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## Legislation

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## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL REGULATION (EU) 2023/331

of 14 February 2023

**amending certain Council regulations concerning restrictive measures in order to insert provisions on a humanitarian exemption**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

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

Whereas:

- (1) The European Union is able to impose restrictive measures, including the freezing of funds and economic resources against designated natural or legal persons, entities and bodies. Council regulations give effect to such measures.
- (2) On 9 December 2022, the United Nations Security Council (the 'UNSC') adopted Resolution 2664 (2022). Paragraph 1 of that Resolution introduces an exemption to the sanctions in the form of asset freezes imposed by the Security Council or by its Sanctions Committees for humanitarian assistance and other activities that support basic human needs, applicable to certain actors. For the purposes of this Regulation, paragraph 1 of Resolution 2664 (2022) is termed the 'humanitarian exemption'.
- (3) On 14 February 2023, the Council adopted Decision (CFSP) 2023/338 <sup>(1)</sup> to give effect to Resolution 2664 (2022) in Union law.
- (4) Resolution 2664 (2022) emphasises that where the humanitarian exemption conflicts with previous resolutions, it is to supersede such previous resolutions to the extent of such conflict. However, Resolution 2664 (2022) clarifies that paragraph 1 of UNSC Resolution 2615 (2021) remains in effect.
- (5) Resolution 2664 (2022) requests that providers relying on the humanitarian exemption make reasonable efforts to minimise the accrual of any benefits prohibited by sanctions, whether as a result of direct or indirect provision or diversion, to individuals or entities listed under the relevant Regulation, including by strengthening risk management and due diligence strategies and processes.
- (6) The amendments fall within the scope of the Treaty and therefore regulatory action at the level of the Union is necessary in order to implement them, in particular with a view to ensuring their uniform application in all Member States.

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<sup>(1)</sup> See page 50 of this Official Journal.

- (7) Council Regulations (EC) No 1210/2003 <sup>(<sup>1</sup>)</sup>, (EC) No 305/2006 <sup>(<sup>2</sup>)</sup>, (EU) No 356/2010 <sup>(<sup>3</sup>)</sup>, (EU) No 224/2014 <sup>(<sup>4</sup>)</sup>, (EU) No 1352/2014 <sup>(<sup>5</sup>)</sup>, and (EU) 2022/2309 <sup>(<sup>6</sup>)</sup> should be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Council Regulation (EC) No 1210/2003 is amended as follows:

- (1) in Article 4, the following paragraph is added:

‘4. Paragraphs 1, 2 and 3 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Sanctions Committee.’;

- (2) Article 7 is replaced by the following:

#### *‘Article 7*

1. The participation, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent Article 4(1) to (3) or to promote the transactions referred to in Articles 2 and 3, shall be prohibited.
2. Any information that the provisions of this Regulation are being, or have been, circumvented shall be notified to the competent authorities of the Member States, as listed in Annex V, and, directly or through these competent authorities, to the Commission.’.

#### *Article 2*

In Article 2 of Council Regulation (EC) No 305/2006, the following paragraph is added:

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- <sup>(<sup>1</sup>)</sup> Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96 (OJ L 169, 8.7.2003, p. 6).
  - <sup>(<sup>2</sup>)</sup> Council Regulation (EC) No 305/2006 of 21 February 2006 imposing specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri (OJ L 51, 22.2.2006, p. 1).
  - <sup>(<sup>3</sup>)</sup> Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (OJ L 105, 27.4.2010, p. 1).
  - <sup>(<sup>4</sup>)</sup> Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic (OJ L 70, 11.3.2014, p. 1).
  - <sup>(<sup>5</sup>)</sup> Council Regulation (EU) No 1352/2014 of 18 December 2014 concerning restrictive measures in view of the situation in Yemen (OJ L 365, 19.12.2014, p. 60).
  - <sup>(<sup>6</sup>)</sup> Council Regulation (EU) 2022/2309 of 25 November 2022 concerning restrictive measures in view of the situation in Haiti (OJ L 307, 28.11.2022, p. 17).

'4. Paragraphs 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Sanctions Committee.'

#### *Article 3*

In Council Regulation (EU) No 356/2010, Article 4 is replaced by the following:

#### *'Article 4*

1. Article 2(1) and (2) shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Sanctions Committee.

2. The exemption set out in paragraph 1 shall not give rise to liability of any kind on the part of the natural or legal persons, entities or bodies which made funds or economic resources available, where they did not know, and had no reasonable cause to suspect, that their actions would not be covered by this exemption.'

#### *Article 4*

Council Regulation (EU) No 224/2014 is amended as follows:

(1) in Article 5, the following paragraph is added:

'4. Paragraphs 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
  - (b) international organisations;
  - (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
  - (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
  - (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
  - (f) appropriate other actors as determined by the Sanctions Committee.’;
- (2) Article 12 is replaced by the following:

*Article 12*

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Articles 2, 5(1) and 5(2).’.

*Article 5*

Council Regulation (EU) No 1352/2014 is amended as follows:

- (1) in Article 2, the following paragraph is added:

‘3. Paragraphs 1 and 2 shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental Organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Sanctions Committee.’;

- (2) Article 3a is replaced by the following:

*Article 3a*

1. By way of derogation from Articles 1a and 2, the competent authorities of the Member States may, under such conditions as they deem appropriate, and provided that the Sanctions Committee has determined on a case-by-case basis that a derogation is necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of UNSCR 2140 (2014) and UNSCR 2216 (2015), authorise:

- (a) the provision of technical assistance, financing or financial assistance related to the activities described in Article 1a;
- (b) the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources.

2. Paragraph 1(b) is without prejudice to Article 2(3).;

(3) Article 10 is replaced by the following:

*'Article 10*

It shall be prohibited to participate, knowingly and intentionally, in activities where the object or effect is to circumvent the measures referred to in Article 2(1) and 2(2).'

#### *Article 6*

Article 5 of Council Regulation (EU) 2022/2309 is replaced by the following:

*'Article 5*

Article 3(1) and (2) shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Sanctions Committee.'

#### *Article 7*

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

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

Done at Brussels, 14 February 2023.

*For the Council*  
*The President*  
E. SVANTESSON

**COMMISSION DELEGATED REGULATION (EU) 2023/332****of 11 July 2022****supplementing Regulation (EU) 2019/818 of the European Parliament and of the Council as regards determining cases where identity data are considered as same or similar for the purpose of the multiple identity detection**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 <sup>(1)</sup>, and in particular Article 28(5) thereof,

Whereas:

- (1) Regulation (EU) 2019/818, together with Regulation (EU) 2019/817 of the European Parliament and of the Council <sup>(2)</sup> establishes a framework to ensure interoperability between the EU information systems in the field of borders, visa, police and judicial cooperation, asylum and migration.
- (2) That framework includes a number of interoperability components, including a multiple-identity detector. The multiple-identity detector creates and stores links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for *bona fide* travellers and combating identity fraud. The linking of data is essential for the multiple-identity detector to fulfil its objectives.
- (3) The multiple-identity detection process results in the creation of automated white and yellow links. A white link indicates that the identity data of the linked files are the same or similar whereas a yellow link indicates that the identity data of the linked files cannot be considered to be similar and that manual verification of the different identities should be carried out.
- (4) Considering the burden on persons whose data is registered in the EU information systems, and the national authorities as well as with Union agencies, it is necessary to limit the number of cases in which yellow links are generated by the multiple-identity detector and therefore require manual verification.

<sup>(1)</sup> OJ L 135, 22.5.2019, p. 85.

<sup>(2)</sup> Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).



- (5) Pursuant to Regulation (EU) 2019/818, the European Agency for the Operational Management of Large-Scale Information Systems in the area of Freedom, Security and Justice ('eu-LISA'), established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council <sup>(3)</sup>, should be responsible for the preparation, development and operational management of the interoperability components, including the multi-identity detector.
- (6) Prior to the development of the multi-identity detector, it is necessary to lay down the procedures to determine the cases in which identity data concerning a person stored across several systems are considered the same or similar for the purpose of multiple-identity detection.
- (7) Given that Regulation (EU) 2019/818 builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark notified the implementation of Regulation (EU) 2019/818 in its national law. It is therefore bound by this Regulation.
- (8) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part <sup>(4)</sup>. Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (9) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* <sup>(5)</sup>, which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC <sup>(6)</sup>.
- (10) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(7)</sup>, which fall within the area referred to in Article 1, point A of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>(8)</sup>.
- (11) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(9)</sup> which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU <sup>(10)</sup>.

<sup>(3)</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p. 1).

<sup>(4)</sup> This Regulation falls outside the scope of the measures provided for in Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>(5)</sup> OJ L 176, 10.7.1999, p. 36.

<sup>(6)</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

<sup>(7)</sup> OJ L 53, 27.2.2008, p. 52.

<sup>(8)</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

<sup>(9)</sup> OJ L 160, 18.6.2011, p. 21.

