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⁽¹⁾ Text with EEA relevance.

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2023/173

of 26 January 2023

amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide (PAM), cycloxydim, cyflumetofen, cyfluthrin, metobromuron and penthiopyrad in or on certain products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, and in particular Article 14(1), point (a) and Article 49(2) thereof,

Whereas:

- (1) For cycloxydim, cyflumetofen and penthiopyrad, maximum residue levels ('MRLs') are set in Part A of Annex III to Regulation (EC) No 396/2005. For cyfluthrin MRLs are set in Annexes II and III to that Regulation. For 1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide (PAM) and metobromuron, no specific MRLs are set in Regulation (EC) No 396/2005, and as these active substances are not included in Annex IV to that Regulation, the default value of 0,01 mg/kg laid down in Article 18(1), point (b), of that Regulation applies.
- (2) The European Food Safety Authority ('the Authority') submitted a reasoned opinion on the existing MRLs for beta-cyfluthrin and cyfluthrin in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽²⁾. In its reasoned opinion the Authority confirmed the residue definition as 'cyfluthrin, including other mixtures of constituent isomers (sum of isomers)'. As beta-cyfluthrin is such an isomer of cyfluthrin, MRLs established for cyfluthrin also cover beta-cyfluthrin. Both substances are no longer approved as active substances used in plant protection products in the EU. Therefore, the Authority assessed the MRLs based on non-EU uses of plant protection products, such as those currently established by the Codex Alimentarius Commission (Codex Maximum Residue Limits (CXLs) and the import tolerances reported by Member States. The Authority also took into account the authorised use of cyfluthrin in veterinary medicinal products for bovine and ovine and the MRLs set in Regulation (EU) No 470/2009 of the European Parliament and of the Council ⁽³⁾. The Authority recommended lowering the MRLs for apples, pears, potatoes, sweet peppers/bell peppers, head cabbages, 'fruit spices', 'root and rhizome spices', swine (muscle, liver,

⁽¹⁾ OJ L 070, 16.3.2005, p. 1.

⁽²⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for beta-cyfluthrin and cyfluthrin according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2021;19(9):6837.

⁽³⁾ Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council. OJ L 152, 16.6.2009, p. 11.

kidney), bovine (muscle liver, kidney), sheep (muscle, liver, kidney), goat (muscle, liver, kidney) equine (muscle, liver, kidney), poultry (muscle, fat, liver), horse milk and birds' eggs. The Authority recommended raising the MRLs for grapefruit, oranges, lemons, limes, mandarins, tomatoes, aubergines/eggplants, rapeseeds/canola seeds, cotton seeds. Further, the Authority recommended keeping the existing MRLs for soyabean, fat (swine, bovine, sheep, goat, equine), milk (cattle, sheep and goat) for which sufficient supporting data on good agricultural practices were submitted and assessed by the Authority. As there is no risk for consumers, it is appropriate to set the MRLs for all products above in Annex II to Regulation (EC) No 396/2005 at the existing level or at the level identified by the Authority.

- (3) For the use of beta-cyfluthrin and cyfluthrin on cauliflower, the Authority identified a possible acute risk for consumers if the CXL for cauliflower was set. Therefore the MRL will be lowered to the default value of 0,01 mg/kg.
- (4) The Authority further concluded that concerning the MRLs for barley and wheat some information was not available and that further consideration by risk managers was required. While these MRLs are considered safe, they will be reviewed; the review will take into account the information available within two years from the publication of this Regulation. As there is no risk for consumers, it is appropriate to set the MRLs for cyfluthrin, for barley and wheat in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.
- (5) For cycloxydim, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽⁴⁾. The Authority recommended lowering the MRLs for apples, pears, apricots, peaches, table and wine grapes, celeriacs/turnip rooted celeries, peas (fresh, with pods), Florence fennels, globe artichokes, rapeseeds/canola seeds, sugar beet roots and poultry (muscle, fat, liver). It recommended raising MRLs for strawberries, potatoes, sweet potatoes, beetroots, horseradishes, parsnips, parsley roots/Hamburg roots parsley, radishes, salsifies, swedes/rutabagas, turnips, garlic, shallots, broccoli, cauliflowers, Brussels sprouts, head cabbage, kohlrabies, Roman rocket/rucola, red mustards, Baby leaf crops (including brassica species), purslanes, chards/beet leaves, 'herbs and edible flowers', beans (without pods), lentils, lupins/lupini beans, poppy seeds, sunflower seeds, mustard seeds, cotton seeds, borage seeds, bovine (muscle, fat, kidney), sheep (muscle, fat, kidney), goat (muscle, fat, kidney), equine (muscle, fat, kidney), milk (cattle, sheep, goat, horse) and bird's eggs. With regard to strawberries, the Authority recommended raising the MRL in line with its earlier reasoned opinion on MRLs for this active substance ⁽⁵⁾. As this has been already addressed by Commission Regulation (EU) 2021/976 ⁽⁶⁾, the existing MRL set by this Regulation for strawberries is maintained. It recommended keeping those existing MRLs for other products for which sufficient supporting data on good agricultural practices were submitted and assessed by the Authority. As there is no risk for consumers, it is appropriate to set the MRLs for all products above in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority.
- (6) The Authority further concluded that concerning the MRLs for spring onions/green onions and Welsh onions, lamb's lettuces/corn salads, escaroles/broad-leaved endives, cresses and other sprouts and shoots, land cresses, maize/corn and herbal infusions from roots, some information was not available and that further consideration by risk managers was required. While these MRLs are considered safe, they will be reviewed; the review will take into account the information available within two years from the publication of this Regulation. As there is no risk for consumers, it is appropriate to set the MRLs for cycloxydim, for all products above in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.

⁽⁴⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for cycloxydim according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2020; 18(1):5962.

⁽⁵⁾ Reasoned Opinion on the modification of the existing maximum residue level for cycloxydim in strawberries. EFSA Journal 2018;16(8):5404.

⁽⁶⁾ Commission Regulation (EU) 2021/976 of 4 June 2021 amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cycloxydim, mepiquat, Metschnikowia fructicola strain NRRL Y-27328 and prohexadione in or on certain products. OJ L 216, 18.6.2021, p. 1.

- (7) For cyflumetofen, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽⁷⁾. It recommended keeping the existing MRLs for 'citrus fruits', 'tree nuts', 'pome fruits', apricots, peaches, table and wine grapes, strawberries, azaroles/Mediterranean medlars, kaki/Japanese persimmons, tomatoes, aubergines/eggplants, cucumbers and hops for which sufficient supporting data on good agricultural practices were submitted and assessed by the Authority. As there is no risk for consumers, it is appropriate to set the MRLs for those products in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.
- (8) The Authority further concluded that concerning the MRLs for swine (muscle, fat, liver, kidney), bovine (muscle, fat, liver, kidney), sheep (muscle, fat, liver, kidney), goat (muscle, fat, liver, kidney), equine (muscle, fat, liver, kidney), and milk (cattle, sheep, goat, horse) some information was not available and that further consideration by risk managers was required. While these MRLs are considered safe, they will be reviewed; the review will take into account the information available within two years from the publication of this Regulation. As there is no risk for consumers, it is appropriate to set the MRLs for cyflumetofen for all products above in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.
- (9) For metobromuron, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽⁸⁾. It proposed to change the residue definition to the sum of metobromuron and 4-bromophenylurea, expressed as metobromuron.
- (10) The Authority concluded that concerning the MRLs for strawberries, potatoes, carrots, parsnips, lamb's lettuces/corn salads, spinaches, watercresses, celery leaves, parsley, sage, thyme, basil and edible flowers, beans (with pods), beans (without pods), asparagus, Florence fennels, beans, peas, sunflower seeds, soyabeans, swine (muscle, fat, liver, kidney), bovine (muscle, fat, liver kidney), sheep (muscle, fat, liver, kidney), goat (muscle, fat, liver, kidney), equine (muscle, fat, liver, kidney), and milk (cattle, sheep, goat, horse) some information was not available and that further consideration by risk managers was required. While these MRLs are considered safe for consumers, they will be reviewed; the review will take into account the information available within two years from the publication of this Regulation. As there is no risk for consumers, it is appropriate to set the MRLs for metobromuron, for all products above in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.
- (11) For penthiopyrad, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005 ⁽⁹⁾. For products of animal origin, it proposed two separate residue definitions, 'penthiopyrad' and '1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide', in order to cover the presence of the metabolite PAM from the use of penthiopyrad in products of animal origin. The Authority recommended lowering the MRLs for apricots, peaches and oats. It recommended raising MRLs for rye and wheat. It recommended keeping the existing MRLs for other products for which sufficient supporting data on good agricultural practices were submitted and assessed by the Authority. As there is no risk for consumers, it is appropriate to set the MRLs for those products in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority.
- (12) The Authority further concluded that concerning the MRLs for spring onions/green onions and Welsh onions, lamb's lettuces/corn salads, lettuces, cresses and other sprouts and shoots, land cresses, Roman rocket/rucola, red mustards, baby leaf crops (including brassica species), spinaches, purslanes, chards/beet leaves, chervil, chives, cardoons, celeries, Florence fennels, leeks, rhubarbs, cotton seeds, barley and sorghum some information was not

⁽⁷⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for cyflumetofen according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2021;19(8):6812.

⁽⁸⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for metobromuron according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2021;19(9):6841.

⁽⁹⁾ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for penthiopyrad according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2021; 19(9):6810.

available and that further consideration by risk managers was required. While these MRLs are considered safe, they will be reviewed; the review will take into account the information available within two years from the publication of this Regulation. As there is no risk for consumers, it is appropriate to set the MRLs for penthiopyrad, for all products above in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.

- (13) As regards PAM, which is a main metabolite of penthiopyrad, the Authority recommended, based on the metabolism studies of penthiopyrad in livestock, setting MRLs at the limit of determination ('LOD') in products of animal origin. With regard to products of plant origin, the Authority did not propose any MRLs because this metabolite is not relevant for products of plant origin. Furthermore, in products of plant origin PAM may occur naturally and setting an MRL at the default value of 0,01 mg/kg is not appropriate. It is therefore appropriate to clarify in Annex II that the default value of 0,01 mg/kg for PAM does not apply to products of plant origin. As there is no risk for consumers, it is appropriate to set the MRLs in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority. The Authority assessed the existing CXLs in its reasoned opinions. For setting the MRLs, the Commission has taken into account those CXLs that are considered safe for consumers in the Union.
- (14) As regards products on which the use of the plant protection product concerned is not authorised in the Union, and for which no import tolerances or CXLs exist, MRLs should be set at the LOD or for the default value of 0,01 mg/kg to apply, as provided for in Article 18(1), point (b), of Regulation (EC) No 396/2005.
- (15) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain LOD. For all the active substances covered by this Regulation those laboratories proposed product specific LODs that are analytically achievable.
- (16) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account. Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (17) For PAM, cycloxydim, cyflumetofen, cyfluthrin, metobromuron and penthiopyrad, to allow for the normal marketing, processing and consumption of products, this Regulation should not apply to products which have been produced in the Union or imported into the Union before the modified MRLs become applicable and for which information shows that a high level of consumer protection is maintained.
- (18) A reasonable period should be allowed to elapse before the modified MRLs become applicable, in order to permit Member States, third countries and food business operators to adapt themselves to meet the requirements which result from the modification of the MRLs.
- (19) 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

Annexes II and III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

As regards PAM, cycloxydim, cyflumetofen, cyfluthrin, metobromuron and penthiopyrad in and on all products, Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were produced in the Union or imported into the Union before 16 August 2023.

Article 3

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

It shall apply from 16 August 2023.

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

Done at Brussels, 26 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

Regulation (EC) No 396/2005 is amended as follows:

(1) in Annex II, the following columns for 1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide (PAM), cycloxydim, cyflumetofen, metobromuron and penthiopyrad are added:

"Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide (PAM)	Cycloxydim including degradation and reaction products which can be determined as 3-(3-thianyl)glutaric acid S-dioxide (BH 517-TGSO2) and/or 3-hydroxy-3-(3-thianyl)glutaric acid S-dioxide (BH 517-5-OH-TGSO2) or derivatives thereof, calculated in total as cycloxydim	Cyflumetofen (sum of isomers)	Penthiopyrad (F)	Sum of metobromuron and 4-bromophenylurea, expressed as metobromuron
(1)	(2)	(3)	(4)	(5)	(6)	(7)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS					0,02 (*)
0110000	Citrus fruits		0,09 (*)	0,5	0,01 (*)	
0110010	Grapefruits					
0110020	Oranges					
0110030	Lemons					
0110040	Limes					
0110050	Mandarins					
0110990	Others (2)					
0120000	Tree nuts		0,09 (*)	0,01 (*)	0,05	
0120010	Almonds					
0120020	Brazil nuts					
0120030	Cashew nuts					
0120040	Chestnuts					
0120050	Coconuts					

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0120060	Hazelnuts/cobnuts					
0120070	Macadamias					
0120080	Pecans					
0120090	Pine nut kernels					
0120100	Pistachios					
0120110	Walnuts					
0120990	Others (2)					
0130000	Pome fruits		0,09 (*)	0,4	0,5	
0130010	Apples					
0130020	Pears					
0130030	Quinces					
0130040	Medlars					
0130050	Loquats/Japanese medlars					
0130990	Others (2)					
0140000	Stone fruits		0,09 (*)			
0140010	Apricots			0,3	3	
0140020	Cherries (sweet)			0,01 (*)	4	
0140030	Peaches			0,3	3	
0140040	Plums			0,01 (*)	1,5	
0140990	Others (2)			0,01 (*)	0,01 (*)	
0150000	Berries and small fruits					
0151000	(a) grapes		0,3	0,6	0,01 (*)	
0151010	Table grapes					
0151020	Wine grapes					
0152000	(b) strawberries		4	0,6	3	(+)
0153000	(c) cane fruits		0,09 (*)	0,01 (*)	0,01 (*)	
0153010	Blackberries					
0153020	Dewberries					

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0153030	Raspberries (red and yellow)					
0153990	Others (2)					
0154000	(d) other small fruits and berries		0,09 (*)			
0154010	Blueberries			0,01 (*)	0,01 (*)	
0154020	Cranberries			0,01 (*)	0,01 (*)	
0154030	Currants (black, red and white)			0,01 (*)	0,01 (*)	
0154040	Gooseberries (green, red and yellow)			0,01 (*)	0,01 (*)	
0154050	Rose hips			0,01 (*)	0,01 (*)	
0154060	Mulberries (black and white)			0,01 (*)	0,01 (*)	
0154070	Azaroles/Mediterranean medlars			0,4	0,4	
0154080	Elderberries			0,01 (*)	0,01 (*)	
0154990	Others (2)			0,01 (*)	0,01 (*)	
0160000	Miscellaneous fruitswith		0,09 (*)			
0161000	(a) edible peel					
0161010	Dates			0,01 (*)	0,01 (*)	
0161020	Figs			0,01 (*)	0,01 (*)	
0161030	Table olives			0,01 (*)	0,01 (*)	
0161040	Kumquats			0,01 (*)	0,01 (*)	
0161050	Carambolas			0,01 (*)	0,01 (*)	
0161060	Kaki/Japanese persimmons			0,4	0,4	
0161070	Jambuls/jambolans			0,01 (*)	0,01 (*)	
0161990	Others (2)			0,01 (*)	0,01 (*)	
0162000	(b) inedible peel, small			0,01 (*)	0,01 (*)	
0162010	Kiwi fruits (green, red, yellow)					
0162020	Litchis/lychees					
0162030	Passionfruits/maracujas					
0162040	Prickly pears/cactus fruits					

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0162050	Star apples/cainitos					
0162060	American persimmons/Virginia kaki					
0162990	Others (2)					
0163000	(c) inedible peel, large			0,01 (*)	0,01 (*)	
0163010	Avocados					
0163020	Bananas					
0163030	Mangoes					
0163040	Papayas					
0163050	Granate apples/pomegranates					
0163060	Cherimoyas					
0163070	Guavas					
0163080	Pineapples					
0163090	Breadfruits					
0163100	Durians					
0163110	Soursops/guanabanas					
0163990	Others (2)					
0200000	VEGETABLES, FRESH or FROZEN					
0210000	Root and tuber vegetables			0,01 (*)		
0211000	(a) potatoes		4		0,05	0,03(+)
0212000	(b) tropical root and tuber vegetables					0,02 (*)
0212010	Cassava roots/manioc		0,09 (*)		0,01 (*)	
0212020	Sweet potatoes		0,6		0,04	
0212030	Yams		0,09 (*)		0,01 (*)	
0212040	Arrowroots		0,09 (*)		0,01 (*)	
0212990	Others (2)		0,09 (*)		0,01 (*)	
0213000	(c) other root and tuber vegetables except sugar beets					0,02 (*)
0213010	Beetroots		3		0,6	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0213020	Carrots		5		0,6	(+)
0213030	Celeriacs/turnip rooted celeries		3		0,01 (*)	
0213040	Horseradishes		3		0,6	
0213050	Jerusalem artichokes		0,9		0,6	
0213060	Parsnips		3		0,6	(+)
0213070	Parsley roots/Hamburg roots parsley		1		0,6	
0213080	Radishes		3		3	
0213090	Salsifies		3		0,01 (*)	
0213100	Swedes/rutabagas		1		0,6	
0213110	Turnips		3		0,6	
0213990	Others (2)		0,9		0,01 (*)	
0220000	Bulb vegetables			0,01 (*)		0,02 (*)
0220010	Garlic		1,5		0,8	
0220020	Onions		3		0,8	
0220030	Shallots		1,5		0,8	
0220040	Spring onions/green onions and Welsh onions		0,3(+)		4(+)	
0220990	Others (2)		0,3		0,8	
0230000	Fruiting vegetables					0,02 (*)
0231000	(a) Solanaceae and Malvaceae				2	
0231010	Tomatoes		1,5	0,4		
0231020	Sweet peppers/bell peppers		9	0,01 (*)		
0231030	Aubergines/eggplants		1,5	0,4		
0231040	Okra/lady's fingers		0,09 (*)	0,01 (*)		
0231990	Others (2)		0,09 (*)	0,01 (*)		
0232000	(b) cucurbits with edible peel		0,09 (*)		0,7	
0232010	Cucumbers			0,4		
0232020	Gherkins			0,01 (*)		

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0232030	Courgettes			0,01 (*)		
0232990	Others (2)			0,01 (*)		
0233000	(c) cucurbits with inedible peel		0,09 (*)	0,01 (*)	0,6	
0233010	Melons					
0233020	Pumpkins					
0233030	Watermelons					
0233990	Others (2)					
0234000	(d) sweet corn		0,09 (*)	0,01 (*)	0,02	
0239000	(e) other fruiting vegetables		0,09 (*)	0,01 (*)	0,01 (*)	
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)			0,01 (*)		0,02 (*)
0241000	(a) flowering brassica		9		4	
0241010	Broccoli					
0241020	Cauliflowers					
0241990	Others (2)					
0242000	(b) head brassica		9			
0242010	Brussels sprouts				0,01 (*)	
0242020	Head cabbages				4	
0242990	Others (2)				0,01 (*)	
0243000	(c) leafy brassica		3		0,01 (*)	
0243010	Chinese cabbages/pe-tsai					
0243020	Kales					
0243990	Others (2)					
0244000	(d) kohlrabies		9		0,01 (*)	
0250000	Leaf vegetables, herbs and edible flowers					
0251000	(a) lettuces and salad plants			0,01 (*)		
0251010	Lamb's lettuces/corn salads		2(+)		20(+)	0,4(+)
0251020	Lettuces		1,5		20(+)	0,02 (*)

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0251030	Escaroles/broad-leaved endives		1(+)		0,01 (*)	0,02 (*)
0251040	Cresses and other sprouts and shoots		1 (+)		20 (+)	0,02 (*)
0251050	Land cresses		1 (+)		20 (+)	0,02 (*)
0251060	Roman rocket/rucola		3		20 (+)	0,02 (*)
0251070	Red mustards		3		20 (+)	0,02 (*)
0251080	Baby leaf crops (including brassica species)		3		50(+)	0,02 (*)
0251990	Others (2)		1		0,01 (*)	0,02 (*)
0252000	(b) spinaches and similar leaves		2	0,01 (*)	30	0,02 (*)
0252010	Spinaches				(+)	(+)
0252020	Purslanes				(+)	
0252030	Chards/beet leaves				(+)	
0252990	Others (2)					
0253000	(c) grape leaves and similar species		0,09 (*)	0,01 (*)	0,01 (*)	0,02 (*)
0254000	(d) watercresses		0,09 (*)	0,01 (*)	0,01 (*)	0,02 (*) (+)
0255000	(e) witloofs/Belgian endives		0,09 (*)	0,01 (*)	0,01 (*)	0,02 (*)
0256000	(f) herbs and edible flowers			0,02 (*)		0,04 (*)
0256010	Chervil		2		20(+)	
0256020	Chives		0,8		20 (+)	
0256030	Celery leaves		2		0,02 (*)	(+)
0256040	Parsley		2		0,02 (*)	(+)
0256050	Sage		2		0,02 (*)	(+)
0256060	Rosemary		2		0,02 (*)	
0256070	Thyme		2		0,02 (*)	(+)
0256080	Basil and edible flowers		2		0,02 (*)	(+)
0256090	Laurel/bay leaves		2		0,02 (*)	
0256100	Tarragon		2		0,02 (*)	
0256990	Others (2)		0,8		0,02 (*)	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0260000	Legume vegetables			0,01 (*)		0,02 (*)
0260010	Beans (with pods)		15		3	(+)
0260020	Beans (without pods)		15		0,4	(+)
0260030	Peas (with pods)		2		4	
0260040	Peas (without pods)		15		0,3	
0260050	Lentils		15		0,01 (*)	
0260990	Others (2)		2		0,01 (*)	
0270000	Stem vegetables			0,01 (*)		0,02 (*)
0270010	Asparagus		0,09 (*)		0,01 (*)	(+)
0270020	Cardoons		0,09 (*)		20(+)	
0270030	Celeries		0,09 (*)		20(+)	
0270040	Florence fennels		0,09 (*)		20(+)	(+)
0270050	Globe artichokes		0,09 (*)		0,01 (*)	
0270060	Leeks		4		3(+)	
0270070	Rhubarbs		0,09 (*)		15(+)	
0270080	Bamboo shoots		0,09 (*)		0,01 (*)	
0270090	Palm hearts		0,09 (*)		0,01 (*)	
0270990	Others (2)		0,09 (*)		0,01 (*)	
0280000	Fungi, mosses and lichens		0,09 (*)	0,01 (*)	0,01 (*)	0,02 (*)
0280010	Cultivated fungi					
0280020	Wild fungi					
0280990	Mosses and lichens					
0290000	Algae and prokaryotes organisms		0,09 (*)	0,01 (*)	0,01 (*)	0,02 (*)
0300000	PULSES			0,01 (*)	0,3	0,02 (*)
0300010	Beans		30			(+)
0300020	Lentils		20			
0300030	Peas		30			(+)

