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I

(Legislative acts)

REGULATIONS

**REGULATION (EU) 2022/2560 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 14 December 2022
on foreign subsidies distorting the internal market**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114 and 207 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) A strong, open and competitive internal market enables both European and foreign undertakings to compete on merits. The Union benefits from a sophisticated and effective system of State aid control, aiming at ensuring fair conditions for all undertakings engaging in an economic activity in the internal market. This State aid control system prevents Member States from granting State aid that unduly distorts competition in the internal market.
- (2) At the same time, both private undertakings and public undertakings which are directly or indirectly controlled or owned by a state, might receive subsidies from third countries, which are then used, for instance, to finance economic activities in the internal market in any sector of the economy, such as participation in public procurement procedures, or the acquisition of undertakings, including those with strategic assets such as critical infrastructure and innovative technologies. Such foreign subsidies are currently not subject to Union State aid rules.
- (3) This Regulation covers all economic sectors, including those that are of strategic interest to the Union and critical infrastructures, such as those mentioned in Article 4(1), point (a), of Regulation (EU) 2019/452 of the European Parliament and of the Council ⁽³⁾.
- (4) Foreign subsidies can distort the internal market and undermine the level playing field for various economic activities in the Union. This could in particular occur in the context of concentrations entailing a change of control over Union undertakings, where such concentrations are fully or partially financed through foreign subsidies, or where economic operators benefiting from foreign subsidies are awarded contracts in the Union.

⁽¹⁾ OJ C 105, 4.3.2022, p. 87.

⁽²⁾ Position of the European Parliament of 10 November 2022 (not yet published in the Official Journal) and decision of the Council of 28 November 2022.

⁽³⁾ Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79 I, 21.3.2019, p. 1).

- (5) No existing Union instruments address distortions caused by foreign subsidies. Trade defence instruments enable the Commission to act when subsidised goods are imported into the Union, but not when foreign subsidies take the form of subsidised investments, or when services and financial flows are concerned. Under the WTO Agreement on Subsidies and Countervailing Measures, the Union has the possibility to initiate State-to-State dispute settlement against certain foreign subsidies granted by WTO members and limited to goods.
- (6) It is therefore necessary to complement existing Union instruments with a new tool to effectively deal with distortions in the internal market caused by foreign subsidies in order to ensure a level playing field. In particular, the new tool complements Union State aid rules which deal with distortions in the internal market caused by Member State subsidies.
- (7) It is important that rules and procedures to investigate foreign subsidies that actually or potentially distort the internal market be laid down and, where relevant, that those distortions be redressed. Foreign subsidies could distort the internal market if an undertaking benefitting from the foreign subsidy engages in an economic activity in the Union. The proper application and enforcement of this Regulation are to contribute to the resilience of the internal market against distortions caused by foreign subsidies and thereby contribute to the Union's open strategic autonomy. This Regulation therefore establishes rules for all undertakings, including public undertakings which are directly or indirectly controlled by a State, engaging in an economic activity in the Union. Special attention is to be given to the impact of this Regulation on small and medium-sized enterprises (SMEs) given the significance of the economic activities pursued by them and their contribution to the fulfilment of the Union's key policy goals.
- (8) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission is the sole authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy, to the extent it is in the scope of this Regulation, in any sector of the economy on its own initiative, relying thereby on information from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission.
- (9) This Regulation should be applied and interpreted in light of the relevant Union legislation, including that relating to State aid, mergers and public procurement.
- (10) The implementation of this Regulation is without prejudice to the right of each Member State to protect its essential security interests in accordance with Article 346 of the Treaty on Functioning of the European Union (TFEU).
- (11) A foreign subsidy in the context of this Regulation should be understood as a financial contribution which is provided directly or indirectly by a third country, which confers a benefit and which is limited to one or more undertakings or industries. Those conditions are cumulative.
- (12) A financial contribution can be granted through public or private entities. Whether a public entity provided a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the third country in which the entity operates including the government's role in the economy of that country. Financial contributions can also be granted through a private entity if the actions of that private entity can be attributed to the third country. The concept of financial contribution includes a broad range of support measures which are not limited to monetary transfers, for instance, granting special or exclusive rights to an undertaking without receiving adequate remuneration in line with normal market conditions.
- (13) A financial contribution should confer a benefit on an undertaking engaging in an economic activity in the internal market. A financial contribution should be considered to confer a benefit on an undertaking if it could not have been obtained under normal market conditions. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors, financing rates obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods. Benefits can, for example, be conferred in the context

of the relationship established between public authorities and public undertakings, if such a relationship, and in particular any financing by the public authorities to public undertakings does not comply with normal market conditions. The provision or purchase of goods or services carried out following a competitive, transparent and non-discriminatory tender procedure, is presumed to be in line with normal market conditions. A financial contribution to an undertaking engaging in an economic activity in the internal market should not be considered as conferring a benefit when the benchmark assessment shows that the undertaking would have obtained that benefit under normal market conditions. Transfer pricing in the context of goods and services exchanged within an undertaking can confer a benefit if that transfer pricing is not in line with normal market conditions. The benefit conferred by a financial contribution may be passed to an undertaking engaging in an economic activity in the Union.

- (14) The benefit should be conferred on one or more undertakings or industries. The specificity of the foreign subsidy could be established by law or in fact.
- (15) A foreign subsidy should be considered granted from the moment the beneficiary obtains an entitlement to receive the foreign subsidy. The actual disbursement of the foreign subsidy is not a necessary condition for a foreign subsidy to fall within the scope of this Regulation.
- (16) A financial contribution provided exclusively for the non-economic activities of an undertaking does not constitute a foreign subsidy. However, if a financial contribution for a non-economic activity is used to cross-subsidise the economic activities of the undertaking, it can amount to a foreign subsidy falling under the scope of this Regulation. If an undertaking uses financial contributions, for instance in the form of special or exclusive rights, or financial contributions received to compensate for a burden imposed by public authorities, to cross-subsidise other activities, that cross-subsidisation could be an indication that the special or exclusive rights are provided without adequate remuneration, or that the burden is overcompensated and thus amounts to a foreign subsidy.
- (17) Once the existence of a foreign subsidy is established, the Commission should assess on a case-by-case basis whether it distorts the internal market. Unlike State aid granted by a Member State, foreign subsidies are not generally prohibited.
- (18) It is possible that the lack of transparency concerning many foreign subsidies and the complexity of the commercial reality make it difficult to unequivocally identify or quantify the impact of a given foreign subsidy on the internal market. To determine the distortion, it therefore appears necessary to use a non-exhaustive set of indicators. When assessing the extent to which a foreign subsidy can improve the competitive position of an undertaking and where, in doing so, that foreign subsidy actually or potentially negatively affects competition in the internal market, the Commission could have regard to certain indicators including the amount and nature of the foreign subsidy, the purpose and conditions attached to the foreign subsidy as well as its use in the internal market.
- (19) When using the indicators to determine the existence of a distortion in the internal market, the Commission could take into account various elements such as the size of the foreign subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration, in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public procurement procedure are likely to cause distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to SMEs could be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be taken into account. Foreign subsidies in markets characterised by overcapacity or leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market,

measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. Foreign subsidies not exceeding EUR 4 million over a consecutive period of three years should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation. Foreign subsidies to a single undertaking not exceeding the amount of *de minimis* aid as defined by Article 3(2) of Commission Regulation (EU) No 1407/2013 ⁽⁴⁾ per third country over a consecutive period of three years should be considered as not distorting the internal market within the meaning of this Regulation.

- (20) Like certain types of State aid, certain categories of foreign subsidies, such as unlimited guarantees, namely guarantees without any limitation as to the amount or the duration of such guarantee, are also likely to create distortions in the internal market because of their nature. The same is true for an unduly advantageous tender, the advantageous nature of which, such as its price, cannot be justified by other factors. Moreover, subsidies in the form of export financing could, unless provided in line with the OECD Arrangement on officially supported export credits, be a cause of particular concern because of their distortive effects. Since those categories of foreign subsidies are most likely to create distortions in the internal market, it is not necessary for the Commission to perform a detailed assessment based on indicators. An undertaking could in any event show that the foreign subsidy in question would not distort the internal market in the specific circumstances of the case.
- (21) Member States, as well as any natural or legal persons are able to submit information on the positive effects of a foreign subsidy, of which the Commission should take due account when carrying out the balancing test. The Commission should consider the positive effects of the foreign subsidy on the basis of the evidence about such positive effects submitted during the investigation. The positive effects should relate to the development of the relevant subsidised economic activity on the internal market. Other positive effects should be taken into account, where appropriate, in order to avoid that the balancing gives rise to unjustified discrimination. The Commission should also examine broader positive effects in relation to the relevant policy objectives, in particular those of the Union. Those policy objectives can include, in particular, a high level of environmental protection and social standards, and the promotion of research and development. The Commission should weigh those positive effects against the negative effects of a foreign subsidy in terms of distortion in the internal market. In the context of a public procurement procedure, the Commission should take into account the availability of alternative sources of supply for the goods and services concerned. The balancing can lead to the conclusion not to impose redressive measures where the positive effects of the foreign subsidy outweigh its negative effects. In the case of categories of foreign subsidies that are deemed most likely to distort the internal market, positive effects are less likely to outweigh negative effects. If the negative effects prevail, the balancing test can help to determine the appropriate nature and level of the commitments or redressive measures. In any event, given that the balancing test considers the positive effects of a foreign subsidy, applying that balancing test should not lead to an outcome for the undertaking that would be worse than if the balancing test had not been applied. Where the Commission carries out a balancing test, it should set out its reasoning in the decision closing an in-depth investigation.
- (22) Where the Commission examines a foreign subsidy on its own initiative, it should have the power to impose redressive measures on an undertaking to remedy any distortion caused by a foreign subsidy in the internal market. Those redressive measures should include structural and non-structural remedies, and the repayment of the foreign subsidy, and should be suitable to remedy the distortion in question and be proportionate. Where the Commission considers alternative redressive measures, which would each fully and effectively remedy the distortion, the Commission should choose the measure which is least burdensome for the undertaking under investigation.

⁽⁴⁾ Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L 352, 24.12.2013, p. 1).

- (23) The undertaking under investigation should have the possibility to offer commitments in order to remedy the distortion caused by the foreign subsidy. If the Commission considers that the commitments offered fully and effectively remedy the distortion, it could accept them and make them binding by decision. In that case, the Commission should not impose redressive measures.
- (24) The undertaking under investigation could offer to repay the subsidy, together with appropriate interest. The Commission should accept a repayment offered as a commitment if it can ascertain that the repayment fully remedies the distortion, is executed in a transparent and verifiable manner and is effective in practice, while taking into account the risk of circumvention of the objectives of this Regulation.
- (25) Unless the undertaking under investigation offers commitments that would fully and effectively remedy the identified distortion, the Commission should have the power to prohibit a concentration or the award of a contract before it takes place. Where the concentration has already been implemented, in particular in cases where no prior notification was required because the notification thresholds were not reached, the distortion can nonetheless be so substantial that it cannot be remedied by behavioural or structural measures or by the repayment of the subsidy. In such cases, the Commission should be able to decide to remedy the distortion by ordering the undertakings to dissolve the concentration.
- (26) The undertaking under investigation could offer or the Commission could, where proportionate and necessary, require the undertakings under investigation to inform the Commission of their participation in future concentrations or public procurement procedures in the Union for an appropriate period of time. The submission of such information, or the response or absence of a response from the Commission, cannot give rise to legitimate expectations on the part of the undertaking that the Commission will not later start an investigation of possible foreign subsidies to the undertaking participating in the concentration or in the public procurement procedure.
- (27) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. Member States and any natural or legal person or association should be able to provide the Commission with information on alleged foreign subsidies distorting the internal market. The Commission could establish a contact point to facilitate the provision of such information in a confidential manner. When Member States provide the Commission with relevant information on alleged foreign subsidies distorting the internal market, the Commission should ensure that those Member States receive an answer. To investigate possible foreign subsidies and whether they distort the internal market and to remedy such distortions, this Regulation establishes a procedure consisting of two steps, namely a preliminary review and an in-depth investigation. An undertaking subject to either of those two steps should be considered as an undertaking under investigation.
- (28) The Commission should be given appropriate investigative powers to gather all necessary information. It should therefore have the power to request information from any undertaking or association of undertakings throughout the whole procedure. In addition, the Commission should have the power to impose fines or periodic penalty payments for failure to supply the requested information in a timely manner or for supplying incomplete, incorrect or misleading information. The Commission should also be able to address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at premises located in the Union of an undertaking or association of undertakings, or, if the third country concerned is officially notified and raises no objections, at the premises of the undertaking in the third country. In order to ensure an effective inspection, the Commission should have the power to ask the undertaking or association of undertakings to consent to the inspection. The Commission should also have the power to take decisions on the basis of facts available if the undertaking under investigation or the third country that granted the subsidy does not cooperate.
- (29) Furthermore, where necessary to prevent irreparable damage to competition in the internal market, the Commission should have the power to adopt interim measures.

- (30) Where, as a result of the preliminary review, the Commission has sufficient indications of the existence of a foreign subsidy distorting the internal market, the Commission should have the power to launch an in-depth investigation to gather additional relevant information to assess the foreign subsidy. The undertaking under investigation should be allowed to exercise its rights of defence.
- (31) The Commission should close the in-depth investigation by adopting a decision. It should, as far as possible, endeavour to close the in-depth investigation within 18 months, taking into account, in particular, the complexity of the case as well as the level of cooperation of the undertakings and third countries concerned.
- (32) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. If an undertaking does not comply with a decision with commitments, a decision with redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines or periodic penalty payments of a sufficiently dissuasive nature. The Commission should take into account cases of repeated non-compliance when imposing such fines or periodic penalty payments. In order to reinforce the effectiveness of this Regulation, it is possible for the Commission to apply commitments or redressive measures simultaneously with fines or periodic penalty payments.
- (33) In order to ensure the correct and effective application of this Regulation, the Commission should have the power to revoke a decision and adopt a new one, where the decision was based on incomplete, incorrect or misleading information, where an undertaking acts contrary to its commitments or the redressive measures imposed, or where the commitments or redressive measures were not effective.
- (34) Given the potentially significant impact of concentrations on the internal market, the Commission should have the power, upon notification, to examine information on foreign financial contributions in the context of a proposed concentration. Undertakings should not be allowed to implement the concentration prior to the conclusion of the Commission's review. The examination by the Commission should follow the same procedure as that of the review of a foreign subsidy on the Commission's initiative, subject to adjustments to reflect the specificities of concentrations.
- (35) It is necessary to strike a balance between the effective protection of the internal market and the need to limit the administrative burden on undertakings subject to this Regulation. Therefore, only concentrations meeting combined thresholds as defined in this Regulation based on the size of the turnover in the Union and the size of the foreign financial contributions should be subject to mandatory prior notification.
- (36) Below the notification thresholds, the Commission should be able to require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a contract, if it considers that the concentration or the bid would merit *ex ante* review given its impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of concentrations already implemented or contracts already awarded.
- (37) When reviewing a concentration, the assessment of whether there is a distortion in the internal market should be limited to the concentration concerned, and only those foreign subsidies granted in the three years prior to the concentration should be considered in the assessment.
- (38) In the context of the *ex ante* review mechanism for concentrations, undertakings should be able to request pre-notification consultations with the Commission based on good faith, with the aim of receiving guidance on whether the thresholds for notification are met.

- (39) When a concentration is notified to the Commission pursuant to Article 4 of Council Regulation (EC) No 139/2004⁽⁵⁾ and to this Regulation, the Commission should endeavour to limit the administrative burden for the notifying parties under this Regulation. In particular, undertakings should have the option to indicate the specific information submitted in the context of a proceeding under this Regulation that the Commission also has the right to use in proceedings under Regulation (EC) No 139/2004.
- (40) The need to address foreign subsidies distorting the internal market is especially salient in public procurement, given its economic significance in the internal market and the fact that it is financed by taxpayer funds. The Commission should have the power, upon notification prior to the award of a contract, to examine information on foreign financial contributions to the participating economic operator in the context of a public procurement procedure. Prior notifications should be mandatory above a threshold set in this Regulation to capture economically significant cases while minimising the administrative burden and not hindering the participation of SMEs in public procurement. That obligation of prior notification above a threshold should also apply to groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU of the European Parliament and of the Council⁽⁶⁾, Article 19(2) of Directive 2014/24/EU of the European Parliament and of the Council⁽⁷⁾ and Article 37(2) of Directive 2014/25/EU of the European Parliament and of the Council⁽⁸⁾. The Commission also has the right to request the prior notification of a foreign financial contribution during a public procurement procedure despite its estimated value being below the notification thresholds. The Commission should endeavour to limit interference with public procurement procedures, by taking into account how close the date of the award of the contract is when deciding whether to request such prior notification.
- (41) The balance between the development of a European defence and security equipment market, which is essential for maintaining a European Defence Technological and Industrial Base, and the protection of the national security of the Member States requires a specific regime for defence and security contracts covered by Directive 2009/81/EC of the European Parliament and of the Council⁽⁹⁾. Public procurement for the award of such contracts should therefore not be subject to notification requirements under this Regulation. Nonetheless, it should be possible to examine the foreign subsidies in the context of such contracts in an *ex officio* review. Furthermore, public procurement covered by Directive 2009/81/EC and exempted by that Directive or to which the conditions for the application of Article 346 TFEU are fulfilled, whilst taking into account, for instance, that in accordance with the case-law of the Court of Justice of the European Union, the possibility of recourse to such exemption should be interpreted in such a way that its effects do not extend beyond that which is strictly necessary for the protection of the legitimate interests that those provisions help to safeguard and the Commission's Interpretative communication on the application of Article 296 TFEU in the field of defence procurement, should not be covered by this Regulation.
- (42) Framework agreements are an efficient procurement technique widely used by contracting authorities and contracting entities. The flexibility offered to purchasers after the conclusion of the framework agreement should not be affected by this Regulation. Therefore, the obligation to notify foreign financial contributions in public procurement procedures provided for in this Regulation should be limited to the procedure preceding the conclusion of framework agreements themselves and should not apply to contracts based on a framework agreement.

⁽⁵⁾ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

⁽⁶⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

⁽⁷⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁽⁸⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

⁽⁹⁾ Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76).

- (43) Taking into account the urgent nature of procurement procedures conducted in accordance with Article 27(3) or 28(6) of Directive 2014/24/EU or Article 45(3) of Directive 2014/25/EU, the Commission should exercise its best efforts to prioritise such procedures during a preliminary review and an in-depth investigation to reach a meaningful conclusion as soon as feasible. This should apply accordingly to similar procedures conducted in accordance with Directive 2014/23/EU.
- (44) Due to the specificities of multi-stage procedures in public procurement, the Commission should start a preliminary review with the relevant information available in a notification when submitting the request to participate. To ensure the completeness of information and the speed of investigation, an updated notification should be submitted with the final tender. The Commission should also have the right to ask for any supplementary information before the submission of the final tender.
- (45) This Regulation does not address access by third-country economic operators to the Union procurement market. That matter is covered by the relevant Union law and international agreements.
- (46) When a foreign financial contribution is notified in the context of a public procurement procedure, the assessment should be limited to that procedure.
- (47) Where appropriate, the Commission should seek ways to ensure the use of electronic means of communication for facilitating the fulfilment of obligations regarding public procurement under this Regulation.
- (48) It should be ensured that the principles governing public procurement, in particular proportionality, non-discrimination, equal treatment, transparency and competition, are respected as regards all economic operators involved in the public procurement procedure, regardless of investigations initiated and pending pursuant to this Regulation. This Regulation is without prejudice to Directives 2014/23/EU, 2014/24/EU and 2014/25/EU as regards the applicable obligations in the fields of environmental, social and labour law.
- (49) Contracting authorities or contracting entities are able to decide to award a contract in the form of separate lots, in accordance, in particular with Article 46 of Directive 2014/24/EU and Article 65 of Directive 2014/25/EU and in observance of the prohibition of artificial splitting. Foreign financial contributions should be notified for tenderers applying for lots of a value above an applicable threshold.
- (50) This Regulation should not affect the possibility for economic operators to rely on the capacities of other entities in accordance with Directives 2014/23/EU, 2014/24/EU and 2014/25/EU.
- (51) This Regulation should not affect the possibility of the contracting authority or contracting entity to require the economic operators to supplement, clarify or complete the relevant information or documentation, as provided by Directive 2014/23/EU, Directive 2014/24/EU or Directive 2014/25/EU or as provided by the national law implementing them, provided that such requests are made in full compliance with the principles of equal treatment and transparency.
- (52) There is a strong tendency for public purchasers to centralise their purchases to achieve economies of scale and efficiency gains. Such central purchasing bodies are contracting authorities or contracting entities in the meaning of Directives 2009/81/EC, 2014/24/EU and 2014/25/EU. It is therefore appropriate that the Commission should be able to examine foreign subsidies in the context of contracts awarded by such contracting authorities or contracting entities.

- (53) Foreign subsidies that enable an economic operator to submit a tender which is unduly advantageous in relation to the works, supplies or services concerned should be deemed to actually or potentially create a distortion in a public procurement procedure. Those distortions should therefore be assessed on the basis of a non-exhaustive set of indicators. The indicators should make it possible to determine how the foreign subsidy distorts competition by improving the competitive position of an undertaking and enabling it to submit an unduly advantageous tender. The opportunity should be given to economic operators to justify that the tender is not unduly advantageous, including by adducing the elements referred to in Article 69(2) of Directive 2014/24/EU or Article 84(2) of Directive 2014/25/EU, regulating abnormally low tenders. The prohibition of the award should apply only where the advantageous nature of the tender benefiting from foreign subsidies cannot be justified by other factors, where the tenderer would be awarded the contract and where the undertaking submitting the tender did not offer commitments considered appropriate and sufficient to fully and effectively remedy the distortion. Accordingly, the prohibition of the award concerns the specific procedure in which the unduly advantageous tender was submitted. The Commission's finding that an economic operator benefitted from a foreign subsidy distorting the internal market enabling it to submit an unduly advantageous tender therefore should not be considered as an element giving rise to an exclusion pursuant to the facultative grounds for exclusion laid down in Article 38(7) of Directive 2014/23/EU, Article 57(4) of Directive 2014/24/EU or Article 80 of Directive 2014/25/EU in the same or another public procurement procedure conducted in accordance with those Directives.
- (54) An unduly advantageous tender could also result from foreign subsidies granted to a subcontractor or supplier because of its competitive impact on the tender submitted to a contracting authority or contracting entity. However, to limit the administrative burden, only main subcontractors or main suppliers, that is those whose products or services relate to key elements of the contract or exceed a certain percentage of the value of the contract should notify foreign financial contributions. Elements of the contract can be considered to be key elements, in particular, on the basis of the specific relevance of the element to the quality of the tender including specific know-how, technology, specialised staff, patents or similar advantages available to the subcontractor or supplier, especially where those elements are relied upon for fulfilling the majority of at least one of the selection criteria in a public procurement procedure. In order to ensure a stable factual basis for review, the preliminary review should take into account the main subcontractors and suppliers already known at the stage of the submission of the complete notification or declaration or updated notification or declaration in the case of multi-stage procedures. This Regulation should not affect the possibility for economic operators to use new subcontractors in the execution of their contracts. As a result, changing subcontractors and suppliers after the submission of the complete notification or declaration or updated notification or declaration or during the execution of a contract should not create additional notification obligations, but it should be possible for the Commission to open an *ex officio* review if it has information, including from any Member State, natural or legal person or association, that those subcontractors and suppliers could have benefitted from foreign subsidies.
- (55) In line with the Directives on public procurement, the most economically advantageous tender from the point of view of the contracting authority or contracting entity should be identified on the basis of the price or cost, using a cost-effectiveness approach, such as life-cycle costing, and can include the best price-quality ratio, which should be assessed on the basis of criteria, including qualitative, environmental or social aspects, linked to the subject-matter of the contract in question.
- (56) In the context of judicial remedies relating to the application of this Regulation concerning in particular public procurement procedures, a national court or tribunal within the meaning of Article 267 TFEU, which considers a decision on the question necessary to enable them to give judgment, has the right to, or in the case provided for in Article 267 TFEU, must, request the Court of Justice to give a preliminary ruling on the interpretation of Union law, including this Regulation. However, in light of the settled case-law of the Court of Justice, that national court or tribunal does not have the right to refer a question on the validity of the decision of the Commission at the request of an economic operator concerned which had the opportunity to bring an action for annulment of that decision, in particular if it was directly and individually concerned by that decision, but had not done so within the period laid down in Article 263 TFEU.

- (57) Taking into account the nature of the *ex ante* review mechanism for concentrations and public procurement awards, and the need for legal certainty regarding those specific transactions, a concentration or public procurement tender notified and assessed under the respective procedures should not be reviewed again by the Commission on its own initiative. It is possible, however, that the financial contributions of which the Commission was informed through the notification procedure also be relevant outside that concentration or procurement procedure.
- (58) Member States should cooperate effectively with the Commission in the application of this Regulation. To facilitate such cooperation, the Commission should be able to set up a cooperation mechanism.
- (59) In order to gather information on foreign subsidies, the Commission should have the possibility to launch investigations regarding specific sectors of the economy, particular types of economic activity or the use of particular foreign subsidy instruments. The Commission should be able to use the information obtained from such market investigations to review certain transactions in the framework of the procedures under this Regulation.
- (60) When the Commission suspects the existence of repeated foreign subsidies distorting the internal market or where several enforcement actions under this Regulation identify foreign subsidies distorting the internal market granted by the same third country, the Commission should be able to engage in a dialogue with the third country concerned to explore options aimed at obtaining the cessation or modification of the foreign subsidies distorting the internal market with a view to eliminating their distortive effects in the internal market. Where a bilateral agreement between the Union and a third country provides for a consultation mechanism that covers foreign subsidies distorting the internal market falling within the scope of this Regulation, such a consultation mechanism could be used to facilitate the third-country dialogue. The dialogue with the third-country should not preclude the Commission from opening or continuing reviews under this Regulation. The Commission should keep the European Parliament and the Council informed of relevant developments.
- (61) For reasons of legal certainty, it is appropriate to limit the period within which it is possible for the Commission to investigate a foreign subsidy to 10 years from the date of granting that foreign subsidy.
- (62) For the same reasons, it is appropriate to provide for limitation periods for the imposition and enforcement of fines or periodic penalty payments.
- (63) In the interest of transparency and legal certainty, it is appropriate that the Commission publishes or makes public, where applicable either in full or in a summary form all decisions it adopts under this Regulation.
- (64) The Commission, when publishing its decisions, should respect the rules on professional secrecy, including the protection of all confidential information, and business secrets, in accordance with Article 339 TFEU. The processing of personal data for the purposes of this Regulation should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁰⁾ and Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽¹¹⁾, whichever is applicable for the processing in question.

⁽¹⁰⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁽¹¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (65) Where information marked by the undertaking as confidential or a business secret does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission has the right to decide the extent to which such information can be disclosed. Any decision to reject a claim that information is confidential should indicate a period at the end of which the information will be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure.
- (66) The undertakings under investigation under this Regulation should have the opportunity to submit their observations on the grounds on which the Commission intends to adopt a decision and should therefore be entitled to have access to the file. While ensuring preservation of the rights of defence of the undertakings under investigation, it is essential that business secrets be protected.
- (67) If the provider of the information agrees, the Commission should be able to use information acquired under this Regulation in the application of other Union acts.
- (68) Member States and the Commission should take all necessary measures to ensure the protection of classified information in compliance with, in particular, the Agreement between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interest of the European Union ⁽¹²⁾, Commission Decision (EU, Euratom) 2015/443 ⁽¹³⁾ and Commission Decision (EU, Euratom) 2015/444 ⁽¹⁴⁾.
- (69) The implementation of this Regulation by the Union should comply with Union law, the WTO Agreement and be consistent with commitments made under other trade and investment agreements to which the Union or the Member States are parties. This Regulation should complement the Union effort to improve multilateral rules on addressing distortive subsidies.
- (70) Restrictions upon the freedoms set out in Articles 34, 49, 56 and 63 TFEU can be justified by the need to avoid unfair competition, provided that such restrictions, like other restrictions of fundamental freedoms comply with the general principles of Union law, such as proportionality, legal certainty, and with fundamental rights.
- (71) It is possible that the implementation of this Regulation overlaps with sectoral rules, in particular in the area of maritime and air transport. Therefore, it is necessary to clarify the relationship between this Regulation and sectoral instruments dealing with foreign subsidies, namely Council Regulation (EEC) No 4057/86 ⁽¹⁵⁾, Regulation (EU) 2016/1035 of the European Parliament and of the Council ⁽¹⁶⁾ and Regulation (EU) 2019/712 of the European Parliament and of the Council ⁽¹⁷⁾.
- (72) Acts of the Commission under this Regulation are subject to review by the Court of Justice in accordance with Article 263 TFEU. The Court of Justice should, in accordance with Article 261 TFEU, be given unlimited jurisdiction in respect of decisions by which the Commission imposes fines or periodic penalty payments.

⁽¹²⁾ Agreement between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union (OJ C 202, 8.7.2011, p. 13).

⁽¹³⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁽¹⁴⁾ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

⁽¹⁵⁾ Council Regulation (EEC) No 4057/86 of 22 December 1986 on unfair pricing practices in maritime transport (OJ L 378, 31.12.1986, p. 14).

⁽¹⁶⁾ Regulation (EU) 2016/1035 of the European Parliament and of the Council of 8 June 2016 on protection against injurious pricing of vessels (OJ L 176, 30.6.2016, p. 1).

⁽¹⁷⁾ Regulation (EU) 2019/712 of the European Parliament and of the Council of 17 April 2019 on safeguarding competition in air transport, and repealing Regulation (EC) No 868/2004 (OJ L 123, 10.5.2019, p. 4).

- (73) In order to foster the predictability of this Regulation, the Commission should publish and regularly update guidelines regarding the criteria for determining the existence of a distortion caused by a foreign subsidy on the internal market, the application of the balancing test, the application of its power to request a prior notification of any concentration or foreign financial contributions received by an economic operator in a public procurement procedure, and the assessment of a distortion in a public procurement procedure. When issuing such guidelines, the Commission should conduct appropriate consultations with stakeholders and Member States. In order to facilitate the implementation of this Regulation in the early stages of its application, the Commission should endeavour to make public clarifications on the application of those provisions before the publication of the guidelines.
- (74) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in accordance with Article 291 TFEU. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁸⁾ and relate to: decisions closing the in-depth investigations, the imposition of interim measures, decisions on concentrations that have been implemented in breach of the notification obligation or in breach of a decision with commitments or of a decision prohibiting a concentration or the award of the contract in a public procurement procedure, the revocation of certain decisions, and the implementing powers relating to the form, content, procedural details and related items regarding the preliminary review and the in-depth investigation.
- (75) The Commission should have the possibility to establish a simplified procedure under which it treats certain concentrations or public procurement procedures on the basis that they appear less likely to give rise to distortions of competition in the internal market caused by foreign subsidies.
- (76) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring appropriate coverage of cases investigated both through notifications as well as *ex officio* while limiting undue administrative burden, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, as well as reducing the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. Without prejudice to the possibility of amending the notification thresholds for concentrations and public procurement by means of a legislative proposal, including in the context of the review provided for by this Regulation, those thresholds can be amended by a delegated act once during the period of delegation under this Regulation. In relation to financial contributions in the context of a public procurement procedure, the power to adopt such an act should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽¹⁹⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (77) Where a concentration is notifiable pursuant to this Regulation, financial contributions to any of the parties to the concentration granted in the three years prior to the date of application of this Regulation should fall within the scope of this Regulation. In the context of a public procurement procedure, this Regulation should also apply to a financial contribution granted to an economic operator in the three years prior to the date of application of this Regulation,

⁽¹⁸⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽¹⁹⁾ OJ L 123, 12.5.2016, p. 1.

HAVE ADOPTED THIS REGULATION:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. The purpose of this Regulation is to contribute to the proper functioning of the internal market by establishing a harmonised framework to address distortions caused, directly or indirectly, by foreign subsidies, with a view to ensuring a level playing field. This Regulation lays down rules and procedures for investigating foreign subsidies that distort the internal market and for redressing such distortions. Such distortions can arise with respect to any economic activity, and in particular in concentrations and public procurement procedures.

2. This Regulation addresses foreign subsidies granted to an undertaking, including a public undertaking which is directly or indirectly controlled by the State, engaging in an economic activity in the internal market. Among others, an undertaking acquiring control of or merging with an undertaking established in the Union or an undertaking participating in a public procurement procedure in the Union is considered to be engaging in an economic activity in the internal market.

Article 2

Definitions

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

- (1) 'an undertaking', in the context of public procurement procedures, means 'economic operator' as defined in Article 1, point (14) of Directive 2009/81/EC, Article 5, point (2) of Directive 2014/23/EU, Article 2(1), point (10) of Directive 2014/24/EU and Article 2, point (6) of Directive 2014/25/EU;
- (2) 'contract', in the context of public procurement procedures and unless otherwise specified, means a public contract as defined in Article 2(1), point (5) of Directive 2014/24/EU, 'contracts' as defined in Article 1, point (2) of Directive 2009/81/EC and 'supply, works and service contracts' as defined in Article 2, point (1) of Directive 2014/25/EU, as well as 'concessions' as defined in Article 5, point (1) of Directive 2014/23/EU;
- (3) 'a public procurement procedure' means:
 - (a) any type of award procedure covered by Directive 2014/24/EU for the conclusion of a public contract or Directive 2014/25/EU for the conclusion of a supply, works and service contract;
 - (b) a procedure for the award of a works or a service concession covered by Directive 2014/23/EU;
 - (c) procedures for awarding contracts falling under Directive 2009/81/EC, unless exempted by Member States on the basis of Article 346 TFEU;
 - (d) procedures for the award of contracts referred to in Article 10(4), point (a) of Directive 2014/23/EU, Article 9(1), point (a) of Directive 2014/24/EU or Article 20(1), point (a) of Directive 2014/25/EU;
- (4) 'contracting authority' in the context of public procurement procedures, means contracting authority as defined in Article 1, point (17) of Directive 2009/81/EC, Article 6 of Directive 2014/23/EU, Article 2(1), point (1) of Directive 2014/24/EU and Article 3 of Directive 2014/25/EU;

- (5) 'contracting entity' in the context of public procurement procedures, means contracting entity as defined in Article 1, point (17) of Directive 2009/81/EC, Article 7 of Directive 2014/23/EU and Article 4 of Directive 2014/25/EU;
- (6) 'a multi-stage procedure' means a public procurement procedure in accordance with Articles 28 to 32 of Directive 2014/24/EU and Articles 46 to 52 of Directive 2014/25/EU, either the restricted procedure, a competitive procedure with negotiation, a negotiated procedure without prior publication, a competitive dialogue or an innovation partnership, or a similar procedure according to Directive 2014/23/EU.

Article 3

Existence of a foreign subsidy

1. For the purposes of this Regulation, a foreign subsidy shall be deemed to exist where a third country provides, directly or indirectly, a financial contribution which confers a benefit on an undertaking engaging in an economic activity in the internal market and which is limited, in law or in fact, to one or more undertakings or industries.
2. For the purposes of this Regulation, a financial contribution shall include, inter alia:
 - (a) the transfer of funds or liabilities, such as capital injections, grants, loans, loan guarantees, fiscal incentives, the setting off of operating losses, compensation for financial burdens imposed by public authorities, debt forgiveness, debt to equity swaps or rescheduling;
 - (b) the foregoing of revenue that is otherwise due, such as tax exemptions or the granting of special or exclusive rights without adequate remuneration; or
 - (c) the provision of goods or services or the purchase of goods or services.

A financial contribution provided by a third country shall include a financial contribution provided by:

- (a) the central government and public authorities at all other levels;
- (b) a foreign public entity whose actions can be attributed to the third country, taking into account elements such as the characteristics of the entity and the legal and economic environment prevailing in the State in which the entity operates, including the government's role in the economy; or
- (c) a private entity whose actions can be attributed to the third country, taking into account all relevant circumstances.

Article 4

Distortions in the internal market

1. A distortion in the internal market shall be deemed to exist where a foreign subsidy is liable to improve the competitive position of an undertaking in the internal market and where, in doing so, that foreign subsidy actually or potentially negatively affects competition in the internal market. A distortion in the internal market shall be determined on the basis of indicators, which can include, in particular, the following:
 - (a) the amount of the foreign subsidy;
 - (b) the nature of the foreign subsidy;
 - (c) the situation of the undertaking, including its size and the markets or sectors concerned;
 - (d) the level and evolution of economic activity of the undertaking on the internal market;
 - (e) the purpose and conditions attached to the foreign subsidy as well as its use on the internal market.

2. Where the total amount of a foreign subsidy to an undertaking does not exceed EUR 4 million over any consecutive period of three years, that foreign subsidy shall be considered unlikely to distort the internal market.
3. Where the total amount of a foreign subsidy to an undertaking does not exceed the amount of *de minimis* aid as defined in Article 3(2), first subparagraph, of Regulation (EU) No 1407/2013 per third country over any consecutive period of three years, that foreign subsidy shall not be considered to distort the internal market.
4. A foreign subsidy may be considered not to distort the internal market to the extent that it is aimed at making good the damage caused by natural disasters or exceptional occurrences.

Article 5

Categories of foreign subsidies most likely to distort the internal market

1. A foreign subsidy is most likely to distort the internal market where it falls under one of the following categories:
 - (a) a foreign subsidy granted to an ailing undertaking, namely an undertaking which will likely go out of business in the short or medium term in the absence of any subsidy, unless there is a restructuring plan that is capable of leading to the long-term viability of that undertaking and that plan includes a significant own contribution by the undertaking;
 - (b) a foreign subsidy in the form of an unlimited guarantee for the debts or liabilities of the undertaking, namely without any limitation as to the amount or the duration of such guarantee;
 - (c) an export financing measure that is not in line with the OECD Arrangement on officially supported export credits;
 - (d) a foreign subsidy directly facilitating a concentration;
 - (e) a foreign subsidy enabling an undertaking to submit an unduly advantageous tender on the basis of which the undertaking could be awarded the relevant contract.
2. An undertaking under investigation shall be granted the possibility to provide relevant information as to whether a foreign subsidy falling under one of the categories set out in paragraph 1 does not distort the internal market in the specific circumstances of the case.

Article 6

Balancing test

1. The Commission may, on the basis of information received, balance the negative effects of a foreign subsidy in terms of distortion in the internal market, according to Articles 4 and 5 against the positive effects on the development of the relevant subsidised economic activity on the internal market, while considering other positive effects of the foreign subsidy such as the broader positive effects in relation to the relevant policy objectives, in particular those of the Union.
2. The Commission shall take into account the assessment under paragraph 1 when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.

Article 7

Commitments and redressive measures

1. The Commission may impose redressive measures in order to remedy the distortion in the internal market actually or potentially caused by a foreign subsidy, unless it has accepted commitments offered by the undertaking under investigation pursuant to paragraph 2.

2. The Commission may accept commitments offered by the undertaking under investigation where such commitments fully and effectively remedy the distortion in the internal market. When accepting such commitments, the Commission shall make them binding on the undertaking under investigation in a decision with commitments in accordance with Article 11(3). The undertaking's compliance with the commitments agreed upon shall, where appropriate, be monitored.
3. Commitments or redressive measures shall be proportionate and fully and effectively remedy the distortion actually or potentially caused by the foreign subsidy in the internal market.
4. Commitments or redressive measures may consist, inter alia, of the following:
- (a) offering access under fair, reasonable, and non-discriminatory conditions to infrastructure, including research facilities, production capabilities or essential facilities, that were acquired or supported by the foreign subsidies distorting the internal market unless such access is already provided for by Union legislation;
 - (b) reducing capacity or market presence, including by means of a temporary restriction on commercial activity;
 - (c) refraining from certain investments;
 - (d) the licensing on fair, reasonable and non-discriminatory terms of assets acquired or developed with the help of foreign subsidies;
 - (e) the publication of results of research and development;
 - (f) the divestment of certain assets;
 - (g) requiring the undertakings to dissolve the concentration concerned;
 - (h) the repayment of the foreign subsidy, including an appropriate interest rate, calculated in accordance with the method set out in Commission Regulation (EC) No 794/2004 ⁽²⁰⁾;
 - (i) requiring the undertakings concerned to adapt their governance structure.
5. The Commission shall, where appropriate, impose reporting and transparency requirements, including periodic reporting regarding the implementation of the commitments and redressive measures listed in paragraph 4.
6. Where the undertaking under investigation proposes to repay the foreign subsidy including an appropriate interest rate, the Commission shall accept such repayment as commitment only where it can ascertain that the repayment is transparent, verifiable and effective, while taking into account the risk of circumvention.

Article 8

Information on future concentrations and public procurement procedures

In decisions adopted pursuant to Articles 11, 25 and 31, and where proportionate and necessary, the undertaking under investigation may be required to inform the Commission, for a limited period of time, of its participation in concentrations or public procurement procedures. That requirement is without prejudice to notification obligations pursuant to Articles 21 and 29.

⁽²⁰⁾ Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 140, 30.4.2004, p. 1).

CHAPTER 2

EX OFFICIO REVIEW AND GENERAL PROVISIONS FOR THE REVIEW OF FOREIGN SUBSIDIES*Article 9***Ex officio review of foreign subsidies**

1. The Commission may on its own initiative examine information from any source, including Member States, a natural or legal person or an association, regarding alleged foreign subsidies distorting the internal market.
2. *Ex officio* reviews into public procurements shall be limited to awarded contracts.

Such reviews shall not result in the cancellation of the decision awarding a contract or in a termination of a contract.

*Article 10***Preliminary review**

1. Where the Commission considers that the information referred to in Article 9 indicates the possibility that a foreign subsidy distorting the internal market exists, the Commission shall seek all the information it considers necessary to assess, on a preliminary basis, whether the financial contribution under examination constitutes a foreign subsidy and whether it distorts the internal market. To that end, the Commission may, in particular:
 - (a) request information in accordance with Article 13; and
 - (b) conduct inspections within and outside the Union in accordance with Article 14 or Article 15.
2. Where a Member State has informed the Commission that a relevant national procedure is envisaged or has been opened, the Commission shall inform that Member State of the start of the preliminary review. In particular, the Commission shall inform Member States that have notified the Commission about a national procedure pursuant to Regulation (EU) 2019/452 of the start of the preliminary review. Where the preliminary review is initiated in relation to a public procurement procedure, the Commission shall also inform the contracting authority or contracting entity concerned.
3. Where the Commission, based on the preliminary review, has sufficient indications that an undertaking has been granted a foreign subsidy that distorts the internal market, it shall:
 - (a) adopt a decision to initiate an in-depth investigation ('decision to initiate the in-depth investigation') which summarises the relevant issues of fact and law and includes the preliminary assessment of the existence of a foreign subsidy and of the actual or potential distortion in the internal market;
 - (b) inform the undertaking under investigation;
 - (c) inform Member States and, where the in-depth investigation is initiated in relation to a public procurement procedure, the contracting authority or contracting entity concerned; and
 - (d) publish a notice in the *Official Journal of the European Union* inviting the submission of views in writing within a period of time prescribed by the Commission.
4. Where the Commission, in the course of a preliminary review, concludes that there are insufficient indications to initiate an in-depth investigation, either because there is no foreign subsidy or because there are insufficient indications of an actual or potential distortion in the internal market, it shall close the preliminary review, inform the undertaking under investigation and Member States that were informed pursuant to paragraph 2, as well as the contracting authority or contracting entity concerned where the preliminary review was initiated in relation to a public procurement procedure.

Article 11

In-depth investigation

1. During the in-depth investigation, the Commission shall further assess the foreign subsidy identified in the decision to initiate the in-depth investigation and seek all the information it considers necessary in accordance with Articles 13, 14 and 15.
2. Where the Commission finds, pursuant to Articles 4 to 6, that a foreign subsidy distorts the internal market, it may adopt an implementing act in the form of a decision imposing redressive measures ('decision with redressive measures'). That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 48(2).
3. Where the Commission, pursuant to Articles 4 to 6, finds that a foreign subsidy distorts the internal market and the undertaking under investigation offers commitments which the Commission deems appropriate and sufficient to fully and effectively remedy the distortion, it may adopt an implementing act in the form of a decision in order to make those commitments binding on the undertaking ('decision with commitments'). A decision accepting the repayment of a foreign subsidy in accordance with Article 7(6) shall be considered a decision with commitments. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 48(2).
4. The Commission shall adopt an implementing act in the form of a decision to raise no objection ('no objection decision') where it finds that:
 - (a) the preliminary assessment as set out in its decision to initiate the in-depth investigation is not confirmed; or
 - (b) a distortion in the internal market is outweighed by positive effects within the meaning of Article 6.

That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 48(2).

5. The Commission shall, as far as possible, endeavour to adopt a decision within a period of 18 months from the opening of the in-depth investigation.

Article 12

Interim measures

1. To preserve competition in the internal market and prevent irreparable damage, the Commission may adopt an implementing act in the form of a decision ordering interim measures, where:
 - (a) there are sufficient indications that a financial contribution constitutes a foreign subsidy and distorts the internal market; and
 - (b) there is a risk of serious and irreparable damage to competition on the internal market.

That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 48(2).

2. The interim measures may, in particular, but not exclusively, consist of the measures mentioned under Article 7(4), points (a), (c), and (d). No interim measures may be taken with regard to public procurement procedures.
3. The interim measures shall apply either for a specific period of time, which may be renewed in so far that is necessary and appropriate, or until the final decision is taken.

Article 13

Requests for information

1. To carry out the duties assigned to it by this Regulation, the Commission may require information in line with this Article.

2. The Commission may require an undertaking under investigation to provide all necessary information, including information regarding its tender in a public procurement procedure.
3. The Commission may also require such information from other undertakings or associations of undertakings, including information regarding their tenders in public procurement procedures, taking due account of the principle of proportionality.
4. A request for information pursuant to paragraph 2 or 3 shall:
 - (a) state its legal basis and its purpose, specify what information is required and set an appropriate time limit within which the information is to be provided;
 - (b) contain a statement that if the information supplied is incorrect, incomplete or misleading, the fines or periodic penalty payments provided for in Article 17 could be imposed;
 - (c) contain a statement that, pursuant to Article 16, a lack of cooperation allows the Commission to take a decision on the basis of the facts that are available to it.
5. At the request of the Commission, Member States shall provide it with all necessary information to carry out the duties assigned to it by this Regulation. Paragraph 4, point (a) shall apply *mutatis mutandis*.
6. The Commission may also request a third country to provide all necessary information. Paragraph 4, points (a) and (c) shall apply *mutatis mutandis*.
7. The Commission may interview a natural or legal person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation. Where an interview is not conducted on the premises of the Commission or by telephone or other electronic means, prior to the interview the Commission shall:
 - (a) inform the Member State in whose territory the interview is to take place; or
 - (b) obtain the agreement of the third country in whose territory the interview is to take place.

Article 14

Inspections within the Union

1. In order to carry out the duties assigned to it by this Regulation, the Commission may conduct the necessary inspections of undertakings and associations of undertakings.
2. Where the Commission undertakes such an inspection, the officials authorised by the Commission to conduct an inspection shall be empowered to:
 - (a) enter any premises, land and means of transport of the undertaking or association of undertakings;
 - (b) examine books and other business records, irrespective of the medium on which they are stored, access any information which is accessible to the entity subject to the inspection and take, or request copies or extracts from, those books or records;
 - (c) ask any representative or member of staff of the undertaking or association of undertakings for explanations of facts or documents relating to the subject-matter and purpose of the inspection and to record the answers;
 - (d) seal any business premises and books or records for the period of time of, and to the extent necessary for, the inspection.

3. The undertaking or association of undertakings shall submit to inspections ordered by decision of the Commission. The officials and other accompanying persons authorised by the Commission to conduct an inspection shall exercise their powers upon production of a Commission decision:

- (a) specifying the subject matter and purpose of the inspection;
- (b) containing a statement that, pursuant to Article 16, a lack of cooperation allows the Commission to take a decision on the basis of the facts that are available to it;
- (c) referring to the possibility to impose fines or periodic penalty payments provided for in Article 17; and
- (d) stating the right to have the decision reviewed by the Court of Justice pursuant to Article 263 TFEU.

4. In good time before the inspection, the Commission shall give notice of the inspection to the Member State in whose territory it is to be conducted and of the date on which it is to begin.

5. Officials and other persons authorised or appointed by the Member State in whose territory the inspection is to be conducted shall, at the request of the Member State or of the Commission, actively assist the officials and other accompanying persons authorised by the Commission. To that end, they shall enjoy the powers specified in paragraph 2.

6. Where officials or other accompanying persons authorised by the Commission find that an undertaking or association of undertakings opposes an inspection within the meaning of this Article, the Member State in the territory of which the inspection takes place shall provide them with the necessary assistance and shall request, where appropriate, the assistance of the police or of an equivalent enforcement authority so as to enable them to conduct their inspection. If the assistance provided for in this paragraph requires authorisation from a judicial authority according to national rules, such authorisation shall be applied for. Such authorisation may also be applied for as a precautionary measure.

7. Upon request of the Commission, a Member State shall in its own territory carry out any inspection or other fact-finding measure under its national law in order to establish whether there is a foreign subsidy distorting the internal market.

Article 15

Inspection outside the Union

In order to carry out the duties assigned to it by this Regulation, the Commission may conduct inspections in the territory of a third country, provided that the government of that third country has been officially notified and raises no objection to the inspection. The Commission may also ask the undertaking or association of undertakings to give its consent to the inspection. Article 14(1), (2), and (3), points (a) and (b) shall apply *mutatis mutandis*.

Article 16

Non-cooperation

1. The Commission may take a decision pursuant to Article 10, Article 11, Article 25(3), point (c) or Article 31(2), on the basis of the facts available, where an undertaking under investigation or a third country that granted the foreign subsidy:

- (a) provides incomplete, incorrect or misleading information in response to a request for information under Article 13;
- (b) fails to provide the information requested within the time limit prescribed by the Commission;
- (c) refuses to submit to the Commission's inspection within or outside the Union ordered under Article 14 or Article 15;
or
- (d) otherwise impedes the preliminary review or the in-depth investigation.

2. Where an undertaking or association of undertakings, a Member State or the third country has supplied incorrect or misleading information to the Commission, that information shall be disregarded.
3. Where an undertaking, including a public undertaking which is directly or indirectly controlled by the State, fails to provide the necessary information to determine whether a financial contribution confers a benefit on it, that undertaking may be deemed to have received such benefit.
4. When applying facts available, the result of the procedure may be less favourable to the undertaking than if it had cooperated.

Article 17

Fines and periodic penalty payments

1. The Commission may, by decision, impose fines or periodic penalty payments where an undertaking or an association of undertakings, intentionally or negligently:
 - (a) supplies incomplete, incorrect or misleading information in response to a request for information under Article 13, or does not supply the information within the prescribed time limit;
 - (b) produces the required books or other records related to the business in incomplete form during inspections under Article 14;
 - (c) in response to a question asked in accordance with Article 14(2), point (c):
 - (i) gives an incorrect or misleading answer;
 - (ii) fails to rectify within a time-limit set by the Commission an incorrect, incomplete or misleading answer given by a member of staff; or
 - (iii) fails or refuses to provide a complete answer on facts relating to the subject-matter and purpose of an inspection ordered by a decision adopted pursuant to Article 14(3);
 - (d) refuses to submit to inspections ordered under Article 14 or has broken seals affixed in accordance with Article 14(2), point (d); or
 - (e) fails to comply with the conditions for access to the file or the terms of disclosure imposed by the Commission pursuant to Article 42(4).
2. Fines imposed under paragraph 1 shall not exceed 1 % of the aggregate turnover of the undertaking or association of undertakings concerned in the preceding financial year.
3. Periodic penalty payments imposed under paragraph 1 shall not exceed 5 % of the average daily aggregate turnover of the undertaking or association of undertakings concerned in the preceding financial year for each working day of delay, calculated from the date established in the decision, until it submits complete and correct information as required by the Commission, or until it submits to an inspection.
4. Before adopting any decision in accordance with paragraph 1, point (a) the Commission shall set a final time limit of two weeks to receive the missing information from the undertaking or from the association of undertakings.
5. Where an undertaking does not comply with a decision with commitments pursuant to Article 11(3), a decision ordering interim measures pursuant to Article 12 or a decision with redressive measures pursuant to Article 11(2), the Commission may, by decision, impose:
 - (a) fines not exceeding 10 % of the aggregate turnover of the undertaking concerned in the preceding financial year; or
 - (b) periodic penalty payments not exceeding 5 % of the average daily aggregate turnover of the undertaking concerned in the preceding financial year for each day of non-compliance, starting from the day of the Commission decision imposing such penalty payments, until the Commission finds that the undertaking concerned complies with the decision.

The Commission may also impose such fines or periodic penalty payments where an undertaking does not comply with a decision adopted pursuant to Article 11, 25 or 31, which obliged the undertaking to inform the Commission of its future participation in concentrations or public procurement procedures pursuant to Article 8.

6. When setting the amount of the fine or periodic penalty payment, the Commission shall have regard to the nature, gravity and duration of the infringement, taking due account of the principles of proportionality and appropriateness.

7. Where the undertaking or association of undertakings concerned has satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may reduce the definitive amount of the periodic penalty payment compared to that under the original decision imposing periodic penalty payments.

Article 18

Revocation

1. The Commission may revoke a decision taken pursuant to Article 11(2), (3) or (4), Article 25(3), and Article 31(1), (2) or (3), and adopt a new implementing act in the form of a decision in any of the following cases where:

- (a) the undertaking to which the initial decision was addressed acts contrary to its commitments or the redressive measures imposed;
- (b) the initial decision was based on incomplete, incorrect or misleading information;
- (c) commitments or redressive measures are not effective.

That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 48(2).

2. The revocation and adoption of a new decision by the Commission under paragraph 1 shall not affect the decision of the contracting authority or contracting entity awarding a contract. They shall also not affect a contract already concluded following such an award decision.

CHAPTER 3

CONCENTRATIONS

Article 19

Distortions in the internal market caused by foreign subsidies in concentrations

When assessing whether a foreign subsidy in a concentration distorts the internal market within the meaning of Article 4 or 5, that assessment shall be limited to the concentration concerned. Only foreign subsidies granted in the three years prior to the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest shall be considered in the assessment.

Article 20

Concentrations and notification thresholds

1. For the purposes of this Regulation, a concentration shall be deemed to arise where a change of control on a lasting basis results from either of the following:

- (a) the merger of two or more previously independent undertakings or parts of undertakings;
- (b) the acquisition, by one or more persons already controlling at least one undertaking, or by one or more undertakings, whether by purchase of securities or assets, by contract or by any other means, of direct or indirect control of the whole or parts of one or more other undertakings.

2. The creation of a joint venture performing on a lasting basis all the functions of an autonomous economic entity shall constitute a concentration within the meaning of paragraph 1.

3. For the purposes of this Regulation, a notifiable concentration shall be deemed to arise where, in a concentration:

(a) at least one of the merging undertakings, the acquired undertaking or the joint venture is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

(b) the following undertakings were granted combined aggregate financial contributions of more than EUR 50 million from third countries in the three years preceding the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest:

(i) in the case of an acquisition, the acquirer or acquirers and the acquired undertaking;

(ii) in the case of a merger, the merging undertakings;

(iii) in the case of a joint venture, the undertakings creating a joint venture and the joint venture.

4. A concentration shall not be deemed to arise where:

(a) credit institutions or other financial institutions or insurance companies, the normal activities of which include transactions and dealing in securities for their own account or for the account of others, hold on a temporary basis securities which they have acquired in an undertaking with a view to reselling them, provided that they do not exercise voting rights in respect of those securities with a view to determining the competitive conduct of that undertaking or provided that they exercise such voting rights only with a view to preparing the disposal of all or part of that undertaking or of its assets or the disposal of those securities and that any such disposal takes place within one year of the date of acquisition;

(b) control is acquired by an office-holder according to the law of a Member State relating to liquidation, winding up, insolvency, cessation of payments, compositions or analogous proceedings;

(c) the operations referred to in paragraph 1, point (b) are carried out by the financial holding undertakings as defined in Article 2, point 15 of Directive 2013/34/EU of the European Parliament and of the Council⁽²¹⁾ provided that the voting rights in respect of the holding are exercised, in particular in relation to the appointment of members of the management and supervisory bodies of the undertakings in which they have holdings, only to maintain the full value of those investments and not to determine directly or indirectly the competitive conduct of those undertakings.

The period of one year referred to in the first subparagraph, point (a) may be extended by the Commission on request where the institutions or companies concerned can show that the disposal was not reasonably possible within the period set.

5. Control shall be constituted by rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:

(a) ownership or the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking.

⁽²¹⁾ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

6. Control shall be acquired by persons or undertakings which:
 - (a) are holders of the rights or entitled to rights under the contracts concerned; or
 - (b) while not being holders of such rights or entitled to rights under such contracts, have the power to exercise the rights deriving therefrom.

Article 21

Prior notification of concentrations

1. Notifiable concentrations shall be notified to the Commission prior to their implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.
2. The undertakings concerned may also notify the proposed concentration when they demonstrate to the Commission a good faith intention to conclude an agreement or, in the case of a public bid, where they have publicly announced their intention to make such a bid, provided that the intended agreement or bid would result in a notifiable concentration under paragraph 1.
3. A concentration which consists in a merger within the meaning of Article 20(1), point (a) or in the acquisition of joint control within the meaning of Article 20(1), point (b) shall be notified jointly by the parties to the merger or by those acquiring joint control as the case may be. In all other cases, the notification shall be made by the person or undertaking acquiring control of the whole or parts of one or more undertakings.
4. Where the undertakings concerned fail to meet their obligation to notify, the Commission may review a notifiable concentration in accordance with this Regulation by requesting the notification of that concentration. In that case the Commission shall not be bound by the time limits referred to in Article 24(1) and (4).
5. The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 20 at any time prior to its implementation where the Commission suspects that foreign subsidies may have been granted to the undertakings concerned in the three years prior to the concentration. Such concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

Article 22

Calculation of turnover

1. Aggregate turnover shall comprise the amounts derived by the undertakings concerned in the preceding financial year from the sale of products and the provision of services falling within the undertakings' ordinary activities after deduction of sales rebates and of value added tax and other taxes directly related to turnover. The aggregate turnover of an undertaking concerned shall not include the sale of products or the provision of services between any of the undertakings referred to in paragraph 4.

Turnover in the Union shall comprise products sold and services provided to undertakings or consumers in the Union.

2. By way of derogation from paragraph 1, where the concentration consists of the acquisition of parts, whether or not constituted as legal entities, of one or more undertakings, only the turnover relating to the parts which are the object of the concentration shall be taken into account with regard to the seller or sellers.

However, two or more transactions within the meaning of the first subparagraph of this paragraph which take place within a two-year period between the same persons or undertakings shall be treated as one and the same concentration arising on the date of the latest transaction.

3. The following shall be used instead of turnover:
- (a) for credit institutions and other financial institutions, the sum of the following income items as defined in Council Directive 86/635/EEC ⁽²²⁾, after deduction of value added tax and other taxes directly related to those items, where appropriate:
 - (i) interest income and similar income;
 - (ii) income from securities:
 - income from shares and other variable yield securities,
 - income from participating interests,
 - income from shares in affiliated undertakings;
 - (iii) commissions receivable;
 - (iv) net profit on financial operations;
 - (v) other operating income;
 - (b) for insurance undertakings, the value of gross premiums written which comprises all amounts received and receivable in respect of insurance contracts issued by or on behalf of the insurance undertakings, including also outgoing reinsurance premiums, and after the deduction of taxes and parafiscal contributions or levies charged by reference to the amounts of individual premiums or the total volume of premiums.

For the purposes of point (a), for a credit institution or financial institution the turnover in the Union shall comprise the income items, as defined in that point, which are received by the branch or division of that institution established in the Union.

For the purpose of point (b), for an insurance undertaking, the turnover in the Union shall comprise gross premiums received from Union residents.

4. Without prejudice to paragraph 2, the aggregate turnover of an undertaking concerned shall be calculated by adding together the respective turnovers of:

- (a) the undertaking concerned;
- (b) the undertakings in which the undertaking concerned, directly or indirectly:
 - (i) owns more than half the capital or business assets,
 - (ii) has the power to exercise more than half the voting rights,
 - (iii) has the power to appoint more than half the members of the supervisory board, the administrative board or bodies legally representing those undertakings, or
 - (iv) has the right to manage the affairs of those undertakings;
- (c) the undertakings which have in the undertaking concerned any of the rights or powers referred to in point (b);
- (d) the undertakings in which an undertaking as referred to in point (c) has any of the rights or powers referred to in point (b);
- (e) the undertakings in which two or more undertakings as referred to in points (a) to (d) jointly have any of the rights or powers referred to in point (b).

