to imports of products manufactured by Zhejiang Feishen Vehicle Industry Co., Ltd.

Article 2

1. The customs authorities are hereby directed to cease the registration of imports carried out pursuant to Article 3 of Implementing Regulation (EU) 2022/358.
2. The anti-dumping duty referred to in Article 1(3) is hereby levied with effect from 3 March 2022 on the products which were registered pursuant to Article 3 of Implementing Regulation (EU) 2022/358.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 3

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

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

Done at Brussels, 18 November 2022.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COUNCIL DECISION (CFSP) 2022/2269

of 18 November 2022

on Union support for the implementation of a project 'Promoting Responsible Innovation in Artificial Intelligence for Peace and Security'

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

- (1) The 2016 'Global Strategy for the European Union's Foreign And Security Policy' emphasises that the Union will step up its contribution to collective security.
- (2) The Union's 2018 Strategy against illicit firearms, small arms and light weapons (SALW) and their ammunition, entitled 'Securing Arms, Protecting Citizens', noted that the Union will make use of relevant instruments to support research and development in the field of reliable and cost-effective technology to secure SALW and their ammunition and mitigate the risks of diversion. Furthermore, the Council, in its conclusions on the adoption of that strategy, noted the evolved security context, including the threat of terrorism within the Union and developments in SALW design and technology affecting the capacity of governments to address that threat.
- (3) The Commission's 2018 Communication entitled 'Artificial Intelligence for Europe' notes that the guiding principle of all support for research related to artificial intelligence (AI) will be the development of 'responsible AI'. It further notes that, AI being easily tradeable across borders, only global solutions will be sustainable in that domain, and that the Union will promote the use of AI, and technologies in general, to help solve global challenges, support the implementation of the Paris Climate Agreement and achieve the United Nations (UN) Sustainable Development Goals.
- (4) The UN Secretary-General noted at the 2019 'AI for Good' Global Summit that if we are to harness the benefits of AI and address the risks, we must all work together – governments, industry, academia and civil society – to develop the frameworks and systems that enable responsible innovation.
- (5) The Union wishes to contribute to the development of 'responsible AI', collective security, and the potential to benefit from the opportunities AI presents for the achievement of the UN Sustainable Development Goals, as well as to address the challenges that AI represents for peace and security.
- (6) The Union should support the implementation of a project, 'Promoting Responsible Innovation in Artificial Intelligence for Peace and Security',

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the 'Global Strategy for the European Union's Foreign And Security Policy', and taking into account the Union's Strategy against illicit firearms, small arms and light weapons and their ammunition entitled 'Securing Arms, Protecting Citizens' as well as the Commission's Communication entitled 'Artificial Intelligence for Europe', the Union shall support the implementation of a project, 'Promoting Responsible Innovation in Artificial Intelligence for Peace and Security'.

2. The project activities to be supported by the Union shall have the specific objective to support greater engagement of the civilian artificial intelligence (AI) community in mitigating the risks that the diversion and misuse of civilian AI research and innovation by irresponsible actors may pose to international peace and security, by:

- generating greater understanding of how decisions in the development and diffusion of AI research and innovation can impact the risks of diversion and misuse, and in turn generate risk or opportunities for peace and security;
- promoting responsible innovation processes, methods and tools which can help ensure the peaceful application of civilian innovations and the responsible dissemination of AI knowledge. To that end, the project will support capacity-building, research and engagement activities that: enhance the capacity within the global civilian AI community to include and address the peace and security risks presented by the diversion and misuse of civilian AI by irresponsible actors through responsible innovation processes; and strengthen the connection between risk mitigation efforts in responsible AI in the civilian sphere with those already ongoing in the disarmament, arms control and non-proliferation community at an intergovernmental level.

3. The project and the activities referred to in paragraphs 1 and 2 are not intended to establish any new standards, principles or regulation, or otherwise enter into areas within the competence of Member States. Instead, the intention is to develop civilian responsible innovation efforts to include peace and security risks presented by the diversion and misuse of civilian AI by irresponsible actors, and provide education on existing relevant intergovernmental efforts.

4. A detailed description of the project is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall be responsible for implementing this Decision.

2. The technical implementation of the project referred to in Article 1 shall be carried out by the United Nations Office for Disarmament Affairs (UNODA), supported by the Stockholm International Peace Research Institute (SIPRI).

3. UNODA, supported by SIPRI, shall perform its tasks under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with UNODA and SIPRI.

Article 3

1. The financial reference amount for the implementation of the project financed by the Union referred to in Article 1 shall be EUR 1 782 285,71.

2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union's budget.

3. The Commission shall supervise the proper management of the expenditure financed by the reference amount set out in paragraph 1. For that purpose, it shall conclude a contribution agreement with UNODA. That contribution agreement shall stipulate that UNODA is to ensure the visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the contribution agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of the conclusion of that agreement.

Article 4

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of quarterly joint reports by UNODA and SIPRI. Those reports shall form the basis for the evaluation carried out by the Council.
2. The Commission shall provide information on the financial aspects of the implementation of the project referred to in Article 1.

Article 5

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

It shall expire 36 months after the conclusion of the contribution agreement referred to in Article 3(3). However, this Decision shall expire six months after the date of its entry into force if no such agreement has been concluded within that period.

Done at Brussels, 18 November 2022.

For the Council
The President
M. BEK

ANNEX

PROJECT DOCUMENT**Promoting Responsible Innovation in AI for Peace and Security****1. BACKGROUND**

Recent advances in artificial intelligence (AI) have unlocked new possibilities to support and sustain peace and security, for instance, through technological improvements in areas such as conflict early warning, and arms and export control verification. On the other hand, these advances have enabled new means to generate—or aggravate—tensions, conflicts and insecurity between and within states. The risks posed by certain applications of AI, such as lethal autonomous weapons systems, have emerged as a major issue of concern for the arms control community. One risk pathway that deserves greater attention, and which current arms control and diplomatic efforts may be insufficient in responding to, is the diversion and misuse of civilian AI research and innovation by irresponsible actors, including malicious non-state actors, such as the misuse of Generative Adversarial Networks (GAN) to produce ‘deepfakes’ for disinformation campaigns.

AI is an enabling technology with great general-use potential. AI research and innovation that are developed for civilian applications could be (relatively easily) accessed and repurposed by certain actors for harmful or disruptive uses that could have implications for international peace and security. The diversion and misuse of civilian technology are not new phenomena nor are they unique to AI. In the related field of robotics, this was recently exemplified by the weaponization and use of recreational drones by Daesh/ISIS in Syria. But in the case of AI, the problem is complicated by multiple factors: the intangible and fast-changing nature of AI algorithms and data, which makes the transfer/proliferation of these difficult to control; the leading role of the private sector in the research, development and innovation ecosystem, and its consequent need to protect proprietary algorithms; and the global availability of the human expertise and material resources capable of repurposing AI technologies. Meanwhile, those working in AI in the civilian sector remain too often unaware of the potential implications that the diversion and misuse of their work could have for international peace and security or are hesitant to take part in the existing discussions on AI risks in arms control and non-proliferation circles.

There is a need to support greater engagement of the civilian AI community in understanding and mitigating the peace and security risks associated with the diversion and misuse of civilian AI technology by irresponsible actors. For the Stockholm International Peace Research Institute (SIPRI) and the United Nations Office for Disarmament Affairs (UNODA), this could be achieved through greater promotion of responsible innovation in the global civilian AI community. Past work by SIPRI and UNODA has shown that responsible innovation, as a self-governance mechanism, could provide the global civilian AI community with practical tools and methods to identify as well as help prevent and mitigate the risks that the diversion and misuse of civilian AI research and innovation could pose to peace and security. SIPRI's and UNODA's work also identified methodologies and several ongoing civilian-focused initiatives on responsible AI that could be built on to sensitize the civilian AI community to arms control and non-proliferation issues, expert debates and state positions on responsible development, diffusion, and use of AI, as well as lessons to be learned from defence sector responsibility work.⁽¹⁾ Critically, this prior work has clearly identified engagement with Science, Technology, Engineering and Mathematics (STEM) students, who are still engaging with AI in an educational format, as central to any effective responsible innovation effort.