<sup>(10)</sup> Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

- (12) As regards Cyprus, Bulgaria and Romania and Croatia, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, Article 4(1) of the 2005 Act of Accession and Article 4(1) of the 2011 Act of Accession.
- (13) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council <sup>(11)</sup> and delivered an opinion on 27 April 2021,

HAS ADOPTED THIS REGULATION:

### Article 1

#### Definitions

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

(1) ‘identity data’ means the following data:

- (a) surname (family name); first name or names (given names); date of birth; nationality or nationalities; and sex; as referred to in Articles 16(1)(a), 17(1) and 18(1) of Regulation (EU) 2017/2226 of the European Parliament and of the Council <sup>(12)</sup>;
- (b) surname (family name), first name(s) (given name(s)), surname at birth; alias(es); date of birth, place of birth, sex and current nationality; as referred to in Article 17(2) of Regulation (EU) 2018/1240 of the European Parliament and of the Council <sup>(13)</sup>;
- (c) surnames, forenames, names at birth, previously used names and aliases, place of birth, date of birth, gender and any nationalities held, as referred to in Article 20(2) of Regulation (EU) 2018/1861 of the European Parliament and of the Council <sup>(14)</sup>;
- (d) surnames, forenames, names at birth, previously used names and aliases, place of birth, date of birth, gender and any nationalities held, as referred to in Article 4 of Regulation (EU) 2018/1860 of the European Parliament and of the Council <sup>(15)</sup>;
- (e) surnames, forenames, names at birth, previously used names and aliases, place of birth, date of birth, gender and any nationalities held as referred to in Article 20(3) of Regulation (EU) 2018/1862 of the European Parliament and of the Council <sup>(16)</sup>;

<sup>(11)</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

<sup>(12)</sup> Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

<sup>(13)</sup> Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

<sup>(14)</sup> Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

<sup>(15)</sup> Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).

<sup>(16)</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

- (f) surname (family name), first names (given names), date of birth, place of birth (town and country), nationality or nationalities and gender, previous names, if applicable as referred to in Article 5(1), point (a)(i), of Regulation (EU) 2019/816 of the European Parliament and of the Council <sup>(17)</sup>;
  - (g) until the the start of operations of the Visa Information System pursuant to Article 11 of Regulation (EU) 2021/1134 <sup>(18)</sup>: surname (family name), first name or names (given names), date of birth, sex, place and country of birth, and nationalities as referred to in Article 9(4), points (a) and (aa), of Regulation (EC) No 767/2008 of the European Parliament and of the Council <sup>(19)</sup>;
  - (h) from the start of operations of the Visa Information System pursuant to Article 11 of Regulation (EU) 2021/1134: surname (family name), first name(s) (given name(s)), date of birth, place and country of birth, sex, and nationality or nationalities as referred to in Article 9(4), points(a) and (aa), and in Article 22a(1), point (d), of Regulation (EC) No 767/2008;
- (2) 'equal' means a 100 % correspondence between data from two different EU information systems, including, where necessary, the use of a conversion-harmonisation functionality for harmonising the format of all data before comparison;
- (3) 'transliteration' means a type of conversion of a text from one script to another that involves swapping letters in previously identified ways.

#### Article 2

##### Same identity data

The procedures for determining the cases where identity data shall be considered as the same are set out in Annex I.

#### Article 3

##### Similar identity data

The procedures for determining the cases where identity data shall be considered as similar are set out in Annex II.

#### Article 4

##### Logs

1. The common identity repository shall keep the logs of the comparison of data containing, at least:
  - (a) the date and time of the comparison;
  - (b) the result of the comparison, including which identity data was considered as same or similar;
  - (c) the colour of the link following the automated comparison;
  - (d) the colour of the link following the manual processing subsequent to the creation of a yellow link;
  - (e) the amendments to the links, including where the identity data was considered as similar.

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<sup>(17)</sup> Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1).

<sup>(18)</sup> Regulation (EU) 2021/1134 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of reforming the Visa Information System (OJ L 248, 13.7.2021, p. 11).

<sup>(19)</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (OJ L 218, 13.8.2008, p. 60).

2. The logs shall be stored in the common identity repository. They shall be stored for no longer than one year following the comparison of data. After that period, they shall be automatically erased.
3. The logs shall be used by the common identity repository to produce automatic reports of activities and to support and monitor the accuracy of the comparison of data between EU information systems.

*Article 5*

**Entry into force**

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 11 July 2022.

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

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## ANNEX I

## 1. Data from different information systems

	Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
1	<b>Names (including surname and first name)</b>	Surnames Previously used surnames Aliases surnames Forenames Previously used forenames Aliases forenames Names at birth	Surname (family name) First name Names Given names	Surname (family name) Surname at birth Other names (aliases, artistic names, usual names) First name(s) Given name(s)	Surname (family name) Pseudonyms Aliases Previous names First names (Given names) Pseudonyms Aliases Previous names	Surname (family name) Surname at birth (former family name(s)) First name(s) (given name(s))
2	<b>Date of birth</b>	Date of birth Aliases date of birth	Date or birth	Date of birth	Date of birth	Date of birth
3	<b>Gender</b>	Gender Aliases gender	Sex	Sex	Gender	Sex
4	<b>Nationality and place of birth</b>	Any nationalities held Aliases nationality Place of birth (country of birth) Aliases place of birth (country of birth)	Nationality Nationalities	Current Nationality Place of birth	Nationality Nationalities Place of birth (town and country)	Current nationality Nationalities Nationality at birth Place and country of birth

In the case of the Schengen Information System, for each data provided for in the table, the identity data may belong to one of the following categories:

- (a) 'confirmed identity', where the person's identity has been confirmed on the basis of genuine identification documents, as a result of biometric matching or by a statement from the competent authorities;
- (b) 'not confirmed identity', where there is not sufficient proof of the person's identity;
- (c) 'alias', where a person uses a false or assumed identity;
- (d) 'misused identity', where a person, subject to an alert in the Schengen Information System, uses the identity of another real person, in particular when a document is used to the detriment of the real owner of that document.

For the purposes of this table, aliases identity data refer to categories (b), (c) and (d), while the non-alias data refer to category (a).

## 2. Same identity data

This Annex lays down the cases in which identity data shall be considered as the same. In order for identity data to be considered as the same, all the conditions of Section 3 should be fulfilled.

## 3. Cases where identity data shall be considered as the same per data category

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, the cumulative conditions laid down in Sections 3.1, 3.2, 3.3 and 3.4 shall be met.

## 3.1. Names

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Names (including surname and first name)</b>	Surnames Previously used surnames Aliases surnames Forenames Previously used forenames Names at birth Aliases forenames	Surname (family name) First name Names Given names	Surname (family name) Surname at birth Other names (aliases, artistic names, usual names) First name(s) Given name(s)	Surname (family name) Pseudonyms Aliases Previous names First names (Given names) Pseudonyms Aliases Previous names	Surname (family name) Surname at birth (former family name(s)) First name(s) (given name(s))

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, the following cumulative conditions must be met:

(a) the data inserted in at least one of the following data fields is equal in the two systems:

- (i) surname;
- (ii) family name;
- (iii) previously used surnames;
- (iv) surname at birth;
- (v) other names (aliases, artistic names, usual names);
- (vi) pseudonyms;
- (vii) aliases surnames;
- (viii) previous names;
- (ix) former family names;

(b) the data inserted in at least one of the following data fields is equal in the two systems:

- (i) first name;
- (ii) forename;
- (iii) name;
- (iv) given names;
- (v) previously used forenames;
- (vi) other names (aliases, artistic names, usual names);
- (vii) pseudonyms;
- (viii) aliases forenames;
- (ix) previous names.

## 3.2. Date of birth

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Date of birth</b>	Date of birth Aliases date of birth	Date of birth	Date of birth	Date of birth	Date of birth

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, the values contained under the data-category 'date of birth' must be equal in both systems.

### 3.3. Gender

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Gender</b>	Gender Aliases gender	Sex	Sex	Gender	Sex

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, the data contained under the data-category 'gender' must be equal in both systems.

### 3.4. Nationalities and place of birth

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Nationalities and place of birth</b>	Any nationalities held Aliases nationality Place of birth (country of birth) Aliases place of birth (country of birth)	Nationality Nationalities	Current Nationality Place of birth	Nationality Nationalities Place of birth (town and country)	Current nationality Nationalities Nationality at birth Place and country of birth

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, at least one of the data fields under the data-category 'nationalities and place of birth' must be equal in both systems, including at least one of the nationalities.

## ANNEX II

## 1. Data from different information systems

	Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
1	<b>Names (including surname and first name)</b>	Surnames Previously used surnames Aliases surnames Forenames Previously used forenames Names at birth Aliases forenames	Surname (family name) First name Names Given names	Surname (family name) Surname at birth Other names (aliases, artistic names, usual names) First name(s) Given name(s)	Surname (family name) Pseudonyms Aliases Previous names First names (Given names) Pseudonyms Aliases Previous names	Surname (family name) Surname at birth (former family name(s)) First name(s) (given name(s))
2	<b>Date of birth</b>	Date of birth Aliases date of birth	Date or birth	Date of birth	Date of birth	Date of birth
3	<b>Gender</b>	Gender Aliases gender	Sex	Sex	Gender	Sex
4	<b>Nationality and place of birth</b>	Any nationalities held Aliases nationality Place of birth (country of birth) Aliases place of birth (country of birth)	Nationality Nationalities	Current Nationality Place of birth	Nationality Nationalities Place of birth (town and country)	Current nationality Nationalities Nationality at birth Place and country of birth

In the case of the Schengen Information System, for each data provided for in the table, the identity data may belong to one of the following categories:

- (a) 'confirmed identity', where the person's identity has been confirmed on the basis of genuine identification documents, as a result of biometric matching or by a statement from the competent authorities;
- (b) 'not confirmed identity', where there is not sufficient proof of the person's identity;
- (c) 'alias', where a person uses a false or assumed identity;
- (d) 'misused identity', where a person, subject to an alert in the Schengen Information System, uses the identity of another real person, in particular when a document is used to the detriment of the real owner of that document.

For the purposes of this table, aliases identity data refer to categories (b), (c) and (d), while the non-alias data refer to category (a).

## 2. Similar identity data

Section 3 provides an exhaustive list of rules for when identity data shall be considered as similar.

eu-LISA, assisted and advised by the Interoperability Advisory Group, shall apply these rules by means of an algorithm in consultation with the Commission assisted and advised by the Interoperability Subgroup of the Expert Group on Information Systems for Borders and Security ('Expert Group').

eu-LISA shall monitor the impact of the application of the algorithm and report, on a regular basis, to the Expert Group.