⁽²²⁾ Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1).

5. Where undertakings concerned jointly have the rights or powers listed in paragraph 4, point (b), in calculating the aggregate turnover of the undertakings concerned:

- (a) account shall be taken of the turnover resulting from the sale of products and the provision of services between the joint undertaking and any third undertakings, and this turnover shall be apportioned equally amongst the undertakings concerned;
- (b) no account shall be taken of the turnover resulting from the sale of products or the provision of services between the joint undertaking and each of the undertakings concerned or any other undertaking connected with any one of them, as set out in paragraph 4, points (b) to (e).

Article 23

Aggregation of financial contributions

The aggregate financial contribution to an undertaking concerned shall be calculated by adding together the respective financial contributions provided by third countries to all undertakings referred to in Article 22(2) and Article 22(4), points (a) to (e).

Article 24

Suspension of concentrations and time limits

1. A notifiable concentration shall not be implemented before its notification.

In addition:

- (a) where the Commission receives a complete notification, the concentration shall not be implemented for a period of 25 working days after that receipt;
- (b) where the Commission initiates an in-depth investigation no later than 25 working days after receipt of the complete notification, the concentration shall not be implemented for a period of 90 working days after the opening of the in-depth investigation. That period shall be extended by 15 working days where the undertakings concerned offer commitments pursuant to Article 7 with a view to remedying the distortion in the internal market;
- (c) where the Commission has adopted a decision under Article 25(3), point (a) or (b), the concentration may be implemented thereafter.

The period of time referred to in points (a) and (b) shall begin on the working day following that of the receipt of the complete notification or of the adoption of the relevant Commission decision.

2. Paragraph 1 shall not prevent the implementation of a public bid or of a series of transactions in securities including those convertible into other securities admitted to trading on a market such as a stock exchange, by which control is acquired from various sellers, provided that:

- (a) the concentration is notified to the Commission pursuant to Article 21 without delay; and
- (b) the acquirer does not exercise the voting rights attached to the securities in question or does so only to maintain the full value of its investments based on a derogation granted by the Commission under paragraph 3 of this Article.

3. The Commission may, upon request, grant a derogation from the obligations laid down in paragraphs 1 or 2. A request to grant a derogation shall state the grounds for such request. In deciding on the request, the Commission shall take into account in particular the effects of the suspension on one or more of the undertakings concerned by the concentration or on a third party and the risk of a distortion in the internal market posed by the concentration. Such a derogation may be made subject to certain conditions and obligations in order to ensure that there is no distortion in the internal market. A derogation may be applied for and granted at any time, either before notification or after the transaction.

4. The time limits provided for in paragraph 1, point (b) of this Article shall be extended if the undertakings concerned make a request to that effect not later than 15 working days after the opening of the in-depth investigation pursuant to Article 10. The undertakings concerned may make only one such request.

The time limits provided for in paragraph 1, point (b) of this Article may be extended at any time following the opening of the in-depth investigation, by the Commission with the agreement of the undertakings concerned.

The total duration of any extension or extensions pursuant to this paragraph shall not exceed 20 working days.

5. The Commission may, exceptionally, suspend the time limits provided for in paragraph 1 where the undertakings have not supplied the complete information which it has required under Article 13 or have refused to submit to an inspection ordered by decision pursuant to Article 14.

6. The Commission may adopt a decision pursuant to Article 25(3) without being bound by the time limits referred to in paragraphs 1 and 4 of this Article, where:

- (a) it finds that a concentration has been implemented in breach of the commitments attached to a decision taken under Article 25(3), point (a); or
- (b) a decision has been revoked pursuant to Article 25(1).

7. Any transaction carried out in breach of paragraph 1 shall be considered valid only after a decision pursuant to Article 25(3) has been adopted.

8. This Article shall have no effect on the validity of transactions in securities including those convertible into other securities admitted to trading on a market such as a stock exchange, unless the buyer and seller were aware or ought to have been aware that the transaction was carried out in breach of paragraph 1.

Article 25

Procedural rules applicable to the preliminary review and the in-depth investigation of notified concentrations

1. Articles 10, 11(1), (3) and (4), Articles 12 to 16 and 18 shall apply to notified concentrations.

2. The Commission may initiate an in-depth investigation under Article 10(3) no later than 25 working days after receipt of the complete notification.

3. After the in-depth investigation, the Commission shall adopt an implementing act in the form of one of the following decisions:

- (a) a decision with commitments pursuant to Article 11(3);
- (b) a no objection decision pursuant to Article 11(4); or
- (c) a decision prohibiting a concentration, where the Commission finds that a foreign subsidy distorts the internal market pursuant to Articles 4 to 6.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 48(2).

4. Decisions pursuant to paragraph 3 shall be adopted within 90 working days after the opening of the in-depth investigation, extended as the case may be pursuant to Article 24(1), point (b), and paragraphs (4) and (5). If the Commission does not adopt a decision within that time limit, the undertakings concerned shall be allowed to implement the concentration.

5. In any request for information to an undertaking, the Commission shall specify whether time limits will be suspended pursuant to Article 24(5), in the event the undertaking fails to provide complete information in the prescribed time limit.

6. The Commission may, where it finds that a concentration notifiable under Article 21(1) or notified upon request of the Commission under Article 21(5) has already been implemented and that foreign subsidies in that concentration distort the internal market pursuant to Articles 4, 5 and 6, adopt one of the following measures:

- (a) require the undertakings concerned to dissolve the concentration, in particular through the dissolution of the merger or the disposal of all the shares or assets acquired, to restore the situation prevailing prior to the implementation of the concentration; or, where that restoration is not possible through dissolution of the concentration, any other measure appropriate to achieve such restoration as far as possible;
- (b) order any other appropriate measure to ensure that the undertakings concerned dissolve the concentration or take other restorative measures as required in its decision.

The Commission may impose the measures referred to in points (a) and (b) of this paragraph either in a decision pursuant to paragraph 3, point (c), of this Article or by separate decision.

The Commission may adopt, by means of an implementing act in the form of a decision, any of the measures referred to in points (a) or (b) of this paragraph where it finds that a concentration has been implemented in breach of a decision taken pursuant to paragraph (3), point (a), of this Article which has found that, in the absence of the commitments, the concentration would fulfil the criterion laid down in paragraph 3, point (c) of this Article.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 48(2).

7. The Commission may also adopt an implementing act in the form of a decision ordering interim measures referred to in Article 12 where:

- (a) a concentration has been implemented in breach of Article 21;
- (b) a concentration has been implemented in breach of a decision with commitments under paragraph 3, point (a) of this Article.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 48(2).

Article 26

Fines and periodic penalty payments applicable to concentrations

1. The Commission may impose fines or periodic penalty payments as set out in Article 17.
2. The Commission may, by decision, also impose fines upon undertakings concerned not exceeding 1 % of their aggregate turnover in the preceding financial year where those undertakings, intentionally or negligently, supply incorrect or misleading information in a notification pursuant to Article 21 or supplement thereto.
3. The Commission may, by decision, also impose fines upon undertakings concerned not exceeding 10 % of their aggregate turnover in the preceding financial year where those undertakings, intentionally or negligently:
 - (a) fail to notify a notifiable concentration in accordance with Article 21 prior to its implementation, unless they are expressly authorised to do so by Article 24;
 - (b) implement a notified concentration in breach of Article 24;
 - (c) implement a notified concentration prohibited in accordance with Article 25(3), point (c);
 - (d) circumvented or attempted to circumvent the notification requirements, as referred to in Article 39(1).

CHAPTER 4

PUBLIC PROCUREMENT PROCEDURES

*Article 27***Foreign subsidies distorting the internal market in the context of public procurement procedures**

Foreign subsidies that cause or risk causing a distortion in a public procurement procedure shall be understood as foreign subsidies that enable an economic operator to submit a tender that is unduly advantageous in relation to the works, supplies or services concerned. The assessment pursuant to Article 4 of whether there is a distortion in the internal market and whether a tender is unduly advantageous in relation to the works, supplies or services concerned shall be limited to the public procurement procedure in question. Only foreign subsidies granted during the three years prior to the notification shall be taken into account in the assessment.

*Article 28***Notification thresholds in public procurement procedures**

1. For the purposes of this Regulation, a notifiable foreign financial contribution in a public procurement procedure shall be deemed to arise where:
 - (a) the estimated value of that public procurement or framework agreement net of VAT, calculated in accordance with the provisions laid down in Article 8 of Directive 2014/23/EU, Article 5 of Directive 2014/24/EU and Article 16 of Directive 2014/25/EU, or a specific procurement under the dynamic purchasing system, is equal to or greater than EUR 250 million; and
 - (b) the economic operator, including its subsidiary companies without commercial autonomy, its holding companies, and, where applicable, its main subcontractors and suppliers involved in the same tender in the public procurement procedure was granted aggregate financial contributions in the three years prior to notification or, if applicable, the updated notification, equal to or greater than EUR 4 million per third country.
2. Where the contracting authority or contracting entity decides to divide the procurement into lots, a notifiable foreign financial contribution in a public procurement procedure shall be deemed to arise where the estimated value of the procurement net of VAT exceeds the threshold laid down in paragraph 1, point (a) and the value of the lot or the aggregate value of all the lots to which the tenderer applies is equal to or greater than EUR 125 million and the foreign financial contribution is equal to or greater than the threshold laid down in paragraph 1, point (b).
3. Procedures for the award of contracts falling within the scope of Directive 2009/81/EC shall not fall under this Chapter.
4. Procedures for the award of contracts provided by Article 32(2), point (c), of Directive 2014/24/EU, and Article 50, point (d), of Directive 2014/25/EU shall be covered by the provisions of Chapter 2 of this Regulation and shall be excluded from the application of Chapter 4 of this Regulation.
5. By way of derogation from Article 29(1), where the works, supplies or services can be supplied only by a particular economic operator, in accordance with Article 31(4), of Directive 2014/23/EU, Article 32(2), point (b), of Directive 2014/24/EU and Article 50, point (c), of Directive 2014/25/EU and the estimated value of the contract is equal to or greater than the value set in paragraph 1, point (a), of this Article economic operators submitting a tender or a request to participate shall inform the Commission of all foreign financial contributions if the condition set out in paragraph 1, point (b) of this Article is fulfilled. Without prejudice to the possibility to initiate a review under Chapter 2 of this Regulation, the submission of such information shall not be considered a notification and shall not be subject to investigations under this Chapter.

6. The contracting authority or contracting entity shall state in the contract notice or, where a procedure without a prior publication is conducted, in the procurement documents, that the economic operators are under the notification obligation as set out in Article 29. However, the absence of such a statement is without prejudice to the application of this Regulation for contracts falling under its scope.

Article 29

Prior notification or declaration of foreign financial contributions in the context of public procurement procedures

1. Where the conditions for the notification of financial contributions in accordance with Article 28(1) and (2) are met, economic operators participating in a public procurement procedure, shall notify the contracting authority or contracting entity of all foreign financial contributions as defined in Article 28(1), point (b). In all other cases, economic operators shall list in a declaration all foreign financial contributions received and confirm that the foreign financial contributions received are not notifiable in accordance with Article 28(1), point (b). In an open procedure, the notification or declaration shall be submitted only once, together with the tender. In a multi-stage procedure, the notification or declaration shall be submitted twice, first with the request to participate and then as an updated notification or updated declaration with the submitted tender or final tender.

2. Once the notification or declaration is submitted, the contracting authority or contracting entity shall transfer the notification or declaration to the Commission without delay.

3. Where a notification or declaration is missing from the request to participate or the tender, the contracting authority or contracting entity may request the economic operators concerned to submit the relevant document within 10 working days. Tenders or requests to participate from economic operators subject to the obligations specified under this Article and ultimately not accompanied by the notification or declaration submitted in accordance with paragraph 1, despite a request made by the contracting authority or contracting entity in accordance with this paragraph, shall be declared irregular and rejected by the contracting authority or contracting entity. The contracting authority or contracting entity shall inform the Commission of that rejection.

4. The Commission shall examine the content of the notification received without undue delay. Where the Commission finds that the notification is incomplete, it shall communicate its findings to the contracting authority or contracting entity and to the economic operator concerned, and request that the economic operator completes its content within 10 working days. Where a notification accompanying a tender or request to participate remains incomplete despite a request made by the Commission in accordance with this paragraph, the Commission shall adopt a decision declaring that tender irregular. In that decision the Commission shall also request the contracting authority or contracting entity to adopt a decision rejecting such an irregular tender or request to participate.

5. The obligation to notify foreign financial contributions under this Article shall apply to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, as well as to main subcontractors and main suppliers known at the time of submission of the complete notification or declaration, or complete updated notification or declaration. For the purposes of this Regulation, a subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 20 % of the value of the submitted tender.

6. On behalf of groups of economic operators, main subcontractors and main suppliers, the main contractor within the meaning of Directives 2014/24/EU and 2014/25/EU or main concessionaire within the meaning of Directive 2014/23/EU shall ensure the submission of the notification or declaration. For the purposes of Article 33, the main contractor or main concessionaire is responsible only for the veracity of data linked to its own foreign financial contributions.

7. Where the contracting authority or contracting entity examining tenders suspects the presence of foreign subsidies, although a declaration was submitted, it shall communicate such suspicions to the Commission without delay. Without prejudice to the powers of contracting authorities or contracting entities, laid down in Directives 2014/24/EU and 2014/25/EU, to examine whether a tender is abnormally low, the contracting authority or contracting entity shall not perform an assessment of whether a tender is abnormally low where such an assessment would be initiated on the suspicions indicating a possible presence of foreign subsidies alone. Where the Commission concludes that there is no unduly advantageous tender within the meaning of this Regulation, it shall inform the relevant contracting authority or contracting entity thereof. Other legal or natural persons may report to the Commission any information relating to foreign subsidies distorting the internal market and may communicate any suspicions that a false declaration has possibly been made.

8. Without prejudice of the possibility for the Commission to start an *ex officio* procedure, where the Commission suspects that an economic operator may have benefitted from foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, it may before the award of the contract request the notification of the foreign financial contributions provided by third countries to that economic operator in any public procurement procedure which are not notifiable under Article 28(1) or fall within the scope of Article 30(4). If the Commission has required the notification of such a financial contribution, the financial contribution shall be deemed to be a notifiable foreign financial contribution in a public procurement procedure and be subject to the provisions set out in Chapter 4.

Article 30

Procedural rules applicable to the preliminary review and the in-depth investigation of notified financial contributions in public procurement procedures

1. Articles 10, 11 (1), (3) and (4), 13, 14, 15, 16, 18 and 23 shall apply to notified financial contributions in public procurement procedures.
2. The Commission shall carry out a preliminary review no later than 20 working days after it receives a complete notification. In duly justified cases, the Commission may extend this time limit by 10 working days once.
3. The Commission shall decide whether to initiate an in-depth investigation within the time limit for completing the preliminary review and inform the economic operator concerned and the contracting authority or the contracting entity without delay.
4. Where the Commission had closed a preliminary review without adopting a decision and receives new information leading it to suspect that a submitted notification or declaration was incomplete, or where such a notification or declaration is not transferred to the Commission, it may request additional information in accordance with Article 29(4). The Commission may reopen a preliminary review based on this new information. Where the preliminary review is initiated under this Chapter, and without prejudice to the possibility to initiate a preliminary review under Chapter 2, as the need may arise, the starting point for the determination of the duration of the preliminary review is the receipt of the new notification or declaration by the Commission.
5. The Commission may adopt a decision closing the in-depth investigation no later than 110 working days after it has received the complete notification. This period may be extended once by 20 working days, after consultation with the contracting authority or contracting entity, in duly justified exceptional cases including the investigations referred to in paragraph 6 or in cases referred to in Article 16(1), points (a) and (b).
6. By way of derogation from paragraph 2, where the public procurement procedure is a multi-stage procedure, the Commission shall examine the complete notification submitted with the request to participate within 20 working days from the receipt of that notification, without closing the preliminary review or reaching a decision on opening an in-depth investigation. After the deadline of 20 working days elapses, the preliminary review shall be suspended until the submission

of a final tender or a tender in the case of a restricted procedure. Once the tender or final tender containing a complete updated notification is submitted, the preliminary review shall be resumed and the Commission has 20 working days to finalise it, taking into account any additional information. The Commission shall adopt a decision closing any ensuing in-depth investigation within 90 working days from the submission of the completed updated notification.

Article 31

Commission decisions

1. Where, after an in-depth investigation, the Commission finds that an economic operator benefits from a foreign subsidy distorting the internal market pursuant to Articles 4, 5 and 6, and where the economic operator concerned offers commitments that fully and effectively remedy the distortion in the internal market, it shall adopt an implementing act in the form of a decision with commitments pursuant to Article 11(3). That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 48(2).
2. Where the economic operator concerned does not offer commitments or where the Commission considers that the commitments referred to in paragraph 1 are neither appropriate nor sufficient to fully and effectively remedy the distortion, the Commission shall adopt an implementing act in the form of a decision prohibiting the award of the contract to the economic operator concerned ('decision prohibiting the award of the contract'). That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 48(2). Following that decision, the contracting authority or contracting entity shall reject the tender.
3. Where, after an in-depth investigation, the Commission does not find that an economic operator benefits from a foreign subsidy distorting the internal market, it shall adopt an implementing act in the form of a decision pursuant to Article 11(4). That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 48(2).
4. The assessment under Article 6 shall not result in a modification of the tender or final tender submitted by the economic operator that is incompatible with Union law.

Article 32

Evaluations in public procurement procedures involving a notification and suspension of award

1. During the preliminary review and the in-depth investigation, all procedural steps in the public procurement procedure may continue, except for the award of the contract.
2. If the Commission decides to open an in-depth investigation pursuant to Article 30(3), the contract shall not be awarded to an economic operator submitting a notification under Article 29 until the Commission takes a decision under Article 31(3) or before the time limits set in Article 30(5) or (6) elapse. If the Commission has not adopted a decision within the applicable time limit, the contract may be awarded to any economic operator, including the economic operator submitting the notification.
3. Where the contracting authority or contracting entity finds that the most economically advantageous tender was submitted by an economic operator, which submitted a declaration within the meaning of Article 29 and where the Commission has not opened a review in line with Articles 29(8), 30(3) or 30(4), the contract may be awarded to the economic operator submitting such a tender before the Commission takes any of the decisions referred to in Article 31 or before the time limits laid down in Articles 30(2), 30(5) or 30(6) elapse or before the Commission takes any of the decisions referred to in Article 31 regarding other tenders under investigation.
4. Where the Commission adopts a decision in accordance with Article 31(2) concerning a tender which the contracting authority or contracting entity has found to be the most economically advantageous tender, the contract may be awarded to the economic operator not subject to a decision under Article 31(2) having submitted the next best tender.

5. Where the Commission adopts a decision in accordance with Article 31(1) or (3), the contract may be awarded to any economic operator having submitted the most economically advantageous tender, including, to the economic operator having submitted the notification under Article 29.

6. The contracting authority or the contracting entity shall inform the Commission without undue delay of any decision relating to the cancellation of the public procurement procedure, the rejection of the tender or request to participate by the economic operator concerned, the submission of a new tender by the economic operator concerned or the award of the contract.

7. The principles governing public procurement procedures, including the principles of proportionality, non-discrimination, equal treatment, transparency and competition, shall be observed as regards all economic operators involved in the public procurement procedure. The investigation of foreign subsidies pursuant to this Regulation shall not result in the contracting authority or the contracting entity treating the economic operators concerned in a way that is contrary to those principles. Environmental, social and labour requirements shall apply to economic operators in accordance with Directives 2014/23/EU, 2014/24/EU and 2014/25/EU, or other Union law.

8. Time limits referred to in this Chapter shall begin on the working day following that of the receipt of the notification or of the adoption of the relevant Commission decision.

Article 33

Fines and periodic penalty payments applicable to financial contributions in the context of public procurement procedures

1. The Commission may impose fines or periodic penalty payments as set out in Article 17.
2. The Commission may, by decision, also impose fines upon the economic operators concerned that do not exceed 1 % of their aggregate turnover in the preceding financial year, where those economic operators intentionally or negligently supply incorrect or misleading information in a notification or declaration pursuant to Article 29 or in a supplement thereto.
3. The Commission may, by decision, impose fines upon the economic operators concerned that do not exceed 10 % of their aggregate turnover in the preceding financial year where those economic operators, intentionally or negligently:
 - (a) fail to notify foreign financial contributions in accordance with Article 29 during the public procurement procedure;
 - (b) circumvent or attempt to circumvent the notification requirements, as referred to in Article 39(1).

CHAPTER 5

COMMON PROCEDURAL PROVISIONS

Article 34

Relationship between procedures

1. A financial contribution notified in the context of a concentration under Article 21 or in the context of a public procurement under Article 29 may be relevant to and assessed under this Regulation in relation to another economic activity.
2. A financial contribution assessed in the context of an *ex officio* procedure in relation to a specific economic activity under Article 10 or Article 11 may be relevant to and assessed under this Regulation in relation to another economic activity.

*Article 35***Communication of information**

1. Where a Member State considers that a foreign subsidy may exist and may distort the internal market, it shall transfer information thereon to the Commission. The Commission may on the basis of that information decide to start a preliminary review pursuant to Article 10, or request a notification pursuant to Article 21(5) or Article 29(8).
2. A natural or legal person or association may communicate to the Commission any information it may have about foreign subsidies that may distort the internal market. The Commission may on the basis of that information decide to start a preliminary review pursuant to Article 10, or request a notification pursuant to Article 21(5) or Article 29(8).
3. The Commission shall make accessible to Member States and the contracting authorities or contracting entities concerned, on a dedicated electronic database, the non-confidential versions of all decisions adopted under this Regulation.

*Article 36***Market investigation**

1. Where the information available to the Commission substantiates a reasonable suspicion that foreign subsidies in a particular sector, for a particular type of economic activity or based on a particular subsidy instrument may distort the internal market, the Commission may conduct a market investigation into the particular sector, the particular type of economic activity or into the use of the subsidy instrument concerned. In the course of that market investigation, the Commission may require the undertakings or associations of undertakings concerned to supply the necessary information and may carry out the necessary inspections. The Commission may also request Member States or the third country concerned to supply information.
2. The Commission shall, where relevant, publish a report on the results of its market investigation into particular sectors, particular types of economic activity or particular subsidy instruments and seek comments.
3. The Commission may use the information obtained from such market investigations in the framework of procedures under this Regulation.
4. Articles 13, 14, 15 and 17 shall apply to market investigations.

*Article 37***Third-country dialogue**

1. Where, following a market investigation pursuant to Article 36, the Commission suspects the existence of repeated foreign subsidies distorting the internal market, or where several enforcement actions under this Regulation identify foreign subsidies distorting the internal market granted by the same third country, the Commission may engage in a dialogue with the third country concerned, to explore options aimed at obtaining the cessation or modification of such subsidies with a view to eliminating their distortive effects on the internal market. The Commission shall inform the European Parliament and the Council of any relevant developments.
2. That third-country dialogue shall not prevent the Commission from taking action under this Regulation. Individual measures adopted pursuant to this Regulation shall not be addressed within that dialogue.

*Article 38***Limitation periods**

1. The powers of the Commission under Articles 10 and 11 shall be subject to a limitation period of 10 years, starting on the day on which a foreign subsidy is granted to an undertaking. Any action taken by the Commission under Article 10, 13, 14 or 15 with respect to a foreign subsidy shall interrupt the limitation period. After each interruption, the limitation period of 10 years shall start to run afresh.
2. The powers of the Commission to impose fines or periodic penalty payments under Articles 17, 26 and 33 shall be subject to a limitation period of three years, starting on the day on which the infringement referred to in Article 17, 26 or 33 took place. In the case of continuing or repeated infringements, the limitation period shall start on the day on which the infringement ceases. Any action taken by the Commission with respect to an infringement referred to in Articles 17, 26 or 33 shall interrupt the limitation period for the imposition of fines or periodic penalty payments. After each interruption, the limitation period of three years shall start to run afresh.
3. The powers of the Commission to enforce decisions imposing fines or periodic penalty payments under Articles 17, 26 and 33 shall be subject to a limitation period of five years, starting on the day on which the Commission decision imposing fines or periodic penalty payments is taken. Any action taken by the Commission, or by a Member State acting upon request of the Commission, intended to enforce payment of the fine or periodic penalty payment shall interrupt that limitation period. After each interruption, the limitation period of five years shall start to run afresh.
4. The limitation period shall expire at the latest on the day on which twice the amount of time of that limitation period has elapsed provided that the Commission has not:
 - (a) taken a decision pursuant to Article 10 or 11 in the instances set out in paragraph 1 of this Article; or
 - (b) imposed a fine or a periodic penalty payment in the situation set out in paragraph 2 of this Article.
5. The limitation period shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.

*Article 39***Anti-circumvention**

1. An undertaking shall not arrange financial operations or contracts to circumvent the notification requirements laid down in Article 21(1) and (5) and Article 29(1), (5) and (8).
2. Where the Commission suspects that an undertaking has engaged or is engaging in a practice referred to in paragraph 1, it may require that undertaking to provide any information that the Commission deems necessary to determine whether the undertaking has engaged in or is engaging in the practices referred to in paragraph 1, and may initiate a review pursuant to Article 21(4), or Article 30(4).

*Article 40***Publication of decisions**

1. The Commission shall make public a summary notice of the decisions adopted pursuant to Article 10(3), point (a), allowing any natural or legal person, Member States or the third country that granted the foreign subsidy, to express their views.

2. The Commission shall publish the decisions adopted pursuant to Article 11(2), (3) and (4), Article 25(3) and (6), and Article 31(1), (2) and (3) in the *Official Journal of the European Union*.

3. When making public summary notices and decisions, the Commission shall take due account of the legitimate interests of undertakings in the protection of their business secrets and other confidential information.

Article 41

Addressees of decisions

1. The Commission shall notify a decision addressed to an undertaking or to an association of undertakings without delay and shall give that undertaking or association of undertakings the opportunity to indicate to the Commission which information in the decision it considers to be confidential.

2. The Commission shall inform the contracting authority or contracting entity concerned about a decision adopted pursuant to Article 31(1) and (3) addressed to an economic operator participating in a public procurement procedure.

3. Decisions adopted pursuant to Article 29(4) and Article 31(2) shall be addressed to the contracting authority or contracting entity concerned. The Commission shall provide the economic operator to which the award of the contract is prohibited with a copy of that decision.

Article 42

Disclosure and rights of defence

1. The Commission shall, before adopting a decision pursuant to Articles 11, 12, 17, 18, 25(3), 26, 31 or 33 give the undertaking under investigation the opportunity to submit observations on the grounds on which the Commission intends to adopt its decision.

2. By way of derogation from paragraph 1, a decision pursuant to Article 12 may be taken provisionally, without the undertaking under investigation being given the opportunity to submit its observations beforehand, provided that the Commission gives it that opportunity as soon as possible after having taken its decision.

3. The Commission shall base its decision only on grounds on which the undertakings concerned have been given the opportunity to submit their observations.

4. In order to be able to exercise its right pursuant to paragraph 1, the undertaking under investigation shall be entitled to have access to the file of the Commission. The right of access to the file shall not extend to confidential information or internal documents of the Commission or the Member States or, in particular, to correspondence between the Commission and the Member States.

The right of access to the file shall be subject to the legitimate interest of undertakings or associations of undertakings in the protection of their business secrets and other confidential information. The Commission may ask the undertaking under investigation and the undertakings or associations of undertakings that provided information to the Commission to agree on terms to disclose that information. If the undertakings or associations of undertakings disagree on those terms, the Commission shall have the power to impose the terms on which the information is to be disclosed.

Nothing in this paragraph shall prevent the Commission from using and disclosing, to the extent necessary, information that demonstrates the existence of a foreign subsidy distorting the internal market.

*Article 43***Professional secrecy and confidentiality**

1. Information acquired under this Regulation shall be used only for the purposes for which it was acquired, unless the provider of the information agrees otherwise.
2. Member States and the Commission, their officials and other persons working under their supervision shall ensure the protection of confidential information acquired in application of this Regulation in accordance with the relevant applicable rules. To that end, they shall not disclose information covered by the obligation of professional secrecy that they have acquired pursuant to this Regulation.
3. Paragraphs 1 and 2 shall not prevent the publication of statistics and reports which do not contain information allowing the identification of specific undertakings or associations of undertakings.
4. The disclosure of any information communicated under this Regulation shall not prejudice the essential security interests of Member States.

CHAPTER 6

RELATIONSHIP TO OTHER INSTRUMENTS*Article 44***Relationship to other instruments**

1. This Regulation is without prejudice to the application of Articles 101, 102, 106, 107 and 108 TFEU, Council Regulation (EC) No 1/2003 ⁽²³⁾ and of Regulation (EC) No 139/2004.
2. This Regulation is without prejudice to the application of Regulation (EU) 2016/1037 of the European Parliament and of the Council ⁽²⁴⁾.
3. This Regulation is without prejudice to the application of Regulation (EU) 2019/452.
4. This Regulation is without prejudice to the application of Regulation (EU) 2022/1031 of the European Parliament and of the Council ⁽²⁵⁾.
5. This Regulation takes precedence over Regulation (EU) 2016/1035 until that Regulation becomes applicable pursuant to its Article 18. Where, after that date, a foreign subsidy falls within the scope of application of both Regulation (EU) 2016/1035 and this Regulation, Regulation (EU) 2016/1035 takes precedence. However, the provisions applicable to public procurement and concentrations of this Regulation take precedence over Regulation (EU) 2016/1035.
6. This Regulation takes precedence over Regulation (EEC) No 4057/86.

⁽²³⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

⁽²⁴⁾ Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 55).

⁽²⁵⁾ Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country economic operators, goods and services to the Union's public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries (International Procurement Instrument – IPI) (OJ L 173, 30.6.2022, p. 1).

7. This Regulation is without prejudice to the application of Regulation (EU) 2019/712. Concentrations, as defined in Article 20 of this Regulation, involving air carriers shall be subject to the provisions of Chapter 3 of this Regulation. Public procurement procedures involving air carriers shall be subject to the provisions of Chapter 4 of this Regulation.

8. This Regulation shall be interpreted consistently with Directives 2009/81/EC, 2014/23/EU, 2014/24/EU and 2014/25/EU, and Council Directives 89/665/EEC ⁽²⁶⁾ and 92/13/EEC ⁽²⁷⁾.

9. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements. An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union's obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures and granted by a third country which is a member of the World Trade Organisation.

CHAPTER 7

TRANSITIONAL AND FINAL PROVISIONS

Article 45

Review by the Court of Justice

In accordance with Article 261 TFEU, the Court of Justice of the European Union shall have unlimited jurisdiction to review decisions by which the Commission has imposed fines or periodic penalty payments. It may cancel, reduce or increase the fine or periodic penalty payment imposed.

Article 46

Guidelines

1. The Commission shall publish, at the latest on 12 January 2026, and shall regularly update thereafter, guidelines regarding:

- (a) the application of the criteria for determining the existence of a distortion according to Article 4(1);
- (b) the application of the balancing test in accordance with Article 6;
- (c) the application of its power to request the prior notification of any concentration according to Article 21(5) or foreign financial contributions received by an economic operator in a public procurement procedure according to Article 29(8), and
- (d) the assessment of a distortion in a public procurement procedure according to Article 27.

2. Before issuing the guidelines referred to in paragraph 1, the Commission shall conduct appropriate consultations with stakeholders and Member States. The guidelines shall be built on experience gained in the course of implementing and enforcing this Regulation.

⁽²⁶⁾ Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ L 395, 30.12.1989, p. 33).

⁽²⁷⁾ Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ L 76, 23.3.1992, p. 14).

*Article 47***Implementing acts**

1. The Commission is empowered to adopt implementing acts concerning:
 - (a) the form, content and procedural details of notifications of concentrations pursuant to Article 21, including a possible simplified procedure, taking utmost account of the goal of limiting administrative burden for notifying parties pursuant to Article 21 of this Regulation and Article 4 of Regulation (EC) No 139/2004;
 - (b) the form, content and procedural details of notifications of foreign financial contributions and declaration of no foreign financial contribution in public procurement procedures pursuant to Article 29, including a possible simplified procedure;
 - (c) procedural details for oral statements pursuant to Article 13(7), Article 14(2), point (c) and Article 15;
 - (d) details of the disclosure pursuant to Article 42 and professional secrecy pursuant to Article 43;
 - (e) the form, content and procedural details of transparency requirements;
 - (f) detailed rules on the calculation of time limits;
 - (g) the procedural details and time limits for proposing commitments under Articles 25 and 31;
 - (h) detailed rules on the procedural steps referred to in Articles 29 to 32 concerning investigations regarding public procurement procedures.
2. Implementing acts referred to in paragraph 1 shall be adopted in accordance with the advisory procedure referred to in Article 48(2).
3. Before the adoption of any measures pursuant to paragraph 1, the Commission shall make public a draft thereof and seek comments within the time limit. That time limit shall be set by the Commission and be no less than four weeks.
4. The first implementing acts referred to in paragraph 1 shall be adopted by 12 July 2023.

*Article 48***Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

*Article 49***Delegated acts**

1. The Commission is empowered to adopt a delegated act in accordance with Article 50 for the purposes of amending, where necessary, the threshold for notifications of concentrations as set out in Article 20(3), point (a), by increasing the threshold by up to 20 % or decreasing the threshold by up to 20 %, after having:
 - (a) assessed that threshold in the light of its experience gained in the course of implementing and enforcing this Regulation; and
 - (b) established the necessity of amending that threshold in order to:
 - (i) ensure that the notification procedures set out in Chapter 3 enable the accurate identification of foreign subsidies distorting the internal market;

- (ii) ensure a reasonable administrative burden on the Commission and the undertakings concerned; and
- (iii) enhance the effectiveness of the application of this Regulation.

2. For the purposes of evaluating the necessity of amending the threshold for notifications, pursuant to paragraph 1, the Commission shall conduct its assessment, covering a defined period of time which cannot be shorter than two years, in particular on the basis of the following objective criteria:

- (a) the proportion of notifications pursuant to Article 21(1) which resulted either in the Commission closing the preliminary review pursuant to Article 10(4) or in the Commission adopting a no objection decision pursuant to Article 25(3), point (b);
- (b) the proportion of notifications pursuant to Article 21(1) which resulted either in the Commission adopting a decision prohibiting a concentration pursuant to Article 25(3), point (c), or a decision with commitments pursuant to Article 25(3), point (a);
- (c) the proportion of notifications pursuant to Article 21(5) which resulted in the Commission adopting either a decision prohibiting a concentration pursuant to Article 25(3), point (c), or a decision with commitments pursuant to Article 25(3), point (a);
- (d) the proportion of *ex officio* reviews pursuant to Article 9 in the context of concentrations not notifiable within the meaning of Article 20 which resulted either in a decision with redressive measures pursuant to Article 11(2) or in a decision with commitments pursuant to Article 11(3);
- (e) the comparison between the threshold set out in Article 20(3), point (a), and the average aggregate turnover, above that threshold, in the cases which resulted in either a decision prohibiting a concentration pursuant to Article 25(3), point (c), or a decision with commitments pursuant to Article 25(3), point (a);
- (f) the number of notifications pursuant to Article 21(1) and the evolution of that number.

3. In order to raise the thresholds in Article 20(3), point (a), the assessment referred to in paragraph 2 of this Article shall demonstrate that:

- (a) a large part of decisions prohibiting a concentration pursuant to Article 25(3), point (c), or decisions with commitments pursuant to Article 25(3), point (a), concerned cases where the aggregate turnover, above the threshold referred to in Article 20(3), point (a), was substantially higher than that threshold; or
- (b) a large part of the notifications pursuant to Article 21(1) resulted either in the Commission closing the preliminary review pursuant to Article 10(4) or in the Commission adopting a no objection decision pursuant to Article 25(3), point (b).

4. In order to decrease the thresholds in Article 20(3), point (a), the assessment referred in paragraph 2 of this Article shall demonstrate that:

- (a) a large part of notifications pursuant to Article 21(5) resulted in the Commission adopting either a decision prohibiting a concentration pursuant to Article 25(3), point (c), or a decision with commitments pursuant to Article 25(3), point (a); or
- (b) a large part of *ex officio* reviews of foreign subsidies in the context of concentrations which were not notifiable concentrations within the meaning of Article 20 resulted in the Commission adopting either a decision with redressive measures pursuant to Article 11(2) or a decision with commitments pursuant to Article 11(3).

5. The Commission is empowered to adopt a delegated act in accordance with Article 50 for the purposes of amending, where necessary, the thresholds for notifications as set out in Articles 28(1), point (a), and 28(2) for public procurement by increasing by up to 20 % or decreasing by up to 20 %, after having:

- (a) assessed those thresholds in the light of its experience gained in the course of implementing and enforcing this Regulation; and
- (b) established the necessity of amending those thresholds in order to:
 - (i) ensure that the notification procedures set out in Chapter 4 enable the accurate identification of foreign subsidies distorting the internal market;
 - (ii) ensure a reasonable administrative burden on the Commission and the economic operators concerned; and
 - (iii) enhance the effectiveness of the application of this Regulation.

6. For the purposes of evaluating the necessity of amending the threshold for notifications, pursuant to paragraph 5, the Commission shall conduct its assessment, covering a defined period of time which cannot be shorter than two years, in particular on the basis of the following objective criteria:

- (a) the proportion of notifications pursuant to Article 29(1) which resulted either in the Commission closing the preliminary review pursuant to Article 10(4) or in the Commission adopting a no objection decision pursuant to Article 31(3);
- (b) the proportion of notifications pursuant to Article 29(1) which resulted either in the Commission adopting a decision prohibiting the award of the contract pursuant to Article 31(2) or a decision with commitments pursuant to Article 31(1);
- (c) the proportion of notifications pursuant to Article 29(8) which resulted in the Commission adopting either a decision prohibiting the award of the contract pursuant to Article 31(2) or a decision with commitments pursuant to Article 31(1);
- (d) the number of decisions with redressive measures pursuant to Article 11(2) and of decisions with commitments pursuant to Article 11(3), following an *ex officio* review pursuant to Article 9 in the context of a foreign financial contribution in a public procurement procedure which was not notifiable within the meaning of Article 28(1) or which fell within the scope of Article 30(4), in relation to the overall number of such *ex officio* reviews;
- (e) the comparison between the respective thresholds set out in Articles 28(1), point (a), and 28(2) and the average estimated value of the contracts or the average value of the lots, above the respective threshold, in the cases which resulted with either a decision prohibiting the award of the contract pursuant to Articles 31(2) or a decision with commitments pursuant to Article 31(1);
- (f) the number of notifications pursuant to Article 29(1) and the evolution of that number.

7. In order to increase the thresholds for notifications, the assessment referred to in paragraph 6 shall demonstrate that:

- (a) a large part of the decisions prohibiting the award of the contract pursuant to Article 31(2) and decisions with commitments pursuant to Article 31(1) concerned cases where the estimated value of the contracts, above the threshold referred to in Article 28(1), point (a), or where the value of the lots applied for, above the threshold referred to in Article 28(2), was substantially higher than the respective thresholds set out in Articles 28(1), point (a), and 28(2); or
- (b) a large part of the notifications pursuant to Article 29(1) resulted either in the Commission closing the preliminary review pursuant to Article 10(4) or in the Commission adopting a no objection decision pursuant to Article 31(3).

8. In order to decrease the thresholds, the assessment referred to in paragraph 6 shall demonstrate that:
- (a) a large part of the notifications pursuant to Article 29(8) resulted in the Commission adopting either a decision with commitments pursuant to Article 31(1) or a decision prohibiting the award of the contract pursuant to Article 31(2); or
 - (b) a large part of the *ex officio* reviews of foreign subsidies in the context of foreign financial contributions in a public procurement procedure which were not notifiable within the meaning of Article 28(1) or fell within the scope of Article 30(4) resulted in the Commission adopting either a decision with redressive measures pursuant to Article 11(2) or a decision with commitments pursuant to Article 11(3).
9. The Commission is empowered to adopt delegated acts in accordance with Article 50 for the purposes of reducing the timelines for preliminary review and in-depth investigations as set out in Article 25(2) and (4) for notified concentrations and in Article 30(2), (5) and (6) for notified financial contributions in public procurement procedures. The Commission may adopt such delegated acts to reduce the timelines in Article 25(2) and (4) and Article 30(2), (5) and (6) where its practice in the application of this Regulation demonstrates that the Commission's assessment can be performed within a shorter period of time.

Article 50

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 49(1) and (5) shall be conferred on the Commission for a period of five years from 12 January 2025.
3. The power to adopt delegated acts referred to in Article 49(9) shall be conferred on the Commission for a period of five years from 12 January 2025. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
4. The delegation of power referred to in Article 49(1), (5) and (9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
5. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
6. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
7. A delegated act adopted pursuant to Article 49(1) (5) and (9) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 51***Separate delegated acts for different delegated powers**

The Commission shall adopt a separate delegated act in respect of each power delegated to it pursuant to this Regulation.

*Article 52***Reporting and review**

1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament and to the Council.
2. By 13 July 2026 and every three years thereafter, the Commission shall review its practice of implementing and enforcing this Regulation, in particular with regard to the application of Articles 4, 5, 6 and 9, and the notification thresholds set out in Article 20(3), Article 28(1) and (2), and present a report to the European Parliament and the Council, accompanied, where the Commission considers it appropriate, by relevant legislative proposals. In the context of its review, the Commission shall report on developments in international relations regarding third countries' subsidy control systems.
3. Where the Commission considers it appropriate to combine the report with relevant legislative proposals, such proposals may include:
 - (a) amending the thresholds for notifications as set out in Articles 20 and 28;
 - (b) exempting certain categories of undertakings concerned from the obligation to notify pursuant to Articles 21 and 29, especially where the practice of the Commission enables the identification of economic activities where foreign subsidies are unlikely to distort the internal market;
 - (c) establishing specific thresholds for notifications for certain economic sectors or differentiated thresholds for different types of public procurement contracts, especially where the practice of the Commission enables the identification of economic activities where foreign subsidies are more likely to distort the internal market, including as regards strategic sectors and critical infrastructure;
 - (d) amending the timelines for review and in-depth investigations as set out in Articles 25 and 30;
 - (e) abrogating this Regulation, if the Commission considers that multilateral rules to address foreign subsidies distorting the internal market have rendered this Regulation fully redundant.

*Article 53***Transitional provisions**

1. This Regulation shall apply to foreign subsidies granted in the five years prior to 12 July 2023 where such foreign subsidies distort the internal market after 12 July 2023.
2. By way of derogation to paragraph 1, this Regulation shall apply to foreign financial contributions granted in the three years prior to 12 July 2023 where such foreign financial contributions were granted to an undertaking notifying a concentration or notifying financial contributions in the context of a public procurement procedure pursuant to this Regulation.
3. This Regulation shall not apply to concentrations for which the agreement was concluded, the public bid was announced, or a controlling interest was acquired before 12 July 2023.
4. This Regulation shall not apply to public procurement contracts that have been awarded or procedures initiated before 12 July 2023.

*Article 54***Entry into force and date of application**

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 12 July 2023.
3. By way of derogation from paragraph 2 of this Article, Articles 47 and 48 shall apply from 11 January 2023 and Article 14(5), (6) and (7) shall apply from 12 January 2024.
4. By way of derogation from paragraph 2 of this Article, Articles 21 and 29 shall apply from 12 October 2023.

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

Done at Strasbourg, 14 December 2022.

For the European Parliament
The President
R. METSOLA

For the Council
The President
M. BEK

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Three statements have been made with regard to this act and can be found in OJ C 491 of 23 December 2022.

DIRECTIVES

DIRECTIVE (EU) 2022/2561 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 2022

on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers (codification)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Directive 2003/59/EC of the European Parliament and of the Council ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality, that Directive should be codified.
- (2) In its White Paper of 28 March 2011, entitled 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system', the Commission sets out a 'vision zero' objective according to which the Union should move to a position where there are close to zero fatalities in road transport by 2050.
- (3) The Commission, in its communication on policy orientations on road safety for 2011-2020, entitled 'Towards a European road safety area: policy orientations on road safety 2011-2020', proposed the goal of further halving the overall number of road fatalities in the Union by 2020, starting from 2010. With a view to reaching this goal, the Commission laid down seven strategic objectives, including improving the education and training of road users and the protection of vulnerable road users.
- (4) A binding target of a domestic reduction in economy-wide greenhouse gas emissions of at least 40 % by 2030 compared to 1990 was endorsed by the European Council of 23 to 24 October 2014. This target for emissions reduction will help to fulfil the long-term goals of the Paris Agreement adopted in 2015 under the United Nations Framework Convention on Climate Change ⁽⁵⁾, and all sectors of the economy should contribute to achieving it. The transport sector needs a comprehensive approach for the promotion of emission reductions and energy

⁽¹⁾ OJ C 155, 30.4.2021, p. 78.

⁽²⁾ Position of the European Parliament of 22 November 2022 (not yet published in the Official Journal) and decision of the Council of 8 December 2022.

⁽³⁾ Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

⁽⁴⁾ See Annex IV, Part A.

⁽⁵⁾ OJ L 282, 19.10.2016, p. 4.

efficiency. Progress should be made towards low-emission mobility, inter alia, through research and through the introduction of technological advances that are already available. Drivers need to be properly trained to drive in the most efficient manner.

- (5) To enable drivers to meet the demands relating to the road transport market, Union rules on the minimum level of training for road transport drivers should be applicable to all drivers, whether they drive as self-employed or salaried workers, and whether on their own account or for hire or reward.
- (6) Union rules on the minimum level of training for road transport drivers should be aimed at ensuring that, by means of his or her qualification, the driver is of a standard to have access to and carry out the activity of driving.
- (7) More particularly, the obligation to hold an initial qualification and to undergo periodic training is intended to improve road safety and the safety of the driver, including during operations carried out by the driver while the vehicle is stopped. Furthermore, the modern nature of the profession of driver should arouse young people's interest in the profession, contributing to the recruitment of new drivers at a time of shortage.
- (8) To avoid unequal conditions of competition, this Directive should apply to the activity of driving carried out both by nationals of a Member State and by nationals of third countries who are employed or used by an undertaking established in a Member State.
- (9) It is desirable, in order to respect the principles of Union law, that drivers of vehicles used to carry out transport where this is considered to have a lesser impact on road safety or where the requirements of this Directive would impose a disproportionate economic or social burden should be exempted from the application of this Directive.
- (10) Certain exemptions should be laid down in relation to situations where driving is not the principal activity of the driver and where it would impose a disproportionate burden on drivers to require them to comply with the requirements of this Directive. Generally, driving is deemed not to be the driver's principal activity where it occupies less than 30 % of the rolling monthly working time.
- (11) Where the driving occurs infrequently, takes place in rural areas and is carried out by drivers who are supplying their own business, exemptions should apply, provided that road safety is still ensured. Due to the different conditions in rural areas within the Union in terms of geography, climate and population density, Member States should have discretion in determining whether such driving can be considered to be occasional and whether such an exemption has an impact on road safety, for example on the basis of the type of road, the traffic volume or the presence of vulnerable road users.
- (12) Since the distances that persons working in agriculture, horticulture, forestry, farming and fishery, who are exempted from this Directive, need to cover in the course of their work vary across the Union, it should be left to Member States to determine, in their national law, maximum permissible distances, calculated from the undertaking's base, to which the exemptions apply.
- (13) In order to establish that the driver complies with his or her obligations, Member States should issue the driver with a certificate of professional competence (CPC) certifying his or her initial qualification or periodic training.
- (14) Member States should be able to choose between several options so as to facilitate the implementation of the provisions relating to the initial qualification.
- (15) In order to maintain their qualification of driver, existing drivers should be obliged to undergo periodic retraining in the skills essential for their profession.
- (16) Those drivers who were exempted from the initial qualification requirement should, while continuing to benefit from that exemption, nonetheless be required to undergo periodic training to ensure that their knowledge of matters which are essential for their work remains up-to-date.

- (17) The minimum requirements to be met for initial qualification and periodic training concern the safety rules to be observed when driving and while the vehicle is stopped. The development of defensive driving (anticipating danger, making allowance for other road users), which goes hand in hand with rational fuel consumption, should have a positive impact both on society and on the road transport sector itself.
- (18) This Directive should not affect the rights acquired by a driver who has held the driving licence necessary to carry out the activity of driving since before the date laid down for obtaining a CPC certifying the corresponding initial qualification or periodic training.
- (19) Only training centres which have been approved by the competent authorities of the Member States should be able to organise the training courses laid down for the initial qualification and the periodic training. To ensure the quality of such approved centres, the competent authorities should set harmonised criteria for their approval, including that of a well-established high level of professionalism.
- (20) Not only the competent authorities of the Member States but also any entity designated by them should be responsible for organising the tests provided for in connection with the initial qualification and the periodic training. Given the importance of this Directive for road safety and for the equality of conditions of competition, the competent authorities of the Member States should supervise such tests.
- (21) Member States should prescribe that the first course of periodic training is to be completed and should issue the corresponding CPC within the five years following either the date of issue of the CPC certifying the initial qualification or the expiry date of the time limit set for certain drivers to claim their acquired rights. It should also be possible for those time limits to be shortened or extended. Following the first course of periodic training, the driver should undergo periodic training every five years.
- (22) To certify that a driver who is a national of a Member State is the holder of one of the CPCs provided for by this Directive, and to facilitate mutual recognition of the various CPCs, Member States should affix the harmonised Union code laid down for that purpose, together with the code's expiry date, either to the driving licence or to the driver qualification card, to be mutually recognised by Member States, the standard model of which is depicted in Annex II to this Directive. That card should meet the same security requirements as the driving licence, given the importance of the rights which it confers for road safety and the equality of conditions of competition.
- (23) Member States, in cooperation with the Commission, should electronically exchange information on CPCs. They should develop the necessary electronic platform, taking into account a cost-benefit analysis by the Commission, including the option of expanding the EU driving licence network set up under Directive 2006/126/EC of the European Parliament and of the Council⁽⁶⁾. Among other benefits, that will allow Member States to easily access information on completed training which is not documented on the driving licence of the driver. It is important that Member States and the Commission make efforts to develop that functionality further, with the goal of real-time access during roadside checks.
- (24) Taking into account developments in training and education, and in order to enhance the contribution of this Directive to road safety and the relevance of training for drivers, subjects relating to road safety should be dealt with in the training courses, such as hazard perception, the protection of vulnerable road users, in particular pedestrians, cyclists and persons with limited mobility, fuel-efficient driving, driving in extreme weather conditions and carrying abnormal loads. In that context, the courses should also relate to intelligent transport systems and should evolve in order to keep pace with technological developments.
- (25) Member States should be provided with a clear option to improve and modernise training practices with the use of information and communication technology (ICT) tools, such as e-learning and blended learning, for part of the training, while ensuring the quality of the training. When improving and modernising training practices with the use of ICT tools, it is important to take into account the fact that some specific topics require hands-on training and cannot be properly addressed with such learning tools: for example, fitting snow chains or securing loads, or other training elements where the practical side is important. Practical training could, but does not have to, consist of driving. A substantial amount of the training required under this Directive should be carried out at an approved training centre.

⁽⁶⁾ Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).

- (26) To ensure consistency between the different forms of training required under Union law, Member States should have the possibility of combining different types of relevant training: for example, it should be possible for them to combine training on the transport of dangerous goods, on disability awareness or on animal transport, with the training provided for in this Directive.
- (27) To prevent differences in practices between Member States from impeding mutual recognition and restricting the right of drivers to undergo the periodic training in the Member State where they work, Member State authorities should be required, if completed training cannot be marked on the driving licence, to issue a driver qualification card, in the form prescribed by the standard model depicted in Annex II to this Directive, that will ensure mutual recognition for every driver who fulfils the requirements of this Directive.
- (28) The use of driver attestations by drivers from third countries as evidence of compliance with the training requirements might present an obstacle for drivers when the haulier returns the attestation to the issuing authorities, particularly when those drivers wish to take up employment in another Member State. To avoid situations where, under such circumstances, drivers have to repeat their training when taking up new employment, Member States should be encouraged to cooperate and exchange information on driver qualifications.
- (29) Special certification provisions should be laid down for drivers covered by this Directive who are nationals of third countries.
- (30) In order to adapt this Directive to scientific and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending Annexes I and II to this Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽⁷⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (31) Since the objective of this Directive, namely the setting out of a Union-wide standard of initial qualification and periodic training for drivers of certain road vehicles for the carriage of goods or passengers, cannot be sufficiently achieved by the Member States but can rather, by reason of the cross-border nature of road transport and of the issues this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (32) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the dates of application of the Directives set out in Part B of Annex IV,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

This Directive shall apply to the activity of driving carried out by:

- (a) nationals of a Member State, and
- (b) nationals of third countries who are employed or used by an undertaking established in a Member State

⁽⁷⁾ OJ L 123, 12.5.2016, p. 1.

(hereinafter referred to as 'drivers') engaged in road transport within the Union, on roads open to the public, using:

- vehicles for which a driving licence of category C1, C1 + E, C or C + E, as defined in Directive 2006/126/EC, or a driving licence recognised as equivalent, is required,
- vehicles for which a driving licence of category D1, D1 + E, D or D + E, as defined in Directive 2006/126/EC, or a driving licence recognised as equivalent, is required.

For the purposes of this Directive, the references to categories of driving licences containing a plus sign ('+') shall be read in accordance with the correspondence table set out in Annex III to this Directive.

Article 2

Exemptions

1. This Directive shall not apply to the drivers of vehicles:
 - (a) with a maximum authorised speed not exceeding 45 km/h;
 - (b) used by, or under the control of, the armed forces, civil defence, the fire service, forces responsible for maintaining public order, and emergency ambulance services, when the carriage is undertaken as a consequence of the tasks assigned to those services;
 - (c) undergoing road tests for technical development, repair or maintenance purposes, or the drivers of new or rebuilt vehicles which have not yet been put into service;
 - (d) for which a driving licence of category D or D1 is required and which are driven without passengers by maintenance personnel to or from a maintenance centre situated in the vicinity of the nearest maintenance base which is used by the transport operator, provided that driving the vehicle does not constitute the driver's principal activity;
 - (e) used in states of emergency or assigned to rescue missions, including vehicles used in the non-commercial transport of humanitarian aid;
 - (f) used for driving instruction for, and examination of, any person wishing to obtain a driving licence or a Certificate of Professional Competence (CPC), in accordance with Article 6 and Article 8(1), provided that they are not being used for the commercial carriage of goods and passengers;
 - (g) used for non-commercial carriage of passengers or goods;
 - (h) carrying material, equipment or machinery to be used by the drivers in the course of their work, provided that driving the vehicles is not the drivers' principal activity.

With regard to the first subparagraph, point (f), this Directive shall not apply to any person wishing to obtain a driving licence or a CPC, in accordance with Article 6 and Article 8(1), when that person is undergoing additional driving training during work-based learning, where that person is accompanied by another person who is certified by a CPC, or a driving instructor, for the category of vehicle used for the purpose set out in that point.

2. This Directive shall not apply where all the following conditions are met:

- (a) the drivers of vehicles operate in rural areas to supply their own business;
- (b) the drivers do not offer transport services;
- (c) the Member States consider that the transport is occasional and does not have an impact on road safety.

3. This Directive shall not apply to drivers of vehicles used, or hired without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity, except if driving is part of the driver's principal activity or the driving exceeds a distance set in national law from the base of the undertaking which owns, hires or leases the vehicle.

*Article 3***Qualification and training**

1. The activity of driving as referred to in Article 1 shall be subject to a compulsory initial qualification and compulsory periodic training. To that end, Member States shall provide for:

(a) a system of initial qualification

Member States shall choose between the following two options:

(i) an option combining both course attendance and a test

In accordance with Section 2, point 2.1 of Annex I, this type of initial qualification involves compulsory course attendance for a specific period. It shall conclude with a test. Upon successful completion of the test, the qualification shall be certified by a CPC as provided for in Article 6(1), point (a);

(ii) an option involving only tests

In accordance with Section 2, point 2.2 of Annex I, this type of initial qualification does not involve compulsory course attendance but only theoretical and practical tests. Upon successful completion of the tests, the qualification shall be certified by a CPC as provided for in Article 6(1), point (b).

However, a Member State may authorise a driver to drive within its territory before obtaining a CPC, when he or she is undergoing a national vocational training course of at least six months, for a maximum period of three years. In the context of this vocational training course, the tests referred to in points (i) and (ii) may be completed in stages;

(b) a system of periodic training

In accordance with Section 4 of Annex I, periodic training shall involve compulsory course attendance. It shall be certified by a CPC as provided for in Article 8(1).

2. Member States may also provide for a system of accelerated initial qualification so that a driver may drive in the cases referred to in Article 5(2), point (a)(ii) and point (b), and Article 5(3), point (a)(i) and point (b).

In accordance with Section 3 of Annex I, the accelerated initial qualification shall involve compulsory course attendance. It shall conclude with a test. Upon successful completion of the test, the qualification shall be certified by a CPC as provided for in Article 6(2).

3. Member States may exempt drivers who have obtained the certificate of professional competence provided for in Regulation (EC) No 1071/2009 of the European Parliament and of the Council ⁽⁸⁾ from the tests referred to in paragraph 1, point (a)(i) and (ii), and in paragraph 2 of this Article, in the subjects covered by the test provided for in that Regulation and, where appropriate, from attending the part of the course corresponding thereto.

*Article 4***Acquired rights**

The following drivers shall be exempted from the requirement to obtain an initial qualification:

(a) drivers who hold a category D1, D1 + E, D or D + E driving licence, or a driving licence recognised as equivalent, issued no later than 9 September 2008;

(b) drivers who hold a category C1, C1 + E, C or C + E driving licence, or a driving licence recognised as equivalent, issued no later than 9 September 2009.

⁽⁸⁾ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

*Article 5***Initial qualification**

1. Access to an initial qualification shall not require the corresponding driving licence to be obtained beforehand.
2. Drivers of a vehicle intended for the carriage of goods may drive:
 - (a) from the age of 18:
 - (i) a vehicle in driving licence categories C and C + E, provided that they hold a CPC as referred to in Article 6(1);
 - (ii) a vehicle in driving licence categories C1 and C1 + E, provided that they hold a CPC as referred to in Article 6(2);
 - (b) from the age of 21, a vehicle in driving licence categories C and C + E, provided that they hold a CPC as referred to in Article 6(2).
3. Drivers of a vehicle intended for the carriage of passengers may drive:
 - (a) from the age of 21:
 - (i) a vehicle in driving licence categories D and D + E to carry passengers on regular services where the route does not exceed 50 kilometres and a vehicle in driving licence categories D1 and D1 + E, provided that they hold a CPC as referred to in Article 6(2).

Any Member State may authorise drivers of vehicles in one of those categories to drive such vehicles within its territory from the age of 18, provided that they hold a CPC as referred to in Article 6(1);
 - (ii) a vehicle in driving licence categories D and D + E, provided that they hold a CPC as referred to in Article 6(1).

Any Member State may authorise drivers of vehicles in one of those categories to drive such vehicles within its territory from the age of 20, provided that they hold a CPC as referred to in Article 6(1). This may be reduced to the age of 18 where the driver drives such vehicles without passengers;
 - (b) from the age of 23, a vehicle in driving licence categories D and D + E, provided that they hold a CPC as referred to in Article 6(2).
4. Without prejudice to the age limits specified in paragraph 2 of this Article, drivers undertaking the carriage of goods who hold a CPC, as provided for in Article 6, for one of the categories provided for in paragraph 2 of this Article shall be exempted from obtaining such a CPC for any of the other categories of vehicles referred to in that paragraph.

These provisions shall apply under the same conditions to drivers undertaking the carriage of passengers in the categories referred to in paragraph 3.

5. Drivers undertaking the carriage of goods who broaden or modify their activities in order to carry passengers, or vice versa, and who hold a CPC as provided for in Article 6 shall not be required to repeat the common parts of the initial qualification, but rather only the parts specific to the new qualification.

*Article 6***CPC certifying the initial qualification**

1. A CPC may be awarded to certify an initial qualification, in the following circumstances:
 - (a) CPC awarded on the basis of course attendance and a test

In accordance with Article 3(1), point (a)(i), Member States shall require trainee drivers to attend courses in a training centre approved by the competent authorities in accordance with Section 5 of Annex I ('approved training centre'). Those courses shall cover all the subjects referred to in Section 1 of Annex I. That training shall conclude with the successful completion of the test provided for in Section 2, point 2.1 of Annex I. That test shall be organised by the Member States' competent authorities or an entity designated by them and shall serve to check whether, for the

subjects referred to in Section 1 of Annex I, the trainee drivers have the level of knowledge required by that Section. The said authorities or entities shall supervise the test and, upon successful completion, issue the drivers with a CPC certifying an initial qualification.