2. OBJECTIVES

These projects aim to support greater engagement of the civilian AI community in mitigating the risks that the diversion and misuse of civilian AI research and innovation by irresponsible actors may pose to international peace and security. They aim to do so by, firstly, generating greater understanding of how decisions in the development and diffusion of AI research and innovation can impact the risks of diversion and misuse, and in turn generate risk or opportunities for peace and security, and secondly, by promoting responsible innovation processes, methods and tools which can help ensure the peaceful application of civilian innovations and the responsible dissemination of AI knowledge. To this end, they support capacity-building, research and engagement activities that will i) enhance the capacity within the global civilian AI community to include and address the peace and security risks presented by the diversion and misuse of civilian AI by irresponsible actors through responsible innovation processes; and ii) strengthen the connection between risk mitigation

⁽¹⁾ Methodologies include for instance the Institute of Electrical and Electronics Engineers (IEEE) recommended practices for assessing the impact of autonomous and intelligent systems on human well-being (IEEE Std 7010-2020), The High-Level Expert Group on Artificial Intelligence' Assessment list for Trustworthy Artificial Intelligence (ALTAI). Initiatives include: The IEEE The global initiative on ethics for autonomous and intelligent systems; the Partnership on AI; the Global Partnership on AI.

efforts in responsible AI in the civilian sphere with those already ongoing in the disarmament, arms control and non-proliferation community at an intergovernmental level. Crucially, they do not intend to establish any new standards, principles, or regulation, or otherwise step into areas within the competence of States. Instead, they intend to develop civilian responsible innovation efforts to include peace and security risks presented by the diversion and misuse of civilian AI by irresponsible actors, and provide education on existing relevant intergovernmental efforts.

To effectively reach and impact the civilian AI community, the projects deploy a three-pronged approach, seeking to

- (a) *engage with educators* – work with selected educators and developers of academic curricula on the development and promotion of educational materials that can be used to mainstream consideration of the peace and security risks that flow from the diversion and misuse of civilian AI research and innovation by irresponsible actors in the training of future AI practitioners (e.g. in courses on AI ethics and responsible innovation);
- (b) *engage with students* – introduce selected Science, Technology, Engineering and Mathematics (STEM) students from around the world to how the peace and security risks posed by the diversion and misuse of civilian AI development by irresponsible actors may be identified, prevented or mitigated in the research and innovation process or through other governance processes; and
- (c) *engage with the AI industry* – work with professional associations and standards bodies like the Institute of Electrical and Electronics Engineers (IEEE) to i) disseminate tailored education materials and engagement activities to technical professionals; ii) support positive uses of AI for peace and security; and iii) facilitate dialogue and information sharing between experts from academia, the private sector and government on how the risk of the diversion and misuse of civilian AI research and innovation by irresponsible actors can be mitigated.

Such an approach allows the projects to reach the AI community at all levels, including not only current practitioners but also future generations. It also enables engagement across academic, industry and other silos, and supports the sustainability of future efforts by establishing networks that cross these boundaries.

The projects also seek to employ the convening power and experience of SIPRI and UNODA to impact the AI community globally, not just EU stakeholders. SIPRI and UNODA are uniquely positioned to reach and facilitate engagement between AI actors from across Africa, Asia-Pacific, Europe, and North and South America. Both entities also have experience working in other fields of science and technology facing similar challenges of dual use and proliferation, including biotechnology. The projects also seek to take advantage of conditions present within the European Union, such as a) the existence of advanced multi-stakeholder processes on responsible AI; b) the high level of engagement in, and expertise on, disarmament, arms control and non-proliferation issues in the EU; c) the diversity of connections that academic, research and private sector organizations in the EU have with other regions, notably in the Global South, which will also be a major target for engagement; and d) the diversity of nationalities of students, educators, and engineers in universities, research institutions and the private sector.

Inclusion will be a core consideration for the conduct of the projects' activities. To effectively support the AI community, the projects recognize that the AI community consists of a diverse array of actors, and in particular that

- (a) gender is a highly relevant factor. For this reason, gender will be mainstreamed in line with the UN system-wide gender mainstreaming and parity strategies. Participation of women in all activities under the project will be encouraged and required; and
- (b) inclusion of persons with disabilities and the reasonable accommodation of needs will be carried out throughout. This will include the addressing of obstacles to the participation of persons with disabilities as well as ensuring that steps are taken to engage with and facilitate the representation of the substantive views and experiences of persons with disabilities.

3. PROJECTS

The three projects described below are intended to be complementary and mutually supporting, with elements running throughout the 36 months.

3.1. Project 1 – Production of education and capacity-building material for the civilian AI community

3.1.1. Project purpose

Project 1 focuses on providing the knowledge and means for civilian AI actors to evaluate and mitigate the risks that the diversion and misuse of civilian AI research and innovation by irresponsible actors may pose to international peace and security. It aims to produce education and capacity-building material that will provide AI practitioners from all regions, levels and sectors (including AI-focused educators, curriculum developers, STEM students and AI engineers and researchers in academia and the private sector) with the information and tools necessary to

- (a) understand how civilian AI research and innovation could be diverted and misused in ways that could present risks to international peace and security and how decisions in the development and diffusion of research and innovation can increase or decrease the risk of diversion and misuse;
- (b) understand the efforts already engaged in by the disarmament, arms control and non-proliferation community to mitigate the risks of the diversion and misuse of civilian research and innovation; and
- (c) practice responsible innovation in a way that mitigates the risk of diversion and misuse in the development and diffusion of research and innovation.

3.1.2. Project description

This project will produce three separate sets of education and capacity-building materials.

- (a) *Handbook (1)* – The handbook will compile basic knowledge and means for AI actors to evaluate and mitigate, in the research and innovation process, the risks of the diversion and misuse of civilian AI technology by irresponsible actors. It will discuss why and how decisions around the development and diffusion of research and innovation can impact the risks of diversion and misuse, and in turn generate risks or opportunities for peace and security. It will also introduce relevant international law and export control obligations in addition to safety and security considerations under discussion in military as well as disarmament, arms control, and non-proliferation circles; and present example processes and tools to practice responsible innovation, such as technology impact assessment methodologies and risk-assessment templates.
- (b) *Podcast series (~10)* – These podcasts will act as an accessible and engaging medium for AI actors to learn about why and how responsible AI innovation processes can support international peace and security through the mitigation of risks presented by diversion and misuse from irresponsible actors. The series will review important themes (e.g., the pattern of diversion and misuse of dual/general-use research and innovation; humanitarian, strategic, and political challenges associated with the potential misuse of civilian AI research innovation; challenges that disarmament, arms control, and non-proliferation circles face in risk-mitigation efforts; how to do responsible innovation through risk assessment; export control compliance; risk reduction by design; responsible publishing; knowing your customers; and experience of tabletop exercises) and will be structured around interviews that the project team will conduct with representatives from relevant communities.
- (c) *Blog series (9-10)* – The team will develop a curated blog post series aimed at raising the profile of efforts that try to cross boundaries between the civilian-focused ‘responsible AI’ and arms control and non-proliferation communities. The blog series will provide a platform to disseminate insights, ideas and solutions regarding the identification and addressing of risks associated with the diversion, and misuse of civilian AI in the research and innovation process. The blog will seek to represent the diversity of thought and perspectives present in the AI sector.

These materials will be disseminated publicly through the websites of the implementing actors, their social media presence, and through direct communication with relevant academic entities, civilian AI professional associations and other appropriate groups.

3.1.3. Expected results of the project

This project is expected to establish a new set of materials by which civilian AI practitioners can become sensitized to a) how civilian AI research and innovation could be diverted and misused in ways that may present risks to international peace and security, b) how such risks are being addressed by the disarmament, arms control, and non-proliferation community, and c) how AI practitioners could further contribute to the mitigation of such risks through responsible innovation processes.

This is expected to advance the engagement of the civilian AI sector in mitigating the risks that the diversion and misuse of civilian AI may pose to international peace and security; improve the capacity of technical practitioners to engage with relevant processes in disarmament, arms control, and non-proliferation community as well as support the engagement of new audiences not traditionally included in disarmament and non-proliferation education efforts.

The material is also expected to support the implementation of the other projects and will serve as a basis for the educational and capacity-building activities in Project 2 as well as dialogue and engagement activities in Project 3. These activities are expected in turn to feed back into the production and refinement of the material. Such an iterative approach is expected to help address potential obstacles to their promotion, diffusion and use within the AI community, including issues related to language, content, context and availability, which could preclude their impact at the global level, particularly in the Global South.

3.2. Project 2 – Education and capacity-building activities for future AI practitioners

3.2.1. Project purpose

The purpose of Project 2 is to support the integration of the problem of the diversion and misuse of civilian AI research by irresponsible actors in the education of future generations of AI practitioners. In the long term, this will ensure that the Science, Technology, Engineering and Mathematics (STEM) students shaping the future of AI are aware of the negative impacts that the diversion and misuse of their work by irresponsible actors could have on international peace and security and that they will have the basic tools necessary to identify and mitigate such a risk in the research and innovation process.

This project will conduct a series of educational and capacity-building workshops with educators and students in collaboration with selected international universities and industry actors. The project thereby seeks to develop capacity-building activities that educators and developers of academic curricula could use to include in the training of future AI practitioners (e.g. courses on AI ethics and responsible innovation) and considerations for the risks of diversion and misuse of civilian AI research and innovation by irresponsible actors and connect those to the larger peace and security context. Through these workshops, the project will also seek to identify a network of interested educators, curriculum developers and students who would support the dissemination and promotion of the project education material and capacity-building activities in the AI education community and AI practitioner community. This networking component seeks to ensure the sustainability of the projects beyond their immediate duration and to enable the building of stronger links in support of civilian technical engagement towards larger peace, security, disarmament and arms control goals.