Where necessary, in order to limit the number of cases in which yellow links generated by the multiple-identity detector would need to be turned into white links by the responsible authorities, the Commission, assisted and advised by the Expert Group, shall request eu-LISA to adjust the algorithm by prioritising the yellow links created between identity data that are considered more similar, in compliance with the rules in Section 3.

The multiple-identity detector shall always check identity data against all rules laid down in Section 3.

### 3. Cases where identity data shall be considered as similar

#### 3.1. Names

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Names (including surname and first name)</b>	Surnames Previously used surnames Aliases surnames Forenames Previously used forenames Names at birth Aliases forenames	Surname (family name) First name Names Given names	Surname (family name) Surname at birth Other names (aliases, artistic names, usual names) First name(s) Given name(s)	Surname (family name) Pseudonyms Aliases Previous names First names (Given names) Pseudonyms Aliases Previous names	Surname (family name) Surname at birth (former family name(s)) First name(s) (given name(s))

Identity data of the data-category 'names' shall be considered similar where there are:

- (a) known transliteration in names;
- (b) inversions of the following categories of data:
  - (i) surname; family name; previously used surnames; surname at birth, name at birth; aliases surnames, former family names;
  - (ii) first name; forename; name; given names; previously used forenames; aliases forenames;
- (c) cases where the first name, forename and surname are regrouped in one of the data fields;
- (d) cases where the order of two words is inversed, including both adjacent and non-adjacent;
- (e) cases where the order of two letters is inversed, including both adjacent and non-adjacent;
- (f) cases where a single character edit including insertions, deletions and substitutions is required to have a data-category of one EU information system being equal to a data-category in another EU information system;
- (g) cases where a difference is found due to the use of hyphens, commas or apostrophes;
- (h) cases where the name is truncated.

#### 3.2. Date of birth

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Date of birth</b>	Date of birth Aliases date of birth	Date or birth	Date of birth	Date of birth	Date of birth

Identity data of the data-category 'date of birth' shall be considered similar where there are:

- (a) cases where the fields of month and day match if they are inversed;

- (b) cases where the difference in date of birth is due to a known conversion of different calendars;
- (c) cases where a single character edit including insertions, deletions and substitutions is required to have a data-category of one EU information system being equal to a data-category in another EU information system.

### 3.3. Gender

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Gender</b>	Gender Aliases gender	Sex	Sex	Gender	Sex

### 3.4. Nationalities and place of birth

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Nationalities and place of birth</b>	Any nationalities held Aliases nationality Place of birth (country of birth) Aliases place of birth (country of birth)	Nationality Nationalities	Current Nationality Place of birth	Nationality Nationalities Place of birth (town and country)	Current nationality Nationalities Nationality at birth Place and country of birth

Identity data of the data-category 'nationalities and place of birth' shall be considered similar where there are:

- (a) known transliteration in nationalities or place of birth;
- (b) cases where a single character edit including insertions, deletions and substitutions is required to have a data-category of one EU information system being equal to a data-category in another EU information system;
- (c) known cases where nationalities/countries/cities changed their denomination.

**COMMISSION DELEGATED REGULATION (EU) 2023/333****of 11 July 2022****supplementing Regulation (EU) 2019/817 of the European Parliament and of the Council as regards determining cases where identity data are considered as same or similar for the purpose of the multiple identity detection**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA <sup>(1)</sup>, and in particular Article 28(5) thereof,

Whereas:

- (1) Regulation (EU) 2019/817 together with Regulation (EU) 2019/818 of the European Parliament and of the Council <sup>(2)</sup>, establishes a framework to ensure interoperability between the EU information systems in the field of borders, visa, police and judicial cooperation, asylum and migration.
- (2) That framework includes a number of interoperability components, including a multiple-identity detector. The multiple-identity detector creates and stores links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for *bona fide* travellers and combating identity fraud. The linking of data is essential for the multiple-identity detector to fulfil its objectives.
- (3) The multiple-identity detection process results in the creation of automated white and yellow links. A white link indicates that the identity data of the linked files are the same or similar whereas a yellow link indicates that the identity data of the linked files cannot be considered to be similar and that manual verification of the different identities should be carried out.
- (4) Considering the burden on persons whose data is registered in the EU information systems, and the national authorities as well as with Union agencies, it is necessary to limit the number of cases in which yellow links are generated by the multiple-identity detector and therefore require manual verification.
- (5) Pursuant to Regulation (EU) 2019/817, the European Agency for the Operational Management of Large-Scale Information Systems in the area of Freedom, Security and Justice ('eu-LISA'), established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council <sup>(3)</sup>, should be responsible for the preparation, development and operational management of the interoperability components, including the multi-identity detector.
- (6) Prior to the development of the multi-identity detector, it is necessary to lay down the procedures to determine the cases in which identity data concerning a person stored across several systems are considered the same or similar for the purpose of multiple-identity detection.

<sup>(1)</sup> OJ L 135, 22.5.2019, p. 27.

<sup>(2)</sup> Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

<sup>(3)</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p. 1).

- (7) Given that Regulation (EU) 2019/817 builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark notified the implementation of Regulation (EU) 2019/817 in its national law. It is therefore bound by this Regulation.
- (8) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part <sup>(4)</sup>. Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (9) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* <sup>(5)</sup>, which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC <sup>(6)</sup>.
- (10) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(7)</sup>, which fall within the area referred to in Article 1, point A of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>(8)</sup>.
- (11) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(9)</sup> which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU <sup>(10)</sup>.
- (12) As regards Cyprus, Bulgaria and Romania and Croatia, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, Article 4(1) of the 2005 Act of Accession and Article 4(1) of the 2011 Act of Accession.
- (13) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council <sup>(11)</sup> and delivered an opinion on 27 April 2021,

<sup>(4)</sup> This Regulation falls outside the scope of the measures provided for in Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>(5)</sup> OJ L 176, 10.7.1999, p. 36.

<sup>(6)</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

<sup>(7)</sup> OJ L 53, 27.2.2008, p. 52.

<sup>(8)</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

<sup>(9)</sup> OJ L 160, 18.6.2011, p. 21.

<sup>(10)</sup> Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

<sup>(11)</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

HAS ADOPTED THIS REGULATION:

## Article 1

### Definitions

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

(1) 'identity data' means the following data:

- (a) surname (family name); first name or names (given names); date of birth; nationality or nationalities; and sex; as referred to in Articles 16(1)(a), 17(1) and 18(1) of Regulation (EU) 2017/2226 of the European Parliament and of the Council <sup>(12)</sup>;
- (b) surname (family name), first name(s) (given name(s)), surname at birth; alias(es); date of birth, place of birth, sex and current nationality; as referred to in Article 17(2) of Regulation (EU) 2018/1240 of the European Parliament and of the Council <sup>(13)</sup>;
- (c) surnames, forenames, names at birth, previously used names and aliases, place of birth, date of birth, gender and any nationalities held, as referred to in Article 20(2) of Regulation (EU) 2018/1861 of the European Parliament and of the Council <sup>(14)</sup>;
- (d) surnames, forenames, names at birth, previously used names and aliases, place of birth, date of birth, gender and any nationalities held, as referred to in Article 4 of Regulation (EU) 2018/1860 of the European Parliament and of the Council <sup>(15)</sup>;
- (e) surnames, forenames, names at birth, previously used names and aliases, place of birth, date of birth, gender and any nationalities held as referred to in Article 20(3) of Regulation (EU) 2018/1862 of the European Parliament and of the Council <sup>(16)</sup>;
- (f) surname (family name), first names (given names), date of birth, place of birth (town and country), nationality or nationalities and gender, previous names, if applicable as referred to in Article 5(1), point (a)(i), of Regulation (EU) 2019/816 of the European Parliament and of the Council <sup>(17)</sup>;

<sup>(12)</sup> Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

<sup>(13)</sup> Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

<sup>(14)</sup> Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

<sup>(15)</sup> Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).

<sup>(16)</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

<sup>(17)</sup> Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1).

- (g) until the start of operations of the Visa Information System pursuant to Article 11 of Regulation (EU) 2021/1134 of the European Parliament and of the Council <sup>(18)</sup>: surname (family name), first name or names (given names), date of birth, sex, place and country of birth, and nationalities as referred to in Article 9(4), points (a) and (aa), of Regulation (EC) No 767/2008 of the European Parliament and of the Council <sup>(19)</sup>;
- (h) from the start of operations of the Visa Information System pursuant to Article 11 of Regulation (EU) 2021/1134: surname (family name), first name(s) (given name(s)), date of birth, place and country of birth, sex, and nationality or nationalities as referred to in Article 9(4), points(a) and (aa), and in Article 22a(1), point (d), of Regulation (EC) No 767/2008;
- (2) 'equal' means a 100 % correspondence between data from two different EU information systems, including, where necessary, the use of a conversion-harmonisation functionality for harmonising the format of all data before comparison;
- (3) 'transliteration' means a type of conversion of a text from one script to another that involves swapping letters in previously identified ways.

## Article 2

### Same identity data

The procedures for determining the cases where identity data shall be considered as the same are set out in Annex I.

## Article 3

### Similar identity data

The procedures for determining the cases where identity data shall be considered as similar are set out in Annex II.

## Article 4

### Logs

1. The common identity repository shall keep the logs of the comparison of data containing, at least:
  - (a) the date and time of the comparison;
  - (b) the result of the comparison, including which identity data was considered as same or similar;
  - (c) the colour of the link following the automated comparison;
  - (d) the colour of the link following the manual processing subsequent to the creation of a yellow link;
  - (e) the amendments to the links, including where the identity data was considered as similar.
2. The logs shall be stored in the common identity repository. They shall be stored for no longer than one year following the comparison of data. After that period, they shall be automatically erased.