(b) CPC awarded on the basis of tests

In accordance with Article 3(1), point (a)(ii), Member States shall require trainee drivers to pass the theoretical and practical tests referred to in Section 2, point 2.2 of Annex I. Those tests shall be organised by the Member States' competent authorities or an entity designated by them and shall serve to check whether, for the subjects referred to in Section 1 of Annex I, the trainee drivers have the level of knowledge required by that Section. The said authorities or entities shall supervise the tests and, upon successful completion, issue the drivers with a CPC certifying an initial qualification.

2. A CPC may be awarded to certify an accelerated initial qualification.

In accordance with Article 3(2), Member States shall require trainee drivers to attend courses in an approved training centre. Those courses shall cover all the subjects referred to in Section 1 of Annex I.

That training shall conclude with the test provided for in Section 3 of Annex I. That test shall be organised by the Member States' competent authorities or an entity designated by them and shall serve to check whether, for the subjects referred to in Section 1 of Annex I, the trainee drivers have the level of knowledge required by that Section. The said authorities or entities shall supervise the test and, upon successful completion, issue the drivers with a CPC certifying an accelerated initial qualification.

Article 7

Periodic training

Periodic training shall consist of training to enable holders of a CPC to update the knowledge which is essential for their work, with specific emphasis on road safety, health and safety at work, and the reduction of the environmental impact of driving.

That training shall be organised by an approved training centre, in accordance with Section 5 of Annex I. Training shall consist of classroom teaching, practical training and, if available, training by means of ICT tools or using top-of-the-range simulators. If a driver moves to another undertaking, the periodic training already undergone shall be taken into account.

Periodic training shall be designed to expand on, and to revise, some of the subjects referred to in Section 1 of Annex I. It shall cover a variety of subjects and shall always include at least one road safety related subject. The training subjects shall take into account developments in the relevant legislation and technology, and shall, as far as possible, take into account the specific training needs of the driver.

Article 8

CPC certifying periodic training

1. When a driver has completed the periodic training referred to in Article 7, the Member States' competent authorities or the approved training centre shall issue him or her with a CPC certifying that the periodic training was completed.

2. Holders of a CPC as referred to in Article 6 shall undergo a first course of periodic training within five years of the issue of that CPC.

Member States may reduce or extend the period of time referred to in the first subparagraph, inter alia, so that it coincides with the date of expiry of the driving licence. The period may not, however, be shorter than three years or longer than seven years.

3. A driver who has completed a first course of periodic training as referred to in paragraph 2 or in accordance with Article 8(2), first subparagraph, point (b), of Directive 2003/59/EC shall undergo periodic training every five years, before the end of the period of validity of the CPC certifying that the periodic training was completed.

4. Holders of the CPC as referred to in Article 6 or the CPC as referred to in paragraph 1 of this Article and the drivers referred to in Article 4 who have ceased the exercise of their occupation and who do not meet the requirements of paragraphs 1, 2 and 3 of this Article shall undergo a course of periodic training before resuming the exercise of the occupation.

5. Drivers undertaking the carriage of goods or passengers by road who have completed courses of periodic training for one of the driving licence categories provided for in Article 5(2) and (3) shall be exempt from the obligation to undergo further periodic training for any of the other categories provided for in those paragraphs.

Article 9

Place of training

Drivers referred to in Article 1, point (a), of this Directive shall obtain the initial qualification referred to in Article 5 of this Directive in the Member State where they have their normal residence, as defined in Article 12 of Directive 2006/126/EC.

Drivers referred to in Article 1, point (b), shall obtain that initial qualification in the Member State where the undertaking is established or in the Member State which issued a work permit to them.

Drivers referred to in Article 1, points (a) and (b), shall undergo the periodic training referred to in Article 7 in the Member State where they have their normal residence or the Member State where they work.

Article 10

Union code

1. On the basis of the CPC certifying an initial qualification and the CPC certifying periodic training, Member States' competent authorities shall, taking into account Article 5(2) and (3) and Article 8 of this Directive, mark the harmonised Union code, '95', provided for in Annex I to Directive 2006/126/EC, alongside the corresponding categories of driving licence:

- on the driving licence, or
- on the driver qualification card drawn up in accordance with the standard model depicted in Annex II to this Directive.

If the competent authorities of the Member State where the CPC was obtained cannot mark the harmonised Union code on the driving licence, they shall issue the driver with a driver qualification card.

The driver qualification card issued by a Member State shall be mutually recognised. When the driver qualification card is issued, the competent authorities shall check the validity of the driving licence for the category of vehicle concerned.

2. A driver referred to in Article 1, point (b), of this Directive who drives vehicles used for the carriage of goods by road shall also be allowed to prove that he or she has the qualification and training provided for in this Directive by means of the driver attestation provided for in Regulation (EC) No 1072/2009 of the European Parliament and of the Council⁽⁹⁾, provided that it bears the Union code, '95'. For the purposes of this Directive, the issuing Member State shall indicate the Union code, '95', in the remarks section of the attestation if the driver concerned has fulfilled the qualification requirements and training requirements provided for in this Directive.

3. Driver attestations that do not bear the Union code, '95', and that were issued before 23 May 2020, in accordance with Article 5 of Regulation (EC) No 1072/2009, and in particular with paragraph 7 thereof, with a view to certifying compliance with training requirements under this Directive shall be accepted as a proof of qualification until their date of expiry.

⁽⁹⁾ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

*Article 11***Enforcement network**

1. For enforcement purposes, Member States shall exchange information on CPCs issued or withdrawn. For that purpose Member States shall, in cooperation with the Commission, develop an electronic network or work on an extension of an existing network, taking into account the assessment by the Commission of the most cost-effective option.
2. The network may contain information contained in the CPCs as well as information relating to administrative procedures related to CPCs.
3. Member States shall ensure that the processing of personal data is carried out solely for the purposes of verifying compliance with this Directive, in particular the training requirements laid down in this Directive, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽¹⁰⁾.
4. Access to the network shall be secured. Member States may grant access only to the competent authorities responsible for the implementation of, and for the control of compliance with, this Directive.

*Article 12***Adaptation to scientific and technical progress**

The Commission is empowered to adopt delegated acts in accordance with Article 13 concerning the amendment of Annexes I and II in order to adapt them to scientific and technical progress.

*Article 13***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

⁽¹⁰⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

*Article 14***Repeal**

Directive 2003/59/EC, as amended by the acts listed in Part A of Annex IV is repealed, without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the dates of application of the Directives set out in Part B of Annex IV.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

*Article 15***Entry into force**

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

*Article 16***Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 14 December 2022.

For the European Parliament
The President
R. METSOLA

For the Council
The President
M. BEK

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ANNEX I

MINIMUM QUALIFICATION AND TRAINING REQUIREMENTS

Section 1

List of subjects

The knowledge to be taken into account by Member States when establishing the driver's initial qualification and periodic training must include at least the subjects in this list. Trainee drivers must reach the level of knowledge and practical competence necessary to drive, in all safety, vehicles of the relevant driving licence category.

The minimum level of qualification shall be comparable at least to level 2 of the European Qualifications Framework as provided for in Annex II to the Recommendation of the European Parliament and of the Council of 23 April 2008 ⁽¹⁾.

1. Advanced training in rational driving based on safety regulations

All driving licences

1.1. Objective: to know the characteristics of the transmission system in order to make the best possible use of it:

curves relating to torque, power, and specific consumption of an engine, area of optimum use of revolution counter, gearbox-ratio cover diagrams.

1.2. Objective: to know the technical characteristics and operation of the safety controls in order to control the vehicle, minimise wear and tear, and prevent disfunctioning:

limits to the use of brakes and retarder, combined use of brakes and retarder, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, action in the event of failure, use of electronic and mechanical devices such as Electronic Stability Program (ESP), Advanced Emergency Braking Systems (AEBS), Anti-Lock Braking System (ABS), traction control systems (TCS) and in vehicle monitoring systems (IVMS) and other, approved for use, driver assistance or automation devices.

1.3. Objective: ability to optimise fuel consumption:

optimisation of fuel consumption by applying know-how as regards points 1.1 and 1.2, importance of anticipating traffic flow, appropriate distance to other vehicles and use of the vehicle's momentum, steady speed, smooth driving style and appropriate tyre pressure, and familiarity with intelligent transport systems that improve driving efficiency and assist in route planning.

1.4. Objective: ability to anticipate, assess and adapt to risks in traffic:

to be aware of and adapt to different road, traffic and weather conditions, and to anticipate forthcoming events; to understand how to prepare and plan a journey during abnormal weather conditions; to be familiar with the use of related safety equipment and to understand when a journey has to be postponed or cancelled due to extreme weather conditions; to adapt to the risks of traffic, including dangerous behaviour in traffic or distracted driving (through the use of electronic devices, eating, drinking, etc.); to recognise and adapt to dangerous situations and to be able to cope with stress deriving therefrom, in particular related to the size and weight of the vehicles and to vulnerable road users, such as pedestrians, cyclists and powered two wheelers;

to identify possible hazardous situations and properly interpret how they may turn into situations where crashes can no longer be averted, and selecting and implementing actions that increase the safety margins to such an extent that a crash can still be averted in the event that the possible hazardous situations occur.

Driving licences C, C + E, C1, C1 + E

⁽¹⁾ Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (OJ C 111, 6.5.2008, p. 1).

- 1.5. Objective: ability to load the vehicle with due regard for safety rules and proper vehicle use:

forces affecting vehicles in motion, use of gearbox ratios according to vehicle load and road profile, use of automatic transmission systems, calculation of payload of vehicle or assembly, calculation of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets;

main categories of goods needing securing, clamping and securing techniques, use of securing straps, checking of securing devices, use of handling equipment, placing and removal of tarpaulins.

Driving licences D, D + E, D1, D1 + E

- 1.6. Objective: ability to ensure passenger comfort and safety:

adjusting longitudinal and sideways movements, road sharing, position on the road, smooth breaking, overhang operation, using specific infrastructures (public areas, dedicated lanes), managing conflicts between safe driving and other roles as a driver, interacting with passengers, specificities of certain groups of passengers (persons with disabilities, children).

- 1.7. Objective: ability to load the vehicle with due regard for safety rules and proper vehicle use:

forces affecting vehicles in motion, use of gearbox-ratios according to vehicle load and road profile, use of automatic transmission systems, calculation of payload of vehicle or assembly, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity.

2. Application of regulations

All driving licences

- 2.1. Objective: to know the social environment of road transport and the rules governing it:

maximum working periods specific to the transport industry; principles, application and consequences of Regulations (EC) No 561/2006 ^(?) and (EU) No 165/2014 ^(?) of the European Parliament and of the Council; penalties for failure to use, improper use of and tampering with the tachograph; knowledge of the social environment of road transport: rights and duties of drivers as regards initial qualification and periodic training.

Driving licences C, C + E, C1, C1 + E

- 2.2. Objective: to know the regulations governing the carriage of goods:

transport operating licences, documents to be carried in the vehicle, bans on using certain roads, road-use fees, obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international transport permits, obligations under the Convention on the Contract for the International Carriage of Goods by Road, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods.

Driving licences D, D + E, D1, D1 + E

^(?) Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

^(?) Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

2.3. Objective: to know the regulations governing the carriage of passengers:
carriage of specific groups of passengers, safety equipment on board buses, safety belts, vehicle load.

3. Health, road and environmental safety, service, logistics

All driving licences

3.1. Objective: to make drivers aware of the risks of the road and of accidents at work:

types of accidents at work in the transport sector, road accident statistics, involvement of lorries/coaches, human, material and financial consequences.

3.2. Objective: ability to prevent criminality and trafficking in illegal immigrants:

general information, implications for drivers, preventive measures, check list, legislation on transport operator liability.

3.3. Objective: ability to prevent physical risks:

ergonomic principles, movements and postures which pose a risk, physical fitness, handling exercises, personal protection.

3.4. Objective: awareness of the importance of physical and mental ability:

principles of healthy, balanced eating, effects of alcohol, drugs or any other substance likely to affect behaviour, symptoms, causes, effects of fatigue and stress, fundamental role of the basic work/rest cycle.

3.5. Objective: ability to assess emergency situations:

behaviour in an emergency situation: assessment of the situation, avoiding complications of an accident, summoning assistance, assisting casualties and giving first aid, reaction in the event of fire, evacuation of occupants of a lorry/bus passengers, ensuring the safety of all passengers, reaction in the event of aggression; basic principles for the drafting of an accident report.

3.6. Objective: ability to adopt behaviour to help enhance the image of the company:

behaviour of the driver and company image: importance for the company of the standard of service provided by the driver, the roles of the driver, people with whom the driver will be dealing, vehicle maintenance, work organisation, commercial and financial effects of a dispute.

Driving licences C, C + E, C1, C1 + E

3.7. Objective: to know the economic environment of road haulage and the organisation of the market:

road transport in relation to other modes of transport (competition, shippers), different road transport activities (transport for hire or reward, own account, auxiliary transport activities), organisation of the main types of transport company and auxiliary transport activities, different transport specialisations (road tanker, controlled temperature, dangerous goods, animal transport, etc.), changes in the industry (diversification of services provided, rail-road, subcontracting, etc.).

Driving licences D, D + E, D1, D1 + E

3.8. Objective: to know the economic environment of the carriage of passengers by road and the organisation of the market:

carriage of passengers by road in relation to other modes of passenger transport (rail, private car), different activities involving the carriage of passengers by road, disability awareness, crossing borders (international transport), organisation of the main types of companies for the carriage of passengers by road.

Section 2

Compulsory initial qualification provided for in article 3(1)(a)

2.1. Option combining both course attendance and a test

Initial qualification must include the teaching of all subjects in the list under Section 1. The duration of this initial qualification must be 280 hours.

Each trainee driver must drive for at least 20 hours individually in a vehicle of the category concerned which meets at least the requirements for test vehicles as set out in Directive 2006/126/EC.

When driving individually, the trainee driver must be accompanied by an instructor, employed by an approved training centre. Each trainee driver may drive for a maximum of eight hours of the 20 hours of individual driving on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way those road conditions change with different atmospheric conditions, the time of day or night, and the ability to optimise fuel consumption.

Member States may allow part of the training to be delivered by the approved training centre by means of ICT tools, such as e-learning, while ensuring that the high quality and the effectiveness of the training are maintained, and by selecting the subjects where ICT tools can most effectively be deployed. In particular, Member States shall require reliable user identification and appropriate means of control. Member States may count specific training required under other Union legislation as part of the training. This includes, but is not restricted to, training required under Directive 2008/68/EC of the European Parliament and of the Council ⁽⁴⁾ for the transport of dangerous goods, training on disability awareness under Regulation (EU) No 181/2011 of the European Parliament and of the Council ⁽⁵⁾ and training on animal transport under Council Regulation (EC) No 1/2005 ⁽⁶⁾.

For the drivers referred to in Article 5(5) the length of the initial qualification must be 70 hours, including five hours of individual driving.

At the end of that training, Member States' competent authorities or the entity designated by them shall give the driver a written or oral test. The test must include at least one question on each of the objectives in the list of subjects under Section 1.

2.2. Option involving tests

Member States' competent authorities or the entity designated by them shall organise theoretical and practical tests as referred to in Article 3(1), point (a)(ii), to check whether the trainee driver has the level of knowledge required by Section 1 for the subjects and objectives listed therein.

(a) The theoretical test shall consist of at least two parts:

- (i) questions including multiple-choice questions, questions requiring a direct answer, or a combination of both;
- (ii) case studies.

The minimum duration of the theoretical test must be four hours.

(b) The practical test shall consist of two parts:

- (i) a driving test aimed at assessing training in rational driving based on safety regulations. The test must take place, whenever possible, on roads outside built-up areas, on fast roads and on motorways (or similar), and on all kinds of urban highways presenting the different types of difficulties that a driver is liable to encounter. It would be desirable for this test to take place in different traffic density conditions. The driving time on the road must be used optimally in order to assess the candidate in all traffic areas likely to be encountered. The minimum duration of this test must be 90 minutes;

⁽⁴⁾ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

⁽⁵⁾ Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

⁽⁶⁾ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).

- (ii) a practical test covering at least points 1.5, 1.6, 1.7, 3.2, 3.3 and 3.5. The minimum duration of this test must be 30 minutes.

The vehicle used for the practical test must meet at least the requirements for test vehicles set out in Directive 2006/126/EC.

The practical test may be supplemented by a third test taking place on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way those road conditions change with different atmospheric conditions and the time of day or night.

The duration of this optional test is not fixed. Should the driver undergo such a test, its duration may be deducted from the 90 minutes of the driving test referred to under point (i), but the time deducted may not exceed 30 minutes.

For the drivers referred to in Article 5(5), the theoretical test must be limited to the subjects referred to in Section 1 which are relevant to the vehicles to which the new initial qualification applies. However, such drivers must undergo the whole practical test.

Section 3

Accelerated initial qualification provided for in article 3(2)

Accelerated initial qualification must include the teaching of all subjects in the list in Section 1. Its duration must be 140 hours.

Each trainee driver must drive for at least 10 hours individually in a vehicle of the category concerned which meets at least the requirements for test vehicles set out in Directive 2006/126/EC.

When driving individually, the trainee driver must be accompanied by an instructor, employed by an approved training centre. Each trainee driver may drive for a maximum of four hours of the 10 hours of individual driving on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way those road conditions change with different atmospheric conditions, the time of day or night, and the ability to optimise fuel consumption.

The provisions of the fourth paragraph of point 2.1 shall also apply to the accelerated initial qualification.

For the drivers referred to in Article 5(5), the length of the accelerated initial qualification must be 35 hours, including two and a half hours of individual driving.

At the end of that training, Member States' competent authorities or the entity designated by them shall give the driver a written or oral test. The test must include at least one question on each of the objectives in the list of subjects under Section 1.

Section 4

Compulsory periodic training provided for in article 3(1)(b)

Compulsory periodic training courses must be organised by an approved training centre. Their duration must be of 35 hours every five years, given in periods of at least seven hours, which may be split over two consecutive days. Whenever e-learning is used, the approved training centre shall ensure that the proper quality of the training is maintained, including by selecting the subjects where ICT tools can most effectively be deployed. In particular, Member States shall require reliable user identification and appropriate means of control. The maximum duration of the e-learning training shall not exceed 12 hours. At least one of the training course periods shall cover a road safety-related subject. The content of the training shall take into account training needs specific to the transport operations carried out by the driver and relevant legal and technological developments and should, as far as possible, take into account specific training needs of the driver. A range of different subjects should be covered over the 35 hours, including repeat training where it is shown that the driver needs specific remedial training.

Member States may consider counting the completed specific training as required under other Union legislation for up to one of the stipulated seven-hour periods. That includes, but is not restricted to, training required under Directive 2008/68/EC for the transport of dangerous goods, training on animal transport under Regulation (EC) No 1/2005, and, for the carriage of passengers, training on disability awareness under Regulation (EU) No 181/2011. However, Member

States may decide that completed specific training as required under Directive 2008/68/EC for the transport of dangerous goods counts as two of the seven-hour periods, provided that this is the only other training that is taken into account in the periodic training.

Section 5

Approval of the initial qualification and periodic training

- 5.1. The training centres taking part in the initial qualification and periodic training must be approved by the Member States' competent authorities. Approval may be given only in response to a written application. The application must be accompanied by documents including:
 - 5.1.1. a suitable qualification and training programme specifying the subjects taught and setting out the proposed implementing plan and teaching methods;
 - 5.1.2. the instructors' qualifications and fields of activity;
 - 5.1.3. information about the premises where the courses are given, the teaching materials, the resources made available for the practical work, and the vehicle fleet used;
 - 5.1.4. the conditions regarding participation in the courses (number of participants).
- 5.2. The competent authority must give approval in writing subject to the following conditions:
 - 5.2.1. the training must be given in accordance with the documents accompanying the application;
 - 5.2.2. the competent authority must be entitled to send authorised persons to assist in the training courses of the approved centres, and must be entitled to monitor such centres, with regard to the resources used and the proper running of the training courses and tests;
 - 5.2.3. the approval may be withdrawn or suspended if the conditions of approval are no longer complied with.

The approved centre must guarantee that the instructors have sound knowledge of the most recent regulations and training requirements. As part of a specific selection procedure, the instructors must provide certification showing knowledge of both the subject material and teaching methods. As regards the practical part of the training, instructors must provide certification of experience as professional drivers or similar driving experience, such as that of driving instructors for heavy vehicles.

The programme of instruction must be in accordance with the approval and must cover the subjects in the list in Section 1.

ANNEX II

ARRANGEMENTS FOR THE EUROPEAN UNION MODEL FOR A DRIVER QUALIFICATION CARD

1. Physical characteristics of the driver qualification card

The physical characteristics of the driver qualification card must comply with ISO standards 7810 and 7816-1.

The methods for verifying the physical characteristics of the driver qualification card to ensure that they are consistent with international standards must comply with ISO standard 10373.

2. Information appearing on the driver qualification card

The driver qualification card must have two sides.

Side 1 must contain:

- (a) the heading 'driver qualification card' printed in large type in the official language or languages of the Member State issuing the driver qualification card;
- (b) the name of the Member State issuing the driver qualification card (optional);
- (c) the distinguishing sign of the Member State issuing the driver qualification card, printed in negative in a blue rectangle and encircled by 12 yellow stars; the distinguishing signs are as follows:

B	:	Belgium
BG	:	Bulgaria
CZ	:	Czechia
DK	:	Denmark
D	:	Germany
EST	:	Estonia
IRL	:	Ireland
GR	:	Greece
E	:	Spain
F	:	France
HR	:	Croatia
I	:	Italy
CY	:	Cyprus
LV	:	Latvia
LT	:	Lithuania
L	:	Luxembourg
H	:	Hungary
M	:	Malta
NL	:	Netherlands
A	:	Austria
PL	:	Poland
P	:	Portugal
RO	:	Romania
SLO	:	Slovenia

SK	:	Slovakia
FIN	:	Finland
S	:	Sweden

(d) information specific to the driver qualification card, numbered as follows:

1. surname of the holder;
2. first name of the holder;
3. date and place of birth of the holder;
4. (a) date of issue;
- (b) date of expiry;
- (c) the name of the issuing authority (may be printed on side 2);
- (d) a different number from the driving licence number for administrative purposes (optional);
5. (a) driving licence number;
- (b) serial number;
6. photograph of the holder;
7. signature of the holder;
8. normal place of residence, or postal address of the holder (optional);
9. the categories of vehicles for which the driver satisfies the initial qualification and periodic training requirements;

(e) the title 'European Union model' in the language or languages of the Member State issuing the driver qualification card and the heading 'driver qualification card' in the other official languages of the Union, printed in blue so as to form the background to the driver qualification card:

tarjeta de cualificación del conductor

карта за квалификация на водача

osvědčení profesní způsobilosti řidiče

chaufføruddannelsesbevis

Fahrerqualifizierungsnachweis

juhi pädevustunnistus

δελτίο επιμόρφωσης οδηγού

driver qualification card

carte de qualification de conducteur

cárta cáilíochta tiománaí

kvalifikacijska kartica vozača

carta di qualificazione del conducente

vadītāja kvalifikācijas apliecība

vairuotojo kvalifikacinė kortelė

gépjárművezetői képesítési igazolvány

karta ta' kwalifika tas-sewwieq

kwalificatiekaart bestuurder

karta kwalifikacji kierowcy

carta de qualificação de motorista

cartelă de pregătire profesională a conducătorului auto

kvalifikačná karta vodiča

kartica o usposobljenosti voznika

kuljettajan ammattipätevyyskortti

yrkeskompetensbevis för förare;

(f) the reference colours:

— blue: Pantone Reflex blue,

— yellow: Pantone yellow;

Side 2 must contain:

(a) 9. the categories of vehicles for which the driver satisfies the initial qualification and periodic training requirements;

10. the harmonised Union code, '95', provided for in Annex I to Directive 2006/126/EC;

11. a space reserved for the possible entry by the Member State issuing the driver qualification card of essential administrative details or details relating to road safety (optional). If the details relate to a heading set out in this Annex, such details must be preceded by the corresponding heading number;

(b) an explanation of the numbered entries appearing on sides 1 and 2 of the driver qualification card (at least headings 1, 2, 3, 4(a), 4(b), 4(c), 5(a), 5(b) and 10).

If a Member State wishes to word these entries in a national language other than Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish, it shall draw up a bilingual version of the driver qualification card using one of those languages, without prejudice to the other provisions of this Annex.

3. Security, including data protection

The aim of the various constituent parts of the driver qualification card is to rule out any forgery or tampering and to detect any attempts to do so.

The Member State must ensure that the level of security of the driver qualification card is at least comparable to the level of security of the driving licence.

4. Particular arrangements

After consulting the Commission, Member States may add colours or markings, such as a bar code, national symbols and security features, without prejudice to the other provisions of this Annex.

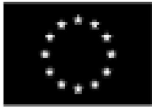
In connection with the mutual recognition of driver qualification cards, the bar code may not contain any information other than that already legibly appearing on the driver qualification card or which is essential for the card-issuing process.

5. Transitional provisions

Driver qualification cards issued before 23 May 2020 shall be valid until their date of expiry.

6. European Union model for a driver qualification card

Side 1

	DRIVER QUALIFICATION CARD	(MEMBER STATE)
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">6. PHOTO</div> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	<p>1. 2. 3. 4a. 4b. 4c. (4d.) 5a. 5b. 7. (8.)</p>	<p>9.</p>

Side 2

<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">11.</div> <p>1. Surname 2. First name 3. Date and place of birth 4a. Date of issue 4b. Administrative expiry date 4c. Issued by 5a. Licence No 5b. Serial No 10. Union code</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">9.</td> <td style="width: 70%;">10.</td> </tr> <tr> <td>G1</td> <td></td> </tr> <tr> <td>G</td> <td></td> </tr> <tr> <td>D1</td> <td></td> </tr> <tr> <td>D</td> <td></td> </tr> <tr> <td>G1E</td> <td></td> </tr> <tr> <td>CE</td> <td></td> </tr> <tr> <td>D1E</td> <td></td> </tr> <tr> <td>DE</td> <td></td> </tr> </table>	9.	10.	G1		G		D1		D		G1E		CE		D1E		DE	
9.	10.																		
G1																			
G																			
D1																			
D																			
G1E																			
CE																			
D1E																			
DE																			

ANNEX III

CORRESPONDENCE TABLE FOR THE REFERENCES TO CERTAIN CATEGORIES OF DRIVING LICENCES

Reference in this Directive	Reference in Directive 2006/126/EC
C + E	CE
C1 + E	C1E
D + E	DE
D1 + E	D1E

ANNEX IV

Part A

Repealed Directive with list of the successive amendments thereto

(referred to in Article 14)

Directive 2003/59/EC of the European Parliament and of the Council (OJ L 226, 10.9.2003, p. 4).	
Council Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).	only point IV.2 of the Annex
Council Directive 2006/103/EC (OJ L 363, 20.12.2006, p. 344).	only point A.6 of the Annex
Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ L 311, 21.11.2008, p. 1).	only point 9.11 of the Annex
Council Directive 2013/22/EU (OJ L 158, 10.6.2013, p. 356).	only point A.4 of the Annex
Directive (EU) 2018/645 of the European Parliament and of the Council (OJ L 112, 2.5.2018, p. 29).	only Article 1 and Annex
Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ L 198, 25.7.2019, p. 241).	only point IX.5 of the Annex

Part B

Time-limits for transposition into national law and dates of application

(referred to in Article 14)

Directive	Time-limit for transposition	Date of application
2003/59/EC	10 September 2006	10 September 2008 as regards the initial qualification required to drive vehicles in driving licence categories D1, D1+E, D and D+E 10 September 2009 as regards the initial qualification required to drive vehicles in driving licence categories C1, C1+E, C and C+E
(EU) 2018/645	23 May 2020, with the exception of Article 1, point 6 23 May 2021 as regards Article 1, point 6	

ANNEX V

CORRELATION TABLE

Directive 2003/59/EC	This Directive
Articles 1 to 7	Articles 1 to 7
Article 8(1)	Article 8(1)
Article 8(2), first subparagraph, introductory wording and point (a)	Article 8(2), first subparagraph
Article 8(2), first subparagraph, point (b)	–
Article 8(2), second subparagraph	Article 8(2), second subparagraph
Article 8(3), (4) and (5)	Article 8(3), (4) and (5)
Articles 9 and 10	Articles 9 and 10
Article 10a	Article 11
Article 11	Article 12
Article 11a	Article 13
Article 13	–
Article 14	–
Article 15	Article 14
Article 16	Article 15
Article 17	Article 16
Annex I	Annex I
Annex II	Annex II
Annex III	Annex III
–	Annex IV
–	Annex V

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2022/2562

of 24 October 2022

on the signing, on behalf of the Union, and provisional application of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Kingdom of Thailand, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 209, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 25 November 2004, the Council authorised the Commission to open negotiations with Thailand on a Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Kingdom of Thailand, of the other part (the 'Agreement').
- (2) The negotiations on the Agreement were successfully concluded by the initialling of the Agreement on 2 September 2022 in Brussels.
- (3) The aim of the Agreement is to strengthen the cooperation across a wide spectrum of policy fields, including human rights, non-proliferation of weapons of mass destruction, counter-terrorism, the fight against corruption and organised crime, trade, migration, the environment, energy, climate change, transport, science and technology, employment and social affairs, education and agriculture.
- (4) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.
- (5) In view of the need to apply the Agreement ahead of its entry into force following ratifications by the Member States, certain provisions of the Agreement should be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Kingdom of Thailand, of the other part (the 'Agreement'), is hereby authorised, subject to the conclusion of the Agreement ⁽¹⁾.

⁽¹⁾ See page 72 of this Official Journal.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

Pending the completion of the procedures necessary for its entry into force, in accordance with Article 59 of the Agreement and subject to the notifications provided for therein, the following parts of the Agreement shall be applied on a provisional basis ⁽²⁾ between the European Union and the Kingdom of Thailand, only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a Common Foreign and Security Policy:

- Title I
- Title II
- Title III
- Title IV: Articles 20, 21, 22, 23, 25, 26, 27, 28, 29
- Title V: Articles 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49
- Title VI
- Title VII
- Title VIII
- Joint declaration on Article 5
- Joint declaration on Article 23.

Article 4

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

Done at Luxembourg, 24 October 2022.

For the Council
The President
A. HUBÁČKOVÁ

⁽²⁾ The date from which the parts of the Agreement are to be provisionally applied shall be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

FRAMEWORK AGREEMENT**on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Kingdom of Thailand, of the other part**

THE EUROPEAN UNION, hereinafter referred to as "the EU",

and

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

Member States of the European Union, hereinafter referred to as "Member States",

of the one part,

and

THE KINGDOM OF THAILAND, hereinafter referred to as "Thailand",

of the other part,

hereinafter referred to as "the Parties",

CONSIDERING the traditional links of friendship between the Parties and the close historical, political and economic ties that unite them;

ATTACHING particular importance to the comprehensive nature of their mutual relationship;

REAFFIRMING their attachment to democratic principles, and to human rights and fundamental freedoms as laid down in the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations (UNGA) on 10 December 1948, and in other relevant international human rights instruments;

REAFFIRMING their attachment to the principles of the rule of law and of good governance, and their desire to promote economic and social progress for their peoples, taking into account environmental protection requirements and the principles of sustainable development, as well as the 2030 Agenda for Sustainable Development, adopted by UNGA Resolution No 70/1 of 25 September 2015;

RECOGNISING Thailand's status as a developing country and taking into account the Parties' respective levels of development;

RECOGNISING the need to promote non-proliferation and disarmament concepts and objectives through relevant international and regional instruments in order to counter the danger posed by weapons of mass destruction (WMD). The adoption by consensus of United Nations Security Council (UNSC) Resolution 1540 (2004) underlines the commitment of the whole international community to counter the proliferation of such weapons. The European Council adopted on 12 December 2003 a Strategy against Proliferation of Weapons of Mass Destruction, and the Council of the European Union adopted on 17 November 2003 an EU policy of mainstreaming non-proliferation policies into the relations of the EU with third countries. Thailand, as a member of the Association of Southeast Asian Nations (ASEAN), is a founding signatory to the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, signed in Bangkok on 15 December 1995;

WHEREAS the Parties acknowledge the links between disarmament, arms control, peace and security, and development, and note that closer cooperation between the Parties in promoting the implementation of the relevant international instruments can lead to progress towards the achievement of the UN Sustainable Development Goals (SDGs) and a more secure world;

WHEREAS the Parties view terrorism as a threat to global security and wish to intensify their dialogue and cooperation in the fight against terrorism, in accordance with relevant UNSC resolutions, in particular UNSC Resolution 1373 (2001), the Parties reaffirm that respect for human rights for all and the rule of law are the fundamental basis for the fight against terrorism;

REAFFIRMING that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at national level and by enhancing global collaboration;

REAFFIRMING the determination to fight against serious crimes of international concern;

RECOGNISING the importance of the Cooperation Agreement between the European Economic Community and Indonesia, Malaysia, the Philippines, Singapore and Thailand – member countries of the Association of South-East Asian Nations signed in Kuala Lumpur on 7 March 1980, and its subsequent accession protocols;

RECOGNISING the importance of strengthening the existing relationship between the Parties with a view to enhancing cooperation between them, and their common will to consolidate, deepen and diversify their relations in areas of mutual interest on the basis of respect for sovereignty, equality, non-discrimination, respect for the natural environment and mutual benefit;

RECOGNISING that the Parties share the common aspiration to achieve resource-efficient, inclusive, innovative, net zero emissions and green economies, and that the sharing of experiences in implementing their domestic policies can improve their outcomes and speed up the realisation of the UN SDGs;

EXPRESSING their full commitment to promote sustainable development in all its dimensions, including environmental protection and effective cooperation to combat climate change and effective implementation of the United Nations Framework Convention on Climate Change (UNFCCC), adopted in Rio de Janeiro on 9 May 1992, and the Paris Agreement, adopted in Paris on 12 December 2015, as well as to the effective promotion and implementation of internationally recognised social and labour standards;

ENSURING in this regard that no one is left behind;

UNDERLINING the importance of deepening relations and cooperation in areas such as migration;

CONFIRMING their desire to enhance, in full concord with activities undertaken in regional frameworks, the cooperation between both Parties, based on shared values and mutual benefit;

RECOGNISING the importance attached by the Parties to the principles and rules which govern international trade as contained in particular in the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement), done in Marrakesh on 15 April 1994, and to the need to apply them in a transparent and non-discriminatory manner;

NOTING that, if the Parties decided, within the framework of this Agreement, to enter into specific agreements in the area of freedom, security and justice which were to be concluded by the EU pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, the provisions of such future specific agreements would not bind Ireland unless the EU, simultaneously with Ireland as regards its previous bilateral relations, notifies Thailand that Ireland has become bound by such future specific agreements as part of the EU in accordance with Protocol No 21 on the position of Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union. Likewise, any subsequent EU internal measures which were to be adopted pursuant to the aforementioned Title to implement this Agreement would not bind Ireland unless it has notified its wish to take part in or accept such measures in accordance with Protocol No 21. Also noting that such future specific agreements or such subsequent EU internal measures would fall within Protocol No 22 on the position of Denmark annexed to those Treaties;

HAVE AGREED AS FOLLOWS:

TITLE I

NATURE AND SCOPE

Article 1

General Principles

1. Respect for democratic principles, and for human rights and fundamental freedoms, as laid down in the Universal Declaration of Human Rights and in other relevant international human rights instruments, as well as for the principle of the rule of law, underpins the internal and international policies of the Parties and constitutes an essential element of this Agreement.
2. The Parties confirm their commitment to promoting sustainable development in all its dimensions, to cooperating in addressing challenges of climate change and globalisation, and to contributing to the 2030 Agenda for Sustainable Development.
3. The Parties reaffirm their commitment to the Paris Declaration on Aid Effectiveness, adopted in 2005, and agree to strengthen cooperation with a view to further improving development performance.
4. The Parties reaffirm their attachment to the principles of good governance and to the fight against corruption at all levels, notably taking into account their international obligations.
5. The Parties agree that cooperation activities under this Agreement shall take into account their respective needs and capacities.

Article 2

Aims of Cooperation

In light of their well-established partnership, the Parties agree on a forward-looking relationship with a more structured and strategic perspective, shared values and issues of mutual interest, and undertake to hold a comprehensive dialogue and promote further cooperation between them in all sectors of common interest. Their efforts will in particular be aimed at:

- (a) nurturing cooperation, on a bilateral and multilateral basis, in all relevant regional and international fora and organisations involved in matters covered by this Agreement;
- (b) establishing cooperation on countering the proliferation of WMD;
- (c) establishing a dialogue on serious crimes of international concern;
- (d) establishing cooperation on preventing and combatting terrorism and transnational crimes;
- (e) securing the conditions for and promoting the increase and development of trade and investment between the Parties to their mutual advantage while ensuring respect of the WTO principles and rules and in a manner that is supportive of the objective of sustainable development and that promotes sustainable supply chains and responsible business practices;
- (f) establishing cooperation in all trade- and investment-related areas of mutual interest, in order to promote the implementation of the WTO principles and rules, to facilitate sustainable trade and investment flows and to prevent and remove obstacles to trade and investment, in a manner which is consistent with, complementary to, as well as contributing to ongoing and future EU-ASEAN initiatives and to sustainable development;
- (g) establishing cooperation in the area of freedom, security and justice, including the rule of law and judicial and legal cooperation, protection of personal data, migration, the fight against money laundering, organised crime and illicit drugs;

- (h) establishing cooperation in all other sectors of mutual interest, notably macroeconomic policy and financial institutions, development planning, good governance in the area of taxation, combatting corruption, corporate social responsibility, industrial policy and micro, small and medium sized enterprise (MSME), information society, science, technology and innovation, low-carbon, circular and green economy, bioeconomy, climate change, energy, transport, research and development, education and training, culture, tourism, human rights, gender equality, environment and natural resources, agriculture and rural development, health, statistics, knowledge-based society, food safety, phytosanitary and veterinary issues, employment and social affairs;
- (i) enhancing participation of the Parties in sub-regional, regional and trilateral cooperation programmes open to the participation of the other Party;
- (j) enhancing the roles and profiles of the Parties in each other's regions through various means, including cultural exchanges, use of information and communication technology (ICT) and education;
- (k) promoting people-to-people understanding through cooperation between various non-governmental entities such as think-tanks, academics, civil society and the media, in the form of seminars, conferences, youth interaction, cyberspace exercises, trainings, exchanges and other activities.

Article 3

Weapons of Mass Destruction

1. The Parties consider that the proliferation of WMD and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security. The Parties agree to cooperate and to contribute to countering the proliferation of WMD and their means of delivery through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations within the framework of the UN, including UNSC resolutions. The Parties agree that this provision constitutes an essential element of this Agreement.
2. The Parties furthermore agree to cooperate and to contribute to countering the proliferation of WMD and their means of delivery and to promoting the implementation of international instruments on disarmament by:
 - (a) taking steps to become party to and fully implement all other relevant international instruments;
 - (b) in accordance with their respective international obligations, enhancing the effectiveness of national export controls and controlling the export and transit of WMD-related goods, including WMD end-use control on dual-use technologies as appropriate, with effective means of legal or administrative enforcement, including effective penalties and preventive measures for breaches of export controls, including, in particular, through cooperation and capacity-building;
 - (c) promoting the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), signed in London, Moscow and Washington, D.C. on 1 July 1968, as the cornerstone of the global nuclear non-proliferation and disarmament regime, and an important element in the development of nuclear energy applications for peaceful purposes, of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC), signed in London, Moscow and Washington, D.C. on 10 April 1972, and of the Convention on the Prohibition of the Development, Production and Stockpiling of Chemical Weapons and on their Destruction (CWC), signed in Paris and New York on 13 January 1993.
3. The Parties agree to establish a regular dialogue that will accompany and consolidate the elements referred to in points (a) to (c) of paragraph 2. Such dialogue may take place on a regional basis.

*Article 4***Small Arms and Light Weapons and other Conventional Weapons**

1. The Parties recognise that the illicit manufacture, transfer and circulation of small arms and light weapons, including their ammunition, as well as the excessive accumulation, insufficient stockpile management and security and the uncontrolled spread of small arms and light weapons, which have a wide range of humanitarian and socioeconomic consequences, continue to pose a serious threat to peace and international security, as well as to sustainable development at the individual, local, national, regional and international levels.
2. The Parties agree to observe and fully implement their respective obligations to deal with the illicit trade in small arms and light weapons, including their ammunition, under existing international agreements and UNSC resolutions, as well as their commitments within the framework of other international instruments applicable in this area, such as the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted by the UNGA on 20 July 2001.
3. The Parties recognise the importance of domestic control systems for the transfer of conventional arms in line with their international obligations and the object and purpose of the Arms Trade Treaty, adopted by UNGA Resolution No 67/234B of 2 April 2013. The Parties recognise the importance of applying such controls in a responsible manner, as a contribution to international and regional peace, security and stability, and to the reduction of human suffering, as well as to the prevention of the diversion of conventional weapons. The Parties agree to strengthen their dialogue and cooperation in the area of export control.
4. The Parties agree to enhance their cooperation and seek coordination, complementarity and synergy in their efforts related to the prevention and eradication of illicit trade in small arms and light weapons, and to conventional arms transfers and national import and export control systems of conventional arms.

*Article 5***Serious Crimes of International Concern**

The Parties reaffirm that the most serious crimes of concern to the international community as a whole should not go unpunished and that their prosecution should be ensured by taking measures at national or international level as appropriate and by enhancing international cooperation in accordance with their respective laws and regulations.

*Article 6***Cooperation in Preventing and Combatting Terrorism**

1. The Parties reaffirm the importance of the fight against terrorism in full respect for the rule of law, international law, in particular the Charter of the United Nations, signed in San Francisco on 26 June 1945, and relevant UNSC resolutions, human rights law, and international humanitarian law. Within this framework and taking into account the UN Global Counter-Terrorism Strategy contained in UNGA Resolution No 60/288 of 8 September 2006, as later revised, as well as the ASEAN-EU Joint Declaration on Cooperation to Combat Terrorism, adopted on 28 January 2003, the Parties agree to cooperate in the prevention and suppression of terrorism in all its forms and manifestations.
2. The Parties shall do so in particular:
 - (a) in the framework of the full implementation of UNSC Resolutions 1267 (1999), 1373 (2001), 1822 (2008), 2242 (2015), 2396 (2017) and 2462 (2019), and other relevant UN resolutions, international conventions and instruments;
 - (b) by exchanging information on terrorist groups and individuals and on their support networks in accordance with international law and their respective laws and regulations;
 - (c) by cooperating on means, including equipment, and methods used to counter terrorism, including in technical fields and training, and by sharing experiences in respect of terrorism prevention and recruitment;

- (d) by cooperating so as to deepen the international consensus on the fight against terrorism and terrorism financing as well as against the misuse of information technology for terrorist purposes, and by working towards an agreement on the Comprehensive Convention on International Terrorism, so as to complement the existing UN and other applicable international counter-terrorism instruments;
- (e) by sharing best practices in the area of protection of human rights in the fight against terrorism.

TITLE II

BILATERAL, REGIONAL AND INTERNATIONAL COOPERATION

Article 7

Cooperation in Regional and International Organisations

1. The Parties undertake to cooperate and exchange views in regional and international fora and organisations, in particular within the UN and its specialised organisations and agencies, including but not limited to the International Labour Organization (ILO), ASEAN-EU Dialogue Relations, in particular in the context of the ASEAN-EU Strategic Partnership, ASEAN Regional Forum (ARF), and Asia-Europe Meeting (ASEM).
2. The Parties undertake to cooperate and exchange views on economic and other related matters in regional and international fora and organisations including, inter alia, the ASEM, the UN Conference on Trade and Development, the WTO and the World Intellectual Property Organization.

Article 8

Bilateral and Regional Cooperation

1. For each sector of dialogue and cooperation under this Agreement, and while giving due emphasis to matters under bilateral cooperation, the Parties will agree to carry out the related activities at bilateral or regional level or through a combination of both frameworks. In choosing the appropriate framework, the Parties will seek to maximise the impact on and reinforce the involvement of all interested parties, while making the best possible use of available resources, taking into account the political and institutional feasibility, and ensuring coherence with other activities involving the EU and ASEAN Member States.
2. The Parties may, as appropriate, decide to extend financial support to cooperation activities in the areas covered by this Agreement or in relation to it, in accordance with their respective financial procedures and resources. This cooperation may in particular include the organisation of training schemes, workshops and seminars, exchanges of experts, studies, and other actions agreed by the Parties.

TITLE III

COOPERATION ON TRADE AND INVESTMENT ISSUES

Article 9

General Principles

1. The Parties shall engage in a dialogue on bilateral and multilateral trade and trade-related issues with a view to strengthening bilateral trade relations and advancing the multilateral trade system, in a manner that is supportive of the objective of sustainable development.

2. The Parties undertake to promote the development and diversification of their reciprocal commercial exchanges to the highest possible level and to their mutual benefit, in accordance with the WTO principles and rules. The Parties undertake to achieve improved market access conditions by taking measures to improve transparency, having regard to the work carried out by international organisations in that field.
3. The Parties shall keep each other informed of the development of trade and trade-related policies or other related issues, such as agricultural policy, food safety, non-tariff measures, consumer policy and environmental policy, including waste management.
4. The Parties shall encourage dialogue and cooperation to develop their trade and investment relations, including the resolution of, among other issues, commercial problems in the areas referred to in Articles 10 to 19 of this Agreement.

Article 10

Sanitary and Phytosanitary Issues

1. The Parties shall cooperate on food safety and on Sanitary and Phytosanitary (SPS) issues to protect human, animal or plant life or health in the territory of the Parties.
2. The Parties shall discuss and exchange information on their respective measures as defined in the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, which entered into force with the establishment of the WTO on 1 January 1995, including standards of the International Plant Protection Convention, signed in Rome on 6 December 1951, the World Organisation for Animal Health and the Codex Alimentarius Commission.
3. The Parties agree to undertake capacity-building cooperation on SPS matters. Such capacity-building shall be specific to the needs of each Party and be conducted with the aim of assisting such Party in complying with the other Party's legal framework.
4. The Parties shall establish a timely dialogue on SPS issues at the request of either Party to consider matters relating to SPS and other urgent SPS-related issues.
5. The Parties shall designate contact points for communication on matters under this Article.
6. The Parties accord a high level of importance to the cooperation in the field of SPS.

Article 11

Sustainable Food Systems

1. The Parties shall cooperate in promoting the global transition towards sustainable food systems.
2. The Parties shall promote dialogue, capacity-building activities and close cooperation on issues of mutual interest to promote sustainable food systems in line with the UN SDGs. Such issues include, inter alia:
 - (a) the reduction of the environmental and climate impact of food systems;
 - (b) sustainable agriculture and food systems along all the steps of the food chain, including agroecology, organic production, reduction in the use and risk of pesticides, animal welfare and antimicrobial resistance;
 - (c) the reduction of food losses and food waste throughout the entire food chain;
 - (d) the fight against food fraud.
3. The Parties shall designate contact points for communication on matters under this Article.
4. The Parties accord a high level of importance to cooperation in the field of sustainable food systems.

*Article 12***Technical Barriers to Trade**

1. The Parties shall promote the use of international standards and international accreditation schemes, and shall exchange information on standards, technical regulations and conformity assessment procedures, including within the framework of the WTO Agreement on Technical Barriers to Trade (TBT), which entered into force with the establishment of the WTO on 1 January 1995.
2. The Parties shall strengthen their cooperation in the field of standards, technical regulations and conformity assessment procedures, including technical capacity-building and cooperation with a view to complying with TBT measures.
3. The Parties shall designate a contact point to coordinate the exchange of information and cooperation in accordance with this Article as well as to facilitate efforts in regulatory cooperation between the Parties.

*Article 13***Customs Cooperation and Trade Facilitation**

1. The Parties shall share experiences and examine possibilities to simplify import, export and other customs procedures, increase transparency of trade regulations and develop customs cooperation, including effective mutual administrative assistance mechanisms. The Parties shall cooperate with a view to facilitating the implementation of the WTO Agreement on Trade Facilitation, which entered into force on 22 February 2017. The Parties will pay special attention to increasing the security dimension of international trade, including transport services, and to ensuring a balanced approach between trade facilitation, efficient controls and the fight against customs-related fraud and irregularities.
2. Without prejudice to other forms of cooperation provided for under this Agreement, the Parties state their interest in considering, in the future, the conclusion of a protocol on customs cooperation, including mutual assistance, within the institutional framework laid down by this Agreement.

*Article 14***Anti-Dumping**

1. The Parties reaffirm their rights and obligations under Article VI of the General Agreement on Tariffs and Trade (GATT) 1994 and the WTO Agreement on Implementation of Article VI of GATT 1994, in particular Article 15 thereof.
2. The Parties accord a high level of importance to cooperation in the field of anti-dumping.

*Article 15***Investment**

The Parties shall encourage a greater flow of investment through the development of an attractive and favourable environment for reciprocal investment through a consistent dialogue aimed at enhancing understanding and cooperation on investment issues, exploring administrative mechanisms to facilitate investment flows, and promoting transparency, openness and non-discrimination for investors in accordance with their respective laws and regulations.

*Article 16***Competition Policy**

1. The Parties shall promote the effective establishment and application of competition rules and the dissemination of information in order to foster transparency and legal certainty for enterprises operating in each other's markets, in accordance with their respective laws and regulations.
2. Both Parties endeavour to cooperate in mutually agreed areas to enhance the mutual understanding of each other's competition laws and policies.

*Article 17***Services**

The Parties shall establish a consistent dialogue aimed, in particular, at exchanging information on their respective regulatory environments, promoting access to each other's markets, promoting access to sources of capital and technology and promoting trade in services between both regions and in the markets of third countries.

*Article 18***Intellectual Property Rights**

1. The Parties shall exchange information and share experiences on issues such as the practice, promotion, dissemination, streamlining, management, protection and effective application of intellectual property rights (IPR), the prevention of abuses of such rights and the fight against counterfeiting and piracy, in particular through customs cooperation and other appropriate forms of cooperation and strengthening of the protection of such rights as agreed by the Parties. In accordance with their respective laws and regulations and in conformity with relevant international agreements to which the Parties are party, the Parties will cooperate in particular on the enforcement of IPR and the protection of patents, geographical indications, trademarks, copyrights and industrial design as well as the protection of plant varieties.
2. The Parties shall provide technical assistance to each other in the field of IPR, and assist each other in improving intellectual property protection, enforcement, utilisation and commercialisation based upon the European experience, and enhancing the dissemination of knowledge thereof.
3. The Parties recognise the importance of and reaffirm their commitment to the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Public Health, adopted in Doha on 14 November 2001. The Parties shall respect and contribute to the implementation of the Decision of the WTO General Council of 30 August 2003 on Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health, as well as the Protocol amending the TRIPS Agreement, adopted in Geneva on 6 December 2005.

*Article 19***Digital Trade**

1. The Parties shall exchange information on regulatory matters in the context of digital trade in accordance with their respective laws and regulations, which shall address the following:
 - (a) the recognition and facilitation of interoperable electronic trust and authentication services;
 - (b) the treatment of direct marketing communications;

- (c) the protection of consumers;
 - (d) other matters relevant for the development of digital trade.
2. Recognising the global nature of digital trade, the Parties affirm the importance of actively participating in multilateral fora to promote the development of digital trade.

TITLE IV

COOPERATION IN THE AREA OF FREEDOM, SECURITY AND JUSTICE

Article 20

Rule of Law

1. In their cooperation under this Title, the Parties shall attach particular importance to the promotion of the rule of law and ensuring equal access to justice for all. To their mutual benefit, the Parties will cooperate fully on the effective functioning of institutions in the areas of law enforcement and the administration of justice.
2. Cooperation between the Parties will also include an exchange of information concerning legal systems and legislation.

Article 21

Gender Equality and Empowerment of Women and Girls

1. The Parties acknowledge the necessity of gender equality and the empowerment of all women and girls as a goal in its own right as well as a driver for democracy, sustainable and inclusive development, peace and security.
2. The Parties shall cooperate to promote gender equality, the full enjoyment of all human rights by women and girls and their empowerment, as well as ensure the mainstreaming of gender perspectives in the implementation of this Agreement.
3. The Parties shall exchange good practices and explore further schemes of cooperation and potential synergies between the Parties' respective gender-related policies and programmes, in accordance with international standards and commitments applicable to the Parties, such as the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UNGA on 18 December 1979, the Beijing Declaration and Platform for Action, adopted at the 4th World Conference on Women in Beijing on 15 September 1995, the Programme of Action of the International Conference on Population and Development and the outcome of its review conferences, the 2030 Agenda for Sustainable Development and UNSC Resolution 1325 (2000), and its subsequent resolutions on women, peace and security.

Article 22

Protection of Personal Data and Privacy

1. The Parties agree to cooperate in order to attain a high level of protection of personal data and privacy and its effective enforcement, in line with their obligations under international human rights law and other international legal instruments in this area, thus working towards facilitating the flow of personal data between the Parties as a key element for further developing commercial exchanges and cooperation on law enforcement in compliance with the respective laws and regulations of the Parties.
2. Cooperation on the protection of personal data and privacy includes, inter alia, technical and legal assistance in the form of exchange of information and best practices, training and expertise, as well as promoting enforcement cooperation by the respective supervisory authorities of the Parties, including in multilateral fora.

*Article 23***Judicial and Legal Cooperation**

1. The Parties shall enhance existing cooperation on mutual legal assistance and extradition based on relevant international agreements that are binding on them. The Parties shall, as appropriate, strengthen existing mechanisms and consider the development of new mechanisms to facilitate international cooperation in this area, notably through closer engagement with other relevant international legal cooperation networks.
2. The Parties endeavour to develop judicial cooperation in civil and commercial matters, in particular, as regards the implementation of their obligations under multilateral conventions on civil judicial cooperation, including the Conventions of the Hague Conference on Private International Law.
3. The Parties shall cooperate to promote the secure and efficient transmission of relevant judicial documents, and taking of evidence and hearings by video conference, as appropriate, as well as the protection of personal data, for the purpose of international judicial cooperation.

*Article 24***Consular Protection**

The Parties agree to hold regular exchanges with a view to further facilitating the provision of consular protection and to coordinate efforts regarding consular assistance, in particular in times of crisis.

*Article 25***Cooperation on Migration**

1. The Parties reaffirm the importance of a comprehensive engagement on all issues related to migration, including legal migration in line with EU and national competences, management of migratory flows with regard to illegal migration, root causes of illegal migration, international protection and the prevention of and fight against illegal migration, smuggling and trafficking in human beings.
2. The Parties shall cooperate, on a mutually acceptable basis and in a holistic way, in accordance with their respective international obligations as well as their respective laws and regulations in force. Cooperation will focus, inter alia, on:
 - (a) addressing the root causes of illegal migration;
 - (b) the development of rules and practices aimed at providing international protection for those in need in accordance with international law, while ensuring the respect for the principles of non-refoulement, humanity, international solidarity and cooperation and burden- and responsibility-sharing;
 - (c) the rules of admission, as well as the rights and status of persons admitted according to those rules, fair treatment of lawfully residing non-nationals, education and training, measures against racism and xenophobia;
 - (d) the establishment of an effective and preventive policy against illegal migration, the smuggling of migrants and trafficking in human beings in line with the United Nations Convention Against Transnational Organized Crime (UNTOC), adopted by UNGA Resolution No 55/25 of 15 November 2000 and its Protocols that have entered into force for the Parties, including ways to combat networks of smugglers, disrupt criminal networks involved in trafficking in human beings and protect the victims of such trafficking;
 - (e) the return, preferably voluntary, under safe, humane and dignified conditions of persons residing illegally, including the promotion of their voluntary and sustainable return, and the readmission of such persons in accordance with paragraph 3 of this Article;
 - (f) issues identified as being of mutual interest in the field of visas and security of travel documents;

(g) issues identified as being of mutual interest in the field of border management.

3. Within the framework of the cooperation to prevent and control illegal migration and without prejudice to the need for protection of victims of trafficking in human beings, the Parties further agree that:

- (a) Thailand shall readmit any of its nationals who do not or who no longer fulfil the conditions in force for entry to, presence in or residence on the territory of a Member State, upon request by the latter, without further formalities and without undue delay;
- (b) each Member State shall readmit any of its nationals who do not, or who no longer fulfil the conditions in force for entry to, presence in, or residence on the territory of Thailand, upon request by the latter, without further formalities and without undue delay;
- (c) the Member States and Thailand shall issue travel documents for such purposes. Where no documents or other proof of nationality are presented, the competent diplomatic and consular representations of the Member State concerned or Thailand shall, upon request of Thailand or the Member State concerned, cooperate fully in order to establish proof of nationality without delay.

4. As part of the consultations on migration issues, the Parties agree to initiate a dialogue on readmission, which, upon request by either Party, may lead, if conditions allow, to the conclusion of an agreement on readmission, including the use of the travel document of the EU ⁽¹⁾. The Parties may also consider initiating a dialogue on facilitating the movement of persons, which, upon request by either Party, may lead, if conditions allow, to the conclusion of an agreement on visa facilitation for citizens of the Member States and Thailand.

Article 26

Humanitarian Cooperation

The Parties endeavour to cooperate further on all issues concerning humanitarian cooperation and assistance, including on displaced persons and capacity-building support for officials dealing with displaced persons in their respective regions. The Parties shall cooperate on a mutually acceptable and case-by-case basis, in accordance with the respective international standards applicable to the Parties and the humanitarian principles of humanity, impartiality, independence and neutrality. Such efforts must continue to take into consideration a comprehensive view and understanding of the root causes of displacement and the search for sustainable solutions. The Parties commit to strengthening the humanitarian-development nexus.

Article 27

Combatting Organised Crime and Corruption

The Parties agree to cooperate in combatting transnational organised crime, economic and financial crime, serious crime ⁽²⁾ and corruption, and the fight against child sexual abuse. Such cooperation aims in particular at implementing and promoting relevant international standards and legal instruments to which the Parties are party, such as the UNTOC and its supplementing Protocols and the UN Convention against Corruption, adopted by UNGA Resolution No 58/4 of 31 October 2003.

⁽¹⁾ Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994 (OJ EU L 311, 17.11.2016, p. 13), including any subsequent amendments.

⁽²⁾ As defined in Article 2b UNTOC.

*Article 28***Cooperation in Preventing and Combatting Money Laundering and the Financing of Terrorism**

1. The Parties agree on the need to work towards and to cooperate on, in accordance with their respective laws and regulations, effectively preventing and combatting the abuse of their financial systems for the purposes of money laundering and the financing of terrorism.
2. The Parties agree to cooperate in developing and implementing laws, rules and regulations to combat money laundering and the financing of terrorism, in line with the standards developed by international bodies active in that area, such as the Financial Action Task Force.
3. Cooperation under this Article shall also aim to promote exchanges of relevant information in accordance with their respective laws and regulations.

*Article 29***Cooperation in the field of Drugs Policy**

1. The Parties shall cooperate, in accordance with their respective laws and regulations, to ensure a comprehensive, evidence-based, balanced and integrated approach through effective cooperation and coordination between the competent authorities, including those in the health, justice and interior sectors and other relevant sectors, with the aim of reducing the supply and trafficking of, and demand for, illicit drugs as well as the impact of such drugs on drug users and society at large, and to achieve a more effective prevention policy on drugs and to prevent the diversion of precursors, including "designer precursors", used for the illicit manufacture of narcotic drugs and psychotropic substances and new psychoactive substances.
2. The Parties shall agree on means of cooperation to attain the aims referred to in paragraph 1. Actions shall be based on commonly agreed principles set out in UN drug control conventions and all international drug control commitments of the respective Parties.
3. Cooperation in the field of drugs policy between the Parties shall comprise, inter alia, technical and administrative assistance, training of personnel, drug-related research, exchange of information and sharing of experiences on using information technology in the areas of drug control, as well as on innovative approaches to drugs policy, judicial and law enforcement cooperation, and the prevention of diversion of precursors, including "designer precursors", used for the illicit manufacture of narcotic drugs and psychotropic substances and new psychoactive substances. The Parties may agree to include other areas, such as the exchange of best practices or information on prevention, treatment, rehabilitation, reduction of harm and monitoring of drug addiction, medicines for drug substitution, as well as additional measures to enhance cooperation in drug precursors control, forensic science, drug-related financial investigation and alternative development.

TITLE V

COOPERATION IN OTHER SECTORS*Article 30***Human Rights**

1. The Parties agree to cooperate in the promotion and protection of human rights, based on the principle of mutual consent and respect. The Parties shall foster a regular meaningful, broad-based human rights dialogue.