3.2.2. Project description

This project will conduct a series of educational and capacity-building workshops with educators and students from selected universities from around the world. These would consist of a mix of lectures and interactive activities that will provide educators and students with opportunities to reflect on how civilian AI research and innovation could be diverted and misused in ways that may present risks to international peace and security and how on such risks can be identified, prevented or mitigated in the research and innovation process, or through other governance processes. These activities will build on prior smaller-scale pilot work carried out by UNODA which experimented with methods to engage with and sensitize STEM students to the importance of considering the wider impact of their work as well as engage with expertise outside of their home fields. Concretely, these would consist of

- (a) *regional capacity-building workshops for educators and students (4)* – the regional workshops will conduct and promote activities that educators can use to build STEM students' capacity in responsible AI innovation with a particular focus on how to evaluate and mitigate the risks of the diversion and misuse of civilian AI technology by irresponsible actors. Each workshop will be organized with an EU-based university and a high-profile university from a different global region, thereby always connecting a diverse set of EU based participants with a diverse set based outside of the EU. The

workshops will then cover Latin America and the Caribbean, North America, Africa and Asia & the Pacific. This will allow the participation of students (at the master's and PhD levels) from across the world, including from the Global South. The workshop would be conducted primarily in English, but where feasible, participants would be provided with the opportunity to engage in activities based on alternative language groupings; and

- (b) *international workshop on sustainable capacity building (1)* – the workshop will draw on lessons learned from the regional workshops and facilitate the exchange of information and experiences between educators and selected students from the universities involved in the project. The workshop would discuss how to refine the activities and tools elaborated over the course of the project, and disseminate them beyond the group of participating universities. It will also discuss how to support the engagement of students in responsible AI that addresses diversion and misuse risks for international peace and security once they have entered the workforce.

SIPRI's and UNODA's networks and presence in Africa, Asia-Pacific, Europe, North and South America will be used to facilitate and support aspects of the activities as appropriate.

3.2.3. Expected results of the project

The project is expected to create models of capacity building and engagement activities that educators and developers of academic curricula could replicate to sensitize future AI practitioners to the problems of the diversion and misuse of civilian AI by irresponsible actors and how they can help mitigate these problems through responsible innovation processes. After completing the project activities, the participants (educators, but also STEM students) will be expected to be able to use and promote responsible innovation tools, methods and concepts to identify and mitigate the risks of diversion and misuse in the development and diffusion of civilian AI research and innovation.

The project activities are also expected to generate a network of educators, curriculum developers and students who would not only promote the project activities within the AI education and professional communities (e.g. during conferences of the IEEE Computational Intelligence Society) but also be available to contribute with technical capacity to state-led international governance processes (e.g. the Convention on Certain Conventional Weapons' process on emerging technologies in the area of Lethal Autonomous Weapons Systems).

The short- and long-term value of these activities will be demonstrated through pre and post activity surveys.

3.3. Project 3 – Facilitating the longer-term sustainable development, dissemination, and impact of responsible innovation in AI for peace and security

3.3.1. Project purpose

The purpose of Project 3 is to facilitate the longer-term sustainable development, dissemination and impact of responsible innovation in AI as a means of mitigating the risks that the diversion and misuse of civilian AI research and innovation may pose to peace and security. It aims to do so through roundtables with the AI industry, multi-stakeholder dialogues, the creation of a public report, and targeted dissemination activities. The project aims to ensure that the work generated, particularly the education, capacity-building and engagement activities, reaches and impacts the AI community at large, at all levels (from students to engineers and other AI professionals) and across geographical, sectorial, and other boundaries. To increase the possibility to make a broad and deep impact, it is essential to cooperate with professional organizations in this space, such as the IEEE, and conduct multi-dimensional engagements across academia, industry and other silos. Such efforts will give the opportunity to interested representatives from different AI communities to take ownership of the problem and provide their own views about how risk-mitigation efforts may be carried out and promoted sustainably within and across the global AI community. It is also important for the long-term value of the project to states, intergovernmental organizations and others that AI practitioners can learn from and engage with governmental experts engaged in risk mitigation in the disarmament, arms control and non-proliferation context. It is also critical for sustainability to ensure that the insights generated through the engagement activities are analysed, consolidated and disseminated appropriately.

3.3.2. Project description

This project consists of these key strands:

- (a) *multi-stakeholder dialogues on 'responsible AI innovation for peace and security' (Up to 9)* – this series of virtual dialogue meetings would bring together experts from academia, research, the private sector, and traditional arms control from the EU and beyond to discuss
 - i. technological trends that may generate diffusion, diversion and misuse risks with impacts for international peace and security;
 - ii. how to engage in risk mitigation through responsible innovation processes, methods and means, and opportunities and challenges for dialogue and knowledge sharing between stakeholder communities, including those operating in other sectors such as the biological and chemical industries; and
 - iii. the potential value, purpose, and format of a self-sustaining network of experts and dialogue activities. The expert group will meet several times per year and work towards the organization of two public events for the wider community.

Of the nine virtual meetings, two are intended to be open to the public, in order to facilitate broader consultation.

- (b) *private sector roundtables (Up to 6)* – this series of virtual roundtables will initiate a dialogue with actors working with responsible AI innovation processes in the private sector (e.g. Partnership on AI) as to how they can contribute to minimizing the risks of the diversion and misuse of civilian AI technologies by irresponsible actors, as well as explore possible incentives within private sector development for doing so. Topics will include
 - i. the relevance of the international security and disarmament context for the private sector;
 - ii. the legal environment(s) in which AI development, deployment and operation exists around the world;
 - iii. how to build on risk-assessment mechanisms and other measures that are part of, or could be integrated into, responsible innovation processes and corporate compliance programmes; and
 - iv. lessons to be learned from other industries, processes and frameworks relating to arms control (e.g. biological, and chemical industries).
- (c) *report on AI community perspectives on arms control and risk mitigation in AI, targeted at AI and arms control communities (1)* – the development of this report will capture and consolidate the findings and recommendations of the project into a single reference document aimed at both the civilian-responsible AI and the arms control communities. The report would discuss how international peace and security risks associated with the diversion and misuse of civilian AI research and innovation can be identified, evaluated and addressed.
- (d) *dissemination events targeted at consultation and engagement with AI and arms control communities (tbd)* – the team will seek opportunities to communicate the work and its findings and recommendations throughout the project. The format of the events and content of the presentations would be tailored to the needs of the target groups. These may include meetings of CONOP, the European AI Alliance Assembly; the Group of Governmental Experts on emerging technologies in the area of Lethal Autonomous Weapon Systems; the Inter-Agency Working Group on AI (IAWG-AI); ITU's initiative AI for Good; UNIDIR's Annual Innovation Dialogue; and the Institute of Electrical and Electronics Engineers. The team would also seek to engage bilaterally with relevant stakeholders from government, academia and the private sector.

3.3.3. Expected results of the project

This project is expected to set the foundations for the sustainable development, dissemination and impact of the responsible innovation of AI processes addressing diffusion, diversion and misuse risks and their implications for peace and security beyond the immediate duration of the council decision.

The multi-stakeholder dialogue is expected to provide a model for information sharing and collaboration on risk mitigation not only within the global AI community but also between the civilian-responsible AI community and the disarmament, arms control, and non-proliferation communities. Such a model could be used to familiarize policy makers with key technological and scientific advances relevant to the responsible innovation of AI and also familiarize technical audiences with the environment in which policy makers are currently engaging. The project is expected to facilitate sustainable relationships and engagement between interested actors within and across these different communities. Such heterogeneous network effects are expected to enable the greater development and widespread promotion of the responsible innovation of AI for peace and security beyond the timeframe of the project.

The private sector dialogue is expected to enable greater and deeper engagement of the AI private sector in the identification, prevention and mitigation of the peace and security risks stemming from the diversion and misuse of civilian AI research and innovation. The project is expected to give key actors in private sector processes greater understanding and ownership of the problems it seeks to address. In addition, it aims to facilitate the (wider) adoption and implementation of responsible innovation processes, methods and means in existing corporate risk management mechanisms and procedures.

The multi-stakeholder dialogue and the private sector roundtable are also expected to generate insights on a number of substantial issues, including a) how responsible innovation methods and means can be further refined and deployed to identify, prevent and mitigate risks posed by the diversion and misuse of civilian AI research and innovation; b) how AI research and innovation can be used positively to support peace and security objectives (e.g. applications for conflict early warning and humanitarian assistance); and c) how to facilitate greater dialogue and information sharing between risk mitigation efforts undertaken in the civilian-responsible AI community (i.e. various IEEE-led initiatives) with those already ongoing in the disarmament, arms control and non-proliferation community at an intergovernmental level.