<sup>(18)</sup> Regulation (EU) 2021/1134 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of reforming the Visa Information System (OJ L 248, 13.7.2021, p. 11).

<sup>(19)</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (OJ L 218, 13.8.2008, p. 60).

3. The logs shall be used by the common identity repository to produce automatic reports of activities and to support and monitor the accuracy of the comparison of data between EU information systems.

*Article 5*

**Entry into force**

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 11 July 2022.

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

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## ANNEX I

## 1. DATA FROM DIFFERENT INFORMATION SYSTEMS

	Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
1	<b>Names (including surname and first name)</b>	Surnames Previously used surnames Aliases surnames Forenames Previously used forenames Aliases forenames Names at birth	Surname (family name) First name Names Given names	Surname (family name) Surname at birth Other names (aliases, artistic names, usual names) First name(s) Given name(s)	Surname (family name) Pseudonyms Aliases Previous names First names (Given names) Pseudonyms Aliases Previous names	Surname (family name) Surname at birth (former family name(s)) First name(s) (given name(s))
2	<b>Date of birth</b>	Date of birth Aliases date of birth	Date or birth	Date of birth	Date of birth	Date of birth
3	<b>Gender</b>	Gender Aliases gender	Sex	Sex	Gender	Sex
4	<b>Nationality and place of birth</b>	Any nationalities held Aliases nationality Place of birth (country of birth) Aliases place of birth (country of birth)	Nationality Nationalities	Current Nationality Place of birth	Nationality Nationalities Place of birth (town and country)	Current nationality Nationalities Nationality at birth Place and country of birth

In the case of the Schengen Information System, for each data provided for in the table, the identity data may belong to one of the following categories:

- (a) 'confirmed identity', where the person's identity has been confirmed on the basis of genuine identification documents, as a result of biometric matching or by a statement from the competent authorities;
- (b) 'not confirmed identity', where there is not sufficient proof of the person's identity;
- (c) 'alias', where a person uses a false or assumed identity;
- (d) 'misused identity', where a person, subject to an alert in the Schengen Information System, uses the identity of another real person, in particular when a document is used to the detriment of the real owner of that document.

For the purposes of this table, aliases identity data refer to categories (b), (c) and (d), while the non-alias data refer to category (a).



## 2. SAME IDENTITY DATA

This Annex lays down the cases in which identity data shall be considered as the same. In order for identity data to be considered as the same, all the conditions of Section 3 should be fulfilled.

## 3. CASES WHERE IDENTITY DATA SHALL BE CONSIDERED AS THE SAME PER DATA CATEGORY

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, the cumulative conditions laid down in Sections 3.1, 3.2, 3.3 and 3.4 shall be met.

### 3.1. Names

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Names (including surname and first name)</b>	Surnames Previously used surnames Aliases surnames Forenames Previously used forenames Names at birth Aliases forenames	Surname (family name) First name Names Given names	Surname (family name) Surname at birth Other names (aliases, artistic names, usual names) First name(s) Given name(s)	Surname (family name) Pseudonyms Aliases Previous names First names (Given names) Pseudonyms Aliases Previous names	Surname (family name) Surname at birth (former family name(s)) First name(s) (given name(s))

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, the following cumulative conditions must be met:

(a) the data inserted in at least one of the following data fields is equal in the two systems:

- (i) surname;
- (ii) family name;
- (iii) previously used surnames;
- (iv) surname at birth;
- (v) other names (aliases, artistic names, usual names);
- (vi) pseudonyms;
- (vii) aliases surnames;
- (viii) previous names;
- (ix) former family names;

(b) the data inserted in at least one of the following data fields is equal in the two systems:

- (i) first name;
- (ii) forename;
- (iii) name;
- (iv) given names;
- (v) previously used forenames;

- (vi) other names (aliases, artistic names, usual names);
- (vii) pseudonyms;
- (viii) aliases forenames;
- (ix) previous names.

### 3.2. Date of birth

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Date of birth</b>	Date of birth Aliases date of birth	Date or birth	Date of birth	Date of birth	Date of birth

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, the values contained under the data-category 'date of birth' must be equal in both systems.

### 3.3. Gender

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Gender</b>	Gender Aliases gender	Sex	Sex	Gender	Sex

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, the data contained under the data-category 'gender' must be equal in both systems.

### 3.4. Nationalities and place of birth

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Nationalities and place of birth</b>	Any nationalities held Aliases nationality Place of birth (country of birth) Aliases place of birth (country of birth)	Nationality Nationalities	Current Nationality Place of birth	Nationality Nationalities Place of birth (town and country)	Current nationality Nationalities Nationality at birth Place and country of birth

In order for identity data to be considered as the same, where a link is created between data from two EU information systems, at least one of the data fields under the data-category 'nationalities and place of birth' must be equal in both systems, including at least one of the nationalities.

## ANNEX II

## 1. DATA FROM DIFFERENT INFORMATION SYSTEMS

	Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
1	<b>Names (including surname and first name)</b>	Surnames Previously used surnames Aliases surnames Forenames Previously used forenames Names at birth Aliases forenames	Surname (family name) First name Names Given names	Surname (family name) Surname at birth Other names (aliases, artistic names, usual names) First name(s) Given name(s)	Surname (family name) Pseudonyms Aliases Previous names First names (Given names) Pseudonyms Aliases Previous names	Surname (family name) Surname at birth (former family name(s)) First name(s) (given name(s))
2	<b>Date of birth</b>	Date of birth Aliases date of birth	Date or birth	Date of birth	Date of birth	Date of birth
3	<b>Gender</b>	Gender Aliases gender	Sex	Sex	Gender	Sex
4	<b>Nationality and place of birth</b>	Any nationalities held Aliases nationality Place of birth (country of birth) Aliases place of birth (country of birth)	Nationality Nationalities	Current Nationality Place of birth	Nationality Nationalities Place of birth (town and country)	Current nationality Nationalities Nationality at birth Place and country of birth

In the case of the Schengen Information System, for each data provided for in the table, the identity data may belong to one of the following categories:

- (a) 'confirmed identity', where the person's identity has been confirmed on the basis of genuine identification documents, as a result of biometric matching or by a statement from the competent authorities;
- (b) 'not confirmed identity', where there is not sufficient proof of the person's identity;
- (c) 'alias', where a person uses a false or assumed identity;
- (d) 'misused identity', where a person, subject to an alert in the Schengen Information System, uses the identity of another real person, in particular when a document is used to the detriment of the real owner of that document.

For the purposes of this table, aliases identity data refer to categories (b), (c) and (d), while the non-alias data refer to category (a).

## 2. SIMILAR IDENTITY DATA

Section 3 provides an exhaustive list of rules for when identity data shall be considered as similar.

eu-LISA, assisted and advised by the Interoperability Advisory Group, shall apply these rules by means of an algorithm in consultation with the Commission assisted and advised by the Interoperability Subgroup of the Expert Group on Information Systems for Borders and Security ('Expert Group').

eu-LISA shall monitor the impact of the application of the algorithm and report, on a regular basis, to the Expert Group.

Where necessary, in order to limit the number of cases in which yellow links generated by the multiple-identity detector would need to be turned into white links by the responsible authorities, the Commission, assisted and advised by the Expert Group, shall request eu-LISA to adjust the algorithm by prioritising the yellow links created between identity data that are considered more similar, in compliance with the rules in Section 3.

The multiple-identity detector shall always check identity data against all rules laid down in section 3.

## 3. CASES WHERE IDENTITY DATA SHALL BE CONSIDERED AS SIMILAR

### 3.1. Names

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Names (including surname and first name)</b>	Surnames Previously used surnames Aliases surnames Forenames Previously used forenames Names at birth Aliases forenames	Surname (family name) First name Names Given names	Surname (family name) Surname at birth Other names (aliases, artistic names, usual names) First name(s) Given name(s)	Surname (family name) Pseudonyms Aliases Previous names First names (Given names) Pseudonyms Aliases Previous names	Surname (family name) Surname at birth (former family name(s)) First name(s) (given name(s))

Identity data of the data-category 'names' shall be considered similar where there are:

- (a) known transliteration in names;
- (b) inversions of the following categories of data:
  - (i) surname; family name; previously used surnames; surname at birth, name at birth; aliases surnames, former family names;
  - (ii) first name; forename; name; given names; previously used forenames; aliases forenames;
- (c) cases where the first name, forename and surname are regrouped in one of the data fields;
- (d) cases where the order of two words is inverted, including both adjacent and non-adjacent;
- (e) cases where the order of two letters is inverted, including both adjacent and non-adjacent;

- (f) cases where a single character edit including insertions, deletions and substitutions is required to have a data-category of one EU information system being equal to a data-category in another EU information system;
- (g) cases where a difference is found due to the use of hyphens, commas or apostrophes;
- (h) cases where the name is truncated.

### 3.2. Date of birth

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Date of birth</b>	Date of birth Aliases date of birth	Date or birth	Date of birth	Date of birth	Date of birth

Identity data of the data-category 'date of birth' shall be considered similar where there are:

- (a) cases where the fields of month and day match if they are inverted;
- (b) cases where the difference in date of birth is due to a known conversion of different calendars;
- (c) cases where a single character edit including insertions, deletions and substitutions is required to have a data-category of one EU information system being equal to a data-category in another EU information system.