2. Cooperation in the field of human rights may include, inter alia:
 - (a) capacity-building on implementing international human rights instruments applicable to the Parties and on strengthening the implementation of action plans related to human rights;
 - (b) promoting dialogue and exchanges of contacts and information on human rights;
 - (c) strengthening of constructive cooperation between the Parties within the UN human rights bodies.
3. The Parties shall cooperate on the strengthening of democratic principles, the rule of law and good governance. Such cooperation may include:
 - (a) strengthening cooperation between national and regional institutions competent in human rights, rule of law and good governance;
 - (b) collaborating and coordinating to reinforce democratic principles, human rights and the rule of law, including equality before the law, the access of people to effective legal aid and the right to a fair trial, due process and access to justice, in accordance with their obligations under international human rights law.

Article 31

Cooperation in the Financial Sector

The Parties agree to foster, according to their needs and within the framework of their respective programmes, laws and regulations, cooperation between financial institutions.

Article 32

Macroeconomic Policy Dialogue

The Parties agree to strengthen the dialogue between their authorities and cooperate on the sharing of experiences on macroeconomic policies, particularly in areas of economic integration.

Article 33

Good Governance in the Area of Taxation

With a view to strengthening and developing economic activities while taking into account the need to develop an appropriate regulatory framework, the Parties recognise and commit to implement the principles of good governance in the area of taxation, including global standards on tax transparency and the exchange of information, fair taxation and the minimum standards against base erosion and profit shifting. The Parties will promote good governance in taxation matters, improve international cooperation in the area of taxation, develop measures for the effective implementation of those principles and facilitate the collection of tax revenues for the purposes of prevention of tax evasion and avoidance.

Article 34

Industrial Policy and MSME Cooperation

The Parties, taking into account their respective economic policies and objectives, agree to promote industrial policy cooperation that supports inclusive, sustainable and development-oriented productive activities, decent job creation, entrepreneurship, creativity and innovation as well as supply chain resilience and access to finance in all fields deemed suitable, with a view to improving the formalisation and access to international markets, competitiveness and growth of MSMEs, inter alia, through:

- (a) exchanging information and sharing of experiences in creating framework conditions for improving the competitiveness of MSMEs;

- (b) promoting contacts between economic operators, encouraging joint investments and establishing joint ventures and information networks notably through existing EU horizontal programmes, in particular stimulating transfers of soft and hard technology between partners;
- (c) providing information and stimulating innovation and exchanging good practices on access to finance and the market;
- (d) supporting capacity-building for MSMEs so as to enable their smoother integration into the global economy and supply chains;
- (e) facilitating and supporting the activities established by MSMEs of the Parties;
- (f) promoting corporate social responsibility and accountability and encouraging responsible business practices, including sustainable consumption and production.

Article 35

Facilitating Business Cooperation

The Parties shall facilitate and support the relevant cooperation activities established by their private sectors.

Article 36

Cooperation on Information and Communication Technologies

1. Recognising that information and communication technologies (ICT) are key elements of modern life and of vital importance to economic and social development, the Parties agree to exchange views on their respective policies in this field to promote economic and social development and human rights and fundamental freedoms.
2. Cooperation in this area shall focus, inter alia, on:
 - (a) participation in different regional dialogues on the different aspects of the information society, in particular electronic communications policies and regulation, including universal service, licensing and general authorisations, protection of personal data, and the independence and efficiency of regulatory authorities;
 - (b) the interconnection and interoperability of the Parties' and Southeast Asian research networks and services;
 - (c) standardisation and dissemination of new ICT;
 - (d) the promotion of research cooperation between the Parties in the area of ICT;
 - (e) joint research projects in the area of ICT, in particular through EU research framework programmes, including cooperation between the Parties in particular in the areas of e-government, mobile applications, animation and multimedia;
 - (f) the security issues and/or aspects of ICT, including the promotion of online safety, combatting cybercrime, disinformation and misuse of information technology and all forms of electronic media.
3. Subject to the Parties' respective laws and regulations, business-to-business cooperation shall be encouraged.
4. The Parties shall cooperate on cybersecurity through the exchange of information on strategies, policies and best practices in compliance with their laws and regulations and international obligations.
5. The Parties shall promote the exchange of information on cybersecurity in the fields of education and training, awareness-raising initiatives, the use of their respective standards and technical specifications for the purposes of cybersecurity risk management and the cybersecurity of ICT products and services, including cybersecurity certification, as well as related research and development policies.

*Article 37***Science, Technology and Innovation Cooperation**

1. The Parties agree to cooperate in all fields of science, technology and innovation in areas of mutual interest, taking account of their respective policies. That cooperation will strengthen the support to multilateral and regional research and innovation initiatives to deliver new solutions to green, digital, health, social and innovation challenges. Joint actions will particularly be needed to prevent future global health crises, especially emerging infectious diseases, and for a joint commitment to build a healthier, safer, fairer and more sustainable world. Areas of cooperation may cover, inter alia, finding solutions to global challenges such as climate change, the biodiversity crisis, pollution, resource depletion or infectious diseases, including in crisis situations, and solutions enabling the green and digital transitions. Initiatives should show global leadership on climate and environmental ambitions.
2. The aims of cooperation in the field of science, technology and innovation shall be to:
 - (a) promote continuity of science, technology and innovation programmes and support economic development, a knowledge-based society, quality of life and sustainable environment;
 - (b) encourage exchanges of information and know-how on science, technology and innovation, especially on the implementation of policies and programmes;
 - (c) promote enduring relations between the scientific communities, research centres, universities and industries of the Parties;
 - (d) promote human resources development;
 - (e) promote joint research in scientific and technological cooperation and promote the equitable access to, the partnership in, and joint ownership of the research results in accordance with IPR rules, as well as shared values and principles and agreed framework conditions.
3. Cooperation in the field of science, technology and innovation shall take the form of joint research projects and exchanges, meetings and training of scientists through international mobility schemes, providing for the maximum dissemination of research results. Any intellectual property resulting from joint research and activities shall be shared on mutually agreed terms.
4. In cooperating in the field of science, technology and innovation, the Parties shall favour the participation of their respective governmental agencies, higher education institutions, research centres and productive sectors, in particular MSMEs.
5. The Parties agree to make all efforts to increase public awareness about possibilities offered by their science, technology and innovation cooperation programmes.

*Article 38***Climate Change**

1. The Parties consider that climate change represents an existential threat to humanity and reaffirm their commitment to strengthening the global response to that threat. The Parties reaffirm their commitment to achieve the objectives and goals of the UNFCCC and the Paris Agreement. Accordingly, each Party shall effectively implement the UNFCCC and the Paris Agreement.
2. The Parties aim to strengthen the global response to climate change and its impact. The Parties shall also enhance cooperation on policies to help mitigate climate change and to adapt to the adverse impacts of climate change, including sea-level rise, and to set their economies, including financial flows, towards low greenhouse gas emissions and climate-resilient development, in accordance with the Paris Agreement.
3. The aims of cooperation in the field of climate change shall be to:
 - (a) enhance the capacity and ability to address climate change challenges, based on and responsive to national needs;

- (b) enhance capacity-building in the implementation of nationally determined contributions and national adaptation plans and other mitigation measures in areas of mutual interest to support sustainable and low-carbon growth;
- (c) promote cooperation and dialogue on climate finance and on the development of financial mechanisms to address climate change, including the involvement of the private sector;
- (d) adapt to the adverse impact of climate change, including the integration of adaptation measures into the development strategies and planning of the Parties at all levels;
- (e) promote cooperation on research and development activities and mitigation and adaptation technologies;
- (f) promote awareness-raising, including for the most vulnerable populations and those living in vulnerable areas, facilitate public participation in response to climate change, and integrate an analysis on the gender implications of climate change in this regard;
- (g) promote cooperation and dialogue on the development of economic instruments to address climate change, such as carbon pricing and other instruments as appropriate;
- (h) promote the development of disaster risk reduction and management strategies, including for vulnerable areas and communities.

Article 39

Energy

1. The Parties endeavour to enhance cooperation in the energy sector with a view to:
 - (a) ensuring universal access to affordable, reliable and sustainable energy services and substantially increasing the share of renewable energy in the global energy mix;
 - (b) developing new, sustainable, innovative and renewable forms of energy, including biofuels and biomass, wind, solar and geothermal energy as well as hydro power generation, while noting the importance of the diversification of energy supplies to strengthen energy security;
 - (c) supporting the development of policies to render renewable energy more competitive;
 - (d) achieving the rational use of energy and improving energy efficiency from both supply and demand sides by promoting energy efficiency in energy production, transportation, distribution and end use;
 - (e) fostering cooperation in clean energy technology, including through research cooperation, in particular on renewable energy, energy storage and the decarbonisation of fossil-fuel use;
 - (f) promoting low-carbon power generation that contributes to a clean energy transition in line with the objectives of the Paris Agreement;
 - (g) enhancing capacity-building and promoting investment in energy infrastructures and clean energy technologies taking into account the principle of transparency;
 - (h) promoting competition and a favourable investment climate in the energy market.

2. To these ends, the Parties agree to promote contacts and joint research to their mutual benefit, including through regional energy cooperation. With the 2030 Agenda for Sustainable Development and the Paris Agreement as the overarching framework guiding the partnership, the Parties note the need to address the links between affordable access to clean energy services and sustainable development. Those activities can be promoted, inter alia, in cooperation with the EU Energy Initiative.

*Article 40***Transport**

1. The Parties endeavour to cooperate in relevant areas of transport policy with a view to promoting sustainable transport as well as quality, reliable, sustainable and resilient infrastructure, including regional and cross-border infrastructure, in line with relevant international standards and principles which are applicable to both Parties, improving the movement of goods and passengers, supporting economic development and human well-being, with a focus on affordable and equitable access for all, promoting maritime and aviation safety and security, promoting environmental protection, and increasing the efficiency of their transport systems.
2. Cooperation between the Parties in the area of transport shall aim to promote:
 - (a) the exchange of information on their respective transport policies and practices, especially regarding safe, affordable, accessible and sustainable urban and public transport systems for all, with special attention to the needs of those in vulnerable situations (including women, children, persons with disabilities and older persons), land transport, maritime transport, air transport, transport logistics and the interconnection and interoperability of multimodal transport networks;
 - (b) the civilian use of global navigation satellite systems with a focus on regulatory, industrial and market development issues of mutual benefit; in this regard, consideration will be given to the utilisation of the European global satellite navigation system to maximise the benefits for both Parties;
 - (c) a dialogue aimed at enhancing aviation safety, air transport infrastructure networks and operations for fast, efficient, sustainable, safe and secure movement of people and goods, and at examining possibilities for the further development of relations in the field of air transport; civil aviation cooperation should be further promoted;
 - (d) a dialogue in the field of maritime transport services in areas of mutual interest aiming in particular at:
 - (i) facilitating and cooperating on the elimination of all obstacles which might impede the development of maritime trade and improving conditions under which maritime cargo transport operations are carried out between the ports of the Parties;
 - (ii) providing unrestricted access to international and cross-trades on a commercial basis;
 - (iii) enhancing the competitiveness of the maritime transport sector of the Parties; and
 - (iv) granting non-discriminatory treatment to vessels flying the flag of a Member State or Thailand, respectively, or operated by nationals or companies of the other Party as compared to the treatment accorded to its own vessels regarding access to ports, auxiliary services and port services, including the role of maritime transport in developing an efficient transport chain;
 - (e) the implementation of security, safety and marine pollution prevention standards and reduction, notably as regards maritime transport, in line with the international conventions applicable to the Parties, including cooperation in the appropriate international fora aimed at ensuring better enforcement of international regulations.

*Article 41***Tourism**

1. Guided by the relevant international guidelines for sustainable tourism, the Parties shall aim to improve the exchange of information and establish best practice in order to ensure a balanced development of sustainable tourism that creates jobs and promotes local culture and products, and promote the development of tools to monitor sustainable development impacts for sustainable tourism.

2. The Parties agree to develop cooperation on safeguarding and maximising the potential of natural and cultural heritage, by mitigating the negative impacts of tourism, in particular the exploitation of human beings, especially children, in any form, by respecting wildlife, flora, biodiversity and ecosystems, and by enhancing the positive contribution of the tourism business to the sustainable development of local communities, inter alia, by developing sustainable tourism, while respecting the integrity and interests of local and traditional communities, and improving training in the tourism industry.

Article 42

Education and Culture

1. The Parties agree to promote education and cultural cooperation that duly respects their diversity, in order to increase mutual understanding and knowledge of their respective cultures and languages.

2. The Parties endeavour to take appropriate measures to promote the contribution of education and culture to sustainable development training and cultural exchanges and to carry out joint initiatives in those areas, including the joint organisation of cultural events. In that regard, the Parties also agree to continue supporting the activities of the Asia-Europe Foundation.

3. The Parties agree to cooperate closely in relevant international fora, such as the United Nations Educational Scientific and Cultural Organization (Unesco), in order to enhance the preservation of tangible and intangible cultural heritage, notably in the context of the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by the Unesco General Conference on 16 November 1972 and the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted by the Unesco General Conference on 17 October 2003, while attaching significance to the promotion of cultural diversity for the development of the arts and a knowledge-based creative economy.

4. The Parties shall furthermore encourage measures designed to create links between their respective specialist agencies and to encourage exchanges of information, know-how, students, academic staff and experts, and further promote links between think-tanks. In their cooperation and in the use of technical resources, advantage shall be taken of the facilities offered by EU programmes in Southeast Asia in the field of education and culture as well as of the experience that the Parties have acquired in that area. The Parties also agree to intensify higher education cooperation and promote the implementation of the Erasmus+ programme, as well as to exchange best practices in the field of youth policies and youth work.

Article 43

Environment and Natural Resources

1. The Parties agree on the need to cooperate on environment protection and towards low-carbon, resilient, resource-efficient and circular economies, including bioeconomy, decoupling economic growth from environmental degradation, and to conserve and manage, in a sustainable manner, natural resources and to foster biological diversity as a basis for the development of current and future generations.

2. The Parties agree that cooperation on environmental and natural resources shall promote the efficient use of resources, conservation and improvement of the environment in pursuit of sustainable development. In carrying out their cooperation, the Parties will work towards the implementation of the 2030 Agenda for Sustainable Development and the effective implementation of relevant multilateral environmental agreements, including the Paris Agreement.

3. The Parties endeavour to continue and strengthen their cooperation on the protection of the environment, specifically as regards:

(a) the promotion of environmental awareness and good environmental governance including enhanced and meaningful participation of local communities in environmental protection and sustainable development efforts;

- (b) the transition to a circular economy to ensure sustainable consumption and production, to maximise resource efficiency and minimise the generation of waste, particularly plastic waste, and to prevent marine plastics and micro-plastics pollution;
- (c) the integration of ecosystem and biodiversity values into national and local planning, poverty reduction strategies and accounts, and promote the implementation of relevant multilateral environmental agreements, including on biodiversity and international wildlife trade;
- (d) the protection, conservation and restoration of land and soils and sustainable land management to achieve a land degradation neutral world;
- (e) cooperation towards sustainable forest management and improving forest governance, including contributions to regional cooperation in combatting illegal logging and its associated trade, deforestation and forest degradation, including through promoting deforestation-free supply chains in agricultural commodities, promoting conservation, afforestation, reforestation, restoration and enhancement of forest carbon stocks; this may include the conclusion of a Forest Law Enforcement, Governance and Trade Voluntary Partnership Agreement;
- (f) the effective management of national parks and the designation and protection of areas of rich biodiversity and fragile ecosystems, with due regard for local communities living in or near those areas and for threatened and endangered species;
- (g) the protection and sustainable management of coastal and marine resources, including marine protected areas and environment;
- (h) the prevention of illegal transboundary movement of chemicals, solid and electronic waste, marine debris, ozone-depleting substances, and threatened and endangered species, and the prevention of water, soil, air and noise pollution;
- (i) ensuring inclusive, resilient and environmentally sound chemicals and waste management;
- (j) the promotion of cooperation on sustainable management of water and sanitation to ensure water availability, quality and efficiency;
- (k) the promotion of eco-innovation and clean technologies, to promote and deploy environmental technologies, sustainable products and services, including through appropriate fiscal and financial incentives;
- (l) the promotion of the utilisation of Earth observation systems for environmental issues, as well as related capacity-building and experience-sharing.

Article 44

Ocean Governance

1. The Parties shall strengthen dialogue and cooperation on issues of ocean governance with a view to promoting long-term conservation and sustainable management of marine living resources and marine ecosystems.
2. The Parties shall enhance cooperation on the conservation, management and sustainable exploitation of marine living resources as defined in the UN Convention on the Law of the Sea (UNCLOS), adopted by the Third Conference on the Law of the Sea on 10 December 1982, and the Food and Agricultural Organisation (FAO) Code of Conduct for Responsible Fisheries, adopted by FAO Conference Resolution No 4/95 of 31 October 1995. The Parties undertake to cooperate in promoting the implementation of the objectives of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted in Rome on 24 November 1993, and the UN Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted in New York on 4 August 1995.
3. The Parties furthermore agree to cooperate:
 - (a) in promoting the implementation of the FAO Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing, adopted in Rome on 22 November 2009;

- (b) with and within the Regional Fisheries Management Organisations or Arrangements to which they are members, observers, or cooperating non-contracting parties, with the aim of promoting the conservation and sustainable management of marine living resources and their ecosystems;
- (c) on the fight against illegal, unreported and unregulated (IUU) fishing and fishing-related activities with comprehensive, effective and transparent measures, including by sharing experiences, promoting capacity-building and exchanging information on IUU fishing activities, where appropriate, taking into account data confidentiality and national laws;
- (d) in promoting the fundamental principles and rights at work in the fishing and seafood sector and in the implementation of the ILO Work in Fishing Convention No 188, adopted in Geneva on 30 May 2007;
- (e) on the development of sustainable and responsible marine aquaculture, including on the implementation of the objectives and principles of the FAO Code of Conduct for Responsible Fisheries;
- (f) on the reduction of the pressures on the oceans, inter alia, through the fight against marine litter and pollution, including from land-based and ship-based sources as well as maritime human activities under international obligations applicable to the Parties, and through adaptation and mitigation measures to enhance the resilience of the oceans and coastal communities to climate change.

Article 45

Agriculture, Livestock, Fisheries and Rural Development

1. The Parties agree to promote dialogue in relation to agriculture, livestock, fisheries and rural development. The Parties will exchange information and develop cooperation with regard to:
 - (a) agricultural policy and the international agricultural outlook in general;
 - (b) the promotion and facilitation of agricultural trade, including trade in plants, animals, aquatic animals and their products;
 - (c) development policy in rural areas, including other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment;
 - (d) policy on plants, animals, aquatic animal products including agricultural quality schemes such as geographical indications and organic production, as well as cooperation on Good Agricultural Practices;
 - (e) the promotion of organic agriculture certification and accreditation systems and sustainable agricultural production.
2. The Parties agree to promote technology cooperation, capacity-building or any other forms of cooperation that increase productivity, safe and sustainable production and resilient practices in agriculture, livestock, fisheries and rural development areas, and that improve preparedness, prevention, detection, response and control of plant, animal and zoonotic diseases in line with the One Health approach and international standards.
3. The Parties agree to encourage the public and private sectors to discuss and exchange business information, including business matching and trade promotion events for agricultural products.

Article 46

Health

1. The Parties agree to cooperate and share experiences and best practices in the health sector with a view to strengthening activities in the field of research, addressing the threat from major non-communicable diseases and communicable diseases, including the COVID-19 pandemic, and strengthening universal health coverage, as well as health services, including sexual and reproductive healthcare services. The Parties also agree to exchange views and best practices on regulatory issues relevant to pharmaceuticals and medical devices.

2. Cooperation in the field of health shall take place mainly through international fora, including the World Health Organization, and multilateral initiatives, in areas such as:
- (a) joint research and major vertical health programme development; joint research via multilateral initiatives such as the Global Alliance for Chronic Diseases and Global Research Collaboration for Infectious Disease Preparedness;
 - (b) capacity-building and human resource development;
 - (c) international agreements in the health sector.

Article 47

Employment and Social Affairs

1. The Parties agree to enhance cooperation and promote technical assistance in the field of employment and social affairs, including cooperation on regional and social cohesion, health and safety at the workplace, gender equality and equal pay for work of equal value, lifelong learning and skills development, social protection and decent work, with a view to strengthening the social dimension of globalisation.
2. The Parties reaffirm the need to support the process of globalisation which is beneficial to all and to promote full and productive employment and decent work as a key element of sustainable development and poverty reduction, as endorsed by the 2030 Agenda for Sustainable Development, the ILO Declaration on Social Justice for a Fair Globalisation, adopted in Geneva on 10 June 2008, and the ILO Centenary Declaration for the Future of Work, adopted in Geneva on 21 June 2019. The Parties shall take into account the respective characteristics and diverse nature of their economic and social situations.
3. The Parties reaffirm their respective commitments to promote and effectively implement internationally recognised social and labour standards, and to respect, promote and realise the fundamental principles and rights at work as laid down in the ILO Declaration on Fundamental Principles and Rights at Work, adopted in Geneva on 18 June 1998 and amended on 10 June 2022. The Parties agree to cooperate and to provide technical assistance with a view to working towards the ratification and implementation of the fundamental ILO Conventions as well as to cooperate on promoting the ratification and implementation of other up-to-date ILO Conventions as appropriate, including as regards violence and harassment in the world of work.
4. The Parties agree to promote cooperation between government and social partners in the fields of employment and social affairs as well as exchanges of information regarding employment, health and safety at work, labour inspections and social dialogue on social and labour protection.
5. Cooperation in the field of employment and social affairs may include, inter alia, specific programmes and projects, as mutually agreed, as well as dialogue, cooperation and initiatives on topics of common interest at bilateral or multilateral level, such as at the ASEM, at EU-ASEAN level and at the ILO.

Article 48

Statistics

The Parties agree to promote, in accordance with existing statistical cooperation activities between the EU and ASEAN, cooperation in harmonising statistical methods and practice including the gathering, processing, analysing and dissemination of statistics to increase the availability of high-quality, timely, relevant and more detailed aggregated data, thus enabling them to use, on a mutually acceptable basis, statistics on trade in goods and services and, more generally, on any other area covered by this Agreement which lends itself to statistical processing. The Parties underline the importance of data and statistics for the implementation of the 2030 Agenda for Sustainable Development.

*Article 49***Civil Society**

The Parties recognise the role and contribution of civil society, especially academics, social partners, as well as links between think tanks and social partners, in the dialogue and cooperation process under this Agreement and agree to encourage and promote effective dialogue with civil society, and promote their effective and constructive participation as well as multi-stakeholder partnerships.

TITLE VI

MEANS OF COOPERATION*Article 50***Resources for Cooperation**

1. The Parties agree to make available the appropriate resources, including financial means, insofar as their respective resources and regulations allow, in order to attain the cooperation aims set out in this Agreement.
2. The Parties shall encourage the European Investment Bank to continue its operations in Thailand, in accordance with its procedures and financing criteria.

*Article 51***Cooperation in the Development of Third Countries**

1. The Parties agree to establish a regular dialogue on their respective development programmes in third countries.
2. The Parties agree to cooperate in joint actions aimed at providing assistance for sustainable development to countries neighbouring Thailand and beyond, in relevant sectors for trilateral cooperation. The areas of cooperation are to be determined by all partners involved, based on the needs of beneficiary countries, the capacity and expertise of the EU and Thailand, and to be decided on an *ad hoc* basis.

TITLE VII

INSTITUTIONAL FRAMEWORK*Article 52***Joint Committee**

1. A Joint Committee is hereby established, composed of representatives of both Parties at the highest possible level, the tasks of which shall be to:
 - (a) ensure the proper functioning and implementation of this Agreement;
 - (b) set priorities in relation to the aims of this Agreement;
 - (c) make recommendations for promoting the aims of this Agreement;
 - (d) settle, where applicable, any difference or divergence arising in the interpretation, implementation or application of this Agreement in accordance with Article 55;
 - (e) examine all information presented by either Party regarding the non-fulfilment of the obligations under this Agreement and hold consultations with the other Party to seek an amicable and mutually acceptable solution to the Parties in accordance with Article 55.

2. The Joint Committee shall normally meet not less than every two years in Bangkok and Brussels alternately, on a date to be fixed by mutual agreement. Extraordinary meetings of the Joint Committee may also be convened by agreement between the Parties. The Joint Committee shall be chaired alternately by each Party. The agenda for meetings of the Joint Committee shall be determined by agreement between the Parties.
3. The Joint Committee may set up specialised working groups in order to assist it in the performance of its tasks. These working groups shall make detailed reports of their activities to the Joint Committee at each of its meetings.
4. The Parties agree that it shall also be the task of the Joint Committee to ensure the proper functioning of any sectoral agreement or protocol concluded or to be concluded between the Parties.
5. The Joint Committee shall adopt its own rules of procedure.

TITLE VIII

FINAL PROVISIONS

Article 53

Future Developments Clause

1. The Parties may, by mutual consent, expand this Agreement with a view to enhancing the level of cooperation, including through supplementing it by means of agreements or protocols on specific areas, sectors or activities. Such specific agreements or protocols shall be an integral part of the overall bilateral relations between the Parties and shall be subject to a common institutional framework.
2. With regard to the implementation of this Agreement, either Party may put forward suggestions for widening the scope of cooperation, taking into account the experience gained in the application of this Agreement.

Article 54

Other Agreements

1. Without prejudice to the relevant provisions of the Treaty on European Union and the Treaty on the Functioning of the European Union, neither this Agreement nor action taken hereunder shall in any way affect the powers of the Member States to undertake bilateral cooperation activities with Thailand or to conclude, where appropriate, new partnership and cooperation agreements with Thailand.
2. This Agreement shall not affect the application or implementation of commitments undertaken by either Party in relation with third parties.
3. Nothing in this Agreement shall preclude a Party from taking any action, including dispute settlement action, under any other international agreement to which both Parties are party.

Article 55

Fulfilment of Obligations

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the aims set out in this Agreement are attained.
2. In accordance with Article 52(1)(d), either Party may refer to the Joint Committee any divergence in the application or interpretation of this Agreement.

3. If either Party considers that the other Party has failed to fulfil any of its obligations under this Agreement, it may take appropriate measures in accordance with international law.

4. Before taking appropriate measures referred to in paragraph 3, except in the cases referred to in paragraph 5, such Party shall present to the Joint Committee all the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. The Parties shall hold consultations under the auspices of the Joint Committee. Where the Joint Committee is unable to reach a mutually acceptable solution, such Party may take appropriate measures.

5. If either Party has serious grounds to consider that the other Party has failed to fulfil in a substantial manner any of the obligations that are described as essential elements in Articles 1(1) and 3(1), it shall immediately notify the other Party of such non-fulfilment. At the request of either Party, the Joint Committee, or another body designated by mutual agreement of the Parties, shall hold immediate consultations within a period of up to 30 days for a thorough examination of any aspect of, or the basis for, the measure with a view to seeking a solution acceptable to the Parties. After that period, the notifying Party may apply appropriate measures.

6. In the selection of the appropriate measures, priority must be given to those which least disturb the functioning of this Agreement or, as the case may be, of any other specific agreement referred to in Article 53(1). Such measures shall be temporary in nature and proportionate to the violation with a view to encouraging the eventual fulfilment of the obligations. For the purposes of paragraph 4, "appropriate measures" may include the suspension of this Agreement, in whole or in part. For the purposes of paragraph 5, "appropriate measures" may include the suspension of this Agreement, in whole or in part, or of any specific agreement referred to in Article 53(1). The decision to suspend would be taken by each Party in accordance with their respective laws and regulations.

7. Either Party may request the Joint Committee to review the circumstances that gave rise to the application of appropriate measures, with a view to seeking a mutually acceptable solution for the Parties. The Party taking the appropriate measures shall withdraw them as soon as warranted.

Article 56

Facilitation

To facilitate cooperation in the framework of this Agreement, the Parties agree to grant the necessary facilities to officials and experts involved in the implementation of cooperation for the performance of their functions, in accordance with their respective laws and regulations.

Article 57

Territorial Application

This Agreement shall apply, on the one hand, to the territories in which the Treaty on European Union and the Treaty on the Functioning of the European Union apply under the conditions laid down in those Treaties, and on the other hand, to the territory of Thailand.

Article 58

Definition of the Parties

For the purpose of this Agreement, "the Parties" shall mean the EU or its Member States or the EU and its Member States, in accordance with their respective powers, on the one hand, and Thailand, on the other.

*Article 59***Entry into Force and Provisional Application**

1. This Agreement shall enter into force thirty (30) days after the date on which the last Party has notified the other Party of the completion of their respective internal legal procedures necessary for that purpose.
2. Notwithstanding paragraph 1, Thailand and the EU may provisionally apply this Agreement, in whole or in part, in accordance with their respective internal procedures, pending its entry into force.
3. Such provisional application shall take effect thirty (30) days following the date on which:
 - (a) the EU has notified Thailand of the completion of its necessary procedures, indicating the parts of this Agreement that shall be provisionally applied; and
 - (b) Thailand has notified the EU of the completion of its necessary procedures, accepting the parts of the Agreement that shall be provisionally applied.
4. Either Party may notify the other Party in writing of its intention to terminate the provisional application of this Agreement. The termination shall take effect thirty (30) days after the date of the receipt of such notification.
5. For the provisions in this Agreement that are provisionally applied, the entry into force of this Agreement shall be understood to refer to the date of provisional application as set out in paragraph 3.
6. The Joint Committee and other bodies established under this Agreement may exercise their functions during the provisional application of this Agreement to the extent that those functions are necessary for ensuring the provisional application of this Agreement. Any decisions adopted in the exercise of their functions shall cease to be effective if the provisional application of this Agreement is terminated in accordance with paragraph 4.

*Article 60***Duration and Termination**

1. This Agreement shall be valid for a period of five (5) years. It shall be automatically extended for further successive periods of one year, unless either Party notifies the other Party in writing of its intention not to extend this Agreement six (6) months prior to the end of any subsequent one-year period.
2. This Agreement may be terminated by either Party by written notice given to the other Party. The termination shall take effect six (6) months after receipt of the notification by the other Party. Such termination shall not affect ongoing projects commenced under this Agreement prior to the receipt of the notification.

*Article 61***Amendments**

Any amendments to this Agreement shall be made by agreement between the Parties. Any amendments shall become effective from the date of the last written notification that all necessary formalities have been completed for that purpose.

*Article 62***Joint Declarations**

The Joint Declarations annexed to this Agreement shall form an integral part of this Agreement.

*Article 63***Notifications**

Notifications made in accordance with Article 59, 60 and 61 shall be made to the Secretary-General of the Council of the European Union and the Ministry of Foreign Affairs of Thailand, respectively.

*Article 64***Authentic Texts**

This Agreement is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Thai languages, each of these texts being equally authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorised to this effect, have signed this Agreement.

Съставено в Брюксел на четиринадесети декември две хиляди двадесет и втора година.

Hecho en Bruselas, el catorce de diciembre de dos mil veintidós.

V Bruselu dne čtrnáctého prosince dva tisíce dvacet dva.

Udfærdiget i Bruxelles den fjortende december to tusind og toogtyve.

Geschehen zu Brüssel am vierzehnten Dezember zweitausendzweiundzwanzig.

Kahe tuhande kahekümne teise aasta detsembrikuu neljateistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα τέσσερις Δεκεμβρίου δύο χιλιάδες είκοσι δύο.

Done at Brussels on the fourteenth day of December in the year two thousand and twenty two.

Fait à Bruxelles, le quatorze décembre deux mille vingt-deux.

Arna dhéanamh sa Bhruiséil, an ceathrú lá déag de mhí na Nollag sa bhliain dhá mhíle fiche agus a dó.

Sastavljeno u Bruxellesu četrnaestog prosinca godine dvije tisuće dvadeset druge.

Fatto a Bruxelles, addì quattordici dicembre duemilaventidue.

Briselē, divi tūkstoši divdesmit otrā gada četrpadsmitajā decembrī.

Priimta du tūkstančiai dvidešimt antrų metų gruodžio keturiolikta dieną Briuselyje.

Kelt Brüsszelben, a kétezer-huszonkettedik év december havának tizenegyedik napján.

Magħmul fi Brussell, fl-erbatax-il jum ta' Diċembru fis-sena elfejn u tnejn u għoxrin.

Gedaan te Brussel, veertien december tweeduizend tweeëntwintig.

Sporządzono w Brukseli dnia czternastego grudnia roku dwa tysiące dwudziestego drugiego.

Feito em Bruxelas, em catorze de dezembro de dois mil e vinte e dois.

Întocmit la Bruxelles la paisprezece decembrie două mii douăzeci și doi.

V Bruseli štrnásteho decembra dvetisícdvadsaťdva.

V Bruslju, štirinajstega decembra dva tisoč dvaindvajset.

Tehty Brysselissä neljäntenätoista päivänä joulukuuta vuonna kaksituhattakaksikymmentäkaksi.

Som skedde i Bryssel den fjortonde december år tjugohundratjugotvå.

ทำ ณ กรุงบรัสเซลส์ เมื่อวันที่ 14 ธันวาคม คริสต์ศักราชสองพันยี่สิบสอง

Voor het Koninkrijk België
Pour le Royaume de Belgique
Für das Königreich Belgien



Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

За Република България



Za Českou republiku



For Kongeriget Danmark



Für die Bundesrepublik Deutschland



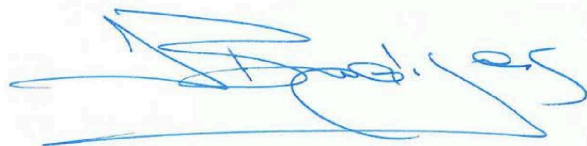
Eesti Vabariigi nimel



Thar ceann na hÉireann
For Ireland



Για την Ελληνική Δημοκρατία



Por el Reino de España



Pour la République française



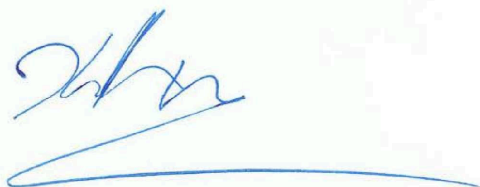
Za Republiku Hrvatsku



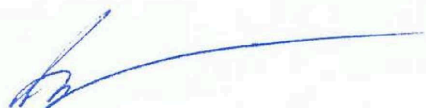
Per la Repubblica italiana



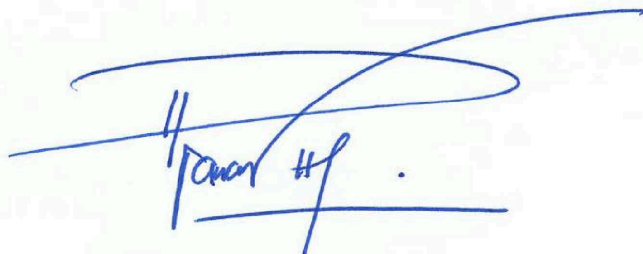
Για την Κυπριακή Δημοκρατία



Latvijas Republikas vārdā –



Lietuvos Respublikos vardu



Pour le Grand-Duché de Luxembourg



Magyarország részéről



Għar-Repubblika ta' Malta



Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



Nikolaus Janzic

W imieniu Rzeczypospolitej Polskiej



Andrzej Szwed

Pela República Portuguesa



António Costa

Pentru România



Florin Ciampă

Za Republiko Slovenijo



Za Slovenskú republiku



Suomen tasavallan puolesta
För Republiken Finland



För Konungariket Sverige



За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Thar ceann an Aontais Eorpaigh
 Za Europsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 Föör Europeiska unionen

สำหรับราชอาณาจักรไทย

JOINT DECLARATION ON ARTICLE 5
(SERIOUS CRIMES OF INTERNATIONAL CONCERN)

The Member States and Thailand are both signatories of the Rome Statute of the International Criminal Court, which constitutes an important development for the international justice system and its effective functioning. The Rome Statute stipulates that genocide, crimes against humanity and war crimes are "serious crimes of international concern".

JOINT DECLARATION ON ARTICLE 23
(JUDICIAL AND LEGAL COOPERATION)

The Royal Thai Government shall proceed by every means in accordance with its laws to assure that the person shall not serve the death sentence, and if the Court gives a death sentence, the Royal Thai Government shall submit a recommendation for a Royal Pardon.

REGULATIONS

COUNCIL REGULATION (EU) 2022/2563

of 19 December 2022

amending Regulation (EU) 2021/2283 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) In order to ensure a sufficient and uninterrupted supply of certain agricultural and industrial products which are produced in insufficient quantities in the Union and thereby avoid any disturbances on the market for those products, autonomous tariff quotas of the Union ('quotas') were opened by Council Regulation (EU) 2021/2283 ⁽¹⁾. Within those quotas, products can be imported into the Union at reduced or zero duty rates.
- (2) As it is in the Union's interest to ensure an adequate supply of certain industrial products, and having regard to the fact that identical, equivalent or substitute products are not produced in sufficient quantities within the Union, it is necessary to open new tariff quotas with order numbers 09.2921, 09.2922, 09.2923, 09.2924, 09.2925, 09.2926, 09.2927 and 09.2931 at zero duty rates for appropriate quantities of those products.
- (3) As the scope of the tariff quotas with order numbers 09.2723 and 09.2763 has become inadequate to fulfil the needs of the economic operators in the Union, the description of the products covered by those quotas should be amended. The indication of the applicable TARIC code for those products should therefore be amended.
- (4) As it is in the Union's interest to ensure an adequate supply of certain industrial products, the volumes of quotas with order numbers 09.2563, 09.2682, 09.2828 and 09.2854 should be increased.
- (5) As the Union production capacity for certain industrial products has been increased the volumes of quotas with order numbers 09.2575 and 09.2913 should be decreased.
- (6) For the quotas with order numbers 09.2583, 09.2819, 09.2839 and 09.2855, the quota period should be extended and the quota volume should be adapted on a yearly basis, as the quotas were opened for a period of six months only and it is still in the Union's interest to maintain them.
- (7) As it is no longer in the Union's interest to maintain the quotas with order numbers 09.2003, 09.2576, 09.2577, 09.2592, 09.2650, 09.2673, 09.2688, 09.2694, 09.2708, 09.2710, 09.2734, 09.2799, 09.2829, 09.2866 and 09.2880, they should be closed with effect from 1 January 2023.
- (8) Relations between the Union and Russia have deteriorated over the past years, particularly due to Russia's disregard for international law and its unprovoked and unjustified war of aggression against Ukraine. On 6 October 2022, the Council adopted an eighth package of sanctions against Russia over its continued war of aggression against Ukraine and the reported atrocities committed by Russian armed forces in Ukraine.

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

- (9) While Russia is a member of the World Trade Organization (WTO), the Union can rely on the exceptions that apply under the Agreement Establishing the World Trade Organization (the 'WTO Agreement'), and in particular Article XXI of the General Agreement on Tariffs and Trade (GATT) 1994, in particular with regard to the obligation to accord to products imported from Russia the advantages granted to like products imported from other countries (most-favoured-nation treatment).
- (10) In light of the deterioration of the relations between the Union and Russia, in order to ensure coherence with the Union's actions and principles in the field of the Union's external action, it would therefore not be appropriate to allow products originating from Russia to enjoy duty-free treatment and most-favoured-nation treatment with regard to the products covered by this Regulation. Therefore, it is necessary to remove the respective quotas for those products.
- (11) Relations between the Union and Belarus have deteriorated over the past years, because of the Belarusian regime's disregard for international law, fundamental rights and human rights. In addition, Belarus has provided extensive support to the Russian war of aggression against Ukraine from its very beginning.
- (12) Since October 2020, the Union has progressively imposed restrictive measures against Belarus over continued human rights abuses, the instrumentalisation of migrants and the involvement of Belarus in the Russian war of aggression against Ukraine. As Belarus is not a member of WTO, the Union is not obliged, by virtue of the WTO Agreement, to accord the most-favoured-nation treatment to products from Belarus. In addition, trade agreements allow for certain actions to be taken that are justified on the basis of applicable exception clauses, in particular security exceptions.
- (13) In light of the deterioration of the relations between the Union and Belarus, in order to ensure coherence with the Union's actions and principles in the field of the Union's external action, it would therefore not be appropriate to allow products originating from Belarus to enjoy duty-free treatment and most-favoured-nation treatment with regard to the products covered by this Regulation. Therefore, it is necessary to remove the respective quotas for those products.
- (14) However, in order to ensure an appropriate supply and avoid serious disturbances in some Union markets, it is necessary to retain the quotas with order numbers 09.2600, 09.2742, 09.2698 and 09.2835 for certain products originating in Russia, falling under TARIC codes 2712 90 39 10, 2926 10 00 10, 3204 17 00 30 and 7604 29 10 30, respectively. Those products represented more than 50 % of the total value of imports into the Union in the years 2019 to 2021 with no or limited alternative suppliers from other third countries. The value of those imports would indicate that the Union industry operators are dependent to a very large extent on those imports and that the removal of the quotas would cause disproportionate hardship to those operators.
- (15) Therefore, the removal of the suspension of the Common Customs Tariff ('CCT') duties on certain products originating from Russia or Belarus is appropriate and permitted, in application of Article XXI of GATT 1994 and the General Rules concerning duties set out in Annex I to Council Regulation (EEC) No 2658/87 ⁽²⁾, and in particular Part One, Section I, Part B, point 1, thereof.
- (16) As indicated by the Commission in its communication of 13 December 2011 concerning autonomous tariff suspensions and quotas (the 'communication'), the granting of quotas constitutes an exception to the application of the CCT duties. The re-introduction of such CCT duties to the imports originating in Russia or Belarus therefore constitutes a return to the normal state of affairs. Thus, the limited removal of quotas for certain products originating from Russia or Belarus is not a restrictive or prohibitive measure, but its purpose is to prevent those countries from indirectly benefiting from a unilateral Union measure, and to ensure the overall coherence of the Union's actions.
- (17) Regulation (EU) 2021/2283 should therefore be amended accordingly.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

- (18) In order to avoid any interruption in the application of the quota scheme and to comply with the guidelines set out in the communication, the changes provided for in this Regulation regarding the quotas for the products concerned should apply from 1 January 2023. This Regulation should therefore enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2021/2283 is amended as follows:

- (1) in Article 1, the following paragraph is added:

‘4. The suspension laid down in paragraph 2 does not apply to products originating in Russia, with the exception of quota order numbers 09.2600, 09.2742, 09.2698 and 09.2835, or in Belarus.’;

- (2) the Annex is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2023.

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

Done at Brussels, 19 December 2022.

For the Council
The President
J. SÍKELA

ANNEX

ANNEX

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals ⁽¹⁾ ⁽²⁾	1.1.-31.12.	700 tonnes	0 %
09.2664	ex 2008 60 39	30	Sweet cherries containing added spirit, with a sugar content of not more than 9 % by weight, of a diameter of not more than 19,9 mm, with stones, for use in chocolate products ⁽¹⁾	1.1.-31.12.	1 000 tonnes	10 %
09.2925	ex 2309 90 31 ex 2309 90 31 ex 2309 90 96 ex 2309 90 96	41 49 41 49	Feed additive, consisting on dry weight basis of: — 68 % or more, but not more than 80 % of L-lysine sulphate, and — not more than 32 % of other components such as carbohydrates and other amino acids	1.1.-31.12.	100 000 tonnes	0 %
09.2913	ex 2401 10 35 ex 2401 10 70 ex 2401 10 95 ex 2401 10 95 ex 2401 10 95 ex 2401 20 35 ex 2401 20 70 ex 2401 20 95 ex 2401 20 95 ex 2401 20 95	91 10 11 21 91 91 10 11 21 91	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than EUR 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 ⁽¹⁾	1.1.-31.12.	3 000 tonnes	0 %
09.2828	2712 20 90		Paraffin wax containing by weight less than 0,75 % of oil	1.1.-31.12.	140 000 tonnes	0 %
09.2600	ex 2712 90 39	10	Slack wax (CAS RN 64742-61-6)	1.1.-31.12.	100 000 tonnes	0 %
09.2578	ex 2811 19 80	50	Sulphamidic acid (CAS RN 5329-14-6) with a purity by weight of 95 % or more, whether or not with not more than 5 % addition of the anti-caking agent silicon dioxide (CAS RN 112926-00-8)	1.1.-31.12.	27 000 tonnes	0 %
09.2928	ex 2811 22 00	40	Silica filler in the form of granules, with a purity by weight of 97 % or more of silicon dioxide	1.1.-31.12.	1 700 tonnes	0 %
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide (CAS RN 1314-35-8 or CAS RN 39318-18-8)	1.1.-31.12.	12 000 tonnes	0 %
09.2819	ex 2833 25 00	30	Copper hydroxide sulfate (Cu ₄ (OH) ₆ (SO ₄)), hydrate (CAS RN 12527-76-3) with a purity by weight of 98 % or more	1.1.-31.12.	240 000 kilograms	0 %

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

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2808	ex 2918 22 00	10	O-acetylsalicylic acid (CAS RN 50-78-2)	1.1.-31.12.	120 tonnes	0 %
09.2646	ex 2918 29 00	75	Octadecyl 3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate (CAS RN 2082-79-3) with: — a sieve passing fraction at a mesh width of 500 µm of more than 99 % by weight, and — a melting point of 49°C or more, but not more than 54 C, for use in the manufacture of PVC processing stabilizer-one packs based on powder mixtures (powders or press granulates) (1)	1.1.-31.12.	380 tonnes	0 %
09.2647	ex 2918 29 00	80	Pentaerythritol tetrakis(3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate) (CAS RN 6683-19-8) with: — a sieve passing fraction at a mesh width of 250 µm of more than 75 % by weight and at a mesh width of 500 µm of more than 99 % by weight, and — a melting point of 110 °C or more, but not more than 125°C, for use in the manufacture of PVC processing stabilizer-one packs based on powder mixtures (powders or press granulates) (1)	1.1.-31.12.	140 tonnes	0 %
09.2975	ex 2918 30 00	10	Benzophenone-3,3',4,4'-tetracarboxylic dianhydride (CAS RN 2421-28-5)	1.1.-31.12.	1 000 tonnes	0 %
09.2598	ex 2921 19 99	75	Octadecylamine (CAS RN 124-30-1)	1.1.-31.12.	400 tonnes	0 %
09.2649	ex 2921 29 00	60	Bis(2-dimethylaminoethyl)(methyl)amine (CAS RN 3030-47-5)	1.1.-31.12.	1 700 tonnes	0 %
09.2682	ex 2921 41 00	10	Aniline (CAS RN 62-53-3) with a purity by weight of 99 % or more	1.1.-31.12.	220 000 tonnes	0 %
09.2617	ex 2921 42 00	89	4-Fluoro-N-(1-methylethyl)benzeneamine (CAS RN 70441-63-3)	1.1.-31.12.	500 tonnes	0 %
09.2602	ex 2921 51 19	10	O-phenylenediamine (CAS RN 95-54-5)	1.1.-31.12.	1 800 tonnes	0 %
09.2921	ex 2922 19 00	22	2-(dimethylamino)ethyl acrylate (CAS RN 2439-35-2) with a purity by weight of 99 % or more	1.1.-31.12.	14 000 tonnes	0 %
09.2563	ex 2922 41 00	20	L-Lysine hydrochloride (CAS RN 657-27-2) or an aqueous solution of L-lysine (CAS RN 56-87-1), containing by weight 50 % or more of L-lysine	1.1.-31.12.	300 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2575	ex 2923 90 00	87	3-Chloro-2-hydroxypropyl)trimethylammonium chloride (CAS RN 3327-22-8), in the form of an aqueous solution containing by weight 65 % or more but not more than 71 % 3-chloro-2-hydroxypropyl)trimethylammonium chloride	1.1.-31.12.	12 000 tonnes	0 %
09.2922	ex 2923 90 00	88	Aqueous solution containing by weight 78 % or more but not more than 82 % of [2-(acryloyloxy)ethyl]trimethylammonium chloride (CAS RN 44992-01-0)	1.1.-31.12.	10 000 tonnes	0 %
09.2854	ex 2924 19 00	85	3-Iodoprop-2-yn-1-yl butylcarbamate (CAS RN 55406-53-6)	1.1.-31.12.	450 tonnes	0 %
09.2874	ex 2924 29 70	87	Paracetamol (INN) (CAS RN 103-90-2)	1.1.-31.12.	20 000 tonnes	0 %
09.2742	ex 2926 10 00	10	Acrylonitrile (CAS RN 107-13-1), for use in the manufacture of goods of chapter 55 and heading 6815 (¹)	1.1.-31.12.	60 000 tonnes	0 %
09.2583	ex 2926 10 00	30	Acrylonitrile (CAS RN 107-13-1), for use in the manufacture of goods of headings 2921, 2924, 3903, 3906, 3908, 3911 and 4002 (¹)	1.1.-31.12.	40 000 tonnes	0 %
09.2856	ex 2926 90 70	84	2-Nitro-4(trifluoromethyl)benzotrile (CAS RN 778-94-9)	1.1.-31.12.	900 tonnes	0 %
09.2581	ex 2929 10 00	25	1,5-Naphthylene diisocyanate (CAS RN 3173-72-6) with a purity by weight of 90 % or more	1.1.-31.12.	300 tonnes	0 %
09.2685	ex 2929 90 00	30	Nitroguanidine (CAS RN 556-88-7)	1.1.-31.12.	6 500 tonnes	0 %
09.2597	ex 2930 90 98	94	Bis[3-(triethoxysilyl)propyl]disulphide (CAS RN 56706-10-6)	1.1.-31.12.	6 000 tonnes	0 %
09.2596	ex 2930 90 98	96	2-Chloro-4-(methylsulphonyl)-3-((2,2,2-trifluoroethoxy)methyl) benzoic acid (CAS RN 120100-77-8)	1.1.-31.12.	300 tonnes	0 %
09.2580	ex 2931 90 00	75	Hexadecyltrimethoxysilane (CAS RN 16415-12-6) with a purity by weight of at least 95 %, for use in the manufacture of polyethylene (¹)	1.1.-31.12.	165 tonnes	0 %
09.2842	2932 12 00		2-Furaldehyde (furfuraldehyde)	1.1.-31.12.	10 000 tonnes	0 %
09.2696	ex 2932 20 90	25	Decan-5-olide (CAS RN 705-86-2)	1.1.-31.12.	6 000 kilograms	0 %
09.2697	ex 2932 20 90	30	Dodecan-5-olide (CAS RN 713-95-1)	1.1.-31.12.	6 000 kilograms	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2812	ex 2932 20 90	77	Hexan-6-olide (CAS RN 502-44-3)	1.1.-31.12.	4 000 tonnes	0 %
09.2858	2932 93 00		Piperonal (CAS RN 120-57-0)	1.1.-31.12.	220 tonnes	0 %
09.2839	ex 2933 39 99	09	2-(2-Pyridyl)ethanol (CAS RN 103-74-2) with a purity by weight of 99 % or more	1.1.-31.12.	700 tonnes	0 %
09.2860	ex 2933 69 80	30	1,3,5-Tris[3-(dimethylamino)propyl]hexahydro-1,3,5-triazine (CAS RN 15875-13-5)	1.1.-31.12.	600 tonnes	0 %
09.2566	ex 2933 99 80	05	1,4,7,10-Tetraazacyclododecane (CAS RN 294-90-6) with a purity by weight of 96 % or more	1.1.-31.12.	60 tonnes	0 %
09.2658	ex 2933 99 80	73	5-(Acetoacetyl amino)benzimidazolone (CAS RN 26576-46-5)	1.1.-31.12.	400 tonnes	0 %
09.2593	ex 2934 99 90	67	5-Chlorothiophene-2-carboxylic acid (CAS RN 24065-33-6)	1.1.-31.12.	45 000 kilograms	0 %
09.2675	ex 2935 90 90	79	4-[[[(2-Methoxybenzoyl)amino]sulfonyl]benzoyl chloride (CAS RN 816431-72-8)	1.1.-31.12.	1 000 tonnes	0 %
09.2945	ex 2940 00 00	20	D-Xylose (CAS RN 58-86-6)	1.1.-31.12.	400 tonnes	0 %
09.2686	ex 3204 11 00	75	Colourant C.I. Disperse Yellow 54 (CAS RN 7576-65-0) and preparations based thereon with a colourant C.I. Disperse Yellow 54 content of 99 % or more by weight	1.1.-31.12.	250 tonnes	0 %
09.2676	ex 3204 17 00	14	Preparations based on Colourant C.I. Pigment Red 48:2 (CAS RN 7023-61-2) with a content thereof of 60 % or more but less than 85 % by weight	1.1.-31.12.	50 tonnes	0 %
09.2698	ex 3204 17 00	30	Colourant C.I. Pigment Red 4 (CAS RN 2814-77-9) and preparations based thereon with a colourant C.I. Pigment Red 4 content of 60 % or more by weight	1.1.-31.12.	150 tonnes	0 %
09.2659	ex 3802 90 00	19	Soda flux calcinated diatomaceous earth	1.1.-31.12.	35 000 tonnes	0 %
09.2908	ex 3804 00 00	10	Sodium lignosulphonate (CAS RN 8061-51-6)	1.1.-31.12.	40 000 tonnes	0 %
09.2889	3805 10 90		Sulphate turpentine	1.1.-31.12.	25 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2935	ex 3806 10 00	10	Rosin and resin acids obtained from fresh oleoresins	1.1.-31.12.	280 000 tonnes	0 %
09.2832	ex 3808 92 90	40	Preparation containing 38 % or more but not more than 50 % by weight of pyrrithione zinc (INN) (CAS RN 13463-41-7) in an aqueous dispersion	1.1.-31.12.	500 tonnes	0 %
09.2923	ex 3808 94 20	40	Aqueous solution containing by weight: — 10,0 % or more but not more than 11,3 % of 5-chloro-2-methyl-2H-isothiazol-3-one, — 3,0 % or more but not more than 4,1 % of 2-methyl-2H-isothiazol-3-one, — a combined concentration of isothiazolones (CAS RN 55965-84-9) of 13,0 % or more but not more than 15,4 %, — 18 % or more but not more than 22 % of nitrates, calculated as sodium nitrate, and — 5 % or more but not more than 8 % of chlorides, calculated as sodium chloride	1.1.-31.12.	3 000 tonnes	0 %
09.2926	ex 3811 21 00	31	Additive consisting essentially of: — Phosphorodithioic acid, mixed O,O-bis (isobutyl and pentyl) esters, zinc salts (CAS RN 68457-79-4), — 8 % or more by weight but not more than 15 % by weight of mineral oil, for use in the manufacture of blends of additives for lubricating oils ⁽¹⁾	1.1.-31.12.	700 tonnes	0 %
09.2876	ex 3811 29 00	57	Additives consisting of reaction products of diphenylamine and branched nonenes with: — more than 20 % but not more than 50 % by weight 4-monononyldiphenylamine, and — more than 50 % but not more than 80 % by weight 4,4'-dinonyldiphenylamine, — a total percentage of 2,4-dinonyldiphenylamine and 2,4'-dinonyldiphenylamine of not more than 15 % by weight, used for the manufacture of lubricating oils ⁽¹⁾	1.1.-31.12.	900 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2927	ex 3811 29 00	80	Additives containing: — more than 70 % by weight of 2,5-bis(tert-nonyldithio)-[1,3,4]-thiadiazole (CAS RN 89347-09-1), and — more than 15 % by weight of 5-(tert-nonyldithio)- 1,3,4-thiadiazole-2(3H)-thione (CAS RN 97503-12-3), for use in the manufacture of lubricating oils ⁽¹⁾	1.1.-31.12.	500 tonnes	0 %
09.2814	ex 3815 90 90	76	Catalyst consisting of titanium dioxide and tungsten trioxide	1.1.-31.12.	3 000 tonnes	0 %
09.2644	ex 3824 99 92	77	Preparation containing by weight: — 55 % or more but not more than 78 % of dimethyl glutarate (CAS RN 1119-40-0), — 10 % or more but not more than 30 % of dimethyl adipate (CAS RN 627-93-0), and — not more than 35 % of dimethyl succinate (CAS RN 106-65-0)	1.1.-31.12.	10 000 tonnes	0 %
09.2681	ex 3824 99 92	85	Mixture of bis [3-(triethoxysilyl)propyl]sulphides (CAS RN 211519-85-6)	1.1.-31.12.	9 000 tonnes	0 %
09.2907	ex 3824 99 93	67	Mixture of phytosterols, in the form of powder, containing by weight: — 75 % or more of sterols, — not more than 25 % of stanols, for use in the manufacture of stanols/sterols or stanol/sterol esters ⁽¹⁾	1.1.-31.12.	2 500 tonnes	0 %
09.2568	ex 3824 99 96	91	Mixture, in pellet form, containing by weight: — 49 % or more but not more than 50 % of bis[3-(triethoxysilyl)propyl] polysulphides (CAS RN 211519-85-6), and — 50 % or more but not more than 51 % of carbon black (CAS RN 1333-86-4), of which 75 % by weight or more pass through a sieve with an aperture of 0,60 mm, but not more than 10 % pass through a sieve with an aperture of 0,25 mm (as determined by the ASTM D1511 method)	1.1.-31.12.	1 500 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2820	ex 3827 90 00	10	Mixtures containing by weight: — 60 % or more but not more than 90 % of 2-chloropropene (CAS RN 557-98-2), — 8 % or more but not more than 14 % of (Z)-1-chloropropene (CAS RN 16136-84-8), — 5 % or more but not more than 23 % of 2-chloropropane (CAS RN 75-29-6), — not more than 6 % of 3-chloropropene (CAS RN 107-05-1), and — not more than 1 % of ethyl chloride (CAS RN 75-00-3)	1.1.-31.12.	6 000 tonnes	0 %
09.2671	ex 3905 99 90	81	Poly(vinyl butyral)(CAS RN 63148-65-2): — containing by weight 17,5 % or more, but not more than 20 % of hydroxyl groups, and — with a median particle size (D50) of more than 0,6 mm	1.1.-31.12.	12 500 tonnes	0 %
09.2846	ex 3907 40 00	25	Polymer blend of polycarbonate and poly(methyl methacrylate) with a polycarbonate content of not less than 98,5 % by weight, in the form of pellets or granules, with a luminous transmittance of not less than 88,5 %, measured using a test sample with a thickness of 4 mm at a wavelength of $\lambda = 400$ nm (according to ISO 13468-2)	1.1.-31.12.	2 000 tonnes	0 %
09.2585	ex 3907 99 80	70	Copolymer of poly(ethylene terephthalate) and cyclohexane dimethanol, containing more than 10 % by weight of cyclohexane dimethanol	1.1.-31.12.	60 000 tonnes	2 %
09.2855	ex 3910 00 00	10	Liquid poly(methylhydrosiloxane) with terminal trimethylsilyl groups (CAS RN 63148-57-2) with a purity by weight of 99,9 % or more	1.1.-31.12.	500 tonnes	0 %
09.2931	ex 3911 90 11	10	Poly (oxy-1,4-phenylenesulphonyl-1,4-phenyleneoxy-1,4-phenyleneisopropylidene-1,4-phenylene) (CAS RN 25135-51-7 and CAS RN 25154-01-2), in one of the forms mentioned in note 6(b) to this chapter containing by weight not more than 20 % of additives	1.1.-31.12.	6 300 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2723	ex 3911 90 19	35	Poly(oxy-1,4-phenylenesulfonyl-1,4-phenyleneoxy-4,4'-biphenylene) (CAS RNs 25608-64-4 and 25839-81-0) containing by weight not more than 20 % of additives	1.1.-31.12.	5 000 tonnes	0 %
09.2816	ex 3912 11 00	20	Cellulose acetate flakes	1.1.-31.12.	75 000 tonnes	0 %
09.2573	ex 3913 10 00	20	Sodium alginate extracted from brown seaweed (CAS RN 9005-38-3), with — a loss on drying of not more than 15 % by weight (4h at 105 C), — a water-insoluble fraction of not more than 2 % by weight, calculated on the dry weight	1.1.-31.12.	2 000 tonnes	0 %
09.2641	ex 3913 90 00	87	Sodium hyaluronate, non sterile, with: — a weight average molecular weight (Mw) of not more than 900 000, — an endotoxin level of not more than 0,008 Endotoxin units (EU)/mg, — an ethanol content of not more than 1 % by weight, — an isopropanol content of not more than 0,5 % by weight	1.1.-31.12.	300 kilograms	0 %
09.2661	ex 3920 51 00	50	Sheets of polymethylmethacrylate conforming to standards: — EN 4364 (MIL-P-5425E) and DTD5592A, or — EN 4365 (MIL-P-8184) and DTD5592A	1.1.-31.12.	100 tonnes	0 %
09.2645	ex 3921 14 00	20	Cellular block of regenerated cellulose, impregnated with water containing magnesium chloride and quaternary ammonium compounds, measuring 100 cm (± 10 cm) x 100 cm (± 10 cm) x 40 cm (± 5 cm)	1.1.-31.12.	1 700 tonnes	0 %
09.2572	ex 5205 26 00 ex 5205 27 00	10 10	Raw white single cotton yarn — of combed fibres, — with an average fibre length of 36,5 mm or more, — produced through the compact ring spinning process with pneumatic compression, — with a tear strength of 26,5 cN/tex or more (according to ISO 2062:2009, at a speed of 5 000 mm/min)	1.1.-31.12.	50 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2848	ex 5505 10 10	10	Waste of synthetic fibres (including noils, yarn waste, and garnetted stock) of nylon or other polyamides (PA6 and PA66)	1.1.-31.12.	10 000 tonnes	0 %
09.2721	ex 5906 99 90	20	Woven and laminated rubberised textile fabric with the following characteristics: — with three layers, — one outer layer consists of acrylic fabric, — the other outer layer consists of polyester fabric, — the middle layer consists of chlorobutyl rubber, — the middle layer has a weight of 452 g/m ² or more but not more than 569 g/m ² , — the textile fabric has a total weight of 952 g/m ² or more but not more than 1159 g/m ² , and — the textile fabric has a total thickness of 0,8 mm or more but not more than 4 mm, used for the manufacture of the retractable roof of motor vehicles ⁽¹⁾	1.1.-31.12.	375 000 square meters	0 %
09.2628	ex 7019 66 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m ² (± 10 g/m ²), of a type used in rolling insect screens with fixed frames	1.1.-31.12.	3 000 000 square meters	0 %
09.2652	ex 7409 11 00 ex 7410 11 00	30 40	Refined copper foil and strips, electrolytically manufactured, with a thickness of 0,015 mm or more	1.1.-31.12.	1 020 tonnes	0 %
09.2662	ex 7410 21 00	55	Plates: — consisting of at least one layer of fibreglass fabric impregnated with epoxide resin, — covered on one or both sides with copper foil with a thickness of not more than 0,15 mm, — with a dielectric constant (DK) of less than 5,4 at 1 MHz, as measured according to IPC-TM-650 2.5.5.2, — with a loss tangent of less than 0,035 at 1 MHz, as measured according to IPC-TM-650 2.5.5.2, — with a comparative tracking index (CTI) of 600 or more	1.1.-31.12.	80 000 square meters	0 %
09.2835	ex 7604 29 10	30	Aluminium alloy rods with a diameter of 300,1 mm or more, but not more than 533,4 mm	1.1.-31.12.	1 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2736	ex 7607 11 90 ex 7607 11 90 ex 7607 11 90 ex 7607 11 90	75 77 78 79	Aluminium and magnesium alloy strip or foil: — of an alloy conforming to standards 5182-H19 or 5052-H19, — in rolls with an outside diameter of minimum 1 250 mm but not more than 1 350 mm, — of a thickness (tolerance - 0,006 mm) of 0,15 mm, 0,16 mm, 0,18 mm or 0,20 mm, — of a width (tolerance \pm 0,3 mm) of 12,5 mm, 15,0 mm, 16,0 mm, 25,0 mm, 35,0 mm, 50,0 mm or 356 mm, — having a camber tolerance of not more than 0,4 mm/750 mm, — of a flatness measurement: I-unit \pm 4, — having a tensile strength of more than (5182-H19) 365 MPa or (5052-H19) 320 MPa, and — of an elongation A50 of more than (5182-H19) 3 % or (5052-H19) 2,5 %, for use in the manufacture of slats for blinds (!)	1.1.-31.12.	600 tonnes	0 %
09.2722	8104 11 00		Unwrought magnesium, containing at least 99,8 % by weight of magnesium	1.1.-31.12.	120 000 tonnes	0 %
09.2840	ex 8104 30 00	20	Magnesium powder: — of purity by weight of 98 % or more, but not more than 99,5 %, and — with a particle size of 0,2 mm or more but not more than 0,8 mm	1.1.-31.12.	2 000 tonnes	0 %
09.2629	ex 8302 49 00	91	Aluminium telescopic handle for use in the manufacture of luggage (!)	1.1.-31.12.	1 500 000 pieces	0 %
09.2720	ex 8413 91 00	50	Pump head for two cylinder high pressure pump made of forged steel, with: — milled threaded fittings with a diameter of 10 mm or more but not more than 36,8 mm, and — drilled fuel channels with a diameter of 3,5 mm or more but not more than 10 mm, of a kind used in diesel injection systems	1.1.-31.12.	65 000 pieces	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2569	ex 8414 90 00	80	Turbocharger wheel housing of cast aluminium alloy or cast iron: — with a heat resistance up to 400°C, — with a hole of 30 mm or more but not more than 300 mm for the insertion of the compressor wheel, for use in the automotive industry ⁽¹⁾	1.1.-31.12.	4 000 000 pieces	0 %
09.2570	ex 8482 91 90	10	Rollers with a logarithmic profile and a diameter of 25 mm or more but not more than 70 mm or balls with a diameter of 30 mm but not more than 100 mm, — made of 100Cr6 steel or 100CrMnSi6-4 steel (ISO 3290), — with a deviation of 0,5 mm or less as determined with the FBHmethod for use in wind turbine industry ⁽¹⁾	1.1.-31.12.	600 000 pieces	0 %
09.2738	ex 8482 99 00	30	Brass cages with the following characteristics: — continuously or centrifugally cast, — turned, — containing by weight 35 % or more, but not more than 38 % of zinc, — containing by weight 0,75 % or more, but not more than 1,25 % of lead, — containing by weight 1,0 % or more, but not more than 1,4 % of aluminium, and — with a tensile strength of 415 Pa or more, of a kind used for the manufacture of ball bearings	1.1.-31.12.	50 000 pieces	0 %
09.2857	ex 8482 99 00	50	Inner and outer rings made of steel, not grinded, outer ring with internal raceway(s), inner ring with an external raceway(s), with external diameters of: — 14 mm or more but not more than 77 mm for the inner ring, and — 26 mm or more but not more than 101 mm for the outer ring for use in the manufacture of bearings ⁽¹⁾	1.1.-30.6.	12 000 000 kilograms	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2924	ex 8501 31 00	80	Electronic actuator consisting of: — a DC motor having a power of less than 600 W, — for usage with a supply voltage of 12 V to 48 V, — with motor connection (plug-in connection), — with contactless position sensor, — built in a rectangular housing of a width of less than 100 mm and a length of less than 150 mm, with reduction gear and lever attached to the motor drive shaft or — in a cylindrical housing of a length of less than 150 mm and with a diameter of less than 100 mm, with threads integrated into the rotor of the motor for linear movement of the integrated control rod	1.1.-31.12.	650 000 pieces	0 %
09.2763	ex 8501 40 20 ex 8501 40 80	65 60	Electric AC motor, single-phase, whether or not with commutator — with a nominal output of 180 W or more, — with an input power of 150 W or more but not more than 2 700 W, — with an external diameter of more than 120 mm ($\pm 0,2$ mm) but not more than 135 mm ($\pm 0,2$ mm), — with a rated speed of more than 10 000 rpm but not more than 50 000 rpm, — whether or not equipped with air-inducting ventilator, — whether or not with mechanical device (pinion, screws, gear connection etc.) on the shaft, for use in the manufacture of domestic appliances (!)	1.1.-31.12.	2 000 000 pieces	0 %
09.2672	ex 8529 90 92 ex 9405 42 31	75 70	Printed circuit board with LED diodes: — whether or not equipped with prisms/lens, and — whether or not fitted with connector(s) for the manufacture of backlight units for goods of heading 8528 (!)	1.1.-31.12.	115 000 000 pieces	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty rate
09.2574	ex 8537 10 91	73	Multifunctional device (instrument cluster) with: — curved TFT LCD display (radius 750 mm) with touch-sensitive surfaces, — microprocessors and memory chips, — acoustic module and loudspeaker, — connections for CAN, 3 x LIN bus, LVDS and Ethernet, — for operating various functions (e.g. chassis, lighting) and — for situation-related display of vehicle and navigation data (e.g. speed, odometer, charge level of the drive battery), for use in the manufacture of passenger cars powered solely by an electric motor covered by HS subheading 8703 80 ⁽¹⁾	1.1.-31.12.	66 900 pieces	0 %
09.2910	ex 8708 99 97	75	Aluminium alloy support bracket, with mounting holes, whether or not with fixation nuts, for indirect connection of the gearbox to the car body for use in the manufacture of goods of Chapter 87 ⁽¹⁾	1.1.-31.12.	200 000 pieces	0 %
09.2668	ex 8714 91 10 ex 8714 91 10 ex 8714 91 10	21 31 75	Bicycle frame, constructed from carbon fibres and artificial resin, for use in the manufacture of bicycles (including electric bicycles) ⁽¹⁾	1.1.-31.12.	600 000 pieces	0 %
09.2564	ex 8714 91 10 ex 8714 91 10 ex 8714 91 10	25 35 77	Frame, constructed from aluminium or aluminium and carbon fibres and artificial resin, for the use in the manufacture of bicycles (including electric bicycles) ⁽¹⁾	1.1.-31.12.	9 600 000 pieces	0 %
09.2579	ex 9029 20 31 ex 9029 90 00	40 40	Clustered instrument panel with: — stepping motors, — analog pointers and dials, — or without microprocessor control board, — or without LED indicators or LCD display, — showing at least: — speed, — engine revolutions, — engine temperature, — the fuel level, — communicating via CAN-BUS and/or K-LINE protocols, for use in the manufacture of goods of Chapter 87 ⁽¹⁾	1.1.-31.12.	160 000 pieces	0 %