The report and dissemination activities will analyse, consolidate and disseminate insights generated through Projects 1, 2 and 3, and thus support the promotion of the findings and recommendations of the project activities within the global AI community, as well as within the policy community. They are also expected to help ensure sustainability of impact beyond the timeframe of the projects.

4. DURATION

The total estimated duration of the projects' implementation is 36 months.

COUNCIL DECISION (CFSP) 2022/2270**of 18 November 2022****amending Decision (CFSP) 2019/2108 in support of strengthening biological safety and security in Latin America in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

- (1) On 9 December 2019, the Council adopted Decision (CFSP) 2019/2108 ⁽¹⁾ which provides for a 36-month implementation period from the date of the conclusion of the financing agreement referred to in Article 3(3) of that Decision for the projects referred to in Article 1 thereof.
- (2) The implementation period of the agreement ends on 20 December 2022.
- (3) On 12 September 2022, the Executive Secretary of the Inter-American Committee against Terrorism of the Organisation of American States (OAS/CICTE), which is responsible for the technical implementation of the projects referred to in Article 1 of Decision (CFSP) 2019/2108, requested a 14-month no-cost extension of the implementation period of that Decision. This extension allows the OAS/CICTE to carry out the implementation of several of the projects referred to in Article 1 of Decision 2019/2108 the implementation of which was negatively impacted by the COVID-19 pandemic.
- (4) The extension of the implementation period of the projects referred to in Article 1 of Decision (CFSP) 2019/2108 until 20 February 2024 does not have any implication as regards financial resources.
- (5) Decision 2019/2108 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 5(2) of Decision (CFSP) 2019/2108 is replaced by the following:

- ‘2. This Decision shall expire on 20 February 2024.’

Article 2

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

⁽¹⁾ Council Decision (CFSP) 2019/2108 of 9 December 2019 in support of strengthening biological safety and security in Latin America in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery (OJ L 318, 10.12.2019, p. 123).

Done at Brussels, 18 November 2022.

For the Council
The President
M. BEK

COUNCIL DECISION (EU) 2022/2271**of 18 November 2022****authorising the opening of negotiations on a status agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (d), Article 79(2), point (c), and Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) In circumstances requiring the deployment of border management teams from the standing corps of the European Border and Coast Guard to a third country where the members of the teams will exercise executive powers, Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council ⁽¹⁾ calls for a status agreement to be concluded by the Union with the third country concerned on the basis of Article 218 of the Treaty on the Functioning of the European Union (TFEU).
- (2) Negotiations should be opened with a view to concluding a status agreement with the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the territory of the Republic of Albania.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽²⁾. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations, on behalf of the Union, for a status agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the territory of the Republic of Albania.

Article 2

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision, and in consultation with the appropriate Working Party of the Council.

Article 3

This Decision is addressed to the Commission.

⁽¹⁾ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) No 2016/1624 (OJ L 295, 14.11.2019, p. 1).

⁽²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Done at Brussels, 18 November 2022.

For the Council
The President
M. BEK

COUNCIL DECISION (EU) 2022/2272**of 18 November 2022****authorising the opening of negotiations on a status agreement between the European Union and Bosnia and Herzegovina on operational activities carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (d), Article 79(2), point (c), and Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) In circumstances requiring the deployment of border management teams from the standing corps of the European Border and Coast Guard to a third country where the members of the teams will exercise executive powers, Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council ⁽¹⁾ calls for a status agreement to be concluded by the Union with the third country concerned on the basis of Article 218 of the Treaty on the Functioning of the European Union (TFEU).
- (2) Negotiations should be opened with a view to concluding a status agreement with Bosnia and Herzegovina on operational activities carried out by the European Border and Coast Guard Agency in the territory of Bosnia and Herzegovina.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽²⁾. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations, on behalf of the Union, for a status agreement between the European Union and Bosnia and Herzegovina on operational activities carried out by the European Border and Coast Guard Agency in the territory of Bosnia and Herzegovina.

Article 2

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision, and in consultation with the appropriate Working Party of the Council.

Article 3

This Decision is addressed to the Commission.

⁽¹⁾ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) No 2016/1624 (OJ L 295, 14.11.2019, p. 1).

⁽²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Done at Brussels, 18 November 2022.

For the Council
The President
M. BEK

COUNCIL DECISION (EU) 2022/2273**of 18 November 2022****authorising the opening of negotiations on a status agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (d), Article 79(2), point (c), and Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) In circumstances requiring the deployment of border management teams from the standing corps of the European Border and Coast Guard to a third country where the members of the teams will exercise executive powers, Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council ⁽¹⁾ calls for a status agreement to be concluded by the Union with the third country concerned on the basis of Article 218 of the Treaty on the Functioning of the European Union (TFEU).
- (2) Negotiations should be opened with a view to concluding a status agreement with Montenegro on operational activities carried out by the European Border and Coast Guard Agency in the territory of Montenegro.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽²⁾. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations, on behalf of the Union, for a status agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in the territory of Montenegro.

Article 2

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision, and in consultation with the appropriate Working Party of the Council.

Article 3

This Decision is addressed to the Commission.

⁽¹⁾ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) No 2016/1624 (OJ L 295, 14.11.2019, p. 1).

⁽²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Done at Brussels, 18 November 2022.

For the Council
The President
M. BEK

COUNCIL DECISION (EU) 2022/2274**of 18 November 2022****authorising the opening of negotiations on a status agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Serbia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (d), Article 79(2), point (c), and Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) In circumstances requiring the deployment of border management teams from the standing corps of the European Border and Coast Guard to a third country where the members of the teams will exercise executive powers, Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council ⁽¹⁾ calls for a status agreement to be concluded by the Union with the third country concerned on the basis of Article 218 of the Treaty on the Functioning of the European Union (TFEU).
- (2) Negotiations should be opened with a view to concluding a status agreement with the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the territory of the Republic of Serbia.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽²⁾. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations, on behalf of the Union, for a status agreement between the European Union and the Republic of Serbia on operational activities carried out by the European Border and Coast Guard Agency in the territory of the Republic of Serbia.

Article 2

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision, and in consultation with the appropriate Working Party of the Council.

Article 3

This Decision is addressed to the Commission.

⁽¹⁾ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

⁽²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Done at Brussels, 18 November 2022.

For the Council
The President
M. BEK

COUNCIL DECISION (CFSP) 2022/2275**of 18 November 2022****in support of the development of an internationally recognised arms and ammunition management validation system (AAMVS) to prevent illicit proliferation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

- (1) On 19 November 2018, the Council adopted the EU Strategy against illicit firearms, small arms and light weapons ('SALW') and their ammunition, entitled 'Securing Arms, Protecting Citizens' (the 'EU SALW Strategy'). The purpose of the EU SALW Strategy is to guide integrated, collective and coordinated European action to prevent and curb the illicit acquisition of SALW and their ammunition by terrorists, criminals and other unauthorised actors, and to promote accountability and responsibility with regard to the legal arms trade.
- (2) The EU SALW Strategy observes that poor stockpile security is a key factor that allows arms and ammunition to be diverted from the licit to the illicit markets. The Union and its Member States are committed to helping other countries to improve the management and security of state-held stockpiles by strengthening national legislative and administrative frameworks and strengthening institutions that regulate the legitimate supply and stockpile management of SALW.
- (3) The United Nations Office for Disarmament Affairs (UNODA) has developed standards and good practices for the management of small arms and ammunition, in particular, the International Ammunition Technical Guidelines (IATG) and the Modular Small-Arms-control Implementation Compendium (MOSAIC), formerly known as the International Small Arms Control Standards (ISACS). The EU SALW Strategy commits the Union to promoting and implementing standards and good practices.
- (4) On 30 June 2018, the third United Nations (UN) Conference to Review Progress Made in the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted an outcome document in which States renewed their commitment to prevent and combat the diversion of small arms and light weapons. States reaffirmed that they are to redouble national efforts to provide for the safe, secure and effective management of stockpiles of small arms and light weapons held by governments, in particular in conflict and post-conflict situations. States also acknowledged the application of relevant international standards in strengthening the implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.
- (5) On 24 December 2021, the UN General Assembly adopted resolution 76/233 establishing an open-ended working group (OEWG) to elaborate a set of political commitments as a new global framework that will address existing gaps in through-life ammunition management. The 2022 'Eighth Biennial Meeting of States to Consider the Implementation of the UN Programme of Action' ('BMS8'), took note of that OEWG.
- (6) The UN 2030 Agenda for Sustainable Development affirms that combating the illicit trade in small arms and light weapons is necessary for the achievement of many sustainable development goals, including those relating to peace, justice and strong institutions, poverty reduction, economic growth, health, gender equality and safe cities. Therefore, in Sustainable Development Goal 16.4, all States committed to significantly reducing illicit financial and arms flows.