### 3.3. Gender

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Gender</b>	Gender Aliases gender	Sex	Sex	Gender	Sex

### 3.4. Nationalities and place of birth

Data-category	SIS	EES	ETIAS	ECRIS-TCN	VIS
<b>Nationalities and place of birth</b>	Any nationalities held Aliases nationality Place of birth (country of birth) Aliases place of birth (country of birth)	Nationality Nationalities	Current Nationality Place of birth	Nationality Nationalities Place of birth (town and country)	Current nationality Nationalities Nationality at birth Place and country of birth

Identity data of the data-category 'nationalities and place of birth' shall be considered similar where there are:

- (a) known transliteration in nationalities or place of birth;

- (b) cases where a single character edit including insertions, deletions and substitutions is required to have a data-category of one EU information system being equal to a data-category in another EU information system;
  - (c) known cases where nationalities/countries/cities changed their denomination.
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**COMMISSION REGULATION (EU) 2023/334****of 2 February 2023****amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for clothianidin and thiamethoxam 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 <sup>(1)</sup>, and in particular Article 14(1)(a), Article 18(1)(b) and Article 49(2) thereof,

Whereas:

- (1) For clothianidin and thiamethoxam maximum residue levels (MRLs) were set in Annex II to Regulation (EC) No 396/2005. The European Food Safety Authority (the 'Authority') reviewed these MRLs in accordance with Article 12 of Regulation (EC) No 396/2005 <sup>(2)</sup> and recommended MRLs which were found to be safe for consumers. Commission Regulation (EU) 2016/156 <sup>(3)</sup> included these MRLs in Annex II to Regulation (EC) No 396/2005. Some of these MRLs were based on Codex maximum residue limits (CXLs) and had already been included in Annex II to Regulation (EC) No 396/2005 through earlier amendments <sup>(4)</sup>.
- (2) On 11 July 2015 <sup>(5)</sup> the Codex Alimentarius Commission (CAC) adopted a new set CXLs for clothianidin and thiamethoxam. As they were found to be safe for consumers in the Union <sup>(6)</sup> by the Authority, Commission Regulation (EU) 2017/671 <sup>(7)</sup> included them in Regulation (EC) No 396/2005.

<sup>(1)</sup> OJ L 70, 16.3.2005, p. 1.

<sup>(2)</sup> EFSA (European Food Safety Authority), 2014. Reasoned opinion on the review of the existing maximum residue levels (MRLs) for clothianidin and thiamethoxam according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2014;12(12):3918, 120 pp. doi:10.2903/j.efsa.2014.3918.

<sup>(3)</sup> Commission Regulation (EU) 2016/156 of 18 January 2016 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 boscalid, clothianidin, thiamethoxam, folpet and tolclofos-methyl in or on certain products (OJ L 31, 6.2.2016, p. 1).

<sup>(4)</sup> Commission Regulation (EU) No 441/2012 of 24 May 2012 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 bifenazate, bifenthrin, boscalid, cadusafos, chlorantraniliprole, chlorothalonil, clothianidin, cyproconazole, deltamethrin, dicamba, difenoconazole, dinocap, etoxazole, fenpyroximate, flubendiamide, fludioxonil, glyphosate, metalaxyl-M, mepyldinocap, novaluron, thiamethoxam, and triazophos in or on certain products (OJ L 135, 25.5.2012, p. 4).

<sup>(5)</sup> Joint FAO/WHO food standards programme Codex Alimentarius Commission. Appendices III and IV. Thirty-Eight Session. Geneva, Switzerland, 6-11 July 2015.

<sup>(6)</sup> European Food Safety Authority; Scientific support for preparing an EU position in the 47th Session of the Codex Committee on Pesticide Residues (CCPR). EFSA Journal 2015;13(7):4208 178 pp. doi: 10.2903/j.efsa.2015.4208.

<sup>(7)</sup> Commission Regulation (EU) 2017/671 of 7 April 2017 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for clothianidin and thiamethoxam in or on certain products (OJ L 97, 8.4.2017, p. 9).

- (3) Clothianidin and thiamethoxam were included in Annex I to Council Directive 91/414/EEC <sup>(8)</sup> on 1 August 2006 and 1 February 2007, respectively, and, therefore, before the entry into force of Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(9)</sup>. The most recent risk assessments <sup>(10)</sup> <sup>(11)</sup> for bees from the exposure to these substances conducted by the Authority under Regulation (EC) No 1107/2009 found that, due to their intrinsic properties, the exposure from outdoor use of clothianidin and thiamethoxam leads to unacceptable risks for bees, or such risks could not be excluded based on the available data. Therefore, Commission Implementing Regulations (EU) 2018/784 <sup>(12)</sup> and (EU) 2018/785 <sup>(13)</sup> restricted, the approval of clothianidin and thiamethoxam, respectively, to uses in permanent greenhouses only and required that the resulting crops stayed within a permanent greenhouse during their entire life cycle.
- (4) Following the adoption of these restrictions, all applications for the renewal of the approval of the active substances clothianidin and thiamethoxam were withdrawn. Therefore, the approval of clothianidin expired on 31 January 2019 and the approval of thiamethoxam expired on 30 April 2019.
- (5) In the light of the Authority's risk assessment for bees and of all the available pertinent information, there is currently no evidence that would allow any outdoor uses for clothianidin and thiamethoxam to be considered as safe for bees. Producers of the substances can however, at any time, submit additional information, as provided in Articles 7 of Regulation (EC) No 1107/2009, demonstrating the safety for bees of outdoor uses of clothianidin and thiamethoxam. That information, if submitted, would be reviewed within the time period provided for in that Regulation. To date, no such information has been submitted.
- (6) Adverse effects of clothianidin and thiamethoxam on bees are directly linked to the intrinsic properties of those substances. Therefore, the risks for bees from outdoor uses of these substances are unlikely to be limited to the Union.
- (7) There is a substantial body of evidence showing that active substances which are neonicotinoids, such as clothianidin and thiamethoxam, play an important role in the decline of bees and other pollinators worldwide. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services on pollinators, pollination and food production concluded in its 2016 assessment report <sup>(14)</sup> that neonicotinoids (such as clothianidin and thiamethoxam) have adverse effects on bees and other pollinators. The impact of neonicotinoids on wildlife has been assessed by the International Union for Conservation of Nature (IUCN) Task Force on Systemic Pesticides since 2012. The Worldwide Integrated Assessment of the Impact of Systemic Pesticides on Biodiversity and Ecosystems (WIA) has examined 1 121 scientific studies and results indicate that pollinator populations are highly vulnerable to

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<sup>(8)</sup> Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

<sup>(9)</sup> Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

<sup>(10)</sup> European Food Safety Authority; Peer review of the pesticide risk assessment for bees for the active substance clothianidin considering the uses as seed treatments and granules. EFSA Journal 2018;16(2):5177.

<sup>(11)</sup> European Food Safety Authority; Peer review of the pesticide risk assessment for bees for the active substance thiamethoxam considering the uses as seed treatments and granules. EFSA Journal 2018;16(2):5179.

<sup>(12)</sup> Commission Implementing Regulation (EU) 2018/784 of 29 May 2018 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance clothianidin (OJ L 132, 30.5.2018, p. 35).

<sup>(13)</sup> Commission Implementing Regulation (EU) 2018/785 of 29 May 2018 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance thiamethoxam (OJ L 132, 30.5.2018, p. 40).

<sup>(14)</sup> IPBES (2016). The assessment report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services on pollinators, pollination and food production. S.G. Potts, V. L. Imperatriz-Fonseca, and H. T. Ngo (eds). Secretariat of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, Bonn, Germany. 552 pages. <https://doi.org/10.5281/zenodo.3402856>.



the existing levels of pollution with neonicotinoids and are likely to have large-scale and wide ranging negative biological and ecological impacts<sup>(15)</sup>. A recent review of the existing scientific knowledge corroborated this conclusion indicating that neonicotinoid use is driving the decline of pollinator population in different world regions<sup>(16)</sup>.

- (8) Since the ban on outdoor uses of clothianidin and thiamethoxam in the Union, several countries outside the Union have also restricted the use of clothianidin and thiamethoxam to protect pollinators, including bees<sup>(17)</sup> <sup>(18)</sup> <sup>(19)</sup>. Other countries are currently re-evaluating their approval of these active substances<sup>(20)</sup> <sup>(21)</sup> <sup>(22)</sup>.
- (9) Regulation (EC) No 396/2005 establishes in accordance with the general principles laid down in Regulation (EC) No 178/2002<sup>(23)</sup> provisions related to maximum residue levels of pesticides residues in or on food and feed of plant and animal origin. In accordance with Article 5(1) of the latter Regulation, food law shall pursue one or more of the general objectives of a high level of protection of human life and health and the protection of consumers' interests, including fair practices in food trade, taking into account, where appropriate, the protection of animal health and welfare, plant health and the environment.
- (10) There is growing worldwide concern that the decline of pollinators is a serious threat to global biodiversity, the environment and sustainable development, as well as to maintaining agricultural productivity and food security. According to the Convention on Biological Diversity's International Initiative for the Conservation and Sustainable Use of Pollinators<sup>(24)</sup>, pollination is one of the most important mechanisms in the maintenance and promotion of biodiversity and, in general, life on earth. Many ecosystems, including agro-ecosystems and two thirds of major food crops depend on pollinators for quality or yield. The Food and Agriculture Organization of the United Nations (FAO) calls for actions to address the drivers of pollinator decline for the sake of sustainable global food production<sup>(25)</sup>.

<sup>(15)</sup> IUCN SSC CEM Task Force on Systemic Pesticides. Worldwide Integrated Assessment. Peer reviewed scientific journal articles compiled in Environmental Science and Pollution Research volume 22, issue 1, January 2015.

<sup>(16)</sup> Neonic Insecticides and Invertebrate Species Endangerment, Pierre Mineau. Module in Earth Systems and Environmental Sciences. 2021.