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

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

COMMISSION DELEGATED REGULATION (EU) 2022/2564

of 16 August 2022

amending Delegated Regulation (EU) 2021/2064 supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a *de minimis* exemption to the landing obligation for certain demersal fisheries in the Adriatic and south-eastern Mediterranean

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC⁽¹⁾, and in particular Article 15(7) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2017/86⁽²⁾ establishes a discard plan for certain demersal fisheries in the Mediterranean Sea applicable from 1 January 2017 until 31 December 2019.
- (2) In order to avoid the disproportionate costs of handling unwanted catches, Delegated Regulation (EU) 2017/86, established a *de minimis* exemption that applied to demersal species. That Delegated Regulation expired on 31 December 2021. A new *de minimis* exemption was established by Commission Delegated Regulation (EU) 2021/2064⁽³⁾. That exemption was established for demersal species until 31 December 2023, whereas for by-catches of small pelagics made in demersal fisheries the exemption was established only until 31 December 2022.
- (3) Croatia, Italy and Slovenia ('Adriatica High-Level Group') and Greece, Italy, Cyprus and Malta ('Sudestmed High-Level Group') have a direct fisheries management interest in the Adriatic Sea and south-eastern Mediterranean Sea respectively. On 1 May 2022 and 6 June 2022, the Adriatica High-Level Group and the Sudestmed High-Level Group requested the extension of the *de minimis* exemption for by-catches of small pelagics made in demersal fisheries laid down in Delegated Regulation (EU) 2021/2064. Both groups also submitted scientific evidence to support their request.
- (4) The scientific evidence was assessed by the Scientific, Technical and Economic Committee for Fisheries ('STECF') between 16 and 20 May 2022⁽⁴⁾.
- (5) On the 8 July 2022, the Adriatica High-Level Group and of the Sudestmed High-Level Group submitted an updated Joint Recommendation on the extension of the *de minimis* of the exemption to the landing obligation for one year.
- (6) The Commission notes that in the Adriatic Sea and south-eastern Mediterranean Sea, small pelagic species are caught at the same time, at highly varying quantities, making a single stock approach challenging. Those species are furthermore caught by small-scale fishing vessels and landed in many different landing points spread out geographically along the coast. This results in disproportionate costs of handling unwanted catches.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Commission Delegated Regulation (EU) 2017/86 of 20 October 2016 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea (OJ L 14, 18.1.2017, p. 4).

⁽³⁾ Commission Delegated Regulation (EU) 2021/2064 of 25 August 2021 supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a *de minimis* exemption to the landing obligation for certain demersal fisheries in the Adriatic and south-eastern Mediterranean Sea (OJ L 421, 26.11.2021, p. 9).

⁽⁴⁾ Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (STECF-22-05).

- (7) The STECF acknowledged that a general reduction of the fishing effort of bottom trawl and the establishment of Fishing Restricted Areas as permanent closures for demersal fisheries would likely decrease the amount of bycatch of small pelagics.
- (8) The STECF further noted that while the combined *de minimis* approach included in the scientific evidence covers a broad group of species with a wide range of discard rates such broad coverage is a valid approach, given the complexity of the fisheries in the Adriatic Sea and south-eastern Mediterranean Sea.
- (9) In addition, the STECF considered that individual *de minimis* exemptions covering a single species would result in many separate exemptions that would be challenging to monitor.
- (10) The Adriatica High-Level group provided updated scientific evidence on disproportionate costs of handling unwanted catches. Although the STECF noted that estimates of the increase in costs are provided, it stressed the difficulties of evaluating the level at which costs become disproportionate. The STECF also acknowledged that the recent increase in fuel costs has worsened the overall situation. The STECF further noted the new results on the selectivity project and that further investigation on these selectivity devices is needed to find a balance between improving selectivity and minimising economic losses. Finally, the STECF noted that reducing the level of unwanted catches through the use of selective gears or marine protected areas should be prioritised.
- (11) The Commission welcomes the commitment taken by the Adriatica High-Level Group to work further on selectivity and fisheries spatial restrictions as a priority to achieve the reduction of unwanted catches. The Commission therefore considers that the progress on selectivity and the disproportionate costs justify that the exemption should be extended for one year with the proposed percentage levels.
- (12) The updated scientific evidence provided by the Adriatica High-Level group proposed to extend the *de minimis* exemption, for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.), up to a maximum of 5 % for 2023 of the total annual by-catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX).
- (13) The STECF considered that while the discard rate is significant for this fishery, selectivity projects are still ongoing.
- (14) The Commission considers the evidence provided is sufficient to extend the exemption for one year, with the proposed percentage levels. The Adriatic High-Level Group should submit additional data, based on the ongoing projects.
- (15) The Sudestmed High-Level Group provided updated scientific evidence on disproportionate costs of handling unwanted catches. Although the STECF noted that estimates of the increase in costs are provided, it stressed the difficulties of evaluating the level at which costs are disproportionate. The STECF also acknowledged that the recent increase in fuel costs has worsened the overall situation. The STECF noted the ongoing studies due to be finalised during 2023. The STECF further noted that reducing the level of unwanted catches through the use of selective gears or marine protected areas should be prioritised.
- (16) The Commission welcomes the commitment taken by the Sudestmed High-Level Group to work further on selectivity and fisheries spatial restrictions as a priority to achieve the reduction of unwanted catches. The Commission therefore considers that the progress on selectivity and the disproportionate costs justify that the exemption should be extended for one year with the proposed percentage levels.
- (17) The updated scientific evidence provided by the Sudestmed High-Level Group' proposed to extend the *de minimis* exemption, for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.), up to a maximum of 5 % in for 2023 of the total annual by-catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX).
- (18) The STECF considered that while the discard rate is significant for this fishery, the volume of catches is limited and selectivity projects are ongoing that will reduce the discard rate.

- (19) The Commission considers that the evidence submitted on disproportionate cost is sufficient to extend the exemption for one year, with the proposed percentage levels. The Sudestmed High-Level Group should submit additional data, based on the ongoing studies.
- (20) In their updated scientific evidences, Member States renewed their commitment to increase the selectivity of the fishing gears in accordance with the results of current research programmes in order to reduce and limit unwanted catches and particularly catches below minimum conservation reference sizes.
- (21) The measures requested are in line with Article 15(4), point (c), of Regulation (EU) No 1380/2013. Delegated Regulation (EU) 2021/2064 should therefore be amended accordingly.
- (22) Since the measures provided for in this Regulation impact directly on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. For reasons of legal certainty, this Regulation should however apply from a later date,

HAS ADOPTED THIS REGULATION:

Article 1

De minimis exemption

Article 3 of Delegated Regulation (EU) 2021/2064 is amended as follows:

(1) paragraph 1 is amended as follows:

(i) point (a)(viii) is replaced by the following:

‘(viii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.), up to a maximum of 5 % for 2022 and 2023 of the total annual by-catches of those species caught by vessels using bottom trawls.’;

(ii) point (b)(vii) is replaced by the following:

“(vii) for anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.), up to a maximum of 5 % for 2022 and 2023 of the total annual by-catches of those species caught by vessels using bottom trawls.”;

(2) paragraph 2 is replaced by the following:

‘2. By 1 May 2022 and 2023 the Member States having a direct management interest in the fisheries in the Adriatic and south-eastern Mediterranean Sea shall submit to the Commission additional data based on the ongoing projects and studies, and any other relevant scientific information supporting the exemption laid down in points (a)(viii) and (b)(vii) of paragraph 1. The STECF shall assess those data and that information by July 2023 at the latest.’

Article 2

Entry into force and application

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

It shall apply from 1 January 2023 until 31 December 2023.

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

Done at Brussels, 16 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2022/2565**of 11 October 2022****supplementing Regulation (EU) 2021/444 of the European Parliament and of the Council with provisions on the establishment of a monitoring and evaluation framework**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/444 of the European Parliament and of the Council of 11 March 2021 establishing the Customs programme for cooperation in the field of customs and repealing Regulation (EU) No 1294/2013 ⁽¹⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) The indicators to report on the progress of the Programme towards the achievement of the general and specific objectives set out in Article 3 of Regulation (EU) 2021/444 are listed in Annex II to that Regulation.
- (2) During the mid-term evaluation of the Customs 2020 Programme ⁽²⁾, the Commission identified the need to adjust and streamline the monitoring and evaluation framework of the Programme. The Commission therefore revised the Programme's performance approach to ensure the relevance of all indicators selected for the purpose of programme's performance monitoring and evaluation.
- (3) The indicators listed in Annex II to Regulation (EU) 2021/444, while suitable for the purpose of annual monitoring of performance, do not sufficiently enable a comprehensive monitoring and evaluation of the Programme's activities and results in achieving its general and specific objectives. Therefore, additional indicators should be laid down as part of the monitoring and evaluation framework. Those additional indicators should measure the outputs, results and impacts of the Programme.
- (4) To ensure that data for monitoring and evaluating the Programme are collected efficiently, effectively and in a timely manner, proportionate reporting requirements should be imposed that avoid double reporting and minimise administrative burdens.
- (5) In order to ensure alignment with the start of the reporting period linked with the Programme's monitoring and evaluation framework, this Delegated Regulation should apply retroactively, from 1 January 2022,

HAS ADOPTED THIS REGULATION:

*Article 1***Monitoring and evaluation framework indicators and reporting requirements**

1. When monitoring and evaluating the Programme in accordance with Article 13 and 14 of Regulation (EU) 2021/444, the following indicators shall be used as part of the monitoring and evaluation framework:
 - (a) the indicators set out in Annex II to Regulation (EU) 2021/444;
 - (b) the indicators set out in the Annex to this Regulation, which shall measure the outputs, results and impacts of the Programme.

⁽¹⁾ OJ L 87, 15.3.2021, p. 1.

⁽²⁾ European Commission, Directorate-General for Taxation and Customs Union, *Mid-term evaluation of the Customs 2020 programme: final report*, Publications Office, 2019, <https://data.europa.eu/doi/10.2778/923910>

2. The indicators referred to in paragraph 1 shall be measured annually, except the impact indicators referred to in points (1)(a), (1)(b), (2), and 3(a) of the Annex to this regulation, which shall be measured every 2 years and as part of the interim and final evaluations, in accordance with Article 14 of Regulation (EU) 2021/444.

3. When required by the Commission, the recipients of the Programme funds shall provide the Commission with data and information related to the indicators referred to in paragraph 1, relevant for the purpose of contributing to the monitoring and evaluation framework.

Article 2

Entry into force and application

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

It shall apply from 1 January 2022.

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

Done at Brussels, 11 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

List of additional indicators with regard to the Customs programme monitoring and evaluation framework referred to in Article 13 and 14 of Regulation (EU) 2021/444**A. Output indicators**

- (1) Development of the common components of the European Electronic Systems (EES):
 - (a) number of information technology (IT) projects in initiating phase;
 - (b) number of IT projects in executing phase;
 - (c) proportion of IT projects whose actual cost is as planned;
 - (d) proportion of IT projects with 'green' status in line with the requirements provided for in the Multi-Annual Strategic Plan for Customs (MASP-C).
- (2) Delivery of the common components of the EES:
 - (a) number of IT projects released to production as required under Union law;
 - (b) proportion of the common components of the EES delivered according to the MASP-C's timeline;
 - (c) number of revisions made to the timelines for delivery of the common components of the EES.
- (3) Reliability of the EES (Capacity of the Common Communication Network).
- (4) Reliability of IT support services:
 - (a) proportion of 'incident' tickets resolved on time;
 - (b) user satisfaction with the support services provided.
- (5) Level of capacity building support provided through collaborative actions (Quality of the collaborative actions).
- (6) Degree of awareness of the Programme.

B. Results indicators

- (1) Level of coherence of customs legislation and policy and their implementation (contribution of new common components of the EES to facilitating coherent implementation of Union law and policy).
- (2) Level of operational cooperation between national authorities:
 - (a) contribution of new common components of the EES to facilitation of operational cooperation between national authorities;
 - (b) number of active users on the online collaboration platform;
 - (c) number of interactions on the collaborative platform;
 - (d) user satisfaction with the online collaboration platform.
- (3) Simplified e-procedures for economic operators:
 - (a) number of registered economic operators;
 - (b) number of applications.
- (4) National authorities' operational performance:
 - (a) contribution of new common components of the EES to improving the operational performance of national authorities;
 - (b) contribution of collaborative and human competency actions' outputs to improving national authorities' operational performance.
- (5) Customs – Innovation in the area of customs policy:
 - (a) contribution of new common components of the EES to innovation in the area of customs policy;
 - (b) contribution of collaborative and human competency actions' outputs to innovation in the area of customs policy.

C. Impact indicators

- (1) Evolution of the protection of the financial and economic interests of the Union and Member States:
 - (a) amount of unpaid duties, including customs duties, countervailing and antidumping duties on products and services, related to fraud and irregularities detected to be recovered;
 - (b) cases of fraud and irregularities detected involving duties.
 - (2) Evolution of the security and safety of the Union and its residents (seizures of goods and substances that present a threat to safety and security).
 - (3) Evolution of the facilitation of legitimate business activity:
 - (a) efficiency of customs and border management clearance (in terms of clearance time);
 - (b) contribution to moving to a paper-free Customs Union.
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COMMISSION DELEGATED REGULATION (EU) 2022/2566**of 13 October 2022****amending and correcting Delegated Regulation (EU) 2018/273 as regards the scheme of authorisations for vine plantings**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 69 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2018/273 ⁽²⁾ lays down rules supplementing Regulation (EU) No 1308/2013 concerning, in particular, the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information.
- (2) The scheme of authorisations for vine plantings provided for in Regulation (EU) No 1308/2013 has been amended by Regulation (EU) 2021/2117 of the European Parliament and of the Council ⁽³⁾ and those amendments need to be reflected in Delegated Regulation (EU) 2018/273.
- (3) The exemption from the obligation to obtain a vine planting authorisation is extended to include the planting or replanting of areas intended for setting-up collections of vine varieties intended to preserve genetic resources. That exemption needs to be added to the provisions concerning areas for experimental purposes or for graft nurseries. To avoid any abuse of that exemption, it is appropriate to set the conditions that such collections of vine varieties must meet. Moreover, the definitions of 'winegrower' and 'vineyard parcel' laid down in Article 2 of Delegated Regulation (EU) 2018/273 as well as in Annex IV thereto need to be updated to reflect that exemption. For greater clarity, a new definition of the term 'collection of vine varieties' should also be added to that Article.
- (4) As provided for in Article 63(3), point (b), of Regulation (EU) No 1308/2013, Member States may limit the issuing of planting authorisations at regional level for specific areas eligible for the production of wines with a protected designation of origin or protected geographical indication to avoid a well-demonstrated risk of devaluation of a particular protected designation of origin or a protected geographical indication. That provision should be reflected in the rules on replanting restrictions laid down in Article 6 of Delegated Regulation (EU) 2018/273.
- (5) An applicant's commitments to comply with the eligibility criteria referred to in Article 64(1), point (c), of Regulation (EU) No 1308/2013 and Article 4(1) of Delegated Regulation (EU) 2018/273, and that his application does not pose a significant risk of misappropriation of the reputation of specific protected geographical indications, are to end on 31 December 2030. That time limit, which corresponds to the end of the system of vine planting

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ L 58, 28.2.2018, p. 1).

⁽³⁾ Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262).

authorisations, should be adapted due to the prolongation of the vine planting authorisations scheme introduced in Article 61 of Regulation (EU) No 1308/2013 by Regulation (EU) 2021/2117. For that same reason, the end dates for certain commitments concerning the eligibility criteria in Annexes I and II to Delegated Regulation (EU) 2018/273 should also be adapted.

- (6) The priority criteria referred to in Article 64(2), points (f) and (h), of Regulation (EU) No 1308/2013 have been amended and clarified, respectively, and these changes should also be reflected in the corresponding parts of Annex II to Delegated Regulation (EU) 2018/273.
- (7) Furthermore, the term ‘winegrower’ as defined in Article 2(1), point (a), of Delegated Regulation (EU) 2018/273 designates the professional winegrower. However, it is also erroneously used in Article 3(3) of that Delegated Regulation to refer to the natural person producing wine from an area not larger than 0,1 ha for household consumption only that is exempt from the planting authorisation scheme. This contradiction should be rectified.
- (8) Delegated Regulation (EU) 2018/273 should therefore be amended and corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2018/273

Delegated Regulation (EU) 2018/273 is amended as follows:

(1) Article 2(1) is amended as follows:

(a) point (a) is replaced by the following:

‘(a) “winegrower” means a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within the Union territory, as defined in Article 52 of the Treaty on European Union in conjunction with Article 355 of the Treaty on the Functioning of the European Union, and who holds an area planted with vines where the produce of this area is used for the commercial production of wine products, or the area benefits from the exemptions for experimental purposes, for setting-up collections of vine varieties intended to preserve genetic resources or for graft nurseries referred to in Article 3(2) of this Regulation;’;

(b) point (c) is replaced by the following:

‘(c) “vineyard parcel” means an agricultural parcel as defined in Article 67(4), point (a), of Regulation (EU) No 1306/2013 planted with vines either aimed at the commercial production of wine products or benefiting from the exemptions for experimental purposes, for setting-up collections of vine varieties intended to preserve genetic resources or for graft nurseries referred to in Article 3(2) of this Regulation;’;

(c) the following point (l) is added:

‘(l) “collection of vine varieties” means a vineyard parcel planted with multiple vine wine varieties where each variety does not count more than 50 plants.’;

(2) Paragraph 2 of Article 3 is amended as follows:

(a) the first subparagraph is replaced by the following:

‘The planting or replanting of areas intended for experimental purposes, for setting-up collections of vine varieties intended to preserve genetic resources or for graft nurseries shall be subject to a prior notification to the competent authorities. The notification shall include all relevant information in respect of those areas and the period during which the experiment will take place, the collection of vine varieties will be maintained or the graft nursery will be in production. Extensions of such periods shall also be notified to the competent authorities.’;

(b) in the second subparagraph, point (a) is replaced by the following:

‘(a) obtain an authorisation in accordance with Article 64, 66 or 68 of Regulation (EU) No 1308/2013 for the area concerned, so that the grapes produced in that area and the wine products obtained from those grapes can be marketed; or’;

(c) after the third subparagraph, the following subparagraphs are added:

‘The exemption referred to in paragraph 1 shall apply to areas intended for setting-up collections of vine varieties only where the purpose of setting-up such collections is the preservation of the genetic resources of vine varieties which are typical of a certain wine-producing region and where the area covered by each collection does not exceed 2 hectares.

Member States may draw up a list of wine grape varieties classified in accordance with Article 81(2) of Regulation (EU) No 1308/2013 on their territories, which are eligible at national or regional level for the purpose of setting up a collection of varieties for the preservation of genetic resources. Member States may also fix a maximum area for collections of such vine varieties below 2 hectares, as well as a maximum number of vines per variety lower than the ceiling laid down in Article 2(1), point (l) of this Regulation.’;

(3) Article 6 is amended as follows:

(a) the first paragraph is replaced by the following:

‘Member States may restrict the replantings on the basis of Article 66(3) of Regulation (EU) No 1308/2013, where the specific area to be replanted is located in an area for which the issuing of authorisations for new plantings is limited in accordance with Article 63(2), point (b), of that Regulation and provided that the decision is justified by the need to avoid a well-demonstrated risk of devaluation of a specific protected designation of origin (‘PDO’) or protected geographical indication (‘PGI’).’;

(b) in the second paragraph, the introductory sentence is replaced by the following:

‘The risk of devaluation referred to in the first paragraph does not exist if:’;

(4) Annex I is amended as follows:

(a) in Part A, second paragraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(b) in Part B, second paragraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(5) Annex II is amended as follows:

(a) Part B is amended as follows:

(i) in point 1, first subparagraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(ii) in point 2, first subparagraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(iii) in point 4, second subparagraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(iv) the following point 5 is inserted:

‘(5) the applicant undertakes to maintain, for a minimum period of seven to 10 years, the area(s) to be newly planted with at least one of the varieties listed in the national list of vine varieties eligible for the conservation of the genetic resources drawn up by the Member State for that purpose. Such period shall not go beyond 31 December 2045.’;

(b) in Part D, second subparagraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(c) Part F is replaced by the following:

F. Criterion referred to in Article 64(2), point (f), of Regulation (EU) No 1308/2013

The criterion referred to in Article 64(2), point (f), of Regulation (EU) No 1308/2013 shall be considered as being fulfilled if the increased cost-efficiency or competitiveness or presence on the markets is established on the basis of one of the following considerations:

- (1) the product unit costs of the holding in the wine growing sector have decreased in a given year in comparison to the average of the preceding five years;
- (2) the holding has diversified distribution channels and/or a high demand for its products in a given year in comparison to the average of the preceding five years.

Member States may further detail the considerations listed in points (1) and (2).;

(d) Part H is replaced by the following:

H. Criterion referred to in Article 64(2), point (h), of Regulation (EU) No 1308/2013

The criterion referred to in Article 64(2), point (h), of Regulation (EU) No 1308/2013 shall be considered as being fulfilled provided that the area of vineyard parcels of the applicant's holding complies at the time of the application with thresholds to be established by Member States at national or regional level on the basis of objective criteria. Such thresholds shall be set at:

- (1) no less than 0,1 hectares of vineyard parcels for small size holdings;
- (2) no more than 50 hectares of vineyard parcels for medium size holdings.

Areas planted with vines benefiting from the exemptions laid down in Article 62(4) of Regulation (EU) No 1308/2013 shall not be taken into account for the calculation of the area of vineyard parcels.;

(e) In Part I, Section II, second subparagraph, the date '31 December 2030' is replaced by '31 December 2045';

(6) in Annex IV, Section 1.2., point 1, the following point (c) is added:

'(c) areas planted or re-planted for setting-up collections of vine varieties intended to preserve genetic resources.'

Article 2

Correction to Delegated Regulation (EU) 2018/273

Article 3(3) of Delegated Regulation (EU) 2018/273 is replaced by the following:

'3. The planting or replanting of areas whose wine or vine products are intended solely for the consumption by the household of a natural person, or a group of natural persons who are not winegrowers within the meaning of Article 2(1), point (a), shall be subject to the following conditions:

- (a) such area does not exceed 0,1 ha;
- (b) the natural person or group of natural persons concerned are not involved in commercial wine production or in the commercial production of other wine products.

For the purposes of this paragraph, Member States may consider certain organisations without a commercial activity as equivalent to the natural person's household.

Member States may decide that the plantings referred to in the first subparagraph are subject to a notification.'

Article 3

Entry into force

This Regulation shall enter into force on the seventh 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, 13 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2567**of 13 October 2022****amending Implementing Regulation (EU) 2018/274 as regards the scheme of authorisations for vine plantings**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 70 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/274 ⁽²⁾ lays down rules for the application of Regulation (EU) No 1308/2013 concerning, in particular, the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications.
- (2) The scheme of authorisations for vine plantings provided for in Regulation (EU) No 1308/2013 has been amended by Regulation (EU) 2021/2117 of the European Parliament and of the Council ⁽³⁾, and those amendments should be reflected in the corresponding provisions of Implementing Regulation (EU) 2018/274.
- (3) Member States may now calculate the area available each year for authorisations for new plantings either on the basis of the total area planted with vines as measured on 31 July of the preceding year, or on a historic basis by considering the total area actually planted with vines on 31 July 2015, increased by an area corresponding to the area covered by planting rights granted to producers that were available for conversion into authorisations on 1 January 2016. Member States shall make public which of the two options has been chosen for a given year.
- (4) Where Member States decide to apply at national level a lower percentage than the maximum of 1 % and/or to limit the issuing of authorisations at regional level, they must take into consideration recommendations presented by recognised professional organisations operating in the wine sector, by interested groups of producers, or by other types of professional organisation recognised on the basis of that Member State's legislation. To give the competent authorities the necessary time to consider these recommendations before taking their final decision, Member States should be authorised to set a deadline for the submission of recommendations. For the sake of transparency, the recommendations submitted should be made public.
- (5) Member States may fix eligibility and priority criteria referred to in Article 4 of Implementing Regulation (EU) 2018/274 not only at national, but also at regional level.
- (6) The priority criterion referred to in Article 64(2), point (b), of Regulation (EU) No 1308/2013 now includes the conservation of the genetic resources of vines. Member States wishing to apply the criterion of the conservation of genetic resources should draw up and make public a list of eligible varieties well in advance of the application process.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks, and repealing Commission Implementing Regulation (EU) 2015/561 (OJ L 58, 28.2.2018, p. 60).

⁽³⁾ Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262).

- (7) The change of the priority criterion referred to in Article 64(2), point (f), of Regulation (EU) No 1308/2013 from a focus on a possible future increase of competitiveness of a holding to a proof of increased cost-efficiency or competitiveness or presence on the markets in the past needs to be also reflected in the corresponding provisions of Implementing Regulation (EU) 2018/274.
- (8) The priority criterion referred to in Article 64(2), point (h), of Regulation (EU) No 1308/2013 has been updated to clarify that in the case of mixed enterprises, only the area of vineyard parcels should be taken into account to determine if the holding is within the threshold for small and medium-sized holdings.
- (9) Article 68(2a) of Regulation (EU) No 1308/2013 gives Member States the possibility to grant planting authorisations for the area covered by planting rights that were eligible for conversion into planting authorisations but have not been converted into authorisations by 31 December 2022. The areas concerned should be notified to the Commission and Member States should be allowed to add them in part or in total to the authorisations for new plantings during the years 2023, 2024 and 2025. Spreading the granting of these authorisations over a period of three years allows Member States to take the market situation into account and to spread the area increase over several years. This can avoid a sudden peak in new plantings, which could lead to market frictions in relation to the inputs needed to establish new vineyards and in relation to the entry into production of the new vines.
- (10) The United Kingdom is no longer a Member State of the Union and can therefore be no longer obliged to submit samples for the analytical databank of isotopic data referred to in Article 39 of Commission Delegated Regulation (EU) 2018/273 ⁽⁴⁾ and should therefore be removed from the list of Member States set out in Annex III, Part II, of Implementing Regulation (EU) 2018/274.
- (11) Implementing Regulation (EU) 2018/274 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2018/274 is amended as follows:

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

'Article 3

Prior decisions on areas to be made available for new plantings

1. Where Member States decide to limit the total area available for new plantings to be allocated in the form of authorisations in accordance with Article 63(2) and (3) of Regulation (EU) No 1308/2013, they shall make public such decisions and the underlying reasons by 1 March of the respective year; their decision shall also include whether they calculate the total area available for new plantings in accordance with Article 63(1), point (a), or with Article 63(1), point (b), of that Regulation.

2. Member States may fix a deadline for the submission of recommendations from professional organisations or interested groups of producers as referred to in Article 65 of Regulation (EU) No 1308/2013, in order to ensure that these recommendations are presented with sufficient time for their examination before the decision to limit the total area available for new plantings referred to in paragraph 1 is taken by the Member State concerned. These recommendations received shall also be made public.;

⁽⁴⁾ Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ L 58, 28.2.2018, p. 1).

(2) in Article 4, paragraph 3 is replaced by the following:

'3. Where Member States intend to apply the priority criteria referred to in paragraph 2, point (b)(ii), they shall define which of these priority criteria will be applied and whether they will be applied at national or regional level. Member States may also decide to attribute different importance to each of the priority criteria chosen. Such decisions shall enable Member States to establish a ranking of individual applications at national or regional level for the granting of the number of hectares pursuant to paragraph 2, point (b)(ii), based on the compliance of these applications with the priority criteria chosen.;

(3) Article 6(3), first subparagraph, is amended as follows:

(a) the following point (aa) is inserted:

'(aa) priority criterion referred to in Article 64(2), point (b), of Regulation (EU) No 1308/2013: if applicable, applications shall indicate the grapevine variety the applicant intends to grow in the newly planted area(s), which must be listed in a list of varieties eligible for the conservation of the genetic resources of vines established and made public by the competent authority of the Member State concerned and which have been classified in accordance with Article 81(2) of that Regulation.;

(b) point (c) is replaced by the following:

'(c) priority criterion referred to in Article 64(2), point (f), of Regulation (EU) No 1308/2013: applications shall include information of an economic nature demonstrating the increased cost-efficiency or competitiveness or presence on the markets of the holding on the basis of the considerations laid down in Part F of Annex II to Delegated Regulation (EU) 2018/273;;

(c) point (e) is replaced by the following:

'(e) priority criterion referred to in Article 64(2), point (h), of Regulation (EU) No 1308/2013: applications shall include information showing that the size of the area of vineyard parcels of the applicant's holding not benefiting from the exemptions laid down in Article 62(4) of Regulation (EU) No 1308/2013 complies, at the time of the application, with thresholds to be established by Member States on the basis of the provisions laid down in Part H of Annex II to Delegated Regulation (EU) 2018/273;;

(4) in Article 10, the following paragraph 3 is added:

'3. Where Member States decide to make available authorisations pursuant to Article 68(2a) of Regulation (EU) No 1308/2013, in addition to the 1 % of the total area planted with vines as provided for in Article 63(1) of that Regulation, they shall notify the Commission of the area covered by those additional authorisations by 1 March in the years 2023, 2024 and 2025.;

(5) Article 33 is amended as follows:

(a) in paragraph 1, point (b) is replaced by the following:

'(b) the notifications referred to in Articles 63(4) and 64(3) of Regulation (EU) No 1308/2013 and in Article 10(3) of this Regulation. These notifications shall be made in the form set out in Part II of Annex IV to this Regulation.;

(b) in paragraph 2, the following second subparagraph is added:

'By way of derogation from the first subparagraph, point (c), Member States shall notify the Commission by 1 March 2023 of the authorisations granted between 1 August and 31 December 2022 on the basis of the conversion of valid planting rights as referred to in Article 10(3) of this Regulation.;

(6) Annex I is amended in accordance with Annex I to this Regulation;

(7) Annex III is amended in accordance with Annex II to this Regulation;

(8) Annex IV is amended in accordance with Annex III to this Regulation.

Article 2

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

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

Done at Brussels, 13 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Part B of Annex I to Implementing Regulation (EU) 2018/274 is replaced by the following:

B. ALLOCATION ACCORDING TO THE PRIORITY CRITERIA

The part of the total number of hectares available for new plantings that Member States have decided to allocate at national or regional level according to the priority criteria selected as referred to in Article 4(2), point (b)(ii), shall be divided among individual eligible applications in the following way:

- (a) Member States shall select the priority criteria at national or regional level and may give all the criteria selected the same importance or attribute them different weighing. Member States may apply such weighing uniformly at national level or change the weighing of the criteria depending on the area within the territory of the Member State.

Where Member States attribute the same importance to all criteria selected at national or regional level, a value of one (1) shall be associated to each of them.

Where Member States attribute to the criteria selected at national or regional level different weighing, a value varying between zero (0) and one (1) shall be associated to each of those criteria and the sum of all individual values must always be equal to one (1).

Where the weighing of these criteria varies depending on the region within the territory of the Member State, an individual value varying between zero (0) and one (1) shall be associated to each of those criteria for each of the regions. In this case, the sum of all individual weights of the selected criteria for each of those regions must always be equal to one (1).

- (b) Member States shall assess each eligible individual application on the basis of the compliance with the priority criteria selected. In order to assess the level of such compliance with each of the priority criteria, Member States shall establish a single scale at national or regional level, on the basis of which to attribute a number of points to each application in relation to each of those criteria.
- (c) The single scale shall pre-define the number of points to be attributed in relation to the level of compliance with each of the criteria, detailing also the number of points to be attributed in relation to each of the elements of each specific criterion.
- (d)

Member States shall establish a ranking of individual applications at national or regional level on the basis of the total points attributed to each individual application according to the compliance or the level of compliance referred to in point (b) and, where applicable, the importance of the criteria referred to in point (a). For this purpose, they shall use the following formula:

$$Pt = W_1 \times Pt_1 + W_2 \times Pt_2 + \dots + W_n \times Pt_n$$

Pt = total of points given to a specific individual application
 W₁, W₂ ..., W_n = weight of criteria 1, 2, ..., n
 Pt₁, Pt₂ ..., Pt_n = level of compliance of the application with criteria 1, 2, ... n

In areas where the weighing is zero for all priority criteria, all eligible applications shall receive the maximum value in the scale for what concerns the level of compliance.

- (e) Member States shall grant authorisations to the individual applicants following the order established in the ranking mentioned in point (d) and until the hectares to be allocated according to the priority criteria are exhausted. The full number of hectares requested by an applicant shall be satisfied in the form of an authorisation before granting an authorisation to the next applicant according to the ranking.

If the hectares available are exhausted on a position of the ranking where several applications have the same number of points, the remaining hectares shall be allocated on a pro rata basis to these applications.

- (f) If the limit for a certain region, or area eligible for a PDO or PGI, or area without geographical indication, is reached when granting authorisations pursuant to point A and points (a) to (e) of this point, no further applications originating from that region or area shall be satisfied.

ANNEX II

Part II of Annex III to Implementing Regulation (EU) 2018/274 is replaced by the following:

PART II

Number of samples to be taken by Member States each year for the analytical databank as referred to in Article 27(3)

- 30 samples in Bulgaria,
 - 20 samples in the Czechia,
 - 200 samples in Germany,
 - 50 samples in Greece,
 - 200 samples in Spain,
 - 400 samples in France,
 - 30 samples in Croatia,
 - 400 samples in Italy,
 - 10 samples in Cyprus,
 - 4 samples in Luxembourg,
 - 50 samples in Hungary,
 - 4 samples in Malta,
 - 50 samples in Austria,
 - 50 samples in Portugal,
 - 70 samples in Romania,
 - 20 samples in Slovenia,
 - 15 samples in Slovakia.’
-

ANNEX III

Annex IV to Implementing Regulation (EU) 2018/274 is amended as follows:

(1) in Part II, table A is replaced by the following:

Table A

Authorisations for new plantings — percentage

Member State:	
Date of communication	
Year:	
Method of calculation in accordance with Article 63(1) of Regulation (EU) No 1308/2013:	
Percentage to be applied at national level:	
Justifications on limitation of the percentage at national level (where below 1 %):	
Area A: Total area (ha) in accordance with Article 63(1), point (a), of Regulation (EU) No 1308/2013 actually planted (on last 31 July):	
B1: Total area (ha) actually planted on 31 July 2015:	
B2: Area (ha) covered by planting rights available for conversion into authorisations on 1 January 2016	
Area B (B1+B2) Area in accordance with Article 63(1), point (b), of Regulation (EU) No 1308/2013:	
(Area A or Area B multiplied with the percentage applied at national level) = Total area (ha) for new plantings at national level, on the basis of the percentage and reference decided:	
Total area (ha) transferred from previous year in accordance with Article 7(3) of this Regulation:	
Area (ha) in accordance with Article 68(2a) of Regulation (EU) No 1308/2013 (for years 2023-2025 only)	
Total area (ha) of authorisations for new vine plantings at national level:	

Notification deadline: 1 March.;

(2) in Part VI, the comments below the table are replaced by the following:

Notification deadline: 1 November

NB: This table has to be communicated for each wine year (from 1 August of year n-1 until 31 July of the year of the communication) until 1 November of the year following the end of the deadline referred to in Article 68(1), second subparagraph, of Regulation (EU) No 1308/2013 or the deadline decided by the Member State in accordance with Article 10(1) of this Regulation.

However, the communication for the period from 1 August 2022 to 31 December 2022 shall be made by 1 March 2023.;

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2568**of 21 December 2022****amending Annex I to Implementing Regulation (EU) 2021/605 laying down special control measures for African swine fever****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾, and in particular Article 71(3) thereof,

Whereas:

- (1) African swine fever is an infectious viral disease affecting kept and wild porcine animals and can have a severe impact on the concerned animal population and the profitability of farming causing disturbance to movements of consignments of those animals and products thereof within the Union and exports to third countries.
- (2) Commission Implementing Regulation (EU) 2021/605 ⁽²⁾ was adopted within the framework of Regulation (EU) 2016/429, and it lays down special disease control measures regarding African swine fever to be applied for a limited period of time by the Member States listed in Annex I thereto (the Member States concerned), in restricted zones I, II and III listed in that Annex.
- (3) The areas listed as restricted zones I, II and III in Annex I to Implementing Regulation (EU) 2021/605 are based on the epidemiological situation of African swine fever in the Union. Annex I to Implementing Regulation (EU) 2021/605 was last amended by Commission Implementing Regulation (EU) 2022/2486 ⁽³⁾ following changes in the epidemiological situation as regards that disease in Italy and Poland. Since the date of adoption of that Implementing Regulation, the epidemiological situation as regards that disease in certain Member States concerned has evolved.
- (4) Any amendments to restricted zones I, II and III in Annex I to Implementing Regulation (EU) 2021/605 should be based on the epidemiological situation as regards African swine fever in the areas affected by that disease and the overall epidemiological situation of African swine fever in the Member State concerned, the level of risk for the further spread of that disease, as well as scientifically based principles and criteria for geographically defining zoning due to African swine fever and the Union's guidelines agreed with the Member States at the Standing Committee on Plants, Animals, Food and Feed and publicly available on the Commission's website ⁽⁴⁾. Such amendments should also take account of international standards, such as the Terrestrial Animal Health Code ⁽⁵⁾ of the World Organisation for Animal Health (WOAH) and justifications for zoning provided by the competent authorities of the Member States concerned.
- (5) Since the date of adoption of Implementing Regulation (EU) 2022/2486 there have been new outbreaks of African swine fever in wild porcine animals in Slovakia.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2021/605 of 7 April 2021 laying down special control measures for African swine fever (OJ L 129, 15.4.2021, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2022/2486 of 16 December 2022 amending Annex I to Implementing Regulation (EU) 2021/605 laying down special control measures for African swine fever (OJ L 323, 19.12.2022, p. 33).

⁽⁴⁾ Working Document SANTE/7112/2015/Rev. 3 'Principles and criteria for geographically defining ASF regionalisation'. https://ec.europa.eu/food/animals/animal-diseases/control-measures/asf_en

⁽⁵⁾ OIE Terrestrial Animal Health Code, 29th Edition, 2021. Volumes I and II ISBN 978-92-95115-40-8; <https://www.woah.org/en/what-we-do/standards/codes-and-manuals/terrestrial-code-online-access/>

- (6) In December 2022, several outbreaks of African swine fever in wild porcine animals were observed in the Zlate Moravce district in Slovakia, in an area currently not listed in Annex I to Implementing Regulation (EU) 2021/605. Those new outbreaks of African swine fever in wild porcine animals constitute an increased level of risk, which should be reflected in that Annex. Accordingly, this area of Slovakia currently not listed as a restricted zone in that Annex, affected by those recent outbreaks of African swine fever, should now be listed as a restricted zone II in that Annex and the current boundaries of restricted zones I also need to be redefined to take account of those recent outbreaks.
- (7) Following those recent outbreaks of African swine fever in wild porcine animals in Slovakia and taking into account the current epidemiological situation as regards African swine fever in the Union, zoning in this Member State has been reassessed and updated in accordance with Articles 5, 6 and 7 of Implementing Regulation (EU) 2021/605. In addition, the risk management measures in place have also been reassessed and updated. These changes should be reflected in Annex I to Implementing Regulation (EU) 2021/605.
- (8) In order to take account of the recent developments in the epidemiological situation of African swine fever in the Union, and in order to combat the risks associated with the spread of that disease in a proactive manner new restricted zones of a sufficient size should be demarcated for Slovakia and listed as restricted zones I and II. As the situation as regards African swine fever is very dynamic in the Union, when demarcating those new restricted zones, account has been taken of the epidemiological situation in the surrounding areas.
- (9) Given the urgency of the epidemiological situation in the Union as regards the spread of African swine fever, it is important that the amendments to be made to Annex I to Implementing Regulation (EU) 2021/605 by this Implementing Regulation take effect as soon as possible.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Implementing Regulation (EU) 2021/605 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 21 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Implementing Regulation (EU) 2021/605 is replaced by the following:

'ANNEX I

RESTRICTED ZONES

PART I

1. Germany

The following restricted zones I in Germany:

Bundesland Brandenburg:

- Landkreis Dahme-Spreewald:
 - Gemeinde Alt Zauche-Wußwerk,
 - Gemeinde Byhleguhre-Byhlen,
 - Gemeinde Märkische Heide, mit den Gemarkungen Alt Schadow, Neu Schadow, Pretschen, Plattkow, Wittmannsdorf, Schuhlen-Wiese, Bückchen, Kuschkow, Gröditsch, Groß Leuthen, Leibchel, Glietz, Groß Leine, Dollgen, Krugau, Dürrenhofe, Biebersdorf und Klein Leine,
 - Gemeinde Neu Zauche,
 - Gemeinde Schwielochsee mit den Gemarkungen Groß Liebitz, Gühlen, Mochow und Siegadel,
 - Gemeinde Spreewaldheide,
 - Gemeinde Straupitz,
- Landkreis Märkisch-Oderland:
 - Gemeinde Müncheberg mit den Gemarkungen Müncheberg, Eggersdorf bei Müncheberg und Hoppegarten bei Müncheberg,
 - Gemeinde Bliesdorf mit den Gemarkungen Kunersdorf – westlich der B167 und Bliesdorf – westlich der B167
 - Gemeinde Märkische Höhe mit den Gemarkungen Reichenberg und Batzlow,
 - Gemeinde Wriezen mit den Gemarkungen Haselberg, Frankenfelde, Schulzendorf, Lüdersdorf Biesdorf, Rathsdorf – westlich der B 167 und Wriezen – westlich der B167
 - Gemeinde Buckow (Märkische Schweiz),
 - Gemeinde Strausberg mit den Gemarkungen Hohenstein und Ruhlsdorf,
 - Gemeine Garzau-Garzin,
 - Gemeinde Waldsiefersdorf,
 - Gemeinde Rehfelde mit der Gemarkung Werder,
 - Gemeinde Reichenow-Mögelin,
 - Gemeinde Prötzel mit den Gemarkungen Harnekop, Sternebeck und Prötzel östlich der B 168 und der L35,
 - Gemeinde Oberbarnim,
 - Gemeinde Bad Freienwalde mit der Gemarkung Sonnenburg,
 - Gemeinde Falkenberg mit den Gemarkungen Dannenberg, Falkenberg westlich der L 35, Gersdorf und Krüge,
 - Gemeinde Höhenland mit den Gemarkungen Steinbeck, Wollenberg und Wölsickendorf,

- Landkreis Barnim:
 - Gemeinde Joachimsthal östlich der L220 (Eberswalder Straße), östlich der L23 (Töpferstraße und Templiner Straße), östlich der L239 (Glambecker Straße) und Schorfheide (JO) östlich der L238,
 - Gemeinde Friedrichswalde mit der Gemarkung Glambeck östlich der L 239,
 - Gemeinde Althüttendorf,
 - Gemeinde Ziethen mit den Gemarkungen Groß Ziethen und Klein Ziethen westlich der B198,
 - Gemeinde Chorin mit den Gemarkungen Golzow, Senftenhütte, Buchholz, Schorfheide (Ch), Chorin westlich der L200 und Sandkrug nördlich der L200,
 - Gemeinde Britz,
 - Gemeinde Schorfheide mit den Gemarkungen Altenhof, Werbellin, Lichterfelde und Finowfurt,
 - Gemeinde (Stadt) Eberswalde mit der Gemarkungen Finow und Spechthausen und der Gemarkung Eberswalde südlich der B167 und westlich der L200,
 - Gemeinde Breydin,
 - Gemeinde Melchow,
 - Gemeinde Sydower Fließ mit der Gemarkung Grüntal nördlich der K6006 (Landstraße nach Tuchen), östlich der Schönholzer Straße und östlich Am Postweg,
 - Hohenfinow südlich der B167,
- Landkreis Uckermark:
 - Gemeinde Passow mit den Gemarkungen Briest, Passow und Schönow,
 - Gemeinde Mark Landin mit den Gemarkungen Landin nördlich der B2, Grünow und Schönermark,
 - Gemeinde Angermünde mit den Gemarkungen Frauenhagen, Mürow, Angermünde nördlich und nordwestlich der B2, Dobberzin nördlich der B2, Kerkow, Welsow, Bruchhagen, Greiffenberg, Günterberg, Biesenbrow, Görldorf, Wolletz und Altkünkendorf,
 - Gemeinde Zichow,
 - Gemeinde Casekow mit den Gemarkungen Blumberg, Wartin, Luckow-Petershagen und den Gemarkungen Biesendahlshof und Casekow westlich der L272 und nördlich der L27,
 - Gemeinde Hohenselchow-Groß Pinnow mit der Gemarkung Hohenselchow nördlich der L27,
 - Gemeinde Tantow,
 - Gemeinde Mescherin mit der Gemarkung Radekow, der Gemarkung Rosow südlich der K 7311 und der Gemarkung Neurochlitz westlich der B2,
 - Gemeinde Gartz (Oder) mit der Gemarkung Geesow westlich der B2 sowie den Gemarkungen Gartz und Hohenreinkendorf nördlich der L27 und der B2 bis zur Kastanienallee, dort links abbiegend dem Schülerweg folgend bis Höhe Bahnhof, von hier in östlicher Richtung den Salveybach kreuzend bis zum Tantower Weg, diesen in nördlicher Richtung bis zu Stettiner Straße, diese weiter folgend bis zur B2, dieser in nördlicher Richtung folgend,
 - Gemeinde Pinnow nördlich und westlich der B2,
- Landkreis Oder-Spree:
 - Gemeinde Storkow (Mark),
 - Gemeinde Spreenhagen mit den Gemarkungen Braunsdorf, Markgrafpieske, Lebbin und Spreenhagen,
 - Gemeinde Grünheide (Mark) mit den Gemarkungen Kagel, Kienbaum und Hangelsberg,
 - Gemeinde Fürstenwalde westlich der B 168 und nördlich der L 36,

- Gemeinde Rauen,
- Gemeinde Wendisch Rietz bis zur östlichen Uferzone des Scharmützelsees und von der südlichen Spitze des Scharmützelsees südlich der B246,
- Gemeinde Reichenwalde,
- Gemeinde Bad Saarow mit der Gemarkung Petersdorf und der Gemarkung Bad Saarow-Pieskow westlich der östlichen Uferzone des Scharmützelsees und ab nördlicher Spitze westlich der L35,
- Gemeinde Tauche mit der Gemarkung Werder,
- Gemeinde Steinhöfel mit den Gemarkungen Jänickendorf, Schönfelde, Beerfelde, Gölsdorf, Buchholz, Tempelberg und den Gemarkungen Steinhöfel, Hasenfelde und Heinersdorf westlich der L36 und der Gemarkung Neuendorf im Sande nördlich der L36,
- Landkreis Spree-Neiße:
 - Gemeinde Turnow-Preilack mit der Gemarkung Turnow,
 - Gemeinde Drachhausen,
 - Gemeinde Schmogrow-Fehrow,
 - Gemeinde Drehnow,
 - Gemeinde Teichland mit den Gemarkungen Maust und Neuendorf,
 - Gemeinde Guhrow,
 - Gemeinde Werben,
 - Gemeinde Dissen-Striesow,
 - Gemeinde Briesen,
 - Gemeinde Kolkwitz mit den Gemarkungen Klein Gaglow, Hähnchen, Kolkwitz, Glinzig und Krieschow nördl. der BAB 15, Gulben, Papitz, Babow, Eichow, Limberg und Milkersdorf,
 - Gemeinde Burg (Spreewald)
 - Kreisfreie Stadt Cottbus außer den Gemarkungen Kahren, Gallinchen, Groß Gaglow und der Gemarkung Kiekebusch südlich der BAB,
- Landkreis Oberspreewald-Lausitz:
 - Gemeinde Lauchhammer,
 - Gemeinde Schwarzheide,
 - Gemeinde Schipkau,
 - Gemeinde Senftenberg mit den Gemarkungen Brieske, Niemtsch, Senftenberg und Reppist,
 - die Gemeinde Schwarzbach mit der Gemarkung Biehlen,
 - Gemeinde Großräschen mit den Gemarkungen Wormlage, Saalhausen, Barzig, Freienhufen, Großräschen,
 - Gemeinde Vetschau/Spreewald mit den Gemarkungen: Naundorf, Fleißdorf, Suschow, Stradow, Göritz, Koßwig, Vetschau, Repten, Tornitz, Missen und Orgosen,
 - Gemeinde Calau mit den Gemarkungen: Kalkwitz, Mlode, Saßleben, Reuden, Bolschwitz, Säritz, Calau, Kemmen, Werchow und Gollnitz,
 - Gemeinde Luckaitztal,
 - Gemeinde Bronkow,
 - Gemeinde Altdöbern mit der Gemarkung Altdöbern westlich der Bahnlinie,
 - Gemeinde Tettau,
- Landkreis Elbe-Elster:
 - Gemeinde Großthiemig,
 - Gemeinde Hirschfeld,

- Gemeinde Gröden,
- Gemeinde Schraden,
- Gemeinde Merzdorf,
- Gemeinde Röderland mit der Gemarkung Wainsdorf, Präsen, Stolzenhain a.d. Röder,
- Gemeinde Plessa mit der Gemarkung Plessa,
- Landkreis Prignitz:
 - Gemeinde Groß Pankow mit den Gemarkungen Baek, Tangendorf, Tacken, Hohenvier, Strigleben, Steinberg und Gulow,
 - Gemeinde Perleberg mit der Gemarkung Schönfeld,
 - Gemeinde Karstädt mit den Gemarkungen Postlin, Strehlen, Blüten, Klockow, Premslin, Glövzin, Waterloo, Karstädt, Dargardt, Garlin und die Gemarkungen Groß Warnow, Klein Warnow, Reckenzin, Streesow und Dallmin westlich der Bahnstrecke Berlin/Spandau-Hamburg/Altona,
 - Gemeinde Gülitz-Reetz,
 - Gemeinde Putlitz mit den Gemarkungen Lockstädt, Mansfeld und Laaske,
 - Gemeinde Triglitz,
 - Gemeinde Marienfließ mit der Gemarkung Frehne,
 - Gemeinde Kümmernitztal mit der Gemarkungen Buckow, Preddöhl und Grabow,
 - Gemeinde Gerdshagen mit der Gemarkung Gerdshagen,
 - Gemeinde Meyenburg,
 - Gemeinde Pritzwalk mit der Gemarkung Steffenshagen,
- Bundesland Sachsen:
 - Stadt Dresden:
 - Stadtgebiet, sofern nicht bereits Teil der Sperrzone II,
 - Landkreis Meißen:
 - Gemeinde Diera-Zehren, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Glaubitz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Hirschstein,
 - Gemeinde Käbschütztal,
 - Gemeinde Klipphausen, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Niederau, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Nünchritz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Röderaue, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Stadt Gröditz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Stadt Lommatzsch,
 - Gemeinde Stadt Meißen, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Stadt Nossen,
 - Gemeinde Stadt Riesa,
 - Gemeinde Stadt Strehla,
 - Gemeinde Stauchitz,
 - Gemeinde Wülknitz, sofern nicht bereits Teil der Sperrzone II,
 - Gemeinde Zeithain,
 - Landkreis Mittelsachsen:
 - Gemeinde Großweitzschen mit den Ortsteilen Döschütz, Gadewitz, Niederranschütz, Redemitz,

- Gemeinde Ostrau mit den Ortsteilen Auerschütz, Beutig, Binnewitz, Clanzschwitz, Delmschütz, Döhlen, Jahna, Kattnitz, Kiebitz, Merschütz, Münchhof, Niederlützschera, Noschkowitz, Oberlützschera, Obersteina, Ostrau, Pulsitz, Rittnitz, Schlagwitz, Schmorren, Schrebitz, Sömnitz, Trebanitz, Zschochau,
- Gemeinde Reinsberg,
- Gemeinde Stadt Döbeln mit den Ortsteilen Beicha, Bormitz, Choren, Döbeln, Dreißig, Geleitshäuser, Gertitzsch, Gödelitz, Großsteinbach, Juchhöh, Kleinmockritz, Leschen, Lüttewitz, Maltitz, Markritz, Meila, Mochau, Nelkanitz, Oberranschütz, Petersberg, Präbschütz, Prüfern, Schallhausen, Schweimnitz, Simselwitz, Theeschütz, Zschackwitz, Zschäschütz,
- Gemeinde Stadt Großschirma mit den Ortsteilen Obergruna, Siebenlehn,
- Gemeinde Stadt Roßwein mit den Ortsteilen Gleisberg, Haßlau, Klinge, Naußlitz, Neuseifersdorf, Niederforst, Ossig, Roßwein, Seifersdorf, Wettersdorf, Wetterwitz,
- Gemeinde Striegistal mit den Ortsteilen Gersdorf, Kammersheim, Marbach,
- Gemeinde Zschaitz-Ottewig,
- Landkreis Nordsachsen:
 - Gemeinde Arzberg mit den Ortsteilen Stehla, Tauschwitz,
 - Gemeinde Cavertitz mit den Ortsteilen Außig, Cavertitz, Klingenhain, Schirmenitz, Treptitz,
 - Gemeinde Liebschützberg mit den Ortsteilen Borna, Bornitz, Clanzschwitz, Ganzig, Kleinragewitz, Laas, Leckwitz, Liebschütz, Sahlssan, Schönnewitz, Terpitz östlich der Querung am Käferberg, Wadewitz, Zaußwitz,
 - Gemeinde Naundorf mit den Ortsteilen Casabra, Gastewitz, Haage, Hof, Hohenwussen, Kreina, Nasenberg, Raitzen, Reppen, Salbitz, Stenenschütz, Zeicha,
 - Gemeinde Stadt Belgern-Schildau mit den Ortsteilen Ammelgoßwitz, Dröschkau, Liebersee östlich der B182, Oelzschau, Seydewitz, Staritz, Wohlau,
 - Gemeinde Stadt Mügeln mit den Ortsteilen Mahris, Schweta südlich der K8908, Zschannewitz,
 - Gemeinde Stadt Oschatz mit den Ortsteilen Lonnewitz östlich des Sandbaches und nördlich der B6, Oschatz östlich des Schmorkauer Wegs und nördlich der S28, Rechau, Schmorkau, Zöschau,
- Landkreis Sächsische Schweiz-Osterzgebirge:
 - Gemeinde Bannewitz,
 - Gemeinde Dürrröhrsdorf-Dittersbach,
 - Gemeinde Kreischa,
 - Gemeinde Lohmen,
 - Gemeinde Mügglitztal,
 - Gemeinde Stadt Dohna,
 - Gemeinde Stadt Freital,
 - Gemeinde Stadt Heidenau,
 - Gemeinde Stadt Hohnstein,
 - Gemeinde Stadt Neustadt i. Sa.,
 - Gemeinde Stadt Pirna,
 - Gemeinde Stadt Rabenau mit den Ortsteilen Lübau, Obernaundorf, Oelsa, Rabenau und Spechtritz,
 - Gemeinde Stadt Stolpen,
 - Gemeinde Stadt Tharandt mit den Ortsteilen Fördergersdorf, Großopitz, Kurort Hartha, Pohrsdorf und Spechtshausen,
 - Gemeinde Stadt Wilsdruff, sofern nicht bereits Teil der Sperrzone II,

Bundesland Mecklenburg-Vorpommern:

- Landkreis Vorpommern Greifswald
 - Gemeinde Penkun,
 - Gemeinde Nadrensee,
 - Gemeinde Krackow,
 - Gemeinde Glasow,
 - Gemeinde Grambow,
- Landkreis Ludwigslust-Parchim:
 - Gemeinde Barkhagen mit den Ortsteilen und Ortschaften: Altenlinden, Kolonie Lalchow, Plauerhagen, Zarchlin, Barkow-Ausbau, Barkow,
 - Gemeinde Blievenstorf mit dem Ortsteil: Blievenstorf,
 - Gemeinde Brenz mit den Ortsteilen und Ortschaften: Neu Brenz, Alt Brenz,
 - Gemeinde Domsühl mit den Ortsteilen und Ortschaften: Severin, Bergrade Hof, Bergrade Dorf, Zieslütbe, Alt Dammerow, Schlieven, Domsühl, Domsühl-Ausbau, Neu Schlieven,
 - Gemeinde Gallin-Kuppentin mit den Ortsteilen und Ortschaften: Kuppentin, Kuppentin-Ausbau, Daschow, Zahren, Gallin, Penzlin,
 - Gemeinde Ganzlin mit den Ortsteilen und Ortschaften: Dresenow, Dresenower Mühle, Twietfort, Ganzlin, Tönchow, Wendisch Priborn, Liebhof, Gnevsvord,
 - Gemeinde Granzin mit den Ortsteilen und Ortschaften: Lindenbeck, Greven, Beckendorf, Bahlenrade, Granzin,
 - Gemeinde Grabow mit den Ortsteilen und Ortschaften: Fresenbrügge, Grabow, Griemoor, Heidehof, Kaltehof, Winkelmoor,
 - Gemeinde Groß Laasch mit den Ortsteilen und Ortschaften: Groß Laasch,
 - Gemeinde Kremmin mit den Ortsteilen und Ortschaften: Beckentin, Kremmin,
 - Gemeinde Kritzwitz mit den Ortsteilen und Ortschaften: Schlemmin, Kritzwitz,
 - Gemeinde Lewitzrand mit dem Ortsteil und Ortschaften: Matzlow-Garwitz (teilweise),
 - Gemeinde Lübz mit den Ortsteilen und Ortschaften: Bobzin, Broock, Broock Ausbau, Hof Gischow, Lübz, Lutheran, Lutheran Ausbau, Riederfelde, Ruthen, Wessentin, Wessentin Ausbau,
 - Gemeinde Neustadt-Glewe mit den Ortsteilen und Ortschaften: Hohes Feld, Kiez, Klein Laasch, Liebs Siedlung, Neustadt-Glewe, Tuckhude, Wabel,
 - Gemeinde Obere Warnow mit den Ortsteilen und Ortschaften: Grebbin und Wozinkel, Gemarkung Kossebade teilweise, Gemarkung Herzberg mit dem Waldgebiet Bahlenholz bis an die östliche Gemeindegrenze, Gemarkung Woeten unmittelbar östlich und westlich der L16,
 - Gemeinde Parchim mit den Ortsteilen und Ortschaften: Dargelütz, Neuhof, Kiekindemark, Neu Klockow, Möderitz, Malchow, Damm, Parchim, Voigtsdorf, Neu Matzlow,
 - Gemeinde Passow mit den Ortsteilen und Ortschaften: Unterbrüz, Brüz, Welzin, Neu Brüz, Weisin, Charlottenhof, Passow,
 - Gemeinde Plau am See mit den Ortsteilen und Ortschaften: Reppentin, Gaarz, Silbermühle, Appelburg, Seelust, Plau-Am See, Plötzenhöhe, Klebe, Lalchow, Quetzin, Heidekrug,
 - Gemeinde Rom mit den Ortsteilen und Ortschaften: Lancken, Stralendorf, Rom, Darze, Paarsch,
 - Gemeinde Spornitz mit den Ortsteilen und Ortschaften: Dütschow, Primark, Steinbeck, Spornitz,
 - Gemeinde Werder mit den Ortsteilen und Ortschaften: Neu Bentheden, Bentheden, Tannenhof, Werder.