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0300040	Lupins/lupini beans		20			
0300990	Others (2)		20			
0400000	OILSEEDS AND OIL FRUITS			0,01 (*)		
0401000	Oilseeds					
0401010	Linseeds		7		0,01 (*)	0,02 (*)
0401020	Peanuts/groundnuts		0,09 (*)		0,05	0,02 (*)
0401030	Poppy seeds		7		0,01 (*)	0,02 (*)
0401040	Sesame seeds		0,09 (*)		0,01 (*)	0,02 (*)
0401050	Sunflower seeds		7		1,5	0,02(+)
0401060	Rapeseeds/canola seeds		7		0,5	0,02 (*)
0401070	Soyabeans		80		0,3	0,02(+)
0401080	Mustard seeds		6		0,01 (*)	0,02 (*)
0401090	Cotton seeds		7		0,5(+)	0,02 (*)
0401100	Pumpkin seeds		0,09 (*)		0,01 (*)	0,02 (*)
0401110	Safflower seeds		0,09 (*)		0,01 (*)	0,02 (*)
0401120	Borage seeds		7		0,01 (*)	0,02 (*)
0401130	Gold of pleasure seeds		0,09 (*)		0,01 (*)	0,02 (*)
0401140	Hemp seeds		0,09 (*)		0,01 (*)	0,02 (*)
0401150	Castor beans		0,09 (*)		0,01 (*)	0,02 (*)
0401990	Others (2)		0,09 (*)		0,01 (*)	0,02 (*)
0402000	Oil fruits		0,09 (*)		0,01 (*)	0,02 (*)
0402010	Olives for oil production					
0402020	Oil palms kernels					
0402030	Oil palms fruits					
0402040	Kapok					
0402990	Others (2)					

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0500000	CEREALS			0,01 (*)		0,02 (*)
0500010	Barley		0,09 (*)		0,4(+)	
0500020	Buckwheat and other pseudocereals		0,09 (*)		0,01 (*)	
0500030	Maize/corn		0,2(+)		0,01 (*)	
0500040	Common millet/proso millet		0,09 (*)		0,8	
0500050	Oat		0,09 (*)		0,2	
0500060	Rice		0,09 (*)		0,01 (*)	
0500070	Rye		0,09 (*)		0,15	
0500080	Sorghum		0,09 (*)		0,8(+)	
0500090	Wheat		0,09 (*)		0,15	
0500990	Others (2)		0,09 (*)		0,01 (*)	
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS			0,05 (*)	0,05 (*)	0,1 (*)
0610000	Teas		0,1 (*)			
0620000	Coffee beans		0,1 (*)			
0630000	Herbal infusions from					
0631000	(a) flowers		0,1 (*)			
0631010	Chamomile					
0631020	Hibiscus/roselle					
0631030	Rose					
0631040	Jasmine					
0631050	Lime/linden					
0631990	Others (2)					
0632000	(b) leaves and herbs		0,1 (*)			
0632010	Strawberry					
0632020	Rooibos					
0632030	Mate/maté					
0632990	Others (2)					

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0633000	(c) roots		9(+)			
0633010	Valerian		(+)			
0633020	Ginseng		(+)			
0633990	Others (2)					
0639000	(d) any other parts of the plant		0,1 (*)			
0640000	Cocoa beans		0,1 (*)			
0650000	Carobs/Saint John's breads		0,1 (*)			
0700000	HOPS		0,1 (*)	30	0,05 (*)	0,1 (*)
0800000	SPICES					
0810000	Seed spices		0,1 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0810010	Anise/aniseed					
0810020	Black caraway/black cumin					
0810030	Celery					
0810040	Coriander					
0810050	Cumin					
0810060	Dill					
0810070	Fennel					
0810080	Fenugreek					
0810090	Nutmeg					
0810990	Others (2)					
0820000	Fruit spices		0,1 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0820010	Allspice/pimento					
0820020	Sichuan pepper					
0820030	Caraway					
0820040	Cardamom					
0820050	Juniper berry					

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0820060	Peppercorn (black, green and white)					
0820070	Vanilla					
0820080	Tamarind					
0820990	Others (2)					
0830000	Bark spices		0,1 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0830010	Cinnamon					
0830990	Others (2)					
0840000	Root and rhizome spices					
0840010	Liquorice		0,1 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0840020	Ginger (10)					
0840030	Turmeric/curcuma		0,1 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0840040	Horseradish (11)					
0840990	Others (2)		0,1 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0850000	Bud spices		0,1 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0850010	Cloves					
0850020	Capers					
0850990	Others (2)					
0860000	Flower pistil spices		0,1 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0860010	Saffron					
0860990	Others (2)					
0870000	Aril spices		0,1 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0870010	Mace					
0870990	Others (2)					
0900000	SUGAR PLANTS			0,01 (*)		0,02 (*)
0900010	Sugar beet roots		0,2		0,5	
0900020	Sugar canes		0,09 (*)		0,01 (*)	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
0900030	Chicory roots		0,09 (*)		0,01 (*)	
0900990	Others (2)		0,09 (*)		0,01 (*)	
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS					
1010000	Commodities from	0,01 (*)			0,01 (*)	0,02 (*)
1011000	(a) swine					
1011010	Muscle		0,06	0,01 (*) (+)		(+)
1011020	Fat		0,1	0,01 (*) (+)		(+)
1011030	Liver		0,5	0,02 (+)		(+)
1011040	Kidney		0,5	0,02 (+)		(+)
1011050	Edible offals (other than liver and kidney)		0,5	0,02		
1011990	Others (2)		0,02 (*)	0,01 (*)		
1012000	(b) bovine			0,01 (*)		
1012010	Muscle		0,1	(+)		(+)
1012020	Fat		0,15	(+)		(+)
1012030	Liver		0,5	(+)		(+)
1012040	Kidney		0,8	(+)		(+)
1012050	Edible offals (other than liver and kidney)		0,8			
1012990	Others (2)		0,02 (*)			
1013000	(c) sheep					
1013010	Muscle		0,1	0,01 (*) (+)		(+)
1013020	Fat		0,2	0,01 (*) (+)		(+)
1013030	Liver		0,5	0,02 (+)		(+)
1013040	Kidney		0,9	0,02 (+)		(+)
1013050	Edible offals (other than liver and kidney)		0,9	0,02		
1013990	Others (2)		0,02 (*)	0,01 (*)		

(1)	(2)	(3)	(4)	(5)	(6)	(7)
1014000	d) goat					
1014010	Muscle		0,1	0,01 (*) (+)		(+)
1014020	Fat		0,2	0,01 (*) (+)		(+)
1014030	Liver		0,5	0,02 (+)		(+)
1014040	Kidney		0,9	0,02 (+)		(+)
1014050	Edible offals (other than liver and kidney)		0,9	0,02		
1014990	Others (2)		0,02 (*)	0,01 (*)		
1015000	(e) equine			0,01 (*)		
1015010	Muscle		0,1	(+)		(+)
1015020	Fat		0,15	(+)		(+)
1015030	Liver		0,5	(+)		(+)
1015040	Kidney		0,8	(+)		(+)
1015050	Edible offals (other than liver and kidney)		0,8			
1015990	Others (2)		0,02 (*)			
1016000	(f) poultry			0,01 (*)		
1016010	Muscle		0,03 (*)			
1016020	Fat		0,03 (*)			
1016030	Liver		0,03			
1016040	Kidney		0,03			
1016050	Edible offals (other than liver and kidney)		0,03			
1016990	Others (2)		0,02 (*)			
1017000	(g) other farmed terrestrial animals					
1017010	Muscle		0,1	0,01 (*)		
1017020	Fat		0,15	0,01 (*)		
1017030	Liver		0,5	0,02		
1017040	Kidney		0,8	0,02		

(1)	(2)	(3)	(4)	(5)	(6)	(7)
1017050	Edible offals (other than liver and kidney)		0,8	0,02		
1017990	Others (2)		0,02 (*)	0,01 (*)		
1020000	Milk	0,01 (*)	0,06	0,01 (*)	0,01 (*)	0,02 (*)
1020010	Cattle			(+)		(+)
1020020	Sheep			(+)		(+)
1020030	Goat			(+)		(+)
1020040	Horse			(+)		(+)
1020990	Others (2)					
1030000	Birds eggs	0,01 (*)	0,15	0,01 (*)	0,01 (*)	0,02 (*)
1030010	Chicken					
1030020	Duck					
1030030	Geese					
1030040	Quail					
1030990	Others (2)					
1040000	Honey and other apiculture products (7)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)
1050000	Amphibians and Reptiles	0,01 (*)	0,02 (*)	0,01 (*)	0,01 (*)	0,02 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)	0,02 (*)	0,01 (*)	0,01 (*)	0,02 (*)
1070000	Wild terrestrial vertebrate animals	0,01 (*)	0,02 (*)	0,01 (*)	0,01 (*)	0,02 (*)
1100000	PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)					
1200000	PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)					
1300000	PROCESSED FOOD PRODUCTS (9)					

(*) Indicates lower limit of analytical determination

(^e) For the complete list of products of plant and animal origin to which MRL's apply, reference should be made to Annex I

1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide (PAM)

(O) MRL will not apply for commodities of plant origin

Cycloxydim including degradation and reaction products which can be determined as 3-(3-thianyl)glutaric acid S-dioxide (BH 517-TGSO2) and/or 3-hydroxy-3-(3-thianyl)glutaric acid S-dioxide (BH 517-5-OH-TGSO2) or derivatives thereof, calculated in total as cycloxydim

The European Food Safety Authority identified some information on analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0633000 (c) roots

0633010 Valerian

0633020 Ginseng

The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0220040 Spring onions/green onions and Welsh onions

0251010 Lamb's lettuces/corn salads

0251030 Escaroles/broad-leaved endives

0251040 Cresses and other sprouts and shoots

0251050 Land cresses

0500030 Maize/corn

Cyflumetofen (sum of isomers)

The European Food Safety Authority identified some information on analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

1011010 Muscle

1011020 Fat

1011030 Liver

1011040 Kidney

1012010 Muscle

1012020 Fat

1012030 Liver

1012040 Kidney

1013010 Muscle

1013020 Fat
 1013030 Liver
 1013040 Kidney
 1014010 Muscle
 1014020 Fat
 1014030 Liver
 1014040 Kidney
 1015010 Muscle
 1015020 Fat
 1015030 Liver
 1015040 Kidney
 1020010 Cattle
 1020020 Sheep
 1020030 Goat
 1020040 Horse

Penthiopyrad (F)

(F) Fat soluble

The European Food Safety Authority identified some information on hydrolysis of metabolite 1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide (PAM) as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0251010 Lamb's lettuces/corn salads

0251040 Cresses and other sprouts and shoots

0251050 Land cresses

0251060 Roman rocket/rucola

0251070 Red mustards

0251080 Baby leaf crops (including brassica species)

0252010 Spinaches

0252020 Purslanes

0252030 Chards/beet leaves

0256010 Chervil

0256020 Chives

0270020 Cardoons

0270030 Celeries

0270040 Florence fennels

0270060 Leeks

0270070 Rhubarbs

0401090 Cotton seeds

0500080 Sorghum

The European Food Safety Authority identified some information on hydrolysis of metabolite 1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0220040 Spring onions/green onions and Welsh onions

The European Food Safety Authority identified some information on residue trials and hydrolysis of metabolite 1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide (PAM) as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0251020 Lettuces

The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0500010 Barley

Sum of metobromuron and 4-bromophenylurea, expressed as metobromuron

European Food Safety Authority identified some information on analytical methods and livestock metabolism as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0211000 (a) potatoes

The European Food Safety Authority identified some information on analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0152000 (b) strawberries

0213020 Carrots

0213060 Parsnips

0252010 Spinaches

0254000 (d) watercresses

0256030 Celery leaves

0256040 Parsley

0256050 Sage

0256070 Thyme

0256080 Basil and edible flowers

0260010 Beans (with pods)

0260020 Beans (without pods)

0270010 Asparagus

0270040 Florence fennels

0300010 Beans

0300030 Peas

0401050 Sunflower seeds

0401070 Soyabeans

The European Food Safety Authority identified some information on analytical methods, residue trials and storage stability as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0251010 Lamb's lettuces/corn salads

The European Food Safety Authority identified some information on livestock metabolism as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

1011010 Muscle

1011020 Fat

1011030 Liver

1011040 Kidney

1012010 Muscle

1012020 Fat

1012030 Liver
1012040 Kidney
1013010 Muscle
1013020 Fat
1013030 Liver
1013040 Kidney
1014010 Muscle
1014020 Fat
1014030 Liver
1014040 Kidney
1015010 Muscle
1015020 Fat
1015030 Liver
1015040 Kidney
1020010 Cattle
1020020 Sheep
1020030 Goat
1020040 Horse"

(2) in Annex II, the column for cyfluthrin is replaced by the following:

"Pesticide residues and maximum residue levels (mg/kg)		
Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Cyfluthrin (cyfluthrin including other mixtures of constituent isomers (sum of isomers)) ^(f)
(1)	(2)	(3)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	
0110000	Citrus fruits	0,3
0110010	Grapefruits	
0110020	Oranges	
0110030	Lemons	
0110040	Limes	
0110050	Mandarins	
0110990	Others (2)	
0120000	Tree nuts	0,01 (*)
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	
0120070	Macadamias	
0120080	Pecans	
0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others (2)	
0130000	Pome fruits	
0130010	Apples	0,1
0130020	Pears	0,1
0130030	Quinces	0,01 (*)
0130040	Medlars	0,01 (*)
0130050	Loquats/Japanese medlars	0,01 (*)
0130990	Others (2)	0,01 (*)

(1)	(2)	(3)
0140000	Stone fruits	0,01 (*)
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others (2)	
0150000	Berries and small fruits	0,01 (*)
0151000	(a) grapes	
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) strawberries	
0153000	(c) cane fruits	
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others (2)	
0154000	(d) other small fruits and berries	
0154010	Blueberries	
0154020	Cranberries	
0154030	Currants (black, red and white)	
0154040	Gooseberries (green, red and yellow)	
0154050	Rose hips	
0154060	Mulberries (black and white)	
0154070	Azaroles/Mediterranean medlars	
0154080	Elderberries	
0154990	Others (2)	
0160000	Miscellaneous fruitswith	0,01 (*)
0161000	(a) edible peel	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others (2)	
0162000	(b) inedible peel, small	
0162010	Kiwi fruits (green, red, yellow)	

(1)	(2)	(3)
0162020	Litchis/lychees	
0162030	Passionfruits/maracujas	
0162040	Prickly pears/cactus fruits	
0162050	Star apples/cainitos	
0162060	American persimmons/Virginia kaki	
0162990	Others (2)	
0163000	(c) inedible peel, large	
0163010	Avocados	
0163020	Bananas	
0163030	Mangoes	
0163040	Papayas	
0163050	Granate apples/pomegranates	
0163060	Cherimoyas	
0163070	Guavas	
0163080	Pineapples	
0163090	Breadfruits	
0163100	Durians	
0163110	Soursops/guanabanas	
0163990	Others (2)	
0200000	VEGETABLES, FRESH or FROZEN	
0210000	Root and tuber vegetables	0,01 (*)
0211000	(a) potatoes	
0212000	(b) tropical root and tuber vegetables	
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others (2)	
0213000	(c) other root and tuber vegetables except sugar beets	
0213010	Beetroots	
0213020	Carrots	
0213030	Celeriacs/turnip rooted celeries	
0213040	Horseradishes	
0213050	Jerusalem artichokes	
0213060	Parsnips	
0213070	Parsley roots/Hamburg roots parsley	
0213080	Radishes	

(1)	(2)	(3)
0213090	Salsifies	
0213100	Swedes/rutabagas	
0213110	Turnips	
0213990	Others (2)	
0220000	Bulb vegetables	0,01 (*)
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others (2)	
0230000	Fruiting vegetables	
0231000	(a) Solanaceae and Malvaceae	
0231010	Tomatoes	0,2
0231020	Sweet peppers/bell peppers	0,2
0231030	Aubergines/eggplants	0,2
0231040	Okra/lady's fingers	0,01 (*)
0231990	Others (2)	0,01 (*)
0232000	(b) cucurbits with edible peel	0,01 (*)
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others (2)	
0233000	(c) cucurbits with inedible peel	0,01 (*)
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others (2)	
0234000	(d) sweet corn	0,01 (*)
0239000	(e) other fruiting vegetables	0,01 (*)
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)	
0241000	(a) flowering brassica	0,01 (*)
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others (2)	
0242000	(b) head brassica	
0242010	Brussels sprouts	0,01 (*)
0242020	Head cabbages	0,08
0242990	Others (2)	0,01 (*)

(1)	(2)	(3)
0243000	(c) leafy brassica	0,01 (*)
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others (2)	
0244000	(d) kohlrabies	0,01 (*)
0250000	Leaf vegetables, herbs and edible flowers	
0251000	(a) lettuces and salad plants	0,01 (*)
0251010	Lamb's lettuces/corn salads	
0251020	Lettuces	
0251030	Escaroles/broad-leaved endives	
0251040	Cresses and other sprouts and shoots	
0251050	Land cresses	
0251060	Roman rocket/rucola	
0251070	Red mustards	
0251080	Baby leaf crops (including brassica species)	
0251990	Others (2)	
0252000	(b) spinaches and similar leaves	0,01 (*)
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others (2)	
0253000	(c) grape leaves and similar species	0,01 (*)
0254000	(d) watercresses	0,01 (*)
0255000	(e) witloofs/Belgian endives	0,01 (*)
0256000	(f) herbs and edible flowers	0,02 (*)
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	
0256080	Basil and edible flowers	
0256090	Laurel/bay leaves	
0256100	Tarragon	
0256990	Others (2)	

(1)	(2)	(3)
0260000	Legume vegetables	0,01 (*)
0260010	Beans (with pods)	
0260020	Beans (without pods)	
0260030	Peas (with pods)	
0260040	Peas (without pods)	
0260050	Lentils	
0260990	Others (2)	
0270000	Stem vegetables	0,01 (*)
0270010	Asparagus	
0270020	Cardoons	
0270030	Celeries	
0270040	Florence fennels	
0270050	Globe artichokes	
0270060	Leeks	
0270070	Rhubarbs	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others (2)	
0280000	Fungi, mosses and lichens	0,01 (*)
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	Algae and prokaryotes organisms	0,01 (*)
0300000	PULSES	0,01 (*)
0300010	Beans	
0300020	Lentils	
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others (2)	
0400000	OILSEEDS AND OIL FRUITS	
0401000	Oilseeds	
0401010	Linseeds	0,01 (*)
0401020	Peanuts/groundnuts	0,01 (*)
0401030	Poppy seeds	0,01 (*)
0401040	Sesame seeds	0,01 (*)
0401050	Sunflower seeds	0,01 (*)
0401060	Rapeseeds/canola seeds	0,07

(1)	(2)	(3)
0401070	Soyabeans	0,03
0401080	Mustard seeds	0,01 (*)
0401090	Cotton seeds	0,7
0401100	Pumpkin seeds	0,01 (*)
0401110	Safflower seeds	0,01 (*)
0401120	Borage seeds	0,01 (*)
0401130	Gold of pleasure seeds	0,01 (*)
0401140	Hemp seeds	0,01 (*)
0401150	Castor beans	0,01 (*)
0401990	Others (2)	0,01 (*)
0402000	Oil fruits	0,01 (*)
0402010	Olives for oil production	
0402020	Oil palms kernels	
0402030	Oil palms fruits	
0402040	Kapok	
0402990	Others (2)	
0500000	CEREALS	
0500010	Barley	0,3(+)
0500020	Buckwheat and other pseudocereals	0,01 (*)
0500030	Maize/corn	0,01 (*)
0500040	Common millet/proso millet	0,01 (*)
0500050	Oat	0,01 (*)
0500060	Rice	0,01 (*)
0500070	Rye	0,01 (*)
0500080	Sorghum	0,01 (*)
0500090	Wheat	0,04(+)
0500990	Others (2)	0,01 (*)
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	0,05 (*)
0610000	Teas	
0620000	Coffee beans	
0630000	Herbal infusions from	
0631000	(a) flowers	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	

(1)	(2)	(3)
0631050	Lime/linden	
0631990	Others (2)	
0632000	(b) leaves and herbs	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others (2)	
0633000	(c) roots	
0633010	Valerian	
0633020	Ginseng	
0633990	Others (2)	
0639000	(d) any other parts of the plant	
0640000	Cocoa beans	
0650000	Carobs/Saint John's breads	
0700000	HOPS	0,05 (*)
0800000	SPICES	
0810000	Seed spices	0,05 (*)
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	
0810060	Dill	
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others (2)	
0820000	Fruit spices	0,03
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others (2)	

(1)	(2)	(3)
0830000	Bark spices	0,05 (*)
0830010	Cinnamon	
0830990	Others (2)	
0840000	Root and rhizome spices	
0840010	Liquorice	0,05
0840020	Ginger (10)	
0840030	Turmeric/curcuma	0,05
0840040	Horseradish (11)	
0840990	Others (2)	0,05
0850000	Bud spices	0,05 (*)
0850010	Cloves	
0850020	Capers	
0850990	Others (2)	
0860000	Flower pistil spices	0,05 (*)
0860010	Saffron	
0860990	Others (2)	
0870000	Aril spices	0,05 (*)
0870010	Mace	
0870990	Others (2)	
0900000	SUGAR PLANTS	0,01 (*)
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others (2)	
1000000	PRODUCTS OF ANIMAL ORIGIN - TERRESTRIAL ANIMALS	
1010000	Commodities from	
1011000	(a) swine	
1011010	Muscle	0,01
1011020	Fat	0,2
1011030	Liver	0,02
1011040	Kidney	0,02
1011050	Edible offals (other than liver and kidney)	0,2
1011990	Others (2)	0,01 (*)
1012000	(b) bovine	
1012010	Muscle	0,01
1012020	Fat	0,2

(1)	(2)	(3)
1012030	Liver	0,02
1012040	Kidney	0,02
1012050	Edible offals (other than liver and kidney)	0,2
1012990	Others (2)	0,01 (*)
1013000	(c) sheep	
1013010	Muscle	0,01
1013020	Fat	0,2
1013030	Liver	0,02
1013040	Kidney	0,02
1013050	Edible offals (other than liver and kidney)	0,2
1013990	Others (2)	0,01 (*)
1014000	d) goat	
1014010	Muscle	0,01
1014020	Fat	0,2
1014030	Liver	0,02
1014040	Kidney	0,02
1014050	Edible offals (other than liver and kidney)	0,2
1014990	Others (2)	0,01 (*)
1015000	(e) equine	
1015010	Muscle	0,01
1015020	Fat	0,2
1015030	Liver	0,02
1015040	Kidney	0,02
1015050	Edible offals (other than liver and kidney)	0,2
1015990	Others (2)	0,01 (*)
1016000	(f) poultry	0,01 (*)
1016010	Muscle	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offals (other than liver and kidney)	
1016990	Others (2)	
1017000	(g) other farmed terrestrial animals	
1017010	Muscle	0,01
1017020	Fat	0,2
1017030	Liver	0,02
1017040	Kidney	0,02
1017050	Edible offals (other than liver and kidney)	0,2
1017990	Others (2)	0,01 (*)

(1)	(2)	(3)
1020000	Milk	
1020010	Cattle	0,02
1020020	Sheep	0,02
1020030	Goat	0,02
1020040	Horse	0,01
1020990	Others (2)	0,01 (*)
1030000	Birds eggs	0,01 (*)
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others (2)	
1040000	Honey and other apiculture products (7)	0,05 (*)
1050000	Amphibians and Reptiles	0,01 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)
1070000	Wild terrestrial vertebrate animals	0,01 (*)
1100000	PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)	
1200000	PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)	
1300000	PROCESSED FOOD PRODUCTS (9)	

(*) Indicates lower limit of analytical determination

(*) For the complete list of products of plant and animal origin to which MRL's apply, reference should be made to Annex I

Cyfluthrin (cyfluthrin including other mixtures of constituent isomers (sum of isomers)) (F)

(F) Fat soluble

The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 January 2025, or, if that information is not submitted by that date, the lack of it.