<https://www.sciencedirect.com/science/article/pii/B9780128211397001264>.

<sup>(17)</sup> Health Canada's Pest Management Regulatory Agency. Re-evaluation Decision RVD2019-05, Clothianidin and Its Associated End-use Products: Pollinator Re-evaluation. Pest Management Regulatory Agency 11 April 2019 ISSN: 1925-0886.

<sup>(18)</sup> Health Canada's Pest Management Regulatory Agency. Re-evaluation Decision RVD2019-04., Thiamethoxam and Its Associated End-use Products: Pollinator Re-evaluation. Pest Management Regulatory Agency 11 April 2019 ISSN: 1925-0886.

<sup>(19)</sup> Ministerio de Ganadería, Agricultura y PESCA de Paraguay. Resolución No 503/019 DGSA Modificación de etiquetas para los Productos Fitosanitarios a base de los ingredientes activos Clotianidina, Imidacloprid, Tiametoxan y Clorpirifos. December 2019.

<sup>(20)</sup> Australian Pesticides and Veterinary Medicines Authority. Reconsideration of Neonicotinoid Approvals and Registrations. Commonwealth of Australia Gazette No. APVMA 23, November 2019. [https://apvma.gov.au/sites/default/files/apvma\\_gazette\\_23\\_19\\_november\\_2019.pdf](https://apvma.gov.au/sites/default/files/apvma_gazette_23_19_november_2019.pdf).

<sup>(21)</sup> New Zealand Environmental Protection Authority. Application to decide whether there are grounds for reassessment of the neonicotinoids clothianidin, thiamethoxam, imidacloprid, thiacloprid, and acetamiprid (APP203949). December 2019. [https://www.epa.govt.nz/assets/FileAPI/hsno-ar/APP203949/APP203949\\_Final\\_Neonicotinoids\\_Decision\\_16-12-2019.pdf](https://www.epa.govt.nz/assets/FileAPI/hsno-ar/APP203949/APP203949_Final_Neonicotinoids_Decision_16-12-2019.pdf).

<sup>(22)</sup> United States Environmental Protection Agency. Proposed Interim Registration Review Decision Case Numbers 7620 and 7614. Docket Numbers EPA-HQ-OPP-2011-0865 and EPA-HQ-OPP-2011-0581. January 2020.

<sup>(23)</sup> 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).

<sup>(24)</sup> <https://www.cbd.int/doc/decisions/cop-14/cop-14-dec-06-en.pdf>.

<sup>(25)</sup> FAO. 2019. The State of the World's Biodiversity for Food and Agriculture, J. Bélanger & D. Pilling (eds.). FAO Commission on Genetic Resources for Food and Agriculture Assessments. Rome. 572 pp. <https://www.fao.org/3/CA3129EN/CA3129EN.pdf>.

Highly dependent on pollination, foods such as fruits, vegetables, nuts and seeds are the main dietary contributors of micronutrients necessary to prevent the risk of some non-communicable diseases in humans <sup>(26)</sup> <sup>(27)</sup>. Therefore, pollinators are important to ensure diversity in diet and to reduce the threat to biodiversity in the global environment.

- (11) As the decline in pollinators is an issue of international concern, Union measures need to be adopted to protect pollinator populations worldwide, including bees, from the risks of active substances, such as the neonicotinoids clothianidin and thiamethoxam. Preserving the pollinator population within the Union only would be insufficient to reverse the worldwide decline of pollinator populations and its effects on biodiversity, agricultural production and food security, also in the Union.
- (12) In accordance with Article 3(2)(d) of Regulation (EC) No 396/2005, MRLs for clothianidin and thiamethoxam were based on Good Agricultural Practices (GAPs) as defined in Article 3(2)(a) of that Regulation, which took into account, in particular, considerations of efficiency to combat plant pests, and protection of the environment and public health in the context of the authorisation of the use of plant protection products containing those substances. The MRLs resulting from these GAPs were subsequently considered and found safe for consumers in the Union. It is now appropriate to complement the regulatory response to date by better integrating within it environmental considerations taking into account in particular whether the GAPs used in the past as a basis for setting MRLs ensure a sufficient protection of the environment, based on current knowledge. GAPs involving outdoor uses of clothianidin and thiamethoxam are not acceptable, in light of current scientific and technical knowledge, due to their effects on bees. Given the global nature of pollinator decline, there is a need to ensure that also commodities imported into the Union do not contain residues resulting from GAPs based on outdoor uses of clothianidin and/or thiamethoxam, in order to avoid the transfer of adverse effects on bees from food production in the Union to production of food in other parts of the world that is then imported into the Union <sup>(28)</sup>. This is appropriate to ensure that all products produced or consumed in the Union are free from clothianidin and thiamethoxam and the production is not associated with pollinator mortality. In view of this, CXLs based on GAPs that do not achieve the appropriate level of protection of the Union should no longer be provided for as MRLs pursuant to Regulation (EC) No 396/2005.
- (13) Furthermore, all authorisations for plant protection products containing clothianidin and/or thiamethoxam in the Union have been revoked. It is therefore appropriate to delete the corresponding MRLs set out in Annex II of Regulation (EC) No 396/2005, in accordance with Article 17 of that Regulation in conjunction with Article 14(1)(a).
- (14) Therefore, taking into account all the factors relevant to the matter under consideration in accordance with Article 14(2), read in the light of Article 11 of the Treaty of the Functioning of the European Union, requiring that 'environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development', all the current MRLs for clothianidin and/or thiamethoxam as set out by Regulation (EC) No 396/2005 should be lowered to the Limit of Determination (LODs).

<sup>(26)</sup> Effects of decreases of animal pollinators on human nutrition and global health: a modelling analysis. MR Smith, GM Singh, D Mozaffarian, SS Myers. *The Lancet* 386, Issue 10007; 2015. doi: 10.1016/S0140-6736(15)61085-6.

<sup>(27)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Europe's Beating Cancer Plan. COM (2021) 44. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=COM%3A2021%3A44%3AFIN>.

<sup>(28)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system. COM (2020) 381. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0381>.

- (15) The Commission consulted the European Union reference laboratories on analytically achievable LODs specific to each product. Those LODs should be listed in Annex V in accordance with Article 18(1)(b) of Regulation (EC) No 396/2005.
- (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.
- (17) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (18) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been produced in or imported into the Union before the modification of the MRLs and for which information shows that for such products complying with the existing MRLs a high level of consumer protection is maintained.
- (19) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit operators in third countries, especially in least developed and developing countries, and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs. Such adaptation of agricultural practices can be reasonably expected to be achieved after at least two growing seasons.
- (20) In order to meet the needs of international trade, applications for import tolerances for clothianidin or thiamethoxam maybe be submitted pursuant to Article 7 of Regulation (EC) No 396/2005 and should provide relevant information to demonstrate that the GAPs applying for the specific uses of the active substances are safe for pollinators. That information, if submitted, would be assessed on a case by case basis within the time period provided for in that Regulation. In the context of the assessment of a request for an import tolerance, if an applicant provides scientific evidence that the use of these neonicotinoids does not adversely impact pollinators, if all requirements are met, an import tolerance could be set by the Commission.
- (21) 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 V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

*Article 2*

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 7 March 2026.

*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 7 March 2026.

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

Done at Brussels, 2 February 2023.

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

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## ANNEX

Annexes II and V to Regulation (EC) No 396/2005 are amended as follows:

- (1) in Annex II the columns for clothianidin and thiamethoxam are deleted;  
 (2) in Annex V the columns for clothianidin and thiamethoxam are added:

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

Code number	Groups and examples of individual products to which the MRLs apply <sup>(a)</sup>	Clothianidin	Thiamethoxam
(1)	(2)	(3)	(4)
0100000	<b>FRUITS, FRESH or FROZEN; TREE NUTS</b>	<b>0,01 *</b>	<b>0,01 *</b>
0110000	<b>Citrus fruits</b>		
0110010	Grapefruits		
0110020	Oranges		
0110030	Lemons		
0110040	Limes		
0110050	Mandarins		
0110990	Others (2)		
0120000	<b>Tree nuts</b>		
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	<b>Pome fruits</b>		
0130010	Apples		
0130020	Pears		
0130030	Quinces		
0130040	Medlars		
0130050	Loquats/Japanese medlars		
0130990	Others (2)		

0140000	<b>Stone fruits</b>		
0140010	Apricots		
0140020	Cherries (sweet)		
0140030	Peaches		
0140040	Plums		
0140990	Others (2)		
0150000	<b>Berries and small fruits</b>		
0151000	<b>(a) grapes</b>		
0151010	Table grapes		
0151020	Wine grapes		
0152000	<b>(b) strawberries</b>		
0153000	<b>(c) cane fruits</b>		
0153010	Blackberries		
0153020	Dewberries		
0153030	Raspberries (red and yellow)		
0153990	Others (2)		
0154000	<b>(d) other small fruits and berries</b>		
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	<b>Miscellaneous fruits with</b>		
0161000	<b>(a) edible peel</b>		
0161010	Dates		
0161020	Figs		
0161030	Table olives		
0161040	Kumquats		
0161050	Carambolas		
0161060	Kaki/Japanese persimmons		
0161070	Jambuls/jambolans		
0161990	Others (2)		
0162000	<b>(b) inedible peel, small</b>		
0162010	Kiwi fruits (green, red, yellow)		
0162020	Litchis/lychees		