2. Estonia

The following restricted zones I in Estonia:

- Hiiu maakond.

3. Greece

The following restricted zones I in Greece:

- in the regional unit of Drama:
 - the community departments of Sidironero and Skaloti and the municipal departments of Livadero and Ksiropotamo (in Drama municipality),
 - the municipal department of Paranesti (in Paranesti municipality),
 - the municipal departments of Kokkinogeia, Mikropoli, Panorama, Pyrgoi (in Prosotsani municipality),
 - the municipal departments of Kato Nevrokopi, Chrysokefalo, Achladea, Vathytopos, Volakas, Granitis, Dasotos, Eksohi, Katafyto, Lefkogeia, Mikrokleisoura, Mikromilea, Ochyro, Pagoneri, Perithorio, Kato Vrontou and Potamoi (in Kato Nevrokopi municipality),
- in the regional unit of Xanthi:
 - the municipal departments of Kimmerion, Stavroupoli, Gerakas, Dafnonas, Komnina, Kariofyto and Neochori (in Xanthi municipality),
 - the community departments of Satres, Thermes, Kotyli, and the municipal departments of Myki, Echinis and Oraio and (in Myki municipality),
 - the community department of Selero and the municipal department of Sounio (in Avdira municipality),
- in the regional unit of Rodopi:
 - the municipal departments of Komotini, Anthochorio, Gratini, Thrylorio, Kalhas, Karydia, Kikidio, Kosmio, Pandrosos, Aigeiros, Kallisti, Meleti, Neo Sidirochori and Mega Doukato (in Komotini municipality),
 - the municipal departments of Ipio, Arriana, Darmeni, Archontika, Fillyra, Ano Drosini, Aratos and the Community Departments Kehros and Organi (in Arriana municipality),
 - the municipal departments of Iasmos, Sostis, Asomatoi, Polyanthos and Amvrosia and the community department of Amaxades (in Iasmos municipality),
 - the municipal department of Amaranta (in Maroneia Sapon municipality),
- in the regional unit of Evros:
 - the municipal departments of Kyriaki, Mandra, Mavrokklisi, Mikro Dereio, Protokklisi, Roussa, Goniko, Geriko, Sidirochori, Megalo Derio, Sidiro, Giannouli, Agriani and Petrolofos (in Soufli municipality),
 - the municipal departments of Dikaia, Arzos, Elaia, Therapio, Komara, Marasia, Ormenio, Pentalofos, Petroti, Plati, Ptelea, Kyprinos, Zoni, Fulakio, Spilaio, Nea Vyssa, Kavili, Kastanies, Rizia, Sterna, Ampelakia, Valtos, Megali Doxipara, Neochori and Chandras (in Orestiada municipality),
 - the municipal departments of Asvestades, Ellinochori, Karoti, Koufovouno, Kiani, Mani, Sitochori, Alepochori, Asproneri, Metaxades, Vrysika, Doksa, Elafoxori, Ladi, Paliouri and Poimeniko (in Didymoteicho municipality),
- in the regional unit of Serres:
 - the municipal departments of Kerkini, Livadia, Makrynitsa, Neochori, Platanakia, Petritsi, Akritochori, Vyroneia, Gonimo, Mandraki, Megalochori, Rodopoli, Ano Poroia, Katw Poroia, Sidirokastros, Vamvakophyto, Promahonas, Kamaroto, Strymonochori, Charopo, Kastanousi and Chorero and the community departments of Achladochori, Agkistro and Kapnophyto (in Sintiki municipality),

- the municipal departments of Serres, Elaionas and Oinoussa and the community departments of Orini and Ano Vrontou (in Serres municipality),
- the municipal departments of Dasochoriou, Irakleia, Valtero, Karperi, Koimisi, Lithotopos, Limnochori, Podismeno and Chrysochorafa (in Irakleia municipality).

4. Latvia

The following restricted zones I in Latvia:

- Dienvidkurzemes novada, Grobiņas pagasts, Nicas pagasta daļa uz ziemeļiem no apdzīvotas vietas Bernāti, autoceļa V1232, A11, V1222, Bārtas upes, Otaņķu pagasts, Grobiņas pilsēta,
- Ropažu novada Stopiņu pagasta daļa, kas atrodas uz rietumiem no autoceļa V36, P4 un P5, Acones ielas, Daugūpupes ielas un Daugūpītes.

5. Lithuania

The following restricted zones I in Lithuania:

- Kalvarijos savivaldybė,
- Klaipėdos rajono savivaldybė: Agluonėnų, Dovilų, Gargždų, Priekulės, Vėžaičių, Kretingalės ir Dauparų-Kvietinių seniūnijos,
- Marijampolės savivaldybė išskyrus Šumskų ir Sasnavos seniūnijos,
- Palangos miesto savivaldybė,
- Vilkaviškio rajono savivaldybė: Bartinkų, Gražiškių, Keturvalakių, Pajevonio, Virbalio, Vištyčio seniūnijos.

6. Hungary

The following restricted zones I in Hungary:

- Békés megye 950950, 950960, 950970, 951950, 952050, 952750, 952850, 952950, 953050, 953150, 953650, 953660, 953750, 953850, 953960, 954250, 954260, 954350, 954450, 954550, 954650, 954750, 954850, 954860, 954950, 955050, 955150, 955250, 955260, 955270, 955350, 955450, 955510, 955650, 955750, 955760, 955850, 955950, 956050, 956060, 956150 és 956160 kódszámú vadgazdálkodási egységeinek teljes területe,
- Bács-Kiskun megye 600150, 600850, 601550, 601650, 601660, 601750, 601850, 601950, 602050, 603250, 603750 és 603850 kódszámú vadgazdálkodási egységeinek teljes területe,
- Budapest 1 kódszámú, vadgazdálkodási tevékenységre nem alkalmas területe,
- Csongrád-Csanád megye 800150, 800160, 800250, 802220, 802260, 802310 és 802450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Fejér megye 400150, 400250, 400351, 400352, 400450, 400550, 401150, 401250, 401350, 402050, 402350, 402360, 402850, 402950, 403050, 403450, 403550, 403650, 403750, 403950, 403960, 403970, 404650, 404750, 404850, 404950, 404960, 405050, 405750, 405850, 405950,
- 406050, 406150, 406550, 406650 és 406750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Győr-Moson-Sopron megye 100550, 100650, 100950, 101050, 101350, 101450, 101550, 101560 és 102150 kódszámú vadgazdálkodási egységeinek teljes területe,
- Jász-Nagykun-Szolnok megye 750150, 750160, 750260, 750350, 750450, 750460, 754450, 754550, 754560, 754570, 754650, 754750, 754950, 755050, 755150, 755250, 755350 és 755450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Komárom-Esztergom megye 250150, 250250, 250450, 250460, 250550, 250650, 250750, 251050, 251150, 251250, 251350, 251360, 251650, 251750, 251850, 252250, kódszámú vadgazdálkodási egységeinek teljes területe,
- Pest megye 571550, 572150, 572250, 572350, 572550, 572650, 572750, 572850, 572950, 573150, 573250, 573260, 573350, 573360, 573450, 573850, 573950, 573960, 574050, 574150, 574350, 574360, 574550, 574650, 574750, 574850, 574860, 574950, 575050, 575150, 575250, 575350, 575550, 575650, 575750, 575850, 575950, 576050, 576150, 576250, 576350, 576450, 576650, 576750, 576850, 576950, 577050, 577150, 577350, 577450, 577650, 577850, 577950, 578050, 578150, 578250, 578350, 578360, 578450, 578550, 578560, 578650, 578850, 578950, 579050, 579150, 579250, 579350, 579450, 579460, 579550, 579650, 579750, 580250 és 580450 kódszámú vadgazdálkodási egységeinek teljes területe.

7. Poland

The following restricted zones I in Poland:

w województwie kujawsko – pomorskim:

- powiat rypiński,
- powiat brodnicki,
- powiat grudziądzki,
- powiat miejski Grudziądz,
- powiat wąbrzeski,

w województwie warmińsko-mazurskim:

- gminy Wielbark i Rozogi w powiecie szczycieńskim,

w województwie podlaskim:

- gminy Wysokie Mazowieckie z miastem Wysokie Mazowieckie, Czyżew i część gminy Kulesze Kościelne położona na południe od linii wyznaczonej przez linię kolejową w powiecie wysokomazowieckim,
- powiat łomżyński,
- powiat kolneński,
- powiat zambrowski,
- powiat miejski Łomża,

w województwie mazowieckim:

- powiat ostrołęcki,
 - powiat miejski Ostrołęka,
 - gminy Bielsk, Brudzeń Duży, Bulkowo, Drobin, Gąbin, Łąck, Nowy Duninów, Radzanowo, Słupno, Staroźreby i Stara Biała w powiecie płockim,
 - powiat miejski Płock,
 - powiat ciechanowski,
 - gminy Baboszewo, Dzierżążnia, Joniec, Nowe Miasto, Płońsk i miasto Płońsk, Raciąż i miasto Raciąż, Sochocin w powiecie płońskim,
 - powiat sierpecki,
 - gmina Biezuń, Lutocin, Siemiątkowo i Żuromin w powiecie żuromińskim,
 - część powiatu ostrowskiego niewymieniona w części II załącznika I,
 - gminy Dzieżgowo, Lipowiec Kościelny, Mława, Radzanów, Strzegowo, Stupsk, Szreńsk, Szydłowo, Wiśniewo w powiecie mławskim,
 - powiat przasnyski,
 - powiat makowski,
 - powiat pułtuski,
 - część powiatu wyszkowskiego niewymieniona w części II załącznika I,
 - część powiatu węgrowskiego niewymieniona w części II załącznika I,
 - część powiatu wołomińskiego niewymieniona w części II załącznika I,
 - gminy Mokobody i Suchożebry w powiecie siedleckim,
 - gminy Dobrze, Jakubów, Kałuszyn, Stanisławów w powiecie mińskim,
 - gminy Bielany i gmina wiejska Sokołów Podlaski w powiecie sokołowskim,
 - powiat gostyniński,
- w województwie podkarpackim:
- gmina Krempna w powiecie jasielskim,
 - część powiatu ropczycko – sędziszowskiego niewymieniona w części II załącznika I,

- gminy Pruchnik, Rokietnica, Roźwienica, w powiecie jarosławskim,
 - gminy Fredropol, Krasieczyn, Krzywca, Przemyśl, część gminy Orły położona na zachód od linii wyznaczonej przez drogę nr 77, część gminy Żurawica na zachód od linii wyznaczonej przez drogę nr 77 w powiecie przemyskim,
 - powiat miejski Przemyśl,
 - gminy Gać, Jawornik Polski, Kańczuga, część gminy Zarzecze położona na południe od linii wyznaczonej przez rzekę Mlecza w powiecie przeworskim,
 - powiat łańcucki,
 - gminy Trzebownik, Głogów Małopolski, część gminy Świlcza położona na północ od linii wyznaczonej przez drogę nr 94 i część gminy Sokołów Małopolski położona na południe od linii wyznaczonej przez drogę nr 875 w powiecie rzeszowskim,
 - gmina Ranizów w powiecie kolbuszowskim,
 - część powiatu dębickiego niewymieniona w części II załącznika I,
- w województwie świętokrzyskim:
- powiat buski,
 - powiat kazimierski,
 - powiat skarżyski,
 - część powiatu opatowskiego niewymieniona w części II załącznika I,
 - część powiatu sandomierskiego niewymieniona w części II załącznika I,
 - powiat staszowski,
 - gminy Pawłów, Wąchock, część gminy Brody położona na zachód od linii wyznaczonej przez drogę nr 9 oraz na południowy – zachód od linii wyznaczonej przez drogi: nr 0618T biegnącą od północnej granicy gminy do skrzyżowania w miejscowości Lipie, drogę biegnącą od miejscowości Lipie do wschodniej granicy gminy i część gminy Mirzec położona na zachód od linii wyznaczonej przez drogę nr 744 biegnącą od południowej granicy gminy do miejscowości Tychów Stary a następnie przez drogę nr 0566T biegnącą od miejscowości Tychów Stary w kierunku północno – wschodnim do granicy gminy w powiecie starachowickim,
 - powiat ostrowiecki,
 - gminy Fałków, Ruda Maleniecka, Radoszyce, Smyków, Słupia Konecka, część gminy Końskie położona na zachód od linii kolejowej, część gminy Stąporków położona na południe od linii kolejowej w powiecie koneckim,
 - gminy Bodzentyn, Bieliny, Chmielnik, Daleszyce, Łagów, Morawica, Nowa Słupia, Pierzchnica, Raków, część gminy Chęciny położona na południe od linii wyznaczonej przez drogę nr 762, część gminy Górno położona na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy łączącą miejscowości Leszczyna – Cedzyna oraz na południe od linii wyznaczonej przez ul. Kielecką w miejscowości Cedzyna biegnącą do wschodniej granicy gminy w powiecie kieleckim,
 - powiat pińczowski,
 - gminy Imielno, Jędrzejów, Nagłowice, Sędziszów, Słupia, Sobków, Wodzisław w powiecie jędrzejowskim,
 - gminy Moskorzew, Radków, Secemin, część gminy Włoszczowa położona na zachód od linii wyznaczonej przez drogę nr 742 biegnącą od północnej granicy gminy do miejscowości Konieczno i dalej na zachód od linii wyznaczonej przez drogę łączącą miejscowości Konieczno – Rogienice – Dąbie – Podłazie, część gminy Kluczewsko położona na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy i łączącą miejscowości Krogulec – Nowiny – Komorniki do przecięcia z linią rzeki Czarna, następnie na północ od linii wyznaczonej przez rzekę Czarna biegnącą do przecięcia z linią wyznaczoną przez drogę nr 742 i dalej na zachód od linii wyznaczonej przez drogę nr 742 biegnącą od przecięcia z linią rzeki Czarna do południowej granicy gminy w powiecie włoszczowskim,

w województwie łódzkim:

- gminy Łyszkowice, Kocierzew Południowy, Kiernozia, Chąšno, Nieborów, część gminy wiejskiej Łowicz położona na północ od linii wyznaczonej przez drogę nr 92 biegnącą od granicy miasta Łowicz do zachodniej granicy gminy oraz część gminy wiejskiej Łowicz położona na wschód od granicy miasta Łowicz i na północ od granicy gminy Nieborów w powiecie łowickim,
- gminy Cielądz, Rawa Mazowiecka z miastem Rawa Mazowiecka w powiecie rawskim,
- gminy Bolimów, Głuchów, Godzianów, Lipce Reymontowskie, Maków, Nowy Kawęczyn, Skierniewice, Słupia w powiecie skierniewickim,
- powiat miejski Skierniewice,
- gminy Mniszków, Paradyż, Sławno i Żarnów w powiecie opoczyńskim,
- gminy Czerniewice, Inowłódz, Lubochnia, Rzeczyca, Tomaszów Mazowiecki z miastem Tomaszów Mazowiecki, Żelechlinek w powiecie tomaszowskim,
- gmina Przedbórz w powiecie radomszczańskim,

w województwie pomorskim:

- gminy Ostaszewo, miasto Krynica Morska oraz część gminy Nowy Dwór Gdański położona na południowy – zachód od linii wyznaczonej przez drogę nr 55 biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 7, następnie przez drogę nr 7 i S7 biegnącą do zachodniej granicy gminy w powiecie nowodworskim,
- gminy Lichnowy, Miłoradz, Malbork z miastem Malbork, część gminy Nowy Staw położona na zachód od linii wyznaczonej przez drogę nr 55 w powiecie malborskim,
- gminy Mikołajki Pomorskie, Stary Targ i Sztum w powiecie sztumskim,
- powiat gdański,
- Miasto Gdańsk,
- powiat tczewski,
- część powiatu kwidzyńskiego niewymieniona w części II załącznika I,

w województwie lubuskim:

- gmina Lubiszyn w powiecie gorzowskim,
- gmina Dobiegniew w powiecie strzelecko – drezdeneckim,

w województwie dolnośląskim:

- gminy Międzybórz, Syców, Twardogóra, część gminy wiejskiej Oleśnica położona na północ od linii wyznaczonej przez drogę nr S8, część gminy Dobroszyce położona na wschód od linii wyznaczonej przez linię kolejową biegnącą od północnej do południowej granicy gminy w powiecie oleśnickim,
- gminy Jordanów Śląski, Kobierzyce, Miętków, Sobótka, część gminy Żórawina położona na zachód od linii wyznaczonej przez autostradę A4, część gminy Kąty Wrocławskie położona na południe od linii wyznaczonej przez autostradę A4 w powiecie wrocławskim,
- część gminy Domaniów położona na południowy zachód od linii wyznaczonej przez autostradę A4 w powiecie oławskim,
- gmina Wiązów w powiecie strzelińskim,
- część powiatu średzkiego niewymieniona w części II załącznika I,
- gminy Pielgrzymka, miasto Złotoryja, część gminy wiejskiej Złotoryja położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy w miejscowości Nowa Wieś Złotoryjska do granicy miasta Złotoryja oraz na południe od linii wyznaczonej przez drogę nr 382 biegnącą od granicy miasta Złotoryja do wschodniej granicy gminy w powiecie złotoryjskim,
- gminy Janowice Wielkie, Mysłakowice, Stara Kamienica, Szklarska Poręba w powiecie karkonoskim,
- część powiatu miejskiego Jelenia Góra położona na północ od linii wyznaczonej przez drogę nr 366,

- gminy Bolków, Mściwojów, Paszowice, miasto Jawor, część gminy Męcinka położona na południe od drogi nr 363 w powiecie jaworskim,
- gminy Dobromierz, Jaworzyna Śląska, Marcinowice, Strzegom, Żarów w powiecie świdnickim,
- gminy Dzierżoniów, Pieszycy, miasto Bielawa, miasto Dzierżoniów w powiecie dzierżoniowskim,
- gminy Głuszyca, Mieroszów w powiecie wałbrzyskim,
- gmina Nowa Ruda i miasto Nowa Ruda w powiecie kłodzkim,
- gminy Kamienna Góra, Marciszów i miasto Kamienna Góra w powiecie kamiennogórskim,

w województwie wielkopolskim:

- gminy Koźmin Wielkopolski, Rozdrażew, miasto Sulmierzyce, część gminy Krotoszyn położona na wschód od linii wyznaczonej przez drogi: nr 15 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 36, nr 36 biegnącą od skrzyżowania z drogą nr 15 do skrzyżowania z drogą nr 444, nr 444 biegnącą od skrzyżowania z drogą nr 36 do południowej granicy gminy w powiecie krotoszyńskim,
- gminy Brodnica, część gminy Dolsk położona na wschód od linii wyznaczonej przez drogę nr 434 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 437, a następnie na wschód od drogi nr 437 biegnącej od skrzyżowania z drogą nr 434 do południowej granicy gminy, część gminy Śrem położona na wschód od linii wyznaczonej przez drogę nr 310 biegnącą od zachodniej granicy gminy do miejscowości Śrem, następnie na wschód od drogi nr 432 w miejscowości Śrem oraz na wschód od drogi nr 434 biegnącej od skrzyżowania z drogą nr 432 do południowej granicy gminy w powiecie śremskim,
- gminy Borek Wielkopolski, Piaski, Pogorzela, w powiecie gostyńskim,
- gmina Grodzisk Wielkopolski i część gminy Kamieniec położona na wschód od linii wyznaczonej przez drogę nr 308 w powiecie grodziskim,
- gmina Czempin w powiecie kościańskim,
- gminy Kleszczewo, Kostrzyn, Kórnik, Pobiedziska, Mosina, miasto Puszczykowo w powiecie poznańskim,
- gmina Kiszkowo i część gminy Kłecko położona na zachód od rzeki Mała Węlna w powiecie gnieźnieńskim,
- powiat czarnkowsko-trzcianecki,
- część gminy Wronki położona na północ od linii wyznaczonej przez rzekę Wartę biegnącą od zachodniej granicy gminy do przecięcia z drogą nr 182, a następnie na wschód od linii wyznaczonej przez drogi nr 182 oraz 184 biegnącą od skrzyżowania z drogą nr 182 do południowej granicy gminy w powiecie szamotulskim,
- gmina Budzyń w powiecie chodzieskim,
- gminy Mieścisko, Skoki i Wągrowiec z miastem Wągrowiec w powiecie wągrowieckim,
- gmina Dobrzyca w powiecie pleszewskim,
- gminy Odolanów, Przygodzice, Raszków, Sońnice, część gminy wiejskiej Ostrów Wielkopolski położona na zachód od miasta Ostrów Wielkopolski w powiecie ostrowskim,
- gmina Kobyla Góra w powiecie ostrzeszowskim,
- gminy Baranów, Bralin, Perzów, Rychtal, Trzcinica, Łęka Opatowska w powiecie kępińskim,

w województwie opolskim:

- gmina Pokój w powiecie namysłowskim,
- gminy Wołczyn, Kluczbork, Byczyna w powiecie kluczborskim,
- gminy Praszka, Gorzów Śląski część gminy Rudniki położona na północ od linii wyznaczonej przez drogę nr 42 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 43 i na zachód od linii wyznaczonej przez drogę nr 43 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 42 w powiecie oleskim,

- gmina Grodków w powiecie brzeskim,
 - gminy Komprachcice, Łubniany, Murów, Niemodlin, Tułowice w powiecie opolskim,
 - powiat miejski Opole,
- w województwie zachodniopomorskim:
- gminy Nowogródek Pomorski, Barlinek, Myślibórz, część gminy Dębno położona na wschód od linii wyznaczonej przez drogę nr 126 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 23 w miejscowości Dębno, następnie na wschód od linii wyznaczonej przez drogę nr 23 do skrzyżowania z ul. Jana Pawła II w miejscowości Cychry, następnie na północ od ul. Jana Pawła II do skrzyżowania z ul. Ogrodową i dalej na północ od linii wyznaczonej przez ul. Ogrodową, której przedłużenie biegnie do wschodniej granicy gminy w powiecie myśliborskim,
 - gmina Stare Czarnowo w powiecie gryfińskim,
 - gmina Bielice, Kozielice, Pyrzyce w powiecie pyrzyckim,
 - gminy Bierzwnik, Krzęcin, Pełczyce w powiecie choszczeńskim,
 - część powiatu miejskiego Szczecin położona na zachód od linii wyznaczonej przez rzekę Odra Zachodnia biegnącą od północnej granicy gminy do przecięcia z drogą nr 10, następnie na południe od linii wyznaczonej przez drogę nr 10 biegnącą od przecięcia z linią wyznaczoną przez rzekę Odra Zachodnia do wschodniej granicy gminy,
 - gminy Dobra (Szczecińska), Police w powiecie polickim,
- w województwie małopolskim:
- powiat brzeski,
 - powiat gorlicki,
 - powiat proszowski,
 - część powiatu nowosądeckiego niewymieniona w części II załącznika I,
 - gminy Czorsztyn, Krościenko nad Dunajcem, Ochotnica Dolna w powiecie nowotarskim,
 - powiat miejski Nowy Sącz,
 - powiat tarnowski,
 - powiat miejski Tarnów,
 - powiat dąbrowski.

8. Slovakia

The following restricted zones I in Slovakia:

- in the district of Nové Zámky, Sikenička, Pavlová, Bňa, Kamenín, Kamenný Most, Malá nad Hronom, Belá, Ľubá, Šarkan, Gbelce, Bruty, Mužla, Obid, Štúrovo, Nána, Kamenica nad Hronom, Chľaba, Leľa, Bajtava, Salka, Malé Kosihy,
- in the district of Veľký Krtíš, the municipalities of Ipeľské Predmostie, Veľká nad Ipľom, Hrušov, Kleňany, Sečianky,
- in the district of Levice, the municipalities of Keľ, Čata, Pohronský Ruskov, Hronovce, Želiezovce, Zalaba, Malé Ludince, Šalov, Sikenica, Pastovce, Bielovce, Ipeľský Sokolec, Lontov, Kubáňovo, Sazdice, Demandice, Dolné Semerovce, Vyškovce nad Ipľom, Preselany nad Ipľom, Hrkovce, Tupá, Horné Semerovce, Hokovce, Slatina, Horné Turovce, Veľké Turovce, Šahy, Tešmak, Plášťovce, Ipeľské Uľany, Bátorovce, Pečenice, Jablonoŕovce, Bohunice, Pukanec, Uhliská, Kalná nad Hronom, Nový Tekov, Malé Kozmálovce, Veľké Kozmálovce, Tlmače, Rybník, Hronské Kosihy, Čajkov, Nová Dedina, Devičany,
- in the district of Krupina, the municipalities of Dudince, Terany, Hontianske Moravce, Sudince, Súdovce, Lišov,
- the whole district of Ružomberok,
- in the region of Turčianske Teplice, municipalities of Turček, Horná Štubňa, Čremošné, Háj, Rakša, Mošovce,
- in the district of Martin, municipalities of Blatnica, Folkušová, Necpaly,

- in the district of Dolný Kubín, the municipalities of Kraľovany, Žaškov, Jasenová, Vyšný Kubín, Oravská Poruba, Leštiny, Osádka, Malatína, Chlebnice, Krivá,
- in the district of Tvrdošín, the municipalities of Oravský Biely Potok, Habovka, Zuberec,
- in the district of Prievidza, the municipalities of Handlová, Cígelf, Podhradie, Lehota pod Vtáčnikom, Kamenec pod Vtáčnikom, Bystričany, Čereňany, Oslany, Horná Ves, Radobica,
- in the district of Partizánske, the municipalities of Veľké Uherce, Pažiť, Kolačno, Veľký Klíž, Ješkova Ves, Klátová Nová Ves,
- in the district of Topoľčany, the municipalities of Krnča, Prázdnowce, Solčany, Nitrianska Streda, Čeladince, Kovarce, Súľovce,
- in the district of Zlaté Moravce, the municipalities of Zlatno, Mankovce, Veľčice, Kostolany pod Trábečom, Ladice, Sľažany, Neverice, Beladice, Choča, Vieska nad Žitavou, Slepčany, Červený Hrádok, Nevidzany, Malé Vozokany,
- the whole district of Žiar nad Hronom, except municipalities included in zone II.

9. Italy

The following restricted zones I in Italy:

Piedmont Region:

- in the province of Alessandria, the municipalities Alessandria, of Casalnoceto, Oviglio, Tortona, Viguzzolo, Frugarolo, Bergamasco, Castellar Guidobono, Berzano Di Tortona, Cerreto Grue, Carbonara Scrivia, Casasco, Carentino, Frascaro, Paderna, Montegioco, Spineto Scrivia, Villaromagnano, Pozzolo Formigaro, Momperone, Merana, Monleale, Terzo, Borgoratto Alessandrino, Casal Cermelli, Montemarzino, Bistagno, Castellazzo Bormida, Bosco Marengo, Castelspina, Volpeglino, Alice Bel Colle, Gamalero, Volpedo, Pozzol Groppo, Sarezzano,
- in the province of Asti, the municipalities of Olmo Gentile, Nizza Monferrato, Incisa Scapaccino, Roccaverano, Castel Boglione, Mombaruzzo, Maranzana, Castel Rocchero, Rocchetta Palafea, Castelletto Molina, Castelnuovo Belbo, Montabone, Quaranti, Fontanile, Calamandrana, Bruno, Sessame, Monastero Bormida, Bubbio, Cassinasco, Serole, Loazzolo, Cessole, Vesime, San Giorgio Scarampi,
- in the province of Cuneo, the municipalities of Bergolo, Pezzolo Valle Uzzone, Cortemilia, Levice, Castelletto Uzzone, Perletto,

Liguria Region:

- in the province of Genova, the Municipalities of Rovegno, Rapallo, Portofino, Cicagna, Avegno, Montebruno, Santa Margherita Ligure, Favale Di Malvaro, Recco, Camogli, Moconesi, Tribogna, Fascia, Uscio, Gorreto, Fontanigorda, Neirone, Rondanina, Lorsica, Propata,
- in the province of Savona, the municipalities of Cairo Montenotte, Quiliano, Dego, Altare, Piana Crixia, Giusvalla, Albissola Marina, Savona,

Emilia-Romagna Region:

- in the province of Piacenza, the municipalities of Ottone, Zerba,

Lombardia Region:

- in the province of Pavia, the municipalities of Rocca Susella, Montesegale, Menconico, Val Di Nizza, Bagnaria, Santa Margherita Di Staffora, Ponte Nizza, Brallo Di Pregola, Varzi, Godiasco, Cecima,

Lazio Region:

- in the province of Rome,

North: the municipalities of Riano, Castelnuovo di Porto, Capena, Fiano Romano, Morlupo, Sacrofano, Magliano Romano, Formello, Campagnano di Roma, Anguillara,

West: the municipality of Fiumicino,

South: the municipality of Rome between the boundaries of the municipality of Fiumicino (West), the limits of Zone 3 (North), the Tiber river up to the intersection with the Grande Raccordo Anulare GRA Highway, the Grande Raccordo Anulare GRA Highway up to the intersection with A24 Highway, A24 Highway up to the intersection with Viale del Tecnopolo, viale del Tecnopolo up to the intersection with the boundaries of the municipality of Guidonia Montecelio,

East: the municipalities of Guidonia Montecelio, Montelibretti, Palombara Sabina, Monterotondo, Mentana, Sant'Angelo Romano, Fonte Nuova.

Sardinia Region

- in South Sardinia Province the Municipalities of Ballao, Barumini, Escalaplano, Escolca Isola Amministrativa, Genuri, Gergei, Gesico, Guamaggiore, Las Plassas, Mandas, Orroli, Pauli Arbarei, Selegas, Setzu, Siddi, Sturgus Donigala, Suelli, Tuili, Turri, Ussaramanna, Villanovafranca, Villaputzu,
- in Nuoro Province the Municipalities of Arzana Isola Amministrativa, Birori, Borore, Bortigali a ovest della Strada Statale 131, Dualchi, Gairo Isola Amministrativa, Galtelli, Irgoli, Jerzu Isola Amministrativa, Lanusei Isola Amministrativa, Loceri Isola Amministrativa, Loculi, Macomer at ovest della Strada Statale 131, Noragugume, Onifai, Orosei, Ortuero, Osini Isola Amministrativa, Perdasdefogu, Posada, Sindia Isola Amministrativa, Siniscola, Tertenia Isola Amministrativa,
- in Oristano Province the Municipalities of Aidomaggiore, Albagiara, Ardauli, Assolo, Asuni, Baradili, Baressa, Bidoni, Boroneddu, Busachi, Ghilarza, Gonnosnò, Mogorella, Neoneli, Nureci, Ruinas, Samugheo, Sedilo, Senis, Sini, Soddi, Sorradile Isola Amministrativa, Tadasuni, Ulà Tirso, Usellus, Villa Sant'antonio,
- in Sassari Province the Municipalities of Ardara, Berchidda, Bonnanaro, Bonorva a ovest della Strada Statale 131, Borutta, Cheremule, Cossuine, Giave, Loiri Porto San Paolo, Monti, Mores a nord della Strada Statale 128bis – Strada Provinciale 63, Olbia a sud della Strada Statale 127, Oschiri a nord della E 840, Ozieri a nord della Strada Provinciale 63 – Strada Provinciale 1 – Strada Statale 199, Semestene, Telti, Torralba, Tula.

10. Czech Republic

The following restricted zones I in the Czech Republic:

Region of Liberec:

- in the district of Liberec, the municipalities of Hrádek nad Nisou, Oldřichov v Hájích, Grabštejn, Václavice u Hrádku nad Nisou, Horní Vítkov, Dolní Vítkov, Bílý Kostel nad Nisou, Dolní Chrastava, Horní Chrastava, Chrastava I, Nová Ves u Chrastavy, Mlýnice, Albrechtice u Frýdlantu, Kristiánov, Heřmanice u Frýdlantu, Děřichov u Frýdlantu, Mníšek u Liberce, Oldřichov na Hranicích, Machnín, Svárov u Liberce, Desná I, Krásná Studánka, Stráž nad Nisou, Fojtka, Radčice u Krásné Studánky, Kateřinky u Liberce, Staré Pavlovice, Nové Pavlovice, Růžodol I, Františkov u Liberce, Liberec, Ruprechtice, Rudolfov, Horní Růžodol, Rochlice u Liberce, Starý Harcov, Vratislavice nad Nisou, Kunratice u Liberce, Proseč nad Nisou, Lukášov, Rýnovice, Jablonec nad Nisou, Jablonecké Paseky, Jindřichov nad Nisou, Mšeno nad Nisou, Lučany nad Nisou, Smržovka, Tanvald, Jiřetín pod Bukovou, Dolní Maxov, Antonínov, Horní Maxov, Karlov u Josefova Dolu, Loučná nad Nisou, Hranická nad Nisou, Janov nad Nisou, Bedřichov u Jablonce nad Nisou, Josefův Důl u Jablonce nad Nisou, Albrechtice v Jizerských horách, Desná III, Polubný, Harrachov, Jizerka, Hejnice, Bílý Potok pod Smrkem.

PART II

1. Bulgaria

The following restricted zones II in Bulgaria:

- the whole region of Haskovo,
- the whole region of Yambol,
- the whole region of Stara Zagora,
- the whole region of Pernik,
- the whole region of Kyustendil,
- the whole region of Plovdiv, excluding the areas in Part III,

- the whole region of Pazardzhik, excluding the areas in Part III,
- the whole region of Smolyan,
- the whole region of Dobrich,
- the whole region of Sofia city,
- the whole region of Sofia Province,
- the whole region of Blagoevgrad excluding the areas in Part III,
- the whole region of Razgrad,
- the whole region of Kardzhali,
- the whole region of Burgas,
- the whole region of Varna excluding the areas in Part III,
- the whole region of Silistra,
- the whole region of Ruse,
- the whole region of Veliko Tarnovo,
- the whole region of Pleven,
- the whole region of Targovishte,
- the whole region of Shumen,
- the whole region of Sliven,
- the whole region of Vidin,
- the whole region of Gabrovo,
- the whole region of Lovech,
- the whole region of Montana,
- the whole region of Vratza.

2. **Germany**

The following restricted zones II in Germany:

Bundesland Brandenburg:

- Landkreis Oder-Spree:
 - Gemeinde Grunow-Dammendorf,
 - Gemeinde Mixdorf
 - Gemeinde Schlaubetal,
 - Gemeinde Neuzelle,
 - Gemeinde Neißemünde,
 - Gemeinde Lawitz,
 - Gemeinde Eisenhüttenstadt,
 - Gemeinde Vogelsang,
 - Gemeinde Ziltendorf,
 - Gemeinde Wiesenau,
 - Gemeinde Friedland,
 - Gemeinde Siehdichum,
 - Gemeinde Müllrose,
 - Gemeinde Briesen,
 - Gemeinde Jacobsdorf
 - Gemeinde Groß Lindow,
 - Gemeinde Brieskow-Finkenheerd,
 - Gemeinde Ragow-Merz,

- Gemeinde Beeskow,
- Gemeinde Rietz-Neuendorf,
- Gemeinde Tauche mit den Gemarkungen Stremmen, Ranzig, Trebatsch, Sabrodt, Sawall, Mitweide, Lindenberg, Falkenberg (T), Görsdorf (B), Wulfersdorf, Giesensdorf, Briescht, Kossenblatt und Tauche,
- Gemeinde Langewahl,
- Gemeinde Berkenbrück,
- Gemeinde Steinhöfel mit den Gemarkungen Arensdorf und Demitz und den Gemarkungen Steinhöfel, Hasenfelde und Heinersdorf östlich der L 36 und der Gemarkung Neuendorf im Sande südlich der L36,
- Gemeinde Fürstenwalde östlich der B 168 und südlich der L36,
- Gemeinde Diensdorf-Radlow,
- Gemeinde Wendisch Rietz östlich des Scharmützelsees und nördlich der B 246,
- Gemeinde Bad Saarow mit der Gemarkung Neu Golm und der Gemarkung Bad Saarow-Pieskow östlich des Scharmützelsees und ab nördlicher Spitze östlich der L35,
- Landkreis Dahme-Spreewald:
 - Gemeinde Jamlitz,
 - Gemeinde Lieberose,
 - Gemeinde Schwielochsee mit den Gemarkungen Goyatz, Jessern, Lamsfeld, Ressen, Speichrow und Zaue,
- Landkreis Spree-Neiße:
 - Gemeinde Schenkendöbern,
 - Gemeinde Guben,
 - Gemeinde Jänschwalde,
 - Gemeinde Tauer,
 - Gemeinde Peitz,
 - Gemeinde Kolkwitz mit den Gemarkungen Klein Gaglow, Hähnchen, Kolkwitz, Glinzig und Krieschow südlich der BAB 15,
 - Gemeinde Turnow-Preilack mit der Gemarkung Preilack,
 - Gemeinde Teichland mit der Gemarkung Bärenbrück,
 - Gemeinde Heinersbrück,
 - Gemeinde Forst,
 - Gemeinde Groß Schacksdorf-Simmersdorf,
 - Gemeinde Neiße-Malxetal,
 - Gemeinde Jämlitz-Klein Düben,
 - Gemeinde Tschernitz,
 - Gemeinde Döbern,
 - Gemeinde Felixsee,
 - Gemeinde Wiesengrund,
 - Gemeinde Spremberg,
 - Gemeinde Welzow,
 - Gemeinde Neuhausen/Spree,
 - Gemeinde Drebkau,
 - Kreisfreie Stadt Cottbus mit den Gemarkungen Kahren, Gallinchen, Groß Gaglow und der Gemarkung Kiekebusch südlich der BAB 15,

- Landkreis Märkisch-Oderland:
 - Gemeinde Bleyen-Genschmar,
 - Gemeinde Neuhardenberg
 - Gemeinde Golzow,
 - Gemeinde Küstriner Vorland,
 - Gemeinde Alt Tucheband,
 - Gemeinde Reitwein,
 - Gemeinde Podelzig,
 - Gemeinde Gusow-Platkow,
 - Gemeinde Seelow,
 - Gemeinde Vierlinden,
 - Gemeinde Lindendorf,
 - Gemeinde Fichtenhöhe,
 - Gemeinde Lietzen,
 - Gemeinde Falkenhagen (Mark),
 - Gemeinde Zeschdorf,
 - Gemeinde Treplin,
 - Gemeinde Lebus,
 - Gemeinde Müncheberg mit den Gemarkungen Jahnsfelde, Trebnitz, Obersdorf, Münchehofe und Hermersdorf,
 - Gemeinde Märkische Höhe mit der Gemarkung Ringenwalde,
 - Gemeinde Bliesdorf mit der Gemarkung Metzdorf und Gemeinde Bliesdorf – östlich der B167 bis östlicher Teil, begrenzt aus Richtung Gemarkungsgrenze Neutrebbin südlich der Bahnlinie bis Straße „Sophienhof“ dieser westlich folgend bis „Ruesterchegraben“ weiter entlang Feldweg an den Windrädern Richtung „Herrnhof“, weiter entlang „Letschiner Hauptgraben“ nord-östlich bis Gemarkungsgrenze Alttrebbin und Kunersdorf – östlich der B167,
 - Gemeinde Bad Freienwalde mit den Gemarkungen Altglietzen, Altranft, Bad Freienwalde, Bralitz, Hohenwutzen, Schiffmühle, Hohensaaten und Neuenhagen,
 - Gemeinde Falkenberg mit der Gemarkung Falkenberg östlich der L35,
 - Gemeinde Oderaue,
 - Gemeinde Wriezen mit den Gemarkungen Altwriezen, Jäckelsbruch, Neugaul, Beauregard, Eichwerder, Rathsdorf – östlich der B167 und Wriezen – östlich der B167,
 - Gemeinde Neulewin,
 - Gemeinde Neutrebbin,
 - Gemeinde Letschin,
 - Gemeinde Zechin,
- Landkreis Barnim:
 - Gemeinde Lunow-Stolzenhagen,
 - Gemeinde Parsteinsee,
 - Gemeinde Oderberg,
 - Gemeinde Liepe,
 - Gemeinde Hohenfinow (nördlich der B167),
 - Gemeinde Niederfinow,
 - Gemeinde (Stadt) Eberswalde mit den Gemarkungen Eberswalde nördlich der B167 und östlich der L200, Sommerfelde und Tornow nördlich der B167,

- Gemeinde Chorin mit den Gemarkungen Brodowin, Chorin östlich der L200, Serwest, Neuehütte, Sandkrug östlich der L200,
- Gemeinde Ziethen mit der Gemarkung Klein Ziethen östlich der Serwester Dorfstraße und östlich der B198,
- Landkreis Uckermark:
 - Gemeinde Angermünde mit den Gemarkungen Crussow, Stolpe, Gellmersdorf, Neukünkendorf, Bölkendorf, Herzsprung, Schmargendorf und den Gemarkungen Angermünde südlich und südöstlich der B2 und Dobberzin südlich der B2,
 - Gemeinde Schwedt mit den Gemarkungen Criewen, Zützen, Schwedt, Stendell, Kummerow, Kunow, Vierraden, Blumenhagen, Oderbruchwiesen, Enkelsee, Gatow, Hohenfelde, Schöneberg, Flemsdorf und der Gemarkung Felchow östlich der B2,
 - Gemeinde Pinnow südlich und östlich der B2,
 - Gemeinde Berkholz-Meyenburg,
 - Gemeinde Mark Landin mit der Gemarkung Landin südlich der B2,
 - Gemeinde Casekow mit der Gemarkung Woltersdorf und den Gemarkungen Biesendahlshof und Casekow östlich der L272 und südlich der L27,
 - Gemeinde Hohenselchow-Groß Pinnow mit der Gemarkung Groß Pinnow und der Gemarkung Hohenselchow südlich der L27,
 - Gemeinde Gartz (Oder) mit der Gemarkung Friedrichsthal und den Gemarkungen Gartz und Hohenreinkendorf südlich der L27 und der B2 bis Kastanienallee, dort links abbiegend dem Schülerweg folgend bis Höhe Bahnhof, von hier in östlicher Richtung den Salveybach kreuzend bis zum Tantower Weg, diesen in nördlicher Richtung bis zu Stettiner Straße, diese weiter folgend bis zur B2, dieser in nördlicher Richtung folgend,
 - Gemeinde Mescherin mit der Gemarkung Mescherin, der Gemarkung Neurochlitz östlich der B2 und der Gemarkung Rosow nördlich der K 7311,
 - Gemeinde Passow mit der Gemarkung Jamikow,
- Kreisfreie Stadt Frankfurt (Oder),
- Landkreis Prignitz:
 - Gemeinde Karstädt mit den Gemarkungen Neuhof und Kribbe und den Gemarkungen Groß Warnow, Klein Warnow, Reckenzin, Streesow und Dallmin östlich der Bahnstrecke Berlin/Spandau-Hamburg/Altona,
 - Gemeinde Berge,
 - Gemeinde Pirow mit den Gemarkungen Hülsebeck, Pirow, Bresch und Burow,
 - Gemeinde Putlitz mit den Gemarkungen Sagast, Nettelbeck, Porep, Lütkenhof, Putlitz, Weitendorf und Telschow,
 - Gemeinde Marienfließ mit den Gemarkungen Jännersdorf, Stepenitz und Krependorf,
- Landkreis Oberspreewald-Lausitz:
 - Gemeinde Vetschau mit den Gemarkungen Wüstenhain und Laasow,
 - Gemeinde Altdöbern mit den Gemarkungen Reddern, Ranzow, Pritzen, Altdöbern östlich der Bahnstrecke Altdöbern –Großräschen,
 - Gemeinde Großräschen mit den Gemarkungen Woschkow, Dörrwalde, Allmosen,
 - Gemeinde Neu-Seeland,
 - Gemeinde Neupetershain,
 - Gemeinde Senftenberg mit den Gemarkungen Peickwitz, Sedlitz, Kleinkoschen, Großkoschen und Hosena,
 - Gemeinde Hohenbocka,
 - Gemeinde Grünewald,
 - Gemeinde Hermsdorf,
 - Gemeinde Kroppen,

- Gemeinde Ortrand,
- Gemeinde Großmehlen,
- Gemeinde Lindenau,
- Gemeinde Frauendorf,
- Gemeinde Ruhland,
- Gemeinde Guteborn
- Gemeinde Schwarzbach mit der Gemarkung Schwarzbach,

Bundesland Sachsen:

- Landkreis Bautzen,
- Stadt Dresden:
 - Stadtgebiet nördlich der BAB4 bis zum Verlauf westlich der Elbe, dann nördlich der B6,
- Landkreis Görlitz,
- Landkreis Meißen:
 - Gemeinde Diera-Zehren östlich der Elbe,
 - Gemeinde Ebersbach,
 - Gemeinde Glaubitz östlich des Grödel-Elsterwerdaer-Floßkanals,
 - Gemeinde Klipphausen östlich der S177,
 - Gemeinde Lampertswalde,
 - Gemeinde Moritzburg,
 - Gemeinde Niederau östlich der B101,
 - Gemeinde Nünchritz östlich der Elbe und südlich des Grödel-Elsterwerdaer-Floßkanals,
 - Gemeinde Priestewitz,
 - Gemeinde Röderaue östlich des Grödel-Elsterwerdaer-Floßkanals,
 - Gemeinde Schönhof,
 - Gemeinde Stadt Coswig,
 - Gemeinde Stadt Gröditz östlich des Grödel-Elsterwerdaer-Floßkanals,
 - Gemeinde Stadt Großenhain,
 - Gemeinde Stadt Meißen östlich des Straßenverlaufs der S177 bis zur B6, dann B6 bis zur B101, ab der B101 Elbtalbrücke Richtung Norden östlich der Elbe,
 - Gemeinde Stadt Radebeul,
 - Gemeinde Stadt Radeburg,
 - Gemeinde Thiendorf,
 - Gemeinde Weinböhla,
 - Gemeinde Wülknitz östlich des Grödel-Elsterwerdaer-Floßkanals,
- Landkreis Sächsische Schweiz-Osterzgebirge:
 - Gemeinde Stadt Wilsdruff nördlich der BAB4 zwischen den Abfahrten Wilsdruff und Dreieck Dresden-West,

Bundesland Mecklenburg-Vorpommern:

- Landkreis Ludwigslust-Parchim:
 - Gemeinde Balow mit dem Ortsteil: Balow,
 - Gemeinde Brunow mit den Ortsteilen und Ortslagen: Bauerkuhl, Brunow (bei Ludwigslust), Klüß, Löcknitz (bei Parchim),
 - Gemeinde Dambeck mit dem Ortsteil und der Ortslage: Dambeck (bei Ludwigslust),

- Gemeinde Ganzlin mit den Ortsteilen und Ortslagen: Barackendorf, Hof Retzow, Klein Damerow, Retzow, Wangelin,
- Gemeinde Gehlsbach mit den Ortsteilen und Ortslagen: Ausbau Darß, Darß, Hof Karbow, Karbow, Karbow-Ausbau, Quaßlin, Quaßlin Hof, Quaßliner Mühle, Vietlütbe, Wahlstorf
- Gemeinde Groß Godems mit den Ortsteilen und Ortslagen: Groß Godems, Klein Godems,
- Gemeinde Karrenzin mit den Ortsteilen und Ortslagen: Herzfeld, Karrenzin, Karrenzin-Ausbau, Neu Herzfeld, Repzin, Wulfsahl,
- Gemeinde Kreien mit den Ortsteilen und Ortslagen: Ausbau Kreien, Hof Kreien, Kolonie Kreien, Kreien, Wilsen,
- Gemeinde Kritzow mit dem Ortsteil und der Ortslage: Benzin,
- Gemeinde Lübz mit den Ortsteilen und Ortslagen: Burow, Gischow, Meyerberg,
- Gemeinde Möllenbeck mit den Ortsteilen und Ortslagen: Carlshof, Horst, Menzendorf, Möllenbeck,
- Gemeinde Muchow mit dem Ortsteil und Ortslage: Muchow,
- Gemeinde Parchim mit dem Ortsteil und Ortslage: Slate,
- Gemeinde Prislich mit den Ortsteilen und Ortslagen: Marienhof, Neese, Prislich, Werle,
- Gemeinde Rom mit dem Ortsteil und Ortslage: Klein Niendorf,
- Gemeinde Ruhner Berge mit den Ortsteilen und Ortslagen: Dorf Polnitz, Drenkow, Griebow, Jarchow, Leppin, Malow, Malower Mühle, Marnitz, Mentin, Mooster, Poitendorf, Polnitz, Suckow, Tessenow, Zachow,
- Gemeinde Siggelkow mit den Ortsteilen und Ortslagen: Groß Pankow, Klein Pankow, Neuburg, Redlin, Siggelkow,
- Gemeinde Stolpe mit den Ortsteilen und Ortslagen: Barkow, Granzin, Stolpe Ausbau, Stolpe,
- Gemeinde Ziegendorf mit den Ortsteilen und Ortslagen: Drefahl, Meierstorf, Neu Drefahl, Pampin, Platschow, Stresendorf, Ziegendorf,
- Gemeinde Zierzow mit den Ortsteilen und Ortslagen: Kolbow, Zierzow.

3. Estonia

The following restricted zones II in Estonia:

- Eesti Vabariik (välja arvatud Hiiu maakond).

4. Latvia

The following restricted zones II in Latvia:

- Aizkraukles novads,
- Alūksnes novads,
- Augšdaugavas novads,
- Ādažu novads,
- Balvu novads,
- Bauskas novads,
- Cēsu novads,
- Dienvidkurzemes novada Aizputes, Cīravas, Lažas, Durbes, Dunalkas, Tadaļķu, Vecpils, Bārtas, Sakas, Bunkas, Priekules, Gramzdas, Kalētu, Virgas, Dunikas, Vaiņodes, Gaviezes, Rucavas, Vērgales, Medzes pagasts, Nīcas pagasta daļa uz dienvidiem no apdzīvotas vietas Bernāti, autoceļa V1232, A11, V1222, Bārtas upes, Embūtes pagasta daļa uz dienvidiem no autoceļa P116, P106, autoceļa no apdzīvotas vietas Dinsdurbe, Kalvenes pagasta daļa uz rietumiem no ceļa pie Vārtājas upes līdz autoceļam A9, uz dienvidiem no autoceļa A9, uz rietumiem no autoceļa V1200, Kazdangas pagasta daļa uz rietumiem no ceļa V1200, P115, P117, V1296, Aizputes, Durbes, Pāvilostas, Priekules pilsēta,

- Dobeles novads,
- Gulbenes novads,
- Jelgavas novads,
- Jēkabpils novads,
- Krāslavas novads,
- Kuldīgas novada Alsungas, Gudenieku, Kurmāles, Rendas, Kables, Vārmes, Pelču, Snēpeles, Turlavas, Ēdoles, Īvandes, Rumbas, Padures pagasts, Laidu pagasta daļa uz ziemeļiem no autoceļa V1296, Kuldīgas pilsēta,
- Ķekavas novads,
- Limbažu novads,
- Līvānu novads,
- Ludzas novads,
- Madonas novads,
- Mārupes novads,
- Ogres novads,
- Olaines novads,
- Preiļu novads,
- Rēzeknes novads,
- Ropažu novada Garkalnes, Ropažu pagasts, Stopiņu pagasta daļa, kas atrodas uz austrumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes, Vangažu pilsēta,
- Salaspils novads,
- Saldus novads,
- Saulkrastu novads,
- Siguldas novads,
- Smiltenes novads,
- Talsu novads,
- Tukuma novads,
- Valkas novads,
- Valmieras novads,
- Varakļānu novads,
- Ventspils novads,
- Daugavpils valstspilsētas pašvaldība,
- Jelgavas valstspilsētas pašvaldība,
- Jūrmalas valstspilsētas pašvaldība,
- Rēzeknes valstspilsētas pašvaldība.