0500010 Barley
0500090 Wheat"

(3) in Part A of Annex III, the columns for, cycloxydim, cyflumetofen, and penthiopyrad are deleted.

(4) in Part B of Annex III, the column for cyfluthrin is deleted.

COMMISSION IMPLEMENTING REGULATION (EU) 2023/174**of 26 January 2023****amending Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 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 (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1), point (b)(ii), thereof,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽²⁾, and in particular Article 47(2), first subparagraph, point (b), and Article 54(4), first subparagraph, points (a) and (b), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/1793 ⁽³⁾ lays down rules on the temporary increase of official controls at the entry into the Union on certain food and feed of non-animal origin from certain third countries listed in Annex I to that Implementing Regulation, and on the imposition of special conditions governing the entry into the Union of certain consignments of food and feed from certain third countries due to the risk of contamination by mycotoxins, including aflatoxins, pesticide residues, pentachlorophenol and dioxins, and microbiological contamination, listed in Annex II to that Implementing Regulation.
- (2) Article 12 of Implementing Regulation (EU) 2019/1793 provides that the lists set out in the Annexes to that Implementing Regulation are to be reviewed at regular intervals not exceeding six months, in order to take into account new information related to risks to human health and non-compliance with Union legislation, such as the data resulting from notifications received through the Rapid Alert System for Food and Feed ('RASFF') established by Regulation (EC) No 178/2002, as well as data and information concerning consignments and the results of the documentary, identity and physical checks communicated by the Member States to the Commission.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 95, 7.4.2017, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) 2019/1793 of 22 October 2019 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660 (OJ L 277, 29.10.2019, p. 89).

- (3) Recent notifications received through the RASFF indicate the existence of a serious direct or indirect risk to human health deriving from some food or feed. Additionally, official controls performed by the Member States on some food and feed of non-animal origin in the first semester of 2022 indicate that the lists set out in Annexes I and II to Implementing Regulation (EU) 2019/1793 should be amended in order to protect human health in the Union.
- (4) Groundnuts and products produced from groundnuts from Argentina have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since October 2019. The official controls carried out on those commodities by the Member States indicate an overall satisfactory degree of compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls is no longer justified for these commodities and their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (5) Brazil nuts in shell and mixtures of Brazil nuts or dried fruits containing Brazil nuts in shell from Brazil have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since January 2019. The official controls carried out by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. The results of those controls provide evidence that the entry of those foodstuffs into the Union does not constitute a serious risk for human health. Consequently, it is not necessary to continue to provide that each consignment be accompanied by an official certificate stating that all results of sampling and analysis show compliance with Regulation (EC) No 396/2005 of the European Parliament and of the Council ^(*). At the same time, Member States should continue to carry out controls to ensure that the current level of compliance will be maintained. Therefore, the entry on Brazil nuts from Brazil in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex I to that Implementing Regulation, maintaining the level of frequency of identity and physical checks at 50 % of consignments entering the Union.
- (6) Groundnuts and products produced from groundnuts from Bolivia have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since January 2017. The official controls carried out on those commodities by the Member States show a persistent high rate of non-compliance since the establishment of the increased level of official controls. Those controls provide evidence that the entry of those commodities into the Union constitutes a serious risk for human health. It is therefore necessary, in addition to the increased level of official controls, to provide for special conditions in relation to the importation of groundnuts and products produced from groundnuts from Bolivia. In particular, all consignments of groundnuts and products produced from groundnuts from Bolivia should be accompanied by an official certificate stating that all the results of sampling and analyses show compliance with Union requirements. The results of sampling and analyses should be attached to that certificate. Therefore, the entry on groundnuts and products produced from groundnuts from Bolivia in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex II to that Implementing Regulation, with a frequency of identity and physical checks set at 50 % of consignments entering the Union.
- (7) Groundnuts and products produced from groundnuts from Brazil have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since October 2019. The official controls carried out on those commodities by the Member States indicate an overall satisfactory degree of compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls due to the risk of contamination by aflatoxins is no longer justified for these commodities and their entry for this reason in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (8) Additionally, in relation to consignments of groundnuts and products produced from groundnuts from Brazil, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by pesticide residues was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 30 %.

^(*) Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

- (9) In relation to consignments of palm oil from Côte d'Ivoire, data from RASFF notifications and information regarding official controls performed by the Member States indicate the emergence of new risks to human health, due to a possible contamination by Sudan dyes. It is therefore necessary to require an increased level of official controls on entries of that commodity from Côte d'Ivoire. That commodity should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 20 % of consignments entering the Union.
- (10) In relation to consignments of granadilla and passion fruit (*Passiflora ligularis* and *Passiflora edulis*) from Colombia, data from RASFF notifications and information regarding official controls performed by the Member States indicate the emergence of new risks to human health, due to a possible contamination by pesticide residues. It is therefore necessary to require an increased level of official controls on entries of those commodities from Colombia. Those commodities should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 10 % of consignments entering the Union.
- (11) Galia melons (*C. melo* var. *reticulatus*) from Honduras have been subjected to an increased level of official controls due to the risk of contamination by *Salmonella Braenderup* since January 2022. The official controls carried out on that commodity by the Member States indicate an overall satisfactory degree of compliance with the relevant requirements provided for in Union legislation. In addition, the competent authority of Honduras submitted a satisfactory action plan to ensure that Galia melons (*C. melo* var. *reticulatus*) exported to the Union comply with Union requirements. Therefore, an increased level of official controls is no longer justified for this commodity and its entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (12) In relation to consignments of basil (*Ocimum basilicum*) and mint (*Mentha*) from Israel ^(*), data from RASFF notifications and information regarding official controls performed by the Member States indicate the emergence of new risks to human health, due to a possible contamination by pesticide residues. It is therefore necessary to require an increased level of official controls on entries of those commodities from Israel. Those commodities should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 10 % of consignments entering the Union.
- (13) Betel leaves (*Piper betle* L.) from India have been subjected to an increased level of official controls and to special conditions at their entry into the Union due to the risk of contamination by *Salmonella* since January 2019. Those commodities have not been imported into the Union for more than three years. Therefore, the entry on betel leaves (*Piper betle* L.) from India in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex I to that Implementing Regulation, with a frequency of identity and physical checks set at 30 % of consignments entering the Union. Member States should continue to carry out official controls to ensure that after the lifting of the special conditions, when trade potentially restarts, that commodity introduced into the Union complies with the relevant requirements provided for in Union legislation with respect to contamination by *Salmonella*.
- (14) Curry leaves (*Bergera/Murrava koenigii*) from India have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since May 2020. The official controls carried out on that commodity by the Member States show a persistent high rate of non-compliance since the establishment of the increased level of official controls. Those controls provide evidence that the entry of that commodity into the Union constitutes a serious risk for human health. It is therefore necessary, in addition to the increased level of official controls, to provide for special conditions in relation to the importation of curry leaves (*Bergera/Murrava koenigii*) from India. In particular, all consignments of curry leaves (*Bergera/Murrava koenigii*) from India should be accompanied by an official certificate stating that all the results of sampling and analyses show compliance with Union requirements. The results of sampling and analyses should be attached to that certificate. Therefore, the entry on curry leaves (*Bergera/Murrava koenigii*) from India in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex II to that Implementing Regulation, with a frequency of identity and physical checks set at 50 % of consignments entering the Union.

(*) Hereinafter understood as the State of Israel, excluding the territories under the administration of the State of Israel after 5 June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.

- (15) Drumsticks (*Moringa oleifera*) from India have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since December 2021. The official controls carried out on that commodity by the Member States show a high rate of non-compliance since the establishment of the increased level of official controls. The risk arising from the contamination of that commodity is associated as well with frozen drumsticks. To ensure efficient protection against potential health risks arising from the contamination of drumsticks (*Moringa oleifera*) from India by pesticide residues, a relevant CN code should therefore be added in the column 'CN code' in the table in Annex I to Implementing Regulation (EU) 2019/1793 for the entry relating to drumsticks (*Moringa oleifera*) from India.
- (16) In relation to consignments of peppers of the genus *Capsicum* (other than sweet) from Kenya and Rwanda, data from RASFF notifications and information regarding official controls performed by the Member States indicate the emergence of new risks to human health, due to a possible contamination by pesticide residues. It is therefore necessary to require an increased level of official controls on entries of that commodity from Kenya and Rwanda. That commodity should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 20 % of consignments entering the Union.
- (17) Food supplements containing botanicals from South Korea have been subjected to an increased level of official controls due to the risk of contamination by ethylene oxide since January 2022. The official controls carried out by the Member States show improvements in compliance with the relevant requirements provided for in Union legislation. The results of those controls provide evidence that the entry of those foodstuffs into the Union does not constitute a serious risk for human health. Consequently, it is not necessary to continue to provide that each consignment is to be accompanied by an official certificate stating that all results of sampling and analysis show compliance with Regulation (EC) No 396/2005. At the same time, Member States should continue to carry out controls to ensure that the current level of compliance will be maintained. Therefore, the entry on food supplements containing botanicals from South Korea in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex I to that Implementing Regulation, with a frequency of identity and physical checks set at 30 % of consignments entering the Union.
- (18) Locust beans (carob), locust beans seeds, not decorticated, crushed or ground and mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds from Malaysia have been subjected to an increased level of official controls and to special conditions at their entry into the Union due to the risk of contamination by ethylene oxide since January 2022. Official controls performed by the Member States in the first semester of 2022 indicate that those commodities have not been imported into the Union. Consequently, results of official controls performed on those commodities by the Member States throughout a full semester could not be collected and evaluated. Therefore, the entries on locust beans (carob), locust beans seeds, not decorticated, crushed or ground and mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds from Malaysia in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex I to that Implementing Regulation, with a frequency of identity and physical checks set at 30 % of consignments entering the Union. Member States should continue to carry out controls to ensure that after the lifting of the special conditions, when trade potentially restarts, those commodities introduced into the Union comply with the relevant requirements provided for in Union legislation with respect to contamination by ethylene oxide.
- (19) Watermelon (Egusi, *Citrullus* spp.) seeds and derived products from Nigeria have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since January 2019. Those commodities have not been imported into the Union for more than three years. Therefore, the entry on watermelon (Egusi, *Citrullus* spp.) seeds and derived products from Nigeria in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex I to that Implementing Regulation, with a frequency of identity and physical checks set at 30 % of consignments entering the Union. Member States should continue to carry out controls to ensure that after the lifting of the special conditions, when trade potentially restarts, those commodities introduced into the Union comply with the relevant requirements provided for in Union legislation with respect to contamination by aflatoxins.

- (20) Chinese celery (*Apium graveolens*) and yardlong beans (*Vigna unguiculata* ssp. *sesquipedalis*, *Vigna unguiculata* ssp. *unguiculata*) from Cambodia have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since October 2014. Those commodities have not been imported into the Union for more than three years. Therefore, their entries in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (21) Turnips (*Brassica rapa* ssp. *rapa*) from Lebanon have been subjected to an increased level of official controls due to the risk of contamination by Rhodamine B since July 2018. The official controls carried out on that commodity by the Member States show a persistent high rate of non-compliance since the establishment of the increased level of official controls. Those controls provide evidence that the entry of that commodity into the Union constitutes a serious risk for human health. It is therefore necessary, in addition to the increased level of official controls, to provide for special conditions in relation to the importation of turnips (*Brassica rapa* ssp. *rapa*) from Lebanon. In particular, all consignments of turnips (*Brassica rapa* ssp. *rapa*) from Lebanon should be accompanied by an official certificate stating that all the results of sampling and analyses show compliance with Union requirements. The results of sampling and analyses should be attached to that certificate. Therefore, the entry on turnips (*Brassica rapa* ssp. *rapa*) from Lebanon in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex II to that Implementing Regulation, with a frequency of identity and physical checks set at 50 % of consignments entering the Union.
- (22) In relation to consignments of gotukola (*Centella asiatica*) and mukunuwenna (*Alternanthera sessilis*) from Sri Lanka, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by pesticide residues was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 30 %.
- (23) Several CN codes or TARIC sub-divisions have been changed in the TARIC system. In order to allow for a more precise identification of commodities subject to increased official controls, it is appropriate to correct the TARIC sub-division for CN code ex 1211 90 86 in the entry on gotukola (*Centella asiatica*) from Sri Lanka in Annex I to Implementing Regulation (EU) 2019/1793.
- (24) Locust beans (carob), locust beans seeds, not decorticated, crushed or ground, mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds from Morocco have been subjected to an increased level of official controls due to the risk of contamination by ethylene oxide since January 2022. The official controls carried out on those commodities by the Member States indicate compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls is no longer justified for those commodities and their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (25) Groundnuts and products produced from groundnuts from Madagascar have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since April 2016. Those commodities have not been imported into the Union for more than three years. Therefore, their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (26) In relation to consignments of black eyed beans (*Vigna unguiculata*) from Madagascar, data from RASFF notifications and information regarding official controls performed by the Member States indicate the emergence of new risks to human health, due to a possible contamination by pesticide residues. It is therefore necessary to require an increased level of official controls on entries of that commodity from Madagascar. That commodity should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 10 % of consignments entering the Union.
- (27) Tomato ketchup and other tomato sauces from Mexico have been subjected to an increased level of official controls due to the risk of contamination by ethylene oxide since January 2022. The official controls carried out on those commodities by the Member States indicate compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls is no longer justified for those commodities and their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.

- (28) *Sesamum* seeds from Nigeria have been subjected to an increased level of official controls due to the risk of contamination by *Salmonella* since July 2017. The official controls carried out on that commodity by the Member States show a persistent high rate of non-compliance since the establishment of the increased level of official controls. Those controls provide evidence that the entry of that commodity into the Union constitutes a serious risk for human health. It is therefore necessary, in addition to the increased level of official controls, to provide for special conditions in relation to the importation of *Sesamum* seeds from Nigeria. In particular, all consignments of *Sesamum* seeds from Nigeria should be accompanied by an official certificate stating that all the results of sampling and analyses show compliance with Union requirements. The results of sampling and analyses should be attached to that certificate. Therefore, the entry on *Sesamum* seeds from Nigeria in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex II to that Implementing Regulation, with a frequency of identity and physical checks set at 50 % of consignments entering the Union.
- (29) In relation to consignments of rice from Pakistan, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by aflatoxins and Ochratoxin A was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 10 %.
- (30) Watermelon (Egusi, *Citrullus* spp.) seeds and derived products from Sierra Leone have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since April 2016. Those commodities have not been imported into the Union for more than three years. Therefore, their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (31) Turnips (*Brassica rapa* ssp. *rapa*) from Syria have been subjected to an increased level of official controls due to the risk of contamination by Rhodamine B since July 2018. Data from Eurostat show that the trade volumes of that commodity imported into the Union are low and the official controls carried out on that commodity by the Member States indicate a satisfactory degree of compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls is no longer justified for that commodity and its entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (32) In relation to consignments of lemons (*Citrus limon*, *Citrus limonum*) and grapefruits from Türkiye, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by pesticide residues was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 30 %.
- (33) In relation to consignments of cumin seeds and dried oregano from Türkiye, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by pyrrolizidine alkaloids was detected during official controls performed by the Member States in accordance with Articles 5 and 6 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 20 %.
- (34) In relation to consignments of *Sesamum* seeds from Türkiye, data from RASFF notifications and information regarding official controls performed by the Member States indicate the emergence of new risks to human health, due to a possible contamination by *Salmonella*. It is therefore necessary to require an increased level of official controls on entries of that commodity from Türkiye. That commodity should therefore be included in Annex I to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 20 % of consignments entering the Union.

- (35) Okra from Vietnam has been subject to an increased level of official controls due to the risk of contamination by pesticide residues since January 2013. The official controls carried out on that commodity by the Member States show a persistent high rate of non-compliance since the establishment of the increased level of official controls. Those controls provide evidence that the entry of that commodity into the Union constitutes a serious risk for human health. It is therefore necessary, in addition to the increased level of official controls, to provide for special conditions in relation to the importation of okra from Vietnam. In particular, all consignments of okra from Vietnam should be accompanied by an official certificate stating that all the results of sampling and analyses show compliance with Union requirements. The results of sampling and analyses should be attached to that certificate. Therefore, the entry on okra from Vietnam in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted and transferred to Annex II to that Implementing Regulation, with a frequency of identity and physical checks set at 50 % of consignments entering the Union.
- (36) Coriander leaves, basil, mint and parsley from Vietnam have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since January 2013. Those commodities have not been imported into the Union for more than three years. Therefore, their entry in Annex I to Implementing Regulation (EU) 2019/1793 should be deleted.
- (37) Yardlong beans (*Vigna unguiculata* ssp. *sesquipedalis*, *Vigna unguiculata* ssp. *unguiculata*) from the Dominican Republic have been subjected to an increased level of official controls due to the risk of contamination by pesticide residues since January 2010. The official controls carried out by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls at the level of 50 % of consignments entering the Union is no longer justified for that commodity. However, Member States should continue to carry out controls to ensure that the current level of compliance will be maintained. The corresponding entry in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be modified and the frequency of identity and physical checks decreased to 30 % of consignments entering the Union.
- (38) Peppers of the genus *Capsicum* (sweet or other than sweet) from India have been subjected to an increased level of official controls due to the risk of contamination by aflatoxins since January 2019. The official controls carried out by the Member States show improvement in compliance with the relevant requirements provided for in Union legislation. Therefore, an increased level of official controls at the level of 20 % of consignments entering the Union is no longer justified for that commodity. However, Member States should continue to carry out controls to ensure that the current level of compliance will be maintained. The corresponding entry in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 should be modified and the frequency of identity and physical checks decreased to 10 % of consignments entering the Union.
- (39) Several dried spices (pepper of the genus *Piper*, vanilla, cinnamon, cloves, nutmeg, mace and cardamoms, seeds of anise, badian, fennel, coriander, cumin or caraway, juniper berries, ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices) from India are listed in point 1 of Annex II to Implementing Regulation (EU) 2019/1793 in one entry. To allow for a better evaluation of the data from official controls performed by the Member States and to establish more targeted measures for those dried spices from India which may cause public health concerns, it is necessary to divide the entry by commodities and CN codes. Consignments of all the aforesaid dried spices entering the Union should be checked with a frequency of identity and physical checks set at 20 %.
- (40) In relation to consignments of calcium carbonate from India, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by ethylene oxide was detected during official controls performed by the Member States in accordance with Articles 7 and 8 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 30 %.

- (41) In relation to consignments of dried figs and products derived from dried figs from Türkiye, a high rate of non-compliance with the relevant requirements provided for in Union legislation with respect to contamination by aflatoxins was detected during official controls performed by the Member States in accordance with Articles 7 and 8 of Implementing Regulation (EU) 2019/1793. It is therefore appropriate to increase the frequency of identity and physical checks to be performed on those consignments entering the Union to 30 %.
- (42) In relation to consignments of vanilla extract from the United States, data from RASFF notifications indicate the emergence of new risks to human health requiring special import conditions, due to the risk of contamination by ethylene oxide. Consignments of that commodity should be accompanied by an official certificate stating that results of sampling and analysis show compliance with Regulation (EC) No 396/2005 on maximum residue levels of ethylene oxide. The results of the sampling and analyses should be attached to that certificate. Therefore, an entry on vanilla extract from the United States should be included in point 1 of Annex II to Implementing Regulation (EU) 2019/1793, with a frequency of identity and physical checks set at 20 % of consignments entering the Union.
- (43) In order to clarify that also raw materials for the production of food supplements are subject to increased official controls and special conditions at their entry into the Union, an appropriate endnote should be added to Annex I and point 1 of Annex II to Implementing Regulation (EU) 2019/1793.
- (44) In order to ensure an acceptable level of detection of residues of Sudan dyes in palm oil and Rhodamine B in turnips (*Brassica rapa* ssp. *Rapa*) for those commodities to be allowed entry into the Union, appropriate wording should be added to the endnotes in Annex I and point 1 of Annex II to Implementing Regulation (EU) 2019/1793.
- (45) The existing model official certificate in Annex IV to Implementing Regulation (EU) 2019/1793 does not cover all hazards mentioned in Annex II to that Implementing Regulation. With a view to ensuring a proper control of the risks to public health, the model official certificate in Annex IV to Implementing Regulation (EU) 2019/1793 should therefore be amended to provide the possibility of certifying compliance with the Union requirements in relation to all hazards mentioned in Annex II to that Implementing Regulation.
- (46) In order to ensure legal certainty for the entry into the Union of consignments that have already been dispatched from the country of origin or from another third country if that country is different from the country of origin, when this Regulation enters into force, it is appropriate to provide for a transitional period for consignments of groundnuts and products produced from groundnuts from Bolivia, curry leaves (*Bergera/Murrava koenigii*) from India, turnips (*Brassica rapa* ssp. *rapa*) from Lebanon, *Sesamum* seeds from Nigeria, vanilla extract from the United States and okra from Vietnam, which are not accompanied by the results of sampling and analyses and an official certificate. At the same time, public health protection is ensured for consignments of groundnuts and products produced from groundnuts from Bolivia, curry leaves (*Bergera/Murrava koenigii*) from India, turnips (*Brassica rapa* ssp. *rapa*) from Lebanon, *Sesamum* seeds from Nigeria and okra from Vietnam, since those commodities are subject to identity and physical checks at a frequency of 50 % of consignments entering the Union, and for vanilla extract from the United States which is subject to identity and physical checks at a frequency of 20 % of consignments entering the Union.
- (47) Implementing Regulation (EU) 2019/1793 should therefore be amended accordingly. In order to ensure consistency and clarity, it is appropriate to replace Annexes I and II to Implementing Regulation (EU) 2019/1793 in their entirety by the text set out in the Annex to this Regulation.
- (48) 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

Implementing Regulation (EU) 2019/1793 is amended as follows:

- (1) Article 14 is replaced by the following:

‘Article 14

Transitional period

Consignments of groundnuts and products produced from groundnuts from Bolivia, curry leaves (*Bergera/Murrava koenigii*) from India, turnips (*Brassica rapa ssp. rapa*) from Lebanon, *Sesamum* seeds from Nigeria, vanilla extract from the United States and okra from Vietnam, which have been dispatched from the country of origin, or from another third country if that country is different from the country of origin, before the date of entry into force of Commission Implementing Regulation (EU) 2023/174 (*), may enter the Union until 16 October 2023 without being accompanied by the results of sampling and analyses and the official certificate provided for in Articles 10 and 11.