0162030	Passionfruits/maracujas		
0162040	Prickly pears/cactus fruits		
0162050	Star apples/cainitos		
0162060	American persimmons/Virginia kaki		
0162990	Others (2)		
0163000	<b>(c) inedible peel, large</b>		
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	<b>VEGETABLES, FRESH or FROZEN</b>		
0210000	<b>Root and tuber vegetables</b>	<b>0,01 *</b>	<b>0,01 *</b>
0211000	<b>(a) potatoes</b>		
0212000	<b>(b) tropical root and tuber vegetables</b>		
0212010	Cassava roots/manioc		
0212020	Sweet potatoes		
0212030	Yams		
0212040	Arrowroots		
0212990	Others (2)		
0213000	<b>(c) other root and tuber vegetables except sugar beets</b>		
0213010	Beetroots		
0213020	Carrots		
0213030	Celeriacs/turnip rooted celeries		
0213040	Horseradishes		
0213050	Jerusalem artichokes		
0213060	Parsnips		
0213070	Parsley roots/Hamburg roots parsley		
0213080	Radishes		

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



0243000	<b>(c) leafy brassica</b>		
0243010	Chinese cabbages/pe-tsai		
0243020	Kales		
0243990	Others (2)		
0244000	<b>(d) kohlrabies</b>		
0250000	<b>Leaf vegetables, herbs and edible flowers</b>		
0251000	<b>(a) lettuces and salad plants</b>	<b>0,01 *</b>	<b>0,01 *</b>
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>(b) spinaches and similar leaves</b>	<b>0,01 *</b>	<b>0,01 *</b>
0252010	Spinaches		
0252020	Purslanes		
0252030	Chards/beet leaves		
0252990	Others (2)		
0253000	<b>(c) grape leaves and similar species</b>	<b>0,01 *</b>	<b>0,01 *</b>
0254000	<b>(d) watercresses</b>	<b>0,01 *</b>	<b>0,01 *</b>
0255000	<b>(e) witloofs/Belgian endives</b>	<b>0,01 *</b>	<b>0,01 *</b>
0256000	<b>(f) herbs and edible flowers</b>	<b>0,02 *</b>	<b>0,02 *</b>
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)		
0260000	<b>Legume vegetables</b>	<b>0,01 *</b>	<b>0,01 *</b>
0260010	Beans (with pods)		
0260020	Beans (without pods)		

0260030	Peas (with pods)		
0260040	Peas (without pods)		
0260050	Lentils		
0260990	Others (2)		
0270000	<b>Stem vegetables</b>	<b>0,01 *</b>	<b>0,01 *</b>
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	<b>Fungi, mosses and lichens</b>	<b>0,01 *</b>	<b>0,01 *</b>
0280010	Cultivated fungi		
0280020	Wild fungi		
0280990	Mosses and lichens		
0290000	<b>Algae and prokaryotes organisms</b>	<b>0,01 *</b>	<b>0,01 *</b>
0300000	<b>PULSES</b>	<b>0,01 *</b>	<b>0,01 *</b>
0300010	Beans		
0300020	Lentils		
0300030	Peas		
0300040	Lupins/lupini beans		
0300990	Others (2)		
0400000	<b>OILSEEDS AND OIL FRUITS</b>	<b>0,01 *</b>	<b>0,01 *</b>
0401000	<b>Oilseeds</b>		
0401010	Linseeds		
0401020	Peanuts/groundnuts		
0401030	Poppy seeds		
0401040	Sesame seeds		
0401050	Sunflower seeds		
0401060	Rapeseeds/canola seeds		
0401070	Soyabeans		
0401080	Mustard seeds		
0401090	Cotton seeds		
0401100	Pumpkin seeds		

0401110	Safflower seeds		
0401120	Borage seeds		
0401130	Gold of pleasure seeds		
0401140	Hemp seeds		
0401150	Castor beans		
0401990	Others (2)		
0402000	<b>Oil fruits</b>		
0402010	Olives for oil production		
0402020	Oil palms kernels		
0402030	Oil palms fruits		
0402040	Kapok		
0402990	Others (2)		
0500000	<b>CEREALS</b>	<b>0,01 *</b>	<b>0,01 *</b>
0500010	Barley		
0500020	Buckwheat and other pseudocereals		
0500030	Maize/corn		
0500040	Common millet/proso millet		
0500050	Oat		
0500060	Rice		
0500070	Rye		
0500080	Sorghum		
0500090	Wheat		
0500990	Others (2)		
0600000	<b>TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS</b>		
0610000	<b>Teas</b>	<b>0,05 *</b>	<b>0,05 *</b>
0620000	<b>Coffee beans</b>	0,05 *	<b>0,05 *</b>
0630000	<b>Herbal infusions from</b>	0,05 *	0,05 *
0631000	<b>(a) flowers</b>		
0631010	Chamomile		
0631020	Hibiscus/roselle		
0631030	Rose		
0631040	Jasmine		
0631050	Lime/linden		
0631990	Others (2)		
0632000	<b>(b) leaves and herbs</b>		
0632010	Strawberry		
0632020	Rooibos		
0632030	Mate/maté		
0632990	Others (2)		

0633000	<b>(c) roots</b>		
0633010	Valerian		
0633020	Ginseng		
0633990	Others (2)		
0639000	<b>(d) any other parts of the plant</b>		
0640000	<b>Cocoa beans</b>	0,02 *	0,02 *
0650000	<b>Carobs/Saint John's breads</b>	0,05 *	0,05 *
0700000	<b>HOPS</b>	<b>0,05 *</b>	<b>0,05 *</b>
0800000	<b>SPICES</b>		
0810000	<b>Seed spices</b>	0,05 *	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	<b>Fruit spices</b>	0,05 *	0,05 *
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)		
0830000	<b>Bark spices</b>	0,05 *	0,05 *
0830010	Cinnamon		
0830990	Others (2)		
0840000	<b>Root and rhizome spices</b>		
0840010	Liquorice	0,05 *	0,05 *
0840020	Ginger (10)		

0840030	Turmeric/curcuma	0,05 *	0,05 *
0840040	Horseradish (11)		
0840990	Others (2)	0,05 *	0,05 *
0850000	<b>Bud spices</b>	0,05 *	0,05 *
0850010	Cloves		
0850020	Capers		
0850990	Others (2)		
0860000	<b>Flower pistil spices</b>	0,05 *	0,05 *
0860010	Saffron		
0860990	Others (2)		
0870000	<b>Aril spices</b>	0,05 *	0,05 *
0870010	Mace		
0870990	Others (2)		
0900000	<b>SUGAR PLANTS</b>	<b>0,01 *</b>	<b>0,01 *</b>
0900010	Sugar beet roots		
0900020	Sugar canes		
0900030	Chicory roots		
0900990	Others (2)		
1000000	<b>PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS</b>		
1010000	<b>Commodities from</b>	<b>0,02 *</b>	<b>0,02 *</b>
1011000	<b>(a) swine</b>		
1011010	Muscle		
1011020	Fat		
1011030	Liver		
1011040	Kidney		
1011050	Edible offals (other than liver and kidney)		
1011990	Others (2)		
1012000	<b>(b) bovine</b>		
1012010	Muscle		
1012020	Fat		
1012030	Liver		
1012040	Kidney		
1012050	Edible offals (other than liver and kidney)		
1012990	Others (2)		
1013000	<b>(c) sheep</b>		
1013010	Muscle		
1013020	Fat		
1013030	Liver		

1013040	Kidney		
1013050	Edible offals (other than liver and kidney)		
1013990	Others (2)		
1014000	<b>d) goat</b>		
1014010	Muscle		
1014020	Fat		
1014030	Liver		
1014040	Kidney		
1014050	Edible offals (other than liver and kidney)		
1014990	Others (2)		
1015000	<b>(e) equine</b>		
1015010	Muscle		
1015020	Fat		
1015030	Liver		
1015040	Kidney		
1015050	Edible offals (other than liver and kidney)		
1015990	Others (2)		
1016000	<b>(f) poultry</b>		
1016010	Muscle		
1016020	Fat		
1016030	Liver		
1016040	Kidney		
1016050	Edible offals (other than liver and kidney)		
1016990	Others (2)		
1017000	<b>(g) other farmed terrestrial animals</b>		
1017010	Muscle		
1017020	Fat		
1017030	Liver		
1017040	Kidney		
1017050	Edible offals (other than liver and kidney)		
1017990	Others (2)		
1020000	<b>Milk</b>	<b>0,01 *</b>	<b>0,01 *</b>
1020010	Cattle		
1020020	Sheep		
1020030	Goat		
1020040	Horse		
1020990	Others (2)		

1030000	<b>Birds eggs</b>	0,01 *	0,01 *
1030010	Chicken		
1030020	Duck		
1030030	Geese		
1030040	Quail		
1030990	Others (2)		
1040000	<b>Honey and other apiculture products (7)</b>	0,05 *	0,05 *
1050000	<b>Amphibians and Reptiles</b>	0,01 *	0,01 *
1060000	<b>Terrestrial invertebrate animals</b>	0,01 *	0,01 *
1070000	<b>Wild terrestrial vertebrate animals</b>	0,01 *	0,01 *
1100000	<b>PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)</b>		
1200000	<b>PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)</b>		
1300000	<b>PROCESSED FOOD PRODUCTS (9)</b>		

\* Indicates lower limit of analytical determination.

(<sup>9</sup>) For the complete list of products of plant and animal origin to which MRL's apply, reference should be made to Annex I.'

**COMMISSION IMPLEMENTING REGULATION (EU) 2023/335****of 1 February 2023****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications ('Robiola di Roccaverano' (PDO))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(1) of Regulation (EU) No 1151/2012 in conjunction with the first subparagraph of Article 53(1) thereof, the Commission has examined Italy's application for the approval of amendments to the specification for the protected designation of origin 'Robiola di Roccaverano' registered under Commission Regulation (EC) No 1263/96 <sup>(2)</sup> as amended by Regulation (EU) No 217/2011 <sup>(3)</sup> and Commission Implementing Regulation (EU) No 855/2014 <sup>(4)</sup>. These amendments include changing the name 'Robiola di Roccaverano' to 'Robiola di Roccaverano/Roccaverano'.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* as required by Article 50(2)(a) of that Regulation <sup>(5)</sup>.
- (3) As no reasoned statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Robiola di Roccaverano' (PDO) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 1263/96 of 1 July 1996 supplementing the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Regulation (EEC) No 2081/92 (OJ L 163, 2.7.1996, p. 19).