5. Lithuania

The following restricted zones II in Lithuania:

- Alytaus miesto savivaldybė,
- Alytaus rajono savivaldybė,
- Anykščių rajono savivaldybė,
- Akmenės rajono savivaldybė,
- Birštono savivaldybė,
- Biržų miesto savivaldybė,
- Biržų rajono savivaldybė,

- Druskininkų savivaldybė,
- Elektrėnų savivaldybė,
- Ignalinos rajono savivaldybė,
- Jonavos rajono savivaldybė,
- Joniškio rajono savivaldybė,
- Jurbarko rajono savivaldybė: Eržvilko, Juodaičių, Seredžiaus, Smalininkų ir Viešvilės seniūnijos,
- Kaišiadorių rajono savivaldybė,
- Kauno miesto savivaldybė,
- Kauno rajono savivaldybė,
- Kazlų rūdos savivaldybė: Kazlų Rūdos seniūnija, išskyrus vakarinė dalis iki kelio 2602 ir 183, Plutiškių seniūnija,
- Kelmės rajono savivaldybė: Kelmės, Kražių, Liolių, Tytuvėnų, Tytuvėnų apylinkių, Pakražančio ir Vaiguvos seniūnijos,
- Kėdainių rajono savivaldybė,
- Klaipėdos rajono savivaldybė: Judrėnų, Endriejavo ir Veiviržėnų seniūnijos,
- Kupiškio rajono savivaldybė,
- Kretingos rajono savivaldybė,
- Lazdijų rajono savivaldybė,
- Mažeikių rajono savivaldybė,
- Molėtų rajono savivaldybė: Alantos, Balninkų, Čiulėnų, Inturkės, Joniškio, Luokesos, Mindūnų, Suginėčių ir Videniškių seniūnijos,
- Pagėgių savivaldybė,
- Pakruojo rajono savivaldybė,
- Panevėžio rajono savivaldybė,
- Panevėžio miesto savivaldybė,
- Pasvalio rajono savivaldybė,
- Radviliškio rajono savivaldybė,
- Rietavo savivaldybė,
- Prienų rajono savivaldybė,
- Plungės rajono savivaldybė,
- Raseinių rajono savivaldybė,
- Rokiškio rajono savivaldybė,
- Skuodo rajono savivaldybė,
- Šakių rajono savivaldybė: Kriūkų, Lekėčių ir Lukšių seniūnijos,
- Šalčininkų rajono savivaldybė,
- Šiaulių miesto savivaldybė,
- Šiaulių rajono savivaldybė: Ginkūnų, Gruzdzlių, Kairių, Kužių, Meškuičių, Raudėnų, Šakynos ir Šiaulių kaimiškosios seniūnijos,
- Šilutės rajono savivaldybė,
- Širvintų rajono savivaldybė: Čiobiškio, Gelvonų, Jauniūnų, Kernavės, Musninkų ir Širvintų seniūnijos,
- Šilalės rajono savivaldybė,
- Švenčionių rajono savivaldybė,
- Tauragės rajono savivaldybė,
- Telšių rajono savivaldybė,

- Trakų rajono savivaldybė,
- Ukmergės rajono savivaldybė: Deltuvos, Lyduokių, Pabaisko, Pivonijos, Siesikų, Šešuolių, Taujėnų, Ukmergės miesto, Veprių, Vidiškių ir Žemaitkiemo seniūnijos,
- Utenos rajono savivaldybė,
- Varėnos rajono savivaldybė,
- Vilniaus miesto savivaldybė,
- Vilniaus rajono savivaldybė: Avižienių, Bezdonių, Buivydyžių, Dūkštų, Juodšilių, Kalvelių, Lavoriškių, Maišiagalos, Marijampolio, Medininkų, Mickūnų, Nemenčinės, Nemenčinės miesto, Nemėžio, Pagirių, Riešės, Rudaminos, Rukainių, Sudervės, Sužionių, Šatrininkų ir Zujūnų seniūnijos,
- Visagino savivaldybė,
- Zarasų rajono savivaldybė.

6. Hungary

The following restricted zones II in Hungary:

- Békés megye 950150, 950250, 950350, 950450, 950550, 950650, 950660, 950750, 950850, 950860, 951050, 951150, 951250, 951260, 951350, 951450, 951460, 951550, 951650, 951750, 952150, 952250, 952350, 952450, 952550, 952650, 953250, 953260, 953270, 953350, 953450, 953550, 953560, 953950, 954050, 954060, 954150, 956250, 956350, 956450, 956550, 956650 és 956750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Borsod-Abaúj-Zemplén megye valamennyi vadgazdálkodási egységének teljes területe,
- Fejér megye 403150, 403160, 403250, 403260, 403350, 404250, 404550, 404560, 404570, 405450, 405550, 405650, 406450 és 407050 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye valamennyi vadgazdálkodási egységének teljes területe,
- Heves megye valamennyi vadgazdálkodási egységének teljes területe,
- Jász-Nagykun-Szolnok megye 750250, 750550, 750650, 750750, 750850, 750970, 750980, 751050, 751150, 751160, 751250, 751260, 751350, 751360, 751450, 751460, 751470, 751550, 751650, 751750, 751850, 751950, 752150, 752250, 752350, 752450, 752460, 752550, 752560, 752650, 752750, 752850, 752950, 753060, 753070, 753150, 753250, 753310, 753450, 753550, 753650, 753660, 753750, 753850, 753950, 753960, 754050, 754150, 754250, 754360, 754370, 754850, 755550, 755650 és 755750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Komárom-Esztergom megye: 250350, 250850, 250950, 251450, 251550, 251950, 252050, 252150, 252350, 252450, 252460, 252550, 252650, 252750, 252850, 252860, 252950, 252960, 253050, 253150, 253250, 253350, 253450 és 253550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye valamennyi vadgazdálkodási egységeinek teljes területe,
- Pest megye 570150, 570250, 570350, 570450, 570550, 570650, 570750, 570850, 570950, 571050, 571150, 571250, 571350, 571650, 571750, 571760, 571850, 571950, 572050, 573550, 573650, 574250, 577250, 580050 és 580150 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye valamennyi vadgazdálkodási egységének teljes területe.

7. Poland

The following restricted zones II in Poland:

w województwie warmińsko-mazurskim:

- gminy Kalinowo, Stare Juchy, Prostki oraz gmina wiejska Elk w powiecie elckim,
- powiat elbląski,
- powiat miejski Elbląg,
- część powiatu gołdapskiego niewymieniona w części III załącznika I,
- powiat piski,
- powiat bartoszycki,
- część powiatu oleckiego niewymieniona w części III załącznika I,

- część powiatu giżyckiego niewymieniona w części III załącznika I,
- powiat braniewski,
- powiat kętrzyński,
- powiat lidzbarski,
- gminy Dźwierzuty Jedwabno, Pasym, Świętajno, Szczytno i miasto Szczytno w powiecie szczycieńskim,
- powiat mrągowski,
- część powiatu węgorszewskiego niewymieniona w części III załącznika I,
- powiat olsztyński,
- powiat miejski Olsztyn,
- powiat nidzicki,
- część powiatu ostródzkiego niewymieniona w części III załącznika I,
- część powiatu nowomiejskiego niewymieniona w części III załącznika I,
- część powiatu iławskiego niewymieniona w części III załącznika I,
- część powiatu działdowskiego niewymieniona w części III załącznika I,

w województwie podlaskim:

- powiat bielski,
- powiat grajewski,
- powiat moniecki,
- powiat sejneński,
- powiat siemiatycki,
- powiat hajnowski,
- gminy Ciechanowiec, Klukowo, Szepietowo, Kobylin-Borzymy, Nowe Piekuty, Sokoły i część gminy Kulesze Kościelne położona na północ od linii wyznaczonej przez linię kolejową w powiecie wysokomazowieckim,
- powiat białostocki,
- powiat suwalski,
- powiat miejski Suwałki,
- powiat augustowski,
- powiat sokólski,
- powiat miejski Białystok,

w województwie mazowieckim:

- gminy Domanice, Korczew, Kotuń, Mordy, Paprotnia, Przesmyki, Siedlce, Skórzec, Wiśniew, Wodynie, Zbuczyn w powiecie siedleckim,
- powiat miejski Siedlce,
- gminy Ceranów, Jabłonna Lacka, Kosów Lacki, Repki, Sabnie, Sterdyń w powiecie sokołowskim,
- powiat łosicki,
- powiat sochaczewski,
- powiat zwoleński,
- powiat kozienicki,
- powiat lipski,
- powiat radomski
- powiat miejski Radom,
- powiat szydłowiecki,

- gminy Lubowidz i Kuczbork Osada w powiecie żuromińskim,
 - gmina Wieczfnia Kościelna w powiecie mławskim,
 - gminy Bodzanów, Słubice, Wyszogród i Mała Wieś w powiecie płockim,
 - powiat nowodworski,
 - gminy Czerwińsk nad Wisłą, Naruszewo, Załuski w powiecie płońskim,
 - gminy: miasto Kobyłka, miasto Marki, miasto Ząbki, miasto Zielonka, część gminy Tłuszcz ograniczona liniami kolejowymi: na północ od linii kolejowej biegnącej od wschodniej granicy gminy do miasta Tłuszcz oraz na wschód od linii kolejowej biegnącej od północnej granicy gminy do miasta Tłuszcz, część gminy Jadów położona na północ od linii kolejowej biegnącej od wschodniej do zachodniej granicy gminy w powiecie wołomińskim,
 - powiat garwoliński,
 - gminy Boguty – Pianki, Brok, Zaręby Kościelne, Nur, Małkinia Górna, część gminy Wąsewo położona na południe od linii wyznaczonej przez drogę nr 60, część gminy wiejskiej Ostrów Mazowiecka położona na południe od miasta Ostrów Mazowiecka i na południe od linii wyznaczonej przez drogę 60 biegnącą od zachodniej granicy miasta Ostrów Mazowiecka do zachodniej granicy gminy w powiecie ostrowskim,
 - część gminy Sadowne położona na północny- zachód od linii wyznaczonej przez linię kolejową, część gminy Łochów położona na północny – zachód od linii wyznaczonej przez linię kolejową w powiecie węgrowskim,
 - gminy Brańszczyk, Długosiodło, Rząśnik, Wyszaków, część gminy Zabrodzie położona na wschód od linii wyznaczonej przez drogę nr S8 w powiecie wyszkowskim,
 - gminy Cegłów, Dębe Wielkie, Halinów, Latowicz, Mińsk Mazowiecki i miasto Mińsk Mazowiecki, Mrozy, Siennica, miasto Sulejówek w powiecie mińskim,
 - powiat otwocki,
 - powiat warszawski zachodni,
 - powiat legionowski,
 - powiat piaseczyński,
 - powiat pruszkowski,
 - powiat grójecki,
 - powiat grodziski,
 - powiat żyrardowski,
 - powiat białobrzeski,
 - powiat przysuski,
 - powiat miejski Warszawa,
- w województwie lubelskim:
- powiat bialski,
 - powiat miejski Biała Podlaska,
 - powiat janowski,
 - powiat puławski,
 - powiat rycki,
 - powiat łukowski,
 - powiat lubelski,
 - powiat miejski Lublin,
 - powiat lubartowski,
 - powiat łęczyński,
 - powiat świdnicki,

- powiat biłgorajski,
 - powiat hrubieszowski,
 - powiat krasnostawski,
 - powiat chełmski,
 - powiat miejski Chełm,
 - powiat tomaszowski,
 - powiat kraśnicki,
 - powiat opolski,
 - powiat parczewski,
 - powiat włodawski,
 - powiat radzyński,
 - powiat miejski Zamość,
 - powiat zamojski,
- w województwie podkarpackim:
- powiat stalowowolski,
 - powiat lubaczowski,
 - gminy Medyka, Stubno, część gminy Orły położona na wschód od linii wyznaczonej przez drogę nr 77, część gminy Żurawica na wschód od linii wyznaczonej przez drogę nr 77 w powiecie przemyskim,
 - część powiatu jarosławskiego niewymieniona w części I załącznika I,
 - gmina Kamień w powiecie rzeszowskim,
 - gminy Cmolas, Dzikowiec, Kolbuszowa, Majdan Królewski i Niwiska powiecie kolbuszowskim,
 - powiat leżajski,
 - powiat niżański,
 - powiat tarnobrzeski,
 - gminy Adamówka, Sieniawa, Tryńcza, Przeworsk z miastem Przeworsk, Zarzecze w powiecie przeworskim,
 - gmina Ostrów, część gminy Sędziszów Małopolski położona na północ od linii wyznaczonej przez drogę nr A4,
 - część gminy Czarna położona na północ od linii wyznaczonej przez drogę nr A4, część gminy Żyraków położona na północ od linii wyznaczonej przez drogę nr A4, część gminy wiejskiej Dębica położona na północ od linii wyznaczonej przez drogę nr A4 w powiecie dębickim,
 - powiat mielecki,
- w województwie małopolskim:
- gminy Nawojowa, Piwniczna Zdrój, Rytró, Stary Sącz, część gminy Łącko położona na południe od linii wyznaczonej przez rzekę Dunajec w powiecie nowosądeckim,
 - gmina Szczawnica w powiecie nowotarskim,
- w województwie pomorskim:
- gminy Dzierżoń i Stary Dzierżoń w powiecie sztumskim,
 - gmina Stare Pole, część gminy Nowy Staw położona na wschód od linii wyznaczonej przez drogę nr 55 w powiecie malborskim,
 - gminy Stegny, Sztutowo i część gminy Nowy Dwór Gdański położona na północny – wschód od linii wyznaczonej przez drogę nr 55 biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 7, następnie przez drogę nr 7 i S7 biegnącą do zachodniej granicy gminy w powiecie nowodworskim,

— gmina Prabuty w powiecie kwidzyńskim,

w województwie świętokrzyskim:

— gmina Tarłów i część gminy Ożarów położona na północ od linii wyznaczonej przez drogę nr 74 biegnącą od miejscowości Honorów do zachodniej granicy gminy w powiecie opatowskim,

— część gminy Brody położona wschód od linii wyznaczonej przez drogę nr 9 i na północny – wschód od linii wyznaczonej przez drogę nr 0618T biegnącą od północnej granicy gminy do skrzyżowania w miejscowości Lipie oraz przez drogę biegnącą od miejscowości Lipie do wschodniej granicy gminy i część gminy Mirzec położona na wschód od linii wyznaczonej przez drogę nr 744 biegnącą od południowej granicy gminy do miejscowości Tychów Stary a następnie przez drogę nr 0566T biegnącą od miejscowości Tychów Stary w kierunku północno – wschodnim do granicy gminy w powiecie starachowickim,

— gmina Gowarczów, część gminy Końskie położona na wschód od linii kolejowej, część gminy Stąporków położona na północ od linii kolejowej w powiecie koneckim,

— gminy Dwikozy i Zawichost w powiecie sandomierskim,

w województwie lubuskim:

— gminy Bogdaniec, Deszczno, Kłodawa, Kostrzyn nad Odrą, Santok, Witnica w powiecie gorzowskim,

— powiat miejski Gorzów Wielkopolski,

— gminy Drezdenko, Strzelce Krajeńskie, Stare Kurowo, Zwierzyn w powiecie strzelecko – drezdeneckim,

— powiat żarski,

— powiat słubicki,

— gminy Brzeźnica, Iłowa, Gozdnicza, Małomice Wymiarki, Żagań i miasto Żagań w powiecie żagańskim,

— powiat krośnieński,

— powiat zielonogórski

— powiat miejski Zielona Góra,

— powiat nowosolski,

— powiat sulęciński,

— powiat międzyrzecki,

— powiat świebodziński,

— powiat wschowski,

w województwie dolnośląskim:

— powiat zgorzelecki,

— część powiatu polkowickiego niewymieniona w części III załącznika I,

— część powiatu wołowskiego niewymieniona w części III załącznika I,

— gmina Jeżów Sudecki w powiecie karkonoskim,

— gminy Rudna, Ścinawa, miasto Lubin i część gminy Lubin niewymieniona w części III załącznika I w powiecie lubińskim,

— gmina Malczyce, Miękinia, Środa Śląska, część gminy Kostomłoty położona na północ od linii wyznaczonej przez drogę nr A4, część gminy Udania położona na północ od linii wyznaczonej przez drogę nr A4 w powiecie średzkim,

— gmina Wądroże Wielkie, część gminy Męcinka położona na północ od drogi nr 363 w powiecie jaworskim,

— gminy Kunice, Legnickie Pole, Prochowice, Ruja w powiecie legnickim,

— gminy Wisznia Mała, Trzebnica, Zawonia, część gminy Oborniki Śląskie położona na południe od linii wyznaczonej przez drogę nr 340 w powiecie trzebnickim,

- powiat lubański,
 - powiat miejski Wrocław,
 - gminy Czernica, Długołęka, Siechnice, część gminy Żórawina położona na wschód od linii wyznaczonej przez autostradę A4, część gminy Kąty Wrocławskie położona na północ od linii wyznaczonej przez autostradę A4 w powiecie wrocławskim,
 - gminy Jelcz – Laskowice, Oława z miastem Oława i część gminy Domaniów położona na północny wschód od linii wyznaczonej przez autostradę A4 w powiecie oławskim,
 - gmina Bierutów, Dziadowa Kłoda, miasto Oleśnica, część gminy wiejskiej Oleśnica położona na południe od linii wyznaczonej przez drogę nr S8, część gminy Dobroszyce położona na zachód od linii wyznaczonej przez linię kolejową biegnącą od północnej do południowej granicy gminy w powiecie oleśnickim,
 - powiat bolesławiecki,
 - powiat milicki,
 - powiat górowski,
 - powiat głogowski,
 - gmina Świerzawa, Wojcieszów, część gminy Zagrodno położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Jadwisin – Modlikowice Zagrodno oraz na zachód od linii wyznaczonej przez drogę nr 382 biegnącą od miejscowości Zagrodno do południowej granicy gminy w powiecie złotoryjskim,
 - powiat lwówecki,
 - gminy Czarny Bór, Stare Bogaczowice, Walim, miasto Boguszów – Gorce, miasto Jedlina – Zdrój, miasto Szczawno – Zdrój w powiecie wałbrzyskim,
 - powiat miejski Wałbrzych,
 - gmina Świdnica, miasto Świdnica, miasto Świebodzice w powiecie świdnickim,
- w województwie wielkopolskim:
- gminy Siedlec, Wolsztyn, część gminy Przemęt położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Borek – Kluczewo – Sączkowo – Przemęt – Błotnica – Starkowo – Boszkowo – Letnisko w powiecie wolsztyńskim,
 - gmina Wielichowo, Rakoniewice, Granowo, część gminy Kamieniec położona na zachód od linii wyznaczonej przez drogę nr 308 w powiecie grodziskim,
 - powiat międzychodzki,
 - powiat nowotomyski,
 - powiat obornicki,
 - część gminy Połajewo na położona na południe od drogi łączącej miejscowości Chraplewo, Tarnówko-Boruszyn, Krosin, Jakubowo, Połajewo – ul. Ryczywolska do północno-wschodniej granicy gminy w powiecie czarnkowsko-trzcianeckim,
 - powiat miejski Poznań,
 - gminy Buk, Czerwonak, Dopiewo, Komorniki, Rokietnica, Stęszew, Swarzędz, Suchy Las, Tarnowo Podgórne, Murowana Goślina w powiecie poznańskim,
 - powiat rawicki,
 - część powiatu szamotulskiego niewymieniona w części I załącznika I,
 - część powiatu gostyńskiego niewymieniona w części I i III załącznika I,
 - gminy Kobylin, Zduny, część gminy Krotoszyn położona na zachód od linii wyznaczonej przez drogi: nr 15 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 36, nr 36 biegnącą od skrzyżowania z drogą nr 15 do skrzyżowania z drogą nr 444, nr 444 biegnącą od skrzyżowania z drogą nr 36 do południowej granicy gminy w powiecie krotoszyńskim,
 - gmina Wijewo w powiecie leszczyńskim,
- w województwie łódzkim:
- gminy Białaczów, Drzewica, Opoczno i Poświętne w powiecie opoczyńskim,

- gminy Biała Rawska, Regnów i Sadkowiec w powiecie rawskim,
 - gmina Kowiesy w powiecie skierniewickim,
- w województwie zachodniopomorskim:
- gmina Boleszkowice i część gminy Dębno położona na zachód od linii wyznaczonej przez drogę nr 126 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 23 w miejscowości Dębno, następnie na zachód od linii wyznaczonej przez drogę nr 23 do skrzyżowania z ul. Jana Pawła II w miejscowości Cychry, następnie na południe od ul. Jana Pawła II do skrzyżowania z ul. Ogrodową i dalej na południe od linii wyznaczonej przez ul. Ogrodową, której przedłużenie biegnie do wschodniej granicy gminy w powiecie myśliborskim,
 - gminy Cedynia, Gryfino, Mieszkowice, Moryń, część gminy Chojna położona na zachód od linii wyznaczonej przez drogi nr 31 biegnącą od północnej granicy gminy i 124 biegnącą od południowej granicy gminy w powiecie gryfińskim,
 - gmina Kołbaskowo w powiecie polickim,
- w województwie opolskim:
- gminy Brzeg, Lubsza, Lewin Brzeski, Olszanka, Skarbimierz w powiecie brzeskim,
 - gminy Dąbrowa, Dobrzeń Wielki, Popielów w powiecie opolskim,
 - część powiatu namysłowskiego niewymieniona w części I załącznika I.

8. Slovakia

The following restricted zones II in Slovakia:

- the whole district of Gelnica except municipalities included in zone III,
- the whole district of Poprad
- the whole district of Spišská Nová Ves,
- the whole district of Levoča,
- the whole district of Kežmarok
- in the whole district of Michalovce except municipalities included in zone III,
- the whole district of Košice-okolie,
- the whole district of Rožnava,
- the whole city of Košice,
- in the district of Sobrance: Remetské Hámre, Vyšná Rybnica, Hlivišťa, Ruská Bystrá, Podhorod', Choňkovce, Ruský Hrabovec, Inovce, Beňatina, Koňuš,
- the whole district of Vranov nad Topľou,
- the whole district of Humenné except municipalities included in zone III,
- the whole district of Snina,
- the whole district of Prešov except municipalities included in zone III,
- the whole district of Sabinov except municipalities included in zone III,
- the whole district of Svidník, except municipalities included in zone III,
- the whole district of Stropkov, except municipalities included in zone III,
- the whole district of Bardejov,
- the whole district of Stará Ľubovňa,
- the whole district of Revúca,
- the whole district of Rimavská Sobota,
- in the district of Veľký Krtíš, the whole municipalities not included in part I,
- the whole district of Lučenec,
- the whole district of Poltár,
- the whole district of Zvolen, except municipalities included in zone III,

- the whole district of Detva,
- the whole district of Krupina, except municipalities included in zone I,
- the whole district of Banská Stianica,
- the whole district of Žarnovica,
- in the district of Žiar nad Hronom the municipalities of Hronská Dúbrava, Trnavá Hora,
- the whole district of Banská Bystrica, except municipalities included in zone III,
- the whole district of Brezno,
- the whole district of Liptovský Mikuláš,
- the whole district of Trebišov'
- in the district of Zlaté Moravce, the whole municipalities not included in part I,
- in the district of Levice the municipality of Kozárovce.

9. Italy

The following restricted zones II in Italy:

Piedmont Region:

- in the Province of Alessandria, the municipalities of Cavatore, Castelnuovo Bormida, Cabella Ligure, Carrega Ligure, Francavilla Bisio, Carpeneto, Costa Vescovato, Grogcardo, Orsara Bormida, Pasturana, Melazzo, Mornese, Ovada, Predosa, Lerma, Fraconalto, Rivalta Bormida, Fresonara, Malvicino, Ponzone, San Cristoforo, Sezzadio, Rocca Grimalda, Garbagna, Tassarolo, Mongiardino Ligure, Morsasco, Montaldo Bormida, Prasco, Montaldeo, Belforte Monferrato, Albera Ligure, Bosio, Cantalupo Ligure, Castelletto D'orba, Cartosio, Acqui Terme, Arquata Scrivia, Parodi Ligure, Ricaldone, Gavi, Cremolino, Brignano-Frascata, Novi Ligure, Molare, Cassinelle, Morbello, Avolasca, Carezzano, Basaluzzo, Dornice, Trisobbio, Strevi, Sant'Agata Fossili, Pareto, Visone, Voltaggio, Tagliolo Monferrato, Casaleggio Boiro, Capriata D'orba, Castellania, Carrosio, Cassine, Vignole Borbera, Serravalle Scrivia, Silvano D'orba, Villalvernia, Roccaforte Ligure, Rocchetta Ligure, Sardigliano, Stazzano, Borghetto Di Borbera, Grondona, Cassano Spinola, Montacuto, Gremiasco, San Sebastiano Curone, Fabbrica Curone, Spigno Monferrato, Montechiaro d'Acqui, Castelletto d'Erro, Ponti, Denice, Pozzolo Formigaro,
- in the province of Asti, the municipality of Mombaldone,

Liguria Region:

- in the province of Genova, the municipalities of Bogliasco, Arenzano, Ceranesi, Ronco Scrivia, Mele, Isola Del Cantone, Lumarzo, Genova, Masone, Serra Riccò, Campo Ligure, Mignanego, Busalla, Bargagli, Savignone, Torriglia, Rossiglione, Sant'Olcese, Valbrevenna, Sori, Tiglieto, Campomorone, Cogoleto, Pieve Ligure, Davagna, Casella, Montoggio, Crocefieschi, Vobbia,
- in the province of Savona, the municipalities of Albisola Superiore, Celle Ligure, Stella, Pontinvrea, Varazze, Urbe, Sassello, Mioglia,

Lazio Region:

- the Area of the Municipality of Rome within the administrative boundaries of the Local Health Unit "ASL RM1",

Sardinia Region:

- In South Sardinia Province the Municipalities of Escolca, Esterzili, Genoni, Gesturi, Isili, Nuragus, Nurallao, Nurri, Sadali, Serri, Seui, Seulo, Villanova Tulo,
- In Nuoro Province the Municipalities of Atzara, Austis, Bari Sardo, Bitti, Bolotana, Bortigali a ovest della Strada Statale 131, Cardedu, Dorgali, Elini, Fonni, Gadoni, Gairo, Girasole, Ilbono, Jerzu, Lanusei, Lei, Loceri, Lodè, Lodine, Lotzorai, Lula, Macomer a ovest della Strada Statale 131, Meana Sardo, Nuoro, Oliena, Onani, Orune, Osidda, Osini, Ovodda, Silanus, Sorgono, Teti, Tiana, Torpè, Tortoli, Ulassai, Ussassai,
- In Oristano Province the Municipalities of Laconi, Nughedu Santa Vittoria, Sorradile,

- In Sassari Province the Municipalities of Alà dei Sardi, Anela, Benetutti, Bono, Bonorva East of SS 131, Bottidda, Buddusò, Budoni, Bultei, Burgos, Esporlatu, Illorai, Ittireddu, Mores a sud della Strada Statale 128bis – Strada Provinciale 63, Nughedu di San Nicolò, Nule, Olbia Isola Amministrativa (Berchiddeddu), Oschiri a sud della E 840, Ozieri a sud della Strada Provinciale 63 – Strada Provinciale 1 – Strada Statale 199, Padru, Pattada, San Teodoro.

10. Czech Republic

The following restricted zones II in the Czech Republic:

Region of Liberec:

- in the district of Liberec, the municipalities of Arnoltice u Bulovky, Hajniště pod Smrkem, Nové Město pod Smrkem, Děřichovec, Bulovka, Horní Řasnice, Dolní Pertoltice, Krásný Les u Frýdlantu, Jindřichovice pod Smrkem, Horní Pertoltice, Dolní Řasnice, Raspenava, Dolní Oldřiš, Ludvíkov pod Smrkem, Lázně Libverda, Háj u Habartic, Habartice u Frýdlantu, Kunratice u Frýdlantu, Víska u Frýdlantu, Poustka u Frýdlantu, Višňová u Frýdlantu, Předlánc, Černousy, Boleslav, Ves, Andělka, Frýdlant, Srbská.

PART III

1. Bulgaria

The following restricted zones III in Bulgaria:

- in Blagoevgrad region:
 - the whole municipality of Sandanski
 - the whole municipality of Strumyani
 - the whole municipality of Petrich,
- the Pazardzhik region:
 - the whole municipality of Pazardzhik,
 - the whole municipality of Panagyurishte,
 - the whole municipality of Lesichevo,
 - the whole municipality of Septemvri,
 - the whole municipality of Strelcha,
- in Plovdiv region
 - the whole municipality of Hisar,
 - the whole municipality of Suedinenie,
 - the whole municipality of Maritsa
 - the whole municipality of Rodopi,
 - the whole municipality of Plovdiv,
- in Varna region:
 - the whole municipality of Byala,
 - the whole municipality of Dolni Chiflik.

2. Italy

The following restricted zones III in Italy:

Sardinia Region:

- in Nuoro Province the Municipalities of Aritzo, Arzana, Baunei, Belvi, Desulo, Gavoi, Mamoiada, Ollolai, Olzai, Oniferi, Orani, Orgosolo, Orotelli, Ottana, Sarule, Talana, Tonara, Triei, Urzulei, Villagrande Strisaili.

3. Latvia

The following restricted zones III in Latvia:

- Dienvidkurzemes novada Embūtes pagasta daļa uz ziemeļiem autoceļa P116, P106, autoceļa no apdzīvotas vietas Dinsdurbe, Kalvenes pagasta daļa uz austrumiem no ceļa pie Vārtājas upes līdz autoceļam A9, uz ziemeļiem no autoceļa A9, uz austrumiem no autoceļa V1200, Kazdangas pagasta daļa uz austrumiem no ceļa V1200, P115, P117, V1296,
- Kuldīgas novada Rudbāržu, Nīkrāces, Raņķu, Skrundas pagasts, Laidu pagasta daļa uz dienvidiem no autoceļa V1296, Skrundas pilsēta.

4. Lithuania

The following restricted zones III in Lithuania:

- Jurbarko rajono savivaldybė: Jurbarko miesto seniūnija, Girdžių, Jurbarkų Raudonės, Skirsnemunės, Veliunos ir Šimkaičių seniūnijos,
- Molėtų rajono savivaldybė: Dubingių ir Giedraičių seniūnijos,
- Marijampolės savivaldybė: Sasnavos ir Šunskų seniūnijos,
- Šakių rajono savivaldybė: Barzdų, Gelgaudiškio, Griškabūdžio, Kidulių, Kudirkos Naumiesčio, Sintautų, Slavikų, Sudargo, Šakių, Plokščių ir Žvirgždaičių seniūnijos.
- Kazlų rūdos savivaldybė: Antanavos, Jankų ir Kazlų Rūdos seniūnijos: vakarinė dalis iki kelio 2602 ir 183,
- Kelmės rajono savivaldybė: Kelmės apylinkių, Kukečių, Šaukėnų ir Užvenčio seniūnijos,
- Vilkaviškio rajono savivaldybė: Gižų, Kybartų, Klausučių, Pilviškių, Šeimenos ir Vilkaviškio miesto seniūnijos.
- Širvintų rajono savivaldybė: Alionių ir Zibalų seniūnijos,
- Šiaulių rajono savivaldybė: Bubių, Kuršėnų kaimiškoji ir Kuršėnų miesto seniūnijos,
- Ukmergės rajono savivaldybė: Želvos seniūnija,
- Vilniaus rajono savivaldybė: Paberžės seniūnija.

5. Poland

The following restricted zones III in Poland:

w województwie zachodniopomorskim:

- gminy Banie, Trzcińsko – Zdrój, Widuchowa, część gminy Chojna położona na wschód linii wyznaczonej przez drogi nr 31 biegnącą od północnej granicy gminy i 124 biegnącą od południowej granicy gminy w powiecie gryfińskim,

w województwie warmińsko-mazurskim:

- gmina Rybno, część gminy Działdowo położona na północ od linii wyznaczonej przez drogę nr 538, część gminy Płośnica położona na północ od linii wyznaczonej przez drogę łączącą miejscowości Burkat – Skurpie – Rutkowice – Płośnica – Turza Mała – Koty, część gminy Lidzbark położona na północ od linii wyznaczonej przez drogę nr 544 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 541 oraz na wschód od linii wyznaczonej przez drogę nr 541 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 544 w powiecie działdowskim,
- część gminy Grodziczno położona na wschód od linii wyznaczonej przez drogę nr 541 w powiecie nowomiejskim,
- część gminy Lubawa położona na południe od linii wyznaczonej przez drogę nr 537 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 541, a następnie na wschód od linii wyznaczonej przez drogę nr 541 biegnącą od skrzyżowania z drogą nr 537 do południowej granicy gminy w powiecie iławskim,
- gmina Dąbrówno, część gminy Grunwald położona na południe od linii wyznaczonej przez drogę nr 537 biegnącą od zachodniej granicy gminy do miejscowości Stębark, a następnie na zachód od linii wyznaczonej przez drogę biegnącą od miejscowości Stębark do południowej granicy gminy i łączącej miejscowości Stębark – Łodwigowo w powiecie ostródzkim,

- gmina Banie Mazurskie, część gminy Gołdap położona na południe od linii wyznaczonej przez drogę biegnącą od zachodniej granicy gminy i łączącą miejscowości Pietraszki – Grygieliszki – Łobody – Bałupiany – Piękne Łąki do skrzyżowania z drogą nr 65, następnie od tego skrzyżowania na zachód od linii wyznaczonej przez drogę nr 65 biegnącą do skrzyżowania z drogą nr 650 i dalej na zachód od linii wyznaczonej przez drogę nr 650 biegnącą od skrzyżowania z drogą nr 65 do miejscowości Wronki Wielkie i dalej na zachód od linii wyznaczonej przez drogę łączącą miejscowości Wronki Wielkie – Suczki – Pietrasze – Kamionki – Wilkasy biegnącą do południowej granicy gminy w powiecie gołdapskim,
- część gminy Pozdezdrze położona na wschód od linii wyznaczonej przez drogę biegnącą od zachodniej do południowej granicy gminy i łączącą miejscowości Stręgiel – Gębałka – Kutry – Jakunówko – Jasieniec, część gminy Budry położona na wschód od linii wyznaczonej przez drogę biegnącą od wschodniej do południowej granicy gminy i łączącą miejscowości Skalisze – Budzewo – Budry – Brzozówko w powiecie węgorszewskim,
- część gminy Kruklanki położona na północ od linii wyznaczonej przez drogę biegnącą od północnej do wschodniej granicy gminy i łączącą miejscowości Jasieniec – Jeziorowskie – Podleśne w powiecie giżyckim,
- część gminy Kowale Oleckie położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej do południowej granicy gminy i łączącą miejscowości Wierzbianki – Czerwony Dwór – Mazury w powiecie oleckim,

w województwie lubuskim:

- gminy Niegosławice, Szprotawa w powiecie zagańskim,

w województwie wielkopolskim:

- gminy Krzemieniewo, Lipno, Osieczna, Rydzyna, Świąciechowa, Włoszakowice w powiecie leszczyńskim,
- powiat miejski Leszno,
- gminy Kościan i miasto Kościan, Krzywiń, Śmigiel w powiecie kościańskim,
- część gminy Dolsk położona na zachód od linii wyznaczonej przez drogę nr 434 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 437, a następnie na zachód od drogi nr 437 biegnącej od skrzyżowania z drogą nr 434 do południowej granicy gminy, część gminy Śrem położona na zachód od linii wyznaczonej przez drogę nr 310 biegnącą od zachodniej granicy gminy do miejscowości Śrem, następnie na zachód od drogi nr 432 w miejscowości Śrem oraz na zachód od drogi nr 434 biegnącej od skrzyżowania z drogą nr 432 do południowej granicy gminy w powiecie śremskim,
- część gminy Gostyń położona na północ od linii wyznaczonej przez drogę nr 12 w powiecie gostyńskim,
- część gminy Przemęt położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Borek – Kluczewo – Sączkowo – Przemęt – Błotnica – Starkowo – Boszkowo – Letnisko w powiecie wolsztyńskim,

w województwie dolnośląskim:

- część gminy Lubin położona na południe od linii wyznaczonej przez drogę nr 335 biegnącą od zachodniej granicy gminy do granicy miasta Lubin oraz na zachód od linii wyznaczonej przez drogę nr 333 biegnącą od granicy miasta Lubin do południowej granicy gminy w powiecie lubińskim
- gminy Prusice, Żmigród, część gminy Oborniki Śląskie położona na północ od linii wyznaczonej przez drogę nr 340 w powiecie trzebnickim,
- część gminy Zagrodno położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Jadwisin – Modlikowice – Zagrodno oraz na wschód od linii wyznaczonej przez drogę nr 382 biegnącą od miejscowości Zagrodno do południowej granicy gminy, część gminy wiejskiej Złotoryja położona na wschód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy w miejscowości Nowa Wieś Złotoryjska do granicy miasta Złotoryja oraz na północ od linii wyznaczonej przez drogę nr 382 biegnącą od granicy miasta Złotoryja do wschodniej granicy gminy w powiecie złotoryjskim,

- część gminy Chocianów położona na południe od linii wyznaczonej przez drogę nr 335 biegnącą od wschodniej granicy gminy do miejscowości Żabice, a następnie na południe od linii wyznaczonej przez drogę łączącą miejscowości Żabice – Trzebnice – Chocianowiec – Chocianów – Pasternik biegnącą do zachodniej granicy gminy w powiecie polkowickim,
- gminy Chojnów i miasto Chojnów, Krotoszyce, Miłkowice w powiecie legnickim,
- powiat miejski Legnica,
- część gminy Wołów położona na wschód od linii wyznaczonej przez linię kolejową biegnącą od północnej do południowej granicy gminy, część gminy Wińsko położona na południe od linii wyznaczonej przez drogę nr 36 biegnącą od północnej do zachodniej granicy gminy, część gminy Brzeg Dolny położona na wschód od linii wyznaczonej przez linię kolejową od północnej do południowej granicy gminy w powiecie wołowskim,

w województwie świętokrzyskim:

- gminy Masłów, Miedziana Góra, Mniów, Łopuszno, Piekoszów, Sitkówka-Nowiny, Strawczyn, Zagnańsk, część gminy Chęciny położona na północ od linii wyznaczonej przez drogę nr 762, część gminy Górno położona na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy łączącą miejscowości Leszczyna – Cedzyna oraz na północ od linii wyznaczonej przez ul. Kielecką w miejscowości Cedzyna biegnącą do wschodniej granicy gminy w powiecie kieleckim,
- powiat miejski Kielce,
- gminy Krasocin, część gminy Włoszczowa położona na wschód od linii wyznaczonej przez drogę nr 742 biegnącą od północnej granicy gminy do miejscowości Konieczno i dalej na wschód od linii wyznaczonej przez drogę łączącą miejscowości Konieczno – Rogienice – Dąbie – Podłazie, część gminy Kluczewsko położona na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy gminy i łączącą miejscowości Krogulec – Nowiny – Komorniki do przecięcia z linią rzeki Czarna, następnie na południe od linii wyznaczonej przez rzekę Czarna biegnącą do przecięcia z linią wyznaczoną przez drogę nr 742 i dalej na wschód od linii wyznaczonej przez drogę nr 742 biegnącą od przecięcia z linią rzeki Czarna do południowej granicy gminy w powiecie włoszczowskim,
- gminy Małogoszcz, Oksa w powiecie jędrzejowskim.

6. Romania

The following restricted zones III in Romania:

- Zona oraşului Bucureşti,
- Judeţul Constanţa,
- Judeţul Satu Mare,
- Judeţul Tulcea,
- Judeţul Bacău,
- Judeţul Bihor,
- Judeţul Bistriţa Năsăud,
- Judeţul Brăila,
- Judeţul Buzău,
- Judeţul Călăraşi,
- Judeţul Dâmboviţa,
- Judeţul Galaţi,
- Judeţul Giurgiu,
- Judeţul Ialomiţa,
- Judeţul Ilfov,
- Judeţul Prahova,

- Județul Sălaj,
- Județul Suceava
- Județul Vaslui,
- Județul Vrancea,
- Județul Teleorman,
- Județul Mehedinți,
- Județul Gorj,
- Județul Argeș,
- Județul Olt,
- Județul Dolj,
- Județul Arad,
- Județul Timiș,
- Județul Covasna,
- Județul Brașov,
- Județul Botoșani,
- Județul Vâlcea,
- Județul Iași,
- Județul Hunedoara,
- Județul Alba,
- Județul Sibiu,
- Județul Caraș-Severin,
- Județul Neamț,
- Județul Harghita,
- Județul Mureș,
- Județul Cluj,
- Județul Maramureș.

7. Slovakia

The following restricted zones III in Slovakia:

- The whole district of Vranov and Topľou,
- In the district of Humenné: Lieskovec, Myslina, Humenné, Jasenov, Brekov, Závadka, Topoľovka, Hudcovce, Ptičie, Chlmec, Porúbka, Brestov, Gruzovce, Ohradzany, Slovenská Volová, Karná, Lackovce, Kochanovce, Hažín nad Cirochou, Závada, Nižná Sitnica, Vyšná Sitnica, Rohožník, Prituľany, Ruská Poruba, Ruská Kajňa,
- In the district of Michalovce: Strážske, Staré, Oreské, Zbudza, Voľa, Nacina Ves, Pusté Čemerné, Lesné, Rakovec nad Ondavou, Petrovce nad Laborcom, Trnava pri Laborci, Vinné, Kaluža, Klokočov, Kusín, Jovsa, Poruba pod Vihorlatom, Hojné, Lúčky, Závadka, Hažín, Zalužice, Michalovce, Krásnovce, Šamudovce, Vrbnica, Žbince, Lastomír, Zemplínska Široká, Čečehov, Jastrabie pri Michalovciach, Iňačovce, Senné, Palín, Sliepkovce, Hatalov, Budkovce, Stretava, Stretávka, Pavlovce nad Uhom, Vysoká nad Uhom, Bajany,
- In the district of Gelnica: Hrišovce, Jaklovce, Kluknava, Margecany, Richnava,
- In the district Of Sabinov: Daletice,
- In the district of Prešov: Hrabkov, Krížovany, Žipov, Kvačany, Ondrašovce, Chminianske Jakobovany, Klenov, Bajerov, Bertotovce, Brežany, Bzenov, Fričovce, Hendrichovce, Hermanovce, Chmiňany, Chminianska Nová Ves, Janov, Jarovnice, Kojatice, Lažany, Mikušovce, Ovčie, Rokycany, Sedlice, Suchá Dolina, Svinia, Šindliar, Široké, Štefanovce, Vítaz, Župčany,

- the whole district of Medzilaborce,
 - In the district of Stropkov: Havaj, Malá Poľana, Bystrá, Mikové, Varechovce, Vladiča, Staškovce, Makovce, Veľkrop, Solník, Korunková, Bukovce, Krišľovce, Jakušovce, Kolbovce,
 - In the district of Svidník: Pstruša,
 - In the district of Zvolen: Očová, Zvolen, Sliach, Veľká Lúka, Lukavica, Sielnica, Železná Breznica, Trnie, Turová, Kováčová, Budča, Hronská Breznica, Ostrá Lúka, Bacúrov, Breziny, Podzámčok, Michalková, Zvolenská Slatina, Lieskovec,
 - In the district of Banská Bystrica: Sebedín-Bečov, Čerín, Dúbravica, Oravce, Mólča, Horná Mičiná, Dolná Mičiná, Vlkanová, Hronsek, Badín, Horné Pršany, Malachov, Banská Bystrica,
 - The whole district of Sobrance except municipalities included in zone II.'
-

DECISIONS

COUNCIL DECISION (EU) 2022/2569

of 14 November 2022

on the position to be taken on behalf of the European Union at the 19th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 19) (Panama City, Panama, 14 – 25 November 2022) and on the submission of a species to include in Appendix III to CITES

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) ⁽¹⁾, to which the Union acceded by Council Decision (EU) 2015/451 ⁽²⁾, entered into force on 1 July 1975. CITES has been implemented in the Union by Council Regulation (EC) No 338/97 ⁽³⁾.
- (2) Pursuant to Article XI(3) of CITES, the Conference of the Parties (CoP) may, inter alia, adopt decisions to amend the Appendices to CITES.
- (3) Pursuant to Article XVI of CITES, any Party to CITES may submit to the CITES Secretariat a list of species for inclusion in Appendix III to CITES which that Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade.
- (4) The CoP, during its 19th meeting from 14 to 25 November 2022 (CITES CoP 19), is to adopt decisions on 52 proposals to amend the Appendices to CITES, as well as on numerous other matters related to the implementation and interpretation of CITES.
- (5) It is appropriate to establish the position to be taken on the Union's behalf at CITES CoP 19, as the amendments to the Appendices to CITES will be binding on the Union and several other decisions will be capable of decisively influencing the content of Union law, in particular, Commission Regulation (EC) No 865/2006 ⁽⁴⁾, and Commission Implementing Regulation (EU) No 792/2012 ⁽⁵⁾.
- (6) The Union's proposed position to be taken on the different proposals before the CoP is based on expert analysis of their merits, taking into account the provisions of CITES, in the light of the best available scientific evidence, as well as their consistency with relevant Union rules and policies,

⁽¹⁾ OJ L 75, 19.3.2015, p. 4.

⁽²⁾ Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (OJ L 75, 19.3.2015, p. 1).

⁽³⁾ Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 166, 19.6.2006, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006 (OJ L 242, 7.9.2012, p. 13).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf, as regards matters falling within the competence of the Union, at the 19th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 19) is set out in Annexes I and II to this Decision.

Article 2

Where the position referred to in Article 1 is likely to be affected by new scientific or technical information presented after the adoption of this Decision and before or during CITES CoP19, or where revised or new proposals are made at that meeting on which there is no Union position yet, the Union position shall be developed by means of on-the-spot coordination before the Conference of the Parties is called to decide on those proposals. In such cases, the Union position shall be consistent with the principles laid down in the Annexes to this Decision.

Article 3

The Union shall submit the species listed in Annex IIa to this Decision for inclusion in Appendix III to CITES.

Article 4

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

Done at Brussels, 14 November 2022.

For the Council
The President
J. BORRELL FONTELLES

ANNEX I

Union Position on key issues to be discussed at the 19th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Panama City, Panama, 14 - 25 November 2022)

A. GENERAL CONSIDERATIONS

1. The Union considers CITES a key international convention for biodiversity conservation and against wildlife trafficking.
2. The Union should adopt an ambitious position for CITES CoP19, in line with relevant Union policies and international commitments, in particular the targets relating to wildlife under Sustainable Development Goal 15, the Union's position ⁽¹⁾ for the CoP15 of the Convention on Biological Diversity concerning the upcoming post-2020 Global Biodiversity Framework, the CITES Strategic Vision and the UN General Assembly Resolution 75/311 on illicit trafficking in wildlife. The Union's position should also serve to attain the objectives set out at EU level through the Biodiversity strategy for 2030, the EU Action Plan against Wildlife Trafficking, the EU approach to promote trade and sustainable development, and the European Green Deal.
3. The priorities for the Union at CITES CoP19 should be to
 - fully use the CITES instruments to regulate international trade in endangered animals and plant species which are subject to unsustainable levels of trade, pursuing a science-based approach, and
 - strengthen the response by the international community to wildlife trafficking;
- 3a The Union at CITES CoP19 should ensure that the EU's status and rights as a Party to the Convention remain fully respected.
4. The Union's position should take account of the contribution that CITES mechanisms can make towards improving species' conservation status and acknowledge the work done by those countries that have implemented effective conservation measures. The Union should ensure that the decisions taken at CoP19 maximise the efficiency of CITES, by minimising unnecessary administrative burdens and by achieving practical, cost-effective and workable solutions to implementation and monitoring issues.
5. The CoP is the governing body of CITES and a number of decisions adopted at CITES CoP19 will be implemented by the Standing Committee, which is the main CoP subsidiary body. The Union's position for CITES CoP19 should therefore also guide the EU's approach at the 75th and 76th meetings of the Standing Committee, which take place directly before and after CoP19.

B. SPECIFIC ISSUES

6. Fifty-two **proposals for amending the CITES Appendices** have been tabled for consideration at CITES CoP19. Thirteen of these proposals have been submitted by the Union as the main proponent or as co-proponent, and their adoption should naturally also be supported by the Union.
- 6a. The Union's position on proposals for amendments of the CITES Appendices should be based on the conservation status of the species concerned and on the impact that trade has or may have on the status of that species. To this end, the most relevant and robust scientific advice should be taken into consideration for the assessment of listing proposals in line with Resolution Conf. 9.24 on the criteria for amending of Appendices I and II.

⁽¹⁾ ST 13975/22 (<https://www.consilium.europa.eu/media/59787/st13975-en22.pdf>).

- 6b. The views of the range States of the species concerned by the proposals should receive particular attention. The Union also considers that, as a general rule, support should be given to proposals to amend CITES Appendices where these are the result of the work by the CITES Animals and Plants Committees and the Standing Committee. The assessment of the proposals by the CITES Secretariat and IUCN/Traffic ^(?) and, for commercially exploited marine species, the assessment by the Food and Agriculture Organization's (FAO) dedicated expert panel should also be taken into account.
7. As agreed upon in the Council Decision 2022/982 of 16 June 2022 ^(?), the Union advocates the inclusion of
- *Physignathus cocincinus* (Chinese water dragon) in Appendix II
 - *Cuora galbinifrons* (Indochinese box turtle) in Appendix I
 - *Laotriton laoensis* (Laos warty newt) in Appendix II with a zero export quota for wild-taken specimens traded for commercial purposes
 - *Agalychnis lemur* (Lemur leaf frog) in Appendix II with a zero annual export quota for wild-taken specimens traded for commercial purposes
 - all species of *Sphyrnidae* spp. (Hammerhead sharks) not yet included in Appendix II in Appendix II
 - *Thelenota ananas*, *T. anax*, *T. rubralineata* (Sea cucumbers) in Appendix II
 - *Khaya* spp. (African mahogany) (Populations of Africa) in Appendix II with Annotation #17
 - *Azelia* spp. (Pod mahogany) (Populations of Africa) in Appendix II with Annotation #17
 - *Dipteryx* spp. in Appendix II with Annotation #17 + seeds
 - *Handroanthus* spp. (Trumpet tree), *Tabebuia* spp. and *Roseodendron* spp. in Appendix II with Annotation #17
 - *Pterocarpus* spp. (Padauk) (Populations of Africa) in Appendix II with Annotation #17
 - *Rhodiola* spp. in CITES Appendix II with Annotation #2.
- The Union has also decided to co-sponsor and will advocate for the proposal by Panama to list *Carcharhinidae* spp. (Requiem sharks) in Appendix II.
8. The Union notes that considerable work has been done in recent years to **build capacity for the implementation** of CITES, not least with regard to **marine species**, including through the Union's financial support. The Union supports better coordination between CITES and other Multilateral Environmental Agreements and organisations, such as regional fisheries management organisations and other relevant bodies, acting within their respective mandates, with the aim of improving governance and increasing complementarity.
9. The Union notes an increased focus within CITES on **timber species**, as also reflected by the Union's proposals to list additional tree species in CITES Appendix II at CoP19. CITES has an important role to play in the conservation of forests and the Union supports stronger and more consistent action between CITES and other forest-related organisations and processes.
10. The Union's position on proposals related to **wildlife trafficking** should reflect the EU's comprehensive approach to preventing wildlife trafficking, by addressing its root causes, strengthening legal and policy frameworks to address wildlife trafficking, enforcing existing rules effectively, and fostering global partnerships to address wildlife trafficking, while at the same time acknowledging that considerable work has been done in recent years in preventing wildlife trafficking by the international community.

^(?) The International Union for Conservation of Nature (IUCN) and TRAFFIC are specialised in wildlife trade issues and provide a thorough assessment of proposals to amend CITES Appendices before each CoP.

^(?) https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=uriserv:OJ.L_.2022.167.01.0095.01.ENG

11. Consistent with these priorities, the Union is supportive of better protection through CITES of species currently either illegally imported or imported at unsustainable levels into the EU. The Union therefore supports the proposals to amend the Appendices in relation to various species of reptiles and amphibians, in particular several species of turtles that are imported to the EU as pets.
12. The Union should also encourage initiatives that contribute to increasing the **capacities** of relevant authorities, sharing information and best practices, aiming to better implement CITES and improve cooperation between source, transit and destination countries.
13. In this context, the Union notes proposals that call for the creation of specific **funds** to benefit selected parties. The Union considers that new funds should only be created in duly justified cases, based on a thorough analysis of their feasibility and added value. Access to funding should not be limited to selected parties or groups of parties.
 - 13a. Several proposals presented to CITES CoP 19 focus on issues related to sustainable use, livelihoods, indigenous peoples and local communities. The Union should support such proposals to the extent that they help ensure that relevant issues are adequately addressed in CITES. However, the creation of additional processes or structures with significant costs and uncertain benefits or the risk of duplication should be avoided.
14. It is important for the Union to ensure that all resolutions, annotations and reservations are uniformly understood and interpreted. Despite the positive effect of current rules, addressing elephant poaching and ivory trafficking remain a priority, as well as the need to secure sustainable solutions for people living close to elephants and wildlife in general. Therefore, the Union should specifically promote the clarification of the rules on trade in live elephants, specifically Resolution Conf. 11.20 (Rev. CoP18) and Resolution Conf. 10.10 (Rev. CoP18). At the 74th meeting of the Standing Committee the Union and its Member States expressed their wish to create a common framework for trade in live African elephants, based on the CITES framework and on transparent and robust scientific scrutiny. Harmonising the conditions for trade in live African elephants and promoting actions that directly address the problem of illegal trade in elephants and ivory should be a priority for the Union for all CoP19 agenda items relating to elephants.
15. The Union notes that several proposals have been tabled by Parties in relation to legal trade in elephant ivory and rhino horn. The Union is aware of the financial burden connected to protecting endangered species in particular from wildlife trafficking and of potential human-wildlife conflict and it provides support to range states in this regard. International commercial trade in ivory and rhino horn is currently banned under the CITES framework. The Union considers that the conditions for reauthorising this trade are not met and does not support proposals for CoP19 to re-open it. For domestic ivory and rhino horn markets contributing to the illegal trade, the Union should continue to support proportionate, effective and transparent measures based on the best available evidence, within the scope of the Convention.
16. The Union acknowledges that international trade in wildlife and global decline in biodiversity may pose a risk regarding the emergence and spread of **zoonotic diseases**. The Union also recognises that there is a link between illegal trade on the one hand and poor animal welfare on the other, which increases the risk of the spread of diseases. CITES should continue to play a role, in accordance with its mandate, in reducing potential risks to the health of animals and people. No organisation can address on its own the multiple challenges that could lead to the emergence and spread of wildlife-related diseases. The Union considers that through the incentives of the Convention's legal trade regime, and in particular in its function of discouraging illegal trade, it can contribute to reducing the risk of spread of zoonoses. The Union should therefore encourage CITES to strengthen their active collaboration with other intergovernmental organisations, including those involved in animal or public health, trade, food and transport, in line with the '**One Health approach**'. The Union strongly supports the renewed commitment between the World Organisation for Animal Health and CITES to work together on animal health and welfare issues worldwide to safeguard biodiversity and protect animals.