(*) Commission Implementing Regulation (EU) 2023/174 of 26 January 2023 Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council (OJ L 25, 27.1.2023, p. 36.);

- (2) Annexes I and II are replaced by the text set out in the Annex to this Regulation;
- (3) in Part II of the model official certificate in Annex IV, the following point II.2.5 is added:

‘⁽³⁾ And/Or

[II.2.5. ☐ **Certification for (indicate the commodity) listed in Annex II to Implementing Regulation (EU) 2019/1793, including for compound food listed in that Annex, due to contamination risk by (indicate hazard other than the hazards referred to in points II.2.1 to II.2.4)**

— from the consignment described above, samples were taken in accordance with Directive 2002/63/EC on (date), subject to laboratory analyses on (date) in the (name of the laboratory) with methods covering at least the hazards identified in Annex II to Implementing Regulation (EU) 2019/1793.

— The details of the methods of laboratory analyses and all results are attached and show compliance with Union legislation.]’.

Article 2

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

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

Done at Brussels, 26 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

‘ANNEX I

Food and feed of non-animal origin from certain third countries subject to a temporary increase of official controls at border control posts and control points

Row	Country of origin	Food and feed (intended use)	CN code ⁽¹⁾	TARIC sub-division	Hazard	Frequency of identity and physical checks (%)
1	Azerbaijan (AZ)	— Hazelnuts (<i>Corylus</i> sp.), in shell	0802 21 00		Aflatoxins	20
		— Hazelnuts (<i>Corylus</i> sp.), shelled	0802 22 00			
		— Mixtures of nuts or dried fruits containing hazelnuts	ex 0813 50 39;	70		
			ex 0813 50 91;	70		
			ex 0813 50 99	70		
		— Hazelnut paste	ex 2007 10 10;	70		
			ex 2007 10 99;	40		
			ex 2007 99 39;	05; 06		
			ex 2007 99 50;	33		
		— Hazelnuts, otherwise prepared or preserved, including mixtures	ex 2007 99 97	23		
			ex 2008 19 12;	30		
			ex 2008 19 19;	30		
			ex 2008 19 92;	30		
			ex 2008 19 95;	20		
			ex 2008 19 99;	30		
			ex 2008 97 12;	15		
			ex 2008 97 14;	15		
			ex 2008 97 16;	15		
			ex 2008 97 18;	15		
			ex 2008 97 32;	15		
			ex 2008 97 34;	15		
			ex 2008 97 36;	15		
			ex 2008 97 38;	15		
			ex 2008 97 51;	15		
			ex 2008 97 59;	15		
			ex 2008 97 72;	15		
			ex 2008 97 74;	15		
			ex 2008 97 76;	15		
			ex 2008 97 78;	15		

		— ex 2008 97 92; 15 — ex 2008 97 93; 15 — ex 2008 97 94; 15 — ex 2008 97 96; 15 — ex 2008 97 97; 15 — ex 2008 97 98; 15 — Flours, meals and powder of hazelnuts ex 1106 30 90 40 — Hazelnut oil ex 1515 90 99 20 (Food)				
2	Brazil (BR)	— Brazil nuts in shell — Mixtures of nuts or dried fruits containing Brazil nuts in shell (Food)	0801 21 00; - ex 0813 50 31; 20 - ex 0813 50 39; 20 - ex 0813 50 91; 20 - ex 0813 50 99 20		Aflatoxins	50
		— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved — Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil — Groundnut flours and meals — Groundnuts paste (Food and feed)	1202 41 00 1202 42 00 2008 11 10 2008 11 91; 2008 11 96; 2008 11 98 2305 00 00 - ex 1208 90 00 20 - ex 2007 10 10 80 - ex 2007 10 99 50 - ex 2007 99 39 07; 08		Pesticide residues ⁽³⁾	30
3	Côte d'Ivoire (CI)	Palm oil (Food)	1511 10 90 1511 90 11 - ex 1511 90 19 90 1511 90 99		Sudan dyes ⁽¹⁶⁾	20

4	China (CN)	— Groundnuts (peanuts), in shell	1202 41 00			
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98		Aflatoxins	10
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
		— Groundnuts paste (Food and feed)	ex 2007 10 10 ex 2007 10 99 ex 2007 99 39	80 50 07; 08		
		Sweet peppers (<i>Capsicum annuum</i>) (Food – crushed or ground)	ex 0904 22 00	11	Salmonella ⁽⁴⁾	10
		Tea, whether or not flavoured (Food)	0902		Pesticide residues ⁽³⁾ ⁽⁵⁾	20
5	Colombia (CO)	Granadilla and passion fruit (<i>Passiflora ligularis</i> and <i>Passiflora edulis</i>) (Food)	ex 0810 90 20	30	Pesticide residues ⁽³⁾	10
6	Egypt (EG)	— Sweet peppers (<i>Capsicum annuum</i>)	0709 60 10 0710 80 51			
		— Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99 ex 0710 80 59	20 20	Pesticide residues ⁽³⁾ ⁽⁶⁾	20
		Oranges (Food – fresh or dried)	0805 10		Pesticide residues ⁽³⁾	20

7	Georgia (GE)	— Hazelnuts (<i>Corylus</i> sp.), in shell	0802 21 00		Aflatoxins	30
		— Hazelnuts (<i>Corylus</i> sp.), shelled	0802 22 00			
		— Mixtures of nuts or dried fruits containing hazelnuts	ex 0813 50 39;	70		
			ex 0813 50 91;	70		
			ex 0813 50 99	70		
		— Hazelnut paste	ex 2007 10 10;	70		
			ex 2007 10 99;	40		
			ex 2007 99 39;	05; 06		
			ex 2007 99 50;	33		
			ex 2007 99 97	23		
		— Hazelnuts, otherwise prepared or preserved, including mixtures	ex 2008 19 12;	30		
			ex 2008 19 19;	30		
			ex 2008 19 92;	30		
			ex 2008 19 95;	20		
			ex 2008 19 99;	30		
			ex 2008 97 12;	15		
			ex 2008 97 14;	15		
			ex 2008 97 16;	15		
			ex 2008 97 18;	15		
			ex 2008 97 32;	15		
			ex 2008 97 34;	15		
			ex 2008 97 36;	15		
			ex 2008 97 38;	15		
			ex 2008 97 51;	15		
			ex 2008 97 59;	15		
			ex 2008 97 72;	15		
			ex 2008 97 74;	15		
			ex 2008 97 76;	15		
			ex 2008 97 78;	15		
			ex 2008 97 92;	15		
			ex 2008 97 93;	15		
			ex 2008 97 94;	15		
			ex 2008 97 96;	15		
			ex 2008 97 97;	15		
			ex 2008 97 98;	15		
		— Flours, meals and powder of hazelnuts	ex 1106 30 90	40		
		— Hazelnut oil	ex 1515 90 99	20		
		(Food)				

8	Israel (IL) ⁽¹⁸⁾	Basil (<i>Ocimum basilicum</i>) (Food)	ex 12 11 90 86	20	Pesticide residues ⁽³⁾	10
		Mint (<i>Mentha</i>) (Food)	ex 12 11 90 86	30	Pesticide residues ⁽³⁾	10
9	India (IN)	Betel leaves (<i>Piper betle</i> L.) (Food)	ex 1404 90 00 ⁽¹⁰⁾	10	<i>Salmonella</i> ⁽⁶⁾	30
		Okra (Food – fresh, chilled or frozen)	ex 0709 99 90; ex 0710 80 95	20 30	Pesticide residues ⁽³⁾ ⁽⁷⁾ ⁽¹⁵⁾	20
		Drumsticks (<i>Moringa oleifera</i>) (Food fresh, chilled or frozen)	ex 0709 99 90 ex 0710 80 95	10 75	Pesticide residues ⁽³⁾	10
		Rice (Food)	1006		Aflatoxins and Ochratoxin A	5
					Pesticide residues ⁽³⁾	5
		Yardlong beans (<i>Vigna unguiculata</i> ssp. <i>sesquipedalis</i> , <i>Vigna unguiculata</i> ssp. <i>unguiculata</i>) (Food – fresh, chilled or frozen vegetables)	ex 0708 20 00; ex 0710 22 00	10 10	Pesticide residues ⁽³⁾	20
		Guava (<i>Psidium guajava</i>) (Food)	ex 0804 50 00	30	Pesticide residues ⁽³⁾	20
		Nutmeg (<i>Myristica fragrans</i>) (Food – dried spices)	0908 11 00; 0908 12 00		Aflatoxins	30
10	Kenya (KE)	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) (Food – fresh or chilled)	0708 20		Pesticide residues ⁽³⁾	10
		Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽³⁾	20

11	South Korea (KR)	Food supplements containing botanicals ⁽¹⁷⁾ (Food)	ex 1302 ex 2106		Pesticide residues ⁽¹⁵⁾	30
12	Sri Lanka (LK)	Gotukola (<i>Centella asiatica</i>) (Food)	ex 1211 90 86	60	Pesticide residues ⁽³⁾	30
		Mukunuwenna (<i>Alternanthera sessilis</i>) (Food)	ex 0709 99 90	35	Pesticide residues ⁽³⁾	30
13	Madagascar (MG)	Black eyed beans (<i>Vigna unguiculata</i>) (Food)	0713 35 00		Pesticide residues ⁽³⁾	10
14	Malaysia (MY)	Jackfruit (<i>Artocarpus heterophyllus</i>) (Food – fresh)	ex 0810 90 20	20	Pesticide residues ⁽³⁾	50
		— Locust beans (carob)	1212 92 00		Pesticide residues ⁽¹⁵⁾	30
		— Locust beans seeds, not decorticated, crushed or ground	1212 99 41			
		— Mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds (Food and feed)	1302 32 10			
15	Nigeria (NG)	Watermelon (<i>Egusi, Citrullus</i> spp.) seeds and derived products (Food)	ex 1207 70 00;	10	Aflatoxins	30
			ex 1208 90 00;	10		
			ex 2008 99 99	50		
16	Pakistan (PK)	Spice mixes (Food)	0910 91 10; 0910 91 90		Aflatoxins	50
		Rice (Food)	1006		Aflatoxins and Ochratoxin A	10
					Pesticide residues ⁽³⁾	5
17	Rwanda (RW)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽³⁾	20

18	Senegal (SN)	— Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	50
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
		— Groundnuts paste	ex 2007 10 10	80		
19	Thailand (TH)	(Food and feed)	ex 2007 10 99	50		
			ex 2007 99 39	07; 08		
20	Türkiye (TR)	Peppers of the genus <i>Capsicum</i> (other than sweet)	ex 0709 60 99;	20	Pesticide residues ⁽³⁾ ⁽⁸⁾	30
		(Food – fresh, chilled or frozen)	ex 0710 80 59	20		
		Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>)	0805 50 10		Pesticide residues ⁽³⁾	30
		(Food – fresh, chilled or dried)				
		Grapefruits	0805 40 00		Pesticide residues ⁽³⁾	30
		(Food)				
		Pomegranates	ex 0810 90 75	30	Pesticide residues ⁽³⁾ ⁽⁹⁾	20
		— Sweet peppers (<i>Capsicum annuum</i>)	0709 60 10 0710 80 51		Pesticide residues ⁽³⁾ ⁽¹⁰⁾	20
		— Peppers of the genus <i>Capsicum</i> (other than sweet)	ex 0709 60 99 ex 0710 80 59	20 20		
		(Food – fresh, chilled or frozen)				
		Unprocessed whole, ground, milled, cracked, chopped apricot kernels intended to be placed on the market for the final consumer ⁽¹¹⁾ ⁽¹²⁾	ex 1212 99 95	20	Cyanide	50
		(Food)				

		— Cumin seeds	0909 31 00		Pyrrolizidine alkaloids	20
		— Cumin seeds crushed or ground (Food)	0909 32 00			
		Dried oregano (Food)	ex 1211 90 86	40	Pyrrolizidine alkaloids	20
		Sesamum seeds (Food)	1207 40 90		Salmonella ⁽²⁾	20
			ex 2008 19 19	40		
			ex 2008 19 99	40		
21	Uganda (UG)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99;	20	Pesticide residues ⁽³⁾	50
			ex 0710 80 59	20	Pesticide residues ⁽¹⁵⁾	10
22	United States (US)	— Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	20
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
		— Groundnuts paste (Food and feed)	ex 2007 10 10 ex 2007 10 99 ex 2007 99 39	80 50 07; 08		
23	Uzbekistan (UZ)	Dried apricots	0813 10 00		Sulphites ⁽¹³⁾	50
		Apricots, otherwise prepared or preserved (Food)	2008 50			
24	Vietnam (VN)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽³⁾ ⁽¹⁴⁾	50

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- (¹) Where only certain products under any CN code are required to be examined, the CN code is marked 'ex'.
- (²) The sampling and the analyses shall be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(a) of Annex III.
- (³) Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1) that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).
- (⁴) The sampling and the analyses shall be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(b) of Annex III.
- (⁵) Residues of Tolfenpyrad.
- (⁶) Residues of Dicofol (sum of p, p' and o,p' isomers), Dinotefuran, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-trichlorophenol moiety expressed as prochloraz), Thiophanate-methyl and Triforine.
- (⁷) Residues of Diafenthiuron.
- (⁸) Residues of Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)), Prothiofos and Triforine.
- (⁹) Residues of Prochloraz.
- (¹⁰) Residues of Diafenthiuron, Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)) and Thiophanate-methyl.
- (¹¹) 'Unprocessed products' as defined in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).
- (¹²) 'Placing on the market' and 'final consumer' as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).
- (¹³) Reference methods: EN 1988-1:1998, EN 1988-2:1998 or ISO 5522:1981.
- (¹⁴) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.
- (¹⁵) Residues of Ethylene Oxide (sum of ethylene oxide and 2-chloro-ethanol, expressed as ethylene oxide). In case of food additives, the applicable maximum residue level (MRL) is 0,1 mg/kg (limit of quantification (LOQ)). Prohibition of use of Ethylene Oxide provided for in Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).
- (¹⁶) For the purposes of this Annex, 'Sudan dyes' refers to the following chemical substances: (i) Sudan I (CAS Number 842-07-9); (ii) Sudan II (CAS Number 3118-97-6); (iii) Sudan III (CAS Number 85-86-9); (iv) Scarlet Red or Sudan IV (CAS Number 85-83-6). Residues of Sudan dyes, using a method of analysis with an LOQ, shall be lower than 0,5 mg/kg.
- (¹⁷) Both finished products and raw materials containing any botanicals intended for the production of food supplements declared under CN codes mentioned in column 'CN code'.
- (¹⁸) Hereinafter understood as the State of Israel, excluding the territories under the administration of the State of Israel after 5 June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.
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5	Dominican Republic (DO)	Aubergines (<i>Solanum melongena</i>) (Food – fresh or chilled)	0709 30 00		Pesticide residues ⁽⁴⁾	50
		— Sweet peppers (<i>Capsicum annuum</i>)	0709 60 10		Pesticide residues ⁽⁴⁾ ⁽¹³⁾	50
		— Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	0710 80 51 ex 0709 60 99 ex 0710 80 59	20 20		
		Yardlong beans (<i>Vigna unguiculata</i> ssp. <i>sesquipedalis</i> , <i>Vigna unguiculata</i> ssp. <i>unguiculata</i>) (Food – fresh, chilled or frozen)	ex 0708 20 00 ex 0710 22 00	10 10	Pesticide residues ⁽⁴⁾ ⁽¹²⁾	30
6	Egypt (EG)	— Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	20
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91; 2008 11 96; 2008 11 98; ex 2008 19 12; ex 2008 19 19; ex 2008 19 92; ex 2008 19 95; ex 2008 19 99	40 50 40 40 50		
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
		— Groundnuts paste	ex 2007 10 10 ex 2007 10 99 ex 2007 99 39	80 50 07; 08		
		(Food and feed)				

7	Ethiopia (ET)	— Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>	0904		Aflatoxins	50
		— Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices (Food – dried spices)	0910			
		Sesamum seeds (Food)	1207 40 90		Salmonella ⁽⁶⁾	50
8	Ghana (GH)		ex 2008 19 19	40		
			ex 2008 19 99	40		
		— Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	50
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91;			
			2008 11 96;			
			2008 11 98;			
			ex 2008 19 12;	40		
			ex 2008 19 19;	50		
			ex 2008 19 92;	40		
			ex 2008 19 95;	40		
			ex 2008 19 99	50		
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
		— Groundnuts paste (Food and feed)	ex 2007 10 10	80		
			ex 2007 10 99	50		
			ex 2007 99 39	07; 08		
		Palm oil (Food)	1511 10 90		Sudan dyes ⁽¹¹⁾	50
			1511 90 11			
			ex 1511 90 19	90		
			1511 90 99			

9	Gambia (GM)	— Groundnuts (peanuts), in shell	1202 41 00			
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91; 2008 11 96; 2008 11 98; ex 2008 19 12; ex 2008 19 19; ex 2008 19 92; ex 2008 19 95; ex 2008 19 99	40 50 40 40 50	Aflatoxins	50
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
		— Groundnuts paste	ex 2007 10 10	80		
		(Food and feed)	ex 2007 10 99	50		
			ex 2007 99 39	07; 08		
10	Indonesia (ID)	Nutmeg (<i>Myristica fragrans</i>) (Food – dried spices)	0908 11 00; 0908 12 00		Aflatoxins	30
11	India (IN)	Curry leaves (<i>Bergera/Murraya koenigii</i>) (Food – fresh, chilled, frozen or dried)	ex 1211 90 86	10	Pesticide residues ⁽⁴⁾ ⁽¹³⁾	50
		Peppers of the genus <i>Capsicum</i> (sweet or other than sweet)	0904 21 10 ex 0904 22 00 ex 0904 21 90 ex 2005 99 10 ex 2005 99 80	11; 19 20 10; 90 94	Aflatoxins	10
		(Food – dried, roasted, crushed or ground)				

	— Groundnuts (peanuts), in shell	1202 41 00		Aflatoxins	50
	— Groundnuts (peanuts), shelled	1202 42 00			
	— Peanut butter	2008 11 10			
	— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91;			
		2008 11 96;			
		2008 11 98;			
		ex 2008 19 12;	40		
		ex 2008 19 19;	50		
		ex 2008 19 92;	40		
		ex 2008 19 95;	40		
		ex 2008 19 99	50		
	— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
	— Groundnut flours and meals	ex 1208 90 00	20		
	— Groundnuts paste <i>(Food and feed)</i>	ex 2007 10 10	80		
		ex 2007 10 99	50		
		ex 2007 99 39	07; 08		
	Peppers of the genus <i>Capsicum</i> (other than sweet) <i>(Food – fresh, chilled or frozen)</i>	ex 0709 60 99;	20	Pesticide residues ⁽⁴⁾ ⁽⁵⁾	20
		ex 0710 80 59	20		
	Sesamum seeds <i>(Food and feed)</i>	1207 40 90		Salmonella ⁽⁶⁾	20
		ex 2008 19 19	40		
		ex 2008 19 99	40	Pesticide residues ⁽¹⁰⁾	50
	— Locust beans (carob)	1212 92 00		Pesticide residues ⁽¹⁰⁾	20
	— Locust beans seeds, not decorticated, crushed or ground	1212 99 41			
	— Mucilages and thickeners, whether or not modified, derived from locust beans or locust bean seeds <i>(Food and feed)</i>	1302 32 10			

	Guar gum (Food and feed)	ex 1302 32 90		Pesticide residues ⁽¹⁰⁾	20
				Pentachloro-phenol and dioxins ⁽³⁾	5
	Mixtures of food additives containing locust bean gum or guar gum (Food)	ex 2106 90 92 ex 2106 90 98 ex 3824 99 93 ex 3824 99 96		Pesticide residues ⁽¹⁰⁾	20
	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> (Food – dried spices)	0904		Pesticide residues ⁽¹⁰⁾	20
	Vanilla (Food – dried spices)	0905		Pesticide residues ⁽¹⁰⁾	20
	Cinnamon and cinnamon-tree flowers (Food – dried spices)	0906		Pesticide residues ⁽¹⁰⁾	20
	Cloves (whole fruit, cloves and stems) (Food – dried spices)	0907		Pesticide residues ⁽¹⁰⁾	20
	Nutmeg, mace and cardamoms (Food – dried spices)	0908		Pesticide residues ⁽¹⁰⁾	20
	Seeds of anise, badian, fennel, coriander, cumin or caraway, juniper berries (Food – dried spices)	0909		Pesticide residues ⁽¹⁰⁾	20
	Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices (Food – dried spices)	0910		Pesticide residues ⁽¹⁰⁾	20

		Sauces and preparations thereof; mixed condiments and mixed seasonings; mustard flours and meals and prepared mustard (Food)	2103		Pesticide residues ⁽¹⁰⁾	20
		Calcium carbonate (Food and feed)	ex 2106 90 92/98 ex 2530 90 00 ex 2836 50 00		Pesticide residues ⁽¹⁰⁾	30
		Food supplements containing botanicals ⁽¹⁴⁾ (Food)	ex 1302 ex 2106		Pesticide residues ⁽¹⁰⁾	20
12	Iran (IR)	— Pistachios, in shell — Pistachios, shelled — Mixtures of nuts or dried fruits containing pistachios — Pistachio paste — Pistachios, prepared or preserved, including mixtures	0802 51 00 0802 52 00 ex 0813 50 39; ex 0813 50 91; ex 0813 50 99 ex 2007 10 10; ex 2007 10 99; ex 2007 99 39; ex 2007 99 50; ex 2007 99 97 ex 2008 19 13; ex 2008 19 93; ex 2008 97 12; ex 2008 97 14; ex 2008 97 16; ex 2008 97 18; ex 2008 97 32; ex 2008 97 34; ex 2008 97 36; ex 2008 97 38; ex 2008 97 51; ex 2008 97 59; ex 2008 97 72; ex 2008 97 74; ex 2008 97 76;	60 60 60 60 30 03; 04 32 22 20 20 19 19 19 19 19 19 19 19 19 19 19 19 19	Aflatoxins	50

		— Flours, meals and powder of pistachios (Food)	ex 2008 97 78; ex 2008 97 92; ex 2008 97 93; ex 2008 97 94; ex 2008 97 96; ex 2008 97 97; ex 2008 97 98 ex 1106 30 90	19 19 19 19 19 19 19 50		
13	South Korea (KR)	Instant noodles containing spices/seasonings or sauces (Food)	ex 1902 30 10	30	Pesticide residues ⁽¹⁰⁾	20
14	Lebanon (LB)	Turnips (<i>Brassica rapa</i> ssp. <i>rapa</i>) (Food – prepared or preserved by vinegar or acetic acid)	ex 2001 90 97	11; 19	Rhodamine B ⁽¹³⁾	50
		Turnips (<i>Brassica rapa</i> ssp. <i>rapa</i>) (Food – prepared or preserved by brine or citric acid, not frozen)	ex 2005 99 80	93	Rhodamine B ⁽¹³⁾	50
15	Sri Lanka (LK)	Peppers of the genus <i>Capsicum</i> (sweet or other than sweet) (Food – dried, roasted, crushed or ground)	0904 21 10 ex 0904 21 90 ex 0904 22 00 ex 2005 99 10 ex 2005 99 80	20 11; 19 10; 90 94	Aflatoxins	50
16	Malaysia (MY)	Mixtures of food additives containing locust bean gum (Food)	ex 2106 90 92 ex 2106 90 98 ex 3824 99 93 ex 3824 99 96		Pesticide residues ⁽¹⁰⁾	20
17	Nigeria (NG)	Sesamum seeds (Food)	1207 40 90 ex 2008 19 19 ex 2008 19 99	40 40	Salmonella ⁽⁶⁾	50
18	Pakistan (PK)	Peppers of the genus <i>Capsicum</i> (other than sweet) (Food – fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pesticide residues ⁽⁴⁾	20