<sup>(3)</sup> Commission Regulation (EU) No 217/2011 of 1 March 2011 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Robiola di Roccaverano (PDO)] (OJ L 59, 4.3.2011, p. 19).

<sup>(4)</sup> Commission Implementing Regulation (EU) No 855/2014 of 4 August 2014 approving minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Robiola di Roccaverano (PDO)) (OJ L 234, 7.8.2014, p. 1).

<sup>(5)</sup> OJ C 397, 17.10.2022, p. 26.



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

Done at Brussels, 1 February 2023.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2023/336****of 8 February 2023****approving amendments to the specification for a Protected Designation of Origin or a Protected Geographical Indication ('Montefalco' (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 99 thereof,

Whereas:

- (1) The Commission has examined the application for the approval of amendments to the specification for the Protected Designation of Origin 'Montefalco', forwarded by Italy in accordance with Article 105 of Regulation (EU) No 1308/2013.
- (2) The Commission has published the application for the approval of the amendments to the specification in the *Official Journal of the European Union* <sup>(2)</sup>, as required by Article 97(3) of Regulation (EU) No 1308/2013.
- (3) No statement of objection has been received by the Commission under Article 98 of Regulation (EU) No 1308/2013.
- (4) The amendments to the specification should therefore be approved in accordance with Article 99 of Regulation (EU) No 1308/2013.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Montefalco' (PDO) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 8 February 2023.

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

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ C 369, 27.9.2022, p. 13.

**COMMISSION IMPLEMENTING REGULATION (EU) 2023/337****of 8 February 2023****conferring protection under Article 99 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council on the name ‘Terras do Navia’ (PGI)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 99 thereof,

Whereas:

- (1) In accordance with Article 97(2) and (3) of Regulation (EU) No 1308/2013, the Commission has examined the application to register the name ‘Terras do Navia’ forwarded by Spain and has published it in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) No statement of objection has been received by the Commission under Article 98 of Regulation (EU) No 1308/2013.
- (3) In accordance with Article 99 of Regulation (EU) No 1308/2013, the name ‘Terras do Navia’ should be protected and entered in the register referred to in Article 104 of that Regulation.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name ‘Terras do Navia’ (PGI) is hereby protected.

*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, 8 February 2023.

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

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ C 397, 17.10.2022, p. 34.

# DECISIONS

## COUNCIL DECISION (CFSP) 2023/338

of 14 February 2023

### **amending certain Council decisions and common positions concerning restrictive measures in order to insert provisions on a humanitarian exemption**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) On 9 December 2022, the United Nations Security Council (the 'UNSC') adopted Resolution 2664 (2022), recalling its previous resolutions imposing sanctions measures in response to threats to international peace and security, and emphasising that measures taken by UN Member States to implement sanctions comply with their obligations under international law and are not intended to have adverse humanitarian consequences for civilian populations or adverse consequences for humanitarian activities or those carrying them out.
- (2) Expressing its readiness to review, adjust and terminate, when appropriate, its sanctions regimes, taking into account the evolution of situations on the ground and the need to minimize unintended adverse humanitarian effects, the UNSC decides in paragraph 1 of Resolution 2664 (2022) that the provision, processing or payment of funds, other financial assets or economic resources or the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs are permitted and are not a violation of the asset freezes imposed by the UNSC or its sanctions committees. For the purposes of this Decision, paragraph 1 of Resolution 2664 (2022) is termed the 'humanitarian exemption'. The humanitarian exemption is applicable to certain actors as set out in that Resolution.
- (3) Resolution 2664 (2022) emphasises that where the humanitarian exemption conflicts with previous resolutions, it is to supersede such previous resolutions to the extent of such conflict. However, Resolution 2664 (2022) clarifies that paragraph 1 of UNSC Resolution 2615 (2021) remains in effect.
- (4) Resolution 2664 (2022) requests that providers relying on the humanitarian exemption make reasonable efforts to minimise the accrual of any benefits prohibited by sanctions, whether as a result of direct or indirect provision or diversion to designated individuals or entities, including by strengthening risk management and due diligence strategies and processes.

- (5) It is necessary to amend accordingly Council Decisions 2010/231/CFSP <sup>(1)</sup>, 2013/798/CFSP <sup>(2)</sup>, 2014/932/CFSP <sup>(3)</sup>, (CFSP) 2022/2319 <sup>(4)</sup>, and Council Common Positions 2003/495/CFSP <sup>(5)</sup> and 2005/888/CFSP <sup>(6)</sup>.
- (6) Further action by the Union is necessary to implement certain measures in this Decision,

HAS ADOPTED THIS DECISION:

#### *Article 1*

In Article 6 of Decision 2010/231/CFSP, paragraph 6 is replaced by the following:

‘6. Paragraphs 1 and 2 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) Humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Sanctions Committee.’

#### *Article 2*

In Article 2b of Decision 2013/798/CFSP, the following paragraph is added:

‘7. Paragraphs 1 and 2 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;

<sup>(1)</sup> Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP (OJ L 105, 27.4.2010, p. 17).

<sup>(2)</sup> Council Decision 2013/798/CFSP of 23 December 2013 concerning restrictive measures in view of the situation in the Central African Republic (OJ L 352, 24.12.2013, p. 51).

<sup>(3)</sup> Council Decision 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen (OJ L 365, 19.12.2014, p. 147).

<sup>(4)</sup> Council Decision (CFSP) 2022/2319 of 25 November 2022 concerning restrictive measures in view of the situation in Haiti (OJ L 307, 28.11.2022, p. 135).

<sup>(5)</sup> Council Common Position 2003/495/CFSP of 7 July 2003 on Iraq and repealing Common Positions 96/741/CFSP and 2002/599/CFSP (OJ L 169, 8.7.2003, p. 72).

<sup>(6)</sup> Council Common Position 2005/888/CFSP of 12 December 2005 concerning specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri (OJ L 327, 14.12.2005, p. 26).

- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Committee.’

### Article 3

Decision 2014/932/CFSP is amended as follows:

- (1) in Article 2b, the following paragraph is added:

‘7. Paragraphs 1 and 2 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Sanctions Committee.’;

- (2) Article 6a is replaced by the following:

#### ‘Article 6a

Without prejudice to Article 2b(7), by way of derogation from the measures imposed by UNSCR 2140 (2014) and UNSCR 2216 (2015), provided that the Sanctions Committee has determined on a case-by-case basis that an exemption is necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of those Resolutions, the competent authority of a Member State shall grant the necessary authorisation.’

### Article 4

In Article 3 of Decision (CFSP) 2022/2319, paragraph 7 is replaced by the following:

‘7. Paragraphs 1 and 2 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;

- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Sanctions Committee.’.

#### Article 5

Common Position 2003/495/CFSP is amended as follows:

- (1) Article 2 is replaced by the following:

##### *‘Article 2*

All funds or other financial assets or economic resources:

- (a) of the previous Government of Iraq or its State bodies, corporations or agencies located outside Iraq on the date of 22 May 2003, as designated by the Security Council Committee established pursuant to UNSCR 1518 (2003) (the ‘Sanctions Committee’); or
- (b) that have been removed from Iraq, or acquired by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled directly or indirectly by them or by persons acting on their behalf or at their direction, as designated by the Sanctions Committee;

shall be frozen without delay and, unless those funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative or arbitral lien or judgement, in which case they may be used to satisfy such lien or judgement, Member States shall immediately cause their transfer to the successor arrangements to the Development Fund for Iraq put in place by the Government of Iraq under the conditions set out in Security Council Resolutions 1483 (2003) and 1956 (2010).’;

- (2) the following Article is inserted:

##### *‘Article 2b*

Articles 2 and 2a shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialized agencies and related organisations;
- (b) international organisations;
- (c) Humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);

- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Sanctions Committee.’

#### *Article 6*

In Article 2 of Common Position 2005/888/CFSP, the following paragraph is added:

‘5. Paragraphs 1 and 2 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA);
- (e) the employees, grantees, subsidiaries, or implementing partners of the entities mentioned in points (a) to (d) while and to the extent that they are acting in those capacities; or
- (f) appropriate other actors as determined by the Committee.’

#### *Article 7*

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

Done at Brussels, 14 February 2023.

*For the Council*  
*The President*  
E. SVANTESSON

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**COUNCIL DECISION (CFSP) 2023/339**  
**of 14 February 2023**  
**amending Decision 2011/101/CFSP concerning restrictive measures in view of the situation in Zimbabwe**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) On 15 February 2011, the Council adopted Decision 2011/101/CFSP <sup>(1)</sup> which concerns restrictive measures in view of the situation in Zimbabwe.
- (2) On the basis of a review of Decision 2011/101/CFSP, those restrictive measures should be renewed until 20 February 2024. The Council should continue to keep the measures under constant review in the light of political and security developments in Zimbabwe.
- (3) Decision 2011/101/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 10 of Decision 2011/101/CFSP, paragraph 2 is replaced by the following:

‘2. This Decision shall apply until 20 February 2024.’.

*Article 2*

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

Done at Brussels, 14 February 2023.

*For the Council*  
*The President*  
E. SVANTESSON

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<sup>(1)</sup> Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures in view of the situation in Zimbabwe (OJ L 42, 16.2.2011, p. 6).



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