17. The wildlife-trafficking crisis, combined with the extension of the scope of CITES to new species and Parties, means that **more activities have been brought within the scope of the CITES umbrella** in recent years and that the workload of the CITES Secretariat has increased considerably. The Union should take these developments into account when deciding on its priorities at CoP19 and on the future budget for the CITES Secretariat.
-

Union Position on certain proposals submitted to the 19th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Panama City, Panama, 14 - 25 November 2022)

“+”	indicates a position in favour
“-“	indicates a position against
“0”	indicates an open position due to the lack of sufficient information to establish a position
“(+)”	indicates support conditional on the availability of additional information and/or amendments to the proposal
“(-)”	indicates opposition to be reconsidered if further supporting evidence is provided and/or the proposal is significantly amended

1. WORKING DOCUMENTS

No.	Agenda item	Proponent ⁽¹⁾	Comments	Position
	Opening <i>ceremony</i>		No document	
	Welcoming addresses		No document	
Administrative and financial matters				
1.	Election of Chair and Vice-Chair of the meeting and of Chairs of Committees I and II		No document Candidates are already agreed upon.	
2.	Adoption of the agenda CoP19 Doc. 2	Sec.	Agreed	+
3.	Adoption of the working programme CoP19 Doc. 3	Sec.	Agreed	+
4.	Rules of Procedure of the Conference of the Parties			

	4.1	Report of the Standing Committee CoP19 Doc. 4.1	SC	Support recommended amendments to Rule 7. Support recommended amendments to Rule 25.5 and 25.6. Stress the importance that any change in the voting order would need to be exceptional and duly justified by the Chair in the meeting.	+
	4.2	Proposed amendment to Rule 26 CoP19 Doc. 4.2	Botswana and Zimbabwe	Reject the proposal as it is contrary to article XV of the Convention. The principle that every Party should have one vote is fundamental and not negotiable. This change would result in highly complicated negotiations before every vote and in practical issues as to assess the populations as close as possible to the CoP sessions to reflect the situation.	-
5.	Credentials Committee				
	5.1	Establishment of the Credentials Committee		No document	
	5.2	Report of the Credentials Committee		No document	
6.	Admission of observers CoP19 Doc. 6				
7.	Administration, finance and budget of the Secretariat and of meetings of the Conference of the Parties				
	7.1	Administration of the Secretariat CoP19 Doc. 7.1	Sec.		
	7.2	Report of the Executive Director of UNEP on administrative and other matters CoP19 Doc. 7.2	UNEP		
	7.3	Financial reports for 2020-2022 CoP19 Doc. 7.3	Sec.		
	7.4	Budget and work programme for 2023 to 2025 CoP19 Doc. 7.4	Sec.		
	7.5	Access to funding CoP19 Doc. 7.5	SC	No position	

	7.6	Sponsored delegates project CoP19 Doc. 7.6		Sec.	Agree with the proposal by the Secretariat not to expand the Programme to generally cover the meetings of the SC and Animals and Plants committees, as the administrative work related to such enlarged Programme would represent a disproportionate burden for the Secretariat. However, agree to the proposed limited expansion of the Programme to eligible Parties subject to Article XIII procedures. Support the proposed amendments to Resolution Conf 17.3 and the draft Decision.	+
8.	Language strategy for the Convention CoP19 Doc. 8			Sec.	EU can support option 2 and is open to discussing certain elements of option 3, if financed from voluntary contributions. There are significant budget and delay issues to be considered, as well as possible implications for CITES implementation and enforcement as described in para 12.a) of Doc. 8. Any in-session working group at the CoP needs to include representatives of all regions, and not only of Parties with Arabic, Chinese and Russian as their official languages, because any decision will have budgetary implications for all Parties.	(-)

Strategic matters

9.	Committee reports and recommendations					
	9.1	Standing Committee				
	9.1.1	Report of the Chair CoP19 Doc. 9.1.1		SC	Note the document and support to draft decisions, including to suggestions by the Secretariat.	+
	9.1.2	Election of new regional and alternate regional members			No documents	
	9.2	Animals Committee				
	9.2.1	Report of the Chair CoP19 Doc. 9.2.1		AC	Note the document and support to draft decisions.	+
	9.2.2	Election of new regional and alternate regional members			No documents	

	9.3	Plants Committee				
		9.3.1	Report of the Chair CoP19 Doc. 9.3.1	PC	Note the document.	
		9.3.2	Election of new regional and alternate regional members		No documents	
10.	CITES Strategic Vision CoP19 Doc. 10			SC	Support the set of decisions. The indicators might be further modified depending on the developments in the post-2020 Global Biodiversity Framework.	(+)
11.	Appendix-I listed species CoP19 Doc. 11			AC, PC	Support the proposal with some amendments to draft decisions to be proposed by the EU, while remaining open to discussing adjustments proposed by the Secretariat to the proposed process and other amendments, if suggested by other Parties.	+
12.	World Wildlife Trade Report CoP19 Doc. 12			South Africa	The idea of the report and the intersessional working group is generally supported. However, there are still uncertainties in the proposal. Thereby, it can solely be supported, subject to availability of external resources, if a process is started; through a set of decisions, to better define the report with the view to decide at CoP20, or if the proposal is substantially improved during the CoP19 to provide more clarity on the content of the report.	(+)
13.	Engagement of indigenous peoples and local communities CoP19 Doc. 13			SC	Support the recommendation to adopt the revised decisions contained in Annex 1 to the document, and to encourage specific suggestions on participation of indigenous peoples and local communities in CITES.	+
14.	Livelihoods CoP19 Doc. 14			SC	Support the adoption of the revised decisions and the deletion of Decisions 18.37 and 18.36.	+

15.	Participatory mechanisms for rural communities in CITES CoP19 Doc. 15		Eswatini, Namibia and Zimbabwe	Oppose the proposals as a standalone document. While the topic is important, there are already two separate processes under CITES focusing on IPLC (see agenda points 13 and 14). In order to be more efficient and to be consistent when it comes to engagement of indigenous peoples and local as well as rural communities, the proponents should align their proposal with the processes under agenda points 13 and 14, and submit it in the respective WG or both WGs, as appropriate, for consideration.	(-)
16.	Capacity building CoP19 Doc. 16		SC	Support the draft resolution and the set of proposals to continue work on an integrated capacity-building framework. Some minor clarifications might be necessary in particular to clarify the scope of point 2 b in the draft resolution. Support to changes proposed by the Secretariat.	+
17.	Cooperation with organizations and multilateral environmental agreements				
	17.1	Cooperation with other biodiversity-related conventions CoP19 Doc. 17.1	SC	Support, as synergies among biodiversity MEAs should continue to be strengthened and it is appropriate for the SC to keep matters under review. Agree with the revised and new draft decisions outlined in the Annexes of the document and support the work towards a partnership strategy.	+
	17.2	Cooperation with Global Strategy for Plant Conservation CoP19 Doc. 17.2	PC	Support new draft Decisions, including the suggestion by the Secretariat to include SC in the process.	+
	17.3	Cooperation with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services CoP19 Doc. 17.3	SC	Support the draft decisions contained in the Annex I of the document.	+

	17.4	Joint CITES-CMS African Carnivores Initiative CoP19 Doc. 17.4	Sec.	Support this draft decision to convey relevant information to AC and to advise the Secretariat accordingly on African Carnivore Initiative, as suggested by AC and several observer organizations.	+
	17.5	International Consortium on Combating Wildlife Crime CoP19 Doc. 17.5	Sec.	Support adoption of the draft decisions and deletion of the Decision 18.3.	+
18.		United Nations World Wildlife Day CoP19 Doc. 18	Sec.	Support deletion of Decision 18.38 on World Wildlife Day as it has been implemented.	+
19.		CITES and forests CoP19 Doc. 19	Sec.	Support the proposal; suggest changes to improve synergies and avoid duplication with other international forest-related processes and instruments. Suggest the PC could be consulted on the terms of reference of the study (possibly through the chair to make the process simpler).	(+)
20.		Tree species programme CoP19 Doc. 20	Sec.	Support the draft decisions. The EU considers the program to bring the expected outcomes and encourages all Parties to build on the results of the Programme and to further contribute to the implementation of CITES regarding listed tree species.	+
21.		Review of the ETIS programme CoP19 Doc. 21	SC	Most recommendations can be supported, including the editorial changes suggested by the Secretariat, except the change in the submission date for ETIS data, which could weaken the process due to the time lag between the data used in the analysis and the reporting to the CoP. Oppose therefore the addition to Annex 1, section 4, 2nd paragraph, but support strengthening of cooperation between ICCWC and ETIS and the sharing of data from the Annual Illegal Trade Reports with ETIS. Support to the suggestion from the Secretariat to adopt a draft decision directed to the Secretariat and the Standing Committee to develop clear criteria for the categorization of Parties.	(+)

22.	MIKE and ETIS programmes CoP19 Doc. 22		SC	Support the proposal, including the proposed new text from the Secretariat for decision 19.BB a), however, it should be emphasized that a stronger focus should be laid on the long-term financial viability of MIKE and ETIS. The EU is open to the proposal by the Secretariat to incorporate the decision 19.AA in the decision on Financing and costed programme of work.	+
23.	Role of CITES in reducing risk of future zoonotic disease emergence associated with international wildlife trade CoP19 Doc. 23				
	23.1	Report of the Standing Committee CoP19 Doc. 23.1	SC	Welcome the work done by the intersessional working group. Support the proposed decisions and the amendments to Resolution Conf. 10.21 (Rev. CoP16) on transport of live specimens.	+
	23.2	One Health and CITES: Human and animal health risks from wildlife trade CoP19 Doc. 23.2	Côte d'Ivoire, Gabon, The Gambia, Liberia, Niger, Nigeria and Senegal	Oppose the elements that go beyond CITES. Support some of the elements contained in the draft resolution, such as the use of international definitions and cooperation with animal and public health authorities, and suggest their integration in draft decisions proposed in Doc. 23.1, not as part of the process towards the Resolution, but as Decisions adopted at CoP19.	(-)
24.	Implications of the COVID-19 pandemic on the implementation of the Convention CoP19 Doc. 24		Sec.	Support the recommendations proposed by the Secretariat to ensure that CITES meetings and inter-sessional work can take place also when faced with exceptional operational issues.	+
25.	Action plan on gender-related matters CoP19 Doc. 25		Panama	Support exploring and addressing gender related issues effectively. Support to the proposed resolution, which however requires further amendments. Suggest that the CoP initiates an intersessional process to consider the need and content of guidelines to implement the resolution, and provide recommendations to SC / CoP20.	(+)

Interpretation and implementation matters					
<u>Existing Resolutions and Decisions</u>					
26.	Review of Resolutions CoP19 Doc. 26	Sec.	Support changes to the Resolutions and the deletion of Decision 14.81 if the relevant change to Resolution Conf. 14.8 (Rev. CoP17) is adopted. Should be aligned with amendment suggested in document 32.	+	
27.	Review of Decisions CoP19 Doc. 27		Support the suggestions by the Secretariat. Prefer 18.55 not to be deleted as implementation is pending. Consider whether 18.193 has been implemented by the time of the CoP.	+	
<u>General compliance and enforcement</u>					
28.	National laws for implementation of the Convention CoP19 Doc. 28	Sec.	Support adoption of the draft decisions contained in Annex 1 to document CoP19 Doc. 28, and propose to include possible reporting to the regular Standing Committee meetings into decision 19.EEh). Support the deletion of Decisions 18.62-18.67 and agree on the tentative budget as projected in Annex 2.	+	
29.	CITES compliance matters				
	29.1	Implementation of Article XIII and Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures CoP19 Doc. 29.1	Sec.	Take note of the information presented in the document on implementation of Article XIII and Resolution Conf. 14.3. (Rev. CoP 18). Engage in the discussion on recommendation under paragraph 42b) with the view to supporting the expedited procedure, if needed, and under paragraph 42c) with the view to possible improvements of handling of compliance matter by the SC, taking into account other possible means to reduce the agenda of the SC.	0
	29.2	Totoaba (<i>Totoaba macdonaldi</i>) CoP19 Doc. 29.2			

	29.2.1	Report of the Secretariat CoP19 Doc. 29.2.1	Sec.	Support adoption of revised and new draft decisions (18.292 to 18.295, and 19.CC and 19.DD) in Annex 3 to document CoP19 Doc. 29.2.1. Urge Mexico to take effective measures to protect vaquita. Documents 29.2.1 and 29.2.2 are very similar and should be merged into one, possibly using the report of the Secretariat as the starting point.	+
	29.2.2	Renewed and updated Decisions for CoP19 CoP19 Doc. 29.2.2	United States of America	Support to the content of the document, which however overlaps with document 29.2.1 by the Secretariat. The two documents should be merged.	(+)
	29.3	Malagasy ebonyes (<i>Diospyros</i> spp.) and palisanders and rosewoods (<i>Dalbergia</i> spp.) CoP19 Doc. 29.3	Sec. in consultation with the Chair of the SC	Support draft decisions; in particular, to Madagascar to secure all stockpiles and to Parties not to accept (re) exports for commercial purposes from Madagascar of specimens of <i>Diospyros</i> spp. (#5) or <i>Dalbergia</i> spp. (#15) until Madagascar has made a Legal Acquisition Finding and a Non-Detriment Finding for these species on a national level to the satisfaction of the Secretariat.	+
30.	Compliance Assistance Programme CoP19 Doc. 30		SC	Support the decisions on the implementation of the Compliance Assistance Programme.	+
31.	Country-wide Significant Trade Reviews CoP19 Doc. 31		SC, incorporates draft decisions proposed by the Chairs of the AC and PC	Support, as an evaluation of whether the issues identified in the country-wide Review of Significant Trade for Madagascar are sufficiently addressed is needed.	+
32.	Review of Resolution Conf. 11.3 (Rev. CoP18) on Compliance and enforcement CoP19 Doc. 32		SC	Support the adoption of the proposed amendments to Resolution Conf. 11.3 (Rev. CoP18), subject to minor editorial changes.	+

33.	Enforcement matters CoP19 Doc. 33	Sec.	Support the recommendations, stressing the importance of continuing to promote active enforcement of the Convention at national and international level which relies above all on sufficient capacity of enforcement institutions and the specialisation of their units. Also stress the importance of addressing the financial flows emanating from illegal wildlife trade.	+	
34.	Annual illegal trade reports CoP19 Doc. 34	Sec.	Support the amendment to Resolution Conf. 11.17 (Rev. CoP18) deletion of Decisions 18.75 and 18.76 on <i>Annual illegal trade reports</i> . Generally support the the proposed draft Decisions 19.AA and 19.BB with some clarifications and amendments.	+	
35.	Task Force on illegal trade in specimens of CITES-listed tree species CoP19 Doc. 35	SC	Support the recommendations: a) take note of the document, including the proposed amendment to draft decision 19.CC on Identification of timber and other wood products, as presented by the PC in document CoP19 Doc. 44,2; b) the deletion of Decisions 18.79 and 18.80 on enforcement.	+	
36.	Wildlife crime enforcement support in West and Central Africa				
	36.1	Report of the Standing Committee CoP19 Doc. 36.1	SC	Documents 36.1 and 36.2 should be merged. General agreement that wildlife crime enforcement support is needed. However, in order to avoid duplication with existing activities and because establishing a fund seems to be a lengthy process which would require substantial financial and human resources, therefore Support recommendations by the Secretariat provided under document 36.1. Encourage other Parties, governmental, intergovernmental and non-governmental organizations and interested stakeholders to provide support to these subregions.	(+)

	36.2	Wildlife crime and CITES enforcement support in West and Central Africa CoP19 Doc. 36.2	Côte d'Ivoire, The Gambia, Liberia, Niger, Nigeria and Senegal	Proposed merging documents 36.1 and 36.2., comments provided in 36.1.	(-)
37.		Wildlife crime linked to the Internet CoP19 Doc. 37	Sec.	Support the changes to Resolution Conf. 11.3 (Rev. CoP18) and the draft Decisions. Suggest that together with best practices, also “national laws” in place by Parties should be identified (addition to the proposed Decision 19.AA). Should be aligned with amendment suggested in document 32.	+
38.		Demand reduction to combat illegal trade CoP19 Doc. 38	SC	Support the adoption of the guidance at CoP19. Support also the adoption of draft decisions and amendments of Resolution Conf. 17.4 to improve the availability of the guidance to Parties in all CITES languages and encourage Parties to use it.	+
39.		Domestic markets for frequently illegally traded specimens CoP19 Doc. 39	SC	Support the recommendations. Should be aligned with amendment suggested in document 32.	+
<u>Regulation of trade</u>					
40.		Guidance for making legal acquisition findings CoP19 Doc. 40	SC	Certain elements of the “Rapid Guide for making Legal Acquisition Findings” and of the Decision 19.BB a)”, need clarification. EU position will be further developed once the updated document by the Secretariat reflecting outcomes of the workshop on Legal Acquisition (August 2022) becomes available.	(+)

41.	Electronic systems and information technologies and Authentication and control of permits CoP19 Doc. 41		SC	Support the conclusion of the study on permit authentication and control. Support the proposed amendments to Resolution Conf. 12.3 (Rev. CoP18) on permits and certificates as amended by CITES Secretariat with the suggestion to take more into account systems organised over a hub architecture. Support for the proposed amendments to resolution Conf.11.3 (Rev. COP18) on compliance and enforcement in particular to allow customs to access information in permitting databases of Management Authorities. Support draft decisions on risk assessment and analysis and the draft decisions on electronic systems and information technology.	+
42.	Purpose codes on CITES permits and certificates CoP19 Doc. 42		SC	Agree with suggested amendments to the relevant resolutions and support the adoption of the proposed draft decisions to re-establish an intersessional joint working group to further review the use of purpose of transaction codes by Parties and among others to continue the discussions on purpose codes P and T.	+
43.	Non-detriment findings				
	43.1	Report of the Animals and Plants Committees CoP19 Doc. 43.1	AC, PC	Support the draft decisions agreed at AC31 and PC25.	+
	43.2	Making non-detriment findings for specimens of Appendix-II species taken in the marine environment not under the jurisdiction of any State CoP19 Doc. 43.2	United Kingdom of Great Britain and Northern Ireland	Support the draft decisions, as they align with the ongoing initiative to strengthen synergies between CITES and fisheries with a view to improving the conservation of CITES-listed and threatened sharks and rays.	+
44.	Identification materials				
	44.1	Review of Resolution Conf. 11.19 (Rev. CoP16) CoP19 Doc. 44.1	SC	Support the recommendations.	+

	44.2	Identification of timber and other wood products CoP19 Doc. 44.2	PC	Support draft decisions as a lot of information have been collected over the years and putting them together would be useful.	+
45.		Labelling system for trade in caviar CoP19 Doc. 45	SC	Support draft decisions proposed and the deletion of decision 18.146. Suggest the establishment of an intersessional WG of the SC that can start its work once the analysis and recommendations of the Secretariat are available.	+
46.		Trade in stony corals CoP19 Doc. 46	European Union and its Member States	Document submitted by the EU and its Member States.	+
47.		Specimens produced through biotechnology CoP19 Doc. 47	SC, Sec.	Support the recommendations, the specialist meeting should be a basis for developing a clarity around definitions and conservation issues that could be used by WG later on. The meeting should serve as the basis for the working group and must therefore take place beforehand.	+
48.		Definition of the term ' appropriate and acceptable destinations ' CoP19 Doc. 48	SC	Support approval of both non-binding guidance documents. Support draft decision in Annex 3, including amendments by the CITES Secretariat.	+
49.		Introduction from the sea CoP19 Doc. 49	SC	Support the proposed decisions. Express the EU+MS deep concern about the lack of implementation of the CITES provisions on IFS and other trade from areas beyond national jurisdiction of CITES-listed species. The EU+MS stress that for a successful implementation of CITES provisions for marine species, effective cooperation between CITES and fisheries authorities is essential.	+

50.	Disposal of confiscated specimens CoP19 Doc. 50	SC	Support the proposed draft CoP19 decisions as recommended by the SC74 and deletion Decisions 18.159 to 18.164.	+
51.	Quotas for leopard (<i>Panthera pardus</i>) hunting trophies CoP19 Doc. 51	SC	Support amending paragraph 1 a) of Resolution Conf. 10.14 (Rev. CoP16). Propose amendment of the decisions proposed by the Secretariat to ensure that the export quotas (including hunting quotas) are reviewed on a regular basis.	(+)
52.	Transport of live specimens: improving implementation of the transport regulations CoP19 Doc. 52	Canada, Côte d'Ivoire, Kenya, Mexico, Nigeria, Senegal and the United States of America	Support the proposed decisions and the changes in the resolutions, especially with regard to the access to IATA Regulations. Clarify the purpose of the first (minor) change in Res. Conf 10.21 (inclusion of “regardless of the method of transport”) and consider possible impact on guidelines for nonair transport. Open to discuss suggestions by Parties or relevant stakeholders to improve feasibility of the proposed changes without reducing the ambition of the proposal.	+
<u>Exemptions and special trade provisions</u>				
53.	Review of CITES provisions related to trade in specimens of animals and plants not of wild source CoP19 Doc. 53	SC	Support the continuation of the intersessional WG because the issues addressed are complex and there was not enough time to discuss all the points in the mandate. Important improvements to the text, in particular of Annex I, are needed to make the text clearer and more focused, and also to address the concerns raised by the CITES Secretariat. In line with the position of the Secretariat, advocate for postponement of adoption of the amendments to the Resolution 10.16 to CoP20, but open to adoption at CoP19 if substantive improvement is agreed.	(-)
54.	Review of the provisions of Resolution Conf. 17.7 on Review of trade in animal specimens reported as produced in captivity CoP19 Doc. 54	Sec. on behalf of the SC and in consultation with the Chair of the AC.	General support but certain changes are needed in the wording of the amendments of the Resolution in Annex 1 and the draft decisions, in particular to reflect the outcome of SC75 (13/11/2022) and of the workshop held in June 2022. Support draft decisions in Annex 2.	(+)

55.	Registration of operations that breed Appendix-I animal species in captivity for commercial purposes CoP19 Doc. 55	United States of America	Oppose some parts of the rationale presented in the document and strongly oppose some of the proposed changes. Generally support the idea that commodities that are indicated in the registration are made public on the CITES website. The proposal that additional commodities require a new registration is opposed. Open to an exclusionary approach, i.e. extension of registration process to commodities that were explicitly excluded in the registration. With these amendments, the proposal may be accepted.	(-)
56.	Guidance on the term ' artificially propagated ' CoP19 Doc. 56	PC	Support the adoption of the Draft Decisions in Annex 1. As questions regarding agarwood, the use of source code Y, and other issues remained open in the drafting process of the preliminary Guidance, oppose any possible change of the mandate for the revision of the guidance that could eventually lead to a weakening of current standards regarding source code "A", "Y" and the definition of plantations.	+
57.	Specimens grown from wild-collected seeds or spores that are deemed to be artificially propagated CoP19 Doc. 57	PC in consultation with the Chair of the SC	Support deletion of Decisions 18.179 - 18.181 as work is completed.	+

Species specific matters

58.	West African vultures (<i>Accipitridae</i> spp.) CoP19 Doc. 58	SC in consultation with the Sec.	Agree to adopt draft Decisions 19.AA to 19.FF replacing Decisions 18.186 to 18.192.	+
59.	Illegal trade in cheetahs (<i>Acinonyx jubatus</i>) CoP19 Doc. 59	Ethiopia	Support the recommendations as illegal trade is an urgent threat. Recommend to include the Northwest African and Iranian subspecies into all considerations about combating illegal trade, to the relevant extent, and create a mechanism to inform and strengthen the work of the Big Cat Taskforce. Furthermore, SC78 and not SC77 should make recommendations to the CoP20.	(+)

60.	Conservation of amphibians (<i>Amphibia</i> spp.) CoP19 Doc. 60		AC	Support the recommendations as a sufficient data on amphibian species in international trade has not been collected.	+
61.	Eels (<i>Anguilla</i> spp.) CoP19 Doc. 61		SC in consultation with the Chair of the AC	Support the recommendations of the SC to adopt the draft decisions 19.AA to 19.DD presented in Annex 1.	+
62.	Agarwood-producing taxa (<i>Aquilaria</i> spp. and <i>Gyrinops</i> spp.)				
	62.1	Report of the Plants Committee CoP19 Doc. 62.1	PC	Support the draft Decision only in the amended version by the Secretariat. Emphasize the need to take new information from Doc. 62.2, the proposed research therein, and of Information Document CoP19 Inf. 5 into account when revising Res. 16.10 and other relevant Resolutions. However, make clear that Res. 10.13 on Implementation of the Convention for tree species and other potential Resolutions must not be weakened regarding definitions and specifications of artificial propagation.	(+)
	62.2	The history and challenges of agarwood and CITES CoP19 Doc. 62.2	United Kingdom of Great Britain and Northern Ireland.	Support, or commend on the usefulness the compiled information. Request that potential results of the proposed research should be taken into account for any revisions of Res. 16.10 as per Draft Decision in Doc. 62.1.	(+)
63.	Boswellia trees (<i>Boswellia</i> spp.) CoP19 Doc. 63		PC	Support. The Draft Decisions provide a reasonable way forward to close gaps in knowledge and for potential future listing proposals by parties.	+

64.	Marine turtles (<i>Cheloniidae</i> spp. and <i>Dermochelyidae</i> spp.)				
	64.1	Report of the Secretariat and of the Standing Committee CoP19 Doc. 64.1	SC, Sec.	Support the new proposal of the Secretariat to include certain draft decisions into a new resolution on marine turtles as proposed in doc 64.2 and renew the decision 18.217 (Rev. CoP19). Two marine turtle species are critically endangered, one is endangered, and all assessments of the IUCN predict a negative population trend. Increased efforts are needed to prevent the further decline and extinction. Support merging with 64.2.	(+)
	64.2	Conservation of marine turtles CoP19 Doc. 64.2	Brazil, Colombia, Costa Rica, Peru and the United States of America	Support the new resolution with amendments proposed by the Secretariat. Support merging with 64.1.	(+)
65.	Sharks and rays (<i>Elasmobranchii</i> spp.) CoP19 Doc. 65		SC, AC, in consultation with the Sec. and the AC	Support the recommendations of the Standing Committee and the Animals Committee to adopt the draft decisions 19.AA to 19.FF contained in Annex 4 of the document. Long term financing is key to provide the necessary support to implementation of listings of marine species, and therefore the action in Decision 19.BB should not be subject to availability of external funding.	+
66.	Elephants (<i>Elephantidae</i> spp.)				
	66.1	Implementation of Resolution Conf. 10.10 (Rev. CoP18) on Trade in elephant specimens CoP19 Doc. 66.1	Sec. at the request of the SC	Support the set of decisions in Annex 1 linked to closure of domestic ivory markets. Support draft decisions in Annex 2 linked to trade in mammoth ivory, including the change as suggested by the CITES Secretariat. Support draft decisions in Annex 3 on trade in Asian elephants. Support draft decisions in Annex 4 related to the practical guidance on ivory stockpiles.	+

66.2	Ivory stockpiles				
	66.2.1	Ivory stockpiles: implementation of Resolution Conf. 10.10 (Rev. CoP18) on Trade in elephant specimens CoP19 Doc. 66.2.1	Benin, Burkina Faso, Equatorial Guinea, Ethiopia, Gabon, Kenya, Liberia, Niger, Senegal and Togo	Acknowledge the need for proper reporting but share the opinion of the Secretariat that the reporting on ivory stockpiles and provision of technical support relating to stockpile management as contained in paragraph 7 e) and paragraph 11 of Resolution Conf. 10.10 (Rev. CoP18) on Trade in elephant specimens are adequate, if Parties properly implement them, and that suggested new draft decisions contained in Annex 4 of CoP19 Doc. 66.1 are sufficient. Oppose new draft decision 19AA and BB as proposed, but support the amended set of decisions proposed by the Secretariat.	(-)
	66.2.2	Establishing a fund accessible to range States upon non-commercial disposal of ivory stockpiles CoP19 Doc. 66.2.2	Kenya	The EU is generally supportive of non-commercial disposal of ivory, but considers it is the sovereign right of each Party to decide how they manage their stockpiles, as long as they are properly managed. It is questionable whether an institutionalised funding process is necessary, which supports one of the disposal methods for just one type of specimens seized. Oppose the proposal as it is, a joint approach by all African elephant Range States would be more appropriate.	(-)
66.3	Implementing aspects of Resolution Conf. 10.10 (Rev. CoP18) on the closure of domestic ivory markets CoP19 Doc. 66.3		Benin, Burkina Faso, Equatorial Guinea, Ethiopia, Gabon, Liberia, Niger, Senegal and Togo	The EU supports draft decision 19.AA, but questions the need of the changes introduced in draft decision 19.BB and 19.CC, as it is unclear what other type of relevant available information is referred to. We can support the decision 19.DD as revised by the Secretariat.	(-)

	66.4	Trade in live African elephants				
	66.4.1	International trade in live African elephant specimens: Proposed revision to Resolution Conf. 10.10 (Rev. CoP18) on Trade in elephant specimens CoP19 Doc. 66.4.1	Benin, Burkina Faso, Equatorial Guinea, Ethiopia, Gabon, Liberia, Niger, Senegal and Togo	The purpose of this document corresponds with the objective shared by the EU (see doc. 66.4.2) which is to restrict trade in live elephants to in situ conservation programmes with only limited exceptions. Open to discussing the way forward with the proponents to achieve the objective. However, oppose several elements of the proposal: a broader solution needs to be found on these different elements (interpretation of annotation 2, specific rules related to trade in live African elephants that consider exceptional ex situ transfers as well as the non-binding guidance on “housing and care” as well as “in situ conservation benefits”).		(-)
	66.4.2	Clarifying the framework: Proposal of the European Union. CoP19 Doc. 66.4.2	European Union and its Member States	Document submitted by the EU and its Member States.		+
	66.5	Report on Monitoring the Illegal Killing of Elephants (MIKE) CoP19 Doc. 66.5	Sec.	Note the report.		
	66.6	Report on the Elephant Trade Information System (ETIS) CoP19 Doc. 66.6	Sec.	Note the report.		
	66.7	Review of the National Ivory Action Plan process CoP19 Doc. 66.7	Malawi, Senegal and the United States of America	The EU should support the review process provided that it is focused on the specific issues that have been identified in the document, not necessarily on the whole process, and without potentially weakening the process.		(+)
67.		CITES Big Cats Task Force (<i>Felidae</i> spp.) CoP19 Doc. 67	SC	Support the proposed draft decisions on revised terms of reference and modus operandi for the CITES Big Cats Task Force as agreed at the SC74, even though some modifications may be needed in line with Doc. 59 and 73.2, and the deletion of Decisions 18.245 and 18.248		+

68.	Asian big cats (<i>Felidae</i> spp.) CoP19 Doc. 68		Sec., in consultation with the Chair of the SC	General support to the document. Improvements to dec. 19. AA will be suggested to improve information exchange on forensic research projects, including genetic and other methods.	+
69.	Seahorses (<i>Hippocampus</i> spp.)				
	69.1	Report of the Standing Committee CoP19 Doc. 69.1	SC	Support the recommendations of the Standing Committee to adopt the draft decisions 19.AA to 19.CC contained in Annex 1 of the document. Support in particular organising an expert workshop to discuss the implementation and enforcement of CITES for trade in <i>Hippocampus</i> spp.	+
	69.2	Next steps towards the successful implementation of the Appendix-II listing for seahorses CoP19 Doc. 69.2	Maldives, Monaco, Nigeria, Peru, Senegal, Sri Lanka, Togo, the United Kingdom of Great Britain and Northern Ireland and the United States of America	Suggested to the proponents to consider merging the document with 69.1. as both documents have similar objectives. Important points which should be retained are including seahorses at the proposed NDF workshop (69.2) and organising an expert workshop to discuss the implementation and enforcement of CITES for trade in <i>Hippocampus</i> spp. (69.1).	(+)
70.	Rosewood timber species [<i>Leguminosae (Fabaceae)</i>] CoP19 Doc. 70		PC	Support the draft decisions as agreed by the Plants Committee on Rosewood Tree Species.	+
71.	Pangolins (<i>Manis</i> spp.)				
	71.1	Report of the Standing Committee and the Animals Committee CoP19 Doc. 71.1	SC in consultation with the Chair of the AC	Support the recommendations, however additional points raised in doc. 71.2 could be added.	+

	71.2	Proposed amendments to Resolution Conf. 17.10 CoP19 Doc. 71.2	United Kingdom of Great Britain and Northern Ireland	Support the proposed amendments as further action is needed to prevent illegal trade in pangolins. Support consolidated text of 71.1 and 71.2 as proposed by the Secretariat.	+
72.		African lions (<i>Panthera leo</i>) CoP19 Doc. 72	Sec. in consultation with the Chair of the SC	Support the suggestion of the AC, for further intersessional work on African lions (<i>Panthera leo</i>) and the adoption of the new Decision.	+
73.		Jaguars (<i>Panthera onca</i>)			
	73.1	Report of the Standing Committee CoP19 Doc. 73.1	SC	Support deletion of Decisions 18.251 to 18.253 as recommended by the Secretariat and adoption of the draft decisions on jaguars in Annex 1 to the present document.	+
	73.2	Proposed amendments to the draft decisions on jaguars agreed at SC74 CoP19 Doc. 73.2	Costa Rica, El Salvador, Mexico and Peru	In principle support the Draft decisions if 19.DD b) (requests assessing the necessity for a specific Resolution on jaguars, which was not supported by the EU at CoP18) is deleted. Create a mechanism to inform and strengthen the work of the Big Cat Taskforce.	(+)
74.		Songbird trade and conservation management (<i>Passeriformes</i> spp.) CoP19 Doc. 74	AC	Support the recommendations of the Animals Committee to renew Decisions 18.256 to 18.259 on Songbird trade and conservation management (<i>Passeriformes</i> spp.) as funding became available.	+
75.		Rhinoceroses (<i>Rhinocerotidae</i> spp.) CoP19 Doc. 75	SC, Sec.	Support the document prepared by the Standing Committee and the Secretariat and the changes to Res. Conf. 9.14 (CoP17), as well as the set of decisions in Annex 3. Consider whether some elements of the Decision 18.110 addressed to Parties and proposed for deletion should be retained in Resolution 9.14 (CoP17) or in the decisions.	+

76.	Saiga antelope (<i>Saiga</i> spp.) CoP19 Doc. 76	SC.	Support decisions proposed by AC as amended by the Secretariat.	+
77.	Queen conch (<i>Strombus gigas</i>) CoP19 Doc. 77	Sec.	Support the draft decisions 19.AA to 19.DD in the Annex 1 to the present document and deleting Decisions 18.275 to 18.280, except Decision 18.278b, which should be maintained.	(+)
78.	Tortoises and freshwater turtles (<i>Testudines</i> spp.) CoP19 Doc. 78	Sec.	Agree that Decisions 18.286 to 18.291 have been implemented and may be deleted. Propose a follow up Decision which requests Madagascar to present a comprehensive conservation strategy for its threatened turtle species.	+
79.	African tree species CoP19 Doc. 79	PC	Support. Updating the list of African tree species and the related CITES processes contained in the Annex to document PC25 Doc. 28 is a necessary step.	+
80.	Marine ornamental fishes CoP19 Doc. 80	AC	Support to adopt the draft decisions 19.AA to 19.BB in the Annex 1 to the present document and delete Decisions 18.263 to 18.265.	+
81.	Neotropical tree species CoP19 Doc. 81	PC	Support. Updating the list of neotropical tree species and the related CITES processes included in the Annex to document PC25 Doc. 29 is a necessary step.	+
82.	Trade in medicinal and aromatic plant species CoP19 Doc. 82	PC	Support, but request that any potential new Resolution should not be limited to medicinal products, but should incorporate all types of products that contain specimens of medicinal and aromatic plant species.	+

83.	Identifying species at risk of extinction for CITES Parties CoP19 Doc. 83		The Gambia, Liberia, Niger, Nigeria and Senegal	Oppose the draft Resolution establishing a new database, as the existing IUCN Red List is a sufficient basis for assessment. Oppose also the draft Decisions in Annex 2 in the current form; however, acknowledge the need of some range states for technical aid in elaborating listing proposals for species threatened by international trade that are not yet listed on CITES Appendices.	-
<u>Maintenance of the Appendices</u>					
84.	Standard nomenclature				
	84.1	Report of the Animals and Plants Committees CoP19 Doc. 84.1	AC, PC, prepared by their specialists on nomenclature	Support the adoption of the proposed Decisions and the renewal of Decisions from CoP18 as outlined in Doc. 84.1 and support the adoption of the revised Resolution Conf. 12.11 (Rev. CoP18) with respect to both Flora and Fauna.	+
	84.2	Standard nomenclature for <i>Dipteryx</i> spp. CoP19 Doc. 84.2	European Union and its Member States	Document submitted by the EU and its Member States.	+
	84.3	Standard nomenclature for <i>Khaya</i> spp. CoP19 Doc. 84.3	European Union and its Member States	Document submitted by the EU and its Member States.	+
	84.4	Standard nomenclature for <i>Rhodiola</i> spp. CoP19 Doc. 84.4	European Union and its Member States	Document submitted by the EU and its Member States.	+
85.	Annotations				
	85.1	Report of the Standing Committee CoP19 Doc. 85.1	SC	Support to the document which was presented by the SC, and support the re-establishment of the Working Group.	+

	85.2	Information system for trade in specimens of CITES-listed tree species CoP19 Doc. 85.2	SC, Sec.	Support, as it is important to identify and build on existing work, while avoiding duplication the work of ITTO.	+
	85.3	Informal review mechanism of existing and proposed annotations CoP19 Doc. 85.3	Chair of the SC in consultation with the Sec.	Support the proposed decision related to the informal review mechanism for existing and proposed annotations.	+
86.		Products containing specimens of Appendix-II orchids CoP19 Doc. 86	SC	Support draft decisions and deletion of Decisions 18.327 to 18.330.	+
87.		Amendments to Resolution Conf. 9.24 (Rev. CoP17)			
	87.1	Proposed amendments to Resolution Conf. 9.24 (Rev. CoP17) CoP19 Doc. 87.1	Botswana, Cambodia, Eswatini, Namibia, Zimbabwe	Oppose reopening of the Resolution 9.24. Open to discussion of certain elements of the proposal outside the scope of Res. 9.24.	-
	87.2	Aquatic species listed in the CITES Appendices: proposals for a new approach to the listing of sharks and rays CoP19 Doc. 87.2	Senegal	The footnote on “Application of decline for commercially exploited aquatic species” contained in Annex 5 to Res Conf. 9.24 (rev CoP17) refers to ”commercially exploited aquatic species”, which is an unclear expression which leads to misunderstandings. The EU agrees that there is a need for a revision of the footnote and can support establishment of an in-session working group, or an intersessional process to discuss the best way forward for all aquatic taxa with slow growth rates and a low reproductive output (not only for sharks and rays).	(+)

88.	Reservations entered after the 18th meeting of the Conference of the Parties CoP19 Doc. 88	Sec.	Support the proposals of the Secretariat regarding a new para 1 h) in Resolution 11.21 (Rev. CoP18) as well as a new para. 2f) in Resolution 4.6 (Rev. CoP18), as a possible alternative to the EUs textual proposals on the same issue in Doc. 66.4, para 14, given that the Secretariat's proposals share the same intention and aim. Preliminary support for adoption of the Secretariat's other proposed amendments to Res. Conf. 11.21, Res Conf. 4.6 (Rev. CoP18) and Res. Conf. 4.25 (Rev. CoP 18), however, some changes to the text may be proposed to improve the text, in particular to cover the case of split listings in Res. Conf. 4.25 (Rev. CoP18); to apply the provisions of Res Conf. 4.25 (Rev. CoP18) to plants as well, and to make sure the proposed changes to Res. Conf.4.6 (Rev. CoP18) take into account the link between the processes of amending resolutions and amending the annotations in which they are referred to.	(+)
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Proposals to amend the Appendices

89.	Proposals to amend Appendices I and II			<i>Listing proposals are addressed in Part 2 of this document, below.</i>	
	89.1	Secretariat's assessment of the proposals to amend Appendices I and II CoP19 Doc. 89.1			
	89.2	Comments from Parties CoP19 Doc. 89.2	Sec.		
	89.3	Comments from statutory consultees CoP19 Doc. 89.3			

Conclusion of the meeting

90.	Determination of the time and venue of the next regular meeting of the Conference of the Parties		No document	
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91.	Closing remarks (Observers, Parties, CITES Secretary-General, Host Government)		No document
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(¹) Sec. = CITES Secretariat

SC = Standing Committee

AC = Animals Committee

PC = Plants Committee

2. LISTING PROPOSALS

No.	Taxon / Detail	Proposal	Proponent	Comments	Position
FAUNA - MAMMALIA					
1.	<i>Hippopotamus amphibious</i> (Hippopotamus)	II – I Transfer from Appendix II to Appendix I	Benin, Burkina Faso, Central African Republic, Gabon, Guinea, Liberia, Mali, Niger, Senegal, Togo	Oppose. The population does not meet Appendix I listing criteria. Acknowledge the need of enhanced conservation of the species in certain regions and open to discussing the way forward within Appendix II listing.	-
2.	<i>Ceratotherium simum simum</i> (Southern white or southern square-lipped rhinoceros) (population of Namibia)	I – II Transfer population of Namibia from App. I to App. II with the following annotation: For the exclusive purpose of allowing international trade in: a) live animals for in-situ conservation only; and b) hunting trophies. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.	Botswana, Namibia	Biological criteria for downlisting seem to be met. However, data on reproduction and the population structure, as well as the effective population size and the fragmentation of the population are of concern. Therefore, only transfer to App. II of live animals for in-situ conservation purposes and to sites within the species natural and historical range in Africa can be supported. Transfer to App. II to allow trade in hunting trophies cannot be supported for precautionary reasons, as rhino horns originating from hunting trophies have been proven to enter illegal trade, and listing in App. II would lead to lower scrutiny of hunting trophies by importing Parties.	(-)

3.	<i>Ceratotherium simum simum</i> (Southern white or southern square-lipped rhinoceros) (population of Eswatini)	Remove the existing annotation on the Appendix II listing of Eswatini's population	Eswatini	Oppose. The population continues to meet App. II listing criteria, but removal of the annotation as proposed would not meet the precautionary safeguards set out in Para A. 2. a) in Annex 4 of Res. Conf. 9.24. Resumption of rhino horn trade would send a wrong signal at this point in time, given the high level of poaching and illegal trade. It would also undermine demand reduction action by many Parties for this species.	-
4.	<i>Loxodonta africana</i> (African elephant) (populations of Botswana, Namibia, South Africa and Zimbabwe)	<p>Amend Annotation 2 pertaining to the populations of Botswana, Namibia, South Africa and Zimbabwe</p> <p>Proposed amendments are shown in strike through:</p> <p>For the exclusive purpose of allowing:</p> <ul style="list-style-type: none"> a) trade in hunting trophies for non-commercial purposes b) trade in live animals to appropriate and acceptable destinations, as defined in Resolution Conf. 11.20 (Rev. CoP17), for Botswana and Zimbabwe and for in situ conservation programmes for Namibia and South Africa; c) trade in hides; d) trade in hair; e) trade in leather goods for commercial or non-commercial purposes for Botswana, Namibia, South Africa and Zimbabwe; f) trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia and ivory carvings for non-commercial purposes for Zimbabwe; g) trade in registered raw ivory (for Botswana, Namibia, South Africa and Zimbabwe, whole tusks, and pieces) subject to the following: 	Zimbabwe	Oppose in the current state as the requested change would result in opening up international ivory trade, and therefore does not respect the precautionary measures in Annex 4 to Res. Conf. 9.24. If there would be agreement at the CoP19 about the effects of a reservation to changes to an annotation (former annotation would remain in place), and changes to the annotation would be limited to deletion of redundant parts on the former one-off sales and/or deletion of the reference to the resolution in a manner that is in line with EU proposed document 66.4.2, EU could vote in favour of a change.	(-)

- i) only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin);
- ii) only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP17) concerning domestic manufacturing and trade;
- iii) not before the Secretariat has verified the prospective importing countries and the registered government-owned stocks;
- iv) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; and

On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations.

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

5.	<i>Loxodonta africana</i> (African elephant) (populations of Botswana, Namibia, South Africa and Zimbabwe)	II – I Transfer populations of Botswana, Namibia, South Africa and Zimbabwe from Appendix II to Appendix I	Burkina Faso, Equatorial Guinea, Mali, Senegal	These 4 populations do not meet the criteria for listing in Appendix I.	-
6.	<i>Cynomys mexicanus</i> (Mexican prairie dog)	I – II Transfer from Appendix I to Appendix II	Mexico	Criteria for Appendix I listing are no longer fulfilled. Since the species was listed in Appendix I of CITES in 1975, only two international trade transactions have been recorded (both involving samples for scientific purposes). The Mexican Law Enforcement Authority (PROFEPA) reported that from 2013 to 2019, at the national level, nine specimens were seized. There is no official record of the sale of specimens of this species, nor is there a national or international market that threatens its wild populations.	+

FAUNA – AVES

7.	<i>Branta canadensis leucopareia</i> (Aleutian cackling goose)	I - II Transfer from Appendix I to Appendix II	United States of America	Support the proposal. The population of this subspecies has well recovered from the brink of extinction in the 1960's to a population of 162 000 today which is well managed through regulated hunting. No illegal trade is reported.	+
8.	<i>Kittacincla malabarica</i> (White-rumped Shama)	Include in Appendix II	Malaysia, Singapore	Support the proposal, as the species meets Appendix II listing criteria. Due to its singing ability, this species is one of the most valuable species in the South-East Asian cage bird trade and belongs to the most important species used in singing competitions.	+
9.	<i>Pycnonotus zeylanicus</i> (Straw-headed bulbul)	II - I Transfer from Appendix II to Appendix I	Malaysia, Singapore, United States of America	Support the proposal. This species meets the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP17).	+

10.	<i>Phoebastria albatrus</i> (Short-tailed albatross)	I - II Transfer from Appendix I to Appendix II	United States of America	Support the proposal as the international trade is no longer a threat and there is no longer a significant demand for the species. However, as the population is still very small and vulnerable, the US and other range states should be encouraged to ensure that appropriate conservation measures are undertaken to ensure a stable, increasing population.	+
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FAUNA – REPTILIA

11.	<i>Caiman latirostris</i> (Broad-snouted caiman) (population of Brazil)	I - II Transfer the population of Brazil from Appendix I to Appendix II	Brazil	Support, as the species is widespread and abundant in many places since the 1990ies and faces no risk of extinction in the foreseeable future. The precautionary measures according to Annex 4 paragraph A 2 a ii) of Res. 9.24 (rev.) are met and retaining it in Appendix I according to Article II paragraph 1 of the Convention would not be justified.	+
12.	<i>Crocodylus porosus</i> (Saltwater crocodile) (population of the Palawan Islands (Philippines))	I - II Transfer the population of the Palawan Islands (Philippines) from Appendix I to Appendix II with a zero export quota for wild specimens	Philippines	Support, as the species is neither globally not locally threatened and the zero export quota for wild specimens provide a precautionary measure according to Annex 4 paragraph A 2 a iii) of Res. 9.24 (rev.).	+
13.	<i>Crocodylus siamensis</i> (Siamese Crocodile) (population of Thailand)	I - II Transfer the population of Thailand from Appendix I to Appendix II with a zero quota for wild specimens	Thailand	Oppose, as the wild population remains very small and threatened by extinction. The biological criteria for Appendix I listing are still met.	-
14.	<i>Physignathus cocincinus</i> (Indo-Chinese Water Dragon)	0 - II Include in Appendix II	European Union, Viet Nam	EU proposal	+
15.	<i>Cyrtodactylus jeyporensis</i> (Jeypore hill gecko)	0 - II Include in Appendix II	India	Support, as Appendix II criteria seem to be met. The species is restricted to few locations and probably has a small population size. The species is currently not threatened by extinction, but in relation to the population size, demand in trade is high enough to represent a threat to the survival of the species.	+

16.	<i>Tarentola chazaliae</i> (Helmethead gecko)	0 - II Include in Appendix II	Mauritania, Senegal	The species is at least occasionally traded in high numbers which can threaten local populations and the continuity of the range. Regulation of trade under Appendix II is necessary to prevent detrimental trade which has the potential to threaten the species.	+
17.	<i>Phrynosoma platyrhinos</i> (Desert horned lizard)	0 - II Include in Appendix II	United States of America	Oppose, as there is no compliance with the criteria. Trade levels decreased during recent years and there is no indication of population declines which could threaten the species in the foreseeable future.	-
18.	<i>Phrynosoma</i> spp. (Horned Lizards)	0 - II Include in Appendix II	Mexico	The proposal cannot be supported as it stands but the listing of certain species which fulfil the criteria can be considered.	(-)
19.	<i>Tiliqua adelaidensis</i> (Pygmy Bluetongue Lizard)	0 - I Include in Appendix I	Australia	Support. The species meets several listing criteria outlined in Annex 1 paragraphs B and C.	+
20.	<i>Epicrates inornatus</i> (Puerto Rican boa)	I - II Transfer from Appendix I to Appendix II	United States of America	Support to the proposal. This species is not threatened anymore and there is low demand. Therefore, the species no longer meets Appendix I criteria.	+
21.	<i>Crotalus horridus</i> (Timber Rattlesnake)	0 - II Include in Appendix II	United States of America	Oppose, as international trade is so low that it cannot threaten this common and widespread species and the listing criteria are not met.	-
22.	<i>Chelus fimbriata</i> and <i>C. orinocensis</i> (Amazon matamata and Orinoco matamata)	0 - II Include in Appendix II	Brazil, Colombia, Costa Rica, Peru	The proposal presents inconsistent data about the source of specimens in legal and illegal trade and lacks current population data. In its current form, the proposal neither demonstrates that the species are threatened, nor that trade has detrimental influence on its survival. The proposal could be supported if the proponents provide evidence that the illegally traded specimens originated from the wild and/or that illegally ranched specimens are laundered into the breeding farms, and this cannot be prevented without listing the species in Appendix II. The EU position will be finalized when additional information is received from Peru.	(+)

23.	<i>Macrochelys temminckii</i> and <i>Chelydra serpentina</i> (Alligator Snapping Turtle and Common Snapping Turtle)	0 - II Include in Appendix II	United States of America	Oppose the proposal as it was submitted but support the inclusion of only <i>Macrochelys temminckii</i> in Appendix II. Listing <i>Chelydra serpentina</i> according to Article II 2 b would not facilitate the effective control of trade in <i>Macrochelys temminckii</i> , would cause even greater look-alike issues in regard to <i>Chelydra rossingnonii</i> and <i>C. acutirostris</i> and increase the trade pressure on these vulnerable species.	(-)
24.	<i>Graptemys barbouri</i> , <i>G. ernsti</i> , <i>G. gibbonsi</i> , <i>G. pearlensis</i> and <i>G. pulchra</i> (Barbour's map turtle, Escambia map turtle, Pascagoula map turtle, Pearl River map turtle, Alabama map turtle)	0 - II Include in Appendix II	United States of America	International trade in all the five species is so low and (almost) only in source C that it is not expected to negatively impact them. Appendix II criteria are not met. While it is demonstrated that all the species are affected by multiple threats, there is no indication that trade is among them.	(-)
25.	<i>Batagur kachuga</i> (Red-crowned Roofed Turtle)	II - I Transfer from Appendix II to Appendix I	India	Support to the proposal. This species clearly meets Appendix I listing criteria. Species is threatened and natural habitat is difficult to protect.	+
26.	<i>Cuora galbinifrons</i> (Indochinese Box Turtle)	I - II Transfer from Appendix II to Appendix I	European Union, Viet Nam	EU proposal	+
27.	<i>Rhinoclemmys</i> spp. (Neotropical wood turtles)	0 - II Include in Appendix II	Brazil, Colombia, Costa Rica, Panama	Only <i>Rhinoclemmys pulcherrima</i> and <i>R. punctularia</i> seem to be traded in conservation relevant numbers but the main exporter Nicaragua allows only trade in captive bred specimens and there is no evidence for conservation-relevant non-compliance. All species can be identified according to their head, neck and shell coloration. Accordingly, Article II 2 a or b seems not to be met for all species and the proposal as it was submitted shall not be supported, but support for a reduced proposal could be considered.	(-)

28.	<i>Claudius angustatus</i> (Narrow-bridged Musk Turtle)	0 - II Include in Appendix II	Mexico	Support to the proposal. Criterion B of Annex 2a is fulfilled as legal and illegal harvest from the wild probably has a conservation relevant volume.	+
29.	<i>Kinosternon</i> spp. (Mud turtles)	0 - I 0 - II Include <i>Kinosternon cora</i> and <i>K. vogti</i> in Appendix I and all other species of <i>Kinosternon</i> spp. in Appendix II	Brazil, Colombia, Costa Rica, El Salvador, Mexico, Panama, United States of America	The EU could support a narrower proposal if the proponents decide to limit it to those species for which it can be demonstrated that they meet the listing criteria, especially that these species are significantly traded. <i>K. cora</i> and <i>K. vogti</i> seem to qualify for listing in Appendix I; further species of the genus seem to qualify for listing in Appendix II, but many species are neither threatened nor is trade reported.	(-)
30.	<i>Staurotypus salvinii</i> and <i>S. triporcatus</i> (Mexican giant musk turtle)	0 - II Include in Appendix II	El Salvador, Mexico	Support. Listing of <i>Staurotypus triporcatus</i> is justified, as there is a high demand in trade. It is not clear, if <i>Staurotypus salvinii</i> meets the biological criteria for Appendix II, but distinguishing it from <i>Staurotypus triporcatus</i> is difficult and trade probably does not differentiate between the two species, so it most likely still meets the look-alike criterion of Res 9.24 (criterion A of Annex 2 b).	+
31.	<i>Sternotherus</i> spp. (Musk Turtle)	0 - II Include in Appendix II	United States of America	<i>Sternotherus depressus</i> would meet the criteria for inclusion in Appendix I better than for Appendix II. The only congener which has any resemblance with <i>S. depressus</i> is <i>S. intermedius</i> , but this species is rare in trade and cannot facilitate relevant wildlife laundering. Other species are harvested and traded in high numbers, but without evidence that this causes a threat. Although the proposal does not fully meet the listing criteria, support for a reduced proposal, especially the inclusion of <i>S. depressus</i> in Appendix II, can be considered.	(+)
32.	<i>Apalone</i> spp. (Softshell turtle)	0 - II Include in Appendix II (except the subspecies included in Appendix I)	United States of America	Criterion B of Annex 2a could be fulfilled, however there is a lack of relevant population data, which makes it difficult to evaluate the impact of trade on wild populations. There is only few evidence for poaching in wild <i>Apalone</i> spp. Based on very high demand, precautionary measures should be applied and proposal should be supported.	+

33.	<i>Nilssonina leithii</i> (Leith's Softshell Turtle)	II – I Transfer from Appendix II to Appendix I	India	Support the proposal as criteria for listing in Appendix I are met. Severe population decline (over 90 % in the past 30 years) which seems to be ongoing. One of the main threat is demand for food and for traditional Asian medicine.	+
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FAUNA - AMPHIBIA

34.	<i>Centrolenidae</i> spp. (Glass Frogs)	0 - II Include in Appendix II	Argentina, Brazil, Costa Rica, Côte d'Ivoire, Dominican Republic, Ecuador, El Salvador, Gabon, Guinea, Niger, Panama, Peru, Togo, United States of America	The listing criterion for Appendix II listing are clearly not met by the whole family with its 158 species. As the listing criteria are not met, the proposal should not be supported.	(-)
35.	<i>Agalychnis lemur</i> (Lemur leaf Frog)	0 - II Include in Appendix II with a zero annual export quota for wild-taken specimens traded for commercial purposes	Colombia, Costa Rica, European Union, Panama	EU proposal	+
36.	<i>Laotriton laoensis</i> (Laos warty newt)	0 - II Include in Appendix II with a zero export quota for wild-taken specimens traded for commercial purposes	European Union	EU proposal	+

FAUNA – ELASMOBRANCHII (Sharks)

37.	<i>Carcharhinidae</i> spp. (Grey reef shark, dusky shark, smalltail shark, Ganges shark, sandbar shark, Borneo shark, Pondicherry shark, smoothtooth blacktip shark, sharptooth lemon shark, Caribbean reef shark, daggernose shark, night shark, whitenose shark, blacknose shark, whitecheek shark, lost shark, Pacific smalltail shark, Borneo broadfin shark and the broadfin shark)	0 - II Include in Appendix II	Bangladesh, Colombia, Dominican Republic, Ecuador, El Salvador, European Union, Gabon, Israel, Maldives, Panama, Senegal, Seychelles, Sri Lanka, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland	Co-proposed by the EU	+
38.	<i>Sphyrnidae</i> spp. (Hammerhead shark)	0 - II Include in Appendix II	Brazil, Colombia, Ecuador, European Union, Panama	EU proposal	+
39.	<i>Potamotrygon albimaculata</i> , <i>P. henlei</i> , <i>P. jabuti</i> , <i>P. leopoldi</i> , <i>P. marquesi</i> , <i>P. signata</i> and <i>P. wallacei</i> (Tapajós freshwater stingray, bigtooth river stingray, pearl freshwater stingray, white-blotched river stingray, Marques's freshwater stingray, Parnaíba river stingray, cururu stingray)	0 - II Include in Appendix II	Brazil	Unclear whether all species meet the listing criteria, and whether the listing would help to fight illegal trade. The application of the look-alike criteria is inconsistent.	(-)

40.	<i>Rhinobatidae</i> spp. (Guitarfish)	0 - II Include in Appendix II	Israel, Kenya, Panama, Senegal	Support, as most species are endangered and subject to intense fishing pressure. Listing as appendix II will not only ensure that international trade is non detrimental to the survival of these species, but also enable the collection of better trade data. Several species could become eligible for inclusion in Appendix I in the future if trade is not regulated.	+
41.	<i>Hypancistrus zebra</i> (zebra pleco)	0 - I Include in Appendix I	Brazil	The proposal in the current form should not be supported. However, the EU could support a proposal for a listing in Appendix II. The species might fulfil the biological criteria for Appendix I, however, while some illegal trade from Brazil apparently exists, it is unclear how this trade influences wild populations.	(-)

FAUNA – HOLOTHUROIDEA

42.	<i>Thelenota</i> spp. (Pineapple sea cucumber, giant sea cucumber, Red-lined sea cucumber)	0 - II Include in Appendix II	European Union, Seychelles, United States of America	EU proposal	+
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FLORA (PLANTS)

43.	<i>Apocynaceae, Cactaceae, Cycadaceae, Dicksoniaceae, Euphorbiaceae, Gnetaceae, Liliaceae, Magnoliaceae, Nepenthaceae, Orchidaceae, Papaveraceae, Podocarpaceae, Sarraceniaceae, Trochodendraceae, Zamiaceae, Zingiberaceae</i>	Amend Annotation #1 to read as follows: All parts and derivatives, except: [...] b) seedling or tissue cultures obtained in vitro, transported in sterile containers; Amend Annotation #4 to read as follows: All parts and derivatives, except: [...] b) seedling or tissue cultures obtained in vitro, in solid or, transported in sterile containers;	Canada	Support, as it is a necessary amendment to harmonize all occurrences of the phrase “in solid or liquid media” in the CITES Appendices and in hash-series annotations.	+
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<p><i>Flora species with annotation #1, #4, #14 and Appendix-I listed species of Orchidaceae spp. (orchids)</i></p>	<p>Amend Annotation #14 to read as follows: All parts and derivatives except: [...] b) seedling or tissue cultures obtained in vitro, transported in sterile containers; [...] f) finished products packaged and ready for retail trade; this exemption does not apply to wood chips, beads, prayer beads and carvings.</p> <p>Amend paragraph f) of the text in French of Annotation #14 to read as follows: f) les produits finis conditionnés et prêts pour la vente au détail; cette dérogation ne s'applique pas aux copeaux en de bois, aux perles, aux grains de chapelets et aux gravures.</p> <p>Amend the parenthetical annotation to Appendix I Orchidaceae in the Appendices to read as follows: ORCHIDACEAE Orchids (For all of the following Appendix-I species, seedling or tissue cultures obtained in vitro, and transported in sterile containers are not subject to the provisions of the Convention only if the specimens meet the definition of 'artificially propagated' agreed by the Conference of the Parties).</p>			
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FLORA – BIGNONIACEAE

44.	<p><i>Handroanthus</i> spp., <i>Roseodendron</i> spp. and <i>Tabebuia</i> spp. (Trumpet trees)</p>	<p>0 - II</p> <p>Include in Appendix II with annotation #17 (Logs, sawn wood, veneer sheets, plywood and transformed wood.)</p>	<p>Colombia, European Union, Panama</p>	<p>EU proposal</p>	<p>+</p>
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FLORA – CRASSULACEAE

45.	<i>Rhodiola</i> spp. (Big flower rhodiola, Rhodiola)	0 - II Include in Appendix II with annotation #2 (All parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade.)	China, European Union, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America	EU proposal	+
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FLORA – LEGUMINOSAE

46.	<i>Azelia</i> spp. (African populations) (African mahogany)	0 – II Include all African populations in Appendix II with annotation #17 (Logs, sawn wood, veneer sheets, plywood and transformed wood.)	Benin, Côte d'Ivoire, European Union, Liberia, Senegal	EU proposal	+
47.	<i>Dalbergia sissoo</i> (North Indian rosewood)	II - 0 Delete from Appendix II	India, Nepal	In principle, oppose the proposal as distinguishing this species from others requires specialised expertise. If proponents can provide additional evidence on identification techniques readily available for CITES authorities, the position can be reconsidered.	-
48.	<i>Dipteryx</i> spp. (Cumaru, Tonka)	0 - II Include in Appendix II with annotation "Logs, sawn wood, veneer sheets, plywood, transformed wood and seeds"	Colombia, European Union, Panama	EU proposal	+

49.	<i>Paubrasilia echinata</i> (Pernambuco wood, Brazilwood)	II – I Transfer from Appendix II to Appendix I with annotation "All parts, derivatives and finished products, including bows of musical instruments, except musical instruments and their parts, composing travelling orchestras, and solo musicians carrying musical passports in accordance with Res. 16.8."	Brazil	The text of the annotation is unclear. and the EU can support the proposal only if the proposal is amended. While there is agreement that increased control of trade in the species is needed and all exports from Brazil, including blanks and finished bows, should be covered, excessive administrative burden unnecessary for the conservation of the species has to be avoided and the specific needs of bow makers duly taken into account. EU cannot agree with a reference to a resolution in an annotation.	(+)
50.	<i>Pterocarpus</i> spp. (African populations) (African bloodwood, Eared bloodwood, African rosewood, small- leaved bloodwood, round-leaved bloodwood, African padauk)	0 - II Include all African populations in Appendix II with annotation #17 (Logs, sawn wood, veneer sheers, plywood and transformed wood) and amend annotations of <i>Pterocarpus erinaceus</i> and <i>P. tinctorius</i> , already listed in Appendix II, to annotation #17	Côte d'Ivoire, European Union, Liberia, Senegal, Togo	EU proposal	+
FLORA – MELIACEAE					
51.	<i>Khaya</i> spp. (African mahogany)	Include all African populations in Appendix II with annotation #17 (Logs, sawn wood, veneer sheets, plywood and transformed wood.)	Benin, Côte d'Ivoire, European Union, Liberia, Senegal	EU proposal	+

FLORA – ORCHIDACEAE

52.	<i>Orchidaceae</i> spp. (Orchids)	Amend Annotation #4, with the addition of new paragraph g), to read: 'g) finished products packaged and ready for retail trade of cosmetics containing parts and derivatives of <i>Bletilla striata</i> , <i>Cycnoches cooperi</i> , <i>Gastrodia elata</i> , <i>Phalaenopsis amabilis</i> or <i>P. lobbii</i> '	Switzerland	Oppose, It can't be excluded that material of W or Y origin will be used in the cosmetics in the future. Based on this, a precautionary approach is suggested unless the Annotation is changed to exclude source codes "W" and "Y". The current proposal is problematic with regard to avoid the risk of wildlife laundering.	-
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ANNEX IIa

Amendment to Appendix III to CITES

***Papilio phorbanta* Appendix III**

COMMISSION IMPLEMENTING DECISION (EU) 2022/2570**of 24 November 2022****not approving silver nitrate as an active substance for use in biocidal products of product-type 7 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 9(1), point (b), thereof,

Whereas:

- (1) Pursuant to Article 11(1) of Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾, an application for approval of silver nitrate for use in biocidal products of product-type 7, film preservatives, as described in Annex V of that Directive, corresponding to product-type 7, film preservatives, as described in Annex V to Regulation (EU) No 528/2012, was submitted to the competent authority of Sweden on 23 December 2010.
- (2) Pursuant to Article 90(2), first subparagraph, of Regulation (EU) No 528/2012, applications submitted for the purposes of Directive 98/8/EC for which the Member States' evaluation in accordance with Article 11(2) of Directive 98/8/EC has not been completed by 1 September 2013 are to be evaluated by the competent authorities in accordance with the provisions of that Regulation.
- (3) On 10 February 2022, during the evaluation of the active substance by the evaluating competent authority, the applicant withdrew its application and no longer requests the approval of silver nitrate as an active substance for use in biocidal products of product-type 7.
- (4) Silver nitrate is not included for product-type 7 in Annex II to Commission Delegated Regulation (EU) No 1062/2014 ⁽³⁾, which lists the active substance/product-type combinations included in the work programme for the examination of existing biocidal active substances contained in biocidal products. Biocidal products of product-type 7 containing silver nitrate are therefore not covered by the transitional provisions laid down in Article 89(2) of Regulation (EU) No 528/2012 and may therefore not be made available or used on the Union market.
- (5) However, in accordance with the transitional provision set out in Article 94(1), point (a), of Regulation (EU) No 528/2012, a treated article treated with or intentionally incorporating one or more biocidal products containing only active substances that are under examination for the relevant product-type in the work programme referred to in Article 89(1) of that Regulation on 1 September 2016 or for which an application for approval for the relevant product-type is submitted by that date, or containing only a combination of such substances and active substances included in the list drawn up in accordance with Article 9(2) of that Regulation for the relevant product-type and use or included in Annex I, may be placed on the market until the date falling 180 days after a decision not to approve one of the active substances for the relevant use, when such decision is adopted after 1 September 2016.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

- (6) As the applicant has withdrawn the application for approval of silver nitrate for use in biocidal products of product-type 7, there is no biocidal product to be evaluated. Consequently, the competent authority did not finalise the assessment report and the European Chemicals Agency did not prepare an opinion. Finally, as there is no biocidal product of product-type 7 containing silver nitrate that may be expected to meet the criteria laid down in Article 19(1), point (b), of Regulation (EU) No 528/2012, the conditions laid down in Article 4(1) of that Regulation are not met. Considering also the need to ensure that treated articles treated with or intentionally incorporating silver nitrate for product-type 7 are no longer placed on the Union market, it is appropriate not to approve silver nitrate for use in biocidal products of product-type 7.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

Silver nitrate (EC No: 231-853-9; CAS No: 7761-88-8) is not approved as an active substance for use in biocidal products of product-type 7.

Article 2

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

Done at Brussels, 24 November 2022.

For the Commission
The President
Ursula VON DER LEYEN

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