- (7) In the Agenda for Disarmament 'Securing our Common Future', which was presented on 24 May 2018, the UN Secretary-General called for addressing the excessive accumulation of conventional arms and the illicit trade in conventional arms and called for the support of country-level approaches on small arms. The Union has decided to support the Agenda's Action 22: 'Secure excessive and poorly maintained stockpiles'.
- (8) On 4 December 2017, the UN General Assembly adopted resolution 72/55 on problems arising from the accumulation of conventional ammunition stockpiles in surplus. That resolution supports initiatives at the international, regional and national levels that shed light on improving the sustainable management of ammunition, including through the implementation of the IATG.
- (9) The Geneva International Centre for Humanitarian Demining (GICHD) contributes to the development, review and promotion of the International Mine Action Standards and, through its Ammunition Management Advisory Team (AMAT), to the development, review and dissemination of the IATG. AMAT was created as a result of a joint initiative between the GICHD and UNODA in response to the urgent need for support to States in the safe, secure and effective management of ammunition, in accordance with the IATG.
- (10) The Union has been exploring the possibility of establishing an internationally recognised system to validate arms and ammunition policy and practice at the state and end-user levels. Council Decision (CFSP) 2020/979 ⁽¹⁾ tasked the AMAT with the project of developing an internationally recognised AAMVS to prevent illicit proliferation and accidental explosions.
- (11) While various international standards, guidelines and good practices for stockpile management and security exist, there currently is no internationally recognised methodology to provide assurances on a third country or end-user's capabilities in preventing 'Diversion', as referred to in Article 11 of the Arms Trade Treaty, in their arms and ammunition stockpiles. An internationally recognised methodology for the independent validation of compliance with international arms management standards will make the impact of the Union's assistance to third countries in relation to arms stockpile management measurable and will also support the risk assessment in the context of arms export control,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the EU SALW Strategy, the purpose of this Decision is to support efforts to ensure the safe and secure management of SALW and ammunition by improving the decision-making processes of stakeholders working in export control and international cooperation and assistance.
2. Pursuant to paragraph 1, the objectives of this Decision are the following:
 - (a) to create an operational AAMVS; and
 - (b) to encourage the efforts of regional organisations and their Member States to develop their own AAMVS.
3. A detailed description of the project is set out in the Annex to this Decision.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy ('HR') shall be responsible for implementing this Decision.

⁽¹⁾ Council Decision (CFSP) 2020/979 of 7 July 2020 in support of the development of an internationally recognised system for the validation of arms and ammunition management according to open international standards (OJ L 218, 8.7.2020, p. 1).

2. The technical implementation of the project referred to in Article 1 shall be carried out by the Geneva International Centre for Humanitarian Demining ('GICHD') and its specialised agency, the Ammunition Management Advisory Team ('AMAT').

3. The GICHD and the AMAT shall perform their tasks under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with the GICHD.

Article 3

1. The financial reference amount for the implementation of the project financed by the Union shall be EUR 1 792 690,84.

2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For that purpose, it shall conclude the necessary agreement with the GICHD. The agreement shall stipulate that the GICHD has to ensure the visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular narrative reports prepared by the GICHD. Those reports shall form the basis of the evaluation to be carried out by the Council.

2. The Commission shall report on the financial aspects of the project referred to in Article 1.

Article 5

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

2. This Decision shall expire 36 months after the date of conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after the date of its entry into force if no agreement has been concluded within that period.

Done at Brussels, 18 November 2022.

For the Council
The President
M. BEK

ANNEX

PROJECT DOCUMENT

DEVELOPING AN INTERNATIONALLY RECOGNISED ARMS AND AMMUNITION MANAGEMENT
VALIDATION SYSTEM (AAMVS) TO PREVENT ILLICIT PROLIFERATION**1. Background**

There is a growing consensus, within the arms control community, of the central role of effective stockpile management in strengthening export control measures preventing diversion. In the working paper prepared for the seventh Conference of States Parties (CSP7) to the Arms Trade Treaty (ATT), the CSP7 presidency called on the States Parties to 'consider all aspects of stockpile management both before export authorisation and safe and secure storage post-delivery'. Moreover, and in addition to sharing information on illicit activities (ATT Articles 11 (5) and 15 (4)), it encouraged 'importing and exporting states to agree to specific conditions and assurances concerning storage facilities, marking of items or end-user controls, before export'. Finally, and as a means of complying with Article 13(2), the CSP7 presidency proposed that States Parties could report on measures taken to strengthen physical security and stockpile management (PSSM) as an indication of actions taken to prevent and address diversion⁽¹⁾.

Providing assurance, as described in the CSP7 Working Paper, relating to a third country's stockpile management practices remains a challenge. The field is technical, and the information is treated as highly sensitive. This complicates information sharing efforts. In many sectors – private and public – conformity assessments are used to provide assurances of the efficacy, safety, and security of products and services. Conformity assessments provide internationally recognised methods for determining if the product or service complies with accepted norms and standards. While various international standards, guidelines and good practices for stockpile management and security exist, there currently is no internationally recognised methodology to provide assurances of a third country or end-user's capabilities in preventing diversion (ATT Article 11(1)) in their arms and ammunition stockpiles.

Against this backdrop, since 2020, the European Union (EU) has been exploring the possibility of establishing an internationally recognised system to validate arms and ammunition policy and practice at the state and end-user levels. Through adoption of Council Decision (CFSP) 2020/979 as amended by Council Decision (CFSP) 2021/2075, the EU tasked the Ammunition Management Advisory Team (AMAT) of the Geneva International Centre for Humanitarian Demining (GICHD) with the project of 'Developing an internationally recognised arms and ammunition management validation system (AAMVS) to prevent illicit proliferation and accidental explosions'. That was a multi-year endeavour, divided into concrete phases with dedicated objectives and outputs.

The first phase (CFSP 2020/979) sought to examine the feasibility of creating an internationally recognised validation system of Small Arms and Light Weapons (SALW) and ammunition management practices. The feasibility of the system was assessed in respect of seven categories: technical, political, legal, economic, military security, community safety and security, and timeliness. The study found that while there were no 'red flags' preventing the development of such a system, the political willingness of stakeholders to participate in such a system would ultimately rest on the final design. Stakeholders therefore could not commit until the questions about the final design of the system were clear.

The second phase (CFSP 2021/2075) sought to develop the assessment tool that would serve as the foundation of the system and to define suitable options for the AAMVS. A self-assessment tool was created and potential options for a validation system were explored. The project ended with a recommended approach to developing an operational AAMVS.

What is the AAMVS?

Information on the general state of arms and ammunition management practices are of interest to multiple stakeholders, both domestic and foreign. For example, export control authorities could strengthen their diversion risk assessments conducted prior to authorisation of an export licence by improving their analysis of the post-delivery storage phase, while international cooperation and assistance provision can better target needs from analysis of the current capabilities.

⁽¹⁾ CSP7 President draft Working Paper: Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management.

The AAMVS is designed to facilitate the exchange of information on the capacity of end-users to maintain safe and secure stockpiles. It does this by assessing the structure capabilities of an end-users' management system against internationally recognised best practices found in the International Ammunition Technical Guidelines (IATG) and Modular Small-arms-control Implementation Compendium (MOSAIC).

At the core of the AAMVS are the tools developed during the implementation of Council Decision (CFSP) 2021/2075. A standardised self-assessment, one of the principal outputs developed during the implementation of CFSP 2021/2075, provides a methodology that analyses the sophistication of the management system framework as defined in the capability enabling lines outlined in IATG 01:35. This self-assessment is paired with a document guiding the interpretation of the results. The tool by itself can serve as a bilateral exchange of information tool on the general state of arms and ammunition management practices by armed forces.

The AAMVS becomes a 'system' when the tool becomes commonly used throughout an organisation to support the common needs. Organisations comprised of Member States with common export control requirements, importing regulations, capacity building goals or monitoring needs of instrument implementation are prime candidates for benefiting from creating a system. In each case, a common platform further facilitates the exchange of information. The standardised assessment could be used to serve the needs of multiple stakeholders. A self-assessment could be valid for multiple years, thus permitting already authorised analysis to be shared with approved stakeholders. This could reduce the reporting burden on the end-user, while increasing the efficiency of export control officials' ability to access information on post-delivery storage conditions of potential importing end-user, during the pre-authorisations phase.

There are multiple options for creating an AAMVS system. This allows an organisation to tailor the system to its particular needs. Certain organisations may benefit from the creation of a validation system, where one standardised analysis can be shared among authorised users. Other organisations may find a validation problematic and therefore may choose less specific information sharing options. Determining which features are acceptable to each organisation will be key in the development of AAMVS systems.