		— Groundnuts (peanuts), in shell	1202 41 00			
		— Groundnuts (peanuts), shelled	1202 42 00			
		— Peanut butter	2008 11 10			
		— Groundnuts (peanuts), otherwise prepared or preserved, including mixtures	2008 11 91; 2008 11 96; 2008 11 98; ex 2008 19 12; ex 2008 19 19; ex 2008 19 92; ex 2008 19 95; ex 2008 19 99	40 50 40 40 50	Aflatoxins	50
		— Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil	2305 00 00			
		— Groundnut flours and meals	ex 1208 90 00	20		
		— Groundnuts paste <i>(Food and feed)</i>	ex 2007 10 10 ex 2007 10 99 ex 2007 99 39	80 50 07; 08		
		Sesamum seeds <i>(Food)</i>	1207 40 90 ex 2008 19 19 ex 2008 19 99	40 40	Salmonella ⁽⁶⁾	50
20	Türkiye (TR)	— Dried figs	0804 20 90			
		— Mixtures of nuts or dried fruits containing figs	ex 0813 50 99	50		
		— Dried fig paste	ex 2007 10 10; ex 2007 10 99; ex 2007 99 39; ex 2007 99 50; ex 2007 99 97	50 20 01; 02 31 21	Aflatoxins	30
		— Dried figs, prepared or preserved, including mixtures	ex 2008 97 12; ex 2008 97 14; ex 2008 97 16; ex 2008 97 18;	11 11 11 11		

			ex 2008 97 32;	11		
			ex 2008 97 34;	11		
			ex 2008 97 36;	11		
			ex 2008 97 38;	11		
			ex 2008 97 51;	11		
			ex 2008 97 59;	11		
			ex 2008 97 72;	11		
			ex 2008 97 74;	11		
			ex 2008 97 76;	11		
			ex 2008 97 78;	11		
			ex 2008 97 92;	11		
			ex 2008 97 93;	11		
			ex 2008 97 94;	11		
			ex 2008 97 96;	11		
			ex 2008 97 97;	11		
			ex 2008 97 98;	11		
			ex 2008 99 28;	10		
			ex 2008 99 34;	10		
			ex 2008 99 37;	10		
			ex 2008 99 40;	10		
			ex 2008 99 49;	60		
			ex 2008 99 67;	95		
			ex 2008 99 99	60		
		— Flours, meals and powder of dried figs (Food)	ex 1106 30 90	60		
		— Pistachios, in shell	0802 51 00			
		— Pistachios, shelled	0802 52 00			
		— Mixtures of nuts or dried fruits containing pistachios	ex 0813 50 39;	60		
			ex 0813 50 91;	60		
			ex 0813 50 99	60		
		— Pistachio paste	ex 2007 10 10;	60		
			ex 2007 10 99;	30		
			ex 2007 99 39;	03; 04		
			ex 2007 99 50;	32		
			ex 2007 99 97	22		
					Aflatoxins	50

	— Pistachios, prepared or preserved, including mixtures	ex 2008 19 13; ex 2008 19 93; ex 2008 97 12; ex 2008 97 14; ex 2008 97 16; ex 2008 97 18; ex 2008 97 32; ex 2008 97 34; ex 2008 97 36; ex 2008 97 38; ex 2008 97 51; ex 2008 97 59; ex 2008 97 72; ex 2008 97 74; ex 2008 97 76; ex 2008 97 78; ex 2008 97 92; ex 2008 97 93; ex 2008 97 94; ex 2008 97 96; ex 2008 97 97; ex 2008 97 98	20 20 19 19 19 19 19 19 19 19 19 19 19 19 19 19 19 19 19 19 19 19		
	— Flours, meals and powder of pistachios (Food)	ex 1106 30 90	50		
	Vine leaves (Food)	ex 2008 99 99	11; 19	Pesticide residues ⁽⁴⁾ ⁽⁷⁾	50
	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids (Food – fresh or dried)	0805 21; 0805 22; 0805 29		Pesticide residues ⁽⁴⁾	20
	Oranges (Food – fresh or dried)	0805 10		Pesticide residues ⁽⁴⁾	20

		— Locust beans (carob)	1212 92 00			
		— Locust beans seeds, not decorticated, crushed or ground	1212 99 41			
		— Mucilages and thickeners, whether or not modified, derived from locust beans or locust beans seeds (Food and feed)	1302 32 10		Pesticide residues ⁽¹⁰⁾	20
		Mixtures of food additives containing locust bean gum (Food)	ex 2106 90 92 ex 3824 99 93 ex 2106 90 98 ex 3824 99 96		Pesticide residues ⁽¹⁰⁾	20
21	Uganda (UG)	Sesamum seeds (Food)	1207 40 90 ex 2008 19 19 ex 2008 19 99	40 40	Salmonella ⁽⁶⁾	20
22	United States (US)	Vanilla extract (Food)	1302 19 05		Pesticide residues ⁽¹⁰⁾	20
23	Vietnam (VN)	Okra (Food – fresh, chilled or frozen)	ex 0709 99 90; ex 0710 80 95	20 30	Pesticide residues ⁽⁴⁾ ⁽⁸⁾	50
		Pitahaya (dragon fruit) (Food – fresh or chilled)	ex 0810 90 20	10	Pesticide residues ⁽⁴⁾ ⁽⁸⁾	20
		Instant noodles containing spices/seasonings or sauces (Food)	ex 1902 30 10	30	Pesticide residues ⁽¹⁰⁾	20

⁽¹⁾ Where only certain products under any CN code are required to be examined, the CN code is marked 'ex'.

⁽²⁾ The sampling and the analyses shall be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(b) of Annex III.

⁽³⁾ The analytical report referred to in Article 10(3) shall be issued by a laboratory accredited in accordance with standard EN ISO/IEC 17025 for the analysis of pentachlorophenol (PCP) in food and feed.

The analytical report shall indicate:

- (a) the results of sampling and analysis for the presence of PCP, performed by the competent authorities of the country of origin or of the country where the consignment is consigned from if that country is different from the country of origin;
- (b) the measurement uncertainty of the analytical result;
- (c) the limit of detection (LOD) of the analytical method; and
- (d) the LOQ of the analytical method.

The extraction before analysis shall be performed with an acidified solvent. The analysis shall be carried out in accordance with the modified version of the QuEChERS method as set out on the websites of the European Union Reference Laboratories for Residues of Pesticides or in accordance with an equally reliable method.

- (⁴) Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1) that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).
- (⁵) Residues of Carbofuran.
- (⁶) The sampling and the analyses shall be performed in accordance with the sampling procedures and the analytical reference methods set out in point 1(a) of Annex III.
- (⁷) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Metrafenone.
- (⁸) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.
- (⁹) Foodstuffs containing or consisting of betel leaves (*Piper betle*) including, but not limited to, those declared under CN code 1404 90 00.
- (¹⁰) Residues of Ethylene Oxide (sum of ethylene oxide and 2-chloro-ethanol, expressed as ethylene oxide). In case of food additives, the applicable MRL is 0,1 mg/kg (LOQ). Prohibition of use of Ethylene Oxide provided for in Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).
- (¹¹) For the purposes of this Annex, 'Sudan dyes' refers to the following chemical substances: (i) Sudan I (CAS Number 842-07-9); (ii) Sudan II (CAS Number 3118-97-6); (iii) Sudan III (CAS Number 85-86-9); (iv) Scarlet Red or Sudan IV (CAS Number 85-83-6). Residues of Sudan dyes, using a method of analysis with an LOQ, shall be lower than 0,5 mg/kg.
- (¹²) Residues of Amitraz (amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz), Diafenthiuron, Dicofol (sum of p, p' and o,p' isomers) and Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram).
- (¹³) Residues of Acephate.
- (¹⁴) Both finished products and raw materials containing any botanicals intended for the production of food supplements declared under CN codes mentioned in column 'CN code'.
- (¹⁵) For purpose of this Annex, residues of Rhodamine B, using a method of analysis with an LOQ, shall be lower than 0,1 mg/kg.

2. Food referred to in Article 1(1), point (b)(ii)

Row	Food consisting of two or more ingredients, containing any of the individual products listed in the table in point 1 due to risk of contamination by aflatoxins in a quantity above 20 % of either a single product or as the sum of products listed	
	CN code (¹)	Description (²)
1	ex 1704 90	Sugar confectionery (including white chocolate), not containing cocoa, other than chewing gum, whether or not sugar-coated
2	ex 1806	Chocolate and other food preparations containing cocoa
3	ex 1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa, communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products'

(¹) Where only certain products under any CN code are required to be examined, the CN code is marked 'ex'.

(²) The description of the goods is as laid down in the description column of the CN in Annex I to 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).

DIRECTIVES

COMMISSION DIRECTIVE (EU) 2023/175

of 26 January 2023

amending Directive 2009/32/EC of the European Parliament and of the Council as regards 2-methyloxolane

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients ⁽¹⁾, and in particular points (a) and (d) of the first subparagraph of Article 4 thereof,

Whereas:

- (1) Directive 2009/32/EC applies to extraction solvents used or intended for use in the production of foodstuffs or food ingredients. That Directive does not apply to extraction solvents used in the production of food additives, vitamins and other nutritional additives, unless such food additives, vitamins or nutritional additives are listed in its Annex I.
- (2) On 6 January 2020, an application was submitted by Pennakem Europa requesting the authorisation of 2-methyloxolane as an extraction solvent. According to the applicant, 2-methyloxolane could be used as an alternative to the currently permitted hexane. In particular, for the extraction processes in the production or fractionation of fats, oils or cocoa butter, in the preparation of defatted protein products, defatted flours, and in the preparation of defatted cereal germs and flavourings from natural flavouring materials. The application was subsequently made available to the Member States.
- (3) The European Food Safety Authority ('the Authority') evaluated the safety of the proposed use of 2-methyloxolane as a food extraction solvent. In the Authority's opinion ⁽²⁾ adopted on 26 January 2022, a tolerable daily intake ('TDI') of 1 mg/kg bw per day was established. The Authority noted that the established TDI is not exceeded in any of the population groups at the mean and the 95th percentile exposure and concluded that the extraction solvent 2-methyloxolane does not raise a safety concern when used as intended and when respecting the proposed maximum residue limits (MRLs). 2-methyloxolane, as evaluated by the Authority, is obtained with a purity superior to 99,9 %. Furan and 2-methylfuran, the impurities with the highest potentially hazardous properties, do not pose a safety concern if present at their maximum limits of 50 mg/kg and 500 mg/kg respectively, in accordance with the specifications.
- (4) Therefore, it is appropriate to authorise the use of 2-methyloxolane as an extraction solvent in the production or fractionation of fats, oils or cocoa butter, in the preparation of defatted protein products, defatted flours, preparation of defatted cereal germs and flavourings from natural flavouring materials. It is also appropriate to establish specific purity criteria for 2-methyloxolane.
- (5) Directive 2009/32/EC should therefore be amended accordingly.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 141, 6.6.2009, p. 3.

⁽²⁾ EFSA Journal 2022;20(3):7138

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 2009/32/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 2 years after the date of entry into force of this Directive. They shall forthwith communicate to the Commission the text of those provisions.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 26 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Directive 2009/32/EC is amended as follows:

(a) In Part II, the following new entry is inserted after the entry for hexane:

'2-methyloxolane	Production or fractionation of fats and oils and production of cocoa butter	1 mg/kg in the fat or oil or cocoa butter
	Preparation of defatted protein products and defatted flours	10 mg/kg in the food containing the defatted protein products and the defatted flours
		30 mg/kg in the defatted soya products as sold to the final consumer
	Preparation of defatted cereal germs	5 mg/kg in the defatted cereal germs'

(b) In Part III, the following new entry is inserted after the entry for hexane:

'2-methyloxolane	1 mg/kg'
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(c) A new Part IV is added:

PART IV

Specific purity criteria for the extraction solvents listed in Annex I

2-methyloxolane	
CAS number	96-47-9
Assay	Content not less than 99,9 % expressed on dry basis
Purity	
Furan	Not more than 50 mg/kg (expressed on dry basis)
2-methylfuran	Not more than 500 mg/kg (expressed on dry basis)
Ethanol	Not more than 450 mg/kg (expressed on dry basis)'

DECISIONS

COMMISSION DECISION (EU) 2023/176

of 14 December 2022

on the consistency of the performance targets contained in the revised draft performance plan submitted by France pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period

(notified under document C(2022) 9230)

(Only the English text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) ⁽¹⁾, and in particular Article 11(3), point (c) thereof,

Having regard to Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 ⁽²⁾, and in particular Article 15(2) thereof,

Whereas:

GENERAL CONSIDERATIONS

- (1) Pursuant to Article 10 of Implementing Regulation (EU) 2019/317, Member States are to draw up performance plans, either at national level or at functional airspace blocks level ('FAB'), which have to include binding performance targets for each reference period of the performance scheme for air navigation services and network functions. Those performance targets are to be consistent with the Union-wide targets adopted by the Commission for the reference period concerned.
- (2) Union-wide performance targets for the third reference period ('RP3') were originally set out in Commission Implementing Decision (EU) 2019/903 ⁽³⁾. Since those Union-wide performance targets and the draft RP3 performance plans subsequently submitted in October 2019 by Member States were drawn up before the outbreak of the COVID-19 pandemic in March 2020, they did not take account of the considerable reduction in air traffic due to the measures taken by the Member States and third countries to contain the pandemic.

⁽¹⁾ OJ L 96, 31.3.2004, p. 1.

⁽²⁾ OJ L 56, 25.2.2019, p. 1.

⁽³⁾ Commission Implementing Decision (EU) 2019/903 of 29 May 2019 setting the Union-wide performance targets for the air traffic management network for the third reference period starting on 1 January 2020 and ending on 31 December 2024 (OJ L 144, 3.6.2019, p. 49).

- (3) In response to the impact of the COVID-19 pandemic on the provision of air navigation services, exceptional measures for RP3, which derogate from the provisions of Implementing Regulation (EU) 2019/317, were set out in Commission Implementing Regulation (EU) 2020/1627 ⁽⁴⁾. The Commission adopted, on 2 June 2021, Commission Implementing Decision (EU) 2021/891 ⁽⁵⁾ setting revised Union-wide performance targets for RP3. On that basis, in October 2021, Member States submitted to the Commission draft performance plans containing revised local performance targets for RP3.
- (4) The Commission adopted, on 13 April 2022, Commission Implementing Decision (EU) 2022/728 ⁽⁶⁾ addressed to Belgium, Germany, Greece, France, Cyprus, Latvia, Luxembourg, Malta, the Netherlands, Romania, and Sweden. That Decision set out that in respect of the draft performance plan established at functional airspace block level by the French Republic ('France'), jointly with Belgium, Germany, Luxembourg, and the Netherlands ('draft FABEC performance plan'), the *en route* cost-efficiency performance targets for the Belgium-Luxembourg charging zone are not consistent with the Union-wide performance targets, and issued recommendations for the revision of those targets. Implementing Decision (EU) 2022/728 did not include any findings with regard to the performance targets applicable to air navigation services provided in the airspace of France.
- (5) In response to Russia's war of aggression against Ukraine, which started on 24 February 2022, the Union has imposed restrictive measures which prohibit Russian air carriers, any Russian-registered aircraft and any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, from landing in and taking off from, or overflying the territory of the Union. Those restrictive measures and the counter-measures adopted by Russia have led to changes in air traffic in European airspace. Certain Member States have been severely affected by a significant reduction in the number of overflights in the airspace under their responsibility. However, at Union-wide level, the observed impact on the number of flights has been limited in contrast with the sharp reduction of air traffic across Europe which resulted from the outbreak of the COVID-19 pandemic.
- (6) On 13 July 2022, France, jointly with Belgium, Germany, Luxembourg, and the Netherlands, submitted to the Commission a revised draft FABEC performance plan for RP3.
- (7) On 24 October 2022, the Commission concluded that the revised cost-efficiency performance targets proposed for the Belgium-Luxembourg *en route* charging zone continue to give rise to doubts as to their consistency with the Union-wide performance targets. The Commission therefore initiated the detailed examination in accordance with Article 15(3) of Implementing Regulation (EU) 2019/317 in respect of those performance targets, included in the revised draft FABEC performance plan submitted on 13 July 2022. The Commission notified Belgium, France, Germany, Luxembourg and the Netherlands thereof by its Decision (EU) 2022/2255 ⁽⁷⁾.
- (8) On 28 October 2022, France informed the Commission that it has withdrawn from the revised draft FABEC performance plan, and submitted to the Commission a revised draft performance plan for RP3 established at national level (the 'revised draft national performance plan'). The revised draft national performance plan maintains the performance targets for air navigation services provided in the airspace of France at the level set in the revised draft FABEC performance plan submitted on 13 July 2022. There were effectively no additional performance benefits or synergies for France deriving from the revised draft FABEC performance plan. The revised draft national performance plan does not list any negative impact resulting from the discontinuation of the performance planning and target setting activities at FABEC level.

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to COVID-19 pandemic (OJ L 366, 4.11.2020, p. 7).

⁽⁵⁾ Commission Implementing Decision (EU) 2021/891 of 2 June 2021 setting revised Union-wide performance targets for the air traffic management network for the third reference period (2020-2024) and repealing Implementing Decision (EU) 2019/903 (OJ L 195, 3.6.2021, p. 3).

⁽⁶⁾ Commission Implementing Decision (EU) 2022/728 of 13 April 2022 on the inconsistency of certain performance targets contained in the draft national and functional airspace block performance plans submitted by Belgium, Germany, Greece, France, Cyprus, Latvia, Luxembourg, Malta, the Netherlands, Romania, and Sweden pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period and setting out recommendations for the revision of those targets (OJ L 135, 12.5.2022, p. 4).

⁽⁷⁾ Commission Decision (EU) 2022/2255 of 24 October 2022 on the initiation of the detailed examination of certain performance targets contained in the revised draft performance plan for the third reference period submitted at functional airspace block level by Belgium, Germany, France, Luxembourg, and the Netherlands pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council (OJ L 297, 17.11.2022, p. 71).

- (9) The performance review body, assisting the Commission in the implementation of the performance scheme pursuant to Article 11(2) of Regulation (EC) No 549/2004, has submitted to the Commission a report containing its assessment of the revised draft national performance plan.
- (10) In accordance with Article 15(1) of Implementing Regulation (EU) 2019/317, the Commission, taking account of local circumstances, has assessed the consistency of the local performance targets included in the revised draft national performance plan of France on the basis of the assessment criteria laid down in point 1 of Annex IV to that Regulation. In respect of each key performance area and the related performance targets, the Commission has complemented its assessment by reviewing the elements set out in point 2 of Annex IV to Implementing Regulation (EU) 2019/317.
- (11) The Eurocontrol's Statistics and Forecast Service ('STATFOR') base traffic forecast published in June 2022 takes account of the change in circumstances with respect to air traffic in the European airspace following Russia's war of aggression against Ukraine. On the basis of that forecast, the Commission notes that France is not expected to experience major changes in air traffic flows over RP3 as a result of Russia's war of aggression against Ukraine. Therefore, that change in circumstances does not directly impact the performance targets contained in the revised draft national performance plan or the Commission's assessment of those targets in respect of their consistency with the Union-wide performance targets.
- (12) France exceptionally agrees to waive its rights deriving from Article 342 of the Treaty on the Functioning of the European Union, in conjunction with Article 3 of Regulation No 1/1958 ⁽⁸⁾ and to have this Decision adopted and notified in English.

COMMISSION ASSESSMENT

Assessment of performance targets in the key performance area of safety

- (13) Concerning the key performance area of safety, the Commission has assessed the consistency of the targets included in the revised draft national performance plan submitted by France regarding the effectiveness of safety management of air navigation service providers based in accordance with point 1.1 of Annex IV to Implementing Regulation (EU) 2019/317.
- (14) The local safety performance targets proposed by France in respect of the effectiveness of safety management, broken down per safety management objective and expressed as a level of implementation, are as follows:

France	Targets on the effectiveness of safety management, expressed as a level of implementation, ranging from European Aviation Safety Agency ('EASA') level A to D				
Air navigation service provider concerned	Safety management objective	2022	2023	2024	Union-wide targets (2024)
DSNA	Safety policy and objectives	C	C	C	C
	Safety risk management	D	D	D	D
	Safety assurance	C	C	C	C
	Safety promotion	C	C	C	C
	Safety culture	C	C	C	C

⁽⁸⁾ Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385/58).

- (15) The safety performance targets proposed by France for the air navigation service provider, namely Direction des Services de la Navigation Aérienne ('DSNA'), are consistent with the Union-wide performance targets.
- (16) The Commission notes that the revised draft national performance plan sets out measures for DSNA for the achievement of the local safety targets, such as actions supporting safety culture, updated processes for hazard identification and analysis, and improvements in safety risk management.
- (17) Therefore, in the light of recitals 14, 15 and 16 and considering that the Union-wide safety performance targets set in Implementing Decision (EU) 2021/891 are to be achieved by the final year of RP3, namely 2024, the targets in the key performance area of safety included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Assessment of performance targets in the key performance area of environment

- (18) Concerning the key performance area of environment, the consistency of the targets submitted by France regarding the average horizontal *en route* flight efficiency of the actual trajectory has been assessed in accordance with point 1.2 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the proposed targets included in the revised draft national performance plan have been compared with the relevant *en route* horizontal flight efficiency reference values set out in the European Route Network Improvement Plan ('ERNIP') available on 2 June 2021, the date of adoption of the revised Union-wide performance targets for RP3.
- (19) In respect of the year 2020, the Union-wide performance target for RP3 in the key performance area of environment, which was initially set out in Implementing Decision (EU) 2019/903, before the outbreak of the COVID-19 pandemic, was not revised by Implementing Decision (EU) 2021/891, in so far as the period for the application of that target had expired and its implementation had thus become definitive leaving no possibility for retroactive adjustments. Similarly, it is not possible to modify retroactively, in the revised draft performance plans, the local environment performance targets for the year 2021 set by Member States in the draft performance plans submitted in October 2021. Therefore, the consistency of the local environment performance targets with the corresponding Union-wide performance targets should be assessed with regard to the years 2022, 2023 and 2024.
- (20) The performance targets in the key performance area of environment proposed by France and the corresponding national reference values for RP3 from the ERNIP, expressed as the average horizontal *en route* flight efficiency of the actual trajectory, are as follows:

France	2022	2023	2024
Targets in the key performance area of environment , expressed as the average horizontal <i>en route</i> flight efficiency of the actual trajectory	2,83 %	2,83 %	2,83 %
Reference values	2,83 %	2,83 %	2,83 %

- (21) The Commission observes that the environment performance targets proposed by France are equal to the corresponding national reference values for each of the years 2022, 2023 and 2024.
- (22) The Commission notes that in its revised draft national performance plan France has presented measures for the achievement of the local environment targets which include improved route availability, the deployment of performance-based navigation and continuous descent operations, the improvement of flexible use of airspace as well as the implementation of free route airspace. The Commission further invites France to put in place all the recommended measures from the ERNIP to improve *en route* trajectories.
- (23) Therefore, in the light of recitals 20, 21 and 22, the targets in the key performance area of environment included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Assessment of performance targets in the key performance area of capacity

- (24) Concerning the key performance area of capacity, the consistency of the targets submitted by France regarding the average *en route* air traffic flow management ('ATFM') delay per flight has been assessed in accordance with point 1.3 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the targets included in the revised draft performance plan have been compared with the relevant reference values set out in the Network Operations Plan available on 2 June 2021, date of adoption of the revised Union-wide performance targets for RP3.
- (25) In respect of the year 2020, the Union-wide performance target for RP3 in the key performance area of capacity, which was initially set out in Implementing Decision (EU) 2019/903, before the outbreak of the COVID-19 pandemic, was not revised by Implementing Decision (EU) 2021/891 in so far as the period for the application of that target had expired and its implementation had thus become definitive leaving no possibility for retroactive adjustments. Similarly, it is not possible to modify retroactively, in the revised draft performance plans, the local capacity performance targets for the year 2021 set by Member States in the draft performance plans submitted in October 2021. Therefore, the consistency of the local capacity performance targets with the corresponding Union-wide performance targets should be assessed with regard to the years 2022, 2023 and 2024.
- (26) The *en route* capacity targets proposed by France for RP3, expressed in minutes of ATFM delay per flight, as well as the corresponding reference values from the Network Operations Plan, are as follows:

France	2022	2023	2024
Targets in the key performance area of capacity , expressed in minutes of ATFM delay per flight	0,25	0,25	0,25
Reference values	0,25	0,25	0,25

- (27) The Commission observes that the capacity targets proposed by France are equal to the corresponding national reference values for each of the years 2022, 2023 and 2024.
- (28) The Commission notes that, in its revised draft national performance plan, France has presented measures for the achievement of the local *en route* capacity targets. Those measures include the modernisation of air traffic management systems and tools, an increased number of air traffic controller ('ATCO') full-time equivalents, improvements in the organisation of ATCO training and rostering, and increased flexibility in respect of ATCO working hours.
- (29) Therefore, in the light of recitals 26, 27 and 28, the targets in the key performance area of capacity included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Review of capacity targets for terminal air navigation services

- (30) With regard to airports which fall within the scope of Implementing Regulation (EU) 2019/317 as set out in Article 1(3) and (4) of that Regulation, the Commission has complemented its assessment of *en route* capacity targets by reviewing the capacity targets for terminal air navigation services in accordance with point 2.1(b) of Annex IV to Implementing Regulation (EU) 2019/317. It was found that those targets do not raise concerns in respect of France.

Assessment of performance targets in the key performance area of cost-efficiency

- (31) The Commission has assessed the consistency of the cost-efficiency targets proposed in the revised draft national performance plan in accordance with points 1.4(a), (b) and (c) of Annex IV to Implementing Regulation (EU) 2019/317.
- (32) The *en route* cost-efficiency targets proposed by France for RP3 are as follows:

<i>En route</i> charging zone of France	2014 baseline value	2019 baseline value	2020 -2021	2022	2023	2024
<i>En route</i> cost-efficiency targets, expressed as determined <i>en route</i> unit cost (in real terms in 2017 prices)	65,24 EUR	59,43 EUR	132,06 EUR	76,14 EUR	62,09 EUR	58,56 EUR

- (33) As regards point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the *en route* determined unit cost ("DUC") trend at charging zone level of -0,4 % over RP3 outperforms the Union-wide trend of +1,0 % over the same period.
- (34) As regards point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term *en route* DUC trend at charging zone level over the second reference period ("RP2") and RP3 of -1,2 % underperforms the long-term Union-wide trend of -1,3 % over the same period.
- (35) As regards point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 59,43 of France, expressed in 2017 prices ("EUR2017"), is 1,8 % lower than the average baseline value of 60,53 in EUR2017 of the relevant comparator group.
- (36) It is clear that France's DUC trend over RP3 outperforms the corresponding Union-wide trend and that France's baseline value for 2019 is below the comparator group average. Furthermore, France demonstrates a notable reduction of the DUC over RP2 and RP3. Therefore, the Commission considers that, in respect of France, the minor deviation from the Union-wide long-term DUC trend referred to in recital 34 does not preclude the cost-efficiency performance targets from being consistent with the Union-wide cost-efficiency performance targets.
- (37) Therefore, in the light of recitals 32 to 36, the targets in the key performance area of cost-efficiency included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Review of cost-efficiency targets for terminal air navigation services

- (38) With regard to airports which fall within the scope of Implementing Regulation (EU) 2019/317 as set out in Articles 1(3) and (4) of that Regulation, the Commission has complemented its assessment of the *en route* cost-efficiency targets by reviewing the cost-efficiency targets for terminal air navigation services in accordance with point 2.1(c) of Annex IV to Implementing Regulation (EU) 2019/317. It was found that those targets do not raise concerns in respect of France.

Review of the incentive schemes referred to in Article 11 of Implementing Regulation (EU) 2019/317 complementing the Commission's assessment of capacity targets

- (39) In accordance with point 2.1(f) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of capacity targets by reviewing the incentive schemes referred to in Article 11 of Implementing Regulation (EU) 2019/317. In that respect, the Commission has examined whether the proposed incentive schemes fulfil the substantive requirements set out in Article 11(1) and (3) of Implementing Regulation (EU) 2019/317.
- (40) In Implementing Decision (EU) 2022/728, the Commission concluded that France is to revise its incentive schemes for achieving *en route* and terminal capacity targets in such a way that the maximum financial disadvantage stemming from those incentive schemes is set at a level having a material impact on the revenue at risk. The Commission, however, notes that France has not made any changes to those incentive schemes in comparison with the draft FABEC performance plan submitted in 2021 and the revised draft FABEC performance plan submitted on 13 July 2022.
- (41) Therefore, in the light of recital 40, the Commission concludes that the incentive schemes set out in the revised draft national performance plan continue to give rise to concerns. The Commission therefore reiterates its view that France should revise, in connection with the adoption of its final performance plan in accordance with Article 16, point (a) of Implementing Regulation (EU) 2019/317, its incentive schemes for achieving *en route* and terminal capacity targets in such a way that the maximum financial disadvantages stemming from those incentive schemes are set at a level having a material impact on the revenue at risk, as expressly required by Article 11(3), point (a) of Implementing Regulation (EU) 2019/317, which in the Commission's view should lead to a maximum financial disadvantage equal to or higher than 1 % of determined costs.

CONCLUSIONS

- (42) In the light of all the foregoing, the Commission finds that the performance targets included in the revised draft national performance plan submitted by France are consistent with the Union-wide performance targets,

HAS ADOPTED THIS DECISION:

Article 1

The performance targets included in the revised draft performance plan submitted by France on 28 October 2022, pursuant to Regulation (EC) No 549/2004, and listed in the Annex to this Decision, are consistent with the Union-wide performance targets for the third reference period set out in Implementing Decision (EU) 2021/891.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 14 December 2022.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

ANNEX

Performance targets included in the revised draft performance plan submitted by France pursuant to Regulation (EC) No 549/2004, found to be consistent with the Union-wide performance targets for the third reference period

KEY PERFORMANCE AREA OF SAFETY**Effectiveness of safety management**

France	Targets on the effectiveness of safety management, expressed as a level of implementation, ranging from EASA level A to D			
Air navigation service provider concerned	Safety management objective	2022	2023	2024
DSNA	Safety policy and objectives	C	C	C
	Safety risk management	D	D	D
	Safety assurance	C	C	C
	Safety promotion	C	C	C
	Safety culture	C	C	C

KEY PERFORMANCE AREA OF ENVIRONMENT**Average horizontal *en route* flight efficiency of the actual trajectory**

France	2022	2023	2024
Targets in the key performance area of environment, expressed as the average horizontal <i>en route</i> flight efficiency of the actual trajectory	2,83 %	2,83 %	2,83 %

KEY PERFORMANCE AREA OF CAPACITY**Average *en route* ATFM delay in minutes per flight**

France	2022	2023	2024
Targets in the key performance area of capacity, expressed in minutes of ATFM delay per flight	0,25	0,25	0,25

KEY PERFORMANCE AREA OF COST-EFFICIENCY**Determined unit cost for *en route* air navigation services**

<i>En route</i> charging zone of France	2014 baseline value	2019 baseline value	2020 -2021	2022	2023	2024
<i>En route</i> cost-efficiency targets, expressed as determined <i>en route</i> unit cost (in real terms in 2017 prices)	65,24 EUR	59,43 EUR	132,06 EUR	76,14 EUR	62,09 EUR	58,56 EUR

COMMISSION DECISION (EU) 2023/177**of 14 December 2022****on the consistency of the performance targets contained in the revised draft performance plan submitted by Germany pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period***(notified under document C(2022) 9233)***(Only the English text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) ⁽¹⁾, and in particular Article 11(3), point (c) thereof,

Having regard to Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 ⁽²⁾, and in particular Article 15(2) thereof,

Whereas:

GENERAL CONSIDERATIONS

- (1) Pursuant to Article 10 of Implementing Regulation (EU) 2019/317, Member States are to draw up performance plans, either at national level or at functional airspace blocks level ('FAB'), which have to include binding performance targets for each reference period of the performance scheme for air navigation services and network functions. Those performance targets are to be consistent with the Union-wide targets adopted by the Commission for the reference period concerned.
- (2) Union-wide performance targets for the third reference period ('RP3') were originally set out in Commission Implementing Decision (EU) 2019/903 ⁽³⁾. Since those Union-wide performance targets and the draft RP3 performance plans subsequently submitted in October 2019 by Member States were drawn up before the outbreak of the COVID-19 pandemic in March 2020, they did not take account of the considerable reduction in air traffic due to the measures taken by the Member States and third countries to contain the pandemic.
- (3) In response to the impact of the COVID-19 pandemic on the provision of air navigation services, exceptional measures for RP3, which derogate from the provisions of Implementing Regulation (EU) 2019/317, were set out in Commission Implementing Regulation (EU) 2020/1627 ⁽⁴⁾. The Commission adopted, on 2 June 2021, Commission Implementing Decision (EU) 2021/891 ⁽⁵⁾ setting revised Union-wide performance targets for RP3. On that basis, in October 2021, Member States submitted to the Commission draft performance plans containing revised local performance targets for RP3.

⁽¹⁾ OJ L 96, 31.3.2004, p. 1.

⁽²⁾ OJ L 56, 25.2.2019, p. 1.

⁽³⁾ Commission Implementing Decision (EU) 2019/903 of 29 May 2019 setting the Union-wide performance targets for the air traffic management network for the third reference period starting on 1 January 2020 and ending on 31 December 2024 (OJ L 144, 3.6.2019, p. 49).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to COVID-19 pandemic (OJ L 366, 4.11.2020, p. 7).

⁽⁵⁾ Commission Implementing Decision (EU) 2021/891 of 2 June 2021 setting revised Union-wide performance targets for the air traffic management network for the third reference period (2020-2024) and repealing Implementing Decision (EU) 2019/903 (OJ L 195, 3.6.2021, p. 3).

- (4) The Commission adopted, on 13 April 2022, Commission Implementing Decision (EU) 2022/728 ⁽⁶⁾ addressed to Belgium, Germany, Greece, France, Cyprus, Latvia, Luxembourg, Malta, the Netherlands, Romania and Sweden. That Decision set out that, in respect of the draft performance plan established at functional airspace block level by the Federal Republic of Germany ('Germany'), jointly with Belgium, France, Luxembourg, and the Netherlands ('draft FABEC performance plan'), the *en route* cost-efficiency performance targets for the Belgium-Luxembourg charging zone were not consistent with the Union-wide performance targets, and issued recommendations for the revision of those targets. Implementing Decision (EU) 2022/728 did not include any findings with regard to the performance targets applicable to air navigation services provided in the airspace of Germany.
- (5) In response to Russia's war of aggression against Ukraine, which started on 24 February 2022, the Union has imposed restrictive measures which prohibit Russian air carriers, any Russian-registered aircraft and any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, from landing in and taking off from, or overflying the territory of the Union. Those restrictive measures and the counter-measures adopted by Russia have led to changes in air traffic in European airspace. Certain Member States have been severely affected by a significant reduction in the number of overflights in the airspace under their responsibility. However, at Union-wide level, the observed impact on the number of flights has been limited in contrast with the sharp reduction of air traffic across Europe which resulted from the outbreak of the COVID-19 pandemic.
- (6) On 13 July 2022, Germany, jointly with Belgium, France, Luxembourg and the Netherlands, submitted to the Commission a revised draft FABEC performance plan for RP3.
- (7) On 24 October 2022, the Commission concluded that the revised cost-efficiency performance targets proposed for the Belgium-Luxembourg *en route* charging zone continue to give rise to doubts as to their consistency with the Union-wide performance targets. The Commission therefore initiated the detailed examination in accordance with Article 15(3) of Implementing Regulation (EU) 2019/317 in respect of those performance targets, which are contained in the revised draft FABEC performance plan submitted on 13 July 2022. The Commission notified Belgium, France, Germany, Luxembourg, and the Netherlands thereof by its Decision (EU) 2022/2255 ⁽⁷⁾.
- (8) On 3 November 2022, Germany informed the Commission that it has withdrawn from the revised draft FABEC performance plan, and submitted to the Commission a revised draft performance plan for RP3 established at national level (the 'revised draft national performance plan'). The revised draft national performance plan maintains the performance targets for air navigation services provided in the airspace of Germany at the level set in the revised draft FABEC performance plan submitted on 13 July 2022. There were effectively no additional performance benefits or synergies for Germany deriving from the revised draft FABEC performance plan. The revised draft national performance plan does not list any negative impact resulting from the discontinuation of the performance planning and target setting activities at FABEC level.
- (9) The performance review body, assisting the Commission in the implementation of the performance scheme pursuant to Article 11(2) of Regulation (EC) No 549/2004, has submitted to the Commission a report containing its assessment of the revised draft national performance plan.

⁽⁶⁾ Commission Implementing Decision (EU) 2022/728 of 13 April 2022 on the inconsistency of certain performance targets contained in the draft national and functional airspace block performance plans submitted by Belgium, Germany, Greece, France, Cyprus, Latvia, Luxembourg, Malta, the Netherlands, Romania, and Sweden pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period and setting out recommendations for the revision of those targets (OJ L 135, 12.5.2022, p. 4).

⁽⁷⁾ Commission Decision (EU) 2022/2255 of 24 October 2022 on the initiation of the detailed examination of certain performance targets contained in the revised draft performance plan for the third reference period submitted at functional airspace block level by Belgium, Germany, France, Luxembourg, and the Netherlands pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council (OJ L 297, 17.11.2022, p. 71).

- (10) In accordance with Article 15(1) of Implementing Regulation (EU) 2019/317, the Commission, taking account of local circumstances, has assessed the consistency of the local performance targets included in the revised draft national performance plan on the basis of the assessment criteria laid down in point 1 of Annex IV to that Regulation. In respect of each key performance area and the related performance targets, the Commission has complemented its assessment by reviewing the elements set out in point 2 of Annex IV to Implementing Regulation (EU) 2019/317.
- (11) The Eurocontrol's Statistics and Forecast Service ("STATFOR") base traffic forecast published in June 2022 takes account of the change in circumstances with respect to air traffic in the European airspace following Russia's war of aggression against Ukraine. On the basis of that forecast, the Commission notes that Germany is not expected to experience major changes in air traffic flows over RP3 as a result of Russia's war of aggression against Ukraine. Therefore, that change in circumstances does not directly impact the performance targets contained in the revised draft national performance plan or the Commission's assessment of those targets in respect of their consistency with the Union-wide performance targets.
- (12) Germany exceptionally agrees to waive its rights deriving from Article 342 of the Treaty on the Functioning of the European Union, in conjunction with Article 3 of Regulation No 1/1958 ⁽⁸⁾ and to have this Decision adopted and notified in English.

COMMISSION ASSESSMENT

Assessment of performance targets in the key performance area of safety

- (13) Concerning the key performance area of safety, the Commission has assessed the consistency of the targets included in the revised draft national performance plan submitted by Germany regarding the effectiveness of safety management of air navigation service providers ('ANSPs') in accordance with point 1.1 of Annex IV to Implementing Regulation (EU) 2019/317.
- (14) The local safety performance targets proposed by Germany in respect of the effectiveness of safety management, broken down per safety management objective and expressed as a level of implementation, are as follows:

Germany	Targets on the effectiveness of safety management, expressed as a level of implementation, ranging from European Aviation Safety Agency ('EASA') level A to D				
Air navigation service provider concerned	Safety management objective	2022	2023	2024	Union-wide targets (2024)
DFS	Safety policy and objectives	C	C	C	C
	Safety risk management	C	D	D	D
	Safety assurance	B	C	C	C
	Safety promotion	C	C	C	C
	Safety culture	C	C	C	C

⁽⁸⁾ Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385/58).

- (15) The safety performance targets proposed by Germany for the air navigation services provider ('ANSP'), namely Deutsche Flugsicherung ('DFS'), are consistent with the Union-wide performance targets.
- (16) The Commission notes that the revised draft national performance plan sets out measures for DFS for the achievement of the local safety targets, such as regular safety culture surveys and campaigns, regular updates of the safety plan of the ANSP, and a dedicated change management process.
- (17) Therefore, in the light of recitals 14, 15 and 16, and considering that the Union-wide safety performance targets set in Implementing Decision (EU) 2021/891 are to be achieved by the final year of RP3, namely 2024, the targets in the key performance area of safety included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Assessment of performance targets in the key performance area of environment

- (18) Concerning the key performance area of environment, the consistency of the targets submitted by Germany regarding the average horizontal *en route* flight efficiency of the actual trajectory has been assessed in accordance with point 1.2 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the proposed targets included in the revised draft national performance plan have been compared with the relevant *en route* horizontal flight efficiency reference values set out in the European Route Network Improvement Plan ('ERNIP') available on 2 June 2021, date of adoption of the revised Union-wide performance targets for RP3.
- (19) In respect of the year 2020, the Union-wide performance target for RP3 in the key performance area of environment, which was initially set out in Implementing Decision (EU) 2019/903, before the outbreak of the COVID-19 pandemic, was not revised by Implementing Decision (EU) 2021/891, in so far as the period for the application of that target had expired and its implementation had thus become definitive leaving no possibility for retroactive adjustments. Similarly, it is not possible to modify retroactively, in the revised draft performance plans, the local environment performance targets for the year 2021 set by Member States in the draft performance plans submitted in October 2021. Therefore, the consistency of the local environment performance targets with the corresponding Union-wide performance targets should be assessed with regard to the years 2022, 2023 and 2024.
- (20) The performance targets in the key performance area of environment proposed by Germany and the corresponding national reference values for RP3 from the ERNIP, expressed as the average horizontal *en route* flight efficiency of the actual trajectory, are as follows:

Germany	2022	2023	2024
Targets in the key performance area of environment, expressed as the average horizontal <i>en route</i> flight efficiency of the actual trajectory	2,30 %	2,30 %	2,30 %
Reference values	2,30 %	2,30 %	2,30 %

- (21) The Commission observes that the environment targets proposed by Germany are equal to the corresponding national reference values for each of the years 2022, 2023 and 2024.
- (22) The Commission notes that, in its revised draft national performance plan, Germany has presented various measures for the achievement of the local environment targets which include cross-border free route operations with six neighbouring countries, as well as the removal of route restrictions and flight level caps. The Commission further invites Germany to put in place all the recommended measures from the ERNIP to improve *en route* trajectories.

- (23) Therefore, in the light of recitals 20, 21 and 22, the targets in the key performance area of environment included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Assessment of performance targets in the key performance area of capacity

- (24) Concerning the key performance area of capacity, the consistency of the targets submitted by Germany regarding the average *en route* air traffic flow management (ATFM) delay per flight has been assessed in accordance with point 1.3 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the targets included in the revised draft performance plan have been compared with the relevant reference values set out in the Network Operations Plan available on 2 June 2021, date of adoption of the revised Union-wide performance targets for RP3.
- (25) In respect of the year 2020, the Union-wide performance target for RP3 in the key performance area of capacity, which was initially set out in Implementing Decision (EU) 2019/903, before the outbreak of the COVID-19 pandemic, was not revised by Implementing Decision (EU) 2021/891 in so far as the period for the application of that target had expired and its implementation had thus become definitive leaving no possibility for retroactive adjustments. Similarly, it is not possible to modify retroactively, in the revised draft performance plans, the local capacity performance targets for the year 2021 set by Member States in the draft performance plans submitted in October 2021. Therefore, the consistency of the local capacity performance targets with the corresponding Union-wide performance targets should be assessed with regard to the years 2022, 2023 and 2024.
- (26) The *en route* capacity targets proposed by Germany for RP3, expressed in minutes of ATFM delay per flight, as well as the corresponding reference values from the Network Operations Plan, are as follows:

Germany	2022	2023	2024
Targets in the key performance area of capacity, expressed in minutes of ATFM delay per flight	0,27	0,27	0,27
Reference values	0,27	0,27	0,27

- (27) The Commission observes that the capacity targets proposed by Germany are equal to the corresponding national reference values for each of the years 2022, 2023 and 2024.
- (28) The Commission notes that, in its revised draft national performance plan, Germany has presented measures for the achievement of the local *en route* capacity targets. Those measures include a technical upgrade of the air traffic management system, airspace restructuring, enhanced civil-military coordination, the increased number of air traffic controller full-time equivalents, more flexible rostering for air traffic control, and cross-border initiatives to enhance interoperability and operational efficiencies.
- (29) Therefore, in the light of recitals 26, 27 and 28, the targets in the key performance area of capacity included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Review of draft capacity targets for terminal air navigation services

- (30) With regard to airports which fall within the scope of Implementing Regulation (EU) 2019/317 as set out in Article 1(3) and (4) of that Regulation, the Commission has complemented its assessment of *en route* capacity targets by reviewing the capacity targets for terminal air navigation services in accordance with point 2.1.(b) of Annex IV to Implementing Regulation (EU) 2019/317. It was found that those targets do not raise concerns in respect of Germany.