Building on the above-mentioned outputs and findings, Phase III of the project will focus on furthering the development of the AAMVS. A regional approach for development of validation systems will be adopted – with a focus on identifying and building on existing regional organisational structures and mechanisms for information sharing and development of tailored methodologies and tools for validating national arms and ammunition management systems (including through development of a self-assessment tool and corresponding guidance for carrying out the assessment and interpreting assessment results).

2. Technical approach

This project will set to develop independent Arms and Ammunition Management Validation Systems (AAMVS) within existing regional organisational structures. Each System will function independently and will build on the tools and methodological guidance developed during the implementation of Council Decision (CFSP) 2021/2075. The tool includes a standardised self-assessment methodology tailored to the context and standards of the region, an agreed validation or scoring process that can utilise the expertise from the region to analyse the self-assessment results, an information sharing platform to facilitate the transfer of certain information to authorised requesting authorities, and a small governance framework to maintain the sustainability of the system.

Through the implementation of this project, the EU would design, develop, test, and implement the first regional AAMVS system. The EU AAMVS would serve as a platform for Member States to share and access, in a standardised format, information on arms and ammunition management practices based on self-assessments conducted by end-users in third countries. The EU would actively contribute to the design of all features of the system, utilising a network of experts within the EU and EU Member States to advise on all areas of the design. The facilitation of the discussions with the network and the implementation of the design will be the responsibility of GICHD.

The EU's AAMVS would strengthen the ability of the Working Party on Non-Proliferation and Arms Exports (COARM subgroup), the Member States' export control authorities and the European Peace Facility's (EPF) to analyse the post-delivery diversion and accidental explosion risks associated with arms and ammunition management systems of an end-user. This information would support their diversion risk assessments conducted prior to licensing authorisation. The AAMVS self-assessment could also support the Working Party on Non-Proliferation and Arms Exports (CONOP subgroup)

and EU Member States' international assistance and capacity building processes by providing a standardised assessment of the adherence of the arms and ammunition management framework to international good practices. This would support the identification of weaknesses and needs, thus directing capacity-building efforts to where the resources are most needed.

This project will also sensitise other sub-regions to the AAMVS and the benefits of developing a standardised approach to assessing and sharing information on arms and ammunition management practices. The goal of this sensitisation is to encourage other regional organisations to develop tailored AAMVS systems and support the use of the self-assessment tool. This effort will build on the outreach efforts conducted during the implementation of Council Decisions (CFSP) 2020/979 and (CFSP) 2021/2075. If during the course of the sensitisation a regional organisation requests support in developing an AAMVS, the project could re-direct resources to support that effort.

3. Overall objectives

The primary aim of this project is to support efforts to ensure the safe and secure management of SALW and ammunition by improving the decision-making processes of stakeholders working in export control and international cooperation and assistance.

This goal will be achieved by increasing the transparency of SALW and ammunition management practices implemented by end-users in a third country. With greater awareness of these practices, stakeholders will be able to make better decisions related to the authorisation of transfers and capacity building initiatives.

To achieve this goal, the project will work towards two main objectives:

- (1) Create an operational AAMVS System.
- (2) Encourage the efforts of regional organisations and their Member States to develop their own AAMVS.

4. Description of activities

Objective 1: Create an operational AAMVS System

Year 1: Consolidate the AAMVS System framework

ACTIVITIES	OUTPUTS
<p>Establish an EU advisory network consisting of interested stakeholders who can provide expert advice on substantive and operational guidance on matters of EU policy and activities. These advisors will be called upon to provide input during the development stage of the EU AAMVS to ensure the system is fit for EU purposes. The GICHD Project Team will be responsible for implementing their advice. Efforts will be made to arrange for several in-person meetings throughout the year. The purpose of the advisory network is to ensure EU stakeholders take the lead in designing a system that fits their needs and working processes. The advisors will contribute to defining the following system features:</p> <ul style="list-style-type: none"> — draft policy for AAMVS operations and system oversight and maintenance, — review self-assessment tools for suitability and appropriateness for needs, — determine the appropriate entities to perform validation and oversight of the AAMVS implementation, — determine the type of information sharing to be allowed on the electronic platform and bilaterally. 	<p>Implementation of EU tools tailored to the EU criteria and validated by the EU.</p> <p>Drafting of a framework document for EU AAMVS system, together with a development strategy.</p>

<p>Validate the self-assessment and validation analysis. The generic self-assessment tools developed during the implementation of Council Decision (CFSP) 2021/2075 need to be reviewed, tailored, and validated by the EU technical experts to ensure they are fit for the requirements of EU stakeholders.</p> <p>Perform a technical validation of the self-assessment tools approved by the thematic experts (arms and ammunition management and export control). Assess the web-design requirements for creating the information-sharing platform. Based on the recommendations from the EU advisors, the assessment will determine the programming requirements to create the desired web platform.</p>	<p>Inclusion of notes and correspondence taken from communications with EU advisory network.</p> <p>Establishment of a web-platform development plan that includes design, development, testing and finalisation.</p>
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Year 2: Testing of tools and systems

ACTIVITIES	OUTPUTS
<p>Test self-assessment tools in third countries. The tests will consist of three features:</p> <ul style="list-style-type: none"> — support third countries and any actors (brokers etc.) involved in their efforts to complete a satisfactory self-assessment, — Assess the implementation challenges experienced by all actors involved in completing the assessment and their concerns about information sharing, — draft an assessment report highlighting the challenges and lessons learned. 	<p>Assessment report of self-assessment trial.</p>
<p>Design, test and validate the web-platform to the specifications outline by the EU advisory network.</p>	<p>Separate training materials for performing self-assessment and validation.</p>
<p>Draft training materials and operating procedures to support efforts to complete the self-assessment, to standardise the validation process and guide the system oversight mechanism.</p>	<p>Drafted policies and operating procedures for conducting validation and for system oversight mechanism.</p>
<p>Draft policy documents for AAMVS operation and oversight.</p>	<p>A web-platform for sharing AAMVS information.</p>
<p>Update EU advisory network on the status of the implementation and discuss challenges and questions that arise.</p>	<p>Notes for EU advisors.</p>

Objective 2: Encourage other organisations to develop their own regional AAMVS.

Year 1: Introduce AAMVS to two regional organisations; continue to examine links with international instruments

ACTIVITIES	OUTPUTS
<p>Conduct outreach with two regional organisations and their Member States to promote the regional AAMVS concept.</p> <p>This will consist of up to three visits to the region. The first meeting with the regional organisation will be used to encourage the development of a regional AAMVS and, if desired, to start the planning of the next steps. A second meeting would include all EU Member States and serve as an introduction to the system and the benefits. Follow-up meetings are expected to further encourage and plan the creation of a regional AAMVS.</p>	<p>Regional organisations and their Member States made aware of the EU's AAMVS system and the benefits of creating their own.</p>
<p>Participate in meetings of regional and international arms control instruments.</p> <p>This could include holding side events or other events to promote the AAMVS and the development of the EU AAMVS.</p>	

Years 2 and 3: Introduce AAMVS to two regional organisations per year, continue to promote internationally

Note: in Years 2 and 3, the project plan has one variation depending on the outcome of the previous year's efforts to promote the AAMVS regionally. The original plan is to hold two regional outreach activities per year according to the format described in Year 1. However, if a regional organisation confirms a desire to implement the AAMVS, then AMAT will seek permission from the EU to redirect some of the resources to develop the AAMVS in the region requesting the system. This would result in a decrease in the number of regional organisations engaged per year, but potentially an increased number of states utilising and benefiting from the AAMVS framework.

5. Technical implementing agency

The Geneva International Centre for Humanitarian Demining (GICHD), through its specialised agency AMAT, will lead the implementation of the project. Specifically, AMAT will spearhead the management and implementation of all activities of this project and will maintain responsibility over the budget and reporting. The AMAT team was similarly responsible for the management and implementation of the actions under Council Decisions (CFSP) 2020/979 and (CFSP) 2021/2075.

AMAT intends to engage expert consultants to support different aspects of this project. In particular, experts in the fields of web development, conformity assessment and SALW management will be recruited to support the implementation of aspects of the project. These consultants will be selected through an authorised recruitment process.

6. Relevancy

This project, including its objectives, activities, and outputs, is aligned with multiple European Union strategies and political agreements.

The 2018 EU Strategy Against Illicit Firearms, Small Arms and Light Weapons and their Ammunition (SALW Strategy)

The 2018 SALW Strategy aims 'to guide integrated, collective and coordinated European action to prevent and curb the illicit acquisition of SALW and their ammunition ..., and to promote accountability and responsibility with regard to the legal arms trade' ⁽²⁾. The 2018 SALW Strategy provides for specific actions on stockpile management and commits the EU to support cooperation and assistance for the implementation of the UN Programme of Action (PoA), including stockpile management; promote and implement standards and good practices for the handling of small arms (ISACS (now MOSAIC)) and ammunition (IATG).

An EU AAMVS would contribute to EU efforts to implement the 2018 SALW Strategy:

- Diversion prevention and the promotion of accountability within the legal trade of SALW is a stated objective of the AAMVS. The EU AAMVS can support diversion risk assessments conducted prior to export licence authorisations.
- The EU AAMVS can support the cooperation and assistance in the area of stockpile management by identifying weaknesses in the management system and by serving as a monitoring tool to track changes or improvements in practice.
- The self-assessment methodology promotes the implementation of MOSAIC and IATG as the standards to which the conformity assessment is measured.

The 2020–2025 EU Action Plan on Firearms Trafficking

The 2020–2025 EU action plan on firearms trafficking to address illicit trafficking within the EU and South-East Europe partners (Western Balkans, Moldova and Ukraine) acknowledges the need to increase stockpile security in South-East Europe and supports the Western Balkans region. ⁽³⁾ The roadmap also provides for increasing stockpile management security, advancing the regulations and monitoring of due compliance ⁽⁴⁾. Additionally, Action 4.2 requires encouraging better stockpile management in the Sahel region.

While the EU AAMVS does not have a regional focus, it can support efforts to identify structural weaknesses in the stockpile management practices of an end-user. The self-assessment's methodology is particularly well suited for identifying shortcomings in the security regulations.

The 2008 EU Common Position on Arms Exports (EU Common Position) and voluntary User's Guide to the Common Position ⁽⁵⁾

The EU Common Position contains eight criteria which outline four sets of risks that Member States are required to treat as grounds for denying an export licence and four sets of factors that states are required to 'take into account' when assessing an export licence application. Criterion 7 refers to the 'existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions' as one factor that the exporter should consider. The Common Position adds that the exporter, in assessing the risk of diversion, should consider 'the capability of the recipient country to apply effective export controls'.

The User's Guide to the EU Common Position – which provides further but non-binding instructions on how to implement the provisions of this document – invites exporters to consider whether in the recipient country (a) 'stockpile management and security' is 'of sufficient standard (including MOSAIC and the IATG)'; and (b) whether there have been 'known cases of problems with leaking stockpiles' ⁽⁶⁾.

⁽²⁾ Council of the European Union, Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms and Light Weapons and their Ammunition, Brussels, 19 November 2018, 13581/18, <https://data.consilium.europa.eu/doc/document/ST-13581-2018-INIT/en/pdf>

⁽³⁾ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions: 2020–2025 EU action plan on firearms trafficking (note 30).

⁽⁴⁾ See Goal 7 of the Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW)/firearms and their ammunition in the Western Balkans by 2024, London, 10 July 2018, <https://www.seesac.org/f/docs/publications-salw-control-roadmap/Regional-Roadmap-for-a-sustainable-solution-to-the.pdf>

⁽⁵⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (note 7).

⁽⁶⁾ Council of the European Union, 'User's Guide to Council Common Position 2008/944/CFSP (as amended by Council Decision (CFSP) 2019/1560), p. 129.

The User's Guide refers to the importance of effective security and stockpile management not only in relation to the implementation of criterion 7 and the assessment of the risk of diversion but also in relation to the application of criteria 1 and 2 of the EU Common Position which, respectively, cover respect for international obligations and respect for human rights and international humanitarian law. In particular, the Guide considers the adherence to the standards envisaged by the UN PoA, including those covering stockpile management, relevant to assess the recipients' respect for international obligations as per criterion 1 (7). Further, the Guide refers to the presence of 'adequate procedures' for 'stockpile management and security, including for surplus arms and ammunition' and the presence of a problem in terms of 'theft and leakages from stockpiles' in the stated end-user's country, as elements to be considered to assess the presence of a risk that the exported weapons may be used in violation of human rights or international humanitarian law as per criterion 2 (8).

The EU Common Position and User Guide also provide relevant guidance for information sharing, an important component of the AAMVS. Article 4 of the EU Common Position requires that Member States exchange information on export licence denials and that they consult when considering approving a licence that was 'essentially identical' to one previously denied by another Member State. This provision is further strengthened by Article 7 of the EU Common Position which requires Member States to 'reinforce their cooperation and to promote their convergence' in the field of arms export controls by 'exchanging relevant information' not only on denials but also on arms export policies. The User's Guide encourages Member States to share information within the Working Party on Non-Proliferation and Arms Exports (COARM) and also through 'the COARM online system, or, if the classification "Restricted" is deemed appropriate, COREU messages'. Information exchange should also cover information that may be useful to other Member States to prevent the risk of diversion (9).

The EU Common Position provides clear links between established policy and the AAMVS. The link was established in Council Decision (CFSP) 2020/979 and the EU AAMVS was specifically designed to support export control authorities' application of criteria 7 of the EU Common Position by serving as a technical tool that can provide analysis of the safety and security measures implemented by a potential importing state. The methodology used is consistent with the User's Guide guidance of assessing the standard against existing internationally accepted good practice. Article 4 of the Common Position also establishes a political justification for the information sharing component of the EU AAMVS.

Council Decision (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition

Council Decision 2021/38/CFSP establishes a common approach on the elements of end-user certificates (EUC) in the context of the export of small arms and light weapons and their ammunition (10). The Decision includes two 'optional elements' for states to consider that are directly relevant to the AAMVS: (c) to allow post-shipment on-site verification by the exporting state; (d) to provide assurances demonstrating the end-user's 'capacity for safe and secure weapons and ammunition management, including its capacity for safe and secure management of the stockpiles where the goods will be stored.

The AAMVS can include a post-delivery verification methodology to support the onsite verification of claims made in the self-assessment. This would provide an even greater level of assurance.

(7) Council of the European Union, 'User's Guide to Council Common Position 2008/944/CFSP (as amended by Council Decision (CFSP) 2019/1560), p. 24.

(8) Council of the European Union, 'User's Guide to Council Common Position 2008/944/CFSP (as amended by Council Decision (CFSP) 2019/1560), p. 58.

(9) Council of the European Union, 'User's Guide to Council Common Position 2008/944/CFSP (as amended by Council Decision (CFSP) 2019/1560), p. 159.

(10) Council Decision (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition (OJ L 14, 18.1.2021, p. 4) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D0038&from=EN>

7. Communication and visibility strategy

AMAT will be required to take all appropriate measures to publicise that this project has been funded by the EU in line with the Communications and Visibility Requirements for EU External Actions 2018, published by the European Commission. The European Union's support will also be acknowledged in invitations and other documents that are shared with the participants of the various events. AMAT will ensure that the EU will be represented in events, where possible, that are supported under this Decision.

Specifically, the EU will be acknowledged as the leader of the project at all regional and international events where the AAMVS is presented. The EU AAMVS could serve as an excellent motivation for other regional organisations, so AMAT will encourage and support EU efforts to promote the tool at different arms control settings. EU representatives will be invited to provide remarks and the EU logo will be displayed in presentations and advertisements.

COUNCIL DECISION (CFSP) 2022/2276**of 18 November 2022****amending Decision (CFSP) 2019/2009 in support of Ukraine's efforts to combat illicit trafficking in weapons, ammunition and explosives, in cooperation with the OSCE**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

- (1) On 2 December 2019, the Council adopted Decision (CFSP) 2019/2009 ⁽¹⁾.
- (2) Decision (CFSP) 2019/2009 provides for a 36-month implementation period for the activities referred to in Article 1 thereof from the date of the conclusion of the financing agreement referred to in Article 3(3) thereof.
- (3) The Organization for Security and Cooperation in Europe (OSCE) requested an extension of the implementation period of Decision (CFSP) 2019/2009 by thirteen months, until 23 January 2024, considering the delay in the implementation of project activities under Decision (CFSP) 2019/2009 due to the impact of the COVID-19 pandemic and Russia's unprovoked and unjustified war of aggression against Ukraine.
- (4) The continuation of the activities referred to in Article 1 of Decision (CFSP) 2019/2009 until 23 January 2024 can be performed without any consequences as regards financial resources.
- (5) The request for extension should be accepted by amending Article 5(2) of Decision (CFSP) 2019/2009 accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Decision (CFSP) 2019/2009, Article 5, paragraph 2 is replaced by the following:

- '2. This Decision shall expire on 23 January 2024.'

Article 2

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

Done at Brussels, 18 November 2022.

For the Council
The President
M. BEK

⁽¹⁾ Council Decision (CFSP) 2019/2009 of 2 December 2019 in support of Ukraine's efforts to combat illicit trafficking in weapons, ammunition and explosives, in cooperation with the OSCE (OJ L 312, 3.12.2019, p. 42).