Assessment of performance targets in the key performance area of cost-efficiency

- (31) The Commission has assessed the consistency of the cost-efficiency targets proposed in the revised draft national performance plan in accordance with points 1.4(a), (b) and (c) of Annex IV to Implementing Regulation (EU) 2019/317.
- (32) The *en route* cost-efficiency targets proposed by Germany for RP3 are as follows:

<i>En route</i> charging zone of Germany	2014 baseline value	2019 baseline value	2020–2021	2022	2023	2024
<i>En route</i> cost-efficiency targets, expressed as determined <i>en route</i> unit cost (in real terms in 2017 prices)	84,74 EUR	66,01 EUR	129,44 EUR	67,52 EUR	63,29 EUR	59,89 EUR

- (33) As regards point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the *en route* determined unit cost ("DUC") trend at charging zone level of – 2,4 % over RP3 outperforms the Union-wide trend of + 1,0 % over the same period.
- (34) As regards point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term *en route* DUC trend at charging zone level of – 3,8 % over the second reference period ("RP2") and RP3 outperforms the long-term Union-wide trend of – 1,3 % over the same period.
- (35) As regards point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 66,01 of Germany, expressed in 2017 prices ('EUR2017'), is 13,2 % higher than the average baseline value of 58,33 in EUR2017 of the relevant comparator group.
- (36) It is clear that Germany outperforms by a significant margin both the RP3 Union-wide DUC trend and the long-term Union-wide DUC trend. Furthermore, the DUC of Germany in 2024 is lower than the 2014 and 2019 baseline values, which shows an achievement of effective cost-efficiency gains over the medium and long term. Therefore, the Commission considers that, in respect of Germany, the difference between the baseline value and the comparator group average referred to in recital 35 does not preclude the cost-efficiency performance targets from being consistent with the Union-wide cost-efficiency performance targets.
- (37) Therefore, in the light of recitals 31 to 36, the targets in the key performance area of cost-efficiency included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Review of cost-efficiency targets for terminal air navigation services

- (38) With regard to airports which fall within the scope of Implementing Regulation (EU) 2019/317 as set out in Articles 1(3) and (4) of that Regulation, the Commission has complemented its assessment of the *en route* cost-efficiency targets by reviewing the cost-efficiency targets for terminal air navigation services in accordance with point 2.1(c) of Annex IV to Implementing Regulation (EU) 2019/317. It was found that those targets do not raise concerns in respect of Germany.

Review of the incentive schemes referred to in Article 11 of Implementing Regulation (EU) 2019/317 complementing the Commission's assessment of capacity targets

- (39) In accordance with point 2.1(f) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of capacity targets by reviewing the incentive schemes referred to in Article 11 of Implementing Regulation (EU) 2019/317. In that respect, the Commission has examined whether the proposed incentive schemes fulfil the substantive requirements set out in Article 11(1) and (3) of Implementing Regulation (EU) 2019/317.
- (40) In Implementing Decision (EU) 2022/728, the Commission concluded that Germany is to revise its incentive scheme for achieving *en route* capacity targets in such a way that the maximum financial disadvantage stemming from that incentive scheme is set at a level having a material impact on the revenue at risk. The Commission notes that Germany has not made any changes to its incentive schemes in comparison with the draft FABEC performance plan submitted in 2021 and the revised draft FABEC performance plan submitted on 13 July 2022.
- (41) Therefore, in the light of recital 40, the Commission concludes that the *en route* capacity incentive scheme set out in the revised draft national performance plan continues to give rise to concerns. The Commission therefore reiterates its view that Germany should revise, in connection with the adoption of its final performance plan in accordance with Article 16, point (a) of Implementing Regulation (EU) 2019/317, its incentive scheme for achieving *en route* capacity targets so that the maximum financial disadvantage stemming from that incentive scheme is set at a level having a material impact on the revenue at risk, as expressly required by Article 11(3), point (a) of Implementing Regulation (EU) 2019/317, which in the Commission's view should lead to a maximum financial disadvantage equal to or higher than 1 % of determined costs.

CONCLUSIONS

- (42) In the light of all the foregoing, the Commission finds that the performance targets included in the revised draft national performance plan submitted by Germany are consistent with the Union-wide performance targets,

HAS ADOPTED THIS DECISION:

Article 1

The performance targets included in the revised draft performance plan submitted by Germany on 3 November 2022, pursuant to Regulation (EC) No 549/2004, and listed in the Annex to this Decision, are consistent with the Union-wide performance targets for the third reference period set out in Implementing Decision (EU) 2021/891.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 14 December 2022

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

ANNEX

Performance targets included in the revised draft performance plan submitted by Germany pursuant to Regulation (EC) No 549/2004, found to be consistent with the Union-wide performance targets for the third reference period

KEY PERFORMANCE AREA OF SAFETY**Effectiveness of safety management**

Germany	Targets on the effectiveness of safety management, expressed as a level of implementation, ranging from EASA level A to D			
Air navigation service provider concerned	Safety management objective	2022	2023	2024
DFS	Safety policy and objectives	C	C	C
	Safety risk management	C	D	D
	Safety assurance	B	C	C
	Safety promotion	C	C	C
	Safety culture	C	C	C

KEY PERFORMANCE AREA OF ENVIRONMENT**Average horizontal *en route* flight efficiency of the actual trajectory**

Germany	2022	2023	2024
Targets in the key performance area of environment, expressed as the average horizontal <i>en route</i> flight efficiency of the actual trajectory	2,30 %	2,30 %	2,30 %

KEY PERFORMANCE AREA OF CAPACITY**Average *en route* ATFM delay in minutes per flight**

Germany	2022	2023	2024
Targets in the key performance area of capacity, expressed in minutes of ATFM delay per flight	0,27	0,27	0,27

KEY PERFORMANCE AREA OF COST-EFFICIENCY**Determined unit cost for *en route* air navigation services**

<i>En route</i> charging zone of Germany	2014 baseline value	2019 baseline value	2020 -2021	2022	2023	2024
<i>En route</i> cost-efficiency targets , expressed as determined <i>en route</i> unit cost (in real terms in 2017 prices)	84,74 EUR	66,01 EUR	129,44 EUR	67,52 EUR	63,29 EUR	59,89 EUR

COMMISSION DECISION (EU) 2023/178**of 14 December 2022****on the consistency of the performance targets contained in the revised draft performance plan submitted by Switzerland pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period***(notified under document C(2022) 9236)***(Only the English text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport ⁽¹⁾,

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) ⁽²⁾, and in particular Article 11(3), point (c) thereof,

Having regard to Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 ⁽³⁾, and in particular Article 15(2) thereof,

Whereas:

GENERAL CONSIDERATIONS

- (1) Pursuant to Article 10 of Implementing Regulation (EU) 2019/317, Member States are to draw up performance plans, either at national level or at functional airspace blocks level ('FAB'), which are to include binding performance targets for each reference period of the performance scheme for air navigation services and network functions. Those performance targets are to be consistent with the Union-wide targets adopted by the Commission for the reference period concerned.
- (2) Union-wide performance targets for the third reference period ('RP3') were originally set out in Commission Implementing Decision (EU) 2019/903 ⁽⁴⁾. Since those Union-wide performance targets and the draft RP3 performance plans subsequently submitted in October 2019 by Member States were drawn up before the outbreak of the COVID-19 pandemic in March 2020, they did not take account of the considerable reduction in air traffic due to the measures taken by the Member States and third countries to contain the pandemic.
- (3) In response to the impact of the COVID-19 pandemic on the provision of air navigation services, exceptional measures for RP3, which derogate from the provisions of Implementing Regulation (EU) 2019/317, were set out in Commission Implementing Regulation (EU) 2020/1627 ⁽⁵⁾. The Commission adopted, on 2 June 2021, Commission Implementing Decision (EU) 2021/891 ⁽⁶⁾ setting revised Union-wide performance targets for RP3. On that basis, in October 2021, Member States submitted to the Commission draft performance plans containing revised local performance targets for RP3.

⁽¹⁾ OJ L 114, 30.4.2002, p. 73.

⁽²⁾ OJ L 96, 31.3.2004, p. 1.

⁽³⁾ OJ L 56, 25.2.2019, p. 1.

⁽⁴⁾ Commission Implementing Decision (EU) 2019/903 of 29 May 2019 setting the Union-wide performance targets for the air traffic management network for the third reference period starting on 1 January 2020 and ending on 31 December 2024 (OJ L 144, 3.6.2019, p. 49).

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to the COVID-19 pandemic (OJ L 366, 4.11.2020, p. 7).

⁽⁶⁾ Commission Implementing Decision (EU) 2021/891 of 2 June 2021 setting revised Union-wide performance targets for the air traffic management network for the third reference period (2020-2024) and repealing Implementing Decision (EU) 2019/903 (OJ L 195, 3.6.2021, p. 3).

- (4) Switzerland submitted to the Commission its draft performance plan at FAB level, in this case at the level of Functional Airspace Block Europe Central ('FABEC'), together with Belgium, Germany, France, Luxembourg, and the Netherlands ('Member States part of FABEC'). By its Implementing Decision (EU) 2022/780 ⁽⁷⁾, the Commission notified Switzerland that the cost-efficiency performance targets for the Belgium-Luxembourg *en route* charging zone contained in the draft FABEC performance plan were not consistent with the Union-wide performance targets. The Commission concluded in that Implementing Decision that the performance targets applicable to air navigation services provided in the airspace of Switzerland did not give rise to concerns in respect of their consistency with the corresponding Union-wide performance targets.
- (5) In response to Russia's war of aggression against Ukraine, which started on 24 February 2022, the Union has imposed restrictive measures which prohibit Russian air carriers, any Russian-registered aircraft and any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, from landing in and taking off from, or overflying the territory of the Union. Those restrictive measures and the counter-measures adopted by Russia have led to changes in air traffic in European airspace. Certain Member States have been severely affected by a significant reduction in the number of overflights in the airspace under their responsibility. However, at Union-wide level, the observed impact on the number of flights has been limited in contrast with the sharp reduction of air traffic across Europe which resulted from the outbreak of the COVID-19 pandemic.
- (6) On 13 July 2022, Switzerland, jointly with Belgium, France, Germany, Luxembourg, and the Netherlands, submitted a revised draft FABEC performance plan for RP3 to the Commission.
- (7) On 24 October 2022, the Commission concluded that doubts remain as to the consistency of the revised cost-efficiency performance targets proposed for the Belgium-Luxembourg *en route* charging zone with the Union-wide performance targets and initiated the detailed examination set out in Article 15(3) of Implementing Regulation (EU) 2019/317 in respect of those performance targets contained in the revised draft FABEC performance plan. The Commission notified Switzerland thereof by its Decision (EU) 2022/2256 ⁽⁸⁾.
- (8) On 4 November 2022, Switzerland informed the Commission that it has withdrawn from the revised draft FABEC performance plan, and submitted to the Commission a revised draft performance plan for RP3 established at national level (the 'revised draft national performance plan'). The revised draft national performance plan maintains the performance targets for air navigation services provided in the airspace of Switzerland at the level set in the revised draft FABEC performance plan submitted on 13 July 2022. There were effectively no additional performance benefits or synergies for Switzerland deriving from the revised draft FABEC performance plan. The revised draft national performance plan does not list any negative impact resulting from the discontinuation of the performance planning and target setting activities at FABEC level.
- (9) The performance review body, assisting the Commission in the implementation of the performance scheme pursuant to Article 11(2) of Regulation (EC) No 549/2004, has submitted to the Commission a report containing its assessment of the revised draft national performance plan.
- (10) In accordance with Article 15(1) of Implementing Regulation (EU) 2019/317, the Commission, taking account of local circumstances, has assessed the consistency of the local performance targets included in the revised draft national performance plan of Switzerland on the basis of the assessment criteria laid down in point 1 of Annex IV to that Implementing Regulation. In respect of each key performance area and the related performance targets, the Commission has complemented its assessment by reviewing the elements set out in point 2 of Annex IV to Implementing Regulation (EU) 2019/317.

⁽⁷⁾ Commission Implementing Decision (EU) 2022/780 of 13 April 2022 on the inconsistency of certain performance targets contained in the draft functional airspace block performance plan submitted by Switzerland pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period and setting out recommendations for the revision of those targets (OJ L 139, 18.5.2022, p. 218).

⁽⁸⁾ Commission Decision (EU) 2022/2256 of 15 November 2022 on the initiation of the detailed examination of certain performance targets contained in the revised draft performance plan for the third reference period submitted at functional airspace block level by Switzerland pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council (OJ L 297, 17.11.2022, p. 80).

- (11) The Eurocontrol's Statistics and Forecast Service (STATFOR) base traffic forecast published in June 2022 takes account of the change in circumstances referred to in recital 5. On the basis of that forecast, the Commission notes that Switzerland is not expected to experience major changes in air traffic flows over RP3 as a result of Russia's war in Ukraine. Therefore, those changes in circumstances do not directly impact the performance targets contained in the revised draft national performance plan or the assessment of those targets in respect of their consistency with the Union-wide performance targets.
- (12) Switzerland agrees that this Decision is adopted and notified in English.

COMMISSION ASSESSMENT

Assessment of performance targets in the key performance area of safety

- (13) Concerning the key performance area of safety, the Commission has assessed the consistency of the targets submitted by Switzerland regarding the effectiveness of safety management of air navigation service providers ('ANSPs') based on the criterion laid down in point 1.1 of Annex IV to Implementing Regulation (EU) 2019/317.
- (14) The local safety performance targets proposed by Switzerland in respect of the effectiveness of safety management, broken down per safety management objective and expressed as a level of implementation, are as follows:

Switzerland	Targets on the effectiveness of safety management, expressed as a level of implementation, ranging from European Aviation Safety Agency ('EASA') level A to D				
Air navigation service provider concerned	Safety management objective	2022	2023	2024	Union-wide targets (2024)
Skyguide	Safety policy and objectives	C	C	C	C
	Safety risk management	C	D	D	D
	Safety assurance	C	C	C	C
	Safety promotion	C	C	C	C
	Safety culture	C	C	C	C

- (15) The safety performance targets proposed by Switzerland for the air navigation service provider, namely Skyguide, are consistent with the Union-wide performance targets.
- (16) The Commission notes that the revised draft national performance plan submitted by Switzerland sets out measures for Skyguide for the achievement of the local safety performance targets, such as the enhanced analysis of safety data, the integration of risk management with business continuity and crisis management, and the deployment of a centralised risk management information system.
- (17) Therefore, in the light of what has been said in recitals 14, 15 and 16, and considering that the Union-wide safety performance targets set in Implementing Decision (EU) 2021/891 are to be achieved by the final year of RP3, namely 2024, the targets in the key performance area of safety included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Assessment of performance targets in the key performance area of environment

- (18) Concerning the key performance area of environment, the consistency of the targets submitted by Switzerland regarding the average horizontal *en route* flight efficiency of the actual trajectory has been assessed based on the criterion laid down in point 1.2 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the targets included in the revised draft national performance plan have been compared with the relevant *en route* horizontal flight efficiency reference values set out in the European Route Network Improvement Plan ('ERNIP') available on 2 June 2021, the time of adopting the revised Union-wide performance targets for RP3.
- (19) In respect of the year 2020, the Union-wide performance target for RP3 in the key performance area of environment, which before the outbreak of the COVID-19 pandemic was initially set out in Implementing Decision (EU) 2019/903, was not revised by Implementing Decision (EU) 2021/891, in so far as the period for the application of that target had expired and its implementation had thus become definitive leaving no possibility for retroactive adjustments. Similarly, it is not possible to modify retroactively, in the revised draft performance plans, the local environment performance targets for the year 2021 set by Member States in the draft performance plans submitted in October 2021. Therefore, the consistency of the local environment performance targets with the corresponding Union-wide performance targets should be assessed with regard to the years 2022, 2023 and 2024.
- (20) The performance targets in the key performance area of environment proposed by Switzerland and the corresponding national reference values for RP3 from the ERNIP, expressed as the average horizontal *en route* flight efficiency of the actual trajectory, are as follows:

Switzerland	2022	2023	2024
Targets in the key performance area of environment , expressed as the average horizontal <i>en route</i> flight efficiency of the actual trajectory	3,95 %	3,95 %	3,95 %
Reference values	3,95 %	3,95 %	3,95 %

- (21) The Commission observes that the environment targets proposed by Switzerland are equal to the corresponding national reference values for each of the years 2022, 2023 and 2024.
- (22) The Commission notes that Switzerland has presented, in the revised draft national performance plan, measures for the achievement of the local environment targets which include the implementation of free route airspace, the deployment of an optimisation tool to enable more efficient routes, the extended use of the arrival manager tool for *en route* airspace, and enhanced management of military airspace. The Commission further invites Switzerland to put in place all the recommended measures from the ERNIP to improve *en route* trajectories.
- (23) Therefore, in the light of what has been said in recitals 20, 21 and 22, the targets in the key performance area of environment included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Assessment of performance targets in the key performance area of capacity

- (24) Concerning the key performance area of capacity, the consistency of the targets submitted by Switzerland regarding the average *en route* air traffic flow management ('ATFM') delay per flight has been assessed based on the criterion laid down in point 1.3 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the targets included in the revised draft national performance plan have been compared with the relevant reference values set out in the Network Operations Plan available on 2 June 2021, the time of adopting the revised Union-wide performance targets for RP3.

- (25) In respect of the year 2020, the Union-wide performance target for RP3 in the key performance area of capacity, which before the outbreak of the COVID-19 pandemic was initially set out in Implementing Decision (EU) 2019/903, was not revised by Implementing Decision (EU) 2021/891 in so far as the period for the application of that target had expired and its implementation had thus become definitive leaving no possibility for retroactive adjustments. Similarly, it is not possible to modify retroactively, in the revised draft performance plans, the local capacity performance targets for the year 2021 set by Member States in the draft performance plans submitted in October 2021. Therefore, the consistency of the local capacity performance targets with the corresponding Union-wide performance targets should be assessed with regard to the years 2022, 2023 and 2024.
- (26) The *en route* capacity targets proposed by Switzerland for RP3, expressed in minutes of ATFM delay per flight, as well as the corresponding reference values from the Network Operations Plan, are as follows:

Switzerland	2022	2023	2024
Targets in the key performance area of capacity, expressed in minutes of ATFM delay per flight	0,19	0,19	0,19
Reference values	0,19	0,19	0,19

- (27) The Commission observes that the capacity targets proposed by Switzerland are equal to the corresponding national reference values for each of the years 2022, 2023 and 2024.
- (28) The Commission notes that Switzerland has presented, in the revised draft national performance plan, measures for the achievement of the local *en route* capacity targets. Those measures include free route airspace, improved prediction and decision-making tools and procedures, as well as flexible rostering and recruitment, as needed, to maintained adequate levels of staff.
- (29) Therefore, in the light of what has been said in recitals 26, 27 and 28, the targets in the key performance area of capacity included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Review of draft capacity targets for terminal air navigation services

- (30) With regard to airports which fall within the scope of Implementing Regulation (EU) 2019/317 as set out in Article 1(3) and (4) of that Implementing Regulation, the Commission has complemented its assessment of *en route* capacity targets by reviewing the capacity targets for terminal air navigation services in accordance with point 2.1(b) of Annex IV to Implementing Regulation (EU) 2019/317. In respect of Switzerland, those targets were not found to raise concerns.

Assessment of performance targets in the key performance area of cost-efficiency

- (31) The Commission has assessed the consistency of the cost-efficiency targets proposed in the revised draft national performance plan based on the criteria laid down in points 1.4(a), (b) and (c) of Annex IV to Implementing Regulation (EU) 2019/317.
- (32) The *en route* cost-efficiency targets proposed by Switzerland for RP3 are as follows:

<i>En route</i> charging zone of Switzerland	2014 baseline value	2019 baseline value	2020 -2021	2022	2023	2024
<i>En route</i> cost-efficiency targets, expressed as determined <i>en route</i> unit cost (in real terms in 2017 prices)	107,06 CHF	97,59 CHF	226,30 CHF	114,58 CHF	103,45 CHF	95,61 CHF
	96,35 EUR	87,82 EUR	203,64 EUR	103,11 EUR	93,10 EUR	86,04 EUR

- (33) As regards point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the *en route* determined unit cost ("DUC") trend at charging zone level of -0,5 % over RP3 outperforms the Union-wide trend of +1,0 % over the same period.
- (34) As regards point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term *en route* DUC trend at charging zone level of -1,2 % over the second reference period ("RP2") and RP3 underperforms the long-term Union-wide trend of -1,3 % over the same period.
- (35) As regards point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 87,82 of Switzerland, expressed in 2017 prices ("EUR2017"), is +22,0 % higher than the average baseline value of 72,01 in EUR2017 of the relevant comparator group.
- (36) It is clear that Switzerland outperforms the RP3 Union-wide DUC trend. Furthermore, the DUC of Switzerland in 2024 is lower than the 2014 and 2019 baseline values, which shows that effective cost-efficiency gains are achieved over the medium and long term. Therefore, the Commission considers that, in respect of Switzerland, the minor deviation from the Union-wide long-term DUC trend referred to in recital 34 and the difference between the baseline value and the comparator group average referred to in recital 35 do not preclude the cost-efficiency performance targets from being consistent with the Union-wide cost-efficiency performance targets.
- (37) Therefore, in the light of what has been said in recitals 32 to 36, the targets in the key performance area of cost-efficiency included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Review of cost-efficiency targets for terminal air navigation services

- (38) With regard to airports which fall within the scope of Implementing Regulation (EU) 2019/317 as set out in Articles 1(3) and (4) of that Implementing Regulation, the Commission has complemented its assessment of the *en route* cost-efficiency targets by reviewing the cost-efficiency targets for terminal air navigation services in accordance with point 2.1(c) of Annex IV to Implementing Regulation (EU) 2019/317.
- (39) In Implementing Decision (EU) 2022/780, the Commission raised concerns regarding the terminal cost-efficiency targets proposed by Switzerland in the draft FABEC performance plan submitted in 2021, and considered that Switzerland was to further justify those targets or revise them downwards. The Commission notes, however, that Switzerland has neither revised those targets nor provided further justification.
- (40) The Commission observes that the terminal RP3 DUC trend of +2,7 % remains higher than the *en route* RP3 DUC trend of -0,5 %, and remains higher than the actual terminal DUC trend of -3,4 % observed over RP2. Furthermore, the Commission observes that the terminal DUC for Geneva and Zurich Airports is estimated to remain above the median DUC of the relevant comparator group by a significant margin.
- (41) Therefore, in the light of what has been said in recitals 39 and 40, the Commission concludes that the terminal cost-efficiency performance targets of Switzerland continue to give rise to concerns. The Commission therefore reiterates its view that Switzerland should revise downwards those targets or provide adequate justifications for those targets. Switzerland should address those concerns in connection with the adoption of its final performance plan pursuant to Article 16, point (a), of Implementing Regulation (EU) 2019/317.

Review of the incentive schemes referred to in Article 11 of Implementing Regulation (EU) 2019/317 complementing the Commission's assessment of capacity targets

- (42) In accordance with point 2.1(f) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of capacity targets by reviewing the incentive schemes referred to in Article 11 of that Implementing Regulation. In that respect, the Commission has examined whether the proposed incentive schemes fulfil the substantive requirements set out in Article 11(1) and (3) of Implementing Regulation (EU) 2019/317.