COMMISSION IMPLEMENTING DECISION (EU) 2022/2277**of 15 November 2022****accepting a request submitted by the Italian Republic pursuant to Article 7(4) of Directive (EU) 2016/797 of the European Parliament and of the Council not to apply point 4.2.1.5.2, (b)(1) of the Annex to Commission Regulation (EU) No 1303/2014***(notified under document C(2022) 8068)***(Only the Italian text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union ⁽¹⁾, and in particular Article 7(4) thereof,

Whereas:

- (1) On 28 July 2022, Italy submitted to the Commission a request for non-application of point 4.2.1.5.2, (b)(1) of the Annex to Commission Regulation (EU) No 1303/2014 ⁽²⁾ to the Miglionico tunnel belonging to the railway line Ferrandina – Matera La Martella. The Commission's request for further information of 8 August 2022 was answered on 16 August 2022, thereby completing the request. That request was submitted on the basis of Article 7(1), point (c), of Directive (EU) 2016/797.
- (2) The tunnel, single track, is 6,6 km long and already exists. The construction works on the Ferrandina – Matera La Martella line were partially carried out, but not completed, between 1984 and 2000 based on national standards. The line never entered into service as construction works were not finalised because of lack of funds. The tender procedure for the finalisation, upgrade and opening of the Ferrandina – Matera La Martella line, after having suffered significant delays, has been launched and it is planned to be finalised by the end of 2022 ('the project'). The finalisation, upgrade and opening of the Miglionico tunnel foresees to implement all relevant provisions of the technical specification for interoperability (TSI) set out in Regulation (EU) No 1303/2014, except for point 4.2.1.5.2, (b)(1) of its Annex which requires side and/or vertical emergency exits to the surface to be provided at least every 1 000 metres; the alternative point 4.2.1.5.2, (b)(2) cannot apply because it is a single tube tunnel.
- (3) As an alternative measure, the project foresees to create an access to a safe area through a vertical emergency exit to the surface after 3,895 km of the entrance of the Miglionico tunnel, with the purpose of evacuating passengers and allowing access for rescue vehicles. The proposed measure corresponds to the requirement set under the Italian Ministerial Decree of 28 October 2005 'safety in railway tunnel' ⁽³⁾, which provides for the construction of an emergency exit approximately every 4 km for tunnels above 5 km. A specific and detailed risk analysis was carried

⁽¹⁾ OJ L 138, 26.5.2016, p. 44.

⁽²⁾ Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to 'safety in railway tunnels' of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394).

⁽³⁾ The Italian Ministerial Decree of 28 October 2005 'safety in railway tunnel' is under review following a negative assessment carried out in accordance with the procedure set out in Article 26 of Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L 138, 26.5.2016, p. 1).

out by the Italian infrastructure manager in accordance with Commission Implementing Regulation (EU) No 402/2013 ⁽⁴⁾, demonstrating that in this case all identified risks are below the level of unacceptability, and therefore concluding that the safety of the tunnel is considered acceptable and that with the mitigating measure in place, the non-application of point 4.2.1.5.2, (b)(1) of the Annex to Regulation (EU) No 1303/2014 would not compromise the safety of the tunnel.

- (4) Failure to accept the request submitted by the Italian Republic would jeopardise the economic viability of the project. According to the information provided by the Italian infrastructure Manager, the total cost of the current project is EUR 315,49 million; the cost of the extra works to ensure compliance with point 4.2.1.5.2 (b)(1) of the Annex to Regulation (EU) No 1303/2014 has been quantified at EUR 165 million, of which EUR 137 million for the execution of the works and the rest for study and support. That would increase above 50 % the investment cost of the project, amounting to EUR 500 million. In accordance with Article 2(2), point (b)(i) of Commission Implementing Regulation (EU) 2020/424 ⁽⁵⁾, the economic viability analysis, carried out by the Italian infrastructure manager and submitted to the Commission, took into account exploitation revenue of the non-application allowing earlier deployment and the longer term economic viability of the project within the national and European rail system. Based on the information provided, the line would not be part of comprehensive TEN-T network and would mainly serve local transport functions of connecting the town of Matera to the main Italian railway network. If the request for non-application of point 4.2.1.5.2 (b)(1) of the Annex to Regulation (EU) No 1303/2014 is accepted, the project is expected to produce benefits for the community that are greater than the use of resources. On the contrary, it is expected that, if the request is rejected, the project will not produce benefits exceeding the costs.
- (5) For those reasons, the conditions set out in Article 7(1), point (c) and Article 7(4) of Directive (EU) 2016/797 can be considered satisfied.
- (6) The non-application of point 4.2.1.5.2, (b)(1) of the Annex to Regulation (EU) No 1303/2014 should be allowed until the next upgrade or renewal of the tunnel.
- (7) Pending the application of the derogation, the underlying assumptions or considerations on which the risk analysis referred to in recital (3) is based may change. Therefore, in such case, it is appropriate to request the Italian Republic to inform the Commission promptly about such changes and about any other possible mitigating measure to be put in place.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797,

HAS ADOPTED THIS DECISION:

Article 1

The request of the Italian Republic not to apply point 4.2.1.5.2, (b)(1) of the Annex to Regulation (EU) No 1303/2014 to the Miglionico tunnel is accepted until the next upgrade or renewal of the tunnel on condition that the alternative measure proposed by the Italian Republic is applied.

The Italian Republic shall promptly inform the Commission in case it has information that may reasonably put into question the finding that the non-application of point 4.2.1.5.2, (b)(1) of the Annex to Regulation (EU) No 1303/2014 does not compromise the safety of the Miglionico tunnel.

⁽⁴⁾ Commission Implementing Regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009 (OJ L 121, 3.5.2013, p. 8).

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/424 of 19 March 2020 on submitting information to the Commission as regards non-application of technical specifications for interoperability in accordance with Directive (EU) 2016/797 (OJ L 84, 20.3.2020, p. 20).

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 15 November 2022.

For the Commission
Adina VĂLEAN
Member of the Commission

DECISION (EU) 2022/2278 OF THE EUROPEAN CENTRAL BANK
of 8 November 2022
on the approval of the volume of coin issuance in 2023 (ECB/2022/40)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) thereof,

Having regard to Decision (EU) 2015/2332 of the European Central Bank of 4 December 2015 on the procedural framework for the approval of the volume of euro coin issuance (ECB/2015/43) ⁽¹⁾, and in particular Article 2(9) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right since 1 January 1999 to approve the volume of coins issued by the Member States whose currency is the euro (hereinafter 'euro area Member States').
- (2) The 19 euro area Member States and Croatia, which will adopt the euro as the single currency from 1 January 2023, have submitted to the ECB their requests for the approval of the volume of coins to be issued in 2023, supplemented by explanatory notes on the forecasting methodology. Certain of these Member States have also provided additional information regarding circulation coins, where such information is available and considered important by the Member States concerned to substantiate the approval request.
- (3) As the right of euro area Member States to issue euro coins is subject to approval by the ECB of the volume of the issue, in accordance with Article 3(1) of Decision (EU) 2015/2332 (ECB/2015/43), the volumes approved by the ECB may not be exceeded by the Member States without prior approval by the ECB.
- (4) Pursuant to Article 2(9) of Decision (EU) 2015/2332 (ECB/2015/43), since no modification of the requested volume of coin issuance is required, the Executive Board is empowered to adopt this Decision on the annual approval requests for the volume of coin issuance in 2023 submitted by euro area Member States and Croatia,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision, the definitions in Article 1 of Decision (EU) 2015/2332 (ECB/2015/43) apply.

Article 2

Approval of the volume of euro coins to be issued in 2023

The ECB hereby approves the volume of euro coins to be issued by the euro area Member States in 2023 as set out in the following table:

⁽¹⁾ OJ L 328, 12.12.2015, p. 123.

(million EUR)

	Volume of euro coins approved for issuance in 2023		
	Circulation coins	Collector coins (not intended for circulation)	Volume of coin issuance
Belgium	38,00	0,40	38,40
Germany	427,00	206,00	633,00
Estonia	15,30	0,29	15,59
Ireland	32,60	0,50	33,10
Greece	125,50	0,62	126,12
Spain	303,00	40,00	343,00
France	284,00	55,00	339,00
Croatia	316,34	0,43	316,77
Italy	257,00	4,55	261,55
Cyprus	6,00	0,01	6,01
Latvia	10,00	0,20	10,20
Lithuania	12,00	0,41	12,41
Luxembourg	13,20	0,26	13,46
Malta	8,00	0,50	8,50
Netherlands	49,00	1,00	50,00
Austria	81,00	175,51	256,51
Portugal	71,50	2,00	73,50
Slovenia	25,50	1,50	27,00
Slovakia	16,00	2,00	18,00
Finland	10,00	5,00	15,00
Total	2 100,94	496,18	2 597,12

*Article 3***Taking effect**

This Decision shall take effect on the day of its notification to the addressees.

*Article 4***Addressees**

This Decision is addressed to the Member States whose currency is the euro and Croatia.

Done at Frankfurt am Main, 8 November 2022.

The President of the ECB
Christine LAGARDE

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