- (43) In Implementing Decision (EU) 2022/780, the Commission concluded that Switzerland is to revise its incentive schemes for achieving *en route* and terminal capacity targets in such a way that the maximum financial disadvantage stemming from those incentive schemes is set at a level having a material impact on the revenue at risk. The Commission notes that Switzerland has not made any changes to those incentive schemes in comparison with the draft FABEC performance plan submitted in 2021 and the revised draft FABEC performance plan submitted in July 2022.
- (44) Therefore, in the light of what has been said in recital 43, the Commission concludes that the incentive schemes set out in the revised draft national performance plan continue to give rise to concerns. The Commission therefore reiterates its view that Switzerland should revise its incentive schemes for achieving *en route* and terminal capacity targets, in connection with the adoption of its final performance plan in accordance with Article 16, point (a), of Implementing Regulation (EU) 2019/317, so that the maximum financial disadvantages stemming from those incentive schemes are set at a level having a material impact on the revenue at risk, as expressly required under Article 11(3), point (a), of that Implementing Regulation. In the Commission's view that should lead to a maximum financial disadvantage equal to or higher than 1 % of determined costs.

CONCLUSIONS

- (45) In the light of all the foregoing, the Commission has found that the performance targets contained in the revised draft national performance plan submitted by Switzerland are consistent with the Union-wide performance targets,

HAS ADOPTED THIS DECISION:

Article 1

The performance targets included in the revised draft performance plan submitted by Switzerland on 4 November 2022, pursuant to Regulation (EC) No 549/2004, and listed in the Annex to this Decision, are consistent with the Union-wide performance targets for the third reference period set out in Implementing Decision (EU) 2021/891.

Article 2

This Decision is addressed to the Swiss Confederation.

Done at Brussels, 14 December 2022.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

ANNEX

Performance targets included in the revised draft performance plan submitted by Switzerland pursuant to Regulation (EC) No 549/2004, found to be consistent with the Union-wide performance targets for the third reference period

KEY PERFORMANCE AREA OF SAFETY**Effectiveness of safety management**

Switzerland	Targets on the effectiveness of safety management, expressed as a level of implementation, ranging from EASA level A to D			
Air navigation service provider concerned	Safety management objective	2022	2023	2024
Skyguide	Safety policy and objectives	C	C	C
	Safety risk management	C	D	D
	Safety assurance	C	C	C
	Safety promotion	C	C	C
	Safety culture	C	C	C

KEY PERFORMANCE AREA OF ENVIRONMENT**Average horizontal *en route* flight efficiency of the actual trajectory**

Switzerland	2022	2023	2024
Targets in the key performance area of environment, expressed as the average horizontal <i>en route</i> flight efficiency of the actual trajectory	3,95 %	3,95 %	3,95 %

KEY PERFORMANCE AREA OF CAPACITY**Average *en route* ATFM delay in minutes per flight**

Switzerland	2022	2023	2024
Targets in the key performance area of capacity, expressed in minutes of ATFM delay per flight	0,19	0,19	0,19

KEY PERFORMANCE AREA OF COST-EFFICIENCY**Determined unit cost for *en route* air navigation services**

<i>En route</i> charging zone of Switzerland	2014 baseline value	2019 baseline value	2020 -2021	2022	2023	2024
<i>En route</i> cost-efficiency targets, expressed as determined <i>en route</i> unit cost (in 2017 prices)	107,06 CHF	97,59 CHF	226,30 CHF	114,58 CHF	103,45 CHF	95,61 CHF
	96,35 EUR	87,82 EUR	203,64 EUR	103,11 EUR	93,10 EUR	86,04 EUR

COMMISSION DECISION (EU) 2023/179**of 14 December 2022****on the consistency of the performance targets contained in the revised draft performance plan submitted by the Netherlands pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period***(notified under document C(2022) 9238)***(Only the English text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) ⁽¹⁾, and in particular Article 11(3), point (c) thereof,

Having regard to Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 ⁽²⁾, and in particular Article 15(2) thereof,

Whereas:

GENERAL CONSIDERATIONS

- (1) Pursuant to Article 10 of Implementing Regulation (EU) 2019/317, Member States are to draw up performance plans, either at national level or at functional airspace blocks level ('FABs'), which are to include binding performance targets for each reference period of the performance scheme for air navigation services and network functions. Those performance targets are to be consistent with the Union-wide targets adopted by the Commission for the reference period concerned.
- (2) Union-wide performance targets for the third reference period ('RP3') were originally set out in Commission Implementing Decision (EU) 2019/903 ⁽³⁾. As those Union-wide performance targets and the draft RP3 performance plans subsequently submitted in October 2019 by Member States were drawn up before the outbreak of the COVID-19 pandemic in March 2020, they did not take account of the considerable reduction in air traffic due to the measures taken by the Member States and third countries to contain the pandemic.
- (3) In response to the impact of the COVID-19 pandemic on the provision of air navigation services, exceptional measures for RP3, which derogate from the provisions of Implementing Regulation (EU) 2019/317, were set out in Commission Implementing Regulation (EU) 2020/1627 ⁽⁴⁾. The Commission adopted, on 2 June 2021, Commission Implementing Decision (EU) 2021/891 ⁽⁵⁾ setting revised Union-wide performance targets for RP3. On that basis, in October 2021, Member States submitted to the Commission draft performance plans containing revised local performance targets for RP3.

⁽¹⁾ OJ L 96, 31.3.2004, p. 1.

⁽²⁾ OJ L 56, 25.2.2019, p. 1.

⁽³⁾ Commission Implementing Decision (EU) 2019/903 of 29 May 2019 setting the Union-wide performance targets for the air traffic management network for the third reference period starting on 1 January 2020 and ending on 31 December 2024 (OJ L 144, 3.6.2019, p. 49).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to the COVID-19 pandemic (OJ L 366, 4.11.2020, p. 7).

⁽⁵⁾ Commission Implementing Decision (EU) 2021/891 of 2 June 2021 setting revised Union-wide performance targets for the air traffic management network for the third reference period (2020-2024) and repealing Implementing Decision (EU) 2019/903 (OJ L 195, 3.6.2021, p. 3).

- (4) In Commission Implementing Decision (EU) 2022/728 ⁽⁶⁾, the Commission found, in respect of the draft performance plan established at the level of the Functional Airspace Block Europe Central ('FABEC') by the Netherlands, jointly with Belgium, France, Germany and Luxembourg ('draft FABEC performance plan'), that the *en route* cost-efficiency performance targets for the Belgium-Luxembourg charging zone were not consistent with the Union-wide performance targets and issued recommendations for the revision of those targets. In Implementing Decision (EU) 2022/728, the Commission did not raise any findings with regard to the performance targets applicable to air navigation services provided in the airspace of the Netherlands.
- (5) In response to Russia's war of aggression against Ukraine, which started on 24 February 2022, the Union has imposed restrictive measures which prohibit Russian air carriers, any Russian-registered aircraft and any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, from landing in and taking off from, or overflying the territory of the Union. Those restrictive measures and the counter-measures adopted by Russia have led to changes in air traffic in European airspace. Certain Member States have been severely affected by a significant reduction in the number of overflights in the airspace under their responsibility. However, at Union-wide level, the observed impact on the number of flights has been limited in contrast with the sharp reduction of air traffic across Europe which resulted from the outbreak of the COVID-19 pandemic.
- (6) On 13 July 2022, the Netherlands, jointly with Belgium, France, Germany and Luxembourg, submitted a revised draft FABEC performance plan for RP3 ('revised draft FABEC performance plan') to the Commission.
- (7) On 24 October 2022, the Commission concluded that the revised cost-efficiency performance targets proposed for the Belgium-Luxembourg *en route* charging zone continue to give rise to doubts as to their consistency with the Union-wide performance targets. The Commission therefore initiated the detailed examination set out in Article 15(3) of Implementing Regulation (EU) 2019/317 in respect of those performance targets, which were contained in the revised draft FABEC performance plan. The Commission notified Belgium, France, Germany, Luxembourg and the Netherlands thereof by its Decision (EU) 2022/2255 ⁽⁷⁾.
- (8) On 4 November 2022, the Netherlands informed the Commission that it has withdrawn from the revised draft FABEC performance plan, and submitted to the Commission a revised draft performance plan for RP3 established at national level (the 'revised draft national performance plan'). The revised draft national performance plan maintains the performance targets for air navigation services provided in the airspace of the Netherlands at the level set in the revised draft FABEC performance plan submitted on 13 July 2022. There were effectively no additional performance benefits or synergies for the Netherlands deriving from the revised draft FABEC performance plan. The revised draft national performance plan does not list any negative impact resulting from the discontinuation of the performance planning and target setting activities at FABEC level.
- (9) The performance review body, assisting the Commission in the implementation of the performance scheme pursuant to Article 11(2) of Regulation (EC) No 549/2004, has submitted to the Commission a report containing its assessment of the revised draft national performance plan.
- (10) In accordance with Article 15(1) of Implementing Regulation (EU) 2019/317, the Commission, taking account of local circumstances, has assessed the consistency of the local performance targets included in the revised draft national performance plan of the Netherlands on the basis of the assessment criteria laid down in point 1 of Annex IV to that Implementing Regulation. In respect of each key performance area and the related performance targets, the Commission has complemented its assessment by reviewing the elements set out in point 2 of Annex IV to Implementing Regulation (EU) 2019/317.

⁽⁶⁾ Commission Implementing Decision (EU) 2022/728 of 13 April 2022 on the inconsistency of certain performance targets contained in the draft national and functional airspace block performance plans submitted by Belgium, Germany, Greece, France, Cyprus, Latvia, Luxembourg, Malta, the Netherlands, Romania, and Sweden pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the third reference period and setting out recommendations for the revision of those targets (OJ L 135, 12.5.2022, p. 4).

⁽⁷⁾ Commission Decision (EU) 2022/2255 of 24 October 2022 on the initiation of the detailed examination of certain performance targets contained in the revised draft performance plan for the third reference period submitted at functional airspace block level by Belgium, Germany, France, Luxembourg, and the Netherlands pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council (OJ L 297, 17.11.2022, p. 71-79).

- (11) The Eurocontrol's Statistics and Forecast Service (STATFOR) base traffic forecast published in June 2022 takes account of the change in circumstances referred to in recital 5. On the basis of that forecast, the Commission notes that the Netherlands is not expected to experience major changes in air traffic flows over RP3 as a result of Russia's war in Ukraine. Therefore, those changes in circumstances do not directly impact the performance targets contained in the revised draft national performance plan or the assessment of those targets in respect of their consistency with the Union-wide performance targets.
- (12) The Netherlands exceptionally agrees to waive its rights deriving from Article 342 of the Treaty on the Functioning of the European Union, in conjunction with Article 3 of Regulation 1/1958 ⁽⁸⁾ and to have this Decision adopted and notified in English.

COMMISSION ASSESSMENT

Assessment of performance targets in the key performance area of safety

- (13) Concerning the key performance area of safety, the Commission has assessed the consistency of the targets submitted by the Netherlands regarding the effectiveness of safety management of air navigation service providers ('ANSPs') based on the criterion laid down in point 1.1 of Annex IV to Implementing Regulation (EU) 2019/317.
- (14) The local safety performance targets proposed by the Netherlands in respect of the effectiveness of safety management, broken down per safety management objective and expressed as a level of implementation, are as follows:

The Netherlands	Targets on the effectiveness of safety management, expressed as a level of implementation, ranging from European Aviation Safety Agency ('EASA') level A to D				
Air navigation service provider concerned	Safety management objective	2022	2023	2024	Union-wide targets (2024)
Air Traffic Control the Netherlands ('LVNL')	Safety policy and objectives	C	C	C	C
	Safety risk management	C	D	D	D
	Safety assurance	C	C	C	C
	Safety promotion	C	C	C	C
	Safety culture	C	C	C	C

- (15) The safety performance targets proposed by the Netherlands for LVNL are consistent with the Union-wide performance targets.
- (16) The Commission notes that the revised draft national performance plan submitted by the Netherlands sets out measures for LVNL for the achievement of the local safety performance targets, such as the establishment of a risk-based safety plan and updates to the safety management system.
- (17) Therefore, in the light of what has been said in recitals 14, 15 and 16, and considering that the Union-wide safety performance targets set in Implementing Decision (EU) 2021/891 are to be achieved by the final year of RP3, namely 2024, the targets in the key performance area of safety included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

⁽⁸⁾ Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385/58).

Assessment of performance targets in the key performance area of environment

- (18) Concerning the key performance area of environment, the consistency of the targets submitted by the Netherlands regarding the average horizontal *en route* flight efficiency of the actual trajectory has been assessed based on the criterion laid down in point 1.2 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the targets included in the revised draft national performance plan have been compared with the relevant *en route* horizontal flight efficiency reference values set out in the European Route Network Improvement Plan ('ERNIP') available on 2 June 2021, the time of adopting the revised Union-wide performance targets for RP3.
- (19) In respect of the year 2020, the Union-wide performance target for RP3 in the key performance area of environment, which before the outbreak of the COVID-19 pandemic was initially set out in Implementing Decision (EU) 2019/903, was not revised by Implementing Decision (EU) 2021/891, in so far as the period for the application of that target had expired and its implementation had thus become definitive leaving no possibility for retroactive adjustments. Similarly, it was not possible to modify retroactively, in the revised draft performance plans, the local environment performance targets for the year 2021 set by Member States in the draft performance plans submitted in October 2021. Therefore, the consistency of the local environment performance targets with the corresponding Union-wide performance targets should be assessed with regard to the years 2022, 2023 and 2024.
- (20) The performance targets in the key performance area of environment proposed by the Netherlands and the corresponding national reference values for RP3 from the ERNIP, expressed as the average horizontal *en route* flight efficiency of the actual trajectory, are as follows:

The Netherlands	2022	2023	2024
Targets in the key performance area of environment , expressed as the average horizontal <i>en route</i> flight efficiency of the actual trajectory	2,62 %	2,62 %	2,62 %
Reference values	2,62 %	2,62 %	2,62 %

- (21) The Commission observes that the environment targets proposed by the Netherlands are equal to the corresponding national reference values for each of the years 2022, 2023 and 2024.
- (22) The Commission notes that in the revised draft national performance plan, the Netherlands has presented various measures for the achievement of the local environment targets which include airspace restructuring, the implementation of cross-border arrival manager, performance-based navigation, improvements to the air traffic control system to enable more effective civil-military coordination and enhanced interoperability with control centres in Germany. The Commission welcomes that the Netherlands plans to implement all the recommended measures from the ERNIP to improve *en route* trajectories.
- (23) Therefore, in the light of what has been said in recitals 20, 21 and 22, the targets in the key performance area of environment included in the revised draft national performance plan should be considered consistent with the Union-wide performance.

Assessment of performance targets in the key performance area of capacity

- (24) Concerning the key performance area of capacity, the consistency of the targets submitted by the Netherlands regarding the average *en route* air traffic flow management ('ATFM') delay per flight has been assessed based on the criterion laid down in point 1.3 of Annex IV to Implementing Regulation (EU) 2019/317. Accordingly, the targets included in the revised draft national performance plan have been compared with the relevant reference values set out in the Network Operations Plan available on 2 June 2021, the time of adopting the revised Union-wide performance targets for RP3.

- (25) In respect of the year 2020, the Union-wide performance target for RP3 in the key performance area of capacity, which before the outbreak of the COVID-19 pandemic was initially set out in Implementing Decision (EU) 2019/903, was not revised by Implementing Decision (EU) 2021/891 in so far as the period for the application of that target had expired and its implementation had thus become definitive leaving no possibility for retroactive adjustments. Similarly, it was not possible to modify retroactively, in the revised draft performance plans, the local capacity performance targets for the year 2021 set by Member States in the draft performance plans submitted in October 2021. Therefore, the consistency of the local capacity performance targets with the corresponding Union-wide performance targets should be assessed with regard to the years 2022, 2023 and 2024.
- (26) The *en route* capacity targets proposed by the Netherlands for RP3, expressed in minutes of ATFM delay per flight, as well as the corresponding reference values from the Network Operations Plan, are as follows:

The Netherlands	2022	2023	2024
Targets in the key performance area of capacity , expressed in minutes of ATFM delay per flight	0,15	0,15	0,15
Reference values	0,15	0,15	0,15

- (27) The Commission observes that the capacity targets proposed by the Netherlands are equal to the corresponding national reference values for the years 2022, 2023 and 2024.
- (28) The Commission notes that the Netherlands has presented, in the revised draft national performance plan, measures for the achievement of the local *en route* capacity targets. Those measures include a new air traffic management system, airspace restructuring, as well as continuous recruitment and improved training of air traffic controllers.
- (29) Therefore, in the light of what has been said in recitals 26, 27 and 28, the targets in the key performance area of capacity included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Review of capacity targets for terminal air navigation services

- (30) With regard to airports which fall within the scope of Implementing Regulation (EU) 2019/317 as set out in Article 1(3) and (4) of that Implementing Regulation, the Commission has complemented its assessment of *en route* capacity targets by reviewing the capacity targets for terminal air navigation services in accordance with point 2.1.(b) of Annex IV to Implementing Regulation (EU) 2019/317. In respect of the Netherlands, those targets were not found to raise concerns.

Assessment of performance targets in the key performance area of cost-efficiency

- (31) The Commission has assessed the consistency of the cost-efficiency targets proposed in the revised draft national performance plan based on the criteria laid down in points 1.4(a), (b) and (c) of Annex IV to Implementing Regulation (EU) 2019/317.
- (32) The *en route* cost-efficiency targets proposed by the Netherlands for RP3 are as follows:

<i>En route</i> charging zone of the Netherlands	2014 baseline value	2019 baseline value	2020 -2021	2022	2023	2024
<i>En route</i> cost-efficiency targets , expressed as determined <i>en route</i> unit cost (in real terms in 2017 prices ('EUR2017'))	67,44 EUR	69,56 EUR	151,70 EUR	88,63 EUR	75,73 EUR	71,66 EUR

- (33) As regards point 1.4(a) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the *en route* determined unit cost ("DUC") trend at charging zone level of +0,7 % over RP3 outperforms the Union-wide trend of +1,0 % over the same period.
- (34) As regards point 1.4(b) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the long-term *en route* DUC trend at charging zone level of +0,7 % over the second reference period and RP3 underperforms the long-term Union-wide trend of -1,3 % over the same period.
- (35) As regards point 1.4(c) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission observes that the baseline value for the DUC of EUR 69,56 of the Netherlands, expressed in EUR2017, is 10,9 % lower than the average baseline value of 78,09 in EUR2017 of the relevant comparator group.
- (36) It is clear that the Netherlands' DUC trend over RP3 outperforms the corresponding Union-wide trend. Furthermore, as noted in recital 35, the Netherlands demonstrates a good performance in respect of the baseline value for 2019, which is lower than the corresponding comparator group average value. Therefore, the Commission considers that, in respect of the Netherlands, the deviation from the Union-wide long-term DUC trend referred to in recital 34 does not preclude the cost-efficiency performance targets from being consistent with the Union-wide cost-efficiency performance targets.
- (37) Therefore, in the light of what has been said in recitals 32 to 36, the targets in the key performance area of cost-efficiency included in the revised draft national performance plan should be considered consistent with the Union-wide performance targets.

Review of cost-efficiency targets for terminal air navigation services

- (38) With regard to airports which fall within the scope of Implementing Regulation (EU) 2019/317 as set out in Articles 1(3) and (4) of that Implementing Regulation, the Commission has complemented its assessment of the *en route* cost-efficiency targets by reviewing the cost-efficiency targets for terminal air navigation services in accordance with point 2.1(c) of Annex IV to Implementing Regulation (EU) 2019/317. Those draft targets were not found to raise concerns in respect of the Netherlands.

Review of the incentive schemes referred to in Article 11 of Implementing Regulation (EU) 2019/317 complementing the Commission's assessment of capacity targets

- (39) In accordance with point 2.1(f) of Annex IV to Implementing Regulation (EU) 2019/317, the Commission has complemented its assessment of capacity targets by reviewing the incentive schemes referred to in Article 11 of that Implementing Regulation. In that respect, the Commission has examined whether the proposed incentive schemes fulfil the substantive requirements set out in Article 11(1) and (3) of Implementing Regulation (EU) 2019/317.
- (40) In Implementing Decision (EU) 2022/728, the Commission concluded that the Netherlands is to revise its incentive schemes for achieving *en route* and terminal capacity targets in such a way that the maximum financial disadvantage stemming from those incentive schemes is set at a level having a material impact on the revenue at risk. The Commission notes that the Netherlands has not made any changes to those incentive schemes in comparison with the draft FABEC performance plan submitted in 2021 and the revised draft FABEC performance plan submitted in July 2022.
- (41) Therefore, in the light of what has been said in recital 40, the Commission concludes that the incentive schemes set out in the revised draft national performance plan continue to give rise to concerns. The Commission therefore reiterates its view that the Netherlands should revise its incentive schemes for achieving *en route* and terminal capacity targets, in connection with the adoption of its final performance plan in accordance with Article 16, point (a), of Implementing Regulation (EU) 2019/317, so that the maximum financial disadvantages stemming from those incentive schemes are set at a level having a material impact on the revenue at risk, as expressly required under Article 11(3), point (a), of that Implementing Regulation. In the Commission's view that should lead to a maximum financial disadvantage equal to or higher than 1 % of determined costs.

CONCLUSIONS

- (42) On the basis of the assessment set out in recitals 13 to 41, the Commission finds that the performance targets included in the revised draft national performance plan submitted by the Netherlands are consistent with the Union-wide performance targets,

HAS ADOPTED THIS DECISION:

Article 1

The performance targets, included in the revised draft performance plan submitted by the Netherlands on 4 November 2022 pursuant to Regulation (EC) No 549/2004, and listed in the Annex to this Decision, are consistent with the Union-wide performance targets for the third reference period set out in Implementing Decision (EU) 2021/891.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 14 December 2022.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

ANNEX

Performance targets included in the revised draft performance plan submitted by the Netherlands pursuant to Regulation (EC) No 549/2004, found to be consistent with the Union-wide performance targets for the third reference period

KEY PERFORMANCE AREA OF SAFETY**Effectiveness of safety management**

Netherlands	Targets on the effectiveness of safety management, expressed as a level of implementation, ranging from European Aviation Safety Agency ('EASA') level A to D			
Air navigation service provider concerned	Safety management objective	2022	2023	2024
LVNL	Safety policy and objectives	C	C	C
	Safety risk management	C	D	D
	Safety assurance	C	C	C
	Safety promotion	C	C	C
	Safety culture	C	C	C

KEY PERFORMANCE AREA OF ENVIRONMENT**Average horizontal *en route* flight efficiency of the actual trajectory**

Netherlands	2022	2023	2024
Targets in the key performance area of environment , expressed as the average horizontal <i>en route</i> flight efficiency of the actual trajectory	2,62 %	2,62 %	2,62 %

KEY PERFORMANCE AREA OF CAPACITY**Average *en route* ATFM delay in minutes per flight**

Netherlands	2022	2023	2024
Targets in the key performance area of capacity , expressed in minutes of ATFM delay per flight	0,15	0,15	0,15

KEY PERFORMANCE AREA OF COST-EFFICIENCY**Determined unit cost for *en route* air navigation services**

<i>En route</i> charging zone of Netherlands	2014 baseline value	2019 baseline value	2020-2021	2022	2023	2024
<i>En route</i> cost-efficiency targets , expressed as determined <i>en route</i> unit cost (in real terms in 2017 prices)	67,44 EUR	69,56 EUR	151,70 EUR	88,63 EUR	75,73 EUR	71,66 EUR

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